

CALIFORNIA
TAHOE
CONSERVANCY

Board Packet
February 28, 2019



MEETING OF THE CALIFORNIA TAHOE CONSERVANCY BOARD

Thursday, February 28, 2019 at 9:30 a.m.

Lake Tahoe Community College
Lisa Maloff University Center, Classrooms U112 & U113
1 College Drive
South Lake Tahoe, CA 96150

Directions to Lake Tahoe Community College:

From CA/NV Stateline: On U.S. Highway 50 westbound, travel approximately 3 miles. Turn left on Al Tahoe Boulevard. Travel approximately 0.7 mile. Turn right on College Drive. Parking is available in main parking lot or the parking lot adjacent to the Lisa Maloff University Center building.

From South Lake Tahoe "Y" at U.S. Highway 50 and State Route 89: On U.S. Highway 50 eastbound, travel approximately 2 miles. Turn right on Al Tahoe Boulevard. Travel approximately 0.7 mile. Turn right on College Drive. Parking is available in the main parking lot or the parking lot adjacent to the Lisa Maloff University Center building.

BOARD MEMBERS

NATURAL RESOURCES AGENCY
Wade Crowfoot, Secretary
Elizabeth Williamson, Designee

DEPARTMENT OF FINANCE
Keely Bosler, Director
Karen Finn, Designee

SENATE PUBLIC MEMBER
Lynn Suter, Vice-Chair

ASSEMBLY PUBLIC MEMBER
Adam Acosta

CITY OF SOUTH LAKE TAHOE
Brooke Laine, Chair

EL DORADO COUNTY
Sue Novasel

PLACER COUNTY
Jennifer Montgomery

U.S. FOREST SERVICE (ex-officio)
Jeff Marsolais

PATRICK WRIGHT
Executive Director

1. Roll Call

2. Consent Items

a. Approval of Minutes (action) (Resolution 19-02-01)

b. Approval of Board Agenda (action) (Resolution 19-02-02)

3. Executive Director's Report

- Enabling Legislation
- Affordable Housing Executive Order
- Research on License Agreement Durations

4. Chair's Report

- Consideration of Legislative Committee Assignments

5. Public Comment on Items Not on the Agenda

6. Deputy Attorney General's Report

a. Bagley-Keene Open Meeting Act Training (discussion only):

The California Attorney General's Office will provide a training to the Board on the Bagley-Keene Open Meeting Act.

CEQA consideration: not applicable

7. Bijou Park Creek Restoration Priority Acquisition (action): Consideration and possible authorization of a modification to the Bijou Park Creek Restoration Priority Acquisitions grant to the City of South Lake Tahoe to acquire one parcel (El Dorado County Assessor's Parcel Number: 025-282-11).

CEQA consideration: categorical exemption

(Resolution 19-02-03)

8. Patton Landing Concession Agreement Lease (action): Consideration and possible authorization for staff to negotiate a concession agreement lease for ten years, with a ten-year extension option, to provide services in support of public recreation and to operate and maintain the Patton Landing Public Access Facility in Carnelian Bay.

CEQA consideration: categorical exemption

(Resolution 19-02-04)

9. Americans with Disabilities Act Transition Plan Adoption (action): Consideration and possible approval of the Conservancy's Americans with Disabilities Act Self-Evaluation and Transition Plan (Plan), and authorization for staff to take all actions necessary to carry out the barrier removal methods described in the Plan.

CEQA consideration: categorical exemption

(Resolution 19-02-05)

10. CAL FIRE and State Forest and Fire Policy Update (discussion only): Discuss the new administration's direction and executive orders on State forest health and fire policy and its relevance for the Lake Tahoe Basin. Chris Anthony, Division Chief with the California Department of Forestry and Fire Protection, will give a presentation.

CEQA consideration: not applicable

11. Environmental Improvement Program Update (discussion only): Discuss the Tahoe Regional Planning Agency's (TRPA) current Environmental Improvement Program (EIP) and TRPA's plans to update the EIP goals, priorities, and strategies. Kimberly Caringer, Division Manager of the EIP with TRPA, will give a presentation.

CEQA consideration: not applicable

12. Tahoe Science Advisory Council Update (discussion only): Discuss the current structure, historical accomplishments, and annual priorities of the Tahoe Science Advisory Council. Alan Heyvaert, Director of the Center for Watersheds and Environmental Sustainability with the Desert Research Institute, will give a presentation.

CEQA consideration: not applicable

13. Board Member Comment

a. Potential Agenda Items for the April 18 Board Meeting (discussion only): Discuss potential agenda items for the April 18 Board meeting.

14. Public Comment on Items Not on the Agenda

15. Adjourn

Schedule/General Meeting Information: Agenda items may be taken out of sequence at the discretion of the Conservancy Board Chair. Items are numbered for identification purposes and will not necessarily be considered in this order. Members of the public intending to comment on agenda and non-agenda items may be asked to use the meeting sign-in sheet before the start of the meeting. The Board Chair may limit the amount of time allocated for public comment on particular issues and for each individual speaker. All Board materials, such as Board books and Board packets, exhibits, PowerPoint presentations, and agenda materials, are hereby made a part of the record for the appropriate item.

Discussion Items: Discussion items or tours involve staff presentations and updates; no Board action will be taken. (Gov. Code, § 11122.)

Consent Items: Consent items are expected to be routine and non-controversial. Recommendations will ordinarily be acted on without discussion. If any Board member, staff member, or other interested party or member of the public requests discussion of a consent item, it may be removed from consent and taken up in the regular agenda order, or in an order determined by the Board Chair.

Staff Reports: Staff reports on individual agenda items requiring Board action may be obtained on the Conservancy's website at <http://www.tahoe.ca.gov> or at the Conservancy's office. Staff reports will also be available at the Board meeting.

Meeting Information: Please contact Lori Uriz by e-mail at lori.uriz@tahoe.ca.gov, by phone at (530) 542-5580 or (530) 543-6069, or regular mail correspondence to 1061 Third Street, South Lake Tahoe, California 96150.

Accessibility: In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Requests for reasonable accommodations should be made at least five working days in advance of the meeting date. To request reasonable accommodations, including documents in alternative formats, please call (530) 542-5580 [California Relay Service (866) 735-0373 or 711].

Use of Electronic Devices: Board members accessing their laptops, phones, or other electronic devices may use the equipment during the meeting to view the meeting materials which are provided in electronic format. Any use of these devices for direct communication employed by a majority of the members of a State body to develop a collective concurrence as to action to be taken on an item is prohibited.

Cover Photo:
Courtesy of Chris Carney

California Tahoe Conservancy
Agenda Item 2.a
February 28, 2019

**BOARD MEETING MINUTES
December 13, 2018**

December 13, 2018 (9:30 a.m.) Board Meeting

Staff prepared the minutes from the same-day audio recording and transcription by Foothill Transcription Company, which were certified on January 2, 2019.

Agenda Item 1. Roll Call

Chair Laine called the meeting to order with a 9:30 a.m. roll call at Hotel Azure Tahoe in South Lake Tahoe, California.

Members Present:

Brooke Laine, Chair, City of South Lake Tahoe
Lynn Suter, Vice Chair, Public Member
Adam Acosta, Public Member
Sue Novasel, El Dorado County
Bryan Cash, California Natural Resources Agency
Karen Finn, California Department of Finance

Members Absent:

Larry Sevison, Placer County
Jeff Marsolais, U.S. Forest Service (ex officio)

Others Present:

Patrick Wright, Executive Director
Jane Freeman, Deputy Director
Mike Steeves, Staff Counsel
Danae Atchison, Deputy Attorney General

Agenda Item 2. Consent Items

a. Approval of Minutes (action)

The Board considered the minutes from the October meeting.

b. Approval of Board Agenda (action)

The Board considered the agenda for the day's meeting.

c. Southern Nevada Public Land Management Act Round 16 California Regional Hazardous Fuel Reduction Projects (action)

The Board considered up to \$484,250 for the implementation of three high priority hazardous fuel reduction and forest health projects: Van Sickle Bi-State Park Phase II, Tahoma Unit, and Montgomery Estates Urban, and the execution of contracts as necessary.

Mr. Cash moved to approve the three consent items and Ms. Novasel seconded the motion. Resolutions 18-12-01, 18-12-02, and 18-12-03.1 – 18-12-03.3 passed unanimously.

Agenda Item 3. Executive Director's Report

[Technical difficulties resulted in this portion of the meeting being indecipherable and therefore it is not included in the minutes.]

Agenda Item 4. Public Comment on Items Not on the Agenda

Chair Laine invited the public to comment on items not on the agenda.

Ms. Lynne Paulsen, a member of the public, said she appreciated the Conservancy's effort coordinating projects in the Upper Truckee River watershed, including the Upper Truckee River Strategy. Ms. Paulsen said she hoped the Conservancy would provide more opportunities for discussion and questions regarding that topic. Ms. Paulsen said, with the number of new projects being developed by California Department of Parks and Recreation (California State Parks) and other agencies, it is essential that the Conservancy, members of the public, and independent scientists communicate on the overall process to achieve lasting and exemplary outcomes for the Lake Tahoe Basin

(Basin).

There were no additional public comments.

Agenda Item 5. Tahoe Regional Planning Agency Memorandum of Understanding on the Conservancy Land Bank (action)

Mr. Kevin Prior, Chief Administrative Officer, and Mr. John Hester, Chief Financial Officer for the Tahoe Regional Planning Agency (TRPA), presented Item 5.

Ms. Finn asked whether the revised memorandum of understanding (MOU) would eliminate local jurisdiction approvals. Mr. Prior explained that under the revised MOU an entity seeking development rights would only need to obtain TRPA and Conservancy approval.

Ms. Finn asked her fellow Board members if they are supportive of this change. Ms. Novasel said El Dorado County supports the change because it helps all of the jurisdictions and allows more flexibility in transferring development rights from one jurisdiction to another. Ms. Novasel said the revised MOU creates more of a regional planning procedure.

Ms. Finn asked if the local boards or councils are required to take any action. Chair Laine responded by providing an example where a private entity wanted to transfer Tourist Accommodation Units (TAUs) from the south shore to the north shore because it needed 30 more TAUs on the north shore. Chair Laine explained that, under the previous MOU, the private entity would have to go to the City of South Lake Tahoe and Placer County to obtain permission for the transfer. Chair Laine said local municipalities were holding the power to allow or disallow the transfer, which was amounting to additional costs for the developer. Chair Laine said the revised MOU takes the local jurisdictions out of the middle and creates a regional view where the local jurisdictions work together.

Mr. Wright said, under the revised MOU, the TRPA put limits on the amount of development rights that can be transferred from one jurisdiction to another.

Vice Chair Suter asked Mr. Hester to explain the limitations Mr. Wright mentioned. Mr. Hester said the TRPA tracks and reports on the transfers every year. Mr. Hester said if there is a certain percentage of development rights lost in a jurisdiction over a two-year period (0.05 percent) that a local government can come to the TRPA

Governing Board and request its local veto power back.

Ms. Novasel commented that she was involved in this process because of the issue surrounding the lack of adequate affordable and work-force housing in El Dorado County. Ms. Novasel said there was an issue with local governments holding on to their development rights and it was not working on a regional level to support redevelopment, especially affordable housing projects. Ms. Novasel said she hopes the revised MOU will break down some of these barriers and ultimately help the Basin.

Chair Laine invited the public to comment.

Ms. Laurel Ames, Sierra Club, commented that the entire planning process involving development rights is fraught with politics. Ms. Ames said development rights add coverage, which causes an increase in the amount of people and traffic. Ms. Ames said the Conservancy should get out of the development rights business because it is not environmentally sustainable.

Ms. Ames also commented on the potential affordable housing project behind The Crossing parcel at the South Lake Tahoe "Y." Ms. Ames said that land is wet, as indicated by the lodgepole pines growing there, and it is not an appropriate place to build or add coverage.

There were no additional public comments.

Ms. Novasel moved to approve the resolution and Vice Chair Suter seconded the motion. Resolution 18-12-04 passed unanimously.

Agenda Item 6. Conservancy Strategic Plan 2018-2023 (action)

Mr. Dorian Fougères, Chief of Natural Resources, presented Item 6.

Vice Chair Suter asked if the Conservancy is taking a leadership role with respect to the Climate Adaptation Action Plan (CAAP). Mr. Fougères said the Conservancy has a collaborative leadership role. Mr. Fougères explained that the Conservancy could not make decisions or commit other agencies to do certain things; those agencies will need to decide what their priorities are and what their involvement in the CAAP looks like. Mr. Fougères said the Conservancy has already committed to the Lake Tahoe West Restoration Partnership and Tahoe-Central Sierra Initiative, which have climate adaptation components. Mr. Fougères said there would be some interagency dialogue at the State Agency Partners Group regarding these issues.

Mr. Wright said a key part of this is to provide all the State and local agencies with a common set of information to use in developing regional plans, local area plans, or regional transportation plans.

Vice Chair Suter asked if there is an approval process when the CAAP is finalized and how long it will take. Mr. Wright said staff would bring it back to the Board when there is a final CAAP. Mr. Fougères said we are aiming to complete the vulnerability assessment around June 2019, which will be shared with agency partners at the Lake Tahoe Environmental Summit, and then the CAAP should be finalized by the end of 2019.

Ms. Novasel commented on Goal 4, Strategy C. Ms. Novasel said affordable housing means walkable, bikeable communities in town centers. Ms. Novasel said the Tahoe Prosperity Center has found that when there are walkable, bikeable areas within a half of a mile of a transit center, there only needs to be half of the parking. Ms. Novasel said the conversation on affordable housing ultimately gets back to greenhouse gas emissions because there would be less parking and fewer cars on the road.

Ms. Novasel also mentioned Goal 5 in the Strategic Plan, which discusses organizational learning and excellence. Ms. Novasel said she is happy with where the Board is going in Board development, but that she wanted staff to revise Goal 5 to mention Board education and training.

Chair Laine suggested not revising the Strategic Plan but instead have each staff recommendation tie back to each goal in the Strategic Plan.

Ms. Novasel mentioned El Dorado County does that, and while it is a good idea, it would only be a minor change to the Strategic Plan to address the issue of Board education and training.

Mr. Cash thanked the staff for all of the work in developing the Strategic Plan. Mr. Cash agreed with Chair Laine's idea of having staff recommendations tie back to the Strategic Plan. Mr. Cash also liked the idea of staff updating the Board once a year on progress and accomplishments.

Chair Laine invited the public to comment.

Mr. Chris Anthony, California Department of Forestry and Fire Protection (CAL FIRE), thanked the Board and staff for the opportunity to participate in the strategic planning process. Mr. Anthony said it was good to see wildland fire prevention prioritized,

especially given that 2018 was the most destructive wildfire year to date in California. Mr. Anthony also offered to come back to the Board and discuss some of the changes CAL FIRE is seeing in the fire environment throughout California and how it relates to the Basin.

Ms. Julie Regan, TRPA, expressed support of the adoption of the Strategic Plan. Ms. Regan said she appreciated being a key stakeholder and providing feedback. Ms. Regan said the TRPA especially appreciated the discussion on the balance between Statewide and local priorities.

Ms. Regan also noted that yesterday the TRPA celebrated the six-year anniversary of the update of its Regional Plan. Ms. Regan discussed President Obama's visit to Tahoe in 2016 and how there was a great conversation on conservation accomplishments and the acquisition of vacant parcels, which now offer protection for the environment and enhancement of quality of life. Ms. Regan said now there is an opportunity for Tahoe to fix some of the blight in the community with changes to development rights and other priorities. Ms. Regan said the TRPA looks forward to partnering with the Conservancy in the next 20 years of updating and implementing the Regional Plan.

Ms. Paulsen said she appreciated Mr. Fougères's presentation, especially the focus on science and protecting the environment. Ms. Paulsen said she would like to see that focus continue as the Conservancy implements the Strategic Plan.

There were no additional public comments.

Ms. Novasel moved to approve the resolution with the revision to Goal 5 and Mr. Cash seconded the motion. Resolution 18-12-05 passed unanimously.

Agenda Item 7. Conservancy Enabling Legislation (discussion only)

Mr. Patrick Wright, Executive Director, presented Item 7.

Vice Chair Suter said it was a good idea to update the Conservancy's legislation. Vice Chair Suter commented that it did not seem like anything staff is proposing would be an issue with the State.

Ms. Finn agreed with Vice Chair Suter that it would be a good idea to update the legislation given how outdated and minimalistic the current legislation is.

Vice Chair Suter asked about the lease revenues and if there would be any restrictions

on the revenues. Mr. Wright said staff would discuss the issue with the local jurisdictions but that the intent would be for the revenues to go to purposes consistent with the Conservancy's mission and the Environmental Improvement Program, not just erosion control.

Chair Laine asked whether it would be appropriate for staff to engage with the Board's Legislative Committee to begin the process of developing and revising the enabling legislation. Chair Laine reminded the Board that there are currently three Board committees: Operations Committee with Chair Laine and Vice Chair Suter, Legislative Committee with Mr. Ferrara and Mr. Acosta, and Local Government Committee with Ms. Novasel and Mr. Sevison. Chair Laine indicated the Board would need to direct staff to work with the Legislative Committee on the enabling legislation. Chair Laine said it would make sense to have Mr. Cash serve on the Legislative Committee.

Ms. Novasel agreed with Vice Chair Suter and Ms. Finn and supported updating the Conservancy's enabling legislation. Ms. Novasel said staff should protect the original intent of the enabling legislation and any changes should be in alignment with the Conservancy's mission and vision.

Chair Laine invited the public to comment.

Ms. Ames commented that the initial enabling legislation was clear that the Conservancy's mission was to protect the environment. Ms. Ames said today the Conservancy is another real estate operation that transfers development rights and sells asset lands it bought to protect. Ms. Ames questioned whether the Conservancy needed to be involved in development rights and coverage to protect the environment. Ms. Ames voiced opposition to adopting enabling legislation that moves away from protecting the environment.

Mr. Steve Teshara, Sustainable Community Advocates, said he strongly supported the Conservancy updating its enabling legislation to be more consistent with its updated Strategic Plan. Mr. Teshara said the Conservancy is not in the development business but instead it is in the business of helping local governments, the TRPA, the business community, and the community-at-large move land uses around to be more sustainable and resilient to climate change.

There were no additional public comments.

Chair Laine voiced her appreciation for Ms. Ames' comments. Chair Laine explained that the Conservancy, through significant State funding, acquired development rights.

Chair Laine asked staff to weigh in on the issue of acquiring development rights and relying on the sale of development rights to fund Conservancy goals.

Mr. Wright said this conversation highlights why the Conservancy needs to update its enabling legislation. Mr. Wright commented that the Conservancy has been operating a land bank for 30 years, specifically to facilitate infill development under the Regional Plan, which is also a State priority. Mr. Wright said the Conservancy is working with the TRPA to measure and demonstrate the environmental outcomes of having walkable, bikeable, transit-oriented development. Mr. Wright said operating the land bank has an environmental benefit and is part of the Conservancy's environmental mission.

Ms. Finn asked whether the Conservancy retires a percentage of development rights it acquires. Mr. Prior said the inventory in the land bank comes from a limited subset of the Conservancy's acquisitions. Mr. Prior said staff does not place the development rights from the quarter-acre lots acquired under the environmentally sensitive lands program in the land bank. Mr. Prior said the Conservancy acquires development rights through the acquisition of land that it restores.

Mr. Wright said that the major impetus of the Tahoe Livable Communities program is to buy dilapidated development that is located in stream environment zones (SEZ), demolish it, and transfer the development rights to town centers. Mr. Wright explained that this process is beneficial for the Basin because it eliminates blight, restores wetlands, and facilitates development in town centers.

Ms. Finn asked whether the Conservancy could extinguish the development rights acquired through purchasing a dilapidated building in an SEZ and let the local governments address new development in town centers. Mr. Wright explained that local governments need development rights for development to occur in town centers and that is why the Conservancy operates a land bank.

Ms. Novasel said there is a cost associated with development rights, which limits development within the Basin. Ms. Novasel explained that the commodities market is a win-win for the community and environment.

Vice Chair Suter said the Conservancy is not selling the development rights from its quarter-acre lots. Vice Chair Suter said the Conservancy has a limited number of development rights and it sells those development rights for projects in town centers. Vice Chair Suter added that affordable housing is an environmental goal.

Chair Laine asked the Board if it was comfortable activating the Legislative Committee to assist staff with updating the Conservancy's enabling legislation and if the Board was comfortable asking Mr. Cash and Mr. Acosta to work together on the effort. The Board agreed with Chair Laine and directed staff to work with the Legislative Committee.

Agenda Item 8. Conservancy Board Procedures (action)

Mr. Mike Steeves, Staff Counsel, presented Item 8.

Vice Chair Suter thanked staff for its work in drafting the Board Procedures.

Mr. Cash thanked staff for proposing to provide a Bagley-Keene Open Meeting Act training during the February Board meeting.

Ms. Novasel also thanked staff for drafting the Board Procedures. Ms. Novasel said the Board Procedures would help new Board members and serve as a refresher for current Board members.

Chair Laine commented on the Board's use of electronic equipment during Board meetings and asked Board members to follow the Board Procedures by stepping out of the meeting if necessary. Chair Laine asked the Board members if they were comfortable with and understood that rule.

Ms. Novasel said she appreciated Chair Laine's comment and promised to step out of the room if she had to use her electronic device.

Ms. Finn asked if the use of electronic devices rule was a Bagley-Keene requirement.

Ms. Danae Atchison, Deputy Attorney General, explained that the Bagley-Keene requirement is more limited than what is in the Board Procedures. Ms. Atchison said, under Bagley-Keene, Board members are strictly prohibited from using any form of communication among each other that is not transparent at the public meeting. Ms. Atchison also said Board members should refrain from communicating with individuals who are not at the public meeting while the Board is in session.

Ms. Finn said it is difficult to not communicate with her staff for three or four hours during the Board meeting.

Ms. Atchison proposed that the Board build in breaks to use electronic devices and respond to emails as necessary. Chair Laine agreed with Ms. Atchison.

Ms. Finn and Ms. Novasel proposed that staff change the word “shall” under the section on use of electronic devices in the Board Procedures to something less mandatory, like “shall strive to.”

There were no public comments.

Ms. Novasel moved to approve the resolution with the revision to Section 12 and Mr. Acosta seconded the motion. Resolution 18-12-06 passed unanimously.

Agenda Item 9. Americans with Disabilities Act Transition Plan Update (discussion only)

Mr. Nick Meyer, Associate Environmental Planner, presented Item 9.

Ms. Finn asked if the Conservancy receives complaints about its facilities. Mr. Meyer said the Conservancy has not received any complaints.

Mr. Acosta asked how many facilities were evaluated in the Transition Plan. Mr. Meyer said the Department of General Services evaluated five major facilities.

Chair Laine asked when the public comment period starts and ends. Mr. Meyer said that the comment period starts on December 14, 2018 and ends January 28, 2019.

There were no public comments.

Agenda Item 10. 2018 Conservancy Highlights (discussion only)

Mr. Wright; Ms. Amy Cecchittini, Public Land Management Specialist; Mr. Shawn Butler, Land Management Program Supervisor; Mr. Stuart Roll, Natural Resources Program Supervisor; and Mr. Jason Vasques, Recreation and Ecosystem Planning Supervisor presented Item 10.

Ms. Finn asked Mr. Butler about the types of encroachments the Conservancy addresses. Mr. Butler explained that there is a wide variety of encroachments ranging from simple to difficult. Mr. Butler listed some examples, which included parked vehicles, landscaping, and buildings on Conservancy land. Mr. Butler said many of the encroachments are difficult to resolve and take a significant amount of staff time.

Ms. Novasel asked Mr. Butler if El Dorado County law enforcement could help the Conservancy. Mr. Butler said the Conservancy used to work with the El Dorado County

Sheriff but then the Conservancy was directed to utilize the California Highway Patrol (CHP) instead, and CHP has been a great partner. Mr. Butler explained, under the Conservancy's contract with CHP, that CHP patrols Conservancy land on a volunteer basis. Mr. Butler said the Conservancy would like to have a fulltime law enforcement presence on its lands, especially at the Upper Truckee Marsh. Mr. Butler said the Conservancy is working with California State Parks on this issue.

Mr. Cash and Ms. Finn commented that the new administration, especially the Governor-elect, is focused on forestry health and wildfire issues.

Vice Chair Suter expressed how incredible this meeting has been, especially with the adoption of the Strategic Plan and Board Procedures. Vice Chair Suter added how helpful it is to Board members for staff to provide the yearly highlights and accomplishments presentation.

Ms. Novasel thanked staff and expressed how great it has been serving on the Board.

Ms. Finn announced her retirement from the California Department of Finance and that this would be her last Board meeting. Ms. Finn said she will be following the Conservancy closely and that she was very proud to be a Board member.

Chair Laine congratulated Ms. Finn on her retirement. Chair Laine said Ms. Finn would be greatly missed.

There were no public comments.

Agenda Item 11. Chair's Report

Chair Laine had no report.

Agenda Item 12. Board Member Comment

a. Potential Agenda Items for the February 28 Board Meeting

Ms. Freeman, Deputy Director, presented Item 12.a.

Mr. Wright mentioned that the April 2019 Board meeting is in Sacramento. Mr. Wright said that staff hopes to invite the new California Natural Resources Secretary to hear directly from him or her about the new administration's priorities. Mr. Wright said the April meeting provides an opportunity to invite

guest speakers and for the Board to hear how the Conservancy's work fits in with Statewide priorities.

Agenda Item 13. Public Comment on Items Not on the Agenda

Chair Laine invited public comment on items not on the agenda and there were no public comments.

Agenda Item 14. Adjourn

With Chair Laine's permission, Mr. Cash adjourned the meeting at 12:23 p.m. in memory of Justice William Alfred Newsom III.

California Tahoe Conservancy
Resolution 19-02-01
Adopted: February 28, 2019

APPROVAL OF MINUTES

I hereby certify that the foregoing is a true and correct copy of the minutes of the December 13, 2018 meeting of the California Tahoe Conservancy adopted on February 28, 2019.

IN WITNESS THEREOF, I have hereunto set my hand this 28th day of February, 2019.

Patrick Wright
Executive Director

California Tahoe Conservancy
Agenda Item 2.b
Resolution 19-02-02
Adopted: February 28, 2019

APPROVAL OF BOARD AGENDA

I hereby approve the February 28, 2019 board agenda of the California Tahoe Conservancy adopted on February 28, 2019.

IN WITNESS THEREOF, I have hereunto set my hand this 28th day of February, 2019.

Patrick Wright
Executive Director

EXECUTIVE DIRECTOR'S REPORT

A. Budget and Accounting

1. Budget

Fiscal Year 2019/20

On January 10, 2019, Governor Newsom released the proposed Governor's budget for the 2019/20 fiscal year.

The California Tahoe Conservancy (Conservancy) proposed 2019/20 fiscal year budget includes the following:

- \$8,925,000 for capital outlay to fund various programmatic priorities and support the Environmental Improvement Program (EIP) for the Lake Tahoe Basin (Basin), including:
 - \$6,997,000 for opportunistic land and building acquisitions under the Tahoe Livable Communities Program;
 - \$1,006,000 for Minor Capital Outlay Projects under the Land Management Program;
 - \$600,000 for the study phase of the Alta Mira Public Access Project; and
 - \$322,000 to continue conceptual and feasibility studies for future capital outlay projects.
- \$17,053,000 for ongoing Conservancy operations and local assistance, including:
 - \$5,000,000 in Proposition 68 for local assistance grants;
 - \$2,990,000 in federal and State reimbursement grants;
 - \$1,181,000 in Proposition 68 to implement the Conservancy's new Strategic Plan; and
 - \$1,000,000 in General Funds to address deferred maintenance needs.

The Governor's budget has been incorporated into Assembly Bill 190 and Senate Bill 73 for consideration by the State Legislature during the spring budget hearings.

B. Cross-Cutting Programs and Projects

1. Lake Tahoe Restoration Act (LTRA)

In December 2016, Congress reauthorized the LTRA. The legislation authorizes up to \$415 million in federal funding over seven years to implement the EIP. Eligible projects fall under several categories including forest health and hazardous fuels reduction, water quality improvements, aquatic invasive species (AIS) prevention and control, watershed restoration, Lahontan Cutthroat Trout reintroduction, land boundary adjustments, performance tracking, and other high priorities. Pursuant to the LTRA, the Tahoe Interagency Executives Steering Committee (TIE SC) convenes a multi-agency collaborative process to update a priority list of projects for submission to Congress on or before March 15, at least once every two years, although in practice it has been every year since enactment. Given the recent federal government furlough, the process for developing and transmitting the list to Congress is delayed. Once the list is complete, the U.S. Forest Service Lake Tahoe Basin Management Unit (LTBMU) consults with the Washoe Tribe and the Office of the Secretary of Agriculture before submitting it to Lake Tahoe's congressional delegation. Congress then uses the list to inform decisions on appropriations and develop the federal budget. To date, federal agencies received \$5.5 million in Fiscal Year (FY) 2018 LTRA funding for forest health and AIS projects. The FY 2019 appropriations bills for the U.S. Department of the Interior, environment, and related agencies include between \$12-\$15 million for LTRA forest fuels, watershed, and AIS projects, but have yet to be passed by Congress.

2. Forest Restoration

The Conservancy is collaboratively leading several forest restoration projects. The projects described will help build forest and community resilience to disturbances like wildfire, insects, and disease, while increasing the pace and scale of restoration.

Tahoe-Central Sierra Initiative (TCSI)

The 2.4 million-acre TCSI aims to accelerate six forest landscape restoration projects (including the Lake Tahoe West Restoration Partnership [LTW]), and develop biomass utilization infrastructure, throughout the Central Sierra. The Sierra Nevada Conservancy (SNC), co-lead for TCSI, has a new executive officer, Angela Avery, following the retirement of Jim Branham in December. Conservancy staff, working with staff from SNC, submitted a \$1.95 million grant proposal to SNC to support the TCSI. The proposal includes funding for:

- a dedicated project lead,
- testing new technologies to streamline resource surveys,
- developing a Sierra-wide data platform for public communication ("resilience dashboard"),

- modeling the impacts of forest health treatments on air quality and water availability,
- overcoming logistical constraints to transporting and processing forest restoration byproducts, and
- expanding carbon modeling to capture all the TCSI work.

In addition, staff submitted two proposals to the California Department of Forestry and Fire Protection totaling \$11.68 million. The first proposal, a \$1.92 million grant request, supports community forestry and fire protection. The second proposal, a \$9.76 million grant request, supports a collaborative effort with Liberty Utilities and the LTBMU to conduct forest health treatments and reduce wildfire risk along utility corridors.

Hazardous Fuel Reduction, Forest Health, and Biomass Projects

Fuels reduction treatments funded through Southern Nevada Public Land Management Act (SNPLMA) Round 16 began in September 2017 and will continue through the 2022 field season. In December 2018, the Board authorized funding to implement three fuel hazard reduction projects totaling 149 acres. These projects are scheduled to begin spring 2019. Staff is currently engaged in planning discussions with Basin partners to set priorities for the 2020 and 2021 field seasons.

3. Climate Adaptation

The Conservancy is leading a collaborative effort to develop a Climate Adaptation Action Plan (CAAP), which identifies specific projects and programs that state agencies in California and Nevada are implementing to adapt to climate change in the Basin. A Science and Engineering Team is currently working on a first draft of climate impact narratives for all natural resource topics, including Lake Tahoe, forests, fish, and wildlife. Additionally, staff recently hired two consulting firms (Energetics and Industrial Economics) to carry out key parts of the work, as part of the Conservancy's planning grant from the California Department of Transportation. Energetics will assess the vulnerability to climate change of transportation, water and energy infrastructure, and public health and safety, while Industrial Economics will analyze the economic costs of climate change impacts to the array of social and ecological values in the Basin. Staff held a kickoff meeting with both consultants in January. Finally, the Conservancy is in the process of hiring a graphic designer that will translate scientific concepts into visually accessible communications. The infographics produced will be included in the vulnerability assessment and social media campaigns.



Smoke from the Angora Fire, 2007

4. Aquatic Invasive Species (AIS)

The Conservancy, in cooperation with the Basin's AIS Coordinating Committee, hired a consultant, Creative Resource Strategies. The consultant is assisting in identifying a common set of AIS management performance measures, assembling an action plan that provides a systematic approach to AIS management, and developing an investment plan that will help optimize spending on AIS control. Creative Resource Strategies introduced the work plan and process to members of the AIS Coordinating Committee in December, and has been working on a survey for stakeholders along with follow-up interviews. The surveys and interviews will take place in February and March. Creative Resource Strategies will complete an action plan in June with the investment plan expected by August.

5. Tahoe Valley Area Plan Asset Lands

833 Emerald Bay Road, Assessor's Parcel Number 023-171-09, 0.51 acre

On November 16, 2018, the Conservancy released a Request for Proposal (RFP) for the purchase and development of the Conservancy's Asset Land at 833 Emerald Bay Road. The parcel is developable land located on State Route 89 in the "Town Center Gateway District" of the City of South Lake Tahoe's (City) Tahoe Valley Area Plan. Conservancy staff held a property tour on the site on December 3, 2018. Two local developers attended the site visit and several developers called staff to express interest in submitting proposals. The Conservancy received a proposal that staff is currently evaluating. Selection will take place in March 2019. Staff is planning to release an RFP for other Asset Lands in the Tahoe Valley Area Plan in 2019.

Governor Newsom Signs Executive Order on Affordable Housing

On January 15, 2019, Governor Newsom signed Executive Order N-16-19 to catalyze affordable housing development on excess State lands. The Executive Order directs the Department of General Services (DGS) to inventory all excess State-owned lands for potential development no later than April 30, 2019.

Although the Conservancy does not have excess State-owned lands, the Conservancy has identified Asset Lands through the Tahoe Livable Communities Program that are eligible for affordable housing and mixed-use development. Since 2016, Conservancy staff has worked with DGS to issue RFPs and Exclusive Negotiation Agreements on several Asset Lands. Conservancy and DGS staff will continue to work together on the sale and development of Conservancy Asset Lands.

6. Greater Upper Truckee River Watershed Partnership

The Conservancy has started to convene the Greater Upper Truckee River Watershed Partnership (UTP), a new collaborative initiative that aims to link the variety of existing resource protection and restoration, recreation, and transportation projects within the region. The greater watershed primarily includes the Upper Truckee River and Trout Creek watersheds, but also contains some smaller adjacent watersheds (Bijou, Bijou Park, Camp Richardson, Taylor, and Tallac). This planning area covers Lake Tahoe's south shore, and complements the adjacent LTW. In future years, the UTP may decide to conduct additional scientific analyses, formalize its governance, and develop joint multi-benefit projects.

The initial UTP product will be a concise Synthesis that presents an inventory of existing programs and projects, identifies gaps therein and corresponding future information needs, and provides a basic vision for a resilient landscape. The two goals of the Synthesis are to:

- 1) Create synergies and efficiencies for implementing ongoing projects, thereby increasing their individual and collective benefits, and
- 2) Provide an opportunity to coordinate implementation timelines and potential grant funding applications.

The Conservancy has invited agencies, stakeholders, and the public to participate in meetings during the Synthesis development. First, the Conservancy and its consultants will facilitate launch meetings at the start of the process (around March 2019), which will provide background information on the existing programs in the greater watershed, outline existing agency roles, initiate gap analysis, and solicit feedback and input. There will also be a second round of agency and public meetings, which staff expects to be around June, to present

results of the first draft of the Synthesis and solicit additional comments and suggestions from partners and the public.

C. Land Management Program

1. Research on License Agreement Durations

This update is in response to a Board member question (October 11, 2018) regarding lease and license terms.

Background on Special Uses

Staff administers lease, license, and easement requests pursuant to the Conservancy's Special Use Guidelines (Guidelines), adopted by the Board in 2011. Public or private entities request the use of Conservancy land for a variety of reasons. Such uses often include access to a neighboring property; temporary storage; testing of groundwater, soil composition, or other organic matter; installing monitoring wells and related equipment; and installing water or utility lines. Once the Conservancy receives a request, staff evaluates the proposed use consistent with the Guidelines and may deny requests that do not meet the minimum requirements or evaluation criteria described in the Guidelines.

The Conservancy approved its first Leasing Guidelines (later called Special Use Guidelines) on February 19, 1988. The Board approved staff revisions to the Guidelines on numerous occasions, most recently on January 20, 2011, to delegate specific authority to staff, set reporting requirements to the Board, set appraisal protocols, and revise fee schedules.

The Conservancy classifies special uses into four distinct types:

1. Temporary Uses:

- Use of Conservancy land is for a duration of five days or less
- Use is granted pursuant to a lease or license agreement

2. Short Term Uses:

- Use of Conservancy land is for a duration of more than five days but less than six months
- Use is granted pursuant to a lease or license agreement

3. Long Term Uses:

- Use of Conservancy land is for a duration of six months or more, but is not of a permanent nature
- Use is granted pursuant to a lease or license agreement

4. Permanent Uses

- Use of Conservancy land is permanent
- Use is granted pursuant to an easement

Special use requests are subject to Conservancy Board approval unless specifically delegated to staff. Requests requiring Board approval include:

- All uses requiring Board environmental findings pursuant to the California Environmental Quality Act (CEQA). These are uses of Conservancy land which are not categorically or statutorily exempt under CEQA, but instead involve the adoption of a negative declaration or an environmental impact report;
- All permanent uses. These are uses of Conservancy land granted under an easement;
- All non-permanent uses exceeding three years in duration. These are uses of Conservancy land granted under a lease or license; and
- All uses that are precedent setting or involve unusual circumstances.

Staff is required to report all special uses to the Board. Such notification is required at the Board meeting, and in the Board book, immediately following the grant of the special use request.

Examples of License Duration

The chart below describes typical requests and obligations for the different special use classifications and the licensee.

Duration	Typical Requests	Real Examples	Licensee Obligation
Temporary (5 days or less)	<ul style="list-style-type: none"> • Filming/photo shoot • Racing event (bikes, hikes, etc.) • Educational events • Property access (tree removal for private land) 	<ul style="list-style-type: none"> • Nevada Interscholastic Bike Races (2 days) • Ed Cook Tree Removal (1 day) 	Restore the site to original condition and removal all equipment
Short Term (6 days to 3 years)	<ul style="list-style-type: none"> • Temporary monitoring equipment • Invasive species surveys • Volunteer agreements • Native seed collection • Educational events 	<ul style="list-style-type: none"> • League to Save Lake Tahoe AIS Surveys of Upper Truckee River (3 years) • Tahoe Regional Planning Agency Noise Threshold Monitoring Stations (3 years) • El Dorado County Greenway 1b and 2 Topographic and 	Restore the site to original condition and removal all equipment

		Geographic Survey Work (4 months) <ul style="list-style-type: none"> • Tahoe Expedition Academy (3 years) 	
Long Term (over 3 years)	<ul style="list-style-type: none"> • Infrastructure (water tanks, storm water control, underground cables) • Ski leases • Grant licenses (20 years) • Concession agreements 	<ul style="list-style-type: none"> • K-mart underground cable (25 years) • El Dorado County Erosion Control License (20 years) • Alpine Meadows Ski Lease (37 years) 	Infrastructure maintenance, landscape maintenance, best management practices
Permanent (easement)	<ul style="list-style-type: none"> • Access to facilities (roads through Conservancy lands, utilities, ski lift, etc.) 	<ul style="list-style-type: none"> • Heavenly Gondola Access Road • Tahoe City Public Utility District Bunker Wells 	Infrastructure maintenance

D. Major Conservancy Projects Recently Completed or In Progress, Placer County and El Dorado County

There are no significant updates on projects in Placer County or El Dorado County since the last Board meeting.

E. Major Conservancy Projects Recently Completed or In Progress, City of South Lake Tahoe

1. Alta Mira Site

As described at past Board meetings, extended periods of high lake levels and wave erosion impacted several Conservancy lakefront sites this past summer, including Alta Mira and Fremont Overlook. Staff is planning to construct an emergency slope stabilization project at these sites during winter or spring 2019, weather permitting, to prevent further erosion and ensure public safety and access. Concurrently, staff is pursuing funding and contracts for conceptual designs and environmental documentation for a future project that would expand public access and recreation opportunities, and treat storm water. Staff is coordinating closely with the California State Lands Commission, DGS, the City, and the Basin’s Shoreline Working Group, which includes relevant federal and state regulatory agencies.



Alta Mira

California Tahoe Conservancy
Agenda Item 7
February 28, 2019

BIJOU PARK CREEK RESTORATION PRIORITY ACQUISITION

Recommended Action: Adopt Resolution 19-02-03 (Attachment 1) authorizing a modification to the Bijou Park Creek Restoration Priority Acquisitions grant to the City of South Lake Tahoe (City) to acquire one parcel (El Dorado County Assessor's Parcel Number (APN) 025-282-11).

Executive Summary: The recommended change supports the City in acquiring and restoring environmentally sensitive lands in the Bijou Park Creek Watershed (Watershed). Restoration will protect water quality, provide additional open space, and foster climate change adaptation in accordance with the California Tahoe Conservancy's (Conservancy) Strategic Plan Goal 2, Strategy B and the Lake Tahoe Environmental Improvement Program (EIP).

Under two prior Board actions, the Conservancy awarded funding to the City to acquire and restore three properties in the Watershed, as described below. The owner of the property at 3593 Shirley Avenue is no longer a willing seller, so the City identified another priority acquisition with a willing seller. The City is requesting permission to use Proposition 1 and Proposition 50 grant funds for the acquisition of the new parcel at 3755 Rockwood Drive. Following Board authorization, staff will provide a letter to the City approving the use of grant funds for the Rockwood Drive parcel. The City will hire a real estate specialist and move forward with the process to acquire and restore the property.

Location: The parcel, El Dorado County APN 025-282-11, is located in the City at 3755 Rockwood Drive (Attachment 2).

Fiscal Summary: The proposed authorization does not modify the previously authorized funding in September 2017 and April 2018 under the Bijou Park Creek Restoration Priority Acquisitions grant.

Overview

History

The Watershed extends from Heavenly Mountain Resort to Lake Tahoe at the Ski Run Marina. As settlement occurred in the Watershed, much of the stream environment zone (SEZ) was lost to development, and opportunities to restore SEZ and improve water quality are currently limited. Residential development, along with filling and paving of the SEZ, has significantly affected the natural flow and function of the creek. The floodplain has lost its ability to provide natural filtration and attenuation of flood flows, resulting in significant water quality impacts and flooding.

In March 2016, the City applied for a total of \$4,156,091 in Proposition 1 funding to acquire and restore ten parcels in the Watershed. The Proposition 1 External Review Team ranked the City's acquisition proposal highly, but there was not enough funding available for all of the parcels. In September 2017, the Board authorized a grant of \$572,250 to the City to acquire one priority property at 3747 Woodbine Road. In April 2018, the Board authorized a grant augmentation of \$793,991 in Proposition 1 and Proposition 50 funds to acquire and restore two additional properties at 3590 Bill Avenue and 3593 Shirley Avenue.

The owner of one of the authorized properties, 3593 Shirley Avenue, is no longer a willing seller. Therefore, the City would like to pursue another priority acquisition at 3755 Rockwood Drive with the existing funding. The City will then stop pursuing the Shirley Avenue parcel. The City's proposed acquisition lies within the historical alignment of Bijou Park Creek, and a portion of the Watershed that once functioned as valuable meadow and riparian habitat. The parcel was part of the original Proposition 1 grant application submitted by the City in March 2016.

Detailed Description of Recommended Action

1. Major elements and/or steps of the Recommended Action

Following Board approval, staff will provide a letter to the City approving the use of grant funds for the proposed acquisition, and removing 3593 Shirley Avenue from the project scope of work. City staff will hire and work with a real estate consultant to proceed with acquisition activities on 3755 Rockwood Drive. Conservancy staff will coordinate with the City throughout the acquisition process to review and approve appraisals and transaction documents. Following acquisition, the City will demolish the structure, and complete site stabilization and restoration. The City will install boulders and/or fencing along the perimeter of the property to protect it from vehicle encroachment.

2. Benefits of the Recommended Action

The acquisition and associated restoration work will result in multiple resource benefits while supporting several State and regional priorities. The City's site restoration provides valuable public open space for recreation as well as wildlife habitat. This acquisition advances the Conservancy's Strategic Plan Goal 2, Strategy B by protecting water quality, providing additional open space, and fostering climate change mitigation through the interception of flood flows in a highly developed watershed. The City's removal of impervious surfaces and site restoration will allow for revegetation to maximize infiltration, enhance soil moisture, and stabilize soils in sensitive SEZ habitat. The recommended action will support the EIP by advancing water quality and soil conservation thresholds, and the goal of acquiring sensitive lands to restore the clarity of Lake Tahoe. Similarly, it advances Proposition 50 and Proposition 1 (the two sources of funding), the goals of which are to allocate funds for acquisition and protection of land and water resources, as well as multiple-benefit ecosystem and watershed restoration projects.

The acquisition and associated restoration work complements the City's efforts in the Watershed. In June 2017, the Board authorized a long-term license agreement on seven Conservancy parcels to help the City restore a section of Bijou Park Creek as part of the Bijou Park Creek Watershed Management/Southwest Corner Project. In 2018, the City finished the majority of construction on this project, renamed Bijou Marketplace. In addition, the City successfully secured \$498,935 from the California State Water Resources Control Board in Proposition 1 Storm Water Planning Grant Program funding. With this planning grant, the City is exploring opportunities for additional water quality and ecosystem improvements throughout the upper Watershed. In summary, the City's planned and completed work will provide a comprehensive approach to restoring an impaired Watershed.

3. Schedule

Following Board approval, staff will provide a letter to the City allowing the use of grant funds for the new parcel. The City plans to complete all acquisitions by summer 2019 and restoration by fall 2019, consistent with the grant schedule below. Pursuant to Proposition 1 funding source requirements, the City must complete all grant activities described below before May 2020.

Milestone	Milestone Date
Offer Letter and Negotiations	June 2019
Title and Escrow	July 2019
Demolition	September 2019
Site Stabilization	October 2019
Final Report	January 2020

Financing

The Board authorized the budget shown below in April 2018, and staff does not recommend modifications to the budget at this time. The budget covers acquisition, restoration, and related costs. The final budget amounts may vary between individual items from those shown, but total expenditures under the grant will not exceed \$1,366,241. Proposition 1 funding is not to exceed \$806,576, while Proposition 50 funding is not to exceed \$559,665.

Acquisition Parcels and Funding Sources

Parcel	Proposition 1	Proposition 50	Total
3747 Woodbine Road*	\$572,250	\$0	\$572,250
3590 Bill Avenue*	\$0	\$312,041	\$312,041
3755 Rockwood Drive	\$234,326	\$247,624	\$481,950
TOTALS	\$806,576	\$559,665	\$1,366,241

*previously authorized acquisition

The Conservancy can pay only up to the appraised fair market value of properties. If the City acquires the parcels at a higher price, or if the approved funding is insufficient to complete the acquisitions and restoration, the City would have to use other funds to cover additional costs.

Activity	Grant Totals
Property Acquisition	\$1,101,103
Relocation Costs	\$78,250
Closing Costs	\$6,000
Demolition	\$105,000
Restoration	\$6,000
Contingency	\$69,888
TOTAL	\$1,366,241

Authority

Consistency with the Conservancy's Enabling Legislation

The acquisition is consistent with the Conservancy's enabling legislation because Government Code section 66907.7 authorizes the Conservancy to award grants to local public agencies to protect the natural environment.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with Strategic Plan Goal 2, Strategy B, which is to advance multiple-benefit projects that creatively combine restoration, environmental protection, and building the resilience of watersheds. The Bijou Park Creek Restoration Priority Acquisitions protect water quality, improve wildlife habitat, provide additional open space, and foster climate change mitigation and adaptation in a highly developed watershed.

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's approved Proposition 1 Grant Guidelines. The recommended acquisition grant is also consistent with the SEZ and Watershed Program because it will facilitate improvements to SEZ, water quality, and wildlife habitat.

Consistency with External Authorities

The recommended action is consistent with Proposition 1, which allocates funds for multiple-benefit water quality, water supply, and watershed protection and restoration projects. (Cal. Water Code, § 79731.) The recommended action is consistent with Proposition 50, which allocates funds for the acquisition, restoration, and protection of land and water resources to improve the water quality at Lake Tahoe. (Cal. Water Code, § 79542.) The recommended action is consistent with the EIP because it facilitates the implementation of EIP project #01.01.01.0118 improving storm water quality and restoring the Watershed.

Compliance with the California Environmental Quality Act

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary of the California Natural Resources Agency to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific the provisions of

CEQA. (Cal. Code Regs., tit. 14, § 12100 et seq.) Staff has evaluated this Project, and has found it to be exempt under CEQA. This Project qualifies for a categorical exemption under State CEQA Guidelines sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15325 (Transfers of Ownership in Land to Preserve Existing Natural Conditions), and the Conservancy's CEQA regulations, sections 12102.4 and 12102.25. A notice of exemption (NOE) has been prepared for the Project (Attachment 3). If the Board approves the Project, staff will file the NOE with the State Clearinghouse pursuant to State CEQA Guidelines, section 15062.

List of Attachments

Attachment 1 – Resolution 19-02-03
Attachment 2 – Project Map
Attachment 3 – Notice of Exemption

Conservancy Staff Contact

Jen Greenberg

jen.greenberg@tahoe.ca.gov

ATTACHMENT 1

California Tahoe Conservancy
Resolution
19-02-03
Adopted: February 28, 2019

BIJOU PARK CREEK RESTORATION PRIORITY ACQUISITION

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code section 66907.7:

“The Conservancy hereby authorizes a modification to the Bijou Park Creek Restoration Priority Acquisitions grant to the City of South Lake Tahoe to acquire one parcel (El Dorado County Assessor’s Parcel Number: 025-282-11), and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation.”

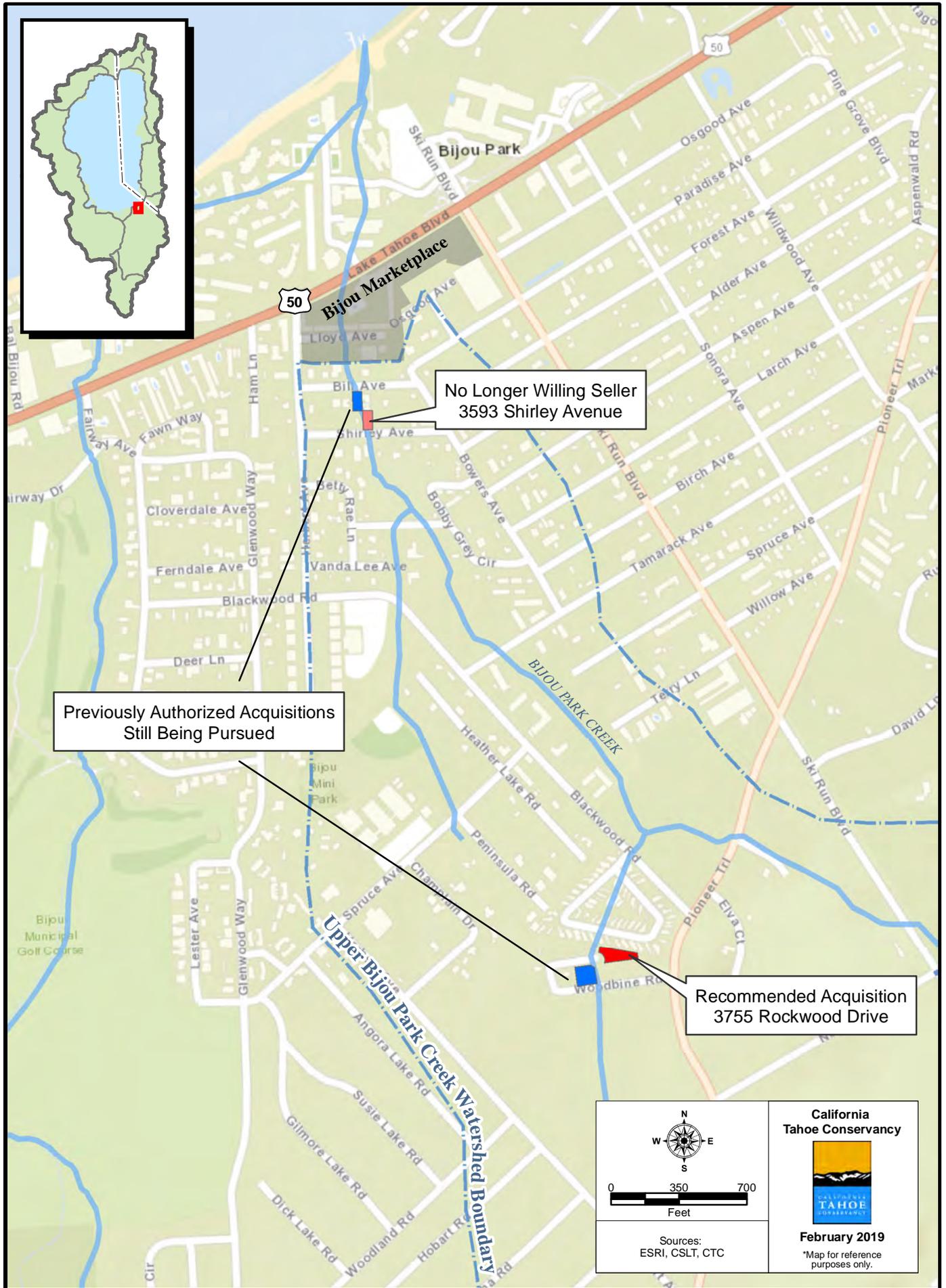
I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 28th day of February, 2019.

In WITNESS THEREOF, I have hereunto set my hand this 28th day of February, 2019.

Patrick Wright
Executive Director

ATTACHMENT 2

Bijou Park Creek Restoration Priority Acquisition



ATTACHMENT 3

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

From: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Project Title:

Bijou Park Creek Restoration Priority Acquisition Grant Authorization

Project Location – Specific:

This project is located on El Dorado County Assessor's Parcel Number 025-282-11, located in the City of South Lake Tahoe at 3755 Rockwood Drive.

Project Location – City:

South Lake Tahoe

Project Location – County:

El Dorado County

Description of Nature, Purpose and Beneficiaries of Project:

Authorization of an acquisition grant to the City of South Lake Tahoe to acquire one property in the Bijou Park Creek watershed. The project includes the removal of one single-family home and restoration of natural conditions to enhance habitat and reduce flooding impacts in the Bijou Park Creek watershed.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy Board meeting of February 28, 2019, Agenda Item 7.)

Name of Person or Agency Carrying Out Project:

City of South Lake Tahoe

Exempt Status:

Ministerial (§ 15073)

Declared Emergency (§ 15071 (a))

Emergency Project (§§ 15071 (b) and (c))

Categorical Exemption, Classes 1, 4, & 25; §§ 15301, 15304, and 15325. (See also Cal. Code Regs., tit. 14, §§ 12102.4 and 12102.25.)

Reasons Why Project is Exempt:

The project includes the demolition and removal of one single-family home and involves minor grading for restoration of natural conditions.

Contact Person

Jen Greenberg

Area Code Telephone

(530) 543-6060

Date Received for Filing:

Patrick Wright
Executive Director

PATTON LANDING CONCESSION AGREEMENT LEASE

Recommended Action: Staff recommends the Board adopt Resolution 19-02-04 (Attachment 1) authorizing staff to negotiate a concession agreement lease (lease), for ten years with a ten-year extension option, to provide services in support of public recreation and to operate and maintain the Patton Landing Public Access Facility in Carnelian Bay (Patton Landing).

Executive Summary: Through this action, the Board authorizes staff to select a concessionaire to continue services in support of public recreation and to operate and maintain Patton Landing. The ten-year (potentially twenty-year) duration allows the lessee to plan for their business, invest in the facilities, and provide associated services with a high degree of certainty. The lease is consistent with the California Tahoe Conservancy's (Conservancy) Strategic Plan, Goal 1, Strategy B and Goal 3, Strategy A, by increasing the Conservancy's presence on its land and providing signature opportunities on Conservancy lands for all people to experience and enjoy. If the Board approves the recommended action, staff will: 1) circulate a Request for Proposal (RFP); 2) select the most appropriate proposal; and 3) enter into a new lease before the current lease expires in February 2020.

Location: 5166/5188 North Lake Boulevard, east of the Sierra Boat Company, in Carnelian Bay, California (Placer County Assessor's Parcel Numbers 115-030-51, 52, 89, 90, 91, 92, 93, 94) (Attachment 2).

Fiscal Summary: No funding is required.

Overview

History

The Conservancy acquired Patton Landing (formerly Patton Lumber Company) to promote public access to Lake Tahoe and to protect the natural environment. Since 2007, a concessionaire has operated and maintained the site for public recreation purposes through a concessionaire agreement. The Board authorized staff to enter into

the current agreement in 2010, which had a five-year term, with a potential five-year extension. The current concession agreement expires at the end of February 2020. In addition to maintaining the site, the current concessionaire, Lake Tahoe Waterman Association, Inc., provides non-motorized watercraft rentals, along with a café and light retail.

Absent certain exceptions, contracts for services to State agencies must be competitively bid in accordance with the Public Contract Code. (Pub. Contract Code, §§ 10335, 10340.) Consistent the Public Contract Code, the Conservancy will treat the lease as a contract for services and will competitively bid the new lease through issuing a RFP.

Detailed Description of Recommended Action

1. Major elements and/or steps of the Recommended Action

If authorized, staff will immediately begin the RFP solicitation process. The Scope of Services will require the concessionaire to maintain public access and facilities, and pay utilities. The Conservancy will enter into a ten-year lease with the successful bidder, with an opportunity for a ten-year extension. Pursuant to the Conservancy's Special Use Guidelines, Conservancy leases exceeding three years in duration are subject to Board approval.

2. Benefits of the Recommended Action

The lease will benefit the public as well as the Conservancy in many ways. First, the lease will further the purposes of acquisition and complement the public access and water quality improvements on the site. Second, the lease will offset the Conservancy's fiscal obligation to manage this lakefront public access facility. Finally, the concessionaire will provide a consistent presence at this important Conservancy recreation and access site as well as ensure the facility is well maintained.

3. Schedule

If adopted, the schedule to complete the lease is as follows:

Task	Date
Develop RFP	March 2019
RFP Public Review	April 2019–May 2019
Develop Lease Agreement and Select Concessionaire	Summer/Fall 2019
Lease Start Date	February 2020

Financing

No funding is required for this action. The RFP process and lease oversight require some incidental staff costs.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended lease is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to lease, rent, or otherwise transfer any real property interest to fulfill the purposes of its enabling legislation and to promote the State's planning priorities. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities or partnerships, and to enter into any other agreements authorized by State or federal law.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with Strategic Plan because the lease will increase the Conservancy's presence on its lands through a co-management agreement (Goal 1, Strategy B) and provide signature opportunities on Conservancy lands for all people to experience and enjoy Lake Tahoe's beaches (Goal 3, Strategy A).

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Special Use Guidelines because the lease is consistent with the Land Management program objectives and existing use of Conservancy land.

Compliance with the California Environmental Quality Act

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary of the California Natural Resources Agency to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific the provisions of CEQA. (Cal. Code Regs., tit. 14, § 12100 et seq.) Staff has evaluated this Project, and has found it to be exempt under CEQA. This Project qualifies for a categorical exemption

under CEQA Guidelines section 15301 (Existing Facilities) and the Conservancy's CEQA regulations, section 12102.1. A notice of exemption (NOE) has been prepared for the Project (Attachment 3). If the Board approves the Project, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments

Attachment 1 – Resolution 19-02-04
Attachment 2 – Project Map
Attachment 3 – Notice of Exemption

Conservancy Staff Contact

Nick Meyer

nick.meyer@tahoe.ca.gov

ATTACHMENT 1

California Tahoe Conservancy
Resolution
19-02-04
Adopted: February 28, 2019

PATTON LANDING CONCESSION AGREEMENT LEASE

Staff recommends the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907.8 and 66907.9:

“The Conservancy hereby authorizes staff to negotiate a concession agreement lease, for ten years with a ten-year extension option, to provide services in support of public recreation and to operate and maintain the Patton Landing Public Access Facility in Carnelian Bay; and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 28th day of February, 2019.

In WITNESS THEREOF, I have hereunto set my hand this 28th day of February, 2019.

Patrick Wright
Executive Director

ATTACHMENT 2

Patton Landing **Concession Agreement Lease**



ATTACHMENT 3

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Project Title:

Patton Landing Concession Agreement Lease

Project Location – Specific:

5166/5188 North Lake Boulevard, Carnelian Bay, CA 96140

Project Location – City:

Unincorporated

Project Location – County:

Placer County

Description of Nature, Purpose, and Beneficiaries of Project:

This project authorizes staff to negotiate a concession agreement lease, for ten years with a ten-year extension option, to provide services in support of public recreation and to operate and maintain the Patton Landing Public Access Facility.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 2/28/2019) (Agenda Item 8)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
- Categorical Exemption Class 1, § 15301 “Existing Facilities” (See also Cal. Code Regs., title 14, § 12102.1)

Reasons Why Project is Exempt:

This project consists of the operation of an existing facility involving negligible or no expansion of current use.

Contact Person:

Nick Meyer

Telephone Number:

(530) 543-6073

Date Received for Filing:

Patrick Wright
Executive Director

California Tahoe Conservancy
Agenda Item 9
February 28, 2019

AMERICANS WITH DISABILITIES ACT TRANSITION PLAN ADOPTION

Recommended Action: Staff recommends the Board adopt Resolution 19-02-05 (Attachment 1) approving the California Tahoe Conservancy (Conservancy) Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Plan), and authorizing staff to take all actions necessary to carry out the barrier removal methods described in the Plan.

Executive Summary: As a public entity, the Conservancy is subject to Title II of the ADA. This Plan (Attachment 2) identifies and describes: 1) access barriers to people with disabilities; 2) the Conservancy's plan to remove barriers; and 3) the anticipated timeframe for removing barriers. The Plan advances the Conservancy's Strategic Plan Goal 3 to provide public access and outdoor recreation for all communities by improving access to people with disabilities. The Conservancy provided a 45-day public comment period from December 14, 2018 through January 28, 2019. The Conservancy received two public comments, which are provided in Attachment 3.

Location: The Plan includes ADA improvements at five Conservancy sites on the California side of the Lake Tahoe Basin, as follows:

- Kings Beach Plaza (8608 North Lake Blvd., Kings Beach, CA 96143);
- North Tahoe Beach (7860 North Lake Blvd., Kings Beach, CA 96143);
- Patton Landing (5188 North Lake Blvd., Carnelian Bay, CA 96140);
- Carnelian West (5074 North Lake Blvd., Carnelian Bay, CA 96140); and
- California side of Van Sickle Bi-State Park (3828 Montreal Road, South Lake Tahoe, CA 96150).

Fiscal Summary: Adoption of the Plan itself will have no fiscal impact; however, staff estimates a range of \$400,000 to \$600,000 may be required to implement the Plan over a twenty-year period. Future Land Management Program authorizations will address specific funding needs.

Overview

History

Congress passed the ADA on July 26, 1990. As a public entity and an agency of the State of California with statutory authorities that mandate the provision of public programs and facilities, the Conservancy is subject to the ADA's Title II Requirements for State and Local Government Programs and Services (Title II). Title II requires public entities to operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (28 C.F.R. § 35.150.) In the event a public entity undertakes structural changes to its facilities to achieve program accessibility, the entity may (or shall if the agency employs fifty or more people) develop a written document known as a Self-Evaluation and Transition Plan to identify the steps necessary to complete such changes. (28 C.F.R. § 35.150(b).)

In 2014, a Certified Access Specialist from the Department of General Services' Real Estate Services Division-Project Management and Development Branch (DGS) evaluated Conservancy sites with recreational improvements for consistency with applicable ADA standards. The resulting report provided a detailed list of the accessibility barriers observed.

Conservancy staff used the DGS report as a basis for the Plan. This Plan provides a framework for improving accessibility of the Conservancy's facilities for people with disabilities. It identifies access barriers at the five Conservancy-owned sites featuring the greatest extent of permanent recreation-based development and amenities, the intended methods to remove those barriers, and a schedule for their removal. The Plan also identifies the official responsible for implementing the Plan, and establishes a grievance procedure for bringing additional access barriers to the Conservancy's attention.

The Conservancy provided a 45-day public comment period from December 14, 2018 through January 28, 2019. The Conservancy received two public comments, which are provided in Attachment 3.

Detailed Description of Recommended Action

1. Major elements and/or steps of the Recommended Action

Staff will begin to implement the Plan by removing access barriers according to the methods and timeline set forth in the Plan. The process will involve budgeting, planning, procurement, contracting, and other steps necessary to remove the identified

barriers. The access barriers and the intended removal methods are generally similar across each of the five sites, and include:

- improvements to accessible routes of travel (e.g., correcting slope issues, leveling walkways and walkway transitions, installation and/or modification of curb ramps and truncated domes in transition areas);
- modification of parking lots to comply with ADA standards (e.g., handicapped space striping and signage, leveling and repairing potholes);
- installation of ADA-compliant signage;
- installation of ADA-compliant picnic tables, trash receptacles, and similar features; and
- modification of features in restroom facilities to comply with ADA standards.

2. Benefits of the Recommended Action

The Conservancy intends to satisfy its mandate to comply with Title II of the ADA by removing the barriers identified in the Plan. The Plan advances the Conservancy's Strategic Plan Goal 3 to provide public access and outdoor recreation for all communities by improving access to the Conservancy's developed recreation sites for people with disabilities.

3. Schedule

Staff will begin to implement the Plan immediately and will continue to improve access until all barriers identified in the Plan are addressed. The Plan is a living document that the Conservancy will update as services change and as the Conservancy removes barriers and constructs new projects and facilities. Towards the end of each calendar year, the Conservancy intends to update the Plan by identifying barriers removed during the prior fiscal year, and listing barriers targeted for removal during the upcoming fiscal year. The Conservancy reserves the right to modify barrier removal priorities to allow flexibility in accommodating public requests, changes in Conservancy programs, and funding constraints and opportunities.

Financing

Conservancy staff will implement the Plan using its annual budget authorizations.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended management activities are consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.10 authorizes the Conservancy to improve and develop acquired lands for a variety of purposes,

including protection of the natural environment and providing public access. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships. Under Government Code section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors to achieve these purposes.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with the Strategic Plan because implementing the Plan will help to provide and improve public access and outdoor recreation to all communities (Goal 3), including those individuals with disabilities.

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Land Management Program Guidelines. The Land Management Program is responsible for facility maintenance and improvements.

Compliance with the California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary of the California Natural Resources Agency to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001, subdivision (f), and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific the provisions of CEQA. (Cal. Code Regs., tit. 14, § 12100 et seq.) Staff has evaluated this Project, and has found it to be exempt under CEQA. This Project qualifies for a categorical exemption under CEQA Guidelines section 15301 (Existing Facilities) and the Conservancy's CEQA regulations, section 12102.1. A notice of exemption (NOE) has been prepared for the Project (Attachment 4). If the Board approves the Project, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments

Attachment 1 – Resolution 19-02-05

Attachment 2 – ADA Self-Evaluation and Transition Plan

Attachment 3 – Public Comments
Attachment 4 – Notice of Exemption

Conservancy Staff Contact

Nick Meyer

nick.meyer@tahoe.ca.gov

ATTACHMENT 1

California Tahoe Conservancy
Resolution
19-02-05
Adopted: February 28, 2019

AMERICANS WITH DISABILITIES ACT TRANSITION PLAN ADOPTION

Staff recommends the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907.10, 66907.9, and 66906.8:

“The Conservancy hereby adopts the Conservancy’s Americans with Disabilities Act Self-Evaluation and Transition Plan, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation to carry out the barrier removal methods described in the Plan..”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 28th day of February, 2019.

In WITNESS THEREOF, I have hereunto set my hand this 28th day of February, 2019.

Patrick Wright
Executive Director

ATTACHMENT 2

ADA SELF-EVALUATION AND TRANSITION PLAN

CALIFORNIA TAHOE CONSERVANCY

DECEMBER 2018



Accessibility Compliance Evaluation completed by:
California Department of General Services
Real Estate Services Division
Professional Services Branch, Arch Unit B
Eric Driever, Senior Architect, CASp

Transition Plan compiled with assistance from:
Design Workshop
128 Market Street, Suite 3E
Stateline, NV

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SITE EVALUATIONS

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PURPOSE OF THIS PLAN

This document represents the California Tahoe Conservancy’s (Conservancy) Self Evaluation and Transition Plan (Plan), in accordance with the Americans with Disabilities Act (ADA) and its implementing regulations. (42 U.S.C. § 12101 et seq.; *see also* 28 C.F.R. Part 35.) The ADA provides a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” (42 U.S.C. § 12101(b)(1).) As a public entity and an agency of the State of California with statutory authorities that mandate the provision of public programs and facilities, the Conservancy is subject to the ADA’s Title II Requirements for State and Local Government Programs and Services (Title II). (42 U.S.C. §§ 12131–12165; 28 C.F.R. §§ 35.101–35.999.) Title II requires public entities to operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (28 C.F.R. § 35.150.) The purpose of this Plan is to provide a framework for improving accessibility of the Conservancy’s programs and facilities for people with disabilities. This Plan identifies access barriers at the five Conservancy-owned sites featuring the greatest extent of permanent recreation-based development and amenities, the intended methods to remove those barriers, and a schedule for their removal. The document also identifies the official responsible for implementing the Plan, and establishes a grievance procedure for bringing additional access barriers to the Conservancy’s attention. This Plan aligns with the Conservancy’s 2018-2023 Strategic Plan by seeking to improve public access and outdoor recreation for all communities.

MISSION AND VISION OF THE CALIFORNIA TAHOE CONSERVANCY

The California Legislature created the Conservancy in 1984 to restore and sustain a balance between the natural and the human environment, and between public and private uses, in the Lake Tahoe Basin (Basin). The Conservancy’s enabling legislation grants it the power to select and acquire real property, or interests therein, in the name of and on behalf of the State, for the purposes of protecting the natural environment, providing public access or public recreational facilities, preserving wildlife habitat areas, or providing access to or management of acquired lands. (Cal. Gov. Code, § 66907.) Since its inception, the Conservancy has acquired more than 4,700 parcels of land, totaling over 6,500 acres. The Conservancy’s jurisdiction extends throughout the California side of the Basin, as defined in California Government Code section 66905.5.

The mission of the Conservancy is to lead California’s efforts to restore and enhance the extraordinary natural and recreational resources of the Lake Basin. The Conservancy envisions a Basin where:

- the Lake has clear waters, healthy watersheds, and resilient forests;
- outdoor recreation and eco-tourism support a robust economy;
- all communities have equitable access to the Lake;
- communities minimize their carbon footprints by walking, biking, and using public transit; and
- Basin projects and programs provide national models for sustainability, stewardship, resilience, and climate change adaptation.

ADA MANDATES

Congress passed the ADA on July 26, 1990. The ADA seeks to dispel stereotypes and assumptions about disabilities, and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. Title II of the ADA addresses programs, activities, and services provided by public entities. (42 U.S.C. § 12101.)

The U.S. Department of Justice (US DOJ) implements Title II through regulations that US DOJ revised in September 2010 to include the latest Standards for Accessible Design (2010 Standards). The 2010 Standards update the earlier Uniform Federal Accessibility Standards (UFAS) that US DOJ adopted in 1991. In cases where an existing facility complied with the UFAS as of March 15, 2012, the regulations do not require the public entity to make changes to

meet the 2010 Standards unless and until the facility is subsequently altered. (28 C.F.R. § 35.151.) Public facilities constructed or altered after March 15, 2012 are subject to the 2010 Standards. (Ibid.)

The regulations implementing Title II provide that public entities shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (28 C.F.R. § 35.150.) The regulations do not necessarily require public entities to make all of their facilities accessible to and usable by individuals with disabilities. (Ibid.) Nor do they require public entities to take any action that would threaten or destroy the significance of an historic property. (Ibid.) Finally, a public entity is not required to take any action where the entity can demonstrate that the action would result in a fundamental alteration in the nature of a service, program or activity, or in undue financial and administrative burdens. (Ibid.)

ADA SELF-EVALUATION AND TRANSITION PLAN REQUIREMENTS

In the event a public entity determines that structural changes to existing facilities are needed to comply with ADA standards in existence at the time of construction or alteration, the public entity may (or shall if the entity employs fifty or more persons) develop a transition plan setting forth the steps necessary to complete such changes. (28 C.F.R. § 35.150(d).) The transition plan must:

- identify the physical obstacles in the public entity’s facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- describe the methods that will be used to remove these barriers and make the facilities accessible;
- specify the schedule for taking the steps necessary to remove the barriers over time and achieve compliance with ADA standards; and
- indicate an official responsible for implementing the plan.

METHODOLOGY AND RESULTING SCOPE OF THE PLAN

The Conservancy acquired the vast majority of its lands – nearly ninety percent – for their environmental sensitivity and to protect such lands from development. Additionally, eighty-seven percent of the Conservancy’s properties are less than half-an-acre in size, and located within residential subdivisions. Few Conservancy properties are appropriate for developed recreational facilities due to applicable land characteristics and management purposes.

In 2013, the Conservancy contracted with the California Department of General Services (DGS) to perform ADA access surveys for the smaller subset of Conservancy-owned properties with recreational improvements. The Conservancy requested that DGS focus particularly on evaluating five Conservancy-owned properties featuring the greatest extent of permanent recreation-based development and amenities, specifically:

- Carnelian West / Gar Woods,
- Carnelian East / Patton Landing,
- Kings Beach Plaza,
- North Tahoe Beach, and
- Van Sickle Bi-State Park (California-side only)

Unlike other Conservancy-owned properties that may be used for dispersed or more passive forms of recreation, the five developed recreation sites contain several recreational improvements, including but not limited to picnic areas, permanent restrooms, parking lots, boardwalks, and other amenities. In addition, the Conservancy acquired the properties primarily to facilitate recreation, and recreation use represents their predominant public resource value. These characteristics differentiate the five evaluated properties from the vast majority of other Conservancy-owned lands, and make them the most important for purposes of ADA compliance.

In 2014, a Certified Access Specialist from DGS’ Real Estate Services Division Project Management and Development Branch evaluated those Conservancy sites with recreational improvements for consistency with the

2010 Standards and 2010 California Building Code. The resulting Access Compliance Evaluation Report (ACER) provided a detailed list of the accessibility barriers observed at the five most developed recreation sites listed above.

The ACER's identification of barriers at the five developed recreation sites is the starting point for this Plan. This Plan builds on the ACER evaluation by establishing the Conservancy's intended method to remove each barrier, and the expected timeline for barrier removal. While this document provides the identification and timeline for removing barriers at the five most developed sites, it is not intended to suggest that the Conservancy does not consider accessibility at its other properties, or that the Conservancy is unwilling to consider public feedback about the accessibility of other properties on a case-by-case basis.

Below is a map that displays the general locations of the sites covered in this Plan.



PLAN ORGANIZATION

The following site evaluations provide an overview of each site; list in spreadsheet form the accessibility barriers the ACER identified at the site; describe the methods the Conservancy will use to remove the barriers or provide access; and set forth the Conservancy's expected timeline for completing the corrective action. The spreadsheets follow the format established by the survey forms utilized for the ACER. Images illustrating the barriers are included. The methodology used to assign each barrier a corrective timeline is described below.

METHODOLOGY FOR ASSIGNING CORRECTIVE TIMELINE

Every barrier requires a timeline for removal. To better assist the decision-making process and more clearly identify the timeline for Conservancy-led barrier removal, the Plan assigns a corrective timeline to each deficiency listed in the corrective action tables. The corrective timeline categories are:

Short-term: corrective action to occur within 5 years as part of routine land management;

Mid-term: corrective action to occur within 5-10 years;

Long-term: corrective action to occur within 10-20 years; and

Done: corrective action has occurred.

Conservancy staff developed criteria to prioritize barrier removal and assign appropriate corrective action timelines. The Plan generally prioritizes barriers, and assigns a shorter corrective timeline to barriers, depending on the criteria that apply to each barrier, with greater weight given to certain criteria. The criteria listed in order of greater to lesser weight are as follows:

- The barrier presents obvious public safety concerns;
- The barrier is the subject of an accessibility complaint from the public;
- The barrier is located at a facility directly managed by the Conservancy (no concessionaire / management agreement related to ADA)¹;
- The barrier is located at a facility for which no new capital projects are planned or anticipated within five years²;
- The barrier can be readily addressed by Conservancy staff or maintenance crew (simple maintenance)³;
- The barrier involves parking, entrance, and travel paths; and
- The barrier is located at a facility that receives a high level of use by the public (volume of users).

The Plan is a living document that the Conservancy will update as programs and services change, as barriers are removed, and as the Conservancy constructs new projects and facilities. Around the end of each calendar year, the Conservancy intends to update the Plan by identifying barriers removed during the prior fiscal year, and listing barriers targeted for removal during the upcoming fiscal year. The Conservancy reserves the right to modify barrier removal priorities to allow flexibility in accommodating public requests, changes in Conservancy programs, and funding constraints and opportunities.

ADA COORDINATOR AND GRIEVANCE PROCEDURE

Public entities such as the Conservancy may develop and publish a grievance procedure to provide fair and prompt resolution of complaints under Title II of the ADA. (28 C.F.R. § 35.107.) The Conservancy's grievance procedure appears below, and on the Conservancy's website. It will be updated in the event the Conservancy changes the procedure, or if there is a change in the Conservancy's ADA Coordinator. Currently, the Conservancy's ADA coordinator is Nick Meyer, Associate Environmental Planner.

¹ The corrective timelines reflect Conservancy-led barrier removal. The Conservancy used direct-management as a prioritization criterion because concessionaire or other third party management agreements provide separate opportunities for the Conservancy to require the third-party manager to remove barriers rather than the Conservancy directly.

² The Conservancy assigns greater priority to barriers located at sites where there are no new capital projects planned or anticipated within five years because such barriers require more immediate attention than barriers that will be removed as part of an already planned or anticipated capital improvement project.

³ Barriers that can be addressed by simple maintenance are given priority because such barriers are "low hanging fruit" that are easier to address.

Grievance Procedure

Model Notice Provided by the Department of Justice

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the State of California California Tahoe Conservancy (Conservancy). The State of California's personnel policies govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Nick Meyer, ADA Coordinator
California Tahoe Conservancy
1061 3rd Street, South Lake Tahoe, CA 96150
(530) 542-5580

Within 15 calendar days after receipt of the complaint, Nick Meyer or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Nick Meyer or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large-print format, braille, or audiotape. The response will explain the position of the Conservancy and offer options for substantive resolution of the complaint.

If the response by Nick Meyer or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Conservancy's Executive Director or his/her designee.

Within 15 calendar days after receipt of the appeal, the Conservancy's Executive Director or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Conservancy's Executive Director or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Nick Meyer, the Conservancy's ADA Coordinator, or his designee, appeals to the Conservancy's Executive Director or his/her designee, and responses from these two offices will be retained by the Conservancy for at least three years.

PREPARATION AND REVIEW OF THE SELF-EVALUATION/TRANSITION PLAN

Lisa O'Daly

formerly of California Tahoe Conservancy

Sue Rae Irelan

formerly of California Tahoe Conservancy

Chris Mertens

formerly of California Tahoe Conservancy

Nick Meyer

ADA Coordinator

California Tahoe Conservancy

Eric Driever

Department of General Services

Valerie Namba

Department of General Services

Stephanie Grigsby

Design Workshop

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



CARNELIAN WEST

FACILITY DESCRIPTION

Carnelian West includes a restoration site and recreation access. The site includes a concrete paver walkway with interpretive signs, benches, picnic tables, barbecues and public restrooms.

Facilities include shared parking with Gar Woods Grill and Pier restaurant and public beach/lake access. Parking spaces are not designated for either beach or restaurant users. A shared use agreement between the Conservancy and Gar Woods allows for public use of the parking lot. The Conservancy should evaluate the agreement with council to ensure responsibility for maintaining the shared parking's accessible components is clearly identified. The transition plan considers the two (2) accessible spaces closest to the recreation facilities as the two (2) accessible spaces closest to Gar Woods may be considered that property owner's responsibility.

In addition to facilities that may be addressed by accessibility policies for outdoor developed areas, accessibility issues include but are not limited to the following areas:

1. Parking
2. Accessible routes of travel: public rights of way
3. Accessible routes of travel: on-site
4. Curb ramps
5. Drinking fountains
6. Restroom modifications
7. Signage
8. Site furnishings and amenities



Location of Carnelian West

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



1: PARKING

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
1: Parking			
1.A: Number	Only three (3) accessible spaces are provided and four (4) are required.	Restripe to provide four (4) accessible stalls with one (1) van accessible stall.	Done
1.B: Striping	Striping of accessible spaces and access aisle were faded at the time of the survey.	Restripe accessible spaces and access aisle.	Done



Site Plan – Accessible Parking Location for the Two Spaces Serving Conservancy Facilities

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



2: ACCESSIBLE ROUTE OF TRAVEL – PUBLIC RIGHTS OF WAY

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
2: Accessible Route of Travel – Public Rights of Way			
2.A: Cross Slope	There are minor deviations in cross slope along the path of travel. The greatest deviation is 2.8%.	Reconstruct walkway to not exceed 2% cross slope.	Long-term
2.B: Changes in Level	Walkway levels change greater than ¼" along concrete paver walkway.	Replace or reinstall the sections of walkway to provide transitions less than ¼".	Long-term



Site Plan – Accessible Route of Travel along the Public Right of Way



Change in level exceeds ¼".

CW-3

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



3: ACCESSIBLE ROUTE OF TRAVEL – ON-SITE

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
3: Accessible Route of Travel – On Site			
3.A: Facilities Connected	The concrete sidewalk ends approximately 40 feet short of reaching the beach and transitions to a decomposed granite and native soils pathway for which there are no adopted tests or standards to measure firmness and stability. The transition between systems exceeds ¼" vertical change.	Provide an accessible connection to the beach and ensure no transition points exceed ¼" vertical change.	Long-term
3.B: Cross Slope	Several areas exceed 2% cross slope. The greatest discrepancy is 3.8%.	Reconstruct walkway to not exceed 2% cross slope.	Long-term
3.C: Changes in Level	Changes in walkway levels are greater than ¼" at transitions from paver to concrete or asphalt due to settling. Transitions at concrete utility inlets or concrete utility access boxes are not compliant. The terminus of the paver system and transition to a decomposed granite pathway exceeds ¼" .	Replace or reinstall the sections of walkway to provide transitions less than ¼" .	Mid-term
3.D: Surface	Decomposed granite pathway's stability and firmness should be confirmed.	Confirm the pathway's stability and firmness in both wet and dry conditions	Short-term
3.E: Abrupt Changes in Level Greater than 30"	A change in level exceeds 30" and no 42" high guard is provided along the pathway adjacent and parallel to the beach.	If the pathway is outside of the path of travel, provide appropriate signage to designate the accessible route OR provide a 42" high guard to prevent persons from falling off the open edge where the vertical change exceeds 30" .	Long-term



Site Plan – Routes of Travel On-Site

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



There is no accessible path to beach access. This transition has a vertical transition greater than 1/2" and the trail is uneven. Vertical changes greater than 1/4" exist due to settling pavers.



The ledge and vertical change next to the path exceeds 30". The decomposed granite path exceeds slope requirements.



Excessive vertical change exists at the transition to the unimproved trail to beach access.

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



4: CURB RAMPS

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
4: Curb Ramps			
4.A: Slope	The slope of the off-site (part of the public right of way) curb ramp exceeds 8.3% and is 10.8% near the bottom.	Reconstruct curb ramp to not exceed 8.3%.	Mid-term
4.B: Transition	The transition of the off-site curb ramp does not have a flush transition to the road or gutter that is free of abrupt changes.	Reconstruct curb ramp to meet accessibility requirements.	Mid-term
4.C: Counter Slope	The running slope of the road, gutter or accessible route adjoining the off-site curb ramp exceeds 5%.	Reconstruct the facility to not exceed 5% slope.	Long-term
4.D: Detectable Warning	The curb ramps do not have detectable warnings.	Install appropriate detectable warnings on the curb ramps.	Mid-term
4.E: Straight Curb	No 24" segment of straight curb is located on each side of the diagonal curb ramp.	Reconstruct curb ramp to meet accessibility requirements.	Long-term

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



Site Plan – Curb Ramp Locations



The curb ramp lacks truncated domes and lacks a 24" straight section of curb at flared edges. The ramp exceeds 8.3%.

CALIFORNIA TAHOE CONSERVANCY

ADA SELF-EVALUATION AND TRANSITION PLAN



5: DRINKING FOUNTAINS

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
5: Drinking Fountains			
5.A: Drinking Fountains	Only one "low" drinking fountain exists.	Provide a "high" drinking fountain that is accessible to persons who have difficulty bending or stooping.	Mid-term
5.B: Protruding Objects	The wall-mounted drinking fountain is not mounted in an alcove or installed with side rails and therefore projects more than 4" into the circulation path between 27" and 80" above the floor.	Install side rails to meet accessibility requirements for protruding objects.	Mid-term



No "high" drinking fountain provided. Only a "low" fountain provided. Drinking fountain is considered a protruding object because it is not installed in an alcove and does not include rails at both sides for cane detection.

CALIFORNIA TAHOE CONSERVANCY



ADA SELF-EVALUATION AND TRANSITION PLAN

6: RESTROOMS

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
6: Restrooms			
6.A: Number of Accessible Units Provided	Less than 50% of the available single user toilet rooms are accessible.	Identify if an exception was granted at the time the plans were approved. If the facilities are altered DSA may require additional restrooms to be added.	Long-term
6.B: Door Operating Effort	The force required to operate the door is greater than 5 lbs.	Adjust door operating mechanism to require no greater than 5 lbs. to open/close or replace door with a door that meets accessibility requirements.	Short-term
6.C: Other Door Requirements	The door pressure and closing speeds exceed 5 lbs. and 5 seconds, respectively.	Adjust door operating mechanism to require no greater than 5 lbs. to open/close and has a closing speed less than 5 seconds or replace door with a door that meets accessibility requirements.	Short-term
6.D: Water Closet Location	The centerline of the water closet is 16" from the wall, not the required 18".	Adjust water closet so that its centerline is 18" from the wall.	Short-term
6.E: Water Closet Flush Controls	The push button is centered behind the toilet and controls exceed 5 lbs. operating pressure.	Replace and relocate push button to meet accessibility requirements and be located on the wide side of the water closet where clear floor space is provided.	Done
6.F: Toilet Paper Dispenser	The toilet dispenser is 38" from the rear wall instead of the 36" maximum. The top roll is located above 19" above finish floor instead of having the dispenser centered at least 19" above finish floor. (Note this requirement has changed in the 2013 CBC).	Reinstall/replace toilet dispenser to meet accessibility requirements: distance from the front edge of the toilet to the centerline of the toilet paper dispenser is to be 7" minimum and 9" maximum. The outlet of the dispenser shall be below the grab bar, 19" minimum above the finish floor.	Short-term
6.G: Grab Bar Wall Clearance	The space between the grab bar and the wall is less than 1-1/2" where the toilet paper dispenser passes behind the grab bar.	Recess the toilet paper dispenser or replace with a unit that allows for 1-1/2" between the grab bar and the wall.	Short-term
6.H: Rear Grab Bar	The rear grab bar extends only 22" from the centerline of the water closet on one side instead of the minimum 24".	Adjust rear grab bar location so that when measured from the centerline of the water closet it extends 12" minimum from the centerline on one side and 24" minimum on the other side.	Short-term
6.I: Lavatory Knee Clearance	Knee clearance extends only 6" from the front edge of the lavatory instead of the minimum 8".	Replace lavatory or adjust stainless steel shroud over piping so that it allows for the required knee clearance.	Short-term
6.J: Mirrors	The bottom edge of the mirror's reflecting surface is 42" above finish floor instead of the maximum 40".	Adjust mirror so that the bottom edge of the reflecting surface is no more than 40" above finish floor.	Short-term

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ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
6: Restrooms			
6.K: Dispensers Operating Height	Sanitary napkin dispenser's coin slot is located 53" above finish floor instead of the maximum 40".	Remount or replace dispenser so that the highest operable part is no higher than 40" above finish floor.	Short-term



Site Plan – Restroom Location



Although the changing table can be opened from 40" above finish floor the actual pull location is above 40" above finish floor.

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The bottom of the mirror's reflective surface is higher than 40" above finish floor. The metal shroud limits clear knee space to 6" instead of the required 8".



The coin slot and operator is more than 40" above finish floor.



Flush control is centered instead of being mounted on the wide side of the water closet where clear space is provided. The outlet of the toilet paper dispenser should be 19" minimum above the finish floor. The dispenser unit reduces the clear space behind the grab bar to less than the required 1-1/2".

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7: SIGNAGE

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
7: Signage			
7.A: Side of Doors	The accessible restroom sign is located on the approach side; however, it is not on the latch side of the door.	Relocate restroom sign to the latch side of the door and install at required heights and off-sets.	Short-term
7.B: Identification Symbols	The unisex symbol does not provide appropriate alternating contrast. The circle does not substantially contrast with the door and the triangle is the same color as the circle. The white border around the triangle does not meet the contrasting requirements.	Replace symbol with appropriate contrasting symbol.	Short-term
7.C: Raised and Braille Characters	The Grade 2 braille translation is "Restroom". There is no indication of whether the restroom is unisex or otherwise.	Provide new Grade 2 braille translation that matches the door's identification text (Men's or Women's).	Short-term
7.D: Pictograms	The pictogram indicates both men and women (unisex) facilities. The raised characters indicated "Restroom". Pictograms are not required, but if provided, the text must match the pictogram.	Provide new Grade 2 braille translation that matches the door's pictogram (Men's or Women's or Unisex).	Short-term
7.E: Accessible Restroom Signage	There are no signs at the adjacent non-accessible restrooms indicating where the accessible restroom is located.	Provide directional signage at non-accessible restrooms to indicate the location/route to accessible restrooms.	Short-term
7.F: Accessible Parking Signage	A tow-away sign is not posted at the parking entry or adjacent and visible from each accessible stall.	Provide a tow-away sign with required language.	Short-term
7.G: Accessible Parking Signage	The sign lacks the minimum fine amount of \$250.	Add a minimum fee amount of \$250 to sign.	Short-term
7.H: Accessible Routes Signage	Signs are not provided at every major junction where the accessible route of travel diverges from the regular circulation path.	Provide appropriate accessibility signage to designate the accessible route of travel where it diverges from the regular circulation path.	Short-term

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Triangle does not contrast with the circle and the circle does not substantially contrast with the door.



Braille does not indicate "Men's or Women's" or "Unisex". The sign is not located on the latch side of the door.



Sign lacks "Minimum Fine \$250".

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8: SITE FURNISHINGS & AMENITIES

ITEM	EXISTING BARRIER	POTENTIAL OPTIONS	CORRECTIVE TIMELINE
CARNELIAN WEST			
8: Site Furnishings and Amenities			
8.A: Picnic Tables	Picnic table is not on an accessible path and does not provide 27" required knee space.	<p>Replace picnic table with a table that meets accessibility requirements and locate appropriate number of tables on an accessible path.</p> <p>Provide at least one accessible picnic table and one additional table for each 20 tables or fraction thereof. The number of overall tables should be separated by individual picnic areas and by the type of experience. The accessible table and accompanying amenities should be on an accessible route with appropriate clear space.</p>	Mid-term
8.B: Amenities on Accessible Routes	Barbecues, picnic tables and pet waste bag dispensers are not located on an accessible route.	Provide amenities along an accessible route of travel or provide an accessible route of travel to the amenities.	Mid-term



Typical bench at Carnelian West.



Typical trash receptacle at Carnelian West.

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Pet waste receptacle dispenser should be provided along an accessible route.



Barbecue should be provided along an accessible route.



Picnic table should be provided along an accessible route and provide for 27" knee clearance.



KINGS BEACH PLAZA

FACILITY DESCRIPTION

Kings Beach Plaza includes recreation facilities and a storm water improvement site adjacent to Kings Beach State Recreation Area in Kings Beach, California. Facilities include a concrete walkway, an improved plaza with interpretive signs, benches, picnic tables, drinking fountains, barbecues and a half-court basketball sports surface. The stairs cannot be considered as part of an accessible route because a person in a wheelchair cannot utilize them.

DGS constructed the facility in 1994. The CASp conducted the evaluation prior to new streetscape improvements constructed in 2014-2015. Those improvements may have corrected some accessibility issues along the public rights of way such as curb cuts and detectable barriers.

A kayak rental business started on the site subsequent to the accessibility evaluation. In the event the Conservancy decides to lease an area for this or a similar purpose, it should provide an accessible route to the concession facility and to the boat launch area.

Accessibility issues include but are not limited to the following areas:

1. Accessible routes of travel: public rights of way
2. Accessible routes of travel: on-site
3. Curb ramps
4. Drinking fountains
5. Stairs
6. Site furnishings and amenities



Kings Beach Plaza is located adjacent to the Kings Beach State Recreation Area in Kings Beach, California.



1: ACCESSIBLE ROUTE OF TRAVEL – PUBLIC RIGHTS OF WAY

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
1: Accessible Route of Travel – Public Rights of Way			
1.A: Cross Slope	A majority of cross slopes have minor to moderate discrepancies. The largest of these discrepancies happens at the southeastern plaza entrance/driveway where the cross slope is 8.2% with the flared sides up to 10%. At this location there is no level route around the curb cut/drive entry. The average cross slope outside of this outlier ranges from 2.1% to 2.6%.	Reconstruct walkways to not exceed 2% cross slope. Evaluate the need for curb ramps at southeastern plaza entrance/driveway to correct cross slope issues. *Note: Evaluate if issue was corrected with new streetscape improvements in 2014-2015.	Done
1.B: Changes in Level	Changes in walkway levels are greater than ¼" at transitions from paver to concrete or asphalt due to settling. Transitions issues exist at concrete utility boxes along North Tahoe Boulevard and at the curb ramp at the corner of North Tahoe Boulevard and Coon Street.	Replace or reinstall the sections of walkway to provide transitions less than ¼".	Done
1.C: Path of Travel Width	Damage to the walkway reduces the path of travel to less than 48".	Repair walkway to meet accessibility guidelines. *Note: Evaluate if issue was corrected with new streetscape improvements in 2014-2015.	Done



Accessible routes within the public rights of way. The assessment was completed prior to Kings Beach Commercial Core enhancements which may have addressed some of the barriers.

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Curb ramp lacks truncated domes.



No clear direction of travel exists in the plaza so cross slopes in all directions must not exceed 1:48 (2%).



Damaged walk is reduced to less than 48" in width.



The curb ramp lacks truncated domes and lacks a 24" straight section at the flared edges. Excessive vertical change exists between pavers and concrete elements.

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2: ACCESSIBLE ROUTE OF TRAVEL – ON-SITE

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
2: Accessible Route of Travel – On Site			
2.A: Protruding Objects	A drinking fountain extends into the path of travel and does not have rails extending to the ground for the purpose of cane detection.	Install rails to allow for cane detection or replace drinking fountain and set outside of the path of travel so that it is not considered a protruding object.	Long-term
2.B: Cross Slope	Various locations along the path of travel throughout the facility have cross slopes that exceed 2%. The most excessive are in the interior plaza area immediately adjacent to the storm drain inlets. In this area the cross slopes range from 2.1% to 4.2%. Other instances of excessive cross slope exist near the concrete stadium style benches surrounding the interior plaza. Due to the proportions of the many intersecting walks a definitive direction of travel is not discernable and allows for multiple paths of travel. As such there are various minor instances throughout the site.	Reconstruct the walkway and plaza to not exceed 2% cross slope. If the plaza is not able to be designed so that the entire area does not exceed 2% cross slope, consider alterations to define clear paths of travel in which the cross slope does not exceed 2%.	Long-term
2.C: Running Slope	A portion of the walkway along the path of travel to the beach access stair exceeds 5%.	Reconstruct walkway to not exceed 5% or install a ramp per accessibility standards.	Long-term
2.D: Changes in Level	Changes in walkway levels are greater than ¼" at transitions from paver to concrete or asphalt due to settling. Transitions at concrete utility inlets or concrete utility access boxes are not compliant.	Replace or reinstall the sections of walkway to provide transitions less than ¼".	Mid-term
2.E: Grates	Drain inlets in the plaza and at the curb have openings wider than ½" in the direction of travel.	Replace non-compliant grates with grates that meet accessibility requirements.	Done
2.F: Detectable Warning	Detectable warnings are not provided where walkway transitions to vehicular way.	Install appropriate detectable warnings on walkways that transition vehicular ways.	Done



Accessible routes and trails on site. Note that stairs cannot be considered part of an accessible route because they cannot be utilized by a person in a wheelchair.

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Typical paver walkway.



Grate openings in the direction of travel exceed width standards. Curb ramp lacks truncated domes and excessive cross slopes exist across the entire width of the ramp.



Walkway is less than 48" in width and has excessive cross slopes.



Ramp lacks truncated domes.

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Grate openings in the direction of travel exceed 1/2". Due to the location there is no specific direction of travel. Excessive cross slopes exist at drains. Slopes must not



Excessive cross slopes exist at drains. Slopes must not exceed 1:48 (2%).



Grate and cross slopes are non-compliant.



Excessive vertical change exists in walkway.



3: CURB RAMPS

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
3: Curb Ramps			
3.A: Transition	The transition of the off-site curb ramp does not have a flush transition to the road or gutter that is free of abrupt changes.	Reconstruct curb ramp to meet accessibility requirements.	Done
3.B: Counter Slope	The terminus where the on-site walkway adjoins the public path of travel is 5.6% (exceeds 5%).	Reconstruct the facility to not exceed 5% slope.	Long-term
3.C: Side Flare Slope	The Coon Street curb ramp does not provide a landing where flared side edges have a slope of 8.3% or less (measured along the curb).	Provide a curb ramp with flared side edges that have a slope of 8.3% or less when measured along the curb. *Note: Evaluate if issue was corrected with new streetscape improvements in 2014-2015.	Done
3.D: Detectable Warning	The curb ramps do not have detectable warnings.	Install appropriate detectable warnings on the curb ramps. *Note: Evaluate if issue was corrected with new streetscape improvements in 2014-2015.	Done
3.E: Straight Curb	No 24" segment of straight curb is located on each side of the diagonal curb ramp.	Reconstruct curb ramp to meet accessibility requirements. *Note: Evaluate if issue was corrected with new streetscape improvements in 2014-2015.	Done



Curb ramp lacks truncated domes and excessive cross slopes exist across the entire width of the ramp.



The curb ramp lacks truncated domes and lacks a 24" straight section at the flared edges (typical for all curb ramps).



4: DRINKING FOUNTAINS

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
4: Drinking Fountains			
4.A: Drinking Fountains	Only one "low" drinking fountain exists with no "high" drinking fountain available.	Provide a "high" drinking fountain that is accessible to persons who have difficulty bending or stooping.	Mid-term
4.B: Clear Floor Space	The clear space is not level and contains a vertical transition greater than ¼" at the concrete utility box directly below the drinking fountain.	Reconstruct clear space to provide a level area (less the 2%) with vertical transitions less than ¼".	Mid-term
4.C: Protruding Objects	The free-standing drinking fountain projects into the path of travel more than 4" and is not protected by side rails for cane detection.	Install rails to allow for cane detection or replace drinking fountain and set outside of the path of travel so that it is not considered a protruding object.	Mid-term
4.D: Operation	The drinking fountain controls require more than 5 lbs. of force to operate.	Replace drinking fountain with a model that meets accessibility standards.	Mid-term
4.E: Spigot	The spigot and water flow is more than 5" from the front of the drinking fountain.	Replace drinking fountain with a model that meets accessibility standards.	Mid-term



Drinking fountain creates a protruding object. Only a "low" drinking fountain is provided instead of both a "high" and "low" fountain. The clear space is not level and contains a transition greater than ¼" at the concrete utility box.



The spigot and water flow is more than 5" from the front of the drinking fountain and requires more than 5 lbs. of force to operate.

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5: STAIRS

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
5: Stairs			
5.A: Color Strip	There is no solid contrasting color stripe 2" wide on stair nosing.	Provide a solid contrasting color stripe 2" wide parallel to and not more than 1" away from the nosing on the upper approach and all threads of the stairway.	Short-term
5.B: Bottom Landing	No firm and stable landing is present at the bottom of the stairs.	Provide a firm and stable landing at the bottom of the stair.	Long-term
5.C: Surface	Sand accumulating on the stair causes the surface to not be slip resistant.	Address maintenance procedures to remove sand on a scheduled basis.	Short-term



Stairs lack a 2" contrasting band 1" back from nosing and sand causes the surface to not be slip resistant.



The bottom of the stairs requires a firm and stable landing.

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6: SITE FURNISHINGS & AMENITIES

ITEM	EXISTING BARRIER	BARRIER REMOVAL METHOD	CORRECTIVE TIMELINE
KINGS BEACH PLAZA			
7: Site Furnishings & Amenities			
6.A: Amenities on Accessible Routes	<p>Trash receptacle is not on an accessible path at the picnic area intended to be the accessible picnic area.</p> <p>Trash receptacles are generally not on an accessible path or the path does not extend to the trash receptacle.</p>	Provide amenities along an accessible route of travel where possible or provide an accessible route of travel to the amenities.	Mid-term



Typical accessible picnic table provides adequate knee and toe space at the end of the table.



Trash receptacle is not on an accessible path at the picnic area intended to be the accessible picnic site.



Trash receptacle is not on an accessible path of travel (typical for most trash receptacles).



Accessible path does not extend to the trash receptacle.