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MEMORANDUM

Date: August 31, 2017

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Miller Minor Addition/Modification to Historic Resource, 811 Lakeview Avenue, City of South Lake Tahoe, CA;, Assessor's Parcel No: 026-031-13, TRPA File No: ERSP2017-0682

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A).

TRPA Staff Recommendation: Staff recommends approval of the project based on this staff summary and evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project and Site Description: The applicant is proposing a 123 square foot entryway addition, new walkway, window replacement/retrofit on the lower level north elevation, and installation of Best Management Practices (BMPs) to a single family dwelling located at 811 Lakeview Avenue in the City of South Lake Tahoe. The existing residence was built in 1934, and was deemed potentially historic by TRPA on February 16, 2017 and shall be treated as a historic resource for planning purposes for its association with the early development of the AI Tahoe neighborhood. (TRPA File Number HIST2016-0219.)

TRPA verified 4,379 square feet of existing on-site land coverage in land capability Class 7 for the parcel. (TRPA file number LCAP2016-0072 & LCAP2016-0073.) The base allowable coverage for the parcel is 3,000 square feet. The proposed project will relocate 197 square feet of coverage, and shall not exceed 4,379 square feet. The proposed addition will be compatible in scale, massing, and character to the existing residence, and therefore additional historic resource protection mitigation is not required. As a condition of approval, the permittee will submit photographs documenting the existing condition of the residence and detached garage.

Issue: The single family dwelling was deemed potentially historic by TRPA and shall be treated as a historic resource for planning purposes. Additions, reconstruction, or demolition of eligible or designated historic resources require Hearings Officer review and approval in accordance with Section 2.2.2.C of the TRPA Code of Ordinances.

Staff Analysis:

- A. Environmental Documentation: TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Subsection 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area Statement (PAS) 099 – Al Tahoe, Special Area #1. The Land Use Classification is Residential and the Management Strategy is Redirection. Single family dwellings are an allowed use with PAS 099. Agency staff has reviewed the subject PAS and has determined that the project is consistent with the PAS and applicable TRPA Code of Ordinances sections for additions to a historic resource and single family dwelling.
- C. Land Coverage: This project complies with land coverage requirements of the TRPA Code of Ordinances. Coverage for the proposed project will use existing verified coverage on the parcels. Areas where coverage is removed and relocated will be restored in accordance to the Code.
- D. Density: This project complies with density requirements of the TRPA Code of Ordinances.
- E. Best Management Practices (BMPs): This project will include the installation of temporary and permanent BMPs as required by TRPA Code of Ordinances.

Required Findings:

The following is a list of the required findings as set forth in Chapters 4 and 67 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the findings provided on the Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The project meets the provisions of the TRPA Code of Ordinances, any environmental impacts can be mitigated to less than significant levels, and will not cause the environmental threshold carrying capacities to be exceeded.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

All potential soil disturbance effects are temporary and shall be mitigated through temporary and permanent BMPs. The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of construction, the project will have no impact upon water quality standards.

2. Chapter 67-Historic Resource Protection:

Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:

- (a) The action will not be detrimental to the historic significance of the resource;
- (b) The action is pursuant to a recovery plan approved by the applicable state historic preservation office; or
- (c) It is the only feasible alternative to protect the health and safety of the public.

The applicant is proposing a 123 square foot entryway addition and new 74 square foot walkway to a single family dwelling located at the above-referenced parcel. The new entryway will be constructed on the southwest corner of the building. Historically, the front entry to the residence was located on the north, or lakeward facing, façade. The proposed addition will be compatible to the existing residence in scale, massing, and character, and therefore not be detrimental to the historic significance of the resource, per finding “a” above. As part of the approval, the applicant will be required to provide photographic documentation of the residence and associated garage structure as it currently exists.

Required Actions:

Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a mitigated finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachments:

- A. Draft Permit
B. Site Plan

Attachment A

Draft Permit

DRAFT PERMIT

PROJECT DESCRIPTION: Addition to Historic Resource

APN: 026-031-13

PERMITTEE(S): Ione Miller Trust/Jay Miller

TRPA FILE #: ERSP2017-0682

COUNTY/LOCATION: El Dorado County/811 Lakeview Avenue, City of South Lake Tahoe

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on September 7, 2017 subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on September 7, 2020 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____

Date _____

PERMIT CONTINUED ON NEXT PAGE

APN 026-031-13
FILE NO. ERSP2017-0682

Security Posted (1): Amount \$_____ Type _____ Paid _____ Receipt No. _____

Security Administrative Fee (2): Amount \$_____ Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (3): Amount \$_____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3.E below.
- (2) \$152 if a cash security is posted or \$135 if a non-cash security is posted.
- (3) See Special Condition 3.F below.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the addition of a 123 square foot entryway, 74 square foot walkway, window replacement/retrofit on the lower level north elevation, and installation of Best Management Practices (BMPs) to a historic resource located at 811 Lakeview Avenue in the City of South Lake Tahoe, California. No other exterior modifications are proposed or removed as part of this permit. TRPA verified 4,379 square feet of land capability Class 7 for the parcel. (TRPA File Number LCAP2016-0072 & -0073. Revised 7/21/17.) The proposed project will relocate existing coverage within land capability Class 7.
2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. The permittee shall revise the site plan (Sheet C1.1) as follows:
 - (1) Revise the parcel area within the site plan and coverage table to equal 10,019 square feet.
 - (2) Revise the base allowable coverage within the coverage table to equal 3,006 square feet.

- (3) Include the total amount of excess land coverage (1,373 square feet) within the coverage table.
- (4) Revise the gravel area existing coverage to equal 2,192 square feet.
- (5) Revise the total existing coverage to equal 4,379 square feet.
- (6) Clearly depict the area where 197 square feet of existing verified land coverage will be removed and relocated as part of this project, and revise coverage calculations where appropriate. The area where coverage is removed shall be restored in accordance to TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.
- (7) Per TRPA Code of Ordinances Section 60.4.6.E, all roads, driveways, and parking areas shall be paved. The subject parcel contains a gravel parking area verified as legally existing coverage. As part of this project the permittee shall be required to pave all or that portion of the gravel area used for parking. In lieu of paving the entire gravel area, the permittee can choose to (1) remove gravel, restore existing compacted area(s) in accordance to TRPA Handbook of Best Management Practices, and bank the associated coverage; or (2) install parking barriers approved by TRPA at the property line or at the extent of proposed parking area to restrict parking to approved surfaces. The final site plan and coverage calculations shall be revised accordingly. Proposed and banked land coverage shall not exceed 4,379 square feet.
- (8) Include the location of existing and proposed (if applicable) utilities.
- (9) Include the amount (in cubic yards) of cut/fill material associated with the project, including any grading, excavation, BMP installation, utility trenching, and landscaping features.

B. The permittee shall revise the elevations (Sheet A3.1) to include the notes below indicating conformance to the following design standards for color, roofs, and fences:

Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

Roofs: Roofs, including mechanical equipment and skylights, shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.

Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.”

- C. The permittee shall submit professional black and white photographs of the residence located at 811 Lakeview Avenue prior to construction to document the residence as existing. At a minimum, a single image for each side of the building and the building in context shall be printed on archival paper, 8.5 by 11 inches. Each photograph should be labeled on the reverse, either handwritten in pencil or printed on an adhesive label with the following information:
- (1) Photograph number (corresponding to a photograph index)
 - (2) Name of the property.
 - (3) Street address, county, and state.
 - (4) Description of view.
 - (5) Date of photograph (month and year)
 - (6) Name of photographer
- D. The permittee shall submit exterior lighting plan with specifications and/or details for all proposed exterior lighting fixtures and a proposed location plan. All exterior lighting (existing and proposed) shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards and the Placer County Tahoe Basin Area Plan Implementing Regulations Section 3.09.D. specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
- E. The security required under Standard Condition A.3 of Attachment R shall be equal to 110% of the estimated BMP cost (or \$2,500.00, whichever is greater), and shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- F. The affected property has 1,373 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area – South Stateline or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 0.50% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$8.50 for projects within Hydrologic Transfer Area – South Stateline. If you choose this option, please revise your final site plans and land coverage calculations to account for the mitigated amount of excess coverage.

For either option identified above, please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- G. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
4. Temporary and permanent Best Management Practices (BMPs) may be field fit by the Environmental Compliance Inspector where appropriate.
 5. Prior to security release, photos shall be taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel and provided to TRPA.
 6. All permanent BMPs shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
 7. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
 8. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage calculations as shown on the approved site plan. The approved land coverage calculations shall supersede scaled drawings when discrepancies occur.
 9. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity

obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment B

Site Plan

