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STAFF REPORT

Date: February 6, 2020

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Drum Lodge LLC Rehabilitation of a Historic Resource, 10 Chinkapin Cove, El Dorado County, California; Assessor's Parcel No: 016-300-064; TRPA File No: ERSP2019-1090

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

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 Description/Background:
The applicant is proposing to rehabilitate/reconstruct a legally existing, non-conforming bathhouse (superstructure) on an existing pier. The bathhouse is proposed to be shifted slightly on the existing pier deck and then reconstructed with the same dimensional extents; therefore not increasing the extent to which the bathhouse is non-conforming. No other changes to the pier are proposed. The proposed reconstruction of the bathhouse addresses current building code, replaces elements of the original design with like-kind materials and incorporates measures to protect the structure's original design integrity. Rehabilitation will be consistent with the Secretary of the Interior standards as documented in the enclosed Mschmitter Consulting (MSC) report (Attachment E).

The pier and bathhouse were originally constructed in 1923, and the pier was rebuilt in 1959. TRPA determined the existing bathhouse and the existing residence are historically significant and shall be treated as such for planning purposes (TRPA File Number HIST2017-0630). These structures may be modified in accordance to TRPA Code of Ordinances Chapter 2 and 67 and local jurisdiction regulations.

The bathhouse is a related feature of the residence located on the upland portion of the property and therefore contributes to the historical significance of the property. MSC conducted an integrity evaluation on the bathhouse in 2017 which found that although the location of the bathhouse has been changed and alterations made to the structure and decking thus impacting integrity of workmanship and materials, integrity of design, location, setting, feeling and association remains intact. The scope of rehabilitation includes the addition of electricity, low-reflectivity window glass, and a Dutch door.

Proposed work replaces original design elements with in-kind materials. Per the report provided by MSC, the rehabilitation will maintain the rusticity of the bathhouse while retaining and preserving the historic character of the property. This will be achieved through replacing deteriorated framing members and sheathing with in-kind materials, reconstructing the finial, and replacing the roof. Historic material will be retained and re-used and salvaged where feasible.

The property is visible from Lake Tahoe (Shoreline Unit 10- Meeks Bay), which is in attainment with TRPA Scenic Thresholds. The proposed project will maintain the scenic quality within this unit. Low reflectivity glass will be used to replace the windows, the exterior materials will maintain a dark color and rustic finish, and the dimensions will not change or increase from the existing structure to the rehabilitated structure.

Site Description:
The previous El Dorado County APNs associated with this property are 016-300-056 and 016-300-057. These APNs have become, through a series of actions approved by TRPA, El Dorado County APN 016-300-064. The subject properties are a deed restricted project area and treated as if permanently consolidated for purposes of land coverage calculations within the project area and TRPA ordinances pertaining to land coverage.

There is a residential addition/modification permit for the renovation of the upland Chinquapin Lodge issued on April 26, 2018 (TRPA File number ERSP2017-0975). The project includes installation of permanent BMPs.

Issues/Concerns:
The existing residence on the subject property is determined by TRPA to be an eligible historic resource for planning purposes. Additions, reconstruction, or demolition of eligible or designated historic resources requires Hearings Officer review and approval in accordance with subsection 2.2.2.2.c of the TRPA Code of Ordinances.

The Project is subject to TRPA Code of Ordinances subsection 84.4.3.F.2 *Modification of a non-conforming pier.* Therefore, the project must result in a net environmental benefit, must bring the structure into greater compliance with applicable development standards, and shall not increase the degree of nonconformance with any applicable design standards.

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 meeting and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 151 – Glenridge. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (single family dwelling) is listed as an allowed use and piers are an allowed accessory structure.

C. Land Coverage*:* This project complies with land coverage requirements of the TRPA Code of Ordinances, including mitigation of excess land coverage.

D. Density: This project complies with residential density requirements of the TRPA Code of Ordinances.

E. Historic Resources: The residence (Chinquapin Lodge) and the pier bathhouse are considered eligible as a historic resource by TRPA for planning purposes.

Required Actions:
Staff recommends that the Hearings Officer take the following actions:

1) Approve the findings contained in this staff summary, and a finding of no significant environmental effect.

2) Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachments:
A. Required Findings/Rationale
B. Draft Permit
C. Draft Plans
D. Initial Environmental Checklist (IEC)
E. Mschmitter Consulting Report

Attachment A

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 67, and 84 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; the project will have no significant impact on the environment or historic resources 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.

      The proposed project will not have a significant impact upon air and water quality standards based on the completed TRPA checklist and the proposed conditions of approval. 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: Additions to historic structures, adjacent to a historic structure, within a historic district, or on an historic site shall be in compliance with subsection 67.7.4:

   Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance to the *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.*

   The proposed bathhouse rehabilitation includes adding electricity, low-reflectivity glass to the existing window openings, and a Dutch door. The project also includes maintaining the character and the "rusticity" of the original structure. The dimensions of the existing structure will not

change with the rehabilitation. The overall character of the bathhouse will be maintained by using like-kind materials on the rehabilitated structure. The proposed alterations are in character and scale with the historic building and are in-keeping with the *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to subsections 67.7.1 and 67.7.4 of TRPA Code of Ordinances for additions to historic resources.

No mitigation for the alteration of a historic resource is required as part of this project.

1. Chapter 84 – Expansion or Modification of Existing Pier: Modification of a non-conforming pier

   A. The modification results in a net environmental benefit

      The project results in the rehabilitation and protection of an historic resource dating to 1923. Based on the review and evaluation of the project by Mischelle Schmitter, Historic Preservation Consultant and Architectural Historian, the "Rehabilitation plans are sensitive to the original design and materials palette and allow the historic significance and architectural character of the property to be preserved."

   B. The modification brings the structure into greater compliance with applicable development standards set forth in this Section.

      The proposed rehabilitation work addressed contemporary building codes through the reconstruction. The rehabilitation will also restore the exterior materials and colors to the original design and materials palette, allowing the historic significance and architectural character of the property to be preserved.

   C. The modification does not increase the degree of nonconformance with any applicable development standard set forth in this Section.

      The volume of the bath house structure directly mirrors the volume of the original building as designed by San Francisco architect G. Albert Lansburgh for Mrs. John S. Drum in 1922. The dimensional extent of the perimeter of the non-conforming pier shape and dimensions will not change. Therefore there is no increase in the degree of nonconformance with current design standards for the existing pier or the bath house superstructure.

Attachment B

Draft Permit

DRAFT CONDITIONAL PERMIT

PROJECT DESCRIPTION: Single-Use Pier Modification APN: 016-300-64

PERMITTEE(S): Drum Lodge LLC FILE #: ERSP2019-1090

COUNTY/LOCATION: El Dorado County/10 Chinkapin Cove

Having made the findings required by Agency ordinances and rules, Hearings Officer approved the project on February 13th, 2020, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on February 13th, 2023 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 COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY ERMIT 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 016-300-064
FILE NO. ERSP2019-1090

Security Posted (1): Amount $5000 Type ___ Paid _____ Receipt No._____

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

Notes:
(1) See Special Condition 3.F below
(2) Consult the TRPA filing fee schedule for the current security administration fee.

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 authorizes the rehabilitation and reconstruction of a legally existing, non-conforming bathhouse (superstructure) on an existing pier. The bathhouse is proposed to be shifted slightly on the existing pier deck, and then reconstructed with the same dimensional extents; therefore not increasing the extent to which the bathhouse is non-conforming. No other changes to the pier are proposed.

   The bathhouse and associated upland lodge were determined by TRPA to be historically significant and to be treated as such for planning purposes. Consistent with the historical report provided by Mscmitter Consulting dated July 30th, 2019, the proposed reconstruction of the bathhouse replaces elements of the original design with like-kind materials, including replacing the finial and the roof. The report asserts that reconstruction "takes measures to adequately protect the structure in those areas where deterioration of historic fabric was most evident." The project was designed to meet the Secretary of the Interior's Standards, with standards 5 and 6 particularly relevant to this project as stated in the report. Ms. Schmitter concludes in her findings that the "Rehabilitation plans are sensitive to the original design and materials palette and allow the historic significance and architectural character of the property to be preserved."

   The property is visible from Lake Tahoe (Shoreline Unit 10- Meeks Bay), which is in attainment with TRPA Scenic Thresholds. The proposed project will maintain the scenic quality within this unit. Low reflectivity glass will be used to replace the windows, the exterior materials will maintain a dark color and rustic finish, and the dimensions will not change or increase from the existing structure to the rehabilitated structure.

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. A site plan shall be provided and include:

      (1) Location of construction staging areas and temporary BMPs, including any barge access required for the project.

      (2) Existing and proposed bathhouse locations.

      (3) Include a plan notation indicating that there will be no staging activity on the shoreline, and that all access associated with pier demolition and construction activities shall occur from the lake by barge; and that delivery, removal, and staging of all construction equipment and materials shall occur on the barge.

      (4) Add a note stating no containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

   B. Provide an exterior lighting plan, which shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.8, Exterior Lighting Standards and TRPA Design Review Guidelines.

   C. Provide an exterior material sample board for all exterior materials to be used in the bathhouse reconstruction ***to TRPA for review and approval prior to acknowledgement of this permit.***

   D. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.

   E. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.

   F. The security required under Standard Condition A.3 of Attachment R shall be $5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. The security for this project shall not be released until the BMP Security for the concurrent project on the upland parcel associated with TRPA File Number ERSP2017-0975.

   G. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. **Prior to release of security**, permittee shall provide receipts indicating that window glass used for the window openings in the bathhouse complied with a reflectivity value of 9% - 11%.

4. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.

5. 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.

6. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.8, Exterior Lighting Standards and TRPA Design Review Guidelines.

7. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

8. 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. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. 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 C

Draft Plans

Attachment D

Initial Environmental Checklist (IEC)

Attachment E

Mschmitter Consulting Report