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MEMORANDUM

To: TRPA Hearings Officer

From: Jennifer Self, Associate Planner

Date: February 25, 2016

Subject: Collins Demolition and Banking of Historic Resource in a TRPA designated Historic District, 753 Church Street, Douglas County, Nevada; Assessor's Parcel No: 1318-10-310-033 (Previous 005-082-080); TRPA File No: VBOU2015-1114

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 to demolish the residence and associated coverage – including a shed, enclosed deck, walkways, and parking areas – at the above-referenced parcel. The residence was built in 1946, and has been deemed historic as contributing to the significance of the Zephyr Cove Properties Historic District, also referred to as Zephyr Cove Unit 1 Historical District. The district is a TRPA designated historic resource, and is also eligible for listing with the National Register of Historic Places. The construction date of the shed, or “sleeping cabin”, is unknown. TRPA has previously verified 4,520 square feet of existing on-site land coverage and a land capability of Class 7. (TRPA File Number LCAP2014-0131 & -0132)

The structures to be demolished include the main residence, enclosed deck, and shed (or “sleeping cabin”). As part of this application, the applicant also proposes to bank the one (1) residential unit and associated land coverage. At this time, the applicant has not proposed any future development. TRPA will consider 4,520 square feet of land coverage and one residential unit of use banked when the structures are demolished, associated coverage is removed, and the site graded to restore the natural grade and revegetated.

As mitigation for removal of the historic structure, the proposed demolition is pursuant to a recovery plan reviewed and approved by Tahoe Regional Planning Agency and the Nevada State Historic Preservation Office.

Issue: The main residence is determined to be a contributing historic resource to a TRPA designated historic district – Zephyr Cove Properties Historic District. Demolition of eligible and designated historic resources requires Hearings Officer review and approval in accordance with Section 2.2.2. C of the TRPA Code.

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 067 – Marla Bay/Zephyr Heights. The Land Use Classification is Residential and the Management Strategy is Mitigation. As stated under PAS 067 Planning Considerations Item Number 3, “Zephyr Cove Unit 1 is an area of significant historical architecture.” In addition, PAS 067 Special Policies Item Number 3 states the following, “Zephyr Cove Unit # 1 should be considered for designation as a historical district. The property owners in this area should be encouraged to maintain or upgrade the existing structures consistent with the old Tahoe summer cabin style.” Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with applicable TRPA Code of Ordinances sections for demolition of a historic resource. The property owner has not proposed any future development at this time.
- C. Land Coverage: This project complies with land coverage requirements of the TRPA Code of Ordinances.
- D. Density: This project complies with density requirements of the TRPA Code of Ordinances.
- E. Historic Resources: The main residence has been determined eligible as a historic resource as contributing to the significance of the Zephyr Cove Historic District, a TRPA designated historic resource. The Nevada State Historic Preservation Office has concurred that the property located at 753 Church Street is a contributing historic resource, and that the district is eligible for listing on the National Register of Historic Places.

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 TRPA 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 shall submit a resource recovery plan to TRPA prior to permit acknowledgement per Option B above. The resource recovery plan is subject to

approval by TRPA staff. The plan shall serve as mitigation for the removal of a historic resource and ensure the historic integrity and significance of the structure is adequately documented.

According to a letter from the Nevada SHPO dated October 23, 2014, the applicant's agent, Karin Hoida of Basin Strategies, submitted historic resource documentation for 753 Church Street and 746 Cedar Street, and that such documentation satisfies requirements recommended by their office. At this time, SHPO is not requesting additional information or documentation of the property.

As part of approval for the demolition of historic resources, the applicant shall compile the following existing documentation and previous SHPO submittal materials into one resource recovery plan report:

- Historic context statement for the Zephyr Cove Historic District:
 - Alpengroup and Rainshadow Associates. Historic Resources of the Nevada Side of the Tahoe Basin. August 1990.
 - Marvin, Judith, and Terry Brejla. "Comprehensive History and Neighborhood Character Context Survey of the Nevada Portions of the Lake Tahoe Basin." Stateline, NV, 2010.
 - P.S. Preservation Services. "Historical Architectural Survey Report: S.R. 28/U.S. 50 Erosion Control Project." 2001.
- Professional black and white photographs of the main residence to be demolished on the property. 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:
 - Photograph number (corresponding to a photograph index)
 - Name of the property.
 - Street address, county, and state.
 - Description of view.
 - Date of photograph (month and year)
 - Name of photographer
- Site plan for the subject property.
- Floor plans for contributing historic resources on the subject property.
- Zephyr Cove Properties survey map
- Nevada State Historic Preservation Office correspondence letters:
 - Concurrence letter dated April 29, 2004.
 - SHPO documentation requirements for demolition of historic resources located at 746 Cedar Street and 753 Church Street dated August 11, 2014.

- SHPO documentation requirements satisfied dated October 23, 2014.
3. A copy of the recovery plan report shall be donated to the Douglas County Library. The applicant shall provide evidence, such as a certified mail receipt or receipt of delivery, of such donation.

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

- I. Approve the findings contained in this staff summary, and a 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: Demolition of Historic Resource and Banking of Residential Unit of Use and Land Coverage

APN: 1318-10-310-033 (Previous 005-082-080)

PERMITTEE(S): Duane and Joan Collins

FILE # VBOU2015-1114

COUNTY/LOCATION: Douglas County/753 Church Street/Zephyr Cove Historic District

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the demolition and banking of a historic resource project on **March 3, 2016** subject to the Standard Conditions of Approval for Grading Projects in Attachment Q and the special conditions found in this permit.

The permit shall expire on **March 3, 2019** without further notice. 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.

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 1318-10-310-033
FILE NO. VBOU2015-1114**

Security Posted (1): Amount \$ 2,000 Type ____ Paid ____ Receipt No. _____

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

Notes:

(1) See Special Condition 3.H., below.

(2) \$152 if a cash security is posted, or \$135 if a non-cash security is posted.

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 demolition of the main residence, shed, enclosed deck and removal of all associated land coverage located at 753 Church Street, Douglas County, Nevada. The property includes 4,520 square feet of previously verified land coverage. (TRPA File Number LCAP2014-0131 & -0132.) The disturbed area shall be graded to restore the natural grade and revegetated after removal of the existing structures and associated land coverage. Upon return of the required security, TRPA shall consider 4,520 square feet of Class 7 land coverage and one (1) residential unit banked on the subject property.
2. The Standard Conditions of Approval for Grading Projects listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The applicant shall submit a revised site plan that includes:
 - (1) One table showing the existing and proposed coverage by land capability district (including verified and unverified), and coverage to be banked in square feet.

- (2) Shaded areas of coverage to be removed and banked.
 - (3) Demolition staging areas.
 - (4) Temporary erosion control structures located downslope of the proposed demolition areas. (Please note: straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternative to straw bales, such as pine needle bales, filter fabric, coir logs and pine needles or wood mulches for erosion control purposes is required.)
 - (5) Vegetation protective fencing around the entire demolition site and staging areas, and individual trees where required. Where a tree exists within the demolition area, the vegetation protection fencing must be placed beyond the drip-line of the outermost branches. No equipment, personnel or disturbance is allowed within the vegetation fencing.
 - (6) Include a notation indicating that no staging activity is authorized in the public rights-of-way.
- B. The applicant shall submit a restoration and revegetation plan that identifies existing and proposed topographic contour lines, and total proposed cut and fill needed for restoration.
- C. The applicant shall identify estimated fill or grading and the source of fill needed for site demolition and restoration.
- D. The applicant shall submit a demolition plan with detailed information, including at a minimum:
- (1) Delivery, removal, and staging of all equipment.
 - (2) Proposed access to the site.
 - (3) Disposal of waste material.
 - (4) Type of equipment to be used.
 - (5) 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.)
 - (6) Location and type of temporary BMPs.

- E. The applicant shall submit a demolition schedule that identifies dates for the following activities:
- (1) Installation of temporary BMPs.
 - (2) Demolition commencement.
 - (3) Removal of demolition debris.
 - (4) Demolition completion.
 - (5) Revegetation and site restoration.
- F. The applicant shall submit a resource recovery plan to TRPA, subject to approval by TRPA staff. The recovery plan shall serve as mitigation for the removal of a historic resource and ensure the historic integrity and significance of the structure is adequately documented.

According to a letter from the Nevada SHPO dated October 23, 2014, the applicant's agent, Karin Hoida of Basin Strategies, submitted historic resource documentation for 753 Church Street and 746 Cedar Street, and that such documentation satisfies requirements recommended by their office. At this time, SHPO is not requesting additional information or documentation of the property.

As part of approval for the demolition of historic resources, the applicant shall compile the following existing documentation and previous SHPO submittal materials into one resource recovery plan report:

- (1) Historic context statements for the Zephyr Cove Historic District:
 - (a) Alpengroup and Rainshadow Associates. Historic Resources of the Nevada Side of the Tahoe Basin. August 1990.
 - (b) Marvin, Judith, and Terry Brejla. "Comprehensive History and Neighborhood Character Context Survey of the Nevada Portions of the Lake Tahoe Basin." Stateline, NV, 2010.
 - (c) P.S. Preservation Services. "Historical Architectural Survey Report: S.R. 28/U.S. 50 Erosion Control Project." 2001.
- (2) Professional black and white photographs of the main residence to be demolished on the property. 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:

- (a) Photograph number (corresponding to a photograph index)
 - (b) Name of the property.
 - (c) Street address, county, and state.
 - (d) Description of view.
 - (e) Date of photograph (month and year)
 - (f) Name of photographer
- (3) Site plan for the subject property.
 - (4) Floor plans for contributing historic resources on the subject property.
 - (5) Zephyr Cove Properties survey map
 - (6) Nevada State Historic Preservation Office correspondence letters:
 - (a) Concurrence letter dated April 29, 2004.
 - (b) SHPO documentation requirements for demolition of historic resources located at 746 Cedar Street and 753 Church Street dated August 11, 2014.
 - (c) SHPO documentation requirements satisfied dated October 23, 2014.
- G. A copy of the recovery plan report shall be donated to the Douglas County Library. The applicant shall provide evidence, such as a certified mail receipt or receipt of delivery, of such donation.
 - H. The applicant shall submit a project security of \$2,000.00. Security will not be released until site restoration is completed. Please see Attachment J, Security Procedures, for appropriate methods of posting the security.
 - I. The permittee shall provide three (3) sets of the final plans for TRPA acknowledgement.
- 4. No demolition, removal, or excavation on-site shall be undertaken by the applicant until a pre-grade inspection has occurred and receipt of TRPA notification that the pre-grading conditions have been satisfied.
 - 5. All demolition materials shall be removed from the project and deposited only at approved points of disposal.
 - 6. All employee vehicles shall be parked on existing paved surfaces or existing gravel or compacted dirt areas as verified in TRPA File No. LCAP2014-0131 & -0132.
 - 7. The applicant shall remove the existing land coverage and revegetate the area disturbed by demolition in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.

8. Temporary and permanent Best Management Practices (BMPs) may be field-fit as appropriate by the TRPA inspector.
9. All permanent BMPs shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
10. Upon security return, TRPA shall recognize the following as banked:
 - A. Residential Units of Use: 1 Unit
 - B. Land Coverage: 4,520 square feet of verified Land Capability Class 7
11. 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

