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MEMORANDUM

To: TRPA Hearings Officer

From: Jennifer Self, Associate Planner

Date: October 22, 2015

Subject: Gordon Demolition and Banking of TRPA Designated Historic Resources, 686 Lakeview Blvd., Douglas County, Nevada; Assessor's Parcel No: 1318-10-310-013 (Previous APN 005-090-070); TRPA File No: VBOC2015-0962

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 the 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 existing structures located within and identified as contributing to the historic significance of the Zephyr Cove Properties Historic District, also referred to as Zephyr Cove Unit 1 Historical District, at the above-referenced parcel. The parcel is located on Land Capability Class 4 and 1b (backshore) lands. TRPA has previously verified 9,617 square feet of existing on-site land coverage, one residential unit of use and two accessory living area cabins on the property. (TRPA File Numbers LCAP2011-0161 and ERSP2012-0693.)

The structures to be demolished include one (1) residential building historically known as the "Ellis House Main Cabin"; two (2) accessory cabins historically known as "Ellis House Cabin 1" and "Ellis House Cabin 2"; and one (1) carport and one (1) shed collectively known historically as "Ellis House Outbuildings". This approval also authorizes the removal of an existing pier, wood deck and steps. When all structures and coverage are removed and the site restored, TRPA will consider 9,617 square feet of land coverage and one residential unit of use banked.

The structures located on this parcel are designated by TRPA as contributing historic resources as part of the Zephyr Cove Properties Historic District. The district is listed on the TRPA Historic Resource Map, and is eligible for listing with the National Historic Register of Historic Places. As mitigation for the removal of the historic structures, the proposed demolition is pursuant to a recovery plan approved by the Nevada State Historic Preservation Office.

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

Staff Analysis:

A. Environmental Documentation: TRPA staff completed the Initial Environmental Checklist (IEC) and "Project Review Conformance Checklist and Article V (g) Findings" in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and TRPA staff has made the Finding of No Significant Effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within the Marla Bay/Zephyr Heights Plan Area Statement (PAS 067). The property owner is not proposing new development at this time.

C. Chapter 4 – 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 briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4.1 – 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 Initial Environmental Checklist and 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.

TRPA staff has completed the "Project Review Conformance Checklist and Article V (g) Findings" in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA offices.

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 effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of demolition, the projects 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 proposed demolition is pursuant to a recovery plan submitted by the applicant and approved by the Nevada State Historic Preservation Office. The recovery plan shall serve as migration for the removal of historic resources and to ensure the historic integrity and significance of the structures are adequately documented.

At a minimum the resource recovery plan shall include: (1) a historical architecture survey and inventory of the property completed by a qualified Architectural Historian which documents the history and significance of the property, as well as character defining features and materials of each structure; and (2) professional dated photographs of each of the existing structures on the property. Copies of the approved recovery plan shall be donated to the Nevada State Historic Preservation Office, Douglas County Library, and the Nevada Architectural History Alliance.

As part of the resource recovery plan, the applicant may include previously completed documents or recordation of the property, including but not limited to:

- Copoulos, J.P. "Historic Determination of Property." Historic Resources Inventory & Survey, Carson City, 2011.
- P.S. Preservation Services. "Historical Architectural Survey Report: S.R. 28/U.S. 50 Erosion Control Project." Historical architectural survey and historic context statement, Sacramento, 2001.
- Zeier, Charles D., and Ron Reno. "An Architectural Inventory of Selected Buildings Located within the Nevada Portion of the Lake Tahoe Basin: Phase 1." Historical architectural inventory and historic context statement, Clinton, TN, 2011.

Required Actions: Agency staff recommends that the Hearings Officer approve the project by taking the following actions based on this staff summary and the evidence contained in the record:

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 Resources and Banking of Residential Unit of Use and Land Coverage

APN: 1318-10-310-013 FILE #: VBOC2015-0962

PERMITTEE(S): Jeffery Gordon

COUNTY/LOCATION: Douglas County/ 686 Lakeview Blvd.

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the demolition and banking of historic structures project on October 29, 2015, subject to the special conditions found in this permit.

This permit shall expire on October 29, 2018, 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 sold 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 _____Date _____

PERMIT CONTINUED ON NEXT PAGE

APN 1318-10-310-013
FILE NO. VBOC2015-0962

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

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

Notes:
(1) See Special Condition 3.D., 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 conditions of approval as of this date.

_____ _____
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the demolition of all existing structures and land coverage located at 686 Lakeview Boulevard, Douglas County, Nevada. The structures to be demolished include one (1) residential building historically known as the "Ellis House Main Cabin"; two (2) accessory cabins historically known as "Ellis House Cabin 1" and "Ellis House Cabin 2"; and one (1) carport and one (1) shed collectively known historically as "Ellis House Outbuildings". This permit also authorizes the removal of an existing pier, wood deck, steps, gravel areas, and compacted dirt. After removal of all existing structures and land coverage, the disturbed land areas shall be revegetated. Upon the return of the required security, TRPA will consider 9,617 square feet of land coverage and one residential unit of use as banked.

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 shall be satisfied:

   A. The applicant shall submit a site plan which includes:

(1) Clear indication of coverage and structures to be removed.

(2) Construction staging areas.

(3) 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 alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.)

(4) Vegetation protective fencing around the entire demolition site 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.

(5) Include a notation indicating that no staging activity is authorized on the shoreline or within the shorezone.

(7) Existing and proposed land coverage calculations by land capability that include coverage to be banked.

B. The applicant shall submit a restoration and revegetation plan that identifies existing and proposed contour lines, and total proposed cut or fill needed for the restoration. If total grading exceeds three cubic yards of material, a separate grading approval for the cut or fill will be required prior to acknowledgment of this permit.

C. The applicant shall submit a methodology to include detailed information regarding the (1) delivery, removal, and staging of all equipment, (2) access, (3) deconstruction, disposal of material, (4) 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.), and (6) location and type of temporary BMPs.

D. The applicant shall submit a demolition schedule to identify dates for the following activities: (1) installation of temporary BMPs, (2) demolition commencement, (3) removal of demolition debris, (4) demolition completion, and (5) revegetation and site restoration.

E. The applicant shall submit a resource recovery plan to TRPA to ensure the historic integrity and significance of the structures are adequately documented. TRPA will review the resource recovery plan in consultation with the Nevada State Historic Preservation Office which must approve the plan prior to demolition of the structures. At a minimum the resource recovery plan shall include: (1) a historical architectural survey and inventory of the property completed by a qualified Architectural Historian which documents the history and significance of the property, as well as character defining features and materials of each structure; and (2) professional dated photographs of each of the existing structures on the property.

As part of the resource recovery plan, the applicant may include previously completed documents or recordation of the property, including but not limited to:

- Copoulos, J.P. "Historic Determination of Property." Historic Resources Inventory & Survey, Carson City, 2011.
- P.S. Preservation Services. "Historical Architectural Survey Report: S.R. 28/U.S. 50 Erosion Control Project." Historical architectural survey and historic context statement, Sacramento, 2001.
- Zeier, Charles D., and Ron Reno. "An Architectural Inventory of Selected Buildings Located within the Nevada Portion of the Lake Tahoe Basin: Phase 1." Historical architectural inventory and historic context statement, Clinton, TN, 2011.

F. Once the resource recovery plan has been approved by TRPA and the Nevada SHPO, the applicant shall prepare and submit all required documentation and any supplemental material as part of the plan to TRPA. Copies of the approved recovery plan shall also be donated to the Nevada State Historic Preservation Office, Douglas County Library, and the Nevada Architectural History Alliance.

G. The permittee shall submit a project security of $2,000. Security will not be released until revegetation is completed and submittal of the resource recovery plan is submitted. Please see Attachment J, Security Procedures, for appropriate methods of posting the security.

H. 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 permittee until a pre-grade inspection(s) has occurred and receipt of TRPA notification that the pre-grading conditions of approval have been satisfied.

5. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of pier demolition and from being transported to

adjacent lake waters. The permittee shall install a turbidity screen around the entire demolition site (in the water) prior to demolition. This screen may be removed upon project completion only upon satisfactory inspection by TRPA to insure that all suspended materials have settled.

6. Disturbance of lake bed materials shall be kept to a minimum. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during or after demolition.

7. The discharge of petroleum products, demolition waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All demolition materials shall be removed from the project and deposited only at approved points of disposal.

8. No containers of fuel or hazardous materials may be stored on the pier or shoreline.

9. All employee vehicles shall be parked on existing paved surfaces or existing gravel or compacted dirt areas as verified in TRPA File No. LCAP2011-0162.

10. The permittee shall remove all existing structures and land coverage and revegetate areas disturbed by demolition in accordance with accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.

11. Upon security return, TRPA will recognize the following rights as banked:

Residential Units of Use:	1 unit
Land Coverage:	9,617 square feet

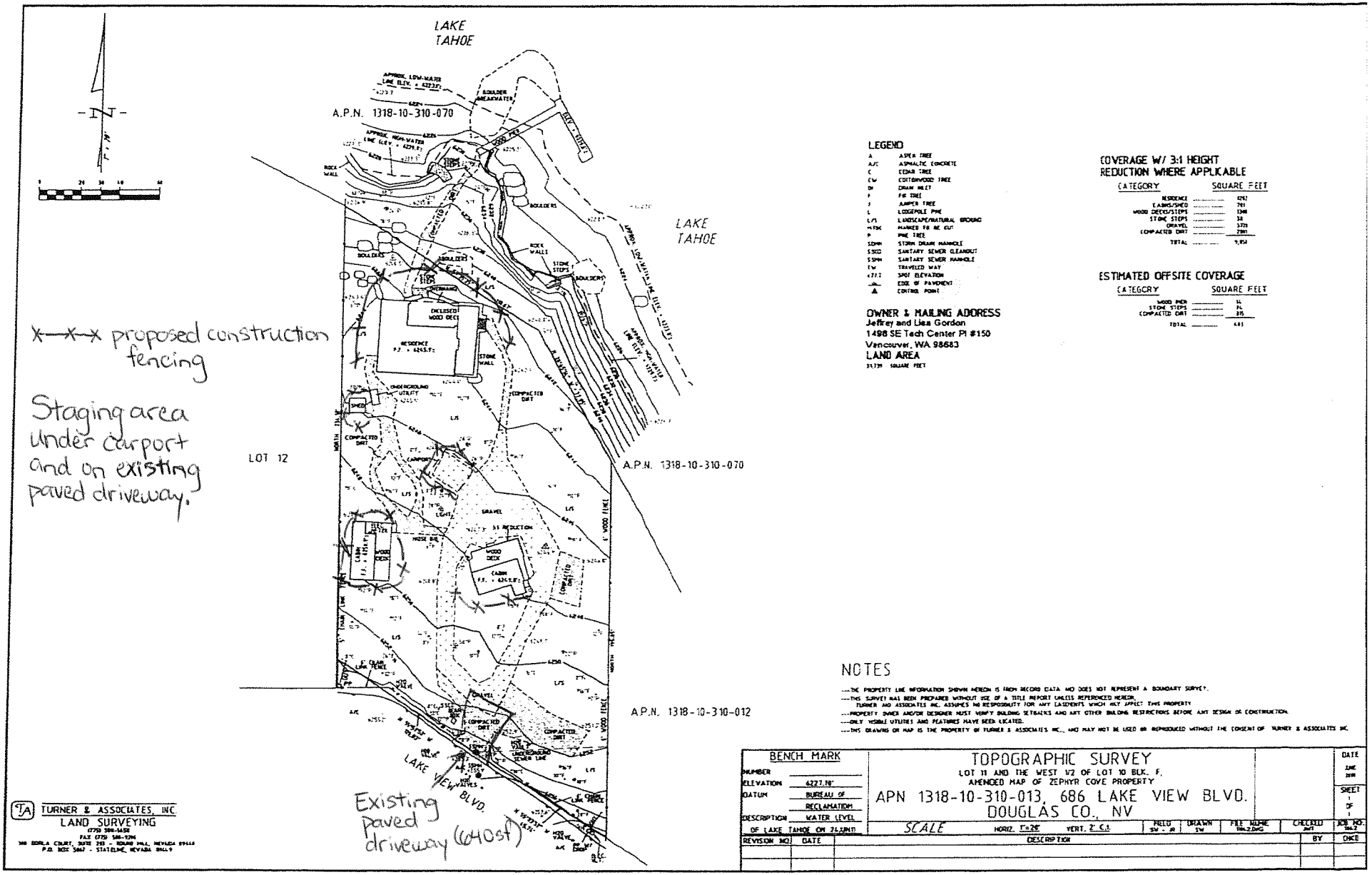
12. Upon security return, the permittee agrees that the subject parcels are free of nuisance and hazard.

13. The permittee understands that this permit is not a conceptual approval of any future projects.

END OF PERMIT

Attachment B

Site Plan


LAKE TAHOE
A.P.N. 1318-10-310-070
LAKE TAHOE
A.P.N. 1318-10-310-070
LOT 12
A.P.N. 1318-10-310-012
LAKE VIEW BLVD.
x—x—x proposed construction fencing
Staging area under carport and on existing paved driveway.
Existing paved driveway (640sf)
LEGEND
COVERAGE W/ 3:1 HEIGHT REDUCTION WHERE APPLICABLE
CATEGORY
SQUARE FEET
RESIDENCE
CABIN/SHED
WOOD DECKS/STEPS
STONE STEPS
CPCR-YEL
COMPACTED DIRT
TOTAL
ESTIMATED OFFSITE COVERAGE
CATEGORY
SQUARE FEET
WOOD PATH
STONE STEPS
COMPACTED DIRT
TOTAL
OWNER & MAILING ADDRESS
Jeffrey and Lisa Gordon
1498 SE Tech Center Pl #150
Vancouver, WA 98683
LAND AREA
NOTES
BENCH MARK
NUMBER
ELEVATION 6227.70'
DATUM BUREAU OF RECLAMATION
DESCRIPTION WATER LEVEL OF LAKE TAHOE ON 24 JUNE
TOPOGRAPHIC SURVEY
LOT 11 AND THE WEST 1/2 OF LOT 10 BLK. F,
AMENDED MAP OF ZEPHYR COVE PROPERTY
APN 1318-10-310-013, 686 LAKE VIEW BLVD.
DOUGLAS CO., NV
SCALE
HORIZ. 1"=20'
VERT. 2' C.I.
FIELD
DRAWN
FILE NUMBE
CHECKED
JOB NO.
DATE
SHEET
REVISION NO.
DATE
DESCRIPTION
BY
TURNER & ASSOCIATES, INC.
LAND SURVEYING