

From: [Doug Flaherty](#)
To: [Katherine Huston](#); [John Hester](#); [Jeff Cowen](#); [TRPA](#); [Cindy Gustafson](#); [Hayley Williamson](#); [Shelly Aldean](#); [Francisco Aguilar](#); [Ashley Conrad-Saydah](#); [jdiss.trpa@gmail.com](#); [Belinda Faustinos](#); [John Friedrich](#); [Meghan.hays9@gmail.com](#); [Alexis Hill](#); [Vince Hoenigman](#); [James Settelmeier](#); [Brooke Laine](#); [Wesley Rice](#); [Marja Ambler](#); [Julie Regan](#)
Subject: Public Comment Opposition Agenda Item V.1. TRPA Gov Board Mtng 6-28-23
Date: Wednesday, June 28, 2023 8:50:34 AM
Attachments: [image001.png](#)
[OES June 13 in the mud.pdf](#)
[SR 431 and 28 Acknowledged Permit.pdf](#)
[QandD Construction Right of Entry Agreement-EXECUTED.pdf](#)
[May 31 Dangerous Manuever OES Oriole Neighborhood.MOV](#)

Please make this entire email and attachments part of the record and minutes in connection with the TRPA Governing Board Meeting on 6-28-23.

VI. A. Tahoe Transportation District/Washoe County School Possible Action Page 71
District Temporary Use: Approval of Six-Month Extension
771 Southwood Boulevard and 915 Northwood Boulevard
Incline Village, Washoe County, Nevada Assessor's Parcel
Numbers 132-201-02 and 132-012-05, TRPA File Number
ERSP2021-0673

Dear TRPA Governing Board,

Please make this written public comment email and attachment part of the minutes and record in connection with Item VI. A. during your meeting today 6-28-23.

TahoeCleanAir.org opposes the extension of the permit in question for the following reasons.

1. It appears per my email below, sent to TRPA on June 27, 2023, that the property in question may be operating without a temporary use permit in violation of the TRPA Code of Ordinances in connection with construction staging for the NDOT Highway 28 and 431 project. Simultaneous summer use of the ESE and non permitted staging of construction equipment adds to the degradation of the environment of which non-permitted use is taking place in an environmentally sensitive area at the confluence of the Wood Creek and Burnt Cedar Creek Watershed, approx 1/4 mile from Lake Tahoe waters. Lake Tahoe waters are classified as impaired by the EPA under the clean water act.
2. I also refer TRPA to past on the record comments opposing the use of the Incline Village Old Elementary School on the premise that the original application for grant funding of the purchase of the property was misleading to the Federal Transit Authority (FTA) and the issuance of the categorical exclusion under the FTA NEPA process was fundamentally flawed and initial grant funding was issued in error.

Lack of Proof of TRPA Permit for current construction staging - 771 Southwood Blvd, Incline Village, NV

On Tue, Jun 27, 2023 at 2:35 PM Doug Flaherty <tahoecierracleanair@gmail.com> wrote:

Dear Katherine and TRPA Staff:

Thank you for the links to the NDOT permit and permit extension for the SR 28 and 431 projects. **However, no link was provided that indicated that TRPA has issued a permit to any entity to utilize the Incline Village Old Elementary School for "staging" of construction equipment as is currently being utilized.**

This email is part of a string of emails seeking a copy of a permit (if one exists), allowing the TTD, NDOT and/or NDOT's construction contractor Q&D construction, to utilize the Old Elementary School at 771 Southwood Blvd, Incline Village, NV as a construction staging area in connection with NDOT 28 and 431 improvements. **The site has been used as such for the last 40+ days.**

Of note is the fact that the TTD has signed an MOU with Q&D construction to utilize the property at 771 Southwood Blvd for **temporary** construction staging until from May 2023 through August of 2023.

Note: Temporary use under the TRPA Code of Ordinances is less than 14 days. The staging area has been active for 40+ days and the term of the MOU is approx 3 months.

Item 6. under special conditions of the original TRPA permit special conditions (attached), states:

6. All staging areas shall be approved by TRPA prior to the start of construction. All staging areas shall be fitted with temporary BMPs, including construction limit fencing. If a staging area is proposed on an unpaved surface a restoration plan shall be submitted with the staging area request.

However,

1. No files within the links sent to me yesterday by TRPA contained any verification that the Old Incline Village Elementary School at 771 Southwood Blvd, had been approved by the TRPA for construction staging.
2. The currently utilized construction staging area at 771 Southwood Blvd, Incline Village, NV is on unpaved surface and no "restoration plan" could be located in TRPA's records.
3. Page 24, special conditions of the TRPA permit state: "*All vegetation outside the construction site/project area boundary shall not be disturbed*".

However, photographic evidence *clearly shows significant disturbance and removal of local vegetation to the point of eradication*.

Since there is an important TRPA Board meeting tomorrow Wednesday June 28, 2023 concerning a renewal of the East Shore Express permit, **please expedite** my original public records request. If no such specific permit for the current Staging use of the Incline Village OES property exists, please state so ASAP.

Sincerely,
Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

On Mon, Jun 26, 2023 at 12:16 PM Katherine Huston <khuston@trpa.gov> wrote:

Hi Doug,

Please at the various links in this email responsive records that are already publicly available. Any related correspondence will not be available before 5pm tonight however we will continue to process that part of your request pursuant to Article 15 of the TRPA Rules of Procedure.

The permit responsive to part 1 of your request is available here [Parcel Tracker - EIPC2020-0007 \(laketahoefinfo.org\)](#). I've downloaded all of the files and saved them here for immediate access because our permitting software is undergoing an update today. [EIPC2020-0007](#)

All TRPA MOUs are available here on our website: [Where To Apply For A Permit and MOUs/Tahoe Regional Planning Agency — TRPA](#)

Below are the links to the EIP projects the above permit covers.

https://www.laketahoeinfo.org/Project/DetailByName/SR_28_Marlette_Creek_Water_Quality_and_Erosion_Control

https://www.laketahoeinfo.org/Project/DetailByName/Streets_and_Roads_Operations_and_Maintenance_-_NDOT

Best,

Katherine Huston (*she/her*)

Paralegal

(775) 589-5206 · khuston@trpa.gov

From: Doug Flaherty <tahoesierracleanair@gmail.com>

Sent: Saturday, June 24, 2023 9:33 AM

To: Katherine Huston <khuston@trpa.gov>

Cc: John Hester <jhester@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>; TRPA <trpa@trpa.gov>; John Marshall <jmarshall@trpa.gov>

Subject: Re: Violation of Nevada Public Records Act - TRPA

Thank you Katherine,

I appreciate your prompt reply.

There is an Incline Village Mobility Hub Meeting this Monday 6-26-23 at 5:30 pm.

The records requested are important and germane to potential public comment during this meeting.

It would be very helpful to our community, if at all possible, TRPA could provide the requested records by 5 PM this Monday June 26th.

Sincerely,
Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

On Fri, Jun 23, 2023 at 2:43 PM Katherine Huston <khuston@trpa.gov> wrote:

Hi Doug,

I responded this afternoon to your request. As is stated in every response, [TRPA Rules of Procedure](#) govern our public records policy. Rule of Procedure 15.4.1 allows for 10 business days to provide a Notice of Receipt, which I have just done.

Please let me know if you have any additional questions.

Katherine Huston (*she/her*)

Paralegal

(775) 589-5206 · khuston@trpa.gov

From: Doug Flaherty <tahoesierracleanair@gmail.com>

Sent: Friday, June 23, 2023 2:38 PM

To: John Hester <jhester@trpa.gov>; TRPA <trpa@trpa.gov>; Katherine Huston <khuston@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>

Subject: Violation of Nevada Public Records Act - TRPA

Dear TRPA,

With regard to my public records request below, dated June 11, 2023 (8 business days ago), TRPA has not been responsive and appears to be in violation of the Nevada Public Records Act Section NRS 239.0107 1.(c) (1). as follows:

1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request:

(1) Provide to the person, in writing, notice of the fact that it is unable to make the public book or record available by that date and the earliest date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the governmental entity shall provide to the person, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person.

Please provide the requested information as soon as possible. If TRPA has responded, please electronically provide a copy of the response with the date and time of the response.

Sincerely,
Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

From: Doug Flaherty <tahoessierracleanair@gmail.com>
Sent: Sunday, June 11, 2023 11:08 AM
To: Carl Hasty <chasty@tahoetransportation.org>; PublicRecordsRequests@dot.nv.gov; John Hester <jhester@trpa.gov>; PublicRecordsReq@dot.nv.gov; PublicRecordsRequests@dot.nv
Cc: Judi Allen <jallen@tahoetransportation.org>; George Fink <gfink@tahoetransportation.org>; Hill, Alexis <Ahill@washocounty.us>; khuston@trpa.gov
Subject: Public Records Request - Old Incline Elementary School - Construction Equipment Storage

Dear TRPA, NDOT and TTD,

Per the US Freedom of Information Act (FOIA), and the Nevada and California Public Records Act, **please electronically provide**, per the required regulatory time frames, and per the required regulatory responsive records request process, the following documents as specifically connected with the now current and ongoing NDOT, NDOT Contractor and TTD use, storage and staging of construction equipment and supplies, at the Old Incline Village Elementary School (OES), 771 Southwood Blvd, Incline Village, NV as follows:

- Copies of all TRPA permits, as described by Mr. Carl Hasty in his June 6, 2023 email directly below, as well as related MOU's, agreements and emails (including blind cc's and openable readable attachments), containing TRPA, NDOT and TTD permissions allowing Nevada Dept of Transportation (NDOT), it's Contractor, and TTD to store and stage construction equipment and supplies at the OES site, storage and staging use is currently ongoing.
- Copies of all right of entry agreements with Q&D as referenced in Mr. Hasty's June 6, 2023 email directly below.

Sincerely,
Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

On Tue, Jun 6, 2023 at 2:42 PM Carl Hasty <chasty@tahoetransportation.org> wrote:

Good afternoon, Mr. Flaherty. NDOT **does have a permit with the TRPA** for the project and it covers staging areas, which TRPA must approve. When we were approached by Q&D I reached out to TRPA permitting who approved the location for staging. TTD has a right of entry agreement with Q&D covering the two construction season periods of use.

Regards,

Carl

Get [Outlook for iOS](#)

From: Doug Flaherty <tahoesierracleanair@gmail.com>

Sent: Wednesday, May 31, 2023 11:54:36 AM

To: Carl Hasty <chasty@tahoetransportation.org>; Judi Allen <jallen@tahoetransportation.org>; George Fink <gfink@tahoetransportation.org>; Hill, Alexis <Ahill@washoecounty.us>

Subject: Old Incline Elementary School - Construction Equipment Storage

Good Morning Mr. Hasty,

Is it possible for you to provide a brief description of any permissions TTD has given NDOT and their Contractor to park and store construction equipment and construction materials on the Old Incline Elementary site at 771 Southwood Blvd in Incline Village?

Does TTD, NDOT or their Contractors possess a TRPA permit for this use?

3 attachments

Thank you.

Sincerely,
Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

East Elevation

☉ 288°W (T) ● 39°14'59"N, 119°57'43"W ±13ft ▲ 6421ft





240

270

300

330

0

30

W

NW

N

NE

324°NW (T) 39°14'58"N, 119°57'44"W ±13ft ▲6415ft

Your Watermark - See Settings

13 Jun 2023 09:59:30

Agreement No. __-__-__

RIGHT OF ENTRY AGREEMENT

This Right of Entry Agreement ("Right of Entry") is entered in this 4th day of May, 2022 by and between the TAHOE TRANSPORTATION DISTRICT (the "DISTRICT") and Q & D CONSTRUCTION ("Q&D"). The District and Q&D are the "Parties" or individually a "Party."

RECITALS

A. WHEREAS, the DISTRICT is the lessee of that certain real property commonly referred to as the Old Elementary School, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

B. WHEREAS, Q&D desires to obtain the DISTRICT's permission to enter onto the Property, on a temporary basis, to use the property as a construction staging location.

C. WHEREAS, the Parties wish to enter into this Right of Entry whereby the DISTRICT will allow Q&D to enter the Property, on a temporary basis, for the purpose of staging and storage of construction materials, more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

NOW, THEREFORE, the DISTRICT and Q&D do hereby agree as follows:

AGREEMENT

1. Right of Entry. The DISTRICT hereby grants to Q&D and its agents, employees and subcontractors the temporary right to enter onto the Property for the purpose of a construction staging area as described in Exhibit "B", and for no other purpose.

2. Term. The term of this Right of Entry shall automatically terminate August 31, 2023 from the date first herein written above unless earlier terminated as provided herein. The term may be extended by written notice to Q&D in the sole and absolute discretion of the DISTRICT. This Right of Entry is subordinate to all prior or future rights and obligations of the DISTRICT in the Property, except that the DISTRICT shall grant no rights inconsistent with the reasonable exercise by Q&D of its rights under this Right of Entry.

3. Access to the Property. Access to the Property shall be allowed from 7:30 p.m. Sunday through 12:30 p.m. Friday. Use of the school will be from May 2022 through October 15, 2022, or through the extension date allowed by TRPA, after which all the material will be moved out of the school. Mobilization of the

school will occur again May 2023 through August 2023. The project should be complete by August 31, 2023.

4. Liens. Q&D shall not permit to be placed against the Property, or any part thereof, any design professionals', mechanics', materialmen's contractors' or subcontractors' liens with regard to Q&D's actions upon the Property. The Q&D agrees to hold the DISTRICT harmless for any loss or expense, including reasonable attorneys' fees and costs, arising from any such liens which might be filed against the Property.

5. Indemnification. Q&D hereby agrees to indemnify, defend, assume all liability for and hold harmless the DISTRICT and its officers, employees, agents and representatives from all actions, claims, suits, penalties, obligations, liabilities, damages to property, environmental claims or injuries to persons, which may be caused by Q&D's activities pursuant to this Right of Entry or arising out of or in connection with such activities, whether such activities or performance thereof is by Q&D or anyone directly or indirectly employed or under contract with Q&D, and whether such damage or claim shall accrue or be discovered before or after the termination of this Right of Entry, except ~~of~~ ^{If} caused in whole or in part by the District. Q&D, specifically, and not by way of limitation agrees that it shall be responsible for the repair, maintenance and cleanup of any construction staging material. The indemnity and other rights afforded to the DISTRICT by this section shall survive the revocation or termination of this Right of Entry.

6. Compliance with Laws/Permits. Q&D shall, in all activities undertaken pursuant to this Right of Entry, comply and cause its contractors, agents and employees to comply with all federal, state and local laws, statutes, orders, ordinances, rules, regulations, plans, policies and decrees. Without limiting the generality of the foregoing, Q&D, at its sole cost and expense, shall obtain any and all permits which may be required by any law, regulation or ordinance for any activities Q&D desires to conduct or have conducted pursuant to this Right of Entry.

7. Inspection. The DISTRICT and its representatives, employees, agents or independent contractors may enter and inspect the Property or any portion thereof or any improvements thereon at any time and from time to time at reasonable times to verify Q&D's compliance with the terms and conditions of this Right of Entry.

8. Not Real Property Interest. It is expressly understood that this Right of Entry does not in any way whatsoever grant or convey any permanent easement, lease, fee or other interest in the Property to Q&D. This Right of Entry is not exclusive and the DISTRICT specifically reserves the right to grant other rights of entry within the vicinity of the Property.

9. Attorneys' Fees. In the event of a dispute between the parties with respect to the terms or conditions of this Right of Entry, the prevailing party shall be entitled to collect from the other its reasonable attorneys' fees as established by the judge or arbitrator presiding over such dispute.

10. Revocable Licenses and Termination. Notwithstanding any improvements made by Q&D to the Property or any sums expended by Q&D in furtherance of this Right of Entry, the right of entry granted herein is revocable and may be terminated by the DISTRICT in accordance with the terms of this Agreement. This Right of Entry may be terminated at any time by either party upon five (5) business days prior notice, in writing, to be served upon the other party. In cases of an emergency or a breach of this Agreement by Q&D, this Right of Entry may be terminated by the DISTRICT immediately.

11. Restoration of the Property. Upon the termination or revocation of this Right of Entry, Q&D shall, at its own cost and expense, restore the Property substantially to the same condition in which it was prior to Q&D's entry. In case Q&D shall fail to restore the Property to its prior condition within ten (10) business days after the effective date of the termination, the DISTRICT may proceed with such work at the expense of Q&D. Q&D shall restore the property in compliance with any obligations for restoration that may be required by the Tahoe Regional Planning Agency as a result of Q&D's activities.

12. Continuing Liability. No termination of this Right of Entry shall release Q&D from any liability or obligation hereunder resulting from any acts, omissions or events happening prior the termination of this Right of Entry and restoration of the property to its prior condition.

13. Counterparts. This Right of Entry may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have executed this Right of Entry on the date first written above.

[SIGNATURES ON THE FOLLOWING PAGE]

TAHOE TRANSPORTATION
DISTRICT

By: Carl Hasty

Carl Hasty, District Manager

Q&D Construction

By: Jeff Bean

JEFF BEAN
HEAVY CIVIL VP

APPROVED AS TO FORM:

By: Sergio Rudin

Sergio Rudin
Counsel to the Tahoe Transportation District

EXHIBIT "A" DESCRIPTION OF PROPERTY

Old Incline Elementary School, 771 Southwood Blvd., Incline Village, NV





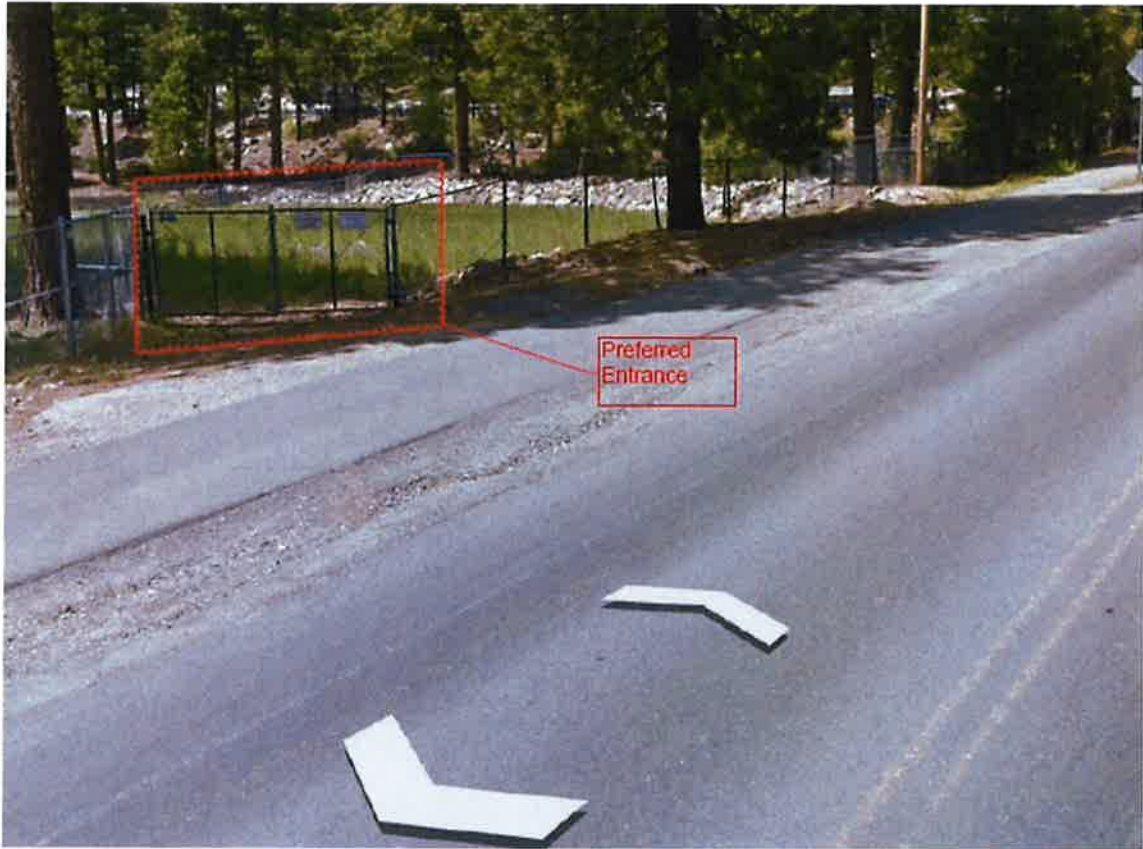


EXHIBIT "B" DESCRIPTION OF ACTIVITY

Storage of equipment, conduit pipe, aggregate base, and a form trailer for the Nevada Department of Transportation SR 431-28 Tahoe Project.

EXHIBIT "C"

INSURANCE PROVISIONS (ATTACHED IS CERTIFICATE OF INSURANCE)

Q&D shall obtain, and shall require any consultant or contractor entering the Property on its behalf to obtain insurance of the types and in the amounts described below and satisfactory to the DISTRICT.

Insurance.

- a. Prior to commencement of work, Contractor shall obtain, provide, and continuously maintain at its own expense during the term of this Agreement, and shall require any subcontractors and subconsultants of every tier to obtain and maintain, policies of insurance of the type and amounts described below and in a form satisfactory to TTD.
 - i. Workers' Compensation. Contractor shall maintain Workers Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least one million dollars (\$1,000,000)). Contractor shall submit to TTD, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of TTD, its members, officers, officials, employees, agents and volunteers.
 - ii. General Liability. Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. General liability policies shall provide or be endorsed using Insurance Services Office forms CG 20 10 to provide that TTD and its members, officers, officials, employees, agents and volunteers shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.
 - iii. Automobile Liability. Contractor shall maintain automobile liability insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of Contractor arising out of or in connection with work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than one million dollars (\$1,000,000) combined single limit for each accident.
- b. All insurance described above shall be primary and there shall be no right to contributions by insurance purchased for or on behalf of TTD.
- c. All insurance coverage maintained or procured pursuant to this Agreement shall be endorsed to waive subrogation against TTD, its

members, officers, officials, employees, agents and volunteers, or shall specifically allow Contractor, or others providing insurance evidence in compliance with these specifications, to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against TTD, and shall require similar written express waivers and insurance clauses from each of its subcontractors and subconsultants.

- d. Contractor shall disclose any self-insured retention amount on Contractor's insurance policies to TTD, and shall disclosure information and documentation regarding their rights to pay any such self-insured retention amount. It shall be Contractor's responsibility to secure TTD's written approval of such self-insured retention amount prior to providing the services.

From: [Doug Flaherty](#)
To: [Cindy.Gustafson](#); [Hayley Williamson](#); [Shelly Aldean](#); [Francisco Aguilar](#); [Ashley Conrad-Saydah](#); [jdiss.trpa@gmail.com](#); [Belinda Faustinos](#); [John Friedrich](#); [Meghan.hays9@gmail.com](#); [Alexis Hill](#); [Vince Hoenigman](#); [James Settelmeier](#); [Brooke Laine](#); [Wesley Rice](#); [Marja Ambler](#); [Julie Regan](#)
Subject: Public Comment Agenda Item VI. B. TRPA Gov Board Mtg 6-28-23
Date: Wednesday, June 28, 2023 7:58:15 AM
Attachments: [Public Comment TRPA Gov Brd Mtng 6-28-23.pdf](#)

Opposition to Agenda Item VI. B. Amendments to Washoe County's Tahoe Area Plan to Allow Possible Action Page 85
Single Family Condominium Uses in Special Area 1 of the
Incline Village Commercial Regulatory Zone

Dear TRPA Governing Board,

Please make this email and attached written public comment part of the record and minutes as connected with Agenda Item VI..B. of the TRPA Governing Board Meeting.

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

[TahoeCleanAir.org Organizational Purpose](#)

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.



TAHOECLEANAIR.ORG

June 28, 2023

To: TRPA Governing Board
mambler@trpa.gov

Please make this written comment part of the minutes and the record in connection with Agenda Item VI. B on the TRPA Governing Board Meeting Agenda.

*Amendments to Washoe County's Tahoe Area Plan to Allow Possible Action
Single Family Condominium Uses in Special Area 1 of the
Incline Village Commercial Regulatory Zone*

TAP = Tahoe Area Plan

Dear TRPA Governing Board:

TahoeCleanAir.org is opposed to the proposed TAP amendments for the following reasons:

A. Adverse Impacts from Short Term Rental Proliferation across 40+ Parcels

The proposed far reaching TAP amendments applied to 40+ parcels with SA1, will open the floodgates to Short Term Rental proliferation up and down Incline Villages' Tahoe Blvd, thereby creating a significant cumulative increase in human and roadway over capacity and VMT. This will further exacerbate the already unsafe roadway overcapacity and will significantly and adversely impact resident and visitor public safety during a wildfire evacuation.

Further, Washoe County has failed to meet the March 18, 2023, APC Commissioners concern that the impact of condominium subdivisions on the number of short-term rentals (STRs) in Special Area 1 were not adequately analyzed in the IEC and that mitigations were needed to prevent the proliferation of STRs in condominium subdivisions.

The staff report states that Washoe County is exploring options to limit STRs through the Washoe Tahoe housing Road Map. Yet, the Washoe Tahoe Housing Roadmap has not been adopted in its entirety as County Code by Washoe County.

Until TRPA requires an Area Plan cumulative Environmental Impact Statement (EIS) in connection with the proposed Tahoe Area Plan Amendments and a supplemental cumulative Environmental Impact Statement (SEIS) to the 2012 Regional Plan, including a discussion regrading Short Term Rental impacts, and a roadway-by-roadway wildfire evacuation capacity evaluation, the proposed Area Plan amendments should not be approved.

B. Cumulative Impact of cutting of Eastside Forest trees greater than 24" in diameter across 40+ parcels.

As connected with **only 2** of the parcels (947 Tahoe), out of **40+ cumulative parcels** in question, records indicate (June 15, 2022, TRPA Consent Item Staff Report) that, "***approximately 44 trees are proposed for removal with this project, 20 of which are greater than 24" diameter***".

An TRPA **Environmental Assessment (EA)**, not a desktop **Initial Environment Checklist** is required to analyze and address the cumulative impact of removal of Eastern Forest trees greater than 24” in connection with the proposed Area Plan amendment spread over 40+ parcels.

Per the TRPA Code of Ordinances ***an EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project’s environmental effects.***

Washoe County, the TRPA and the developer have failed to provide substantial evidence as required by the Bi-State Compact, that address, or support Required Findings/Rationale i.e., Chapter 4 Findings 1 (**Staff report, page 414**), that the Plan Amendment is consistent with applicable TRPA Code of Ordinances, and Finding 4 E. (**Staff report, page 420**). This, in connection with the **cumulative 40+ parcel** cutting of Eastside Forest trees greater than 24” in diameter, of which the cutting of trees over 24” in Eastern Forests, requires compliance with TRPA Code of Ordinances set forth in the Regional Plan.

Further, The Initial Environmental Checklist (**Staff Report page 430**) findings 4 G. does not provide sufficient information to fully assess the proposed code amendment impacts of **40+ parcel** Eastern Forest tree cutting of trees over 24” in diameter.

In this case, the IEC fails to provide sufficient information to determine the **40+ parcel** cumulative impact of Eastern Forest tree removal over 24” in diameter as connected with private ownership, **limiting discussion only to what appears to be Western Forest tree removal of any native live, dead, or dying trees 30 inches or greater** in diameter at breast height (dbh) within TRPA’s Conservation or Recreation land use classifications.

Additionally, Washoe County and TRPA have failed to provide substantial evidence to support the Initial Environmental Checklist finding item h, (**Staff report, page 430**), which is marked NO in response to whether the proposed amendments cause a **“change in the natural functioning of an old growth ecosystem?”**

Environmental Checklist Item 21 c. fails to discuss the potential **40+ parcel cumulative impact** of the cutting of Eastern Forest trees over 24” inches in diameter, therefore failing to provide substantial evidence to justify the NO response to the following question: *Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant?)*

However, then leading contrary to the on the record statement above, required Area Plan Finding 4. E. Vegetation (**TRPA RPIC packet page 402**) states:

“The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Adding SFDs, limited to condominiums, would not increase tree or vegetation removal. SA 1 is not within TRPA’s, Conservation or Recreation land use classifications”.

In this instance, yes, (stated cleverly), the proposed amendments would not alter or revise regulations...

However, at issue is not whether the proposed far-reaching amendments would “alter” or “revise” regulations but whether or not the proposed 40+ parcel cumulative impact on Eastern Forest Tree cutting, is following the letter, processes, and the spirit of the TRPA Code of Ordinances with regard to private ownership tree removal.

In this case, an EA is required to identify the **40+ parcel cumulative impact**, as a result of the proposed Area Plan amendments and, assess whether the proposed cumulative project would qualify for Eastern Forest tree removal over 24”, based on an “active” or “limited” Forest Plan, taking into account the cumulative environmental impact of all Eastern Forest tree removal over 24”, within the Area Plan Boundaries, since the adoption of the Washoe Tahoe Area Plan.

I point the TRPA RPIC members to the following TRPA Code of Ordinance Sections

14.2.2. Special Uses States:

The uses below require approval of either a specific or master plan.

“On private lands a forest management plan developed pursuant to this chapter and Section 61.1 may allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land”.

61.1.5 F. Tree Removal for Development States:

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Section 33.6.

61.3.7 States 10. Private Landowners States:

Private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than **24 inches dbh in eastside forest** types provided the landowner follows one of the planning processes set forth in subparagraph C.

Paragraph C requires an “active” or “limited” Forest Management Plan.

Therefore, the required findings in connection with the **40+ cumulative parcel** Eastern Forest Tree removal over 24”, lack sufficient data to support the findings, and are therefore arbitrary, capricious, and highly controversial. If the TRPA accepts this finding without, at minimum, an Environmental Assessment (EA) to determine the cumulative adverse effects on old growth Eastern Forest trees within Special Area 1, **TRPA will be practicing prejudicial abuse of discretion.**

END

Sincerely,

Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation

774 Mays Blvd 10-124

Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

Public Comment: TRPA Governing Board 6.28.2023 Agenda Items VI A and B

Submitted by Carole Black Incline Village Resident

I. Summary of Current Status: **IVCB PRIORITY ITEMS 2023** >> In my view (personal scoring below), this is how it feels ... despite all efforts to date, major challenges remain:

SAFETY	Safety Scores:
Emergency Prep/Evacuation (<i>Missing is by street/w. personal vehicles plan including visitors & nearby Rte 28 Corridor impacts</i>)	--
Capacity: Planning, Zoning and Permitting (IVCB)	Was +/- , but now?
Enforcement/Protection (<i>Sheriff/NLTFPD/WC/NDOT</i>)	+ (via pvt. grant)
SERVICES	Services Scores:
Housing (<i>Workforce</i>)	--
Traffic, Transportation & Streets (<i>Accidents/Road Capacity/Congestion/Illegal parking</i>)	--
Retail/Commercial	+
Gov't (<i>to Address Community Needs</i>)	+/-
ENVIRONS	Environs Score
Tourism Capacity & Services* (<i>Visitors: Day, Passing through, Overnight ...</i>)	--
Environment/Lake Protection	--

Note: Scores are author's qualitative assessment/opinion as a local resident and in view of publicly available information.

II. Past & Recent Experience >>

- **Neighborhood Compatibility** ... How well has that worked re neighborhood impacts, congestion, safety, pollution?? Less rentals and affordable housing. More congestion + nuisance issues for residents and tourists. Plus locals bear the burden while revenues largely flow elsewhere (*to Washoe County RSCVA for bonds related to tourist venue development in Reno area!*). Now after the adverse predictions have proven correct, Washoe County opposed and was thus excluded from the recent NV state STR bill. In place programs are at best having modest impact with negative housing impacts.
- **Massive new development permitting** in process based on limited adjustments to decade old existing but not implemented and now out-dated permits (e.g., "WALT" with massive traffic impact on a currently overcrowded road w/known high accident incidence). Another example is "947" luxury condos with creative mixed use concept (complex's proposed bike room relable as "office"), very limited off site affordable housing offered and unneeded housing development in an area with high potential for workforce housing.

These adverse situations should be reviewed as case studies for improving current processes. In my opinion the current approach which, despite some protestation to the contrary, ignores cumulative effects over time, changes in adjacent areas and in the broader environment is dangerous and not consistent with protecting the lake, the communities/people served and the surrounding environment. I suggest that permits be truly time limited with re-evaluation based on new, "from scratch" assessment at the time development is actually planned.

- **Partial and Insufficient Interventions to Address Housing Needs** which requires enhancements. Examples include:

- > **Proposed SA-1 zoning change** directly undermines intent of existing, recently implemented SA-1 code to support development of much needed workforce housing.

Neither APC nor RPIC supported the proposed zoning change with RPIC proposing a compromise. The staff report comments that there has been no affordable development for years which supports the premise that appropriate incentives have been lacking. Yet no such

incentives are included here. The following summary comment in the staff report is misleading/incorrect: “Additionally, by requiring that a proportion of new SFD condominiums are deed-restricted, the mitigations to this amendment have the potential to increase the overall supply of affordable housing in SA 1. Therefore, the mitigated amendment cannot be said to have a cumulatively considerable negative impact on the amount of affordable housing in the Basin.” **Rather proposed mitigations are insufficient and will likely result in unneeded pricey developments with minimal affordable components off site and likely adverse impact on creation of needed housing supply instead of more profitable market rate units.** To create a purchase option, permitting regs/review should assess and restrict pricing/design and/or require subsidy to provide pricing within Affordable income bands.

- > **Mixed Use definition** needs to be restricted to commercial/retail services for the community as a whole and exclude services related to adjacent housing (such as management, rental/sales)
- > **Achievable definition** includes local work requirement but **also needs an income cap**
- > **Absence of a Parking Requirement** is impractical and dangerous as it **will directly result in more on street parking, clogging already overcrowded roads and impeding winter clearance**
- > **STR adverse housing impacts** have been well documented **and regulations require updating to address/remedy**
- > **ADUs must be restricted from STR use** (mimicking CA regs) to allow development for added housing

- **Sustainable Tourism** is an interesting and hopefully helpful new concept. However, it should not detract efforts from imperative safety improvements as well as helpful overcrowding/nuisance amelioration interventions and affordable housing initiatives

- **Plan to expand ESE service this summer should be reconsidered** as it will add incoming vehicles to already overcrowded highways/streets further reduced by roadway construction impeding traffic flow to/from Incline Village along all major roadways is ill-advised. Instead the service should be paused, patrols and illegal parking intervention enhanced and a massive PR campaign mounted advising the public of the issues and recommending alternative destinations and routes.

III. So now? Please step back ...

> **NO CHANGES to Tahoe Area Plan zoning except those required to DIRECTLY support Workforce/Affordable Housing. Specifically, there is no need for added expensive SFR's in Incline Village and no change in zoning in SA-1 to this effect is indicated. Current zoning was designed for and supports development of more affordable options; the proposed changes will not create affordable purchase options and alternative approaches would need to be developed for this goal. Proposed mitigations are insufficient and additional high end purchase options which would be created by the proposed zoning change are not needed.**

> **ENHANCE Affordable and Mixed Use proposals by adjusting current TRPA zoning definitions/permitting rules:**

- **Modify Achievable definition** to include income cap
- **Incentivize Design/Subsidy approaches to provide affordable purchase options**
- **Clarify Mixed Use definition to include only true publically available and usable commercial and/or retail services.** Thus uses which fundamentally support the associated residential areas such as management/rental offices and/or non-public customer serving businesses should not qualify. The goal would be to truly incentivize desired centrally located mixed uses for community members and visitors, e.g., commercial shops/retail on first floor.

Also clarify that “mixed use” is not simply an artificial label change on a building plan with no added community value, e.g., re-labelling of 947 proposed bike storage room as office condo.

- > **STRENGTHEN TRPA’s Neighborhood Compatibility approach** given Washoe County’s opposition to/exclusion from recent NV STR regulation, **and MAINTAIN existing protections to avoid potential housing loss**, e.g., the 1-acre lot requirement for ADUs in NV.
- > **PRIORITIZE Transportation planning to decompress over-loaded incoming traffic especially from the north headed to Rte 28 corridor recreation sites** (i.e., intercept lots before IV)
- > **PAUSE ESE during construction this summer with extensive PR campaign** re constraints/options for safety
- > **Enhance Evacuation plan for community safety**
- > **Revise development permitting/planning** by closing the major gaps noted above.

Thank you

From: [Sue Lowe](#)
To: [John Marshall](#); [Jacob Stock](#); [Courtney Weiche](#); [Julie Regan](#); [John Hester](#); [Katherine Huston](#); [Marja Ambler](#)
Subject: Support of Nine47 Tahoe Project, Incline Village, NV
Date: Wednesday, June 28, 2023 7:31:48 AM

To: All TRPA Staff, Advisory Planning Commission, RPIC Governing Board Members

My name is Susan Lowe and I'm the President and Corporate Broker for Chase International with 14 offices around the Lake Tahoe region. I've lived and worked at Lake Tahoe for the last 45 years.

I'm in support of the amendment to allow condos at the Nine47 redevelopment project site. On behalf of myself and our company of 375 people, we strongly support this amendment for the following reasons:

Importantly, it helps fix the housing inventory shortage. For years, our region has been experiencing extremely low inventory, which has driven prices higher contributing to the lack of affordable housing in the Tahoe Basin.

By adding 40 new living units **concentrated at a Town Center, which the Tahoe Area Plan directs**, we can reverse this trend. IN FACT, we expect many buyers to come from existing residences in Incline Village, which in turn allows more inventory from these vacated properties to be put on the market.

It will also supply affordable housing as this developer is planning for this in Incline Village at Alder Avenue, another walkable area.

Next is that it implements the goals of the Regional Plan to be responsive to the unique needs and opportunities of communities. This amendment would allow the division of MFDs in mixed-use projects for individual ownership...for example, SFDs as airspace condominiums, as an additional option for redevelopment in the Town Center. Please note that there's only 4,750 sq ft single family residences out of 453,091 of total sq ft in Special Area 1. This is only 1% of the total sq ft in Special Area 1! Businesses need residential.

Environmentally, it creates a walkable vibrant community by reducing dependence on cars and bringing direct access to trails. IN FACT, this project significantly reduces trip generation and vehicle miles traveled from previous uses of 1,700 daily trips to less than 200! It will also deliver the much-needed storm water management controls.

Economically, it contributes \$45 million across two years from annual taxes, jobs created, and new economic activity. Incline businesses need this revitalization and investment. This site has been an eye sore for more than 20 years not reflecting what the Tahoe Basin has to offer.

Again, we strongly support and ask you to approve the plan amendment for the betterment of our local economy, environment, and community.

Thank you again.



Susan Lowe

CRB CRS CLHMS ABR

President/Corporate Broker

slowe@chaseinternational.com

(775) 588-1444

(800) 322-6130

(775) 690.1444 cell

(775) 588-6113 fax

[Learn more about Chase](#)

Chase International

The Leader in Luxury Real Estate

190 Highway 50

Zephyr Cove, Nevada 89448

www.susanlowe.com

CHASE
INTERNATIONAL



WARNING! WIRE FRAUD ALERT! Wire fraud and email hacking/phishing attacks are on the rise. Please do not convey your financial information to me via email. If you receive an email containing Wiring Instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your escrow officer immediately using previously known contact information, and **NOT** information provided in the email, to verify the information prior to sending funds.

From: [leah kaufman](#)
To: [Marja Ambler](#)
Subject: FW: Query on TAP amendment - Clarification - Achievable housing has no income restriction, just a work in Basin restriction.
Date: Wednesday, June 28, 2023 7:57:42 AM
Attachments: [image002.png](#)

More comments gov board should see
[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Ann Nichols" <preserve@ntpac.org>
To: "'Leah Kaufman'" <leah.lkplanning@sbcglobal.net>
Sent: Tue, Jun 27, 2023 at 9:06 PM
Subject: FW: Query on TAP amendment - Clarification - Achievable housing has no income restriction, just a work in Basin restriction.



North Tahoe Preservation Alliance

P.O. Box 4

Crystal Bay, Nv. 89402

preserve@ntpac.org

775-831-0625

www.ntpac.org

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCElbNFbSt&_r=1

Instagram Video: <https://www.instagram.com/northtahoepreservation/>

From: kathie julian <kathiejulian@gmail.com>
Sent: Monday, June 26, 2023 5:08 PM

To: Ronda Tycer <rondatycer@aol.com>; Denise Davis <ddavisCAB@hotmail.com>; Doug Flaherty <tahoesierracleanair@gmail.com>; Kristina Hill <tahoehills@att.net>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Aaron <renotahoisky@gmail.com>; Roxanna Dunn <roxanna_dunn@yahoo.com>; Carole Black <carolejbblack@gmail.com>; Ann Nichols <preserve@ntpac.org>; Helen Neff <hneff9@earthlink.net>
Subject: Fwd: Query on TAP amendment - Clarification - Achievable housing has no income restriction, just a work in Basin restriction.

Further to this, since the definition of affordable and moderate DOES NOT HAVE A BASIN EMPLOYMENT REQUIREMENT, and achievable has no max income restriction, **it is possible** that all of the workforce housing encouraged by this Amendment could go **either** to lower income (under \$116k for HH of 4) who **don't** work in the Basin, or to very affluent people who **do** work at least 30 hours in the basin.

Not much help for our service workers, huh?

Begin forwarded message:

From: kathie julian <kathiejulian@gmail.com>

Subject: Query on TAP amendment - Clarification - Achievable housing has no income restriction, just a work in Basin restriction.

Date: June 26, 2023 at 4:56:54 PM PDT

To: Ronda Tycer <rondatycer@aol.com>, Denise Davis <ddavisCAB@hotmail.com>, Doug Flaherty <tahoesierracleanair@gmail.com>, Kristina Hill <tahoehills@att.net>, Sara Schmitz <schmitz61@gmail.com>, Diane Heirshberg <dbheirshberg@gmail.com>, Aaron <renotahoisky@gmail.com>, Roxanna Dunn <roxanna_dunn@yahoo.com>, Carole Black <carolejbblack@gmail.com>, Ann Nichols <preserve@ntpac.org>

Just fyi.

Begin forwarded message:

From: Jacob Stock <jstock@trpa.gov>

Subject: RE: Query on TAP amendment

Date: June 26, 2023 at 4:35:14 PM PDT

To: "kathiejulian@gmail.com" <kathiejulian@gmail.com>

Kathie,

I realized that I misspoke on the phone this morning. The new achievable deed-restriction is not income restricted, only employment restricted, so there is no AMI cap for achievable as there is for affordable (80%) and moderate (120%).

My sincere apologies for the confusion. It's been a very busy day both professionally and personally and I've not worked with the new achievable definition so far, in fact it is just effective as of today.

Best,

Jacob

From: Jacob Stock
Sent: Monday, June 26, 2023 10:02 AM
To: kathie julian <kathiejulian@gmail.com>
Subject: RE: Query on TAP amendment

Kathie,

Please see the code of ordinances link here: <https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf>

The definitions for affordable and moderate housing can be found on pages 630 and 656 respectively.

Best,

Jacob

From: kathie julian <kathiejulian@gmail.com>
Sent: Monday, June 26, 2023 9:33 AM
To: Jacob Stock <jstock@trpa.gov>
Subject: Query on TAP amendment

Hi Jacob

Please provide a definition of affordable or moderate income housing, and the revised achievable housing:

3. Structure(s) shall include deed-restricted residential units. Deed-restricted units shall be substantially similar to the project's market rate mix of units, size, and design of units. However, two or more affordable deed-restricted **studio units** may be substituted for any required larger deed-restricted unit if the combined square footage is similar. In addition to the above stated requirements, **deed restrictions shall meet one of the following alternatives:**

a. No less than **10 percent** of residential units or at least one unit, whichever is greater, shall be deed-restricted **affordable or moderate income housing**. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. **Deed-restricted units may be built on site or elsewhere within Special Area-1. Deed-restricted units must be built before or concurrently with market rate units.**

b. No less than **10 percent of residential units** or at least one unit, whichever is greater, shall be **deed-restricted achievable units**. Deed-restricted units must be built concurrently on site. An offsite parcel in Special Area 1 with an equal or greater unit capacity, less any mixed-use space on the first floor, as the project site must be deed-restricted affordable. After building the full unit capacity of affordable housing units on the offsite parcel pursuant to this subsection, TRPA shall, upon the developer's request, **release the achievable units from the deed restriction.**

Attachment A: AMI Statistics for Washoe County

Washoe Tahoe Median Household Income: 2019

	2019	HUD AMI equivalent for 3-Person Household
All households	\$69,209	141% AMI
Owner-occupied	\$127,734	182% AMI
Renter-occupied	\$71,548	102% AMI

Source: 2017 Survey ACS; US Dept. of Housing and Urban Development (HUD)
 Source: 2019 Washoe Tahoe Local Employer Housing Needs and Quantities Study

Washoe County AMI by Household Size: 2021

AMI Level	1 Person	2 Person	3 Person	4 Person
80%	\$38,280	\$29,760	\$28,070	\$28,460
90%	\$50,000	\$39,680	\$37,420	\$38,280
100%	\$64,000	\$51,760	\$49,500	\$51,200
110%	\$70,400	\$57,320	\$54,450	\$56,800
120%	\$76,800	\$62,880	\$59,400	\$61,600
130%	\$83,200	\$68,440	\$64,350	\$66,400
140%	\$89,600	\$74,000	\$69,300	\$71,200
150%	\$96,000	\$79,560	\$74,250	\$76,000

Source: HUD/USDOH/USDOE Home & Income Calculator Based on HUD National Income Levels for 2021 with No Adjustments

Washoe County AMI by Household Size: 2022

AMI Level	1 Person	2 Person	3 Person	4 Person
80%	\$39,360	\$30,840	\$29,150	\$29,540
90%	\$51,080	\$40,760	\$38,500	\$39,360
100%	\$65,080	\$52,840	\$50,580	\$52,280
110%	\$71,480	\$58,400	\$55,530	\$57,080
120%	\$77,880	\$63,960	\$60,480	\$61,880
130%	\$84,280	\$69,520	\$65,430	\$66,680
140%	\$90,680	\$75,080	\$70,380	\$71,480
150%	\$97,080	\$80,640	\$75,330	\$76,280

Source: US Dept. of Housing and Urban Development (HUD)

Source: FRMA Residential Bonus Unit Program Fact Sheet, Updated September 8, 2021

Washoe County (using 2021 income levels for the example)

Income Level	Annual Income	Proposed Home Purchase Price	Bonus Unit Category
80%	\$38,280	\$120,000	APPLICABLE
90%	\$50,000	\$160,000	APPLICABLE
100%	\$64,000	\$200,000	APPLICABLE
110%	\$70,400	\$220,760	NOT APPLICABLE
120%	\$76,800	\$241,520	NOT APPLICABLE
130%	\$83,200	\$262,280	NOT APPLICABLE
140%	\$89,600	\$283,040	NOT APPLICABLE
150%	\$96,000	\$303,800	NOT APPLICABLE

Kathie M. Julian
 PO Box 5477
 Incline Village, NV 89450
 Cell: 1 (415) 646 5413
 E-mail: kathiejulian@gmail.com

From: [Pamela Tsigdinos](#)
To: [Marja Ambler](#)
Subject: Fwd: Add our names to the list of protesting residents
Date: Wednesday, June 28, 2023 9:22:30 AM

Sent from my iPhone

Begin forwarded message:

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Date: June 28, 2023 at 8:52:06 AM PDT
To: Pamela Tsigdinos <ptsigdinos@yahoo.com>
Cc: rondatyce@aol.com
Subject: Add our names to the list of protesting residents

Subject: Change of Zoning for the Washoe Tahoe Area Plan for 947 Tahoe Blvd.

One comment: TRPA in 2016 by a single vote changed the allowed use (zoning) for Single family residential property, when STR's were approved ,for where I live and have Had a home for over 40 years.

I also had worked in part with Mr. Young on the current plan under the Washoe Tahoe Plan, for many years. That plan attempted to in a small way put back affordable housing

That was taken away by the STR vote, by TRPA.

Now before TRPA is another move to undermine that attempt to restore some kind of Affordable housing, by once again changing the zoning for 947 Tahoe Blvd. , like was done

With the STR vote in 2016.

TRPA sends out notices about how we can better the environment by using transit such As bikes and busses yet restricts any new affordable housing by allowing STR's and now Zoning changes that forces the work force for this area to have to drive from Carson and Reno, to be able to work at Lake Tahoe. All that driving negates any local buss or bike uses for a positive Environmental impact on air quality.

The Counties part in this is to tell anyone wanting to build a garage with living space above it to

Not even try, for it will be considered a detached dwelling unit. These units might start to

Help by providing a room someone could rent Long Term. (Not short term)

What is the common element of all this ? For STR's it is the money and for 947 Tahoe

Blvd it is

The Tax money that is going to be assessed and collected. Not allowing another use on a parcel

For a room is for the money , yet to explain that would take too long to do right now. If you would

Like to know that reason you can call me at Wayne Ford Residential Design at 775-772-2495

No on the Zoning Change

Wayne Ford

Amanda Bloomer

Sent from [Mail](#) for Windows

From: [Niobe Burden Austere](#)
To: [Marja Ambler](#); [Julie Regan](#); [Alexis Hill](#); [Cindy Gustafson](#)
Subject: Public Comment - June 28, 2023 - TRPA Governing Board meeting
Date: Tuesday, June 27, 2023 9:15:12 PM

Public Comment - to the TRPA Governing Board -Supporting the Direction of the newly formed Lake Tahoe Destination Stewardship Plan

Dear Governing Board Members,

I want to bring to the board's attention, if you aren't aware, that the newly formed Lake Tahoe Destination Stewardship Plan has the following plan of action (only briefly described below) and the TRPA governing board and staff should be collaborating and aligned with these same goals along with the NEPA guidelines they are responsible for implementing.

One of the guiding principles of the newly formed Lake Tahoe Destination Stewardship Plan - *"It is everyone's responsibility to safeguard and improve Lake Tahoe and its surrounding lands and forests."*

I've asked the TRPA Executive Director a number of times over the past month, when the fundamental **Thresholds Evaluation Report from 2019** will be updated and which thresholds are being met, but still no answer or direction to other staff?

LAKE TAHOE DESTINATION STEWARDSHIP PLAN - The Shared Vision for Tahoe is built upon four Strategic Pillars - <https://stewardshiptahoe.org/roadmap/>

Strategic Pillar 1: Foster a Tourism Economy that Gives Back

Goal: A thriving tourism and recreation-based economy that visibly improves quality of life, addresses community priorities, and supports environmental stewardship.

Ultimately, **Tahoe's tourism and recreation-based economy must support, not harm, local communities or the environment. Smart investments are needed to support local businesses and recreation providers to create a strong workforce, pay living wages, provide housing, and foster an entrepreneurial ecosystem.** Data about the economy can better illustrate how tourism and recreation support residents and businesses.

- Develop strategies to **recruit and retain a high-quality tourism and outdoor recreation workforce.**
- Develop and implement strategies that create recreation and tourism jobs, **invest in local businesses, and ensure that more Tahoe tourism revenue stays in the local economy.**
- **Foster entrepreneurship and attract tourism and outdoor recreation businesses focused on supporting destination stewardship** as outlined in the Envision Tahoe Prosperity Playbook (2022).

Strategic Pillar 2: Turn a Shared Vision into Shared Action

Goal: Establish a formal structure to steer the region's destination stewardship agenda with a **shared commitment to action, transparency, communication, and inclusion.**

Implementing this plan will involve collaboration across the region in the form of a new Destination Stewardship Council. This partnership will coordinate and guide implementation of the actions in this plan to achieve the shared vision.

Strategic Pillar 3: Advance a Culture of Caring for Tahoe

Goal: **Safeguard and improve Lake Tahoe and the region's natural environment by enlisting all in taking responsibility to care for it.**

Strategic Pillar 4: Improve the Tahoe Experience for All

Goal: Reduce peak demand impacts through resource management, improved infrastructure and enforcement, while continuing to create ways for all to enjoy and connect with the region.

Implementing and maintaining infrastructure to guide visitors to public lands can reduce impacts and provide high quality experiences. Infrastructure is also needed to **address key issues** heard from stakeholders including **congestion, parking**, and litter.

I encourage all to take a closer look at this roadmap - <https://stewardshiptahoe.org/roadmap/> and keep in mind the collaboration needed to support our common vision.

Areas of concern and not aligned with the above goals -

1. Proposed Market Rate Luxury Condominium projects and Increased Density to "make them pencil" with some required "affordable" units - neither do they support the local businesses nor solve the housing problem when **"affordable rents" for recreation and tourism job workforce** are out of reach - a realistic analysis needs to be completed determining a "target" workforce resident for these projects. Local workforce with families earning \$200k are few and far between and will likely continue to "live off the hill" where they can have a house with yard for their family and will continue to commute. Local workforce families should not be the "target" residents for a condominium complex. These Condominium projects only benefit the out of area developers, especially when the "affordable units" don't sell and must be sold for retail for the developer not take a loss. **Most "recreation and tourism jobs" are not much more than minimum wage earners. Affordable housing for these workers should be addressed. They can't afford even \$2400 in rent and still eat.**

2. Increased density of proposed residential units and reduced parking does NOT make sense. Unless these units are dedicated affordable rental units for the local **MINIMUM_WAGE** workforce with direct **convenient** public transport, this will not accomplish the intended goal. What about those employees required to have a vehicle to transport work related materials for their job? Where do they park? Also do you really think buyers of the market retail units will be utilizing public or micro transit to get around? How are they getting to Tahoe in the first place and how are you going to de-incentivize them from using their private vehicle they came to Tahoe in? It's common logic they will want the freedom afforded by their private vehicle. How did you get to work today? Did you drive?

3. Working with out of area developers vs incentivizing redevelopment with current property owners and businesses in town centers or those that want to be partners with our shared vision.

goals of Lake Tahoe Destination Stewardship Plan -

- **Foster entrepreneurship and attract tourism and outdoor recreation businesses focused on supporting destination stewardship** as outlined in the Envision Tahoe Prosperity Playbook (2022).
- Support the efforts of tourism and outdoor recreation providers to **upgrade** and evolve offerings to attract desired visitation.

4. What are the current environmental thresholds that are met and those that need to be improved? **As an underlying goal structure, the TRPA Threshold evaluation report needs to be up to date and known by all making Tahoe basin project and policy decision makers to uphold CEQA and NEPA guidelines which TRPA and other governing bodies in the basin are responsible for implementing.**

Here is a link to the most current 2019 Threshold Evaluation Report

- <https://www.trpa.gov/agency/#thresholds>

Of the 10 thresholds in the report, most have insufficient data or had little or no change from 2015 - aren't these thresholds supposed to be improving with TRPA decisions? Isn't TRPA responsible to upper governing bodies including the EPA for implementing NEPA guidelines, not to mention responsible to the Tahoe communities and visitors?

HOUSING DEVELOPMENT SOLUTIONS -

I encourage staff to utilize <https://localhousingsolutions.org/lab/> at the NYU Furman Center to learn about possible additional solutions for our housing issues. They specifically work with local governments of small and medium sized communities and provide an array of housing policy resources, data tools and analysis services. **Explore the possibility of establishing an Opportunity Zone Fund for Sustainable Development in a Sensitive Environment.** Any tax paying individual or entity can create an Opportunity Fund, through a self-certification process. If Donald Trump can establish an Opportunity Zone, certainly a local government agency with, and/or many wealthy residents in the basin can do so.

Incentivize and fund local property owners and businesses to redevelop and improve town centers rather than give monies and concessions to out of town developers who don't have a personal stake in the community, and only care about making a bottom line without consideration to the CEQA or NEPA guidelines.

Study ideas from other resort destinations - ski areas giving away ski passes for housing employees on transit routes or in close proximity to resorts. Many popular tourist destinations are limiting STR permits to 120 days per year and incentivizing those remaining days for long term rentals, increasing inventory for "Lease to Locals"

Enforce workforce housing unit requirements that have been approved in the past and don't have them or have phased them out - ie Tonopalo.

Utilize the Mills Act Program to foster preservation of residential neighborhoods and revitalization of downtown commercial districts

Require large projects with support staff/employees to have **onsite workforce housing**

Partnerships with local businesses/property owners to provide funding for onsite or above

business workforce housing. Encourage local/county governments to tax incentivize hotel remodeling and to provide construction tax credits or property tax concessions. Encourage use of existing county (Placer) Facade Improvement programs.

Survey local property owners and businesses for their ideas about how they see workforce housing can be improved. Inclusion of these community stakeholders will improve communication overall, support collaborative projects and there may be some creative and surprising ideas learned.

Thanks for your consideration.

Niobe Burden Austere

(530)320-2100

Concerned homeowner, Tahoe Vista

wanting to be a part of the conversation constructively