

MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff

Date: July 26, 2007

Subject: Hideaway Properties Single Family Residential Tear Down/Rebuild, 434
Gonowabie Road, Washoe County, Assessor's Parcel Number 123-145-09,
TRPA File No. 20070016.

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Section J of this Staff Summary.

Staff Recommendation: Staff Recommends that the Hearings Officer make the required findings and approve the proposed project subject to the special conditions in the draft permit (attached).

Project Description: The applicant is proposing to tear down and rebuilt an existing non historically contributing single-family residence built in 1945 in addition to constructing a new detached, two-car garage upslope of the residential structure; (See Nevada State Historic Preservation Office – SHPO letter dated May 22, 2007). The project will consist of 2,864 square feet of living space, 820 square feet of new garage space, 777 square feet of accessory use space below the garage, and 39 square feet of storage area. The new residence will be three stories in height and located down slope of the proposed garage which will be sited at street level. The height of the proposed residential structure will be 41 feet 8-1/8 inches while the proposed height of the new garage will be 32 feet 9-1/2 inches resulting in garage roof ridgeline of approximately 7 feet 6 inches above the residential roof ridgeline. The total amount of onsite land coverage upon completion of this project will be 2,408 square feet.

Site Description: The proposed building site is a 9,264 square foot (0.212 acres) parcel located in Crystal Bay Plan Area Statement (PAS 34), Washoe County. The site has a slope between 30-35 percent which descends from an east to west direction. The site is currently occupied by a 3-story single family residential structure, a rock patio, a rock retaining wall in the backshore and various other walkways. The existing house is partially visible from Lake Tahoe, 300 feet offshore. The site is sparsely populated with a variety of pine and fir trees between 10 and 54 inches in diameter at breast height (dbh). The site is currently accessed by traveling east off of the single lane Gonowabie Road. In May 2006 TRPA verified 2,408 square feet of existing on site Class 1a and 91 square feet of Class 1b coverage.

Evidence obtained from site visits, photographic documentation and written testimony suggests that the area identified as rock walls on the submitted site plan was installed without the benefit of Engineering design or County review which resulted in a large amount of native vegetation being removed. Further evidence indicates that the area between the rock retaining walls and the high water line has also been altered filled in with a large quantity of rock cobble and other debris in a manner that resembles the construction of a new beach area without TRPA authorization. The foreshore area, where there is an abundance of large rocks has been

identified by TRPA as a Fish Feed and Cover Habitat. It is apparent from photographic evidence that a horizontal swath of rocks has been altered from its natural state during an unknown period of time.

Issues: The primary issues associated with the project are:

- Avalanche Hazard Area: The proposed site is categorized as a special use area as the site is located in a plan area statement identified as a potential avalanche hazard zone. In 1993 an avalanche hazard study was prepared for Washoe County which identified specific avalanche paths within the zone for the Washoe County portion of the Tahoe Basin. TRPA staff has reviewed this study which showed that the subject parcel was located outside of noted avalanche hazard areas. However, due to the special use status of the project site, as a result of being located in the avalanche zone, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche as a condition of approval.
- Shorezone Structure: The applicant requested that Staff review the possibility of backfilling a loose grouping of rocks landward of the foreshore area calling it a revetment project. The purpose of the structure was to stabilize the bank area being eroded away as a direct result of wave action. Upon field investigation along with photographic review Staff has determined that the area being undermined in the backshore is a direct result of cobble and debris being placed in between the loose array of naturally occurring rocks in what appears to be an attempt to create a 'beach like area'. To combat further undermining of this area, the permittee shall remove all debris backfill, replant with natural vegetation in an attempt to bring the area back to a 'natural state'.
- County Variance: On September 12, 2006, the Washoe County Board of Adjustment's approval of Variance Case No. VA06-009 (Hideaway Properties) was denied and the County Variance upheld with specified conditions. The appeal was for the request to reduce the front yard setback from 15 feet to 1 foot 6 inches, to facilitate the construction of the proposed two-car detached garage and accessory space located below the garage. The approval of the Variance was upheld subject to the following added condition;

The approval of the variance is based on a detached stand-alone garage. Should the garage be attached to any other structure the variance shall become null and void, and the garage will be modified or reconstructed to comply with current development codes. As a condition of approval of any TRPA permit the applicant will be required to adhere to all County and Fire District requirements including that of the garage.
- Land Use. The proposed building site is located within the Crystal Bay Plan Area (PAS 034), Washoe County. Within the plan area residential uses are a Special Use requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. Special Use Findings are addressed in Staff Analysis Item J1 and Required Findings, below. The proposed garage structure is designed as a two story structure to accommodate automobile parking at street level and accessory space on the lower floor. The proposed accessory space shall not be used as a secondary dwelling unit.

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5. Scenic Quality: The proposed project is visible from Scenic Shoreline Unit #23, Crystal Bay. The score for the unit dropped in 1991 primarily due to the increased mass, height, and color of several new residences visible from the lake. The applicant has submitted a scenic evaluation which demonstrates that the project is consistent with TRPA's scenic quality thresholds if modest modifications to color, texture, and vegetative screening are implemented.
6. Tree Removal: The site is currently sparsely populated with trees between 10 – 54 inches in (dbh). From photographic evidence along with scenic composite drawing, the property when viewed from the lake; (300 feet offshore) appears to have a generous amount of vegetative screening. It will be important to preserve all existing trees in order to provide adequate screening as a means of reducing future visual impacts from the project site.
7. Land Coverage: Assuming a parcel size of 9,264 square feet, the base allowable land coverage for the site is 93 square feet or one percent of the total site area. In order to accommodate the rebuilding of the residence and the introduction of the new garage, coverage will need to be relocated on site in such a manner so that there is no net increase in the amount of existing coverage at the conclusion of the project. Deleted: or 93 square feet
8. Building Height: The proposed project will consist of a rebuilt three-story residential structure and a new two car garage located upslope of the residential structure. The building site has an approximate slope of 30%. The resulting ridge line height for the new garage will be approximately 7 feet 6 inches above the ridge line of the proposed residential structure and, thus, potentially visible from the lake. Deleted: on an approximate slope
9. Opposition to the Proposal: Single-family residences are considered a special use in this affected Plan Area. A summary of the evidence on which the findings can be made are listed and discussed in Section J, below. During the review of this application, staff received both written and oral comments from the general public who had concerns about the project. Comments received demonstrated a general concern about the work that had been done in the backshore and foreshore areas without Engineering design or review or permissions from an appropriate reviewing agency. Comments in opposition to the project have been included with this Staff Summary as an attachment to this Staff Summary. Copies of the comments were also forwarded to the project proponent. Comments in support of the project were recently received by email, copies of which have also been included as an attachment to this Staff Summary.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. No significant environmental impacts were identified although staff has concluded that there will be some temporary impacts that when mitigated will have less than a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.
- B. Community Plan Area: The proposed project site is located within the Crystal Bay Plan Area (PAS 034), Washoe County. The Land Use Classification is Residential and the Management Strategy is Mitigation. Residential Uses are a special use within this Plan

Area. Based on the findings contained in Section H, along with the special permit conditions contained in the Conditional Permit, this project is consistent with the planning statement, planning considerations and special policies of the plan area statement.

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C. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 3. Projects within Shorezone Tolerance District 3 requires that any development in the area is subject to the condition that vegetation installation and maintenance plan designed to stabilize backshore areas and protect existing cliffs from accelerated erosion be included. In addition, access to the shoreline shall be restricted to stabilized access ways to minimize the impact to the backshore. The backfilling of the loose grouping of rocks between the rock retaining walls and the high water line appears to have been done to create a beach type feature on the property. (See photographs marked exhibit 3, photographs backshore). The unauthorized work consists of the backfilling of the rock array with rock, sand, and other debris which is in direct conflict with the guidelines of the Shorezone Tolerance District Guidelines as such all deposited debris shall be removed and the vegetation restored to a natural vegetative state using native plant species from the TRPA Home Landscaping Guide as condition of approval of this permit.

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D. Land Use: The proposed project is located in the Crystal Bay Plan Area (PAS 034), where residential uses are a Special Use requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. Special Use Findings are addressed in Staff Analysis Item J1 and Required Findings, below. The proposed garage, designed as a two story structure to accommodate automobile parking on the upper (street level) floor and added space on the lower floor is an accessory use is. Per TRPA Code subsection 18.2 Living Area Associated with Residential Accessory Structures: Living areas associated with a permissible residential accessory structure may be permitted provided that such living area does not constitute a secondary residence. Therefore as a condition of permit approval the applicant will be required to record a deed restriction governing the limits of use of the accessory space.

E. Land Coverage: In May 2005 TRPA conducted a Site Assessment in which both the existing onsite land coverage and land capability were verified. The project area has been identified as being 9,264 square feet (0.2127 acres) in area with an allowable base coverage of 93 square feet for each of its identified land capability districts of Class 1a and 1b. The site currently has a total of 2,408 square feet of Class 1a and 91 square feet of Class 1b on site land coverage.

a. Land Coverage Calculations:

Total Area	Land Capability District	Percent Allowable Coverage	Base Allowable Coverage	Existing Coverage	Proposed Coverage
7,377 SF	1a	1%	93 SF	2,408 SF	2,408 SF
1,887 SF	1b	1%	93 SF	91	91
9,264 SF		1%	93 SF	2,499 SF	2,499 SF

Due to the limits of allowable on site land coverage, no new land coverage is proposed nor is it allowed for this project. The project does however call for the relocation of existing on site land coverage to accommodate the new garage and reconfigured house.

F. **Building Height:** The proposed project will consist of a rebuilt three-story residential structure located on an approximate 'building site' slope of 32% in addition to a new two car garage located on a slope of 30%. The total height of the proposed residence will be 40 feet 8-1/8 inches measured from the low point of existing grade to the high point of the building's ridgeline. The new detached two car garage located upslope of the residential structure will be 32 feet 9 inches in height. The finish floor height of the upper floor of the new garage will be +4 feet above the finish floor height of the third floor of the residence. As a result, the ridge line of the garage will be approximately 7 feet 6 inches above the ridge line of the proposed new house. The garage when measured from its low point to roof ridge, as a separate structure from the residence will be a total of +/-32 feet 9 inches high. Based on these measurements, the project is consistent with Chapter 22 of the TRPA Code. Total maximum proposed height for the proposed structures is as follows:

Building	Roof Pitch	Building Cross Slope	# of Stories	TRPA Code Max. Allowable Height	Proposed Height
Residence	10:12	32.0%	3	42 feet-0 inches	41 feet-8 ^{1/8} inches
Garage	10:12	30.0%	2	42 feet-0 inches	32 feet-9 inches

a. It should be noted that County Variance approval for a reduced front setback of the new garage is based on the requirement that the garage is a detached stand-alone garage structure. Should the garage be attached to any other structure the variance shall become null and void, and the garage shall be modified or reconstructed to comply with current county development codes. As a condition of approval of this permit the applicant will be required to adhere to all County and Fire District requirements for the garage and record a deed restriction that states that the garage is and shall remain a stand-alone structure if and until it receives appropriate jurisdictional approval to be modified or reconstructed to comply with current county development codes.

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G. **Scenic Quality:** The proposed project is visible from Scenic Shoreline Unit #23, Crystal Bay, but not visible from Travel Route 21. The score for the Scenic Shoreline unit dropped in 1991 primarily because of the introduction of increased visible mass, height, and color of private residences in the area resulting in the area being in non-attainment. The applicant has submitted a scenic evaluation which demonstrates that the project is consistent with TRPA's scenic quality thresholds provided modest modifications are maintained. As a condition of approval, the applicant will be required to adhere to all proposed building design elements for color, texture, and reflectivity as outlined in the Visual Assessment Worksheets. Further the applicant will be required to control mistletoe infestations to prevent tree mortality, planting six (6) new 5 gallon container western service berry shrubs between the proposed residence and the high water line, and restoring the native vegetation removed when rock wall and backfilling were introduced to the site. The applicant will also be required to preserve all conifer trees on the lake side of the property including those not identified on the submitted site plan.

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H. **Tree Removal:** The proposed site is currently sparsely populated with trees between 10 – 54 inches in (dbh) which will provide visual screening for the project site. It is possible that over time several of these trees will become more effective in blocking views of the project site as seen from the lake. As such all trees and shrubs shall be considered a scenic resource not to be removed or trimmed for view enhancement unless prior TRPA review and written approval have been obtained. As a condition of approval, should any of these trees not survive, especially the 18 inch fir located near the northeast corner of the building site, it

shall be replaced with healthy specimens at substantially the same location at a ratio of three new trees for every one that does not survive. The new tree(s) shall be healthy specimens of the conifer variety with a minimum height of six feet from the TRPA approved vegetation list.

The permittee shall submit a scenic vegetation monitoring plan and/or arborist report to assess the health of the existing (scenic resource trees) on the east or lakeside of the property to consist of annual photographs taken from the same identified vantage point.

H. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 20, 22, 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

Comment [NR1]: Heading numbering/letters appears to be off.

1. Chapter 6 – Required Findings:

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

- i. Residential Use. Residential uses are a special use in this plan area statement. The proposed project is the tear down rebuild of an existing use which is compatible with the surrounding residential land uses. With the special permit conditions, the project meets all TRPA codes and ordinances.
- ii. Land Coverage: To accommodate the reconfigured, rebuilt residential structure and new garage, the applicant will relocate 1,037 square feet of on site Class 1b coverage to previously undisturbed areas. The base allowable coverage for the proposed building site is one percent of the site or 93 square feet. The existing verified amount of on site coverage is 2,499 square feet of which 2,406 square feet must be mitigated as excess coverage. As such an excess coverage mitigation fee will be assessed for that amount of existing coverage which is over the allowed maximum per Chapter 20 of the TRPA Code.
- iii. Scenic Issues. During the course of this review potential scenic impacts from the Lake were evaluated. Visual information was submitted for purposes of evaluating the visual impact of the new project as seen from 300 feet lakeward of high water. The information indicates that there would be limited visual impact as seen from the lake provided that the 18 inch fir tree identified on submitted plans and the field verified 6 inch fir not included on plans remain in place. As such, a long term vegetation monitoring plan should be initiated to monitor the health and effectiveness of these trees as visual screening for the project site. Therefore as a condition of approval the permittee will be required to submit a scenic vegetation monitoring plan for all (scenic resource vegetation) on the site.
- iv. Conservation: The project, as conditioned, is consistent with the Conservation Element of the Regional Plan. The proposed colors and design are consistent with the TRPA Design Review Guidelines. The project area,

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which is within Scenic Shoreline Unit #23, Crystal Bay, currently not in attainment shall not introduce design elements which will degrade the scenic quality of this Shoreline Unit. Staff anticipates an improvement in the scenic quality ratings upon successful implementation of the project and all applicable scenic quality mitigation measures. This project will not result in the degradation of any scenic vista or view open to the public. The area is a mapped and verified feed and cover fish habitat and as such no work except that for restoration purposes, is authorized nor shall it be undertaken in the backshore or foreshore areas. There are no known special interest animal species or cultural resources within the project area.

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

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

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

(Refer to paragraph b, above.)

2. Chapter 18 - Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

Adjacent land uses to the north east and west of the project area are single family residential. The proposed project site is located within an area with other residential structures of similar scale and height. Staff has included photographs used to identify the specific location and general type of residential structures of similar character in the surrounding area.

- (b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The proposed project will not interfere with the health and safety of the surrounding neighborhood provided that proper restoration as approved by TRPA, of the 'debris backfilled' areas is completed to bring the area back to a 'natural state'. Temporary and permanent BMPs will be installed to mitigate potential environmental impacts to water quality during the construction phases of the

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project. No long term impacts or inconveniences are anticipated during or after the construction of the project.

- (c) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is located within an existing residential neighborhood with structures of similar height and scale and will not change the character of the area. The proposed project is located within the Crystal Bay Plan Area Statement (PAS 34) in which the tear down/rebuild of residential structures will not alter the purpose of the plan area statement.

3. Chapter 20 - Land Coverage Findings:

- (a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to Section 20.5.C.

The coverage relocation is from Class 1b lands to an equal portion of the parcel in that the subject building area is located within the Class 1b portion of the property. The area of relocation appropriately fits the scheme of use of the property.

- (b) The area from which the land coverage was removed was removed for relocation is restored in accordance with Subsection 20.4.

The area from which the land coverage is being removed is being relocated to areas of the project site which will accommodate the residential rebuild and the new 2-car garage. All areas identified on Sheet SP-2, Coverage Plan of the submitted plans, for coverage removal will be re-vegetated in accordance to TRPA Code Subsection 20.4.C.

- (c) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability.

The coverage relocation is to an equal portion of the parcel as the targeted building site for both the house and garage are located within a Class 1b land capability district. All relocated coverage will be relocated from a Class 1b area to a Class 1b area.

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4. Chapter 22 Height Findings:

- (a) When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table A for a 5:12 pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in Section 30.15.G, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

David – under which section of the code are you giving them additional height? Please specify. The finish floor height of the upper floor of the new garage will be +4 feet above the third level finish floor height of the proposed residence. As a result the proposed ridge line of the new garage will be approximately 7 feet 6 inches above the ridge line of the proposed house. The applicant has submitted photographs and elevation drawings which indicate that the new garage will not be visible from the lake or visible from Scenic Shoreline Unit #23, Crystal Bay which is currently in non-attainment. ~~A special permit condition to preserve all vegetation as a scenic resource shall be incorporated into the permit to help insure that the new garage will be screened from the lake as the existing trees mature.~~

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- (b) When outside a community plan, the additional height is consistent with the surrounding uses.

The affected property is not located in a community plan area. The surrounding parcels are residential with two and three-story structures. The proposed three story residence and two story garage is similar in height to other buildings in the area.

- (c) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height as defined in subsection 22.7 (8) of the TRPA code.

The maximum height at any corner of two exterior walls of the proposed residence is +/-33 feet, which is less than 90 percent of the maximum building height of 37 feet – 5 inches.

5. Chapter 64 - Excavations:

- (a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The applicant has submitted a Soils/Hydrologic report and the proposed excavation depth of 10 feet has been approved by TRPA, (TRPA File Number 200700171). The report demonstrates that the project will not interfere or intercept groundwater.

- (b) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1).

As conditioned in the TRPA Soils/Hydrologic Report approval, all excavated material must be hauled away from the site to a TRPA approved location and no fills, or recontouring (other than backfill for the cut-retaining structures), shall be allowed. This is consistent with Subparagraph 30.5.A(1) of the TRPA Code.

- (c) David – there is another finding in 64.7.B that you need to make.

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

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

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Attachment:

Exhibit 0, State Historic Preservation Letter [David – why do we need a SHPO letter? If there are any historic resource issues, you should mention it in the staff summary.](#)

Exhibit 1, Location Map

Exhibit 2, Photographs –Backshore

Exhibit 3, Photographs –

Letters

**Draft
CONDITIONAL
-PERMIT-**

PROJECT DESCRIPTION: Residential Tear and Rebuilt w/ new garage APN 123-145-09

PERMITTEE: Hideaway Properties, LLC FILE # STD 20070141

COUNTY/LOCATION: Washoe County, 434 Gonowabie Road

Having made the findings required by Agency ordinances and rules, the Hearings Officer approved the project on **July 26, 2007**, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on **July 26, 2010**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APN 123-145-09
FILE NO. STD-20070141

Excess Coverage Mitigation Fee (1): Amount \$ _____ Paid _____ Receipt No. _____

Security Posted (2): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (3): Amount \$ _____ Paid _____ Receipt No. _____

Landscape Security Posted (4): Amount \$2,500 Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (5): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3.C, below.
- (2) See Special Condition 3.D, below.
- (3) \$144 if a cash security is posted, or \$74 if a non-cash security is posted.
- (4) See Special Condition 3.E, below.
- (5) \$144 if a cash security is posted, or \$74 if a non-cash security is posted.

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

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the tear down and rebuild of an existing single family residence and the construction of a new detached, two-car garage. Other work authorized through this permit shall include the restoration of the debris infill areas located approximately along the high water line, the removal and restoration of existing hard surface and previously disturbed areas for the purposes of coverage relocation. No new land coverage shall be created nor is it approved as a result of this permit. This permit does not authorize the creation of any new shorezone structures.
2. The standard conditions of approval listed in Attachment R shall apply to this permit.
3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.
 - A. The permittee shall revise the site plan to include:
 - (1) A three-inch layer of gravel (1"-2" drainrock) beneath all raised decks.
 - (2) Identification of the sizes of the services berry shrubs.

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AGENDA ITEM

- (3) Calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.
- (4) Identification of construction equipment staging, material storage, and employee parking areas. These areas shall be restricted to paved surfaces and previously disturbed areas and shall be fitted with temporary BMPs, including construction limit fencing.
- (5) A note indicating the location of any temporary on site storage of excavated or fill material. This location shall be in the up land areas of the site and on existing hard surfaces or disturbed land areas only, which is subject to TRPA approval. No fills or re-contouring, other than backfilling as associated with the proposed structures as depicted in submitted drawings and restoration of the debris infill area between the rock retaining walls and approximate high water line, shall be allowed.
- (6) A note indicating: "All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project".
- (7) A note indicating: "All barren areas and areas disturbed by construction shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment".

(8) A restoration plan for the area between the rock retaining wall and 'debris infill' areas located approximately parallel to the high water line.

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(9) David – you had mentioned a 6 " fir that was not on the plans, but important to maintain – maybe you should add a condition that it be added to the plans.

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- B. The permittee shall submit calculations demonstrating that the proposed infiltration trenches and other BMPs are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. This is a repeat of A3 above.
- C. The affected property has 2,406 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 6 or by submitting an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 1.5% (as identified in Table A of Subsection 20.5.A.(3), Chapter 20 of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option,

please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

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

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$8.50 for projects within Hydrologic Transfer Area 6 (Emerald Bay). Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- D. The security required under Standard Condition A.3 of Attachment R and Section 8.8 of the TRPA Code of Ordinances shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the cost estimate. The security shall also be no less than \$5,000. Please see Attachment J, Security Procedures for appropriate ways to post the security and for calculation of the required Security Administrative Fee.
- E. A Scenic/Landscape Restoration security of \$2,500 shall be required per TRPA Code Ordinances Section 8.8. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- F. The permittee shall submit a scenic vegetation monitoring plan and arborist report to assess the health of the existing (scenic resource trees) on the east side of the property to consist of: mistletoe removal program

- An initial pre-construction photo
- An initial 30 day post-construction photo and report of the relative health of the scenic resource trees on the east side of the property
- Annual post-construction report of the relative health of the (scenic resource trees) on the east side of the property with photos taken on the anniversary of acknowledgement of this permit, with the same established viewpoints as the initial 30 day post-construction photos; submitted by July 1 each year for a minimum of 5 years

Deleted: (

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Photos and report submitted will demonstrate that the existing landscaping screening is consistent with the approved plans and adequate to achieve the required scenic screening. The scenic security shall be held for a minimum of 5 years to ensure that the landscaping is healthy and well established. Any landscaping that fails shall be replaced on an annual basis with native or adapted species from the TRPA plant list or as otherwise approved by TRPA. Additional landscaping may be required to replace landscaping that fails to meet the screening mitigation required for the project. By signing this permit, the permittee agrees that the landscaping (scenic resource trees) on the east side of

Deleted: accurate

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the property identified under this permit shall be maintained for scenic mitigation purposes for a minimum of 5 years.

- G. All scenic mitigation measures as described in the Scenic Evaluation for this parcel shall be incorporated into the project. This includes the use of dark colors, reducing the glass reflectivity, removal of on-site mistletoe and planting of six (6) service berry shrubs between the structure and the lake, the location of which is subject to final TRPA approval. The sizes of the service berry shrubs shall be identified on the site plan. Deleted: s
- H. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction and [a requirement that completion be demonstrated](#) by Oct 15th of each construction season. Deleted: demonstrating completion
- I. The permittee shall record a TRPA approved to form deed restriction that indemnifies and holds TRPA harmless, if property is damaged or destroyed as a result of an avalanche on this parcel. Please provide TRPA with a copy of the grant deed for this property so that TRPA can prepare the deed restriction.
- J. A deed restriction shall be recorded with the county recorder and a copy made available to TRPA for the purpose of permanently assuring that the 'accessory use space' below the garage is not nor shall it be converted to a secondary dwelling unit unless approved by TRPA. Said deed restriction shall be deemed a covenant running with the land.
- K. A deed restriction shall be recorded with the county recorder and a copy made available to TRPA for the purpose of permanently assuring that the garage is and shall remain an [accessory use and shall not be converted to a secondary dwelling or residential](#) unit unless approved by TRPA. Said deed restriction shall be deemed a covenant running with the land. Deleted: Deleted: it Deleted: dwelling
- L. The applicant shall obtain a Washoe County encroachment permit and provide TRPA with a copy for inclusion in [the](#) project file.
- M. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

- 4. All work associated with this permit requiring the use of heavy equipment or vehicles shall take place within existing paved roadway or along existing compacted dirt shoulders. Any work encroaching into areas requiring minor temporary disturbance to existing vegetation or undisturbed areas shall employ the use of land mats and other protective devices. All areas temporarily disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched following backfilling of trenches and/or access holes.
- 5. As a condition of the security return, the area between the rock retaining walls within the shorezone and up to and including portions [of](#) the high water line shall be restored in a manner in which the 'debris backfilled' areas are removed, the remnant pier pylons are removed and the ground plane re-vegetated, all of which is subject to final TRPA approval.

6. All proposed re-vegetation landscaping shall be in conformance with Subsection 30.7 of the TRPA Code of Ordinances, for species, sizes and spacing.
7. All temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.
8. No work except that for restoration purposes is authorized nor shall it be undertaken in the backshore or foreshore areas.
9. No grading or excavation shall be permitted except as shown on final stamped approved plans including restoration areas.
10. The permittee shall not construct any finished floor which is more than ten (10) feet below natural grade measured at the location where the floor meets the foundation wall per TRPA 'Second Revision' Soil Hydrological approval TRPA STD # 20070017. Any modification of this structure shall conform to TRPA's height standards.
11. All existing trees and shrubs on the lakeward (east) side of this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement purposes without prior TRPA written approval. Any such removal or trimming shall constitute a violation of project approval. In addition no trees are permitted for removal under this permit.
12. The permittee shall employ best management practices (BMPs) to prevent earthen materials from being transported onto roadways and drainage inlets as a result of the proposed work.
13. Temporary erosion control structures must be installed prior to and maintained until disturbed areas are stabilized. Temporary erosion control structures shall be removed once the site has been stabilized.
14. All excavated materials shall be hauled away from the site to a legally acceptable [approved TRPA](#) location. No fills or re-contouring, other than backfill for structures, shall be allowed.
15. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
16. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.
17. The permittee is responsible for insuring that the project meets all Washoe County and fire district, regulations and design specifications and conditions of variance requirements as they pertain to the proposed garage.
18. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

/DL
7/26/07

AGENDA ITEM

19. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
20. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

END OF PERMIT

AHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

July 17, 2007

RECEIVED

JUL 19 2007

TAHOE REGIONAL
PLANNING AGENCY

David Landry
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: APN#: 123-145-09
434 Gonowabie Road
TRPA permit #20070016, trees previously removed

Dear David:

For clarification and accuracy, I'd like to address the 4 trees shown on the site plan for this property that have been removed. As you can see in this picture taken in September 2004, the two trees in front of the house were dead. I had them cut down just after I went into escrow on the property in 2005. They were on the site assessment, and our draftsman, who was unaware they had been removed, inadvertently left them on the plan.

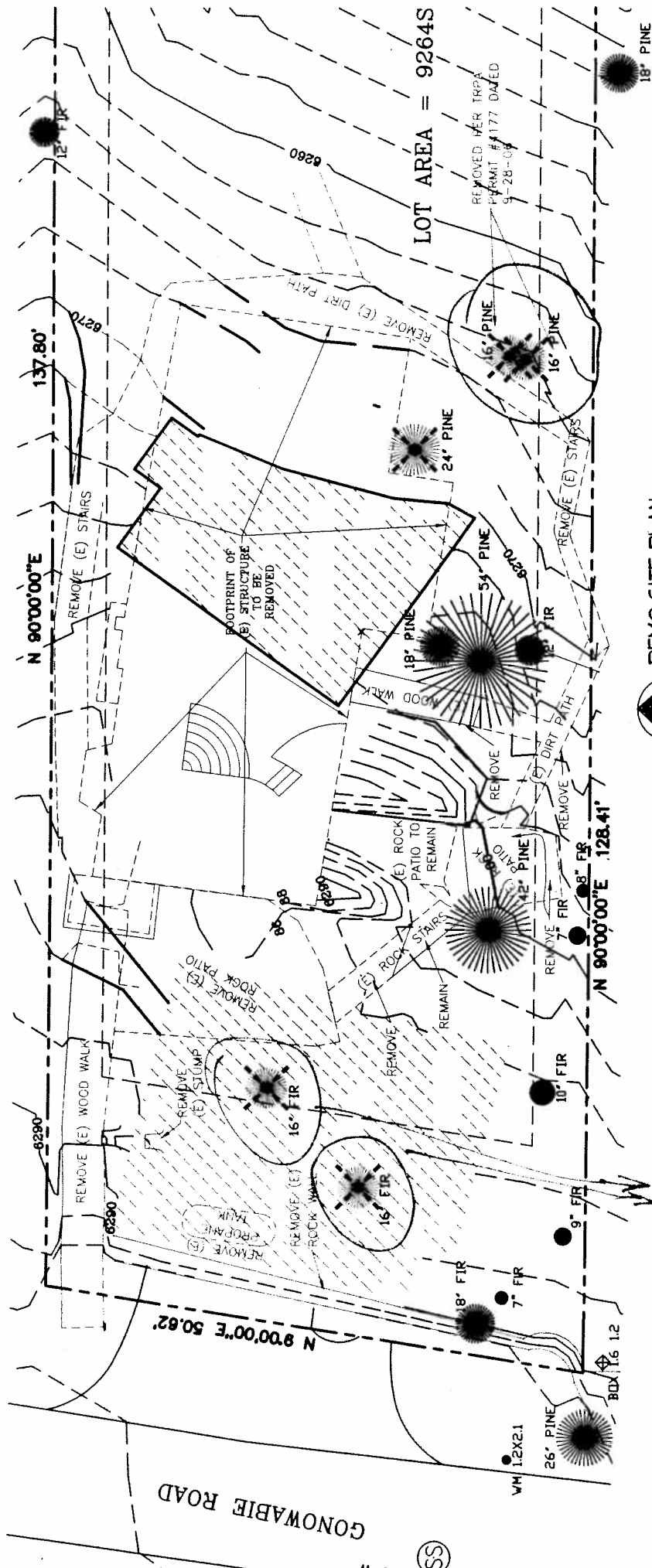
I have also included a copy of the TRPA permit for the trees that were cut down on the lakeside as noted on sheet SP-1, Demo Site Plan. I had Bernard of Alpha Tree Service come assess these trees prior to cutting them down. My neighbor, Catherine, and I had planned on maintaining the trees as screening between our homes, and were troubled by their early demise. I asked Bernard if they may have been poisoned to improve the view from Mr. Kassel's house, but he assured me they had died naturally.

If you have any questions, please call.

Sincerely,



Elise H. Fett, AIA, RCE
Member, Hideaway Properties, LLC



LOT AREA = 9264S



 DEMO SITE PLAN

 SCALE 1/8"=1'

DEAD FIRS
 RELOC PINE

GONWABLE ROAD

SS

Tahoe Basin Tree Removal Permit

No 4177

Tahoe Regional Planning Agency
PO Box 5310, 128 Market St., Stateline, NV 89449
(775) 588-4547

REASON FOR REMOVAL (Circle): (Disease) (Insect) (Hazard) (Thin) (Solar w/ TRPA Permit)

SPECIES/NO:PP _____ JP: _____ LP _____ WF _____ RF _____ IC _____ SP 2 Other _____ TOTAL: 2

OWNER(S) OF RECORD OR AUTHORIZED AGENT:

Name(s): Elise Fett & asso. LTD for Hideaway Properties LLC Telephone: (775) 833-3388

Mailing address: Po Box 5989 Incline Village, NV 89450

Location of Property: 434 Bonowabie County: Washoe

Only those trees approved by a forester may be cut, and the following STANDARD CONDITIONS shall be met during tree removal operations:

Permit mailed/left at residence— not valid unless signed by owner/authorized agent.

Permit must be on site during work.

Stump height shall be 6" or less.

Tops of live pine & fir stumps shall be covered with powdered borax immediately after felling to retard the spread of root disease.

Cover and seal green wood with 6 mil clear plastic, or split and scatter in a sunny spot until dry.

Soil conditions must be dry before vehicles are allowed off pavement.

Slash shall be burned, chipped or removed within 15 days. (Burn permit obtained from the Fire Department.)

Date permit issued: 9/28/06

Permit is void after: 9/28/08

Stump Excavation or the use of Heavy Equipment IS NOT a part of this approval.

SPECIAL CONDITIONS:

The Permittee, for himself, his contractors, and employees, agrees to save, indemnify, and hold harmless TRPA or its representative from all liabilities and claims for damages by reason of injury or death to any person or persons, or damage to property from any cause whatsoever while in, upon, or in any way connected with the work covered by this tree cutting permit, and does further agree to defend TRPA in any claim arising out of or as a result of the work done under this permit.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all ordinances and state laws, and regulations of the Department of Industrial Relations and Industrial Accident Commission, relating to the character of work, equipment, and labor personnel involved in the project. I also certify that trees being removed are on the property as described as above.

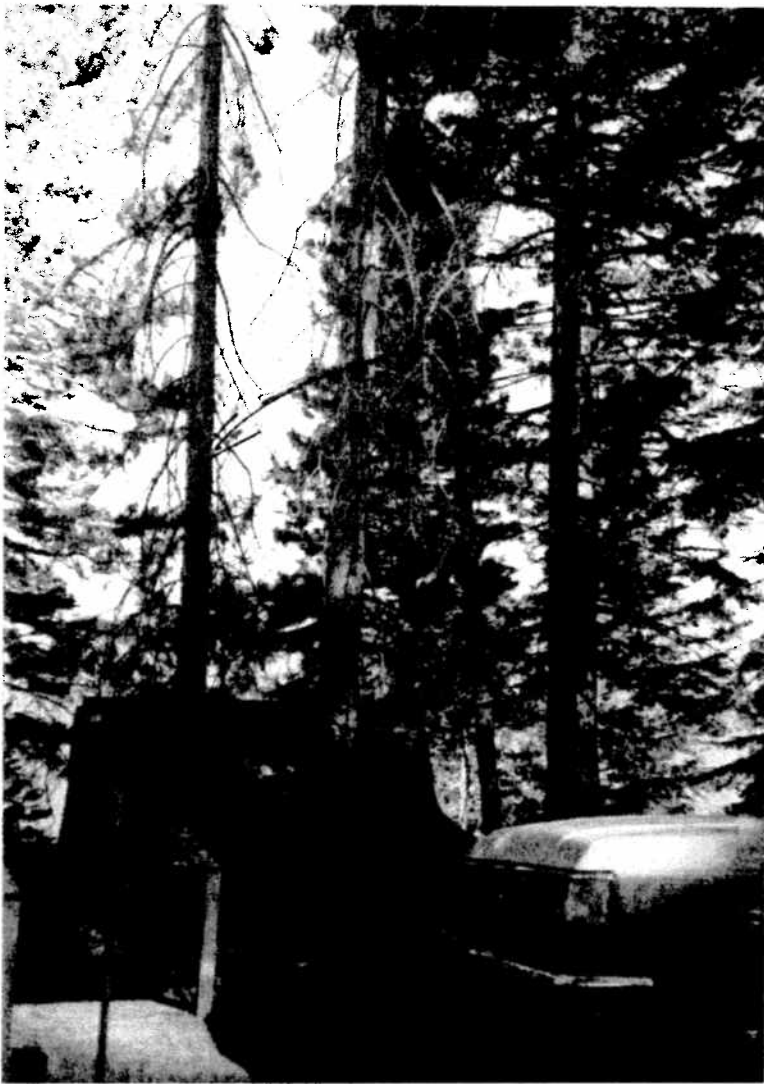
Owner's/Agent's Signature:

Date:

Forester's Authorization:

[Signature]

9/28/06



DEAD
TREES

APN#123-145-09

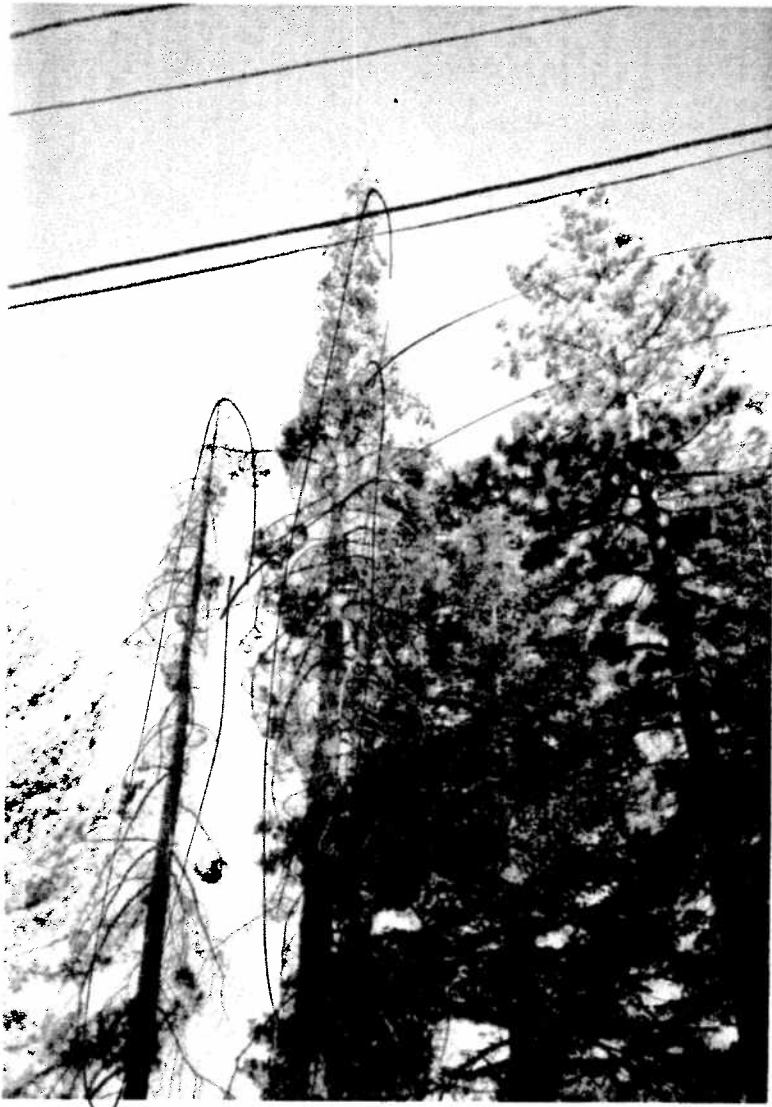
434 CONOWABIE
CRYSTAL BAY NV

SCANNED FROM

PHOTO TAKEN

9/15/04

16" FIRS



DEAD TREE TOPS

APN# 123145-09

434 CONOWABIE
CRYSTAL BAY NV

SCANNED FROM PHOTO
TAKEN 9/15/04

16" FIRS

July 13, 2007

David Landry, Planner
Joanne Marquetta, Chief Counsel
Nicole Rinke, Assistant Counsel
Tahoe Regional Planning Agency

RECEIVED
JUL 19 2007
TAHOE REGIONAL
PLANNING AGENCY

VIA FAX: 775-588-4527

RE: 434 Gonowabie

Dear Mr. Landry, Ms. Marquetta and Ms. Rinke,

Mr. Landry faxed the letters received last week from Robert Angres, Laurence Lusvardi, Robert Kassel and their residential designer Wayne Ford.

My goals are to resolve any past shoreline issues that may exist and receive a permit for a reasonable home that is architecturally pleasing and consistent with the neighborhood character and TRPA regulations.

Prior to my purchase of the property, there was an attempt to control erosion at the bottom of the property. Over the years, there were numerous efforts to maintain and improve the property and meet the concerns of the neighbors, county and TRPA. Rocks were placed on an eroding section of the property at some point. Per the photos by Mr. Lusvarde and his statement, some soil was moved. It wasn't known that regulatory approval might have been required. It was an honest mistake. Regardless of who did the work, I am accepting responsibility for ensuring the shorezone is in compliance and all regulatory requirements and/or permits are received.

The proposed house is 3,500 total sq. ft. of living space on a .19 acre lot. That is the same acreage lot Mr. Lusvardi had when TRPA approved the 7,000+ sq. ft. house he sold to Mr. Kassel.

This letter will respond to all the applicable items addressed in the letter and minimize or ignore responding to the numerous allegations, inaccuracies and opinions.

Regarding Wayne Ford's notes

In the summer of 2006 the high water started causing erosion and I called Marvin Davis several times and discussed concerns about the erosion at my property and asked for him to come do a site visit and consultation. After approximately 2 months he was able to fit in a site meeting with me. At that meeting Mr. Davis said it was going to be several more months before he could do the submittal. Since I wanted to get the issue resolved a.s.a.p., he gave me the information to write and draft. I finished the drafting, description, application, etc. on September 10th of 2006.

My office manager Kris Kozar took the shoreline application as a project on its own to the counter at TRPA and met with Gary Weigel and Linda Bellotti. They told Kris they could not accept the project without a scenic baseline score.

It would have been a week of time during our busy season to do the scenic baseline application and a minimum of four months for the verification of the scenic assessment. We could then submit the shoreline application in late January and wait another 4 months minimum for the approval bringing us to approximately late May 2007.

Since we were ready to start the application for submittal of the house project it is most efficient for our time and TRPA's valuable time for the scenic assessment, for both the house and shoreline project, to be analyzed together. Providing a scenic baseline assessment with the existing house that is going to be torn down would be a waste of time (hence, the color of the existing house to be used to bargain as implied in the letters is does not make sense). It would be inefficient and problematic for the TRPA to have two planners working on the same property making scenic assessments simultaneously.

The new residential project with the shoreline application was submitted on December 5th of 2006.

In February 2007, Brian Judge said we should not have been asked to do the scenic baseline to submit the project back in September. So we have received some conflicting information, but I trust that TRPA has the information needed to resolve the shoreline issues and to approve the project in whatever manner is best for them. This covers why the shoreline and the new residential project were submitted together.

Regarding Mr. Kassel's letter

Mr. Kassel's letter is factually incorrect. The most obvious inaccuracy is that it states that I was in an extended escrow on the property in January of 2004. My escrow with Mr. Lund started in the fall of 2004. Since, as I have previously stated, I'm assuming responsibility for bringing the shorezone into compliance and the existing color of the house has no affect on my scenic assessment, Mr. Kassel's letter is irrelevant.

Regarding Mr. Lusvarde's letter

Mr. Lusvarde states that he believes he took the photos on July 3rd of 2004 and implies that I know who is in the photo. As stated, regardless of who did the work in the photos and when, I am working diligently with TRPA to ensure the shorezone is brought into compliance and therefore, Mr. Lusvarde's letter is also irrelevant.

ALLEGATIONS OF ROBERT ANGRES

The long dramatic letters by Mr. Angres will now be addressed where applicable. Mr. Angres' letters are similar to his client(s) letters in that they contain opinions, allegations, factual errors and/or misinformation. Since much of what he has said is irrelevant, it will be more expeditious to respond to only some of his assertions. Any response, or lack thereof, does not imply agreement with his statements.

Shore-bed:

Mr. Angres in his 7/2/07 letter offers his opinion about violations of the shore-bed and what is being done. Here is a brief outline.

I received a letter from TRPA to which I responded in writing. In February, I called TRPA and asked for the status.

- On 2/15/07 we met with TRPA representatives at the site.
- About a month later on 3/9/07 I checked the status and was told they wanted to speak to Mr. Lund. Within a few days Mr. Lund responded to TRPA through the Lawyer Mr. Walsh.
- On 4/16/07 Mr. Walsh confirmed that the message he left at TRPA regarding Mr. Lund was received.
- The next call I received was on 5/14/07 from TRPA regarding a complaint from Mr. Kassel that rocks were being moved to create a channel in front of my other neighbors pier (Ms. Oppio) and it was benefiting me too.

A copy has been forwarded to the TRPA of Mr. Kassel's Nevada State Lands buoys application from 9/3/05. That application used an aerial photograph that shows the channel existed at the time the photo was taken. Ms. Oppio created the channel with her husband over 40 years ago when she purchased the property. Mr. Kassel would surely have been aware that the channel was pre-existing before registering a complaint with TRPA.

I have had Nevada State Lands buoy permits for at least 2 summers and was told by TRPA and the Army Core of Engineers that I could not get a TRPA permit and therefore could not install them.

Mr. Angres states that the "wave action" which is the current cause of erosion is misleading. In the exact same paragraph of the project description part 2 by Mr. Marvin Davis, (attached) he discusses the "revetments" that appear to be a combination of natural boulders and imported boulder, which is very accurate.

TRPA and I have been working to resolve the concerns at the shoreline, but the TRPA representatives are all swamped with other items as well. We are all well aware that it would be good to get resolution on what is environmentally the best solution so that restoration can begin. This unresolved issue is now keeping my project from being approved.

“Special treatment” from TRPA

Mr. Angres’ implication of me receiving “special treatment” from the TRPA is factually incorrect. If I had received “special treatment” from TRPA, then the shore zone issues would be resolved, my project would be approved and I would have my buoys in the water as does Mr. Kassel.

Mr. Angres tried to imply that I received “special treatment” from Washoe County also. His implications are illogical and nonsensical and not worthy of further response.

Variance

The project as you received is the same project submitted to Washoe County for the variance. As you can see and so did the county, the information provided is appropriate. A variance was received in spite of their appeal. I verified with Eva Krause immediately after the appeal hearing that the statement Angres asked to have added to the notes in the last minute of the hearing would not prevent the bridge connecting the garage and house. The bridge was in the plans approved for the variance. This is being resolved between Mr. Landry and the planning department.

Propane tank

I have done all the work with the county and the propane company to provide a safe situation. Mr. Kassel’s continued “concerns” with my house would be resolved when I get my building permit and can start my project.

The “battle” comment

Mr. Lusvardi had a protracted and contentious lawsuit with the prior owner(s) so it’s understandable that he could harbor animosity toward the prior owner and the property. He also was unsuccessful in his attempts to purchase the property on several occasions and even offered Mr. Lund that he would pay to have it torn down.

I do not hold any animosity toward Mr. Lusvardi and ask only that the application for building and the shore zone compliance be considered according to the regulations.

Unfortunately, it appears that some parties are more concerned with punitive measures for an honest mistake than corrective shore zone measures. I understand that Mr. Lusvardi and Mr. Kassel would probably rather not have any house on my property; however, that should not be a consideration of public agencies.

Design

Mr. Angres and Mr. Ford are free to express their opinions on design to Mr. Landry. The decision, of course, regarding the trees for screening is that of the TRPA.

I feel that Mr. Angres and Mr. Ford have represented their interest in sensitive design in both the design of Mr. Kassel's home and their proposal for my house during the variance hearing. Their concern is simply to maximize the needs of their clients at the time. During the variance process, Mr. Angres told me and the CAB that the large tree and rock did not need to be worked around and therefore I could place my home up the hill on the lot. Mr. Ford provided a site plan showing a rectangular box footprint at the top of the lot, but not in the setback. This proposal eliminated the rock and the large tree.

I worked on several design approaches for almost a year to design a home that was sensitive to all parts of the sites (particularly the large tree and rock outcrop) and especially the neighbors on both sides. It is not easy to design between such drastically diverse homes.

A similar footprint to the old house has been kept in order to minimize disturbance. I did angle the house footprint from the existing slightly in order to align with Mr. Kassel's and Ms. Oppio's homes. This not only looked better, but also saved Mr. Kassel's views from his home as I extended up from the existing footprint.

The ridgeline was shifted from midpoint over the main house to the 1/3rd point, closer to Ms. Oppio's side of the house, so that the view out of Mr. Kassel's Master Bedroom on the 3rd floor over the garage would be maximized. Matching the alignment of the adjacent homes instead of the property line meant stepping the home. This is more expensive to build as is the shifting of the ridge, but I feel it is worth it because it is a representation on my design skills in this beautiful area I am proud to call home.

If there is a more sensitive way I can design my home I am open to it. Please note that I received a TRPA "Best in the Basin" award for Ms. Oppio's design at 430 Gonowabie, the adjacent property to the south.

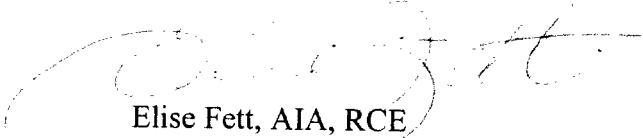
Summary

In closing, my final goal for this property is a reasonable home that is sensitive to the site and the neighbors. I also know the shoreline issues are priority.

My other neighbors and I would also like to have a friendly relationship with my neighbors to the north. Some of the other neighbors have given up hope and are actually afraid of putting information in writing because of the fear of retaliation. They would however be more than happy to speak with TRPA representatives. I do not wish what the previous owners and I have experienced on anyone.

I held no animosity during my design process and discussed all the options including potential purchase of the property by Mr. Kassel. My parents, neighbors and I hope Mr. Lusvarde and Mr. Kassel will eventually mesh with our lovely neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elise Fett". The signature is written in dark ink and is positioned above the typed name.

Elise Fett, AIA, RCE

Mr. David L. Landry
TRPA Environmental Review Services
PO Box 5310
Stateline, NV 89449

RECEIVED
JUL 19 2007
TAHOE REGIONAL
PLANNING AGENCY

July 17, 2007
RE: TRPA file #20070016

Dear Mr. Landry,

This letter is in response to your notice dated July 2, 2007 pertaining to the public hearing on: Hideaways Properties, LLC; Parcel #123-145-09, TRPA file #20070016, 434 Gonowabie Road, Crystal Bay, NV.

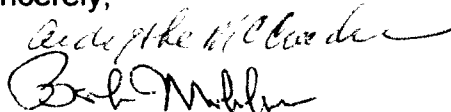
For 14 years we have owned property on Gonowabie Road and are full-time residents. We have reviewed the proposed architectural design/plans for the subject parcel. The property is below ours and to the right as we view the lake. We are pleased to say we have no objection to the plans to tear down the old structure and rebuild a new home there. This plan definitely blends well and would only enhance the environment we currently enjoy in our neighborhood.

Our professional experience with *Elise Fett and Associates Ltd*, includes the development of architectural plans and obtaining TRPA Washoe County approval for our detached garage and house remodel, a project completed in 2004. Our personal experience with Elise is that of a neighbor. From our perspective, Elise's projects, both ours and the others she has been involved with on Gonowabie Road, adhere to the principles we believe are correct for building residences in the Lake Tahoe Basin; in that they consider the needs of the client while adhering to practices of lake environmental conservation and aesthetics.

Thus we support and highly recommend that TRPA approve the proposed plans and issue a permit for the project.

Unfortunately we are unable to attend the July 26 hearing. However, please consider this letter in your decision. Should you have any questions please feel free to contact us at 775 831-6589 or via email at mccrack2@nevada.edu.

Sincerely,



Ardythe and Bob McCracken
P O Box 158
340 Gonowabie Road
Crystal Bay, NV 89402

Robert R Heynen

RECEIVED

JUL 18 2007

SIERRA REGIONAL
PLANNING AGENCY



P.O. Box 1668
Crystal Bay, Nevada 89402
Tel 775.831.1102 Fax 775.831.5176
Mobile 775.813.6750
Email rheynen@sierra-resources.com

13 July 2007

David L. Landry
TRPA Environmental Review Services
P.O. Box 5310
Stateline, Nevada 89449

Ref: Hideaway Properties LLC
434 Gonowabie Road
Crystal Bay, NV Washoe County
Parcel # 123-145-09/20070016
Proposed new construction

Dear Mr. Landry

I am a resident of Gonowabie Road and have known Elise Fett for over 13 years.

Being an architect myself I have worked with Elise on various projects over these years and am very familiar with her work. She is a qualified architect and engineer and her work reflects sensitivity to the surroundings and the goals of preserving the beauty of the lake. I have the utmost confidence that the project in question will not only improve the safety of Gonowabie Road by introducing off street parking, proper landscaping and drainage systems and efficient 'green' operating systems but aesthetically enhance the views both from the road and the lake.

I would encourage you to ~~ap~~ approve the project.

Sincerely

Robert Heynen

RECEIVED

JUL 18 2007

STATE REGIONAL
PLANNING AGENCY

Max S. Sobol



P.O. Box 1668, Crystal Bay, Nevada 89402
Tel 775.831.1102 Fax 775.831.5176

12 July 2007

David L. Landry
TRPA Environmental Review Services
P.O. Box 5310
Stateline, Nevada 89449

Ref: Proposed new construction
Hideaway Properties LLC
434 Gonowabie Road
Parcel # 123-145-09/20070016

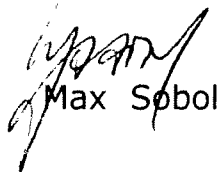
Dear Mr. Landry

I know Elise Fett for many years and am aware of her work as an architect and engineer in our community. I have seen her work and believe it is in keeping with the texture of the lake and the aesthetic goals of the TRPA.

I am a resident of Gonowabie Road and am aware of the project in question. I have no objection and in fact encourage the improvement fo the property. It is one of the few parcels on the block that has not been enhanced and modernized. I believe that allowing the development of the property will improve not only the property visually both from the road and the lake but make it a safer for the neighborhood and the lake.

I encourage the approval of this project.

Best regards


Max Sobol

July 14, 2007

RECEIVED

JUL 18 2007

TAHOE REGIONAL
PLANNING AGENCY

Mr. David Landry
Tahoe Regional Planning Agency
P. O. Box 5310
Stateline, NV 89449

Dear Mr. Landry:

Public Hearing for 434 Gonowabie Road

This is a letter of support for the planned teardown and rebuilding of the subject property. We have owned a home on Gonowabie Road since 1992 and have since watched as numerous lots have been rebuilt. Elise Fett and/or her family own four homes on this street and have definitely upgraded the beauty of the street with each one – all architecturally different, with a “Tahoe” feel, but not obtrusive. She has likewise designed several remodels and garages on Gonowabie. I think if you were to poll other homeowners, most would agree her work has greatly enhanced the neighborhood.

Judy & Jerry Newton

Judy & Jerry Newton
(916) 421-3437