



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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## STAFF REPORT

Date: October 21, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Approval of a Single Family Rebuild Permit, 470 Gonowabie Road, Washoe County, NV, APN 123-131-05, TRPA File No. ERSP2019-1453, Appeal File No. ADMIN2020-0003 and Appeal of Approval of Single Family Dwelling Permit, 480 Gonowabie Road, Washoe County, NV, APN 123-131-06 &, TRPA File No. ERSP2019-1471, Appeal File No. ADMIN2020-0004

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### Requested Action:

To consider and act upon an appeal filed by Robert Goldberg and Reuben Richards (the "Neighbors") of Hearings Officer-issued permits to Gonowabie Properties LLC to build two single family dwellings on adjacent lots in Crystal Bay, Nevada. (These properties were the subject of a prior, unsuccessful, appeal over a lot line adjustment.)

### Staff Recommendation:

At its September 30, 2020 meeting, the Governing Board continued the hearing on this appeal to allow the parties to resolve their differences over the construction management plan (CMP). The Neighbors and Gonowabie Properties LLC negotiated adjustments to the CMP to address concerns identified at last month's Legal Committee hearing. The revised CMP is appended hereto Attachment E.

For the remaining issues outlined below, staff recommends that the Governing Board deny the appeal and affirm the decision of the Hearings Officer to issue the two single family dwelling permits as they meet all requirements by the TRPA Code of Ordinances.

### Motion:

1. A motion to grant the appeal, which motion should fail in order to affirm the Hearings Officer's determination

In order to deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from Nevada and nine overall.

### Background:

On July 21, 2020, TRPA Hearings Officer held a public hearing to consider the two applications by Gonowabie Properties LLC ("Permittee") for residential development on 470 and 480 Gonowabie Road, Crystal Bay, Washoe County, Nevada. The Hearings Officer heard presentations from both the applicants in support of the projects and the Neighbors in opposition. After asking questions and modifying the conditions of the permits (discussed below), the Hearings Officer granted the applications

and issued the permits that are the subject to this appeal. See Attachment A (470 Gonowabie permit) and B (480 Gonowabie permit).

On August 10, 2020, Appellants Robert Goldberg and Reuben Richards appealed to the Governing Board the Hearings Officer's grant of the two single family dwelling permits. On August 20, 2020, the Neighbors filed their Statement of Appeal (Attachment C) providing their grounds for overturning the Hearings Officer's action. On September 15, 2020, the Permittee submitted its Response to Statement of Appeal (Attachment D) providing its basis for upholding the Hearings Officer's action.

As described below, the Neighbors argue the Hearings Officer erroneously issued the permits because (1) TRPA should have required the 470 Gonowabie development to share a driveway with any future development on 460 Gonowabie, (2) the two homes are so inconsistent with other nearby development that the homes will negatively change the neighborhood's character, and (3) simultaneous construction impacts will significantly impact the neighborhood. Staff addresses each argument below.

Discussion:

A. Shared Driveway

The Neighbors argue that TRPA Code Sections 34.3.2.A and B required TRPA to condition approval of the 470 Gonowabie residence on a shared driveway with future development on 460 Gonowabie in order to preserve the status quo for parking and auto navigation in front of 460 Gonowabie. (A project has not been submitted for 460 Gonowabie, and it is unknown when and if a project will be forthcoming.) These code sections, however, do not require shared driveways; such shared access points are "encouraged" when applying other code provisions that address the number of driveways for certain additional or transferred development or service drives. See Code Section 34.3.2.B (referencing Sections 34.3.3 through 34.3.5). The development on 470 Gonowabie is neither additional or transferred development, or a service entrance. Instead, the residential unit was banked on site when the old residence was demolished, and the only access is for all purposes. Even if a shared drive could be considered by the agency, for the reasons set forth in Gonowabie Properties' Response to Statement of Appeal (Attachment D at 1-2), staff considers it inappropriate to mandate one in this instance.

B. Neighborhood Consistency

The proposed residences at 470 and 480 Gonowabie meet all development standards, including coverage limits, height restrictions, and scenic shoreland design constraints. The Neighbors do not contest that the Hearing Officer incorrectly applied these criteria. Instead, the Neighbors argue that TRPA should impose additional restrictions on the overall size of development as a result of the special use findings to ensure that a development does not "change the character of the neighborhood." TRPA Code Section 21.2.2.C. The Neighbors contend the proposed residence on 470 and 480 Gonowabie are too big. (In this case, the special use finding was only necessary because the Crystal Bay neighborhood is within an avalanche risk zone.)

TRPA has never used special use findings to impose a size limitation on a single-family residence developed in a single family zoned neighborhood that otherwise met all other development restrictions. For the following reasons, TRPA does not recommend implementing one here. First, the Chapter 21 special use findings focus on "uses" not necessarily size of projects of allowed uses. Here, single family residences are an allowed use in this residential neighborhood; the nature of the use is entirely consistent with the neighborhood. Second, even if one were to consider the relative size of the structures within the neighborhood, the Neighbors provide no defensible criteria to determine whether a particular residence that meets all TRPA design standards may, nevertheless, be too big. Third, the

evidence before the Hearings Officer established that the proposed residences (approximately 5,760 and 5,630 square feet respectively) fit within the range of sizes existing in the neighborhood. See Gonowable Properties' Response at 2-4 (chart setting forth select existing house sizes from 4,000 to 8,700 square feet). Currently, the neighborhood is residential with a mix of housing sizes; after construction of the homes on 470 and 480 Gonowable, the neighborhood will remain the same. There is no doubt that the presence of the new homes will alter the views of the Neighbors and the unobstructed vista over these presently vacant lots as well as marginally add traffic on the road. These changes, however, do not extend to the character of the neighborhood.

C. Construction Impacts

The Hearings Officer approved the development permits subject to an additional condition that require submission to TRPA staff for approval a construction management plan ("CMP"). Gonowable Properties subsequently submitted a draft plan, TRPA staff sought comment from the Neighbors and requested revisions, and thereafter approved the CMP and provided the Neighbors with a copy. Gonowable Partners has since commenced construction in order to finish in-ground/foundation work by the October 15 grading deadline.

As mention above, the Neighbors and Gonowable Properties have negotiated changes to the CMP to address concerns raised at the September 2020 Legal Committee hearing. These clarifications include:

1. Proposed Construction Schedule, recognizing it is subject to change.
2. Email Notice to residents and nearby occupants concerning upcoming construction activities that may cause traffic delays or other unusual construction impacts.
3. Provide nearby residents/occupants with the cell phone number of the on-site project manager. The project manager should be contacted in case of emergency or to report an impact that requires attention.
4. Toilets, and dumpsters located at least 50-feet from adjoining residences.
5. COVID-19 Construction Site Management Plan conforming to OSHA requirements.
6. No staging in the public right of way on Gonowable, including the turnout fronting 460 Gonowable. Transient parking only in the turnout fronting 460 Gonowable (for project managers, inspectors, etc.). No full-time construction parking in the turnout.
7. To the extent practicable, large truck traffic and closures or obstructions to Gonowable limited to between 9:00 am and 3:00 pm weekdays.
8. TRPA retains continuing jurisdiction and authority to enforce the CMP and impose additional conditions as necessary to address issues arising during construction.

With Governing Board assent, staff will amend the CMP to include the above-listed items.<sup>1</sup>

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or [jmarshall@trpa.org](mailto:jmarshall@trpa.org), or Julie Roll, Senior Planner, at (775) 589-5247 or [jroll@trpa.org](mailto:jroll@trpa.org).

Attachments:

- A. Single Family Rebuild Permit for 470 Gonowabie Residence
- B. Single Family Dwelling Permit for 480 Gonowabie Residence
- C. Statement of Appeal, dated August 20, 2020
- D. Response to Statement of Appeal, dated September 15, 2020
- E. Construction Management Plan

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<sup>1</sup> In footnote 5 of their Statement of Appeal (at 7), the Neighbors appear to argue that Gonowabie LP should not be allowed to remove any trees not previously permitted as a hazard or required for defensible space. The remaining debate on trees appears to be limited to one 30 inch diameter at breast height (“dbh”) pine tree that is within the building site and on 480 Gonowabie (the Hearings Officer conditioned the permit to retain a 42 inch dbh fir). See Response to Statement of Appeal at 5. Since the last hearing, Gonowabie Properties has applied for and received from TRPA permission to remove the 42 inch fir as a hazard and the Neighbors do not oppose its removal.



Attachment A

Single Family Rebuild Permit for 470 Gonowabie Residence



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
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www.trpa.org

July 21, 2020

Nick Exline  
Midkiff & Associates  
P.O. Box 12427  
Zephyr Cove, NV 89448

**GONOWABIE PROPERTIES LLC SINGLE FAMILY DWELLING REBUILD, 470 GONOWABIE ROAD, WASHOE COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 123-131-05, TRPA FILE NUMBER ERSP2019-1453**

Dear Mr. Exline:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page of the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project or submit acknowledgment materials electronically via email. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your attention to this matter. If you have questions, please feel free to contact me by phone at (775) 589-5247 or by email at [jroll@trpa.org](mailto:jroll@trpa.org).

Sincerely

A handwritten signature in black ink that reads "Julie Roll". The signature is written in a cursive, flowing style.

Julie Roll  
Senior Planner

cc. Gonowabie Properties, LLC  
P.O. Box 14001-174  
Ketchum, ID 83340



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**PERMIT**

PROJECT DESCRIPTION: Single Family Dwelling Rebuild APN: 123-131-05

PERMITTEE(S): Gonowabie Properties, LLC FILE #: ERSP2019-1453

COUNTY/LOCATION: Washoe County/470 Gonowabie Road

Having made the findings required by Agency ordinances and rules, Hearings Officer approved the project on July 21, 2020 subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on July 21, 2023 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY 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

7/21/2020  
Date

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

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

PERMIT CONTINUED ON NEXT PAGE

**APN 123-131-05  
FILE NO. ERSP2019-1453**

Security Posted (1): Amount \$3,300 Type \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

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

Shorezone Scenic Security (3): Amount \$5,000 Type \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

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

Shorezone Inspection Fee (3): Amount \$119 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

- (1) See Special Condition 3.B
- (2) See the TRPA filing fee schedule for the current administrative fee
- (3) See Special Condition 3.C

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

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***SPECIAL CONDITIONS***

1. This permit specifically authorizes the reconstruction of a lakefront single family residence. The previous home was demolished in 2019, per TRPA file QEXE2019-0842. The proposed project includes construction of a new residence and garage, attached by an enclosed bridge. The total proposed coverage is 3,411 square feet, which includes all structures, driveway, patios, and walkways. This property is part of a deed restricted project area for purposes of calculating coverage, along with adjacent parcels 123-131-04 and 123-131-06.

This property is visible from Lake Tahoe, Shoreline Unit 23- Crystal Bay, which is in non-attainment. The project has been reviewed under Level 5, Option 2 of the visual magnitude system. Required scenic mitigation includes vegetative screening and use of TRPA approved non-reflective colors and materials.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

- A. The site plan shall be revised to include:
- (1) Revise the note about the deed restricted project area for coverage calculation purposes "Per the deed restriction, the total coverage for all three parcels cannot exceed 5,091 square feet of base allowable IPES coverage..."
- B. The security required under Standard Condition A.3 of Attachment R shall be \$3,300.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- C. The shorezone scenic security of \$5,000 shall be required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. An \$119 non-refundable inspection/review fee is due at permit acknowledgement.
- D. The project is located within Plan Area Statement No. 034- Crystal Bay, which indicates that the project site may be subject to avalanches. For this reason, the permittee shall record the attached TRPA prepared deed restriction to hold TRPA harmless from any and all liabilities.
- E. Prior to permit acknowledgement the permittee shall submit a construction management plan to TRPA for review and approval. The plan shall address construction staging, timing, parking, and traffic control.
- F. The permittee shall submit three sets of final construction drawings and site plans to TRPA (hard copies or electronic).
4. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions.
- A composite contrast rating score of 28 shall be achieved to comply with the required scenic mitigation and qualify for security return. The project has a maximum of 5 years from final inspection to meet the necessary requirements. When the scenic mitigation requirements have been met, the following documentation shall be submitted at:
- [www.trpa.org/permitting/inspections-securities/](http://www.trpa.org/permitting/inspections-securities/)
- Evidence of installation of 0-3% reflectivity glass on all glass windows and railings visible from the lake
  - Post construction photos taken from the approved scenic vantage point
  - A post construction revised scenic assessment will be required if there are significant changes from the approved scenic assessment, as determined by the Compliance Inspector at the final inspection
5. The trees on this parcel were used in the calculation of the scenic contrast rating score and shall be considered scenic mitigation. Removal or trimming of trees shall constitute a violation of project approval and may trigger additional scenic mitigation requirements.

6. All BMPs shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
7. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
8. All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin.
9. TRPA approval is subject to approval and conditions of the Washoe County building permit and Code, including, but not limited to, structural building components and building setbacks.
10. Prior to security release photos shall be provided to TRPA taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
11. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
12. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.
13. All areas where coverage is removed for relocation must be restored in accordance with the revegetation standards in Sections 61.4 and 36.7 of the TRPA Code of Ordinances.
14. The trees and vegetation on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.
15. 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.
16. The permittee is responsible for ensuring 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.
17. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities,

and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment B

Single Family Dwelling Permit for 480 Gonowabie Residence





**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
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www.trpa.org

July 21, 2020

Nick Exline  
Midkiff & Associates  
P.O. Box 12427  
Zephyr Cove, NV 89448

**GONOWABIE PROPERTIES LLC NEW SINGLE-FAMILY DWELLING, 480 GONOWABIE ROAD, WASHOE COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 123-131-06, TRPA FILE NUMBER ERSP2019-1471**

Dear Mr. Exline:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page of the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project or submit acknowledgment materials electronically via email. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your attention to this matter. If you have questions, please feel free to contact me by phone at (775) 589-5247 or by email at [jroll@trpa.org](mailto:jroll@trpa.org).

Sincerely

A handwritten signature in black ink that reads "Julie Roll". The signature is written in a cursive, flowing style.

Julie Roll  
Senior Planner

cc. Gonowabie Properties, LLC  
P.O. Box 14001-174  
Ketchum, ID 83340



Mail  
PO Box 5310  
Stateline, NV 89449-5310

Location  
128 Market Street  
Stateline, NV 89449

Contact  
Phone: 775-588-4547  
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www.trpa.org

**PERMIT**

PROJECT DESCRIPTION: New Single-Family Dwelling

APN: 123-131-06

PERMITTEE(S): Gonowabie Properties, LLC

FILE #: ERSP2019-1471

COUNTY/LOCATION: Washoe County/480 Gonowabie Road

Having made the findings required by Agency ordinances and rules, Hearings Officer approved the project on July 21, 2020 subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on July 21, 2023 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY 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

7/21/2020  
Date

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

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

PERMIT CONTINUED ON NEXT PAGE

**APN 123-131-06  
FILE NO. ERSP2019-1471**

Security Posted (1): Amount \$3,300 Type \_\_\_\_ Paid \_\_\_\_ Receipt No. \_\_\_\_

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

Shorezone Scenic Security (3): Amount \$5,000 Type \_\_\_\_ Paid \_\_\_\_ Receipt No. \_\_\_\_

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

Shorezone Inspection Fee (3): Amount \$119 Paid \_\_\_\_ Receipt No. \_\_\_\_

Air Quality Mitigation Fee (4): Amount \$3,258.40 Paid \_\_\_\_ Receipt No. \_\_\_\_

Water Quality Mitigation Fee (5): Amount \$6,061.74 Paid \_\_\_\_ Receipt No. \_\_\_\_

Off-site Coverage Mitigation Fee (6): Amount \$ \_\_\_\_ Paid \_\_\_\_ Receipt No. \_\_\_\_

**Notes:**

- (1) See Special Condition 3.B
- (2) See the TRPA filing fee schedule for the current administrative fee
- (3) See Special Condition 3.C
- (4) See Special Condition 3.D
- (5) See Special Condition 3.E
- (6) To be determined, see Special Condition 3.F

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

***SPECIAL CONDITIONS***

1. This permit specifically authorizes a new single-family residence at 480 Gonowabie Road, using Washoe County Allocation number WA-11-0-10. The design includes three building segments attached by enclosed walkways. The base allowable coverage, based on the IPES Determination of Allowable Coverage file LCAP2018-0070, is 3,506 square feet; the total proposed land coverage, including structures, walkways, and parking is 3,259 square feet. This property is part of a deed restricted project area for purposes of calculating coverage, along with adjacent parcels 123-131-04 and 123-131-05, and therefore any remaining available coverage not used on this property may be used within the project area, pursuant to separate TRPA review. Permanent

water quality Best Management Practices will be installed as part of this project, and a certificate of completion will be issued when the final inspection is completed.

This property is visible from Lake Tahoe, Shoreline Unit 23- Crystal Bay, which is in non-attainment. The project has been reviewed under Level 5, Option 2 of the visual magnitude system. Required scenic mitigation includes vegetative screening and use of TRPA approved non-reflective colors and materials.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. The site plan shall be revised to include:
    - (1) Indicate in the coverage table the amount of off-site coverage to be created in the County right-of-way as part of this project.
    - (2) Include a note about the deed restricted project area for coverage calculation purposes "Per the deed restriction, the total coverage for all three parcels cannot exceed 5,091 square feet of base allowable IPES coverage..."
    - (3) Include a note on elevation drawings that all materials must have non-glare finish
    - (4) Include the Munsell value/chroma for each proposed building material on the exterior material palette plan sheet
    - (5) The permittee shall indicate on floor plans the type of TRPA approved woodstove, fireplace insert, or zero clearance fireplace to be installed
    - (6) Indicate the location of all proposed construction staging and storage
    - (7) On sheet A100, show the 42" Fir tree on the northern property line to be retained. Removal of the tree is not authorized under this permit must be reviewed under a separate TRPA tree removal permit.
  - B. The security required under Standard Condition A.3 of Attachment R shall be \$3,300.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
  - C. The shorezone scenic security of \$5,000 shall be required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. An \$119 non-refundable inspection/review fee is due at permit acknowledgement.
  - D. The permittee shall submit a \$3,258.40 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at \$325.84/trip.

- E. A water quality mitigation fee of \$6,061.74 shall be paid to TRPA. This fee is based on the creation of 3,259 square feet of land coverage at a rate of \$1.86/square feet.
- F. The permittee shall either pay an off-site coverage mitigation fee assessed at \$20 per square foot for the creation of any impervious coverage in the public right-of-way or reduce an equal amount of land coverage being created from any remaining allowable land coverage that may exist on the parcel.
- G. The project is located within Plan Area Statement No. 034- Crystal Bay, which indicates that the project site may be subject to avalanches. For this reason, the permittee shall record the attached TRPA prepared deed restriction to hold TRPA harmless from any and all liabilities.
- H. Prior to permit acknowledgement the permittee shall submit a construction management plan to TRPA for review and approval. The plan shall address construction staging, timing, parking, and traffic control.
- I. The permittee shall submit three sets of final construction drawings and site plans to TRPA (hard copies or electronic).
4. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions.
- A composite contrast rating score of 28 shall be achieved to comply with the required scenic mitigation and qualify for security return. The project has a maximum of 5 years from final inspection to meet the necessary requirements. When the scenic mitigation requirements have been met, the following documentation shall be submitted at:  
[www.trpa.org/permitting/inspections-securities/](http://www.trpa.org/permitting/inspections-securities/)
- Evidence of installation of 0-3% reflectivity glass on all glass windows and railings visible from the lake
  - Post construction photos taken from the approved scenic vantage point
  - A post construction revised scenic assessment will be required if there are significant changes from the approved scenic assessment, as determined by the Compliance Inspector at the final inspection
5. The trees on this parcel were used in the calculation of the scenic contrast rating score and shall be considered scenic mitigation. Removal or trimming of trees shall constitute a violation of project approval and may trigger additional scenic mitigation requirements.
6. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.

7. All BMPs shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
8. All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin.
9. TRPA approval is subject to approval and conditions of the Washoe County building permit and Code, including, but not limited to, structural building components and building setbacks.
10. Prior to security release photos shall be provided to TRPA taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
11. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
12. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.
13. The trees and vegetation on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.
14. 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.
15. The permittee is responsible for ensuring 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.
16. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this

permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment C

Statement of Appeal, dated August 20, 2020





GREG GATTO  
PO Box 85  
Calpine, CA 96124  
D. 530.205.6503  
greg@sierralanduselaw.com  
www.sierralanduselaw.com

August 20, 2020

**VIA EMAIL**

Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
128 Market Street  
Stateline, NV 89449

**Re: Statement of Appeal and Request for Stay of Permits – 470 Gonowabie (Appeal File Number ADMIN2020-0003, TRPA Project File Number ERSP2019-1453); 480 Gonowabie (Appeal File Number ADMIN2020-0004, TRPA Project File Number ERSP2019-1471)**

Dear Honorable Members of the Board and Mr. Marshall:

This Statement of Appeal and Request for Stay of Permits is respectfully submitted on behalf of Robert Goldberg and Reuben Richards, owners of the residences located at 459 and 458 Gonowabie, Crystal Bay, Washoe County, Nevada, respectively (“Appellants”). Appellants are appealing the approval of both the 470 Gonowabie Road Single Family Rebuild (TRPA File No. ERSP2019-1453) and 480 Gonowabie Road Single Family Dwelling (TRPA File No. ERSP2019-1471) (collectively the “Projects”) affecting the real property located at 470 and 480 Gonowabie Road (Washoe County APNs 123-131-05 & -06) (collectively the “Properties”) filed on behalf of Gonowabie Properties, LLC (the “Applicant”). Appellants’ residences are directly adjacent to (458 Gonowabie) and across the street from (459 Gonowabie) the Properties.

In conjunction with this Statement of Appeal, Appellants respectfully request that the Chairman of the TRPA Governing Board stay any approval of the Projects for the reasons more specifically detailed below.<sup>1</sup>

While 470 and 480 Gonowabie are being considered as separate projects, they are in fact part of a large development (that includes a third parcel at 460 Gonowabie), the configuration of which resulted from a lot line adjustment approved by TRPA on June 24, 2020 (TRPA File No. LLAD2019-0821, subsequently referred to herein as the “LLA”). Approval of the LLA is currently being challenged in the United States District Court, District of Nevada, Case No. 3:20-cv-00468 (the “LLA Action”). Notably, a judgment in the LLA Action could reverse TRPA’s approval of the LLA, which would have the concurrent effect of nullifying the Project approvals,

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<sup>1</sup> Appellants hereby incorporate by reference the complete administrative record of proceedings in this matter as well as the record in the related lot line adjustment (TRPA File Nos. LLAD2019-0821 and ADMIN2020-0002). Given circumstances relating to the coronavirus pandemic and difficulty in obtaining records, Appellants also respectfully request and reserve the right to submit additional information/justification in support of this appeal.



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 2

which are entirely dependent on the LLA.

During the processing of the LLA application, Appellants warned that by failing to evaluate the cumulative impacts of the development of the three parcels at that time, the Applicant would be able to segment the entire development into bite-sized pieces to obscure the significant cumulative impacts, thwarting TRPA's Code and applicable case law prohibiting piecemeal environmental review of proposed projects. The Applicant assured the public that the ultimate impacts of development would be addressed when the subsequent permits for construction of the residences were considered. Despite the Applicant's assurances, the true impacts of this development have again been concealed, and the significant cumulative impacts associated with the simultaneous construction of three estate sized residences on a single lane street have not been mitigated. The result is an over-sized development that will irreversibly change the character of the surrounding neighborhood, lead to loss of parking and traffic and safety issues, and otherwise disturb the health, safety, enjoyment of property, and general welfare of persons in the community. Accordingly, Appellants respectfully request that the Board grant this appeal, and overturn the approval of the Projects.

### **I. Request for Stay**

Pursuant to section 11.2 of the TRPA Rules of Procedure, a stay of a project may be granted upon appellant demonstrating the need for a stay pending a hearing on the appeal, supported by an affidavit or under penalty of perjury. The Chairman of the Board shall review any request for a stay of a project, any evidence of the hardship on the appellee, shall balance the equities, and shall determine whether or not a stay shall be issued.

This appeal raises issues relating to irreversible changes in the character of the neighborhood and the failure to consider a shared driveway as required by TRPA policy, claims that if successful, will require redesign of the Projects. Furthermore, the plans for construction of both 470 and 480 Gonowabie are entirely dependent on the District Court upholding approval of the LLA. If the LLA approval is reversed, plans will have to be reconfigured in order to conform with the original parcel configurations. Site preparation has already commenced on 470 and 480 Gonowabie, and construction is imminent.

Allowing the Projects to proceed during the pendency of this appeal, with the possibility that any construction completed may have to be demolished, would result in harm not only to the environment, the public, and Appellants, but to Appellees as well. *See Friends of Westwood, Inc. v. City of Los Angeles*, 191 Cal.App.3d 259, 264 (1987) (“[b]oth parties would suffer harm if



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 3

the building were constructed and then had to be torn down.”)<sup>2</sup>

There are currently less than two months left in the grading season, which closes October 15. (TRPA Code of Ordinances § 33.3.1.A.) Allowing construction of the Projects to go forward pending this appeal, with the possibility that if this appeal is granted demolition, additional grading, revegetation, restoration, and site stabilization may have to occur after October 15, results in a risk of environmental injury, degradation, and unnecessary site disturbance. Under these circumstances, the balance of harms favors a stay. *See Save the Yaak Committee v. J.R. Block*, 840 F.2d 714, 722 (9th Cir. 1988). Further, any potential economic harm resulting from a delay in construction does not outweigh the environmental harms that may result from a violation of the TRPA Compact or Code. *See The Lands Council v. McNair*, 537 F.3d 981, 1005 (9th Cir. 2008) (preserving nature and avoiding irreparable environmental injury outweighs economic concerns), overruled on other grounds as stated in *American Trucking Associations, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 n.10 (9th Cir.2009).

Given the pendency of the TRPA grading deadline, and the likelihood that any work conducted in the interim may have to be hastily removed and remediated depending on the outcome of this appeal, there is no basis to allow the Projects to proceed. Accordingly, Appellants respectfully request that TRPA stay the Projects until this appeal is heard.

## **II. Bases for Appeal**

### **A. A Shared Driveway on 470 Gonowabie, Designed to Serve 460 Gonowabie, Would Have a Superior Effect to, and Eliminate Significant Adverse Impacts Resulting From, Three Separate Driveways.**

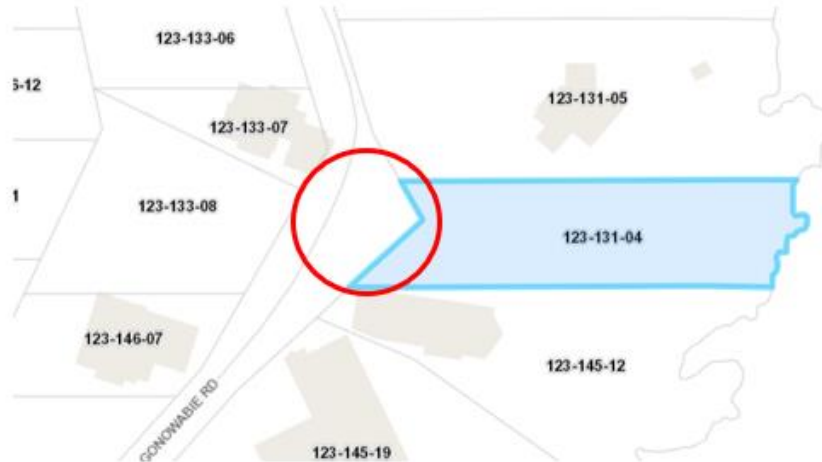
The public right-of-way on Gonowabie Road was uniquely developed to require a large turnout directly in front of 460 Gonowabie (see below).

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<sup>2</sup> While NEPA and CEQA do not directly apply to TRPA, cases interpreting these statutes may “inform interpretation of the Compact . . . where those cases rest on language analogous to that used in the Compact.” *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1274, 1276 (E.D. Cal. 2010) (noting that “like CEQA and NEPA, the Compact serves to inform the public and to protect the environment in a general sense”).



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 4



This turnout feature serves several purposes. It functions as one of the only available on-street parking areas on Gonowabie Road. As depicted on the Google earth picture below (dated June 7, 2018), there are two cars parked in the public right of way directly fronting 460 Gonowabie.



The turnout also enhances emergency vehicular access on this narrow roadway, helps to eliminate conflicts between motor vehicles and bicycles and pedestrians, and serves as snow removal storage.

While the proposed development of the residence at 460 Gonowabie Road is not currently before the Governing Board, Section 34.3.2.A. of the Code of Ordinances states that new driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation,



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 5

and safety, and Section 34.3.2.B. provides that TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways. Further, the TRPA Design Review Guidelines declare that “[o]wners of adjoining properties are encouraged to develop shared points of ingress and egress in order to reduce the number of access points onto the main roadway.” (TRPA Design Review Guidelines, Parking and Circulation, p. 4-1.) Despite these strong policies in support of shared driveways, the record is devoid of any evidence that feasibility related to a shared driveway was evaluated. *See Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal.App.4th 99, 142 (2001) (in reviewing the decision of an administrative agency, the reviewing court should determine whether officials considered applicable policies and the extent to which the proposed project conforms with those policies).

Because a separate and third driveway on 460 Gonowabie resulting from the development of the Gonowabie Properties would eliminate the on-street parking and turn out directly fronting 460 Gonowabie, a shared driveway between 460 and 470 Gonowabie should be required.<sup>3</sup> A shared driveway on 470 Gonowabie will have a superior effect, and eliminate many of the significant adverse impacts on traffic, transportation, and safety, which would result from a separate driveway on 460 Gonowabie. Absent a shared driveway, the findings required under Code of Ordinances section 21.2.2.B., that the project will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, cannot be made.

**B. IF APPROVED, THE PROJECTS WILL IRREVERSIBLY AND NEGATIVELY CHANGE THE CHARACTER OF THE NEIGHBORHOOD.**

Preservation of a neighborhood’s existing character is mandated by the TRPA Code. Code of Ordinances section 21.2.2.C. prohibits the approval of any project that will change the character of the neighborhood. Section 21.2.2.A provides that all projects must be of such a nature, scale, density, intensity, and type to be an appropriate use for the surrounding area. And Crystal Bay Plan Area Statement 34 similarly directs that all projects must maintain the existing character of

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<sup>3</sup> Numerous neighbors, proximate residents, and the Incline Village Crystal Bay Citizens Advisory Board have rendered public objections in various forums to the loss of nearly the only on-street public parking spaces on Gonowabie. True and correct copies of minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing, both relating to parking impacts resulting from development of the Properties, are attached hereto as **Exhibit 1**. The removal of virtually the only on street public parking on Gonowabie must be mitigated via a shared driveway on 470 Gonowabie. *See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal.App.4th 1013, 1053 (2013) (“[t]he personal observations and opinions of local residents on the issue of parking in the area may constitute substantial evidence that a project may have a significant impact on parking and thus the environment.”).



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 6

the neighborhood.

Contrary to the Code's requirements that the neighborhood character be preserved, the Applicant is proposing to build three oversized estates, any one of which would be nearly the largest house on Gonowabie.

Mr. Robert Heynen, an architectural consultant working globally for 45 years, and until recently, a resident of Gonowabie Road for over 20 years, has opined that the size and scope of the Projects threatens forever the character of the neighborhood and the safety of Gonowabie Road, leading to the tipping point in this community. (See August 20, 2020 comment letter from Robert Heynen, attached hereto as Exhibit 2.) The simultaneous construction of 470 and 480 Gonowabie will irreversibly change the character of the neighborhood. The addition of 460 Gonowabie will only further serve to transform the character of the neighborhood. Pursuant to Code of Ordinances section 21.2.2.A. & C., the Projects should be redesigned to more closely match the scope and context of the surrounding neighborhood, and so as not to permanently and significantly impact the neighborhood character.

**C. IMPACTS RESULTING FROM THE SIMULTANEOUS CONSTRUCTION OF THE LARGEST RESIDENCES ON THE STREET WILL SIGNIFICANTLY IMPACT THE PERSONS AND PROPERTY IN THE NEIGHBORHOOD.**

The applicant has acknowledged that it will have a total of 120 individuals constructing the residences on 480, 470, and 460 Gonowabie for over 2 years, with minimal onsite parking, large cranes and other heavy equipment utilizing the narrow right of way on Gonowabie Road.

Even a single truck and excavator conducting minor demolition at 470 Gonowabie disrupted traffic in the neighborhood for hours<sup>4</sup>:

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<sup>4</sup> This picture was taken on July 17, 2020, as the applicant was conducting demolition work on 470 Gonowabie.





Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 7



While an application for 460 Gonowabie is not currently before the Governing Board, the near simultaneous development of the three parcels will undoubtedly significantly impact this small neighborhood served by a nearly single lane road for years to come.

As a condition of the Projects' approval, the Hearings Officer required submittal of a construction management plan, but as of the date of this submittal, Appellants are unaware of a final plan approval. Absent construction impact mitigation, and implementation of appropriate COVID safeguards, the proposed Projects will be injurious and disturbing to the health, safety, enjoyment of property, and general welfare of persons or property in the neighborhood.<sup>5</sup> (TRPA Code of Ordinances § 21.2.2.B.)

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<sup>5</sup> During the Hearings Officer meeting, Appellants raised several objections to the removal of trees larger than 30" dbh on 470 and 480 Gonowabie, to the extent such removal was not previously authorized under tree removal permit, TRPA File No. TREE2018-0242. It was represented that one of the trees proposed for removal would in fact be retained, and the other trees would be cross-referenced with the tree removal permit to confirm such removal had previously been authorized. To the extent trees larger than 30" dbh are proposed to be removed, and such removal was not authorized under TRPA File No. TREE2018-0242, Appellants renew their objections under Code of Ordinances sections 61.1.5.B. and 61.3.7.B.



Tahoe Regional Planning Agency  
Governing Board  
c/o John Marshall, General Counsel  
August 20, 2020  
Page 8

Based on the foregoing, Appellants respectfully request that the Governing Board set aside and rescind the approval of the Projects.

I declare under penalty of perjury that this Statement of Appeal and Request for Stay of Permits and all information submitted herewith is true and accurate to the best of my knowledge.

Respectfully,

Greg Gatto

Exhibits



## **EXHIBIT LIST**

Statement of Appeal and Request for Stay of Permit –  
Appeal File Numbers ADMIN2020-0003 & -0004

- Exhibit 1** Minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing
- Exhibit 2** August 20, 2020 comment letter from Robert Heynen

# EXHIBIT 1

Mike Lefrancois had the following corrections to the statements he made in the minutes: During his comment, he stated 'he doesn't believe TOT **alone** needs to be used for enforcement.' 'BMPs are regulated by TRPA. '...afterhours. **There needs to be 2 (min) staff members for 7 day coverage.**' Instead of the sentence 'STR is very specific,' it should have read 'STR regulations as proposed are very focused and don't address overlap of non-STR issues (noise, parking enforcement).

Judy Miller:

On page 2, after Jack Dalton's public comment, the minutes need to reflect that it is '**the end of public comment period.**' Judy Miller also added that a sentence after public comment that states **Judy Miller wanted to get answers to the questions raised during public comment.** Name spelling correction for a public member should be Joy **Gumz**. On page 3, it should state '**Judy Miller had prepared a sheet of comments and gave copies to the board and attendees. She wanted to emphasize the definition of residential use types as wholly or primarily non-transient.**' On the last page, last paragraph, Judy said there are a lot of un-permitted second dwelling units.

Kevin Lyon:

During the portion of the minutes where Kevin Lyons asked about break down of compliance – it should read '**Some of these are possible solutions to problems that are actual problems.**' Additionally, during his comment, it should state **public** nuisance issues such as parking and **noise** should be addressed.

Judy Miller moved to approve the minutes of **DECEMBER 12, 2019** as corrected. Kevin Lyons seconded the motion to approve the minutes as corrected. Sara Schmitz abstained. The motion carried unanimously.

**6. DEVELOPMENT PROJECTS-** The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page:

[www.washoecounty.us/comdev](http://www.washoecounty.us/comdev)

**6.A. Variance Case Number WPVAR-0002 (Gonowabi Properties LLC)**

– **Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage. (for Possible Action)**

- **Applicant\Property Owner: Gonowabi Properties, LLC**
- **Location: 460 Gonowabi Rd, between the road and shore of Lake Tahoe**
- **Assessor's Parcel Number: 123-131-04**
- **Staff: Roger Pelham, Senior Planner,; 775-328-3622; rpelham@washoecounty.us**
- **Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 6, 2020**

Roger Pelham, Washoe County Planner, said he was available to answer questions. In response to the public comments, he noted delaying hearing of this item is not an option at this time. He said he can answer code, policy, process questions.

Nick Exline, Midkiff and Associates, Representative, 460 Gonowabi, provided a brief overview of the proposed variance request.

He said the proposed variance is to reduce the required front yard setback on the subject site. He said with this variance, he said they were hoping to put the development closest to Gonowabi instead of using a step down process.

He said a step up height segment process would be ideal on first street level. He said they wanted to bring the property up to the street as far as we could to maintain view corridor for the neighbor, but keep it below the view corridor for the neighbor across the street.

Nick said additional concerns were raised when they walked the site with architect and concerned neighbors. He said parking was a concern. Nick said per code, we would not be afforded the parking requirements off street parking. He said they will look to stake the corners and have another conversation with architect and community before BOA meeting on Feb. 6.

Pete Todoroff said he understands it's a fire lane, but if you build there, there won't be off street parking. Nick said we are focusing on the variance request. He said they aren't afforded the opportunity to include a driveway. Pete asked if they could put a driveway or parking on the lot next door. Pete said this is a major problem with taking away the current off-street parking. That is a major concern.

Sara Schmitz asked what the square footage and number of bedrooms proposed. Nick said it's proposed to be a single-family, 5,671 square feet with 5 bedrooms. Sara said with 5,671 sq. ft. with 5 bedrooms, off-street parking is needed. She said it's a fire lane and a snowplow needs to come down that lane. She asked where are these other people going to park; that's the reason for setbacks. Nick said onsite parking has not changed in the garage and on the bridge.

Mike Lefrancois asked if fire department has reviewed this application. Roger said they had no comments. Mike said the resident concerns are valid. He asked about parking code. Roger said two off-street, one of which should be in an enclosed garage. Both are being created within the garage on the subject site. There will be two spaces on the property.

Judy Miller asked who put the pavers in. A public member said the County installed the paver. She said this proposal will take away the public right-a-way parking for a private development. It doesn't seem equitable. Nick said that's not official parking. Kevin said pavers are on public property. Nick stated this property owner is being asked to solve issues in order to develop a single family residence. Nick said this wouldn't be an acceptable fire lane under current code.

Nick spoke about the shape of the property as pie slice. Robert (neighbor) said the property is that shape because the road used to end there. Kevin said it's a one way road. Robert said there are challenges. He said whether it is permitted or not, it's the only place to park. He said he and Rube aren't prepared to support or oppose it. He said he is sympathizes with it, but have ideas to help mitigate issues. This application not ready. He said the applicant has been collaborative to address concerns. We want to come to an agreement but we aren't ready.

Judy asked if there were conversations with the neighbors prior to notice. Nick said no.

Nick said he is not empowered to make changes now. He said we need to focus on the variance. He said he is empathic to the parking issues. Nick said they are going above and beyond. He said if we move the property away from the property, it will impact the view corridor more. Ruben said he disagrees.

Sara said she is new to this and has been a home owner for many years and has remodeled. She said the first thing we did before building was to understand the parameters of the lot which included setbacks. She asked why wasn't this type of approach taken at this location. Nick spoke about the updated area plan and changes to Gonowabi due to challenges. He said garage will be 40-50 set away from property line. This is a unique parcel configuration, steep slopes, and architectural design.

Public Comment:

Wayne Ford said variance request are based on facts. For interior lots in building placement, this has a 15 foot setback, not 20 foot. He asked Roger for his input. Roger Pelham said it does by means of topography, but 20 foot for zoning. Wayne said 15 foot setback due to steepness of property. 5 feet is a big difference. Roger said the description is correct which is required by the zoning. There is a modification based on topography that would apply in this case if not otherwise varied. Wayne said the water quality project with paving was verified. He said he spent time with a Washoe County staff member on the pavers. The pervious pavers are owned by the county. It was legally done. It took a lot of time to stabilize the area. Nick said he would look into it.

Sara Schmitz asked about the easement for utilities. Robert said there is a public access easement between the subject property and Ruben's property that isn't indicated on the map. He said when he brought the property, the public easement access showed up on the lot map. He said the owners have been responsive, but give proper time to get a decent outcome.

Roger Pelham, the notice that went out are courtesy notices, but they are not requirement. He said we began sending courtesy notices this 20 years ago. He said the legal notices are sent 10 days before the public hearing. He said we send the courtesy to engage community early in the process. This gives the citizens a better opportunity. Applications come in on 15<sup>th</sup>, courtesy notices might have been slow over holidays. This is a public forum to gather input.

Sara Schmitz asked about additional access requirements and setback. Roger said it depends on the type of public access easement. He spoke about different access easement. Robert said easements should be reflected in the plans.

Kathy Julian spoke about public access. She asked if someone does a development like this, is there a check if a development eliminates public access. She asked who checks for that. Nick said the property line is reflected on the site plan. The title report reflect the legal description. We showed legal described boundaries in the plans.

Wayne said Ann Nichols and Mark Alexander spent a lot of time researching those access easements and aren't sure how accessible they are. They don't show up on the maps except for the originals. They weren't recorded. There has been challenges with property lines in court in Crystal Bay. Public access was controversial. But there is no parking for public access. Robert asked about a property line adjustment. Wayne said that happens a lot. Wayne said new TRPA code allows for height codes. Wayne said the design is great, the only issue is parking.

Robert said we will come to reasonable solution. Ruben said issues can be address if given enough time.

Nick said it's unique burden to solve off-street parking issues for other owners who have their own parking issues. Pete said you are taking it away.

Mike asked if the property lines have already adjusted. Nick said not yet, surveyor has been out there and provided comments. Mike said the surveyor may provide comments. He spoke about the ability to have a driveway based on your property lines. There is 50 feet curbside. Mike said this can be worked out without changing much. He suggested involving fire and roads department and work it out with the neighbors.

Robert said there is a way through this, but we aren't there yet. Mike said it's a parking issue, not a setback issue.

Nick said even if we move it back 10 feet to adhere to the setback, there ultimately is no solution for parking. Robert suggested if you move the house to the north against the other lot line that would solve a problem. Robert said we can solve this before Board of Adjustment meeting.

Robert asked if applicant can ask for a delay. Roger said only the applicant can request a delay.

MOTION: Kevin Lyons moved to forward the comments to Washoe County staff. He wished them good luck. Pete Todoroff seconded the motion. Sara Schmitz opposed. The motion carried.

**7. \*WASHOE COUNTY COMMISSIONER UPDATE** – Commissioner Berkbigler was not present.

**8. \*CHAIRMAN/BOARD MEMBER ITEMS-** This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Pete requested Election of Officers item be placed on the next agenda to determine Vice President. Judy Miller said the Planning Commission is tomorrow. She asked if Phil Horan is still on the board. Roger said he wasn't sure if Phil still lived in Washoe County or Reno. Sara said planning commission is 6pm.

**9. \* GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –**

With no requests for public comment, Pete Todoroff closed the public comment period.

**ADJOURNMENT** – meeting adjourned at 6:38 p.m.

Number of CAB members present: 5

Number of Public Present: 10

Presence of Elected Officials: 0

Number of staff present: 1

Submitted By: Misty Moga

- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 324, Communication Facilities
- Commission District: 3 – Commissioner Jung
- Staff: Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3622
- E-mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

This item was moved to March 5, 2020.

**F. Variance Case Number WPVAR19-0002 (Gonowabi Properties LLC)** – For possible action, hearing, and discussion to approve a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage.

- Applicant/Property Owner: Gonowabi Properties, LLC
- Location: 460 Gonowabi Road, between the road and the shore of Lake Tahoe.
- APN: 123-131-04
- Parcel Size: ± .33 acres (±14,375 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkgigler
- Staff: Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3622
- E-mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Roger Pelham, Senior Planner, reviewed his staff report dated January 13, 2020.

Member Hill asked if the applicant requested an alternative design with regards to the exceptional characteristics of the site. Mr. Pelham said they don't have that luxury. He said we only look at what is submitted. He said they cannot ask to see other configurations. Member Hill asked if they can build a dwelling while keeping the front yard setback. Mr. Pelham said he isn't a design professional.

Chair Thomas asked if there is sufficient space for off-site parking for guests. He said he understands the garage; that may be full. If friends come over, he asked if there is adequate parking. Mr. Pelham said this has been the crux of the conversation. He said it's not a requirement of code. He said this particular area is utilized for off-street parking and some of that will remain. It's in front of this parcel owners' garage and will become part of the driveway. It is an area that neighbors are using to park off the right-a-way.

Member Toulouse referred to the parcel map. He said when he looks at the map, the only portion that is oddly shaped is the front part that abuts the road. He said there are other parcels that have more odd shapes.

Member Stanley asked if there will be signage to prohibit parking in front. Mr. Pelham said the driveway is two cars in width, so there will be public right-a-way. There are no signs required. Member Stanley asked

about sightlines. Mr. Pelham said that is outside his purview. He said his review is determining special circumstances. He said he cannot consider views. Member Stanley said some may argue detriment to someone personally.

Member Toulouse (no microphone) asked, if the structure was moved down the hill, would they still lose the two off-street parking spots. Mr. Pelham said yes.

Nick Exline, the applicant's representative, provided a presentation. He provided insight to the design and slope challenges.

Member Toulouse asked what is stopping the applicant from pushing the structure down 13 feet. He asked what the obstacle is. Mr. Exline said coverage, sightline, scenic implications, neighbors, and community. He said they want to use existing vegetation as screening. Member Toulouse asked if they moved down the hill there won't be any vegetation and screening. Mr. Exline spoke about TRPA view angle and screening visible facade. Member Toulouse asked about the view angle. Mr. Exline said it's a northern view aspect. He showed a photo. He said they want to reduce disturbance with grading volumes and slope cuts.

Chair Thomas said nobody is guaranteed a view corridor. He said his concern is with fire safety and the difference variances approved in the neighborhood, reducing setbacks, and defensible space. He said there is no house on the property. There is steepness and narrowness on the property. If there is no house on the property now, how is there a hardship when you choose the size of house that encroaches into the setback. Mr. Exline spoke about neighboring variances and challenges. He said they could build without a variance; however, it takes away from the enjoyment of the property.

Clare Walton, project designer, spoke to the hardship component. She said there is a height requirement for the garage that must be 28 feet from grade. In the segmented height approach, the garage would slope down, they would have to create a bridge, and they would be dealing with a steeper grade driveway. The further away from the road, the longer the driveway bridge. It's challenging and visually doesn't fit in with the neighborhood.

Chair Thomas spoke about other properties who experience hardships that require variances. Mr. Exline said it's arduous to build on Lake Tahoe. DDA Large said the hardship is the property, not with the individual owner. Chair Thomas said it becomes a hardship when someone wants to build. Mr. Lloyd said it's the physical constraints of the property – developability, steepness, shape. Mr. Pelham said state law lays it out – narrow, shallow, shape, topography – limits our evaluation of the application. Member Hill asked if they are asking for a side yard setback. Mr. Pelham said no. She said then narrowness shouldn't be considered. He said it goes into their design element.

Member Toulouse referenced the parcel map. He said it says 'exceptional' narrowness. He said the surrounding properties have approximately similar narrowness. He asked what exceptional narrowness means. He asked if there is something more finite to reference. Mr. Pelham said it's an objective standard, minimum requirement within the medium density zone. The minimum lot size is 80 ft. We have those minimum dimensions. It's an objective standard based on regulatory zoning. Slope is an objective standard of 30%. Above 30% is constraint. It's not subject to opinion.

Member Stanley asked about a boundary line adjustment. Mr. Exline said the applicant is contemplating one. There are some unknown factors. He said it would be minor. It would not change any findings. It would be 20 feet +/- . Member Stanley if sightlines were open to discussion with the neighbors. Mr. Exline said the neighbor engagement was challenging. He said at the CAB, recommendation was don't develop on the parcel because they want to park there. He said he reached out to the neighbors for suggestions. He said the neighbors asked him for 5 choices to choose from.

Member Hill (no microphone) asked the status of the boundary line adjustment with TRPA. Mr. Exline said until this piece is done, they haven't applied for the single-family residence.

Mr. Exline said 26 feet is the boundary line adjustment. It would change Mr. Pelham's report.

Member Stanley asked about definitions of what is required with a variance and if it runs with the land. He asked if it's like a deed that runs with the land. Mr. Lloyd said typically you don't list all the constraints



within a deed. If a property owner does their due diligence, it becomes evident through the process. A variance would not be subjected to a property owner. It runs with the land. He asked if it would be mentioned in a deed. Mr. Lloyd said a variance would be identified through a deed and record search.

Public Comment:

Judy Miller said she relied in good faith that a compromise with the neighbors could be reached. She said she sent in her CAB worksheet. She said she disagrees this project meets all requirements for a variance. For instance, special circumstances, it's the applicant's responsibility to show special circumstances create undue hardship. Slope by itself or narrowness by itself doesn't satisfy its requirement. She said she spoke to Julie and there is a lot line adjustment that will increase lot size by more than 4,000 sq. ft. This application shows an 80-foot width; it doesn't show 62 ft. She said she tried to flip the map she showed on the overhead. She showed the contour line. It wouldn't hurt to move the house back 10 feet. It doesn't take a lot to not require a variance. Member Toulouse asked Ms. Miller if the CAB is not supposed to make recommendation. She said Alice McQuone changed the language on the agenda. Ms. Miller said the action would be recommend forwarding citizens and CAB comments to staff. We couldn't forward a voted upon recommendation. Other CABs are still making recommendations. Member Toulouse said he will discuss this with Mr. Lloyd.

Greg Gatto said he is the attorney representing the neighbor and the neighbor across the street from the subject property. He asked for extra time to provide clarification. He said there weren't any answers from the representative. He said it was a misrepresentation. He said a boundary line adjustment has been submitted with the County. There is an application pending concurrent with the variance request. He clarified that a boundary line adjustment has been approved by TRPA and submitted to Washoe County. He addressed the hardship question. The applicant has a burden to prove with evidence there are extraordinary and special circumstances unique to the property; adherence to setback requirements would result in exceptional and undue hardships. The Nevada Supreme Court set a hard standard for variance requirements. They would have to prove the setbacks would deprive them of uses of the property or decrease the value of the property. He said the applicant recently purchased the property with the setbacks. The price reflected the value with the setbacks. Denial of the variance would not decrease the value of the property at all, nor deny beneficial uses of the property. There is no evidence of undue hardship. He addressed one hardship that was brought up with the garage. He said that is common to have a bridge design. The applicant failed to prove the special circumstances to deviant from the setbacks. The property has identical slopes and were able to construct a home. The lot line adjustment was approved by TRPA but pending in Washoe County. Special privilege should be denied. The design will not be approved by TRPA. He said the building plans were rejected due to height standards. The building segment may not exceed 28 feet. The roof pitch is 40 feet and cannot be approved. We respectfully request denial of the request.

Monica Decker said she emailed the Board last night which outlines the opposition to this as a neighbor on Gonowabie. She wanted to be present to show support with the other neighbors who had concerns. Her concerns are around access for emergency and public parking.

Ruben Richards, owner of a house south of the subject property, said he will be most significantly impacted. He said the CAB's impression was for the developer and community to work out a solution that would be acceptable. He said he understands the developer wants to squeeze in homes on a tight road. He said we engaged with developer's representative. He said they asked for feedback. He said we aren't architects. The property has been for sale for a long time. He said we don't know what the developer wants. We aren't designers. He said the representative was disingenuous. He was told this was going to be tabled in order to have a meeting. He said there has been difficulties with the developer. We understand his right to build, but we need to consider the safety of the community. That road hasn't seen development like this. We started this process not knowing if we supported it or not; we didn't know enough. We aren't at that point to find a solution.

Lee Reynolds said she is a neighbor. She spoke about speed limit concerns. She said the road has a sharp curve. People have to back up to allow cars to go by. Safety of the residents is the concern. Moving the front yard setback could create a hazard on the street. The average SUV is 15 feet. They have to

maneuver and backup to get around. Approving this deviation would be a safety hazard. Keep the standard setback enforced.

David Ehrlich, neighbor above the proposed development, said he changed his plans to attend the meeting. He said he reviewed the application and spoke to Roger and reviewed the attorney's letter. He thanked Member Toulouse for his question. They don't want a longer driveway because they want a bigger house. The developer bought the property knowing the setback. This will be a monster house. He said it's not fair. They haven't acted in good faith. He said he wonders what will happen when they start building.

Will Adler, Silver State government relations, said he used to be a contractor. This is a simultaneous development. He said you can move around the lines to build. He said they applied for a lot line adjustment at the same time but lied and said they didn't know about it. It's in the plan. He said he has been a lobbyist. He said he never used a staff member's name in a report before. They filed for this application on Christmas Eve but then say they want community feedback. You don't apply on Christmas Eve and bury it if you want feedback. They aren't acting in good faith. They misrepresented. This cannot be taken as a solo project.

Robert Goldberg thanked the Board for their service. He said he serves on EDAWN and UNR boards. He said he is about thoughtful development. He said he wanted to cover two points. Everything has been covered by the other speakers. He said we are not against development and their ability to make money on the project. He said we reached out to the developer early in the project to understand it but were stiff armed from the beginning when we submitted our ideas and concerns. He said meeting with the architect never happened. The plans were magically produced today. He said the lot line adjustment is made, there is enough room on the far side of the property to not impede the current parking pad at all, but they want to maximize the building envelope of the property. He said you could design this with a single width driveway. He said there were misstatements made during applicant's presentation.

Ardythe McCracken, resident on Gonowabie, apologized for not getting her letter to them earlier. She read from a prepared statement. She said she is opposed to the variance. There is no evidence that the applicant will experience undue hardships by not having this variance. It's evident that the negative impact of this variance affects the parking on Gonowabie. It would remove the only parking space we have on this road which would lead to visitors and guests parking someplace that would impede the use of the road for public safety and emergency vehicles. In case of fire, there would be extreme problems. She said the neighbors have expressed their concerns. This is a neighborhood concerned for each other. We feel this variance should not be approved.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse addressed something Mr. Adler said. He said staff is honest and hardworking. There should be no question of Roger's or anyone else's integrity and they do a good job. He said he is struggling to make the findings to approve this request. We do a lot of variances in Lake Tahoe and on Gonowabie. He struggles with special circumstances and how it won't be detrimental to the public. He said if we grant this, it would grant a special privilege.

Member Stanley said he heard Mr. Alder's comment about staff differently than Member Toulouse. He said he has concerns about the boundary line adjustment and other information not available initially. He said he thought he heard the plans in packet are inaccurate in some way. He said he didn't receive the email as mentioned in public comment. Staff noted the email was handed out before the meeting and they have copies.

Member Hill echoed concern about the lot line adjustments. If plans were design for an 80 ft wide lot, that seems to discount the special circumstances because of narrowness. She said as representative of Incline Village, she uses to go down Gonowabie as a kid. She said she doesn't see many 6,000 square foot houses. They are old-timey cabins. She said she has a hard time approving a 6,000 sq. ft. house on a narrow road. It's not a hardship. It could be a modest home to fit within the setback. There are alternatives to meet the setback requirements.

DDA Large said a boundary line adjustment is not before this Board. Decisions for this application, the findings need to be separate from the boundary line adjustment. Member Hill said if the plans show 80-foot-wide lot, but it's only 62 feet, then we don't know. Chair Thomas said for us to make accurate decisions, we need accurate facts. If there are inaccurate facts, we need clarification from the applicant. DDA Large

suggested bringing the applicant or Mr. Pelham to discuss that, as we cannot consider a boundary line adjustment.

Chair Thomas said there is a discrepancy with a lot line adjustment. Mr. Exline said he hasn't had a chance to review. He guessed they wanted to show the project per completion of the lot line adjustment was approved. He said most of these things happened concurrently. If alterations take place that don't conform, we will have to come back. The plans show boundary line adjustment to 84 feet.

Chair Thomas concurred with fellow Board members. The owner of the property has the right to take away parking because they own it and have decided to do something with it. He said he doesn't believe the requirements have been met to move this forward.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR19-0002 for Gonowabi Properties, with conditions of denial included for this matter, having been unable to make the finding of Special Circumstances, No Detriment, and No Special Privileges. Member Hill seconded the motion which carried unanimously.

## 10. Chair and Board Items

### A. \*Future Agenda Items

Member Toulouse requested Soule Grading be agenized. He stated he had issues with conditions of approval (1(c), 1(e), 1(f), 2(c), 2(g)(a), 2(g), 2(h)(a)). He said he doesn't believe the conditions have been met. He would like to see it on the agenda so action can be taken. Mr. Lloyd stated staff feels these conditions have been met and requested an email from Member Toulouse outlining his concerns with the conditions. Member Toulouse stated he will clarify his concerns and forward but the condition that required the applicant to come back was not met. Member Hill requested to go by the site and review it. She said from the pictures, not much has changed, but understands it takes a while for things to grow. Chair Thomas concurred and asked the rest of the Board to review and get concerns to staff. Member Stanley asked for a follow-up review from staff and jurisdictions with state and federal. DDA Large advised not to email the entire Board in order to prevent a serial meeting. Mr. Lloyd suggested submitted questions and concerns to staff to gather and they will disseminate to the entire Board.

Chair Thomas spoke about the CAB action on topics. DDA Large stated that will be addressed with staff and the CAB. They are empowered to provide recommendations of approval or denial. Chair Thomas noted he pays attention to the CAB's direction.

### B. \*Requests for Information from Staff

Chair Thomas said as the county grows, the need for communication grows. We have had several wireless services requesting monopoles. He said we are faced with the term 'significant' gap. He requested a presentation regarding that topic. DDA Large said it's a presentation for legal counsel. He said our code was written 20 years ago. Regulations are not reflected in it. It may be a few months before it can come back because it needs analysis. Chair Thomas said they will rely on his expertise until an update can be provided.

## 11. Director's and Legal Counsel's Items

### \*A. Report on Previous Board of Adjustment Items

None

### \*B. Legal Information and Updates

None

## 12. \*General Public Comment and Discussion Thereof

Will Adler thanked Member Toulouse for his comment regarding staff. He said he noted he used to be a developer and has worked with county staff. He said he was trying to say a smaller house could be built. Member Toulouse thanked him for clarifying and will always stick up for staff in those situations.

# EXHIBIT 2

**From:** [Robert Heynen](#)  
**To:** [Greg Gatto](#)  
**Subject:** 470/480 Gonowabie Road  
**Date:** Thursday, August 20, 2020 11:03:40 AM

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I have been an international architectural consultant working globally for 45 years and until recently a resident of Gonowabie Road for over 20 years. I am familiar with design principles and have worked with TRPA on several projects around Lake Tahoe including my own residence on Gonowabie. Gonowabie is a unique road with the character of 'Old Tahoe'.

Gonowabie Road is a very narrow, one lane, one way road with challenging ingress and egress off busy Highway 28. Historically Gonowabie was a cluster of small vacation cabins and seasonal homes. Over time a number of those cabins have been torn down and replaced with more permanent homes, some enlarged and enhanced. With that transition the homes slowly became permanent residences as opposed to seasonal cabins. Off street parking is very limited, many of the homes on Gonowabie do not have garages so residents and visitors are forced to park along the narrow street. Erosion along the road is an issue because of the unstructured street parking which effects not only the property owners but eventually impacts the lake. With more full time residents the challenges of negotiating the narrow road frequented by more and more cars also raises the concern of keeping the road accessible to emergency vehicles in the event of fire or health emergencies.

Because of the soil composition and slope, TRPA's Land Capability Guidelines put most of Gonowabie in the 1-3 category of Land Capability which dictates limited allowable footprint and impervious coverage for all construction. From my own experience these guidelines are enforced to protect the sensitive nature of the soils, ensure proper flow and filtration of runoff and most importantly protect the purity of the lake Tahoe. As Gonowabie develops, each increment of additional size of new development impacts the character of this unique neighborhood, impacts the health and safety of its residents and impacts the preservation of Lake Tahoe. Fortunately until now no single project or cumulative effect of development on Gonowabie has caused a 'tipping point' ....however there is a 'tipping point'.

I have reviewed the public comments and plans where available from Gonowabie Properties and their intention to build three (3) spec houses simultaneously at over 6,000 square feet per residence (totaling potentially over 20,000 square feet of development) through the facility of a lot line adjustment that TRPA has approved. In my opinion the size and scope of this development threatens forever the character of the neighborhood and the safety of the Gonowabie Road.....this is the 'tipping point'. The houses proposed would be among, if not the largest houses on Gonowabie Road causing a negative impact to the character of the community. Gonowabie Road constitutes a 'View Corridor' as defined by TRPA guidelines which I believe would be severely impacted by the density of the development's proposed, potentially 20,000 square feet of multi story residences. Needless to say that the views from the lake will be impacted as will views from existing homes on Gonowabie and the enjoyment of residents who frequently walk the road to enjoy vistas of the lake.

While Gonowabie Properties has the right to develop the property and eventually profit from the sale of the spec houses, the development proposed for 470 and 480 Gonowabie allows the developer to in effect jeopardize the character of the community, exacerbate an already compromised traffic issue, impact the health and safety of other residents and compromise the intent of TRPA guidelines for the purpose of profit.

I encourage the TRPA Governing Board to deny the development as proposed, and instruct the applicant to design a project consistent with the scope and character of the surrounding community.

Sincerely,

Robert Heynen

International Design Consultant

Attachment D

Response to Statement of Appeal, dated September 15, 2020



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California and Nevada Lawyers

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Lewis S. Feldman  
Kara L. Thiel

*Of Counsel*  
Catherine L. DiCamillo

August 24, 2020

Bill Yeates, Chair – TRPA Governing Board  
John Marshall, TRPA General Counsel  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

Via Email – [jwytrpa@gmail.com](mailto:jwytrpa@gmail.com)

Via Email – [jmarshall@trpa.org](mailto:jmarshall@trpa.org)

Re: Appeal and Request for Stay – File No. ADMIN2020-0003  
470 Gonowabie Rd Single Family Dwelling, TRPA File No. ERSP2019-145  
Appeal and Request for Stay – File No. ADMIN2020-0004  
480 Gonowabie Rd Single Family Dwelling, TRPA File No. ERSP2019-1471

Dear Chair Yeates and Mr. Marshall:

On behalf of Gonowabie Properties, LLC (“GP”), owner of the above-referenced properties (“Properties”) and appellee/permittee in the above-listed files, we submit this objection to the appellants’ request to stay TRPA’s properly-issued permits for single-family dwellings at 470 and 480 Gonowabie Road for the reasons detailed below. We reserve the right to submit a separate reply to the appeal.

Pursuant to the TRPA Rules of Procedure, an appellant’s request for a stay must include credible evidence of the need for a stay pending a hearing on the appeal before the Board at its next regular meeting, and the appellee shall be given an opportunity, if possible, to provide written evidence of the hardship caused by a stay. (Rule 11.3.) We respectfully submit appellants have failed to meet their burden, that the basis for the stay is without merit, and that issuance of a stay will cause GP substantial harm as set forth below.

Following appellants’ unsuccessful hearings before TRPA’s Legal Committee and Governing Board concerning their opposition to the GP boundary line adjustment (“BLA”), TRPA conducted two public hearings on July 21, 2020, before Hearings Officer Marsha Burch concerning issuance of development permits for construction of single-family residences at 470 and 480 Gonowabie Road. After receipt of written objections from appellants and public comment, the Hearings Officer approved issuance of permits for construction of single-family residences at 470 and 480 Gonowabie Road (the “development permits”). Appellants’ crusade continues with the filing of an action in the Federal District Court challenging the Governing Board’s denial of their appeal concerning the BLA and now appeal the Hearings Officer’s determination and request for a stay of the development permits.



Notably, the hearings on the development permits were delayed pending the two hearings before TRPA’s Legal Committee and one hearing before the full Governing Board concerning appellants’ appeal of the approved BLA (“First Appeal”). Although GP intended to commence construction early this summer, the delays that occurred due to the First Appeal compressed the opportunity to construct improvements this building season.<sup>1</sup> In the event a stay is granted for this appeal (“Second Appeal”), the TRPA Governing Board will not hear the Second Appeal until September 23, 2020, effectively foreclosing GP’s construction on 470 and 480 this year. In other words, if the 470 and 480 development permits are stayed pending hearing on the Second Appeal, appellants’ unsuccessful opposition to the First Appeal and unsuccessful opposition to the two hearings conducted by the Hearings Officer will, in fact, be successful in that they will achieve their goal of preventing construction of single-family homes that are in compliance with TRPA’s comprehensive regulations concerning lakefront development.

As to balancing hardship, GP has completed construction documents, obtained construction financing, obtained development permits, and entered into construction contracts for 470 and 480 to commence this year. Absent a stay, GP will complete all grading and foundation work prior to October 15, which will eliminate the risk of environmental injury as alleged by appellants. As with all projects whose construction spans multiple building seasons, the sites will be stabilized and winterized by October 15 of this year. GP will work on vertical construction through the winter.

If a stay is granted, GP stands to suffer severe hardship from the delay in the start of construction from late August 2020 to May 2021. Not only would a nine-month delay in construction damage GP in the approximate sum of one million dollars in carrying costs and increased cost of construction, GP’s construction financing may be at risk. Further, favorable market conditions may reverse, compounding harm to GP.

GP respectfully submits in the unlikely event the Second Appeal is granted, it assumes the risk of demolishing the improvements and restoring the sites.

In addition to the First and Second Appeals, appellants have filed a Complaint in the U.S. District Court, District of Nevada, Case No. 3:20-cv-00468, naming TRPA, Marsha Berkgigler and GP as defendants. Although TRPA’s approval of the residences at 470 and 480 is not before the U.S. District Court, should the Court overturn TRPA’s approval of the BLA involving the properties at 460, 470 and 480 Gonowabie Road, GP acknowledges such a ruling may require it to demolish any improvements constructed on 470 and 480 and restore the sites. GP accepts this risk.

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<sup>1</sup> TRPA deferred action on GP development permits, pending resolution of the BLA appeal.

As detailed below, appellants' claims do not justify a stay.

#### Shared Driveway

Appellants allege TRPA abused its discretion by approving permits for 470 and 480 by, among other things, failing to require a shared driveway for 460 and 470, even though an application to develop 460 has not been submitted. The contention a shared driveway advances either appellants' interest, TRPA's or GP's is without merit. This is a lot and block subdivision and, as noted, has limited street parking which appellants contend is at risk. Although topography (downslopes toward the Lake) impose significant engineering challenges to design and construct a shared driveway, a shared driveway would eliminate four (4) driveway parking spaces for two (2) residences. Although Appellant Goldberg has a zero front yard setback with no driveway parking, thereby contributing to the claimed parking shortfall, separate driveways for 470 and 480 will provide four (4) onsite parking spaces, reducing impacts to adjacent street parking on Gonowabie. When 460 is developed, it will also contain on-site parking spaces, two (2) within a garage and two (2) on the driveway. Obviously, if cars park on a shared driveway access, access to each residence and garage is blocked. Although GP has not submitted an application to develop 460, there is no evidence a loss of parking would result when 460 is developed.

Imposing conditions on 470 for an unrelated project on an adjoining property would be inappropriate, if not an abuse of discretion. Development of a single-family dwelling on each of 460, 470 and 480 is a separate, unrelated project but for the fact that GP currently owns all three (3) properties. GP contends three (3) public parking spaces currently exist and that when 460 is developed, three (3) parking spaces will remain. Imposition of a shared driveway between 460 and 470 is not only infeasible, it would exacerbate the very parking shortfall appellants complain about.

Appellants contend that if a shared driveway is not required for 460 and 470, both on-street parking and emergency access/turnaround will be lost. They cannot have it both ways. If cars are parked in the turnout area in front of 460, as they often are, the area is inaccessible for emergency access or turnaround. If the area is needed for emergency access, parking within the area should be prohibited. In any event, the conceptual design for 460 maintains parking for at least three (3) parking spaces or sufficient space for emergency access despite the necessary encroachment onto Gonowabie Road.

#### Character of the Neighborhood

The record unequivocally demonstrates development of 470 and 480 is consistent as to the scale and character of existing development on Gonowabie Road and the surrounding neighborhood.

*See Slide 6* of the PowerPoint presentation presented to the Hearings Officer in July, attached hereto.

Impacts from Simultaneous Construction

The Hearings Officer required the following as an additional Condition of Approval in response to the appellants' contention that simultaneous construction of 470 and 480 will significantly impact persons and property in the neighborhood: TRPA's receipt and approval of a Construction Management Plan ("CMP"). TRPA has approved GP's CMP. As an aside, one can debate whether simultaneous construction which has significant efficiencies and schedule acceleration opportunities is preferable to years of prolonged construction, but any construction results in construction impacts. GP submits the approved CMP addresses appellants' concerns.

Based on the foregoing, it is evident the appellants have not demonstrated the need for a stay while issuance of a stay would impose substantial, irreversible hardship on GP.

Sincerely,

FELDMAN THIEL LLP

By:

Lewis S. Feldman

LSF/jps

Enclosure

cc: Gonowabie Properties, LLC  
Greg Gatto, Esq.



# Community Character

480 Gonowable - Consistent with Community Character

Address	Floor Area	Floors	Years Built
526 Gonowable Rd.	4,342 s.f.	Split Level	1978
570 Gonowable Rd	6,019 s.f.	3 Stories	1958
580 Gonowable Rd.	8,694 s.f.	3 Stories	2008
520 Gonowable Rd.	4,253 s.f.	3 Stories	1980
515 Gonowable Rd.	3,807 s.f.	3 Stores	2003
424 Gonowable Rd.	4,294 s.f.	3 Stories	2017
444 Gonowable Rd.	5,393 s.f.	3 Stories	2002
450 Gonowable Rd.	3,994 s.f.	Split Level	1995
<b>*480 Gonowable Rd.</b>	<b>5,636</b>	<b>3 Stories</b>	<b>2020</b>

\*Proposed Residence  
Average Residential Size 5,458 s.f.



Attachment E

Construction Management Plan

# Construction Management, Staging and Parking Plan

8/25/20 (v2)

## 470 and 480 Gonowabie

The following plan is broken down into the following areas:

1. How the Project will be managed off site and on site, in terms of staff and offices
2. How we will stage equipment and materials.
3. How we will manage the parking involved with the project

### Project Management

SierraCon Construction will manage the project from 2 offices. One in South Lake Tahoe which is home for accounting and executive management. Secondly, we have an office closer to the site in Incline Village for the project manager, meetings and space for the superintendent when needed. This allows the project manager to get to the site quickly if needed. The owner also employs a Construction Manager – Paradigm8, and several consultants who are part of the management team

Onsite the project will be managed by a full-time experienced superintendent. He will supervise a full-time employee who will be responsible for flagman duties for arrival of large loads, traffic control and parking control. He will also monitor concrete truck washout, snow removal, road sweeping and damage and repair of BMPs. This management component is critical due to the narrow, one way, right of way and lack of parking.

### Material and Equipment Staging

There will be two areas for material and equipment staging. One at the site and one off-site. The offsite staging area will be used for parking of workers vehicles, delivery of loads of materials to be staged until they are transferred to site in manageable amounts. This area will also be used for building framing components, for example – wall sections for more efficient framing.

As site staging area is very limited, we will compact the excavated soils created onsite (no imported soils) within the approved disturbance areas around the future driveway locations to create temporary pull outs off Gonowabie Drive, so as not to block traffic during unloading. They will be removed as the home's driveways are completed. These areas will also serve as a short-term staging area for materials, until they are taken to the actual location of work. They will also be used for van arrival and dropping off workers. Staging of materials in the public ROW including the pullout in front of 460 Gonowabie is prohibited.

We will employ flatbed trucks and small maneuverable forklifts to transport and load and unload materials at the offsite staging area and the site. Once unloaded at the site, an onsite crane will be employed to lift the loads onto the construction area where they are needed.

Prior to starting construction, as part of the TRPA BMP pre-inspection, General Contractor will confirm the location of offsite parking/staging areas to demonstrate adequate space exists to accommodate all proposed vehicles, deliveries and materials

On special occasions where there is no other feasible alternative, we will request encroachment permits to deliver large loads to the job site. We will also work closely with Washoe County and the Fire Department to make sure these agencies are always a part of the plans, which may affect access on Gonowabie Drive. Traffic control will be provided by on site personnel when the road is impeded to allow for safe passage of residents and emergency vehicles.

### **Parking**

Parking is also limited at the site. At 460 Gonowabie there is a 5 spot Washoe County right of way where parking is available for drop off and short-term parking needs, like Inspector visits and subcontractors who need the equipment in their truck. The bulk of the parking will be done at the offsite staging area where it can be monitored and controlled. A lot close to site will be secured for this purpose. After parking, workers will be taken by van to the site and dropped off. Parking in the public Right of Way except in areas designated as legal parking spaces is prohibited.

The Superintendent/ Logistics Manager will be the main point of control for a well-managed site. He will be scheduling subcontractor crews, deliveries, crane time, parking and traffic control. Microsoft Project software I will be used to schedule the project.

With the tight constraints on the construction site itself, including protection of BMPs, lot lines, vegetation, steep slopes and especially Lake Tahoe, careful management is key. This includes adherence to all conditions of approval, rules and regulations, by Project Management staff.

### **Construction Hours**

Any construction activities creating noise in excess of TRPA noise standards will be conducted between the hours of 8:00 am and 6:30 pm. The construction sites will be winterized by October 15th of each construction season.



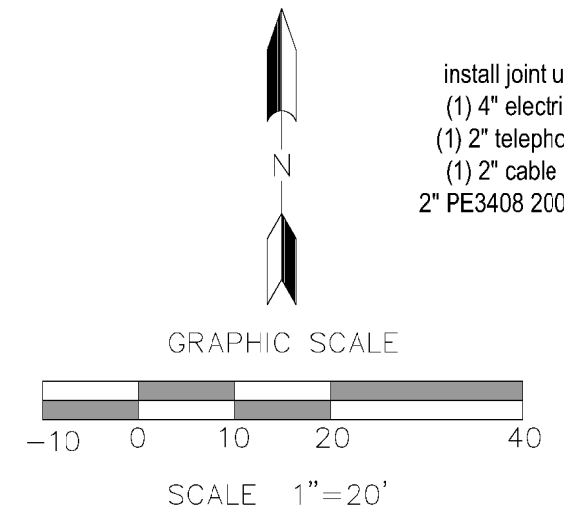
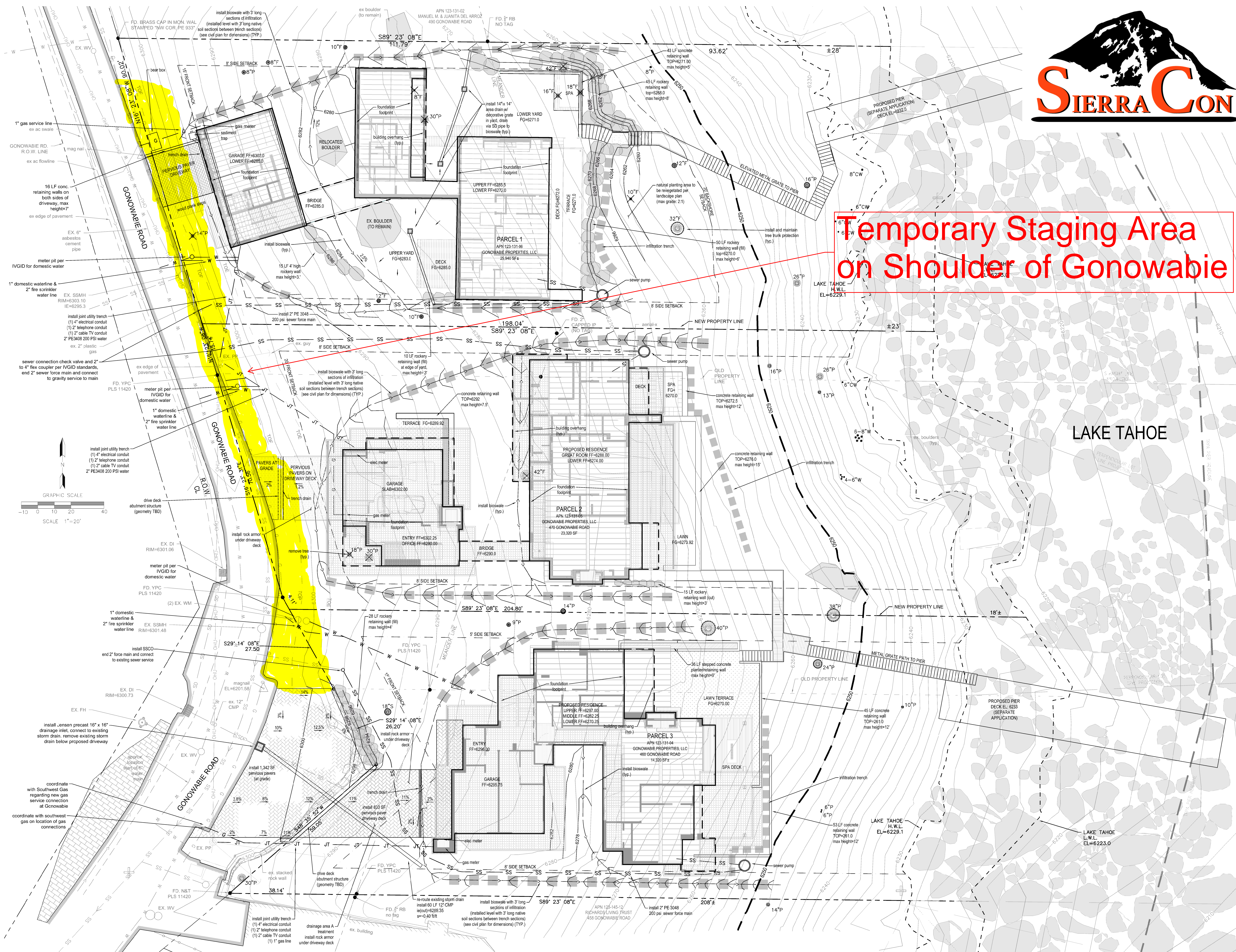


REV	DATE	DESCRIPTION	APPROVED

**TIESLAU CIVIL**  
ENGINEERING, INC.  
3880 NORTH LAKE BLVD  
TAHOE CITY, CA 96145  
P.O. BOX 412  
TAHOE VISTA, CA 96145  
TCTAHOE.COM  
(530) 546-4805



**Temporary Staging Area  
on Shoulder of Gonowabie**

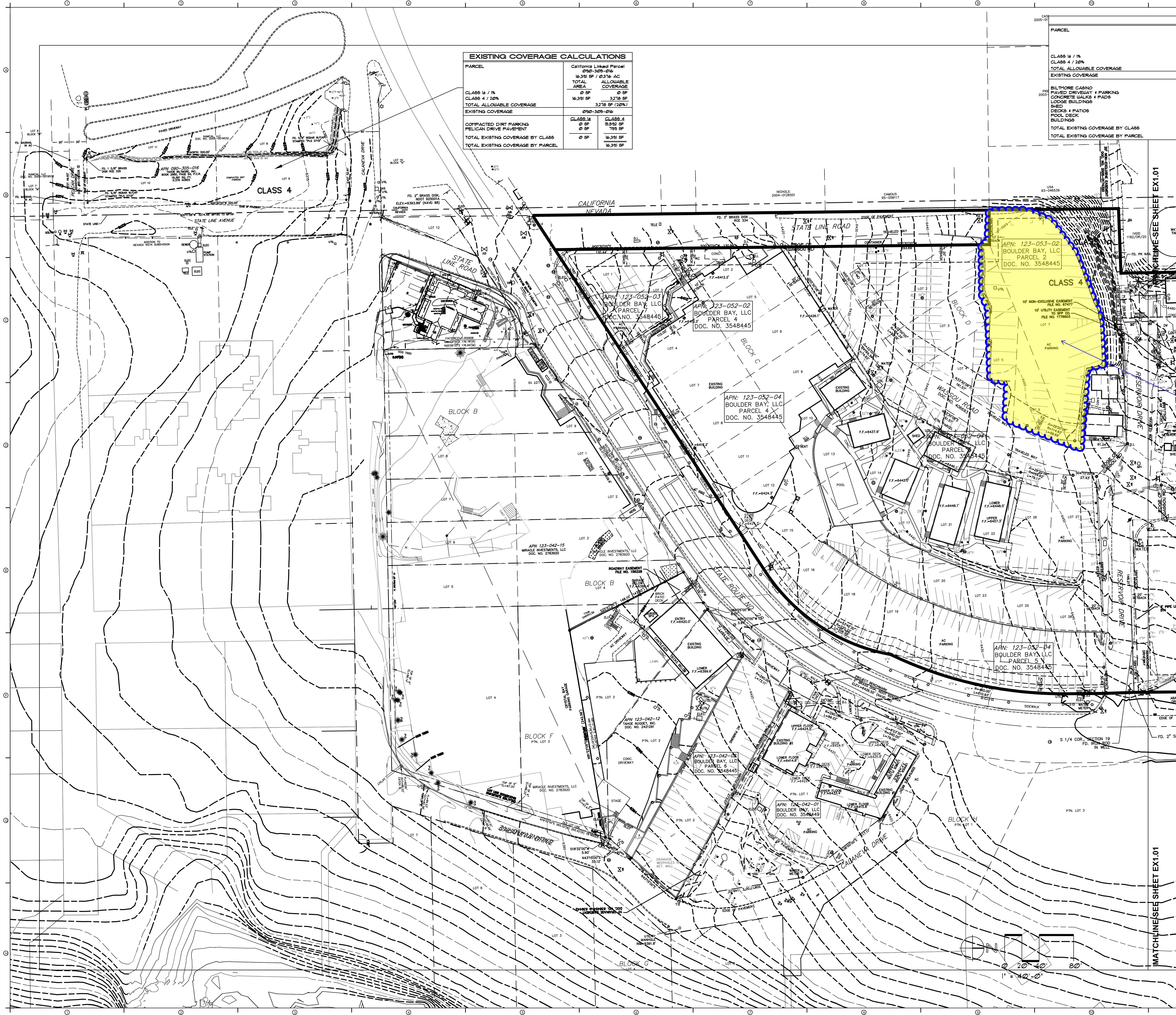


LAKE TAHOE

COMBINED SITE PLAN  
GONOWABIE PROPERTIES, LLC  
460/470/480 GONOWABIE ROAD  
APN 123-131-04/05/06

COMP: \_\_\_\_\_ DESIGN: \_\_\_\_\_  
DRWN: \_\_\_\_\_ PRJ ENG: AT  
PROJECT #: 19.006  
SCALE: 1" = 10'  
HORIZONTAL: N/A  
VERTICAL: N/A  
DATE: 5/14/2020





**EXISTING COVERAGE CALCULATIONS**

PARCEL	California Listed Parcel	TOTAL ALLOWABLE COVERAGE
	16,391 SF / 0.376 AC	0 SF
CLASS 4 / 7%	0 SF	0 SF
CLASS 4 / 20%	0 SF	0 SF
TOTAL ALLOWABLE COVERAGE	3,276 SF (20%)	0 SF
EXISTING COVERAGE	0 SF	0 SF
COMPACTED DIRT PARKING	0 SF	0 SF
MELICAN DRIVE PAVEMENT	0 SF	0 SF
TOTAL EXISTING COVERAGE BY CLASS	0 SF	0 SF
TOTAL EXISTING COVERAGE BY PARCEL	16,391 SF	0 SF

**EXISTING COVERAGE CALCULATIONS**

PARCEL	Restaurant 03-093-02	Side Parking 03-093-03	Casino 03-093-04	Back Parking 03-093-07
11,880 SF / 0.273 AC	13,711 SF / 0.312 AC	143,131 SF / 3.286 AC	60,903 SF / 1.398 AC	
TOTAL ALLOWABLE COVERAGE	2,376 SF (20%)	2,434 SF (20%)	28,621 SF (20%)	4,742 SF (8%)
EXISTING COVERAGE	0 SF	0 SF	0 SF	0 SF
TOTAL EXISTING COVERAGE BY CLASS	0 SF	0 SF	0 SF	0 SF
TOTAL EXISTING COVERAGE BY PARCEL	11,880 SF	13,711 SF	143,131 SF	60,903 SF

**PROPERTY INFORMATION / PROJECT AREA**

APN	STREET ADDRESS	PROPERTY OWNER	ZONING
03-093-02	9 STATE ROUTE 28	BOULDER BAY, LLC	TC / CP
03-093-03	9 STATE ROUTE 28	BOULDER BAY, LLC	TC / CP
03-093-04	9 STATE ROUTE 28	BOULDER BAY, LLC	TC / CP
03-093-07	WASCOU RD	BOULDER BAY, LLC	TC / CP
03-093-08	41 RESERVOIR DR	BOULDER BAY, LLC	TC / CP
03-093-09	10 LAKEVIEW AVE	BOULDER BAY, LLC	TC / CP
03-093-10	WASCOU RD	BOULDER BAY, LLC	MSB / CP
03-093-11	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-12	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-13	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-14	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-15	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-16	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-17	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-18	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-19	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-20	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-21	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-22	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-23	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-24	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-25	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-26	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-27	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-28	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-29	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-30	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-31	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-32	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-33	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-34	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-35	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-36	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-37	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-38	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-39	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-40	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-41	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-42	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-43	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-44	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-45	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-46	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-47	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-48	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-49	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-50	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-51	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
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03-093-54	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
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03-093-58	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-59	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP
03-093-60	STATE ROUTE 28	BOULDER BAY, LLC	MSB / CP

Gonowable construction off site parking and staging area.

**boulder bay**  
on north lake tahoe

**DESIGNWORKSHOP**  
Landscape Architecture • Land Planning  
Urban Design • Tourism Planning  
Asheville • Aspen • Denver • Park City  
Phoenix • Santa Fe • Lake Tahoe  
P.O. Box 5666  
128 Market Street, Suite 3E  
Stateline, Nevada 89449-5666  
(775) 588-5929  
Facsimile (775) 588-1559  
WWW.DESIGNWORKSHOP.COM

**GilanFarr + Associates**  
architecture  
P.O. Box 8621  
Incline Village, Nevada 89482  
Fax: 775.833.6066 voice 775.833.6061

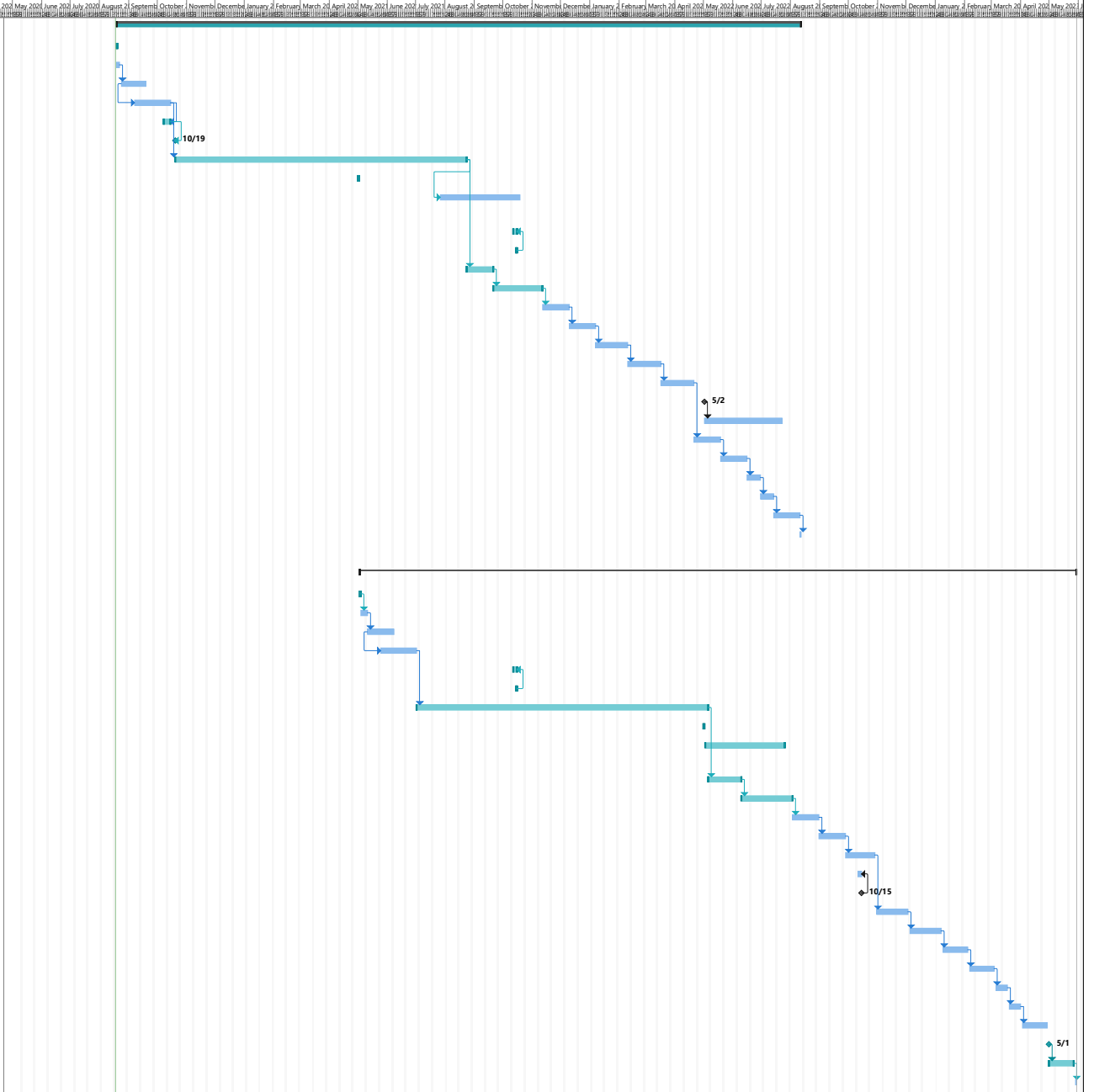
**Boulder Bay**  
**Boulder Bay, LLC.**  
**CRYSTAL BAY, NEVADA**

ISSUE DATE: 3/13/2008 FOR: Project Application  
ISSUE DATE: FOR:  
ISSUE DATE: FOR:  
REVISIONS:  
DRAWN: RPH REVIEWED:  
KEY MAP

**PROJECT APPLICATION**  
PROJECT NUMBER: 4190  
**EXISTING COVERAGE**  
SHEET NUMBER  
**EX1.00**  
© LEGAL COMMITTEE ITEM NO. 26  
AGENDA ITEM NO. 1X.A



D	Task Name	Duration	Start	Finish	Predecessors
1	<b>470 and 480 Gonowable</b>	<b>517 days</b>	<b>Wed 8/19/20</b>	<b>Thu 8/11/22</b>	
2	Mobilization	1 day	Wed 8/19/20	Wed 8/19/20	
3	BMP's	3 days	Wed 8/19/20	Fri 8/21/20	
4	Grading & Excavation	20 days	Mon 8/24/20	Fri 9/18/20	3
5	Footing, Foundation & backfill (by 10/15/20)	28 days	Mon 9/7/20	Wed 10/14/20	4SS+10 days
6	Winterization Project Site	5 days	Thu 10/8/20	Wed 10/14/20	5FF-1 day
7	End of Grading Season	0 days	Mon 10/19/20	Mon 10/19/20	6FF
8	Rough Framing, exterior envelope & windows	220 days	Tue 10/20/20	Mon 8/23/21	5
9	Beginning of Grading Season	1 day	Sat 5/1/21	Sat 5/1/21	
10	Site work/decks/patios/landscaping (to be complete by 10/15 or wait until 5/1)	60 days	Tue 7/27/21	Mon 10/18/21	8FS-20 days
11	Winterization Project Site	4 days	Tue 10/12/21	Fri 10/15/21	12FF
12	End of Grading Season	1 day	Fri 10/15/21	Fri 10/15/21	
13	MEP Rough & Inspections	20 days	Tue 8/24/21	Mon 9/20/21	8
14	Drywall, tape, texture and paint walls	38 days	Tue 9/21/21	Thu 11/11/21	13
15	Cabinetry, Countertops	20 days	Fri 11/12/21	Thu 12/9/21	14
16	Tile & Waterproofing - walls/floors	20 days	Fri 12/10/21	Thu 1/6/22	15
17	Interior stairs and elevator	24 days	Fri 1/7/22	Wed 2/9/22	16
18	Base / Case / Trim & Wood Ceilings	25 days	Thu 2/10/22	Wed 3/16/22	17
19	MEP's Trim & Fixtures	25 days	Thu 3/17/22	Wed 4/20/22	18
20	Beginning of Grading Season	0 days	Mon 5/2/22	Mon 5/2/22	
21	Final Site Work - Hardscape, Spa & Landscaping	60 days	Mon 5/2/22	Fri 7/22/22	20
22	Doors, Hardware, Glazing & Accessories	20 days	Thu 4/21/22	Wed 5/18/22	19
23	Wood Flooring & Carpet	20 days	Thu 5/19/22	Wed 6/15/22	22
24	Appliances & Equipment	10 days	Thu 6/16/22	Wed 6/29/22	23
25	Final Paint / Stain Touch Up	10 days	Thu 6/30/22	Wed 7/13/22	24
26	Punch List & Final Inspections.	20 days	Thu 7/14/22	Wed 8/10/22	25
27	Final Completion/Occupancy	1 day	Thu 8/11/22	Thu 8/11/22	26
28					
29	<b>460 Gonowable</b>	<b>542 days</b>	<b>Mon 5/3/21</b>	<b>Mon 5/29/23</b>	
30	Mobilization	1 day	Mon 5/3/21	Mon 5/3/21	
31	BMP's	5 days	Tue 5/4/21	Mon 5/10/21	30
32	Grading & Excavation	20 days	Tue 5/11/21	Mon 6/7/21	31
33	Footing, Foundation & backfill (by 10/15/20)	28 days	Tue 5/25/21	Thu 7/1/21	32SS+10 days
34	Winterization Project Site	4 days	Tue 10/12/21	Fri 10/15/21	35FF
35	End of Grading Season	1 day	Fri 10/15/21	Fri 10/15/21	
36	Rough Framing, exterior envelope & windows	220 days	Fri 7/2/21	Thu 5/5/22	33
37	Beginning of Grading Season	1 day	Sun 5/1/22	Sun 5/1/22	
38	Site work/decks/patios/landscaping (to be complete by 10/15 or wait until 5/1)	60 days	Tue 5/3/22	Mon 7/25/22	
39	MEP Rough & Inspections	25 days	Fri 5/6/22	Thu 6/9/22	36
40	Drywall, tape, texture and paint walls	38 days	Fri 6/10/22	Tue 8/2/22	39
41	Cabinetry, Countertops	20 days	Wed 8/3/22	Tue 8/30/22	40
42	Tile & Waterproofing - walls/floors	20 days	Wed 8/31/22	Tue 9/27/22	41
43	Interior stairs and elevator	24 days	Wed 9/28/22	Fri 10/28/22	42
44	Winterization Project Site	4 days	Tue 10/11/22	Sat 10/15/22	45FF
45	End of Grading Season	0 days	Sat 10/15/22	Sat 10/15/22	
46	Base / Case / Trim & Wood Ceilings	25 days	Mon 10/31/22	Fri 12/2/22	43
47	MEP's Trim & Fixtures	25 days	Mon 12/5/22	Fri 1/6/23	46
48	Doors, Hardware, Glazing & Accessories	20 days	Mon 1/9/23	Fri 2/3/23	47
49	Wood Flooring & Carpet	20 days	Mon 2/6/23	Fri 3/3/23	48
50	Appliances & Equipment	10 days	Mon 3/6/23	Fri 3/17/23	49
51	Final Paint / Stain Touch Up	10 days	Mon 3/20/23	Fri 3/31/23	50
52	Punch List & Final Inspections.	20 days	Mon 4/3/23	Fri 4/28/23	51
53	Beginning of Grading Season	0 days	Mon 5/1/23	Mon 5/1/23	
54	Final site Work - Hardscape, Spa & Landscaping	20 days	Mon 5/1/23	Fri 5/26/23	53
55	Final Completion/Occupancy	1 day	Mon 5/29/23	Mon 5/29/23	54



Task Split ■ Milestone ◆ Project Summary ▬ Inactive Milestone ▬ Manual Task ○ Manual Summary Rollup ▬ Start-only ▬ External Tasks ▬ Deadline + Manual Progress ▬

Summary ●●●●● Inactive Task ▬ Inactive Summary ▬ Duration-only ▬ Manual Summary ▬ Finish-only ▬ External Milestone ◆ Progress ▬