Scott Carey

From: Will Irwin <will.irwin@journalistmail.ch> **Sent:** Wednesday, November 2, 2022 5:03 PM

To: Scott Carey

Subject: NTRPA GB Meeting Public Comment 11/03/2022

Attachments: Two South Lake Tahoe parcels facing zoning change for hotel and condominium

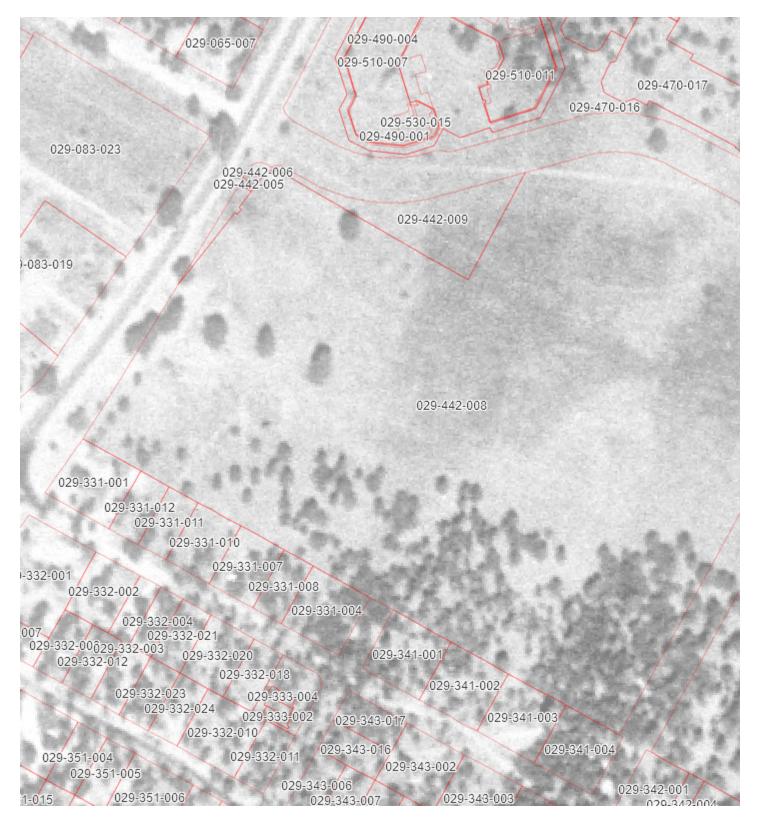
project.pdf; 3794 Montreal Road.pdf; 029-44.pdf; burke-creek-sign.jpg

<u>WARNING</u> - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Nevada Tahoe Regional Planning Agency Governing Board,

You should not have abandoned the Public Utility Easement on 3794 Montreal Road (APN 029-441-004 & 029-240-011)! The precise purpose for the abandonment of the Public Utility Easement is to allow a large construction project; this agenda item is really just a piecemeal step in the whole development process. The proposed construction project is on the last remaining portion of a large historic meadow and stream environmental zone, which is also habitat for the Sierra Nevada Yellow-Legged Frog, a federally endangered species (16 USC §§ 1532(19) & 1538; 50 CFR § 17.11; 79 FR 24255). Under the Endangered Species Act, prohibited "harm" includes "significant habitat modification or degradation." Thus, this habitat as well as the endangered animal is protected from private action (Babbitt v. Sweet Home, 515 U.S. 687 (1995)). California law also generally prohibits the impairment or destruction of habitat to which these species are limited (FGC. §§ 2050 et seq.). A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (14 CCR §§ 15300.2(c), 15380, & 15382).

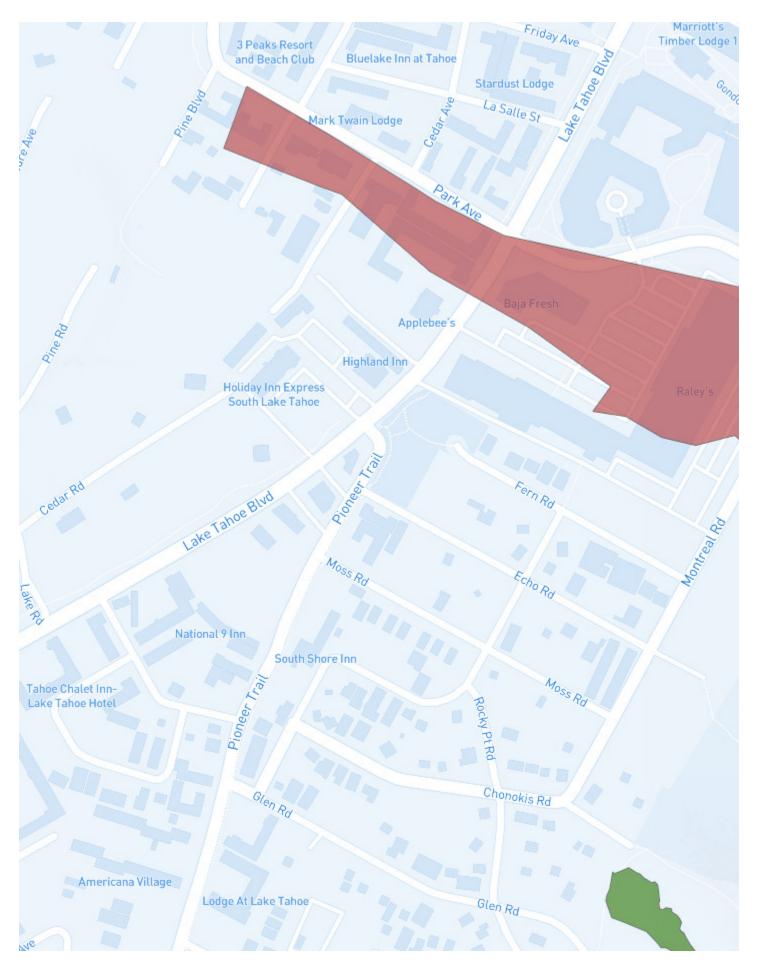
This was a very large fragile alpine meadow in 1940's:



...and these parcels (\underline{APN} 029-441-004 & 029-240-011) remained meadow through the 1960's:



Before the <u>bi-state compact</u> was created in <u>1980</u> to **protect and restore** the former Stateline meadow land.

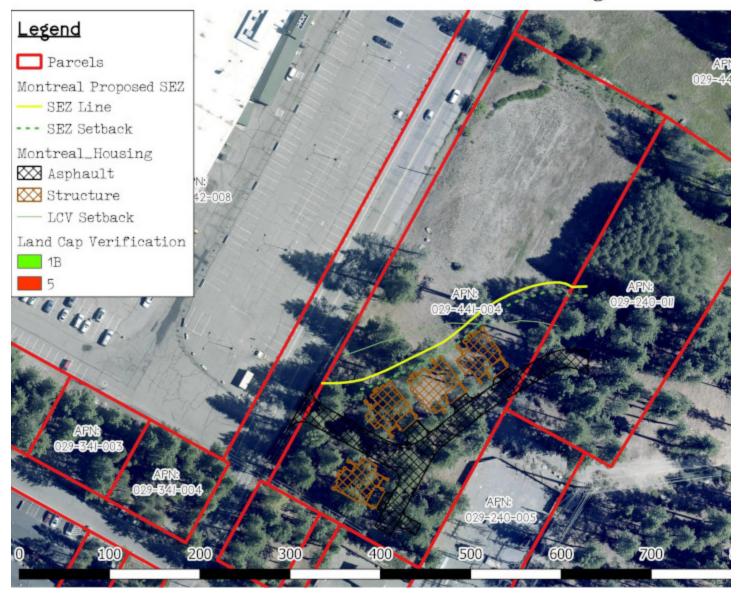


Don't allow this meadow to be developed by <u>Lew Feldman</u> on behalf of <u>HVR ACQUISITIONS LLC</u>. Restore it to open space. Allow our <u>endangered species</u> to recover.

The plans are here (Parcel APN 029-441-004; File or Case # SUBD2021-1200 & ERSP2020-0401). Therein are the planning blueprints for what they intend to build. Lew Feldman's firm has their fingers all over this. The applicant dishonestly moved the SEZ boundary from that what is verified in 2004 and 2006 by the TRPA (File or Case # 20041238STD & 20061884STD). They did not submit a land capability challenge as would be required by the TRPA Regional Plan and the Code of Ordinances; they simply moved it in their planning survey and are counting on the TRPA will acquiesce to the illegal change. This is what has been rampantly happening now that developer Andrew Strain is the TRPA hearings officer.

The below diagram shows they will cut down a lot of trees and place housing right next to the stream; it depicts the illegal SEZ boundary and setback in bright yellow and dotted green. The actual verified boundary is demarked by the jade green hairline.

Montreal Housing



The tree removal will destroy the natural solar shading of the SEZ soils which will cause desiccation of riparian plants and the atrophy of the dependent fauna. The adjacent forest is part of the greater SEZ ecosystem, and development will separate critical interaction of two biomes—meadow and forest. The development will further block the scenic aspen grove from the highway. Lint from clothing driers will discharge microplastics directly into the creek. Increased human activity in the SEZ will further degrade it. Please visit the TRPA SEZ viewer.

Will Irwin

P.S. see also,



SouthTahoe News & Information Your One Stop for Lake Tahoe News & Information

Two South Lake Tahoe parcels facing zoning change for hotel and condominium project

Submitted by paula on Wed, 11/11/2020 - 8:37am



EVENT DATE:

November 12, 2020 - 5:00pm

SOUTH LAKE TAHOE, Calif. - Two parcels behind Raley's at Stateline are the subject of a public workshop on Thursday, November 12 at 5:00 p.m.. The City of South Lake Tahoe and Tahoe Regional Planning Agency are seeking public scoping comments on an applicant-initiated proposal to rezone the two parcels located within the boundary of the City of South Lake Tahoe Tourist Core Area Plan. The proposed amendment submitted by HVR Acquisitions would rezone the two parcels from Recreation to Tourist Center Mixed Use.

The proposed amendment only addresses the proposed rezoning of both parcels and does not provide any approval for a future project that may be submitted to the City and TRPA for review and approval.

The parcels are around the site of the former Colony Inn on Montreal Avenue. The front of one parcel, 3794 Montreal, has already been conditionally approved for ten multi-family units. The back parcel at 3794 Montreal and adjacent 3828 Montreal at the topic of the discussion Thursday.



Just as your health and physical wellbeing are important, <u>YOUR</u> mind also matters. An explanation of the proposal is below and will also be given during the meeting. The public will be able to ask questions during the workshop. To register for the virtual meeting, send an email to Candace H. Stowell, AICP at cstowell@cityofslt.us or call (530) 542-7405. A Go To Meeting link will be sent to registrants. Please note, her office is closed Wednesday for the holiday.

Stowell said entrances to the parcels have been analyzed already for the proposed rerouting of US50 along Montreal Avenue.

3828 Montreal Road (APN 029-441-03)

HVR Acquisitions is proposing to rezone the parcel located at 3828 Montreal Road from Recreation

(Rec) to Tourist Center Mixed-Use (TSC-MU). The parcel is 2.6 acres with 1.5 acres verified as Class 7 and 1.1 acres verified as Class 1b (Stream Environment Zone).

Although this amendment request does not include approval of any projects, HVR intends to develop a boutique hotel or condominium development consisting of up to 20 units on the parcel's

1.5-acre Class 7 site. Whether this parcel is developed as a tourist or residential project, the units will be offered as short-term rentals which are allowable due to being in the Tourist Core. No commercial uses are proposed on this parcel.

HVR is considering acquiring an existing developed tourist accommodation property to be demolished and restored. The existing TAUs would be transferred to 3828 Montreal Road to support the balance of the development if not all of it. This course of action would either reduce or eliminate a potential increase in vehicle miles traveled (VMT). Any increase in VMT will be mitigated.

Back Parcel (Parcel 029-240-011)

HVR Acquisitions is also proposing to rezone the back parcel from REC to TSC-MU. The back parcel is located behind the former Colony Inn parcel, which is located at 3794 Montreal Road. The back parcel is approximately 1.29 acres and is classified as approximately 0.5 acre in Class 7 while the remainder of the parcel is Class 1b (Stream Environment Zone).

Although this amendment does not include approval of any project, HVR Acquisitions intends to develop up to four additional multi-family residential units on this parcel as Phase 2 of the Multi-Family Project conditionally approved for the front parcel at 3794 Montreal Road (former Colony Inn).

An application is pending with the City to merge 3794 Montreal Road and the back parcel into a single parcel. The multi-family residential units will be subdivided into individual airspace condominiums and rented as short-term vacation homes.

HVR Acquisitions, LLC is listed as a corporation in Zephyr Cove, Nevada.



1 action airspace Area Plan Balance boutique change city City of South Lake Tahoe class closed comments commercial condominium development discussion environment front future holiday homes hotel lake Lake Tahoe meeting Nevada News Phase 2 plan planning projects proposal recreation register rentals Review road site south lake tahoe stateline stream support Tahoe tahoe regional planning tahoe regional planning agency tourist TRPA vacation vacation homes vehicle workshop Zephyr Cove Zoning

BURKE CREEK through the years

the western portion of the

meadow was filled to develop

the first airport in the Tahoe

Basin, the Sky Harbor Airport.

airstrip along Burke Creek was

developed as a residential

neighborhood in 1969.

During Lake Tahoe's history, people have modified many of its rivers and creeks for activities including logging, livestock grazing, and gravel mining. These changes have impaired some streams' natural functions. Through restoration projects, public and private entities are working to restore ecological benefits to Lake Tahoe's rivers and creeks and reduce the amount of pollutants reaching Lake Tahoe.











lot and then through a 300 foot long pipe to Rabe

new channel and floodplain, and replaced a

deteriorating culvert under U.S. Hwy 50.

Meadow. The project removed the parking lot, built a







restoration efforts, removing the

casino foundation and reversing

some of the damage done to the

meadow and stream.

foundation was laid.

developers rerouted Burke

Creek to flow in a roadside

ditch along Kahle Drive.

The undersigned, owner of record title interest, hereby consent to the preparation and recording of this map, and hereby convey and offer for dedication to the County of El Dorado the streets and public ways shown hereon, including the underlying fee thereto, for any and all public purposes; and the easements and rights of way shown hereon, for the purposes hereon specified.

CRESCENT "V" SHOPPING CENTER CORPORATION

Jack Van Sickle President

Beth Van Sickle

CRESCENT "V" APARTMENT CORPORATION

Jack Van Siekele

Beth Van Sichle

I, Jack I. Johnson, hereby certify that the survey and final map of this subdivision, were made under my direction April 1961, and are true and complete as shown; that the monuments will be of the character and will occupy the positions indicated April 15, 1962, and will be sufficient to enable the survey to be retraced.

Registered Civil Engineer State of California No. 8560

I, Elmer J. Kent, hereby certify that I have examined this final map, that it is substantially the same as the tentative map of this subdivision approved on JAN. 8, 1962 by the Board of Supervisors, that it is technically correct, and that all provisions of the Subdivision Map Act and of all applicable county ordinances have been complied with.

County Surveyor, El Dorado County, California

I, W. F. Truscott, hereby certify that there are no liens for unpaid state, county or local taxes or special assessments against the land included within this subdivision or any part thereof, except taxes or special assessments not yet payable.

Tax Collector, El Dorado County, California.

I, Robert C. Downer, hereby certify that all required construction plans and specifications were approved and that the subdivider has executed the necessary agreement and submitted the required bond to secure the completion of the required improvements for this subdivision

County Engineer, El Dorado County, California

I, Paul Brace, hereby certify that this final map conforms substantially to the tentative map of this subdivision approved on JAN. 8, 1962, by the Board of Supervisors, and that all conditions imposed upon said approval have been satisfied.

Planning Director, El Dorado County, California

I, Ruth Lang, hereby certify that the Board of Supervisors by order adopted Jaw. 29,1962, approved the final map of this subdivision and accepted for public uses the streets and other public ways and easements shown hereon and offered for dedication.

County Clerk, Ex Officio Clerk of the Board of Supervisors, El Dorado County, California.

I, James W. Sweeney, hereby certify that Inter-County
Title Co. title certificate no. 35344-8was filed with this office,
and that this final map was accepted for record and recorded
in Map book C, Page 89, Document no. 3887, on
March 23, 1962, AT 49 MIN. PAST 10 - O'CLOCK A.M.

County Recorder, El Dorado County, California.

STATE OF CALIFORNIA 755

My Commission Expires Nov. 30 1062

Adacty E. Wallice

Notary Public

STATE OF CALIFORNIA COUNTY OF SACRAMENTO 55

On December 23 1961, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack Van Sickle & Known to me to be the recident and Secretary that executed the within instrument, and known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

My Commission Expires Nov. 30, 1962 - Dorothy E. Wallace Notary Public

CRESCENT "V" SUBDIVISION

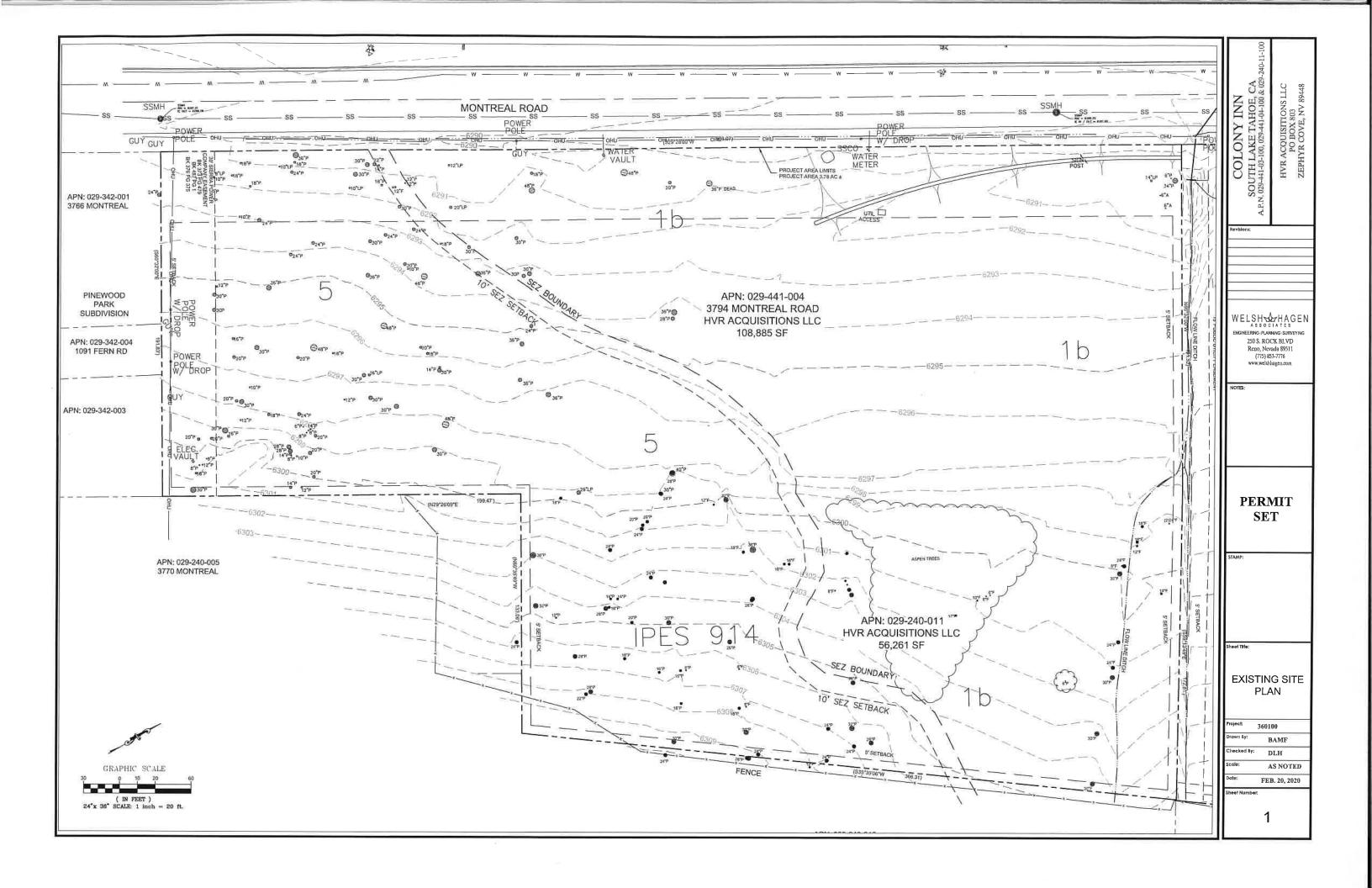
EL DORADO COUNTY

CALIFORNIA

JACK JOHNSON ENGINEERS INC., VALLEJO, CALIF.
APRIL 1961 SHEET 1 OF 2

1000

-68



Page 1 of 1

OLD COLONY 10' Utility Easement Abandonment Legal Description

REAL PROPERTY in the County of El Dorado, State of California, being a portion of Parcel One and all of Parcel Two granted to HVR Acquisitions, LLC, a California Limited Liability Company, in that certain "Trustees Deed Upon Sale" recorded as Document 2019-0035757, Official Records of El Dorado County, also being a portion of the Southwest 1/2 of Section 27, and a portion of the North 1/2 of Section 34, Township 13 North, Range 18 East, M.D.B.&M.:

COMMENCING at the Southeasterly point of the Montreal right-of-way, also being the Southwest corner of Lot 4, as seen in 'the Crescent "V" Subdivision Map recorded in Book C of Maps, Page 89 of Official Records of El Dorado County, S 60° 32' 00" E for a distance of 181.83 feet to the **TRUE POINT OF BEGINNING**;

Thence, the following Four (4) courses:

- 1. N 29° 26' 09" E for a distance of 568.07 feet;
- 2. S 60° 32' 00" E for a distance of 10.00 feet;
- 3. S 29° 26' 09" W for a distance of 568.07 feet;
- 4. N 60° 32' 00" W for a distance of 10.00 feet;

To the TRUE POINT OF BEGINNING and containing 5,680 square feet or 0.13 acres, more or less.

Description Basis of Bearing:

The Basis of Bearings for this survey was established from the easterly right-of-way line of Montreal Road, also being the westerly property line of Lots 3 & 4, which bears North 29°28'00" East for a distance of 568.07' from the Map of Crescent "V" Subdivision, filed March 23, 1962, in Book "C" of Maps, Page 89, Office of the Recorder, El Dorado County, California.

End of this Description See Exhibit 'B' attached to and made part hereof,

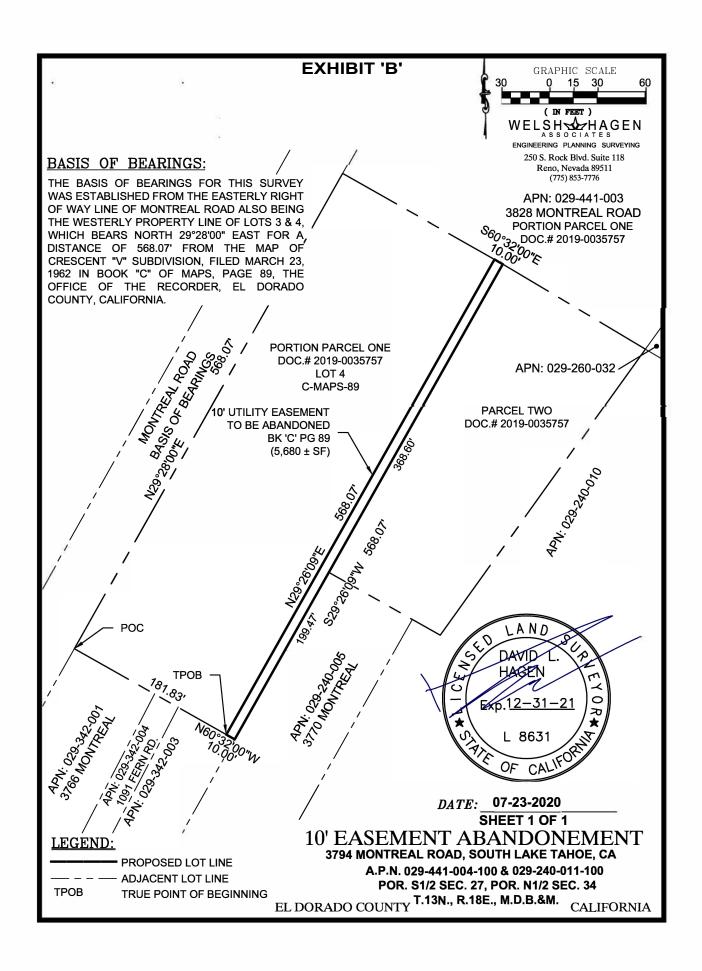
Prepared by: Welsh Hagen Associates

250 S. Rock Blvd. Suite 118

Reno, NV 89502 (775) 853-7776



DATE: <u>07-23-2020</u>



Parcel name: EASE abandon

North: 4872.6825 East: 4949.7863

Line Course: N 29-26-09 E Length: 568.07

North: 5367.4184 East: 5228.9634

Line Course: S 60-32-00 E Length: 10.00

Line Course: S 29-26-09 W Length: 368.60

North: 5041.4878 East: 5056.5246

Line Course: S 29-26-09 W Length: 199.47

North: 4867.7680 East: 4958.4953

Line Course: N 60-32-00 W Length: 10.00

North: 4872.6827 East: 4949.7861

Perimeter: 1156.14 Area: 5,680. sq.ft. 0.13 acres

Mapcheck Closure - (Uses listed courses and chords)

Error Closure: 0.0000 Course: S 45-00-00 E

Error North: -0.00000 East: 0.00000

Precision 1: 1,156,140,000.00



DATE: 07-23-2020



Public Works Department 1740 D Steet, South Lake Tahoe, CA 96150

Phone (530) 542-6070

e-mail: fpekar@cityofslt.us

Vacation (Abandonment) Release of Interest				
To Agency Contact: Shannon Cotulla Agency: STPUD Mailing Address: 1275 Meadow Crest Drive				
City: State: CA Zip: 96150 Phone: 530.544.6474				
Email: <u>scotulla@stpud.dst.ca.us</u>				
From Parcel Owner: <u>Feldman Thiel LLP on behalf of HVR Acquisitions, LLC</u> Mailing Address: <u>P.O. Box 1309</u>				
City: Zephyr Cove State: NV Zip: 89448 Phone: 775.580,7431				
Email: <u>kara@fmttahoe.com</u>				
1) Assessor's Parcel Number: <u>029-441-004 and 029-240-011</u>				
2) Recorded Map(s) where easement was dedicated: Book C of Maps, Page 89				
2) Location of vacation: Montreal Road, City of South Lake Tahoe				
4) Proposed use of vacated area: Merge parcels for future residential development				
This abandonment is being requested of City of South Lake Tahoe. Please view the attached exhibit and check the appropriate box below. Please type or print any comments and return this document to the applicant within two weeks. If you prefer, you can email this letter, accompanied with the attached exhibit to the City of South Lake Tahoe Public Works Office. fpekar@cityofslt.us No objection to the proposed vacation. No objection to the proposed vacation provided the following conditions are met. Not approved.				
Comments:				
Signature 10/7/2020 Date				



e-mail: fpekar@cityofslt.us

Public Works Department 1740 D Steet, South Lake Tahoe, CA 96150

Phone (530) 542-6070

Vacation (Abandonment) Release of Interest				
To Agency Contact: Amanda Marcucci Agency: Southwest Gas Mailing Address: P.O. Box 1190				
City: Carson City State: NV Zip: 89702				
Phone: <u>775.887.2871</u>				
Email: <u>amanda.marcucci@swgas.com</u>				
From Parcel Owner: Feldman Thiel LLP on behalf of HVR Acquisitions, LLC Mailing Address: P.O. Box 1309 City: Zephyr Cove State: NV Zip: 89448 Phone: 775.580.7431 Email: kara@fmttahoe.com				
1) Assessor's Parcel Number: 029-441-004 and 029-240-011 2) Recorded Map(s) where easement was dedicated: Book C of Maps, Page 89 2) Location of vacation: Montreal Road, City of South Lake Tahoe 4) Proposed use of vacated area: Merge parcels for future residential development				
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 ☒ No objection to the proposed vacation. ☐ No objection to the proposed vacation provided the following conditions are met. ☐ Not approved. 				
Comments:				
				



Public Works Department 1740 D Steet, South Lake Tahoe, CA 96150

Phone (530) 542-6070

e-mail: fpekar@cityofslt.us

Vacation (Abandonment) Release of Interest			
To Agency Contact: Randy Meyer Agency: Liberty Utilities Mailing Address: PO BOX 107 City: Tahoe VISta State: CA Zip: 96148 Phone: 530-721-3213 Email: randy Meyer @ liberty utilities. Com			
From Parcel Owner: Feldman Thiel LLP on behalf of HVR Acquisitions, LLC Mailing Address: P.O. Box 1309 City: Zephyr Cove State: NV Zip: 89448 Phone: 775.580.7431 Email: kara@fmttahoe.com			
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 ✓ No objection to the proposed vacation. ☐ No objection to the proposed vacation provided the following conditions are met. ☐ Not approved. 			
Comments: Liberty only releases interest in the 10' PUE along the southerly boundary of Lot 4 per BK. C SUB PG. 89 "CRESCENT "V" SUB. 3/23/1962 and no portion of the 3 power easement along the westerly boundary of said Lot 4 shall be released. Said 10 PUE runs between APN: 029-441-004 and 029-240-011.			
John P. Maner PLS Date			



Public Works Department 1740 D Steet, South Lake Tahoe, CA 96150

e-mail: fpekar@cityofslt.us

Phone (530) 542-6070

Vacation (Abandonment) Release of Interest				
To Agency Contact: Astrid Willard	Agency	AT&T		
Mailing Address: astrid.willard@att.com				
City:	State:	Zip:		
Phone: 916-213-8736				
Email: astrid.willard@att.com				
From Parcel Owner: Feldman Thiel	IIP on heha	If of HVR Acquisitions II.C		
Mailing Address: P.O. Box 1309	LLI OII DOIIA	ii oi i i vi v v voquisitions, ELO		
City: Zephyr Cove	State· N	√ 7ip· 89448		
Phone: <u>775.580.7431</u>	<u> </u>	<u> </u>		
Email: <u>kara@fmttahoe.com</u>				
1) Assessor's Parcel Number: <u>029-441</u>	-004 and 029	9-240-011		
2) Recorded Map(s) where easement was	s dedicated: B	ook C of Maps, Page 89		
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4) Proposed use of vacated area: Merge	e parcels for f	uture residential development		
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☐ No objection to the proposed vacat☐ Not approved.	tion provided th	e following conditions are met.		
Comments:				
Ostrof Willard		April 24, 2021		
Signature		Date		

