

**From:** [hneff9@earthlink.net](mailto:hneff9@earthlink.net)  
**To:** [dlazzareschi@gmail.com](mailto:dlazzareschi@gmail.com); [KateNelsonPE@gmail.com](mailto:KateNelsonPE@gmail.com); [f.donshick@att.net](mailto:f.donshick@att.net); [Flick, Michael](#); [Kennedy, Linda K.](#); [Pierce, Rob](#); [pataphillips@yahoo.com](mailto:pataphillips@yahoo.com); [ken](#)  
**Cc:** [Hill, Alexis](#); [Brown, Eric P.](#); [Solaro, David](#); [Washoe311](#)  
**Subject:** Personal Comments re Sept 5, 2028 Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)  
**Date:** Friday, September 1, 2023 1:56:15 PM  
**Attachments:** [2023-09-01 Nine 47 Planning Commission.Cdocx.pdf](#)

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Dear Commissioners,

Re: September 5, 2023 Planning Commission Meeting: Agenda item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo);

Please see the attached letter with my comments regarding the proposed Nine 47 Tahoe development. My apologies for the length of the document but it does include some photos. It is not an objection to the project but a request to evaluate some of the transportation and public safety issues of approving the development.

As Planning Commissioners, you do an excellent job in evaluating all facets of new development and it is my hope that you will closely examine Nine 47 Tahoe as it relates to the unique aspects of Incline Village and determine how the project can move forward with added benefits to public safety.

Please feel free to contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

*Crashes are not Accidents. We can prevent crashes.*

**From:** [hneff9@earthlink.net](mailto:hneff9@earthlink.net)  
**To:** [dlazzareschi@gmail.com](mailto:dlazzareschi@gmail.com); [KateNelsonPE@gmail.com](mailto:KateNelsonPE@gmail.com); [f.donshick@att.net](mailto:f.donshick@att.net); [Flick, Michael](#); [Kennedy, Linda K.](#); [Pierce, Rob](#); [pataphillips@yahoo.com](mailto:pataphillips@yahoo.com); [ken Hill, Alexis](#); [Brown, Eric P.](#); [Solaro, David](#); [Washoe311](#)  
**Cc:** [Washoe311](#)  
**Subject:** Sept 5, 2028 Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)  
**Date:** Friday, September 1, 2023 1:20:15 PM  
**Attachments:** [2023-09-01 Letter from Neighbors.pdf](#)

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Dear Commissioners,

Re: September 5, 2023 Planning Commission Meeting: Agenda item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo);

Please see attached letter submitted on behalf of neighbors to the proposed Nine 47 Tahoe development. Please feel free to contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

*Crashes are not Accidents. We can prevent crashes.*

**From:** Planning Counter  
**To:** Roman, Brandon  
**Cc:** Albarran, Adriana; Emerson, Kathy  
**Subject:** FW: Comments re Sept 5, 2028 Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)  
**Date:** Tuesday, September 5, 2023 10:45:14 AM  
**Attachments:** 2023-09-01 Nine 47 Plannina Commission.Ddocx.pdf  
image001.png  
image002.png  
image003.png  
image004.png  
image005.png  
image006.png



**Eric M. Young, Senior Planner.**  
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**From:** Washoe311 <Washoe311@washoecounty.gov>  
**Sent:** Tuesday, September 5, 2023 9:19 AM  
**To:** Planning Counter <Planning@washoecounty.gov>  
**Subject:** FW: Comments re Sept 5, 2028 Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)

Hello,

Please see below.

Thank you!



**Washoe311 Service Center**  
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[washoe311@washoecounty.gov](mailto:washoe311@washoecounty.gov) | Office: 3-1-1 | 775.328.2003 | Fax: 775.328.2491  
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**From:** [hneff9@earthlink.net](mailto:hneff9@earthlink.net) <[hneff9@earthlink.net](mailto:hneff9@earthlink.net)>  
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Dear Commissioners,

Re: September 5, 2023 Planning Commission Meeting: Agenda item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo);

Due to the following message (in red) posted on the Washoe County Planning Commission website for the September 5, 2023 meeting, I have updated my September 1 letter.

**An older version of WTM21-012 Staff Report was inadvertently posted. Please see final Staff Report and Exhibits for this item.**

Please include this updated information with my prior letter (attached for your convenience).

Thank you,

*Helen Neff*

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**From:** [hneff9@earthlink.net](mailto:hneff9@earthlink.net) <[hneff9@earthlink.net](mailto:hneff9@earthlink.net)>  
**Sent:** Friday, September 1, 2023 1:55 PM  
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**Cc:** [ahill@washoecounty.gov](mailto:ahill@washoecounty.gov); [epricebrown@washoecounty.gov](mailto:epricebrown@washoecounty.gov); [DSolaro@washoecounty.gov](mailto:DSolaro@washoecounty.gov); [Washoe311@washoecounty.gov](mailto:Washoe311@washoecounty.gov)  
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Re: September 5, 2023 Planning Commission Meeting: Agenda item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo);

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As Planning Commissioners, you do an excellent job in evaluating all facets of new development and it is my hope that you will closely examine Nine 47 Tahoe as it relates to the unique

aspects of Incline Village and determine how the project can move forward with added benefits to public safety.

Please feel free to contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

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Helen Neff  
PO Box 5647  
Incline Village, NV 89450  
[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners:

**Re: Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)**

As a neighbor of the proposed Nine 47 Tahoe development, I am aware of the process the developer has navigated to get to the point where they are presenting their development for your approval *to allow the subdivision of approximately 2 acres into 40 airspace condominiums on a 1.11-acre common area parcel.*

**This letter is not an objection to the development nor the tax revenue that it will bring to Washoe County.** I am respectfully asking that the concerns of residents regarding safety, especially for pedestrians, cyclists, youth and transit riders be considered in approving this development. This is an opportunity for Washoe County to prove to the citizens of Incline Village that the County cares about the people that live in the community by taking action to improve our safety.

The focus of the developer has been on amending the Washoe County Tahoe Area Plan to allow for their project. Unfortunately, in that process, concerns of the neighbors have been dismissed rather than addressed, specifically those concerning public safety.

As an example, Exhibit C, page 55 of the staff report says: *A total of 58 separate property owners were noticed a minimum of 10 days prior to the public hearing date.* A copy of the map in the report is copied here. The Third Creek Townhomes and The Pointe Condos, directly north of the development, circled in yellow on the map, have 151 and 24 units for a total of 175 parcels. So, with only 58 notices sent, the public notice of this hearing was minimal.



Public Notice Map  
Case Number WTM21-012

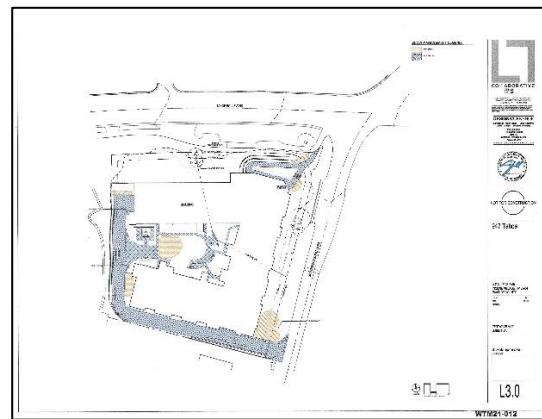
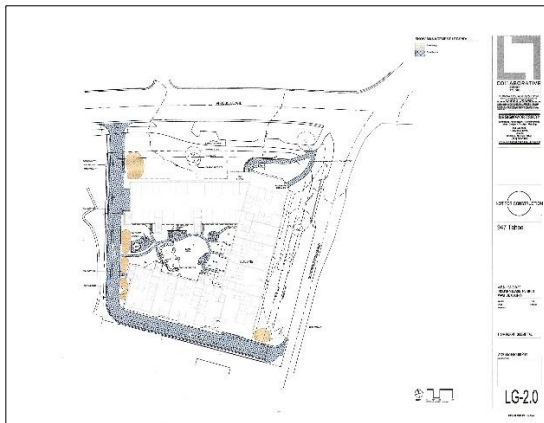
There was a neighborhood meeting held over 19 months ago on January 24, 2022. Neighbors were never given a response to our concerns in the many months after the meeting. There are notes of that meeting and replies noted in red text in Exhibit D of the staff report. These replies were never shared with the neighbors. We only discovered this information when reading the staff report on the Planning Commission website. This shows a lack of regard for the concerns of the neighbors.

**This can be rectified by providing clarification and solutions in the areas outlined below.**

The unsafe intersection at SR28 and Northwood/Southwood – By far, this is the highest concern of nearby neighbors but also many Incline Village and Crystal Bay residents who drive SR28, Southwood or Northwood. Few people walk or cycle this area due to safety concerns. Like many small communities located on a state highway built to design standards that favor high-speed motorized vehicle and commercial traffic, residents and visitors who prefer to walk and cycle are not safe nor

comfortable with these alternative modes of transportation when accessing SR28. And, thus we revert to using our vehicles. Planning for a truly walkable town center means addressing transportation challenges for pedestrians and cyclists. Approving a condominium development with bike storage in the parking garage does not make a walkable town center. Safety measures must be included. More details are provided later in this memo.

Snow removal and storage, especially from the decks and the roof - There is a discrepancy between snow storage plan submitted to TRPA and approved at the June 2022 meeting of the TRPA Governing Board (page 236 of that packet) and the plan included with the staff report (page 92). Which plan is correct? (Copies of both are below). The plan submitted to TRPA is on the left and includes emergency access to SR28. The plan submitted to Washoe County is on the right and shows no emergency access to SR28 and snow potentially blocking the site line of traffic when exiting the driveway. Both plans do not address major snow years, like this past winter. What happens when the snow needs to be removed from the roof and the decks? Where will that snow be stored? How is the county assured they are not burdened with snow from the decks ending up on the pedestrian path or Southwood Blvd, causing safety issues or a traffic hazard?



Trash dumpster placement, including on pick-up days in respect being secure from bears - Neighbors are concerned about bears. We were told trash dumpsters would be kept in the garages and garages had secure, automatic doors. How will the Waste Management trucks access the garage to collect trash as the turn-around radius does not look sufficient for even WM smallest vehicles? We live in HOA's and know what trash pick-up entails just to access a trash enclosure without adding the restriction of entering an enclosed garage. If dumpsters are taken to the driveway on collection days, how are we assured they are not left on Southwood for easy access by the Waste Management trucks? Or that Waste Management trucks are tying up traffic on Southwood during pick-ups? There is probably a plan for this but the neighbor's questions were not sufficiently answered.

That residents of the project would complain of on-street parking and noise from the skate park and ballfields – We sincerely hope that this will not be an issue and residents of this luxury condominium project will embrace the many activities held at Ridgeline Park, including multi-day sports tournaments, community events, summer day camps, picnics, family reunions, and corporate events rather than complaining about the parking and the noise. And also use caution with their vehicles when families and children are present, which is just about every weekend in spring and fall and every day in the summer. The space is promoted on the IVGID website for group rentals, adding to

its popularity. The developer was a sponsor of the 2023 July Fourth drone show at Ridgeline Park which does show good faith.

**There are a number of points on the Staff Report prepared for this meeting that require clarification.**

Text in **bold** is taken directly from the Staff Report on the Washoe County Planning Commission website:

Compliance with the Washoe County Tahoe Area Plan:

- Page 15: **Policy LU2-9 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that “Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units.”**
  - Deed-restricted affordable housing units are absolutely required, per the TAP amendment approved by TRPA. The report says that **TRPA is responsible for enforcing implementation of the mitigation measures associated with the area plan amendment.**
  - See last page of this letter for wording of the Washoe County Tahoe Area Plan code amendment compared to wording of the TRPA’s approved code amendment.
  - Regardless of who is enforcing the implementation, it is negligent to not require the applicant to include the requirements of the Washoe County Tahoe Area Plan amendment as part of the Washoe County Planning Commission approval process, particularly since the “Relevant Area Plan Policies Reviewed” chart says that the plans are in compliance.
- Page 15: **Policy LU6-1 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that, “Concentrated retail stores, restaurants, and offices should be included to promote the bustle and activity of a downtown.”** Only a very small office is included and it is not consistently described.
  - Mixed-use space: identified as 925 sq feet on page 12, 13, 41, 48 and page 60 but on page 1 and page 13 (same document), commercial space is noted as 830 sq feet.
  - At the November 1, 2022 Washoe County Planning Commission Meeting when the amendment to the Washoe County Tahoe Area Plan was being heard, Commissioner Chvilicek stated she understood the definition of mixed use, but a better understanding of what mixed use really means was needed.
  - Ms. Weiche told the Planning Commission that the County has “an interest in exploring a definition of mixed use” and says **it will be included in any proposed amendment to a code.** This can be verified in the meeting minutes and the recording but no definition was included with the Washoe County approval process.
  - It is very disappointing that the wise and astute advice of this Planning Commission was not followed or implemented and now we have a four-story, 40-unit condominium with over 100,000 square feet of residences and common area and 830 sq. feet (or maybe, 925 sq. feet) of commercial space being classified as “mixed use.”

Discrepancy between text and site plans:

- Page 62: **“Policies T3-1 and -2: Access on 28 is for emergencies only.”** Per the site plans in the Staff Report, there is no access to SR28.
  - The application approved by TRPA in June 22, 2022 does show an emergency exit onto SR28 (see TRPA approved snow removal plan, above).

Misleading information regarding pedestrian and bike access:



- Page 13: **“The project is fronted by both an improved pedestrian pathway and an improved bike path.”** This is not accurate. The improved pedestrian pathway forbids bikes. It is not a bike path. There is supposed to be a designated bike lane on SR28 but NDOT has not painted the street markings for many years, despite painting the center stripes and turn lanes annually. In addition, there is no separation between the bike lane and speeding traffic. See photos below.



Sign prohibiting bikes is positioned at entry to path.

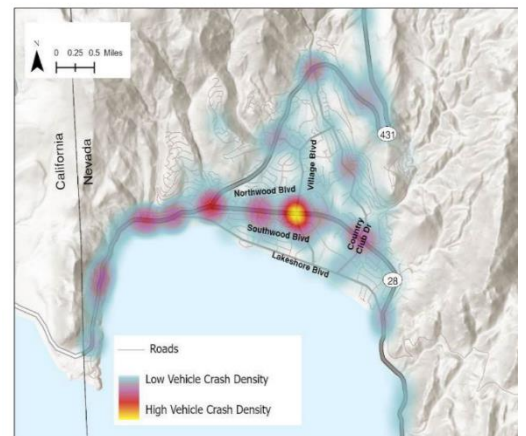
Faded bike lane paint/no lane indication

Notice also the poor condition of the crosswalk – all four crosswalks at this intersection are poorly maintained. Additional photos available upon request.

Transportation Study submitted by LSC Transportation Consultants

- Page 14: **The applicant submitted a Transportation Study, conducted by LSC Transportation Consultants, Inc.** This study is dated 20 months ago: December 12, 2021. Traffic conditions and related factors have changed since then.
- Page 14: **Level of Service (LOS) at the site access driveway and SR 28/Village Blvd would remain acceptable with the proposed project.** SR28/Village Blvd has the highest crash rate of any intersection on SR28. The map shown here is taken from the 2023 Washoe County Tahoe Area Transportation Plan.
- Page 14: **The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.** The Washoe County Tahoe Transportation Plan recommends safety improvements to this specific intersection (page 45-46 of the plan, text copied below). The curbs were recently improved but work has not started on replacing the flashing lights which are dated and inadequate (only visible in two directions when four

Exhibit 2-7: Crash Density (2015-2019)





directions are needed). The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033.

*SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.*

- Page 14: **A review of improvement options indicates that total delay can be reduced from existing delays on the key northbound approach by providing a separate northbound left-turn lane. While delays exceeding the LOS standard will still occur, this will be an overall improvement from existing conditions.** Adding a turn lane will take parking away from the skate park (see photo of parked cars) and penalize our youth. Such a recommendation reflects a lack of consideration to current park users and is not in the best interest of the overall community.
- Page 14: **The proposed driveway on Southwood Boulevard is expected to provide adequate driver sight distance so long as the final landscaping plans do not hinder the corner sight distance.** Snow berms in the winter also need to be taken into consideration.
- Page 14: **Based on LSCs conclusions, there will be no change to the LOS associated with the proposed development of the tentative map.** Wait – this is shortly after an earlier comment on the same page: **“The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.”** So, the intersection is LOS F and it will be a more “exacerbated” LOS F once this development is built. This is a red-flag that needs to be addressed in the planning process.
  - **IMPORTANT NOTE:** Level of Service (LOS) is a measure of traffic flow and congestion used by transportation planners and engineers to evaluate the performance of roadways. It is based on moving as many vehicles as fast as possible on a roadway segment during peak hours. However, it does not take into account the needs of all users of the roadway such as pedestrians, bicyclists, and transit riders. This is where Complete Streets Policies should apply. Complete Streets are streets designed and operated to enable safe use and support mobility for all users.
  - If the applicant is truly committed to supporting pedestrians, cyclists, and transit, then the transportation study should be based on Complete Streets Policies.



Contradictory Statements regarding NDOT and Washoe County Responsibilities:

- Page 15: From Staff, “**NDOT did not indicate any concerns with potential roadway or intersection impacts.**” This is contrary to the Washoe County Tahoe Transportation Plan which was prepared in consultation with NDOT (see above).
- Page 30: From NDOT, “**The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.**” The applicant and Washoe County have not involved the public in resolving safety issues, especially concerning the SR28/Southwood/Northwood (east) intersection. This is a classic case of “passing the buck” and not taking responsibility.
- Page 21: **Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider: (f) General conformity with the governing body’s master plan of streets and highways; (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;** We don’t need a new street – just a traffic signal that includes leading pedestrian intervals that are activated when pedestrians need to cross.

Neighborhood Meeting:

- Page 56 to 58: **EXHIBIT D – Neighborhood meeting replies.** These replies were never communicated to the neighbors. This is the first we heard. Responses on traffic show a lack of concern for public safety.
- Page 56: **Traffic Study is approved. Signal is out of scope.** When was the traffic study approved and by who? It contains conservative estimates of the traffic impact and outdated information.

Exhibit E – Supplemental Information

- Page 66: **The MFD-commercial mixed-use project can be subdivided into 40 airspace condos and a commercial condo since single-family dwelling condos are an allowed use in SA 1 when part of a mixed-use project.** Less than 1000 square feet of commercial space in a building of this size is not a realistic definition of a “mixed-use project.”
- Page 66: **Fronted by existing pedestrian and bike paths** (this is mentioned TWICE on page 66). See above – bikes are not allowed on the path.

Transportation Study dated December 12, 2021 (21 months ago):

- Page 123: **Peak Hour Intersection Traffic Volumes.** Chart grossly underestimates the impact of the project. “Peak Hour” is defined as 3:30 pm to 5:30 pm. This is not reflective of Incline Village traffic patterns as this intersection suffers from steady traffic all day, evenings and weekends with morning commuters, middle school employees, pick-ups, drop-offs, TART busses, traffic to the Recreation Center, beach, and post office. Also, the very fun and popular bowling alley frequented by our youth.
  - The “project Net Impact” figures are very low for a two-hour time period.

- Page 124: **EXISTING TRANSIT CONDITIONS** – Hours of public transit listed in the report are out-of-date. Condition of current bus stops is very poor: Southwood bus stop is non-ADA compliant, no bench, no shelter. Just a sign stuck in the pavement – see photo.
- Page 124: **EXISTING BICYCLE AND PEDESTRIAN CONDITIONS - A bikeway is also located starting at the eastern Southwood Blvd/SR 28 intersection that loops around clockwise and ends on Northwood Blvd at the Incline Elementary School.** This bike path ends ½ mile away from this development. So, if a resident of this project is using the Southwood bike path, they have no way to safely get back to their condo other than turning around and going back the way they came. **Class II bikeways (bike lanes) can be found along SR 28 from the western Lake Shore Blvd intersection to the eastern Lake Shore Blvd intersection.** Not true. If one is willing to risk their life, there is space to ride a bike but it is not identified on the road as a bike lane, does not have current road markings nor is it safe with the speeding and heavy traffic on SR28 made up of many large trucks and SUV's. See photo included earlier in this report of insufficient street markings.
- Page 124: **Pedestrian Facilities - Within the vicinity of the site, multipurpose walking and bike paths are provided along SR 28 and Southwood Blvd.** Bicycle use on the SR28 path is prohibited.
- Page 124: **The SR 28/Northwood Blvd/Southwood Blvd intersection has pedestrian crosswalks on all four sides of the intersection as well as a Rectangular Rapid-Flashing Beacon (RRFB) in the East and West directions.** This is a major shortfall as, at the very minimum, the RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. In any case, vehicles rarely stop for the RRFB to let pedestrians cross and a traffic signal would be a better solution.
- Page 124: **Another RRFB is placed along SR 28 in front of the Raley's driveway.** Again, RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. A pedestrian was hit, run over, and seriously injured at this crosswalk in January, 2022.
- Page 124: **At the SR 28/Village Blvd intersection, crosswalks can be found on the west, east and south approaches of the signalized intersection.** Update: crosswalks are at all approaches to the signalized intersection. (Yes, this study is outdated). See above crash map from the 2023 Washoe County Tahoe Transportation Study. The above referenced intersection is the location with the most crashes along SR28, a road that suffers from an above-average crash rate.
- Page 132: **LOS Standards - The TRPA LOS standards for the Lake Tahoe Basin, established by the Tahoe Regional Planning Agency (TRPA), are set forth in the 2019 Regional Transportation Plan with the intent that the Region's highway system and signalized intersections during peak periods shall not exceed the following:**
  1. **LOS C on rural scenic/recreational roads**
    - SR 28 is a designated NV Scenic byway from Spooner Lake to Crystal Bay: <https://fhwaapps.fhwa.dot.gov/bywaysp/byway/2456/map> and thus, should be LOS C.
    - Accepting an intersection as LOS F is in non-compliance with above standards.
- Page 132: **The Washoe County LOS Standards are set forth in the 2050 Regional Transportation Plan with the intent that roadway facilities do not exceed the following...** and it goes on to list intersections that are rated "F" but SR28/Southwood/Northwood is not included and thus is not sanctioned by these standards.
- Page 133: **The intersection of SR 28/Southwood Blvd/Northwood Blvd will remain at an unacceptable LOS F with a small increase in delay.** How is this in the best interest of public safety?



- Page 133: **Southwood Blvd/Site Access shown as TWSC.** Please explain how a driveway access to a county street has “two-way stop control” – the same control as identified for the above major intersection. A driveway has a single stop sign.
- Page 134: **In addition, drivers exiting the project onto Southwood and wishing to head west on SR 28 have the option, if they see a long northbound queue at the highway intersection, to make a right turn and access the highway via Village Boulevard.** There WILL be more traffic at this intersection. Here is a photo of what “accessing the highway via Village Blvd” looks like (July 12, 2023). Another unsafe situation.
- Page 136: **Another option for improving access would be to expand the northbound Southwood approach at SR 28 from the existing one-lane configuration. At present, drivers wishing to make a northbound right-turn movement are often behind drivers making the more difficult northbound through or northbound left movements. To evaluate the overall delay (measured in total vehicle-hours of delay) with an additional lane, LOS was evaluated assuming the additional lanes as shown in Table 7.** This idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.
- Page 136: **Table 7 Northbound Volume by Movement.** Something is wrong with the figures on the left side of this table as they show no change in volume with or without the project.
- Page 136: **As the right-of-way of Southwood Boulevard is 80 feet in width, this widening can occur within the existing right-of-way. It is therefore recommended that a separate northbound left-turn lane be provided.** To repeat: this idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.



In summary, approval of this subdivision map should include requirements to:

- Fast-track the Washoe County Tahoe Transportation Plan improvements for the intersection of SR28/Southwood/Northwood (east) with the installation of a traffic signal and leading pedestrian intervals. Other long-term configurations (such as a roundabout) can be evaluated at a later date.
- Clear up discrepancies on snow storage plans and include stipulations for high-snow winters.
- Ensure proper trash removal with respect to area wildlife.
- Guarantee that users of Ridgeline Park will not lose their street parking or be subject to noise complaints.
- Finally, inaccuracies and outdated information in the Staff Report and Transportation Study should be corrected to avoid authorizing flawed information in public records.

Please contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

Incline Village Resident

## Washoe County Tahoe Area Plan Amendment

### Differences in Wording

#### Approved by Washoe County Commissioners on January 17, 2023:

Title: An ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) to add single family dwellings, limited to air space condominiums, as an allowed use in Incline Village Commercial Regulatory Zone Special Area 1; and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 [Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units] as a special policy; and all matters necessarily connected therewith and pertaining thereto.

#### Approved by TRPA Governing Board on June 28, 2023:

Single Family Dwellings only allowed when associated with an approved tentative subdivision map of a multifamily structure or structures into air space condominiums. Subdivision of a mixed-use structure or structures shall be subject to the following requirements:

1. Structure(s) shall be designed to accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60 percent of the ground floor frontage. Adjustment to the location of pedestrian frontage can be approved administratively if site conditions (e.g., slope, lack of right-of-way, etc.) prevent placing it on the street. The mixed-use structure(s) shall have a maximum floor area ratio (FAR) 1.3 not subject to density limits. Unoccupied areas such as basements, parking garages, stairs, and elevator shafts shall be excluded from the FAR calculation.
2. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, sales offices, management offices and leasing offices may be included if they are open to the public.
3. Structure(s) shall include deed-restricted residential units. Deed-restricted units shall be substantially similar to the project's market rate mix of units, size, and design of units. However, two or more affordable deed-restricted studio units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. In addition to the above stated requirements, deed-restrictions shall meet one of the following alternatives:
  - a. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted affordable or moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units may be built on site or elsewhere within Special Area-1. Deed-restricted units must be built before or concurrently with market rate units.
  - b. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted achievable units. Deed restricted units must be built concurrently on site. An offsite parcel in Special Area 1 with an equal or greater unit capacity, less any mixed-use space on the first floor, as the project site must be deed-restricted affordable. After building the full unit capacity of affordable housing units on the offsite parcel pursuant to this subsection, TRPA shall, upon the developer's request, release the achievable units from the deed restriction.
4. No minimum parking requirement. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage.
5. No more than 20 linear feet of the street-fronting façade may be blank or featureless.
6. The ground floor and street frontage shall be designed to promote pedestrian accessibility such as transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

These requirements shall apply until TRPA adopts an amendment to the Code of Ordinances defining and setting minimum standards for mixed-use development at which time the Code shall apply, and requirements 1, 2, 5, and 6 shall be automatically repealed. Buildings in Special Area 1 that have received a permit from TRPA on or before June 30, 2023, are not required to meet requirements 1, 2, 5, and 6.

**Incline Village Neighbors of 947 Tahoe Condominium Development**

c/o Helen Neff

PO Box 5647

Incline Village, NV 89450

[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners,

Re: September 5, 2023 Meeting Agenda – *Application for 947 Tahoe Condominium Development*

**Submitted on behalf of concerned neighbors adjacent to proposed project – see last page for names.**

As neighbors of the proposed 947 Tahoe Condominium Development, we request that the Washoe County Planning Commission take into consideration the need for safety improvements to the dangerous intersection adjacent to the 947 Tahoe Condominium development: **SR 28/Southwood Blvd/Northwood Blvd (east)**. This intersection is rated “F” in terms of Level of Service for vehicles. Pedestrians and cyclists are at high risk for their personal safety when trying to cross at this location.

**This letter is NOT an objection to the project.** We are asking that the safety concerns raised at the January 24, 2022 neighborhood meeting (20 months ago) be addressed. We never did hear back from the developer until the response that is included with the packet for the September 5 meeting. Home Owners who purchased their property after January, 2022 never had the opportunity to attend a neighborhood meeting.

Below are the comments from the developer in response to neighbor’s concerns about the intersection:

- NDOT issue
- Traffic study is approved. Signal is out of scope. (Stated twice)
- NDOT has jurisdiction on 28.

**When was the Traffic Study, mentioned above, approved by Washoe County planning?**

The 2021 Transportation Study, now almost two years old, submitted with the application provides extremely conservative projections regarding the impact of the development on vehicle traffic at this intersection. It does not address pedestrian or cyclist safety. As neighbors, we use this route via vehicle, walking, or cycling to access the middle school, ball fields, skate park, recreation center, beaches and the post office among other destinations. We are well aware of its current shortfalls.

In the subsequent months since the 2022 neighborhood meeting, the Washoe County Board of Commissioners approved the Washoe County Tahoe Transportation Plan which recommends the following improvements to the SR28/Southwood/Northwood (east) intersection (page 45-46 of the plan):



SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.

The curbs were recently improved but work has not started on replacing the flashing lights. The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033. The lead agency is listed as NDOT. Partners are Washoe County, TTD, and RTC.

**All we ask is for a traffic signal. Nothing fancy. Just a safe environment for pedestrians to cross.**

Funding is available through the Bipartisan Infrastructure Law (BIL) which established the new Safe Streets and Roads for all (SS4A) discretionary program, with \$5 billion in appropriated funds over 5 years, 2022-2026. The program funds regional and local initiatives through grants to prevent roadway deaths and injuries.

The intersection of SR28/Northwood/Southwood certainly qualifies for SS4A funding due to it’s unsafe rating, adjacency to a school, ball fields and skate park and a proposed condominium development that claims to promote walkability. However, immediate action is needed to secure funds.

Please do not disregard the safety of Incline Village residents, future residents and visitors in the planning process. The hazardous intersection of SR28/Northwood/Southwood cannot be overlooked in the approval of this application to develop a 40-unit condominium project adjacent to the intersection.

NDOT states this responsibility on page 30 of the packet:

The State defers to municipal government for land use development decisions. **Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process.** Significant improvements proposed within NDOT right of way may require additional public involvement. **It is the responsibility of the applicant to perform such additional public involvement.**

If Washoe County is truly concerned with public safety, we plead with you to require NDOT to **prioritize and complete** the planned improvements to this intersection prior to occupancy of Nine 47 Tahoe. Please do not evade this responsibility, dodge the issue or pass the buck. We do not want anyone injured or killed in a crash due to inaction of government agencies in addressing and improving safety on our roads.

Thank you,

Helen Neff, Third Creek, Incline Village, NV  
William Neff, Third Creek, Incline Village, NV  
Jane Rubsamen, Third Creek, Incline Village  
Richard Rubsamen, Third Creek, Incline Village  
Michael Rubsamen, Third Creek, Incline Village  
Tom Brueck, Third Creek, Incline Village  
Kate Brueck, Third Creek, Incline Village  
Lenty Hagen, Third Creek, Incline Village  
Fay McConnell, Fairway, Incline Village  
Jim McConnell, Fairway, Incline Village  
Melodie Nelson, Third Creek, Incline Village  
Bill Nelson, Third Creek, Incline Village  
Marq Bresnan, Third Creek, Incline Village  
Dianna Bresnan, Third Creek, Incline Village  
Steve Carson, Third Creek, Incline Village  
Joanne Sheehy, Third Creek, Incline Village  
Mary H. Eltz, Third Creek, Incline Village  
August Eltz, Jr., Third Creek, Incline Village  
Ken Reese, Third Creek, Incline Village  
Jane Maloney, Third Creek, Incline Village  
Mike Maloney, Third Creek, Incline Village  
Jerrold Peter Scattini, Jr., Third Creek, Incline Village  
Janice Scattini, Third Creek, Incline Village  
Clyde VanLandingham, Third Creek, Incline Village  
Kathy VanLandingham, Third Creek, Incline Village  
Steffan Pietzke, Third Creek, Incline Village  
Oliver Pietzke, Third Creek, Incline Village  
James Pietzke, Third Creek, Incline Village  
Brendan Pietzke, Third Creek, Incline Village  
Linda Pike, The Pointe, Incline Village  
Patricia Owens, Fairway, Incline Village  
Diane Scattini, Third Creek, Incline Village  
Jerry Scattini, Third Creek, Incline Village  
Robert Rubsamen, Third Creek, Incline Village  
Kelly Rubsamen, Third Creek, Incline Village

**From:** [Clyde VanLandingham](#)  
**To:** [dlazzareschi@gmail.com](#); [KateNelsonPE@gmail.com](#); [f.donshick@att.net](#); [Flick, Michael](#); [Kennedy, Linda K.](#); [Pierce, Rob](#); [pataphillips@yahoo.com](#); [ken Hill, Alexis](#); [Brown, Eric P.](#); [Solaro, David](#); [Washoe311](#)  
**Cc:** [Washoe311](#)  
**Subject:** Re: September 5, 2023 Meeting Agenda – Application for 947 Tahoe Condominium Development  
**Date:** Friday, September 1, 2023 12:03:01 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Dear Washoe County Planning Commissioners,

As neighbors of the proposed 947 Tahoe Condominium Development, we request that the Washoe County Planning Commission consider the need for safety improvements to the dangerous intersection adjacent to the 947 Tahoe Condominium development: **SR 28/Southwood Blvd/Northwood Blvd (east)**. This intersection is rated “F” in terms of Level of Service for vehicles. Pedestrians and cyclists are at high risk for their personal safety when trying to cross at this location. We personally avoid this intersection when driving due to the high vehicle speeds on that stretch of road and the difficult viewing angles when approaching the intersection from the north. We never attempt to cross here when walking due to the high speeds of motorists approaching & leaving core Incline Village.

**This letter is NOT an objection to the Nine 47 project.** However, we are asking that the safety concerns raised at the January 24, 2022 neighborhood meeting (20 months ago) be addressed. We never did hear back directly from the developer but did notice that a response is included with the packet for the September 5 meeting. Home owners who purchased their property after January, 2022 never had the opportunity to attend a neighborhood meeting.

**Please consider immediate installation of a traffic signal while other options are evaluated. Please establish an interim safe environment for pedestrians, cyclists and young people to cross, while more comprehensive approaches are considered..**

Below are the comments from the developer in response to neighbor’s concerns about the intersection:

- NDOT issue
- Traffic study is approved. Signal is out of scope. (Stated twice)
- NDOT has jurisdiction on 28.

When was the Traffic Study, mentioned by the developer in their response, approved by Washoe County planning?

The 2021 Transportation Study prepared by LSC Transportation Consultants in Tahoe City is now almost two years old. It provides extremely conservative projections regarding the impact of the development on vehicle traffic at this intersection. It does not address pedestrian or

cyclist safety. As neighbors, we use this route via vehicle, walking, or cycling to access the middle school, ball fields, skate park, recreation center, beaches and the post office among other destinations. We are well aware of its current shortfalls.

In the subsequent months since the 2022 neighborhood meeting, the Washoe County Board of Commissioners approved the Washoe County Tahoe Transportation Plan which recommends the following improvements to the SR28/Southwood/Northwood (east) intersection (page 45-46 of the plan):

SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.

The curbs were recently improved but work has not started on replacing the flashing lights which are dated and inadequate (only visible in two directions when four directions are needed). The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033. The lead agency is listed as NDOT. Partners are Washoe County, TTD, and RTC.

Funding is available through the Bipartisan Infrastructure Law (BIL) which established the new Safe Streets and Roads for all (SS4A) discretionary program, with \$5 billion in appropriated funds over 5 years, 2022-2026. The program funds regional and local initiatives through grants to prevent roadway deaths and injuries.

The intersection of SR28/Northwood/Southwood certainly qualifies for SS4A funding due to its unsafe rating, adjacency to a school, ball fields and skate park and a proposed condominium development that claims to promote walkability. However, immediate action is needed to secure funds.

Please take into account the safety of Incline Village residents, future residents and visitors in the planning process. The hazardous intersection of SR28/Northwood/Southwood cannot be overlooked in the approval of this application to develop a 40-unit condominium project adjacent to the intersection.

NDOT states this responsibility on page 30 of the packet:

The State defers to municipal government for land use development decisions. **Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process.** Significant improvements proposed within NDOT right of way may require additional public involvement. **It is the responsibility of the applicant to perform such additional public involvement.**

If Washoe County is truly concerned with public safety for Incline Village, we plead with you to work with NDOT to **prioritize and complete** the planned improvements to this intersection prior to occupancy of Nine 47 Tahoe. Please do not evade this responsibility, dodge the issue or pass the buck. We do not want anyone injured or killed in a crash due to inaction of government agencies in addressing and improving safety on our roads.

Thanks for your attention to this serious issue.

Clyde & Kathleen VanLandingham

Third Creek Unit 71

Helen Neff  
PO Box 5647  
Incline Village, NV 89450  
[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 4, 2023

Dear Washoe County Planning Commissioners:

**Re: Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)**

Due to the following message (in red) posted on the Washoe County Planning Commission website for the September 5, 2023 meeting, I have updated my September 1 letter.

An older version of WTM21-012 Staff Report was inadvertently posted. Please see final Staff Report and Exhibits for this item.

Please include this updated information with my prior letter (attached for your convenience).

---

**#1**

Original Text:

- Mixed-use space: identified as 925 sq feet on page 12, 13, 41, 48 and page 60 but on page 1 and page 13 (same document), commercial space is noted as 830 sq feet.

Update:

- Mixed-use space: identified as 925 sq feet on page 1, 12, 13, 41, 48 and page 60 but on page 13 (same document), **and site plans**, commercial space is still noted as 830 sq feet. **The question remains, which is correct?**
- 

**#2**

Original Text:

- Page 14: **The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.**

Update:

- Although text was changed on the revised staff report to remove the word "exacerbated," the use of this word remains in the "approved" transportation report on page 138 and 220. **NOTE: We are told that the transportation report is "approved" in the comments on page 56 yet we cannot find public meeting notes of when this report was approved and by whom.**
-



### #3

#### Original Text:

- Page 14: **A review of improvement options indicates that total delay can be reduced from existing delays on the key northbound approach by providing a separate northbound left-turn lane. While delays exceeding the LOS standard will still occur, this will be an overall improvement from existing conditions.**

#### Update:

- The recommendation to take away parking from the skate park to create a turn lane was removed in the revised staff report but again, still remains in the transportation study.
- 

### #4

#### Original Text:

- Page 14: **Based on LSCs conclusions, there will be no change to the LOS associated with the proposed development of the tentative map. Wait – this is shortly after an earlier comment on the same page: “The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.”**

#### Update:

- Again, the use of the work “exacerbated” was removed in the revised staff report but remains in the transportation study. Removing a word does little to change the safety of this intersection.

Thank you,

*Helen Neff*

Incline Village Resident

Helen Neff  
PO Box 5647  
Incline Village, NV 89450  
[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners:

**Re: Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)**

As a neighbor of the proposed Nine 47 Tahoe development, I am aware of the process the developer has navigated to get to the point where they are presenting their development for your approval *to allow the subdivision of approximately 2 acres into 40 airspace condominiums on a 1.11-acre common area parcel.*

**This letter is not an objection to the development nor the tax revenue that it will bring to Washoe County.** I am respectfully asking that the concerns of residents regarding safety, especially for pedestrians, cyclists, youth and transit riders be considered in approving this development. This is an opportunity for Washoe County to prove to the citizens of Incline Village that the County cares about the people that live in the community by taking action to improve our safety.

The focus of the developer has been on amending the Washoe County Tahoe Area Plan to allow for their project. Unfortunately, in that process, concerns of the neighbors have been dismissed rather than addressed, specifically those concerning public safety.

As an example, Exhibit C, page 55 of the staff report says: *A total of 58 separate property owners were noticed a minimum of 10 days prior to the public hearing date.* A copy of the map in the report is copied here. The Third Creek Townhomes and The Pointe Condos, directly north of the development, circled in yellow on the map, have 151 and 24 units for a total of 175 parcels. So, with only 58 notices sent, the public notice of this hearing was minimal.



Public Notice Map  
Case Number WTM21-012

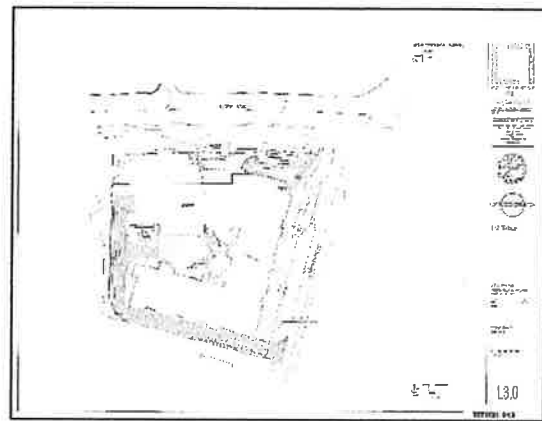
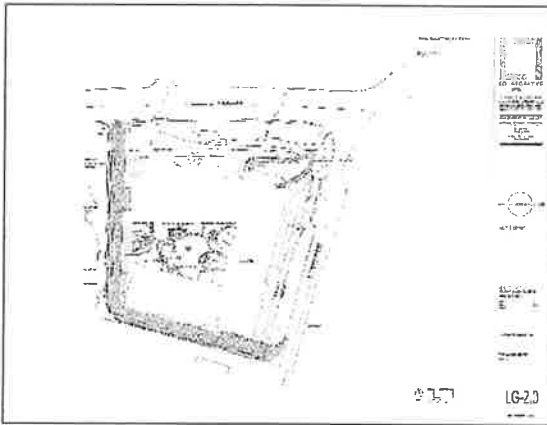
There was a neighborhood meeting held over 19 months ago on January 24, 2022. Neighbors were never given a response to our concerns in the many months after the meeting. There are notes of that meeting and replies noted in red text in Exhibit D of the staff report. These replies were never shared with the neighbors. We only discovered this information when reading the staff report on the Planning Commission website. This shows a lack of regard for the concerns of the neighbors.

**This can be rectified by providing clarification and solutions in the areas outlined below.**

The unsafe intersection at SR28 and Northwood/Southwood – By far, this is the highest concern of nearby neighbors but also many Incline Village and Crystal Bay residents who drive SR28, Southwood or Northwood. Few people walk or cycle this area due to safety concerns. Like many small communities located on a state highway built to design standards that favor high-speed motorized vehicle and commercial traffic, residents and visitors who prefer to walk and cycle are not safe nor

comfortable with these alternative modes of transportation when accessing SR28. And, thus we revert to using our vehicles. Planning for a truly walkable town center means addressing transportation challenges for pedestrians and cyclists. Approving a condominium development with bike storage in the parking garage does not make a walkable town center. Safety measures must be included. More details are provided later in this memo.

Snow removal and storage, especially from the decks and the roof - There is a discrepancy between snow storage plan submitted to TRPA and approved at the June 2022 meeting of the TRPA Governing Board (page 236 of that packet) and the plan included with the staff report (page 92). Which plan is correct? (Copies of both are below). The plan submitted to TRPA is on the left and includes emergency access to SR28. The plan submitted to Washoe County is on the right and shows no emergency access to SR28 and snow potentially blocking the site line of traffic when exiting the driveway. Both plans do not address major snow years, like this past winter. What happens when the snow needs to be removed from the roof and the decks? Where will that snow be stored? How is the county assured they are not burdened with snow from the decks ending up on the pedestrian path or Southwood Blvd, causing safety issues or a traffic hazard?



Trash dumpster placement, including on pick-up days in respect being secure from bears - Neighbors are concerned about bears. We were told trash dumpsters would be kept in the garages and garages had secure, automatic doors. How will the Waste Management trucks access the garage to collect trash as the turn-around radius does not look sufficient for even WM smallest vehicles? We live in HOA's and know what trash pick-up entails just to access a trash enclosure without adding the restriction of entering an enclosed garage. If dumpsters are taken to the driveway on collection days, how are we assured they are not left on Southwood for easy access by the Waste Management trucks? Or that Waste Management trucks are tying up traffic on Southwood during pick-ups? There is probably a plan for this but the neighbor's questions were not sufficiently answered.

That residents of the project would complain of on-street parking and noise from the skate park and ballfields – We sincerely hope that this will not be an issue and residents of this luxury condominium project will embrace the many activities held at Ridgeline Park, including multi-day sports tournaments, community events, summer day camps, picnics, family reunions, and corporate events rather than complaining about the parking and the noise. And also use caution with their vehicles when families and children are present, which is just about every weekend in spring and fall and every day in the summer. The space is promoted on the IVGID website for group rentals, adding to

its popularity. The developer was a sponsor of the 2023 July Fourth drone show at Ridgeline Park which does show good faith.

**There are a number of points on the Staff Report prepared for this meeting that require clarification.** Text in **bold** is taken directly from the Staff Report on the Washoe County Planning Commission website:

Compliance with the Washoe County Tahoe Area Plan:

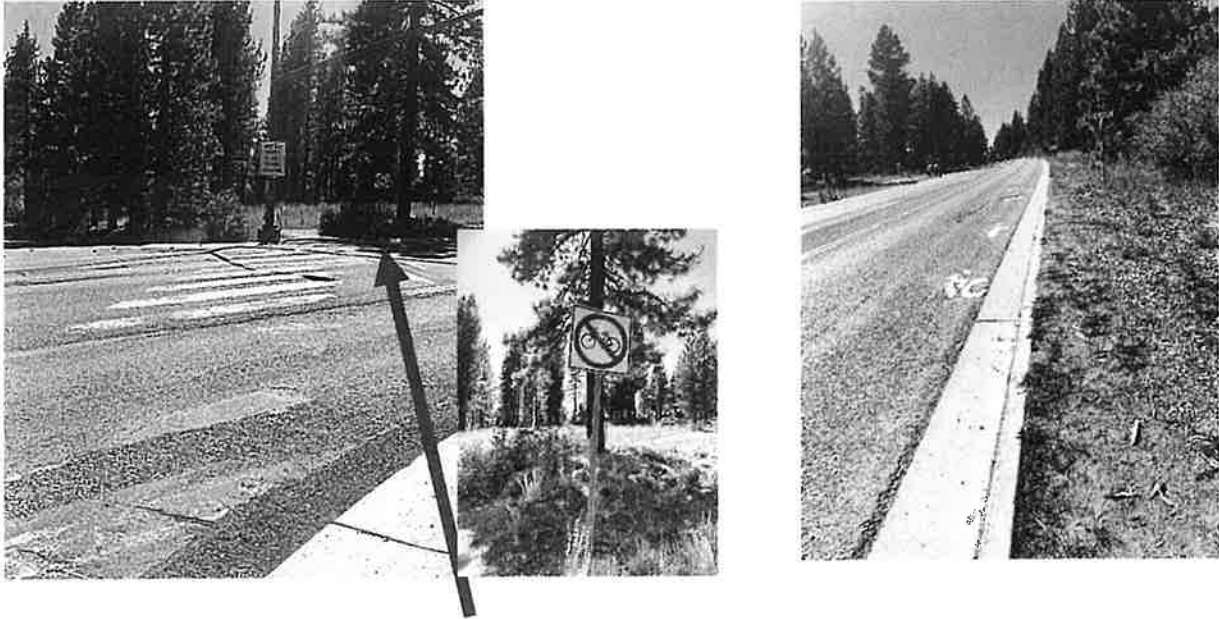
- Page 15: **Policy LU2-9 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that “Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units.”**
  - Deed-restricted affordable housing units are absolutely required, per the TAP amendment approved by TRPA. The report says that **TRPA is responsible for enforcing implementation of the mitigation measures associated with the area plan amendment.**
  - See last page of this letter for wording of the Washoe County Tahoe Area Plan code amendment compared to wording of the TRPA’s approved code amendment.
  - Regardless of who is enforcing the implementation, it is negligent to not require the applicant to include the requirements of the Washoe County Tahoe Area Plan amendment as part of the Washoe County Planning Commission approval process, particularly since the “Relevant Area Plan Policies Reviewed” chart says that the plans are in compliance.
- Page 15: **Policy LU6-1 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that, “Concentrated retail stores, restaurants, and offices should be included to promote the bustle and activity of a downtown.”** Only a very small office is included and it is not consistently described.
  - Mixed-use space: identified as 925 sq feet on page 12, 13, 41, 48 and page 60 but on page 1 and page 13 (same document), commercial space is noted as 830 sq feet.
  - At the November 1, 2022 Washoe County Planning Commission Meeting when the amendment to the Washoe County Tahoe Area Plan was being heard, Commissioner Chvilicek stated she understood the definition of mixed use, but a better understanding of what mixed use really means was needed.
  - Ms. Weiche told the Planning Commission that the County has “an interest in exploring a definition of mixed use” and says **it will be included in any proposed amendment to a code.** This can be verified in the meeting minutes and the recording but no definition was included with the Washoe County approval process.
  - It is very disappointing that the wise and astute advice of this Planning Commission was not followed or implemented and now we have a four-story, 40-unit condominium with over 100,000 square feet of residences and common area and 830 sq. feet (or maybe, 925 sq. feet) of commercial space being classified as “mixed use.”

Discrepancy between text and site plans:

- Page 62: **“Policies T3-1 and -2: Access on 28 is for emergencies only.”** Per the site plans in the Staff Report, there is no access to SR28.
  - The application approved by TRPA in June 22, 2022 does show an emergency exit onto SR28 (see TRPA approved snow removal plan, above).

Misleading information regarding pedestrian and bike access:

- Page 13: **“The project is fronted by both an improved pedestrian pathway and an improved bike path.”** This is not accurate. The improved pedestrian pathway forbids bikes. It is not a bike path. There is supposed to be a designated bike lane on SR28 but NDOT has not painted the street markings for many years, despite painting the center stripes and turn lanes annually. In addition, there is no separation between the bike lane and speeding traffic. See photos below.



Sign prohibiting bikes is at positioned at entry to path.

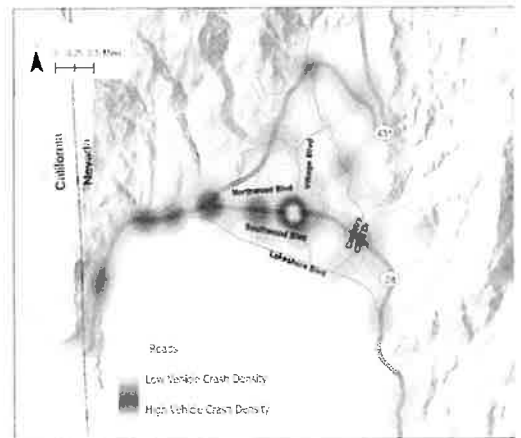
Faded bike lane paint/no lane indication

Notice also the poor condition of the crosswalk – all four crosswalks at this intersection are poorly maintained. Additional photos available upon request.

Transportation Study submitted by LSC Transportation Consultants

- Page 14: **The applicant submitted a Transportation Study, conducted by LSC Transportation Consultants, Inc.** This study is dated 20 months ago: December 12, 2021. Traffic conditions and related factors have changed since then.
- Page 14: **Level of Service (LOS) at the site access driveway and SR 28/Village Blvd would remain acceptable with the proposed project.** SR28/Village Blvd has the highest crash rate of any intersection on SR28. The map shown here is taken from the 2023 Washoe County Tahoe Area Transportation Plan.
- Page 14: **The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.** The Washoe County Tahoe Transportation Plan recommends safety improvements to this specific intersection (page 45-46 of the plan, text copied below). The curbs were recently improved but work has not started on replacing the flashing lights which are dated and inadequate (only visible in two directions when four

Exhibit 2-7: Crash Density (2015-2019)



directions are needed). The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033.

*SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.*

- Page 14: **A review of improvement options indicates that total delay can be reduced from existing delays on the key northbound approach by providing a separate northbound left-turn lane. While delays exceeding the LOS standard will still occur, this will be an overall improvement from existing conditions.** Adding a turn lane will take parking away from the skate park (see photo of parked cars) and penalize our youth. Such a recommendation reflects a lack of consideration to current park users and is not in the best interest of the overall community.
- Page 14: **The proposed driveway on Southwood Boulevard is expected to provide adequate driver sight distance so long as the final landscaping plans do not hinder the corner sight distance.** Snow berms in the winter also need to be taken into consideration.
- Page 14: **Based on LSCs conclusions, there will be no change to the LOS associated with the proposed development of the tentative map.** Wait – this is shortly after an earlier comment on the same page: **“The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.”** So, the intersection is LOS F and it will be a more “exacerbated” LOS F once this development is built. This is a red-flag that needs to be addressed in the planning process.
  - **IMPORTANT NOTE:** Level of Service (LOS) is a measure of traffic flow and congestion used by transportation planners and engineers to evaluate the performance of roadways. It is based on moving as many vehicles as fast as possible on a roadway segment during peak hours. However, it does not take into account the needs of all users of the roadway such as pedestrians, bicyclists, and transit riders. This is where Complete Streets Policies should apply. Complete Streets are streets designed and operated to enable safe use and support mobility for all users.
  - If the applicant is truly committed to supporting pedestrians, cyclists, and transit, then the transportation study should be based on Complete Streets Policies.





### Contradictory Statements regarding NDOT and Washoe County Responsibilities:

- Page 15: From Staff, **“NDOT did not indicate any concerns with potential roadway or intersection impacts.”** This is contrary to the Washoe County Tahoe Transportation Plan which was prepared in consultation with NDOT (see above).
- Page 30: From NDOT, **“The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.”** The applicant and Washoe County have not involved the public in resolving safety issues, especially concerning the SR28/Southwood/Northwood (east) intersection. This is a classic case of “passing the buck” and not taking responsibility.
- Page 21: Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider: **(f) General conformity with the governing body’s master plan of streets and highways; (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;** We don’t need a new street – just a traffic signal that includes leading pedestrian intervals that are activated when pedestrians need to cross.

### Neighborhood Meeting:

- Page 56 to 58: **EXHIBIT D – Neighborhood meeting replies.** These replies were never communicated to the neighbors. This is the first we heard. Responses on traffic show a lack of concern for public safety.
- Page 56: **Traffic Study is approved. Signal is out of scope.** When was the traffic study approved and by who? It contains conservative estimates of the traffic impact and outdated information.

### Exhibit E – Supplemental Information

- Page 66: **The MFD-commercial mixed-use project can be subdivided into 40 airspace condos and a commercial condo since single-family dwelling condos are an allowed use in SA 1 when part of a mixed-use project.** Less than 1000 square feet of commercial space in a building of this size is not a realistic definition of a “mixed-use project.”
- Page 66: **Fronted by existing pedestrian and bike paths** (this is mentioned TWICE on page 66). See above – bikes are not allowed on the path.

### Transportation Study dated December 12, 2021 (21 months ago):

- Page 123: **Peak Hour Intersection Traffic Volumes.** Chart grossly underestimates the impact of the project. “Peak Hour” is defined as 3:30 pm to 5:30 pm. This is not reflective of Incline Village traffic patterns as this intersection suffers from steady traffic all day, evenings and weekends with morning commuters, middle school employees, pick-ups, drop-offs, TART busses, traffic to the Recreation Center, beach, and post office. Also, the very fun and popular bowling alley frequented by our youth.
  - The “project Net Impact” figures are very low for a two-hour time period.

- Page 124: **EXISTING TRANSIT CONDITIONS** – Hours of public transit listed in the report are out-of-date. Condition of current bus stops is very poor: Southwood bus stop is non-ADA compliant, no bench, no shelter. Just a sign stuck in the pavement – see photo.
- Page 124: **EXISTING BICYCLE AND PEDESTRIAN CONDITIONS - A bikeway is also located starting at the eastern Southwood Blvd/SR 28 intersection that loops around clockwise and ends on Northwood Blvd at the Incline Elementary School.** This bike path ends ½ mile away from this development. So, if a resident of this project is using the Southwood bike path, they have no way to safely get back to their condo other than turning around and going back the way they came. **Class II bikeways (bike lanes) can be found along SR 28 from the western Lake Shore Blvd intersection to the eastern Lake Shore Blvd intersection.** Not true. If one is willing to risk their life, there is space to ride a bike but it is not identified on the road as a bike lane, does not have current road markings nor is it safe with the speeding and heavy traffic on SR28 made up of many large trucks and SUV's. See photo included earlier in this report of insufficient street markings.
- Page 124: **Pedestrian Facilities - Within the vicinity of the site, multipurpose walking and bike paths are provided along SR 28 and Southwood Blvd.** Bicycle use on the SR28 path is prohibited.
- Page 124: **The SR 28/Northwood Blvd/Southwood Blvd intersection has pedestrian crosswalks on all four sides of the intersection as well as a Rectangular Rapid-Flashing Beacon (RRFB) in the East and West directions.** This is a major shortfall as, at the very minimum, the RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. In any case, vehicles rarely stop for the RRFB to let pedestrians cross and a traffic signal would be a better solution.
- Page 124: **Another RRFB is placed along SR 28 in front of the Raley's driveway.** Again, RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. A pedestrian was hit, run over, and seriously injured at this crosswalk in January, 2022.
- Page 124: **At the SR 28/Village Blvd intersection, crosswalks can be found on the west, east and south approaches of the signalized intersection.** Update: crosswalks are at all approaches to the signalized intersection. (Yes, this study is outdated). See above crash map from the 2023 Washoe County Tahoe Transportation Study. The above referenced intersection is the location with the most crashes along SR28, a road that suffers from an above-average crash rate.
- Page 132: **LOS Standards - The TRPA LOS standards for the Lake Tahoe Basin, established by the Tahoe Regional Planning Agency (TRPA), are set forth in the 2019 Regional Transportation Plan with the intent that the Region's highway system and signalized intersections during peak periods shall not exceed the following: 1. LOS C on rural scenic/recreational roads**
  - SR 28 is a designated NV Scenic byway from Spooner Lake to Crystal Bay: <https://fhwaapps.fhwa.dot.gov/bywaysp/byway/2456/map> and thus, should be LOS C.
  - Accepting an intersection as LOS F is in non-compliance with above standards.
- Page 132: **The Washoe County LOS Standards are set forth in the 2050 Regional Transportation Plan with the intent that roadway facilities do not exceed the following...** and it goes on to list intersections that are rated "F" but SR28/Southwood/Northwood is not included and thus is not sanctioned by these standards.
- Page 133: **The intersection of SR 28/Southwood Blvd/Northwood Blvd will remain at an unacceptable LOS F with a small increase in delay.** How is this in the best interest of public safety?



- Page 133: **Southwood Blvd/Site Access shown as TWSC.** Please explain how a driveway access to a county street has “two-way stop control” – the same control as identified for the above major intersection. A driveway has a single stop sign.
- Page 134: **In addition, drivers exiting the project onto Southwood and wishing to head west on SR 28 have the option, if they see a long northbound queue at the highway intersection, to make a right turn and access the highway via Village Boulevard.** There WILL be more traffic at this intersection. Here is a photo of what “accessing the highway via Village Blvd” looks like (July 12, 2023).  
Another unsafe situation.
- Page 136: **Another option for improving access would be to expand the northbound Southwood approach at SR 28 from the existing one-lane configuration. At present, drivers wishing to make a northbound right-turn movement are often behind drivers making the more difficult northbound through or northbound left movements. To evaluate the overall delay (measured in total vehicle-hours of delay) with an additional lane, LOS was evaluated assuming the additional lanes as shown in Table 7.** This idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.
- Page 136: **Table 7 Northbound Volume by Movement.** Something is wrong with the figures on the left side of this table as they show no change in volume with or without the project.
- Page 136: **As the right-of-way of Southwood Boulevard is 80 feet in width, this widening can occur within the existing right-of-way. It is therefore recommended that a separate northbound left-turn lane be provided.** To repeat: this idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.



In summary, approval of this subdivision map should include requirements to:

- Fast-track the Washoe County Tahoe Transportation Plan improvements for the intersection of SR28/Southwood/Northwood (east) with the installation of a traffic signal and leading pedestrian intervals. Other long-term configurations (such as a roundabout) can be evaluated at a later date.
- Clear up discrepancies on snow storage plans and include stipulations for high-snow winters.
- Ensure proper trash removal with respect to area wildlife.
- Guarantee that users of Ridgeline Park will not lose their street parking or be subject to noise complaints.
- Finally, inaccuracies and outdated information in the Staff Report and Transportation Study should be corrected to avoid authorizing flawed information in public records.

Please contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

Incline Village Resident

# Washoe County Tahoe Area Plan Amendment

## Differences in Wording

### Approved by Washoe County Commissioners on January 17, 2023:

Title: An ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) to add single family dwellings, limited to air space condominiums, as an allowed use in Incline Village Commercial Regulatory Zone Special Area 1; and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 [Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units] as a special policy; and all matters necessarily connected therewith and pertaining thereto.

### Approved by TRPA Governing Board on June 28, 2023:

Single Family Dwellings only allowed when associated with an approved tentative subdivision map of a multifamily structure or structures into air space condominiums. Subdivision of a mixed-use structure or structures shall be subject to the following requirements:

1. Structure(s) shall be designed to accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60 percent of the ground floor frontage. Adjustment to the location of pedestrian frontage can be approved administratively if site conditions (e.g., slope, lack of right-of-way, etc.) prevent placing it on the street. The mixed-use structure(s) shall have a maximum floor area ratio (FAR) 1.3 not subject to density limits. Unoccupied areas such as basements, parking garages, stairs, and elevator shafts shall be excluded from the FAR calculation.
2. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, sales offices, management offices and leasing offices may be included if they are open to the public.
3. Structure(s) shall include deed-restricted residential units. Deed-restricted units shall be substantially similar to the project's market rate mix of units, size, and design of units. However, two or more affordable deed-restricted studio units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. In addition to the above stated requirements, deed-restrictions shall meet one of the following alternatives:
  - a. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted affordable or moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units may be built on site or elsewhere within Special Area-1. Deed-restricted units must be built before or concurrently with market rate units.
  - b. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted achievable units. Deed restricted units must be built concurrently on site. An offsite parcel in Special Area 1 with an equal or greater unit capacity, less any mixed-use space on the first floor, as the project site must be deed-restricted affordable. After building the full unit capacity of affordable housing units on the offsite parcel pursuant to this subsection, TRPA shall, upon the developer's request, release the achievable units from the deed restriction.
4. No minimum parking requirement. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage.
5. No more than 20 linear feet of the street-fronting façade may be blank or featureless.
6. The ground floor and street frontage shall be designed to promote pedestrian accessibility such as transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

These requirements shall apply until TRPA adopts an amendment to the Code of Ordinances defining and setting minimum standards for mixed-use development at which time the Code shall apply, and requirements 1, 2, 5, and 6 shall be automatically repealed. Buildings in Special Area 1 that have received a permit from TRPA on or before June 30, 2023, are not required to meet requirements 1, 2, 5, and 6.

**Incline Village Neighbors of 947 Tahoe Condominium Development**

c/o Helen Neff

PO Box 5647

Incline Village, NV 89450

[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners,

Re: September 5, 2023 Meeting Agenda – *Application for 947 Tahoe Condominium Development*

**Submitted on behalf of concerned neighbors adjacent to proposed project – see last page for names.**

As neighbors of the proposed 947 Tahoe Condominium Development, we request that the Washoe County Planning Commission take into consideration the need for safety improvements to the dangerous intersection adjacent to the 947 Tahoe Condominium development: **SR 28/Southwood Blvd/Northwood Blvd (east)**. This intersection is rated “F” in terms of Level of Service for vehicles. Pedestrians and cyclists are at high risk for their personal safety when trying to cross at this location.

**This letter is NOT an objection to the project.** We are asking that the safety concerns raised at the January 24, 2022 neighborhood meeting (20 months ago) be addressed. We never did hear back from the developer until the response that is included with the packet for the September 5 meeting. Home Owners who purchased their property after January, 2022 never had the opportunity to attend a neighborhood meeting.

Below are the comments from the developer in response to neighbor’s concerns about the intersection:

- NDOT issue
- Traffic study is approved. Signal is out of scope. (Stated twice)
- NDOT has jurisdiction on 28.

**When was the Traffic Study, mentioned above, approved by Washoe County planning?**

The 2021 Transportation Study, now almost two years old, submitted with the application provides extremely conservative projections regarding the impact of the development on vehicle traffic at this intersection. It does not address pedestrian or cyclist safety. As neighbors, we use this route via vehicle, walking, or cycling to access the middle school, ball fields, skate park, recreation center, beaches and the post office among other destinations. We are well aware of its current shortfalls.

In the subsequent months since the 2022 neighborhood meeting, the Washoe County Board of Commissioners approved the Washoe County Tahoe Transportation Plan which recommends the following improvements to the SR28/Southwood/Northwood (east) intersection (page 45-46 of the plan):

SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.

The curbs were recently improved but work has not started on replacing the flashing lights. The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033. The lead agency is listed as NDOT. Partners are Washoe County, TTD, and RTC.

**All we ask is for a traffic signal. Nothing fancy. Just a safe environment for pedestrians to cross.**

Funding is available through the Bipartisan Infrastructure Law (BIL) which established the new Safe Streets and Roads for all (SS4A) discretionary program, with \$5 billion in appropriated funds over 5 years, 2022-2026. The program funds regional and local initiatives through grants to prevent roadway deaths and injuries.

The intersection of SR28/Northwood/Southwood certainly qualifies for SS4A funding due to it’s unsafe rating, adjacency to a school, ball fields and skate park and a proposed condominium development that claims to promote walkability. However, immediate action is needed to secure funds.

Please do not disregard the safety of Incline Village residents, future residents and visitors in the planning process. The hazardous intersection of SR28/Northwood/Southwood cannot be overlooked in the approval of this application to develop a 40-unit condominium project adjacent to the intersection.

NDOT states this responsibility on page 30 of the packet:

The State defers to municipal government for land use development decisions. **Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process.** Significant improvements proposed within NDOT right of way may require additional public involvement. **It is the responsibility of the applicant to perform such additional public involvement.**

If Washoe County is truly concerned with public safety, we plead with you to require NDOT to **prioritize and complete** the planned improvements to this intersection prior to occupancy of Nine 47 Tahoe. Please do not evade this responsibility, dodge the issue or pass the buck. We do not want anyone injured or killed in a crash due to inaction of government agencies in addressing and improving safety on our roads.

Thank you,

Helen Neff, Third Creek, Incline Village, NV  
William Neff, Third Creek, Incline Village, NV  
Jane Rubsamen, Third Creek, Incline Village  
Richard Rubsamen, Third Creek, Incline Village  
Michael Rubsamen, Third Creek, Incline Village  
Tom Brueck, Third Creek, Incline Village  
Kate Brueck, Third Creek, Incline Village  
Lenty Hagen, Third Creek, Incline Village  
Fay McConnell, Fairway, Incline Village  
Jim McConnell, Fairway, Incline Village  
Melodie Nelson, Third Creek, Incline Village  
Bill Nelson, Third Creek, Incline Village  
Marq Bresnan, Third Creek, Incline Village  
Dianna Bresnan, Third Creek Incline Village  
Steve Carson, Third Creek, Incline Village  
Joanne Sheehy, Third Creek, Incline Village  
Mary H. Eltz, Third Creek, Incline Village  
August Eltz, Jr., Third Creek, Incline Village  
Ken Reese, Third Creek, Incline Village  
Jane Maloney, Third Creek, Incline Village  
Mike Maloney, Third Creek, Incline Village  
Jerrold Peter Scattini, Jr., Third Creek, Incline Village  
Janice Scattini, Third Creek, Incline Village  
Clyde VanLandingham, Third Creek, Incline Village  
Kathy VanLandingham, Third Creek, Incline Village  
Steffan Pietzke, Third Creek, Incline Village  
Oliver Pietzke, Third Creek, Incline Village  
James Pietzke, Third Creek, Incline Village  
Brendan Pietzke, Third Creek, Incline Village  
Linda Pike, The Pointe, Incline Village  
Patricia Owens, Fairway, Incline Village  
Diane Scattini, Third Creek, Incline Village  
Jerry Scattini, Third Creek, Incline Village  
Robert Rubsamen, Third Creek, Incline Village  
Kelly Rubsamen, Third Creek, Incline Village



# *Waldorf Astoria Lake Tahoe Transportation Impact Study*

*Prepared for*  
EKN Tahoe, LLC  
220 Newport Center Drive, Suite 11-262  
Newport Beach, CA 92660

*Prepared by*  
LSC Transportation Consultants, Inc.  
2690 Lake Forest Road, Ste. C  
Tahoe City, CA 96145  
530-583-4053

*April 12, 2023*

*LSC Job #T217540*



## CHAPTER 4

### *Intersection Level of Service*

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Traffic operations at the study intersections are assessed in terms of Level of Service (LOS) and delay. LOS is a concept that was developed by transportation engineers to quantify the level of operation of intersections and roadways (Highway Capacity Manual, Transportation Research Board, 2022). LOS measures are classified in grades “A” through “F,” indicating the range of operation. LOS “A” signifies the best level of operation, while “F” represents the worst. A detailed description of LOS criteria is provided in Appendix E.

For signalized intersections, LOS is primarily measured in terms of average delay per vehicle entering the intersection. LOS at unsignalized intersections is reported in terms of delay on the worst movement. Unsignalized intersection LOS is based upon the theory of gap acceptance for side-street stop sign-controlled approaches, while signalized intersection LOS is based upon the assessment of volume-to-capacity ratios and control delay.

#### **LOS ANALYSIS METHODOLOGY**

As is the standard for traffic engineering analyses, intersection LOS is analyzed based upon the procedures presented in the *Highway Capacity Manual* (HCM, Federal Highways Administration, 2016) using the *Synchro* software application (Version 11.1, Trafficware). Additionally, in order to reflect the effects of the queuing between the closely-spaced intersections in Crystal Bay, a microscopic traffic simulation was created using the SimTraffic software package (Version 11.1, TrafficWare). The at-grade pedestrian crossing signal tends to make “gaps” in the SR 28 traffic downstream from the signal during busy traffic and pedestrian periods. The simulation indicated the westbound queues forming along SR 28 upstream of the pedestrian signal do not interfere with turns to/from the study intersections. Although the eastbound queues are shown to extend beyond the Stateline Road intersection, this does not appear to hinder the ability for left turns to be made from Stateline Road (given that there is a central Two-Way Left-Turn Lane (TWLTL) on SR 28 to accommodate left turns from Stateline Road). Considering this, the LOS for all study intersections is reported based on the standard HCM methodology, and the simulation results are only used for the pedestrian crossing signal (as this type of signal cannot be analyzed using the standard HCM methodology). Computer output of the LOS calculations and simulation runs is provided in Appendix F.

#### **LOS STANDARDS**

##### **TRPA**

The LOS standards for the Lake Tahoe Basin, established by the Tahoe Regional Planning Agency (TRPA), are set forth in the 2020 Regional Transportation Plan (finalized in April 2021) with the intent that the Region’s highway system and signalized intersections during peak periods shall not exceed the following:

- LOS C on rural scenic/recreational roads,
- LOS D in rural developed areas,
- LOS D on urban roads, or
- LOS D for signalized intersections
- LOS E may be acceptable during peak periods in urban areas, but not to exceed four hours per day.
- These vehicle LOS standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways.

While the TRPA does not have a specific adopted standard for unsignalized intersections, individual traffic movements with LOS “F” are typically considered a concern.

While the Tahoe Regional Planning Compact looks to “reduce the dependency on the private automobile”, there are currently no adopted requirements or standards regarding the quality of service of other travel modes (i.e., transit, biking, or walking) that could potentially reduce the demand on the roadway system.

For the proposed use, there are no adopted level of service standards for transit, biking and walking like that for the automobile; however, the 2018 Active Transportation Plan includes design standards to ensure safe access for all that the final project will need to adhere to and the 2020 Regional Transportation Plan/Sustainable Communities Strategy includes numerous policies related to quality of services. The project will be required to comply with the following policies related to transit, pedestrian and bicycle infrastructure proposed within and adjacent to the project.

1. **Policy 1.1** Support mixed-use, transit-oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.
2. **Policy 2.18** Accommodate the needs of all categories of travelers by designing and operating roads for safe, comfortable, and efficient travel for roadway users of all ages and abilities, such as pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles.
3. **Policy 2.23** In roadway improvements, construct, upgrade, and maintain active transportation and transit facilities along major travel routes. In constrained locations, all design options should be considered, including but not limited to restriping, roadway realignment, signalization, and purchase of right of way.
4. **Policy 3.6** Design projects to maximize visibility at vehicular, bicycle, and pedestrian conflict points. Consider increased safety signage, sight distance, and other design features, as appropriate.
5. **Policy 4.18** Design roadway corridors, including driveways, intersections, and scenic turnouts, to minimize impacts to regional traffic flow, transit, and bicycle and pedestrian facilities by using shared access points where feasible.

## Nevada Department of Transportation

The NDOT Traffic Impact Analysis guidelines state that LOS "C" will be the design objective for capacity and under no circumstances will less than LOS "D" be accepted for site and non-site traffic.



## Washoe County

The LOS standards for Washoe County were set forth in *the Washoe County Development Code* in July 2010. The code states "Streets shall be designed to meet a Level of Service (LOS) standard C, or as otherwise provided for by Regional Transportation Commission policy." In addition, the 2005 Washoe County *Traffic Impact Report Guidelines* state that mitigation of project impacts should be recommended when 2012 and/or 2020 (or latest RTC projection) LOS is "D" or worse in roadway segments and LOS "E" or worse at intersections.

The Washoe County Master Plan (2020) defers to the Washoe County Regional Transportation Plan (RTP) regarding LOS standards. According to the Washoe County 2050 RTP, the LOS standards used for assessing the need for street and highway improvements at a planning level are as follows:

- LOS D for all regional roadway facilities projected to carry less than 27,000 ADT at the latest RTP horizon (such as SR 28); and
- LOS E for all regional roadway facilities projected to carry 27,000 or more ADT at the latest RTP horizon.
- Additionally, all regional road intersections in this study area shall be designed to provide a LOS consistent with maintaining the policy LOS of the intersecting corridors.

## Washoe County Tahoe Area Plan

The Washoe County Tahoe Area Plan (the "Area Plan") is a supplement to the TRPA Regional Plan and Washoe County Master Plan. The Area Plan (Policy T4-1) says that LOS at key intersections is to be attained and maintained consistent with the RTP and the Washoe County Land Use and Transportation Element.

As the above standards do not indicate a specific adopted standard for minor movements on unsignalized intersections, individual traffic movements with LOS "F" are considered a concern.

## **LOS ANALYSIS**

### Existing Year LOS

Existing Year intersection LOS with the Baseline Biltmore uses was evaluated and the results are presented in Table 5. As shown, all study intersections operate at an acceptable LOS C or better except the SR 28/Lakeshore Boulevard intersection. The worst movement (northbound Lakeshore Boulevard approach) operates at LOS F in the AM and PM peak hours, with a calculated average delay well-exceeding 200 seconds per vehicle.

Helen Neff  
PO Box 5647  
Incline Village, NV 89450  
[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 4, 2023

Dear Washoe County Planning Commissioners:

**Re: Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)**

Due to the following message (in red) posted on the Washoe County Planning Commission website for the September 5, 2023 meeting, I have updated my September 1 letter.

An older version of WTM21-012 Staff Report was inadvertently posted. Please see final Staff Report and Exhibits for this item.

Please include this updated information with my prior letter (attached for your convenience).

---

**#1**

Original Text:

- Mixed-use space: identified as 925 sq feet on page 12, 13, 41, 48 and page 60 but on page 1 and page 13 (same document), commercial space is noted as 830 sq feet.

Update:

- Mixed-use space: identified as 925 sq feet on page 1, 12, 13, 41, 48 and page 60 but on page 13 (same document), **and site plans**, commercial space is still noted as 830 sq feet. **The question remains, which is correct?**
- 

**#2**

Original Text:

- Page 14: **The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.**

Update:

- Although text was changed on the revised staff report to remove the word "exacerbated," the use of this word remains in the "approved" transportation report on page 138 and 220. **NOTE: We are told that the transportation report is "approved" in the comments on page 56 yet we cannot find public meeting notes of when this report was approved and by whom.**
-

### #3

#### Original Text:

- Page 14: **A review of improvement options indicates that total delay can be reduced from existing delays on the key northbound approach by providing a separate northbound left-turn lane. While delays exceeding the LOS standard will still occur, this will be an overall improvement from existing conditions.**

#### Update:

- The recommendation to take away parking from the skate park to create a turn lane was removed in the revised staff report but again, still remains in the transportation study.
- 

### #4

#### Original Text:

- Page 14: **Based on LSCs conclusions, there will be no change to the LOS associated with the proposed development of the tentative map. Wait – this is shortly after an earlier comment on the same page: “The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.”**

#### Update:

- Again, the use of the word “exacerbated” was removed in the revised staff report but remains in the transportation study. Removing a word does little to change the safety of this intersection.

Thank you,

*Helen Neff*

Incline Village Resident

**Helen Neff**  
**PO Box 5647**  
**Incline Village, NV 89450**  
[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners:

**Re: Agenda Item B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo)**

As a neighbor of the proposed Nine 47 Tahoe development, I am aware of the process the developer has navigated to get to the point where they are presenting their development for your approval *to allow the subdivision of approximately 2 acres into 40 airspace condominiums on a 1.11-acre common area parcel.*

**This letter is not an objection to the development nor the tax revenue that it will bring to Washoe County.** I am respectfully asking that the concerns of residents regarding safety, especially for pedestrians, cyclists, youth and transit riders be considered in approving this development. This is an opportunity for Washoe County to prove to the citizens of Incline Village that the County cares about the people that live in the community by taking action to improve our safety.

The focus of the developer has been on amending the Washoe County Tahoe Area Plan to allow for their project. Unfortunately, in that process, concerns of the neighbors have been dismissed rather than addressed, specifically those concerning public safety.

As an example, Exhibit C, page 55 of the staff report says: *A total of 58 separate property owners were noticed a minimum of 10 days prior to the public hearing date.* A copy of the map in the report is copied here. The Third Creek Townhomes and The Pointe Condos, directly north of the development, circled in yellow on the map, have 151 and 24 units for a total of 175 parcels. So, with only 58 notices sent, the public notice of this hearing was minimal.



Public Notice Map  
Case Number WTM21-012

There was a neighborhood meeting held over 19 months ago on January 24, 2022. Neighbors were never given a response to our concerns in the many months after the meeting. There are notes of that meeting and replies noted in red text in Exhibit D of the staff report. These replies were never shared with the neighbors. We only discovered this information when reading the staff report on the Planning Commission website. This shows a lack of regard for the concerns of the neighbors.

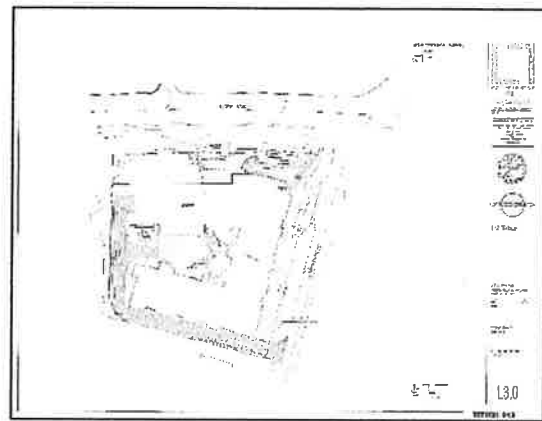
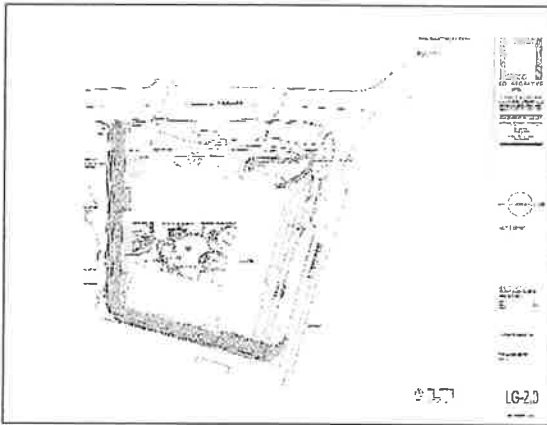
**This can be rectified by providing clarification and solutions in the areas outlined below.**

The unsafe intersection at SR28 and Northwood/Southwood – By far, this is the highest concern of nearby neighbors but also many Incline Village and Crystal Bay residents who drive SR28, Southwood or Northwood. Few people walk or cycle this area due to safety concerns. Like many small communities located on a state highway built to design standards that favor high-speed motorized vehicle and commercial traffic, residents and visitors who prefer to walk and cycle are not safe nor



comfortable with these alternative modes of transportation when accessing SR28. And, thus we revert to using our vehicles. Planning for a truly walkable town center means addressing transportation challenges for pedestrians and cyclists. Approving a condominium development with bike storage in the parking garage does not make a walkable town center. Safety measures must be included. More details are provided later in this memo.

Snow removal and storage, especially from the decks and the roof - There is a discrepancy between snow storage plan submitted to TRPA and approved at the June 2022 meeting of the TRPA Governing Board (page 236 of that packet) and the plan included with the staff report (page 92). Which plan is correct? (Copies of both are below). The plan submitted to TRPA is on the left and includes emergency access to SR28. The plan submitted to Washoe County is on the right and shows no emergency access to SR28 and snow potentially blocking the site line of traffic when exiting the driveway. Both plans do not address major snow years, like this past winter. What happens when the snow needs to be removed from the roof and the decks? Where will that snow be stored? How is the county assured they are not burdened with snow from the decks ending up on the pedestrian path or Southwood Blvd, causing safety issues or a traffic hazard?



Trash dumpster placement, including on pick-up days in respect being secure from bears - Neighbors are concerned about bears. We were told trash dumpsters would be kept in the garages and garages had secure, automatic doors. How will the Waste Management trucks access the garage to collect trash as the turn-around radius does not look sufficient for even WM smallest vehicles? We live in HOA's and know what trash pick-up entails just to access a trash enclosure without adding the restriction of entering an enclosed garage. If dumpsters are taken to the driveway on collection days, how are we assured they are not left on Southwood for easy access by the Waste Management trucks? Or that Waste Management trucks are tying up traffic on Southwood during pick-ups? There is probably a plan for this but the neighbor's questions were not sufficiently answered.

That residents of the project would complain of on-street parking and noise from the skate park and ballfields – We sincerely hope that this will not be an issue and residents of this luxury condominium project will embrace the many activities held at Ridgeline Park, including multi-day sports tournaments, community events, summer day camps, picnics, family reunions, and corporate events rather than complaining about the parking and the noise. And also use caution with their vehicles when families and children are present, which is just about every weekend in spring and fall and every day in the summer. The space is promoted on the IVGID website for group rentals, adding to

its popularity. The developer was a sponsor of the 2023 July Fourth drone show at Ridgeline Park which does show good faith.

**There are a number of points on the Staff Report prepared for this meeting that require clarification.** Text in **bold** is taken directly from the Staff Report on the Washoe County Planning Commission website:

Compliance with the Washoe County Tahoe Area Plan:

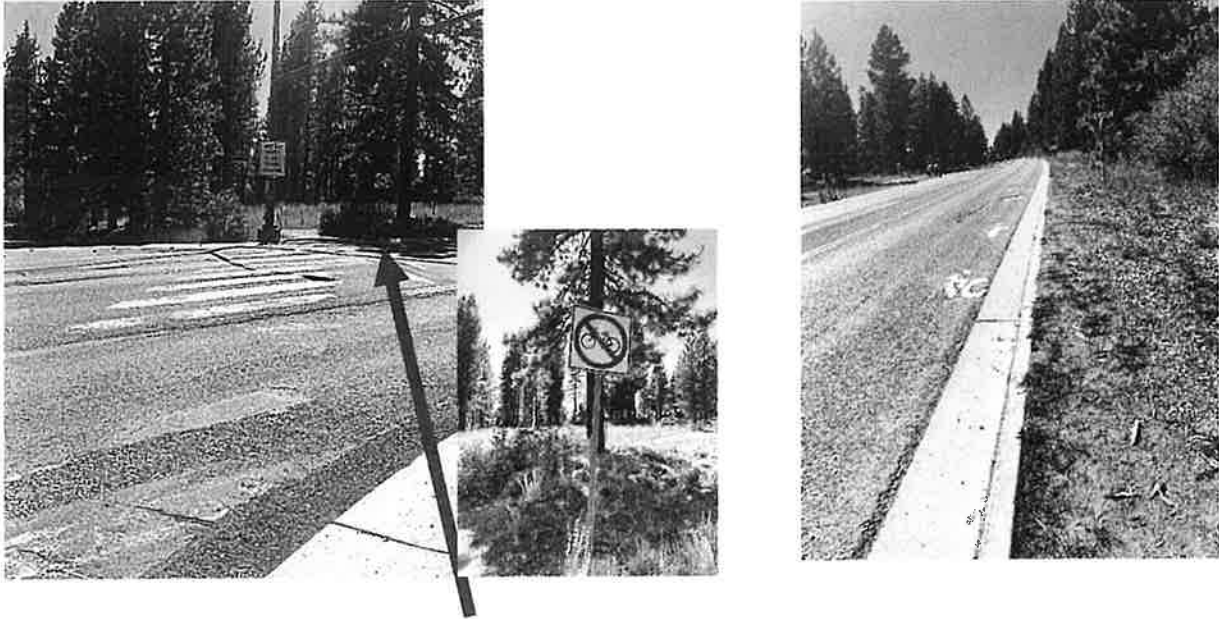
- Page 15: **Policy LU2-9 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that “Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units.”**
  - Deed-restricted affordable housing units are absolutely required, per the TAP amendment approved by TRPA. The report says that **TRPA is responsible for enforcing implementation of the mitigation measures associated with the area plan amendment.**
  - See last page of this letter for wording of the Washoe County Tahoe Area Plan code amendment compared to wording of the TRPA’s approved code amendment.
  - Regardless of who is enforcing the implementation, it is negligent to not require the applicant to include the requirements of the Washoe County Tahoe Area Plan amendment as part of the Washoe County Planning Commission approval process, particularly since the “Relevant Area Plan Policies Reviewed” chart says that the plans are in compliance.
- Page 15: **Policy LU6-1 says “YES” the applicant is in compliance and “YES” this is a condition of approval in regards to the requirement that, “Concentrated retail stores, restaurants, and offices should be included to promote the bustle and activity of a downtown.”** Only a very small office is included and it is not consistently described.
  - Mixed-use space: identified as 925 sq feet on page 12, 13, 41, 48 and page 60 but on page 1 and page 13 (same document), commercial space is noted as 830 sq feet.
  - At the November 1, 2022 Washoe County Planning Commission Meeting when the amendment to the Washoe County Tahoe Area Plan was being heard, Commissioner Chvilicek stated she understood the definition of mixed use, but a better understanding of what mixed use really means was needed.
  - Ms. Weiche told the Planning Commission that the County has “an interest in exploring a definition of mixed use” and says **it will be included in any proposed amendment to a code.** This can be verified in the meeting minutes and the recording but no definition was included with the Washoe County approval process.
  - It is very disappointing that the wise and astute advice of this Planning Commission was not followed or implemented and now we have a four-story, 40-unit condominium with over 100,000 square feet of residences and common area and 830 sq. feet (or maybe, 925 sq. feet) of commercial space being classified as “mixed use.”

Discrepancy between text and site plans:

- Page 62: **“Policies T3-1 and -2: Access on 28 is for emergencies only.”** Per the site plans in the Staff Report, there is no access to SR28.
  - The application approved by TRPA in June 22, 2022 does show an emergency exit onto SR28 (see TRPA approved snow removal plan, above).

Misleading information regarding pedestrian and bike access:

- Page 13: **“The project is fronted by both an improved pedestrian pathway and an improved bike path.”** This is not accurate. The improved pedestrian pathway forbids bikes. It is not a bike path. There is supposed to be a designated bike lane on SR28 but NDOT has not painted the street markings for many years, despite painting the center stripes and turn lanes annually. In addition, there is no separation between the bike lane and speeding traffic. See photos below.



Sign prohibiting bikes is at positioned at entry to path.

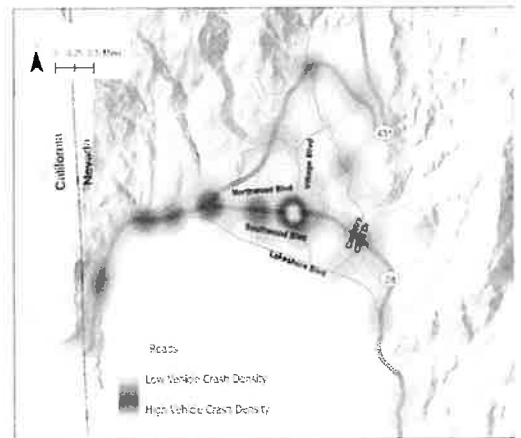
Faded bike lane paint/no lane indication

Notice also the poor condition of the crosswalk – all four crosswalks at this intersection are poorly maintained. Additional photos available upon request.

Transportation Study submitted by LSC Transportation Consultants

- Page 14: **The applicant submitted a Transportation Study, conducted by LSC Transportation Consultants, Inc.** This study is dated 20 months ago: December 12, 2021. Traffic conditions and related factors have changed since then.
- Page 14: **Level of Service (LOS) at the site access driveway and SR 28/Village Blvd would remain acceptable with the proposed project.** SR28/Village Blvd has the highest crash rate of any intersection on SR28. The map shown here is taken from the 2023 Washoe County Tahoe Area Transportation Plan.
- Page 14: **The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.** The Washoe County Tahoe Transportation Plan recommends safety improvements to this specific intersection (page 45-46 of the plan, text copied below). The curbs were recently improved but work has not started on replacing the flashing lights which are dated and inadequate (only visible in two directions when four

Exhibit 2-7: Crash Density (2015-2019)



directions are needed). The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033.

*SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.*

- Page 14: **A review of improvement options indicates that total delay can be reduced from existing delays on the key northbound approach by providing a separate northbound left-turn lane. While delays exceeding the LOS standard will still occur, this will be an overall improvement from existing conditions.** Adding a turn lane will take parking away from the skate park (see photo of parked cars) and penalize our youth. Such a recommendation reflects a lack of consideration to current park users and is not in the best interest of the overall community.
- Page 14: **The proposed driveway on Southwood Boulevard is expected to provide adequate driver sight distance so long as the final landscaping plans do not hinder the corner sight distance.** Snow berms in the winter also need to be taken into consideration.
- Page 14: **Based on LSCs conclusions, there will be no change to the LOS associated with the proposed development of the tentative map.** Wait – this is shortly after an earlier comment on the same page: **“The LOS at the SR 28/Northwood Blvd/Southwood Blvd intersection does not meet LOS standards without the project, which would be exacerbated by the proposed project.”** So, the intersection is LOS F and it will be a more “exacerbated” LOS F once this development is built. This is a red-flag that needs to be addressed in the planning process.
  - **IMPORTANT NOTE:** Level of Service (LOS) is a measure of traffic flow and congestion used by transportation planners and engineers to evaluate the performance of roadways. It is based on moving as many vehicles as fast as possible on a roadway segment during peak hours. However, it does not take into account the needs of all users of the roadway such as pedestrians, bicyclists, and transit riders. This is where Complete Streets Policies should apply. Complete Streets are streets designed and operated to enable safe use and support mobility for all users.
  - If the applicant is truly committed to supporting pedestrians, cyclists, and transit, then the transportation study should be based on Complete Streets Policies.



### Contradictory Statements regarding NDOT and Washoe County Responsibilities:

- Page 15: From Staff, **“NDOT did not indicate any concerns with potential roadway or intersection impacts.”** This is contrary to the Washoe County Tahoe Transportation Plan which was prepared in consultation with NDOT (see above).
- Page 30: From NDOT, **“The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.”** The applicant and Washoe County have not involved the public in resolving safety issues, especially concerning the SR28/Southwood/Northwood (east) intersection. This is a classic case of “passing the buck” and not taking responsibility.
- Page 21: Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider: **(f) General conformity with the governing body’s master plan of streets and highways; (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;** We don’t need a new street – just a traffic signal that includes leading pedestrian intervals that are activated when pedestrians need to cross.

### Neighborhood Meeting:

- Page 56 to 58: **EXHIBIT D – Neighborhood meeting replies.** These replies were never communicated to the neighbors. This is the first we heard. Responses on traffic show a lack of concern for public safety.
- Page 56: **Traffic Study is approved. Signal is out of scope.** When was the traffic study approved and by who? It contains conservative estimates of the traffic impact and outdated information.

### Exhibit E – Supplemental Information

- Page 66: **The MFD-commercial mixed-use project can be subdivided into 40 airspace condos and a commercial condo since single-family dwelling condos are an allowed use in SA 1 when part of a mixed-use project.** Less than 1000 square feet of commercial space in a building of this size is not a realistic definition of a “mixed-use project.”
- Page 66: **Fronted by existing pedestrian and bike paths** (this is mentioned TWICE on page 66). See above – bikes are not allowed on the path.

### Transportation Study dated December 12, 2021 (21 months ago):

- Page 123: **Peak Hour Intersection Traffic Volumes.** Chart grossly underestimates the impact of the project. “Peak Hour” is defined as 3:30 pm to 5:30 pm. This is not reflective of Incline Village traffic patterns as this intersection suffers from steady traffic all day, evenings and weekends with morning commuters, middle school employees, pick-ups, drop-offs, TART busses, traffic to the Recreation Center, beach, and post office. Also, the very fun and popular bowling alley frequented by our youth.
  - The “project Net Impact” figures are very low for a two-hour time period.

- Page 124: **EXISTING TRANSIT CONDITIONS** – Hours of public transit listed in the report are out-of-date. Condition of current bus stops is very poor: Southwood bus stop is non-ADA compliant, no bench, no shelter. Just a sign stuck in the pavement – see photo.
- Page 124: **EXISTING BICYCLE AND PEDESTRIAN CONDITIONS - A bikeway is also located starting at the eastern Southwood Blvd/SR 28 intersection that loops around clockwise and ends on Northwood Blvd at the Incline Elementary School.** This bike path ends ½ mile away from this development. So, if a resident of this project is using the Southwood bike path, they have no way to safely get back to their condo other than turning around and going back the way they came. **Class II bikeways (bike lanes) can be found along SR 28 from the western Lake Shore Blvd intersection to the eastern Lake Shore Blvd intersection.** Not true. If one is willing to risk their life, there is space to ride a bike but it is not identified on the road as a bike lane, does not have current road markings nor is it safe with the speeding and heavy traffic on SR28 made up of many large trucks and SUV's. See photo included earlier in this report of insufficient street markings.
- Page 124: **Pedestrian Facilities - Within the vicinity of the site, multipurpose walking and bike paths are provided along SR 28 and Southwood Blvd.** Bicycle use on the SR28 path is prohibited.
- Page 124: **The SR 28/Northwood Blvd/Southwood Blvd intersection has pedestrian crosswalks on all four sides of the intersection as well as a Rectangular Rapid-Flashing Beacon (RRFB) in the East and West directions.** This is a major shortfall as, at the very minimum, the RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. In any case, vehicles rarely stop for the RRFB to let pedestrians cross and a traffic signal would be a better solution.
- Page 124: **Another RRFB is placed along SR 28 in front of the Raley's driveway.** Again, RRFB needs to be in four directions to warn vehicles making turns that a pedestrian is crossing. A pedestrian was hit, run over, and seriously injured at this crosswalk in January, 2022.
- Page 124: **At the SR 28/Village Blvd intersection, crosswalks can be found on the west, east and south approaches of the signalized intersection.** Update: crosswalks are at all approaches to the signalized intersection. (Yes, this study is outdated). See above crash map from the 2023 Washoe County Tahoe Transportation Study. The above referenced intersection is the location with the most crashes along SR28, a road that suffers from an above-average crash rate.
- Page 132: **LOS Standards - The TRPA LOS standards for the Lake Tahoe Basin, established by the Tahoe Regional Planning Agency (TRPA), are set forth in the 2019 Regional Transportation Plan with the intent that the Region's highway system and signalized intersections during peak periods shall not exceed the following: 1. LOS C on rural scenic/recreational roads**
  - SR 28 is a designated NV Scenic byway from Spooner Lake to Crystal Bay: <https://fhwaapps.fhwa.dot.gov/bywaysp/byway/2456/map> and thus, should be LOS C.
  - Accepting an intersection as LOS F is in non-compliance with above standards.
- Page 132: **The Washoe County LOS Standards are set forth in the 2050 Regional Transportation Plan with the intent that roadway facilities do not exceed the following...** and it goes on to list intersections that are rated "F" but SR28/Southwood/Northwood is not included and thus is not sanctioned by these standards.
- Page 133: **The intersection of SR 28/Southwood Blvd/Northwood Blvd will remain at an unacceptable LOS F with a small increase in delay.** How is this in the best interest of public safety?



- Page 133: **Southwood Blvd/Site Access shown as TWSC.** Please explain how a driveway access to a county street has “two-way stop control” – the same control as identified for the above major intersection. A driveway has a single stop sign.
- Page 134: **In addition, drivers exiting the project onto Southwood and wishing to head west on SR 28 have the option, if they see a long northbound queue at the highway intersection, to make a right turn and access the highway via Village Boulevard.** There WILL be more traffic at this intersection. Here is a photo of what “accessing the highway via Village Blvd” looks like (July 12, 2023).  
Another unsafe situation.
- Page 136: **Another option for improving access would be to expand the northbound Southwood approach at SR 28 from the existing one-lane configuration. At present, drivers wishing to make a northbound right-turn movement are often behind drivers making the more difficult northbound through or northbound left movements. To evaluate the overall delay (measured in total vehicle-hours of delay) with an additional lane, LOS was evaluated assuming the additional lanes as shown in Table 7.** This idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.
- Page 136: **Table 7 Northbound Volume by Movement.** Something is wrong with the figures on the left side of this table as they show no change in volume with or without the project.
- Page 136: **As the right-of-way of Southwood Boulevard is 80 feet in width, this widening can occur within the existing right-of-way. It is therefore recommended that a separate northbound left-turn lane be provided.** To repeat: this idea would take away valuable parking for the skate park and ball fields. Do not penalize our youth and their families to accommodate a luxury condominium project.



In summary, approval of this subdivision map should include requirements to:

- Fast-track the Washoe County Tahoe Transportation Plan improvements for the intersection of SR28/Southwood/Northwood (east) with the installation of a traffic signal and leading pedestrian intervals. Other long-term configurations (such as a roundabout) can be evaluated at a later date.
- Clear up discrepancies on snow storage plans and include stipulations for high-snow winters.
- Ensure proper trash removal with respect to area wildlife.
- Guarantee that users of Ridgeline Park will not lose their street parking or be subject to noise complaints.
- Finally, inaccuracies and outdated information in the Staff Report and Transportation Study should be corrected to avoid authorizing flawed information in public records.

Please contact me if you have questions or need additional information.

Thank you,

*Helen Neff*

Incline Village Resident

# Washoe County Tahoe Area Plan Amendment

## Differences in Wording

### Approved by Washoe County Commissioners on January 17, 2023:

Title: An ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) to add single family dwellings, limited to air space condominiums, as an allowed use in Incline Village Commercial Regulatory Zone Special Area 1; and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 [Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units] as a special policy; and all matters necessarily connected therewith and pertaining thereto.

### Approved by TRPA Governing Board on June 28, 2023:

Single Family Dwellings only allowed when associated with an approved tentative subdivision map of a multifamily structure or structures into air space condominiums. Subdivision of a mixed-use structure or structures shall be subject to the following requirements:

1. Structure(s) shall be designed to accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60 percent of the ground floor frontage. Adjustment to the location of pedestrian frontage can be approved administratively if site conditions (e.g., slope, lack of right-of-way, etc.) prevent placing it on the street. The mixed-use structure(s) shall have a maximum floor area ratio (FAR) 1.3 not subject to density limits. Unoccupied areas such as basements, parking garages, stairs, and elevator shafts shall be excluded from the FAR calculation.
2. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, sales offices, management offices and leasing offices may be included if they are open to the public.
3. Structure(s) shall include deed-restricted residential units. Deed-restricted units shall be substantially similar to the project's market rate mix of units, size, and design of units. However, two or more affordable deed-restricted studio units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. In addition to the above stated requirements, deed-restrictions shall meet one of the following alternatives:
  - a. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted affordable or moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units may be built on site or elsewhere within Special Area-1. Deed-restricted units must be built before or concurrently with market rate units.
  - b. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted achievable units. Deed restricted units must be built concurrently on site. An offsite parcel in Special Area 1 with an equal or greater unit capacity, less any mixed-use space on the first floor, as the project site must be deed-restricted affordable. After building the full unit capacity of affordable housing units on the offsite parcel pursuant to this subsection, TRPA shall, upon the developer's request, release the achievable units from the deed restriction.
4. No minimum parking requirement. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage.
5. No more than 20 linear feet of the street-fronting façade may be blank or featureless.
6. The ground floor and street frontage shall be designed to promote pedestrian accessibility such as transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

These requirements shall apply until TRPA adopts an amendment to the Code of Ordinances defining and setting minimum standards for mixed-use development at which time the Code shall apply, and requirements 1, 2, 5, and 6 shall be automatically repealed. Buildings in Special Area 1 that have received a permit from TRPA on or before June 30, 2023, are not required to meet requirements 1, 2, 5, and 6.



**Incline Village Neighbors of 947 Tahoe Condominium Development**

c/o Helen Neff

PO Box 5647

Incline Village, NV 89450

[hneff9@earthlink.net](mailto:hneff9@earthlink.net) / 775-560-4299

September 1, 2023

Dear Washoe County Planning Commissioners,

Re: September 5, 2023 Meeting Agenda – *Application for 947 Tahoe Condominium Development*

**Submitted on behalf of concerned neighbors adjacent to proposed project – see last page for names.**

As neighbors of the proposed 947 Tahoe Condominium Development, we request that the Washoe County Planning Commission take into consideration the need for safety improvements to the dangerous intersection adjacent to the 947 Tahoe Condominium development: **SR 28/Southwood Blvd/Northwood Blvd (east)**. This intersection is rated “F” in terms of Level of Service for vehicles. Pedestrians and cyclists are at high risk for their personal safety when trying to cross at this location.

**This letter is NOT an objection to the project.** We are asking that the safety concerns raised at the January 24, 2022 neighborhood meeting (20 months ago) be addressed. We never did hear back from the developer until the response that is included with the packet for the September 5 meeting. Home Owners who purchased their property after January, 2022 never had the opportunity to attend a neighborhood meeting.

Below are the comments from the developer in response to neighbor’s concerns about the intersection:

- NDOT issue
- Traffic study is approved. Signal is out of scope. (Stated twice)
- NDOT has jurisdiction on 28.

**When was the Traffic Study, mentioned above, approved by Washoe County planning?**

The 2021 Transportation Study, now almost two years old, submitted with the application provides extremely conservative projections regarding the impact of the development on vehicle traffic at this intersection. It does not address pedestrian or cyclist safety. As neighbors, we use this route via vehicle, walking, or cycling to access the middle school, ball fields, skate park, recreation center, beaches and the post office among other destinations. We are well aware of its current shortfalls.

In the subsequent months since the 2022 neighborhood meeting, the Washoe County Board of Commissioners approved the Washoe County Tahoe Transportation Plan which recommends the following improvements to the SR28/Southwood/Northwood (east) intersection (page 45-46 of the plan):

SR 28 and Southwood Boulevard/Northwood Boulevard (east): This intersection forms a gateway into the central portion of Incline Village. Land uses in the vicinity include a middle school, skateboard park, and planned condominium development. The skewed angle of roads entering this intersection create **an intersection with wide pavement crossing distances for pedestrians and challenging sight lines for motorists**. The existing bus stop is not ADA accessible. The outdated overhead pedestrian flashing lights are scheduled for replacement and pedestrian ramps at the intersection will be upgraded to meet ADA standards with the NDOT pavement improvement project in 2023. An intersection evaluation was conducted by NDOT to evaluate longer-term improvements. Concepts considered included a new traffic signal, pedestrian crossing improvements, roundabout, bus turnout, and ADA compliant bus stop on the east side of the intersection. The preliminary recommendation of the study is for construction of a roundabout at this intersection. Additional scoping and engineering analysis will occur before a final design is selected. Relocating the bus stop to the east side will reduce the likely number of Southwood Boulevard crossings by pedestrians travelling to the school or skate park.

The curbs were recently improved but work has not started on replacing the flashing lights. The recommended timeline in the published plan for any significant improvement is “five to ten years” which would be 2028 to 2033. The lead agency is listed as NDOT. Partners are Washoe County, TTD, and RTC.

**All we ask is for a traffic signal. Nothing fancy. Just a safe environment for pedestrians to cross.**

Funding is available through the Bipartisan Infrastructure Law (BIL) which established the new Safe Streets and Roads for all (SS4A) discretionary program, with \$5 billion in appropriated funds over 5 years, 2022-2026. The program funds regional and local initiatives through grants to prevent roadway deaths and injuries.

The intersection of SR28/Northwood/Southwood certainly qualifies for SS4A funding due to it’s unsafe rating, adjacency to a school, ball fields and skate park and a proposed condominium development that claims to promote walkability. However, immediate action is needed to secure funds.

Please do not disregard the safety of Incline Village residents, future residents and visitors in the planning process. The hazardous intersection of SR28/Northwood/Southwood cannot be overlooked in the approval of this application to develop a 40-unit condominium project adjacent to the intersection.

NDOT states this responsibility on page 30 of the packet:

The State defers to municipal government for land use development decisions. **Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process.** Significant improvements proposed within NDOT right of way may require additional public involvement. **It is the responsibility of the applicant to perform such additional public involvement.**

If Washoe County is truly concerned with public safety, we plead with you to require NDOT to **prioritize and complete** the planned improvements to this intersection prior to occupancy of Nine 47 Tahoe. Please do not evade this responsibility, dodge the issue or pass the buck. We do not want anyone injured or killed in a crash due to inaction of government agencies in addressing and improving safety on our roads.

Thank you,

Helen Neff, Third Creek, Incline Village, NV  
William Neff, Third Creek, Incline Village, NV  
Jane Rubsamen, Third Creek, Incline Village  
Richard Rubsamen, Third Creek, Incline Village  
Michael Rubsamen, Third Creek, Incline Village  
Tom Brueck, Third Creek, Incline Village  
Kate Brueck, Third Creek, Incline Village  
Lenty Hagen, Third Creek, Incline Village  
Fay McConnell, Fairway, Incline Village  
Jim McConnell, Fairway, Incline Village  
Melodie Nelson, Third Creek, Incline Village  
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Kathy VanLandingham, Third Creek, Incline Village  
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Oliver Pietzke, Third Creek, Incline Village  
James Pietzke, Third Creek, Incline Village  
Brendan Pietzke, Third Creek, Incline Village  
Linda Pike, The Pointe, Incline Village  
Patricia Owens, Fairway, Incline Village  
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# *Waldorf Astoria Lake Tahoe Transportation Impact Study*

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## CHAPTER 4

### *Intersection Level of Service*

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Traffic operations at the study intersections are assessed in terms of Level of Service (LOS) and delay. LOS is a concept that was developed by transportation engineers to quantify the level of operation of intersections and roadways (Highway Capacity Manual, Transportation Research Board, 2022). LOS measures are classified in grades “A” through “F,” indicating the range of operation. LOS “A” signifies the best level of operation, while “F” represents the worst. A detailed description of LOS criteria is provided in Appendix E.

For signalized intersections, LOS is primarily measured in terms of average delay per vehicle entering the intersection. LOS at unsignalized intersections is reported in terms of delay on the worst movement. Unsignalized intersection LOS is based upon the theory of gap acceptance for side-street stop sign-controlled approaches, while signalized intersection LOS is based upon the assessment of volume-to-capacity ratios and control delay.

#### **LOS ANALYSIS METHODOLOGY**

As is the standard for traffic engineering analyses, intersection LOS is analyzed based upon the procedures presented in the *Highway Capacity Manual* (HCM, Federal Highways Administration, 2016) using the *Synchro* software application (Version 11.1, Trafficware). Additionally, in order to reflect the effects of the queuing between the closely-spaced intersections in Crystal Bay, a microscopic traffic simulation was created using the SimTraffic software package (Version 11.1, TrafficWare). The at-grade pedestrian crossing signal tends to make “gaps” in the SR 28 traffic downstream from the signal during busy traffic and pedestrian periods. The simulation indicated the westbound queues forming along SR 28 upstream of the pedestrian signal do not interfere with turns to/from the study intersections. Although the eastbound queues are shown to extend beyond the Stateline Road intersection, this does not appear to hinder the ability for left turns to be made from Stateline Road (given that there is a central Two-Way Left-Turn Lane (TWLTL) on SR 28 to accommodate left turns from Stateline Road). Considering this, the LOS for all study intersections is reported based on the standard HCM methodology, and the simulation results are only used for the pedestrian crossing signal (as this type of signal cannot be analyzed using the standard HCM methodology). Computer output of the LOS calculations and simulation runs is provided in Appendix F.

#### **LOS STANDARDS**

##### **TRPA**

The LOS standards for the Lake Tahoe Basin, established by the Tahoe Regional Planning Agency (TRPA), are set forth in the 2020 Regional Transportation Plan (finalized in April 2021) with the intent that the Region’s highway system and signalized intersections during peak periods shall not exceed the following:

- LOS C on rural scenic/recreational roads,
- LOS D in rural developed areas,
- LOS D on urban roads, or
- LOS D for signalized intersections
- LOS E may be acceptable during peak periods in urban areas, but not to exceed four hours per day.
- These vehicle LOS standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways.

While the TRPA does not have a specific adopted standard for unsignalized intersections, individual traffic movements with LOS “F” are typically considered a concern.

While the Tahoe Regional Planning Compact looks to “reduce the dependency on the private automobile”, there are currently no adopted requirements or standards regarding the quality of service of other travel modes (i.e., transit, biking, or walking) that could potentially reduce the demand on the roadway system.

For the proposed use, there are no adopted level of service standards for transit, biking and walking like that for the automobile; however, the 2018 Active Transportation Plan includes design standards to ensure safe access for all that the final project will need to adhere to and the 2020 Regional Transportation Plan/Sustainable Communities Strategy includes numerous policies related to quality of services. The project will be required to comply with the following policies related to transit, pedestrian and bicycle infrastructure proposed within and adjacent to the project.

1. **Policy 1.1** Support mixed-use, transit-oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.
2. **Policy 2.18** Accommodate the needs of all categories of travelers by designing and operating roads for safe, comfortable, and efficient travel for roadway users of all ages and abilities, such as pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles.
3. **Policy 2.23** In roadway improvements, construct, upgrade, and maintain active transportation and transit facilities along major travel routes. In constrained locations, all design options should be considered, including but not limited to restriping, roadway realignment, signalization, and purchase of right of way.
4. **Policy 3.6** Design projects to maximize visibility at vehicular, bicycle, and pedestrian conflict points. Consider increased safety signage, sight distance, and other design features, as appropriate.
5. **Policy 4.18** Design roadway corridors, including driveways, intersections, and scenic turnouts, to minimize impacts to regional traffic flow, transit, and bicycle and pedestrian facilities by using shared access points where feasible.

## Nevada Department of Transportation

The NDOT Traffic Impact Analysis guidelines state that LOS "C" will be the design objective for capacity and under no circumstances will less than LOS "D" be accepted for site and non-site traffic.



## Washoe County

The LOS standards for Washoe County were set forth in *the Washoe County Development Code* in July 2010. The code states "Streets shall be designed to meet a Level of Service (LOS) standard C, or as otherwise provided for by Regional Transportation Commission policy." In addition, the 2005 Washoe County *Traffic Impact Report Guidelines* state that mitigation of project impacts should be recommended when 2012 and/or 2020 (or latest RTC projection) LOS is "D" or worse in roadway segments and LOS "E" or worse at intersections.

The Washoe County Master Plan (2020) defers to the Washoe County Regional Transportation Plan (RTP) regarding LOS standards. According to the Washoe County 2050 RTP, the LOS standards used for assessing the need for street and highway improvements at a planning level are as follows:

- LOS D for all regional roadway facilities projected to carry less than 27,000 ADT at the latest RTP horizon (such as SR 28); and
- LOS E for all regional roadway facilities projected to carry 27,000 or more ADT at the latest RTP horizon.
- Additionally, all regional road intersections in this study area shall be designed to provide a LOS consistent with maintaining the policy LOS of the intersecting corridors.

## Washoe County Tahoe Area Plan

The Washoe County Tahoe Area Plan (the "Area Plan") is a supplement to the TRPA Regional Plan and Washoe County Master Plan. The Area Plan (Policy T4-1) says that LOS at key intersections is to be attained and maintained consistent with the RTP and the Washoe County Land Use and Transportation Element.

As the above standards do not indicate a specific adopted standard for minor movements on unsignalized intersections, individual traffic movements with LOS "F" are considered a concern.

## **LOS ANALYSIS**

### Existing Year LOS

Existing Year intersection LOS with the Baseline Biltmore uses was evaluated and the results are presented in Table 5. As shown, all study intersections operate at an acceptable LOS C or better except the SR 28/Lakeshore Boulevard intersection. The worst movement (northbound Lakeshore Boulevard approach) operates at LOS F in the AM and PM peak hours, with a calculated average delay well-exceeding 200 seconds per vehicle.