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DRAFT PLAN REVISION PERMIT

PROJECT DESCRIPTION: Waldorf Astoria Mixed Use Community Enhancement Program Project

PERMITTEE: EKN Development Group

FILE No: CEPP2014-0138-01

COUNTY/LOCATION: Washoe / 5 State Route 28

APNs: 123-051-02, et.al

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 26, 2023, subject to the standard conditions of approval attached hereto (Attachment Q and R), and the special conditions found in this permit, all previous plan revision permits, and in the original permit approved by the TRPA Governing Board on April 27, 2011.

This permit shall expire on April 27, 2014, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

TRPA FILE CEPP2014-0138-01
APNs 123-051-02, 123-052-02, 123-052-02, -03, -04; 123-053-02, -04, 123-054-01,
123-071-04, -034, -035, -036, -037

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

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

Project Security Administrative Fee (4): Amount \$_____ Paid _____ Receipt No. _____

Additional Project Security (3): Amount \$_____ Type _____ Paid _____ Receipt No. _____

Project Security Administrative Fee (4): Amount \$_____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 5.F below.
- (2) Amount to be determined. See Special Condition 5G, below.
- (3) Amount to be determined. See Special Condition 5H, below.
- (4) See TRPA Filing Fee Schedule.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This plan revision permit authorizes the full build-out of the remaining approved project with changes. The revised project reduces the number of hotel units from 275 to 134 (which includes 22 loc-off units) and decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units. Approved gaming floor area is 10,000 square feet and the approved commercial floor area is 18,700 square feet. The employee housing component consists of 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project for a total of 38 deed restricted affordable housing bedrooms.

The approved project's internal driveway (Boulder Way) has been eliminated and the size of one of the buildings is reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area. The primary entrance to the approved project has been moved from Highway 28 to Lakeview Avenue. The previously approved road (Wellness Way) will extend from Highway 28 to Wassou Way, will be a road open to the public to provide an alternative access to

the neighborhood since Reservoir Drive, located in the middle of the project area, will be abandoned to provide room for the development.

The approved project included water quality treatment that exceeded required minimum the water quality treatment standard which is to treat the runoff from the 20-year, one-hour storm. The approved project and the revised project will treat runoff from the 50-year, one-hour storm event on-site through a series of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area. The revised project water quality treatment plan uses a better design and technology to achieve water quality treatment and long-term operations and maintenance than the system included in the approved Project and studied in the EIS.

The approved water quality BMPs include three components: CDS Hydrodynamic Separator, Stormwater Management StormFilter and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration.

The CDS Hydrodynamic Separator is first in line and captures debris, sediment and hydrocarbons from stormwater runoff and is sized for the 50-year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50-year, 1 hours storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100-year, 1 hour storm event.

Land coverage and open space are unchanged compared to the approved project.

The project has commenced construction pursuant to previous approvals and the project expiration date is tied to the construction schedule required below. To ensure the project is diligently pursued to keep the permit valid, construction must occur in the 2023 building season.

2. All mitigation measures included in the Draft and Final Environmental Impact Statement (DEIS & FEIS) for the Boulder Bay Community Enhancement Program Project are incorporated into this permit by reference.
3. The Standard Conditions of Approval listed in Attachment Q and R shall apply to this permit.
4. All requirements of the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project are conditions of this permit whether explicitly discussed in this permit or not.
5. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The Permittee shall submit a Boulder Bay EIS and TRPA Permit Compliance Report to TRPA for review and approval. This report shall address all required and applicable project mitigation measures identified in the Final EIS and Special Condition 5 of this permit and shall describe how and where these measures and conditions are satisfied in the final plans for the project.

- B. The permittee shall provide a project construction schedule for review and approval by TRPA staff that indicates construction of the revised project will commence starting in the 2023 building season and continue every year after until the project is completed to show diligent pursuit of the project.
- C. The Permittee shall provide evidence that 1) adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development, 2) all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 32.4.2., Table 32.4.2-1 of the TRPA Code and 3) and adequate sewer, water and electrical service requirements will be met or exceeded.
- D. The Permittee shall submit calculations demonstrating that the proposed infiltration facilities consisting of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area are sized accordingly for the slope and soil type of the property, consistent with the infiltration mitigation requirements outlined in the Boulder Bay DEIS and FEIS.
- E. The permittee shall submit an Emergency Response Plan that identifies procedures for employee and visitor evacuation in the event of facility failure from a catastrophic event.
- F. The affected property has approximately 284,007 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 9 (Agate Bay, Nevada) or by submitting an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 5.0% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

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

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$18.00 per square foot for projects within Hydrologic Transfer 9 (Agate Bay, Nevada). Please provide a construction cost estimate by your licensed contractor, architect or engineer.

- G. The security required under Standard Condition 1.B of Attachment Q shall be determined upon the Permittee's submittal of the required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs. Please see Attachment J, Security Procedures for appropriate methods for posting the security and for calculation of the required security administration fee.

- H. The permittee shall post a security with TRPA as a requirement of the Third Tahoe Mariner Settlement Agreement to ensure completion of the long term operation, Maintenance and Monitoring of the constructed water quality improvements including the public/private project with Placer County, the permittee shall, in conjunction with TRPA staff, develop a long term maintenance and monitoring plan which addresses the maintenance and monitoring aspects of all required BMPs, fertilizer application and water quality. This plan will be based on a template provided by and agreed to by TRPA and will include the submission of reports by the permittee as well as inspections by TRPA. If additional post-project monitoring determines that TRPA discharge standards are exceeded, then the TRPA security deposit shall be used to implement additional water quality treatment needed in the East Stateline watershed and project area.
- I. The permittee shall record a deed restriction that will permanently assure that the 5.7 acres of open space with 3.07 acres dedicated as public park(s) including seating areas with lake views, hiking trails and a scenic overlook built by the permittee shall be maintained by the permittee shall remain as open/park space in perpetuity. Said deed restriction shall be recorded prior to security release for the Sierra Park project (TRPA File# CEPP2014-0138-R01). The Permittee shall record the deed restrictions with the Washoe County Recorder's Office and provide either the original recorded deed restrictions or a conformed copy of the recorded deed restrictions to the TRPA.
- J. Within 30 days of receipt of the deed restrictions identified for the following, the Permittee shall provide the latest recorded grant deeds for all parcels within the project area to TRPA. Once the grant deeds are received, TRPA shall prepare the following two separate deed restrictions:
- (1) A project area deed restriction for land coverage, development rights, scenic assessments, and density purposes to be recorded against the parcels; and
 - (2) A deed restriction that will permanently assure that the 38 residential units identified for the moderate-income housing are only available to moderate income employee households. All housing units shall be used exclusively as residential dwellings by permanent residents, and shall be occupied in accordance with local, regional, state and federal standards for the assistance of households with moderate income occupants. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.
- K. The Permittee shall record the deed restrictions identified in Special Condition 5.J (above) with the Washoe County Recorder's Office and provide either the original recorded deed restrictions or a conformed copy of the recorded deed restrictions to the TRPA.
- L. The Permittee shall provide to TRPA a conformed copy of a TRPA approved recorded deed restriction that is consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, documenting the retirement of 9,914 square feet of the total existing gaming floor area within the

project area.

- M. The Permittee shall record a TRPA approved deed restriction that permanently restricts the area where the Crystal Bay Motel is to be demolished as open space.
- N. Permittee shall provide evidence that construction financing has been approved for the construction of the project and the construction lender shall provide written assurance to TRPA that its required loan documents have been executed and that construction funds have been approved and are available prior to the commencement of the proposed development. If the development is constructed in phases, then the evidence of required financing shall be provided prior to commencement of construction of each phase (if applicable).
- O. The Permittee shall submit a dewatering plan to TRPA for review and approval prior to acknowledgement of this permit in the event groundwater is encountered during excavations. The dewatering plan shall provide for intercepted groundwater to be re-infiltrated on-site or at a TRPA approved location.
- P. The Permittee shall submit a fertilizer management plan consistent with Section 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
- Q. The Permittee shall submit a complete Grading and Construction Plan for the project, including construction phasing, coordination of construction and demolition work with adjacent business operations, construction access, parking, material storage areas, coordination of utility related construction, temporary BMPs, street sweeping, site clean up, construction hours at a minimum of and consistent with Chapter 64 of the TRPA Code. The permit requires construction activities, equipment, materials and runoff be contained within the project area.
- R. The Permittee shall enter into an agreement with Placer County Parks and Recreation to participate in the removal of refuse at Speedboat Beach and the immediate area.
- S. The permittee shall submit a Streetscape/Landscape Plan for the project for TRPA review and approval consistent with the requirements of the Washoe County Tahoe Area Plan. Said plan shall include both hardscape and softscape landscape elements; planting materials and planting details, sidewalk details, paving material, colors and textures, and lighting. (Note, signage requires separate TRPA review and approvals). The landscape plan shall also include a strategy for tree replacement. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.
- T. The permittee shall submit a long-term monitoring (5 years minimum) and at a minimum, a 20-year maintenance plan for all water quality and BMP improvements as well as any other measures as described in the Monitoring and Mitigation Program of the EIS for TRPA review and approval.

- U. The Permittee shall submit a monitoring plan to monitor the project's Daily Vehicle Trip Ends (DVTE), consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, for TRPA review and approval. If after 5 years from project completion the monitoring determines that DVTE has increased beyond the 2,915-trip projection identified in the FEIS, then the applicant shall permanently retire existing development rights to reduce the DVTE to meet the 2,915 DVTE projection.
- V. The permittee shall submit a plan to implement an overnight guest parking fee and parking validation program consistent with the above referenced Settlement Agreement to create incentives for guests to utilize public transportation and onsite amenities.
- W. The permittee shall submit a plan to implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS, including, but not limited to:
 - (a) A shuttle pick-up and drop-off to an area ski resort during the winter ski season.
 - (b) Beach access (including Speedboat Beach) shuttle service.

Some level of shuttle service shall be provided year-round, with adjustments made for summer and winter peak seasons. During busy summer days, one proposed shuttle vehicle shall make round trips between the project site and nearby beaches for 12 hours a day, departing the project site once an hour.

- X. The final plans plan shall be revised to include:
 - 1. A heated asphalt 'snow melting system' along Wellness Way designed to aid in the melting of snow on the road surface.
 - 2. Notes and details indicating the repaving of Stateline Road between SR 28 and Cove Street using rubberized asphalt or other approved noise reducing road surfaces that have shown acceptable noise reductions.
 - 3. Inclusion of the Crystal Bay Hotel parcel into the project area. The site plan shall include demolition and site restoration details for the area where the Crystal Bay Motel will be demolished.
 - 4. Permanent water quality BMPs for the office building and parking lot that will remain on the site where the Crystal Bay Motel is to be demolished.
 - 5. Notes indicating all utilities shall be placed underground.
 - 6. Proposed snow storage calculations and locations of snow storage.
 - 7. Final plans shall include lighting details that conform to the Code of Ordinances.

8. A final landscape and irrigation plan showing the required proposed trees and shrubs consistent with the exhibits and visual simulations submitted with the project application.
 9. The final plans shall demonstrate how new combustion appliances conform to the air quality standards found in Subsection 65.1.4 and other applicable provisions of the TRPA Code. TRPA emission standards shall be noted and compared to the published emissions from proposed devices such as, but not limited to, water heaters and central furnaces.
- Y. A BMP INSPECTION AND MAINTENANCE PLAN shall be submitted detailing necessary maintenance activity and schedules for all BMPs installed on the property. All BMPs shall be maintained subject to the INSPECTION AND MAINTENANCE PLAN approved as part of this permit. All maintenance activities shall be recorded in a corresponding maintenance log. This log shall be maintained for the life of the property and made available for inspection by TRPA staff. If this log is not complete, TRPA will assume that maintenance has not been performed and reserves the right to revoke the BMP Certificate of Completion.
- Z. The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required offsite BMPs including the BMPs associated with the Crystal Bay Motel demolition site, the adjacent office building and associated parking lot. Further the installation of all on-site BMPs shall be completed at the end of each construction phase.
- AA. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- BB. The permittee shall revise the final landscape plan to include additional landscaping, consisting of evergreen trees (8 total trees, 8-10 feet in height), on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28.
- CC. The final landscape plan shall indicate the existing vegetation located adjacent to building G consisting of four conifer trees within or near the SR 28 right of way and shown in the photo simulation (see trees highlighted in green in Figure 8 of final scenic evaluation report prepared by Hauge Brueck Associates, dated October 14, 2022) shall be protected and maintained as part of the project plans.
- DD. Final project plans shall include a reconfiguration/relocation of the existing crosswalk located on Highway 28. The reconfiguration/relocation shall be determined in coordination with NDOT, Washoe County and TRPA and shall consider adjacent pedestrian circulation patterns on the north and south sides of Highway 28.

- EE. Final project plans shall include a Class 1 bike trail along the project frontage in a location determined through coordination with NDOT, Washoe County and TRPA.
 - FF. The permittee shall submit a Dust Control Plan to be implemented during construction.
 - GG. The permittee shall submit a construction schedule and construction staging plan.
 - HH. The permittee shall submit final construction plans.
6. Upon issuance of a Certificate of Occupancy for the first completed phase of the Waldorf Astoria project that requires employees to be on-site, the permittee shall implement the following measures designed to reduce employee-related trips to and from the project:
- A. Designation of an Employee Transportation Coordinator: The project controller will designate an Employee Transportation Coordinator (ETC) to coordinate and implement the transportation control measure activities required by the Employee Transportation Plan.
 - B. Posting Alternative Transportation Mode Information: The project controller shall provide to employer's alternative mode information, including current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service serving the Crystal Bay area, including the Tahoe Area Regional Transit ("TART") services, the North Lake Tahoe Express, and visitor shuttle service. In addition, the project controller shall also provide information regarding the location of all bicycle routes within at least a five-mile radius of the resort.
 - C. Bicycle Parking Facilities: Sufficient bicycle parking will be supplied to employees. The Waldorf Astoria will provide bicycle parking for all bicycle commuters, as determined by survey of employees. The bicycle parking facilities shall be, at a minimum, Class II stationary bicycle racks, and will be located adjacent to the employee entrance, as well as near the main hotel casino building entrance.
 - D. Preferential Carpool/Vanpool Parking. Parking spaces for a minimum of 4% of the employees shall be designated as carpool parking. These spaces will be in the most convenient location to access the employee entrance. In order to ensure proper usage of these spaces, signs or pavement marking shall be installed to designate these spots for carpool vehicles only.
 - E. In-House Carpool Matching Service. The Waldorf Astoria shall conduct a survey of employees to identify persons interested in being in carpools and match potential carpools by work shift and address. This survey and matching shall be performed on an annual basis for all interested employees.
 - F. Truckee-North Tahoe Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in the TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which

the TMA board administers.

- G. Transit Pass Subsidy. The permittee shall provide a subsidy, on monthly transit passes, of 50% or the maximum taxable benefit limit, whichever is greater.
- H. Transit Shelter. The permittee shall provide a shuttle/trolley stop. This stop will be served by the North Tahoe Express, seasonal trolley services and employee shuttles. Additionally, the current TART stop on the north side of State Route 28 ("SR 28") directly adjacent to the site will be expanded per TART standards to accommodate two buses at one time. This, along with the other existing bus bay on the north side of SR 28 just west of Stateline Road, would allow up to three westbound vehicles to be in Crystal Bay at one time.
- I. Showers Provided. The permittee shall provide two employee restrooms/locker rooms, one located in the hotel area the other in the casino area, for a total of two male and two female facilities. One shower shall be provided in each of the four facilities (two male and two female).
- J. Lockers Provided. The permittee shall provide lockers inside each of the restroom/locker room areas. At least 20 lockers will be provided in total for use by employees only.
- K. On-Site Services. The permittee shall include an employee cafeteria and a lunchroom/break room.

The permittee shall maintain records documenting implementation of the above measures which shall be provided to TRPA upon request.

- 7. The Permittee shall implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS in perpetuity, including:
 - (a) A shuttle that provides pick-up and drop-off services to an area ski resort.
 - (b) A beach access shuttle service.
- 8. Prior to release of the project security the Permittee shall enter into a memorandum of understanding with the Truckee- North Tahoe Transportation Management Association ("TMA") for oversight and coordination of the proposed Alternative Transportation Program. As part of the above memorandum of understanding with TNT TMA, the permittee shall include a requirement to review transit expenditures on an annual basis with transit representatives of TART to evaluate the previous year's results and allocate funds toward public transportation efforts as deemed appropriate by TART, the TMA and the permittee.
- 9. The Resource Protection Plan (or Recovery Plan), submitted to the Nevada State Historic Preservation Office (NVSHPO) in May 2009 (revised September 2009), must be approved by the NVSHPO pursuant to TRPA Code Subsection 29.6.C(2) before demolition can occur. The Plan must include the following requirements:

- A. The permittee will preserve and restore the one extant neon sign from the 1940s-1950s period of significance for the Tahoe Biltmore and place it within the proposed mixed-use project.
 - B. The permittee will preserve and restore the 1962 “Tahoe Biltmore” Googie architectural sign and place it either within the proposed mixed-use project, pending final project design and height approvals from TRPA, or at an appropriate offsite location in Nevada (i.e. a sign preservation organization, etc.) to be determined in consultation with the TRPA and NVSHPO. If the sign is moved offsite, the permittee will incorporate “Googie” style design features of the “Tahoe Biltmore” sign into the design of project details, such as walkway lighting or signage. The permittee will incorporate interpretive signage into the proposed mixed-use project to document the history of the Tahoe Biltmore Resort. Interpretive signage will be publicly visible, and the contents and specific locations will be determined with guidance from a qualified historian.
 - C. The permittee will prepare a photograph/text interpretation of the history of the Tahoe Biltmore Resort and Cottages that includes the preservation of the historical photographs now on exhibit in the Tahoe Biltmore and other items or materials relating to the early history of the resort or North Shore. The display will be placed onsite in a permanent location easily accessible to the public (e.g., Hotel lobby, Meeting room foyer, Restaurant waiting area, or preservation of one of the Cottage structures as a museum, etc.).
 - D. The permittee will sponsor and produce a web-based booklet regarding the history of Crystal Bay for general public distribution (local retail shops, casinos, clubs, bookstores, etc.), smaller than the Bethel Van Tassel book (Wood Ships to Gaming Chips), and more specific to the North Shore than The Golden Age of Nevada Gambling by Moe. The booklet will include the historical photographs of Crystal Bay and its resort facilities archived in the Images of Lake Tahoe Collection at the University of Nevada, Reno.
 - E. The permittee will incorporate architectural details discussed in the Historic Resources section of the EIS into the final design of building entry ways, doors, and windows. Determination of the final architectural design and details of the building will be made in consultation with the NVSHPO office as required by mitigation measure CUL-1A of the EIS.
- 10. By acceptance of this permit the Permittee waives all claims it may have to hard or soft coverage which may have existed in 1978. This condition shall not be construed to exempt the Mariner Property from compliance with excess coverage mitigation requirements.
 - 11. Signs are not approved as a part of this permit. Sign approvals shall require submittal of a separate application. However, signage for the Waldorf Astoria project shall be in conformance with the current sign standards, or the adopted Washoe County Area Plan standards, depending on the applicable standards at the time sign approval.
 - 12. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of

waste material to surface drainage features is prohibited and constitutes a violation of this permit.

13. In the event that human remains are discovered, the Washoe County Coroner shall be contacted and, if the remains are determined to be Native American, the Nevada Office of Historic Preservation shall also be notified in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.
14. No gates shall be installed on the new access road extending north from Highway 28 (aka "Wellness Way" on the east side of the project area located adjacent to the Granite Place Condominiums. This road shall remain open for public use.
15. All accessory uses shall not be advertised separately and shall not be operated independently of the associated primary use.
16. All unused multi-residential bonus units, tourist accommodation units and commercial floor area awarded to the project per TRPA Resolution No. 2008-11 as part of the CEPP shall be returned to the TRPA pools.
17. Excavation equipment is limited to approved construction areas to minimize site disturbance. No grading, excavation, storage or other construction related activities shall occur outside the area of disturbance.
18. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
19. The construction of a concrete washout facility is prohibited unless approved in writing by a TRPA Environmental Specialist.
20. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
21. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
22. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
23. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season.

24. Grading is prohibited any time of the year during periods of precipitation and for the resulting period when the site is covered with snow, or is in a saturated, muddy, or unstable condition.
25. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
26. All landscaping shall be maintained in perpetuity (and replaced as needed) in a condition consistent with the approved landscape plans.
27. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project (i.e. structural modifications, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties.
28. Temporary and permanent BMPs may be field fit as appropriate by the TRPA inspector. Parking barriers may be required at the discretion of the TRPA Environmental Specialist.
29. The permittee shall provide photographs to the TRPA Environmental Specialist taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project were constructed correctly (depth, fill material, etc.).
30. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

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

END OF PERMIT