

4.5 SCENIC RESOURCES

This section discusses impacts of the Project on the existing open space in the project area, including the effects on preservation of open space. This chapter also discusses the project impact on scenic resources and thresholds related to visual contrast, view obstruction, or loss of view. This chapter also addresses the potential degradation in scenic quality resulting from loss or alteration of a specific scenic resource (such as a designated scenic road). To provide a basis for scenic evaluation, the environmental setting section describes the regional landscape character and the existing scenic conditions of the project area. Sensitive scenic routes/travel ways and other scenic resources designated in local and regional plans are identified.

ENVIRONMENTAL SETTING

The Lake Tahoe Basin offers a variety of scenic vistas that make it one of the most beautiful areas of the country. Federal policy, under the U.S. Department of Transportation Act Section 4(f), provides that “special effort should be made to preserve the natural beauty of the countryside and public park and recreational lands, wildlife, and waterfowl refuges, and historic sites.” The project is located in Nevada and not subject to the California Environmental Quality Act (CEQA), but it is relevant to note that the CEQA guidelines identify the Lake Tahoe Basin as an area of critical environmental sensitivity for its scenic as well as its ecological and recreational value. The TRPA Compact states the “Maintenance of the social and economic health of the region depends on maintaining the significant scenic...values provided by the Lake Tahoe Basin” (TRPA Compact, 1980). TRPA guidelines and regulatory requirements to protect scenic quality are described below in the “Regulatory Setting” section.

TRPA Scenic Resource Units

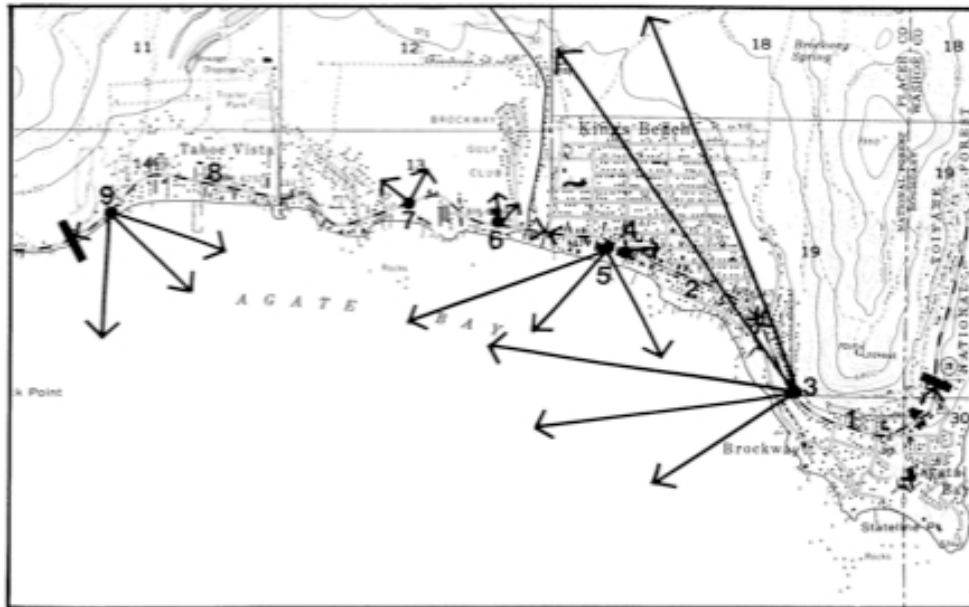
In 1982, the Lake Tahoe Basin's major roadways and shoreline areas were surveyed for their scenic resources such as bike trail or scenic vista. Each roadway and shoreline area was broken into sections or units and was given a travel route rating and a scenic resource threshold value. The roadway travel route rating is based on the values of man-made features, roadway distractions, road structure, lake views, landscape views, and variety for each unit. The shoreline travel route rating is based on the values of man-made features, landscape views, and variety for each unit. The scenic resource threshold values were developed by inventorying subcomponents of specific scenic resources within each roadway or shoreline unit. The primary goal of both the travel route ratings and scenic resource thresholds is to maintain or upgrade the scenic quality of the view from the road or Lake. Additional information on scenic resources and the development of travel route units, scorings and ratings is described below in the “Regulatory Setting” section.

Scenic highways in the Lake Tahoe area include both federal and state highways. The Project area is located along the portion of Nevada State Route 28 (SR 28) designated as Scenic Roadway Unit 20 (Figure 4.5-1). In 2001, TRPA recommended that this Roadway Unit be divided into four sub-units because of its length and diversity of character. The Washoe County portion of the Roadway Unit was relabeled 20D. The scenic quality rating is based on foreground, middleground and background views, views to the lake from the roadway, and other special features. The existing scenic quality travel route ratings are listed in Table 4.5-1. Roadway Unit 20D: North Stateline Core is a nonattainment area with a threshold composite score of 13.5 out of a possible score of 30; any units with a score of 15 or less are considered nonattainment areas in need of visual improvements. Additional information on scenic resources and the development of travel route units, scorings and ratings is provided below in the “Regulatory Setting” section. This unit score increased from 13 in 2001 to 13.5 in 2006 due to the

removal of a billboard. Near the project site, the scenic quality is rated as low due to the poor quality of the high-density commercial uses and housing. This roadway unit is categorized as an “urban, rural transition visual environment.” According to the TRPA Scenic Quality Improvement Program (SQIP), the Stateline area is considered an “area of concern” due to a disorganized visual character that contains poorly designed and/or maintained structures placed close to the roadway with little landscaping, uncoordinated signage, and visible overhead lines and satellite dish antennae. In addition, highly visible parking directly off SR 28 further affects the visual quality and contributes to traffic issues that also affect the visual character of the Stateline area. The SQIP also states that the scale, height and density of structures in the casino core are problematic and in contrast with the surrounding area. The SQIP recommends landscaping along the roadway and within developments (Chapter 30), signage consistent with TRPA guidelines (Chapter 26), landscape screening, and architectural upgrades to the casino buildings so that they reflect the natural character of Lake Tahoe.

Roadway Unit 20 has an overall scenic quality rating of 2 and a rating of 2 for each of the scenic quality rating indicators (SQIP 1988 rating). Scenic quality rating indicators include: 1) Unity – the extent in which a landscape feature can be described as cohesive, 2) Vividness – a memorable or distinct quality, 3) Variety – the intermixture of interesting elements of a landscape unit, and 4) Intactness – the extent to which a landscape retains its natural condition.

Figure 4.5-1: Roadway Unit 20



Source: TRPA, Lake Tahoe Basin Scenic Resources Inventory, 1982

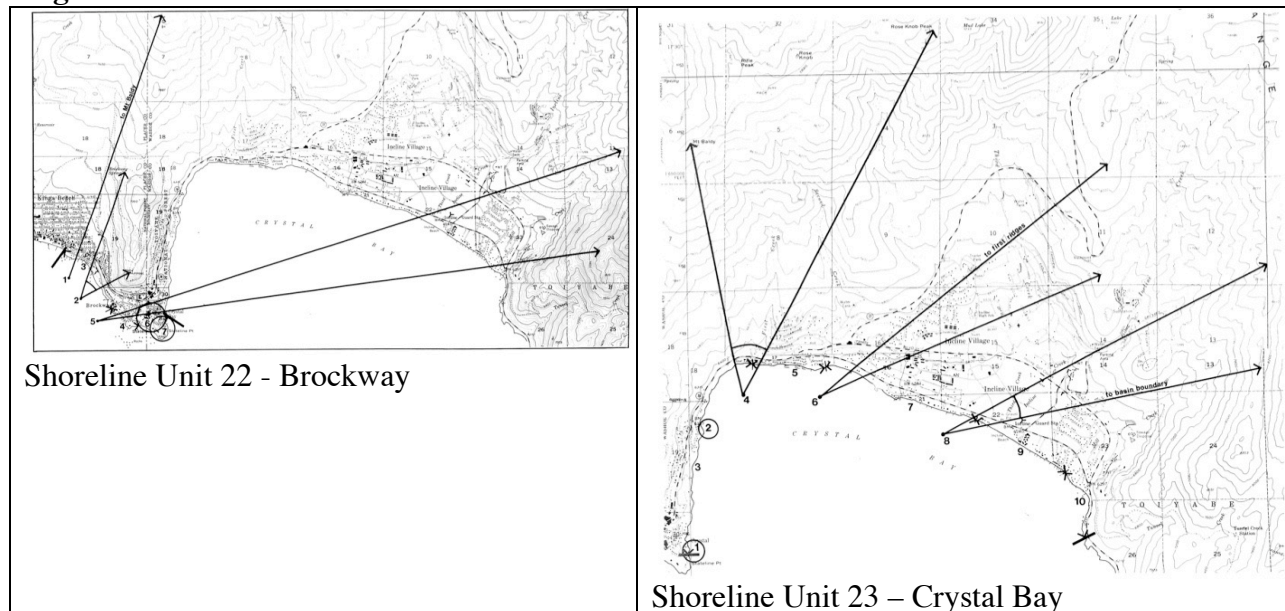
Table 4.5-1**Existing Scenic Roadway and Shoreline Unit Travel Route Ratings**

	Roadway Unit 20D	Shoreline Unit 23	Shoreline Unit 22
Manmade Features	2.5	1	1.5
Roadway Distractions	3	--	--
Road Structure	3	--	--
Lake Views	1	--	--
Landscape (Roadway)/ Background (Shoreline) Views	1	3	4
Variety	3	3	3.5
Threshold Composite	13.5	7	9
Status	Non-attainment	Non-attainment	Non-attainment

Source: TRPA Threshold Travel Route Ratings for Roadway 2006 and Shoreline 2001,

The Project area is located within Crystal Bay (Shoreline Unit 23) on Lake Tahoe's north shore between King's Beach and Incline Village (Figure 4.5-2). Shoreline Unit 23: Crystal Bay is a nonattainment area with a threshold composite score of 7 as shown in Table 4.5-1. Shoreline Unit 23 has a moderate scenic quality rating of 2 (Wagstaff and Brady, 1983). Additional information on scenic resources and the development of travel route units, scorings and ratings is provided below in the "Regulatory Setting" section.

Near the project site, shoreline views from Lake Tahoe are primarily of homes interspersed with trees and other vegetation along rocky slopes and cliffs. The spread of visible structural development in the past led to a lowering of the shoreline travel route rate near the project area. Mountain ridges are visible in the background, while middle and foreground views contain the natural landscape of trees, shrubs and rocky slopes interspersed with residences and other structures. The Project area is located east of Stateline Point, a distinctive and rocky point on Lake Tahoe and therefore not visible from Brockway (Shoreline Unit 22). Brockway is located predominantly west of Stateline point and has a moderate scenic quality rating. Visual resources concerns in Unit 22 are similar to those of Unit 23, that include spreading residential growth and a lack of adequate screening as the primary sources of quality reduction.

Figure 4.5-2: Shoreline Units 22 and 23

Source: TRPA, Lake Tahoe Basin Scenic Resources Inventory, 1982

In addition to the shoreline unit scenic resources shown above in Figure 4.5-2, there are scenic recreational resources within the vicinity of the project site including Burnt Cedar Beach (Unit 8), Incline Beach (Unit 7) and Ski Incline (Unit 6), all of which are located east of the project site. Ski Incline includes distant views of the lake and southwestern shores, while the two beaches provide wide views of the lake and surrounding shorelines. Each scenic recreation area is rated in attainment as shown in Table 4.5-2. According to the 2001 scenic quality rating, development at Stateline, primarily road cuts and structures extending above the canopy level or located on the slopes of Crystal Bay are visible from the beaches and detract from the natural scenic quality. Views toward the project area from the beaches are shown in Figure 4.5-3. Views from Ski Incline do not include the project site due to distance, topography and screening vegetation (as viewed from the ski resort) at the ski resort; therefore, they are not included in the figure.

Table 4.5-2**Scenic Recreation Area Ratings**

	Unit 6 – Ski Incline	Unit 7 – Incline Beach	Unit 8 – Burnt Cedar Beach
Unity	4	2	3
Vividness	4	3	4
Variety	4	3	4
Intactness	3	3	2
Threshold Composite	15	11	13
Status	Attainment	Attainment	Attainment

Source: TRPA Threshold Ratings for Recreation Areas, 2001 and 2006

Note:

A definition of the scenic rating categories is provided in the “Regulatory Setting” section below.

Existing Visual Character and Quality of the Project Vicinity

The natural landscape focus is limited within the vicinity of the project area due to the densely packed development within the casino core area along SR 28. Structures of various form, size, and repair dominate the visual quality, although the lake and naturally forested areas can be seen from the project site. Visual features of the site include a steep incline from the lake northward, affording various views of the lake from the project site. A photo inventory of the existing site conditions was conducted to select viewpoints for scenic evaluation. Figure 4.5-4 documents the locations of the viewpoints that were used in the scenic impact analysis.

The area surrounding the project site is a mixture of tourist, commercial and gaming uses adjacent to SR 28, surrounded by residential units, vacant lands, and open space to the west and north of the project site. Steep slopes exist on the site, some of which have been altered to accommodate structures and road cuts, while others have been left in their natural appearance.

The Tahoe Biltmore reflects a combination of the original casino/hotel, motel, and cottages built in 1946 and subsequent remodeling activities to the main building to add the restaurant and additional accessory space. Many of the buildings have not been completely restyled or renovated, and maintain flat structural planes. Overall, the array of buildings and site development lacks cohesive character.

Figure 4.5-3: Views From Scenic Recreation Units 7 and 8**Unit 7 – Incline Beach****Unit 8 – Burnt Cedar Beach**

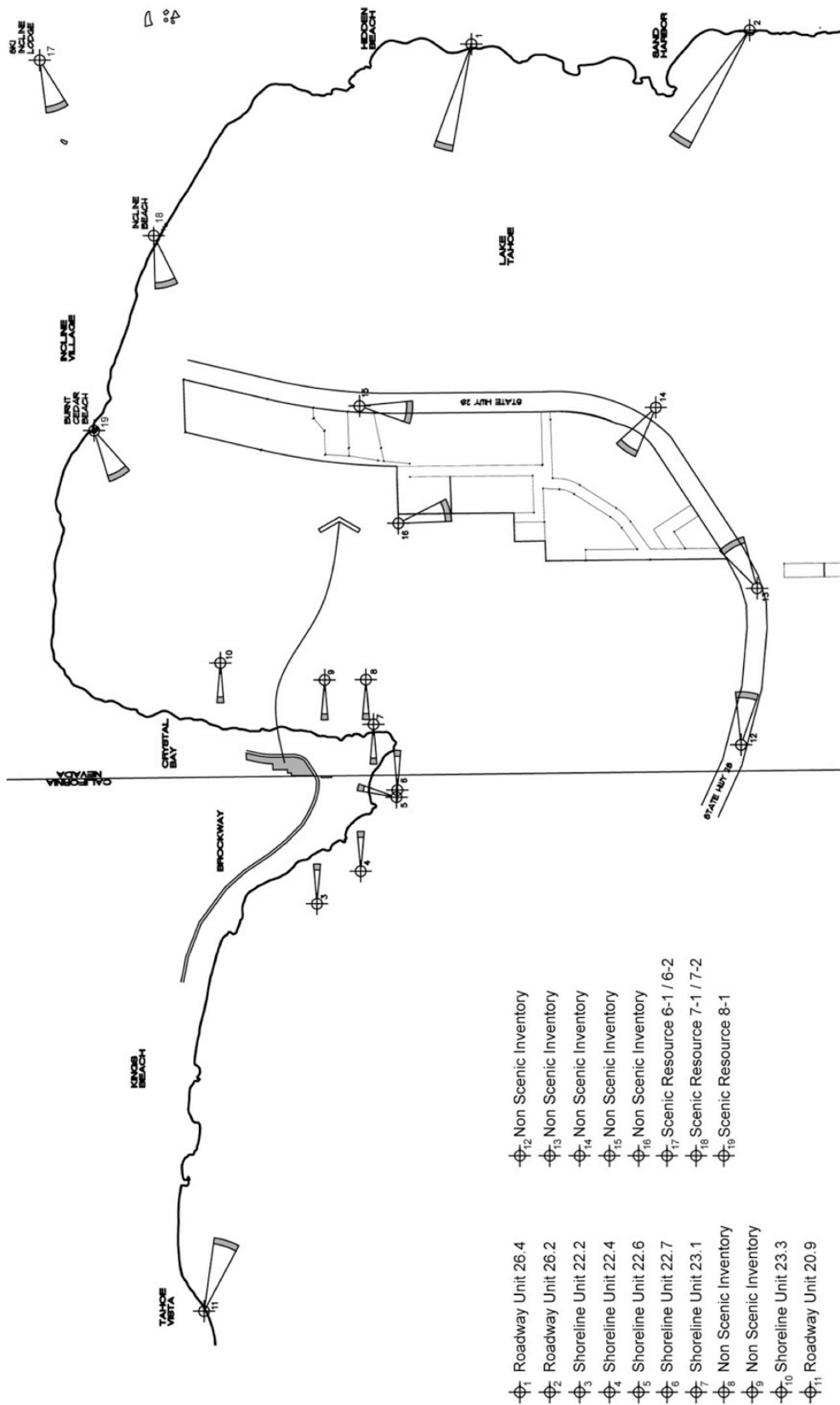


Figure 4.5-4
Photo Inventory Viewpoint Locations

Boulder Bay Project EIS

The main structure is a non-conforming, four-story (76 foot tall) casino and lodge with attached restaurant. In addition to the main structure there are six hotel cottage units; a two-story administrative building; two vacant buildings that were formerly hotel cottage units; several surface parking lots; a storage building that was formerly the Horsebook Casino; the Crystal Bay Motel and adjacent office building; and vacant parcels that used to house the Tahoe Mariner.

Views from SR 28

Since the Tahoe Biltmore is located directly on SR 28, the structure, parking lot, signage, and most associated structures are visible from the roadway as shown in Figures 4.5-5 through 4.5-9. There is little existing screening of the site from SR 28, as is typical of the adjacent casino hotels. The former Tahoe Mariner portion of the project site is also adjacent to SR 28 and highly visible from the south (Figures 4.5-10 and 4.5-11). Although the former Tahoe Mariner site has been previously developed, there is a greater amount of natural vegetation existing on the site, including some large trees near the edge of SR 28 that provide screening. In addition, the site topography rises steeply from the roadway, limiting views deeper into the former Tahoe Mariner site as viewed from the north.

Figure 4.5-5: View of existing Tahoe Biltmore Parking Lot traveling North on SR 28





Existing Conditions



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Views from the Lake

The project site is not easily discernable from Lake Tahoe due to intervening topography, vegetation, and other structural developments as shown in Figures 4.5-12 and 4.5-13. From Crystal Bay viewpoints, steep slopes are prevalent along the lake shoreline, spotted with large trees, shrubs, and boulders. Residences located between the lake and SR 28 are visible from the lake, as are the tops of larger trees rising along the slopes above SR 28. The top floor and roofline of the Crystal Bay Motel is visible from Lake Tahoe (Viewpoint 9) through the forest clearings. The visible structure does not exceed the height of the existing trees. The visible portion of the motel is approximately midway between the two sides of the development envelop just above a publicly owned linear feature that provides access to a small building on the shoreline. As discussed under Scenic Recreation Units 7 and 8, the project site is not visible from area beaches located to the east because of the distance between the beaches and the project area. From the west, the project site is not visible from the lake or SR 28 due to intervening topography and vegetation located on Stateline Point.

Views from Adjacent Properties

Due to the urbanization of this area, the site is highly visible from adjacent parcels. Little to no screening is available from adjacent casinos, residences, and commercial uses. The casino and hotel structure are most visible from other casinos and commercial uses. The former Tahoe Mariner site is most visible from adjacent residential uses to the north and east. Since the former structures were removed in 1998 from the Tahoe Mariner site, views of the site are primarily of sparse vegetation and altered land grades. Figures 4.5-14 and 4.5-15 provide a view of the project area including the former Tahoe Mariner site, the existing Tahoe Biltmore, and filtered views of Lake Tahoe from Lakeview Avenue (Viewpoint 16).

Existing Signage

Two free-standing signs for the Biltmore are located immediately adjacent to SR 28 in the large surface parking lot. These signs are non-conforming as they do not meet current TRPA sign regulations. As discussed in Section 4.7 – Cultural and Historical Resources, the “Free Parking, Courtesy Tahoe Biltmore” neon sign appears to date to the 1946 construction and is eligible for listing as a historical resource, while the three-story circular “Tahoe Biltmore” sign was likely constructed in the 1960s (Figure 4.5-16). The circular sign measures 60 feet high, 44 feet wide, and is made of three wooden support timbers surrounded by concentric wooden rings bearing the name of the hotel and casino and its amenities. It is an example of “Googie” architecture at Lake Tahoe and is also eligible for listing in the National and Nevada historical registers. Chapter 4.7, Cultural and Historical Resources, describes the historic eligibility of the existing onsite signage. Other signage on the property includes lodge area signage and red and green parking signage on metal posts.

REGULATORY SETTING

Existing TRPA environmental thresholds and regulations are described below. An analysis of the project’s consistency with these regulations is provided in the Environmental Impacts and Recommended Mitigation section.

Tahoe Regional Planning Agency

The TRPA Regional Plan for the Lake Tahoe Basin - Scenic Quality Improvement Program for the Lake Tahoe Basin, Design Review Guidelines, and the TRPA Code of Ordinances (Chapter 22, 30, etc.) each

reference scenic thresholds and standards that are applicable to the proposed project. Scenic goals and policies are also addressed in Chapter 3, Relationship to Existing Land Use Plans, Goals And Policies.

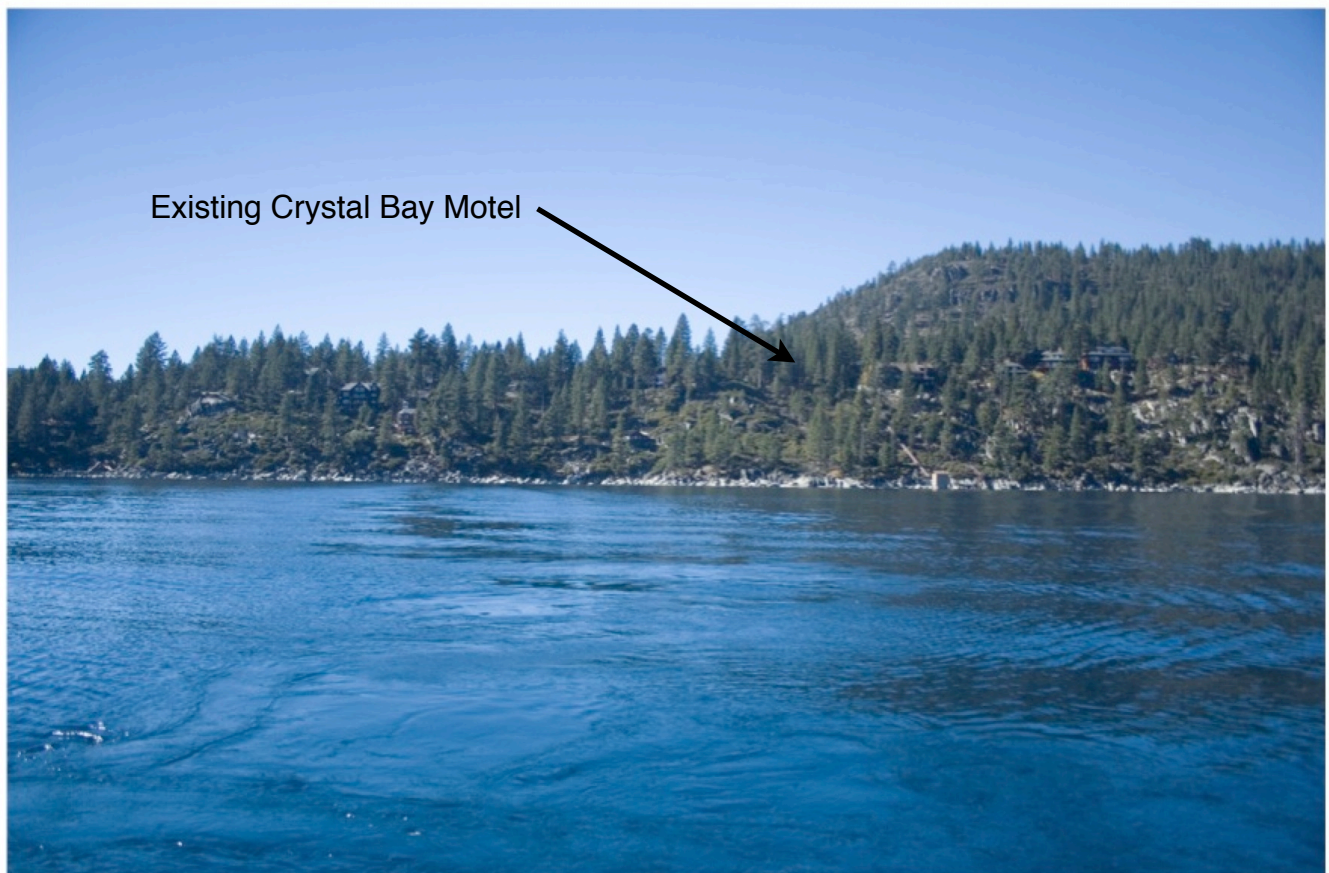
TRPA Thresholds

TRPA adopted environmental threshold carrying capacities in August 1982 for the purpose of maintaining and improving the various resources of the Lake Tahoe Basin. Scenic quality is an exceptional attribute of the Lake Tahoe Basin, and specific threshold carrying capacities were developed to improve and protect the scenic resources of the area. Where attainment of thresholds has been reached, TRPA standards require maintenance of threshold rating values for roadway and shoreline travel routes, individually mapped scenic resources, recreation area scenic resources, and compatibility with the natural environment. For travel routes or views from inventoried scenic resources that are not in attainment, TRPA standards require mitigation actions to contribute to reaching attainment.

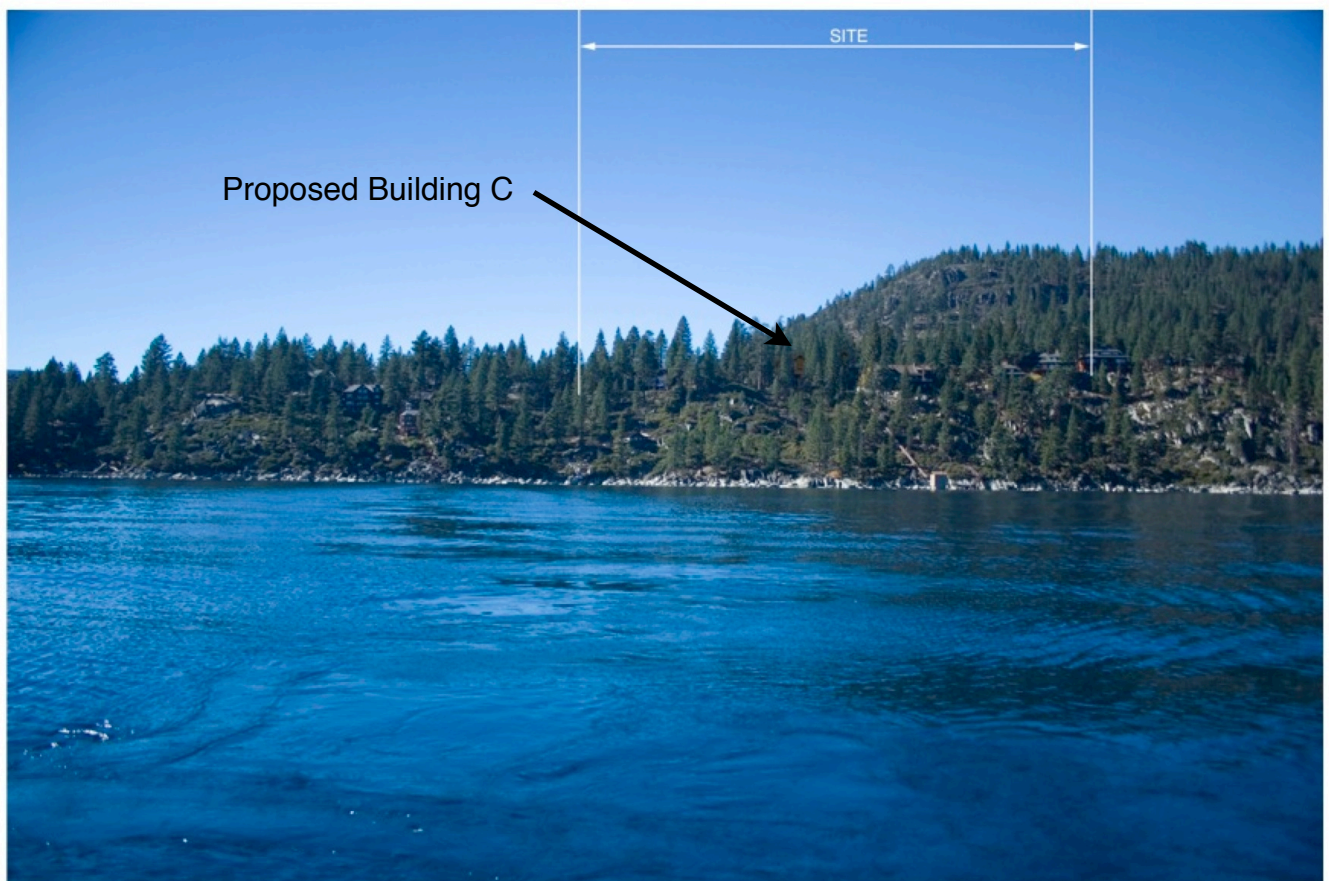
SR-1 Travel Route Ratings

The TRPA travel route ratings track long-term, cumulative changes to views from state and federal highways in urban, transition, and natural visual environments in the region. The ratings also track changes to shoreline views from the surface of Lake Tahoe. Roadways are divided into 53 travel segments (called “travel units”), each representing a continuous, two-directional viewshed of similar visual character. Lake Tahoe’s shoreline is divided into 33 shoreline units. . All six of the following criteria are used to determine travel route ratings for each Roadway Travel Unit; three of those criteria, numbers 1, 5, and 6, are used in rating Shoreline Travel Units. Roadway units have a possible score of 30 (5 points for each criteria) and shoreline units have a possible score of 15.

1. Human-made features along roadways and shoreline;
2. Physical distractions to driving along roadways;
3. Roadway characteristics;
4. Views of the lake from roadways;
5. General landscape views from roadways and shoreline;
6. Variety of scenery from roadways and shoreline.



Existing Conditions

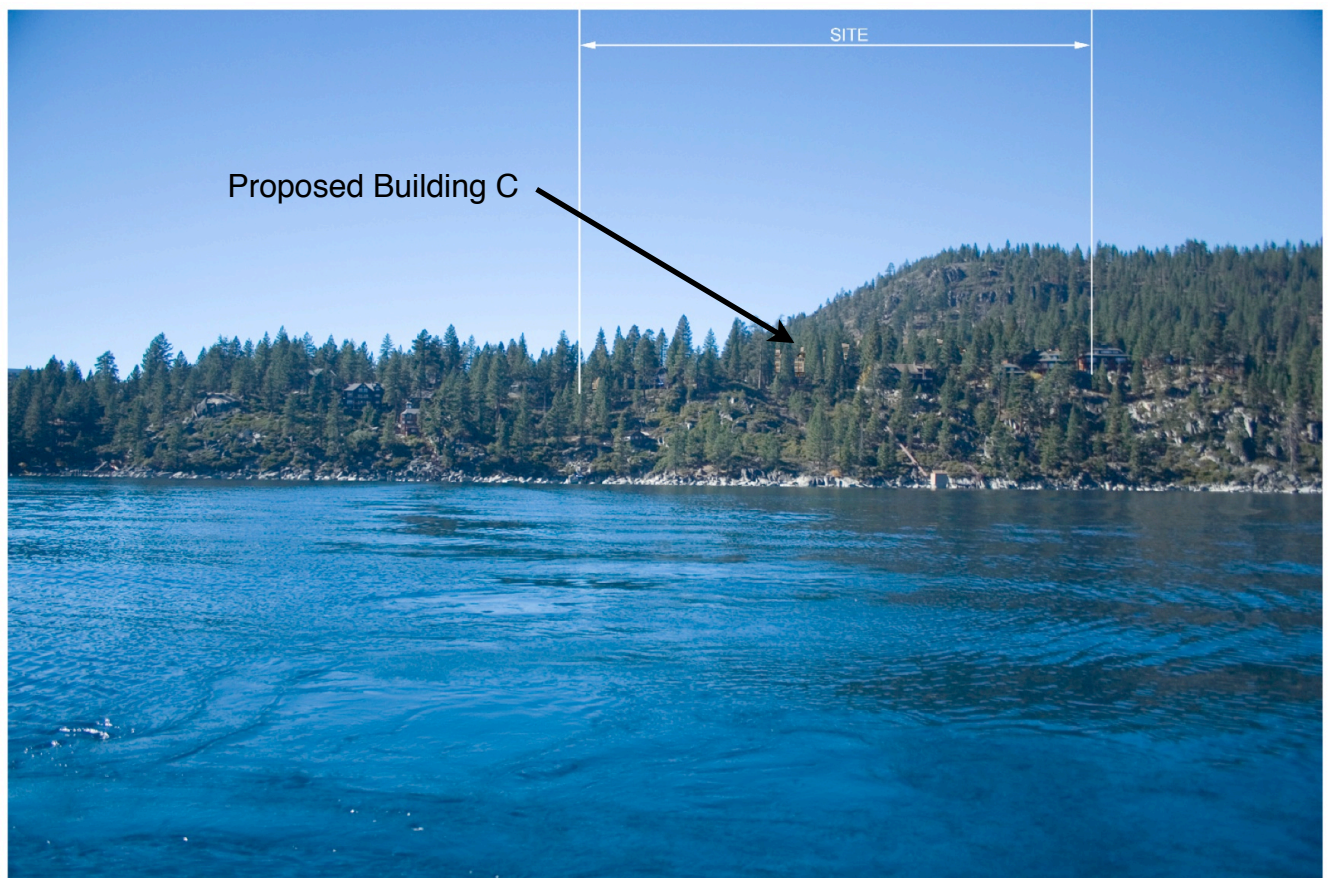


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Figure 4.5-16: Existing Project Area Signage

SR-2 Scenic Quality Ratings

The purpose of the TRPA scenic quality threshold is to maintain or enhance views of individual, existing scenic resources. The scenic resources in the Tahoe region include the views of the natural landscape and distinctive natural features that were identified, mapped, described, and evaluated as part of the 1982 Scenic Resource Evaluation. Scenic resources include:

- foreground, middle-ground, and background views of the natural landscape from roadways;
- views to Lake Tahoe from roadways;
- views of Lake Tahoe and natural landscape from roadway entry points into the region;
- unique landscape features, such as streams, beaches, and rock formations that add interest and variety, as seen from roadways;
- views of the shoreline, the water's edge, and the foreground as seen from the lake;
- views of the backdrop landscape, including the skyline, as seen from the lake;
- visual features seen from the lake that are points of particular visual interest on or near the shore.

As shown in Table 4.5-2, numerical scenic quality ratings are derived for each mapped scenic resource using four visual indicators as subcomponents of the composite rating: unity, vividness, variety, and intactness. According to the TRPA 2001 Threshold Evaluation Report, unity is the degree to which the visual resources of a scene join together to form a single, coherent, harmonious unit. Vividness is a measure of contrasting elements, such as color, line, and shape, marked differences seen as related, or repetition of similarities - sometimes referred to as distinctiveness. Variety is numerous or different parts seen together and can be referred to as richness. Intactness describes the degree to which a landscape retains its natural condition, or the degree to which modifications emphasize or enhance the natural condition of the landscape. These four indicators are each rated on a scale from zero (absent) to three (high). The ratings for all four indicators are summed to yield the scenic quality threshold rating. Each resource is defined by the length of the resource and the areas seen from that unit.

SR-3 Public Recreation Area Scenic Quality Thresholds

The TRPA public recreation area scenic quality threshold applies to specific public recreation areas, including beaches, campgrounds, ski areas, and segments of Class I bike trails and Class II bike lanes. Public recreation areas with views of scenic resources are valuable because they are major public gathering places, hold high scenic values, and are places where people are static (compared to people on the travel routes) and, therefore, have more time to focus their attention on the views and scenic resources. Scenic resources as seen from the public recreation areas include the following:

- views of the lake and natural landscape from the recreation area;
- views of natural features in the recreation area; and

- views of human-made features in or adjacent to the recreation area that influence the viewing experience.

Scenic quality threshold ratings for scenic resources associated with public recreation areas and bike trails are derived in the same manner described above using the same visual indicators; unity, vividness, variety, and intactness.

SR-4 Community Design Threshold

The TRPA Community Design threshold is a policy statement that applies to the built environment and is intended to ensure that design elements of buildings are compatible with the natural, scenic, and recreational values of the region. Following the direction established in the policy statement and the TRPA Goals and Policies, TRPA adopted the Scenic Resource Management Plan in 1989. The plan included the Scenic Quality Improvement Program (SQIP), and several Codes described below that are related to community design.

The community design threshold is implemented in two ways. First, the community and redevelopment plan process has been used to develop design standards and guidelines that are tailored to the needs and desires of individual communities. These standards and guidelines are considered “substitute” standards because they replace all or portions of TRPA Code of Ordinances that would otherwise regulate the same subject. Second, the site planning and design principles contained in the ordinances are implemented as part of individual development projects, and are reviewed and approved by TRPA and local governments.

Scenic Quality Improvement Program and EIP

The SQIP (TRPA 1989a) was adopted to provide a program for implementing physical improvements to the built environment in the Tahoe Basin. It is intended to contribute to the attainment of the scenic quality thresholds in the TRPA Regional Plan for the Lake Tahoe Basin Goals and Policies (Regional Plan) (TRPA 1987) and serves as an implementation guide for this plan. The program is an overall action plan to specifically improve the scenic quality of 23 roadway and four shoreline travel routes that do not meet the scenic resources thresholds.

The Environmental Improvement Program (EIP), which encompasses hundreds of capital improvement, research, program support, and operation and maintenance projects in the Tahoe Basin designed to help restore Lake Tahoe's clarity and environment, was adopted in 1998 and incorporates elements of the SQIP. The EIP includes a list of specific projects throughout the basin that are needed to attain and maintain the thresholds (TRPA 1998).

TRPA Code of Ordinances

The following Code Chapters include regulations related to scenic quality.

Signage

Chapter 26 of the TRPA Code of Ordinances provides regulations for signage. According to Section 26.10.A, primary use signage may be one square foot per lineal foot of building frontage up to a maximum of 40 square feet. Freestanding signs are also allowed dependant upon the size of the project. In addition, the Code states that nonconforming signs shall be removed if the

business is modified or expanded. It should be noted that Chapter 26 indicates the NSCP Design Standards and Guidelines apply to the project area.

Height

TRPA regulations (TRPA Code of Ordinances Chapter 22) limit the height of buildings based on the slope of the site and the roof pitch. TRPA established these limitations to ensure buildings are compatible with both the surrounding natural and built environments. The height of a structure is the difference between the lowest natural ground elevation along a wall of the structure and the highest roof point on the structure. Table A (Maximum Height for Buildings) provides the maximum allowable height based on various slopes and roof pitch combinations. As roof slopes or pitches increase, more height is permissible. The maximum height allowed by Table A is 42 feet if located on 24 percent slope or greater with a roof pitch of 10:12 or greater. TRPA permits chimneys, flues, vents, antennas, etc. to exceed the height limitation by 10 percent of the maximum building height or six feet, whichever is less. Additional height may be granted to certain types of structures if specified findings can be made: the structure allows for an increased setback, avoids view corridors, provides public shoreline access, or provides tourist accommodations within Community Plan boundaries (e.g., Code Subsection 22.4.B). According to TRPA guidelines, buildings should not exceed the forest canopy so as not to detract from the natural setting. Buildings should also integrate with the existing surrounding structures to avoid sharp contrasts.

The existing Biltmore structure, with portions originally constructed in 1946, is located on land with an average 10 percent slope and has a building pitch of 6:12. The height of the existing casino and hotel building is 76 feet, 2 inches. The allowable height for the Biltmore structure under Table A is 33 feet, 8 inches. Therefore, the existing casino and hotel exceeds the allowable height limits by 42 feet, 7 inches and is considered a non-conforming structure.

Tree Removal, Vegetation Protection and Revegetation

Chapters 65 and 71 of the TRPA Code of Ordinances set forth standards for tree removal and protection, while Chapter 77 establishes revegetation standards. Chapter 71 mandates that tree removal for the purposes of development must be approved by TRPA and shall be accomplished according to TRPA management techniques. According to Section 65.2E of Chapter 65 of the Code of Ordinances, trees may be removed when approved construction activities involving soil compaction, excavation or paving encroach into more than 25 percent of a tree's dripline. Chapter 77 requires revegetation plans for areas that are damaged by project development. These plans must include: descriptions of the site; the number, size, and types of plants to be used for revegetation; descriptions and schedules of revegetation methodology; and specifications for long-term care. All revegetation plant species must be TRPA approved and appropriate BMPs must be employed. Any degradation of these thresholds or standards would be considered a significant scenic impact.

Design Standards

Chapter 30 of the TRPA Code of Ordinances includes numerous design standards to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.. The Boulder Bay Project must also be consistent with the Design Standards and Regulations established in the NSCP and the Washoe County standards for signage and development. Chapter 3 of this EIS analyzes the

project's consistency with TRPA Regional Plan, NSCP and Washoe County Area Plan goals and policies.

North Stateline Community Plan Standards and Guidelines

The North Stateline Community Plan (NSCP) establishes required standards for the design of the North Stateline area. It also provides guidelines for design and development to help maintain a common design throughout the community area. These standards and guidelines supersede, but do not replace the design standards and guidelines established through other documents adopted by the TRPA, Placer and Washoe counties.

According to the NSCP, the area should reflect an Alpine Elegance style that reflects the “old Tahoe” character, such as the historic Fish Hatchery Building in Tahoe City. In addition, the NSCP contains goals for the Tahoe Mariner Site and the Main Street area in which the project site is located. Goals and methods on the Tahoe Mariner site include: restoring environmental values and integrating the site into the community through site restoration and reuse of the site for a casino/hotel, employee housing, open space, and public services. For the Main Street area, the NSCP goal is to create a sense of place through: retail and commercial infill; transit/pedestrian/bike improvements; architectural, signage, landscaping improvements; lake view enhancement; Stateline mini-park; highway signage reduction; and undergrounding utility lines.



*UC Davis Fish
Hatchery Building*

Design Standards in the NSCP include requirements for structural setbacks and frontage improvements. Standard A regarding setbacks states that exceptions to the general setback requirement of 20 feet (TRPA Code of Ordinances Chapter 30) may be permitted. This includes a reduction to ten feet along SR 28 at the completion of main street improvements, allowances for pedestrian shelters or plazas, and casino entrance allowances within 10 feet of the property boundary, when findings in TRPA Code of Ordinances Chapter 30 can be made for setbacks of less than 20 feet. Frontage improvement standards in the NSCP for the main street portion of SR 28 include 10 foot wide sidewalks, six-inch curbs, street trees planted every 50 feet and shrubs every 25 feet, 12 foot high streetlights, and setbacks as discussed above. Frontage improvements for the entry area along SR 28 include five to eight foot wide sidewalks with a three foot wide landscaped separation, six-inch curbs, street trees planted irregularly (maximum 50 foot separation) and shrubs planted every 25 feet, pedestrian street lighting, building setbacks of 20 feet, and vehicle barriers.

In addition to the required standards, the NSCP contains guidelines that should be followed for scenic quality maintenance and enhancement. These guidelines include: building form, building materials, building colors, architectural details, historical theme architectural guidelines, streetscapes, parking areas and structures, public lighting, street furniture, sidewalks, outdoor

plazas, street name signs, side and rear frontage, and trees. Signage should generally be mounted at heights of ten feet or less and sign area should be between ten to 20 square feet.

EVALUATION CRITERIA WITH POINTS OF SIGNIFICANCE

Based on the TRPA Guidelines, a project impact is considered significant if conditions presented in Table 4.5-3 are met.

Table 4.5-3

Evaluation Criteria with Point of Significance - Scenic Resources

Evaluation Criteria	As Measured by	Point of Significance	Justification
1. Will the Project be inconsistent with any County Comprehensive Plan, Community Plan or regulations, standards, or guidelines of agencies (TRPA) with jurisdiction in the area regarding Scenic Corridors?	Goals, policies and standards	Inconsistent with more than 0 goals, policies or standards	TRPA Design Review Guidelines Washoe County Comprehensive Plan North Stateline Community Plan TRPA Code of Ordinances TRPA Goals and Policies
2. Will the Project be visible from or cause an adverse effect on foreground or middleground views from a high volume travelway ⁵ , recreation use area ⁶ , or other public use area ⁷ , including Lake Tahoe, TRPA designated bike trail, or state or federal highway?	a. Level of visual contrast (change in form, line, color, texture, scale of landscape) b. Amount of view obstruction (loss of view) c. Degradation in visual quality d. Inconsistent with regulations, standards, and thresholds.	a. Strong visual contrast ¹ b. Obstruction in viewed area ² from foreground ³ or middleground ³ c. Loss or alteration of a specific scenic resource ⁴ d. Violate adopted scenic thresholds or standards.	TRPA Threshold Carrying Capacities (Resolution # 82-11) (See Regulatory Setting) TRPA's Scenic Quality Improvement Program (SQIP) TRPA Design Review Guidelines
3. Will the Project be inconsistent with the TRPA Scenic Quality Improvement Program or Design Review Guidelines?	Project design and dimensions in relation to standards and guidelines	Violation of adopted standards and guidelines	TRPA's Scenic Quality Improvement Program (SQIP) TRPA Design Review Guidelines TRPA Regional Plan (Goals and Policies) Community Design Subelement North Stateline Community Plan Design Guidelines

Source: Hauge Brueck Associates 2008

Notes:

- 1 Strong Visual Contrast - (one or more of the following) regraded land forms are flat with little to no contour: line of major ridgeline is altered and not consistent with surrounding ridgelines or minor ridgelines are eliminated; inconsistent color with adjacent landscape character; elimination of landscape texture created by exposed soil or removal of vegetation; form of project grossly exceeds scale of natural land forms.
- 2 Viewed area defined as area of landscape (i.e., everything except sky) as shown in a photograph from the closest sensitive viewpoint, taken with a normal (50 mm) lens.
- 3 Foreground: 0-1/2 mile; Middleground: 1/2-3 miles
- 4 Specific Scenic Resource - (one or more of the following) landscape component that creates striking feature; Landform - steep (>60%) undulating/dissected slopes, distinctive rock outcrops, or pronounced ridgelines; Water - major bodies of water that provide reflective qualities and irregular shorelines, or major/permanent streams/rivers with diversity of meanders, flows, rapids, rock outcrops, or river-banks; Vegetation - mature stands of native or cultural species (conifers and aspen) in natural groves or distinct planted patterns (i.e. trees along roads or as planted wind breaks); Man-made development - historic structures.
- 5 High volume travelways: State highways and 2-lane County highways serving direct connections with settlements named on the USGS quad maps;
- 6 Recreation use areas: Designated recreation sites, parks, trails, or other areas managed for public recreation.
- 7 Public use area: Downtown areas, cemeteries, community centers, attracting the public on a daily or regular basis.

ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION

IMPACT: **SR-1: Will the Project be inconsistent with any County Comprehensive Plan, Community Plan or regulations, standards, or guidelines of agencies (TRPA) with jurisdiction in the area regarding Scenic Corridors?**

Analysis: *Significant Impact; Alternatives A, B and E*

As shown in Tables 3.2-1 and 3.2-2 in Chapter 3, Relationship to Existing Land Use Plans, Goals and Policies, Alternatives A, B and E are inconsistent with applicable TRPA community design goals and policies related to scenic corridors. The No Project Alternatives and Alternative E would not result in any changes to the exterior design or site layout of the existing Tahoe Biltmore hotel and casino and would continue to be non-conforming features. In addition, existing non-conforming signage would remain in place and the existing Biltmore hotel structure would continue to exceed height limits. Under Alternatives A and B, no new landscaping, surface parking improvements or utility undergrounding would occur. The inconsistency with Planning regulations and guidelines is considered to be significant.

Mitigation: None feasible.

After

Mitigation: *Significant and Unavoidable Impact; Alternatives A, B and E*

Since the existing Tahoe Biltmore facility is a legally existing, non-conforming structure, no mitigation is required or feasible until a project comes forward that requires a TRPA permit. Therefore, under Alternatives A and B, no improvements can be required by TRPA to address applicable goals and policies. Under Alternative E, new development would be consistent with scenic goals and policies, but the Biltmore hotel and casino facility would remain and would continue to be inconsistent with community design goals.

Analysis: *Significant Impact; Alternative C*

As shown in Tables 3.2-1 and 3.2-2 in Chapter 3, Relationship to Existing Land Use Plans, Goals and Policies, Alternative C is consistent with applicable TRPA community design goals and policies related to scenic corridors. However, as shown in Table 4.5-4, Alternative C includes buildings that would exceed maximum allowable height limits as established in Chapter 22 of the existing Code of Ordinances.

To address the height issue, the Project proposes to amend Chapter 22 of the Code of Ordinances to allow Additional Height in portions of the NSCP (new section 22.4.E). The amendment would allow additional height within specific boundaries in the Nevada portion of the NSCP. A copy of the proposed amendment is provided in Appendix U. The additional height is limited to the area within the mountain side of SR 28 that contains an existing gaming structure in excess of 75 feet in height. In addition, the amendment states the additional height is only available to structures that are set back a minimum of 40 feet from the SR 28 edge of pavement and stair-stepped upslope from SR 28. Maximum heights are to be evaluated by visual simulations from viewpoints selected by TRPA (see analysis below for Impact SR-2). Projects eligible for additional height must implement pedestrian/transit oriented development designs such as transit facilities, sidewalks, alternative parking strategies, compact mixed-use development, and buildings oriented to the street, include land coverage reduction of at least 10 percent, participate in EIP water quality and scenic improvement projects, and improve stormwater treatment capabilities to retain and treat the 50-year, one-hour storm event. The proposed special height district must be consistent with Policy 1.B, Goal 2, Community Design Sub-element, Land Use Element of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program, which must also be amended to add Special Projects to the list of project's eligible for additional height. Given the proposed height amendment locational boundary restrictions and use limits, the special height district would exclude NSCP parcels located outside of the project area.

Table 4.5-4**Alternatives C, D, and E Height Summary – Existing Height Ordinance**

Building	Building Site Grade (%)	Roof Pitch	Base Allowable Height	Proposed Height	Height Overage
Alternative C					
A	8	4:12	30.8	57	26.2
B	21	3:12	32.6	75	42.4
C	13	3:12	30.6	64	33.4
D	20	3:12	32.6	75	42.4
E	11	3:12	30.1	63	32.9
F	10	3:12	30.1	57	26.9
G	11	2:12	28.9	45	16.1
H	9	2:12	28.4	56	27.6

Table 4.5-4**Alternatives C, D, and E Height Summary – Existing Height Ordinance**

Building	Building Site Grade (%)	Roof Pitch	Base Allowable Height	Proposed Height	Height Overage
Alternative D					
A	18	2:12	30.9	58	27.1
B	15	3:12	31.1	83	51.9
C	12	3:12	30.6	81	50.4
D1	17	3:12	31.6	85	53.4
D2	15	3:12	31.1	72	40.9
E	11	3:12	30.1	70	39.9
F1	10	3:12	30.1	49	18.9
F2	6	3:12	29.1	68	38.9
G	12	3:12	30.6	56	25.4
H1	10	3:12	30.1	57	26.9
H2	10	3:12	30.1	56	25.9
Alternative E					
A	10	6:12	33.7	76.2*	42.5
B1	9	6:12	33.4	37	3.6
B2	12	6:12	34.2	37	2.8
C1	8	6:12	33.2	37	3.8
C2	6	6:12	32.7	36.5	3.8
D1	16	6:12	35.2	37	1.8
D2	18	6:12	35.7	38.5	2.8
E1	19	6:12	35.9	39.5	3.6
E2	17	6:12	35.4	39	3.6
F1	29	6:12	37.2	37	0
F2	30	6:12	37.2	37	0
F3	29	6:12	37.2	37	0

Source: Boulder Bay Architectural Plans, 2009

* Existing casino structure will not be removed. This number reflects the height of the existing building and is not subject to height regulations unless the building is proposed for relocation or expansion.

In addition to project feature limits above, the amendment limits the maximum height to 75 feet or three-fourths of the maximum height of the tallest tree as determined by TRPA. If a proposal satisfies this initial limit, findings 1, 3, 5, 6, and 9 of Section 22.7 of the Code of Ordinances must be made prior to the approval of additional height. Under

proposed Code Section 22.4.E, additional height for new structures satisfying the requirements listed above may be permitted as follows:

- The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement may be increased to 58 feet.
- The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement may be increased to 67 feet.
- The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement may be increased to 75 feet.

The proposed height amendment would allow new structures within the Boulder Bay project area up to 37 feet of additional height above limits established by current TRPA height regulations. For example, Buildings B and D (tourist accommodations) are proposed to be 75 feet tall using Code Chapter 22 methods to calculate allowable height (Table A). Base allowable height using Chapter 22 Table A would be 32.6 feet for each building. Buildings B and D would be eligible for 6 feet of additional height under current Code Section 22.4.A(1) which allows 4 feet of additional height for tourist accommodation buildings if findings 22.7(1), (2) & (3) are made and Section 22.4.A(2) which allows 2 feet of additional height for a 10 percent reduction in land coverage (Alternative C reduces coverage by over 15 percent).

These findings are analyzed in detail under Impact SR-3 below. Finding 1 requires the additional height to be below the forest canopy. Finding 2 applies to projects outside of a community plan boundary. Finding 3 requires the portion of the building permitted the additional height to be designed to minimize interference with existing views within the area. Buildings B and D would meet each of the three findings because they are below the forest canopy, within a community plan, and are set back from SR 28 to avoid interference with existing views along SR 28. With additional height based on findings 1, 2, and 3, the difference between the proposed height for Buildings B and D and the allowable height using the current Code of Ordinances is 36.4 feet.

An analysis of the physical changes to scenic quality that would result from the construction of Alternative C is provided below under Impact SR-2. The proposed Chapter 22 height amendment would allow building heights greater than those proposed for certain buildings in Alternative C. The differences between allowable height available under the proposed Chapter 22 height amendment and the building heights proposed in Alternative C are shown in Table 4.5-5 and documented in Figure 4.5-17.

Under the proposed height amendment, maximum heights for buildings set back at least 40 feet from SR 28 edge of pavement would be 58 feet. Under Alternative C, Buildings A, G and H would be eligible for height up to 58 feet based on set backs of greater than 40 feet, but less than 60 feet. Buildings A and H are proposed to be 57 and 56 feet tall respectively under Alternative C, nearly equal to the proposed maximum height limit. Building G is proposed to be 45 feet tall under Alternative C, and could therefore be up to 13 feet taller under the proposed height amendment. As a result, Building G could potentially be expanded with a fourth floor in a future action under the provisions of the proposed height amendment. The addition of a fourth floor along SR 28 could adversely impact travel route ratings that are shown to improve under Alternative C (Impact SR-2) because of its close proximity to SR 28. The proposed height of Building A would be consistent with the proposed height amendment, but will create scenic impacts to SR 28 views as documented in the analysis presented below (Impact SR-2). As a result of the potential increase in allowable height for Building G, and the potential impacts associated

with the height and location of Building A, the proposed height amendment may result in significant scenic impacts to views from SR 28.

Table 4.5-5

Alternatives C and D Height Summary – Proposed Height Amendment

Building	Alternative C		Alternative D	
	Max Height Allowed by Proposed Amendment	Proposed Height	Max Height Allowed by Proposed Amendment	Proposed Height
A	58	57	58	58
B	75	75	75	83
C	67	67	58	81
D	75	75	75	85
E	67	65	67	70
F	67	57	67	68
G	58	45	36*	56
H	58	56	36*	57

Source: HBA, 2009

* Buildings G and H would not qualify for additional height under Alternative D because of inadequate setbacks (e.g., less than 40 feet from SR 28 edge of pavement).

Figure 4.5-17 – Proposed Height Amendment Analysis – Alternative C



Under the proposed height amendment, maximum heights for buildings set back at least 60 feet from SR 28 edge of pavement would be 67 feet. Under Alternative C, Buildings C, E and F would be eligible for height up to 67 feet based on set backs of greater than 60 feet, but less than 180 feet. Buildings C and E are proposed to be 67 and 65 feet tall under Alternative C, nearly equal to the proposed maximum height limit. Building F is proposed to be 57 feet tall under Alternative C, and could therefore be up to 10 feet taller under the proposed height amendment. It is unlikely that 10 additional feet of available height would allow for the consideration of a Building F expansion (e.g., addition of another floor) in a future action. However, if a remodel application is submitted at a future date, 10 additional feet on Building F would not substantially change the view from SR 28 that has been analyzed below for Alternative C. Building F will be visible between Buildings G and H as shown in Viewpoint 14 (Figure 4.5-8). However, based on the 169 foot setback from SR 28, its height is consistent with the height and massing of Buildings G and H in the foreground, and allows for a view of the upper floor of Building D beyond. Therefore, a future action to increase the building height of Building F by ten feet would be consistent with the height and massing of Buildings G and H and would not extend above the Building D roofline or the ridgeline in the background.

Under the proposed height amendment, maximum heights for buildings set back at least 180 feet from SR 28 edge of pavement would be 75 feet. Under Alternative C, Buildings B and D would be eligible for height up to 75 feet based on set backs of greater than 180 feet. Buildings B and D are proposed to be 75 feet tall under Alternative C, equal to the proposed maximum height limit. Therefore, the amendment would not allow for future height modifications to Buildings B and D.

Mitigation: **SR-1A: Modify Proposed Code Chapter 22.4.E Height Amendment**

To ensure that development at the Boulder Bay project area does not create adverse scenic impact as viewed from SR 28, Subsection 22.4.E(1)(a)(v) of the proposed height amendment shall be modified as follows. New text is shown as underline and bold.

(v) New structures eligible for additional height shall be set back from the State Route 28 travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site. Additional height for new structures satisfying these requirements may be permitted as follows:

- a. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement may be increased to 58 feet. **Structures set back less than 60 feet from the State Route 28 edge of pavement may not exceed three stories tall.**

SR-1B: Redesign Building “A”

Building A shall be redesigned to reduce visibility from SR 28. The height of the structures shall be reduced or the top floor and roofline shall be set back to decrease visibility from SR 28 motorists. Landscaping of the park access roadway leading up from SR 28 shall utilize larger trees to better shield views into the site of Building A. Revised building plans and simulations shall be submitted for TRPA approval prior to project permitting.

After

Mitigation: *Less than Significant Impact; Alternative C*

Modification of the proposed Chapter 22 height amendment and redesign of Building A will ensure that buildings located closest to SR 28 are consistent with adjacent NSCP development and do not block views of ridgelines located above the project area. Therefore, this impact will be reduced to a less than significant level.

Analysis: *Significant Impact; Alternative D*

As documented in Chapter 3, Relationship to Existing Land Use Plans, Goals and Policies, Alternative D is inconsistent with applicable TRPA community design goals and policies related to scenic corridors. Structures proposed under Alternative D would not be consistent with applicable community design standards because of inconsistent architectural design (NSCP Policy 2.1) and obstruction of views to Lake Tahoe from the commercial area located at the northwestern edge of the project area (NSCP Policy 10.2). The only mitigation measure that would reduce this impact to less than significant would be redesign with a more Alpine Elegance character and reduction in height and massing (e.g., building footprint).

An analysis of the physical changes to scenic quality that would result from the construction of Alternative D is provided below under Impact SR-2. The proposed Chapter 22 height amendment would not provide sufficient height for the buildings proposed in Alternative D. The differences between allowable height available under the proposed Chapter 22 height amendment and Alternative D are shown in Table 4.5-5 and documented in Figure 4.5-18.

Under the proposed height amendment, maximum heights for buildings set back at least 40 feet from SR 28 edge of pavement would be 58 feet. Under Alternative D, Buildings G and H (proposed to be 56 and 57 feet tall respectively) would not be eligible for additional height because they are not set back from SR 28 by a minimum of 40 feet. Therefore, building height for Buildings G and H would have to be reduced to 36 feet or relocated to increase set backs to a minimum of 40 feet from SR 28. Buildings A and C would be eligible for height up to 58 feet based on set backs of greater than 40 feet, but less than 60 feet. Building A is proposed to be 58 feet tall under Alternative D, equal to the proposed maximum height limit. The proposed height of Building A would be consistent with the proposed height amendment, but will create scenic impacts to SR 28 views as documented in the analysis presented below (Impact SR-2). As a result of the height conflicts associated with Buildings G and H, and the potential impacts associated with the height and location of Building A, the proposed height amendment may result in significant scenic impacts to views from SR 28. Building C is proposed to be 81 feet tall under Alternative D, 23 feet over the maximum height limit. Therefore, the building height for Building C would have to be reduced to 58 feet.

Under the proposed height amendment, maximum heights for buildings set back at least 60 feet from SR 28 edge of pavement would be 67 feet. Under Alternative D, Buildings E and F would be eligible for height up to 67 feet based on set backs of greater than 60 feet, but less than 180 feet. Buildings E and F are proposed to be 70 and 68 feet tall under Alternative D, both over the proposed maximum height limit. Therefore, the building height for Buildings E and F would have to be reduced to 67 feet or relocated to increase set backs to a minimum of 180 feet from SR 28. The proposed set back for Building F is 169 feet, so it might be possible to relocate it to qualify for up to 75 feet of height.

Under the proposed height amendment, maximum heights for buildings set back at least 180 feet from SR 28 edge of pavement would be 75 feet. Under Alternative D, Buildings B and D would be eligible for height up to 75 feet based on set backs of greater than 180 feet. Buildings B and D are proposed to be 83 and 85 feet tall under Alternative D, both over the proposed maximum height limit. Therefore, the building height for Buildings B and D would have to be reduced to 75 feet.

Figure 4.5-18 – Proposed Height Amendment Analysis – Alternative D



Mitigation: **SR-1A: Modify Proposed Code Chapter 22.4.E Height Amendment**

Implement the mitigation measure described above for Alternative C.

SR-1B: Redesign Building "A"

Implement the mitigation measure described above for Alternative C.

After

Mitigation: *Significant and Unavoidable Impact; Alternative D*

Although mitigation measures SR-1A and SR-1B will help to minimize impacts along SR 28 for Alternative D, the greater height and massing of the structures in Alternative D would not be allowable under either existing or proposed Chapter 22 height regulations, and would degrade scenic quality from Shoreline Unit 23 and adjacent residential neighborhood viewpoints. The only mitigation available to reduce the impact is a reduction in building height similar to the proposal included in Alternative C. Therefore, Alternative D would remain inconsistent with community design goals and policies and cannot be mitigated to a less than significant level.

IMPACT: **SR-2: Will the Project be visible from or cause an adverse effect on foreground or middleground views from a high volume travelway, recreation use area, or other public use area, including Lake Tahoe, TRPA designated bike trail, or state or federal highway?**

Analysis: *No Impact; Alternative A*

Alternative A will not require any grading or development of structures that would change existing scenic conditions or degrade the existing scenic roadway unit ratings. Therefore, this alternative would not cause any new impacts associated with the area's scenic quality.

Mitigation: No mitigation is required.

Analysis: *Significant Impact; Alternative B*

Alternative B will include an interior remodel of the Tahoe Biltmore Resort to replace existing hotel rooms with hotel design timeshare units. The conversion of the existing Tahoe Biltmore resort to timeshare units would not cause any new impacts associated with the area's scenic quality.

Alternative B will also include the construction of three single-family homes on the former Tahoe Mariner site. These home sites are reserved in the existing Tahoe Mariner Settlement Agreement. Each home is proposed to be up to three stories (up to 37 feet tall) and approximately 6,000 square feet in size. These homes will not be visible from Lake Tahoe based on the intervening topography and vegetation.

Construction of these homes on the now vacant lot will be visible from SR 28 due to the proximity of the three parcels to the highway. Intervening topography and vegetation will partially shield views of the single family homes from SR 28. However, the size of the structures in combination with their location adjacent to SR 28 could reduce the existing rating for Roadway Unit 20D. Therefore, this impact is considered to be potentially significant.

Mitigation: **SR-2: Screen Single-Family Homes**

The single-family homes proposed under Alternative B shall be designed to be consistent with TRPA design guidelines and shall include setbacks and extensive vegetative screening along the SR 28 frontage. Proper design of the single family homes is a key to limiting the scenic impact of the structures as viewed from SR 28. The homes shall be setback from SR 28 and located on the west end of the parcels adjacent to the existing cut slope. The addition of large trees and other vegetation of various heights atop the berm that parallels the highway SR 28 frontage will reduce visibility of the new structures and help maintain the existing natural character of the former Tahoe Mariner site as viewed from SR 28. Since the single-family homes will not be located in the pedestrian oriented commercial part of the project area, landscaping along SR 28 may include dense vegetative screening. A final building and landscape plan shall be prepared and submitted for TRPA approval prior to permit issuance.

After

Mitigation: *Less than Significant Impact; Alternative B*

Implementation of Mitigation Measure SR-2 would reduce potential scenic impacts from the single-family homes to a less than significant level.

Analysis: *Significant Impact; Alternative C*

Alternative C will result in site changes visible from SR 28 and Lake Tahoe. Views of project structures will be minimal from Lake Tahoe (Figure 4.5-12), and will not be visible from Scenic Recreation Units 7 or 8 (Figure 4.5-3). The project will be highly visible from SR 28, other local roadways and adjacent casinos and residences. While the project will be highly visible from SR 28, redevelopment of the project area will improve the architectural character of the area, will increase and improve landscaping, and will include the restoration of several previously disturbed areas (e.g., the former Tahoe Mariner site, Crystal Bay Motel, and the offsite Stateline mini-park site under a Boulder Bay agreement with Placer County).

Specific scenic quality improvements in Alternative C include the removal of the Crystal Bay Motel on the lakeside of SR 28. The office building and a portion of the parking will remain, however the Crystal Bay Motel footprint will be restored with native vegetation, improving views toward the lake from SR 28 and enhancing the natural environment. Future redevelopment of the Crystal Bay Motel site could occur in the future, but any future development of this site would require a separate permit and would have to be consistent with TRPA and Washoe County policies and standards applicable to the site. Alternative C will result in the development of the Stateline mini-park (EIP project no. 114) under a Boulder Bay agreement with Placer County. The mini-park is located along Stateline Road at its intersection with Cal Neva Drive (APN 090-305-016 on Figure 2-2). The 0.38-acre site will include native grasses and trees, a low stone monument, state and national flags, and environmental kiosks. This mini-park will serve as a gateway feature between California and Nevada as proposed in the NSCP and will provide open space views within an urban area. Development of the proposed park and open space area at the former Tahoe Mariner site will also improve the visual quality by restoring its natural landscape. However, the topography of the site, including the existing roadside berm and large trees will limit the visibility of this restoration effort from SR 28 motorists.

As shown on Figure 4.5-12, the top floor and roofline of Building C will be visible from Lake Tahoe (Viewpoint 9) through an existing forest clearing. The visible structure will not exceed the height of the existing trees and would be similar to the existing visibility of the Crystal Bay Motel through the same clearing. The visible portion of the project is approximately midway between the two sides of the development envelop just above a publicly-owned linear feature that provides access to a small building on the shoreline. Building C will be visible in this forest clearing due to the removal of the existing Crystal Bay Motel, which blocks views into the western side of the project area in its current configuration. The visibility of Building C will contribute to the existing built environment visible from Lake Tahoe in this location. The existing development includes homes and condominiums that are perched on slopes and among trees near the top of the ridgeline. However, because Alternative C development will only be visible where existing development is currently visible, the impact as viewed from Lake Tahoe viewpoints is considered to be less than significant.

Extensive redesign of the project area will occur under Alternative C. As shown in the Existing Condition map and Alternative C site plan located in Chapter 2 and in Figure 4.5-17 above, the existing Tahoe Biltmore casino and hotel building will be demolished and relocated with a greater setback from SR 28 (Building E), with pedestrian amenities, retail, dining, affordable housing, and tourist accommodation structures placed along the SR 28 frontage (Buildings C, G, and H). Building A (whole ownership condominiums)

will also be located adjacent to SR 28, but does not include the pedestrian amenities immediately adjacent to SR 28.

Each of the proposed structures will be setback approximately 40 feet from SR 28 to accommodate proposed landscaping and pedestrian facilities placed between the Buildings and SR 28. All of the structures would utilize the “Alpine Elegance” style of architecture promoted in the Community Plan and TRPA design guidelines. Buildings will consist of wood and stone treatments, gables, overhangs, and multiple planes. As required in the project description, new structures shall comply with TRPA Design Standards and Guidelines for building materials and colors. Signage shall be uniform and in accordance with TRPA guidelines. Internal and external lighting fixtures shall have the minimum necessary intensity and shall be in accordance with Section 30.8 of the TRPA Code of Ordinances. External lighting shall face downward and shall be mounted at a height appropriate for its purpose to avoid light pollution. Lighting fixtures and placement shall be in accordance with TRPA guidelines. Lighting within the pedestrian village shall be shielded and landscaping shall be placed so that light is not reflected on adjacent parcels or into the night sky. Reflective building materials shall be avoided and any metal roofing shall be consistent with TRPA recommended materials and colors.

Buildings A, C, G and H will increase the amount of building mass located immediately adjacent to SR 28. At present, only the Tahoe Biltmore Casino and Hotel and Crystal Bay Motel are located immediately adjacent to SR 28 within the project area. However, the spacing of the proposed buildings provides several viewsheds into and through the project area as viewed from SR 28. The simulated viewpoints for Alternative C show a scenic improvement associated with manmade features along SR 28, particularly from the intersection with Stateline Road (Viewpoint 13, Figure 4.5-6) and at the existing entrance to the Tahoe Biltmore surface parking lot (Viewpoint 14, Figure 4.5-8). While the existing casino structure is highly visible from SR 28 and does not blend with the natural background views, the structures (Buildings G and H) closest to SR 28 under Alternative C are less dense, less massive, and more in character with the urban and natural landscape of Crystal Bay. Removal of existing above ground utilities described in Chapter 2 also improve the scenic quality as viewed from SR 28 at the Stateline. The landscaping immediately adjacent to SR 28 and at the corner of SR 28 and Stateline Road is designed to serve as a gateway into the Nevada portion of Crystal Bay, but also provides views into the first floor retail storefronts to provide good pedestrian connectivity.

At the existing parking lot off of SR 28 near the Biltmore sign, the proposed landscaping and pedestrian amenities help to blend the SR 28 frontage buildings (Buildings G and H) into the proposed tourist and residential buildings (Buildings F and D) located behind to the west (Figure 4.5-8). Despite the increase in foreground structural elements at this location compared to the existing surface parking lot, the project would not decrease views through the project area to the ridgeline located to the northwest. In other viewpoints immediately adjacent to Buildings G and H, the proposed structures will block a portion of views to the ridgeline now visible when looking through the project area to the west. However, replacing the existing surface parking lot, retaining walls and adjacent Biltmore cottage units with the proposed structures and landscaping will substantially improve the manmade design features of the project site as viewed from SR 28.

At the northern end of the project area looking south from SR 28, views into the former Tahoe Mariner site will change from open forest with evidence of past disturbance to a

more urban use associated with the construction of Building A (Viewpoint 15, Figure 4.5-10). Existing views include trees and an unpaved access roadway and associated cut slope leading from SR 28 to a clearing on the Tahoe Mariner site. Although there are existing signs of former urban uses associated with the Tahoe Mariner (denuded cut slopes and forest clearings), the upper floor and roofline of Building A will be highly visible due to the proximity of the building's location to SR 28.

Also visible from this viewpoint is the proposed paved access driveway to a parking area located above the existing berm and immediately north of Building A. It is anticipated that the driveway's visual appearance would be similar to the proposed retaining wall and walkway with the provision of landscaping along the cut slopes.

The visibility of Building A could be reduced if it were setback farther from SR 28, similar to the proposed single-family residences under Alternative B. However, a substantial relocation of Building A to the west, away from SR 28 is not feasible due to the location of Wellness Way, which will provide primary access to the project and connect SR 28 to Wassou Road. Alterations to the design and location of Wellness Way to accommodate relocation of Building A are not feasible due to roadway slope and drainage requirements in the Washoe County roadway standards. Therefore, based on the loss of natural views due to the visibility of Building A's roofline, this impact is considered to be significant.

Roadway Unit 20 has an overall scenic quality rating of 2 (SQIP 1988 rating). Scenic quality rating indicators are all rated 2 and include: 1) Unity – the extent in which a landscape feature can be described as cohesive, 2) Vividness – a memorable or distinct quality, 3) Variety – the intermixture of interesting elements of a landscape unit, and 4) Intactness – the extent to which a landscape retains its natural condition. Based on the improvements to urban design and restoration of existing disturbance within the project area, the overall increase in building mass and urbanization will not change existing scenic quality ratings.

The unity of the natural landscape can currently be described as intermixed with urban development. Under Alternative C, unity will not change substantially, as the area will remain predominantly urban, but will also include some improvement with the removal and restoration of the Crystal Bay Motel, development of the mini-park at the Stateline under a Boulder Bay agreement with Placer County, and proposed landscaping along pedestrian spaces. Despite setbacks and landscaping, this alternative is still somewhat more urban than adjacent uses. Future redevelopment of the Crystal Bay Motel site could occur in the future, but any future development of this site would require a separate permit and would have to be consistent with TRPA and Washoe County policies and standards applicable to the site.

The vividness of the area will not change substantially as a result of this project. Within the casino core area, the distinct quality is casino/tourist development. This project will help to improve this indicator by improving existing architecture that is out of character with the NSCP standards and guidelines (NSCP Appendix B) and by increasing the natural quality through landscape improvements and proposed site restoration.

The proposed redevelopment will improve variety within Crystal Bay. Construction of the park on the north end of the project area, removal of the Crystal Bay Motel and restoration of the Stateline water quality site will improve the quality of park/open space areas within the project area. The replacement of existing surface parking lots and

retaining walls with updated buildings, enhanced design and pedestrian plazas will increase interest for passing pedestrians and motorists.

Intactness will be improved through the open space and park components of the project. Existing urban distractions will be reduced with the development of the Stateline mini-park under a Boulder Bay agreement with Placer County, restoration and development of the former Tahoe Mariner site, undergrounding existing on and off-site utilities, elimination of a driveway cut off SR 28, landscaping of pedestrian plazas and walkways, providing 0.88 acre of neighborhood open space buffers along Lakeview Avenue and Wassou Road, and restoration of the Crystal Bay Motel site. Formal landscaping and maintenance of open space areas will also help to improve this indicator. However, as shown in Figure 4.5-10, Building A will be visible from SR 28 in an area where no structures are currently visible or allowed pursuant to the existing Tahoe Mariner Settlement Agreement thereby increasing the extent of urbanization at the northern end of the project area. The amendment of the existing Tahoe Mariner Settlement Agreement that is necessary to allow development on the former Tahoe Mariner site is analyzed in Chapter 4.1, Land Use.

Buildings A, B and D will increase the amount of building mass as viewed from the northwest end of the project area. This portion of the project area is currently utilized for surface parking, several small structures and a storage area that includes construction equipment and containers. Figure 4.5-14 shows existing and proposed conditions of this portion of the project area as viewed from Lakeview Avenue (Viewpoint 16). In this simulation, the proposed architectural elements (e.g., building materials and details) are not rendered, but the building's structure was rendered to show overall building height and massing. This viewpoint is from a local neighborhood access roadway and is not a TRPA scenic threshold site. As shown in the simulation, the proposed structures to the east and south of Lakeview Avenue (Buildings A, B and D) will be more visible than the existing Biltmore Casino and storage area. However, the removal of the storage area located below Lakeview Avenue and its replacement with the realigned Wassou Road and Building's A and B will not adversely affect overall visual quality because neither the proposed buildings or roadway modifications will block existing views of Lake Tahoe as seen from the northern end of the project area or the adjacent residential neighborhood to the north.

Table 4.5-6 documents the changes to scenic roadway and shoreline unit travel route ratings for Alternative C. Roadway Unit 20D will see a 1.5 point improvement to the threshold composite with the increased scoring for manmade features and roadway distractions. The rating for Shoreline Unit 23 will not change. The Roadway Unit 20D man-made features travel route rating criteria will improve from 2.5 to 3.5 as a result of the removal of man-made distractions including approximately 0.5 mile of overhead utilities, non-conforming signage (including the 60 foot tall Tahoe Biltmore sign), the Crystal Bay Motel, and the 76-foot tall Tahoe Biltmore hotel and casino building which does not provide adequate setback from SR 28. This improvement is limited to 1 point because of the increase in overall man-made features within the project area, including new man-made features on the northern end of the project area in the location of the open space required in the current Tahoe Mariner Settlement Agreement. The roadway distractions travel route rating criteria will improve from 3 to 3.5 as a result of the removal of two uncontrolled curb cuts on SR 28 (current Tahoe Biltmore parking lot access points and Reservoir road) and improvements to pedestrian and bicycle amenities along SR 28 that will improve pedestrian-auto safety.

Table 4.5-6**Alternative C - Scenic Roadway and Shoreline Unit Travel Route Ratings**

	Roadway Unit 20D		Shoreline Unit 23	
	Existing Rating	Change	Existing Rating	Change
Manmade Features	2.5	3.5	1	1
Roadway Distractions	3	3.5	--	--
Road Structure	3	3	--	--
Lake Views	1	1	--	--
Landscape Views	1	1	3	3
Variety	3	3	3	3
Threshold Composite	13.5	15.0	7	7
Status	Non-attainment	Non-attainment	Non-attainment	Non-attainment

Source: Hauge Brueck Associates, 2009

Note: Changes as a result of the Project would improve the Roadway Unit 20D rating.

Mitigation: SR-1B: Redesign Building "A"

Implement the mitigation measure described above under Impact SR-1 for Alternative C.

After

Mitigation: *Less than Significant Impact; Alternative C*

Implementation of mitigation measure SR-1B will reduce the identified impacts for Alternative C to a less than significant level.

Analysis: *Significant Impact; Alternative D*

Alternative D will result in site changes visible from SR 28 and Lake Tahoe. While views of the structures will not be visible from Scenic Recreation Units 6, 7, or 8, the project will be readily visible from Lake Tahoe and highly visible from SR 28, other local roadways and adjacent casinos and residences. While the project will be highly visible from SR 28, redevelopment of the project area will improve the architectural character of the area, will increase and improve landscaping, and will include the restoration of several previously disturbed areas (e.g., the former Tahoe Mariner site, Crystal Bay Motel and the offsite Stateline mini-park site under a Boulder Bay agreement with Placer County).

Specific scenic quality improvements in Alternative D include the removal of the Crystal Bay Motel on the lakeside of SR 28. The office building and a portion of the parking will remain, however the Crystal Bay Motel footprint will be restored with native vegetation, improving views toward the lake from SR 28 and enhancing the natural environment. Future redevelopment of the Crystal Bay Motel site could occur in the future, but any future development of this site would require a separate permit and would have to be consistent with TRPA and Washoe County policies and standards applicable to the site. Alternative D will result in the development of the Stateline mini-park (EIP project no. 114) under a Boulder Bay agreement with Placer County. The mini-park is a benefit of a

water quality treatment project sponsored by Boulder Bay and currently in process by Placer County under separate environmental review. The mini-park is located along Stateline Road at its intersection with Cal Neva Drive (APN 090-305-016 on Figure 2-2). The 0.38-acre site will include native grasses and trees, a low stone monument, state and national flags, and environmental kiosks. This mini-park will serve as a gateway feature between California and Nevada and will provide open space views within an urban area. Development of the proposed park and open space area at the former Tahoe Mariner site will also improve the visual quality by restoring its natural landscape. However, the topography of the site, including the existing roadside berm and large trees will limit the visibility of this restoration effort from SR 28 motorists.

As shown on Figure 4.5-13, the top floor and roofline of Building C will be visible from Lake Tahoe (Viewpoint 9) through several forest clearings. The visible structures will not exceed the height of the existing trees. However, the reflectivity of the proposed buildings and the numerous building ridgelines visible between the treetops will create a new horizontal plane, degrading the existing landscape views associated with the shoreline. The visible portion of the project is approximately midway between the two sides of the development envelope just above a publicly-owned linear feature that provides access to a small building on the shoreline. The visibility of Buildings A, B and C will add to the existing built environment visible from Lake Tahoe in this location. Because of the change in visual contrast and landscape views associated with Alternative D, the impact from the Lake Tahoe viewpoint is considered to be significant.

Extensive redesign of the project area will occur under Alternative D. As shown in the Existing Condition map and Alternative D site plan located in Chapter 2 and in Figure 4.5-18 above, the existing Tahoe Biltmore casino and hotel building will be demolished and relocated with a greater setback from SR 28 (Building E), with pedestrian amenities, retail, dining, affordable housing, and tourist accommodation structures placed along the SR 28 frontage (Buildings C, G, and H). Building A (whole ownership condominiums) will also be located adjacent to SR 28, but does not include the pedestrian amenities immediately adjacent to SR 28.

Each of the proposed structures will be setback approximately 30 feet from SR 28 to accommodate proposed landscaping and pedestrian facilities placed between the Buildings and SR 28. All of the structures will utilize a modern Tahoe architectural style similar to the “Alpine Elegance” style described for Alternative C, but with flatter roofs, fewer dormers and more glass. Buildings will consist of wood and stone treatments, gables, overhangs, and multiple planes. Signage shall be uniform and in accordance with TRPA guidelines. Internal and external lighting fixtures shall have the minimum necessary intensity and shall be in accordance with Section 30.8 of the TRPA Code of Ordinances. External lighting shall face downward and shall be mounted at a height appropriate for its purpose to avoid light pollution. Lighting fixtures and placement shall be in accordance with TRPA guidelines. Lighting within the pedestrian village shall be shielded and landscaping shall be placed so that light is not reflected on adjacent parcels or into the night sky. Reflective building materials shall be avoided and any metal roofing shall be consistent with TRPA recommended materials and colors.

Buildings A, C, G and H will increase the amount of building mass located immediately adjacent to SR 28. At present, only the Tahoe Biltmore Casino and Hotel and Crystal Bay Motel are located immediately adjacent to SR 28 within the project area. While the spacing of the proposed buildings provide several viewsheds into, and through, the project area as viewed from SR 28, the proposed structures visible from Viewpoint 13

(Figure 4.5-7) are similar to the existing Tahoe Biltmore Casino structure. The proposed structures are highly visible, block views beyond the building and do not blend with the natural background views. Even though the simulated viewpoints for Alternative D show a scenic improvement associated with manmade features along SR 28 and the removal of existing above ground utilities, existing scenic quality ratings within the SR 28 roadway unit would not improve because of the height, massing, and density of the proposed structures. Further, the architectural style of Alternative D is less reflective of the “Alpine Elegance” style than Alternative C, because it utilizes more modern design elements. Like Alternative C, the proposed landscaping helps to blend the structures into the natural environment, and is designed to serve as a gateway into the Nevada portion of Crystal Bay.

At the existing parking lot off of SR 28 near the Biltmore sign, the proposed landscaping and pedestrian amenities help to blend the SR 28 frontage buildings (Buildings G and H) into the proposed tourist and residential buildings (Buildings F and D) located behind to the west (Figure 4.5-9). However, because of the height and location of Buildings G and H immediately adjacent to SR 28, Alternative D would decrease views through the project area to the ridgeline located to the northwest. This will also be true at other SR 28 viewpoints immediately adjacent to Buildings G and H, where the proposed structures will block views of the ridgeline currently visible when looking through the project area to the west.

At the northern end of the project area looking south from SR 28, views into the former Tahoe Mariner site will change from open forest with evidence of past disturbance to a more urban use associated with the construction of Building A (Viewpoint 15, Figure 4.5-11). Existing views include trees and an unpaved access roadway and associated cut slope leading from SR 28 to a clearing on the property once occupied by the Tahoe Mariner. Although there are existing signs of former urban uses associated with the Tahoe Mariner (denuded cut slopes and forest clearings), the upper floor and roofline of Building A will be highly visible due to the proximity of the building’s location to SR 28.

Also visible from this viewpoint is the proposed pedestrian walkway that will connect the proposed park to the pullout located within the SR 28 right of way. Because of the existing slope, a retaining wall will be constructed to facilitate an ADA-compliant walkway. The walkway will contribute to a change in scenic quality, but not an adverse change like the Building A roofline because the walkway will replace the existing denuded access roadway and cut slope that accesses the former Tahoe Mariner site. If the Nevada DOT does not provide an encroachment permit for the proposed parking within the SR 28 right of way, the proposed ADA-compliant walkway would be replaced with a paved access driveway to six parking spaces located above the existing berm and immediately north of Building A (as proposed in Alternative C). It is anticipated that the driveway’s visual appearance would be similar to the proposed retaining wall and walkway with the provision of landscaping along the cut slopes.

The visibility of Building A could be reduced if it were setback farther from SR 28, similar to the proposed single-family residences under Alternative B. However, a substantial relocation of Building A to the west away from SR 28 is not feasible due to the location of Wellness Way, which will provide primary access to the project and connect SR 28 to Wassou Road. Alterations to the design and location of Wellness Way to accommodate relocation of Building A are not feasible due to roadway slope and drainage requirements in the Washoe County roadway standards. Therefore, based on the

loss of natural views from the visibility of Building A's roofline, this impact is considered to be significant.

Roadway Unit 20 has an overall scenic quality rating of 2 (SQIP 1988 rating). Scenic quality rating indicators are all rated 2 and include: 1) Unity – the extent in which a landscape feature can be described as cohesive, 2) Vividness – a memorable or distinct quality, 3) Variety – the intermixture of interesting elements of a landscape unit, and 4) Intactness – the extent to which a landscape retains its natural condition. Based on the improvements to urban design and restoration of existing disturbance within the project area, the overall increase in building mass and urbanization will not change existing scenic quality ratings.

The unity of the natural landscape can currently be described as intermixed with urban development. Under Alternative D, unity will not change substantially, as the area will remain predominantly urban, but will also include some improvement with the removal and restoration of the Crystal Bay Motel, development of the mini-park at the Stateline under a Boulder Bay agreement with Placer County, and proposed landscaping along pedestrian spaces. Despite setbacks and landscaping, this alternative is highly visible and dominant as viewed from SR 28. Future redevelopment of the Crystal Bay Motel site could occur in the future, but any future development of this site would require a separate permit and would have to be consistent with TRPA and Washoe County policies and standards applicable to the site.

The vividness of the area will not change substantially as a result of this project. Within the casino core area, the distinct quality is casino/tourist development. This project will help to improve this indicator by improving existing architecture that is currently out of character with the TRPA Design Guidelines and by increasing the natural quality through landscape improvements and proposed site restoration.

The proposed redevelopment will improve variety within Crystal Bay. Construction of the park on the north end of the project area, removal of the Crystal Bay Motel and restoration of the Stateline water quality site will improve the quality of park/open space areas within the project area. The replacement of existing surface parking lots and retaining walls with well designed buildings and pedestrian plazas will increase interest for passing pedestrians and motorists.

Intactness will be improved through the open space and park components of the project. Existing urban distractions will be reduced with the development of the Stateline mini-park under a Boulder Bay agreement with Placer County, restoration and development of the former Tahoe Mariner site, undergrounding existing on and off-site utilities, landscaping of pedestrian plazas and walkways, providing neighborhood open space buffers along Lakeview Avenue and Wassou Road, and restoration of the Crystal Bay Motel site. Formal landscaping and maintenance of open space areas will also help to improve this indicator. However, as shown in Figure 4.5-11, Building A will be visible from SR 28 in an area where no structures are currently visible or allowed pursuant to the existing Tahoe Mariner Settlement Agreement thereby increasing the extent of urbanization at the northern end of the project area. The amendment of the existing Tahoe Mariner Settlement Agreement that is necessary to allow development on the former Tahoe Mariner site is analyzed in Chapter 4.1, Land Use.

Buildings A, B and D will increase the amount of building mass as viewed from the northwest end of the project area. This portion of the project area is currently utilized for surface parking, several small structures and a storage area that includes construction

equipment and containers. Figure 4.5-15 shows existing and proposed conditions of this portion of the project area as viewed from Lakeview Avenue (Viewpoint 16). In this simulation, the proposed architectural elements (e.g., building materials and details) are not rendered, but the building's structure was rendered to show overall building height and massing. This viewpoint is from a local neighborhood access roadway and is not a TRPA scenic threshold site. As shown in the simulation, the proposed structures to the east and south of Lakeview Avenue (Buildings A, B and D) will be more visible than the existing Biltmore Casino and storage area. Under Alternative D, the additional height of the proposed structures will block existing views of Lake Tahoe as seen from the northern end of the project area and the southern most portion of the adjacent residential neighborhood. As such, Alternative D will affect existing scenic quality from adjacent residential areas north of the project area.

Table 4.5-7 documents the changes to scenic roadway and shoreline unit travel route ratings for Alternative D. Unlike Alternative C, Roadway Unit 20D will not see an improved score for manmade features or roadway distractions because the overall mass and scale of Alternative D is greater than Alternative C and is out of place with other Crystal Bay land uses. While Alternative D will include the removal of man-made distractions including approximately 0.5 mile of overhead utilities, non-conforming signage, the Crystal Bay Motel, and the Tahoe Biltmore which does not provide adequate setback from SR 28, its greater size and more modern architectural style will distract passing motorists. Under Alternative D, the Shoreline Unit 23 travel route rating will be reduced to 6.5 because of a decrease in landscape views associated with the visibility of the structures.

Table 4.5-7

Alternative D - Scenic Roadway and Shoreline Unit Ratings

	Roadway Unit 20D		Shoreline Unit 23	
	Existing Rating	Change	Existing Rating	Change
Manmade Features	2.5	2.5	1	1
Roadway Distractions	3	3	--	--
Road Structure	3	3	--	--
Lake Views	1	1	--	--
Landscape Views	1	1	3	2.5
Variety	3	3	3	3
Threshold Composite	13.5	13.5	7	6.5
Status	Non-attainment	Non-attainment	Non-attainment	Non-attainment

Source: Hauge Brueck Associates, 2009

Mitigation: **SR-1B: Redesign Building "A"**

Implement the mitigation measure described above under Impact SR-1 for Alternative C.

After

Mitigation: *Significant and Unavoidable Impact; Alternative D*

Although mitigation measure SR-1B will help to minimize impacts along SR 28 for Alternative D, the greater height and massing of the structures in Alternative D would degrade scenic quality of Shoreline Unit 23 and adjacent residential neighborhoods and cannot be mitigated to a less than significant level.

Analysis: *Significant Impact; Alternative E*

Alternative E will maintain the existing casino and hotel structure located immediately adjacent to SR 28 at Stateline Road and will add new lodging structures in the location of the existing parking lot and cottage buildings. The existing Biltmore cottage units will be removed and replaced with larger structures, landscaping, and a swimming pool. Although the existing casino setback will not be increased from SR 28, the replacement of the existing cottages, parking and monumental signage with new structures and landscaping will somewhat improve the scenic quality of the NSCP at this location. The “Alpine Elegance” architecture of the proposed buildings will improve the appearance of the developed site and the addition of landscaping will improve some views from SR 28. The height and massing of the new structures proposed in Alternative E will be smaller than the structures included in Alternative C, but will utilize the same architectural design. Based on the reduced heights, buildings proposed in Alternative E will not be visible from Lake Tahoe.

Alternative E will also include the construction of three single-family homes on the former Tahoe Mariner site. These home sites are reserved in the existing Tahoe Mariner Settlement Agreement. Each home is proposed to be up to three stories (up to 37 feet tall) and approximately 6,000 square feet in size. Construction of these homes on the now vacant lot will be visible from SR 28 due to the proximity of the three parcels to the highway. Intervening topography and vegetation will partially shield views of the single-family homes from SR 28. However, the size of the structures in combination with their location adjacent to SR 28 could reduce the existing travel route rating for Roadway Unit 20D. Therefore, this impact is considered to be potentially significant.

Mitigation: **SR-2 – Screen Single-Family Homes**

Implement the mitigation measure described above for Alternative B.

After

Mitigation: *Less than Significant Impact; Alternative E*

Implementation of Mitigation Measure SR-2 would reduce potential scenic impacts from the single-family homes to a less than significant level.

IMPACT: SR-3: Will the Project be inconsistent with the TRPA Scenic Quality Improvement Program or Design Review Guidelines?

Analysis: *Significant Impact; Alternative A and B*

As discussed in the setting, the SQIP states the scale, height and density of existing structures in the casino core are problematic and in contrast with the surrounding area. According to the SQIP, this unit should include landscaping along the roadway and within developments (Chapter 30), signage consistent with TRPA guidelines (Chapter 26), landscape screening, and architectural upgrades to the casino buildings so that they reflect the natural character of Lake Tahoe. Because the two No Project Alternatives (A

and B) will not result in any physical improvements to the exterior of the Tahoe Biltmore structure, site layout, or existing landscaping, SQIP and NSCP goals for improving the visual quality and character of the project area will not be achieved. The height and massing of the existing Tahoe Biltmore structure will continue to exceed existing standards, minimal landscaping and proximity of the structure to the roadway will continue to reduce pedestrian amenities, and existing signage will continue to be inconsistent with current standards, lacking a contiguous style. As a result, these alternatives will continue to conflict with design guidelines established by TRPA and will continue to be inconsistent with the SQIP.

Mitigation: None feasible.

After

Mitigation: *Significant and Unavoidable Impact; Alternatives A and B*

Since the existing Tahoe Biltmore facility is a legally existing, non-conforming structure, no mitigation is required or feasible until a project comes forward requiring a permit.

Analysis: *Significant Impact; Alternatives C and D*

Alternatives C and D will result in a substantial change to the architecture, layout, and overall appearance of the site. They will comply with the recommendations of the SQIP by: increasing the landscaped buffer area between SR 28 and resort structures, improving the architectural character and cohesion of the structures on the project site under the “Alpine Elegance” style, removing noncompliant signage and improving the signage style and scale, and improving the former Tahoe Mariner site with a dispersed recreation park.

The design theme for the NSCP recommends an “Alpine Elegance” style to reflect old Tahoe with the use of wood, stone, timber, and glass that harmonizes with the landscape and reflects the surrounding natural environment. Boulder Bay Resort and Spa will employ architectural elements reflective of the “Alpine Elegance” style including heavy timber braces, stone wainscoting, horizontal wood siding, heavy timber columns, operable shutters, a combination of green roofs (planted roofs) and metal roofs, and wood window surrounds. Alternative C will best achieve this style; Alternative D will only employ certain elements of this style within the overall architecture (e.g., the roof pitch is too flat in Alternative D and does not include adequate use of dormers).

The Project will use high efficiency, low reflective windows to reduce glare onsite. In addition, landscaping trees and architectural elements such as balconies, overhangs and shutters will reduce the overall presence and glare caused by windows.

Because the buildings proposed in Alternative D have a larger footprint and have a greater number of floors, they also have a larger area of windows as shown in Figures 4.5-7 and 4.5-9 (Views 13 and 14). Since windows can be reflective, this alternative may result in a higher intensity of reflection than Alternative C. To reduce this potential effect, Alternative D utilizes setbacks and variations in the upper floor plan of most buildings, as well as overhangs and other architectural details to reduce reflectivity. Although Alternative D will result in greater reflectivity than Alternative C, it will not be substantially greater and therefore increased glare is not considered to be a significant impact.

Lighting fixtures will add glare and affect night time views in the area. Although lighting currently exists on the site, the amount of lighting will increase under both Alternatives C and D. Lighting will be located on the structures for safety and will be located at

building entrance and exit locations, along the internal streets, at parking lot entrances and within the pedestrian village. The increased number of units and facilities will increase the amount of light emitted within the project area.

Use of multistory landscaping, particularly tall trees and the preservation of tall trees on site will help to reduce increased night lighting. In summary, light sources will increase within the project area under Alternatives C and D and will result in increased night lighting. However, the potential effects of increased night lighting will be reduced by complying with TRPA exterior lighting standards and design guidelines and NSCP policies.

The current Tahoe Biltmore Casino and Hotel setback from SR 28 is approximately 15 feet. TRPA Design Guidelines 30.5.D states that buildings abutting roadways rated in the Scenic Resources Inventory have a minimum setback requirement of 20 feet. Under Alternative C, the setback for structures closest to SR 28 will increase to between 43 and 66 feet, depending on the structure. This is a substantial increase in the setback on proposed buildings. Under Alternative D, the setback for structures closest to SR 28 will increase to between 30 and 53 feet, depending on the structure.

In addition to setback, land coverage will be reduced 15.8% under Alternative C and 9.7% under Alternative D, which is greater than the 5% land coverage reduction required within the Community Plan. The hydrology and water quality analysis included in Chapter 4.3, Hydrology and Water Quality addresses the benefits of reduced land coverage and the proposed stormwater treatment system included in Alternatives C and D. Reduced land coverage will help improve water quality, including a reduction in the amount of sediment that the existing project area generates. Although the land coverage reduction will be a positive impact, the height of the proposed buildings would be increased to achieve the proposed land coverage reduction.

Under both Alternatives C and D, building height will be inconsistent with the design guidelines established in the NSCP. Table 4.5-4 (see Impact SR-1) shows the proposed building heights for Alternatives C and D.

Under Alternatives C and D, the existing 76-foot tall Tahoe Biltmore Casino and Hotel will be demolished. However, under Alternative C, two of the proposed buildings will be 75 feet tall and the others will each exceed current TRPA height ordinances. Under Alternative D, three of the proposed buildings will exceed 80 feet and the others will each exceed current TRPA height ordinances.

To accommodate the proposed building heights included in Alternative C, a new TRPA Code Subsection 22.4.E has been proposed (see Appendix U). The proposed height amendment is described and analyzed in Impact SR-1 above. If adopted by TRPA, the proposed height amendment would allow building heights proposed in Alternative C, if Code Section 22.7 Findings (1), (3), (6), (8) and (9) can be made. An analysis of the required findings is provided below.

As documented in Impact SR-1 above, the building heights proposed in Alternative D would exceed height limits allowed by the proposed height amendment. Because the building height and massing proposed for Alternative D would create adverse impacts to scenic ratings as viewed from Lake Tahoe, a modification to the proposed height amendment to further increase allowable heights is not possible. Therefore, height impacts associated with Alternative D are considered to be significant and unavoidable and the findings required for the proposed building height are not feasible.

Findings required for the additional height under Alternative C are described as follows (TRPA Code of Ordinances Section 22.7), with project analysis in *italics*:

1. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The project is not visible from scenic turnouts, public recreation areas, or the waters of Lake Tahoe as viewed from a distance of 300 feet. As shown in Figure 4.5-3, the closest public recreation areas are too far away to discern any changes proposed by the project because of intervening vegetation. The project is visible from SR 28, a major arterial. Project structures under Alternative C would not extend above a ridgeline or the forest canopy. The canopy height within the project area averages 100 feet, which is greater than the height of any proposed building. From some SR 28 viewpoints immediately adjacent to Buildings G and H, the proposed buildings would block views of the ridgeline located west of the project area, but not to the same extent that the existing Biltmore structure currently blocks views. Building setbacks and placement proposed for Buildings G and H under Alternative C would maintain a majority of existing ridgeline views through the project area as shown in Figure 4.5-8..

3. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

Under Alternative C, the gradual increase in height that is proposed as SR 28 setbacks increase allows continued ridgeline views from the roadway and adjacent downslope areas. The project proposes two- and three-story structures along the existing SR 28 commercial corridor with larger buildings located behind the commercial buildings. Figure 4.5-14 shows that views of Lake Tahoe from adjacent residential areas would be maintained with the building heights proposed in Alternative C.

6. The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

The project is located within the NSCP. The NSCP currently contains buildings, including the existing Tahoe Biltmore within the project area and the Cal-Neva tower, which exceed existing TRPA height limits. NSCP Design Guideline 1 (NSCP page B-7) addresses Building Form, and states "The community plan offers development incentives in the form of additional land coverage and additional building height for certain buildings."

8. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

Based on a review of Alternative C Building elevations, no corner of two exterior walls of a building will be more than 90 percent of the proposed building height.

9. When viewed from a TRPA scenic threshold travel route, the additional height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

Although the project is located within a scenic travel route, there are no identified scenic resources for Roadway Unit 20 or Shoreline Unit 23 within the vicinity of the project site that would be affected (see Figures 4.5-1 and 4.5-2). Views of the lake from SR 28 would not be affected as documented above under Finding 1. The project is located upslope from both SR 28 and Lake Tahoe, with intervening topography, vegetation and structures that block views to Lake Tahoe from most areas. Areas at the northern end of the project area where existing lake views are available will be maintained as park and open space. Removal of the Crystal Bay Hotel will increase filtered views to the lake from SR 28. Views from SR 28 of the ridgeline above SR 28 (to the west) will not be reduced under Alternative C as documented above under Finding 1. Under Alternative C, Building A will change currently disturbed open space associated with the former Tahoe Mariner to more urban residential uses, increasing the amount of man-made features visible from SR 28. However, mitigation measures (SR-1A and SR-1B) have been proposed to reduce the visibility of Building A to improve existing travel route ratings.

As a result of making the findings above, the additional height proposed in Code Amendment 22.4.E would accommodate the building heights proposed under Alternative C.

Mitigation: **SR-1A: Modify Proposed Code Chapter 22.4.E Height Amendment**

Implement the mitigation measure described above under Impact SR-1 for Alternative C.

SR-1B: Redesign Building “A”

Implement the mitigation measure described above under Impact SR-1 for Alternative C.

After

Mitigation: *Less than Significant Impact; Alternative C*

Implementation of Mitigation Measures SR-1A and SR-1B will reduce this impact to a less than significant level.

Significant and Unavoidable Impact; Alternative D

Mitigation Measures SR-1A and SR-1B would help to partially reduce impacts associated with Alternative D; however, based on the project’s inconsistency with the proposed Code Section 22.4.E height amendment, this impact remains significant and unavoidable.

Analysis: *Significant Impact; Alternative E*

As discussed in the setting, the SQIP states the scale, height and density of existing structures in the casino core are problematic and in contrast with the surrounding area. According to the SQIP, this unit should include landscaping along the roadway and within developments (Chapter 30), signage consistent with TRPA guidelines (Chapter 26), landscape screening, and architectural upgrades to the casino buildings so that they reflect the natural character of Lake Tahoe. Because Alternative E will not result in any physical improvements to the exterior of the Tahoe Biltmore structure, site layout, or existing landscaping, SQIP and NSCP goals for improving the visual quality and character of the project area will not be achieved. The height and massing of the existing Tahoe Biltmore structure will continue to exceed existing standards, minimal landscaping and proximity of the structure to the roadway will continue to reduce pedestrian amenities, and existing signage will continue to be inconsistent with current standards, lacking a contiguous style. As a result, Alternative E will continue to conflict with

design guidelines established by TRPA and will continue to be inconsistent with the SQIP.

The new buildings proposed under Alternative E will result in a substantial change to the architecture, layout, and overall appearance of the northern portion of the site. The new buildings will comply with the recommendations of the SQIP by: increasing the landscaped buffer area between SR 28 and resort structures, improving the architectural character and cohesion of the structures on the project site under the “Alpine Elegance” style, and improving the signage style and scale of new signs. Alternative E will use high efficiency, low reflective windows on new buildings to reduce glare onsite. In addition, landscaping trees and architectural elements such as balconies, overhangs and shutters will reduce the overall presence and glare caused by windows. Use of multistory landscaping, particularly tall trees and the preservation of tall trees on site will help to reduce night lighting from new structures. In summary, as with Alternatives C and D, light sources will increase within the project area under Alternative E and will result in increased night lighting. However, the potential effects of increased night lighting will be reduced by complying with TRPA exterior lighting standards and design guidelines, and NSCP policies.

Under Alternative E, the existing 76-foot tall Tahoe Biltmore Casino and Hotel building will remain. The Tahoe Biltmore Casino and Hotel building is not consistent with current height ordinances. However, new buildings proposed to be constructed under Alternative E will comply with existing TRPA Chapter 22 height ordinances.

New buildings proposed under Alternative E would require additional height currently available for tourist accommodation units under Code Section 22.4.A(1) (an additional four feet up to a maximum 38 feet). The four feet of additional height would allow a majority of Alternative E buildings to meet height regulations. However, Buildings D and E would be inconsistent with current height regulations because they are proposed to be 39 to 39.5 feet tall. As a result, Buildings D and E would have to be redesigned to no more than 38 feet in height. Additional height for tourist accommodation units may be granted if Code Chapter 22.7 findings 1, 2, and 3 (below) are made.

Findings required for the additional height under Alternative E are described as follows (TRPA Code of Ordinances Section 22.7), with project analysis in *italics*:

1. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.
The project is not visible from scenic turnouts, public recreation areas, or the waters of Lake Tahoe as viewed from a distance of 300 feet. The project is visible from SR 28, a major arterial. Project structures under Alternative E would not extend above a ridgeline or the forest canopy. The canopy level averages 100 feet, which is greater than the height of any proposed building. From some SR 28 right of way viewpoints immediately adjacent to project structures, the existing Tahoe Biltmore (Building A) and proposed Buildings D would block views of the ridgeline located west of the project area. However, based on proposed setback, height, and building placement under Alternative E, a majority of existing ridgeline views through the project area as viewed from the SR 28 travelway would be maintained.
2. When outside a community plan, the additional height is consistent with the surrounding uses.
All proposed structures are within the North Stateline Community Plan.

3. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

Buildings heights for new structures proposed under Alternative E would not interfere with views through the site from SR 28 as discussed above under Finding 22.7(1).!

The additional four-foot allowance for tourist accommodation units would accommodate a majority of the additional height required for new buildings under Alternative E, with the exception of Buildings D and E, which would each need to be reduced in height by one foot to comply with the existing building height limit of 38 feet.

Mitigation: **SR-2 – Screen Single-Family Homes**

Implement the mitigation measure described above under Impact SR-2 for Alternative B.

After

Mitigation: *Significant and Unavoidable Impact; Alternative E*

Implementation of Mitigation Measure SR-2 will reduce the impact from new residential homes to a less than significant level. However, since the existing Tahoe Biltmore facility is a legally existing, non-conforming structure, no mitigation is available to comply with SQIP goals.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

IMPACT: SR-C1: Will the project have significant cumulative impacts to scenic resources?

Analysis: *Less than Significant Impact; All Alternatives*

Alternative A will not result in a visual change that will contribute to a cumulative impact. Alternative B will include interior renovation and development of three single-family homes, which can be partially screened from view along SR 28 to maintain travel route ratings. Alternatives C, D and E will contribute to the expansion of urban growth and changes in visual quality associated with redevelopment of the project area.

There is one other known project within the North Stateline and Crystal Bay area; the Cal Neva Resort and Hotel Restoration. This project is approved, but not built. If built, it would include the redevelopment of the existing Cal Neva Resort and Hotel to 219 condotel units, employee housing and a reduction of casino area on the 13 acre project area. The project would include land coverage removal, improved landscaping and storm water treatment. As a result, the Cal Neva project would have an improvement to overall visual quality. The Crystal Bay area has fallen into disrepair, with many of the structures being some of the oldest casino structures and reflecting a development period in which integrating buildings into the landscape and protecting the scenic quality of the area was not a primary goal. The redevelopment of the Tahoe Biltmore and potential redevelopment of the Cal Neva, along with other potential renovation and reuse projects in north shore, will serve to promote improved architectural character and cohesion while unifying the visual quality of urban areas at the lake. Therefore, the project will not result in significant cumulative impacts to scenic resources.

Mitigation: No additional mitigation is required.

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