

**BOULDER BAY COMMUNITY ENHANCEMENT PROGRAM - RESOLUTION COMPLIANCE (ALTERNATIVE C)**

**DRAFT - September 8, 2010**

**TAHOE REGIONAL PLANNING AGENCY: RESOLUTION NO. 2008 – 11**

Evaluation Rating						
Requirements for Continued Participation	Exceed Req.	Meets Req.	Does Not Meet Req.	Evaluation Summary	How Requirement is Satisfied	Process/Agency Recommendation
<b>Settlement Agreement</b>						
1 TRPA requires that the site be redesigned and the settlement agreement renegotiated to meet the overall goals of the CEP, the project, and the intent of the original settlement agreement. TRPA requires that in order for the intent of the settlement agreement to be realized, Boulder Bay, LLC will commit to providing the improvements for the park, dedicating the land to public use, and providing for the long-term maintenance of the site.		X		Revision of the Settlement Agreement will be required for the project to be approved and viable.	Boulder Bay proposes the deed restriction and dedication of 5.7 acres as public open space and park property. As part of the 5.7 acres, Boulder Bay proposes the construction of two community parks with lake views, hiking trails, water quality improvements, environmental interpretative installations and public parking.	Proposed settlement agreement revision; IVGID agreement; Maintenance of park shall be a condition of project approval
<b>Scale, Massing, Height, and Community Character</b>						
1 TRPA has concerns with the proposed 75 feet height of the casino structure as it will likely be visible from Lake Tahoe as it is being relocated up hill and could be visible over tree canopy. TRPA recognizes the need to allow additional height to achieve the visions espoused in the existing Community Plan; the place based planning process local and regional visions, and the CEP itself. Site context, varying step backs, roof pitch, and articulation need to be considered for additional height to be appropriate for this location. Given the proposed project area is located on a slope; TRPA is considering an alternative method of measuring height in these situations. TRPA's design guidelines provide details in relation to stepping a building with the contours and staying below the tree canopy. The proposal will require the use of a building envelope that would allow a building to stair step up a slope to a maximum height not to exceed currently existing height at the highest point of the envelope/slope. TRPA requires a decrease in the proposed height if TRPA height findings (1), (7) and (9) in Section 22.7 can not be made.		X		The height of the Tahoe Biltmore (76 ft) as measured by current TRPA standards is legally existing but not consistent with NSCP Standards or Code Chapter 22. Boulder Bay has revised Alternative C building designs to be no taller than 75 ft as measured by current TRPA measurement methodology. An alternative height calculation was not developed for the Project. Visual simulations were completed from TRPA designated scenic resource locations and indicate that the project would improve travel route ratings along SR 28 and maintain travel route ratings from the Lake Tahoe shoreline. The tree canopy is approximately 90-115 ft and no building would exceed the height of the canopy.	TRPA recognize the need to allow additional height to achieve the goals in the NSCP and the CEP. This is achieved by varying setbacks, creating a variety of roof pitches and creating building articulation. Proposed building heights do not exceed the height of the existing Tahoe Biltmore and require SR 28 setbacks of at least 180 feet for the tallest structures. Buildings have been designed to stairstep up the hill as viewed from SR 28 (e.g. only two and three story buildings are placed along SR 28) to reduce visible impact.	Visual simulations from scenic viewpoints; Tree height diagram; TRPA height calculations; Final approval of proposed new height ordinance; Proposed open space buffers along western edge of project area provide buffer to residential units. As a condition of approval applicant shall provide a long term tree monitoring and maintenance program.
2 TRPA requires Boulder Bay, LLC specify the percentage of land coverage reduction proposed for this overall project. The increase in density and height should result in an overall reduction in land coverage. The existing Community Plan requires a minimum of 5% land coverage reduction. This may be accomplished through providing landscaping pockets, planter beds, etc; however, an additional reduction needs to be provided to be in accord with the increased height proposal noted above.	X			For Alternative C, TRPA land coverage has been reduced by 15.8% in the project area. Class 1A land coverage has been reduced by 30.2%. The proposed reduction is greater than the 5% designated in the NSCP	In addition to the removal and permanent retirement of land coverage, "Effective Coverage" has been reduced by an additional 99,400 sq ft square feet through the implementation of low impact development (LID) features such as storm water catchment systems on the roofs, green roof systems and pervious pavers and pavement. With the LID measures, total coverage has been effectively reduced by 25% and the site performs as if it were only 35% covered.	Coverage plan, BMP plan, Water Quality plan with "Effective Coverage" As a condition of approval applicant shall provide final coverage numbers which indicate the amount of coverage to be removed and/or banked.
3 A Scenic/Visual analysis of roadway unit and how it will enhance the scenic travel route rating will be required for this project. The scenic analysis will also include an analysis of how the scenic threshold will be potentially impacted and any impacts mitigated. If the proposed project is visible from Lake Tahoe, an additional scenic analysis will be required that addresses the impacts to Lake Tahoe.		X		Visual simulations of the project have been completed from three points along Hwy 28 and one point on Lakeview Rd. selected by TRPA and the environmental consultant. The scenic analysis shows that the Project would improve travel route ratings along SR 28 and maintain travel route ratings from the Lake Tahoe shoreline.	The proposed project will be subject to TRPA design standards for building materials and colors to help reduce the visual impact. The Project includes neighborhood buffers on SR 28, Lakeview Avenue, and Wassou Road through setbacks and deed restricted open space, increases building set backs along SR 28, and includes the removal of the existing surface parking lots west of SR 28 and the Crystal Bay Motel east of SR 28. In addition by removing non conforming signage and relocating non-conforming building heights through the use of building setbacks a higher degree of visual enhancement can be achieved beyond mitigations.	Visual simulations from scenic viewpoints; preliminary scenic scoresheet. As a condition of final approval the applicant will be required to adhere to all design standards for color and materials.
4 TRPA requires the use of high quality natural materials including stone, wood, and alternative green building materials should be incorporated into the designs. Texture, color, form and glass reflectivity need to be considered on all buildings, especially those that front the Scenic Travel Route.		X		The building material plan calls for the use of stone, heavy timber supports, wood and cement lapboard siding, metal and planted roofs and ultra high efficiency windows. The color pattern uses dark earth tones from the TRPA approved color palette.	Low flow fixtures and toilets are used in all buildings and the project will pursue LEED certification (see below). The use of green design fixtures must exceed current TRPA Standards as set forth in Subsection 30.9	Material Plans See comments above. As a condition of approval the use of these standards must exceed TRPA Standards

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<b>Environmental Improvements/Environmental Improvement Program (EIP)</b>						
1 For allocations to be reserved and projects to be approved, CEP projects are required to commit to substantial environmental improvements, which must include specifically identified EIP projects. Your project proposes a number of environmental benefits/improvements; however, TRPA requires a written commitment regarding the funding, construction, and overall maintenance/monitoring for these EIP project contributions in order to ensure the projects are implemented. The EIP concerns listed in TRPA's January 16, 2008 letter shall be addressed.	X			Boulder Bay is completing three EIP projects in the North Stateline Community Plan area. NEVADA UTILITY UNDERGROUNDING PROJECTS - PHASE I: No. 970, 2) BROCKWAY RESIDENTIAL WQIP: EIP No. 732, 3) NORTH STATELINE CP LAKE VISTA MINI-PARK: No. 114.	Boulder Bay has completed the utility undergrounding for EIP No. 970 in advance of the project approval; Boulder Bay has a commitment with Placer County to fund a portion of EIP No. 732 with a project approval; Boulder Bay will construct the Stateline Mini Park with approval of the Project.	Washoe County Utility Undergrounding MOU, Agreement between Placer County and Boulder Bay, LLC Agreements will need to be recorded as to the funding construction, and overall maintenance and monitoring for the EIP projects as a final condition of project approval
2 TRPA requires that each of the project's buildings meet the minimum LEED certification. This is to ensure that green building methodology will be completed and a long term commitment to maintain this certification is undertaken. Additionally, TRPA is also requiring that the project be scored against the pilot LEED for neighborhoods program and obtain a minimum score of 40. This second scoring would be reviewed by TRPA as the program is only in a pilot stage and projects are unable to receive a certification at this time. The reason for this second scoring is that this pilot program has very similar goals to the CEP and it is a nationally recognized quantifiable way to ensure that the mixed use projects are achieving those goals.	X			Boulder Bay has registered with USGBC and will complete a Design Phase submittal for Silver LEED certification (33-38 points) under the New Construction 2.2. Boulder Bay will self score for TRPA review under the LEED for Neighborhood Development Pilot Program. Boulder Bay Design Phase score is 40-50 points.	Requirement is met by scoring proposed buildings and scoring the project using criteria for LEED Neighborhood Development	LEED Design Phase for New Construction Checklist. LEED Neighborhood Development Checklist.
3 One of the important goals outlined in the TRPA Code of Ordinances and the CEP is to promote the transfer of development that results in substantial environmental benefits. TRPA requires Boulder Bay, LLC provide specific details on the location and land capability of the 40 TAUs.			X	For Alternative C, Boulder Bay is relocating 96 TAU and 56 ERU from outdated and inefficient strip motels and residential structures dispersed around Lake Tahoe. Five of these old motels have been torn down and the sites restored and BMP's installed. 42 of the ERU are converted from TAU that are relocated out of Land Capability Class 1B SEZ. The property has been torn down and the 1.5 acres associated with the 42 units is undergoing revegetation and restoration.	The restoration of the Colony Inn (APN 029-441-04) will contribute 1.5 acres to EIP No. 650: RESTORE 40 ACRES OF SEZ - EL DORADO COUNTY. However, the SEZ restoration is a requirement for earning bonus TAUs and therefore does not qualify as an above and beyond measure of the project.	TAU exhibit, Colony Inn Restoration Plan; TAU Banking Permit
<b>Housing</b>						
1 To promote Transit Oriented Development, TRPA will require the proposed project to meet minimum density and floor area standards that promote transit and walkability.			X	In compliance with Ch. 13 TOD: The project area has operational transit on site; The project area will be located within 1/4 mile of 27 different services and facilities including a variety of neighborhood services on site including market, retail, bank, and dining; The Project proposes over 5,100 linear feet of pedestrian and multi-use paths on site and connected to the core area of the NSCP; Project proposes tourist accommodations at 40 units per acre and residential at 15 units per acre. Within two minutes walking of post office, and urban park and recreation areas.	LEED defines Development Density and Community Connectivity as development on a previously developed site with 60,000 sq ft/acre net on the built area of the project. Boulder Bay built project area is 16.3 acres with approximately 475,000 sq ft. of gross floor area. This equates to 29,000 sq ft of floor area per acre. However, the Project proposes maximum density for residential and tourist units and so additional floor area is not feasible.	Pedestrian/Transit Oriented Design Exhibit
<b>Parking</b>						
1 The project proposes an amendment of parking standards to accommodate a 45% reduction in parking. Boulder Bay, LLC is required to provide a detailed discussion and commitments toward coordination, implementation, and long term maintenance of a transportation strategy which will allow this reduction to be justified. See Transportation section below.			X	Based on Community comments, Boulder Bay has eliminated the request for reduced parking requirements. All parking requirements will be based upon the EIS transportation study to determine adequate parking for the proposed facility.	Boulder Bay has proposed a comprehensive public/private transportation plan which includes financial support for public transportation and resort provided overlay services.	Boulder Bay Transportation plan; ADEIS shared parking calculation. As a conditional of final approval the applicant will need to provide in writing final commitments toward the coordination, implementation, and long term maintenance of transportation strategy which includes public private partnerships.
2 TRPA requires the parking lot in Boulder Bay, LLC ownership located across the street from the existing Biltmore be included in this project proposal.			X	Boulder Bay will include the Crystal Bay Motel and Overflow parking lot property in the project area including the proposed BMP retrofits, TAU relocation and site restoration plan.	The BMP retrofit plan will include the installation of TMDL strategies and contribute the attainment of 100yr/1hr storm containment.	

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<b>Transportation/Recreation</b>						
1 TRPA requires an estimate of VMT reduction, strategies and methodology.	X			When compared to the existing approved uses within the project area (using trip rates to model operations), Alternative C would reduce daily project trip generation by approximately 2,352 trips and VMT by approximately 9,955. The Project's reduction of VMT goes beyond the NSCP goal of no more than a 1,150 increase in VMT for redevelopment projects.	The Project will decrease vehicle trips and VMT primarily due to the proposed reduction in gaming floor area and greater mix of onsite land uses.	Fehr & Peers transportation study; Boulder Bay Transportation Plan
2 TRPA requires Boulder Bay, LLC provide specific details including confirmation and commitments regarding the proposed transit components. This is to ensure connections are coordinated and improved with existing public transportation authorities and private shuttle systems for transport to and from the site, including transport to other recreation facilities/sites (Ski areas, beaches, trailheads, etc.).		X		Boulder Bay has provided a comprehensive transportation study including public and private commitments for review as part of the EIS.	The Project includes an Alternative Transportation Plan, including transit shelters, a bus and shuttle turnout, financial subsidies to increase public transit service to the site, employee shuttle services, car- and bike-share services onsite, a shuttle for guests, and other alternative transit amenities.	Boulder Bay Transportation Plan. See comment; Parking (1)
3 TRPA requires Boulder Bay, LLC provide a kiosk with signs, maps, etc. that provides linkages to schools, community facilities, bike paths should be located on site in or near the transit center/shelter.		X		Boulder Bay will include wayfinding signage throughout the Pedestrian Village; Boulder Bay Bicycle Program is included in the proposed project application.	The Project includes a two-acre pedestrian village open to the public through the project site that includes walkways, street furniture, lighting, and information kiosks/directories. In addition, up to 5,100 linear feet of onsite pedestrian and multi-use paths will connect to the existing public pedestrian and bicycle trails at the project area boundaries. Bicycle Lanes will be improved along the SR 28 frontage on both sides of the highway and will connect with the new Kings Beach Class 2 bicycle lanes at the Stalene. Specifically, the plan will include approximately 2,000 linear feet Class 2 bike lanes along State Route 28 per AASHTO guidelines; and five feet wide lanes where curb/gutter present, four feet wide lanes along roadway without curb/gutter. Bicycle amenities will include bicycle parking, U-shaped bicycle racks, bicycle service area, and bicycle rental.	Boulder Bay Signage Plan, Boulder Bay Bike Plan
4 TRPA requires Boulder Bay, LLC to coordinate with CalTrans, NDOT, Washoe and Placer County to create a multi-use trail connecting Crystal Bay to Kings Beach Commercial Area. This would be beneficial to your project, other CEP projects within the Kings Beach area, and the local residential and tourist populations.		X		Boulder Bay completed an investigation of the proposed multi-use path during the summer of 2008. At that time the coordinating agencies including Placer County confirmed that they were not interested in pursuing the construction of a multi-use path connecting Crystal Bay and Kings Beach. Subsequent to that discussion, bike lanes were installed along SR 28 during the summer of 2009 by Caltrans. In 2010, the Lake Tahoe Region Bicycle and Pedestrian Plan was completed and does not include a multi-use trail proposal in this location (Figure 11). Due to the need for both Placer County and Caltrans to be involved in the project, in addition to the requirement to secure easements on many multiple private property owners land, it has been determined that this project cannot be implemented by Boulder Bay.	Boulder Bay completed the necessary due diligence to determine project feasibility and agency interest in project coordination. Project applicant has fulfilled the coordination requirements of the project.	No further action required
5 TRPA requires Boulder Bay, LLC to help achieve a portion of the NV Stalene to Stalene trail being planned to connect Crystal Bay to Incline Village. Coordination with this trail project would be considered an environmental benefit and would help reduce the need for the automobile, provide access to your site from the surrounding areas, and be a recreational benefit for the community. It is likely that a bike trail associated with this parcel would be considered a leg of the around the Lake trail.		X		Boulder Bay has proposed the inclusion of bike lanes on SR 28 through Crystal Bay. Any required easements for the future bike path through the site will be granted. The slopes through the project area make conformance with AASHTO bike path standards challenging. Boulder Bay Bicycle Program is included in the proposed project application.	The Project includes an easement for the Nevada Stalene to Stalene multi-use trail through the project area, including an easement through the northern portion of the project area near Building A for the trails eventual construction, and use of the Boulder Bay transportation route through the pedestrian village to connect to Stalene Road and SR 28.	Boulder Bay PTOD Exhibit; Boulder Bay Bike Plan Granting of easements shall be recorded prior to return of security for approved project.

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<b>Basic Site Information</b>						
1 TRPA requires Boulder Bay, LLC identify where the North Stateline Community Plan Boundaries are located within the project area. TRPA has concerns that per the project proposal site plan dated 10/31/2007, Locations I, J, & K may be outside the CP boundary. All development located outside the CP boundary cannot be a part of this CEP proposal.		X		Boulder Bay has rescinded its request for and expansion of the Community Plan Boundary. All buildings will be located within the NSCP.	Project area mapping includes the NSCP boundaries.	NSCP Exhibit
2 TRPA requires Boulder Bay, LLC provide specific verifications and calculations for the existing (Biltmore and Tahoe Mariner) land coverage, cfa, and TAUs.		X		Calculation and verifications have been submitted for review by TRPA during the EIS	TRPA provided verification of onsite commodities on September 17, 2009. The verification is included in DEIS as Appendix D.	Units of Use Summary and TRPA verification letters
3 TRPA requires Boulder Bay, LLC provide Soils Hydrological determination in relation to the proposed underground parking facility.		X		The final soils hydro study has been completed by Lumos & Associates and submitted for review by TRPA as part of the EIS.	TRPA provided a soil hydrologic approval letter to Boulder Bay for proposed excavation depths on February 24, 2009.	Final Soils Hydro Report; TRPA approval letter
4 TRPA requires Boulder Bay, LLC provide details and confirmation regarding the issue of moving of gaming/casino floor area with NTRPA and ensure project conformance with compact requirements prior to application to TRPA.		X		Boulder Bay has received unanimous approval from the NTRPA for the reduction and relocation of gaming floor area within the project area.	The Project proposes 10,000 sq. ft. of gaming area, which is a 19,744 sq. ft. reduction (66%) from NLTRA certified gaming floor area of 29,744 sq. ft. With project approval, Boulder Bay has agreed to permanently retire one-third (9,914 square feet) of its gaming floor area within the NSCP (Tahoe Biltmore/Gaming Floor Area Agreement between Boulder Bay and the State of California dated December 9, 2008). A portion of the 9,914 square feet of permanently retired gaming CFA, per the December 9, 2008 agreement, will be used for the proposed retail and dining space onsite.	NTRPA Resolution and proposed certification drawings
<b>Miscellaneous CEP/CP Items</b>						
1 TRPA requires Boulder Bay, LLC some form of functional public art and potentially play structures/etc.		X		Boulder Bay will include public art throughout a two acre Pedestrian Village located along Boulder Way. Boulder Bay will construct and maintain two parks totalling 1.87 acres. The larger park (1.49 acres) on the northern end of the project area includes seating areas, footpaths, historical interpretive kiosks, and lake vistas and will be developed and maintained by Boulder Bay. The Stateline mini-park (0.38 acre) will be vegetated with native grasses and trees and will include a low stone monument celebrating both states, seating areas, NV, CA and USA flags and several kiosks with educational information on the stormwater function of the park site.	Provision of public access to the project site and construction and maintenance of parks for public use.	Mariner park site plan. A comprehensive master plan for public arts will need to be provided by the applicant as a condition of final approval
2 TRPA requires Boulder Bay, LLC provide details on the number and types of proposed mix of uses for the site using TRPA Chapter 18, Permissible Uses as a guide.		X		Boulder Bay is proposing the inclusion of 14 allowable types of uses as defined by TRPA Ch 18: Employee housing, Multiple family dwelling, Hotel, Retail, General merchandise stores, Eating and drinking establishments, Food and beverage retail sales, Gaming-nonrestricted, Personal services, Professional offices, Financial services, Cultural facilities, Day care centers/pre-schools, Open Space.	The Project includes 300 hotel units, 59 whole ownership residential units, 10,000 sq. ft. of gaming, 20,715 sq. ft. of CFA, and accessory uses including a spa and wellness center and meeting rooms.	
3 Identify public/private open spaces for the residential housing and/or general public use within the mixed use development.		X		Boulder Bay will include 5.7 acres of deed restricted public open space, including 1.87 acres of public parks within the NSCP area. Hotel guests and residents can also use onsite amenities including the pools, spa and gym.	The project area also includes 2 acres of community gathering space within the pedestrian village.	Site Plan
4 TRPA requires Boulder Bay, LLC provide details and commitments on how this proposal will help meet the existing goals within the CP: a. a reduction in driveway cuts b. the inclusion of left turn pockets to reduce traffic delays c. Inclusion of Bus Shelters on the Biltmore site d. Buffers between existing residential and the commercial areas e. Snow Storage		X		The number of driveway cuts on Hwy 28 will be reduced from 3 to 2; The project will extend the center left hand turn lane to include the entire length of the Crystal Bay core area; The project includes a new public transportation shelter on site; Boulder Bay is including 2.29 acres of buffer within the NSCP; All hardscape within the project area will be snow melted, a majority of parking is located below ground.		Site plan