

MEMORANDUM

Date: November 3, 2010

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation to the Governing Board on the technical adequacy and certification of the Boulder Bay Final EIS, adoption of the proposed Chapter 22 Code amendment to allow additional height for designated special projects located in the North Stateline Community Plan, and a finding of the proposed Boulder Bay project's consistency with the Final EIS and compliance with the Community Enhancement Program, 22 Highway 28, Crystal Bay, Washoe County, Nevada, APNs 123-052-02, -03, -04; 123-053-02, -04, 123-054-01; 123-071-04, -034, -035, -036, -037, TRPA File Number ENVR2008-0003, CEPP2008-0123

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**Requested Action:** Staff requests that the Advisory Planning Commission (APC) hold a public hearing and make a recommendation to the TRPA Governing Board on the following matters:

1. A finding of technical adequacy and a recommendation for Governing Board certification of the Final Environmental Impact Statement (EIS) for the Boulder Bay Community Enhancement Program (CEP) project.
2. Adoption of the proposed ordinance (Attachment A), amending Chapter 22 of the Code of Ordinances to allow additional height for designated special projects located in the North Stateline Community Plan; and.
3. A finding that the proposed project, as conditioned in the Draft Permit, is consistent with the Final EIS and in compliance with the Community Enhancement Program requirements`. The recommended conditions of approval are stated in the attached Draft Permit (Attachment E).

**Staff Recommendation:** Staff recommends that the APC recommend Governing Board certification of the Final EIS, adoption of the proposed ordinance (Attachment A) amending Chapter 22 of the Code of Ordinances, and a finding that the proposed project, as conditioned in the Draft Permit, is consistent with the FEIS and in compliance with the CEP.

**Required Motions:** Staff requests that the APC make the following motions based on the Final EIS, this staff summary, and the complete administrative record:

- I. A motion to find the FEIS technically adequate and to recommend Governing Board certification of the Final Environmental Impact Statement for the Boulder Bay Community Enhancement Program project;
- II. A motion to recommend Governing Board adoption of the proposed ordinance (Attachment A) amending Chapter 22 of the Code of Ordinances; and
- III. A motion to find that the proposed project, as conditioned in the Draft Permit, is consistent with the FEIS and in compliance with the CEP.

In order for the motions to pass, a simple majority vote of the APC is required.

Project Description: Boulder Bay, LLC, the applicant, is proposing the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a mixed-use resort located at North Stateline in Crystal Bay, Nevada. The proposed project, as conditioned in the attached Draft Permit, would fulfill the following EIP projects; Nevada Utility Undergrounding Projects - Phase I: No. 970, Brockway Residential WQIP: No. 732, and North Stateline CP Lake Vista Mini-Park: No. 114. The proposed project also includes onsite infiltration galleries and detention basins sized to capture, treat and infiltrate peak flow volumes from a 50-year, 1-hour storm event. The proposed project will also reduce existing land coverage by 15.8% (68,317 sq. ft.) within the community plan area.

The proposed project was submitted under the TRPA Community Enhancement Program and consists of eight new buildings to be used for hotel, residential, gaming and commercial use, in addition to underground parking facilities, pedestrian village, community park and open space, and an integrated on-site stormwater treatment system.

Specifically, the proposed project consists of the following elements:

- 300 tourist accommodation units (hotel);
- 59 whole ownership condominiums;
- 14 affordable employee housing units (10 three-bedroom and 4 two-bedroom units);
- 20,715 square feet of commercial floor area (includes 12,172 square feet of retail and 8,853 square feet of dining within a two-acre public gathering space and pedestrian village);
- 89,187 square feet of hotel and accessory uses (19,089 square foot health and wellness center; 9,860 square foot fitness center; 21,253 square foot conference/meeting space; 1,665 square foot day care center; 750 square foot convenience retail, 750 square foot bar; 3,680 square foot restaurant; and approximately 32,158 square feet of lobby area, mechanical, electrical and plumbing space, and administrative services);
- 10,000 square feet of casino (reduced from 29,744 square feet of existing NTRPA certified gaming area);
- 540 total parking spaces (530 in underground structures);

- 5.7 acres of open space with 1.87 acres designated for two public parks to be built and maintained by Boulder Bay and 1.20 acres for passive hiking trails and scenic overlook and;
- Approximately 5,100 linear feet of pedestrian paths, 900 linear feet of hiking paths, and 2,000 linear feet of bicycle lanes.

Background: On March 21, 2008, Boulder Bay, LLC submitted an application to TRPA for the redevelopment of the existing Tahoe Biltmore Casino site and the former Tahoe Mariner Lodge site as a participant in the Community Enhancement Program (CEP). The CEP is a program designed to seek out “net gain” solutions for the Lake Tahoe Basin by implementing environmental improvements, which enhance quality of life for residents, improve the visitor experience and contribute to the long-term economic vitality of the Region. The focus of the CEP is to encourage revitalization projects in town centers and recreation areas that demonstrate substantial environmental, as well as social and long term economic benefits. The Boulder Bay project is one of nine mixed-use, redevelopment proposals which were accepted into the CEP program in February 2008 by the TRPA Governing Board.

Boulder Bay, LLC submitted an initial application request for the redevelopment of the Biltmore Hotel and Casino area situated along Highway 28 in Washoe County, Nevada. Upon review of the Initial Environmental Checklist (IEC), TRPA determined that the IEC was inadequate to determine the potential impacts associated with redevelopment of the site. As a result, TRPA required that an Environmental Impact Statement (EIS) be prepared.

This EIS has been prepared with an analysis of five separate alternatives, a no-project alternative (Alternative A), a no-project with timeshare conversion alternative (Alternative B), the proposed project alternative (Alternative C), an expanded project alternative (Alternative D), and a reduced project alternative (Alternative E). The consulting firm of Hauge Brueck Associates was selected as TRPA’s consultant responsible for the preparation of the environmental document. The Draft EIS was circulated for public comment for 90 days between November 5, 2009 and February 4, 2010 (TRPA Rules of Procedure require a minimum 60-day circulation and comment period). During the comment period, public hearings on the draft document were held before the TRPA APC and Governing Board.

The Boulder Bay project is located in Crystal Bay, Nevada adjacent to the California/Nevada state line, see Attachment F. The project area consists of approximately 16.26 acres and is bound by State Route 28 (SR 28) to the east, southeast and south and by Stateline Road to the west, and Wassou and Lakeview Roads to the northwest.

The Boulder Bay project area currently consists of the 76 foot tall four-story, 95,407 square foot, Tahoe Biltmore Lodge and Casino, six hotel cottage units, a two-story administrative building, the site of two former hotel cottage units, a storage building (previously the Horsebook Casino), the Crystal Bay Motel located on the lake side of State Route 28 and its adjacent office building, and overflow parking lot. In addition to these parcels, the project area also includes land located within the current Washoe County road rights-of-way along portions of Wassou Road, Reservoir Road, Stateline Road, and Lakeview Avenue, comprised of 13 distinct parcels. .

Of the total project area, 12.2 acres are located within the North Stateline Community Plan (NSCP). The remainder of the project area is subject to the Sierra Park Settlement Agreement dated June 22, 1981, as amended. The Stillwater Cove multifamily residential condominium development is located across SR 28 from the northern end of the project area. Commercial buildings, residential housing units and open forest are located to the west, north and east of the project area.

The project site slopes upward approximately 80 feet in elevation from the highway frontage along SR 28 to the north end of the project area at Stateline and Lakeview Roads. TRPA verified land coverage within the project area is 56.4 percent (399,884 square feet) and includes 77,076 square feet of Class 1a land coverage and 322,808 square feet of Class 4 land coverage. This land coverage includes 70,229 square feet of banked land coverage on the former Tahoe Mariner site (Sierra Park parcels).

There is currently only temporary water quality treatment facilities (BMPs) installed for the existing structures and other impervious areas within the project area. Precipitation and snow melt from buildings and impervious surfaces are not fully captured and treated on site, allowing surface runoff to flow offsite towards NDOT and Caltrans roadway drainage systems down gradient.

Code Amendment Description: The proposed project includes an amendment to Chapter 22 of the TRPA Code of Ordinances to allow for additional height for designated special projects within the NSCP (see Attachment A). This amendment will allow for a maximum building height of 75 feet within the project area provided the building is set back a minimum of 180 feet from SR 28. The amendment limits building height to 67 feet for structures set back at least 60 feet from SR 28 and to 58 feet for structures set back at least 40 feet from SR 28. The additional height is further limited to specific areas on the mountain side of SR 28 and to properties that contain an existing gaming structure in excess of 75 feet in height. Projects eligible for the additional height must also provide pedestrian/transit oriented development such as transit facilities, sidewalks, alternative parking strategies, compact mixed-use development with buildings oriented to the street, land coverage reductions of at least 10 percent, participation in EIP water quality and scenic improvement projects, and improved stormwater treatment facilities designed to retain and treat a 50-year, one-hour storm event.

Issues/Concerns: The following are the key issues related to FEIS certification, the proposed Code amendment and the proposed project:

- Traffic Analysis
- Water Quality Benefits
- BMP Maintenance
- Traffic Baseline
- Internal/External Alternative Mode Trips
- Accessory Uses/CFA
- Building Height/Code Amendment
- Land Use
- Excess Land Coverage
- Excavation
- Noise
- Sierra Park Settlement Agreement

- CEP Compliance

See Attachment C for a more detailed discussion of these key issues.

Regional Plan Compliance: Based on the FEIS analysis, the proposed project and Code amendment are in compliance with the Regional Plan, including the Goals and Policies, Code of Ordinances, community plan and the Community Enhancement Program. The findings the Governing Board must make in order to certify the FEIS, adopt the proposed Code amendment and approve the proposed project along with the rationale for making the findings are attached (Attachment B1 - EIS certification, Attachment B2 - Code amendment, and Attachment B3 – Project approval).

Contacts: If you have any questions, please contact David L. Landry, Senior Planner at [dlandry@trpa.org](mailto:dlandry@trpa.org) or 775-589-5214.

Attachments:

- A. Proposed Code Amendment/Ordinance
- B. Required Findings/Rationale (B-1: EIS certification, B-2: Code amendment, B-3: Project approval)
- C. Issues/Concerns
- D. Draft Permit
- E. Final EIS Alternative Comparison Matrix
- F. Exhibits (Project Vicinity Map, Site Plan, Floor Plans/Elevations/CEP Resolution)



**Attachment A**

**Draft Ordinance**

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2010 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9 AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING THE TRPA CODE OF ORDINANCE, CHAPTER 22 HEIGHT STANDARDS TO ALLOW ADDITIONAL HEIGHT FOR DESIGNATED SPECIAL PROJECTS WITHIN THE NORTH STATELINE COMMUNITY PLAN.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

**Section 1.00**

**Findings**

- 1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Chapter 22 of the TRPA Code of Ordinances to allow for additional height for designated special projects within the North Stateline Community Plan in order to further implement the Regional Plan pursuant to Compact Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The Advisory Planning Commission (APC) conducted a public hearing on the amendments and recommended adoption on November 10, 2010. The Governing Board (GB) conducted a public hearing on the amendments and recommended adoption on November 17, 2010. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.30 The Chapter 22 Code of Ordinances amendment was the subject of an environmental impact statement (EIS), which was processed, reviewed and certified by TRPA in accordance with the substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code, and Article VI of the Rules of Procedure.
- 1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 and 6.5 of the Code and Articles V (g) and VII (d) of the Compact.
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the environmental thresholds as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 22 of the TRPA Code of Ordinances to allow for additional height for designated special projects within the North Stateline Community Plan.

Subsection 6.10, subparagraph (30) of TRPA Ordinance No. 87-9, as amended, is hereby further amended to amend Chapter 22 of the TRPA Code of Ordinances as set forth in Exhibit 1, dated November 3, 2010, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Package adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Regional Plan Package, shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the Chapter 22 of the TRPA Code of Ordinances Height Standards shall be effective immediately upon adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held November 17, 2010, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

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Allen Biaggi, Chair  
Tahoe Regional Planning Agency  
Governing Board



## Exhibit 1

### PROPOSED AMENDMENT TRPA CODE OF ORDINANCES CHAPTER 22, HEIGHT STANDARDS

(Add new section 22.4.E)

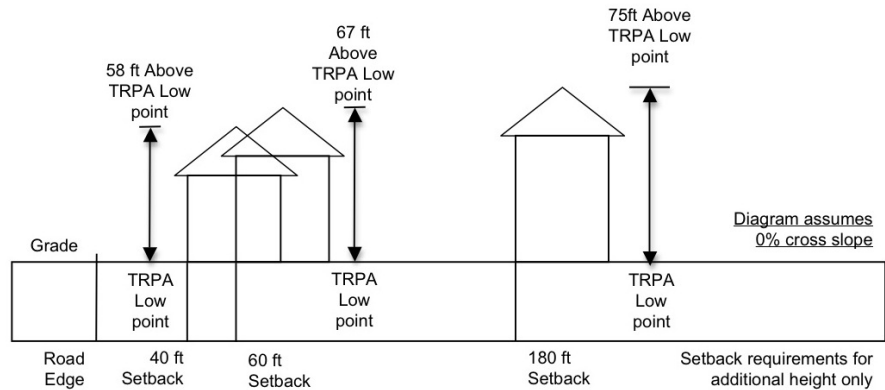
22.4.E Additional Height for Special Projects within the North Stateline Community Plan:  
TRPA may designate additional height for special projects that are located on the mountain side of SR28 within the TRPA approved North Stateline Community Plan boundary, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code Subsection 33.3.D(3) as specified below.

The maximum height allowed pursuant to this section is 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.

- (1) Requirements for additional height: Additional height may be specified within the North Stateline Community Plan subject to the following requirements:
  - a. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished; except when found to be historically significant and then the provisions of TRPA Code Chapter 29 shall prevail.
  - b. Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of 10 percent.
  - c. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
    - i. Satisfy the factors outlined in sub-sections (a-e) in TRPA Code Section 13.7.D (3);
    - ii. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;
    - iii. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site;
    - iv. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking);
    - v. Be a mixed use development; and

- vi. Orient building facades to the street; and
- vii. Implement landscaping and hardscaping that enhances the scenic quality of the area and whenever possible, improves the scenic ratings per the adopted Scenic Quality Implementation Program and Technical Appendices (SQIP). This shall include improvements that:
  - (a) blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;
  - (b) enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
  - (c) provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
- d. New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 22.1). Additional height for new structures satisfying these requirements may be permitted as follows:
  - i. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement is 58 feet.
  - ii. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement is 67 feet.
  - iii. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement is 75 feet.

Figure



- e. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.
  - f. The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
  - g. The project shall implement TRPA designated EIP Projects within the NSCP.
  - h. The project shall achieve a reduction in vehicle miles traveled.
  - i. Prior to approving additional height, TRPA shall make Findings (1), (3), (6), (8) and (9) of TRPA Code Section 22.7 .
- (2) Security for Improvements: The project shall ensure the public benefit(s) set forth in TRPA Code Subsection 22.4.E(1)(g), (h) and (i) are implemented consistent with the following provisions:
- (a) Project Approval. TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in this section that all necessary permits for development of the public benefits set forth in TRPA Code Subsection (1)(g), (h) and (i) of this subsection be issued prior to commencement of construction of the project utilizing the additional height.
  - (b) Project Funding. Prior to the commencement of construction of any project which relies on the use of the additional height provision the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in TRPA Code Subsection 22.4.E(1)(h), (x) and (xi) have been obtained or secured.
  - (c) Project Completion. For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in TRPA Code Subsection 22.(1)(g), (h) and (i) of this subsection.



## Attachment B 1

### Required Findings for Environmental Impact Statement

Prior to approving a project for which an EIS was prepared, TRPA must make the following findings for each significant adverse effect identified in the EIS. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

A. Chapter 5 Environmental Impact Statement Findings:

1. Finding: Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level;

Rationale: An EIS was prepared for the Boulder Bay Redevelopment Project, including the proposed height amendment. Table S-3 of the Draft EIS, with revisions as identified in Chapter 8 of the Final EIS, outlines all potentially significant project impacts, and the proposed mitigation measures that make those impacts less than significant. Section B below details the mitigation measures for each impact area and confirms that changes or alterations have been incorporated into the proposed project which reduces all significant adverse environmental effects to a less than significant level.

- B. Compact Article VII(d) Finding: The TRPA Regional Planning Compact requires that a separate written finding be made for each significant effect identified in the environmental impact statement on the project. Following each finding, Agency staff has indicated if there is not sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Finding: With respect to the significant and possibly significant effects on LAND USE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified land use impacts associated with the project are less than significant as demonstrated in the Final EIS (see Chapter 4.1). Compliance with the TRPA Regional Plan and Code requirements relating to land use will provide assurances that no adverse impacts will occur.

2. Finding: With respect to the significant and possibly significant effects on GEOLOGY, SOILS, LAND CAPABILITY AND COVERAGE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified geology and soil impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.2). Compliance with the TRPA Regional Plan and

Code requirements relating to land coverage and soils disturbance, including excess land coverage will provide assurances that no adverse impacts will occur. Other mitigation measures identified in the Final EIS include preparation and implementation of a final Emergency Response Plan. The plan is required as a permit condition of project approval and shall outline procedures for personnel response and personnel and visitor evacuation in the event of facility failure from a catastrophic event.

3. Finding: With respect to the significant and possibly significant effects on HYDROLOGY AND WATER QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified hydrology and water quality impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.3).

All alternatives include plans to either retrofit and/or expand storm water treatment systems. Compliance with the TRPA Regional Plan and Code requirements relating to hydrology and water quality will provide assurances that no adverse impacts will occur. Mitigation measures identified in the Final EIS include the retention of a TRPA security deposit to achieve surface water quality standards. The preparation and implementation of a storm water pollution prevention plan and preparation and implementation of a complete and detailed BMP and storm water treatment system plan is required as a permit condition of project approval.

4. Finding: With respect to the significant and possibly significant effects on BIOLOGICAL RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified biological resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.4). Compliance with the TRPA Regional Plan and Code requirements relating to wildlife and vegetation will provide assurances that no adverse impacts will occur. The FEIS details comprehensive mitigation measures that include an active Raptor and Migratory Bird Nest Site Protection Program.

5. Finding: With respect to the significant and possibly significant effects on SCENIC RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified scenic resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.5). However to ensure that development at the Boulder Bay project area does not create an 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;

(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:

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 with a minimum setback of 60 feet from the State Route 28 edge of pavement may be increased to 67 feet; and structures with a minimum setback of 180 feet from the State Route 28 edge of pavement may be increased to 75 feet.

6. Finding: With respect to the significant and possibly significant effects on RECREATION identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified recreation impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.6). To reduce potential impacts to Speedboat Beach Boulder Bay will operate a van shuttle service to reduce potential impacts to Speedboat Beach. Boulder Bay will also encourage guests to visit Kings Beach State Recreation Area beaches rather than Speedboat Beach. Boulder Bay shall offer the general public (e.g., Crystal Bay and Brockway residents and guests) use of their proposed on-call van service during peak summer months (e.g., Memorial Day to Labor Day) to supplement the other Boulder Bay funded improvements to existing public transit systems.

7. Finding: With respect to the significant and possibly significant effects on CULTURAL AND HISTORICAL RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified cultural and historical resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.7). No impacts to any known historical or cultural resources will be caused by any of the alternatives. The FEIS includes mitigation measures and permit conditions of project approval that will ensure detection and protection of any previously undiscovered cultural resources.

8. Finding: With respect to the significant and possibly significant effects on TRANSPORTATION AND CIRCULATION identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduces the potentially significant adverse effects to a less than significant level.

Rationale: The identified transportation and circulation impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.8). By implementing the mitigation measures outlined in the Final EIS, identified

effects to transportation and circulation will be mitigated to a less than significant level. Mitigation measures include improvement to turning movements at the Lake Village Drive and Highway 28 intersection, ensuring safe access from the bike path labeled LPF4 to Highway 28, and restricting construction traffic during peak traffic hours.

9. Finding: With respect to the significant and possibly significant effects on AIR QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.
- Rationale: The identified air quality impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.9). Compliance with the TRPA Regional Plan and Code requirements relating to air quality, including required dust control measures, will provide assurances that no adverse impacts will occur.
10. Finding: With respect to the significant and possibly significant effects on NOISE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.
- Rationale: The identified noise impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.10). Compliance with the TRPA Regional Plan and Code requirements relating to noise will provide assurances that no adverse impacts will occur. The FEIS includes mitigations that will ensure that the 50 dBA CNEL will not be exceeded.
11. Finding: With respect to the significant and possibly significant effects on SOCIOECONOMICS, POPULATION AND HOUSING identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.
- Rationale: The identified population and housing impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.11). Compliance with the TRPA Regional Plan and Code requirements relating to population and housing will provide assurances that no adverse impacts will occur.
12. Finding: With respect to the significant and possibly significant effects on PUBLIC SERVICES AND UTILITIES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.
- Rationale: The identified impacts to public services and utilities associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.12). By implementing the mitigation measures outlined in the Final EIS, identified effects to public services and utilities will be mitigated to a less than significant level. Mitigation measures



and permit conditions of approval include preparation of an emergency access plan to be used during construction activities.

13. Finding: With respect to the significant and possibly significant effects on CUMULATIVE IMPACTS identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: Within the reasonably foreseeable future, there will be other mixed use redevelopment projects, affordable housing developments, park improvements, ski resort improvements, and public works/infrastructure improvements which will provide increased benefits to water quality, air quality, scenic resources, VMT and land use in the North Tahoe urban areas and revitalize existing development to maintain economic viability. Further the proposed project will not contribute to an adverse change to existing NSCP goals but rather help better implement NSCP goals which are consistent with TRPA Community Plan density requirements. Therefore identified cumulative impacts associated with the project are not significant as demonstrated in the Final EIS.

Certification Findings: Per TRPA Rules of Procedure, Certification is defined as a finding that the final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and Chapter 6 of the Rules of Procedure.

C. Code Section 5.8.A (see also TRPA Compact VII(a)(1, 3, and 4)

Preparation Of EIS : When preparing an EIS, TRPA shall:

- (1) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

The EIS utilizes a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment. See DEIS Chapter 1 (Introduction).

- (2) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

The EIS studies, develops and describes appropriate alternatives (See DEIS Chapter 3 (Alternatives) and the FEIS Alternative Comparison Matrix (Attachment F).

- (3) Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

The EIS consultant consulted with and obtained the comments of the federal, state and or local agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards have been made available to the public and have accompanied the project through the review processes (See DEIS Chapter 1 (Introduction); NOP and Initial Environmental Checklist (Appendix A); DEIS Scoping Summary and Written Comments Received during Scoping Period; and FEIS Chapter 8 (Comments and Responses to Environmental Issues)).

- (4) Consult the public during the environmental impact statement process and solicit views during a public comment period not be less than 60 days.

See Finding Rationale discussion regarding paragraph (3) above. The EIS consulted the public during the environmental impact statement process and solicited views during a public comment period not less than 60 days (See DEIS Section 1.5 (Environmental Review Process) at pg. 1-4 and FEIS Chapter 2 (Comments and Responses to Environmental Issues)).

Code Section 5.8.B (see also TRPA Compact VII(a)(2))

Contents Of EIS: An EIS shall include, at a minimum, the following:

- (1) Description of project.  
The EIS includes a description of the Project (See DEIS Chapter 2 (Project Description).
- (2) The significant environmental impacts of the proposed project.  
The EIS includes the significant environmental impacts of the proposed project (See DEIS Chapter S (Summary), Table S-1 at pgs. S-5 through S-103; see also Chapter 4 (Affected Environment and Environmental Consequences). The EIS analysis determines that the proposed project and alternatives would result in less-than-significant impacts on human health/risk of upset; land use; population and housing; and recreation. The analysis also determines that, with the implementation of the identified mitigation measures, the proposed project and project alternatives would have less-than-significant impacts on: air quality; archaeological and historical resources, biological resources; geology, soils, and land capability and coverage; hydrology and water quality; noise; public services and utilities; scenic resources; and transportation and circulation (See DEIS Section 5.2 (Effects Found Not to be Significant) at pg. 5-1).
- (3) Any significant adverse environmental effects which cannot be avoided should the project be implemented.

Section 5.8.B (2) of the TRPA Code of Ordinances requires an environmental impact statement (EIS) to include "any significant adverse environmental effects which cannot be avoided should the project be implemented." Chapter 4 of this EIS assesses the project-specific and cumulative environmental effects of the five Sierra Colina Village project alternatives, and concludes that the all project impacts are less than significant or that implementation of mitigation measures recommended in this EIS would reduce significant impacts to less-than-significant levels (DEIS at Section 5.1 at pg. 5-1).

- (4) Alternatives to the proposed project.  
The EIS includes an analysis of alternatives to the proposed project (See DEIS Chapter 2 (Alternatives). See findings above.
- (5) Mitigation measures which must be implemented to assure meeting standards of the region.  
The EIS includes an analysis of mitigation measures which must be implemented to assure meeting standards of the region (See DEIS Chapter S (Summary), Table S-3; see also Chapter 4.
- (6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.  
The EIS includes an analysis of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity (DEIS at Section 5.4 (Relationship between Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity) at pgs. 5-2 through 5-3).
- (7) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.  
The EIS includes an analysis of any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented (DEIS at Section 5.3 (Irreversible and Irretrievable Commitment of Resources) at pgs. 5-1 through 5-2).
- (8) The growth-inducing impact of the proposed project.  
The EIS includes an analysis of the growth-inducing impact of the proposed project (DEIS at Section 4.11 Socioeconomics, Population and Housing.

Code Section 5.8.C (see also TRPA Compact VII(c)  
Inclusion Of Other Data And Information :

- (1) An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

The EIS refers to the entirety of information and data which are relevant to it and are a matter of public record or are generally available to the public (See DEIS

Appendices (References)). Such information or data is briefly described in the EIS and its relationship to the EIS is so indicated.

Rules of Procedure 6.13

Draft EIS:

- (1) Upon a determination of the scope of the EIS, a draft environmental impact statement shall be prepared. The draft EIS shall include, at a minimum, the elements listed in Subsection 5.8.B of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

See Finding Rationale discussion above regarding Contents of EIS. The DEIS includes the elements listed in Subsection 5.8.B of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

- (a) Summary: A draft EIS in excess of 30 pages shall include a summary, preferably less than 10 pages in length, which identifies at a minimum: a brief project description; each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect; and areas of controversy known to TRPA.

The Draft EIS includes a Summary which includes a brief project description (DEIS Chapter 2 (Proposed Project); each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect (DEIS Section S.3 (Summary of Impacts and Mitigation) and Relationship to Existing Plans and Land Use Policy TRPA (Chapter 3).

- (b) Comment Period: The draft EIS shall be circulated for public comment for a period not less than 60 days. TRPA may hold a public hearing on a draft EIS.

The Draft EIS was circulated for public comment for a period of 60 days (DEIS at pg. 1-4). TRPA held two public hearings before the Advisory Planning Commission (August 13, 2008) and (December 9, 2009) and the TRPA Governing Board (December 16, 2009) on a the DEIS.

- (c) Notice of Comment Period: The comment period shall not commence before the date of publication of a notice in a newspaper whose circulation is general through the region. The notice shall include a brief description of the project or matter under consideration, the date the comment period commences, the date by which comments must be received, and that copies of the draft EIS may be obtained by contacting TRPA and are available for public review at TRPA's offices. Copies of the draft EIS shall be mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period shall be given to affected property owners pursuant to Article XII of these Rules.

The Draft EIS Notice of Comment Period was properly noticed by TRPA, and all procedures were followed regarding the availability of the DEIS for

the public's review, and copies of the Draft EIS were mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period was given to affected property owners pursuant to Article XII of TRPA's Rules of Procedure.

- (d) Request for Comments: TRPA shall request comments on draft EISs from any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments shall be given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice shall be given no later than the date the comment period commences. Separate notice under this section is not necessary if notice of the draft EIS has been given to the agency pursuant to subparagraph (c) above.

TRPA requested comments on the Draft EIS from any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments was given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice was given no later than the date the comment period commenced.

- (e) Extension of Comment Period: TRPA may extend the comment period for good cause. Notice of extension shall be posted at TRPA offices. TRPA is not required to respond to late comments but may elect to do so.

The comment period for the Draft EIS was extended an additional 30 days. TRPA was not required to respond to late comments but elected to do so in the Final EIS. TRPA received several comments after the circulation period closed, however, the comments were accepted and responded to.

#### Rules of Procedure 6.14

##### Final EIS:

- (1) At the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period, and may respond to oral or late comments. The response to comments may be in the form of a revision to the draft EIS, or may be a separate section in the final EIS that shall note revisions to the draft EIS, if any. The final EIS shall include, at a minimum: the draft EIS, or a revision; comments received on draft, either verbatim or in summary; the responses to comments; and a list of persons, organizations and agencies commenting in writing on the draft EIS.

The final EIS may incorporate by reference computer data recorded on disk, videotape, slides, models and similar items provided summaries of such items are included in the final EIS. The final EIS may also include oral testimony given at APC or Board hearings.

At the conclusion of the comment period, TRPA prepared written responses to all written comments received during the comment period, and responded to all oral

and late comments. The response to comments is in the form of a separate section in the final EIS that notes revisions to the Draft EIS. The final EIS includes:

- (a) Revisions to the draft EIS (FEIS Chapter 8 (Revisions and Corrections to Draft EIS));
- (b) Comments received on the draft EIS, verbatim as to written comments and in summary as to oral comments (FEIS Chapter 8 (Comments and Responses to Environmental Issues) Revisions and Corrections to Draft EIS));
- (c) The responses to comments (FEIS Chapter 8 (Comments and Responses to Environmental Issues) Revisions and Corrections to Draft EIS)); and
- (d) A list of persons, organizations and agencies commenting in writing on the draft EIS (FEIS Chapter 8 (List of Commenters) at pgs. 8-1 through 8-11).

The final EIS incorporates by reference computer data recorded on disk, videotape, slides, models and similar items and has provided summaries of such items included in the final EIS. The final EIS also includes oral testimony given at APC or Board hearings, and responses to such oral comments.

Based on the above, the Final EIS for Boulder Bay Redevelopment project is in compliance, procedurally and substantively, with the Compact, the Code, and the Rules of Procedure.

## Attachment B-2

### Required Findings for Amendment of Chapter 22 of the TRPA Code of Ordinances

The following findings must be made prior to adopting the proposed amendments to Chapter 22 of the TRPA Code of Ordinances to allow additional height for designated special projects within the North Stateline Community Plan (NSCP):

A. Chapter 6 – Required Findings:

1. Finding: Section 6.3 Finding (1): The Code amendment is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs

Rationale: Based on the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), the completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the amendment is consistent with, and will not adversely effect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Chapter 22, Height Standards, is amended consistent with the Goals and Policies Plan and the North State Line Community Plan to allow additional height for tourist accommodation facilities when it doesn't block views to ridgelines and does not exceed the forest canopy. Compliance Measure #208, Height Standards, is changed by amending Chapter 22, Height Standards, to allow more height on the project site to facilitate scenic improvements. This amendment is otherwise consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and supplemental compliance measures and attainment of target dates as identified in the 2007 Compliance forms adopted by the TRPA Governing Board via Resolution 2007-11.

The additional height amendment, by itself, does not affect the cumulative accounting of units of use, resource utilization or threshold attainment and maintenance pursuant Subsection 32.7.B given that the amendment for height improves the roadway scenic threshold and has no affect on units of use or resource utilization. The increase or change in the cumulative accounting resulting from the project is addressed in the findings for the project.

The additional height amendment, by itself, does not affect the amount of the remaining capacity available, as that remaining capacity has been identified in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), including the Environmental Impact Statement for the current Regional Plan.

For the amendment's specific mitigation measures, TRPA has identified in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010) an adequate means including setting a baseline status by which the mitigation measure's effectiveness will be evaluated. Besides the EIS mitigation and monitoring required for impacts SR-1, SR-1B and SR-3, the Scenic Roadway Unit shall be required by the amendment to improve the baseline score of Roadway Unit 20 from 13.5 to 15.

The additional height amendment, by itself, does not affect the amount of the remaining capacity available. The increase or change in the capacities resulting from the project is addressed in the findings for the project. In those findings, TRPA confirms in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010) that sufficient capacity remains in additional water supply, additional sewage capacity, or additional vehicle miles of travel (greater than forecasted in the environmental assessment for the 1996 Evaluation Report), to permit development of recreation projects which are contained in the EIP.

2. Finding: Section 6.3 Finding (2): The amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rational: Based on the rationale for the foregoing finding, the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the amendment will not cause the environmental threshold carrying capacities to be exceeded.

This conclusion is based on reviewing the 36 threshold compliance forms prepared and adopted pursuant to Chapter 32. In September 2007, TRPA approved the 2006 Threshold Evaluation Report and the adopted updated compliance forms for the 36 indicators (Section 32.3) which include target dates, interim targets, and compliance measures (Section 32.5) needed to achieve and maintain thresholds. (6.3.B(1))

The proposed amendment modifies a scenic compliance measure which will assist in the attainment of Scenic Travel Route Ratings (SR-1) and Community Design (SR-4) and will therefore have a positive affect on the attainment of scenic thresholds. There are no identified adverse impacts to the other Thresholds as measured by their indicators resulting from the amendments. The amendment will allow for a project that would have the following threshold benefits:

- i. Achieve of benefits included in the CEP resolution through various design, transit, and water quality improvements,



- ii. Land use, and visual enhancements that improve the scenic thresholds and benefit the community;
- iii. Reduce land coverage and implement water quality improvements over and above standard TRPA regulations and existing planning goals;
- iv. Reduce daily and peak hour trip generation compared to existing uses within the project area which benefits air quality thresholds and
- v. Reduce vehicle miles traveled compared to existing uses within the project area;

The amendment will not effect the attainment of any adopted target date or interim target as set forth in the 2007 Compliance forms adopted by the TRPA Governing Board via Resolution 2007-11.

For Scenic Threshold Indicator SR-1, it will assist in achieving the 2.5 interim target increase in scoring for Washoe County and the adopted target of 15.5 for Roadway Unit 20 by 2011.

3. Finding: Section 6.3 Finding (3): Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

Rationale: Based on the rationale for the foregoing findings, the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the amendment will not cause the federal, state and local air and water quality standards applicable for the Region to be exceeded.

The amendment is to height regulations (Scenic Compliance Measure 208) which is not a compliance measure for air and water quality. The amendment has no effect on air and water quality standards. The potential impacts of the project to air and water quality, as analyzed in the EIS are addressed under the project Chapter 6 Findings.

4. Finding: Section 6.5 Finding The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: Based on the rationale for the foregoing findings, the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, the Tahoe: State of the Lake Report 2010, and the Lake Tahoe Environmental Improvement Program Update 2010, TRPA finds the Regional Plan and all of its

elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

In adopting the Regional Plan and the Code of Ordinances, TRPA found that the Plan as a whole achieves and maintains thresholds. CITE 1987 RPU ADOPTING RESOLUTION. Since adoption of the Regional Plan package, TRPA reviews the plan every five years to ensure that it is achieving thresholds and to propose compliance measures, as necessary, to promote further attainment and to establish interim and long terms targets for threshold attainment. On September 2007, TRPA approved the 2006 Threshold Evaluation Report and the adopted updated compliance forms for the 36 indicators which include target dates, interim targets, and compliance measures needed to achieve and maintain thresholds. For those thresholds not yet in attainment, the compliance forms propose supplemental measures to promote attainment.

Of the 36 indicators, the height amendment proposed for Boulder Bay only affects two indicators - Scenic Travel Route Ratings (SR-1) and Community Design (SR-4). These two indicators, absent the proposed code amendment, are on a positive trend towards attainment. The height amendment proposed will further promote the attainment of these two indicators because the existing development will be redeveloped and set back significantly from SR 28 and will be architecturally designed to blend with the natural setting.

In addition, the height amendment facilitates the development of the Boulder Bay project, which as described in the project findings, will promote further scenic threshold attainment. The project involves each and every one of the factors listed in the 2006 Report as contributing to the trend tracking towards scenic attainment: removal of degraded structures, improvement in architectural quality of new and remodeled structures, increased landscaping and landscaped open space, decreases in highway curb cuts, and improved signage. As a result of the Project, Roadway Unit 20D will increase from a score of 13.5 to 15.0 and therefore will be within 0.5 point of attainment.

As such, the Regional Plan, as implemented through the proposed height amendment and the existing ordinances will achieve and maintain thresholds.

## Attachment B-3

### Required Findings/Rationale for Proposed Project Approval

The following is a list of the required findings as set forth in Chapters 6, 18, 20, 22 and 64 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

A. Chapter 6 – Required Findings:

1. Finding: Section 6.3 Finding (1): The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs

Rationale: Based on the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), the completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Chapter 22, Height Standards, is amended consistent with the Goals and Policies Plan and the North State Line Community Plan to allow additional height for tourist accommodation facilities when it doesn't block views to ridgelines and does not exceed the forest canopy. Compliance Measure #208, Height Standards, is changed by amending Chapter 22, Height Standards, to allow more height on the project site to facilitate scenic improvements. This project is otherwise consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and supplemental compliance measures and attainment of target dates as identified in the 2007 Compliance forms adopted by the TRPA Governing Board via Resolution 2007-11.

The proposed project does affect the cumulative accounting of units of use, resource utilization or threshold attainment and maintenance as addressed in the FEIS..

The proposed project, by itself, does not affect the amount of the remaining capacity available, as that remaining capacity has been identified in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), including the Environmental Impact Statement for the current Regional Plan.

For the amendment's specific mitigation measures, TRPA has identified in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010) an adequate means including setting a baseline status by which the mitigation measure's effectiveness will be

evaluated. Besides the EIS mitigation and monitoring required for impacts SR-1, SR-1B and SR-3, the Scenic Roadway Unit shall be required by the amendment to improve the baseline score of Roadway Unit 20 from 13.5 to 15.

The proposed project, by itself, does not affect the amount of the remaining capacity available. TRPA confirms in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010) that sufficient capacity remains in additional water supply, additional sewage capacity, or additional vehicle miles of travel (greater than forecasted in the environmental assessment for the 1996 Evaluation Report), to permit development of recreation projects which are contained in the EIP.

Land Use: The Regional Plan gives a high priority to correcting past deficiencies in land use. The redevelopment of the project area would correct past deficiencies and will promote tourist-oriented activities within the project area and improve scenic and other regional thresholds. The proposed project proposes unpaved walking trails within Plan Area 034 – Crystal Bay. Allowable land uses in this plan area include riding and hiking trails. Therefore, this use is consistent with allowable uses in Plan Area 034.

The remainder of the project area is located within the North Stateline Community Plan Area. The recreational day-use portion of the park and open space area are proposed to be located within the North Stateline Community Plan. Recreational day use is an allowable use in the NSCP.

Special use findings are required for the 59 market rate and 14 affordable multi-family dwelling units included in the proposed project. The special use findings can be made because multi-family housing is consistent with the tourist, commercial and gaming uses currently located within the project area and surrounding community plan area as analyzed in the EIS. The remaining 35 multi-family housing units included in the proposed project would be located on the top floors of Buildings D and E, which also include gaming and hotel uses. Multi-family housing units are consistent with the NSCP allowable hotel and gaming uses proposed for Buildings D and E.

The health and wellness use would be consistent with the planning direction for the NSCP project area and therefore the impacts on land use are considered to be less than significant per the Chapter 4.1 analysis of the EIS.

Transportation: The EIS includes an analysis of traffic, parking, and circulation to assess potential impacts associated with the Boulder Bay Redevelopment project. This analysis concludes that

the proposed project (Alternative C) as shown in Table 4.8-15 of the EIS will reduce daily vehicle trip ends by 2,190 trips.

The proposed project will also generate less Vehicle Miles Traveled (VMT) than the existing conditions of the project site. The project will generate 9,955 fewer VMT than the existing Tahoe Biltmore when at full operational capacity.

The proposed project will construct 540 parking spaces of which 530 will be located in underground structures. The maximum number of parking spaces allowed by the NSCP is 783 based on the land uses included in the proposed project. Appendix W of the EIS shows details of a shared parking analysis which determined that the minimum number of parking spaces needed for the project is 491 spaces.

Conservation: As demonstrated in Table 4.5-4 of the EIS, portions of the proposed project include 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 for designated special projects within the NSCP (new section 22.4.E). The amendment would allow additional height within specific boundaries in the Nevada portion of the NSCP. This would result in an improvement in the highway travel route ratings and no significant impact on the shoreline travel route ratings.

Recreation: Currently there are no public recreational uses other than gaming and hotel amenities provided within the project area. Redevelopment of the project area for similar uses will not result in a conflict with any established recreational use in the area. The proposed project will provide resort guests and residents with onsite recreational activities and deed restricted public open space to be maintained by Boulder Bay. The proposed project provides onsite new recreational resources to help offset tourist visitation growth associated with the project. The proposed project also provides shuttle services for guests to access public beach areas which will assist in directing guests to beaches other than Speedboat Beach to avoid overcrowding. The EIS determined that the proposed project will have no significant environmental impact on the Recreation threshold.

Public Service and Facilities: The EIS (PSU-1), identifies potentially significant impacts associated with public safety services provided by the Washoe County Sheriff's Department. The Sheriff's department has raised concerns regarding potential changes to local traffic patterns and existing traffic safety devices. The traffic analysis, however, states that traffic patterns would not be substantially different under Alternative C, (the proposed project) compared to operation of the existing resort under current

buildout levels (including the operation of the maximum amount of certified gaming area). The traffic analysis states that traffic patterns would not be substantially different under the proposed project compared to operation of the existing resort under current buildout levels (including the operation of the maximum amount of certified gaming area).

The Fire District has reviewed the proposed roadway re-alignments and internal circulation associated with the proposed Boulder Bay Washoe County right-of-way abandonment and has determined that they are acceptable.

Boulder Bay has identified and is able to secure 75 to 100 acre-feet of available water rights for purchase from a private land holder. A commitment letter is on file with the TRPA showing an adequate amount is available for acquisition. Utility and public service providers have indicated that the proposed project will not result in a cumulative adverse impact. Electrical, gas, and solid waste providers have capacity to serve projects in the area.

Implementation: The proposed project, as identified in the EIS, is considered growth-inducing as it will result in up to 74 additional employees, 59 new whole ownership units, and 14 new affordable housing units with a total of 38 bedrooms. It is expected that potential employees will be drawn from the local community adjacent to the Lake Tahoe Basin. However, the addition of 74 long-term employment positions is likely to induce growth. As discussed in Section 4.11 of the EIS, permanent population growth associated with the whole-ownership units is estimated at 149 persons. Sixty-six (66) of the TAUs and 56 of the ERUs that will be transferred to the project site come from El Dorado County, California, including 42 units transferred from the SEZ restoration of a former hotel in South Lake Tahoe. Of the units transferred from El Dorado County, the 66 TAUs will not include permanent-resident population. The 56 ERUs transferred from El Dorado County will shift population within the basin while benefitting environmentally sensitive areas. The affordable housing units are in high demand within the existing community and are likely to be sought by onsite employees. Although these units are intended to serve an existing demand they may induce additional population growth by attracting new residents to the area who are currently employed, but not residing in the immediate area.

The proposed project (Alternative C) has been identified in the EIS as the environmentally preferred alternative as it would not result in significant and unavoidable environmental impacts while meeting the range of environmental improvement goals established for the project and the Community Enhancement Program.

2. Finding:

Section 6.3 Finding (2): The proposed project will not cause the environmental threshold carrying capacities to be exceeded.

Rational:

Based on the rationale for the foregoing finding, the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the proposed project will not cause the environmental threshold carrying capacities to be exceeded.

This conclusion is based on reviewing the 36 threshold compliance forms prepared and adopted pursuant to Chapter 32. In September 2007, TRPA approved the 2006 Threshold Evaluation Report and the adopted updated compliance forms for the 36 indicators (Section 32.3) which include target dates, interim targets, and compliance measures (Section 32.5) needed to achieve and maintain thresholds. (6.3.B(1))

The proposed project, as designed, will assist in the attainment of Scenic Travel Route Ratings (SR-1) and Community Design (SR-4) and will therefore have a positive effect on the attainment of scenic thresholds. There are no identified adverse impacts to the other Thresholds as measured by their indicators resulting from the amendments. The project will provide the following threshold benefits:

- i. Achieve of benefits included in the CEP resolution through various design, transit, and water quality improvements,
- ii. Land use, and visual enhancements that improve the scenic thresholds and benefit the community;
- iii. Reduce land coverage and implement water quality improvements over and above standard TRPA regulations and existing planning goals;
- iv. Reduce daily and peak hour trip generation compared to existing uses within the project area which benefits air quality thresholds and
- v. Reduce vehicle miles traveled compared to existing uses within the project area;

The proposed project will not affect the attainment of any adopted target date or interim target as set forth in the 2007 Compliance forms adopted by the TRPA Governing Board via Resolution 2007-11.

For Scenic Threshold Indicator SR-1, it will assist in achieving the 2.5 interim target increase in scoring for Washoe County and the adopted target of 15.5 for Roadway Unit 20 by 2011.

The EIS analyzed the proposed project and Chapter 22 Code amendment in terms of compliance with the TRPA Thresholds, Regional Plan Goals and Policies and Code of Ordinances and based on the analysis it was concluded that the project, with mitigation, will not cause the environmental thresholds carrying capacities to be exceeded. In fact, the proposed project achieves the environmental benefits required by the CEP, provides visual enhancements that improve the

scenic thresholds; reduces land coverage and implements water quality improvements over and above the standard TRPA requirements; benefits air quality thresholds by reducing daily and peak hour trip generation compared to existing uses within the project area, and reduces vehicle miles traveled.

3. Finding: Section 6.3 Finding (3): Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

Rationale: Based on the rationale for the foregoing findings, the following analysis, the analysis in the Boulder Bay Community Enhancement Program Project Final EIS (September 2010), completion of the Project Review Conformance Checklist & V(g) Findings, the 2006 Threshold Evaluation Report, September 2007, and the 2007 Compliance Forms, adopted by the Governing Board via Resolution 2007-11, TRPA finds the proposed project will not cause the federal, state and local air and water quality standards applicable for the Region to be exceeded.

The EIS analyzed the proposed project in terms of compliance with all federal, state and local air and water quality standards applicable to the Region and determined that the project meets or exceeds such standards. The proposed project reduces daily vehicle trip ends (DVTE) and vehicle miles traveled (VMT) and exceeds TRPA's water quality and land coverage reduction requirements by reducing land coverage by 15.8 percent (68,317 square feet), implementing a water quality treatment system that is designed to treat a 50 year, one-hour storm, and installing low impact development (LID) that effectively reduces an additional 99, 400 square feet of land coverage.

B. Chapter 18 - Special Use Findings:

1. Finding: The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

Rationale: The proposed project includes 59 residential market rate and 14 affordable multi-family dwelling units. Multi-family housing is a special use that will require TRPA findings pursuant to Code Section 18.1.B (1-3). These findings can be made based on the vision of the NSCP to create a family-oriented destination resort. Multi-family condominium units may be more attractive to many families than standard studio hotel rooms because they offer kitchens, family gathering areas, and more privacy. NSCP Goal 1.1 states "create a more complete, family oriented destination resort area". This goal can be met by providing a variety of housing accommodations in the project. The multi-family residential use is consistent with the purpose of the community



plan (Finding 3) and is consistent with the existing adjacent land uses near Stillwater Cove.

2. Finding: The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

Rationale: The proposed residential units and the project site include design features to protect natural resources and safety and include mitigation measures, where necessary. The mitigation measures would protect resources and maintain public safety as required. Further the applicant shall satisfy all mitigation and monitoring requirements for the proposed project.

3. Finding: The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be, as the project is merely an improvement to an existing system.

TRPA Code of Ordinances Subsection 14.3.A states that multi-family units should be located within a community plan area as community plans encompass areas with concentrated commercial and tourist use. The proposed project is located within the North Stateline Community Plan, which has identified the 59 market rate and 14 affordable multi-family dwelling units as a special use requiring special use findings. The special use findings can be made because multi-family housing is consistent with the tourist, commercial and gaming uses currently located within the project area and surrounding community plan area as analyzed in the EIS. The vision of the NSCP is to create a family-oriented destination resort. Multi-family condominium units may be more attractive to many families than standard studio hotel rooms because they offer kitchens, family gathering areas, and more privacy. The vision of the NSCP is to create a family-oriented destination resort. Multi-family condominium units may be more attractive to many families than standard studio hotel rooms because they offer kitchens, family gathering areas, and more privacy. NSCP Goal 1.1 states "create a more complete, family oriented destination resort area". This goal will be met by providing a variety of housing accommodations in the project. The multi-family residential use is consistent with the purpose of the community plan (Finding 3) and is consistent with the existing adjacent land uses near Stillwater Cove.

C. Chapter 20 – Coverage Relocation Findings:

1. Finding: The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors: Whether the area of relocation already has been disturbed.

Rationale: The proposed land coverage for the proposed project will be in excess of the allowable base land coverage. However, with the reconfiguration of Washoe County roads and integration of the roadway areas into the project area, the proposed land coverage is reduced to 50.3 percent and will almost meet the maximum allowable project area coverage defined in the NSCP, which allows up to 50 percent land coverage. However, because Alternative C reduces onsite coverage from existing conditions and does not require a transfer of land coverage to the project area, the proposed 50.3 percent land coverage within the NSCP is allowable.

D. Chapter 22 – Additional Height Findings (new building only):

1. Finding: 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.

Rationale: The project involves the construction of 8 new buildings between 3 and 5 stories within the North Stateline Community Plan area. The tallest building structure is targeted to be a total of 75 feet in height with a minimum front setback from SR 28 of 180 feet. The tallest buildings are set back over 300 feet from SR28. In order to achieve this height which is lower than the existing height of the existing casino structure, 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. The additional height will not extend above the tree canopy.

2. Finding: 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.

Rationale: Specific findings are analyzed in detail under Impact SR-3 of DEIS. These findings require the additional height to be below the forest canopy which the proposed project satisfies. The proposed building will be located as to not to impede major views to the Lake or the mountain ridgeline by reducing height on specific buildings and using setbacks to keep visual impacts setback from SR28.

3. Finding: 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.

Rationale: The proposed buildings include architectural features that break up the majority of vertical exterior walls, and the maximum height at any corner of two exterior walls of the building will not be greater than 90 percent of the maximum building height.

E. . Chapter 64 - Excavation Findings:

These findings are required because the Project includes excavation to depths greater than five feet.

1. Findings: A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

Grading to prepare the site for the new improvements will involve approximately 127,000 cubic yards of cut and 6000 cubic yards of fill. Any such excess material not used on site shall be hauled out of the Basin to a TRPA approved disposal site. A soils hydrology report prepared for the proposed project concludes that the excavation will not intercept groundwater.

2. Findings: The excavation is designed such that no damage occurs to mature trees except where tree removal is allowed pursuant to Subsection 65.2.E. including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and

A majority of the project area is located within the NSCP. The general standards for tree removal within the project area are provided in subsection 71.2.B of the TRPA Code of Ordinances. Of the trees that are 24 inches and larger, 5 are proposed for removal based on their current condition described in arborist report generated for the project. The 5 Jeffrey pine trees that the arborist recommends for removal are 25", 26", 31", 39" and 48" dbh. These trees are considered hazard trees due to visible deformities. An additional 20 trees equal to or greater than 24" dbh are proposed for removal to accommodate construction under the proposed project. Table 4.4-7 of the DEIS lists the justification for removal of each tree equal to 24 inches or greater. A tree preservation report, addressing required tree protection measures from excavation activities was prepared for the proposed project (See Appendix K of the FEIS).

3. Findings: Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

Rationale: Grading to prepare the site for the new improvements will involve approximately 127,000 cubic yards of cut and 6000 cubic yards of fill. As such any excess material not used on site shall be hauled out of the Basin to a TRPA approved disposal site. Also as a condition of approval, the permittee shall submit a dewatering plan to TRPA for review and approval prior to acknowledgement of this permit. The dewatering plan shall show that if groundwater is intercepted, the water will be infiltrated onsite. A soils hydrology report prepared for the proposed project concluded that the excavation will not intercept groundwater.

## Attachment C

### Issues and Concerns Discussion

Three hundred and sixty-four (364) comment letters and e-mails were received by the TRPA on the Draft EIS during the public circulation period and seventeen (17) oral comments were given at the November 18, 2009 Governing Board meeting with twenty two (22) oral comments given at the December 9, 2009 Advisory Planning Commission (APC) meeting with another fifty one (51) oral comments given at the December 16, 2009 Governing Board meeting. The range of comments is included within the individual comment letters and the Response to Comments portion of the Final EIS. Following are the primary issues that were raised during the comment period (A-E) along with other issues as they directly relate to the adoption of the proposed height amendment and requested approval of the proposed project (F- N) followed by a brief staff response as to how these issues were addressed in the environmental document:

- A. Traffic Analysis, Water Quality Benefits, BMPs - The EIS needs to include an adequate traffic analysis, quantification of water quality benefits, including fine sediment load reduction and complete and fully maintained BMPs for water quality:

(1) Traffic Analysis:

Response: With regards to the questions regarding adequacy of the traffic analysis, TRPA has confirmed that for purposes of determining the level of environmental impact, the original study contained in the DEIS is consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances as well as all other traffic studies conducted by TRPA for recent Environmental Impact Studies. The DEIS traffic analysis is also consistent with the guidelines for completion of traffic impact studies published by the Community Development Departments for Washoe County, Placer County, Douglas County and El Dorado County. Given the number of questions raised during the comment period with regards to the traffic conditions, TRPA directed that Fehr & Peers, TRPA's EIS traffic consultant, prepare a Technical Memorandum (Appendix AA of the DEIS) to address the comments received.

(1) Water Quality Benefits:

Response: The TRPA Code of Ordinances requires that a project be designed to treat a 20 yr-1hr storm on site and meet water quality discharge standards. There is currently no requirement for fine sediment, nitrogen or phosphorus load reduction. The proposed Storm Water Management Plan for the proposed project exceeds the current TRPA requirements and provides above and beyond benefits toward achieving the draft goals and objectives of the Lake Tahoe Total Maximum Daily Load Report (TMDL). Appendix AB of the DEIS has the supplemental analysis for additional quantification of surface water quality benefits, for predicted load reductions for total sediment, fine sediment and nutrients. An analyses for water quality impacts as reviewed by TRPA Staff can be found under HYDRO-1 and HYDRO-3 in the DEIS. The supplemental water quality analysis does not

change the analysis for HYDRO-1 and HYDRO-3 but provides additional quantified results that support the conclusions that potential impacts discussed in HYDRO-1 and HYDRO-3 are reduced to a less than significant level.

(2) Complete and fully maintained BMPs for water quality:

Response: On site water quality treatments for the proposed project are designed to capture, convey and infiltrate up to the 100yr/1hr storm total runoff volume with incorporation of Low Impact Development (LID) technologies. Under the proposed project, runoff from the TRPA 20yr/1hr design storm will not leave the project area untreated or enter into NDOT rights-of-way. Further, runoff volumes up to the 100yr/1hr storm event will not leave the project area untreated or enter into NDOT rightst-of-way except possibly under very extreme antecedent soil moisture conditions. Boulder Bay will be required to properly maintain stormwater treatment systems as a condition of project permitting. The DEIS recommends mitigation measure HYDRO-1 to assure that stormwater treatment systems are operated and maintained to be effective in meeting TRPA discharge standards.

- B. Traffic Baseline - The traffic baseline used for the analysis does not accurately reflect current conditions or future vehicle miles traveled. The actual existing traffic counts should be used instead of a theoretical assumption of traffic levels when the existing facility is operating at full capacity.

Response: The DEIS traffic study determined baseline traffic volumes by applying trip generation assumptions used for determining the impacts of the Project and Alternatives to the existing land uses that operate within the project area. The overall existing trip generation of the Tahoe Biltmore project area was calculated based on the intersection traffic volumes collected in 2008, plus trip generation estimates from the Nugget Casino overflow parking lot, the Crystal Bay Motel, and the Crystal Bay office space, which were not included in the 2008 traffic counts, but are now included as part of the Boulder Bay project area. TRPA has confirmed that for purposes of determining the level of environmental impact in the DEIS and FEIS, the methods used in the original study contained in the DEIS is consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances. The DEIS traffic study is also consistent with the guidelines for completion of traffic impact studies to determine level of impact published by the Community Development Departments for Washoe County, Placer County, Carson City/County, Douglas County and El Dorado County.

- C. Internal/External Alternative Mode Trips, Fehr & Peers Mixed Use Development Model - The EIS should explain why Alternatives C and A have different internal trip capture rates. The Fehr & Peers mixed-use development trip generation model is inaccurate because it does not include interval-ownership or hotels. The model fails to consider external trips by guests to recreation, retail, and services beyond the Project Area, and trips were double counted when "Alternative Mode Split" factors were applied to

the total number of “raw” trips, rather than only to external trips. Trip reduction estimates based on the shuttle service are overly optimistic.

Response: The internal capture and Alternative mode reductions for the Boulder Bay project were calculated using two sources: the Fehr & Peers mixed use development model (mixed-use equations) and surveys conducted by LSC Transportation Consultants, Inc. (2007) at the existing Tahoe Biltmore. The mixed-use equations calculate the number of Alternative mode trips and determine the split between internal (walking, bicycling, or taking transit between uses on the site) and external (walking, bicycling, or taking transit to a use off the site) Alternative mode trips. The overall Alternative mode reductions (internal and external) were applied to the “raw” trip generation of each land use included in the project Alternatives. LSC conducted surveys of the existing hotel and casino guests at the existing Tahoe Biltmore to determine Alternative mode and internal capture percentages for those existing uses. Local information was included in the trip generation analysis, where available. The internal capture percentages were determined based on the type and size of each land use included in the various Alternatives.

- D. Accessory Uses in Relation to the Traffic Analysis - The 89,000 square foot accessory space needs to be included for traffic and parking analyses. Accessory floor area uses are not adequately accounted for in the trip generation model because the model assumes no new trips would be generated; yet uses such as restaurants would generate trips. Address any changes to the trip generation calculations if the reserved gaming floor area is converted to CFA. Include the impacts on the trip calculations and parking if the wellness center and spa are categorized as CFA instead of as an "accessory use" to the hotel.

Response: The TRPA Code of Ordinances provides definitions of Accessory Space and Commercial Floor Area (CFA). These definitions are unrelated to the ITE definition of “accessory space” from a traffic analysis perspective. The CFA designation is unique to TRPA and does not influence the analysis of traffic impacts. TRPA’s CFA designation regulates the design and operation of commercial land uses within the Tahoe Basin. However, the project characteristics for traffic analysis will not change if the TRPA-defined land use designations of the spa and meeting space are changed to CFA. The hotel (wellness center) will include space for spa reception, guest locker rooms, back of house and circulation, exercise and fitness areas, massage and beauty treatments, relaxation, and wellness instruction. The spa and wellness services will be scheduled, operated and billed through the hotel operations. The meeting space and spa (wellness center) have been included in the traffic analysis as accessory uses to the hotel, based on the ITE *Trip Generation* definition of a hotel, based on the type of operation, and the exclusion of a separate public entrance. The ITE definition of a hotel is: “Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops.” The traffic analysis accounted for all trips related to the proposed accessory uses.

Issues Related to adoption of the proposed Code amendment and project approval;

- F. Height: The proposed project 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 additional height is limited to only those properties within the North Stateline Community Plan located on the mountain side of SR 28 and that contain an existing gaming structure in excess of 75 feet in height. In addition, the amendment states that the additional height is only available to structures that are set back a minimum of 40 to 180 feet from the SR 28 edge of pavement and stair-stepped upslope from SR 28.
  
- G. Land Use: The proposed project includes 59 residential market rate and 14 affordable multi-family dwelling units. While hotel, gaming, restaurant, recreational day-use, single-family homes, and personal services are allowable uses within the NSCP, multi-family housing is a special use that will require TRPA findings pursuant to Code Section 18.1.B (1-3). These findings can be made based on the vision of the NSCP to create a family-oriented destination resort. Multi-family condominium units may be more attractive to many families than standard studio hotel rooms because they offer kitchens, family gathering areas, and more privacy. NSCP Goal 1.1 states “create a more complete, family oriented destination resort area”. This goal can be met by providing a variety of housing accommodations in the project. The multi-family residential use is consistent with the purpose of the community plan (Finding 3) and is consistent with the existing adjacent land uses near Stillwater Cove.
  
- K. Commercial Floor Area (CFA): The proposed project will result in 89,187 square feet of accessory use or 16 percent of the total resort square footage. Accessory uses include dining facilities, bars, lobbies, spa/meeting center as well as lobbies, administrative offices, maintenance and service rooms associated with each building. TRPA must make the following accessory use findings for projects or uses to be exempt from needing to obtain a commercial floor area allocation: The accessory use has no separate entrance or parking, is not separately advertised, is compatible with the size and patronage of the primary use, is used during the same season as the primary use, does not generate additional vehicle trips, and is principally for service or repair rather than sales. Exceptions can be made if the additional commercial space is accessory to a non-commercial primary use. The proposed project identifies the conference/meeting and health and wellness (spa) uses etc., will be accessed through the hotel and casino lobby spaces, will utilize the hotel and casino parking, will not operate independent of the hotel and casino facility, and will not be advertised separate from the hotel facility.
  
- L. Excess Coverage: The proposed project is subject to an excess coverage mitigation requirement described in Code Section 20.5 to offset the existing 249,470 square feet of excess land coverage. The excess land coverage



within the project area can be through the following methods:: 1) reduction of coverage onsite; 2) reduction of coverage offsite; 3) payment of excess coverage mitigation fee; 4) parcel consolidation or parcel line adjustment; 5) findings for NSCP excess land coverage; or 6) combination of these options.

- M. Excavation: Grading to prepare the site for the new improvements will involve approximately 127,000 cubic yards of cut and 6,000 cubic yards of fill. As such any excess material not used on site shall be hauled out of the Basin to a TRPA approved disposal site. Excavation in excess of 5 feet has been approved based on a soils hydrology report.
- N. Noise: With the proposed project, it is anticipated that the project will result in significant increases in traffic noise levels along Stateline Road between SR 28 and Cove Street of between +3 dB and +4 dB CNEL. A 4 dB reduction in noise is possible with the use of alternative pavement treatments. As a part of the project design, Boulder Bay will repave Stateline Road between SR 28 and Cove Street using rubberized asphalt or other noise reducing road surfaces that have shown acceptable noise reductions. Construction noise occurring during the daytime hours is exempt from the applicable standards, provided that construction equipment is properly fitted with feasible noise control devices. In addition, mitigation measures have been provided for construction noise associated with the project, and based on TRPA regulations, the proposed project will be required to include construction noise mitigation measures such as restricting construction activities between the hours of 8:00 a.m. and 6:30 p.m. among other techniques. Sound walls and setbacks will be used to mitigate loading dock and truck circulation noise impacts. Noise sources associated with mechanical equipment and loading docks may result in significant impacts. However, numerous noise control strategies, including barriers, acoustical enclosures, and acoustical treatment to ventilation openings, will be utilized to mitigate noise levels to less than significant levels.
- O. Settlement Agreement: The Sierra Park parcels have been subject to four settlement agreements (Sierra Park Settlement Agreements) between the various Sierra Park property owners and the State of California and/or TRPA since 1981. Boulder Bay is proposing a fourth amendment to the Sierra Park Settlement Agreements to facilitate redevelopment of the Tahoe Biltmore as well as the former Mariner property. The EIS analyzes the physical changes proposed to the Settlement Agreement area. The Settlement Agreement does not include provisions to exclude the portions of deed restricted open space located within the NSCP from use in density calculations. The Settlement Agreement does not include provisions that restrict the use of former development commodities within the Project Area.
- P. CEP Compliance: The proposed project, as analyzed in the FEIS, complies with the TRPA Code of Ordinances and Resolution 2008-11 (Attachment F).



**Attachment D  
Draft Permit**

PROJECT DESCRIPTION: Boulder Bay Redevelopment Project

APN: 123-052-02, 123-052-02, -03, -04; 123-053-02, -04, 123-054-01;  
123-071-04, -034, -035, -036, -037

PERMITTEE(S): Boulder Bay, LLC

FILE # CEPP 2008-0123

COUNTY/LOCATION: Washoe County / 5 State Route 28

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **November 17, 2010**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **November 17, 2013** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

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

Signature of Permittee(s) \_\_\_\_\_

Date \_\_\_\_\_

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(PERMIT CONTINUED ON NEXT PAGE)

**D-R-A-F-T**

**APN: 123-052-02 et al  
FILE NO. CEPP 2008-0123**

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

Security Posted (2): Amount \$ \_\_\_\_\_ Posted \_\_\_\_\_ Type\_\_\_\_\_ Receipt No.\_\_\_\_\_

Security Administrative Fee (3): Amount \$\_\_\_\_\_ Paid\_\_\_\_\_ Receipt No.\_\_\_\_\_

Notes:

1. Amount to be determined. See condition 4E below.
2. Amount to be determined. See condition 4F below.
3. \$152 if a cash security is posted, or \$135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

**SPECIAL CONDITIONS**

1. This permit specifically authorizes the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a mixed-use resort located at North Stateline in Crystal Bay, Nevada. Authorized work will include the construction of eight new buildings to be used for hotel, residential, gaming and commercial use. Additionally the project includes, in addition to underground parking facilities, pedestrian village, community park and open space, as well as an integrated on-site stormwater treatment system as shown on site plan submitted to TRPA on Nov 1, 2010, specifics of the project include:;
  - 300 tourist accommodation units (hotel);
  - 59 whole ownership residential condominiums;
  - 14 affordable employee housing units (10 three-bedroom and 4 two-bedroom units);
  - 20,715 square feet of commercial floor area (includes 12,172 square feet of retail and 8,853 square feet of dining within a two-acre public gathering space and pedestrian village);
  - 89,187 square feet of hotel and accessory uses (19,089 square foot health and wellness center; 9,860 square foot fitness center; 21,253 square foot conference/meeting space; 1,665 square foot day care center; 750 square foot convenience retail, 750 square foot bar; 3,680 square foot restaurant; and

approximately 32,158 square feet of lobby area, mechanical, electrical and plumbing space, and administrative services);

- 10,000 square feet of casino (reduced from 29,744 square feet of existing NTRPA certified gaming area);
  - 540 total parking spaces (530 in underground structures);
  - 5.7 acres of open space with 1.87 acres designated for two public parks to be built and maintained by Boulder Bay, and 1.20 acres for passive hiking trails and scenic overlook, and;
  - Approximately 5,100 linear feet of pedestrian paths, 900 linear feet of hiking paths, and 2,000 linear feet of bicycle lanes.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
  3. All construction details, best management practices, and mitigation measures outlined in the FEIS for the Boulder Bay Redevelopment Plan are required whether or not explicitly discussed in this permit.
  4. Prior to final permit acknowledgment, the following conditions of approval must be satisfied.
    - A. The site plan shall be revised to include:
      - (1) The following land coverage calculations
        - (a) Existing land coverage.
        - (b) Proposed land coverage.
        - (c) Amount of land coverage to be permanently removed.
        - (d) The amount of land coverage to be restored and its location.
      - (2) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment."
      - (3) Identification of all staging areas, construction parking, batch plants, etc., specific to all pre-grade and construction activities designed with the appropriate temporary BMP's.
      - (4) Final plans for all on site water quality improvements for the proposed project designed to address the 50 yr/1hr storm in addition to final designs for the Low Impact Development technologies designed to capture up to the 100 yr/1hr storm.
      - (5) Lighting Plan

- (6) Demonstrate how each mitigation measure required in the FEIS for this project has been satisfied.
  - (7) Provide a detailed BMP plan for the project that includes all elements as outlined in Boulder Bay EIS.
  - (8) Specific building and site improvement construction detail requirements.
- B. Applicant shall erect story poles and/or helium balloons as a means of verifying accuracy of the height depicted in the photo-simulations.
  - C. The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property, consistent with the infiltration mitigation requirements outlined in the 2010 Boulder Bay FEIS.
  - D. Permittee shall comply with all applicable Mitigations in accordance with the approved Boulder Bay Redevelopment EIS and in the Mitigation Monitoring Plan and these notes shall be placed on the project plans including but not limited to the following;
    - (1) As a part of the project design, Boulder Bay shall repave Stateline Road between SR 28 and Cove Street using rubberized asphalt or other noise reducing road surfaces that have shown acceptable noise reductions.
    - (2) Long term monitoring and maintenance of water quality and BMP improvements for a period of not less than 5 years.
    - (3) Long term monitoring of DVTE (Daily Vehicle Trip Ends) to ensure that they do not increase beyond the targeted trip ends used for analysis in the FEIS for the proposed project. If DVTE does increase then the applicant agrees to retire development to a level that is commensurate to DVTE identified in FEIS.
  - D. The security required under Standard Condition 1.B of Attachment Q shall be determined upon the permittee's submittal of a required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs and shall be no less than \$25,000. Please see Attachment J, Security Procedures for appropriate methods for posting the security and for calculation of the required security administration fee.
  - E. The permittee shall either pay an excess coverage mitigation fee of \$\_\_\_\_\_ or reduce between 68,000-71,000 square feet of existing on site land coverage within Hydrologic Transfer Area Number 9 based on a construction cost estimate of \_\_\_\_\_ and \_\_\_\_\_ square feet of excess coverage. Upon completion of final construction plans the permittee shall provide a final construction cost estimate, and if different from the above estimate, the required mitigation fee of \_\_\_\_\_ for excess coverage cost of the project, the cost of improvements otherwise exempt from TRPA review and approval shall be subtracted from the total cost.
  - F. The permittee shall submit a cost estimate for installation of all permanent BMPs in project area. The security required under Standard Condition 1.2 of Attachment Q shall be 110% of the cost estimate or \$25,000.00, whichever is

greater. The project security will not be released until all areas disturbed by construction have been stabilized and/or restored. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative fee.

- G. The permittee shall submit obtain a TRPA grading permit and/or approvals to conduct excavation, trenching, stockpiling and other earth movement activities associated with project construction as outlined in Chapter 64 of the Code of Ordinances. The permit requires construction activities, equipment, materials and runoff be contained within the project area. The TRPA permit also requires the implementation of soil protective measures and consistency with the NSCP (PAS 032) and PAS 034 guidelines.
  - H. The permittee shall submit a dewatering plan to TRPA for review and approval prior to acknowledgement of this permit. The dewatering plan shall show that if groundwater is intercepted, the water will be infiltrated onsite.
  - I. The permittee shall submit a slope stabilization plan and interim BMP for the bluff adjacent to the rear of the project area to be installed at time of pre-grade
  - J. The applicant shall provide a construction schedule indicating timing of construction phases and completion date for each component of the project including BMP installation.
  - K. The permittee shall submit a landscape/re-vegetation plan for the project area. The landscape plan shall include the replacement planting of three trees for every one tree removed. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.
  - L. The permittee shall submit a fertilizer management plan consistent with Section 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
  - M. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.
5. Within 30 days of receipt of the deed restrictions identified for the following. The permittee shall provide to TRPA a copy of the recorded deed restriction or the original recorded deed restriction. By acceptance of this permit, the permittee acknowledges that any future projects within the project area associated with this approval will not be processed until evidence of deed restriction recordation has been provided to TRPA per the following:
- i. The permittee shall prepare for TRPA approval and signature a deed restriction permanently assuring that the 14 residential units identified for the moderate income housing are available to moderate income households. All housing units shall be used exclusively as a residential dwelling by permanent residents, and shall be occupied in accordance with local, regional, state and federal standards for the assistance of households with moderate income occupants. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. The permittee shall record

the deed restriction with the Washoe County Recorder's Office and provide a conformed copy of the recorded deed restriction, or the original recorded deed restriction to the TRPA.

- ii. The permittee shall provide the latest recorded grant deeds for all parcels within the project area to TRPA. Once the grant deeds are received, TRPA shall prepare a project area deed restriction for land coverage, development right, scenic assessments, and density purposes to be recorded against the parcels.
  - iii. The permittee shall record all deed restrictions identified in Special Condition 6 with the Washoe County Recorder's Office, and provide either the original recorded deed restriction or a conformed copy of the recorded deed restriction to the TRPA prior to acknowledgement of this permit.
  - iv. The permittee shall record a deed restriction identifying the retirement of on third 1/3 of the total existing gaming floor area.
6. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q have been properly installed. Any required modifications, as determined by TRPA, shall be incorporated into the project at that time.
7. In the event that human remains are discovered, the Washoe County Coroner shall be contacted and, if the remains are determined to be Native American, also the Nevada Office of Historic Preservation in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.
8. The permittee shall not excavate more than 45 feet below ground surface at its greatest depth for APN 123-072-34 as depicted on the project plans dated February 24, 2009 and soils hydrological study approval, dated February 2009. Although not anticipated, if groundwater is encountered, then the applicant shall implement the TRPA-approved dewatering plan required in Condition 4. G, above.
9. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
10. By acceptance of this permit, the permittee agrees that all mitigation measures outlined in the Boulder Bay Re-development Project EIS for the proposed project are hereby included as conditions of project approval and will be implemented as such.
11. Signs are not approved as a part of this permit. Sign approvals shall require submittal of a separate application.

**END OF PERMIT**



**Table S-3**

## Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
<b>4.1. Land Use</b>					
LU-1: Will the Project be inconsistent with the land use plan or zoning plan, or land use goals, policies, and provisions of the TRPA Regional Plan, Code of Ordinances, or Plan Area Statement, or Washoe County Comprehensive Plan?	NI	LS	S <i>LS</i>	S <i>SU</i>	LS
LU-2: Will the Project be inconsistent with adjacent land uses or expand/intensify existing non-conforming uses?	LS	LS	S <i>LS</i>	S <i>SU</i>	LS
LU-3: Will the project be consistent with NDOT encroachment permit conditions?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	LS
LU-C1: Will the project have significant cumulative impacts to land use?	NI	NI	LS	LS	LS
<b>4.2. Geology and Earth Resources</b>					
GEO-1: Will the Project result in compaction or covering of the soil beyond the limits allowed by TRPA land capability classifications?	SU	SU	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
GEO-2: Will the Project facilities be subject to ground rupture due to location near a surface trace of an active fault or expose people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mudslides, ground failure, or similar hazards?	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
GEO-3: Will construction or operation of the Project cause erosion, loss of topsoil, changes in topography, undisturbed soil or native geologic substructures, or unstable soil conditions from excavation, grading or filling?	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
GEO-C1: Will the project have significant cumulative impacts to geology and earth resources?	LS	LS	LS	LS	LS
<b>4.3. Hydrology and Water Quality</b>					
HYDRO-1: Will Project construction or operations result in the degradation of	PS	PS	PS	PS	PS

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
surface water quality in the East Stateline Point watershed?	<i>LS</i>	<i>LS</i>	<i>LS</i>	<i>LS</i>	<i>LS</i>
HYDRO-2: Will Project construction or operations result in the degradation of groundwater quality in the East Stateline Point watershed?	NI	NI	LS	LS	LS
HYDRO-3: Will Project construction or operations alter the existing surface water drainage patterns, or the rate and amount of surface water runoff so that a 20-year, 1-hour storm runoff cannot be contained on the site?	LS	LS	LS	LS	LS
HYDRO-4: Will Project construction or operation interfere with groundwater movement or change the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	LS	LS	LS	LS	LS
HYDRO-5: Will the Project alter the course or flow of the 100-year floodwaters or expose people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	NI	NI	NI	NI	NI
HYDRO-6: Will the Project change the amount of surface water in any water body, substantially reduce the amount of water otherwise available for public water supplies, or be located within 600 feet of a drinking water source?	NI	NI	NI	NI	NI
HYDRO-C1: Will the project have significant cumulative impacts to water resources?	LS	LS	LS	LS	LS
<b>4.4. Biological Resources</b>					
BIO-1: Will the Project, directly or indirectly (including through spread of noxious weeds), cause a loss of individuals or occupied habitat of endangered, threatened, or rare wildlife or plant species?	LS	LS	S <i>LS</i>	S <i>LS</i>	LS
BIO-2: Will the Project cause loss of individuals of rare or at-risk plant species as defined by the Nevada Native Plant Society (NNPS)?	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
BIO-3: Will the Project cause loss of active raptor nests, migratory bird nests,	NI	S	S	S	S

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
or wildlife nursery sites?		<i>LS</i>	<i>LS</i>	<i>LS</i>	<i>LS</i>
BIO-4: Will the Project substantially block or disrupt major wildlife migration or travel corridors?	NI	NI	NI	NI	NI
BIO-5: Will the Project cause a permanent loss of sensitive wildlife individuals, habitat, or native plant communities (including Stream Environment Zones [SEZ] and communities defined as sensitive by the TRPA)?	NI	NI	S <i>LS</i>	S <i>LS</i>	NI
BIO-6: Will the Project result in the removal of trees 24 inches or greater in diameter at breast height (dbh)?	NI	NI	LS	LS	LS
BIO-7: Will the Project conflict with any federal, local, regional, or state policies or TRPA ordinances protecting biological resources (including standards for native vegetation removal), or with any applicable habitat conservation plans?	NI	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
BIO-8: Will the project have an effect on wetlands or waters of the U.S. and/or riparian and Stream Environment Zones (SEZ) through direct removal, filling, hydrological interruption, encroachment, removal of streamside vegetation, or other means?	LS	LS	LS	LS	LS
BIO-C1: Will the project have significant cumulative impacts to biological resources?	LS	LS	LS	LS	LS
<b>4.5. Scenic Resources</b>					
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?	LS	LS	LS	S <i>SU</i>	LS
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	LS	S <i>LS</i>	S <i>LS</i>	S <i>SU</i>	S <i>LS</i>

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
state or federal highway?					
SR-3: Will the Project be inconsistent with the TRPA Scenic Quality Improvement Program or Design Review Guidelines?	NI	NI	S <i>LS</i>	S <i>SU</i>	S <i>LS</i>
SR-C1: Will the project have significant cumulative impacts to scenic resources?	LS	LS	LS	LS	LS
<b>4.6. Recreation</b>					
REC-1: Will the Project result in decreased availability or degradation of a high quality recreational experience?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>
REC-2: Will the Project conflict with an established recreational use in the area?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	LS
REC-3: Will the project result in the need for new or expanded parks or recreational facilities?	LS	LS	LS	LS	LS
REC-C1: Will the project result in cumulative impacts to recreational uses or resources?	LS	LS	LS	LS	LS
<b>4.7. Cultural and Historical Resources</b>					
CUL-1: Will the Project disturb or alter known, potentially-eligible National Register properties, including archaeological, historical, architectural, and Native American/traditional heritage resources?	NI	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
CUL-2: Will the Project disturb unknown archaeological resources?	NI	NI	NI	NI	NI
CUL-3: Will the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	NI	NI	NI	NI	NI
CUL-4: Will the Project disturb any human remains, including those interred outside formal cemeteries?	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>
CUL-C1: Will the project have significant cumulative impacts to cultural or	NI	NI	S	S	S

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
historical resources?			<i>LS</i>	<i>LS</i>	<i>LS</i>
<b>4.8. Transportation, Parking and Circulation</b>					
TRANS-1: Will the project result in generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?					
Daily Trip Generation	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
Vehicle Miles Traveled	NI	S <i>LS</i>	LS	LS	S <i>LS</i>
TRANS-2: Will the project result in changes to existing parking facilities, or demand for new parking?	NI	NI	LS	LS	LS
TRANS-3: Will the project result in a substantial impact upon the existing transportation systems, including highway, transit, bicycle or pedestrian facilities?					
Level of Service	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
Transit	NI	NI	LS	LS	NI
Bicycle and Pedestrian Facilities	NI	NI	LS	LS	NI
Intersection Queuing at SR 28/SR 267	NI	LS	LS	LS	LS
Construction Traffic	NI	NI	LS	LS	LS
TRANS-4: Will the project result in alterations to present patterns of circulation or movement of people and/or goods?	NI	NI	LS	LS	LS
TRANS-5: Will the project result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	NI	NI	LS	LS	LS
TRANS-C1: Will the project have significant cumulative impacts to transportation and circulation?					
Level of Service	NI	S	S	S	S

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
		<i>LS</i>	<i>LS</i>	<i>LS</i>	<i>LS</i>
Intersection Queuing at SR 28/SR 267	NI	LS	LS	LS	LS
<b>4.9. Air Quality</b>					
AIR-1: Will the project result in temporary air quality impacts associated with construction activities?	NI	NI	LS	LS	LS
AIR-2: Will the project result in substantial air pollutant emissions from daily operations?					
Vehicle Miles of Travel	NI	S <i>LS</i>	LS	LS	S <i>LS</i>
Project Generated Emissions	NI	S <i>LS</i>	LS	LS	S <i>LS</i>
AIR-3: Will the project result in the creation of objectionable odors?	LS	LS	LS	LS	LS
AIR-C1: Will the project have significant cumulative impacts to air resources and greenhouse gas emissions?	LS	LS	LS	LS	LS
<b>4.10. Noise</b>					
NOISE-1: Will the project result in a significant increase in traffic noise levels?	NI	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>	LS
NOISE-2: Will the project result in an exceedance of an exterior traffic noise level standard at on-site residential, condominium, timeshare or hotel uses?	NI	LS	LS	LS	LS
NOISE-3: Will the project result in excessive noise due to construction activities?	NI	LS	S <i>LS</i>	S <i>LS</i>	S <i>LS</i>
NOISE-4: Will the project result in excessive vibration at buildings in the immediate vicinity of the project site due to construction activities?	NI	LS	LS	LS	LS
NOISE-5: Will the development of the project result in noise levels from on-	NI	NI	PS	PS	PS

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
site mechanical equipment and loading dock activities that exceed the applicable noise level standards for stationary equipment shown in Table 4.10-5 and contained within the North Stateline Community Plan?			<i>LS</i>	<i>LS</i>	<i>LS</i>
NOISE-6: Will the development of the project result in outdoor activities from people gathering on decks and patios that exceed the applicable noise level standards for stationary noise sources shown in Table 4.10-5 and contained within the North Stateline Community Plan?	NI	NI	LS	LS	LS
NOISE-C1: Will the project have significant cumulative impacts to the noise environment?	NI	LS	LS	LS	LS
<b>4.11. Socioeconomics, Population and Housing</b>					
SPH-1: Will the Project include or result in the temporary or permanent displacement of residents or convert or demolish homes occupied by low- or moderate-income households?	NI	NI	NI	NI	NI
SPH-2: Will the project increase the demand for housing, thereby causing indirect environmental impacts?	LS	LS	LS	LS	LS
SPH-3: Will the Project alter the location, distribution, density, or growth rate of the human population planned for the Region?	LS	LS	LS	LS	LS
SPH-C1: Will the project have significant cumulative impacts to socioeconomics, population and housing?	LS	LS	LS	LS	LS
<b>4.12. Public Services and Utilities</b>					
PSU-1: Will the Project increase demand or exacerbate peak period service demand to such a degree that accepted service standards cannot be maintained or new facilities are needed?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>
PSU-2: Does the Project have the potential to damage existing underground utility lines?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>

**Table S-3**

Impact Comparison by Alternative

Impact	Alternative				
	A	B	C	D	E
PSU-3: Will project construction interfere with law enforcement and fire protection services?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>
PSU-C1: Will the project have significant cumulative impacts to public service and utility resources?	LS	LS	PS <i>LS</i>	PS <i>LS</i>	PS <i>LS</i>

Source: Hauge Brueck Assoc. 2009

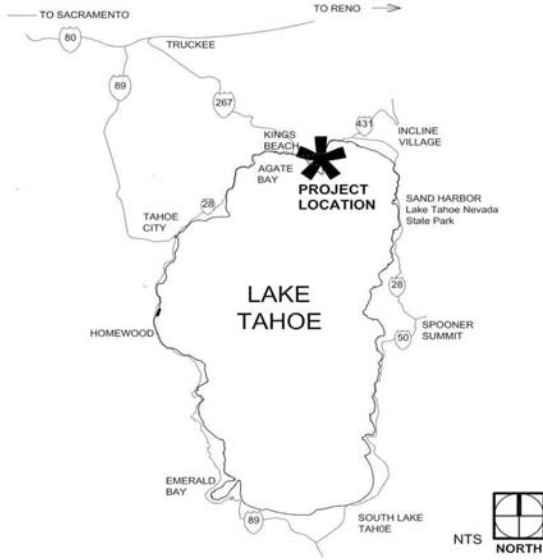
Impacts	Alternative 1 Proposed Project	Alternative 2 Grand Private Estate	Alternative 3 Reduced Density Alternative	Alternative 4 Increased Density Alternative	Alternative 5 No Project
<b>4.2 Air Quality</b>					
4.2-1: Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors.	LTS	LTS	LTS	LTS	NI
4.2-2: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors.	LTS	LTS	LTS	LTS	NI
4.2-3: Generation of Long-Term Operation-Related Local Mobile-Source Emissions of Carbon Monoxide.	LTS	LTS	LTS	LTS	NI
4.2-4: Exposure of Sensitive Receptors to Odors.	LTS	LTS	LTS	LTS	NI
4.2-5: Exposure of Sensitive Receptors to Emissions of	LTS	LTS	LTS	LTS	NI



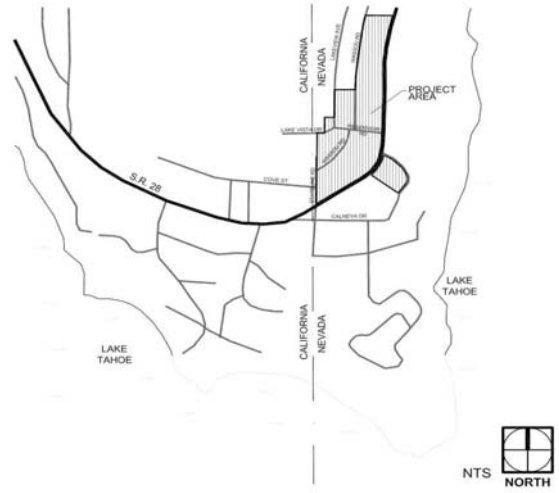
ATTACHMENT E  
11/10/2010

Impacts	Alternative 1 Proposed Project	Alternative 2 Grand Private Estate	Alternative 3 Reduced Density Alternative	Alternative 4 Increased Density Alternative	Alternative 5 No Project
Hazardous Air Pollutants.					
<b>4.3 Archaeological and Historical Resources</b>					
4.3-1: Effects on Known Significant Archaeological and Historical Resources.	LTS	LTS	LTS	LTS	NI
4.3-2: Effects on Previously Undiscovered Archaeological and Historical Resources and Human Remains.	LTS	LTS	LTS	LTS	NI
4.3-3: Effects on Paleontological Resources.	LTS	LTS	LTS	LTS	NI
<b>4.4 Biological Resources</b>					
4.4-1: Removal of Riparian Vegetation, Potential Fill of Jurisdictional Waters of the United States.	LTS	LTS	LTS	LTS	NI

### Project Location Map



### Vicinity Map



**Figure 2-1 – Project Location/Vicinity Map**

