



# Board of Adjustment Staff Report

Meeting Date: December 7, 2023

Agenda Item: 10F

SPECIAL USE PERMIT CASE NUMBER:

WSUP23-0025 (Waldorf Astoria Lake Tahoe)

BRIEF SUMMARY OF REQUEST:

To approve special use permits for use types associated with a mixed-use resort project in the Crystal Bay Tourist Regulatory Zone.

STAFF PLANNER:

Chris Bronczyk, Senior Planner  
Phone Number: 775.328.3612  
E-mail: cbronczyk@washoecounty.gov

### CASE DESCRIPTION

For hearing, discussion, and possible action to approve a special use permit for a casino and hotel redevelopment project of the former Biltmore Casino site. This development project includes seven buildings consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 square feet of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. The applicant is also requesting to reduce parking. The uses associated with this special use permit request include:

- *Employee Housing*
- *Multiple Family Dwelling*
- *General Merchandise Stores – Curated Retail (up to 5K SF)*
- *Vehicle Storage & Parking*
- *Transmission & Receiving Facilities*

Applicant / Property      EKN Tahoe LLC  
 Owner:  
 Location:                    47 Reservoir Road, 101  
                                     Lakeview Avenue, 0 Wassou  
                                     Road, 5 SR 28 and 0 SR 28

APN:                            123-052-02; -03; -04; 123-053-  
                                     02; -04; 123-054-01; 123-291-  
                                     01; 123-071-04; -35; -36; -37

Parcel Size:                0.28; 0.28; 3.23; 1.42; 0.184;  
                                     0.996; 2.77; 0.644; 0.451;  
                                     0.402; and 2.486 Acres

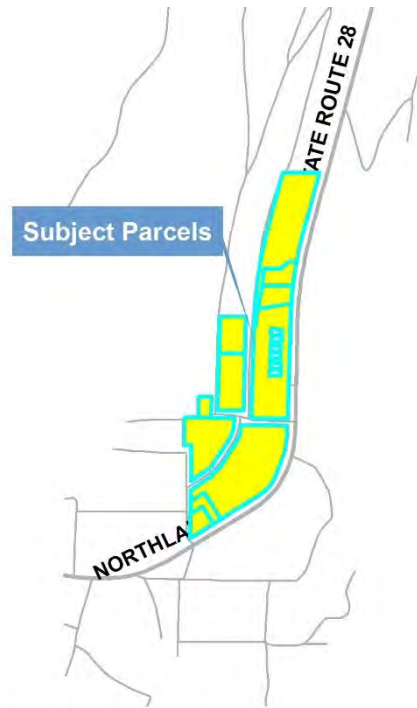
Master Plan:                Crystal Bay; Crystal Bay  
                                     Tourist

Regulatory Zone:        Crystal Bay; Crystal Bay  
                                     Tourist

Area Plan:                 Tahoe

Development Code:      Authorized in Article 810,  
                                     Special Use Permits

Commission District:    1 – Commissioner Hill



Vicinity Map  
0 0.05 0.1 0.15 0.2 Miles

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**STAFF RECOMMENDATION**

APPROVE

**APPROVE WITH CONDITIONS**

DENY

**POSSIBLE MOTION**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment **approve with conditions** Special Use Permit Case Number WSUP23-0025 for EKN Tahoe LLC, with the conditions included as Exhibit A to this matter, having made all five findings, and Tahoe Area Plan Policy LU1-3, in accordance with Washoe County Code Section 110.810.30:

*(Motion with Findings on Page 45)*



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TRPA Governing Board Staff Report – April 2023.....Exhibit K

TRPA Permit – April 2023 ..... Exhibit L

Parking Study ..... Exhibit M

IVGID Will Serve Letter ..... Exhibit N

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Project Plan Set .....Exhibit P

Traffic Impact Statement..... Exhibit Q

Fault Study..... Exhibit R

Final Environmental Impact Statement.....Exhibit S

Project Noticing..... Exhibit T

Project Application ..... Exhibit U

**\*\*The technical data reports submitted for Exhibits: Q, R, S are extensive. To review the complete Exhibits on-line click on the hyperlinks below or copy and paste the links into your browser:**

[https://www.washoecounty.gov/csd/planning\\_and\\_development/board\\_commission/board\\_of\\_adjustment/2023/files/ExhibitQ-TrafficImpactStudy.pdf](https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/ExhibitQ-TrafficImpactStudy.pdf)

[https://www.washoecounty.gov/csd/planning\\_and\\_development/board\\_commission/board\\_of\\_adjustment/2023/files/ExhibitR-FaultStudy.pdf](https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/ExhibitR-FaultStudy.pdf)

[https://www.washoecounty.gov/csd/planning\\_and\\_development/board\\_commission/board\\_of\\_adjustment/2023/files/ExhibitS-FEIS.pdf](https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/ExhibitS-FEIS.pdf)

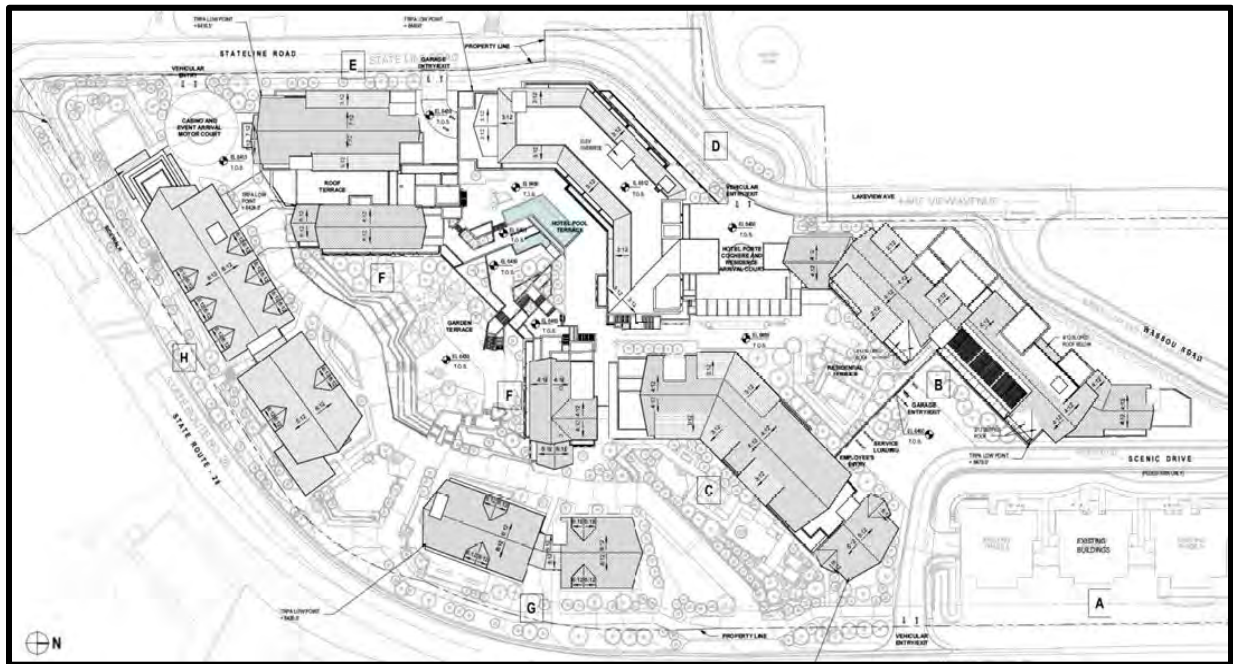
**You may also contact Adriana Albarran at [aalbarran@washoecounty.gov](mailto:aalbarran@washoecounty.gov) to have a copy sent by email.**

**Special Use Permit**

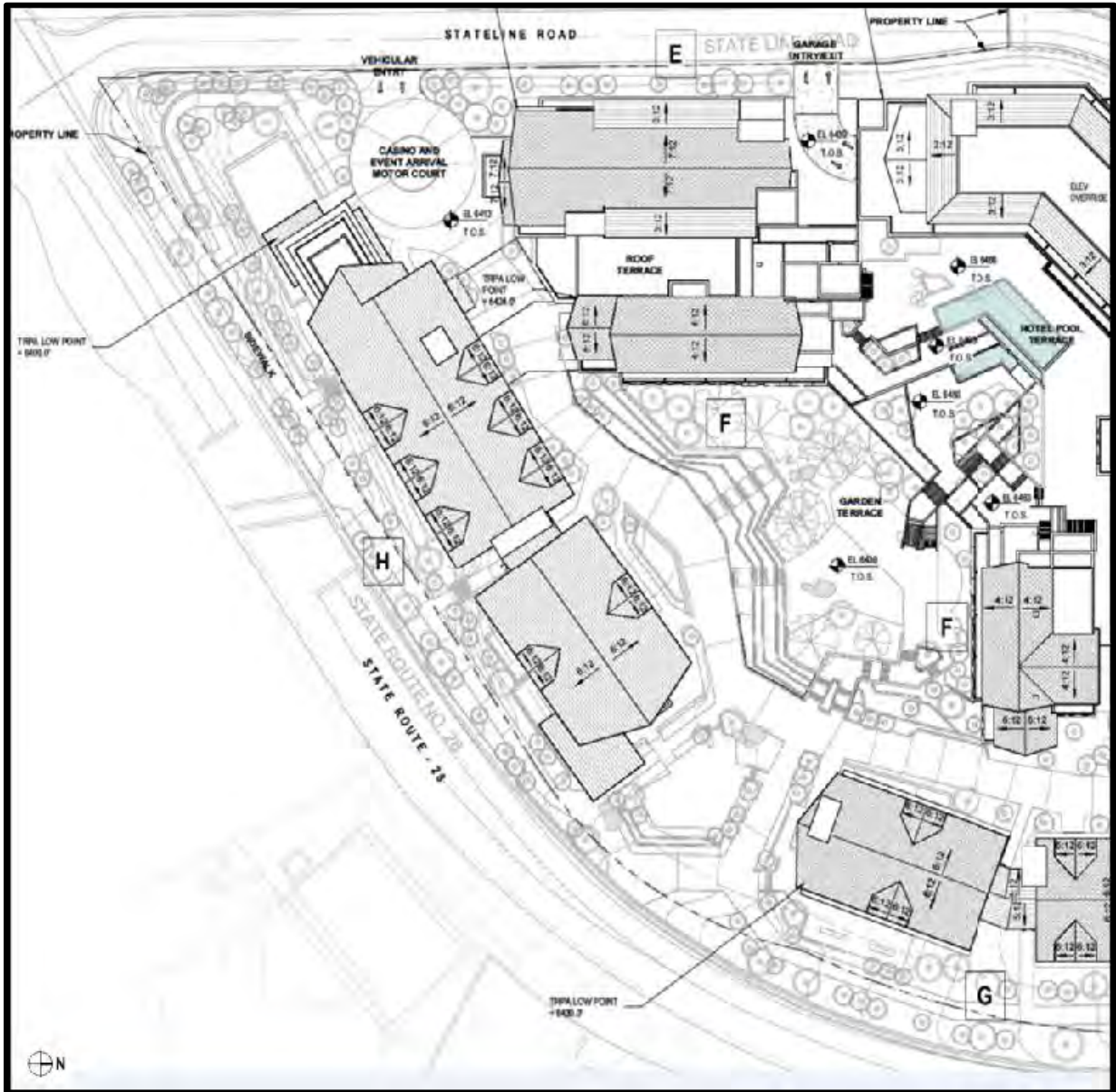
The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e. a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as “operational conditions.” These conditions must be continually complied with for the life of the business or project.

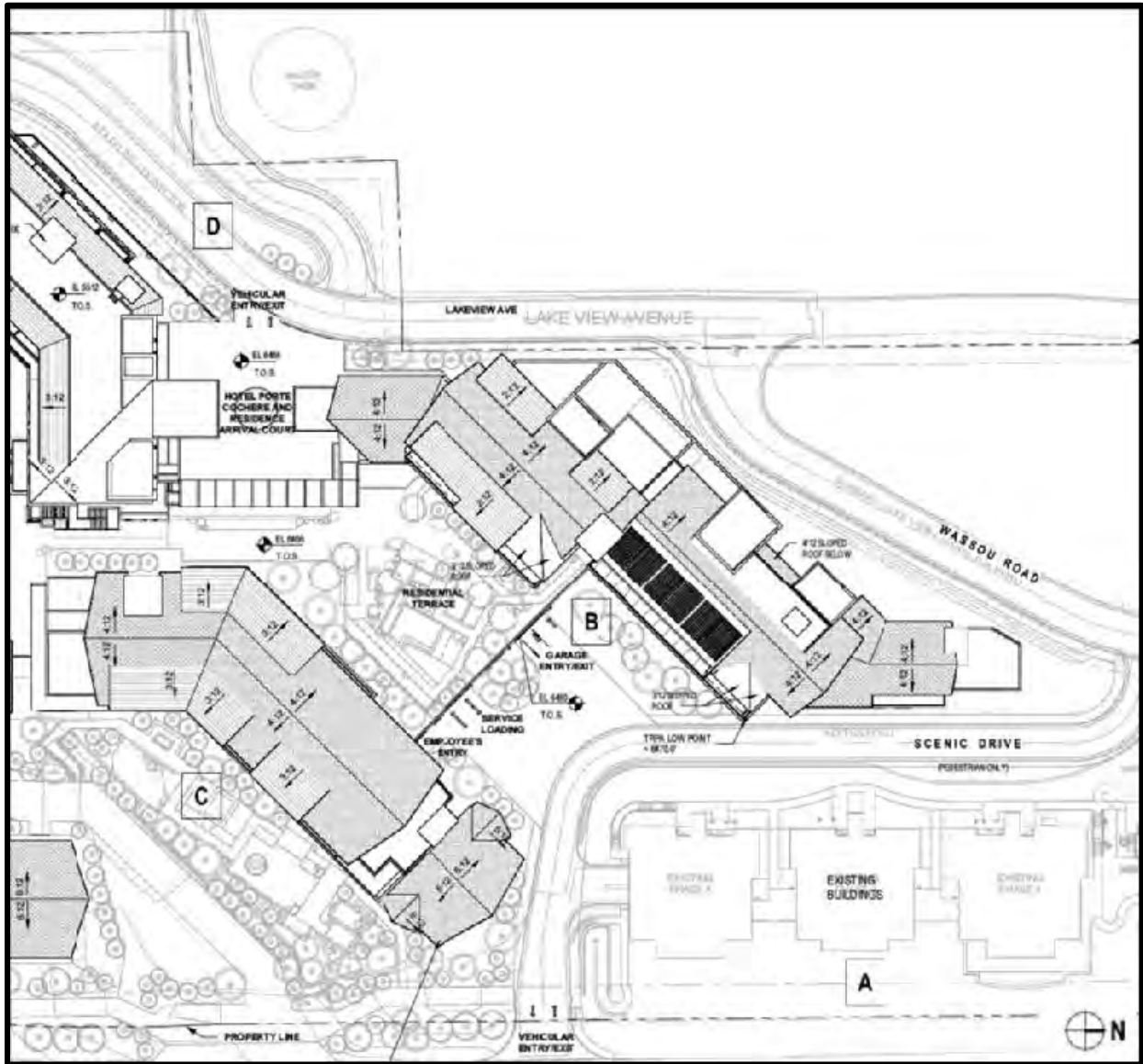
The conditions of approval for Special Use Permit Case Number WSUP23-0025 are attached to this staff report and will be included with the action order if the request is approved.



**Overall Site Plan**



**Site Plan Part 1**



**Site Plan Part 2**





Conceptual Image 1



Conceptual Image 2





**Conceptual Image 3**



**Conceptual Image 4**

**Summary and Staff Recommendation**

Washoe County planning staff and the project applicant will give presentations on the project which is scheduled for the Washoe County Board of Adjustment meeting for review and action on

December 7, 2023. Washoe County planning staff are recommending **approval with conditions** for the proposed project.

### **Previous Action**

On January 15, 2008, Boulder Bay, LLC submitted for Abandonment Case Number AB08-009 and Variance Case Number VA08-014, which was approved on May 6, 2008, the request was appealed and then heard by the Washoe County Board of County Commissioners on June 10, 2008. The appeal was granted, and the Planning Commission's decision was overturned. The applicant later submitted a revised application on August 15, 2008. The Planning Commission heard the revised application on November 5, 2008, the revised application included a new road section that would connect Lake View Avenue to Stateline Road and a private driveway with a public access easement, identified as "Wellness Way", providing a secondary route for adjacent residences. The Planning Commission reviewed and approved the revised Abandonment and Variance, as requested, by a unanimous vote. The Planning Commission's decision was appealed, and on January 13, 2009, the Board of County Commissioners heard and denied the appeal, upholding the Planning Commission's decision.

On July 5, 2016, the Planning Commission reviewed and approved Tentative Map TM16-004 and Special Use Permit SB16-005, Boulder Bay. The Tentative Map allowed for an 18-unit common open space development; and the Special Use Permit allowed for major grading.

On June 1, 2021, the Planning Commission reviewed and approved Abandonment Case Number WAB21-0002 and Variance Case Number WPVAR21-0001. This request was to abandon sections of Wassou Road, Lake View Avenue, all of Reservoir Road, and a sliver of Stateline Road. The request also included variations from grading, and street design requirements outlined in Article 436.

On February 3, 2023, the Board of Adjustment reviewed and approved Special Use Permit Case Number WSUP21-0035. This request was for major grading. The special use permit was appealed to the Board of County Commissioners, which heard the appeal on March 22, 2022. The board denied the appeal, upholding the Board of Adjustment's decision.

On August 1, 2023, the Washoe County Planning Commission approved an Amendment of Conditions (WAC23-0009) for Tentative Subdivision Map Case Number WTM16-004. This was to reduce the amount of open space area associated with the Granite Place condominiums, and to transfer open space acreage to the adjacent Waldorf Astoria project. The applicants submitted a Boundary Line Adjustment (BLA) shortly after receiving approval from the Planning Commission.

### **Project Background**

In 2007, the Tahoe Regional Planning Agency (TRPA) developed a 'Demonstration Project' program to allow a few redevelopment projects to test new ideas for reducing coverage, installing environmental improvements, and improving visual impacts above and beyond what is normally required in the basin. The redevelopment of Boulder Bay's properties (Biltmore Casino and the adjoining parcels) was one of nine mixed-use, redevelopment proposals selected. The project as



approved in 2007 consisted of a casino, hotel, on-site workforce housing, shopping, health and wellness center, timeshare units and whole ownership condominiums.

TRPA's Community Enhancement Project Program (CEPP) was designed to seek out "net environmental gain" solutions for the Lake Tahoe Basin by implementing environmental improvements. The focus of the CEPP was to encourage revitalization projects in town centers and recreation areas that demonstrate substantial environmental, as well as social and long-term economic benefits. Commodities such as Tourist Accommodation Bonus Units were awarded to projects in exchange for a project constructing environmental improvements above and beyond mitigation requirements.

The Boulder Bay Project was approved as part of the TRPA CEPP in April 2011.

The original TRPA-approved Boulder Bay project consisted of eight new buildings for hotel, residential, gaming, and commercial use. The project also included underground parking facilities, a pedestrian village, community park and open space, and an integrated on-site stormwater treatment system. One of the eight approved buildings has been constructed. This development is a three-story condominium development known as Granite Place. Below is a summary of the elements the original approval contained:

- 275 tourist accommodation units.
- 59 whole ownership condominiums.
- 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project for a total of 38 deed restricted affordable housing bedrooms.
- 18,715 square feet of commercial floor area within a two-acre public gathering space and pedestrian village).
- 67,338 square feet of hotel and accessory uses.
- 10,000 square feet of casino (reduced from 29,744 square feet of existing gaming area).
- 460 total parking spaces (450 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.
- Pedestrian paths, hiking paths, and bicycle lanes.

Since the project was approved the following project elements have been constructed:

- A park which is located immediately east of the project site.
- A large stormwater basin located across Highway 28 near the CalNeva Hotel which will collect project storm water.
- 18 attached condominiums known as Granite Place at Boulder Bay Lake Tahoe located on Highway 28 on the eastern side of the project area.
- Partial construction of a connector road between Lakeview Avenue and Wassou Road.

The Boulder Bay project is now known as the **Waldorf Astoria Lake Tahoe** project.

### **Crystal Bay Tourist Town Center**

The Tahoe Area Plan describes Town Centers as areas designated in the Lake Tahoe Regional Plan for redevelopment into compact, mixed-use, transit-oriented nodes. The Town Center boundaries serve as an “overlay zone.” The underlying regulatory zones still apply to the subject parcels, but the Town Center overlay also allows for additional height, density, and land coverage.



### **Tahoe Area Plan**

The parcels that make up the project site are located in Crystal Bay, with a regulatory zone of Tahoe-Crystal Bay Tourist (TA\_CBT). The Tahoe Area Plan identifies this regulatory zone as:

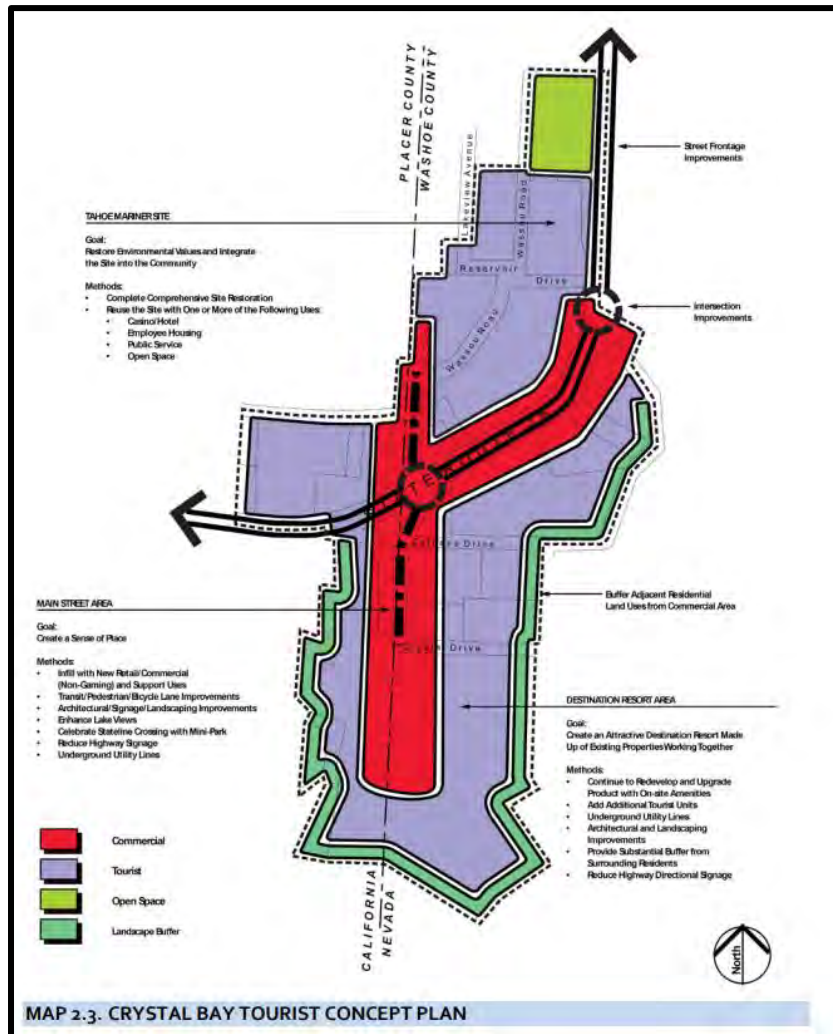
*Urban areas which have the potential to provide intensive tourist accommodations and services or intense recreation, including areas suitable for gambling.*

The Tahoe Area Plan expands on the Crystal Bay Tourist Regulatory Zone outlined on page 2-13.

*Crystal Bay Tourist Regulatory Zone is centered on the area where State Route 28 passes through the casino core. The overall vision for the area remains primarily focused on tourist activities. The area contains multiple casinos with accessory accommodation and commercial services. The Area Plan states that redevelopment in this regulatory zone plan may result in increasing the diversity of uses, but it is anticipated that the existing uses will be rehabilitated.*

*The vision for this area is one of continued implementation of a tourist-oriented core, and the unique niche the area fills as a historic center for tourism that connects Nevada and California is important to the community and the Region. The Crystal Bay Tourist regulatory zone plan also contains a town center overlay district, where the Waldorf*

*Astoria will primarily be located. The redevelopment incentives offered by this designation present an important opportunity to the property owners within the plan's boundaries to continue long-term environmental redevelopment.*



**TRPA Project Revision**

The information outlined below is specific to the TRPA project revision which took place earlier this year and was approved in April 2023. Tahoe developments are required to go through permitting processes for both TRPA and Washoe County, and the overall request being reviewed by Washoe County for the first time, will be outlined further in the staff report.

The site of the Waldorf Astoria Lake Tahoe ("WALT") (formerly Boulder Bay) project currently consists of the four-story Tahoe Biltmore Lodge and Casino, and a two-story administrative building. The two former hotel cottage units, six cottages, and a storage building have all been demolished. The project area also includes two parcels located across Highway 28 from the Biltmore. The two parcels include the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Waldorf Astoria Project area consists of a total of 14.373 acres on 13

separate parcels. The project area slopes from southeast to northwest – rising approximately 40 feet in elevation from the southern frontage along State Route 28 to the rear (north) of the current Biltmore parking lot and rises 80 feet in elevation to the intersection near Lakeview and Reservoir roads.

Waldorf Astoria Lake Tahoe and Residences property is in Crystal Bay, Nevada. The property associated with this application request is part of the revitalization of the Tahoe Biltmore property into a mixed-use project. The proposed project was approved by TRPA under the Boulder Bay CEP Project (CEPP 2008-0123). The applicant states that the current project request that went before TRPA has been refined to be better for the environment, community, and guests.

The proposed plan, as reviewed by TRPA for the April 2023 Governing Board meeting, involves the full build-out of the remaining approved project with changes. All environmental improvements previously approved as part of the original project will also be incorporated into the revised project. The mix and type of units vary in size and count. The revised project which was submitted to and reviewed by the Tahoe Regional Planning Agency (TRPA) showed the following:

1. A reduction in hotel units from 275 to 76.
2. An increase in residential condominium units from 59 to 79.
  - a. This also includes the previously constructed 18 units at the Granite Place development.
  - b. Of the 61 residential condominium units remaining to be built, up to 22 could function as lock-off units.
3. No changes to the approved gaming (10,000 sq. ft.), commercial (18,715 sq. ft.), or employee housing (14 units) components.

The revised project does not reduce the number of approved buildings, and their configuration remains substantially unchanged. It does involve slight changes to footprint size, placement, and architectural design. The approved project's architectural character has been improved with orientation of the roof shapes and additional features that are consistent with the recently adopted Tahoe Area Plan. Height and massing are consistent with the approved project evaluated in the EIS.

The size of one of the buildings is reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area. These revisions allow for an outdoor plaza and include preservation of a collection of mature pines creating a "grove", an amphitheater placed into the grade change to reduce vertical terracing toward the hotel, opportunities for year-round events (concerts, plays, etc.), retail focused inward rather than outward toward Highway 28 and a central gathering place open to the public as well as to guests and residents of the development. The primary entrance to the approved project has been moved from Highway 28 to Lakeview Avenue. The approved road (Wellness Way) that has yet to be constructed that will extend from Highway 28 to Wassou Way, will be a road open to the public to provide an alternative access to the neighborhood since Reservoir Drive, located in the middle of the project area, will be abandoned to provide room for the development.

The TRPA Governing Board **approved the revision** in April 2023.

### **Washoe County Current Project Evaluation**

The parcels associated with the submitted special use permit (SUP) total approximately 13.143 acres. The requested uses are briefly outlined below:

1. **Employee Housing** - 14 2-bedroom units on site totaling approximately 12,000 square feet.
2. **Multiple Family Dwelling** - 25 individually owned condominium units (2.5K - 5.4K SF) and 36 condominium units (1.7K - 4K SF).
3. **General Merchandise Stores** - Retail
4. **Vehicle Storage & Parking** - Commercial parking garage that will charge for parking. Parking will be available to both the public and resort guests.
5. **Transmission & Receiving Facilities** - Regional Communications Facility

The special use permits requested through Washoe County is the next step in the overall development path that will allow for the project to move forward. A tentative subdivision map request to be heard by the Washoe County Planning Commission will follow the special use permit, which will seek approval to subdivide the proposed multi-family dwelling use type into condominiums. The applicant states that the tentative subdivision map request will remain in substantial conformance with the previous TRPA approval. The project applicant also states that they are meeting regularly with TRPA and will continue to do so to ensure that the project and work to be performed remain in substantial conformance with the existing approval.

**Other Amenities:** The proposed community will contain a swimming pool, wellness spa, gym, meeting space, restaurants, gaming, outdoor amphitheater, and a kids club. These amenities are accessory to the overall use.

**Buildings** There are seven (7) new buildings that are proposed, and eight (8) total buildings that are part of the project. Granite Place is known as Building A and has already completed construction. All the buildings have been designed to blend in with the natural grade by varying building heights, terracing of building pads, and utilizing stepped foundations. The proposed heights are in conformance with Chapter 37.5.7 of the TRPA Code of Ordinances which grants additional height for special projects within the North Stateline Community Plan, now referred to as the Crystal Bay Town Center Overlay. The section allows for a maximum height of 75 feet in the area "located on the mountain side of State Route 28 within the North Stateline Community Plan boundary" where the subject site is located.

**Approval Time Frame:** The applicant is requesting an approval period of five years instead of the typical two-year period. The applicant states that this is based off the expected timeframes of the project. Generally speaking, conditional approval of a special use permit lasts 2 years. In that time, the applicant must meet all conditions of approval required by the various reviewing agencies for the special use permit to remain valid.

The request for 5 years is consistent with the time frame granted to previous entitlements for the resort project and staff is supportive of the 5-year time frame.



**Property Lines:** The applicant states that the parcel lines associated with the project will be realigned through the mapping process to avoid any structures crossing parcel lines. The applicant intends to file the appropriate mapping requests to accomplish the ultimate site layout.

The requested special use permits is part of an overall mixed use resort project. The use types associated with the proposed project that require a special use permit are outlined and defined below.

**Employee Housing**

The proposed Waldorf Astoria project includes fourteen (14) onsite affordable employee housing units which will be constructed on site and total approximately 12,000 square feet. The employee housing units will be in Building G, located above the proposed retail space. All employee housing units will have two (2) bedrooms each. TRPA’s Code of Ordinances defines employee housing as:

*Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.*

The employee housing use type is permissible within the Crystal Bay Tourist Regulatory Zone with the approval of a special use permit by the Board of Adjustment.

The proposed affordable employee housing is intended to be used by future resort staff and will be expanded to include ten (10) “infill” affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project. This will result in a total of 38 deed-restricted affordable housing bedrooms. Per TRPA, the house 38 residential units will be deed restricted to be available for moderate income employee households, and what constitutes as moder income will be determined by TRPA.



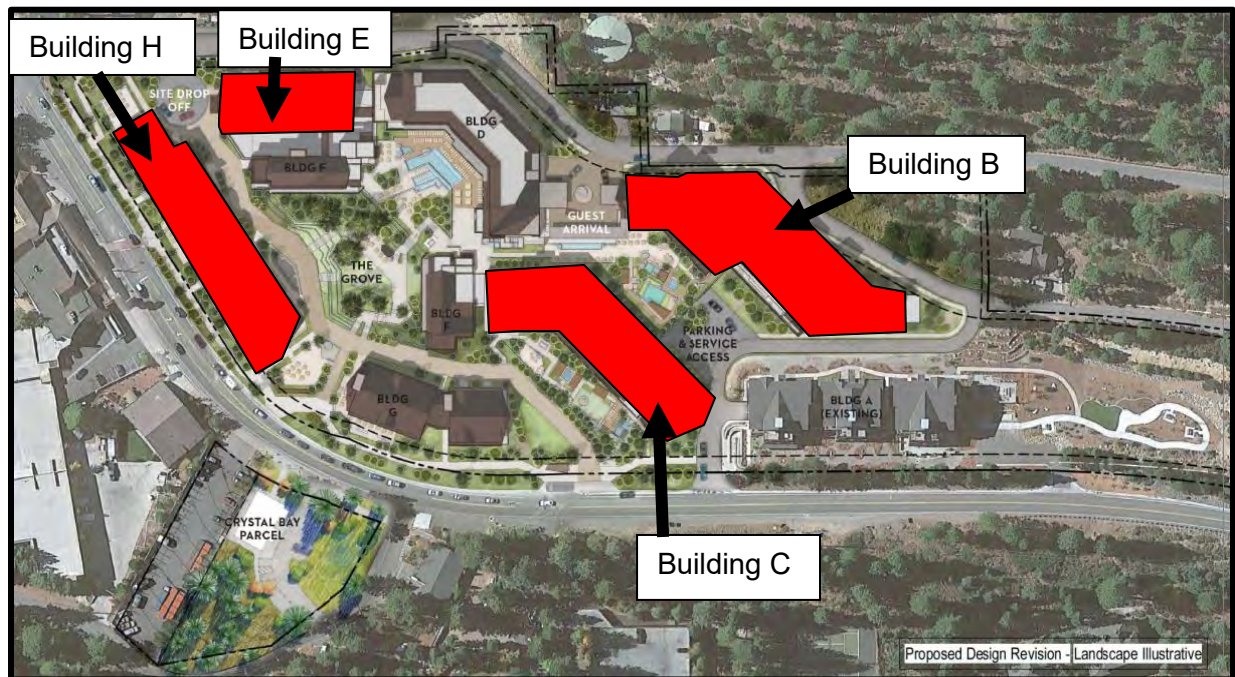
**Multiple-Family Dwelling**

The proposal includes 61 multi-family dwelling units. The TRPA Code of Ordinances defines multiple-family dwelling as:

*More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code.*

Following the two-step approval process for establishing a condominium project in the Tahoe Basin, the applicants must first obtain approval for the multi-family development followed by an approval of a tentative subdivision map by the Planning Commission. The proposal will include two (2) types of condominium units for sale. Twenty-five (25) of the units will be wholly owned by individuals which the applicant is referring to as "Exclusive Condominium Units." All these exclusive units will be located in Building B. They will range from 2,500 to 5,400 square feet. The remaining 36 condominium units, which the applicant is referring to as "Hotel Residential" is proposed to be included into the hotel rental pool for the hotel to rent them when the individual owner is not utilizing them. Building C will be exclusively Hotel Residential. Building H will have additional Hotel Residential over the retail space and Building E will also have Hotel Residential over the casino. These Hotel Residential units will range from 1,700 - 4,000 square feet.

The multi-family dwelling use type is permissible within the Crystal Bay Tourist Regulatory Zone with the approval of a special use permit by the Board of Adjustment. This special use permit request is simply to allow the future use of multiple-family dwellings as part of the proposed resort project. The applicant will be required to complete a tentative subdivision map before any building permits are issued for the proposed resort buildings. This requirement will be memorialized within the conditions of approval.



### **General Merchandise Stores**

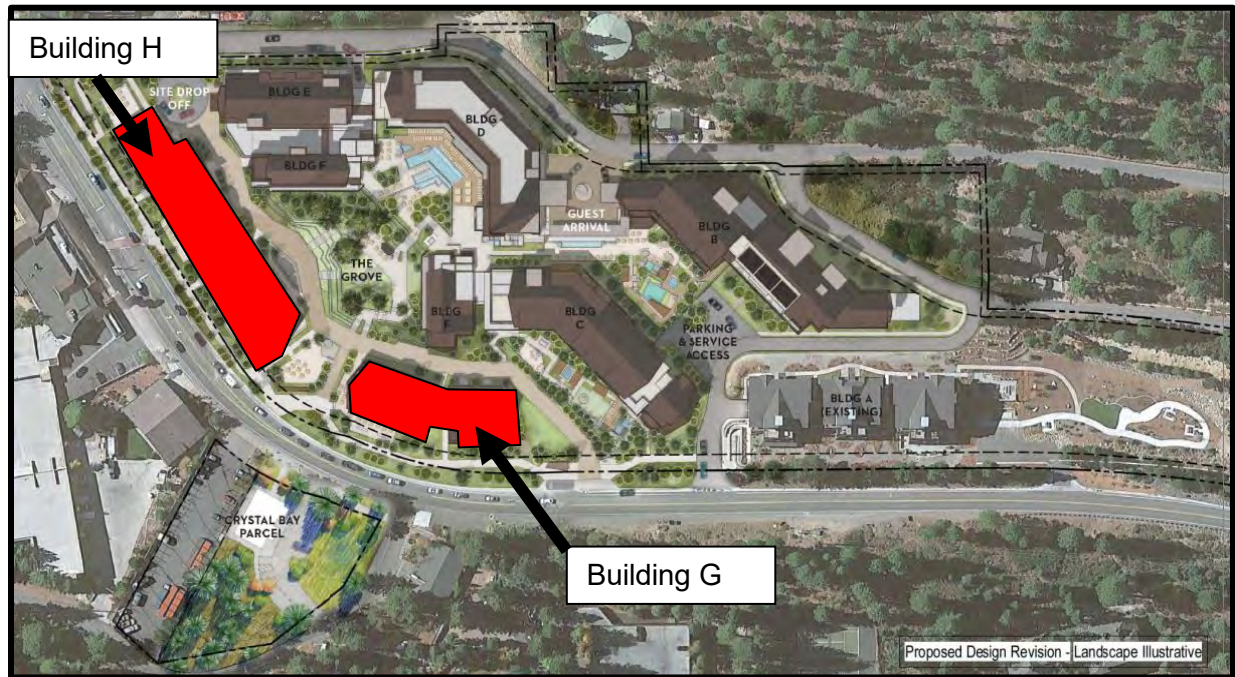
The proposal includes general merchandise stores on the ground floors of Buildings G and H. The TRPA Code of Ordinances defines general merchandise stores as:

*Retail trade establishments such as department stores, variety stores, drug and discount stores, and general stores engaged in retail sales of one or more lines of new and used merchandise, including: dry goods, apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, parts and accessories. The use also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florist and house plant stores; cigar and newsstands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is accessory to retail sales); and other miscellaneous retail shopping goods*

The proposal includes approximately 5,000 square feet of retail. The retail is intended to conceptually elevate the Grove and internal pedestrian walkways. The application indicates that tenants are still to be determined.

The general merchandise stores use type is permissible within the Crystal Bay Tourist Regulatory Zone with the approval of a special use permit by the Board of Adjustment.



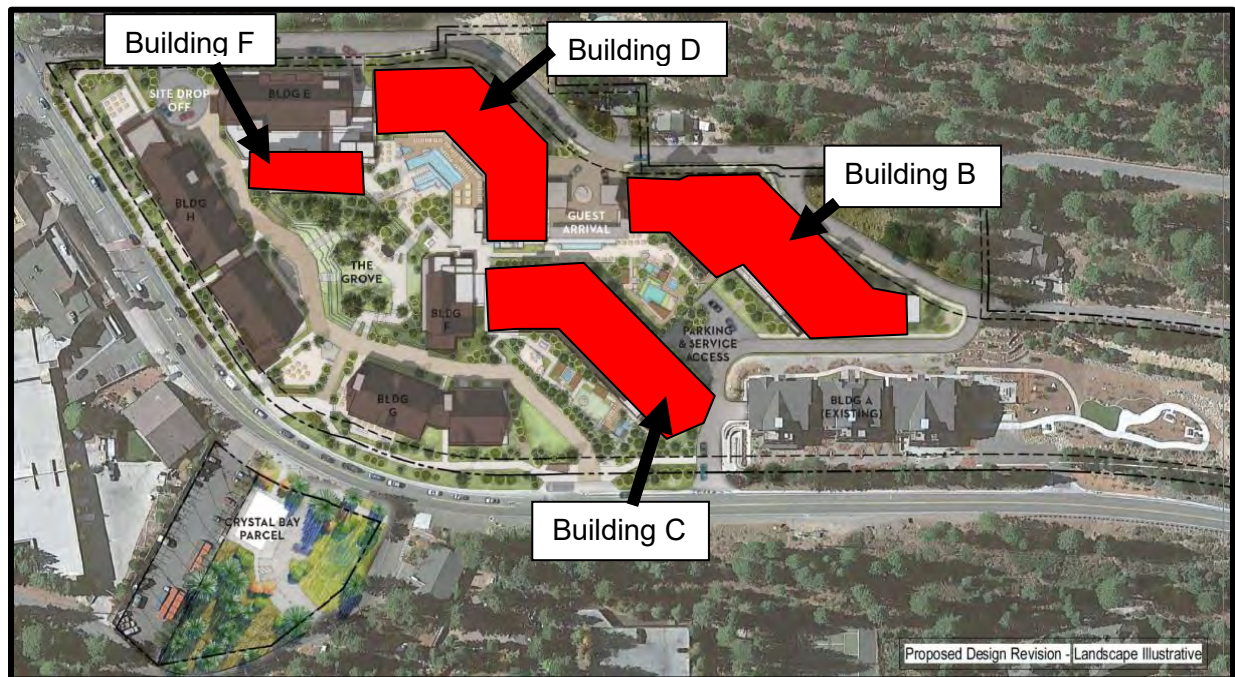


**Vehicle Storage & Parking**

The proposal includes vehicle storage and parking. Traditionally parking would be looked at as accessory to the overall use types found within the proposed project. However, the applicants are intending to have paid parking and will charge visitors and guests a daily rate. The vehicle storage and parking use type has therefore been separated into its own proposed use type which is permissible within the Crystal Bay Tourist Regulatory Zone with the approval of a special use permit by the Board of Adjustment. The TRPA Code of Ordinances defines vehicle storage and parking as:

*Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use.*

The project will have a parking garage with 424 dedicated parking stalls. The purpose of the parking garage is to support the entire project, including the casino, hotel, residences, and retail spaces. Visitors and guests will be charged at a daily rate. The garage will be located predominantly underneath buildings B, C, D and F.



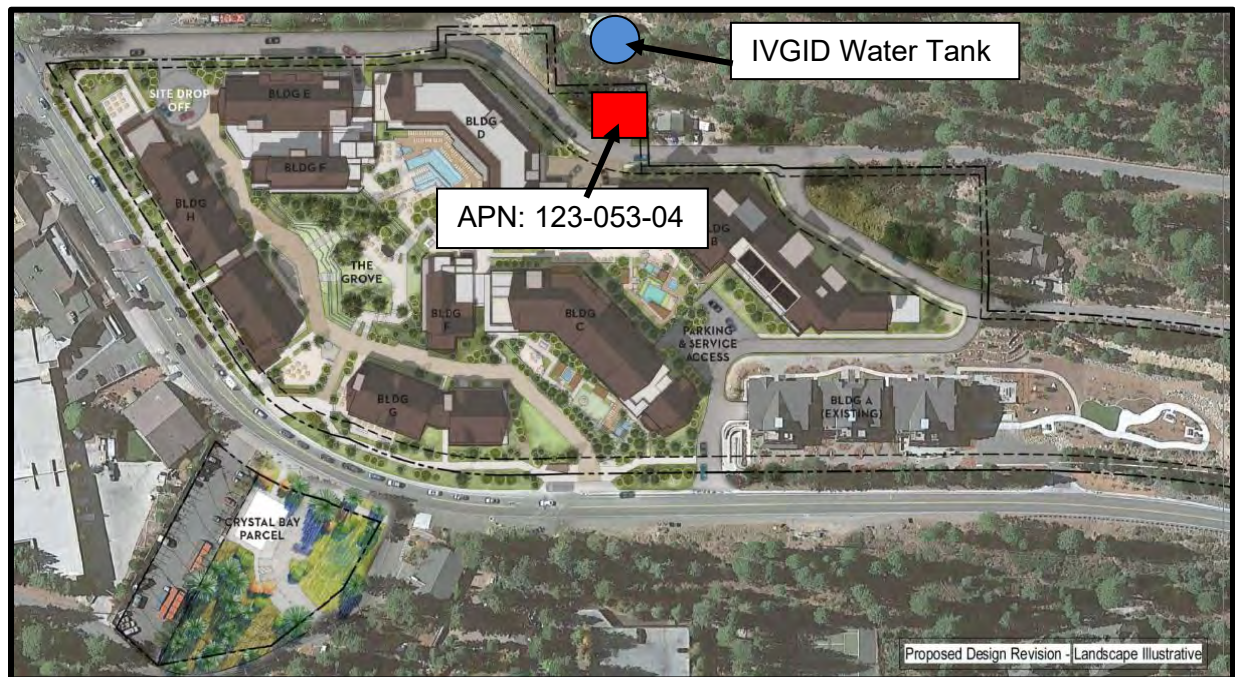
### **Transmission & Receiving Facilities**

The Washoe County Regional Communication System operates a radio communication site out of one of the project's parcels (APN: 123-053-04). The microwave and land mobile radio (LMR) radio antennas are attached to the water tank owned by the Incline Village General Improvement District (IVGID), but the radio equipment, batteries, routers, and switches of the repeater are located on the project's parcel. If the communication system is required to be moved or relocated elsewhere on the project site, this would permit the relocation without additional requirements. The TRPA Code of Ordinances defines transmission and receiving facilities as:

*Communication facilities for public or quasi-public, commercial, and private electronic, optic, radio, microwave, electromagnetic, and photo-electrical transmission and distribution, such as: repeater and receiving facilities, feeder lines, and earth stations for satellite communications for radio, television, telegraph, telephone, data network, and other microwave applications. The use includes local distribution facilities such as lines, poles, cabinets, and conduits. Outside storage or display is included as part of the use.*

The transmission and receiving facilities use type is permissible within the Crystal Bay Tourist Regulatory Zone with the approval of a special use permit by the Board of Adjustment.





### **Additional Use Types Allowed By Right**

The proposed project includes the uses of hotel, motel and other transient dwellings; gaming; eating and drinking places; and food and beverage places - which are all allowed by right, with no discretionary permit required, within the Crystal Bay Tourist Regulatory Zone. The uses that are allowed by right are defined within the TRPA Code of Ordinances and can be found below.

#### **Hotel, motel, and other transient dwelling units:**

*Commercial transient lodging establishments, including hotels, motor-hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere. This use does not include “Bed and Breakfast Facilities” or “Vacation Rentals.”*

#### **Gaming-Non-Restricted (Nevada Only):**

*Establishment regulated pursuant to Article VI(d) through (i) of the Compact, that deal, operate, carry on, conduct, maintain, or expose for play any banking or percentage game played with cards, dice, or any mechanical device or machine for money, property, checks, credit, or any representative of value. The use does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes, or games operated by charitable or educational organizations to the extent excluded by state law. Restricted gaming is permissible only as an accessory use.*

#### **Eating and Drinking Places:**

*Restaurants, bars, and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are*

*accessory to the principal use of the establishment as an eating and drinking place. The use also includes drive-in restaurants, lunch counters, and refreshment stands selling prepared goods and drinks for immediate consumption.*

**Food and Beverage Retail Sales:**

*Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises. The use includes establishments such as grocery stores, convenience stores, and liquor stores. Such establishments may include no more than two gas pumps as an accessory use.*

**Signage**

Signage is not approved as part of this special use permit request, and the applicant will be required to submit a signage package that adheres to Washoe County sign standards. Signage will also be required to meet Tahoe Area Plan design standards as outlined in Section 110.220.1.

A monument sign is proposed at the project entrance which will display the property name. The



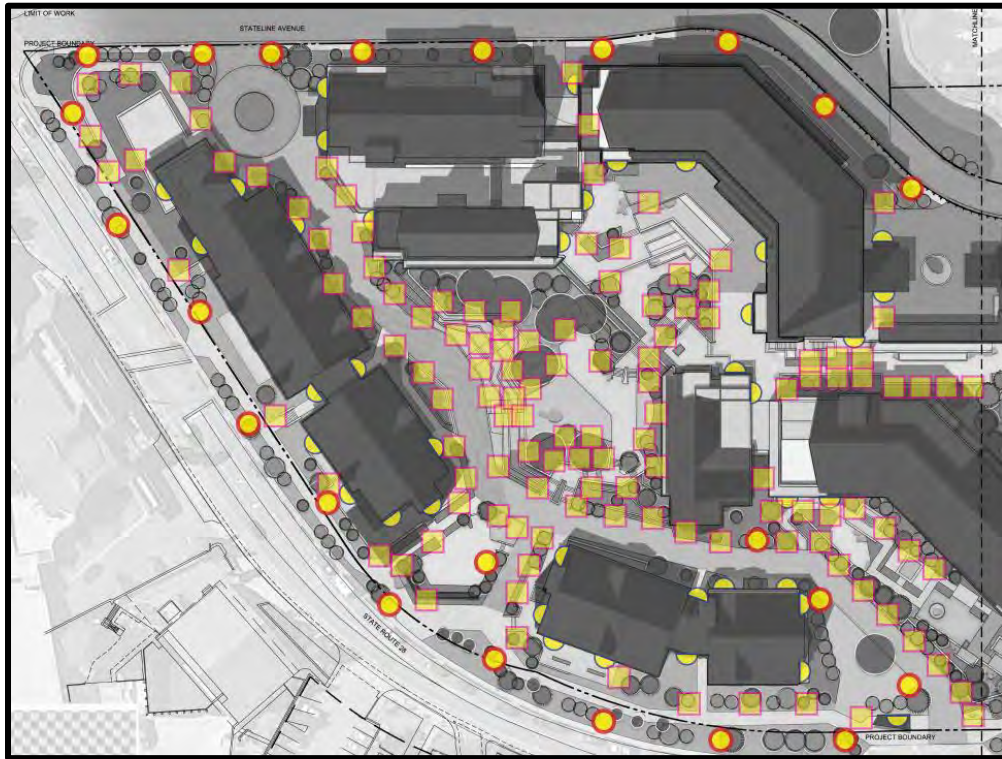
approximate location of the monument sign can be seen on the preliminary site and landscape plan in Appendix M. The site currently is home to the historic Tahoe Biltmore sign which will be removed by a historical preservation group to be preserved with the goal of finding a way to exhibit the sign in the new project. It will be preserved in accordance with the submitted Cultural Resources Study of the Draft Environmental Impact Statement.

**Appendix M Signage Location**

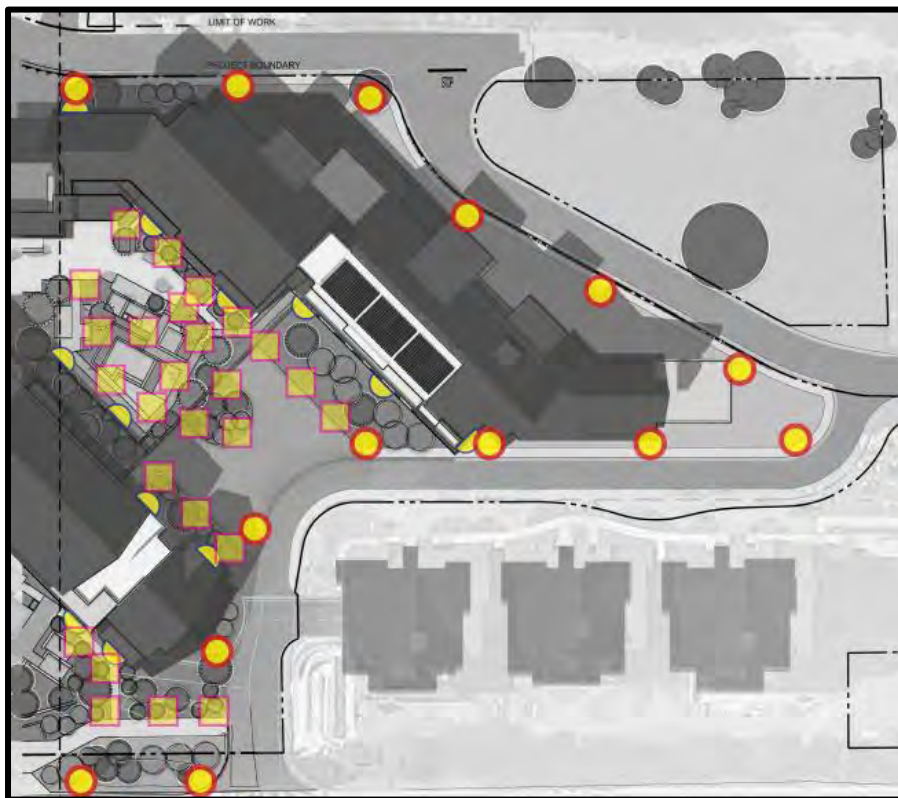
**Lighting**

Community lighting will be provided for site safety, walkway lighting, and parking visibility.





**Lighting Plan Part 1**



**Lighting Plan Part 2**



**Fixture Details**

The applicant requested to vary lighting standards within the Tahoe Planning Area to allow for minor spillover into the roadways. The lighting plan and photometric plans are available within the exhibits – lighting plan (Exhibit C) and photometric plan (Exhibit D)

The applicant will be required to have cutoff shields that extend below the lighting element to minimize light pollution and stray light. Any pedestrian street lighting will be limited to a maximum of twelve (12) feet in height, parking areas will be required to have at a minimum of one (1) foot candle of average illumination throughout the parking area. The proposed project is in the Crystal Bay Tourist Town Center Overlay - a more urban area within the Tahoe Basin - and the lighting in this area is anticipated to be the highest of any area within the Tahoe Area Plan.

**Parking**

The project will have a parking garage with 424 dedicated parking stalls which can fit upwards of 461 vehicles with the envisioned valet operation plan. Parking standards in the Tahoe Planning Area are established in Section 110.220.1, *Tahoe Area Design Standards* for mixed-use and tourist regulatory zones. This project requires a parking plan that addresses parking, accessibility and safety issues. The applicant submitted a parking study conducted by Hales Engineering (Exhibit M)

Washoe County Code 220.1, Tahoe Design Standards, Appendix A, Parking Demand Table requires the following for the proposed project.

Use Category	Unit Type	Parking Requirement
Multiple-Family Dwelling	Bedrooms, Beds	0.5/bed + 0.5/bedroom
Hotel	Rooms, Employees	1/room + 1/Admin Employee + 0.5 Full Time Employee (FTE) + 0.33 Part Time Employee (PTE)
Hotel Meeting Space	Floor Area	4 / 1,000 sq. ft.
Hotel Retail/Commercial	Floor Area	2.5 / 1,000 sq. ft.

<b>Gaming (Casino)</b>	Floor Area, Employees	4 / 1,000 sq. ft. + 0.67/FTE + 0.33/PTE
<b>Employee Housing</b>	Bedrooms, Beds	0.5/bed + 0.5/bedroom

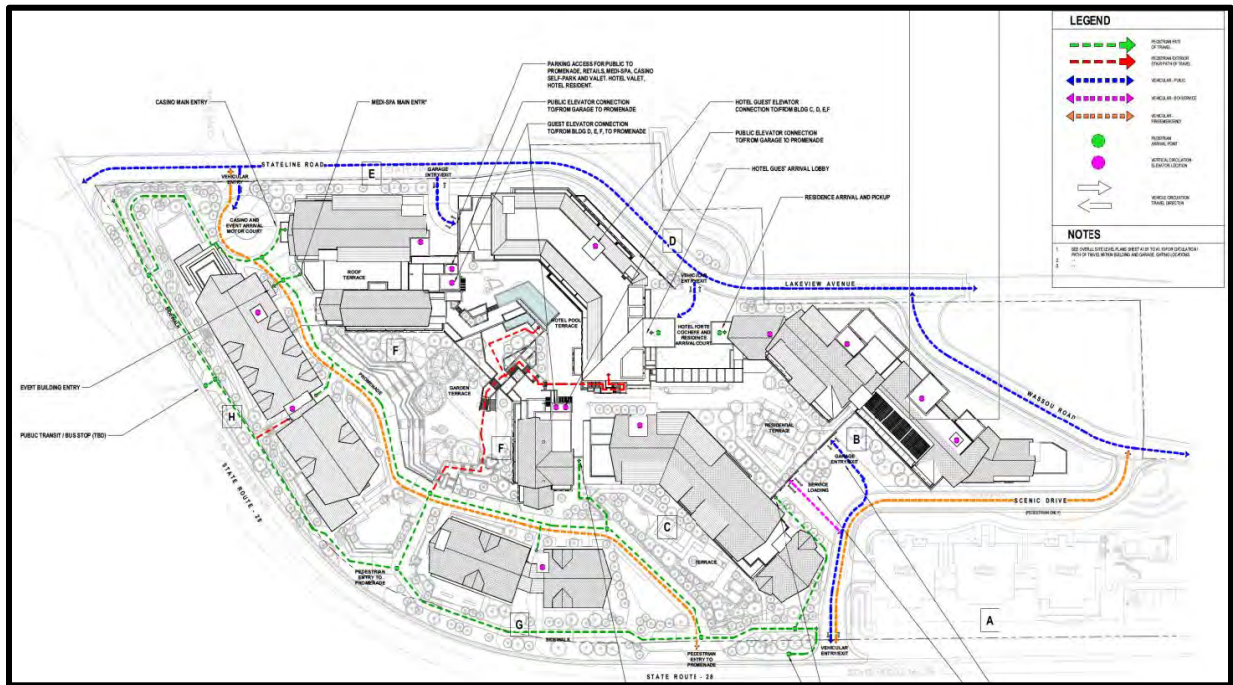
The Washoe County Code requires a minimum of 537 parking stalls for the proposed development. Article 110.220.1, Chapter 4 allows for the modification of parking within the Tahoe Planning Area with the submittal of a parking analysis. The parking analysis has reductions which account for internal capture and that demand for different uses will peak at different times of the day, and factoring in a 5% buffer, 461 stalls would be required. The parking analysis conducted by Hales Engineering concluded that with proper implementation of travel demand strategies, and the aid of valet parking, only 414 parking stalls would be adequate.

The applicant is requesting to modify the parking standards to allow for the reduction of parking from 537 stalls to 424 stalls. The 424 parking spaces will include 16 compact stalls, 241 standard stalls, and 167 tandem stalls. Policy T2-5 within the Tahoe Area Plan requires the condition of bike racks and other bicycle parking spaces throughout the project area, and Chapter 4 has special parking provisions related to motorcycle and bicycle spaces which provides credit for parking spaces up to one-fortieth (1/40) of the total number of parking spaces required. Chapter 4 states that for every four (4) motorcycle or six (6) bicycle parking spaces provided, a credit of one parking space shall be given. With the conditions related to bicycle parking and the parking study provided, as well as the reduction of parking further incentivizing public transit and eliminating passenger vehicle trips, Washoe County Staff supports the reduction in parking to 424 spaces based on the parking analysis submitted.

**Access and Traffic**

The primary entrance to the project will be on Lakeview Avenue and two secondary access driveways will be on NV-28 and Stateline Road. A traffic study was performed and can be found as Exhibit E. The circulation plan pictured below can be found within Exhibit E. The blue dashed lines indicate public vehicular traffic, the orange dashed lines indicate fire and emergency vehicle traffic, red dashed lines indicate pedestrian exterior travel, and green dashes indicate pedestrian paths of travel.





**Landscaping**

A total of 3.6 acres of landscaping is proposed throughout the project site, including a variety of trees, shrubs, and amenity areas, exceeding Washoe County landscaping standards. The landscaping plan is provided as Exhibit F. Washoe County code requires 200 square feet of common open space per dwelling unit a total of 7,800 square feet for the entire project. The current proposed plan includes 15,884 square feet of common open space, which exceeds this requirement. Common open space amenities include a courtyard with seating, spas, pavilions, tables and chairs, fire pits, and a water feature. These amenities are consistent with code requirements.

All proposed vegetation conforms to the TRPA guidelines and approved species list. The project site has significant grade changes, providing an opportunity for terraced landscaping that create visual breaks in the building facades. The planting areas incorporate native trees including aspens, firs, cedars, and pines, to accentuate and screen building facades and rooflines.

Along State Route 28, pedestrians will be separated from vehicle traffic by an average of 8 feet of landscape planters. Art sculptures, gardens, seating areas and water features will be placed throughout the promenade and major pedestrian routes.

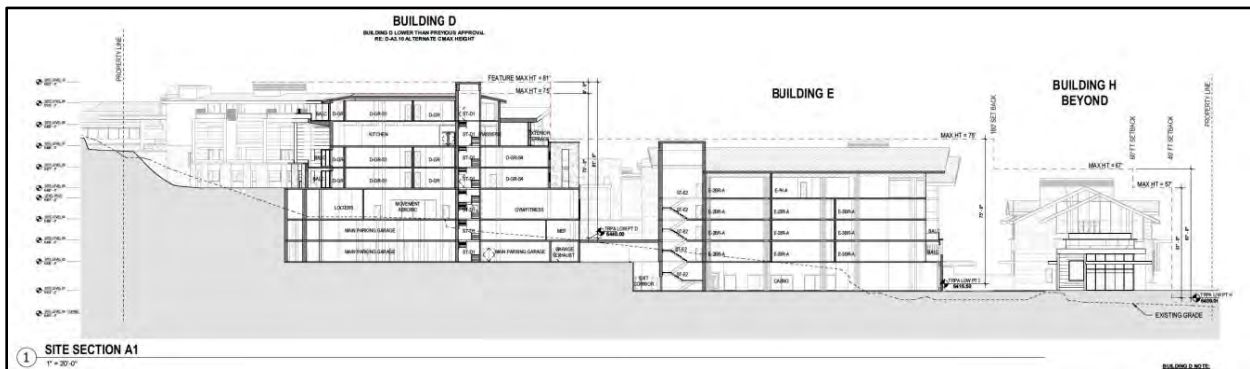




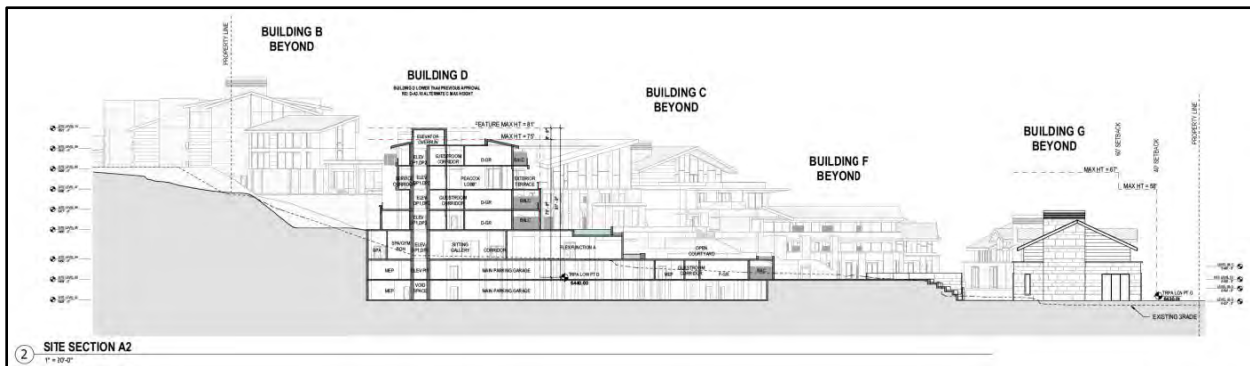
**Landscape Plan**

**Cross Sections**

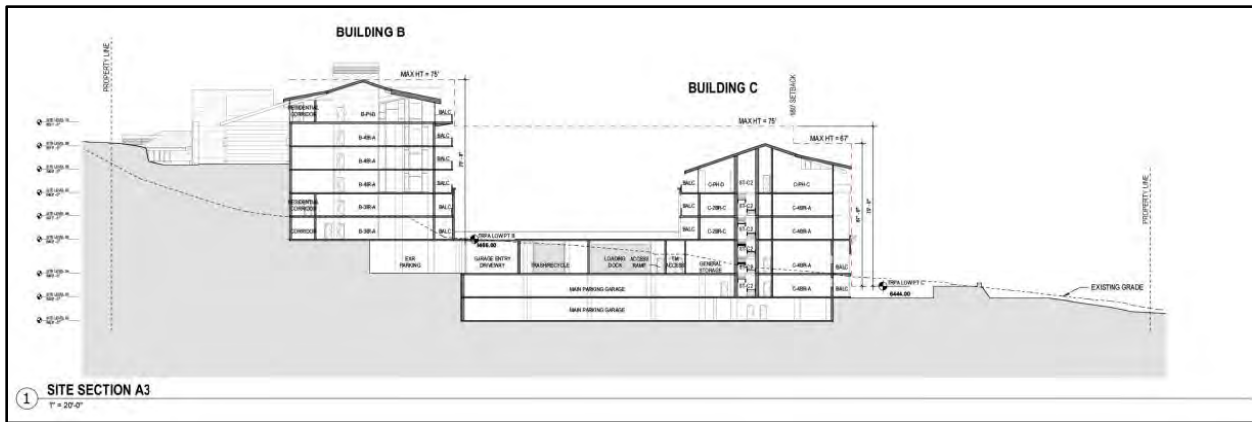
The proposed application and plan sets provided four (4) cross sections, A1, A2, A3, and A4.



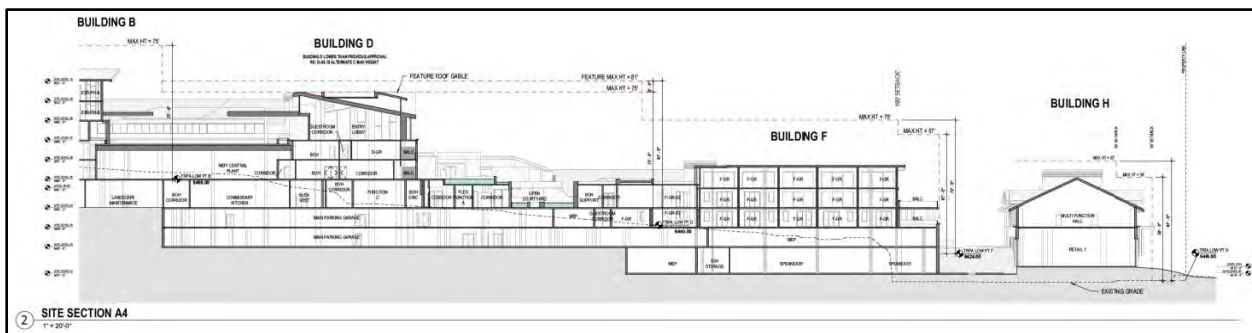
Site Section A1 shows Building D and Building E, with Building H in the background. The total height provided in this cross section is 75 feet for both Building D and E, and a maximum feature (e.g. chimneys, cupola, domes, and other architectural features) height of 81 feet for Building D.



Site Section A2 primarily shows Building D, with Buildings B, C, F and G in the background. The total height provided is 75 feet, with a maximum feature height of 81 feet.



Site Section A3 shows Buildings B and C. Building B and C both show a maximum height of 75 feet, and Building B shows a maximum feature height of 81 feet.

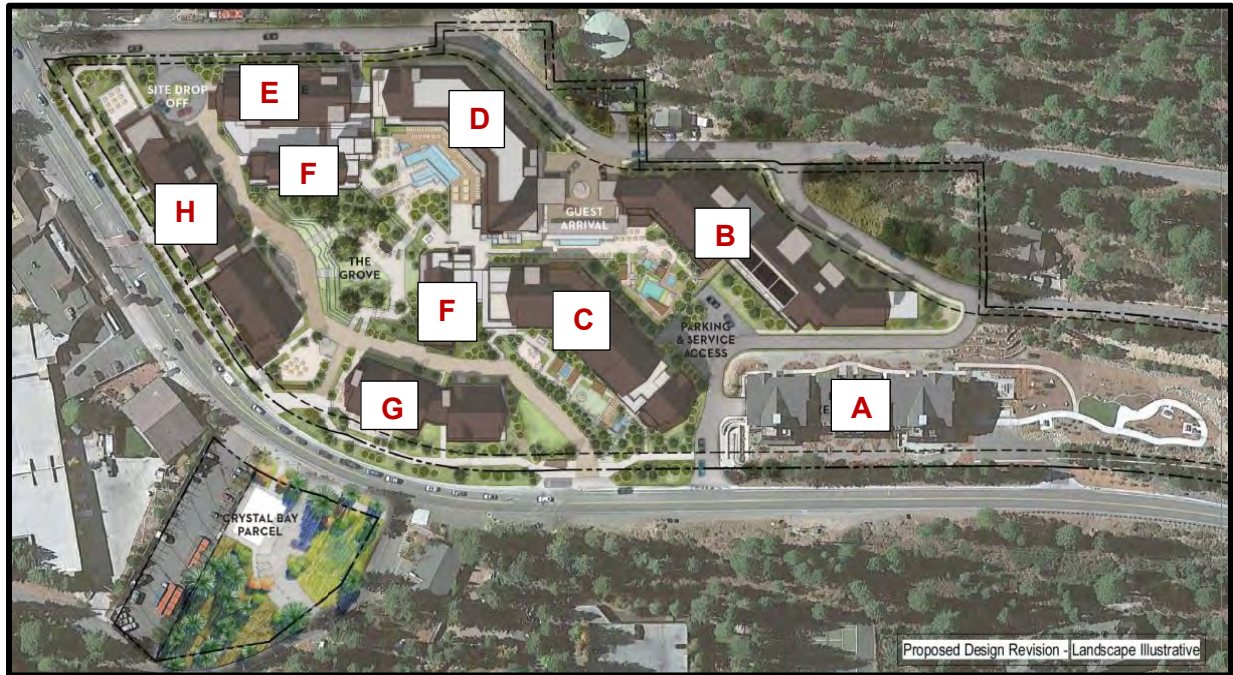


Site Section A4 shows Buildings B, D, F and H. Building H is shown with a maximum height of 67 feet, Building F shows a maximum height of 75 feet, Building B shows a maximum height of 75 feet, and Building D shows a maximum height of 75 feet.

TRPA’s approved permit has the following limits for maximum height:

Setback from SR 28 Edge of Pavement	Maximum Height
40 Feet	58 Feet
60 Feet	67 Feet
180 Feet	75 Feet





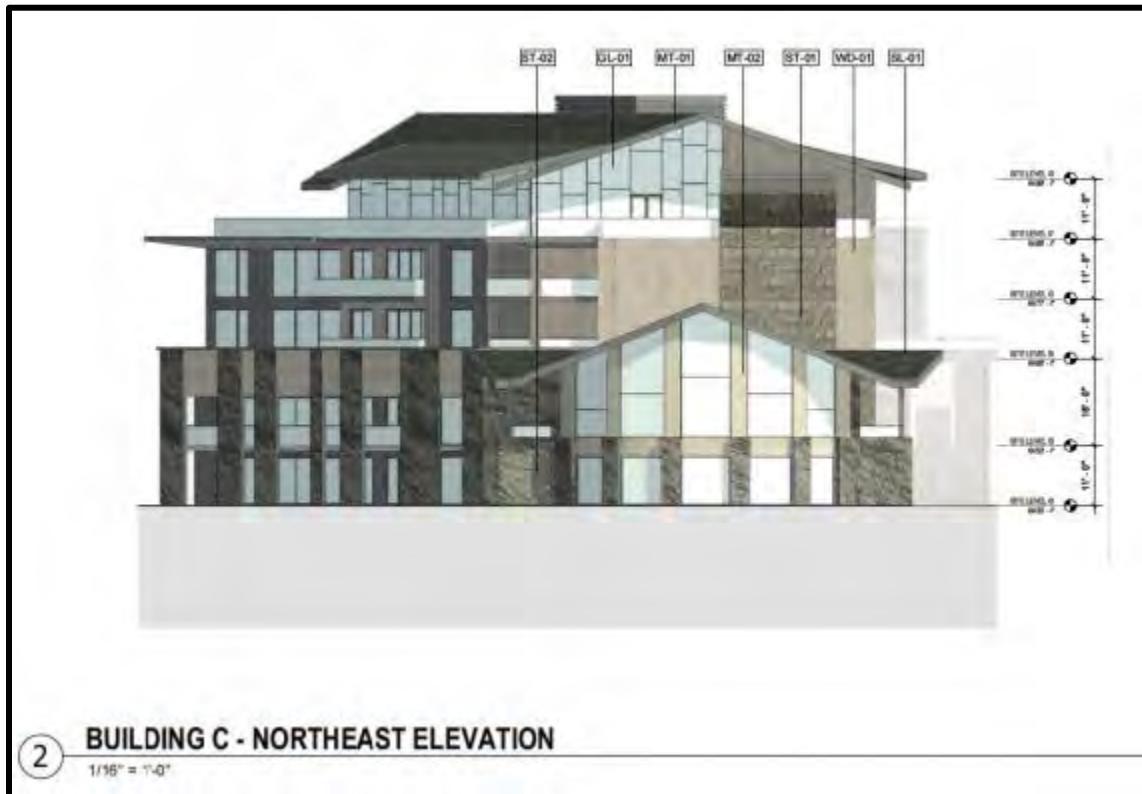
**Overall Site Plan with Buildings**

**Elevations**

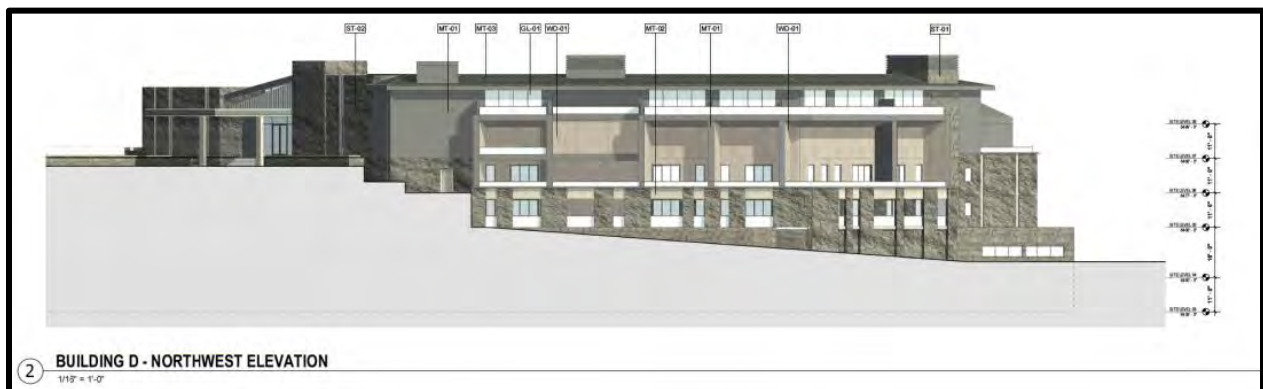
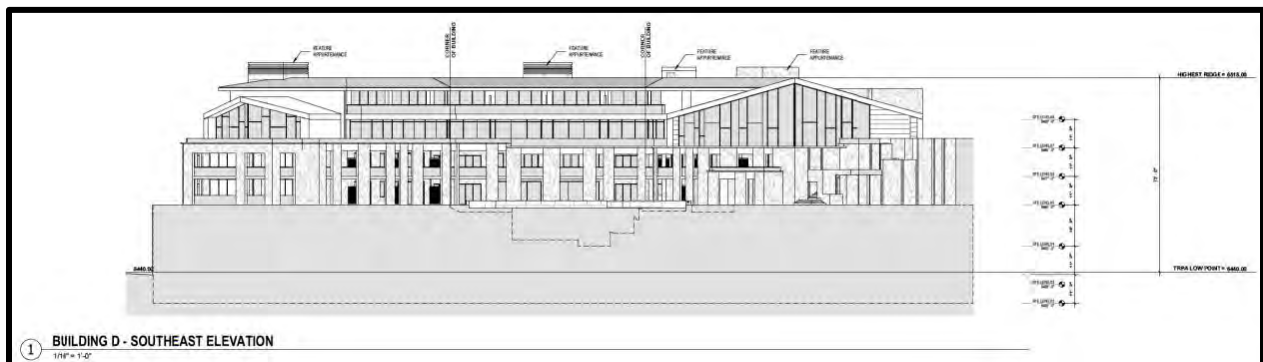






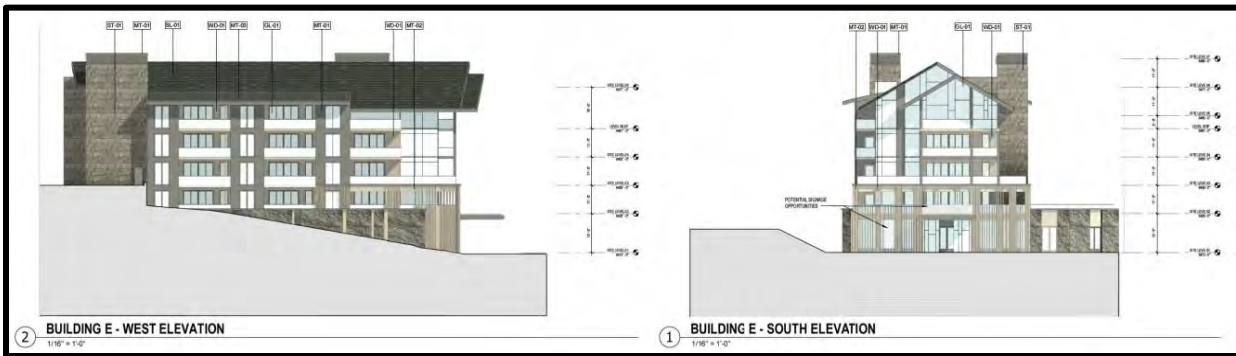
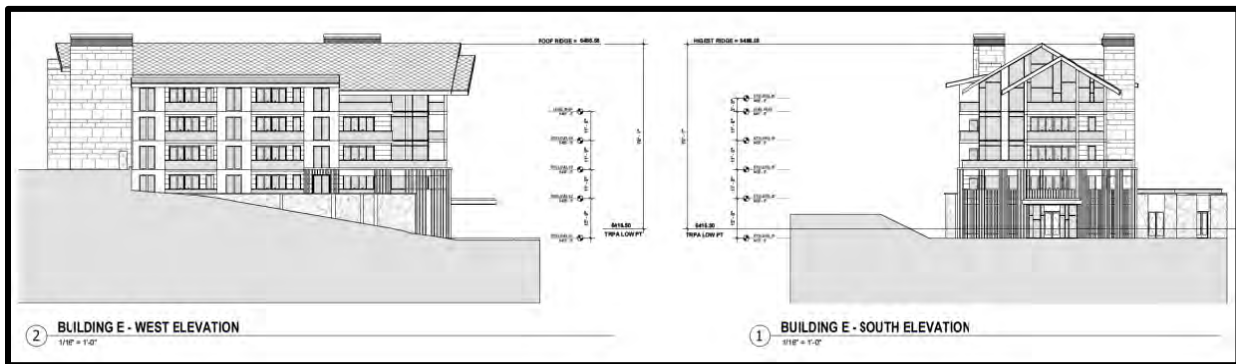


**Building C**





**Building D**



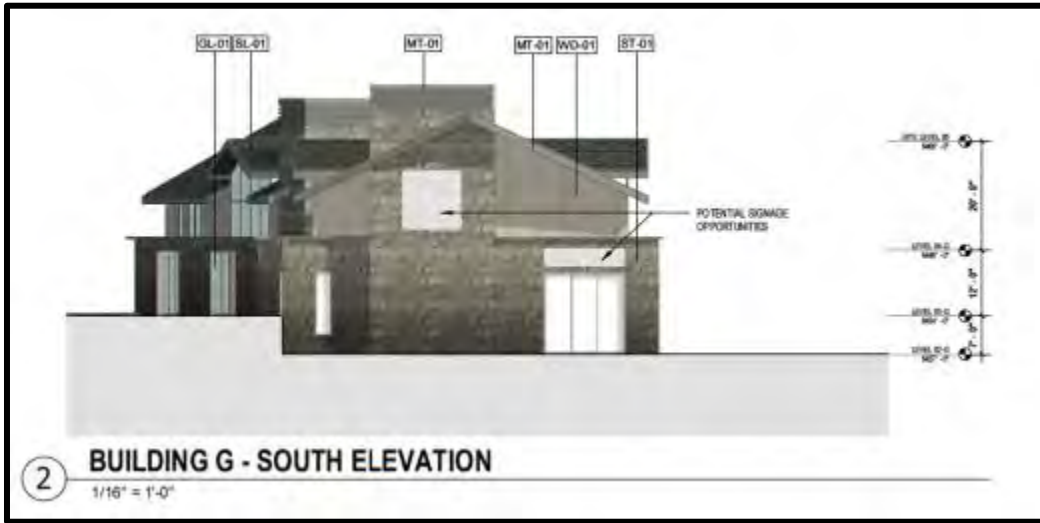
**Building E**



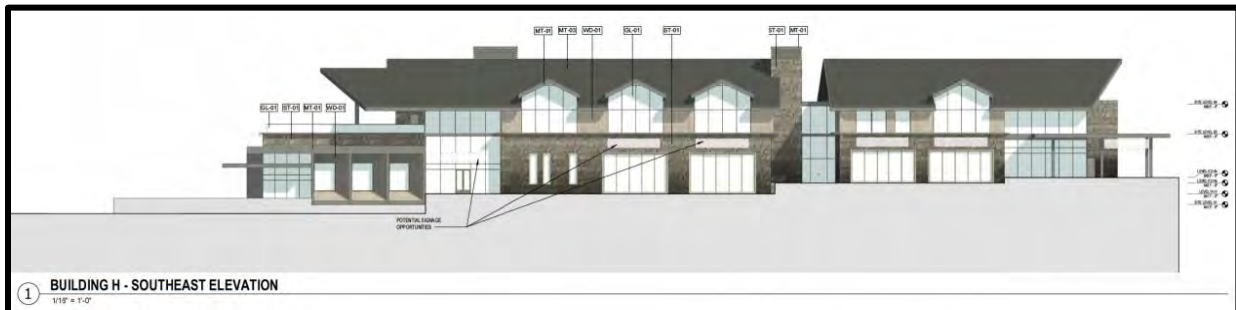
### Building F







**Building G**





### Building H

#### Phasing

The applicant states that in early 2024 all the existing buildings & signage will be removed. The parking lot, sidewalks and horizontal infrastructure will then be removed at the start of grading season on May 1, 2024. By the end of the grading season (October 15, 2024), all connector roads and associated utilities are proposed to be completed. The applicant intends to begin construction in May 2025 with excavation, haul off, and retaining walls. The applicant states that Building B will be the first building constructed, followed by Building D, Building C, Building E, Building F, and Building G. The applicant states that the construction period is estimated to take 36 months.

#### Design Guidelines

Within the Crystal Bay tourist zone, the Tahoe Area Plan establishes additional standards and guidelines to encourage high-quality design and multi-modal integration. The proposed designs are consistent with the requirements of Article 220.1, *Tahoe Area Design Standards*. Final designs will be evaluated for consistency as part of the building permit approval process.

#### Development Constraint Analysis

The Tahoe Potential Natural Hazards Map shows that the subject property and most of the Crystal Bay Tourist Zone area presents minimal potential hazards associated with seismic, hydrologic and slope hazard areas.

#### Hillside Development

Hillside and ridgeline development standards are applicable to properties that contain slopes in excess of 15 percent or greater on 20 percent or more of the site. The application indicates that the project development area contains slopes steeper than 15% on +/-25.5% of the site. WCC Section 110.424.15 requires a site analysis for hillside development. The applicant has provided

a Site and Slope Analysis Map (sheet C4), which is included in Tab C of their application (Exhibit E).

**(a) Minimizing use of slopes subject to instability, erosion, landslide, flood hazards or drainage problems.**

Staff Comment: The Project's earth retaining systems will provide slope and roadway stability, while utilizing erosion control methods which are acceptable to both TRPA and Washoe County during the construction phases. Existing off-site drainage facilities will be protected and maintained both during and after construction and will follow TRPA and Washoe County regulations. On-site drainage during and after construction shall meet and/or exceed drainage regulations as required and approved by TRPA and Washoe County. The proposed development project includes a drainage plan which has been updated to incorporate improved technology which will enhance water treatment. The plan also increases water quality treatment and storage on-site. New infiltration basins, water quality improvement methodology, and techniques for low-impact development are retained to achieve the approved sediment reduction.

**(b) Minimizing the careless alteration of and disruption to the natural topography and landscape.**

Staff Comment: Significant grading is necessary for the construction of the proposed resort project, the connector roads and Wellness Way. Grading of the interior of the site is required to create subterranean parking structures that will help meet the Tahoe Area Plan's objectives of concealing automobile parking areas for this project. The buildings, when constructed, will be placed in a hillside adaptive manner.

**(c) Providing safe and adequate vehicular and pedestrian access to and within hillside areas, including emergency access.**

Staff Comment: Pedestrian walkways will be provided in areas where no sidewalks or other pedestrian improvements exist in association with the roadway network. The previously approved variance (WPVAR21-0001) and abandonment (WAB21-0002) which outlines the alignment of the new connector roads will provide for safer vehicular access than what currently exists.

**(d) Establishing stormwater runoff and erosion control techniques to minimize adverse water quality impacts resulting from non-point runoff.**

Staff Comment: All proposed stormwater runoff collection facilities will be submitted for review and approval by both TRPA and Washoe County, prior to construction of any storm drain and water quality facilities. The Project will meet the necessary BMP requirements within the Tahoe Basin as required by TRPA.

**(e) Encouraging innovative grading techniques and building design which respond to the hillside terrain and natural contours of the land**

Staff Comment: The applicant states that the earth retaining system will allow for a smaller disturbance footprint than would be typical with most wall systems, and the earth retaining



system can be covered with soil at a gentler grade than what a stand-alone wall system can provide. The earth retaining system is anticipated to be concealed by the future buildings and covered with soil and landscaped to appear as a natural slope area. Certain segments of the wall may also be proposed to appear as stacked stone or other aesthetic appearances. The proposed design is in conformance with the site development and grading standards in Section 110.424.30 and 110.424.35. Building pads and heights will be varied to complement the existing slopes of the terrain.

**(f) Minimizing impacts on existing trees and vegetation which reduce erosion, stabilize steep hillsides, enhance visual quality, protect water quality and preserve critical watershed recharge areas.**

*Staff Comment:* Existing vegetation found within the interior of the site will be significantly impacted, as will vegetation and trees found in the path of the proposed connector roadways. Tree loss is anticipated as part of the proposed major grading project. Landscaping and erosion control measures are proposed in accordance with Washoe County standards.

**(g) Encouraging the transfer of density to avoid hazardous areas and to protect environmentally sensitive and open space area.**

*Staff Comment:* Density transfers were previously approved through initial planning and design of the project. The existing site has had a hotel/casino project since 1946, and as the development grew and added additional buildings, the site has utilized a terraced grading process to accommodate the additional development. Due to the existing project having been here for 75 years, the redevelopment of this site is not anticipated to have a detrimental impact on environmentally sensitive and open space areas.

**(h) Minimizing impacts on prominent ridgelines, significant viewsheds, canyons and visually prominent rock outcroppings which reflect the visual value and scenic character of hillside areas.**

*Staff Comment:* The proposed design will not impact any ridgelines, significant viewsheds, canyons or prominent rock outcroppings. Please refer to viewshed analysis in Appendix H.

### **Tahoe Area Plan Policy Evaluation**

The subject parcel is located within the Tahoe Area Plan. The following are the pertinent policies from the Tahoe Area Plan:

**Policy LU1-1 Buffering:** Non-residential, tourist, mixed-use, casino, employee housing, and multi-family residential developments shall provide buffering from existing, surrounding residential uses. Residential uses shall be buffered from State Route 28 and adjacent commercial uses. Buffering can be accomplished through site design, landscaping, vegetation, and screening.

*Staff Comment:* *The applicant submitted site, and landscaping plans that demonstrate sufficient buffering and visual screening from adjacent uses. Further consistency with all standards of*

*Article 220.1 (Tahoe Area Design Standards) will be required as part of the building permit approval process. The proposed project is compliant with LU1-1.*

**Policy LU1-2 Design Standards:** The compatibility of adjacent land uses is a priority in the planning area and shall be regulated through the use of design standards. Design standards will ensure compatibility between adjacent parcels as well as compatibility of mixed uses within the same parcel.

Staff Comment: *The applicant submitted site, landscaping, lighting, and photometric plans; elevations, cross sections, materials, a scenic analysis, and other supplemental information that demonstrates sufficient buffering and visual screening from adjacent uses. Further consistency with all standards of Article 220.1 (Tahoe Area Design Standards) will be required as part of the building permit approval process. The proposed project is compliant with LU1-2.*

**Policy LU1-3 Finding of Compatibility:** The approval of all discretionary permits in the planning area shall include a finding ensuring that compatibility between adjacent uses will be established and maintained through implementation of appropriate design standards.

Staff Comment: *The applicant submitted site, landscaping, lighting, and photometric plans; elevations, cross sections, materials, a scenic analysis, and other supplemental information that demonstrates sufficient buffering and visual screening from adjacent uses. Further consistency with all standards of Article 220.1 (Tahoe Area Design Standards) will be required as part of the building permit approval process. The proposed project is compliant with LU1-3.*

**Policy LU2-1 Focus Development towards Town Centers:** Direct development away from Stream Environment Zones and other sensitive lands and towards Town Centers. Manage Town Center overlay districts to provide the community with focal points for commercial and

Staff Comment: *The project is located in the Crystal Bay Tourist Regulatory Zone within the Tahoe Planning Area. The majority of the project can be found within the Crystal Bay Tourist Town Center Overlay and will provide the Crystal Bay community with commercial and civic activities once the project is completed. The proposed project is compliant with policy LU2-1.*

**Policy LU2-2 Retail and Restaurant Uses:** Concentrate retail and restaurant uses within Special Area #1 of the Incline Village Commercial regulatory zone and throughout the Crystal Bay Tourist regulatory zone.

Staff Comment: *The proposed project includes retail and restaurant uses as part of the overall resort once completed. Per TRPA's permit, the proposed project has 18,700 square feet of commercial floor area (CFA) that is devoted to retail and restaurant uses. With retail being located on site, and at street level this will assist with a more walkable and bikeable Town Center as well. General retail use is consistent with the area's gaming, tourist and other commercial uses. The proposed project is compliant with policy LU2-2.*

**Policy LU2-7 Crystal Bay Tourist Regulatory Zone:** Strengthen the regulatory zone's potential as a world class, nationally renowned tourist destination resort. Encourage a wide range of family-oriented entertainment and recreational activities within the Crystal Bay Tourist regulatory zone.

Opportunities for retail commercial shopping should also be increased. The provision of childcare facilities is encouraged.

*Staff Comment: The proposed project will contain a swimming pool, wellness spa, gym, meeting space, restaurants, retail space, gaming, outdoor amphitheater, and a kids club. The proposed project is compliant with policy LU2-7.*

**Policy LU5-3 Preferred Areas for Affordable and Employee Housing:** The Crystal Bay Tourist, Incline Village Commercial, Ponderosa Ranch (Special Area), and Incline Village Residential regulatory zones are preferred areas for affordable, moderate, achievable and employee housing.

*Staff Comment: The proposed project includes 38 total deed restricted affordable housing bedrooms from 14 employee housing units and 10 “infill” affordable housing units within 10 miles of the subject development. 28 of the deed restricted affordable housing bedrooms will be located within the Crystal Bay Tourist Town Center Overlay. The proposed project is compliant with policy LU5-3.*

**Policy LU6-3 Screening:** All new and remodeled projects shall provide landscaped screening of on-grade parking areas and trash receptacles from street views. Such screening may consist of either man-made or plant materials or combinations of both and shall be effective year-round. All new and remodeled projects shall completely screen all ground and roof-mounted mechanical and communications equipment from public views.

*Staff Comment: One of the primary goals for Chapter 6, Landscaping, is to increase compatibility between residential, commercial, and industrial land uses. The applicant submitted a landscape plan as part of the overall submittal. The site plan and landscaping plan demonstrates sufficient buffering and visual screening from adjacent uses. Any ground or roof-mounted mechanical and communication equipment will be conditioned to be screened from public view.*

**Policy LU6-5 Crystal Bay Tourist Regulatory Zone:** Projects in the Crystal Bay Tourist regulatory zone should use architectural designs and materials which are unique to the North Stateline area and which strengthen the regulatory zone’s resort image.

*Staff Comment: The proposed project utilizes split face stone, rough stone slab panels, light grey cement plaster, anti-reflection vision glass, grey zinc standing seam, grey wood cedar siding, and anodized aluminum in charcoal grey and champagne bronze. The materials and design will fit in well with the North Stateline area as they are natural in appearance and provide a sense of strength and permanence through their dimensions and mass. The roof design proposed will reflect traditional alpine architecture. The proposed project is compliant with Policy LU6-5.*

**Policy T2-4 Connections to Parking Areas and Between Uses:** Walkways should be created which connect parking areas accessed from local streets to the shops, restaurants, and offices along State Route 28. Pedestrian connections between shopping areas and surrounding residential, tourist accommodation, and recreational uses should be provided. Development standards should specify what pedestrian and bicycle facilities should be provided at parking areas.



*Staff Comment: The proposed parking is underground, under Buildings B, C, D, and F. The overall resort includes seven new buildings, along with significant walkways and boardwalk elements which will connect the new buildings, shopping areas, and other uses as part of the overall resort project. The proposed project is compliant with Policy T2-4.*

**Policy T2-5 Bicycle Racks and Lockers:** As a condition of project approval, bicycle racks or secured lockers shall be installed at uses throughout the plan area. TART is encouraged to install bicycle racks on their buses.

*Staff Comment: Recommended conditions of approval in Exhibit A require the installation of bicycle racks or secured lockers throughout the development. With the condition of approval as part of the proposal, the proposed project will be compliant with policy T2-5.*

**Policy T3-1 Access Management:** Support implementation of access management regulations consistently throughout the plan area. The number of driveways along State Route 28 should be consolidated and minimized. All access points onto State Route 28 should be clearly defined. New uses at the Ponderosa Ranch regulatory zone shall share existing driveways. Access to State Route 28 businesses and their parking areas are encouraged to be provided from local streets. Entrances to casinos and their parking areas in the Crystal Bay Tourist regulatory zone are encouraged to be relocated to back streets for those parking areas that have rear access.

*Staff Comment: The primary entrance to the approved project has been moved from SR 28 to Lakeview Avenue. The approved road (Wellness Way) that has yet to be constructed will extend from SR 28 to Wassou Way. This proposed road connects to an existing connection off SR 28, the existing connection is currently known as Big Water Drive. The proposed project is in conformance with Policy T3-1.*

**Policy T6-4 Maximum Parking:** Within the Crystal Bay Tourist and Incline Village Tourist regulatory zones, parking lots shall include no more than the minimum number of parking spaces required by the Washoe County Tahoe Area Plan Design Standards and Guidelines and/or Chapter 110, Article 410 of the Washoe County Code for its associated uses. Parking lots including more than the minimum number of spaces shall only be allowed if the additional spaces are shared with an existing or future use under a shared parking agreement. Single family dwellings are exempt from this policy.

*Staff Comment: The proposed project requires a minimum of 537 parking stalls. The applicant is requesting to modify the parking standards to allow for the reduction of parking from 537 stalls to 424 stalls. The 424 parking spaces will include 16 compact stalls, 241 standard stalls, and 167 tandem stalls. Article 110.220.1, Chapter 4 allows for the modification of parking within the Tahoe Planning Area with the submittal of a parking analysis. The parking analysis provided by Hales Engineering concluded that with proper implementation of travel demand strategies, and the aid of valet parking, only 414 parking stalls would be adequate. This reduction will also increase the incentive to utilize public transportation and will eliminate passenger vehicle trips. The proposed project will conform to Policy T6-4.*

**Policy C3-1 Historic Site Preservation:** Encourage the preservation of the character of identified historic places.

*Staff Comment: The Final Environmental Impact Statement (FEIS) and the Draft Environmental Impact Statement (DEIS) both documented that the Tahoe Biltmore Hotel and Casino structure had been determined to be a potentially eligible property on the National Register of Historic Places by the Nevada State Historic Preservation Office (SHPO) and TRPA. TRPA Code Chapter 29 does not prohibit the demolition of resources determined to be potentially eligible for the Register but requires protection or documentation to properly record the contributing elements of the identified resource. Code Subsection 29.2.D requires the implementation of an approved resource protection plan prior to demolition of identified resources. The FEIS states that a draft plan (Mitigation Measure CUL-1A) has been prepared by the Historic Resources consultant and reviewed by TRPA staff for Nevada SHPO approval. Per the FEIS if the plan is not approved as submitted, Boulder Bay will be required to work with the Nevada SHPO and TRPA staff to draft revisions acceptable to the Nevada SHPO office. As a requirement of the TRPA approved permit – CEPP2014-0138-01, dated April 27, 2023 – the applicants will be required to preserve one extant neon sign from the 1940s-1950s period and place it within the proposed mixed-use project; the applicants will be required to preserve and restore the 1962 “Tahoe Biltmore” Googie style architectural sign and place it either within the proposed project, or at an appropriate offsite location in Nevada. If moved offsite the applicant will be required to incorporate “Googie” style design features of the “Tahoe Biltmore” sign into design of project details such as walkway lighting or signage. The applicant is also required to incorporate interpretive signage into the proposed mixed-use project to document the history of the Tahoe Biltmore Resort. Interpretative signage will be publicly visible. The applicant will also be required to incorporate architectural details outlined in the Historic Resources section of the EIS into the final design of building entryways, doors, and windows.*

**Policy C5-4 Scenic Quality of Entrypoints:** Development standards shall maintain the high scenic quality of the primary entry points to the community including the North Stateline entry point, the State route 431 and State route 28 intersection entry point, and the Tahoe Boulevard and Tunnel Creel Road intersection entry point. Public and private development activity that may impact the scenic quality of these entry points shall conserve the overall scenic quality of the entry point by complying with the Tahoe Area Design Standards (Development Code Article 110.221 Tahoe Area Design Standards) and the State Route 28 Corridor Management Plan

*Staff Comment: The applicant provided a scenic analysis by HBA, dated October 14, 2022. The proposed project is visible from SR28 which is a major arterial roadway, but the proposed design of the project will not extend above a ridgeline or forest canopy. The tree canopy height within the project area averages 100 feet, which is greater than the height of any proposed building. Proposed Buildings G and H will partially block views of the ridgeline west of the project area but not to the same extent that the existing Biltmore structure currently blocks. The configuration of the new buildings remains substantially the same in the revised project, but there are slight changes to footprint size, placement and architectural design. The revised project’s structures are nevertheless consistent with building design, location and massing analyzed in the EIS. Building setbacks and placement proposed for Buildings G and H in the proposed project would maintain*

*a majority of existing ridgeline views through the project area. The tallest buildings will be set back over 180 feet from SR28. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the revised project does not result in new scenic quality impacts. Washoe County does not regulate the State Route 28 Corridor Management Plan. TRPA was able to make their required findings for scenic quality, and Washoe County also believes that the scenic quality of the North Stateline entry point will be maintained. Between TRPA's conditions and Washoe County's conditions of approval, the proposed project will be compliant with Policy C5-4.*

**Policy R2-1 On-Site Recreation:** Encourage the development of on-site recreational opportunities which enhance the destination resort experience. Such opportunities may include court games and exercise fitness courses.

*Staff Comment: The proposed community will contain a swimming pool, wellness spa, gym, meeting space, restaurants, retail space, gaming, outdoor amphitheater, and a kids club. The proposed project is compliant with policy R2-1.*

**Policy R2-2 Public Access Trail:** A public access trail from the Crystal Bay Tourist regulatory zone to Lake Tahoe should be constructed. The trail should originate in the casino core area and pass through the lake vista mini-park site. In lieu of development of the lake access trail, a shuttle may be provided to provide access to public beaches.

*Staff Comment: The proposed WALT project will provide a shuttle service as an amenity available to the site's residents and guests upon request, with service to and from public beaches (excluding Speedboat Beach) in summer and to and from the Northstar California Resort in winter. Some level of shuttle service will be provided year-round, with adjustments made for summer and winter peak seasons. The proposed project includes 7,000 linear feet of pedestrian and multi-use paths on site with connections to existing walkways serving the core area of the Town Center. While no trail to Lake Tahoe will be provided, the shuttle service being provided makes the proposed project compliant with Policy R2-2.*

### **Neighborhood Meeting**

The applicant hosted a neighborhood meeting on Monday, May 23, 2023, at 4:00 p.m. The meeting was held at 917 Tahoe Blvd, Suite 100 in Incline Village. Eleven members of the public were present, as well as Washoe County staff. The primary issues brought up at the neighborhood meeting were fire related concerns, population growth of the Tahoe Basin, changes of the project after they receive approval from the Board of Adjustment, the grading required for the parking structure, and the BMP's related to grading. The applicant has worked with NDOT, TRPA, and Washoe County throughout the application process regarding traffic concerns.



### Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Environmental Protection	X			
NDOT (Transportation)	X	X	X	Michelle Griffin, mgriffin@dot.nv.gov
Washoe County Building & Safety	X	X		
Washoe County District Attorney, Civil Division	X			
Washoe County Parks & Open Space	X	X	X	Faye-Marie Pekar, fpekar@washoecounty.gov
Washoe County Sewer	X	X		
Washoe County Traffic	X	X	X	Mitch Fink, MFink@washoecounty.gov
Washoe County Water Rights Manager (All Apps)	X	X	X	Timber Weiss, tweiss@washoecounty.gov
WCSO Law Enforcement	X			
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov; Janelle Thomas, jkthomas@washoecounty.gov
WCHD Air Quality	X			
WCHD EMS	X	X		
WCHD Environmental Health	X	X	X	Jim English, jenglish@washoecounty.gov; Wes Rubio, wrubio@washoecounty.gov; David Kelly, dakelly@washoecounty.gov
Incline Village Roads	X			
IVGID	X	X	X	Tim Buxton, tim_buxton@ivgid.org
IVGID - Parks	X			
Nevada Tahoe Conservation District	X			
North Lake Tahoe FPD	X	X	X	Ryan Sommers, rsommers@nltpd.net; John James, jjames@nltpd.net
Tahoe Regional Planning Agency	X			
Tahoe Transportation District	X			
US Forest Service (LTBMU) 'Lake Tahoe Basin Management Unit'	X			

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

### Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan.

*Staff Comment: The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan. The proposed uses of employee housing, multi-family dwelling, general merchandise stores, vehicle storage and parking, and transmission and receiving facilities are permitted in the Crystal Bay Tourist regulatory zone with the approval of a special use permit. Additionally, the project conforms to the policies and findings found in the Tahoe Area Plan. The project is located in the Crystal Bay Tourist Regulatory Zone ("CB Tourist Zone") of the recently adopted Tahoe Area Plan (TAP) which replaced the North Stateline Community Plan (NSCP) which was in effect when TRPA originally approved the project. While the TAP replaced the NSCP, the CB Tourist Zone largely mirrors the former NSCP governing land use in Crystal Bay, including the list of permissible uses. The project's uses have not changed from the original TRPA approval and are permissible in the CB Tourist Zone. These uses include hotel, motel and other transient dwellings (A), multiple-family dwellings (S), employee housing (S), gaming (A), eating and drinking places (A), food and beverage places (A), general retail (S) and passive recreation / linear public facilities (A). Staff is able to make this finding.*

- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

*Staff Comment: The proposed project is extending roadways, Wassou to Lakeview connector, Lakeview to Stateline connector, and these roadways will be an improvement on current roadway conditions. Additionally, Wellness Way is also proposed to be constructed. The proposed project will either have access to, or be required to provide adequate sanitation, water, and other necessary facilities as part of the overall project. Northern Nevada Heath is requiring the applicant submit a Water Project pursuant to NAC445A as part of their conditions of approval. No conditions were received from Incline Village General Improvement District (IVGID), but it is staffs understanding that the applicant and IVGID have been working closely on various infrastructure related items associated with the proposed project. Staff is able to make this finding.*

- (c) Site Suitability. That the site is physically suitable for employee housing, multi-family dwelling, general merchandise stores, vehicle storage and parking, and transmission and receiving facilities, and for the intensity of such a development.

*Staff Comment: The site has already been fully developed by the existing Tahoe Biltmore site; the Tahoe Biltmore has existed at this location since 1946. The site is physically suitable for the proposed resort development and proposed uses subject to a special use permit. Staff is able to make this finding.*

- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

*Staff Comment: Washoe County Staff has reviewed the proposed project, Hales Engineering Parking Analysis (September 28, 2022), HBA's Scenic Quality Evaluation (October 14, 2022, LSC's Transportation Impact Study (April 12, 2023), SBA's Lighting Plan (October 6, 2023), Design Workshops Photometric Plan (October 23, 2023), as well as the TRPA issued permit, TRPA's IEC documentation, and the TRPA staff report. Staff believe that the issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.*

*Additionally, the TRPA Governing Board certified the Boulder Bay Community Enhancement Program Project EIS in April 2011 for the previously approved project, including a Finding of No Significant Effect. TRPA completed an Initial Environmental Checklist (IEC) for the plan revision to analyze the impacts that could result from the revised project. TRPA reviewed the information submitted in the Initial Environmental Checklist (IEC), and as conditioned in the draft permit from TRPA, it was determined to be consistent with the certified EIS and will not have a significant effect on the environment. Staff is able to make this finding.*

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

*Staff Comment: There are no military installations located in the proposed site area. This finding is not applicable to the proposed project.*

## Tahoe Area Plan

**Policy LU1-3 - Finding of Compatibility:** The approval of all discretionary permits in the planning area shall include a finding ensuring that compatibility between adjacent uses will be established and maintained through implementation of appropriate design standards.

*Staff Comment: The applicant submitted site, landscaping, lighting, and photometric plans; elevations, cross sections, materials, a scenic analysis, and other supplemental information that demonstrates sufficient buffering and visual screening from adjacent uses. Further consistency with all standards of Article 220.1 (Tahoe Area Design Standards) will be required as part of the building permit approval process.*

## Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP23-0025 is being recommended for **approval with conditions**. Staff offers the following motion for the Board's consideration.

## Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment **approve with conditions** Special Use Permit Case Number WSUP23-0025 for EKN Tahoe LLC, with the conditions included as Exhibit A to this matter, having made all five findings, and Tahoe Area Plan Policy LU1-3, in accordance with Washoe County Code Section 110.810.30:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) Site Suitability. That the site is physically suitable for employee housing, multi-family dwelling, general merchandise stores, vehicle storage and parking, and transmission and receiving facilities, and for the intensity of such a development;
- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### **Tahoe Area Plan**

- (f) **Policy LU1-3 - Finding of Compatibility**: The approval of all discretionary permits in the planning area shall include a finding ensuring that compatibility between adjacent uses will be established and maintained through implementation of appropriate design standards.

#### **Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.





# Conditions of Approval

Special Use Permit Case Number WSUP23-0025

The project approved under Special Use Permit Case Number WSUP23-0025 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on December 7, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

**Unless otherwise specified**, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “conditions of approval” are referred to as “operational conditions.” These conditions must be continually complied with for the life of the project or business.

**The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.**

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

## **Washoe County Planning and Building Division**

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

**Contact Name – Chris Bronczyk, Senior Planner, 775.328.3612, [cbronczyk@washoecounty.gov](mailto:cbronczyk@washoecounty.gov)**

- a. **The applicant shall attach a copy of the action order approving this project and the TRPA approved permit to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. **The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.**
- c. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within **five years** from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- f. A business license shall be obtained for all new uses associated with the proposed mixed-use resort project.
- g. The applicant shall submit a Streetscape/Landscape Plan that complies with Washoe County Design Standards 110.220.1. The plan shall include both hardscape and softscape landscape elements, planting materials and planting details, sidewalk details, paving materials, colors and textures, lighting. The landscape plan shall also include a strategy for tree replacement.
- h. All landscaping shall be maintained in perpetuity by the property owner (and replaced as needed) in a condition consistent with the approved landscape plans.
- i. Construction activities shall be limited to the hours between 8:00 A.M. to 6:30 P.M., Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.
- j. Any ground or roof-mounted mechanical and communication equipment shall be screened from public view.
- k. The applicant shall submit a construction schedule and construction staging plan to Washoe County Planning.
- l. Wellness Way shall be a minimum of twenty feet in width, paved, and heated for snowmelt.

- m. Building permits and final plans shall show a heated asphalt 'snow melting system' along Wellness Way designed to aid in the melting of snow on the road surface.
- n. No gates shall be installed on the new access road extending north from Highway 28 ("Wellness Way" on the east side of the project area located adjacent to the Granite Place Condominiums. This road shall remain open for public use.
- o. 120 bike parking spaces via bicycle racks or bicycle lockers shall be installed throughout the mixed-use resort project.
- p. All proposed lighting shall be down shielded and designed to keep all lighting on the subject property. All lighting shall conform to 110.220.1 standards.
- q. No multi-family dwelling use is permitted until the submittal and approval of the Tentative Subdivision Map by the Washoe County Planning Commission.
- r. Prior to the issuance of any building permits associated with the resort project structures, the applicant shall merge parcel lines, or complete a boundary line adjustment to ensure no property lines cross through any proposed structures.
- s. The applicant shall obtain any necessary approvals from the Tahoe Regional Planning Agency.
- t. Dedicated parking spaces for the 28 employees with onsite housing will be provided at a rate of 1 per 2 employees, for a total of 14 parking spaces. This condition may be waived if year-round public transit serves the site and provides access to a grocery store within 5 miles at the time of building permit submittal.
- u. The following **Operational Conditions** shall be required for the life of the business:
  - i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
  - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
  - iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
  - iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

### **Washoe County Engineering and Capital Projects**

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

#### **Contact Names –**

**Janelle K. Thomas, P.E., C.F.M., 775.328.3603, [jkthomas@washoecounty.gov](mailto:jkthomas@washoecounty.gov) and Robert Wimer, P.E., 775.328.2059, [RWimer@washoecounty.gov](mailto:RWimer@washoecounty.gov)**

### **GENERAL CONDITIONS**

Contact Information: Robert Wimer, P.E. (775) 328-2059

**Conditions:**

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

**DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)**

Contact Information: Robert Wimer, P.E. (775) 328-2059

**Conditions:**

- b. A detailed hydrology/hydraulic report, in conformance with the standards included in the Truckee Meadows Regional Drainage Manual, prepared by a professional engineer licensed in the State of Nevada shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates, and flood limits of all 5- and 100-year storm flows impacting onsite and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations, including a discussion of and mitigation measure design for any impacts on existing offsite drainage facilities and properties. Additionally, any increase in storm water runoff resulting from the development and based upon the 5- and 100-year storms shall be detained on site and attenuated to existing flow rates for discharge to the satisfaction of the County Engineer.
- c. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- d. All necessary utilities shall be stubbed beyond the edge of pavement for future development to the satisfaction of the County Engineer.
- e. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

**TRAFFIC AND ROADWAY (COUNTY CODE 110.436)**

Contact Information: Mitch Fink, (775) 328-2050

**Conditions:**



- a. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.
- b. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT) (City of Reno or City of Sparks), for access to, from, or under roads and highways maintained by NDOT (City of Reno or City of Sparks) and a copy of said permit provided to the Engineering Division prior to issuance of permit.
- c. Prior to construction, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.
- d. The applicant shall provide the haul road use agreement from the appropriate jurisdictional agency prior to the issuance of the permit.
- e. A safe walkway route, including any required crossings, shall be provided for all pedestrians. A pedestrian walkway plan shall be approved by the County Engineer prior to the issuance of the building permit.
- f. The applicant shall provide temporary traffic control plans for review and approval by the County Engineer prior to commencement of construction.
- g. The applicant shall submit an encroachment and excavation permit application for review and approval for any construction within Washoe County Right of Way.
- h. The conditions noted in the Special Use Permit Number WSUP21-0035, the Abandonment Case Number WAB21-002 and the Variance Case Number WPVAR21-001 shall be met prior to the issuance of the first building permit.
- i. The construction of the roadway improvements to State Route 28 shall be constructed concurrently with issuance of the first building permit and completed and accepted prior to the issuance of the Certificate of Occupancy for said building permit. The roadway improvements shall be in accordance with the final design approved by NDOT, Washoe County and TRPA.
- j. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within 30-feet of the Washoe County right-of-way, with the District Attorney's Office for the purposes of carrying out County-related activities within the County owned right-of-way. The applicant shall submit a copy of the recorded document with the building permit application.

#### **UTILITIES (County Code 422 & Sewer Ordinance)**

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

**Conditions:**

- a. No utilities related conditions or comments.

**Northern Nevada Public Health (NNPH)**

- 3. The following conditions are requirements of North Nevada Public Health, Environmental Health Services Division, (EHS), which shall be responsible for determining compliance with these conditions.

**Contact Name – James English, REHS, CP-FS, EHS Supervisor, 775.900.7239, [jenglish@nnph.org](mailto:jenglish@nnph.org)**

- a. SUP application's supporting documentation dated August 2023 states there are three USTs on the site and they are in compliance with current UST regulations, it is this agency's understanding all USTs were removed from the site in 2022. Have additional USTs been located or found?
- b. Applicant must submit a Water Project pursuant to NAC 445A and must have concurrent approval and review from the neighboring California Public Water Utility.
  - i. The Neighboring utility's connections across state lines must be shown on all projects and plans going forward for review and approval.
  - ii. This includes the emergency inter tie between Nevada and California utilities.
- c. Application states boundary line adjustments or parcel maps will need to be completed for project to move forward, all such mapping must be routed to EHS for review and approval. 4. If the application is approved, all future plans, permits and construction reviews must be routed to EHS for review and subsequent approval.

Additionally, this project will have to meet all tentative mapping requirements which are outlined below:

**Tentative Map Review and Final Map Conditions per NAC 278**

NNPH requires the following conditions to be completed prior to review and approval of any final map:

- d. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to NNPH. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.
  - i. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
  - ii. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application.
    - 1. Water Projects must be submitted directly to NNPH for review.
    - 2. Review of the Water Project may be concurrent with other reviews.

- e. Mass grading may proceed after approval of the Tentative Map and after a favorable review by NNPH of a grading permit application. a. The final map submittal shall include the Permitted Public Water System annexation and discovery with the mass grading permit.
- f. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by NNPH.
  - i. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal.
  - ii. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to NNPH for approval per NAC 278.290 and NAC 445A.66715.

**NNPH requires the following to be submitted with the final map application for review and approval:**

- a. Construction plans for the development must be submitted to NNPH for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of NNPH.
- b. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction of NNPH an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal:
  - i. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
  - ii. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to NNPH that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
  - iii. The developer must bear the cost of the inspections; and
  - iv. The developer may select a third-person inspector but the selection must be approved by NNPH or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
- c. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to NNPH. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service.
  - i. A copy of this letter must be included with the final map submittal.
- d. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to NNPH.
  - i. A copy of this letter must be included with the final map submittal.

- e. The final map submittal must include a letter from Nevada Division of Environmental Protection to NNPH certifying their approval of the final map.
- f. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
- g. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution.
  - i. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
- h. Prior to approval of the final map, the applicant must submit to NNPH the final map fee.
- i. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases.

**Nevada Department of Transportation (NDOT)**

4. The following conditions are requirements of the Nevada Department of Transportation (NDOT), which shall be responsible for determining compliance with these conditions.

**Contact Name – Jeff Freeman, PE**

- a. The project is directly adjacent to SR 28 which is an NDOT maintained road that is functionally classified as a Minor Arterial.
- b. The project proposes access to SR 28. A traffic impact study for the development will be required for determination of possible mitigations per NDOT's Terms and Conditions Relating to Right-of-Way Occupancy Permits.
- c. NDOT requires the use of permitted access to the state highway system. A NDOT occupancy permit will be required for the proposed improvements within and adjacent to SR 28 right of way. The maintaining agency of the access will be required to be the permittee.
- d. All work proposed within SR 28 right of way will require an encroachment permit and must comply with NDOT's Standard Plans, Access Management System and Standards, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and the Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.
- e. Since the site is located directly adjacent to SR 28 and has the potential to effect area drainage patterns, the applicant should be required to obtain an occupancy permit from NDOT for the drainage encroachment.
- f. This letter does not provide for approval or disapproval of any improvements proposed by the project. NDOT review during the occupancy permit process may result in modification to the proposed improvements or denial.



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

#### **North Lake Tahoe Fire Protection District (NLTFPD)**

5. The following conditions are requirements of the North Lake Tahoe Fire Protection District, for both WPVAR21-0001 and WAB21-0002. North Lake Tahoe Fire Protection District shall be responsible for determining compliance with these conditions.

**Contact: John James; 775.831.0351 x8131; [jjames@nltpd.net](mailto:jjames@nltpd.net)**

- a. The NLTFPD is aware of this project and has engaged in discussions with the design professionals regarding Fire Apparatus access and fire flow requirements. NLTFPD will ensure it adheres to all relevant fire codes upon formal submission,

#### **Washoe County Water Management Planner Coordinator**

6. The following conditions are requirements of Washoe County Water Management Planner Coordinator, who shall be responsible for determining compliance with these conditions.

**Contact: Contact: Timber Weiss, PE, 775.954.4626, [tweiss@washoecounty.gov](mailto:tweiss@washoecounty.gov)**

- a. This parcel is within IVGID service area and currently receives municipal water service from IVGID. The applicant shall conform with the requirements of IVGID in regards to water rights and water service.

#### **Washoe County Regional Parks and Open Space**

7. The following conditions are requirements of the Washoe County Regional Parks and Open Space, which shall be responsible for determining compliance with these conditions.

**Contact Name – Faye-Marie Pekar, Park Planner, 775.328.3623, [FPekar@washoecounty.gov](mailto:FPekar@washoecounty.gov)**

- a. In conformance with the Tahoe Area Plan and the application materials, the applicant shall provide a north-south multi-use path extending the full length of the future resort area (roughly paralleling State Route 28).
- b. The applicant shall record a public access easement over the path. The easement shall be identified on the final map.
- c. All imported material shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
- d. The project shall comply with Washoe County Code Section 110.220.1 – Chapter 6 of the Tahoe Area Design Standards.

#### **Incline Village General Improvement District (IVGID)**

8. The following conditions are requirements of the Incline Village General Improvement District. IVGID shall be responsible for determining compliance with these conditions.

**Contact Name** – Tim Buxton; 775.832.1246; [tib@ivgid.org](mailto:tib@ivgid.org)

- a. Applicants must submit a Water Project in accordance with NAC 445A. The water project must be approved by IVGID, Northern Nevada Public Health, and Nevada Department of Environmental Protection prior to any grading activities.
- b. The water and sewer system must be designed to meet all IVGID standards for construction and in accordance with all IVGID water ordinance #4 and Wastewater ordinance #2.
- c. Applicants must work with IVGID and NLTFPD to meet all requirements for firewater storage.
- d. No grading activities can begin prior to the relocation of all existing water and sewer facilities within the grading zone.
- e. Applicant must provide written approval of water interconnect improvements from North Lake Tahoe Public Utility District.
- f. Owner must obtain a will serve letter from the Incline Village Solid Waste provider known as Waste Management for refuse service for this entire development.
- g. Owner must obtain a will serve letter for all construction waste.
- h. Further construction permitted plans must comply with all IVGID Ordinance # 1 Solid Waste Ordinance and any addition Washoe County requirements.
- i. To review all IVGID ordinance please visit our IVGID web page at [www.yourtahoeplace.com](http://www.yourtahoeplace.com) enter IVGID tab then enter resource tab.

\*\*\* End of Conditions \*\*\*



Date: September 11, 2023

To: Chris Bronczyk, Planner

From: Janelle K. Thomas, P.E., C.F.M., Senior Licensed Engineer  
Robert Wimer, P.E., Licensed Engineer  
Mitchell Fink, P.E., Licensed Engineer

Re: Special Use Permit for **Project Name WSUP230025 Waldorf Astoria Lake Tahoe**  
APNs: 123-052-02, 123-052-03, 123-052-04, 123-053-02, 123-053-04, 123-054-01,  
123-291-01, 123-071-04, 123-071-35, 123-071-36, 123-071-37

## GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of a mixed-use resort and is located on approximately 13.143 acres at 47 Reservoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR28 and 0 SR28. The parcel numbers include the following: 123-052-02, 123-052-03, 123-052-04, 123-053-02, 123-053-04, 123-054-01, 123-291-01, 123-071-04, 123-071-35, 123-071-36, 123-071-37. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by EKN Tahoe LLC. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please contact the staff's name referenced.

## GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

### Conditions:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

## DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

### Conditions:

1. A detailed hydrology/hydraulic report, in conformance with the standards included in the Truckee Meadows Regional Drainage Manual, prepared by a professional engineer licensed in the State of Nevada shall be submitted to the Engineering Division for review

and approval. The report shall include the locations, points of entry and discharge, flow rates, and flood limits of all 5- and 100-year storm flows impacting onsite and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations, including a discussion of and mitigation measure design for any impacts on existing offsite drainage facilities and properties. Additionally, any increase in storm water runoff resulting from the development and based upon the 5- and 100-year storms shall be detained on site and attenuated to existing flow rates for discharge to the satisfaction of the County Engineer.

2. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
3. All necessary utilities shall be stubbed beyond the edge of pavement for future development to the satisfaction of the County Engineer.
4. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

#### **TRAFFIC AND ROADWAY (COUNTY CODE 110.436)**

Contact Information: Mitch Fink, (775) 328-2050

#### **Conditions:**

1. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.
2. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT) (City of Reno or City of Sparks), for access to, from, or under roads and highways maintained by NDOT (City of Reno or City of Sparks) and a copy of said permit provided to the Engineering Division prior to issuance of permit.
3. Prior to construction, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.
4. The applicant shall provide the haul road use agreement from the appropriate jurisdictional agency prior to the issuance of the permit.
5. A safe walkway route, including any required crossings, shall be provided for all pedestrians. A pedestrian walkway plan shall be approved by the County Engineer prior to the issuance of the building permit.
6. The applicant shall provide temporary traffic control plans for review and approval by the County Engineer prior to commencement of construction.



7. The applicant shall submit an encroachment and excavation permit application for review and approval for any construction within Washoe County Right of Way.
8. The conditions noted in the Special Use Permit Number WSUP21-0035, the Abandonment Case Number WAB21-002 and the Variance Case Number WPVAR21-001 shall be met prior to the issuance of the first building permit.
9. The construction of the roadway improvements to State Route 28 shall be constructed concurrently with issuance of the first building permit and completed and accepted prior to the issuance of the Certificate of Occupancy for said building permit. The roadway improvements shall be in accordance with the final design approved by NDOT, Washoe County and TRPA.
10. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within 30-feet of the Washoe County right-of-way, with the District Attorney's Office for the purposes of carrying out County-related activities within the County owned right-of-way. The applicant shall submit a copy of the recorded document with the building permit application.

**UTILITIES (County Code 422 & Sewer Ordinance)**

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

**Conditions:**

1. No utilities related conditions or comments.

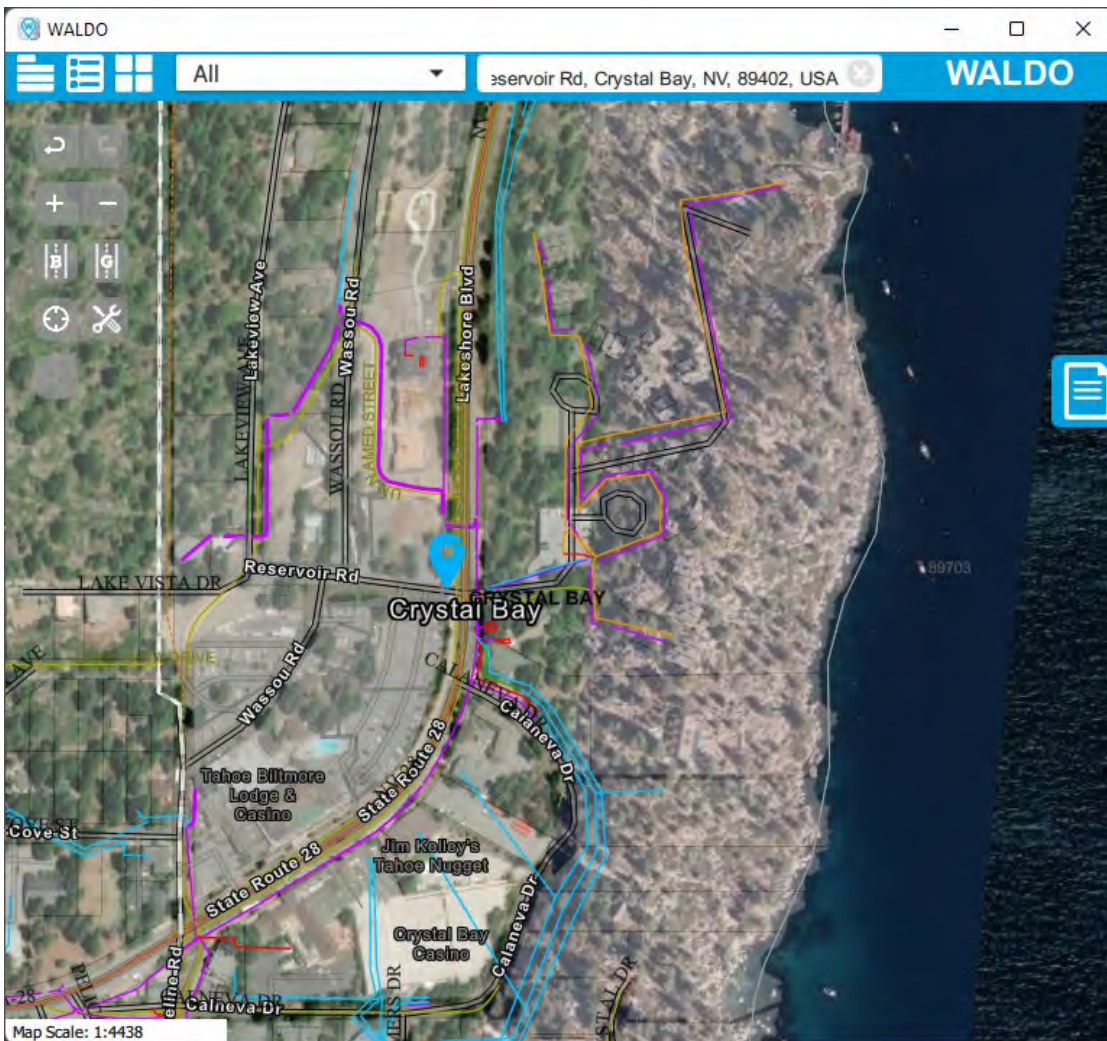
**From:** [COOPER, CLIFFORD E](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** RE: WSUP23-0025 (Waldorf Astoria Lake Tahoe)  
**Date:** Wednesday, August 16, 2023 7:50:38 AM  
**Attachments:** [image001.png](#)

---

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

Chris,

AT&T Nevada has facilities within this project, as shown by the magenta lines on the picture below.



Cliff Cooper  
MGR OSP PLANNING  
AT&T NEVADA  
1375 Capital Blvd rm 115  
Reno, NV 89502  
ROW Office: 775-453-7578

**From:** [Brasuell, Sabrina](#)  
**To:** [Bronczyk, Christopher](#)  
**Cc:** [Program, EMS](#)  
**Subject:** FW: August Agency Review Memo I  
**Date:** Monday, August 21, 2023 1:04:11 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[August Agency Review Memo I.pdf](#)  
[image006.png](#)

---

Hello,

The EMS Program has reviewed the August Agency Review Memo I - Special Use Permit Case Number WSUP23-0025 (Waldorf Astoria Lake Tahoe) – and has no concerns or questions at this time based on the information provided. Of note, the closest noted fire station does not seem to be closest. The address of the project suggests this station may be closer than those listed in the permit: North Lake Tahoe Fire Protection District - Station 12 - 14 Cal Neva Drive, Crystal Bay, NV 89402.

Thank you,

Sabrina.

**Apologies for sending from my email. The “EMSProgram” email is unable to send email at this time. Receipt of email is not impacted at this time however.**

***NOTE EMAIL CHANGE:*** *The Washoe County Health District is changing its name to Northern Nevada Public Health (NNPH) on Aug. 31, 2023! My email has changed from [sbrasuell@washoecounty.gov](mailto:sbrasuell@washoecounty.gov) to [sbrasuell@NNPH.org](mailto:sbrasuell@NNPH.org) for testing purposes. You can still email me at either account. Thank you!*

**Sabrina Brasuell**

Pronouns: she/her

Office hours: 7:00AM – 3:30PM Remote on Mondays

EMS Coordinator | Epidemiology and Public Health Preparedness

Washoe County Health District

[sbrasuell@washoecounty.gov](mailto:sbrasuell@washoecounty.gov) | Cell: (775) 830-7118 | Office: (775) 326-6043

1001 E. Ninth St., Bldg. B. Reno, NV 89512



Please take our customer satisfaction survey by clicking [here](#)

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September 7, 2023

Washoe County Community Services  
Planning and Development Division

RE: Waldorf Astoria Lake Tahoe; Multiple APNs  
Special Use Permit; WSUP23-0025

Dear Washoe County Planning Staff:

Northern Nevada Public Health (NNPH), Environmental Health Services Division (EHS) has reviewed the above referenced project. Approval by NNPH is subject to the following conditions:

1. SUP application's supporting documentation dated August 2023 states there are three USTs on the site and they are in compliance with current UST regulations, it is this agency's understanding all USTs were removed from the site in 2022. Have additional USTs been located or found?
2. Applicant must submit a Water Project pursuant to NAC 445A and must have concurrent approval and review from the neighboring California Public Water Utility.
  - a. The Neighboring utility's connections across state lines must be shown on all projects and plans going forward for review and approval.
  - b. This includes the emergency inter tie between Nevada and California utilities.
3. Application states boundary line adjustments or parcel maps will need to be completed for project to move forward, all such mapping must be routed to EHS for review and approval.
4. If the application is approved, all future plans, permits and construction reviews must be routed to EHS for review and subsequent approval.

Additionally, this project will have to meet all tentative mapping requirements which are outlined below:

### **Tentative Map Review and Final Map Conditions per NAC 278**

**NNPH requires the following conditions to be completed prior to review and approval of any final map:**

1. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to NNPH. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of

Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.

- a. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
  - b. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application.
    - i. Water Projects must be submitted directly to NNPH for review.
    - ii. Review of the Water Project may be concurrent with other reviews.
2. Mass grading may proceed after approval of the Tentative Map and after a favorable review by NNPH of a grading permit application.
- a. The final map submittal shall include the Permitted Public Water System annexation and discovery with the mass grading permit.
3. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by NNPH.
- a. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal.
  - b. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to NNPH for approval per NAC 278.290 and NAC 445A.66715.

**NNPH requires the following to be submitted with the final map application for review and approval:**

1. Construction plans for the development must be submitted to NNPH for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of NNPH.
2. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction of NNPH an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal:
  - a. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
  - b. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to NNPH that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
  - c. The developer must bear the cost of the inspections; and
  - d. The developer may select a third-person inspector but the selection must be approved by NNPH or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
3. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to NNPH. The letter must indicate that the community facility for treatment will not be caused to exceed its

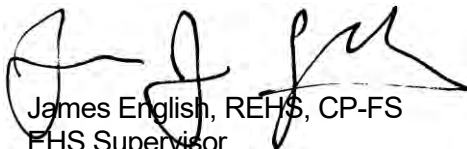


capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service.

- a. A copy of this letter must be included with the final map submittal.
4. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to NNPH.
  - a. A copy of this letter must be included with the final map submittal.
5. The final map submittal must include a letter from Nevada Division of Environmental Protection to NNPH certifying their approval of the final map.
6. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
7. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution.
  - a. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
8. Prior to approval of the final map, the applicant must submit to NNPH the final map fee.
9. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases.

If you have any questions or would like clarification regarding the foregoing, please contact Jim English, EHS Supervisor at [jenglish@nnph.org](mailto:jenglish@nnph.org) regarding all NNPH comments.

Sincerely,



James English, REHS, CP-FS  
EHS Supervisor  
Environmental Health Services  
Northern Nevada Public Health



JOE LOMBARDO  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
310 Galletti Way  
Sparks, Nevada 89431

TRACY LARKIN THOMASON, P.E.  
Director

August 24, 2023

Washoe County Planning Division  
1001 E. 9th St,  
Reno, NV 89512  
Attention: Chris Bronczyk – Senior Planner

SENT VIA ELECTRONIC MAIL

RE: Waldorf Astoria Lake Tahoe - **Case Number WSUP23-0025**

Dear Mr. Bronczyk,

Nevada Department of Transportation (NDOT) District II staff has reviewed the application received via e-mail on August 16<sup>th</sup>, 2023 and provides comments accordingly.

**Waldorf Astoria Lake Tahoe** - For hearing, discussion, and possible action to approve a special use permit for a casino and hotel redevelopment project of the former Biltmore Casino site. This development project includes seven buildings consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 square feet of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage.

**NDOT comments:**

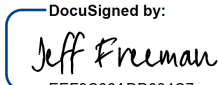
1. The project is directly adjacent to SR 28 which is an NDOT maintained road that is functionally classified as a Minor Arterial.
2. The project proposes access to SR 28. A traffic impact study for the development will be required for determination of possible mitigations per NDOT’s Terms and Conditions Relating to Right-of-Way Occupancy Permits.
3. NDOT requires the use of permitted access to the state highway system. A NDOT occupancy permit will be required for the proposed improvements within and adjacent to SR 28 right of way. The maintaining agency of the access will be required to be the permittee.
4. All work proposed within SR 28 right of way will require an encroachment permit and must comply with NDOT’s Standard Plans, Access Management System and Standards, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and the Drainage Manual current version at the time of application. Please contact the NDOT District II

Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.

5. Since the site is located directly adjacent to SR 28 and has the potential to effect area drainage patterns, the applicant should be required to obtain an occupancy permit from NDOT for the drainage encroachment.
6. This letter does not provide for approval or disapproval of any improvements proposed by the project. NDOT review during the occupancy permit process may result in modification to the proposed improvements or denial.
7. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.

Thank you for the opportunity to review this application. NDOT reserves the right to incorporate further changes and/or comments as these applications and design reviews progress. Should you have any questions, please contact Jeff Graham at (775) 834-8382.

Sincerely,

DocuSigned by:  
  
EEF9C06ADD034C7...  
Jeff Freeman, PE  
Engineering Services Manager  
District II

JF:ms

Cc: Bhupinder Sandhu – Acting DII District Engineer  
Jeff Graham – Traffic Engineer  
District II Traffic Engineering Distribution List  
Washoe County Planning Division  
File

**From:** [John James](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** RE: August Agency Review Memo I  
**Date:** Tuesday, October 3, 2023 7:15:17 AM  
**Attachments:** [image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image017.png](#)

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

Hello Chris,

Item 7. Special Use Permit Case Number WSUP23-0025 (Waldorf Astoria Lake Tahoe) –

The NLTFPD is aware of this project and has engaged in discussions with the design professionals regarding Fire Apparatus access and fire flow requirements. NLTFPD will ensure it adheres to all relevant fire codes upon formal submission,



**John James**  
**Fire Marshal**  
Office: [775.831.0351](tel:775.831.0351) x8131 | Cell: [775.413.9344](tel:775.413.9344)  
Email: [jjames@nltpd.net](mailto:jjames@nltpd.net)  
[866 Oriole Way | Incline Village | NV 89451](#)



---

**From:** Bronczyk, Christopher <[CBronczyk@washoecounty.gov](mailto:CBronczyk@washoecounty.gov)>  
**Sent:** Monday, October 2, 2023 12:49 PM  
**To:** John James <[jjames@nltpd.net](mailto:jjames@nltpd.net)>  
**Subject:** FW: August Agency Review Memo I

Hi John,

Adriana had sent me what was initially sent out in August to assist last Wednesday. Please see attached, and the email below – it's Item 7.

The files are too large to send separately unfortunately.

**Chris Bronczyk**  
**Senior Planner, Planning & Building Division | Community Services Department**  
[cbronczyk@washoecounty.gov](mailto:cbronczyk@washoecounty.gov) | Direct Line: 775.328.3612

**From:** [Beard, Blaine](#)  
**To:** [Weiche, Courtney](#); [Stark, Katherine](#); [Bronczyk, Christopher](#)  
**Cc:** [Zirkle, Brandon](#)  
**Subject:** FW: August Agency Review Memo I  
**Date:** Thursday, August 17, 2023 9:05:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[August Agency Review Memo I.pdf](#)

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Good morning,

Regarding Items #3, #4, and #7, the WCSO has no additional concerns and/or feedback for these items.

I was involved in several TRPA hearings and approvals as they relate to Item #7, as well.

Thank you and have a great day,

Blaine

**Blaine Beard, Captain**

**Patrol Division – Incline Village**

625 Mount Rose Highway, Incline Village, NV 89451

Desk: 775-832-4114

Personal Cell: 775-722-5580

Email: [bbeard@washoecounty.gov](mailto:bbeard@washoecounty.gov)

Web: [www.WashoeSheriff.com](http://www.WashoeSheriff.com)

---





Date: August 24, 2023

To: Chris Bronczyk, Senior Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Special Use Permit Case Number WSUP23-0025 (Waldorf Astoria Lake Tahoe)  
APNs 123-052-02; 123-052-03; 123-052-04; 123-053-02; 123-053-04; 123-054-01; 123-291-01; 123-071-04; 123-071-35; 123-071-36; 123-071-37

## GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve a special use permit for a casino and hotel redevelopment project of the former Biltmore Casino site. This development project includes seven buildings consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 square feet of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. The Special Use Permits being requested are:

- o Employee Housing
- o Multiple Family Dwelling
- o General Merchandise Stores – Curated Retail (up to 5K SF)
- o Vehicle Storage & Parking
- o Transmission & Receiving Facilities

***The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:***

This parcel is within IVGID service area and currently receives municipal water service from IVGID. The applicant shall conform with the requirements of IVGID in regards to water rights and water service.



**WASHOE COUNTY**  
**COMMUNITY SERVICES DEPARTMENT**  
**Regional Parks and Open Space**

1001 EAST 9<sup>TH</sup> STREET  
 RENO, NEVADA 89520-0027  
 PHONE (775) 328-3600  
 FAX (775) 328.3699

---

**TO:** Chris Bronczyk, Senior Planner

**FROM:** Faye-Marie Pekar, Park Planner

**DATE:** November 11, 2023

**SUBJECT:** Special Use Permit Number WSUP23-0025 (Waldorf Astoria Lake Tahoe)

---



For hearing, discussion, and possible action to approve a special use permit for a casino and hotel redevelopment project of the former Biltmore Casino site. This development project includes seven buildings consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 square feet of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. The Special Use Permits being requested are:

- o Employee Housing
- o Multiple Family Dwelling
- o General Merchandise Stores – Curated Retail (up to 5K SF)
- o Vehicle Storage & Parking
- o Transmission & Receiving Facilities

The existing Tahoe Area Plan identifies a proposed bikeway through this area and the updated draft Tahoe Area Plan envisions a multi-use pathway through this area, to provide connectivity and perpetuate public access. Given these considerations, Washoe County Regional Parks and Open Space requires the following conditions of approval:

1. In conformance with the Tahoe Area Plan and the application materials, the applicant shall provide a north-south multi-use path extending the full length of the future resort area (roughly paralleling State Route 28).
2. The applicant shall record a public access easement over the path. The easement shall be identified on the final map.
3. All imported materials shall be “Certified Weed Free” to prevent the spread of noxious and invasive weeds.
4. The project shall comply with Washoe County Code Section 110.220.1 – Chapter 6 of the Tahoe Area Design Plan Standards.



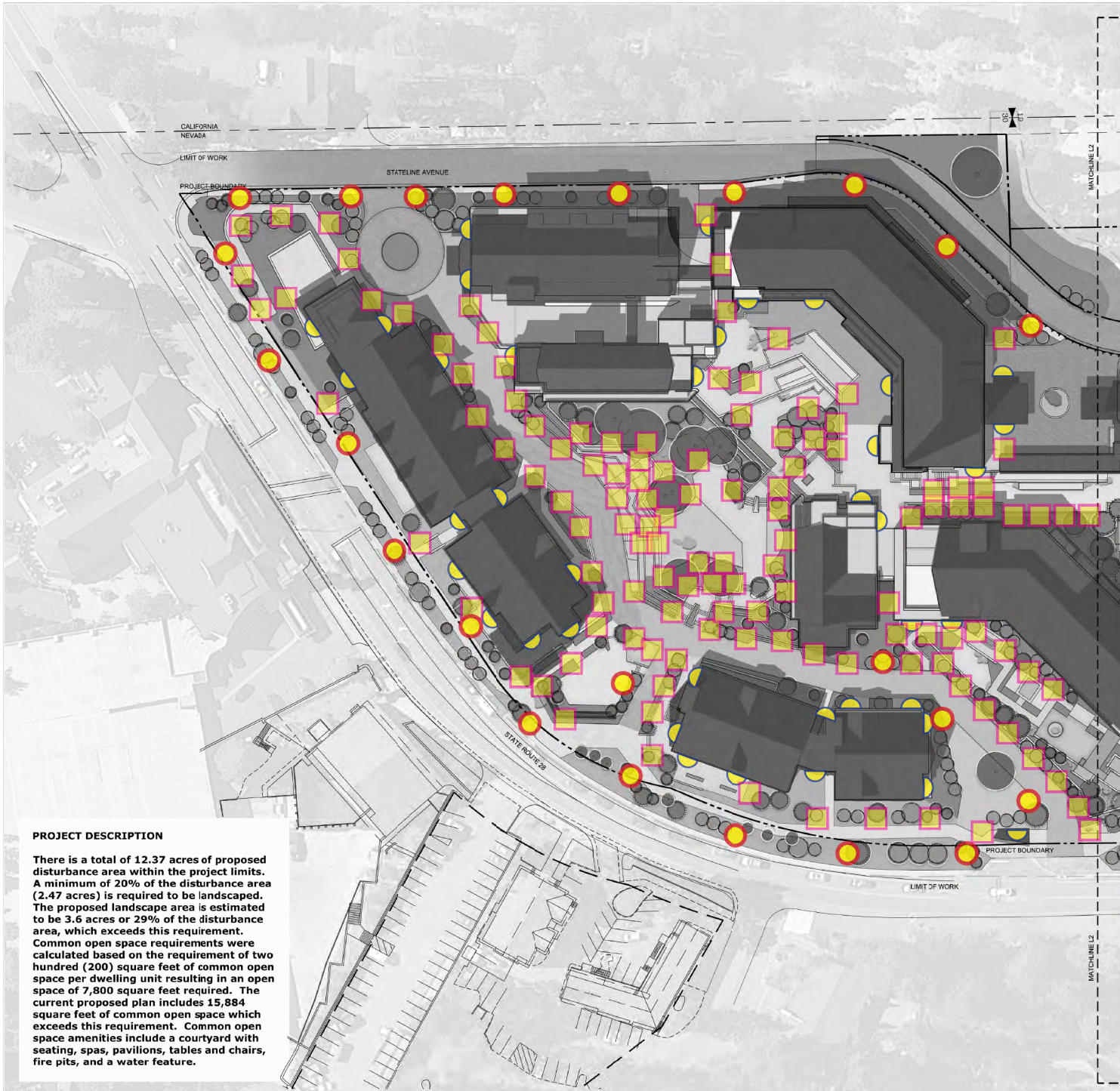
Date	11-29-23
Attention	CBronczk@washoecounty.gov
Re	Special Use Permit Waldorf Astoria Lake Tahoe (WALT)
APN	123-071-04,35,36,37, 123-054-01-123-053-02,04-123-052-02,03,04-123-052-01
Service Address	5 State Route 28
Owner	Malinowski Family Living Trust

- Special Use Permits (“SUP”)** are required per WCDRC Section 110.220.135 Crystal Bay Tourist Regulatory Zone for the following land uses:
  - Employee Housing – 14 2-bedroom units on site for a total of approximately 12K SF
  - Multiple Family Dwelling – 25 exclusive condominium units (2.5K – 5.4K SF) & 36 condominium units (1.7K – 4K SF) that can be rented by Waldorf Astoria Hotel
  - General Merchandise Stores – Curated Retail (up to 5K SF)
  - Vehicle Storage & Parking – Commercial parking garage that will charge for parking
  - Transmission & Receiving Facilities - Regional Communications Facility

Approval of these special use permits are required to allow for a proposed project consisting of a mixed-use resort. This development is proposed to include seven buildings, consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 SF of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. Further information is provided in a narrative below which details the above special use permits.

- Applicant must submit a Water Project in accordance with NAC 445A. The water project must be approved by IVGID, Northern Nevada Public Health, and Nevada Department of Environmental Protection prior to any grading activities.
- The water and sewer system must be designed to meet all IVGID standards for construction and in accordance with all IVGID water ordinance #4 and Wastewater ordinance #2
- Applicant must work with IVGID and NLTFPD to meet all requirements for firewater storage.
- No grading activities can begin prior to the relocation of all existing water and sewer facilities within the grading zone.
- Applicant must provide written approval of water intertie improvements from North Lake Tahoe Public Utility District.
- Owner must obtain a will serve letter from the Incline Village Solid Waste provider known as Waste Management for refuse service for this entire development.
- Owner must obtain a will serve letter for all construction waste.
- Further construction permitted plans must comply with all IVGID Ordinance # 1 Solid Waste Ordinance and any addition Washoe County requirements.
- To review all IVGID ordinance please visit our IVGID web page at [www.yourtahoeplace.com](http://www.yourtahoeplace.com) enter IVGID tab then enter resource tab.





### LANDSCAPE LIGHTING LEGEND

	FIXTURE TYPE 1	TYPE: STREET AREA LAMP HEIGHT: 12' COLOR: BLACK SPACING: 60' MAX. ALONG ALL STREETSIDE WALKWAYS DARKSKY: YES QTY: 26
	FIXTURE TYPE 2	TYPE: BOLLARD HEIGHT: 2' COLOR: BLACK SPACING: 20' MAX. ALONG ALL INTERIOR SIDEWALKS DARKSKY: YES QTY: 151
	FIXTURE TYPE 3	TYPE: WALL MOUNT HEIGHT: VARIES (8' - 12' TYP.) COLOR: BLACK SPACING: AT ALL BUILDING ENTRIES DARKSKY: YES QTY: 52



#### PROJECT DESCRIPTION

There is a total of 12.37 acres of proposed disturbance area within the project limits. A minimum of 20% of the disturbance area (2.47 acres) is required to be landscaped. The proposed landscape area is estimated to be 3.6 acres or 29% of the disturbance area, which exceeds this requirement. Common open space requirements were calculated based on the requirement of two hundred (200) square feet of common open space per dwelling unit resulting in an open space of 7,800 square feet required. The current proposed plan includes 15,884 square feet of common open space which exceeds this requirement. Common open space amenities include a courtyard with seating, spas, pavilions, tables and chairs, fire pits, and a water feature.

**SB**  
**ARCHITECTS**  
www.s-b-architects.com  
415 Jackson Street, Suite 100  
San Francisco, CA 94111  
T 415/673-9999  
A California Corporation

**DESIGNWORKSHOP**  
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Urban Design • Tourism Planning  
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128 Market Street  
Suite 3E  
Statenline Nevada 89449  
(775) 508-5929  
WWW.DESIGNWORKSHOP.COM

**MEKN**  
DEVELOPMENT

## WALDORF ASTORIA LANDSCAPE LIGHTING REFERENCE PLAN

EN Development Group  
220 Newport Center Drive  
Suite 11262  
Newport Beach, CA 92660

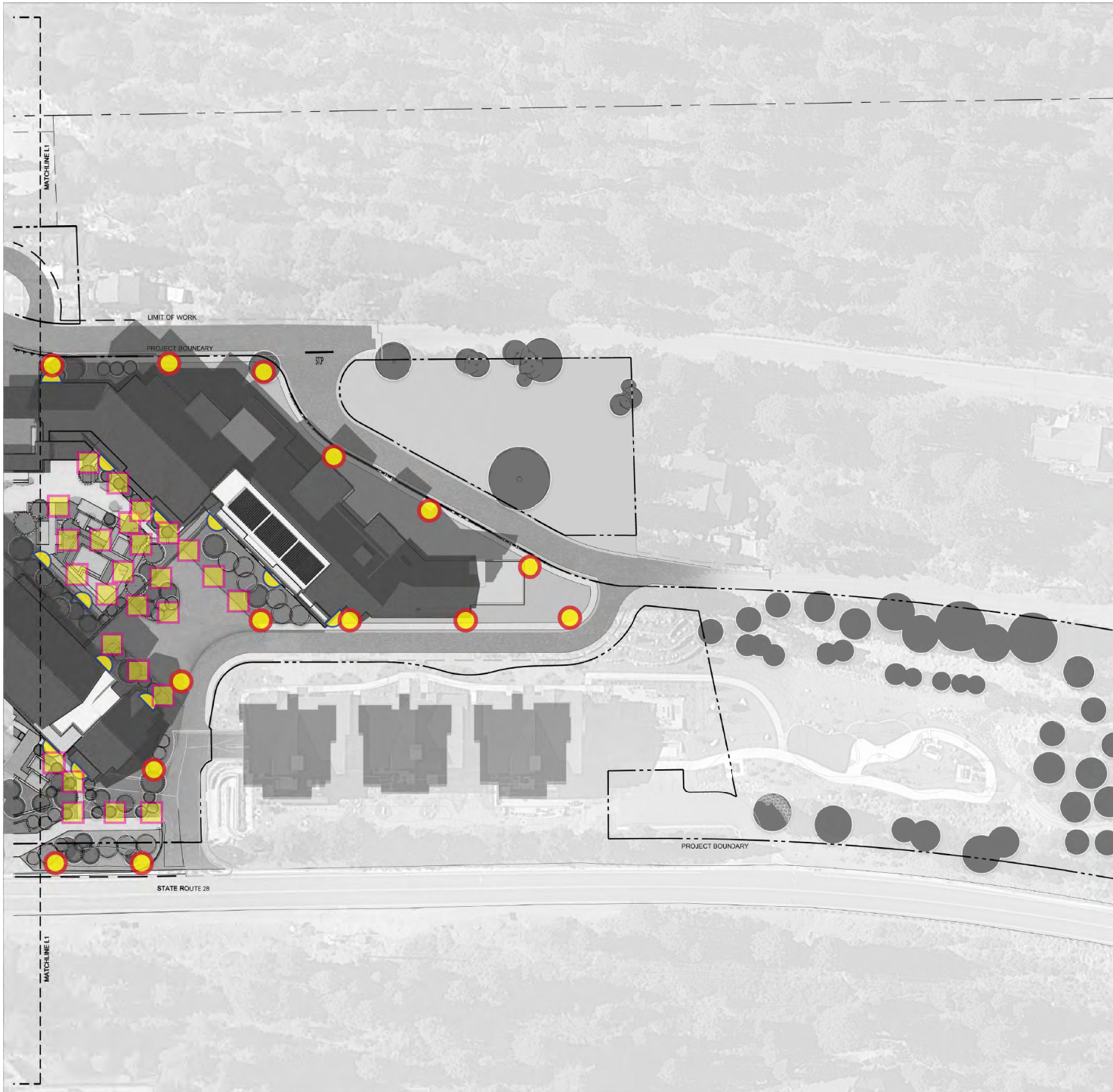
No.	Description	Date
1	LIGHTING SUBMITTAL	10/06/23

Sheet Title \_\_\_\_\_ Project No. **22139**

### LANDSCAPE LIGHTING REFERENCE PLAN

Sheet No. **L10-01**





**LANDSCAPE LIGHTING LEGEND**

	<b>FIXTURE TYPE 1</b>	TYPE: STREET AREA LAMP HEIGHT: 12' COLOR: BLACK SPACING: 60' MAX. ALONG ALL STREETSIDE WALKWAYS DARKSKY: YES QTY: 26
	<b>FIXTURE TYPE 2</b>	TYPE: BOLLARD HEIGHT: 2' COLOR: BLACK SPACING: 30' MAX. ALONG ALL INTERIOR SIDEWALKS DARKSKY: YES QTY: 151
	<b>FIXTURE TYPE 3</b>	TYPE: WALL MOUNT HEIGHT: VARIES (8' - 12', TYP.) COLOR: BLACK SPACING: AT ALL BUILDING ENTRIES DARKSKY: YES QTY: 52

**FIXTURE DETAILS**

FIGURE TYPE 1, AREA LAMP, LANDSCAPE FORMS MOTIVE LAMP OR SIMILAR



FIGURE TYPE 2, BOLLARD, LANDSCAPE FORMS MOTIVE BOLLARD OR SIMILAR

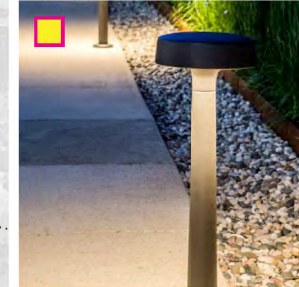
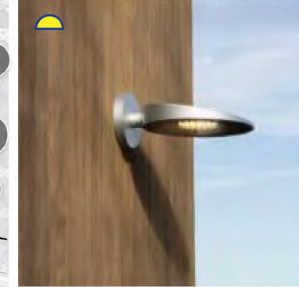


FIGURE TYPE 3, WALL MOUNT, LANDSCAPE FORMS SLOPE OR SIMILAR (BLACK)



**WALDORF ASTORIA  
LANDSCAPE LIGHTING  
REFERENCE PLAN**

EN Development Group  
220 Newport Center Drive  
Suite 11262  
Newport Beach, CA 92660

No.	Description	Date
1	LIGHTING SUBMITTAL	10/06/23

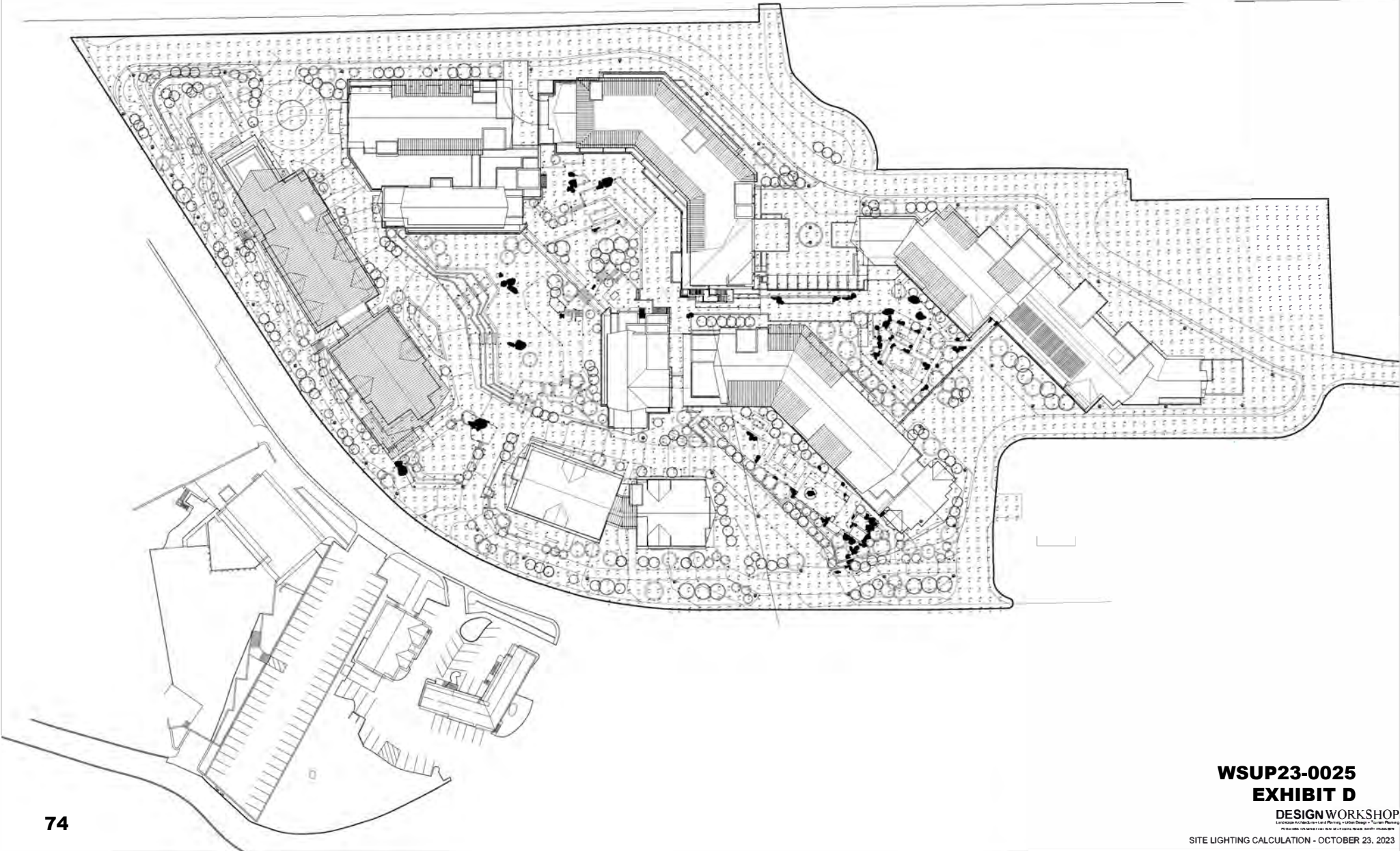
Sheet Title \_\_\_\_\_ Project No. **22139**

**LANDSCAPE LIGHTING  
REFERENCE PLAN**

Sheet No. \_\_\_\_\_



Luminaire Schedule										
Symbol	Qty	Label	Description	Tag	LLF	Luminaire Lumens	Luminaire Watts	Total Watts	Mounting Height	
▲	76	LF_SLOPE_SPL18C111	SPL18=C1=111	LANDSCAPE FORMS SLOPE, WALL MOUNTED	0.860	3613	42	3132	8	
▼	275	LF_Motive_Path_AJ100-T4	AJ100-T4	LANDSCAPE FORMS MOTIVE BOLLARD TYPE 4, HIGH OUTPUT	0.860	1023	10.9	2997.5	2.75	
⊙	48	LF_Motive_Area_AJ500-T4-60F	AJ500-T4-60F	LANDSCAPE FORMS MOTIVE 12" FEET POLE TYPE 4, LOW OUTPUT	0.860	1382	18	768	12	





# APPENDIX M

## Landscape Plan









### MASTER PLANT LEGEND

**PLANT LIST**

- Existing Trees to Retain
- Evergreen Trees
- Manzanita Trees
- Aspen Trees

**INTENSIVE LANDSCAPE TREATMENT TYPE 1 - 23,374 SF**

- Located on streetcar for SR 28 and internal street
- semi-formal street deciduous tree clusters with groundcover/perennial plantings and limited turf
- Frequent irrigation

**INTENSIVE LANDSCAPE TREATMENT TYPE 2 - 73,626 SF**

- Located at main entrances to buildings
- Tall trees to provide scale with informal grouping and perennials under
- Moderate irrigation (less than type 1)

**EXISTING TREE LANDSCAPE TREATMENT - 6,811 SF**

- Surrounds target area
- Located in the center of the site above the internal street. Other areas are located throughout the site where existing trees have been retained
- Shrubs and groundcovers under existing trees
- Low irrigation - match natural water conditions

**NATURAL LANDSCAPE TREATMENT - 16,889 SF**

- Located on graded slopes adjacent to buildings
- Native trees, shrubs, and groundcovers
- Temporary irrigation to establish

**REVEGETATION AND RESTORATION LANDSCAPE TREATMENT - 24,895 SF**

- Located on graded slopes towards the north of the site on road frontages
- Native trees, shrubs and groundcovers
- Temporary irrigation to establish

**LAWN - 10,347 SF**

- Located on near gathering spaces
- Low irrigation - match natural water conditions

EVERGREEN TREES	DECIDUOUS TREES
<i>Conocarpus bicolor</i>	<i>Innocent Cedar</i>
<i>Pinus jeffreyi</i>	<i>Jeffrey Pine</i>
<i>Pinus ponderosa</i>	<i>Ponderosa Pine</i>
<i>Acer glabrum</i>	<i>Vine Maple</i>
<i>Acer palmatum 'Sango Kaku'</i>	<i>Carle Bark Maple</i>
<i>Populus tremuloides</i>	<i>Quaking Aspen</i>
<i>Sorbus aucuparia</i>	<i>European Mountain Ash</i>
<i>Quercus laevis</i>	<i>Red Oak</i>
<b>SHRUBS</b>	<b>SHRUBS</b>
<i>Acer glabrum</i>	<i>Maple, Rocky Mountain</i>
<i>Alnus incana</i>	<i>Mountain Alder</i>
<i>Amelanchier alnifolia</i>	<i>Western Sandalwood</i>
<i>Berberis thunbergii 'New Glow'</i>	<i>Rose Glow Japanese Barberry</i>
<i>Colobrydium microphyllum</i>	<i>Rocky Mountain Columbine</i>
<i>Cornus alternifolia 'Rutger'</i>	<i>Baker's Red-osier Dogwood</i>
<i>Eurytemora alata 'Compass'</i>	<i>Doyle Burning Bush</i>
<i>Eurytemora alata 'Canadian Gold'</i>	<i>Canadian Gold Cornus</i>
<i>Kalmia latifolia 'Nipponica'</i>	<i>Japanese Mountain Laurel</i>
<i>Malva sylvestris</i>	<i>Oregon Oregon Holly</i>
<i>Prunella kelowna 'Goldring'</i>	<i>Goldring Strawberry Cinquafol</i>
<i>Physocarpus monogynus</i>	<i>Mountain Ninebark</i>
<i>Rhododendron 'Purple Gem'</i>	<i>Purple Gem Rhododendron</i>
<i>Ribes alpinum</i>	<i>Alpine Currant</i>
<i>Rosa woodsii var. ulamontana</i>	<i>Woods Rose</i>
<i>Sambucus racemosa</i>	<i>Elderberry</i>
<i>Sorbus californica</i>	<i>Mountain Ash, California</i>
<i>Sorbus japonica 'Thunberg'</i>	<i>Burmada Spirea</i>
<i>Spirea prunifolia</i>	<i>Bridalweath Spirea</i>
<i>Viburnum spines Compactum'</i>	<i>Compact European Cranberry Bush</i>
<b>GROUNDCOVERS/PERENNIALS</b> <td><b>GROUNDCOVERS/PERENNIALS</b> </td>	<b>GROUNDCOVERS/PERENNIALS</b>
<i>Achillea a nanum 'French Bouquet'</i>	<i>French Bouquet Achille</i>
<i>Aquilegia spp</i>	<i>Columbine</i>
<i>Aspidistra var. variegata</i>	<i>Hostery</i>
<i>Ceanothus prostratus</i>	<i>Sagevine Carpet</i>
<i>Fragaria virginiana</i>	<i>Mountain Strawberry</i>
<i>Gallium edonense</i>	<i>Sweet Woodruff</i>
<i>Hemerocallis hybrid 'Stella de Oro'</i>	<i>Stella de Oro Daylily</i>
<i>Hebe salicifolia</i>	<i>Shearers Hebe</i>
<i>Lupinus spp</i>	<i>Lupine</i>
<i>Phlox paniculata</i>	<i>Japanese Spurge</i>
<i>Phlox paniculata 'Purple Haze'</i>	<i>Virginia Creeper</i>
<i>Phlox paniculata 'Red Eye'</i>	<i>Newberry Penstemon</i>
<i>Rubus idaeus</i>	<i>Black-eyed Susan</i>
<i>Rubus occidentalis</i>	<i>Thimbleberry</i>
<i>Sedum spp</i>	<i>Stonecrop</i>
<i>Symphoricarpos x chowathii 'Hancock'</i>	<i>Hancock Creeping Snowberry</i>
<b>PERENNIAL MIXES</b> <td><b>PERENNIAL MIXES</b> </td>	<b>PERENNIAL MIXES</b>
<b>Perennial Mix 1</b>	<b>Perennial Mix 1</b>
1. <i>Saxifraga ciliolata</i>	<i>California Pippity</i>
2. <i>Penstemon strictus</i>	<i>Rocky Mountain Penstemon</i>
3. <i>Sedum 'Autumn Joy'</i>	<i>Autumn Joy Sedum</i>
4. <i>Rudbeckia hirta</i>	<i>Black-eyed Susan</i>
5. <i>Rudbeckia hirta</i>	<i>Black-eyed Susan</i>
6. <i>Coreopsis lanceolata</i>	<i>Coreopsis</i>
7. <i>Phlox subulata</i>	<i>Creeping Phlox</i>
8. <i>Nepeta x lewisii</i>	<i>Catnip</i>
9. <i>Trifolium spp</i>	<i>Trifolium</i>
<b>Perennial Mix 2</b>	<b>Perennial Mix 2</b>
1. <i>Elymus glaucus</i>	<i>Spikes</i>
2. <i>Festuca glauca</i>	<i>Blue Fescue</i>
3. <i>Lythrum sp.</i>	<i>Columbine</i>
4. <i>Amorpha canescens</i>	<i>Amorpha</i>
5. <i>Lupinus bioretii</i>	<i>Brown's Lupine</i>
<b>GRASSES/TURF</b> <td><b>GRASSES/TURF</b> </td>	<b>GRASSES/TURF</b>
<b>Turf</b>	<b>Turf</b>
1. <i>Poa pratensis/Latum perenne</i>	<i>Kentucky Bluegrass/Perennial Ryegrass</i>
<b>Native Grass/Perennial Mix 1</b>	<b>Native Grass/Perennial Mix 1</b>
1. <i>Elymus glaucus</i>	<i>Spikes</i>
2. <i>Festuca glauca</i>	<i>Blue Fescue</i>
3. <i>Lythrum sp.</i>	<i>Rocky Mountain Penstemon</i>
4. <i>Callisiphon</i>	<i>Barbed Flower</i>
5. <i>Stachys</i>	<i>Stachys</i>
6. <i>Achillea millefolium</i>	<i>Yarrow</i>
<b>Native Grass/Perennial Mix 2</b>	<b>Native Grass/Perennial Mix 2</b>
1. <i>Elymus glaucus</i>	<i>Spikes</i>
2. <i>Festuca glauca</i>	<i>Blue Fescue</i>
3. <i>Lythrum sp.</i>	<i>Columbine</i>
4. <i>Amorpha canescens</i>	<i>Amorpha</i>
5. <i>Lupinus bioretii</i>	<i>Brown's Lupine</i>

**LANDSCAPE DATA**

SITE AREA: 562,539 SF (12.91 ACRES)  
 AREA TO BE DEVELOPED/COMPACTED: 438,959 SF (10.37 ACRES)  
 JURISDICTION: WASHINGTON CO  
 ZONING: TC 1A, C81  
 REQUIRED LANDSCAPE AREA 20% OF TOTAL DEVELOPED LAND AREA = 117,791 SF  
 PROVIDED LANDSCAPE AREA = 138,854 SF  
 NOTE: PLANT COMMENTS 1) SHOWS THE ABOVE AMOUNT OF LANDSCAPE AREA, BUT ACTUAL AMOUNT MAY VARY DURING FINAL DESIGN, WHILE STILL EXCEEDING MINIMUM REQUIREMENTS

REQUIRED TREES = 1 TREE PER 300 SF OF REQUIRED LANDSCAPE AREA = 389 MIN.  
 INCLUDED TREES = 421  
 REQUIRED TREES IN BALANCE PER REQUIRED TREE = 2,158 MIN.  
 TURF PROVIDED = 10,347 SF  
 POOL, SPA, & WATER FEATURES = 3,485 SF

Scale: ORIGINAL SCALE: 1"=30'-00"  
 NORTH arrow

No.	Description	Date





# APPENDIX H

## Scenic Analysis

**Memorandum**

**SACRAMENTO**

*MAIL & DELIVERIES*

P 916-283-5800  
F 916-273-4054  
6151 Fair Oaks Blvd, Ste. 108  
Carmichael, CA 95608

To: Tom Jacobson, EKN Development Group

From: Rob Brueck

Date: October 14, 2022

Subject: Scenic Quality Evaluation of Lake Tahoe Hotel & Residences  
(formerly Boulder Bay) Project Revisions

**LAKE TAHOE**

*NO MAIL*

P 775-267-7202

This memorandum provides an evaluation of scenic quality associated with revisions to the Boulder Bay project approved by TRPA in 2011 and documented in the site plans prepared by SB Architects for the Lake Tahoe Hotel & Residences (50% Schematic Design – TRPA Review Submission dated 10/12/2022). The evaluation focuses on how the proposed project revisions may change the scenic quality analysis and conclusions included in the 2009 Draft Environmental Impact Statement for the project.

**Lake Tahoe Hotel & Residences Project Revisions**

With a change in ownership, the Boulder Bay project approved by TRPA in 2011 has been revised with a modern interpretation of the traditional mountain vernacular in the region. The contemporary architectural vocabulary will utilize clean lines, varied pitched roofs, deep terraces and balconies. Expressing the context, it will feature a material palette of warm wood tones, accented by natural stone with complimentary metal tones capturing and mirroring the magnificence of the Sierra Nevada Mountains.

Figure 1 documents the 2011 approved Alternative C site plan and current proposal. Notable differences include a reduction in the size of building F to expand the public plaza (e.g., the Grove) located in the middle of the development and the addition of a guest arrival area located between buildings B and D. With the new guest arrival location off of Stateline/Lake View Avenue, the current proposal eliminates the proposed vehicular roadway (Boulder Way) that would have paralleled State Route 28 (SR 28) behind buildings G and H.

Figure 2 documents examples of changes to building design and architectural character with a comparison of elevations for building F (top two elevations) as viewed from the interior plaza (e.g., the Grove) and building H (bottom two elevations) as viewed from SR 28. The first elevation represents the building design as approved in 2011. The second elevation represents the current design revision.

Under the project revisions, the configuration of proposed buildings would not be substantially changed, but would include slight changes to footprint size, placement and architectural design. Therefore, this evaluation focuses on the changes relative to the original analysis included in the Boulder Bay Draft Environmental Impact Statement (DEIS).



Figure 1: Site Plan Comparison



Previously Approved Alternate C - Landscape Illustrative



Proposed Design Revision - Landscape Illustrative



**Figure 2: Comparison of Building F (top) and Building H (bottom) Elevations**



**PRIOR SUBMITTAL - ALTERNATE C**  
ELEVATION - BUILDING F  
1/16" = 1'-0"



**1 BUILDING F - SOUTHEAST ELEVATION**  
1/16" = 1'-0"



**PRIOR SUBMITTAL - ALTERNATE C**  
ELEVATION - BUILDING F  
1/16" = 1'-0"



**1 BUILDING H - SOUTHEAST ELEVATION**  
1/16" = 1'-0"

REVISIONS:  
THE PROJECT  
OWNER:  
THE LANCER  
REVISIONS  
FROM LEVEL  
AS SHOWN  
FINAL DATE

## TRPA SCENIC RESOURCE UNITS

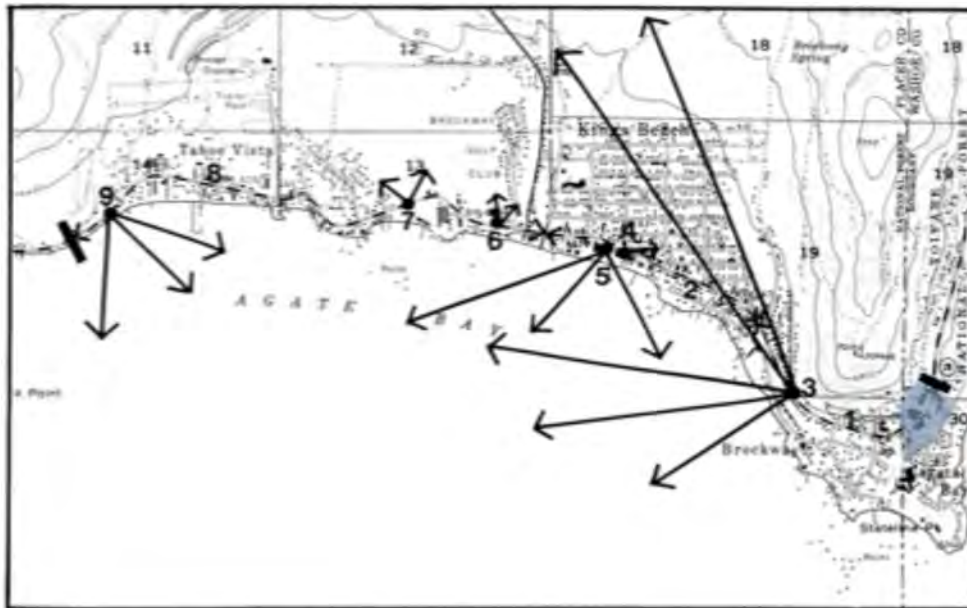
The 2009 DEIS provided a description of the visual setting and scenic resources of the project area, identified scenic impacts that would result from implementation of the Project (Alternative C), and recommended scenic mitigation measures. The Project area is visible from the portion of SR 28 designated as Roadway Unit 20D: North Stateline (highlighted blue in Figure 3) and Shoreline Unit 23: Crystal Bay (Figure 10) from Lake Tahoe.

The following evaluation describes the applicable scenic resources that were addressed in the 2009 DEIS and provides an analysis of how the proposed project revisions may change the scenic quality conclusions that were identified for the project.

### Roadway Travel Unit 20D (North Stateline Casino Core)

The Project area is located along the portion of SR 28 originally designated as Scenic Roadway Unit 20. In 2001, TRPA divided this Roadway Unit into four sub-units because of its length and diversity of character. The Washoe County portion of the Roadway Unit was relabeled 20D. The scenic quality rating is based on foreground, middleground and background views, views to the lake from the roadway, and other special features. The 2019 scenic quality travel route ratings are listed on TRPA's website (<https://thresholds.laketahoeinfo.org/ThresholdIndicator/Detail/58>). Roadway Unit 20D: North Stateline Core is a nonattainment area with a threshold composite score of 13.5 out of a possible score of 30; any units with a score of 15 or less are considered nonattainment areas in need of visual improvements.

**Figure 3: Roadway Unit 20D (North Stateline Casino Core)**



The 2009 DEIS (HBA, page 4.5-2) provided the following setting information for Roadway Unit 20D. This unit score increased from 13 in 2001 to 13.5 in 2006 due to the removal of a billboard (note: no changes have been made to the unit scores since 2006). Near the project site, the scenic quality is rated as low due to the poor quality of the high-density commercial uses and housing. This roadway unit is categorized as an “urban, rural transition visual environment.” The segment of the roadway unit in the project area is categorized as an urban environment. Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. According to the TRPA Scenic Quality Improvement Program (SQIP), the Stateline area is considered an “area of concern” due to

a disorganized visual character that contains poorly designed and/or maintained structures placed close to the roadway with little landscaping, uncoordinated signage, and visible overhead lines and satellite dish antennae. In addition, highly visible parking directly off SR 28 further affects the visual quality and contributes to traffic issues that also affect the visual character of the Stateline area. The SQIP also states that the scale, height and density of structures in the casino core are problematic and in contrast with the surrounding area. The SQIP recommends landscaping along the roadway and within developments (Chapter 30), signage consistent with TRPA guidelines (Chapter 26), landscape screening, and architectural upgrades to the casino buildings so that they reflect the natural character of Lake Tahoe. The Project responds to this recommendation by including landscaping along public roadways, integrating signage into the pedestrian amenities and building facades, and replacing the large monotone exterior of the Biltmore casino structure with building colors and materials more in line with the nearby natural landscape.

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

Impact SR-2 of the DEIS (page 4.5-46) concludes that:

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

Key takeaways from the DEIS analysis of the original Project (Alternative C) include:

- Despite the increase in foreground structural elements at this location compared to the existing surface parking lot, the project would not decrease views through the project area to the ridgeline located to the northwest;
- Structures set back less than 60 feet from the State Route 28 edge of pavement may not exceed three stories tall, buildings G and H shall be reduced to two stories tall;
- While the project will be highly visible from SR 28, redevelopment of the project area will improve the architectural character of the area, will increase and improve landscaping, and will include the restoration of several previously disturbed areas;
- All of the structures would utilize the “Alpine Elegance” style of architecture promoted in the Community Plan and TRPA design guidelines. Buildings will consist of wood and stone treatments, gables, overhangs, and multiple planes;
- Reflective building materials shall be avoided and any metal roofing shall be consistent with TRPA recommended materials and colors;

- The spacing of the proposed buildings provides several viewsheds into and through the project area to the ridgeline behind as viewed from SR 28;
- While the existing casino structure is highly visible from SR 28 and does not blend with the natural background views, the structures (buildings G and H) closest to SR 28 under Alternative C are less dense, less massive, and more in character with the urban and natural landscape of Crystal Bay;
- The area will remain predominantly urban, but will also include some improvement with the removal and restoration of the Crystal Bay Motel, development of the mini-park at the Stateline under a Boulder Bay agreement with Placer County, and proposed landscaping along pedestrian spaces;
- The removal of the storage area located below Lakeview Avenue and its replacement with the realigned Wassou Road and building's A and B will not adversely affect overall visual quality because neither the proposed buildings or roadway modifications will block existing views of Lake Tahoe as seen from the northern end of the project area or the adjacent residential neighborhood to the north.
- However, the upper floor and roofline of building A will be highly visible from passing motorists due to the proximity of the building's location to SR 28. Based on the loss of natural views from SR 28 viewpoints due to the visibility of building A's roofline, this impact was identified as significant. Mitigation measure SR-1B (Redesign building A) was included in the DEIS to reduce the potential impact to less than significant.

In summary, the 2009 DEIS (page 4.5-49) documented anticipated benefits to the roadway unit ratings from implementation of the Alternative C Project as follows:

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

As part of the Project approval in 2011, deed restricted open space outlined in the Tahoe Mariner Settlement Agreement was relocated to other areas in the Boulder Bay project area. This relocation allowed for the consolidation of urban land uses on the southern end of the project area and preservation of the entirety of the far northern end.



**Table 4.5-6**

Alternative C - Scenic Roadway and Shoreline Unit Travel Route Ratings

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

Source: Hauge Brueck Associates, 2009

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

**Analysis of Revised Project**

To assist with this evaluation, updated photographic simulations (Figures 4 to 8) were prepared by project architects (SB Architects, 2022) to show how the revised Lake Tahoe Hotel & Residences Project design compares to the scenic quality analysis prepared for the Boulder Bay Project (Alternative C) in the 2009 DEIS. Each viewpoint (with the exception of Figure 8 which provides a new viewpoint location for this study) includes the existing condition, the 2009 simulation prepared for Alternative C and the simulation prepared for the current Project revision (2022). As shown in the simulations, the proposed revision to building location, footprint and architectural style result in minimal change to the overall building height and massing that was documented in the 2009 DEIS simulations. Noticeable changes are evident from viewpoints 13 and 14 (Figures 4 and 5).

At viewpoint 13 (SR 28 and Stateline) the casino façade (building E on left side of the image) is closer to the viewpoint location in the revised plan and somewhat wider and taller. However, neither the 2009 or current building design block views of a mapped TRPA scenic resource or ridgeline from this viewpoint, and both offer an improvement to building setback from the roadway, architectural style, and landscaping as compared to the existing Biltmore structure. At viewpoint 14 (Biltmore parking lot from SR 28), the revised location, size and architectural design of buildings G and H will continue to provide views through the project site of the ridgeline to the west and improve manmade features by replacing existing surface parking and retaining walls with buildings and landscaping that are consistent with Area Plan community design goals.

At viewpoint 15, building A is now seen alongside the roadway in the existing condition photo, as it was completed as Phase 1A in 2018. As shown in the 2009 simulation (Figure 6), vegetative planting was proposed along the roadway on either side of the park access roadway to screen the lower floors of the building. The landscaping proposed alongside SR 28 for the 2009 Project was revised as part of project review in 2017 to address changes to the park entrance roadway configuration (green areas highlighted on Figure 9), but has not been effective at providing the screening simulated during the DEIS analysis. It is likely that the small existing conifers will take another 5 to 10 years of growth to provide the proposed

level of building screening. As such, additional landscaping, consisting of larger diameter trees, shall be required on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28 viewpoint. Figure 9 shows the location of the required supplemental planting and the Figure 6 simulation documents the additional planting on each side of the park entrance roadway that is necessary to comply with the DEIS screening mitigation. The proposed supplemental planting includes 2 evergreen trees approximately 10-12 feet tall on the south side of the park access roadway and 3 evergreen trees approximately 10-12 feet tall on the north side of the park access roadway.

A new viewpoint (Figure 8) was added for this analysis to document potential changes to viewpoints while traveling north on SR 28. As shown in this new viewpoint location, existing vegetation that is proposed to remain within the SR 28 right of way along with proposed landscaping within the pedestrian corridor provides effective screening of proposed buildings (e.g., buildings G and C) and the south side of building A. As such, the existing vegetation shown in the simulation (highlighted in green) shall be protected and maintained in this location. A review of the site plan confirms that these four evergreen trees are healthy and will not be damaged during grading for utilities or the building G site preparation. Each of the trees is on the SR 28 side of the proposed pedestrian walkway and over 20 feet from the building G foundation.

At viewpoint 16, the simulation for the revised Project is consistent with the building height and massing proposed in the 2009 DEIS. From this Lake View Avenue viewpoint located above the Project in the residential neighborhood, the proposed buildings will not obstruct views to Lake Tahoe nor the ridgelines beyond.

## Conclusion

In each viewpoint location, the revised Project structures are consistent with the building design, location and massing analyzed in the 2009 DEIS. Therefore, with the recommendations summarized below (e.g., protect the existing trees shown in the new simulation viewpoint and supplement building A vegetative screening), the revised project does not result in new scenic quality impacts associated with the overall threshold composite score for Roadway Unit 20D, nor does it require additions to the existing mitigation measures included in the DEIS. The scenic quality threshold improvement scores identified in the 2009 DEIS (Table 4.5-6) should continue to be realized following Project construction and subsequent TRPA evaluation.

## Summary of Recommendations

1. Additional landscaping, consisting of taller evergreen trees, shall be required on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28 viewpoint 15 (see areas highlighted in green on Figure 9 and the simulated planting plan on Figure 6). These trees shall be included on the Project landscaping plan for TRPA review and approval as part of the Permit Revision process.
2. Existing vegetation located adjacent to building G consisting of four conifer trees within or near the SR 28 right of way and shown in the photo simulation (see trees highlighted in green in Figure 8) shall be protected and maintained as part of the Project plans.

**Figure 4: Viewpoint 13 from SR 28 and Stateline**



EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 01 - FROM SR 28 & STATELINE

View comparison when approaching the project site from the south along Highway SR 28 at the intersection of State Line Road.



PROPOSED DESIGN REVISIONS

Figure 5: Viewpoint 14 from SR 28



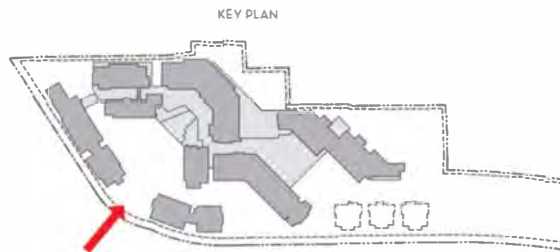
EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 02 - FROM SR 28

View comparison when driving past the sweeping curve from west moving north along the project site on Highway SR 28.



PROPOSED DESIGN REVISIONS



Figure 6: Viewpoint 15 from SR 28 Looking South at Building A (Phase 1)



SITE CONDITIONS PRIOR TO BUILDING A



PREVIOUS APPROVED ALTERNATE C



EXISTING SITE CONDITIONS



PROPOSED LANDSCAPE ADDITIONS

**Figure 7: Viewpoint 16 from Lake View Avenue**



EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 04 - FROM LAKE VIEW AVE.

View comparison when approaching the site from the east along Lakeview Ave. The highest level of building massing is shown being obscured by trees along the road. The clear view of the lake horizon is indicated along with the distant mountain ridge lines beyond.



PROPOSED DESIGN REVISIONS



**Figure 8: New Viewpoint Looking North on SR 28**



EXISTING SITE CONDITIONS



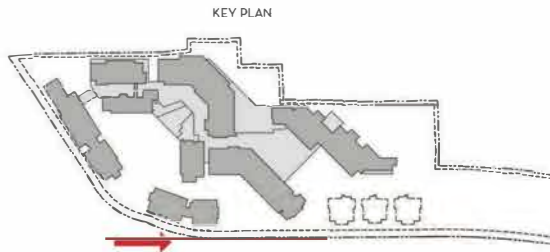
PROPOSED DESIGN REVISIONS

VIEW 05 - ADDITIONAL VIEW FROM SR 28

View comparison when driving north along SR 28 past buildings G, approaching Big Water Drive and existing condo buildings of Phase A.

The two story volume of building G is described screen intermittently by landscape elements and trees. Included in this view are the pedestrian improvements along the SR 28 frontage.

The larger trees anchoring the building C amenity area help screen the volume of the building beyond.



**Figure 9: 2022 Planting Plan for Building A Screening**



**Shoreline Travel Unit 23 (Crystal Bay)**

The Project area is located west of Crystal Bay (Shoreline Unit 23) on Lake Tahoe’s north shore between King’s Beach and Incline Village (see blue highlighted area on Figure 10). Shoreline Unit 23: Crystal Bay is a nonattainment area with a threshold composite score of 7.5 out of a possible score of 15; any units with a score of 7 or less are considered nonattainment areas in need of visual improvements. Unit 23 is considered nonattainment because the current composite score of 7.5 is less than the score of 11 that was recorded in 1982.

The 2009 DEIS (HBA, page 4.5-3) provided the following setting information. “Near the project site, shoreline views from Lake Tahoe are primarily of homes interspersed with trees and other vegetation along rocky slopes and cliffs. The spread of visible structural development in the past led to a lowering of the shoreline travel route rating near the project area. Mountain ridges are visible in the background, while middle and foreground views contain the natural landscape of trees, shrubs and rocky slopes interspersed with residences and other structures. The Project area is located east of Stateline Point, a distinctive and rocky point on Lake Tahoe and therefore not visible from Brockway (Shoreline Unit 22).”



**Figure 10: Shoreline Unit 23 (Crystal Bay)**



### Analysis of Revised Project

Impact SR-2 of the 2009 DEIS discloses that the top floor and roofline of building C will be visible from Lake Tahoe (page 4.5-46) through an existing forest clearing, but concludes that the visible portion of the structure will not exceed the height of the existing trees and would be similar to the visibility of the existing Crystal Bay Motel that is proposed for demolition. The DEIS concludes that Alternative C development will only be visible where existing development is currently visible, and so the impact as viewed from Lake Tahoe viewpoints is considered to be less than significant. The project revisions would not substantially increase the height or location of building C and therefore the 2009 DEIS impact conclusions for Shoreline Unit 23 would remain unchanged.

### Scenic Recreational Resources

In addition to the roadway and shoreline unit resources discussed above, there are scenic recreational resources nearby the project site including Burnt Cedar Beach (Unit 8), Incline Beach (Unit 7) and Ski Incline (Unit 6), all of which are located east of the project area. The 2009 DEIS (page 4.5-4) provides the following setting information for these nearby recreational resources:

“Ski Incline includes distant views of the lake and southwestern shores, while the two beaches provide wide views of the lake and surrounding shorelines. Each scenic recreation area is rated in attainment as shown in Table 4.5-2. According to the 2001 scenic quality rating, development at Stateline, primarily road cuts and structures extending above the canopy level or located on the slopes of Crystal Bay are visible from the beaches and detract from the natural scenic quality. Views toward the project area from the beaches are shown in Figure 4.5-3. Views from Ski Incline do not include the project site due to distance, topography and screening vegetation (as viewed from the ski resort) at the ski resort; therefore, they are not included in the figure.”

DEIS page 4.5-21 documents that the project area is not visible from the two Incline beaches or other recreational areas to the west. Therefore, no additional analysis of recreational resources is required.

“As discussed under Scenic Recreation Units 7 and 8, the project site is not visible from area beaches located to the east because of the distance between the beaches and the project area. From the west, the project site is not visible from the lake or SR 28 due to intervening topography and vegetation located on Stateline Point.”

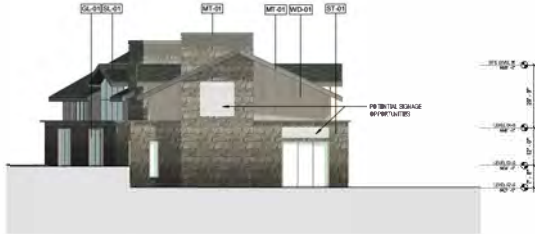








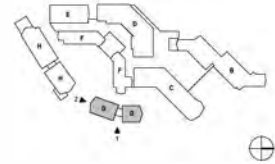




2 BUILDING G - SOUTH ELEVATION  
1/16" = 1'-0"



1 BUILDING G - EAST ELEVATION  
1/16" = 1'-0"



**GENERAL NOTES:**  
THE PROPOSED ELEVATIONS ARE CONSISTENT WITH THE OVERALL HEIGHT AND MASSING OF THE PREVIOUS SUBMITTAL. THE LANDING POINTS FOR THE TRPA LOW POINTS AND THE MASSING/SHADING RESULTS HAVE BEEN COORDINATED. THE TRPA LOW POINTS MAY VARY DUE TO EROSION OR SITE ALTERATIONS SINCE THE PREVIOUS SUBMITTAL.  
PANEL WINDOW PLACEMENT PENDING INTERIOR DESIGN INPUT. LOCATIONS AND SIZES SHOWN AS INDICATING PENDING DESIGN COORDINATION.

- MATERIALS**
-  ST-01 SPLIT FACE STONE
  -  ST-02 ROUGH STONE SLAB PANELS
  -  CP-01 CEMENT PLASTER - LIGHT GREY
  -  GL-01 VISION GLASS - ANTI-REFLECTION
  -  MT-01 ANODIZED ALUMINUM - CHARCOAL GREY
  -  MT-02 ANODIZED ALUMINUM - CHAMPAGNE BRONZE
  -  MT-03 ZINC STANDING SEAM - GREY
  -  WD-01 CEDAR - WARM GREY WOOD SIGNS
  -  SL-01 SHINGLE ROOF

Issued  
50% Schematic Design - TRPA Review Submission Oct 12, 2022

No.	Description	Date







**From:** [Austin Bergquist](#)  
**To:** [Bronczyk, Christopher](#)  
**Cc:** [Tom Jacobson](#)  
**Subject:** 5-Year Approval Period for WALT SUP"s  
**Date:** Friday, August 11, 2023 9:16:26 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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

Chris –

Per our application on Accella for Special Use Permits for the Waldorf Astoria Lake Tahoe submitted August 8, 2023, EKN Tahoe LLC, the Applicant, formally requests a 5-year approval period.

Thank you,

**Austin Bergquist**  
Project Manager



[austin@ekndevgroup.com](mailto:austin@ekndevgroup.com)  
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**STAFF REPORT**

Date: January 18, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Presentation on the Waldorf Astoria Project, State Route 28, Crystal Project, Bay, Nevada, Assessor’s Parcel Number 123-051-02, et.al, TRPA File Number ERSP2022-0138-01

---

Summary and Staff Recommendation:

TRPA and the project applicant will give presentations on the project which is scheduled for Governing Board review and action at the February 2023 meeting. The staff report is not requesting formal action from the Governing Board on this item and is informational only.

Background:

This project is a proposed plan revision to the Boulder Bay Project that was approved as part of the TRPA Community Enhancement Project Program at the April 2011 Governing Board meeting. The Governing Board action included certification of an Environmental Impact Statement (EIS).

The site of the Boulder Bay Project currently consists of the four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, and a storage building. The project area also includes two parcels located across Highway 28 from the Biltmore. The two parcels include the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Boulder Bay Project area consists of a total of 16.26 acres on 13 separate parcels. The project area slopes from southeast to northwest - rising approximately 40 feet in elevation from the southern frontage along State Route 28 to the rear (north) of the current Biltmore parking lot and rises 80 feet in elevation to the intersection near Lakeview and Reservoir roads.

The Community Enhancement Project Program (CEPP) was designed to seek out “net environmental gain” solutions for the Lake Tahoe Basin by implementing environmental improvements. The focus of the CEPP was to encourage revitalization projects in town centers and recreation areas that demonstrate substantial environmental, as well as social and long-term economic benefits. Commodities such as Tourist Accommodation Bonus Units were awarded to projects in exchange for a project constructing environmental improvements above and beyond mitigation requirements. The Boulder Bay project was one of nine mixed-use, redevelopment proposals which were accepted into the CEPP in February 2008 by the TRPA Governing Board.

Boulder Bay, LLC, the original project applicant, received a permit to redevelop the existing Tahoe Biltmore Hotel and Casino site into a mixed-use resort. The proposed project was designed to replace the existing facilities, which are substantially past their life cycle. The

AGENDA ITEM NO. VIII.D

proposed project included the following EIP projects; Nevada Utility Undergrounding Projects - Phase I, Brockway Residential Water Quality Improvement Project, and North Stateline Community Plan Lake Vista Mini-Park. The proposed project also include onsite infiltration galleries and detention basins sized to capture, treat and infiltrate peak flow volumes from a 50-year, 1-hour storm event and reduce existing land coverage by 15.8% within the community plan area.

The project area is approximately 16 acres, and the approved project 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 approved project consists of the following elements:

- 275 tourist accommodation units;
- 59 whole ownership condominiums;
- 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project for a total of 38 deed restricted affordable housing bedrooms;
- 18,715 square feet of commercial floor area within a two-acre public gathering space and pedestrian village);
- 67,338 square feet of hotel and accessory uses
- 10,000 square feet of casino (reduced from 29,744 square feet of existing gaming area);
- 460 total parking spaces (450 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
- Pedestrian paths, hiking paths, and bicycle lanes.

Since the project was approved the following project elements were constructed:

- A public park located immediately east of the project site,
- A large stormwater basin located across Highway 28 near the CalNeva Hotel which will not only collect project storm water but also collects and treats NDOT, CalTrans, Placer and Washoe County stormwater flows and has abated neighborhood flooding,
- Eighteen attached condominiums known as Granite Place at Boulder Bay Lake Tahoe located on Highway 28 on the eastern side of the project area, and
- Partial construction of a connector road between Lakeview Avenue and Wassou Road

Construction of these approved project elements represents diligent pursuit of the project and therefore the project permit remains valid.

Revised Project Description:

The proposed plan revision to the approved Boulder Bay project permit involves full build-out of the remaining approved project with changes. All environmental improvement projects previously approved as part of the original project will also be incorporated into the revised project.

The mix and type of units have been refined and vary in size and count. The revised project reduces the number of hotel units from 275 to 76 and increases the number of residential



condominium units from 59 to 79 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units, a 47 percent reduction in density. Of the 61 residential condominium units remaining to be built, up to 22 will include lock-off options. This reduction in density allows additional space for amenities to support the level of service necessary to achieve the desired resort experience. There is no change to the approved gaming, commercial or employee housing components.

The revised project does not reduce the number of approved buildings, and their configuration remains substantially unchanged. It does involve slight changes to footprint size, placement and architectural design. The approved project's architectural character has been refined with orientation of the roof shapes and additional features that are consistent with the recently adopted Tahoe Area Plan. Height and massing are consistent with the approved project evaluated in the EIS.

The approved project's internal driveway (Boulder Way) has been eliminated and the size of one of the buildings is reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area. These revisions allow for an outdoor plaza and include preservation of a collection of mature pines creating a "grove", an amphitheater placed into the grade change to reduce vertical terracing toward the hotel, opportunities for year-round events (concerts, plays, etc.), retail focused inward rather than outward toward Highway 28 and a central gathering place open to the public as well as to guests and residents of the development.

As a result of the decrease in density, vehicle miles traveled will be reduced from the approved project and the existing condition. The primary entrance to the approved project has been moved from Highway 28 to Lakeview Avenue. The approved road (Wellness Way) that has yet to be constructed that will extend from Highway 28 to Wassou Way, will be a road open to the public to provide an alternative access to the neighborhood since Reservoir Drive, located in the middle of the project area, will be abandoned to provide room for the development.

The drainage plan has been updated to incorporate improved technology which will enhance treatment. The plan also increases water quality treatment and storage on-site. New infiltration basins, water quality improvement methodology, and techniques for low-impact development are retained to achieve the approved sediment reduction. To improve accessibility for maintenance, the water quality facilities have been reconfigured. Land coverage and open space are unchanged compared to the approved project.

Contact Information:

For questions regarding this agenda item, please contact Paul Nielsen, TRPA Special Project Manager, at (530) 318-6025 or [pnielsen@trpa.gov](mailto:pnielsen@trpa.gov).

Attachment:

- A. Waldorf Astoria Project

Attachment A

Waldorf Astoria Project





TAHOE BILTMORE

LODGE & CASINO

MARK YOUR CALENDARS  
BIG GIVEAWAY PARTY  
THE LAST HURRAH APRIL 23

EXISTING CONDITION



# EXISTING CONDITION



AGENDA ITEM NO. VIII.D

• WSUP23-0025  
EXHIBIT K



# APPROVED BOULDER BAY PROJECT ELEVATION



AGENDA ITEM NO. VIII.D



# APPROVED BOULDER BAY PROJECT ELEVATION



AGENDA ITEM NO. VIII.D

**WSUP23-0025  
EXHIBIT K**



# APPROVED BOULDER BAY PROJECT ELEVATION



AGENDA ITEM NO. VIII.D

**WSUP23-0025  
EXHIBIT K**





EXISTING CRYSTAL BAY CLUB  
 127.44 AC. REF. TO BIR. RECORDS-11  
 APN#123-042-15  
 CASINO & GARAGE  
 FOOTPRINT 76,737 SQ. FT.

NUGGET CASINO

**BOULDER BAY LEGEND**

- A** Condominium Units, Tourist Accommodations
- B** Tourist Accommodations, Spa & Wellness
- C** Tourist Accommodations, Spa & Wellness, Meeting Space, Lobby, Dining
- D** Tourist Accommodations
- E** Casino, Tourist Accommodations
- F** Tourist Accommodations
- G** Retail, Dining, Workforce Units, Tourist Accommodations
- H** Retail, Dining, Workforce Units, Tourist Accommodations
- T** Transit Stop
- P** Community Park/Gathering Space





# PROPOSED PROJECT SITE PLAN





PROPOSED BUILDING FOOTPRINT



APPROVED BUILDING FOOTPRINT





## PROPOSED PROJECT ELEVATION





## PROPOSED PROJECT ELEVATION





## PROPOSED PROJECT ELEVATION





# PROPOSED PROJECT ELEVATION





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 Fax: 775-588-4527  
 www.trpa.org

**PLAN REVISION PERMIT**

PROJECT DESCRIPTION: Waldorf Astoria Mixed Use Community Enhancement Program Project

PERMITTEE: EKN Development Group

FILE No: CEPP2014-0138-01

COUNTY/LOCATION: Washoe / 5 State Route 28

APNs: 123-051-02, et.al

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

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

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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

**Paul Nielsen**  
Digitally signed by Paul Nielsen  
 DN: cn=Paul Nielsen, o=Tahoe Regional Planning Agency, ou, email=pnielsen@trpa.gov, c=US  
 Date: 2023.04.27 15:23:00 -07'00'

4.27.2023

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s)  Date 05.08.2023

PERMIT CONTINUED ON NEXT PAGE



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

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

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

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

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

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

Notes:

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

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

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

\_\_\_\_\_

TRPA Executive Director/Designee

\_\_\_\_\_

Date

***SPECIAL CONDITIONS***

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

project area.

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

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

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

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



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

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

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

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

- 7. The Permittee shall implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS in perpetuity, including:
  - (a) A shuttle that provides pick-up and drop-off services to an area ski resort.
  - (b) A beach access shuttle service.
- 8. Prior to release of the project security the Permittee shall enter into a memorandum of understanding with the Truckee- North Tahoe Transportation Management Association ("TMA") for oversight and coordination of the proposed Alternative Transportation Program. As part of the above memorandum of understanding with TNT TMA, the permittee shall include a requirement to review transit expenditures on an annual basis with transit representatives of TART to evaluate the previous year's results and allocate funds toward public transportation efforts as deemed appropriate by TART, the TMA and the permittee.



9. The Resource Protection Plan (or Recovery Plan), submitted to the Nevada State Historic Preservation Office (NVSHPO) in May 2009 (revised September 2009), must be approved by the NVSHPO pursuant to TRPA Code Subsection 29.6.C(2) before demolition can occur. The Plan must include the following requirements:
  - A. The permittee will preserve and restore the one extant neon sign from the 1940s-1950s period of significance for the Tahoe Biltmore and place it within the proposed mixed-use project.
  - B. The permittee will preserve and restore the 1962 "Tahoe Biltmore" Googie architectural sign and place it either within the proposed mixed-use project, pending final project design and height approvals from TRPA, or at an appropriate offsite location in Nevada (i.e. a sign preservation organization, etc.) to be determined in consultation with the TRPA and NVSHPO. If the sign is moved offsite, the permittee will incorporate "Googie" style design features of the "Tahoe Biltmore" sign into the design of project details, such as walkway lighting or signage. The permittee will incorporate interpretive signage into the proposed mixed-use project to document the history of the Tahoe Biltmore Resort. Interpretive signage will be publicly visible, and the contents and specific locations will be determined with guidance from a qualified historian.
  - C. The permittee will prepare a photograph/text interpretation of the history of the Tahoe Biltmore Resort and Cottages that includes the preservation of the historical photographs now on exhibit in the Tahoe Biltmore and other items or materials relating to the early history of the resort or North Shore. The display will be placed onsite in a permanent location easily accessible to the public (e.g., Hotel lobby, Meeting room foyer, Restaurant waiting area, or preservation of one of the Cottage structures as a museum, etc.).
  - D. The permittee will sponsor and produce a web-based booklet regarding the history of Crystal Bay for general public distribution (local retail shops, casinos, clubs, bookstores, etc.), smaller than the Bethel Van Tassel book (Wood Ships to Gaming Chips), and more specific to the North Shore than The Golden Age of Nevada Gambling by Moe. The booklet will include the historical photographs of Crystal Bay and its resort facilities archived in the Images of Lake Tahoe Collection at the University of Nevada, Reno.
  - E. The permittee will incorporate architectural details discussed in the Historic Resources section of the EIS into the final design of building entry ways, doors, and windows. Determination of the final architectural design and details of the building will be made in consultation with the NVSHPO office as required by mitigation measure CUL-1A of the EIS.
10. By acceptance of this permit the Permittee waives all claims it may have to hard or soft coverage which may have existed in 1978. This condition shall not be construed to exempt the Mariner Property from compliance with excess coverage mitigation requirements.

11. Signs are not approved as a part of this permit. Sign approvals shall require submittal of a separate application. However, signage for the Waldorf Astoria project shall be in conformance with the current sign standards, or the adopted Washoe County Area Plan standards, depending on the applicable standards at the time sign approval.
12. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
13. In the event that human remains are discovered, the Washoe County Coroner shall be contacted and, if the remains are determined to be Native American, the Nevada Office of Historic Preservation shall also be notified in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.
14. No gates shall be installed on the new access road extending north from Highway 28 (aka "Wellness Way" on the east side of the project area located adjacent to the Granite Place Condominiums. This road shall remain open for public use.
15. All accessory uses shall not be advertised separately and shall not be operated independently of the associated primary use.
16. All unused multi-residential bonus units, tourist accommodation units and commercial floor area awarded to the project per TRPA Resolution No. 2008-11 as part of the CEPP shall be returned to the TRPA pools.
17. Excavation equipment is limited to approved construction areas to minimize site disturbance. No grading, excavation, storage or other construction related activities shall occur outside the area of disturbance.
18. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
19. The construction of a concrete washout facility is prohibited unless approved in writing by a TRPA Environmental Specialist.
20. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
21. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

22. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
23. This site shall be winterized in accordance with the provisions of Attachment Q by October 15<sup>th</sup> of each construction season.
24. Grading is prohibited any time of the year during periods of precipitation and for the resulting period when the site is covered with snow, or is in a saturated, muddy, or unstable condition.
25. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
26. All landscaping shall be maintained in perpetuity (and replaced as needed) in a condition consistent with the approved landscape plans.
27. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project (i.e. structural modifications, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties.
28. Temporary and permanent BMPs may be field fit as appropriate by the TRPA inspector. Parking barriers may be required at the discretion of the TRPA Environmental Specialist.
29. The permittee shall provide photographs to the TRPA Environmental Specialist taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project were constructed correctly (depth, fill material, etc.).
30. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

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



enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

# APPENDIX O

## Parking Study

## MEMORANDUM

Date: September 28, 2022

To: Washoe County

From: Hales Engineering

Subject: **Washoe County Tahoe Resort and Residences Parking Study DRAFT**

UT22-2290

### Introduction

This memorandum discusses the parking study completed for the proposed Tahoe Resort and Residences development located in Washoe County, Nevada. The study identifies the County parking supply rates and applies time-of-day demand by land use. The proposed development is located on the northeast corner of the Stateline Road / SR 28 intersection in Washoe County, Nevada. A vicinity map of the project site is shown in Figure 1.



**Figure 1: Vicinity map of Tahoe Resort and Residences**



**Project Description**

The development consists of a resort with condos, a hotel, a casino, and commercial/retail space. The proposed project will replace the existing Tahoe Biltmore Lodge. A supply of 414 stalls is currently planned for the project, although it is likely that additional vehicles could be accommodated with valet parking. This total includes 18 stalls that are planned to accommodate a portion of vehicles for the adjacent Granite Place development. A site plan is provided in Appendix A.

**County Parking Code**

The Washoe County code specifies parking rates for various land use types. The required parking rates found in the County code for the study land uses are shown in Table 1.

A single bed per bedroom is anticipated for the condos and employee housing per direction from the architects. A total of 174 employees is anticipated for the hotel, with all employees assumed as full-time equivalents except for three administrative employees which have separate requirements. All casino employees are reported as full-time equivalents.

The hotel restaurants were included with the retail space as County code has a general hotel retail/commercial category. The on-site spa and fitness center is for guests only and was not separately calculated.

Because 28 employees will have housing provided for on-site, the number of non-administrative full-time employees for the hotel was reduced to 143. This is because these employees will not need an additional parking space for commuting to work as they will be able to walk.

The calculations for the parking required by the County are shown in Appendix B. As shown, it is anticipated that the County would require 537 stalls for the proposed development.

**Table 1: County Parking Rates**

Land Use	Unit Type	Rate
Condos	Beds, Bedrooms	0.5/bed + 0.5/bdrm
Hotel	Rooms, Admin Employees, Other Full-time Employees, Part-time Employees	1/room + 1/Admin + 0.5/FTE + 0.33/PTE
Hotel Meeting Space	Floor Area	4/1,000 sq. ft.
Hotel Retail/Commercial	Floor Area	2.5/1,000 sq. ft.
Casino	Floor Area, Full-time Employees, Part-time Employees	4/1000 sq. ft. + 0.67/FTE + 0.33/PTE
Employee Housing	Beds, Bedrooms	0.5/bed + 0.5/bdrm

Source: Washoe County code, 2022

Many hotel guests and residents will visit other uses on site while parked for the hotel, which means that true parking demand may be lower. The meeting and retail space are already accounted for as they are under a hotel subcategory, but the casino is not. ITE provides a tool to estimate internal capture, or travel between uses on-site, for mixed-use developments. This tool is intended for trip generation, not parking, but was used to estimate the overlap between casino patrons and hotel guests/residents.

The ITE internal capture methodology produced an evening peak hour reduction of 1%, or approximately three stalls. The true internal capture is likely higher, but the 1% reduction was applied to be conservative. With this reduction, the required parking would be reduced from 537 stalls to 534 stalls.

### **Shared Parking Analysis**

Time-of-day reductions were made based on percentages outlined in ITE's *Parking Generation*. The mixed-use nature of the site means that peak parking demand for the different uses will occur at different times of the day. Saturday rates were used as opposed to weekday rates due to the recreational nature of the resort.

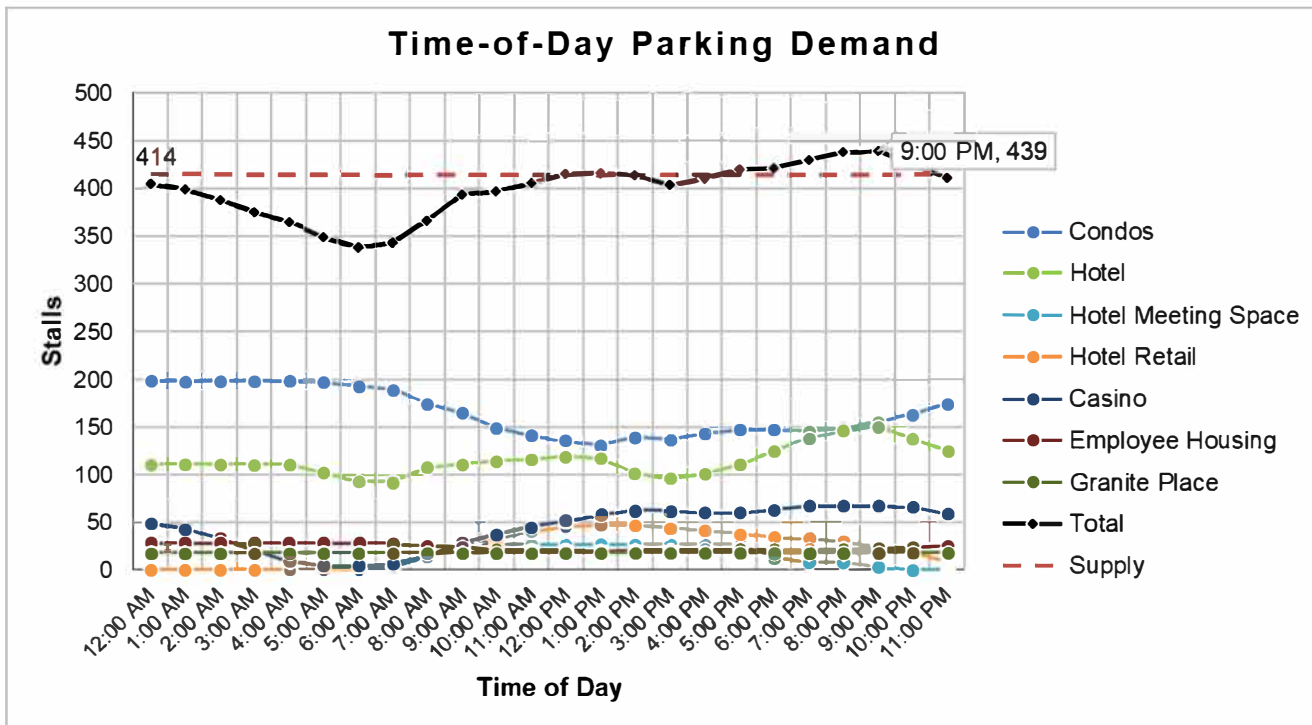
ITE time-of-day rates were unavailable for the hotel meeting space and casino land uses. Time-of-day rates for the hotel meeting space use were instead taken from Urban Land Institute's (ULI) *Shared Parking*. Rates for the casino were based on an ITE Journal publication titled *Gaming Casino Traffic*, in which hourly variation in trip generation rates from a casino was shown. From this, the cumulative difference in vehicles entering and exiting was used to estimate the percentage of peak parking demand at each hour, and a small portion of parking was assumed to be occupied during morning hours.

Granite Place was assumed to have 18 reserved stalls all day and no time-of-day reductions were taken for it.

A graph showing the time-of-day reduction is shown in Figure 2. Without the reductions due to shared parking, but with the internal capture reductions, 537 stalls would be required, while 439 stalls would be required based on time-of-day reductions. The time-of-day calculations are shown in Appendix C.

### **Comparison**

A comparison of the proposed supply, the local parking demand, the county's parking requirement, and the recommended supply based on the ITE Parking Generation rates is shown in Table 2. To account for variability in real-world conditions, a 5% buffer should be provided to the reduced stall count. With this buffer, a total of 461 stalls would be required.



**Figure 2: Time-of-day reductions**

**Table 2: Parking Comparison**

Source	# of Stalls
Proposed Site Plan	414
County Requirement	534
County Requirement w/Time-of-Day Demand + 5%	461

**Travel Demand Management and Recommendations**

Travel demand management (TDM) strategies are measures that may be taken to reduce the number of employees and patrons that travel in their own personal vehicle. A number of options are available to reduce parking demand in the Lake Tahoe region. The following alternatives may be considered:

- Carpool incentives
  - Parking stalls closer to the entrance reserved for vehicles with multiple people
  - An employee transportation coordinator could be designated to assist in this
- Vanpool
- Shuttle buses
- Transit
  - Transit is free in the Lake Tahoe region and will reduce parking demand
- Car share



With proper TDM implementation, and because valet parking can often accommodate additional vehicles beyond the marked stall count, it is anticipated that the proposed 414 stalls will be adequate for the proposed land uses.

## **Conclusions**

The key findings of this study are as follows:

- The proposed site plan contains 414 stalls, although it is likely that additional vehicles could be accommodated with valet parking.
- Based on County standards, the proposed development would be required to contain 534 stalls.
- If reductions are made to account for internal capture and the fact that demand for different uses will peak at different times of the day, and factoring in a 5% buffer, 461 stalls would be required.
- With proper implementation of TDM strategies, with the aid of valet parking, it is anticipated that the proposed 414 stalls will be adequate.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.

# APPENDIX A

## Site Plan



# APPENDIX B

## County Parking Calculations



Parking Calculations															
NV Washoe County - Lake Tahoe Alpine Resort PS															
Land Use	# of Beds	KSF	# of Beds	Bedrooms	Admin. Employees	Full-time Employees	Rate (stalls per bed)	Rate (stalls per KSF)	Rate (stalls per bed)	Rate (stalls per bedroom)	Rate (stalls per admin emp.)	Rate (stalls per FT emp.)	Stalls	% Red.	Total Stalls
Condos			200	200					0.5	0.5			200	1%	198
Hotel	76				3	143	1				1	0.5	151	1%	150
Hotel Meeting Space		6.5						4					26	0%	26
Hotel Retail		18.7						2.5					47	0%	47
Casino		10.0				40		4				0.67	67	1%	67
Employee Housing			28	28					0.5	0.5			28	0%	28
Granite Place			N/A	N/A									18	0%	18
<b>TOTAL</b>													<b>537</b>		<b>534</b>

Source: Washoe County code, 2022.

# APPENDIX C

## Time-of-Day Calculations

#	1		2		3		4		5		6		7		Total		Reduced	Supply	Delta
Land Use	Condos		Hotel		Hotel Meeting Space		Hotel Retail		Casino		Employee Housing		Granite Place						
Peak Demand	198		150		26		47		67		28		18						
Time	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#			
12:00 AM	100%	198	74%	111	0%	0	0%	0	73%	49	100%	28	100%	18	98%	404	130	414	10
1:00 AM	100%	198	74%	111	0%	0	0%	0	64%	43	100%	28	100%	18	96%	398	136	414	16
2:00 AM	100%	198	74%	111	0%	0	0%	0	49%	33	100%	28	100%	18	94%	388	146	414	26
3:00 AM	100%	198	74%	111	0%	0	0%	0	29%	20	100%	28	100%	18	91%	375	159	414	39
4:00 AM	100%	198	74%	111	0%	0	0%	0	13%	9	100%	28	100%	18	88%	364	170	414	50
5:00 AM	99%	197	68%	102	0%	0	0%	0	5%	4	99%	28	100%	18	84%	349	185	414	65
6:00 AM	97%	193	62%	93	5%	2	0%	0	5%	4	97%	28	100%	18	82%	338	196	414	76
7:00 AM	95%	189	62%	93	10%	3	14%	7	8%	6	95%	27	100%	18	83%	343	191	414	71
8:00 AM	88%	175	72%	108	50%	13	27%	13	21%	14	88%	25	100%	18	88%	366	168	414	48
9:00 AM	83%	165	74%	111	100%	26	46%	22	41%	28	83%	24	100%	18	95%	394	140	414	20
10:00 AM	75%	149	76%	114	100%	26	67%	32	54%	37	75%	21	100%	18	96%	397	137	414	17
11:00 AM	71%	141	77%	116	100%	26	85%	40	66%	45	71%	20	100%	18	98%	406	128	414	8
12:00 PM	68%	135	79%	119	100%	26	95%	45	77%	52	68%	20	100%	18	100%	415	119	414	-1
1:00 PM	66%	131	78%	117	100%	26	100%	47	85%	58	66%	19	100%	18	100%	416	118	414	-2
2:00 PM	70%	139	67%	101	100%	26	98%	47	93%	63	70%	20	100%	18	100%	414	120	414	0
3:00 PM	69%	137	64%	96	100%	26	92%	44	92%	62	69%	20	100%	18	97%	403	131	414	11
4:00 PM	72%	143	67%	101	100%	26	86%	41	89%	60	72%	21	100%	18	99%	410	124	414	4
5:00 PM	74%	147	73%	110	100%	26	79%	38	89%	60	74%	21	100%	18	101%	420	114	414	-6
6:00 PM	74%	147	83%	125	50%	13	71%	34	93%	63	74%	21	100%	18	102%	421	113	414	-7
7:00 PM	73%	145	92%	138	30%	8	69%	33	100%	67	73%	21	100%	18	104%	430	104	414	-16
8:00 PM	75%	149	97%	146	30%	8	60%	29	99%	67	75%	21	100%	18	106%	438	96	414	-24
9:00 PM	78%	155	100%	150	10%	3	51%	24	99%	67	78%	22	100%	18	106%	439	95	414	-25
10:00 PM	82%	163	91%	137	0%	0	38%	18	97%	66	82%	23	100%	18	103%	425	109	414	-11
11:00 PM	88%	175	83%	125	0%	0	19%	9	88%	59	88%	25	100%	18	99%	411	123	414	3

APPENDIX J  
IVGID Will Serve Letter





**CONDITIONAL WILL SERVE LETTER**  
*Dedication to IVGID Required*

April 8, 2008

Boulder Bay LLC  
P.O. Box 307  
Crystal Bay NV, 89451

**RE: Boulder Bay Project – Tahoe Biltmore Redevelopment**  
Crystal Bay, APNs 123-052-02, 123-052-03, 123-052-04, 123-053-02, 123-053-04  
123-054-01, 123-071-04, 123-071-34, 123-071-35, 123-071-36, 123-071-37

Dear Mr. GilanFarr:

This letter serves to notify you that the subject development is within the jurisdictional boundaries of the Incline Village General Improvement District (*IVGID, or District*), and that the District will serve the proposed project with water and sewer service and solid waste removal subject to the project's final utility plans meeting design, material, and installation requirements of the District, and subject to the assignment of water rights to IVGID in accordance with IVGID's Water Rights Dedication Procedures. In addition:

- (1) Water rights associated with this property, if any, shall be assigned to the District.
- (2) All requirements shall be met regarding STANDARD SPECIFICATIONS FOR IVGID's WATER, SEWER, AND PRIVATE COMMUNAL UTILITY SYSTEMS.
- (3) Meters and control manholes shall be placed off the property as approved by IVGID.
- (4) Cost for additional water storage or delivery capacity shall be borne by Applicant.
- (5) Separately owned parcels shall not be served by the same service connection.
- (6) All taxes and assessments on the parcel are current and shall remain current.

The Applicant for the subject project plans to redevelop the Tahoe Biltmore and related properties into a world-class destination resort community on 13.5 acres and will provide the following service and amenities; 217 hotel rooms and suites, 149 fractional ownership condominiums, 21 whole ownership condominiums, 34 on-site workforce housing units, 30,000 sf of dining and retail, 20,000 sf of health and wellness center, 12,500 sf of convention and meeting space, and 10,000 sf of gaming.

A Water Rights Calculation Worksheet has not been completed for this project at this time. This project will be required to assign additional water rights to the District to serve the proposed development as a condition of issuance of a Final Will Serve Letter and project approval. This is in accordance with IVGID's Water Management Plan and Policies and is contingent upon existing permitted water rights and sewer capacities, including any action brought against the District contesting such permitted rights or capacities. The parcels listed above have been previously analyzed for historical water use and APN 123-052-04 has an allotment of 40.20 acre-feet and APN 123-053-04 has an allotment on 0.19 acre-feet. The 40.39 AF will be applied to this development reducing the total amount required to be dedicated.

The Applicant agrees to hold IVGID harmless from any costs, damages, or expenses incurred by the Applicant in the event IVGID fails to be able to supply water or sewer connections, or for any delays to the Applicant's project schedule caused by IVGID's review and approval procedures. In the event additional water service demand is required by future change in service requests, additional water rights issues shall be addressed at that time.

Very truly yours,

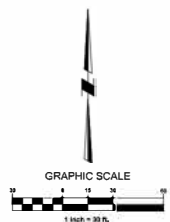
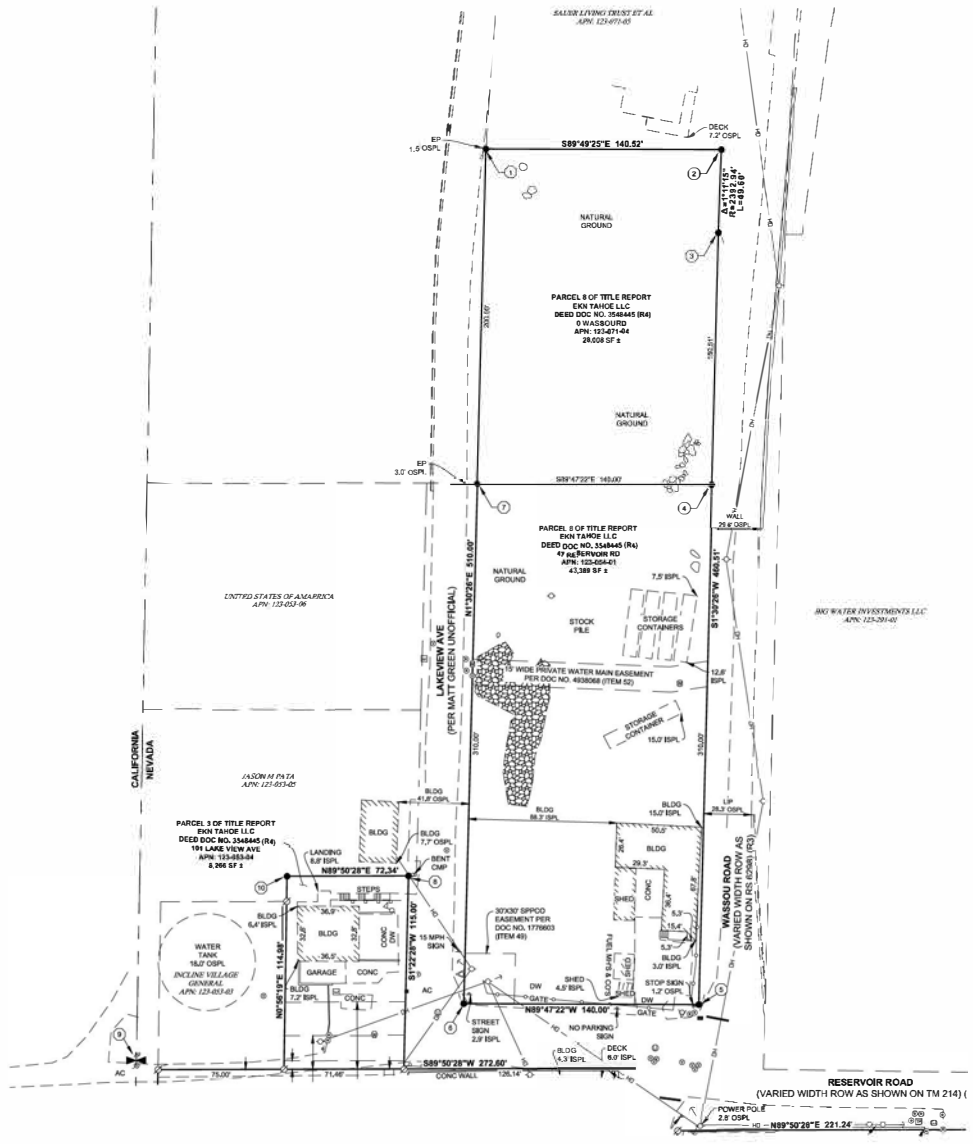
A handwritten signature in black ink, appearing to read "Joseph J. Pomroy".

Joseph J Pomroy, P.E.  
Director of Public Works

c: APN file  
Will Serve file  
T. Buxton

I:\Engineering\OPS\WILLSERV\123-052-02 et al Cond.doc





- LEGEND**
- C/A CON TROL POINT
  - FOUND PROPERTY CORNER AS NOTED
  - DIMENSION POINT
  - AREA LIGHT
  - SIGN
  - BOLLARD/POST
  - CABLE TV BOX
  - CATCH BASIN
  - CUL-UNDER
  - CROSSWALK SIGNAL
  - CONIFEROUS TREE WITH DIAMETER
  - DECIDUOUS TREE WITH DIAMETER
  - DROPPLET ROUND
  - DROPPLET SQUARE
  - ELECTRIC BOX
  - ELECTRIC MARK
  - ELECTRIC METER
  - ELECTRIC FAULT
  - FIRE HYDRANT
  - FLAG POLE
  - GAS METER
  - GAS VALVE
  - CITY WIRE
  - HANDICAP PARKING
  - HANDICAP RAMP
  - PICNIC TABLE
  - POWER POLE
  - SANITARY SEWER MANHOLE
  - SIGN
  - STORM DRAIN MANHOLE
  - STORM DRAIN MARK
  - TELEPHONE BOX
  - TELEPHONE MARK
  - TRAFFIC SIGNAL
  - TRAFFIC SIGNAL VAULT
  - TRANSFORMER
  - TRASH CAN
  - TRASH RECEPTACLE
  - UTILITY VAULT
  - UTILITY VAULT
  - WATER BOX
  - WATER METER
  - WATER VALVE
  - WATER VAULT
  - WELL
  - WHEEL STOP
  - WROUGHTIRON FENCE
  - CHAIN LINK FENCE
  - GUARD RAIL
  - UNDERGROUND GAS LINE
  - OVERHEAD GAS LINE
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND WATER LINE
  - UNDERGROUND STORM DRAIN
  - UNDERGROUND TELEPHONE LINE
  - ADJOURNER LINE
  - BOUNDARY LINE
  - EASEMENT LINE
  - SECTION LINE
- AC ASPHALTIC CONCRETE  
 APN ASSESSOR PARCEL NUMBER  
 BFC BACK FACE OF CURB  
 CMP CURB  
 CONC CONCRETE  
 DW DRIVEWAY  
 EP EDGE OF PAVEMENT  
 FFC FRONT FACE OF CURB  
 H/C HANDICAP  
 I/P/L INSIDE PROPERTY LINE  
 LS LANDSCAPING  
 O/SPL OUTSIDE PROPERTY LINE  
 PM PARCEL MAP  
 PTR PRELIMINARY TITLE REPORT  
 RS RECONNOITER SURVEY MAP  
 (R) REFERENCE NUMBER  
 SW SIDEWALK  
 SF SQUARE FEET

**SITE DATA**  
 EXHIBIT 'A' OF TITLE REPORT

PARCEL 3 OF PTR  
 APN 123-053-04  
 AREA: 8,265 SF ±  
 ADDRESS: 101 LAKEVIEW WAVE, INCLINE VILLAGE, NEVADA

PARCEL 8 OF PTR  
 APN 123-054-01  
 AREA: 43,269 SF ±  
 ADDRESS: 47 RESERVOIR RD, INCLINE VILLAGE, NEVADA

PARCEL 9 OF PTR  
 APN 123-014-04  
 AREA: 28,028 SF ±  
 ADDRESS: 0 WASSOU RD, INCLINE VILLAGE, NEVADA

**FOUND MONUMENTATION TABLE**

- FOUND 5" REBAR
- FOUND 1" IRON PIPE - BENT "ML 5 285°(89°21'30" W 0.44")
- FOUND 5" REBAR WITH PLASTIC CAP "PL 5 20861"
- FOUND 1" IRON PIPE (S2°27'00" W 1.30")
- FOUND 5" REBAR WITH PLASTIC CAP "PL 5 20861"
- FOUND WIRE & TAG "PL 5 20861"
- FOUND 5" REBAR WITH PLASTIC CAP "PL 5 20861"
- FOUND 5" REBAR WITH PLASTIC CAP "PL 5 20861"
- FOUND 1/4 SECTION CORNER 1930 BLM BRASS CAP
- FOUND 10" REBAR
- FOUND 3/4" IRON PIPE - BENT (S41°27'16" W 1.37")
- FOUND BRASS CAP "PL 5 BBS"
- FOUND 2" BRASS DISC - HALF MISSING (N82°24'48" W 0.72")
- FOUND 2" ALUMINUM CAP "M" TRANS "STATE LINE"
- FOUND 1" IRON PIPE (S55°55'12" E 1.28")
- FOUND IRON PIPE - BENT (S37°22'07" E 1.07")

**TOTAL PARKING SPACES**

APN	REGULAR SPACES	HANDICAP SPACES
123-042-01	15	0
123-042-02	41	0
123-042-03	15	1
123-042-04	N/A	7
123-042-05	75	0
123-042-06	N/A	N/A
123-042-07	N/A	N/A
123-042-08	N/A	N/A
<b>TOTAL</b>	<b>315</b>	<b>8</b>

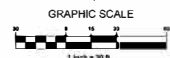
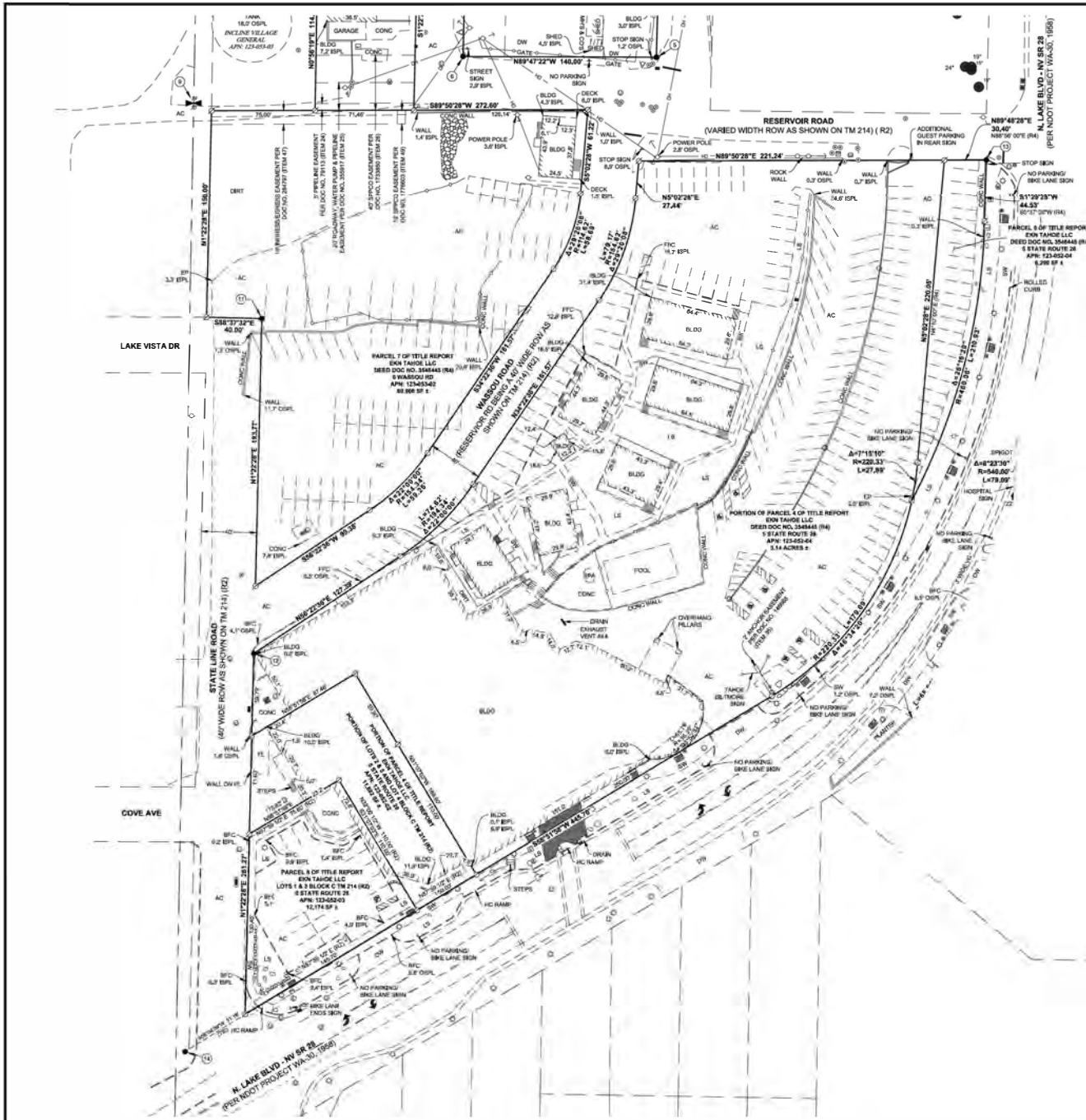
**BASIS OF BEARING**  
 THE BASIS OF BEARING FOR THIS SURVEY IS NEVADA STATE PLANE, WEST ZONE NAD83 (BASED ON REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS UTILIZING CORRECTIONS FROM THE NORTHERN NEVADA COOPERATIVE REAL TIME NETWORK COORDINATES AND DISTANCE HORIZONTALS AT GROUND LEVEL MADE TO A COMBINED GRID TO GROUND FACTOR OF 1.00263).

ALTRANS LAND TITLE SURVEY FOR BOULDER BAY, LLC  
 APNS: 123-042-01 & 02, 123-052-02, 03, & 04, 123-053-02 & 04, 123-054-01, 123-071-04  
 CRISTAL BAY, NEVADA COUNTY

DATE: 10/20/2023  
 DRAWN BY: DRS  
 CHECKED BY: RLD  
 SHEET: 2 OF 4

17042.09  
 17042.09  
 17042.09





- LEGEND**
- CFA CONTROL POINT
  - FOUND PROPERTY CORNER AS NOTED
  - DIMENSION POINT
  - AREA LIGHT
  - BENCH
  - SOLARDISPOST
  - CABLE TV BOX
  - CABLE TV VAULT
  - CATCH BASIN
  - CLEANOUT
  - CROSSWALK SIGNAL
  - CONIFEROUS TREE WITH DIAMETER
  - DECIDUOUS TREE WITH DIAMETER
  - DROP INLET/ROAD
  - DROP INLET SQUARE
  - ELECTRIC BOX
  - △ ELECTRIC MARK
  - ELECTRIC METER
  - ELECTRIC VAULT
  - FIRE HYDRANT
  - △ FLAG POLE
  - GAS METER
  - GAS VALVE
  - GUY WIRE
  - HANDICAP PARKING
  - HANDICAP RAMP
  - PICNIC TABLE
  - POWER POLE
  - SANITARY SINKER MANHOLE
  - SIGN
  - STORM DRAIN MANHOLE
  - △ STORM DRAIN MARK
  - TELEPHONE BOX
  - △ TELEPHONE MARK
  - TRAFFIC SIGNAL
  - TRAFFIC SIGNAL VAULT
  - TRANSFORMER
  - TRASH CAN
  - TRASH RECEPTACLE
  - UTILITY MANHOLE
  - UTILITY VAULT
  - WATER BOX
  - WATER METER
  - WATER VALVE
  - WATER VAULT
  - WELL
  - WHEEL STOP
  - WROUGHT IRON FENCE
  - CHAIN LINK FENCE
  - GUARD RAIL
  - UNDERGROUND GAS LINE
  - OVERHEAD LINE
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND WATER LINE
  - UNDERGROUND STORM DRAIN
  - UNDERGROUND TELEPHONE LINE
  - ADJOWNER LINE
  - BOUNDARY LINE
  - EASEMENT LINE
  - SECTION LINE

- AC ASPHALTIC CONCRETE
- APN ASSESSOR/PARCEL NUMBER
- B/C BACK FACE OF CURB
- DMP
- CONC CONCRETE
- DRW DRIVEWAY
- EP EDGE OF PAVEMENT
- F/C FRONT FACE OF CURB
- HC HANDICAP
- HPN HUBBARD PROPERTY LINE
- LS LANDSCAPING
- OSP OUTSIDE PROPERTY LINE
- PM PARCEL MAP
- PTM PRELIMINARY TITLE REPORT
- RS RECORD OF SURVEY MAP
- RN REFERENCE NUMBER
- SW SIDEWALK
- SF SQUARE FEET
- TE

**SITE DATA**  
**SUBMIT A/C OF TITLE REPORT**

PARCEL 6 OF PTR  
 APN: 123-052-03  
 AREA: 12.118 SF ±  
 ADDRESS: 5 STATE ROUTE 28, INCLINE VILLAGE, NEVADA

PARCEL 4 OF PTR  
 APN: 123-052-02  
 AREA: 11.882 SF ±  
 ADDRESS: 5 STATE ROUTE 28, INCLINE VILLAGE, NEVADA

PARCEL 4, 6 & 8 OF PTR  
 APN: 123-052-04  
 AREA: 3.23 ACRES ±  
 ADDRESS: 5 STATE ROUTE 28, INCLINE VILLAGE, NEVADA

**TOTAL PARKING SPACES**

APN	REGULAR SPACES	HANDICAP SPACES
123-052-01	15	0
123-052-02	41	0
123-052-03	16	1
123-052-02	N/A	N/A
123-052-04	189	7
123-052-02	73	0
123-052-04	N/A	N/A
123-054-01	N/A	N/A
123-051-04	N/A	N/A
<b>TOTAL</b>	<b>313</b>	<b>8</b>

**BASIS OF BEARING**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS NEVADA STATE PLANE, WEST ZONE NAD83(B) BASED ON REAL TIME KINEMATIC (RTK) GPS OBSERVATION UTILIZING CORRECTORS FROM THE NORTHERN NEVADA COOPERATIVE REAL TIME NETWORK COORDINATES AND DISTANCES HEREON ARE AT GRADE LEVEL, BASED ON A COMBINED GRID TO GRID FACTOR OF 1.00025.

ALTAUSSS LAND TITLE SURVEY FOR BOULDER BAY, LLC APNs: 123-042-01 & 02, 123-052-02, 03, & 04, 123-053-02 & 04, 123-054-01, 123-071-04 CRISTAL BAY WASHINGTON COUNTY NEVADA

JOB NO. 17042.09  
 DRAWN BY: DRS  
 CHECKED BY: KLD

SHEET 3 OF 4



**APPENDIX G**  
**Proposed Site Plan & Cross**  
**Sections**



























































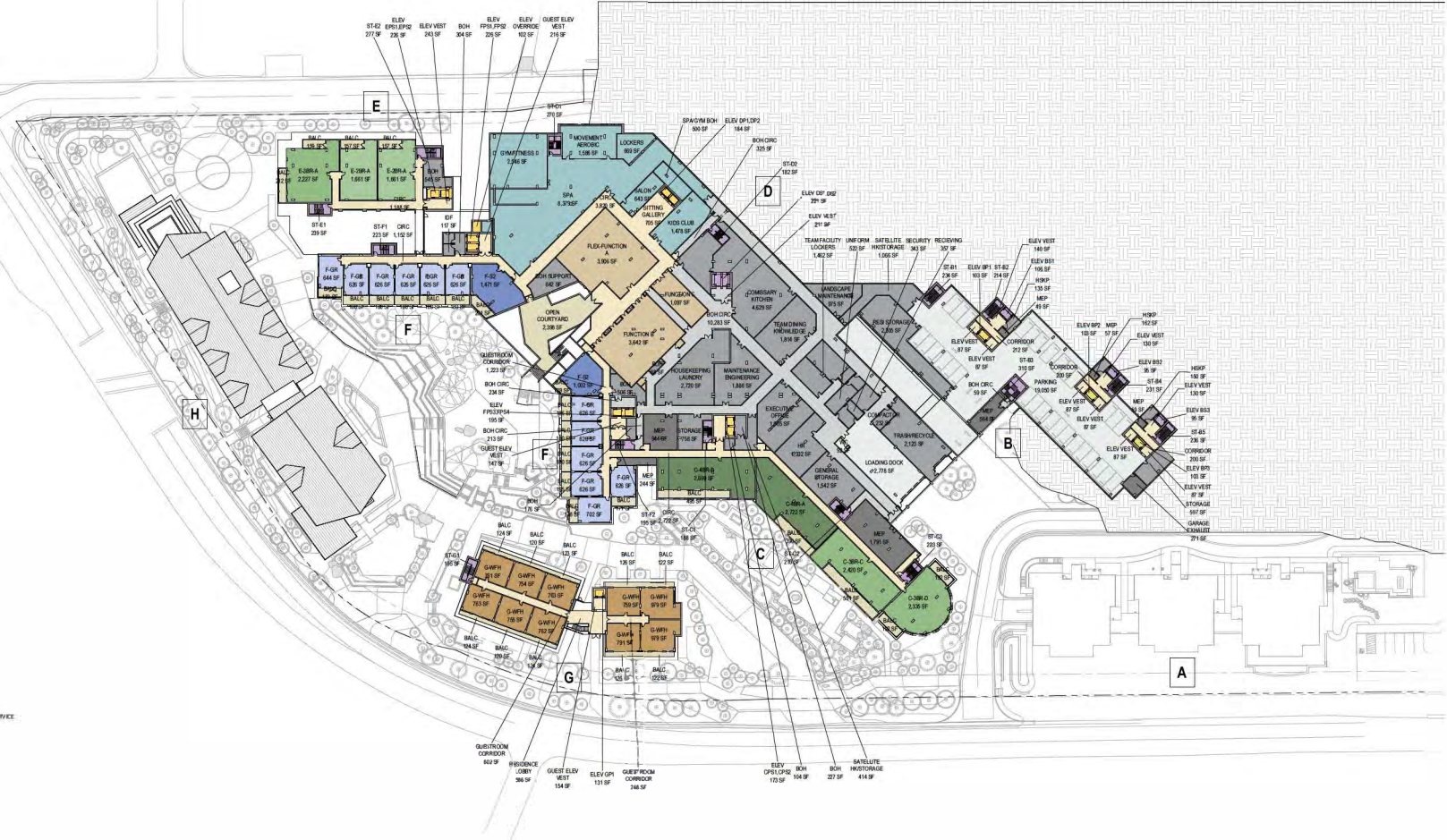
No.	Description	Date

Autodesk Docs / 22139 Lake Tahoe Hotel & Residence / 22139 - Lake Tahoe HR\_RZ2.rvt

18/10/2022 9:31:55 AM

**1 SITE LEVEL 04**  
1" = 40'-0"

- BOH
- BOH CIRCULATION
- EXTENSION
- FUNCTION
- GUESTROOMS
- GUESTROOMS IS
- HT RES 2
- HT RES 3
- HT RES 4
- MECANICAL
- PARKING
- PUBLIC CIRCULATION
- RESTROOMS
- SPA/FITNESS
- UNITS 2 w/
- VERTICAL CIRCULATION
- VERTICAL CIRCULATION - SERVICE

































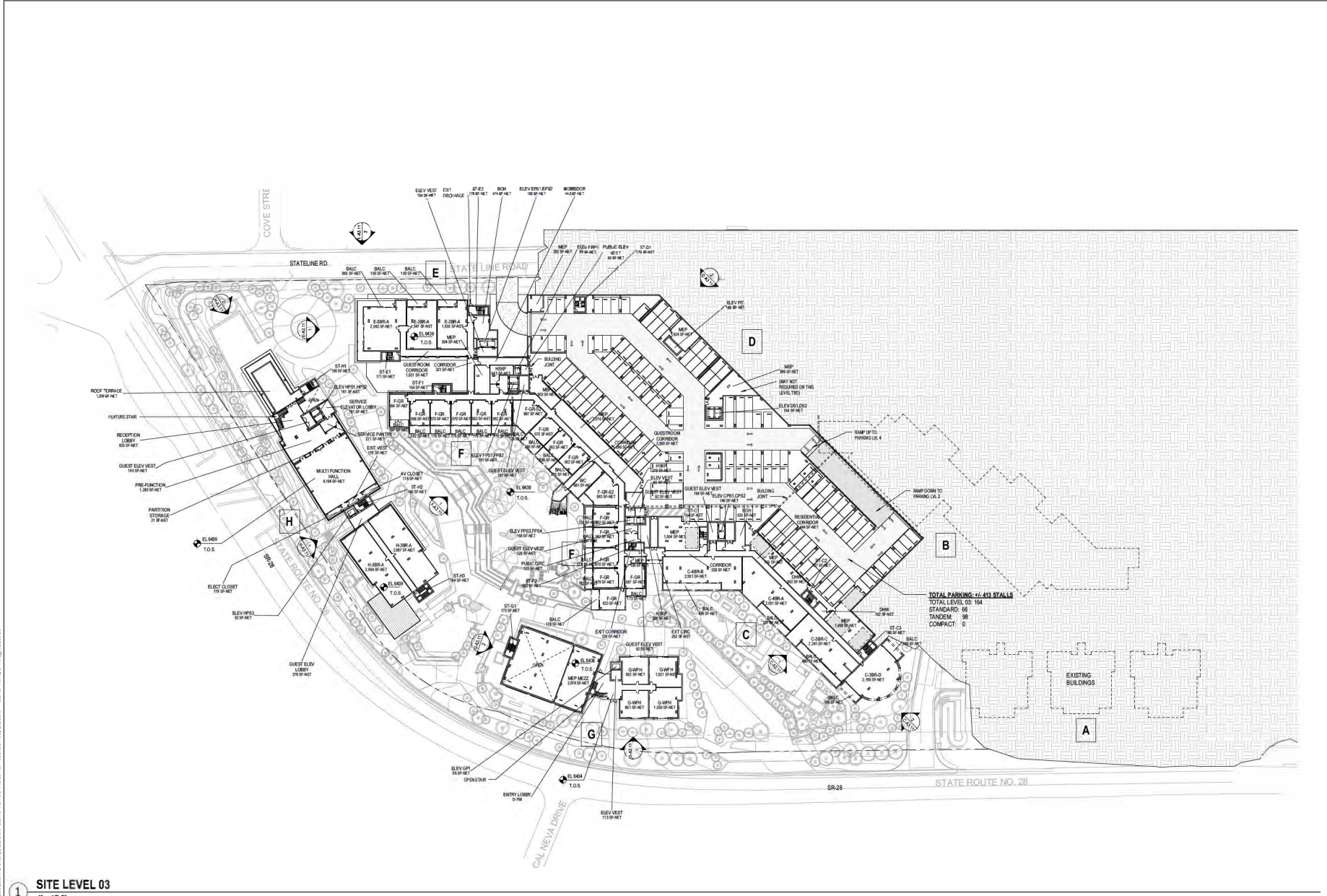


Operator

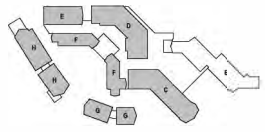
Issued

No.	Description	Date

Sheet No. 22139  
**OVERALL PLAN - SITE LEVEL 03**



**1 SITE LEVEL 03**  
1" = 40'-0"



18/10/2022 9:28:42 AM Autodesk Docs://22139 Lake Tahoe Hotel & Residence/22139 - Lake Tahoe HR\_A1.03.rvt











































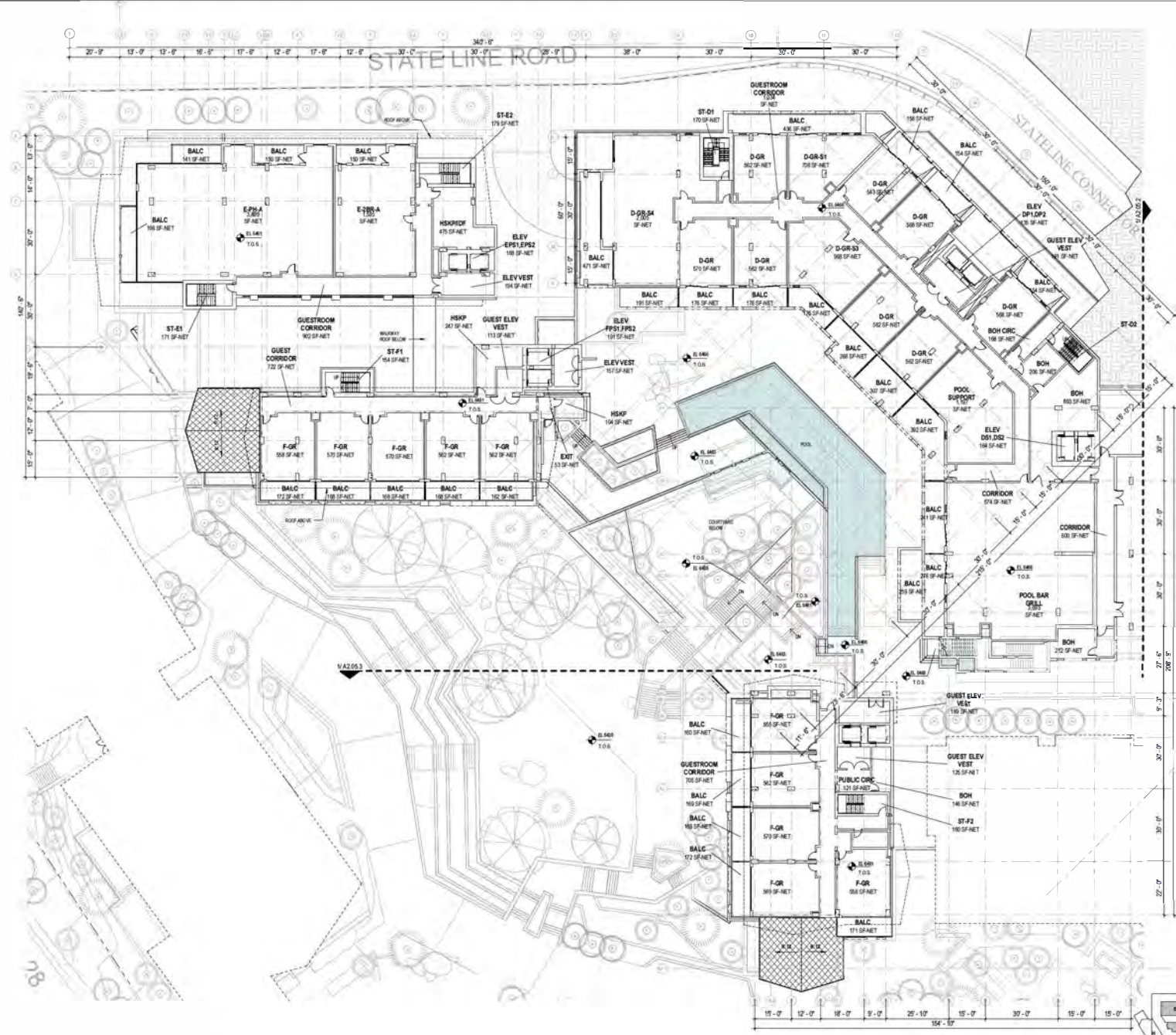








9/12/2022 5:34:53 PM Autodesk Docs://22139 Lake Tahoe Hotel & Residence/22139 - Lake Tahoe HR\_B22.rvt



NOTE:  
SECTOR PLANS IN PROGRESS. ANNOTATIVE AND GRAPH COORDINATION FORTHCOMING. INCLUDED FOR DESIGN TEAM REFERENCE PURPOSES ONLY.

A California Corporation  
Consultants

**Boulder Bay Redevelopment CEP Project**  
50% Schematic Design - TRPA Review Submission  
5 NW 26, Crystal Bay, NV

Owner  
EKN Development

Operator

Issued  
50% Schematic Design - TRPA Review Submission Oct 12, 2022

No.	Description	Chg.

Project: 22139

FLOOR PLAN - LEVEL 05 - SECTOR 1

DATE: 10/12/2022 10:58:00 AM  
PROJECT: 22139  
DRAWING: 05-01-01

**A2.05.1**

1 SECTOR 01 - LEVEL 05  
1/16" = 1'-0"















































































9/1/2023 5:44:16 PM Autodesk Docs://22139 Lake Tahoe Hotel & Residence/22139 - Lake Tahoe HR\_822.rvt

NOTE  
SECTOR PLANS IN PROGRESS. ANNOTATIVE AND  
GRAPHIC COORDINATION FORTHCOMING. INCLUDED  
FOR DESIGN TEAM REFERENCE PURPOSES ONLY.



www.sb-architects.com  
415 Jackson St, Suite 100  
San Francisco, CA 94111  
T 415/473-8990

A California Corporation  
Consultants

**Boulder Bay Redevelopment CEP Project**  
50% Schematic Design - TRPA Review Submission  
5 NW 28, Crystal Bay, NV

Owner  
EKN Development

Operator

Issued  
50% Schematic  
Design - TRPA Oct 12, 2023  
Review Submission

No.	Description	Date

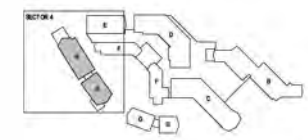
Sheet No. PROJECT: 22139

FLOOR PLAN - LEVEL 01 -  
SECTOR 4

DATE: 10/12/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]

**A2.01.4**

① SECTOR 04 - LEVEL 01  
1/16" = 1'-0"



**WSUP23-0025  
EXHIBIT P**





























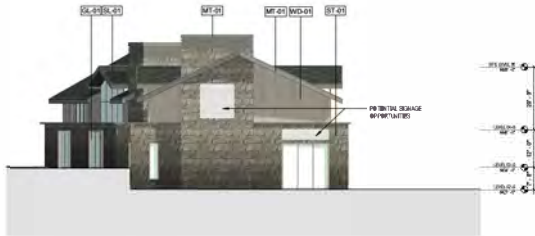












2 BUILDING G - SOUTH ELEVATION  
1/16" = 1'-0"



1 BUILDING G - EAST ELEVATION  
1/16" = 1'-0"



- MATERIALS**
-  ST-01 SPLIT FACE STONE
  -  ST-02 ROUGH STONE SLAB PANELS
  -  CP-01 CEMENT PLASTER - LIGHT GREY
  -  GL-01 VISION GLASS - ANTI-REFLECTION
  -  MT-01 ANODIZED ALUMINUM - CHARCOAL GREY
  -  MT-02 ANODIZED ALUMINUM - CHAMPAGNE BRONZE
  -  MT-03 ZINC STANDING SEAM - GREY
  -  WD-01 CEDAR - WARM GREY WOOD SIDING
  -  SL-01 SHINGLE ROOF

No.	Description	Date







# Traffic Impact Study



# Waldorf Astoria Lake Tahoe

## *Transportation Impact Study*



Prepared for  
**EKN Tahoe, LLC**

# *Waldorf Astoria Lake Tahoe Transportation Impact Study*

*Prepared for*

EKN Tahoe, LLC

220 Newport Center Drive, Suite 11-262

Newport Beach, CA 92660

*Prepared by*

LSC Transportation Consultants, Inc.

2690 Lake Forest Road, Ste. C

Tahoe City, CA 96145

530-583-4053

*April 12, 2023*

*LSC Job #T217540*



### PURPOSE

This report presents the traffic impacts associated with the proposed redevelopment of the Tahoe Biltmore Lodge and Casino area located in Crystal Bay, Nevada, within current conditions. This project (Waldorf Astoria Lake Tahoe, or “WALT”) would construct a resort with 191 lodging and residential units, a 10,000 square-foot casino, restaurants, retail uses, and associated amenities. Analysis is conducted for both existing, opening year, and future horizon year conditions. WALT is a Plan Revision of the actively permitted TRPA project called Boulder Bay (TRPA permit #CEPP2008-0123). The plan revision is a modification of the currently approved project that reduces the number of units by 183 (or 51%), enhances the guest arrival experience and creates a community gathering area known as The Grove. The Plan Revision does not make any changes to the state and county roadways associated with the approved project. In this report, the WALT project is compared to existing conditions assuming the Biltmore is in full operation today (the Baseline Biltmore). Comparing the WALT project to the approved Boulder Bay project is excluded from this report.

### CONCLUSIONS

The conclusions of the traffic analysis are as follows:

1. At the site access points, the WALT project would result in a net reduction of 537 daily one-way vehicle-trips (or a 13-percent reduction) over the Baseline Biltmore use. (The “Baseline Biltmore” use reflects peak-season Year 2006 operations at the previous Tahoe Biltmore, consistent with the baseline assumptions at the time of the original project approval.) During the key PM peak hour, the project would reduce vehicle-trips at the driveways by 74 (or 22 percent), compared to the Baseline Biltmore use.
2. The proposed project would result in a net reduction in vehicle trips on regional roadways (such as SR 28) away from the site access points (Stateline Road and Big Water Road) of 26 percent over the course of a day, and 35 percent over the key PM peak hour, compared to the Baseline Biltmore use. On average, the proposed project would reduce peak-hour traffic volumes on a busy summer day on SR 28 by about 3.5 percent in the eastbound/northbound direction and 1 percent in the westbound/southbound direction.
3. The SR 28/Lakeshore Boulevard intersection located at the west end of Incline Village, Nevada exceeds LOS standards under all study scenarios, with or without the proposed WALT project. The proposed project would reduce the traffic volumes through this intersection, thereby reducing driver delays. This is considered to be a beneficial impact.
4. The project-generated traffic volume impact on the adjacent local streets to the north of the site is expected to be minimal. The WALT site plan provides all access to the parking areas at locations close to SR 28, which tends to encourage use of the state highway rather than local roads. While there is an additional access point defined as the “Guest Arrival” area that is further from SR 28, use of this will be limited to the initial lodging guest arrival trip as opposed to the subsequent trips made by guests. The site plan also increases the travel distance (and thus travel time) on the local roads to circulate behind the site. In addition, the proposed project would slightly reduce the potential for



diversion of traffic to avoid queues generated by the pedestrian signal. A total of 33 daily inbound trips are expected to take Big Water Road to the Guest Arrival located on upper Stateline Road over the course of the day, with 13 of the trips occurring in the PM Peak Hour.

5. "Cut-through" traffic through the site is expected to be minimal. Previously, traffic wanting to cut through the site (to avoid the stretch of highway through Crystal Bay) would travel west on Reservoir Road to Wassou Road and then south on Stateline Road for a total travel distance of 1,090 feet. With the project, the cut-through route will be from Big Water Road, south on Wassou Road, and then south on Stateline Road for a total travel distance of 1,880 feet. With the increase of travel distance, cut-through traffic is expected to be reduced.
6. The eastbound traffic queues forming along SR 28 at the pedestrian crossing signal extend into and beyond the Stateline Road intersection during peak periods, with or without the project. However, given the presence of the central Two-Way Left-Turn Lane (TWLTL) on SR 28 to the east of Stateline Road, this queue does not hinder the ability for turns to be made from Stateline Road. Implementation of the proposed project is not expected to materially affect the traffic queue lengths at the pedestrian signal under any study scenario.

In addition, in Incline Village, the northbound traffic queues on the Lakeshore Boulevard approach to SR 28 interfere with left turns to/from some of the driveways along the lake-side of Lakeshore Boulevard, with or without the proposed project. However, as the proposed WALT would reduce this queue length, it would have a beneficial impact.

7. The analysis of the need for new turn lanes along SR 28 indicates the following:
  - *SR 28/Stateline Road* - The peak-hour traffic volumes with the Baseline Biltmore use meet the warrant criteria for a new eastbound left-turn lane on SR 28. With implementation of the proposed WALT project, not only would this warrant be met, but a westbound right-turn lane would also be warranted. Widening SR 28 to provide a left-turn lane immediately west of Stateline Road would alleviate the eastbound traffic queues caused by vehicles waiting to turn left into Stateline Road, under both Baseline Biltmore conditions and proposed WALT conditions. Note that this new turn lane would be located in California, on a Caltrans-maintained roadway segment. However, as the LOS for the eastbound approach is forecast to remain at LOS A in the AM Peak Hour and remain at LOS B in the PM Peak Hour and as TRPA staff indicates roadway widening is not consistent with other regional goals, the eastbound left-turn lane is not necessary.

Considering the relatively slow speeds of southbound traffic at this location (25 miles per hour speed limit), the potential for rear-end crashes is relatively low. There are no LOS deficiencies. A westbound right-turn lane is therefore not necessary.

- *SR 28/Big Water Road* -
  - The peak-hour traffic volumes with the proposed WALT meet the warrant criteria for a new northbound left-turn lane on SR 28, although the left turns (up to 8 left turns per hour) only make up 1 percent of the directional volume. This improvement is not necessary, considering the low turning volume and the relatively slow speeds of northbound traffic at this location.

- The peak-hour volumes with the proposed WALT on SR 28 meet the warrant criteria for a new southbound right-turn lane (for turns into Big Water Road). However, considering the relatively low right-turn volume, the relatively slow speeds of southbound traffic, and that the LOS for the southbound approach is forecast to remain at LOS A, a southbound right-turn lane is not necessary.
- *SR 28/Lakeshore Boulevard -*
  - The peak-hour traffic volumes with the existing Baseline Biltmore use meet the warrant criteria for a new westbound left-turn lane on SR 28, although the left turns represent less than 2 percent of the directional volume.
  - A new eastbound left-turn lane (for left turns onto Pinion Drive) is marginally warranted with the existing Baseline Biltmore use. The left turns represent less than 1 percent of the directional volume.
  - A new eastbound right-turn lane (for right turns onto Lakeshore Boulevard) is warranted with the existing Baseline Biltmore.

Though the new turn lanes above would be warranted under conditions with the proposed WALT project, the proposed project would reduce the traffic volumes through this intersection, which is a beneficial impact compared to Baseline Biltmore conditions.

8. The existing Biltmore driveway spacing along SR 28 does not meet NDOT's minimum spacing requirement for access points along a Minor Arterial roadway. As the proposed project would eliminate two existing access points along SR 28, this would improve the driveway spacing conditions. The existing driveways also do not meet the minimum spacing requirement set forth in the Washoe County Development Code for Commercial Driveways on minor arterials. With implementation of the proposed project, the two driveways that do not meet the County's spacing requirement would be eliminated, thereby improving transportation conditions along SR 28.
9. Adequate driver sight distance is expected to be provided at the proposed site access locations, so long as the final landscaping plans do not hinder the intersection sight distance. It must be ensured that the final landscaping plans provide adequate driver sight distance. Given this, and considering that the project would reduce the number of (closely-spaced) driveways along SR 28, this is considered a beneficial impact on transportation safety conditions.

The project would have a beneficial impact on bicyclist conditions, considering that it would construct a Class 1 bicycle lane within the public right of way and/or a dedicated easement adjacent to SR 28 along the project frontage, and that the project would reduce the number of driveways along the corridor (thereby improving bicyclist safety conditions).

The proposed project is estimated to reduce pedestrian crossing activity along SR 28 by roughly 30 percent from previous (Baseline Biltmore) levels, primarily due to the significant reduction in gaming floor area. The existing crosswalk location best serves overall pedestrian demand patterns, though minor reconfiguration may be appropriate once final plans for the north side of the highway are

determined. Straightening the crosswalk would provide for a shorter, more logical, and therefore safer crossing for pedestrians. It is recommended that the final project plans consider a site plan that straightens out the existing crosswalk on SR 28, allowing a direct perpendicular pedestrian crossing. The location of bus stops should be coordinated with the transit agencies.

Site PLAN - 09/27/2022



WALDORF ASTORIA LAKE TAHOE



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The Waldorf Astoria Lake Tahoe (WALT) development project proposes to redevelop the existing site of the Tahoe Biltmore Lodge and Casino area located along the north/west side of State Route 28 (SR 28) in Crystal Bay, Nevada. In addition, this proposal would result in the removal of the existing uses on the Crystal Bay Motel site. While the project applicant also owns the SR 28 Commercial Center next to The Nugget on the south side of SR 28, no changes are planned to this facility as part of the current proposal. Note that the proposed WALT project is different than the approved “Boulder Bay Community Enhancement Program Project” (Boulder Bay) for which an EIS was prepared in 2009. The Boulder Bay development project is not addressed in this transportation impact study.

This document presents a focused analysis of transportation issues associated with the proposed project, including the following:

- Project impacts on site access intersections, and associated need for intersection or roadway modifications
- Impacts of the proposed project on public safety regarding access
- Impact on bicyclist conditions
- Impact on adjacent local streets
- Pedestrian crossing of SR 28

The following scenarios are included in this study:

1. Existing Year (2022) Conditions With Baseline Biltmore Uses
2. Opening Year (2028) With Baseline Biltmore
3. Opening Year (2028) With Proposed WALT
4. Future Horizon Year With Baseline Biltmore
5. Future Horizon Year With Proposed WALT

Initially, existing and future background conditions are discussed. The proposed development is then assessed to determine the number of vehicle-trips that will be generated. These vehicle-trips are then assigned to the nearby roadway system to identify the impact on traffic operations under opening year and future horizon year conditions. Finally, a site access evaluation, transportation safety-related analysis, impacts on bicyclist conditions, and a pedestrian crossing analysis are presented.



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## CHAPTER 2

### *Existing and Future Background Conditions*

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The following discussion presents information regarding the transportation characteristics of the project site and existing and future background traffic conditions in the study area.

#### **EXISTING ROADWAY CHARACTERISTICS**

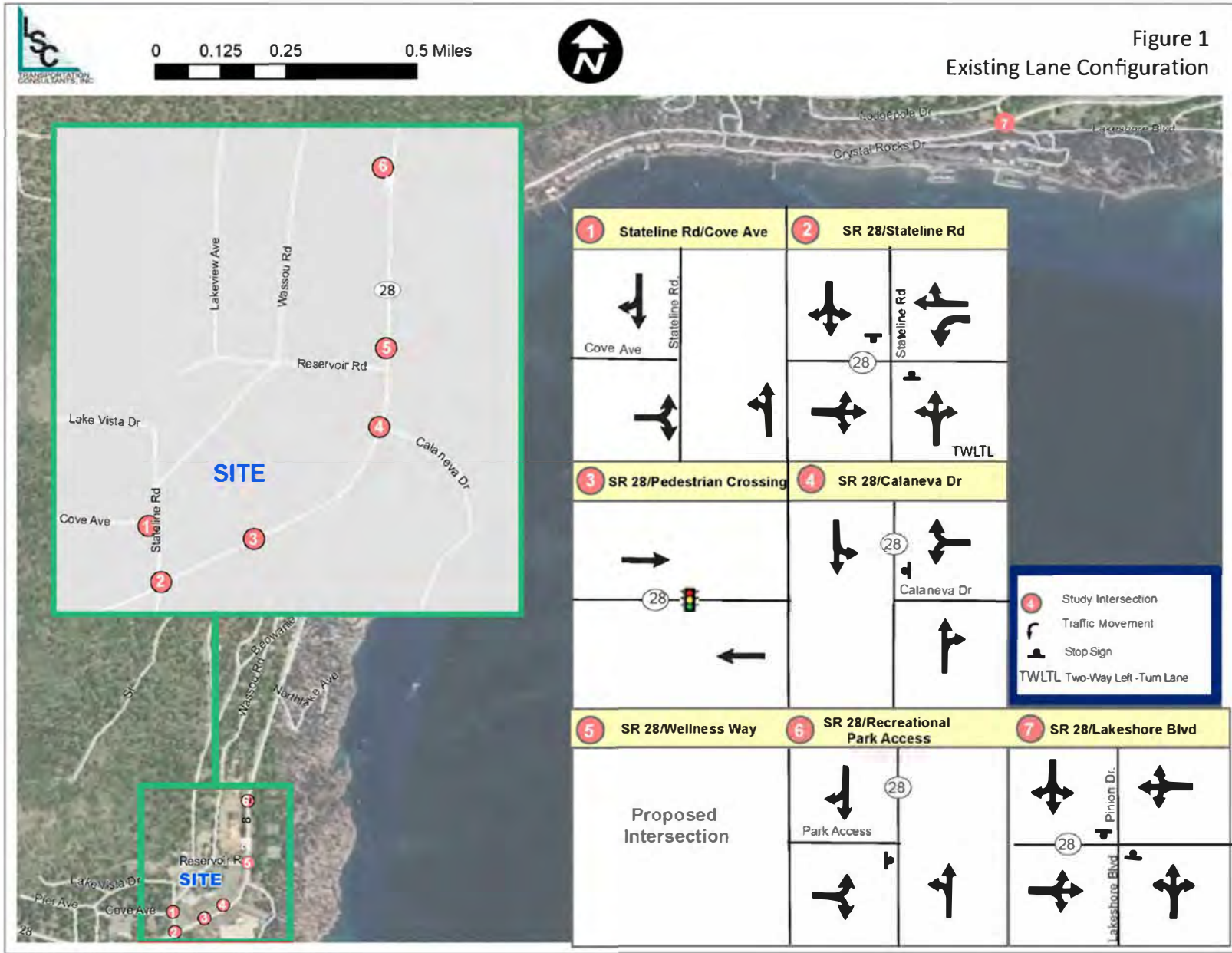
The private automobile is the primary mode of transportation in the Lake Tahoe Basin. In Crystal Bay, the major internal road system near the project site includes the following:

- *SR 28 (Tahoe Boulevard)* through Crystal Bay is a two-lane facility along the north shore of Lake Tahoe from Tahoe City to the west to US 50/Spooner Summit to the east. Near the project site, SR 28 has a posted speed limit of 25 miles per hour. The speed limit increases to 35 miles per hour at the California-Nevada state line to the west and 0.1 miles to the east (north) of the SR 28/Reservoir Road intersection. There is an existing radar speed-feedback sign on eastbound SR 28 immediately south of the recreational park driveway. The roadway segment between Stateline Road and The Nugget Casino contains a central Two-Way Left-Turn Lane (TWLTL). SR 28 in Crystal Bay is an NDOT-owned road that is functionally classified as an urban minor arterial.
- *Stateline Road* is a short two-lane road running north/south through Crystal Bay. It services mainly residential areas along with some commercial areas, stretching from the Crystal Bay Club on the south to Lake Vista Drive on the north.
- *Reservoir Road* is a small two-lane road connecting SR 28 to Wassou Road, providing an access to the residential areas to the north.
- *Lakeview Avenue and Wassou Road* are residential streets north of the project site. Access to these streets from SR 28 is provided by Reservoir Road and Stateline Road on the south, and Beowawie and Amagosa Roads to the north.
- *Calaneva Drive* is a local roadway looping around the south side of the Crystal Bay Club, Nugget Casino and other properties on the south side of SR 28.

All traffic control in the site vicinity is provided by Stop signs on the side street approaches to SR 28. In addition, there is a pedestrian activated traffic signal on SR 28 approximately 300 feet east of Stateline Road (between the Crystal Bay Club and Tahoe Biltmore gaming areas).

The following existing intersections are analyzed in this study:

- SR 28 (Tahoe Boulevard)/Stateline Road
- SR 28 (Tahoe Boulevard)/Pedestrian Crossing (signalized)
- SR 28 (Tahoe Boulevard)/Calaneva Drive
- SR 28 (Tahoe Boulevard)/Recreational Park Access
- SR 28 (Tahoe Boulevard)/Lakeshore Road
- Stateline Road/Cove Street

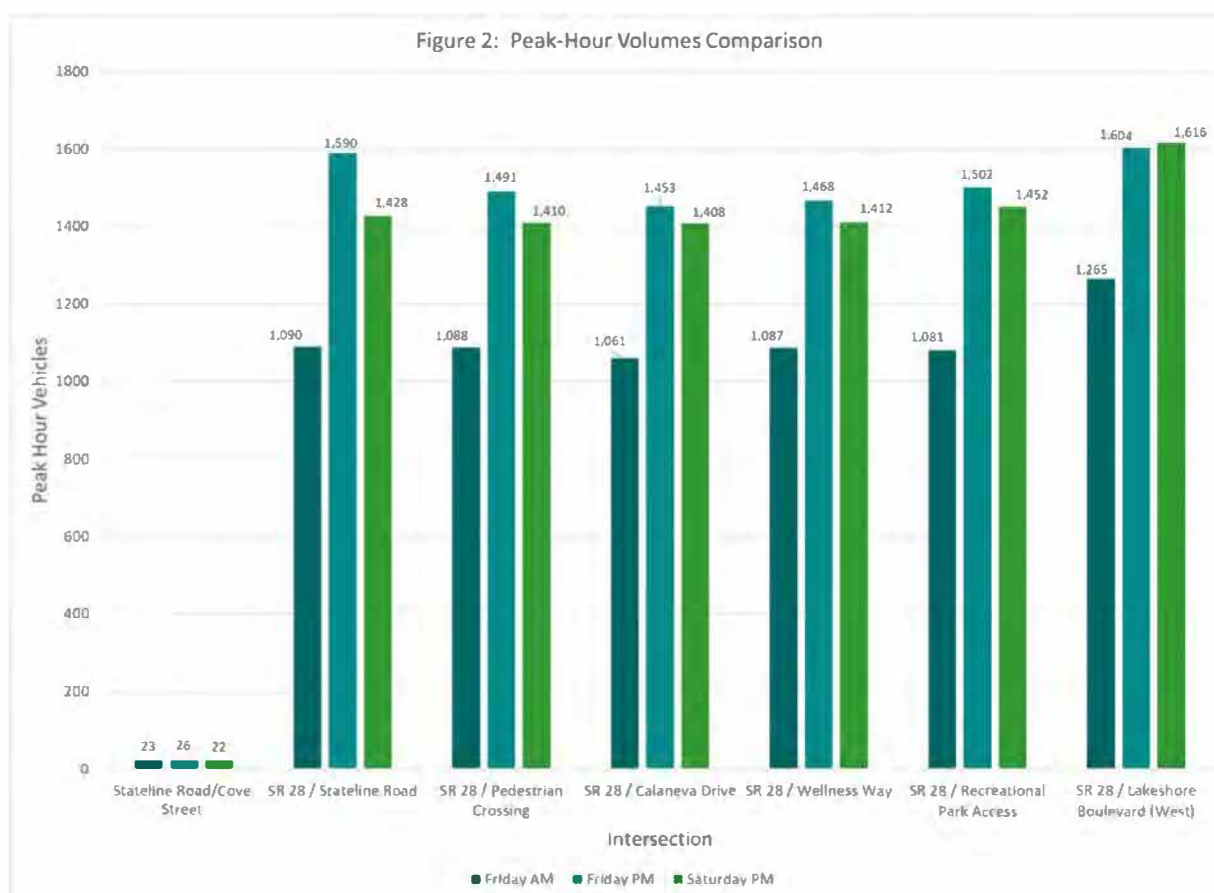


The existing intersection lane configurations and control are shown in Figure 1.



## EXISTING TRAFFIC VOLUMES

AM and PM peak-hour intersection turning-movement counts (vehicles, bicyclists and pedestrians) were conducted by LSC at the study intersections along SR 28 in Crystal Bay on Friday and Saturday, July 8-9, 2022. PM counts were also conducted at the SR 28/Lakeshore Boulevard and Stateline Road/Cove Avenue intersections. The counts were conducted on Friday from 8-10 AM and from 2:30 to 5:30 PM, and on Saturday from 1:30 to 4:30 PM. The AM peak hour occurred from 9:00 AM to 10:00 AM, and the PM peak hour varied and occurred between 3:15 PM and 5:30 PM. As illustrated in Figure 2, a comparison of the Friday and Saturday PM counts indicates Friday has the highest PM traffic volumes in Crystal Bay, while Saturday has the highest PM traffic at the SR 28/Lakeshore Boulevard intersection in Incline Village. The highest PM volumes at each intersection location are used, for purposes of this study. The figure also shows that PM peak hour volumes are substantially higher than AM peak hour volumes. The raw count data is provided in Appendix A.



The Nevada Department of Transportation (NDOT) has a permanent count station on SR 28 at a point west of the western end of Lakeshore Boulevard (the closest available location). As shown in Table 1, annual average daily traffic volumes (AADT) generally increased from 2011 to 2018, and then dropped from 2018 to 2020 (the low point in 2020 coincides with the COVID-19 pandemic). The 2021 AADT at this location is 12,700, which is lower than the volume reported in 2018.

**Table 1 – NDOT Annual Average Daily Traffic Volumes on SR 28**  
*Station 312240: 915ft N of Lakeshore Dr/Pinion Dr from Lakeshore Blvd to CA/NV Line*

<b>Year</b>	<b>Average Annual Daily Traffic</b>
2021	12,700
2020	12,100
2019	12,900
2018	13,400
2017	12,900
2016	12,700
2015	12,400
2014	12,000
2013	12,000
2012	11,300
2011	12,000

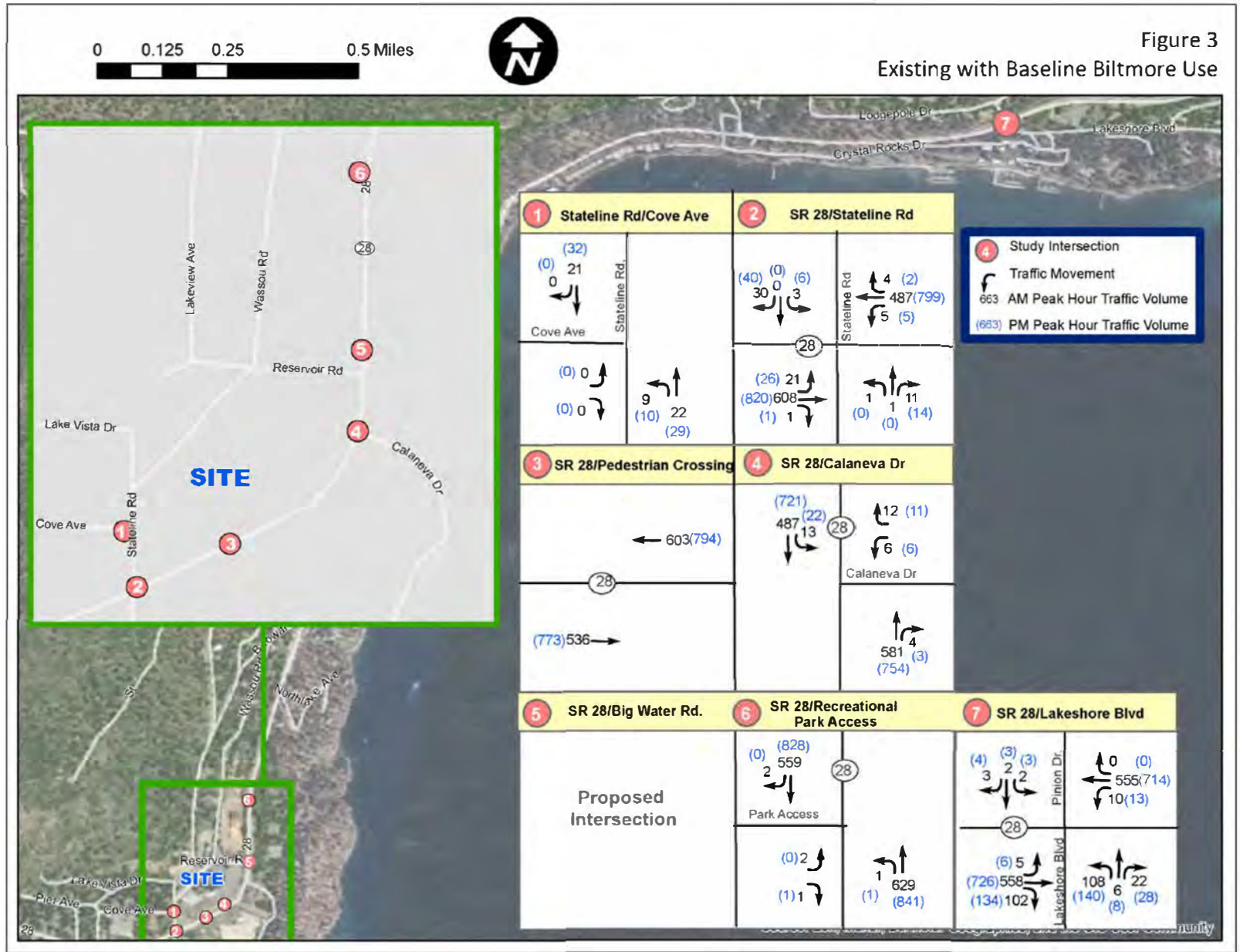
*Source: NDOT Traffic Information Systems*

NDOT also provides monthly average daily traffic data on SR 28 at this location. A review of this data indicates that the highest traffic volumes occur in the month of July. Thus, the traffic volumes used for this study (based on July counts) represent conditions during the busiest month. Furthermore, NDOT weekly traffic data indicates the highest daily volumes typically occur on Fridays in summer.

Finally, a review of Caltrans traffic volumes indicates that the peak-hour total two-way volume on SR 28 immediately west of the California-Nevada State Line was 1,600 in 2018 and in 2019. (This volume dropped to 1,500 in 2020). The Year 2022 traffic counts conducted by LSC at the SR 28/Stateline Road intersection as a part of this study indicate a peak-hour total two-way volume on SR 28 immediately west of Stateline Road of 1,563 vehicles. As this figure is within 3 percent of the 2018 and 2019 volume, the volumes used in this study are considered to represent busy year conditions.

**Traffic Volumes of Baseline Biltmore Use**

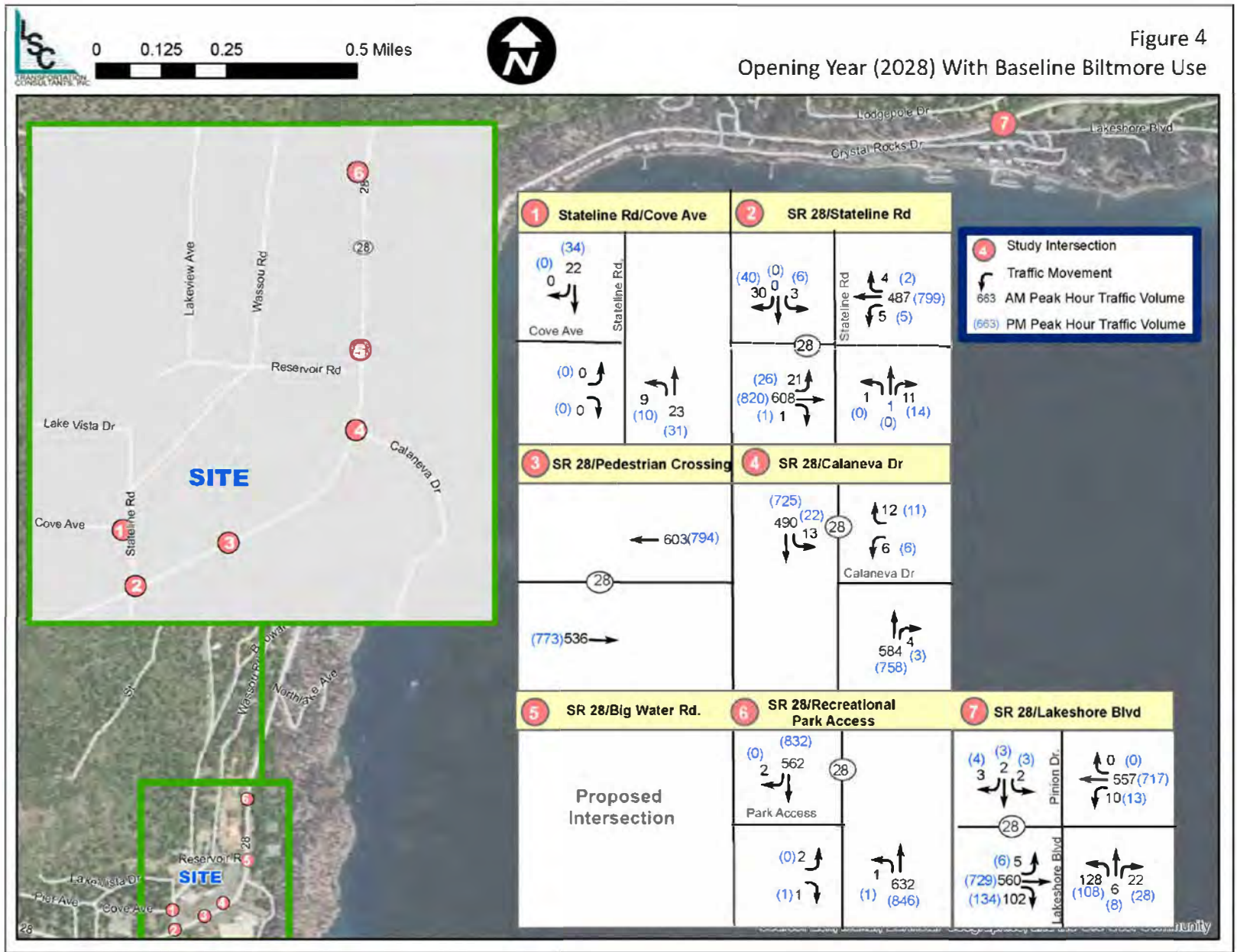
The Tahoe Biltmore operations were closed at the time the new (2022) traffic counts were conducted. However, for purposes of this study, the baseline scenario assumes full operation of the Baseline Biltmore uses. These land uses are described in Chapter 3, along with a trip generation analysis. Adding the Baseline Biltmore site-generated traffic to the Year 2022 traffic counts results in the ‘Existing With Baseline Biltmore’ peak-hour traffic volumes shown in Figure 3.

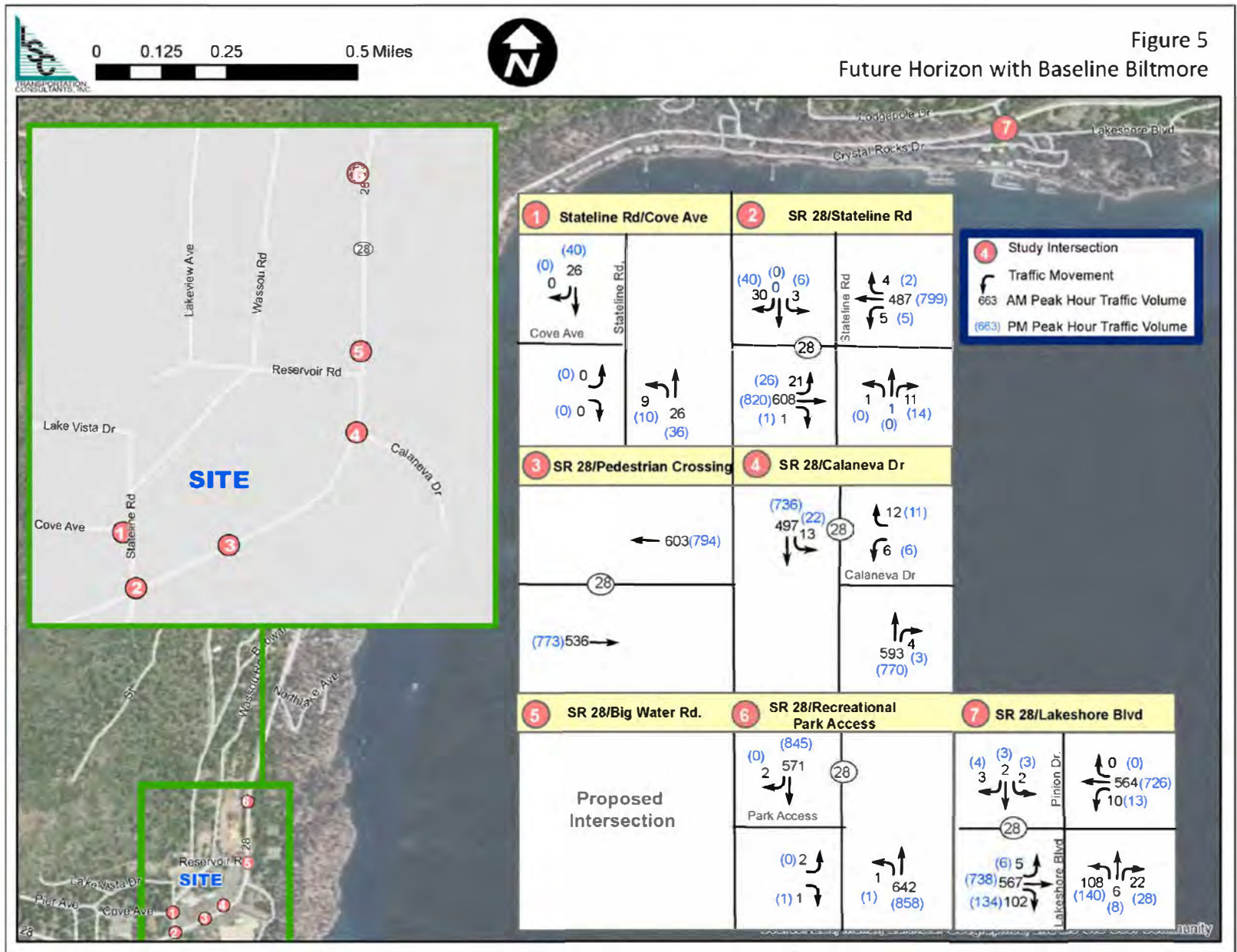




## **FUTURE BACKGROUND TRAFFIC VOLUMES**

Opening Year (2028) and future horizon year traffic volumes are developed based upon growth forecasts from the TRPA's TransCAD Travel Demand Model. Roadway segment volumes from the base year (2018) land use model are subtracted from those of the future (2045) land use model to estimate the growth in traffic between the base and future model years. Next, the traffic generated from the modeled land uses assumed for the Biltmore site are subtracted from the model growth. An average annual growth rate is estimated for each roadway segment. The resulting average annual growth rates are relatively small, with 0.004 percent growth per year along SR 28 west of Stateline Road, 0.1 percent growth on SR 28 south of Calaneva Drive, 0.1 percent at the SR 28/Lakeshore Boulevard intersection, 0.2 percent on Calaneva Drive, and 0.9 percent on Stateline Road. The respective average annual growth rates are applied to the existing year traffic volumes to estimate opening year (2028) and future horizon year background traffic volumes (with the Baseline Biltmore use). The resulting volumes are shown in Figures 4 and 5.







The assessment of transportation-related impacts begins with the development of trip generation estimates for the project. The trip generation of the proposed WALT use is compared to that of the Baseline Biltmore use, in order to determine the project's net impact on trip generation. Once trip data are available, then impacts to levels of service can be assessed.

### **LAND USE COMPARISON**

The land use quantities for the Baseline Biltmore scenario and the proposed WALT scenario are summarized in Table 2. As shown, the total number of lodging/residential units under each scenario is as follows:

- 111 units for the Baseline Biltmore use
- 191 units for WALT

Also worth noting is that the Baseline Biltmore casino was 22,400 square feet, while the WALT casino floor area is reduced to 10,000 square feet. The proposed WALT has about twice as much restaurant area. Additionally, the WALT project proponent will provide a shuttle service as an amenity available to the site's residents and guests upon request, with service to/from public beaches (excluding Speedboat Beach) in summer and to/from Northstar California Resort in winter. Some level of shuttle service will be provided year-round, with adjustments made for summer and winter peak seasons.

### **TRIP GENERATION**

Trip generation is the process by which engineers estimate the amount of traffic that would be associated with a development proposal. This trip generation analysis is conducted for summer daily, AM and PM peak-hour conditions.

#### **Trip Generation of Baseline Biltmore**

At the time of this study, the Biltmore operations are completely closed. For purposes of this analysis, the daily trip generation of the Baseline Biltmore use is assumed to be 3,895 daily one-way external trips on the surrounding roadway network. This figure represents actual vehicle trips counted on the Biltmore site driveways in the Year 2008, adjusted to reflect Year 2006 (busier) conditions. The estimated daily trip generation of 3,895 was provided by Fehr & Peers as the lead traffic consultant for the Boulder Bay EIS (reference "Project Alternatives Trip Generation Summary", Fehr & Peers, March 11, 2011, attached herein as Appendix B, and referenced in the TRPA staff summary for the Governing Board hearing for Boulder Bay). Of the 3,895 daily external trips, 320 occur during the PM peak hour.

**TABLE 2: Waldorf Astoria at Lake Tahoe (WALT) - Land Use Comparison**

	Baseline Biltmore		WALT	
<b>LODGING/RESIDENTIAL</b>				
Hotel Units	92	Units	76	Units
Motel Units	19	Units	-	-
Hotel Residential <sup>1</sup>	-	-	58	Keys
Granite Place (≤3 floors)	-	-	18	DU
Whole Ownership (>3 floors)	-	-	25	DU
Employee Housing	-	-	14	DU
Shuttle Vehicle	-	-	1	vehicle
Meeting Space	Accessory Use		Accessory Use	
Convenience Dining	Accessory Use		Accessory Use	
Bar/Lounge	Accessory Use		Accessory Use	
Service Retail	Accessory Use		Accessory Use	
Daycare Center	Accessory Use		Accessory Use	
Spa	Accessory Use		Accessory Use	
Fitness Center	Accessory Use		Accessory Use	
<b>Subtotal Lodging/Residential</b>	<b>111</b>	<b>DU</b>	<b>191</b>	<b>Units</b>
<b>CASINO</b>	<b>22.383</b>	<b>KSF</b>	<b>10.000</b>	<b>KSF</b>
<b>RESTAURANT</b>				
Café/Fast Food	-	-	2.235	KSF
Casual Dining	4.5	KSF	12.280	KSF
Fine Dining	3.3	KSF	-	-
<b>Subtotal Restaurant</b>	<b>7.8</b>	<b>KSF</b>	<b>14.515</b>	<b>KSF</b>
<b>RETAIL/COMMERCIAL</b>				
Retail	-	-	4.2	KSF
<b>RECREATION</b>				
County Park	-	-	3.07	acres

DU = Dwelling Units; KSF = 1,000 Square Feet

Note 1: WALT Hotel residential units include 36 main units and 22 lock-offs for a total of 58 keys.

Source: LSC Transportation Consultants, Inc.

The 3,895 daily trips do not include “pass-by” trips, which are trips generated on the site driveways by vehicles already present on SR 28 “passing-by” the Biltmore site as part of a longer trip. For example, a driver traveling around Lake Tahoe who stops by a restaurant at the Biltmore site would be making a pass-by trip. In this case, the restaurant land use would have generated one inbound plus one outbound trip on the site driveway but would not have generated new traffic on SR 28. Based on the analysis for the approved Baseline Biltmore use, the number of pass-by trips generated by the previous use is 184 daily pass-by trips, with 15 occurring during the PM peak hour. To estimate the total trips crossing the site driveways, the pass-by trips are added to the external trips. This results in a total of 4,079 daily trips and 335 PM peak-hour trips crossing the site driveways. Detailed calculations are provided in Appendix B.

### **Trip Generation of Proposed Use (WALT)**

The site plan is contained in Appendix C, and the proposed land uses and land use quantities are shown in the left-hand columns of Table 3. Standard daily and peak-hour trip generation rates are drawn from the Institute of Transportation Engineers (ITE) *Trip Generation, 11th Edition* manual (ITE, 2021). These standard rates are shown in Table 3. Note that at the time of this study, 18 residential units (Granite Place condominiums) were already constructed and occupied in the area known as “Building A” on the site plan. These units are accessed via existing Big Water Road. For purposes of this study, the 18 units are assumed to be part of the proposed project. With implementation of the project, Big Water Road would be extended to Wassou Road, providing a public roadway connection between SR 28 and the neighborhood above the site.

The proposed WALT land use types are based on the categories identified in the ITE Trip Generation manual. Standard daily and peak-hour trip generation rates are drawn from the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition manual (ITE, 2021), with the exception of the casino, as discussed below. The trip generation rates are based on the following methodology and assumptions:

- **Lodging/Residential Trip Generation** – The number of available units is increased from 111 previously existing hotel/motel units to 191 proposed lodging and residential units, including 14 employee housing units.
- **Hotel Residential Units** – These units will be available for participation in a rental pool operated by the hotel, and they will be served by hotel employees. As such, these units are treated as commercial lodging units, rather than residential condos. In addition, 100 percent of lock-off units are assumed to be locked-off, to remain conservatively high in the analysis of trip generation impacts. For purposes of this analysis, 36 “base” units plus 22 lock-off units are assumed, for a total of 58 keys.
- **Trip Generation of WALT Shuttle Service** – The project proponent will provide a shuttle service as an amenity available to WALT residents and guests upon request, with service to/from public beaches (excluding Speedboat Beach) in summer and to/from Northstar California Resort in winter. Some level of shuttle service will be provided year-round, with adjustments made for summer and winter peak seasons. During busy summer days, one proposed shuttle vehicle is assumed to make round trips between the WALT and nearby beaches for 12 hours a day, departing the WALT Resort once an hour. The shuttle vehicle trips crossing the WALT site driveways are shown as a separate line item under the lodging/ residential category in Table 3.



- **Casino Trip Generation** – With implementation of the proposed project, casino floor area would be reduced by roughly half (from 22,400 to 10,000 square feet). As typical hotels do not contain a casino, the casino gaming area is analyzed individually. The trip generation of the casino is estimated based upon the TRPA-approved trip rates of 265.88 daily one-way trips per thousand square feet of gaming floor area and 16.67 PM peak-hour trips per thousand square feet.
- **Restaurant/Bar Trip Generation** – The proposed WALT provides about twice as much restaurant floor area as the Baseline Biltmore program. The trips generated by restaurant uses compared to that of other site uses indicate that a substantial proportion of trips must come from outside of the project. Convenience dining and bar/lounge uses within the hotel have been integrated into the “Hotel” rate, according to the Institute of Transportation Engineers (ITE) definition of a “Hotel” use. (The ITE definition for a hotel is as follows: “A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet room, and convention facilities. A hotel typically provides a swimming pool or another recreational facility such as a fitness room.”)
- **Retail Trip Generation** – Retail uses are proposed to increase to 4,200 square feet, excluding the accessory uses within the hotel. The service retail uses are included in the ITE “Hotel” rate, by definition of use.
- **Meeting Space Trip Generation** – The trip generation of the WALT meeting space is included in the ITE “Hotel” rate, by definition.

### Reductions for Internal Trips

As is typical of a mixed-land use development, some persons generating a trip at the site would visit more than one of the land uses at the site during the same “trip.” Common traffic engineering practice dictates that a reduction in total trip generation can be applied to the project, as some of the persons generating trips at one of the land uses can generate a trip at another of the included land uses without generating an additional vehicle trip at the common site access point(s). As an example, a portion of the trips generated by a property with both retail and restaurant uses would be internal to the property, as some restaurant customers also visit the retail shops, or retail employees frequent the restaurant. Some of the restaurant customers would also be patrons of the hotel or other on-site amenities. The portion of the persons generating a trip at a mixed-use development that would visit two or more uses within the development is based on the types of uses within the development, the size of the individual uses, and the distances between them.

The proportion of trips that remain internal to the site (such as lodging guests visiting the casino) are based upon surveys conducted of the previous Biltmore site lodging guests, casino guests, and employees in 2007, a review of the trip internalization assumptions in the approved Boulder Bay Community Enhancement Program EIS, and the guidance provided in the ITE *Trip Generation Handbook* regarding internal capture within a mixed-use development. As shown in the middle column of Table 3, about one-third of the trips generated by the lodging uses are expected to be made to/from another on-site use.

**TABLE 3: Waldorf Astoria Lake Tahoe (WALT) - Trip Generation Analysis**

Description	Land Use	ITE Land Use Code	Quantity	Unit	Trip Generation Rates <sup>1</sup>									Percent Reduction for Trips Internal to Project Site	Percent Reduction for External Non-Auto Trips	Site-Generated External One-Way Vehicle Trips Crossing Site Driveways									Percent Reduction for Pass by Trips <sup>2</sup>	Site-Generated External Vehicle Trips on Roadway Network								
					AM Peak Hour			PM Peak Hour			AM Peak Hour					PM Peak Hour			AM Peak Hour			PM Peak Hour												
					Daily	In	Out	Total	In	Out	Total	Daily	In			Out	Total	In	Out	Total	Daily	In	Out	Total		In	Out	Total						
<b>PROPOSED WALT</b>																																		
<b>LODGING/RESIDENTIAL</b>																																		
Hotel Units	Hotel	310	76	Units	8.07	0.26	0.20	0.46	0.30	0.29	0.59	34%	34%	267	9	6	15	10	10	20	0%	267	9	6	15	10	10	20						
Hotel Residential <sup>3</sup>	Hotel	310	58	Keys	8.07	0.26	0.20	0.46	0.30	0.29	0.59	34%	34%	204	7	5	12	7	8	15	0%	204	7	5	12	7	8	15						
Granite Place (<3 floors) <sup>4</sup>	Multifamily Housing (Low-Rise)	220	18	DU	6.74	0.10	0.30	0.40	0.32	0.19	0.51	34%	34%	53	1	2	3	3	1	4	0%	53	1	2	3	3	1	4						
Exclusive Residential (>3 floors)	Multifamily Housing (Mid-Rise)	221	25	DU	4.54	0.09	0.28	0.37	0.24	0.15	0.39	34%	34%	50	1	3	4	3	1	4	0%	50	1	3	4	3	1	4						
Employee Housing	Multifamily Housing (Low-Rise)	220	14	DU	6.74	0.10	0.30	0.40	0.32	0.19	0.51	25%	30%	49	1	2	3	2	2	4	0%	49	1	2	3	2	2	4						
Shuttle Vehicle	N/A (vehicle-trip analysis)	N/A	1	vehicle	24	1	1	2	1	1	2	0%	0%	24	1	1	2	1	1	2	0%	24	1	1	2	1	1	2						
<i>Subtotal Lodging/Residential</i>				<i>191</i>	<i>Units</i>									647	20	19	39	26	23	49		647	20	19	39	26	23	49						
CASINO	Gaming (Non-Restricted)	N/A	10	KSF	265.88	8.39	6.59	14.97	11.82	4.85	16.67	45%	12%	1,287	41	32	73	57	24	81	0%	1,287	41	32	73	57	24	81						
<b>MEETINGS/EVENTS</b>																																		
<b>RESTAURANT</b>																																		
Café/Fast Food	Fast Food, No Drive Through	933	2,235	KSF	450.49	25.04	18.14	43.18	16.61	16.61	33.21	26%	12%	656	36	27	63	24	24	48	43%	374	21	15	36	14	13	27						
Casual Dining	High Turnover - Sit Down Restaurant	932	12,280	KSF	107.2	5.26	4.31	9.57	5.52	3.53	9.05	26%	12%	857	42	35	77	44	28	72	43%	488	24	20	44	25	16	41						
<i>Subtotal Restaurant</i>					<i>14.52</i>									1,513	78	62	140	68	52	120		862	45	35	80	39	29	68						
<b>RETAIL/COMMERCIAL</b>																																		
Retail	Strip Retail Plaza (<40k)	822	4.2	KSF	54.45	1.42	0.94	2.36	3.30	3.30	6.59	55%	9%	94	2	2	4	6	5	11	5%	89	2	2	4	6	4	10						
<b>RECREATION</b>																																		
County Park <sup>5</sup>	Public Park	411	3.07	acres	0.78	0.01	0.01	0.02	0.06	0.05	0.11	20%	10%	1	0	0	0	0	0	0	0%	1	0	0	0	0	0	0						
<b>TOTAL PROPOSED USE</b>												36%	3,542	141	115	256	157	104	261	2,886	108	88	196	128	80	208								
Trip Generation of Baseline Biltmore													4,079	118	94	212	172	163	335	3,895	118	94	212	166	154	320								
<b>PROJECT NET IMPACT (WALT minus Baseline Biltmore)</b>													-537	23	21	44	-15	-59	-74	-1,009	-10	-6	-16	-38	-74	-112								
<b>% Change Compared to Baseline Biltmore</b>													-13%			21%			-22%	-26%			-8%			-35%								

DU = Dwelling Unit. KSF = 1,000 Square Feet  
 Note 1: Standard trip rates are provided in the ITE Trip Generation, 11th Edition manual (2021), except casino trip rates are based on TRPA-approved rates.  
 Note 2: Passby percentages taken from the ITE Trip Generation Handbook 3rd Edition (2017)  
 Note 3: The SB keys for "hotel residential" includes 36 "base" units plus 22 lock-off units. 100% of lock-offs are assumed to be locked-off  
 Note 4: Although these 18 low-rise units were recently constructed (Granite Place condominiums), they are included in the WALT uses.  
 Note 5: Although this park was recently constructed, it is included in the WALT uses.  
 Source: LSC Transportation Consultants, Inc. and Institute of Transportation Engineers Trip Generation (11th Edition)

This assumption is reasonable, based on the standard daily trip generation rate of about 8 one-way trips per day, per hotel room, the expected portion of lodging trips that would be regional access trips, and the propensity for lodging guests to patron the on-site dining options. About 45 percent of trips made to/from the casino are estimated to be made internally to the site. Overall, 35 percent of WALT trips would be made internally.

### **Reductions for Non-Auto Modes**

Nearly all data presented in the ITE *Trip Generation* manual volumes have been collected at low-density, single-use, homogeneous, general urban or suburban developments with little or no public transit service and little or no convenient pedestrian access (ITE *Trip Generation Handbook, 3rd Edition*, pg. 6, 2017). Additional reductions for non-auto modes are based on the characteristics of the community, and on the quality and quantity of bicycle, pedestrian, and transit facilities. The project site is currently served by Tahoe Truckee Area Regional Transportation (TART) transit service (including TART Connect microtransit), the North Lake Tahoe Express, and employee shuttles.

The proportion of external trips made via non-auto modes (walking, bicycling, transit) is based upon surveys conducted of the previous Biltmore site lodging guests, casino guests, and employees in 2007. In particular, guests walking between the site uses and other nearby properties (such as the Crystal Bay Club) results in a relatively high proportion of non-auto trips in the North Stateline area. Additionally, data from the TRPA 2018 Summer Travel Surveys conducted at recreational and commercial sites in Crystal Bay (before the TART Connect microtransit service was implemented) suggest that approximately 27 percent of trips made in the area are by non-auto modes.

The estimated portion of external trips made to/from the WALT lodging uses via non-auto modes including the TART Connect microtransit service is 28 percent. Based on the extent of service assumed for the WALT beach shuttle service, it is estimated to reduce vehicular trips to/from the WALT lodging and condominium uses by an additional 6 percent. (This equates to a reduction of 56 one-way vehicle trips made by lodging/residential groups over the course of the day. Considering the beach shuttle is assumed to make 24 one-way trips over the course of the day, it's assumed to carry approximately 2.3 groups per one-way trip, on average (56 divided by 24). The resulting total percent reduction for external trips made to/from the lodging and residential units via non-auto modes is 34 percent, as shown in the middle column of Table 3. Smaller reductions for non-auto travel (ranging from 9 percent to 12 percent) are applied to the remaining land use types. These reductions are well below the non-auto mode split indicated by the TRPA surveys, to remain conservative in this analysis.

### **Trip Generation at Site Driveways**

Applying the trip generation rates to the WALT land use quantities and applying reductions for non-auto travel and internal trips yields a total vehicular trip generation crossing the site driveways of approximately 3,542 daily one-way vehicle-trips, of which 256 (141 entering and 115 exiting) trips occur during the AM peak hour and 261 (157 entering and 104 exiting) occur during the PM peak hour. The peak-hour trips are relatively low compared to total daily trips, as casino-related traffic typically peaks later in the day, after the peak hour of traffic along SR 28.



Comparing the daily trip generation of the WALT and that of the Baseline Biltmore indicates that the WALT would result in a net reduction of 537 daily vehicle-trips (or a 13-percent reduction) at the site access driveways over the course of a peak summer day. During the AM peak hour, the trips crossing the site driveways would increase by 44 (or a 21-percent increase), primarily due to the increased restaurant/dining attractions. A substantial portion of these trips are drawn from existing traffic already passing the site along SR 28. During the key PM peak hour, the WALT would reduce vehicle-trips at the driveways by 74 trips, or 22 percent.

### **Trip Generation on Roadway Network**

Not all trips on the site driveways are new trips on area roadways. A reduction for pass-by activity is appropriate for some commercial land uses, but not for lodging or employment land uses that are the primary purpose of a trip. In addition, as a recreational destination, no pass-by reduction is assumed for the casino land use. The ITE *Trip Generation Handbook, 3rd Edition* (ITE, 2017) presents data collected from many sites regarding the proportion of pass-by trips by land use category, which were applied to the total driveway trip volumes. As shown in the far-right columns of Table 3, this factor reduces the WALT program’s overall vehicle-trip generation on adjacent roadways to 2,886 daily one-way vehicle-trips, including 196 during the AM peak hour and 208 during the PM peak hour. Considering the impact on regional roadways such as SR 28 away from the site access driveways (reflecting reductions for pass-by trips), the WALT would result in an overall net reduction in trip generation of 26 percent over the course of a day, 8 percent during the AM peak hour, and 35 percent over the key PM peak hour, compared to the Baseline Biltmore use.

### **PROJECT TRIP DISTRIBUTION**

The distribution of traffic arriving and departing the project site is dependent upon the site location relative to the surrounding residential areas, land use within the project influence area, and regional access patterns. Based upon this data, together with the driveway access locations, project traffic is assigned to the area street system. The estimated project-related traffic distribution pattern is shown in Table 4. As shown, the majority (54 percent) of trips made to/from the site are assumed to have origins/destinations along SR 28 to the north and east of the Crystal Bay area. Forty-three (43) percent of trips to/from the site are distributed to points to the west on SR 28, in California.

<b>TABLE 4: Trip Distribution of WALT</b>	
<b>Origin/Destination</b>	<b>Percent of Trips</b>
East on SR 28 East of Lakeshore Blvd	42%
East on SR 28 South on Lakeshore Blvd	10%
East on SR 28 between Big Water Road and Lakeshore Blvd	2%
East on Calaneva Drive	1%
North on Stateline Road	2%
West on SR 28	43%
<i>Total</i>	<i>100%</i>
Source: LSC Transportation Consultants, Inc.	

## PROJECT ACCESS AND TRAFFIC ASSIGNMENT

### Baseline Biltmore Traffic Assignment

The Baseline Biltmore site-generated traffic volumes are assigned through the study intersections by applying the distribution percentages to the peak-hour vehicle trips. The reductions for pass-by trips are allocated to the various roadways based on existing traffic patterns. The resulting AM and PM peak-hour traffic volumes estimated to be generated by the Baseline Biltmore use are contained in Appendix B. As discussed in Chapter 2, these volumes are added to the Year 2022 traffic counts to estimate the 'Existing With Baseline Biltmore' volumes shown in Figure 3 (in Chapter 2).

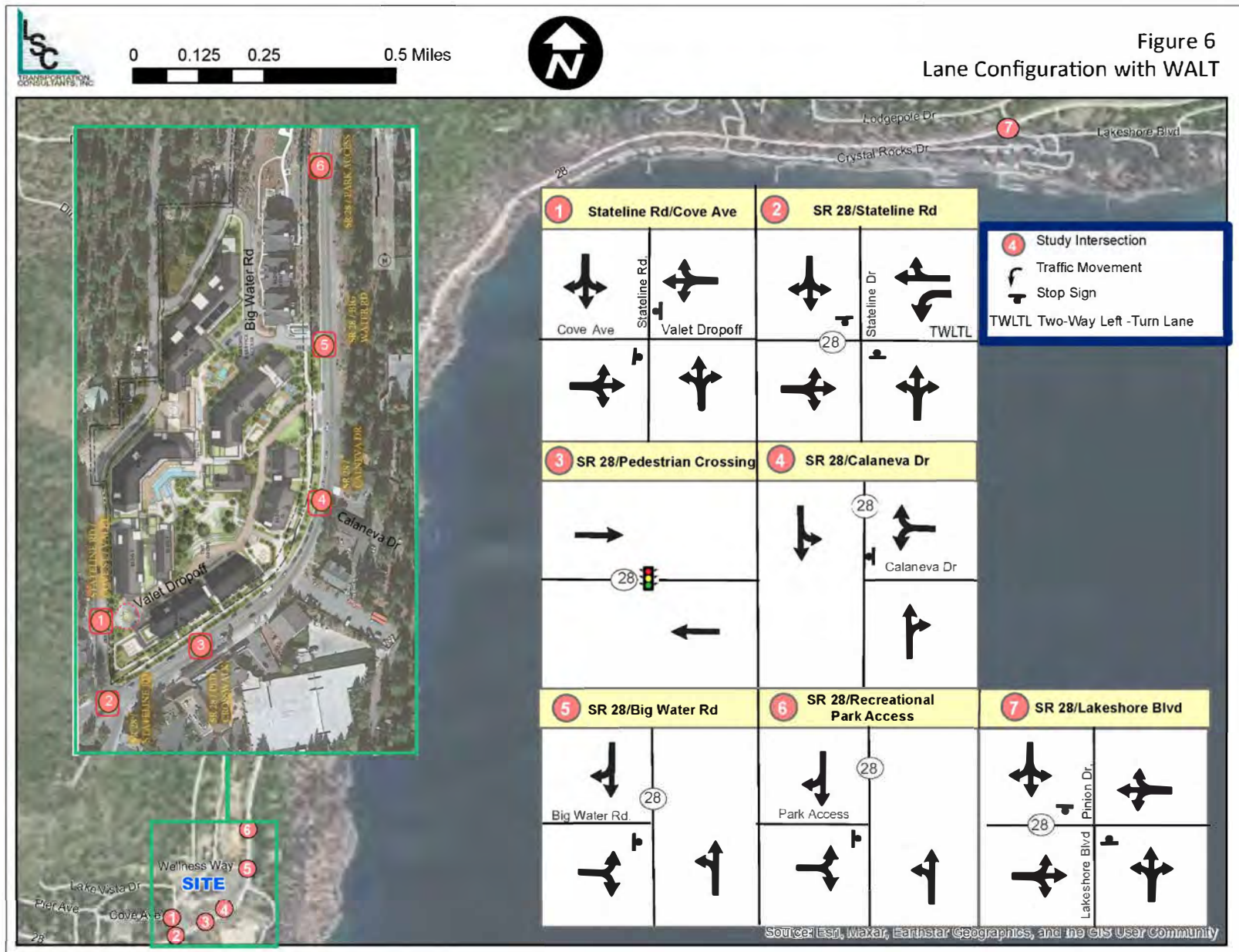
### Proposed WALT Access and Traffic Assignment

The proposed WALT site plan includes the following changes to the site access and circulation:

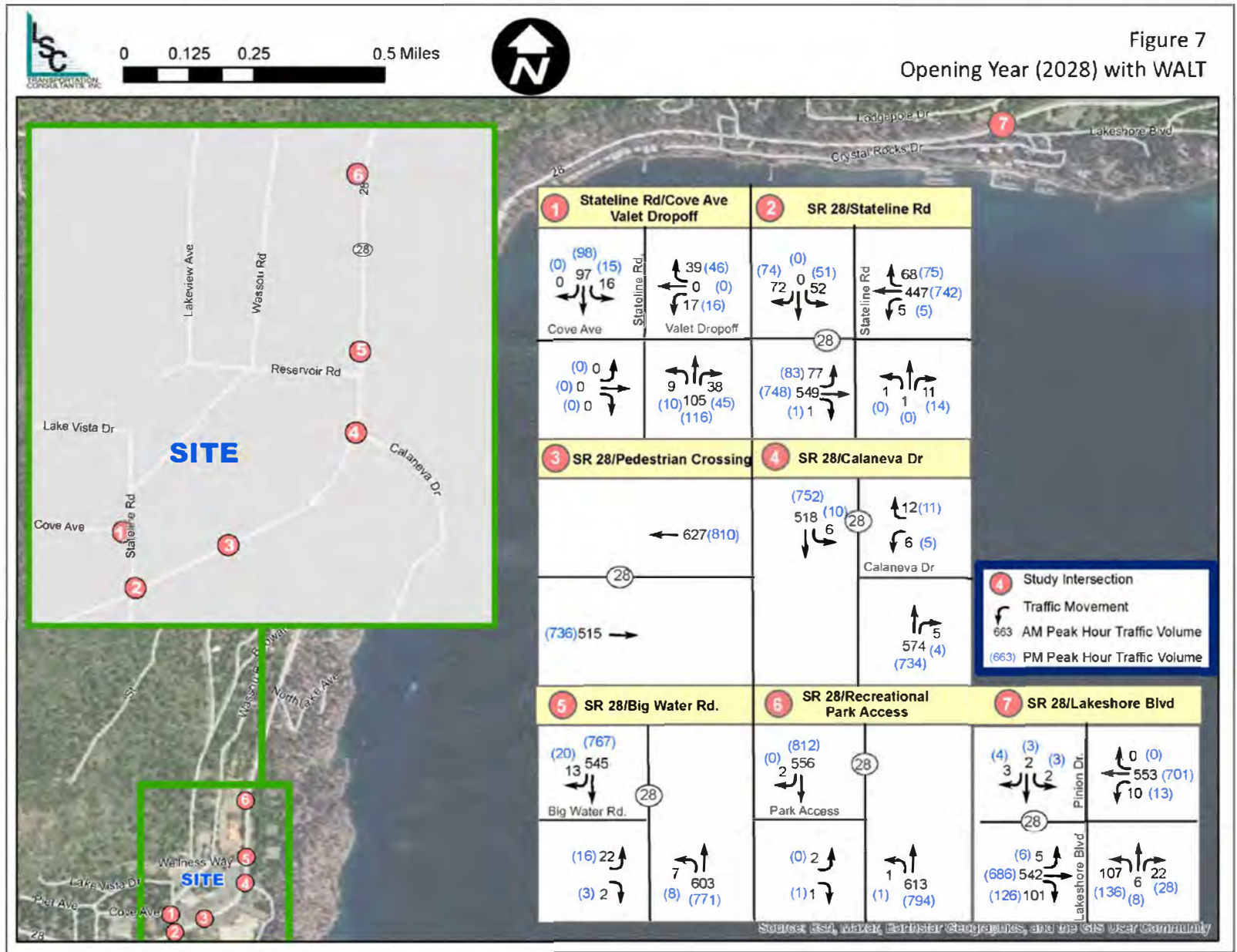
- Reservoir Road would be eliminated, as well as the southernmost portion of Wassou Road. Wassou Road would be reconfigured to "T" into Lakeview Avenue, and Lakeview Avenue and Stateline Road would be realigned using a reverse curve to form a single through roadway.
- A proposed new driveway (Big Water Road) on SR 28 just north of existing Reservoir Road would connect SR 28 on the southeast to Wassou Road on the northwest. This driveway would provide access primarily for the proposed residential units, service vehicles, and some neighborhood traffic.
- The existing Biltmore parking lot driveway located between Reservoir Road and Calaneva Drive would be eliminated.
- The lodging arrival and parking areas would be relocated to the northwest portion of the site, with access via Stateline Road. Parking for the proposed project is assumed to be provided in a subterranean parking structure, accessed via two points: one on Stateline Road at a point north of Cove Drive and one on Big Water Road.
- Lastly, a casino pick-up/drop-off circle would be located on Stateline Road, at a point opposite Cove Drive.

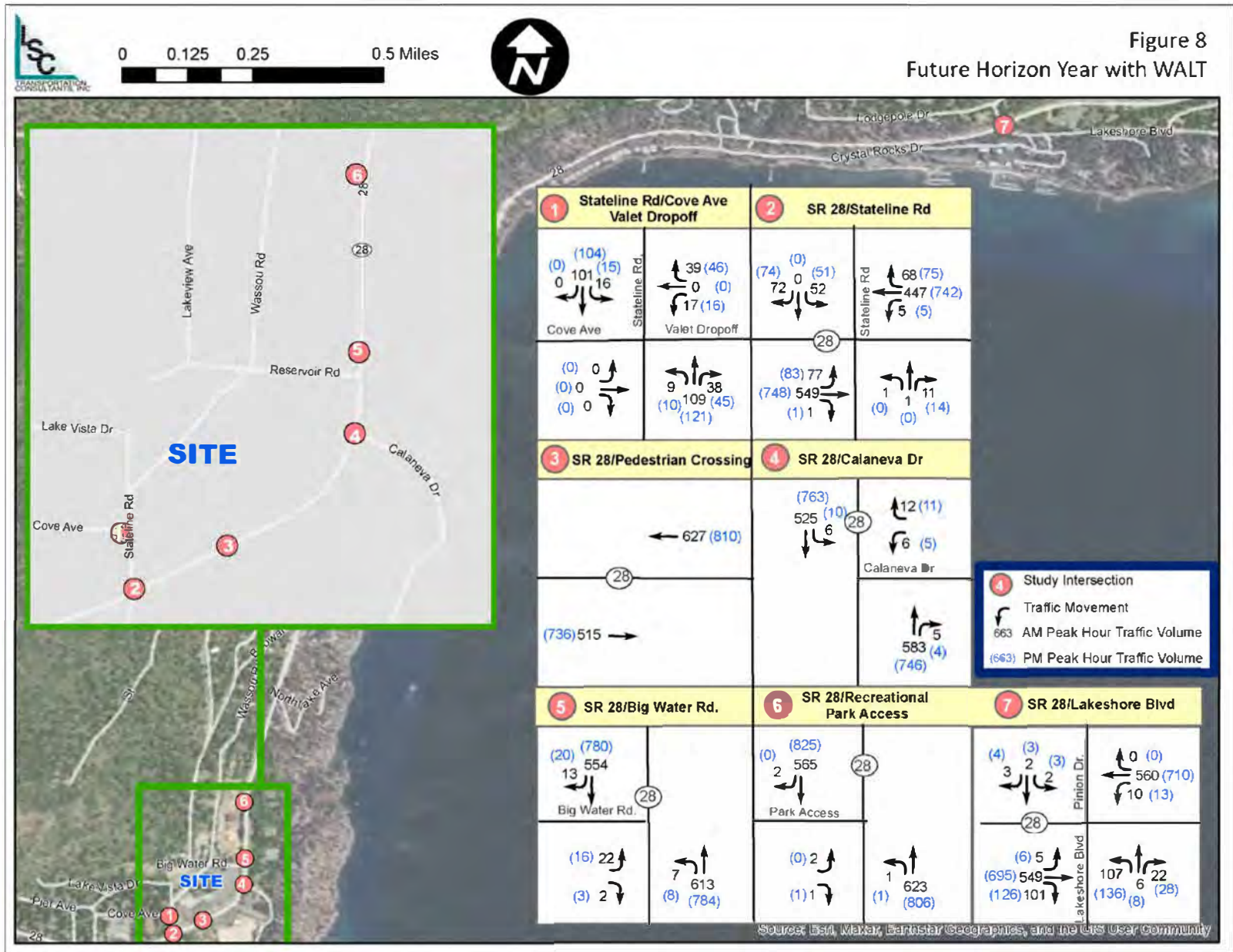
The proposed intersection configuration is presented in Figure 6.

The proposed WALT would increase the traffic volumes on Stateline Road compared to the previous use. (The majority of parking for the previous casino/hotel buildings was accessed via Reservoir Road and the existing driveway on SR 28.) To estimate the impact of the project on peak-hour traffic volumes, the proposed project traffic shown in Table 3 is assigned to the roadway network, again following the distribution presented above. Traffic to and from the specific parking access points within the project site is assigned to the roadway system based upon the path of expected minimum travel time, as well as the proportion of drivers that will be familiar with the roadway network. For instance, it is expected that the proposed casino will be "signed" at Stateline Road; thus, first-time drivers arriving in the area will tend to use this access point. The resulting peak-hour traffic volumes estimated to be generated by the full buildout of the project are contained in Appendix D. Adding the WALT volumes and the shift in existing Reservoir Road volumes to the opening year and future horizon year volumes and removing the Baseline Biltmore volumes yields the 'Opening Year with WALT' and 'Horizon Year with WALT' volumes illustrated in Figures 7 and 8, respectively.









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

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

### **LOS ANALYSIS METHODOLOGY**

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

### **LOS STANDARDS**

#### **TRPA**

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

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

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

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

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

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

## Nevada Department of Transportation

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

## Washoe County

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

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

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

## Washoe County Tahoe Area Plan

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

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

## **LOS ANALYSIS**

### Existing Year LOS

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



### Opening Year LOS

In the opening year (2028), the average delays would be similar to existing year conditions, and no additional intersections would exceed the LOS standards. With implementation of the proposed WALT, the average delays would not materially change, except at the SR 28/Stateline Road intersection. During the PM peak hour, the average delay per vehicle on the worst movement (the southbound Stateline Road approach) is calculated to increase by about 12 seconds, and the LOS degrades from LOS C to LOS D (still acceptable). The SR 28/Lakeshore Boulevard intersection would continue to operate at unacceptable LOS F. All remaining intersections would operate at an acceptable level.

### Future Horizon Year LOS

Under future horizon year conditions with the Baseline Biltmore uses, all intersections would operate at an acceptable LOS C or better, except the SR 28/Lakeshore Boulevard intersection, which would continue to operate at unacceptable LOS F. Implementation of the proposed WALT would cause the SR 28/Stateline Road intersection to degrade from LOS C to LOS D (still acceptable), and the SR 28/Lakeshore Boulevard intersection would continue to operate at LOS F. All remaining intersections would operate at an acceptable level.

### LOS in Kings Beach

Intersection LOS conditions at intersections along SR 28 in Kings Beach are reviewed. According to the Placer County Tahoe Basin Area Plan (PCTBAP), the existing (2016) summer LOS at the SR 28/SR 267 signalized intersection is LOS C (total intersection) and the SR 28/Coon Street roundabout is LOS B (worst approach). A new roundabout will be constructed at the signalized SR 28/SR 267 intersection as a part of the Kings Beach Western Approach Project, which is a Placer County project being done in cooperation with Caltrans. (This project will also provide 1,900 feet of Class II bike lanes, 2,325 feet of new or reconstructed sidewalks, six curb ramps, and two rectangular rapid flashing beacons.)

As the PCTBAP (Policy T-P-6) states that LOS F is acceptable at intersections and roadway segments within the Town Center boundaries during peak periods, a quantitative LOS analysis in Kings Beach is not considered necessary for this study. Furthermore, the proposed WALT project would reduce traffic volumes along SR 28 in Kings Beach by about 2 or 3 percent, compared to conditions with the Baseline Biltmore uses.

**Table 5: WALT - Intersection LOS Summary**

Intersection	Control Type	LOS Threshold <sup>1,2</sup>	AM Peak Hour With Baseline Biltmore		AM Peak Hour With WALT		PM Peak Hour With Baseline Biltmore		PM Peak Hour With WALT	
			Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
			<b>Existing Year</b>							
1 Stateline Road / Cove Street	TWSC	E	7.3	A	-	-	7.3	A	-	-
2 SR 28 / Stateline Road	TWSC	E	20.0	C	-	-	17.2	C	-	-
3 SR 28 / Pedestrian Crossing	Signalized	D	9.8	A	-	-	9.7	A	-	-
4 SR 28 / Calaneva Drive	TWSC	E	17.0	C	-	-	23.8	C	-	-
6 SR 28 / Recreational Park Access	TWSC	E	23.5	C	-	-	14.9	B	-	-
7 SR 28 / Lakeshore Boulevard (West)	TWSC	E	<b>OVF</b>	<b>F</b>	-	-	<b>OVF</b>	<b>F</b>	-	-
<b>Opening Year (2028)</b>										
1 Stateline Road / Cove Street	TWSC	E	7.3	A	9.8	A	7.3	A	10.2	B
2 SR 28 / Stateline Road	TWSC	E	20.0	C	21.8	C	17.2	C	29.0	D
3 SR 28 / Pedestrian Crossing	Signalized	D	10.3	B	10.0	A	10.1	B	10.6	B
4 SR 28 / Calaneva Drive	TWSC	E	17.0	C	17.0	C	23.9	C	21.8	C
5 SR 28 / Big Water Road	TWSC	E	-	-	30.1	D	-	-	40.6	E
6 SR 28 / Recreational Park Access	TWSC	E	23.6	C	22.9	C	15.0	B	14.8	B
7 SR 28 / Lakeshore Boulevard (West)	TWSC	E	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>
<b>Future Horizon Year</b>										
1 Stateline Road / Cove Street	TWSC	E	7.3	A	9.8	A	7.3	A	10.3	B
2 SR 28 / Stateline Road	TWSC	E	20.0	C	21.8	C	17.2	C	29.0	D
3 SR 28 / Pedestrian Crossing	Signalized	D	9.6	A	10.5	B	9.6	A	10.2	B
4 SR 28 / Calaneva Drive	TWSC	E	17.3	C	17.2	C	24.5	C	22.2	C
5 SR 28 / Big Water Road	TWSC	E	-	-	31.0	D	-	-	42.4	E
6 SR 28 / Recreational Park Access	TWSC	E	24.2	C	23.5	C	15.2	C	14.9	B
7 SR 28 / Lakeshore Boulevard (West)	TWSC	E	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>	<b>OVF</b>	<b>F</b>

**BOLD** text indicates that LOS standard is exceeded.  
 OVF = Overflow. Overflow indicates a delay greater than 200 seconds per vehicle, which cannot be accurately calculated using HCM methodology.  
 TWSC = Two-Way Stop-Control  
 NOTE 1: Level of service for signalized intersections is reported for the total intersection.  
 NOTE 2: Level of service for roundabouts and other unsignalized intersections is reported for the worst movement.  
 Source: LSC Transportation Consultants, Inc.

The following areas of transportation impacts are evaluated in this section:

- Project Impact on Traffic Volumes
- Intersection Level of Service
- Intersection Queuing
- Analysis of the Need for New Turn Lanes on SR 28
- Site Access Plans
- Analysis of Historical Crash Data
- Bicyclist Impacts
- Impact on Adjacent Local Streets

In addition, a pedestrian crossing analysis is provided in Chapter 6.

### PROJECT IMPACT ON TRAFFIC VOLUMES

Comparing the proposed WALT impacts with the Baseline Biltmore peak-hour traffic volumes in the opening year, the net impact of the proposed project would be as follows:

- At the site access points, the project would result in a net reduction of 537 daily one-way vehicle-trips (or a 13 percent reduction). During the key PM peak hour, the project would reduce vehicle-trips at the driveways by 74 trips, or 22 percent. Although the vehicle trips crossing the site driveways during the AM peak hour would increase, a substantial portion of these trips are drawn from existing traffic already passing the site along SR 28.
- Considering the impact on regional roadways such as SR 28 away from the site access driveways (reflecting reductions for pass-by trips), the proposed project would result in a net reduction in trip generation of 26 percent over the course of a day, 35 percent over the key PM peak hour, and an 8-percent reduction in the AM peak hour.
- The impacts of the proposed project on peak-hour traffic volumes along SR 28 are summarized in Table 6. The proposed project is calculated to reduce PM peak-hour traffic volumes along SR 28 on a busy summer day by 1.8 to 2.9 percent to the west of the site (in Kings Beach) and by 2.4 to 6.1 percent to the north of Crystal Bay (near Incline Village). Within Crystal Bay, the project would reduce the eastbound/northbound PM peak-hour volumes by 3.0 to 4.8 percent, while it would increase westbound/southbound volumes by 2.0 percent (primarily due to the proposed relocation of the hotel and casino uses to the Stateline Road access point).



**Table 6: WALT - Impact on Traffic Volumes on SR 28**

SR 28 Roadway Segment	Opening Year With Baseline Biltmore		Opening Year With WALT		Percent Change	
	EB/NB Volume	WB/SB Volume	EB/NB Volume	WB/SB Volume	EB/NB	WB/SB
North of the Site	846	832	794	812	-6.1%	-2.4%
Between Pedestrian Crossing and Calaneva Drive	761	794	738	810	-3.0%	2.0%
Between Stateline Road and Pedestrian Crossing	773	806	736	822	-4.8%	2.0%
Between Raccoon Street and Stateline Road	847	839	832	816	-1.8%	-2.7%
Between SR 267 and Raccoon Street	821	785	806	762	-1.8%	-2.9%
<i>Average</i>	<i>810</i>	<i>811</i>	<i>781</i>	<i>804</i>	<i>-3.5%</i>	<i>-0.8%</i>

Note: EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound

Note: All volumes are taken in the PM Peak Hour

Source: LSC Transportation Consultants, Inc.

## INTERSECTION LEVEL OF SERVICE IMPACTS

As summarized in Table 5, the SR 28/Lakeshore Boulevard intersection exceeds LOS standards under ‘Existing with Baseline Biltmore’ conditions. Implementation of the proposed WALT would reduce traffic volumes through this intersection, thereby reducing driver delays (although it would remain at LOS F). No other LOS deficiencies are identified. Potential LOS mitigation measures are evaluated, and the resulting mitigated LOS is shown in Table 7.

**Table 7: WALT - Mitigated Intersection LOS Summary**

Intersection	Control Type	Mitigation	LOS Threshold <sup>1,2</sup>	AM Peak Hour		PM Peak Hour	
				Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
<b>SR 28 / Lakeshore Boulevard (West)</b>							
Future Horizon Year With WALT	TWSC	Add TWLTL for NBL	E	41.6	E	<b>152.1</b>	<b>F</b>
Future Horizon Year With WALT	Signalized	Add Traffic Signal	D	-	-	8.3	A

**BOLD** text indicates that LOS standard is exceeded.

OVF = Overflow. Overflow indicates a delay greater than 200 seconds per vehicle, which cannot be accurately calculated using HCM methodology.

TWSC = Two-Way Stop-Control, TWLTL = central Two-Way Left-Turn Lane, NBL = Northbound Left Turn

NOTE 1: Level of service for signalized intersections is reported for the total intersection.

NOTE 2: Level of service for roundabouts and other unsignalized intersections is reported for the worst movement.

Source: LSC Transportation Consultants, Inc.

## SR 28/Lakeshore Boulevard

With the addition of a central Two-Way Left-Turn Lane (TWLTL) on SR 28 west of Lakeshore Boulevard (which would allow for two-stage left-turn movements from Lakeshore Boulevard onto SR 28), the AM peak-hour LOS would improve to an acceptable LOS E, although the PM peak-hour LOS would remain at LOS F. With the provision of additional lane improvements, the northbound approach would remain at an unacceptable LOS F during the PM peak hour, with or without the WALT project. Consequently, a traffic signal warrant analysis is conducted for this intersection.

## **Traffic Signal Warrant at SR 28/Lakeshore Boulevard**

Traffic signals are typically only considered to be a feasible alternative if conditions meet a sufficient number of individual “warrants,” as identified in the *Manual on Uniform Traffic Control Devices* (American Association of State Highway and Transportation Officials, 2022). The “easiest” warrant to meet is typically the “peak hour warrant” that focuses on the level of through traffic on the major highway and the entering traffic on the minor street. Specifically, the warrant consists of a graph depicting a curved line: if the plot of major and minor volumes falls above the line, a signal is considered to be warranted. The graph is included in Appendix G. A peak-hour signal warrant analysis is performed for the intersection of SR 28 and Lakeshore Boulevard. The results show that the warrant is met under all peak-hour scenarios. However, as the proposed WALT would reduce traffic volumes through this intersection, it would have a beneficial impact.

## **INTERSECTION QUEUEING ANALYSIS**

Traffic queues at specific intersections that exceed the storage capacity of turn lanes or ramps, or that block turn movements at important nearby intersections or driveways can cause operational problems beyond those identified in the LOS analysis. The 95<sup>th</sup>-percentile traffic queue lengths (the length that is only exceeded 5 percent of the time during the analysis period) are reviewed at intersection locations where queuing could potentially interfere with adjacent roads or driveways. The results indicate that the eastbound traffic queues forming at the pedestrian crossing signal extend into and beyond the Stateline Road intersection during peak periods, with or without the proposed WALT. This queue affects drivers wishing to turn left from SR 28 onto Stateline Road; however, given the presence of the central Two-Way Left-Turn Lane (TWLTL) on SR 28 to the east of Stateline Road, this queue does not hinder the ability for turns to be made from Stateline Road onto the highway. Implementation of the proposed project is not expected to materially affect the traffic queue lengths at the pedestrian signal under any study scenario.

In addition, northbound traffic queues on the Lakeshore Boulevard approach to SR 28 interfere with left turns to/from some of the driveways along the lake-side of Lakeshore Boulevard, with or without the proposed project. However, as the proposed WALT would reduce this queue length, it would have a beneficial impact.

No other traffic queuing issues are identified.

## **ANALYSIS OF THE NEED FOR NEW TURN LANES ON SR 28**

### **Left-Turn Lane Warrant**

Traffic volumes at the study intersections on SR 28 are reviewed regarding the need for new turn lanes along SR 28. The need for new left-turn lanes is evaluated using the procedure discussed in the *NDOT Access Management System and Standards* (2017). The warrant criteria are contained in Appendix G. Based on the criteria, new left-turn lanes are warranted on SR 28 at the following locations:

- **At Stateline Road** – Eastbound left-turn lane is warranted under all peak-hour scenarios, with or without the proposed project. Note that this new turn lane would be located in California, on a Caltrans-maintained highway segment. However, as the LOS for the eastbound approach is forecast to remain at LOS A in the AM Peak Hour and remain at LOS B in the PM Peak Hour

and as TRPA staff indicates roadway widening is not consistent with other regional goals, the eastbound left-turn lane is not necessary.

- **At Big Water Road** - Northbound left-turn lane warrant is met under all scenarios with the proposed WALT, although the left turns only make up 1 percent of the total northbound volume. Only 8 left turns are expected to be made into Big Water Road during the busiest hours, or one left turn every 7.5 minutes, on average. The addition of a left-turn lane would be consistent with Area Plan Policy T-2, which states to create left-turn pockets at public road intersections along SR 28 throughout the Crystal Bay Tourist regulatory zone neighborhood in cooperation with NDOT. However, considering the low turning volume and the relatively slow speeds of northbound traffic at this location (25 miles per hour speed limit), the potential for rear-end crashes is relatively low. The costs associated with a new left-turn lane would be expected to outweigh the benefits. Furthermore, the design of this turn lane may interfere with turns made to/from the Stillwater Cove driveway and with the post office perpendicular parking spaces along the highway. As such, a new northbound left-turn lane is not considered to be necessary.
  
- **At Lakeshore Boulevard** -
  - Westbound left-turn lane is warranted under all scenarios, with or without the WALT (although the left turns represent less than 2 percent of the westbound directional volume)
  - Eastbound left-turn lane warrant is marginally met under all scenarios, with or without the WALT (although the left turns represent less than 1 percent of the eastbound directional volume)

As the proposed WALT project would reduce traffic volumes through this intersection, this would be a beneficial impact.

### **Right-Turn Lane Warrant**

Using the procedures presented in the *NDOT Access Management System and Standards*, right-turn lane warrants are based on a comparison of right-turning vehicles compared to the total volume of advancing vehicles (traveling in the same direction). The right-turn lane warrant criteria are included in Appendix G. Based on the criteria, new right-turn lanes may be warranted on SR 28 at the following locations:

- **At Stateline Road** – Westbound right-turn lane warrant is met with the WALT project. Considering the relatively slow speeds of southbound traffic at this location (25 miles per hour speed limit), the potential for rear-end crashes is relatively low. There are no LOS deficiencies. A westbound right-turn lane is therefore not necessary.
- **At Big Water Road** - Southbound right-turn lane warrant is met with the WALT project. Up to 20 right turns would be made during the busiest hours, which equates to one right turn every 3 minutes, on average. Considering the relatively low number of right turns and the relatively slow speeds of southbound traffic at this location, the potential for rear-end crashes is relatively low. There are no LOS deficiencies. A westbound right-turn lane is therefore not necessary.
- **At Lakeshore Boulevard** - Eastbound right-turn lane warrant is met under all scenarios, with or without the WALT project.



## **SITE ACCESS PLANS**

The site access plans are reviewed with regards to transportation-related safety issues, such as proposed access locations, driveway spacing, interaction of project traffic with turn movements to/from adjacent intersections, and driver sight distance. Lastly, historical crash data for the study area is reviewed.

### **Driveway Spacing**

The proposed project would reduce the total number of driveways along SR 28. This is a beneficial impact, as it improves traffic flow along the highway and reduces the potential for vehicular conflicts and conflicts between vehicles and pedestrians/bicyclists. It is also consistent with existing policies to reduce curb cuts on main thoroughfares, such as the following:

- TRPA RTP Policy 4.18: “Design roadway corridors, including driveways, intersections, and scenic turnouts, to minimize impacts to regional traffic flow, transit, and bicycle and pedestrian facilities by using shared access points where feasible.”
- Washoe County Tahoe Area Plan Policy T3-1: “...The number of driveways along State Route 28 should be consolidated and minimized... Entrances to casinos and their parking areas in the Crystal Bay Tourist regulatory zone are encouraged to be relocated to back streets for those parking areas that have rear access.”
- Washoe County Tahoe Area Plan Policy T3-2: “Prioritize local street access before allowing new curb cuts on State Route 28.”

The *NDOT Access Management System and Standards* indicates the minimum spacing required for access points along a Minor Arterial roadway with a speed limit less than or equal to 35 mph (such as SR 28 in Crystal Bay) is 1,320 feet. None of the existing or proposed access points along SR 28 meet this standard. However, as the proposed project would eliminate existing access points along SR 28, this would improve (increase) the driveway spacing conditions. It is worth noting that Minor Arterials in Nevada are generally designed to allow speed limits of 35 to 45 miles per hour in urban areas, whereas the stretch of SR 28 in Crystal Bay has slower speeds, with a speed limit of 25 miles per hour.

The *Washoe County Development Code* states in Section 110.436.115 that Commercial Driveways shall be spaced from “center to center shall be a minimum of two hundred thirty-five (235) feet on major arterials, one hundred fifty (150) feet on minor arterials, and fifty (50) feet on commercial collectors.” All of the proposed access points meet this minimum requirement.

Lastly, the proposed site plans would accomplish Area Plan Policy T-4, which states “Clearly define and delineate Wassou Road as separate from the Biltmore parking lot.

### **Driver Sight Distance**

Driver sight distance was evaluated at the proposed access intersections. There are two types of sight distance standards that should be met at driveways or intersections: stopping sight distance and intersection sight distance. Intersection sight distance requirements are meant to ensure that adequate time is provided for the waiting driver at an unsignalized intersection or driveway to either cross all lanes of through traffic, cross the near lanes and turn left, or turn right, without requiring through traffic to radically alter their speed. Intersection sight distance requirements are based upon the need for a driver

to discern a gap of up to 7.5 seconds in oncoming traffic to safely choose an adequate gap. The *NDOT Access Management System and Standards* refers to the design intersection sight distance requirements set forth in *A Policy on Geometric Design of Highways and Streets* (AASHTO “Green Book”, 2018). Stopping sight distance is the distance an oncoming driver on the major roadway needs to perceive an object in the travel lane (such as a turning vehicle), react to the object, and come to a safe stop. Stopping sight distance requirements are set forth in the AASHTO Green Book. A review of the driver sight distance conditions indicates that adequate sight distance is expected to be provided at the proposed site access locations, so long as the final landscaping plans do not hinder the intersection sight distance.

## **HISTORICAL CRASH DATA**

Crash data in the vicinity of the project was provided by NDOT and was reviewed for the most recent 5 years available at the time of this study (January 1, 2016 – January 1, 2021). Appendix H contains tables summarizing the crash severity, crash types, lighting, and weather conditions. The following findings are made:

- A total of 13 crashes occurred at the study intersections on SR 28 in Crystal Bay, and 12 crashes occurred within 250 feet of the SR 28/Lakeshore Boulevard intersection in Incline Village.
- No fatalities were reported.
- Most of the crashes were reported as property damage only, except at the SR 28/Stateline Road intersection. Two (2) of the 3 crashes at this intersection resulted in injuries. One of these injury crashes occurred just west of the pedestrian crossing signal (although no pedestrians were reported to be involved).
- The most prevalent types of crashes were “non-collision” (32 percent), “angle” (28 percent) and “rear-end” (28 percent).
- Almost all (24 of 25) crashes occurred during dry weather conditions.
- The majority of crashes (64 percent) occurred during the daylight.
- None of the crashes involved pedestrians or bicyclists.

As the project would provide adequate driveway spacing and driver sight distance conditions and considering that the project would reduce the number of (closely spaced) driveways along SR 28, this is considered a beneficial impact on transportation safety conditions.

## **IMPACT ON BICYCLIST CONDITIONS**

At present, Class 2 bicycle lanes are provided along SR 28 to the west of the California-Nevada State Line. The project proposes to construct a Class 1 bicycle lane within the public right of way or dedicated easement adjacent to SR 28 along the project frontage. Considering this, and the fact that the project would reduce the number of driveways along the corridor, the proposed project would have a beneficial impact on bicyclist conditions. The ATP for the Lake Tahoe Region identifies the bus stops in Crystal Bay as locations where bike parking is needed. Additionally, Area Plan Policy T-14 calls for a multi-use path to be constructed along the north side of SR 28 from the Crystal Bay Tourist regulatory zone to Northwood Boulevard (western intersection) in Incline Village.

## IMPACT ON ADJACENT LOCAL STREETS

The site plan includes modifications to the existing streets on the northern side of the site (Stateline Road, Lakeview Avenue, and Wassou Road) and the proposed Big Water Road connection). It is therefore appropriate to consider the impacts of the proposed project on these nearby streets. There are two potential sources of traffic activity on these streets that could potentially be affected by the proposed project:

- **Site-Generated Traffic** – The site plan concentrates site-generated traffic at two key access points: on Stateline Road approximately 200 feet north of SR 28 and on Big Water Road approximately 200 feet west of SR 28. Guests arriving to the site for the first time will have a choice between going up Stateline Road and Big Water Road, however after guests arrive to the site, the remaining trips will be directed to hotel valet on Stateline Road. The proposed revisions to the existing local roads also make the travel path around the north and west sides of the site longer than today's travel path and more circuitous. However, despite the longer path, drivers coming from the east will still see a path 900 feet less than if they were to take SR 28 to Stateline. As a result, drivers coming from the east will be more inclined to take Big Water Road up to the guest arrival whereas guests coming from the west will take Stateline Road.

The project applicant indicates that the use of the Guest Arrival area will be limited to inbound customer valet trips only. No employees would access this location, nor would outbound valet trips. Therefore, there would be two sources of trips to the Guest Arrival area: the initial inbound guest arrival trip at the beginning of their stay, and inbound hotel restaurant and bar external non-guest customers.

The average length of stay for overnight visitors during the summer months is assumed to be approximately 2.9 days, based on the average of 2015 data from the Ritz-Carlton Hotel (2.46 days) and North Lake Tahoe Resort Association (now North Tahoe Community Alliance) 2003-2016 hotel/motel/B&B visitor data (3.4 days). Taking the hotel daily trip rate of 8.07 and multiplying by the 2.9 days results in an average of 23 daily trips over the course of 2.9 days. As 13% of the hotel trips are employee trips, that leaves a total of 20 trips made by hotel guests over the course of an average stay. As only one trip out of the 20 trips is the initial trip, that results in 5% of daily guest hotel trips that are initial arrival trips. A total of 471 external daily vehicle trips are associated with the hotel units and hotel residential units, 61 of which are employee trips and 410 which are guest trips. Taking 5% of the 410 guest daily trips leaves 21 daily trips that would be initial guest arrival trips.

Though the hotel restaurant and bar are considered accessory uses, there is a potential for some of the customers of these uses to be non-hotel guests. While there is no specific data available on this percentage, it is estimated to be between 10% and 20% at most. To be conservative, the 20% factor is applied to ITE trip generation rates, resulting in an additional 91 daily external vehicle trips associated with the hotel restaurant and bar. Discounting the employee trips, a total of 79 daily trips are associated with the hotel restaurant and bar. In addition, half (40) of the total daily restaurant and bar trips would be inbound trips, resulting in a total of 61 inbound trips to the Guest Arrival area.

Consistent with the distribution discussion in Chapter 3, 54% of the initial guest arrival trips will be originating from the east and would be expected to travel up Big Water Road. Applying 54% to the 61 inbound trips results in a total of 33 daily trips traveling up Big Water Road. No guest



arrival trips are assumed to occur in the AM Peak Hour. In the PM Peak Hour, approximately 40% of hotel guests are assumed to arrive resulting in a total of 13 vehicles westbound on Big Water Road in the PM Peak Hour (the equivalent of an average of 1 vehicle traveling up Big Water Road every 4.5 minutes).

The remaining site-generated trips associated with the hotel, restaurant and bar (excluding the employee trips which would be going up Big Water Road to the parking and service access) are assumed to use Stateline Road. A daily average of 456 vehicles associated with the WALT hotel and its accessory restaurant and bar uses will travel on Stateline Road (or an average of 1 vehicle every 3.1 minutes) on a busy summer day, with 55 vehicles occurring in the PM Peak Hour (or an average of 1 vehicle every 1.1 minute).

- Diverted “Cut Through” Traffic – At peak times of pedestrian activity at the pedestrian crossing, there is an existing potential for southbound drivers using the local streets to divert off of SR 28 to save travel time. (There is less of a potential for diverted traffic in the northbound direction, as eastbound SR 28 drivers are close to the pedestrian signal when they reach the route option at Stateline Road, and as these drivers must then face the delays of turning left onto SR 28 from Reservoir Road.) The proposed project would reduce the potential for diverted traffic, in two ways. First, travel queues generated by the signalized pedestrian crossing are expected to be reduced slightly, due to the site-generated traffic to/from the west (the majority of the site traffic) will no longer travel through the pedestrian crossing (as it largely does under existing conditions). The 95<sup>th</sup>-percentile PM peak-hour westbound/southbound queue generated by the pedestrian signal is forecast to be reduced from an existing condition of 271 feet to a future plus project condition of 255 feet (a 6 percent reduction). Secondly, the length of the local road option via Reservoir Road (or Big Water Road in the future) will be greater in the ‘with project’ condition (1,880 feet) than it is today (1,090 feet), reducing the attractiveness of the diversion via Big Water Road. The travel distance of a diversion route via Beowawie Road and Wassou Road will be effectively unchanged from current conditions (within 20 feet). In sum, the proposed project would not increase the potential for diversion onto local streets, but instead would result in a slight reduction in this potential.

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An analysis of the pedestrian crossing on SR 28 is conducted. First, the project's impact on pedestrian crossing activity is estimated. Next, the change in the geography of pedestrian crossing activity resulting from the proposed project land use plan is assessed. Finally, the need for pedestrian crossing enhancements is evaluated.

The Baseline Biltmore land uses in the Crystal Bay area generated substantial pedestrian crossing activity on SR 28. In particular, the presence of the Crystal Bay Casino and The Nugget Casino on the south side of the highway and the Tahoe Biltmore Casino on the north side generated pedestrian activity between the gaming areas. The fact that the two gaming areas are almost immediately across the highway from each other tends to increase and concentrate pedestrian activity in a single location. Pedestrian activity was recorded along SR 28 between Stateline Road and Reservoir Road on Saturday, July 19, 2008 from 4:00 PM to 8:00 PM. The counts showed that the greatest number of pedestrian crossings occurred during the 7:00 PM hour (129 pedestrian crossings). While individual trip patterns were not tracked, the large majority of the pedestrians were observed to be walking to or from the Biltmore. (New pedestrian crossing counts were not conducted as a part of this study, given that the Biltmore operations are closed.)

### EXISTING PEDESTRIAN CROSSING

A pedestrian-actuated signalized at-grade crossing is currently provided roughly 250-feet east of the Stateline Road intersection. This signal aids pedestrians in crossing the highway, while also "grouping" pedestrians to reduce the overall delay to through traffic on the highway below that would occur with random pedestrian crossings. When consistently activated in periods of high pedestrian activity, this signal operates on an 89-second total cycle. The crosswalk traverses the intersection on a diagonal of approximately 26 degrees. The length of the crosswalk along this path is 56 feet measured from edge of curb to edge of curb.

### IMPACT OF PROPOSED WALT

The proposed WALT project plans would change this previous condition in two ways: (1) change the demand for pedestrian crossing, and (2) change the configuration of land uses, particularly with respect to the casino floor area. It would also provide a new pedestrian plaza that will be open to the public, providing a buffered walking experience from the highway.

#### Impact on Peak Population

The first step in evaluating the change in the demand for pedestrian crossing is to estimate the change in the potential peak population of the project site. Table 8 presents an analysis of the potential population, both for the Baseline Biltmore site land uses and the proposed WALT site land uses. This is calculated by multiplying the individual land use quantities by the estimated number of persons per unit of development. It is necessary to also include a factor reflecting the internal use of more than a single land use by a specific individual (such as a lodging guest that is also a casino customer). As shown in the table, the proposed WALT project would reduce the peak number of persons on the site by 15 percent over that



generated by the Baseline Biltmore land uses. Note that this population analysis is only used for purposes of estimating the change in pedestrian crossing activity. It is not meant to be used for evaluating other areas of impacts.

**Table 8: WALT - Peak Population Estimates**  
*For purposes of estimating pedestrian activity.*

Description	Baseline Biltmore Land Use #	Proposed WALT Land Use #	Units	Persons per Unit	Reduction to Reflect Population Also Lodged/Living On Site		Peak Population		in Population	Percent Change in Peak Population
					Baseline Biltmore Uses	Proposed WALT Uses	Biltmore Uses	Proposed WALT Uses		
<b>RESIDENTIAL / LODGING</b>										
Hotel Units - 1 bedroom	62	42	Units	2	0%	0%	124	84	-40	-32%
Hotel Units - 2 bedroom	49	34	Units	3	0%	0%	147	102	-45	-31%
Whole Ownership Units - 1 bedroom	0	26	Units	2	0%	0%	0	52	52	100%
Whole Ownership Units - 2 bedroom	0	19	Units	3	0%	0%	0	57	57	100%
Whole Ownership Units - 3 bedroom	0	8	Units	4	0%	0%	0	32	32	100%
Whole Ownership Units - 4+ bedroom	0	5	Units	5	0%	0%	0	25	25	100%
Exclusive Residential - 3 bedroom	0	15	Units	4	0%	0%	0	60	60	100%
Exclusive Residential - 4+ bedroom	0	28	Units	5	0%	0%	0	140	140	100%
Employee Housing - 2 bedroom	0	14	Units	3	0%	0%	0	42	42	100%
Hotel Units - Employees	55	20	Employees	1	0%	15%	55	17	-38	-69%
Condo-Hotel Units - Employees	0	15	Employees	1	0%	15%	0	13	13	100%
Workforce Housing - Employees	0	4	Employees	1	0%	0%	0	4	4	100%
<b>Total Residential/Lodging</b>	<b>111</b>	<b>191</b>	<b>Units</b>				<b>326</b>	<b>628</b>	<b>302</b>	<b>93%</b>
<b>RETAIL/RESTAURANT</b>										
<u>Retail</u>										
Retail (CFA)	0	4.20	KSF	11	0%	25%	0	34	34	100%
Service Retail	Accessory Use	Accessory Use	KSF	11	-	-	-	-	-	-
Daycare Center	Accessory Use	Accessory Use	KSF	11	-	-	-	-	-	-
Retail Employees	0	5	Employees	1	0%	15%	0	4	4	100%
									0	100%
<u>Restaurant</u>										
Fine Dining <sup>2</sup>	3.3	0.00	KSF	31	80%	25%	21	0	-21	-100%
Casual Dining <sup>2</sup>	4.5	12.280	KSF	26	80%	25%	24	244	220	929%
Café/Fast Food	0	2.235	KSF	17	80%	25%	0	29	29	100%
Convenience Dining	0	Accessory Use	KSF	17	-	-	-	-	-	-
Bar/Lounge <sup>2</sup>	Accessory Use	Accessory Use	KSF	50	-	-	-	-	-	-
Restaurant Employees	41	77	Employees	1	0%	15%	41	66	25	60%
<b>Total Retail/Restaurant</b>	<b>7.80</b>	<b>18.715</b>	<b>KSF</b>				<b>85</b>	<b>377</b>	<b>291</b>	<b>341%</b>
<b>RECREATIONAL</b>										
Casino Gaming	22.383	10.00	KSF	100	25%	19%	1679	813	-866	-52%
Casino Employees	76	20	Employees	1	0%	15%	76	17	-59	-78%
Spa and Fitness Center	0	Accessory Use	KSF	10	-	-	-	-	-	-
Park	0	3.07	Acres	6	0%	20%	0	15	15	100%
<b>Total Recreational</b>							<b>1755</b>	<b>844</b>	<b>-910</b>	<b>-52%</b>
<b>MEETING SPACE</b>										
Convention Center/Conference Facilities	Accessory Use	Accessory Use	Seats	1	75%	75%	-	-	-	-
Convention Center Employees	Accessory Use	Accessory Use	Employees	1	0%	0%	-	-	-	-
<b>Total Meetings and Entertainment</b>							<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
							<b>2,166</b>	<b>1,849</b>	<b>-317</b>	<b>-15%</b>

*Source: LSC Transportation Consultants, Inc.*

For the lodging and residential units, it is assumed that the first bedroom is full (two persons on average), while each additional bedroom is used by one additional person on average. Although the lodging facilities and retail/restaurant population increase with the proposed project, the primary source of the reduction in persons is from the reduced casino area, which is estimated to reduce the number of persons onsite by 910.

### **Impact on Pedestrian Crossing Activity**

As discussed above, the overall number of persons on the project parcels would be reduced. The size of the casino on the north side of the highway would be reduced by 55 percent, substantially reducing the greatest generator of pedestrian crossing activity. The elimination of the Crystal Bay Motel lodging on the south side would also tend to slightly reduce crossing activity, as these lodging guests would no longer cross to the north side of the highway. On the other hand, the increase in lodging guests and residents on the north side of the highway would generate an increase in travel between the hotel and residences on the north side of the highway and gaming commercial uses on the south side. The additional restaurant/retail uses in the proposed project would also tend to generate increased pedestrian travel from lodging and residential areas on the south side of the highway. On balance, however, it is estimated that the proposed project will result in a net reduction in pedestrian crossing activity of roughly 30 percent from Baseline Biltmore levels, primarily due to the significant reduction in gaming floor area.

The geography of pedestrian crossing activity will also be changed by the land use plan. Although the casino area would be moved to a location roughly 200 feet off of SR 28 along the east side of Stateline Road, the direct pedestrian path between the proposed project and Crystal Bay Club gaming floors will remain roughly in the same location as the existing crossing location. However, the proposed hotel/spa and other residential/lodging uses on the project site will tend to generate pedestrian trips further to the north than at present.

The upper portion of Table 9 presents an evaluation of the relative proportions of overall pedestrian crossing demand that will occur between various land uses both south of SR 28 and north of the highway, with the proposed project plan. These proportions of total crossing activity by trip origin and destination are based upon observations of previous pedestrian activity as well as the population estimates for the various elements of the project land uses presented in Table 8. In comparison with the Baseline Biltmore pedestrian pattern (which was heavily concentrated between the Crystal Bay and Biltmore gaming areas), pedestrian activity will be more dispersed (though the highest proportion will still be to and from the Crystal Bay Club).

**Table 9: Evaluation of Pedestrian Crossing Demand**

		North Side of SR 28		
		Casino	Commercial	Residential/ Hotel
<b>Proportion of Total Crossing Activity by Origin and Destination</b>				
	% of Demand			
South Side of SR 28	on Side	53%	19%	27%
Crystal Bay Club	60%	32%	12%	16%
Tahoe Nugget	25%	13%	5%	7%
Post Office Area	15%	8%	3%	4%
<b>Existing At-Grade Crossing</b>				
Proportion of Pedestrians Using Facility by Origin-Destination				
Crystal Bay Club		100%	100%	100%
Tahoe Nugget		100%	25%	0%
Post Office Area		20%	5%	0%
<b>Overall Proportion of Crossing Pedestrians Served</b>				<b>76%</b>
<b>Overpass to Tahoe Nugget</b>				
Proportion of Pedestrians Using Facility by Origin-Destination				
Crystal Bay Club		25%	75%	90%
Tahoe Nugget		100%	100%	100%
Post Office Area		80%	50%	20%
<b>Overall Proportion of Crossing Pedestrians Served</b>				<b>65%</b>
<b>Overpass to SR 28 Commercial Center Site</b>				
Proportion of Pedestrians Using Facility by Origin-Destination				
Crystal Bay Club		0%	50%	75%
Tahoe Nugget		20%	75%	85%
Post Office Area		95%	70%	50%
<b>Overall Proportion of Crossing Pedestrians Served</b>				<b>42%</b>
<b>At Grade Crossing at Stateline Road</b>				
Proportion of Pedestrians Using Facility by Origin-Destination				
Crystal Bay Club		25%	5%	5%
Tahoe Nugget		0%	0%	0%
Post Office Area		0%	0%	0%
<b>Overall Proportion of Crossing Pedestrians Served</b>				<b>9%</b>



## POTENTIAL CROSSING OPTIONS

Four potential pedestrian crossing options are evaluated, as follows:

1. Existing signalized at-grade pedestrian crossing
2. Pedestrian overpass
3. Pedestrian crossing at the SR 28 commercial center
4. At-grade crossing at Stateline Road

### Existing At-Grade Pedestrian Crossing

Simply keeping the existing signal-protected crossing in place would result in a pedestrian walk distance between the front doors of the Crystal Bay Club gaming area and the proposed project gaming area of approximately 350 feet, as shown in Table 10. This is the shortest distance provided by any of the alternatives. This location is also convenient for pedestrians traveling between the Tahoe Nugget and the proposed casino and traveling between the northern portion of the project site (such as the hotel and spa) and the Crystal Bay Club. While traffic delays would still result for through traffic on SR 28, the reduction in crossing activity discussed above would result in a slight reduction in the number of times per hour that the signal is activated.

<b>Table 10: Walk Distance between WALT and Crystal Bay Club Gaming Areas</b>		
	Walk Distance (Feet)	Ratio to Minimum Distance
At Grade Crossing at Stateline Road	500	1.43
Existing At Grade Crossing	350	1.00
Pedestrian Overpass at Tahoe Nugget	500	1.43
Pedestrian Overpass at SR 28 Commercial Center Site	700	2.00

Table 9 presents an evaluation of the total highway pedestrian crossing activity that would use this crossing point, given the proposed project plan. The proportion of pedestrians between each trip origin/destination pair that would use the facility is estimated based upon the relative walk distance using the facility versus a more direct route, and pedestrian's propensity to prefer a protected crossing where convenient. Multiplied by the proportion of total pedestrian activity for each origin/destination pair and summed over all trips, it is estimated that 76 percent of all pedestrians crossing SR 28 in the vicinity would use the protected at-grade crossing.

It should also be noted that the existing at-grade crossing currently aids side-street movements out of Stateline Road, particularly for the left-turn movements onto the highway, by providing breaks in the through traffic on the state highway.

As stated above, the crosswalk traverses the intersection along a skewed path of approximately 26 degrees off of the perpendicular. The length of this path is 56 feet. A straight path across the roadway would be 50 feet in length. Straightening the crosswalk would provide for a more direct route across the roadway and could reduce the number of pedestrians crossing outside of the crosswalk. More importantly, the reduction of 6 feet of crossing without reducing the pedestrian clearance interval could provide for a slower pedestrian walking speed. The reconfiguration of the crosswalk would provide for a shorter, more logical, and therefore safer crossing for pedestrians and should be considered with the construction of the project. It is recommended that final plans for the redevelopment of the Biltmore site consider a site plan that allows a direct perpendicular pedestrian crossing.

### **PEDESTRIAN OVERPASS AT THE SOUTHWEST SIDE OF THE TAHOE NUGGET**

Under this option, a pedestrian overpass would be constructed between Building H of the proposed project and an elevator/stair tower immediately adjacent to the southwest side of the Tahoe Nugget. Full ADA access would be provided on both sides of the roadway. This option would require the participation of The Tahoe Nugget owner, and would provide a walk distance between the two casinos of approximately 500 feet.

A key question regarding this alternative is how many of the pedestrians crossing SR 28 would use an overpass if available. To assess this issue, the methodology presented in *Design and Safety of Pedestrian Facilities* (Institute of Transportation Engineers, 1999) was applied. This methodology considers the ratio of travel time using the underpass to the travel time crossing at-grade. To generalize, it reflects the fact that previous studies have indicated that the large majority of pedestrians would use an overpass or underpass so long as the time required does not exceed the time for the at-grade crossing by more than roughly 20 percent. Above this ratio, the use of the underpass drops sharply towards zero. Figure 9 summarizes the results of this study. Table 10 presents the analysis of relative travel distance. As shown, the ratio of walk distance via the overpass versus crossing at-grade would be 1.43, indicating that virtually all pedestrians would choose to cross SR 28 at-grade rather than using the overpass when traveling between the two casinos.

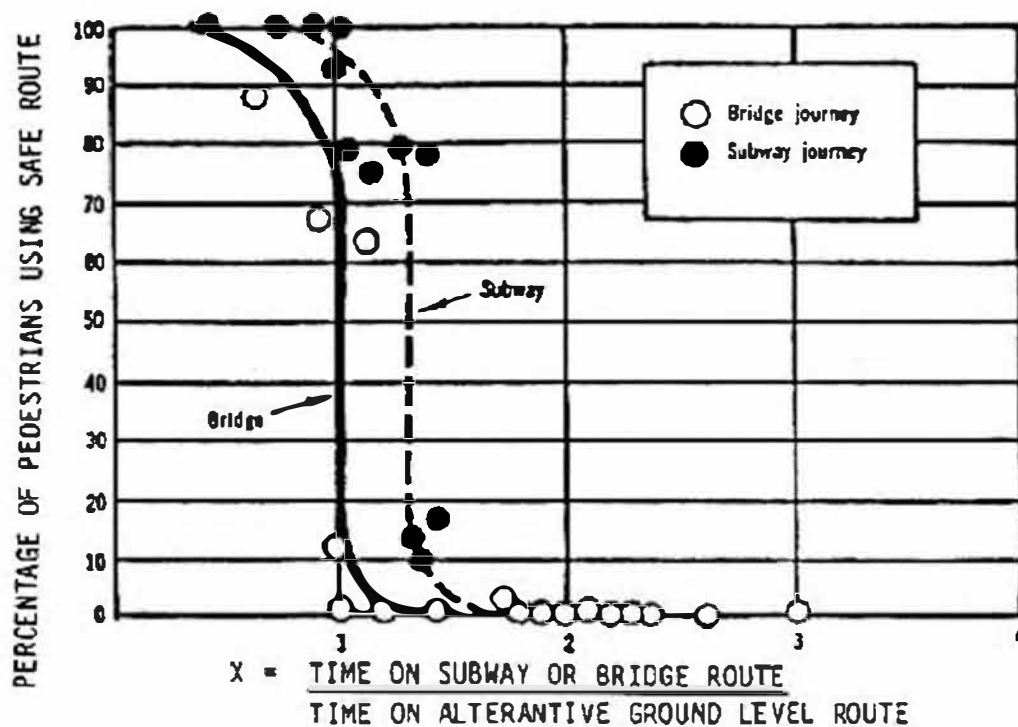
As evidenced in the Stateline area of South Shore, one means of ensuring use of a pedestrian overpass or underpass is by installing fencing between the sidewalk and travel lanes. In the north Stateline area, however, this is infeasible due to the presence of the Crystal Bay Club driveway – roughly 70 feet to the east of the existing crosswalk – and the on-street bus stops on both sides of the highway – roughly an equivalent distance to the west. With fencing, pedestrians who find the overpass to be too far out of their way could simply walk around either end of the fencing.

Factoring the proportion of pedestrians making each origin-destination trip by the proportion using this facility, it is estimated that 65 percent of all persons crossing the highway would use this facility, or slightly less than the at-grade crossing. This proportion could be increased to 71 percent if fencing is provided along the north side of the highway between the hotel driveway and the bus stop. The

remainder would still cross the highway at-grade. With a fence on the north side, the reduction in pedestrian activity would probably allow the removal of the at-grade pedestrian-actuated signal, with little resulting delay to traffic flow.

Beyond the pedestrian use considerations discussed above, the decision to provide a pedestrian overpass must consider other factors, such as the visual impact of the overpass structure and the elevator banks, stairs and/or ramps on either side, the detrimental impact on street-front retail activity, the cost, and the impact on traffic flow. According to the WALT project proponent, a pedestrian overpass is not considered to be a viable option.

**Figure 9: Propensity of Pedestrians to Use Grade Separated Structures versus Ratio of Travel Time**



### PEDESTRIAN CROSSING AT THE SR 28 COMMERCIAL CENTER SITE

Another potential overpass site is at the location of the SR 28 Commercial Center that is part of the overall project site just to the east of the Tahoe Nugget parking area. This location would result in a walk distance between the Crystal Bay Club and proposed project casino gaming areas of roughly 700 feet, which is twice the distance via the existing at-grade crossing location. As also shown in Table 9, an overpass at this location would serve 42 percent of the crossing pedestrians. With a fence along the north side from the hotel driveway to the transit stop, this proportion would increase slightly to 46 percent. Pedestrian crossing on SR 28, particularly at the ends of the fence, would remain at a high enough levels in busy tourist periods to cause substantial conflict between pedestrians and motorists.



## **AT-GRADE CROSSING AT STATELINE ROAD**

Relocating the existing pedestrian crossing to Stateline Road would put it in an inconvenient location for the majority of pedestrians in the area, resulting in only 9 percent of all crossing activity at this location. This would not be a volume-increase of pedestrians sufficient enough to warrant a traffic signal, and other measures (such as a mid-block pedestrian-actuated signal) would still be needed to the east.

## **CONCLUSIONS**

Providing an at-grade signal-protected crosswalk at or near the existing location is recommended as the appropriate strategy for the foreseeable future. While this signal does create substantial traffic delays in peak traffic periods, given that the proposed project would generally reduce both traffic volumes in the area as well as pedestrian crossing activity, the provision of a pedestrian overpass as part of this phase of the project does not appear to be warranted. The existing crosswalk location best serves overall pedestrian demand patterns, though minor reconfiguration may be appropriate once final plans for the north side of the highway are determined. The location of bus stops should be coordinated with the transit agencies.

# Preliminary Geotechnical Report & Fault Study

Black Eagle Consulting, Inc.

Geotechnical Investigation  
**Boulder Bay  
Buildings B, C,  
D, and Parking  
Structure**

Washoe County, Nevada

July 13, 2018

Prepared for  
CFA, Inc.



**Black Eagle Consulting, Inc.**  
Geotechnical & Construction Services

**WSUP23-0025  
EXHIBIT R**



Mr. Mike Wilhelm, P.E., W.R.S.  
CFA, Inc.  
1150 Corporate Boulevard  
Reno, Nevada 89502

July 13, 2018  
Project No.: 0091-52-1

L

RE: **Geotechnical Investigation**  
**Boulder Bay Buildings B, C, D, and Parking Structure**  
**Crystal Bay, Washoe County, Nevada**

Dear Mr. Wilhelm:

Black Eagle Consulting, Inc. is pleased to present the results of our geotechnical investigation for the above-referenced project. Our investigation consisted of research, field exploration, laboratory testing, and engineering analysis to allow formulation of geotechnical conclusions and recommendations for design and construction of this project.

The overall Boulder Bay project involves the complete redevelopment of the current Tahoe Biltmore property located in Crystal Bay, Washoe County, Nevada. The first phase of the project includes Building A, which is currently under construction. The second phase consists of the northbound extension of Stateline Road to connect with Lakeview Avenue and ultimately with Wassou Road to form a perimeter roadway around the Boulder Bay project. Subsequent future phases of the project will involve the construction of 7 additional buildings and a parking structure. This report is relevant to Buildings B, C, D, and the proposed parking structure.

The site exhibits a thin silty sand soil cover underlain by generally weathered granitic bedrock; these on-site materials will provide excellent support for the proposed improvements in cuts and also as compacted structural fill. The most significant constraint to construction of the project includes moderate to steeply sloping topography and below-grade building levels that will necessitate significant cuts and fills and tall site and building retaining walls.

We appreciate having the opportunity to work with you on this project. If you have any questions regarding the content of the attached report, please do not hesitate to contact us.

Sincerely,

Black Eagle Consulting, Inc.



Vimal P. Vimalaraj, P.E.  
Engineering Division Manager

A handwritten signature in blue ink that reads 'Jeff Jones' with 'P.E.' written below it.

Jeffrey M. Jones, P.E.  
Senior Geotechnical Engineer

Copies to: Addressee (3 copies and PDF)  
JP:JM:LJ:PV:cjr



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# Introduction

Presented herein are the results of Black Eagle Consulting, Inc.'s (BEC's) geotechnical investigation, laboratory testing, and associated geotechnical design recommendations for Buildings B, C, D, and the proposed parking structure at the Boulder Bay project in the Crystal Bay community area of Washoe County, Nevada, directly east of the State of California border. These recommendations are based on surface and subsurface conditions encountered in our explorations and on details of the proposed project as described in this report. The objectives of this study were to:

1. Determine general soil, bedrock, and groundwater conditions pertaining to design and construction of the proposed project.
2. Provide recommendations for design and construction of the project as related to these geotechnical conditions.

The area covered by this report is shown on Plate 1 (Plot Plan). Our investigation included field exploration, laboratory testing, and engineering analysis to determine the physical and mechanical properties of the various on-site materials. Results of our field exploration and testing programs are included in this report and form the basis for all conclusions and recommendations.

The services described above were conducted in accordance with the BEC proposal dated January 3, 2018, and the associated CFA, Inc. Professional Services Agreement dated March 15, 2018, which was signed by Mr. Bob LaRiviere of CFA, Inc.



## Project Description

The overall Boulder Bay project will involve the complete redevelopment of the current Tahoe Biltmore property as well as the realignment of Wassou Road, connecting the north end of Stateline Road to Lakeview Avenue, and connecting Lakeview Avenue to Wassou Road. The overall project will be a mixed-use development with 8 separate buildings that will host a hotel, condominiums, a health and wellness center, meeting and banquet space, a restaurant, retail shops, a fitness center, a small casino, a swimming pool, and a spa. Buildings are proposed to include 2 to 8 stories, with some including 1 or more below-grade levels. A 3-story, above-grade parking structure is proposed south and east of Building D. The overall Boulder Bay project area is contained in Sections 19 and 30, Township 16 North, Range 18 East, Mount Diablo Meridian.

The first phase of the project is in progress and includes Building A, which is currently under construction. Building A will host 18 luxury condominiums. The second phase consists of the northbound extension of Stateline Road to connect with Lakeview Avenue and ultimately with Wassou Road to form a perimeter roadway around the Boulder Bay project. Black Eagle Consulting, Inc. prepared a geotechnical investigation report for the second phase titled *Preliminary Geotechnical Investigation, Boulder Bay Stateline Road – Lakeview Avenue – Wassou Road Interconnect, Washoe County, Nevada*, dated June 14, 2018 (BEC, 2018). This second phase will involve various realignment, reconstruction, and extension of the existing streets as well as abandonment of portions of Reservoir Road and Wassou Road. This report and the recommendations contained here are relevant to the design and construction of Buildings B, C, D, and the proposed 3-story parking structure.

Detailed plans regarding the type of construction were unavailable at the time of this report; however, we anticipate the structures will utilize some combination of Portland Cement Concrete (PCC) columns and walls and steel-framed construction. We assume the buildings will be supported on PCC spread and continuous footing systems with PCC slab-on-grade ground floors and PCC post-tensioned or conventionally reinforced floor decks.

We understand current plans are considering 2 different potential options for Building B. The first option would be a 6-story building with an approximate lower level finished floor of 6,465 feet above mean sea level (msl). The second option would be an 8-story building with an approximate lower level finished floor elevation of 6,445 feet above msl. Material cuts of a few feet up to greater than 20 feet will be needed to establish a finished floor elevation of 6,465 feet above msl and about 20 to greater than 40 feet if the 8-story option is selected.

Buildings C and D are proposed as 6-story structures with approximate lower level finished floor elevations of 6,422 feet above msl. This design grade will require material cuts on the order of 15 to 30 feet.

We anticipate the 3-story parking structure will be a PCC structure with conventionally reinforced PCC columns and walls and post-tensioned PCC beams and parking decks. The parking structure lower level floor will match the elevation of Buildings C and D. This design grade will require material cuts on the order of 20 to 30 feet. A pool deck area is planned for the roof of the parking structure.



## Site Conditions

The site of proposed Building B consists of a previously graded area currently being utilized for staging of construction trailers, equipment and materials needed for construction of Boulder Bay Building A, as well as a portion of the existing Wassou Road alignment. The site of proposed Building C consists of an area of the existing asphalt concrete parking lot, a portion of the existing Reservoir Road alignment, and a previously graded area associated with the current construction of Boulder Bay Building A. The site of proposed Building D as well as the proposed parking structure consists of an asphalt concrete parking area with a small retaining wall. The parking area slopes at approximately 8 to 10 percent to the south.

The overall site topography in the area of proposed Buildings B, C, D, and the parking structure generally slopes in a south to southeasterly direction at gradients ranging from approximately 5 to 15 percent.





# Exploration

The overall Boulder Bay site was explored by advancing borings and hand auger holes and performing shear wave velocity surveys of the subsurface materials.

## Drilling

The Boulder Bay site was explored during mid-April 2018 by drilling 12 test borings. The exploration associated with Buildings B, C, D, and the parking structure included 8 of the 12 borings (borings B-05 through B-12). The borings were advanced using solid-stem auger (SSA) and HQ coring techniques with a track-mounted CME 550 drill rig and a truck-mounted Diedrich D-120 drill rig. The SSA borings were advanced using 4-inch- and 6-inch-outside-diameter (O.D.) augers. The HQ core barrels are 96 millimeter (mm) O.D. and 63.5 mm inside diameter. Where refusal occurred using SSA drilling techniques, borings were advanced using HQ coring techniques to obtain continuous sampling of the bedrock/soil matrix. The maximum depth of drilling exploration was approximately 41 feet below the existing ground surface. The locations of the test borings are shown on Plate 1. All borings drilled for the project throughout the project site, including along the roadway alignments, are included for reference.

During SSA drilling, the native soils were sampled in-place every 2.5 to 5 feet by use of a standard, 2-inch-O.D., split-spoon sampler driven by a 140-pound automatic drive hammer with a 30-inch stroke. The number of blows to drive the sampler the final 12 inches of an 18-inch penetration (Standard Penetration Test [SPT]; American Society for Testing and Materials [ASTM] D 1586) into undisturbed soil is an indication of the density and consistency of the material.

A 3-1/2-inch-O.D., split-spoon sampler (ASTM D 3550), also known as a Modified California (MC) sampler, was used to sample soils containing gravel or where approximate in-place densities of subsurface materials were required. Sampling methods used were similar to the SPT but also included the use of 2-1/2-inch-diameter, 6-inch-long, brass sampling tubes placed inside the split-spoon sampler. Because of the larger diameter of the sampler, blow counts are typically higher than those obtained with the SPT and should not be directly equated to SPT blow counts. The logs indicate the type of sampler used for each sample.

Bedrock was continuously cored at 1 boring location, boring B-09, starting at a depth of 20.5 feet through the maximum depth of exploration, approximately 41 feet. Rock cores were extracted from the HQ core barrels and placed in core boxes. Rock cores were sampled in accordance with ASTM D2113-08 to identify various indicators regarding the geological, physical, and engineering nature of the bedrock.



## Shear Wave Velocity Survey

Four refraction micro-tremor surveys were performed to evaluate the average shear wave velocity within the upper 100 feet of subsurface materials. Shear wave velocity is used to determine the seismic soil profile classification per the *International Building Code* ([IBC] International Code Council [ICC], 2012). Shear wave velocity is also used to estimate the rippability of site bedrock using seismic velocity charts developed by Caterpillar, Inc. (2012). The compressional or seismic wave velocities were estimated by multiplying shear wave velocities by a factor of 2.5. The methodology of shear wave velocity analysis is included in Appendix A (Shear Wave Velocity Modeling Results). The approximate locations of the geophysical survey lines are shown on Plate 1. Results below 75 feet depth are generally not very meaningful or reliable, but shear wave velocities are expected to increase with depth relative to the values measured at shallower depths.

## Material Classification

A geologist examined and identified all materials in the field in accordance with ASTM D 2488. During SSA drilling, representative samples were placed in sealed plastic bags and returned to our Reno, Nevada laboratory for testing. Recovered rock cores were handled in accordance with ASTM D 5079 and placed in cardboard core boxes and returned to our Reno, Nevada laboratory for testing and further analysis. During HQ coring, the sampled core in each core run was logged, describing weathering, fracturing, strength, and quality of the rock as measured by Rock Quality Designation. Rock Quality Designation is a scale describing the proportion of intact, durable rock within the formation. The scale, from 0 to 100 percent, is broken into the categories of Very Poor (0 to 25 percent), Poor (25 to 50 percent), Fair (50 to 75 percent), Good (75 to 90 percent), and Excellent (90 to 100 percent) Rock Quality.

Logs on the test borings and hand auger holes are presented as Plate 2 (Exploration Logs), and a Unified Soil Classification System (USCS) chart has been included as Plate 3 (USCS Soil Classification Chart).



# Laboratory Testing

All soils testing performed in the BEC soils laboratory is conducted in general accordance with the standards and methodologies described in Volume 4.08 of the ASTM Standards.

## Index Tests

Samples of each significant soil type were analyzed to determine their in-situ moisture content (ASTM D 2216), grain size distribution (ASTM D 422), and plasticity index (ASTM D 4318). The results of these tests are shown on Plate 4 (Index Test Results). Test results were used to classify the soils according to ASTM D 2487 and to verify field logs, which were then updated as appropriate. Classification in this manner provides an indication of the soil's mechanical properties and can be correlated with published charts (Bowles, 1996; Naval Facilities Engineering Command [NAVFAC], 1986a and b). The index test results on both soils and bedrock sampled as soils were used to evaluate bearing capacity, lateral earth pressures, settlement potential, and their suitability for use as fills.

## Direct Shear Test

A direct shear test (ASTM D 3080) was performed on a representative sample of material. The test was run on a remolded, inundated sample under various normal loads in order to develop a Mohr's strength envelope. For the remolded sample, the sample was screened to remove particles larger than the number 4 sieve prior to testing. Results of the test are shown on Plate 5 (Direct Shear Test Results) and were used in calculation of bearing capacities, friction factors, and lateral earth pressures.



Direct Shear Test

## R-Value Test

A resistance value (R-value) test (ASTM D 2844) was performed on a representative sample of soil/bedrock materials to be used in roadways. Resistance value testing is a measure of subgrade strength and expansion potential and is used in design of flexible pavements. Results of the R-value test are shown on Plate 6 (R-Value Test Results).





## Laboratory Moisture-Density Relation Test

A moisture-density relation test (ASTM D 1557) was performed on a representative sample of the native soils. The maximum density shown by this test is compared with field densities to determine the percent of relative compaction. The moisture density curve is included as Plate 7 (Compaction Test Report).

## Unconfined Compressive Strength Test

An intact rock core was tested to determine its unconfined compressive strength. The core was trimmed to exhibit a height to diameter ratio of approximately 2:1. The unconfined compressive strength can be used to evaluate bearing capacity of intact in-place rock.

Unconfined compressive strength testing was performed in general accordance with ASTM D 2166 and D 7012. Test results are shown on Plate 8 (Rock Core Analyses).

## Chemical Tests

Chemical testing was performed on representative samples of site foundation soils to evaluate the site materials' potential to corrode steel and PCC in contact with the ground. The samples were tested for pH, resistivity, redox potential, soluble sulfates, and sulfides. The results of the chemical tests are shown in Appendix B (Chemical Test Results). Chemical testing was performed by Silver State Analytical Laboratories of Reno, Nevada.



## Geologic and General Soil Conditions

The site is located within the Lake Tahoe basin of the Sierra Nevada. Lake Tahoe formed within a fault bounded basin adjacent to the eastern front of the Sierra Nevada. Overall, the area consists of young, unconsolidated glacial, lacustrine and fluvial sediments overlying shallow granitic bedrock of the Sierra batholith. The Nevada Bureau of Mines and Geology (NBMG) has mapped the site as Cretaceous age *Hornblende granodiorite* described as *light to medium gray, medium grained, hypidiomorphic. Massive-structureless to weakly foliated on mafic minerals. Sparse mafic inclusions occurs on peninsula of Stateline Point* (Grose, 1985).

The site soils and bedrock are generally consistent with the NBMG geologic map. Our exploration encountered a surficial layer of alluvial silty sand soils up to 3 feet thick. Isolated areas along the existing roads contain fill soils derived from the alluvium; fill soils were encountered up to 4 feet thick in boring B-04. Granitic bedrock underlies the alluvial and fill soils, becoming less weathered and harder with depth. The granitic rock is variably weathered, with moderate to severe weathering through depths of 7 to 20 feet beneath the existing grade. The deeper granitic rock is slightly to moderately weathered and is generally weak to moderately strong to the maximum depth of exploration, 41 feet beneath the ground surface. The deeper granitic bedrock includes hard "corestones" of intact hard bedrock (see photo of cores).



Granitic Bedrock Cores  
Boring B-09, 20.5 to 40.8 Feet

The surficial fill and alluvial soils were difficult to distinguish in our borings and are described here together. The surficial silty sand materials are described as brown, moist, medium dense, and as containing 15 to 26 percent non-plastic fines and up to 20 percent subangular to subrounded gravel.

The underlying weathered granitic rock has been weathered to soil materials but still retains its original rock textures. These materials were easily drilled using SSA drilling techniques and will excavate like soil materials. The weathered zone may contain durable cobble/boulder-sized corestones, but they are expected to be in relatively low quantities. These rock materials were sampled as silty sand in SPT/MC samples and auger cuttings and are described as tan to brown to light gray, moist, medium dense to dense, and as containing about 15 to 26 percent non-plastic fines, 74 to 85 percent fine to coarse sand, and trace amounts of fine gravel.



Deeper decomposed granite materials are present starting at depths of 7 to 15 feet and have been variably weathered to weak to moderately strong rock. These materials will include durable cobbles and boulders and larger areas of intact hard rock. These rock materials were sampled as silty sand in SPT/MC samples and auger cuttings and are described as light gray, moist, medium dense to dense, and as containing about 15 to 25 percent non-plastic to low plasticity fines, 75 to 85 percent fine to coarse sand, and trace amounts of fine gravel. Generally, this unit sampled with refusal SPT blow counts and required rock coring in 1 location.

Groundwater was not encountered during exploration, and the static groundwater table is expected to lie at a depth well below that which would affect construction. However, seasonal snowmelt runoff will produce perched water conditions. This is particularly true with respect to shallow groundwater seepage that may occur as a result of sloping topography combined with fracture systems and a stratigraphy that consists of surficial soils overlying relatively impermeable bedrock.





# Geologic Hazards

## Seismicity

Much of the western United States is a region of moderate to intense seismicity related to movement of crustal masses (plate tectonics). By far, the most seismically active regions, outside of Alaska, are in the vicinity of the San Andreas Fault system of western California. Other seismically active areas include the Wasatch Front in Salt Lake City, Utah, which forms the eastern boundary of the Basin and Range physiographic province, and the eastern front of the Sierra Nevada Mountains, which is the western margin of the province. The Lake Tahoe area lies within the eastern extent of the Sierra Nevada, within the western extreme of the Basin and Range. It must be recognized that there are probably few regions in the United States not underlain at some depth by older bedrock faults. Even areas within the interior of North America have a history of strong seismic activity.

Lake Tahoe lies within a region with a high potential for strong earthquake shaking. Seismicity within the north Lake Tahoe area is considered about average for the western Basin and Range Province (Ryall and Douglas, 1976). It is generally accepted that a maximum credible earthquake in this area would be in the range of magnitude 7 to 7.5 along the frontal fault system of the Eastern Sierra Nevada. The most active segment of this fault system in the north Lake Tahoe area is located at the base of the mountains near Washoe Lake, some 8 miles east of the project.

## Faults

An earthquake hazards map is not available for the project area. The NBMG *My Hazards* web mapping tool (NBMG, 2018) and the geologic map (Grose, 1985) show the North Tahoe fault located approximately ½ mile east of the site and oriented in a north-south direction. The Nevada Earthquake Safety Council (1998) has developed and adopted the criteria for evaluation of Quaternary age earthquake faults. *Holocene Active Faults* are defined as those with evidence of movement within the past 10,000 years (Holocene time). Those faults with evidence of displacement during the last 130,000 years are termed *Late Quaternary Active Faults*. A *Quaternary Active Fault* is one that has moved within the last 1.6 million years. An *Inactive Fault* is a fault *without recognized activity within Quaternary time* (last 1.6 million years). Holocene Active Faults normally require that occupied structures be set back a minimum of 50 feet (100-foot-wide zone) from the ground surface fault trace. An *Occupied Structure* is considered a building, as defined by the IBC, *which is expected to have a human occupancy rate of more than 2,000 hours per year* (ICC, 2012).

The North Tahoe fault mapped in the general area of the project site is considered a *Late Quaternary Active Fault*. Because no fault is mapped as passing through or adjacent to the project, no additional fault investigation or setbacks are necessary for this project.



## Ground Motion and Liquefaction

Mapping by the United States Geological Survey (USGS, 2018) indicates that there is a 2 percent probability that a *bedrock* ground acceleration of 0.66 g will be exceeded in any 50-year interval. Only localized amplification of ground motion would be expected during an earthquake.

Because the site area is underlain by a thin cover of soils and bedrock at shallow depths, liquefaction is not possible.

## Flood Plains

The Federal Emergency Management Agency (FEMA) has identified the site as lying in unshaded Zone X, or outside the limits of a 500-year flood plain (FEMA, 2009).

## Other Geologic Hazards

A moderate potential for dust generation is present if grading is performed in dry weather. No other geologic hazards were identified.



# Discussion and Recommendations

## General Information

The overall Boulder Bay project involves the complete redevelopment of the current Tahoe Biltmore property with a mixed-use development consisting of 8 separate buildings and a 3-story parking structure. As part of the project, several of the surrounding roadways will be reconfigured and reconstructed. The first phase of the project is in progress and includes the design and construction of Building A, which is currently under construction. The second phase consists of the necessary roadway realignment and reconstruction. Subsequent phases following the roadway work will consist of constructing the remaining buildings. This report pertains to the design and construction of Buildings B, C, D, and the proposed 3-story parking structure.

The recommendations provided herein, and particularly under **Site Preparation**, **Mass Grading**, **Foundation**, **Retaining Walls**, and **Quality Control**, are intended to minimize risks of structural distress related to consolidation of native soils and/or structural fills. These recommendations, along with proper design and construction of the structure and associated improvements, work together as a system to improve overall performance. If any aspect of this system is ignored or is poorly implemented, the performance of the project will suffer. Sufficient quality control should be performed to verify that the recommendations presented in this report are followed.

Structural areas referred to in this report include all areas of buildings, concrete slabs and asphalt pavements, as well as pads for any minor structures. The term engineer, as presented below, pertains to the civil or geological engineer that has prepared the geotechnical engineering report for the project or who serves as a qualified geotechnical professional on behalf of the owner.

All compaction requirements presented in this report are relative to ASTM D 1557.

Any evaluation of the site for the presence of surface or subsurface hazardous substances is beyond the scope of this investigation. When suspected hazardous substances are encountered during routine geotechnical investigations, they are noted in the exploration logs and immediately reported to the client. No such substances were revealed during our exploration.

## Site Preparation

All vegetation shall be stripped and grubbed from structural areas and removed from the site. A stripping depth of 0.5 feet is anticipated in portions of the site. Large trees and associated roots greater than ½ inch in diameter shall be removed, where necessary, to a minimum depth of 12 inches below finished grade. Large roots (greater than 6 inches in diameter) shall be removed to the maximum depth possible. Vegetation and topsoil should be hauled





off site or stockpiled for use in landscaping areas. Resulting excavations shall be backfilled with structural fill compacted to 90 percent relative compaction.

The project will include demolition of various existing site improvements. Where needed, the existing pavement shall be removed either by pulverizing or simply by heavy equipment. Pulverized or recycled asphalt pavement may be reused as structural fill or aggregate base. Remnants from demolition activities should be removed from the site, including all existing foundation elements and slabs. Demolition of existing improvements should include rerouting, removal, or in-place abandonment of underground utilities. Utilities should be adequately capped or rerouted at the project perimeter in accordance with the requirements of the governing agencies. Abandoned underground utility pipes should be removed from the site or, if the pipes are left in place, they should be filled with flowable fill such as grout or controlled low-strength material. The contractor should take adequate precautions when grading the site to reduce the potential for damage to existing utilities that are to remain in service.

All soils areas to receive structural fill or structural loading shall be densified to at least 90 percent relative compaction. Bedrock shall be cleaned as much as practical to remove loose materials. Asphalt concrete pavement areas that will receive structural fill may be removed by heavy equipment or broken up utilizing a large sheeps-foot roller.

## Trenching, Excavation and Utility Backfill

### Excavation Characteristics

The site is overlain by a relatively thin layer of native overburden soils with areas of granular fill derived from native materials. Granitic bedrock underlies the entire area at shallow depths and was encountered in our borings at depths ranging from 2 to 5.5 feet below the existing ground surface. The overburden soils and any fill materials will be excavatable using conventional earthmoving equipment. The granitic bedrock exhibits varying degrees of weathering and is generally moderately weathered to decomposed in the upper 20 feet and fresh to slightly weathered below 20 feet. However, it should be understood that bedrock can always contain isolated, very hard corestones at any depth. The excavation rate will be slow within the granitic bedrock, and the use of aggressive excavation techniques such as single-shank rippers, hydraulic hammers, or other rock breaking equipment may be needed to achieve proposed site grades. In general, the deeper the excavations advance into bedrock, the more difficult excavation will become.

Table 1 (Shear Wave Velocity Results) identifies the calculated seismic velocities based on the measured average shear wave velocity survey conducted throughout the overall Boulder Bay site. The seismic velocity values can be correlated to published rippability charts (Caterpillar, 2012); rippability charts for CAT<sup>®</sup> D8 and D9 bulldozers are included in Appendix C (Rippability Charts). The published rippability charts do not take into account efficiency or resulting particle size of ripped bedrock material. Based on our site exploration and the shear wave velocity results, the site bedrock will be rippable using a CAT<sup>®</sup> D8 ripping dozer with a single shank to depths of up to 20 feet. Use



of larger equipment, such as a CAT® D9 or larger, will result in more reliable ripping production and will be needed when excavations extend deeper than 20 feet. Again, harder bedrock will require more aggressive techniques.

**TABLE 1 – SHEAR WAVE VELOCITY RESULTS**

Line Number/ Location	Shear Wave Velocity (fps <sup>1</sup> )	P-Wave Velocity (fps)
1	2,045	5,113
2	1,590	3,975
3	1,540	3,850
4	1,390	3,475

<sup>1</sup> Average shear wave velocity within 100 feet depth. FPS = feet per second. Refer to Appendix A for detailed shear wave velocity analysis results.

Temporary trenches with near-vertical sidewalls should be stable to a depth of approximately 4 feet. Temporary trenches are defined as those that will be open for less than 24 hours. Excavations to greater depths will require shoring or laying back of sidewalls to maintain adequate stability. Regulations contained in Part 1926, Subpart P, of Title 29 of the Code of Federal Regulations (2010) require that temporary sidewall slopes be no greater than those presented in Table 2 (Maximum Allowable Temporary Slopes).

**TABLE 2 - MAXIMUM ALLOWABLE TEMPORARY SLOPES**

Soil or Rock Type	Maximum Allowable Slopes <sup>1</sup> for Deep Excavations less than 20 Feet Deep <sup>2</sup>
Stable Rock	Vertical (90 degrees)
Type A <sup>3</sup>	3H:4V (53 degrees)
Type B	1H:1V (45 degrees)
Type C	3H:2V (34 degrees)

**Notes:**

<sup>1</sup> Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.

<sup>2</sup> Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

<sup>3</sup> A short-term (open 24 hours or less) maximum allowable slope of 1H:2V (63 degrees) is allowed in excavation in Type A soils that are 12 feet or less in depth. Short-term maximum allowable slopes for excavations greater than 12 feet in depth shall be 3H:4V (53 degrees).

The State of Nevada, Department of Industrial Relations, Division of Occupational Safety and Health Administration (OSHA) has adopted and strictly enforces these regulations, including the classification system and the maximum slopes. In general, Type A soils are cohesive, non-fissured soils with an unconfined compressive strength of 1.5



tons per square foot (tsf) or greater. Type B are cohesive soils with an unconfined compressive strength between 0.5 and 1.5 tsf. Type C soils have an unconfined compressive strength below 0.5 tsf. Numerous additional factors and exclusions are included in the formal definitions. The client, owner, design engineer, and contractor shall refer to Appendix A and B of Subpart P of the previously referenced Federal Register for complete definitions and requirements on sloping and benching of trench sidewalls. Appendices C through F of Subpart P apply to requirements and methodologies for shoring.

On the basis of our exploration, the overburden soils and fill materials are considered Type C. The granitic bedrock is generally Type A with areas of stable rock at depth. Any soil areas in question shall be considered Type C, and any bedrock areas in question shall be considered Type B, unless specifically examined by the engineer during construction. All trenching shall be performed and stabilized in accordance with local, state, and OSHA standards.

### Utility Trench Backfill

The maximum particle size in trench backfill shall be 4 inches. Bedding and initial backfill 12 inches over the pipe will require import and shall conform to the requirements of the utility having jurisdiction. Bedding and initial backfill shall be densified to at least 90 percent relative compaction. Native granular soil and excavated bedrock will provide adequate final backfill as long as oversized particles are excluded, and it shall be placed in maximum 8-inch-thick loose lifts that are compacted to a minimum of 90 percent relative compaction in all structural areas.

### Construction Dewatering

Groundwater was not encountered in our borings, and the static groundwater table is expected to be at a depth well below that which would affect construction. However, if construction occurs during the spring snowmelt season, perched seepage water flowing along the soil and bedrock interface and possible fracture systems may be encountered during excavation, such that construction dewatering may be necessary. If significant seepage water is encountered during earthwork, we should be contacted to provide site-specific recommendations based on the observed conditions.

## Mass Grading

Vertical relief across the site is high, and the buildings are anticipated to have below-grade levels. We expect deep cuts in excess of 30 feet and potentially up to 40 feet within the underlying granitic bedrock will be needed to achieve design grades. The proposed finished floor elevations and approximate existing elevations are listed in Table 3 (Proposed Finished Floor Elevations and Expected Excavation Depths).





**TABLE 3 – PROPOSED FINISHED FLOOR ELEVATIONS AND EXPECTED EXCAVATION DEPTHS**

Building Name/Option	Lowest Finished Floor Elevation*	Approximate Ground Surface Elevations*	Expected Excavation Depths (ft)
B – Option 1	6,465	6,468 – 6,485	3 – 25
B – Option 2	6,445	6,468 – 6,485	25 – 45
C	6,422	6,445 – 6,453	28 – 36
D	6,422	6,440 – 6,452	23 – 35
Parking Structure	6,422	6,440 – 6,450	23 - 33

\* Elevations in feet above msl.

Native granular soils and excavated bedrock will be suitable for structural fill provided particles larger than 6 inches are removed. If imported structural fill is required on this project, we recommend it satisfy the specifications presented in Table 4 (Guideline Specification for Imported Structural Fill).

**TABLE 4 - GUIDELINE SPECIFICATION FOR IMPORTED STRUCTURAL FILL**

Sieve Size	Percent by Weight Passing	
4 Inch	100	
3/4 Inch	70 – 100	
No. 40	15 – 70	
No. 200	5 – 20	
Percent Passing No. 200 Sieve	Maximum Liquid Limit	Maximum Plastic Index
5 – 10	50	20
11 – 20	40	15

These recommendations are intended as guidelines to specify a readily available, prequalified material. Adjustments to the recommended limits can be provided to allow the use of other granular, non-expansive material. Any such adjustments must be made and approved by the engineer, in writing, prior to importing fill to the site.

All fill placed on hillsides steeper than 5H:1V (horizontal to vertical) shall be keyed into existing materials in equipment-wide benches. The maximum vertical separation between benches shall be 6 feet.



Whenever possible, structure foundations shall not be placed partially on bedrock and partially on structural fill. Where structure foundations will be placed partially on bedrock and partially on structural fill due to cut and fill operations, differential settlement of the structural fill may be on the order of 1 percent of the maximum fill height, which would result in differential settlement of structure foundations. Such differential settlement should be minimized. Measures to minimize such differential settlement may include providing a gradual transition from the bedrock to structural fill and/or over-excavating a portion of the bedrock and backfilling with structural fill.

Excavated fresh to slightly weathered granitic bedrock materials may not break down into soil-sized particles under the mechanics of ripping, loading, transportation, placement and/or compaction. Such materials may have greater than 30 percent retained on the 3/4-inch sieve, such that standard density testing is not valid. These materials will be treated as rock fills with a maximum lift thickness and maximum particle size of 12 inches. A proof rolling program of at least 5 single passes of a minimum CAT® 815 roller in mass grading, or at least 5 complete passes with hand compactors in footing trenches, is recommended.

Any structural fill within building areas shall be placed in maximum 8-inch-thick loose lifts, each densified to at least 95 percent relative compaction. All other structural fill shall be densified to a minimum 90 percent relative compaction.

Grading shall not be performed with or on frozen soils.

## Seismic Design Parameters

The 2012 *IBC* (ICC, 2012), adopted by Washoe County, requires a detailed soils evaluation to a depth of 100 feet to develop appropriate soils criteria. Site-specific geophysical analyses were performed and indicate that the subsurface materials exhibit shear wave velocities in the range of 1,390 to 2,045 feet per second. The results of the geophysical analyses performed at the site indicate that Site Class C is appropriate. The recommended seismic design criteria are presented in Table 5 (Seismic Design Criteria Using 2012 *International Building Code*).



**TABLE 5 - SEISMIC DESIGN CRITERIA USING 2012 *INTERNATIONAL BUILDING CODE* (USGS, 2018)**

Approximate Latitude	39.229
Approximate Longitude	120.005
Spectral Response at Short Periods, $S_s$ , percent of gravity	166.1
Spectral Response at 1-Second Period, $S_1$ , percent of gravity	57.0
Site Class	C
Risk Category	II
Site Coefficient $F_a$ , decimal	1.00
Site Coefficient $F_w$ , decimal	1.30
Site Adjusted Spectral Response at Short Periods, $S_{MS}$ , percent of gravity	166.1
Site Adjusted Spectral Response at Long Periods, $S_{M1}$ , percent of gravity	74.1
Design Spectral Response at Short Periods, $S_{DS}$ , percent of gravity	110.7
Design Spectral Response at Long Periods, $S_{D1}$ , percent of gravity	49.4
Seismic Design Category	D

## Foundation

The most economical method of foundation support lies in spread footings bearing on structural fill or granitic bedrock. Individual column footings and continuous wall footings underlain by compacted native soils or structural fill can be designed for a net maximum allowable bearing pressure of 3,500 pounds per square foot (psf). Based on the proposed finished floor elevations, the majority of foundations are anticipated be at elevations in excess of 20 feet below the existing ground surface. Individual column footings and continuous wall footings underlain by competent granitic bedrock can be designed for a net maximum allowable bearing pressure ranging from 5,000 psf for foundations less than 20 feet below the existing ground surface to 8,000 psf for foundations constructed at depths greater than 20 feet below the existing ground surface.

Column and wall footings should have minimum footing widths of 30 and 18 inches, respectively. The net allowable bearing pressure is the pressure at the base of the footing in excess of the adjacent overburden pressure. This allowable bearing value should be used for dead plus ordinary live loads. Ordinary live loads are that portion of the design live load that will be present during the majority of the life of the structure. Design live loads are loads that are produced by the use and occupancy of the building, such as by moveable objects, including people or equipment, as well as snow loads. These bearing values may be increased by one-third for total loads. Total loads are defined as the maximum load imposed by the required combinations of dead load, design live loads, snow loads, and wind or seismic loads.





With these allowable bearing pressures, total foundation movements of approximately  $\frac{3}{4}$  inch should be anticipated for foundations supported on native soils or structural fill. Foundations bearing on granitic bedrock will experience negligible settlement. Differential movement between footings with similar loads, dimensions, and base elevations should not exceed two-thirds of the values provided above for total movements. The majority of the anticipated movement will occur during the construction period as loads are applied.

Lateral loads, such as wind or seismic, may be resisted by passive soil pressure and friction on the bottom of the footing. The recommended coefficient of base friction is 0.5 for soils and structural fill and 0.6 for granitic bedrock. These values have been reduced by a factor of 1.5 on the ultimate soil strength. Design values for active and passive equivalent fluid pressures are 34 and 400 psf per foot of depth, respectively, for spread footings bearing on compacted native soils or structural fill and backfilled with structural fill. Design values for active and passive equivalent fluid pressures bearing on bedrock and placed against undisturbed granitic bedrock are 25 and 600 psf per foot of depth, respectively. All exterior footings should be placed a minimum 2 feet below adjacent finished grade for frost protection.

If loose, soft, wet, or disturbed soils are encountered at the foundation subgrade, these soils should be removed to expose undisturbed granular soils or granitic bedrock and the resulting over-excavation backfilled with compacted structural fill. The base of all excavations should be dry and free of loose soils at the time of concrete placement.

## Retaining Walls

Based on the existing topography and the proposed lower level finished floor elevations of the buildings, we anticipate the project will incorporate multiple retaining walls which are likely to include both site retaining walls and below-grade basement retaining walls for portions of each of the buildings. We assume site retaining walls may include some combination of shallowly founded, flexible-type retaining walls, such as mechanically stabilized earth walls or gravity block walls, or rigid cast-in-place PCC walls. Below-grade basement walls are likely to be rigid cast-in-place PCC walls, potentially in combination with a reinforced excavation utilizing soil nails or rock bolts and shotcrete. Specialized contractors are readily available for design/build of any needed specialized walls. Black Eagle Consulting, Inc. can coordinate with these contractors as well as provide special inspection as desired.

### Retaining Wall Design Parameters

Table 6 (Lateral Earth Pressure Values [Equivalent Fluid Density]) provides design parameters for fully drained retaining walls with vertical back faces, horizontal backfill, and no surcharge loads next to the top of the wall. Recommendations for retaining wall drainage are provided in the **Retaining Wall Drainage Design** section. Surcharge loads, including construction and traffic loads, should be added to the following values. While the recommendations here may be suitable for other conditions, we should be consulted for retaining walls with unusual conditions such as sloping backfill (steeper than provided in Table 6), sloping retaining walls, or the presence of hydrostatic pressure. We should also be consulted where retaining walls exceed 20 feet in height. It is



noted that the Table 6 parameters assume temporary excavations into soil and bedrock at typical slopes and backfilling with retaining wall backfill. These values are conservative for retaining walls in the area where cut is to be made into competent bedrock at a steeper ratio or where permanent shoring systems are to be used. Depending on the final design and retaining wall configurations, BEC can provide reduced, appropriate earth pressure values when requested as a separate scope of work.

<b>TABLE 6 - LATERAL EARTH PRESSURE VALUES (EQUIVALENT FLUID DENSITY), pcf<sup>1</sup></b>				
<b>Retained Slope</b>	<b>Static</b>		<b>Dynamic</b>	
	<b>Active*</b>	<b>Passive**</b>	<b>Active*</b>	<b>Passive**</b>
<b>Level</b>	<b>31</b>	<b>150</b>	<b>50</b>	<b>230</b>
<b>3H:1V</b>	<b>39</b>	<b>NA<sup>2</sup></b>	<b>77</b>	<b>NA<sup>2</sup></b>

<sup>1</sup>Pounds per Cubic Foot  
<sup>2</sup>No sloping ground considered on passive side. Use values for level ground.  
 \*For walls that are free to yield at least 0.2 percent of the wall height.  
 \*\*The values presented have been reduced from the ultimate passive resistance values by 67 and 50 percent to limit deflection under static and dynamic conditions, respectively.

Restrained walls should be designed to resist an at-rest equivalent fluid density (static value) of 55 pounds per cubic foot.

The allowable bearing pressure values for retaining wall foundations are provided above in the **Foundation** section. Lateral loads will be resisted by friction along the base of retaining wall footings and by passive resistance against buried foundation walls. Foundation wall footings cast directly on compacted native soils or structural fill can be designed using a coefficient of base friction of 0.5. Retaining wall footings cast directly on competent bedrock can be designed using a coefficient of base friction of 0.6. These values have been reduced by a factor of 1.5 on the ultimate soil strength.

### Retaining Wall Drainage Design

For cast-in-place PCC and gravity walls, subsurface foundation drainage must be installed along the retaining wall foundations. The wall foundation drainage system for these walls may be accomplished by placing a non-woven geotextile/gravel system with a network of perforated drain pipes below and along the outside base of the footings. The geotextile shall meet or exceed the minimum properties presented in Table 7 (Minimum Required Properties for Drainage Geotextile).



**TABLE 7 - MINIMUM REQUIRED PROPERTIES FOR DRAINAGE GEOTEXTILE**

Grab Tensile (ASTM D 4632)	90 lbs.
Puncture Strength (ASTM D 4833)	50 lbs.
Burst Strength (ASTM D 3786)	150 psi.

A trench shall be excavated to a depth of at least 6 inches below the base and directly adjacent to the outside of the footings. A perforated, 4-inch-diameter drain pipe shall be placed in the bottom of the trench and graded to drain downslope. A minimum of 12 inches of Class C drain rock (*Standard Specifications for Public Works Construction [SSPWC]*, 2012) shall be placed above the drain pipe and around the footing, then covered by the geotextile.

All retaining walls should have an appropriate drainage system to reduce accumulation of water and development of pore water pressure unless the walls are designed to resist hydrostatic pressure. Retaining wall drainage for site retaining walls can be accomplished by installing granular backfill and a weep hole drain system at the bottom of the wall (or a prefabricated drain system discussed below, if preferred). The drain rock section shall be a minimum of 18 inches wide and extend to within 12 inches of finished grade. A drainage geotextile (Table 7) shall be placed between the drain rock backfill and the native soils to prevent migration of fines into the drain rock. The drainage geotextile may be eliminated where retaining walls are constructed against bedrock and the backfill is to include entirely drain rock.

Retaining wall drainage for below-grade building walls shall include a drain section discussed above or the installation of a prefabricated drain system that is hydraulically connected to the foundation drain system. A prefabricated drain system consists of a three-dimensional mesh or waffle structure with a geotextile on one side, such as Mirafi® *Miradrain G100N*, that is fastened to the back side of the wall with the geotextile side facing the backfill. The prefabricated drain mat connects at the bottom of the wall either to a drain pipe or empties into drain rock backfill wrapped in a geotextile at the base of the wall that then drains downslope of the structure to a storm drain or to one or more sump locations from which collected water can be pumped into a storm drain.

A concrete interceptor swale or properly designed rock-lined swale shall be included at the backfill surface to direct runoff away from the wall.

Snow storage locations on the project site should be restricted to paved areas where positive surface drainage is maintained. Snow should not be stored above the retained zone of the retaining walls.

## Retaining Wall Backfill

Native soils and excavated bedrock can be used as wall backfill provided particles larger than 4 inches are removed. Backfill behind retaining walls shall be compacted to 90 percent of the material's maximum dry density in accordance with ASTM D 1557, but it shall not be densified to more than approximately 92 percent relative





density to minimize pressure against the walls. Care must be exercised when compacting backfill against retaining walls and foundations. To reduce temporary construction loads on the walls, heavy equipment shall not be used for placing and compacting fill within a region as determined by a 0.5H:1V line drawn upward from the bottom of the wall, or within 3 feet of the wall, whichever is greater. We recommend that hand-operated compaction equipment be used to compact soils adjacent to retaining walls.

Where structural improvements (e.g., sidewalks, drives, etc.) are to be located above retaining wall backfill, it is critically important that compaction of these materials be diligently tested and inspected to minimize any undesirable differential movement.

### Waterproofing Walls

Cast-in-place PCC walls should be waterproofed in accordance with the recommendations of the project structural engineer. To reduce the potential for water- and sulfate/salt-related damage or efflorescence to the retaining walls, particular care should be taken in selection of the appropriate type of waterproofing material to be utilized and in the application of this material. Any cold joints, such as between footings and walls, should be waterproofed with an appropriate, highly durable sealant. Basement seepage is extremely difficult and costly to repair; therefore, the wall drainage and waterproofing systems for basement retaining walls of the buildings must be well-designed and properly installed.

### Retaining Wall Backfill Settlement

We anticipate retaining walls up to 20 feet tall will be constructed. In general, the compacted backfill could undergo internal consolidation of about one half a percent of the fill depth. This internal consolidation of compacted backfill could be significant for wall backfill in excess of 10 feet. The settlement associated with internal consolidation of compacted backfill 20 feet thick could be on the order of 1 to 1.5 inches. This level of settlement may adversely impact any structural improvements founded on the wall backfill (e.g., pavements and flatwork). With the use of granular structural fill, we anticipate the majority of internal consolidation of backfill soils will be complete about 30 days after fill placement. We recommend improvements such as exterior flatwork constructed over backfill zones be minimized as much as possible or alternatively constructed to span across the backfill zone. At an absolute minimum, all structural improvements that are to be founded on backfill of 10 feet or more shall be delayed a minimum of 30 days after completion of backfill placement. The project schedule shall incorporate this required time delay.

## Subsidence and Shrinkage

Subsidence of native soils or granitic bedrock exposed in cut should be negligible. On-site soils excavated and recompacted in structural fills should experience quantity shrinkage of approximately 10 percent, including removal of oversized particles. In other words, 1 cubic yard of excavated granular alluvium will generate about 0.9 cubic yards of structural fill at 95 percent relative compaction. The quantity of shrinkage/swell of granitic bedrock



materials is difficult to predict and will vary depending on the degree of weathering and the presence of hard, oversized rocks within the generally weathered bedrock. Considering a low percentage of oversized particles, we expect the quantity of shrinkage/swell of the on-site, generally weathered granitic bedrock will vary between 5 percent shrinkage to 5 percent swell.

## Slope Stability and Erosion Control

Stability of cut and filled surfaces involves 2 separate aspects. The first concerns true slope stability related to mass wasting, landslides, or the en masse downward movement of soil or rock. Stability of cut and fill slopes is dependent upon shear strength, unit weight, moisture content, and slope angle. The *IBC* (ICC, 2012), adopted by Washoe County, allows cut and fill slopes up to 2H:1V in the type of soils present at this site. The exploration and testing program conducted during this investigation confirms 2H:1V slopes will be stable at the site. Steeper slopes will be allowed in competent granitic bedrock but should be evaluated on a case-by-case basis. Once final design details become available, BEC can perform location-specific slope stability analyses to evaluate any steeper slopes when requested.

The second aspect of stability involves erosion potential and is dependent on numerous factors involving grain size distribution, cohesion, moisture content, slope angle, and the velocity of water or wind on the ground surface. We recommend erosion control of cut and fill for soil slopes that are 5H:1V or steeper. Soil slopes between 3H:1V and 5H:1V can be stabilized by hydroseeding. Soil slopes steeper than 3H:1V require mechanical stabilization with such alternatives as rock rip-rap or erosion control matting. The shallow, weathered granitic bedrock at the site may also need to be considered soil-like material depending on the severity of weathering and the potential for erosion. Erosion protection is not necessary for cut slopes made into competent granitic bedrock; however, such rock is generally only present at depth within the site.

Dust potential at this site will be moderate during dry periods. Temporary (during construction) and permanent (after construction) erosion control will be required for all disturbed areas. The contractor shall prevent dust from being generated during construction in compliance with all applicable city, county, state, and federal regulations. The contractor shall submit an acceptable dust control plan to the Washoe County District Health Department prior to starting site preparation or earthwork. Project specifications should include an indemnification by the contractor of the owner and engineer for any dust generation during the construction period. The owner will be responsible for mitigation of dust after accepting the project.

In order to minimize erosion and downstream impacts to sedimentation from this site, best management practices with respect to stormwater discharge shall be implemented.



## Concrete Slabs

All concrete slabs shall be directly underlain by at least 4 inches of imported Type 2, Class B aggregate base (SSPWC, 2012). Aggregate base courses shall be densified to at least 95 percent relative compaction.

Final design of the building floor slab (both thickness and reinforcement) shall be performed by the project structural engineer. Coefficient of subgrade reaction (K-value) values of 200 and 350 pounds per cubic inch are appropriate for use in design of concrete slabs founded on compacted soil/structural fill and granitic bedrock, respectively. Any interior concrete slab-on-grade floors shall be a minimum of 4 inches thick. Floor slab reinforcement, as a minimum, shall consist of No. 3 reinforcing steel placed on 24-inch centers in each direction, or flat sheets of 6x6, W4.0xW4.0 welded wire mesh (WWM). Rolls of WWM are not recommended for use because vertically centered placement of rolled WWM within a floor slab is difficult to achieve. All reinforcing steel and WWM shall be centered in the floor slab through the use of concrete dobies or an approved equivalent

Valley gutters shall include at least 6 inches of fibermesh concrete (4,000 pounds per square inch [psi]). These exterior rigid pavements have been designed using the American Association of State Highway and Transportation Officials (1993) method for concrete with a 28-day flexural strength of 570 psi (approximately 4,000 psi compressive strength).

The Crystal Bay area is a region with low relative humidity. As a consequence, concrete flatwork is prone to excessive shrinking and curling. Concrete mix proportions and construction techniques, including the addition of water and improper curing, can adversely affect the finished quality of concrete and result in cracking, curling, and the spalling of slabs. We recommend that all placement and curing be performed in accordance with procedures outlined by the American Concrete Institute (2008) and this report. Special considerations shall be given to concrete placed and cured during hot or cold weather temperatures, low humidity conditions, and windy conditions such as are common in the Crystal Bay area.

Proper control joints and reinforcement shall be provided to minimize any damage resulting from shrinkage, as discussed below. In particular, crack-control joints shall be installed on maximum 10-foot centers and shall be installed to a minimum depth of 25 percent of the slab thickness. Saw-cuts, zip strips, and/or trowel joints are acceptable; however, saw-cut joints must be installed as soon as initial set allows and prior to the development of internal stresses that will result in a random crack pattern. If trowel joints are used, they will need to be grouted over prior to installation of floor coverings.

Concrete shall not be placed on frozen in-place soils.

Any interior concrete slab-on-grade floors will require a moisture barrier system. Installation shall conform to the specifications provided for a Class B vapor restraint (ASTM E 1745-97). The vapor barrier shall consist of placing a





10-mil-thick Stego® Wrap Vapor Barrier or an approved equal directly on a properly prepared subgrade surface. A 4-inch-thick layer of aggregate base shall be placed over the vapor barrier and compacted with a vibratory plate.

The base layer that overlies the moisture barrier membrane shall remain compacted and a uniform thickness maintained during the concrete pour, as its intended purpose is to facilitate even curing of the concrete and minimize curling of the slab. Extra attention shall be given during construction to ensure that rebar reinforcement and equipment do not damage the integrity of the vapor barrier. Care must be taken so that concrete discharge does not scour the base material from the vapor barrier. This can be accomplished by maintaining the discharge hose in the concrete and allowing the concrete to flow out over the base layer.

## Site Drainage

The collection and diversion of surface and subsurface water away from buildings, paved areas, and retaining walls is vital to satisfactory performance of this project. The subsurface and surface drainage systems should be carefully designed to facilitate removal of water from structures and paved areas. Allowing surface water to pond on or adjacent to pavements will cause premature pavement deterioration. Permitting increases in moisture to the building supporting soils may result in a decrease in bearing capacity and an increase in settlement and/or differential movement. Surface drainage should be intercepted by drainage ditches and curbs and gutters and directed toward a suitable outlet. As previously discussed, seasonal snowmelt runoff will produce perched water conditions through the sloping topography along the soil and bedrock interface and may be compounded in cut slopes. Additionally, the construction process itself may compound seepage in areas of cut and could necessitate implementation of adequate drainage controls to prevent the saturation of subgrade and foundation bearing soils. Additional drainage measures will be necessary for retaining structures, as discussed in the **Retaining Wall Drainage Design** section of this report.

## Asphalt Concrete

### Asphalt Concrete Pavement Design

Specific traffic loadings for the project were not available for our analysis; however, we assume the project pavements constructed as part of the building phase will experience relatively light traffic. Paved areas subject to truck traffic shall consist of 4 inches of asphalt concrete underlain by 6 inches of Type 2, Class B aggregate base (SSPWC, 2012). Paved areas restricted to automobile parking can consist of 3 inches of asphalt concrete underlain by 6 inches of aggregate base. All aggregate base beneath asphalt pavements shall be densified to at least 95 percent relative compaction.

### Pavement Maintenance

Asphalt concrete pavements have been designed for a standard 20-year life expectancy as detailed above. Due to the local climate and available construction aggregates, a 20-year performance life requires diligent maintenance.



Between 15 and 20 years after initial construction (average 17 years), major rehabilitation (structural overlay or reconstruction) is often necessary if maintenance has been lax. To achieve maximum performance life, maintenance must include regular crack sealing, seal coats, and patching as needed. Crack filling is commonly necessary every year or at least every other year. Seal coats, typically with a Type II slurry seal, are generally needed every 3 to 6 years depending on surface wear. Failure to provide thorough maintenance will significantly reduce pavement design life and performance.

## Corrosion Potential

### Metal Pipe Design Parameters

Laboratory testing was performed to evaluate the corrosion potential of the soils with respect to metal pipe in contact with the ground. The results of the laboratory testing indicate that the site soils are not corrosive to buried metal (American Water Works Association, 1999). As a result, metal pipe in contact with the ground will not require corrosion protection.

### Portland Cement Concrete Mix Design Parameters

Soluble sulfate content has been determined for representative samples of the site foundation soils. The sulfate was extracted from the soil at a 10:1 water to soil ratio in order to assure that all soluble sodium sulfate was dissolved. The results are reported in milligrams of sulfate per kilogram of soil and can be directly converted to percent by dividing by 10,000. The percent sulfate in the soil is used to determine the sulfate exposure Class (S) from the information presented in Table 8 (Sulfate Exposure Class).

TABLE 8 - SULFATE EXPOSURE CLASS*			
S Sulfate			Water-Soluble Sulfate (SO <sub>4</sub> ) in Soil, Percent by Weight
	Not Applicable	S0	SO <sub>4</sub> < 0.10
	Moderate	S1	0.10 ≤ SO <sub>4</sub> < 0.20
	Severe	S2	0.20 ≤ SO <sub>4</sub> ≤ 2.00
	Very Severe	S3	SO <sub>4</sub> > 2.00

\*From Table 4.2.1 Exposure Categories and Classes. ACI 318, *Buildings Code and Comments*.

The results of the testing (Appendix B) indicate that concrete in contact with the site foundation soils should be designed for Class S0 Sulfate exposure. Therefore, Type II cement can be used for all concrete work.



## Anticipated Construction Problems

Excavations into slopes during the spring snowmelt season may encounter significant perched groundwater resulting in seepage that may affect construction of the project and require dewatering. Difficult excavation is likely within granitic bedrock, particularly within excavations deeper than 20 feet; these conditions may necessitate the utilization of aggressive excavation and trenching techniques.





## Quality Control

All plans and specifications should be reviewed for conformance with this geotechnical report and approved by the engineer prior to submitting them to the building department for review.

The recommendations presented in this report are based on the assumption that sufficient field testing and construction review will be provided during all phases of construction. We should review the final plans and specifications to check for conformance with the intent of our recommendations. Prior to construction, a pre-job conference should be scheduled to include, but not be limited to, the owner, architect, civil engineer, general contractor, earthwork and materials subcontractors, building official, and engineer. The conference will allow parties to review the project plans, specifications, and recommendations presented in this report and discuss applicable material quality and mix design requirements. All quality control reports should be submitted to and reviewed by the engineer.

During construction, we should have the opportunity to provide sufficient on-site observation of preparation and grading, over-excavation, fill placement, foundation installation, and paving. These observations would allow us to verify that the geotechnical conditions are as anticipated and that the contractor's work is in conformance with the approved plans and specifications.



## Standard Limitations Clause

This report has been prepared in accordance with generally accepted geotechnical practices. The analyses and recommendations submitted are based on field exploration performed at the locations shown on Plate 1. This report does not reflect soils variations that may become evident during the construction period, at which time re-evaluation of the recommendations may be necessary. We recommend our firm be retained to perform construction observation in all phases of the project related to geotechnical factors to ensure compliance with our recommendations.

Static groundwater was not encountered in our exploration. However, seasonal snowmelt runoff will produce perched water conditions, as discussed within this report. Construction planning should be based on the assumption of the possibility of encountering perched water.

This report has been produced to provide information allowing the architect or engineer to design the project. The owner is responsible for distributing this report to all designers and contractors whose work is affected by geotechnical aspects. In the event there are changes in the design, location, or ownership of the project from the time this report is issued, recommendations should be reviewed and possibly modified by the engineer. If the engineer is not granted the opportunity to make this recommended review, he or she can assume no responsibility for misinterpretation or misapplication of his or her recommendations or their validity in the event changes have been made in the original design concept without his or her prior review. The engineer makes no other warranties, either express or implied, as to the professional advice provided under the terms of this agreement and included in this report.



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# BOULDER BAY COMMUNITY ENHANCEMENT PROGRAM PROJECT

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## Final Environmental Impact Statement



### **Tahoe Regional Planning Agency**

128 Market Street  
P.O. Box 5310  
Stateline, NV 89449

**September 8, 2010**

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- 6.0 MITIGATION AND MONITORING PROGRAM
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- Appendix AF – Stillwater Cove (SWC) Project Mitigation Agreement
- Appendix AG – CEP Resolution Compliance Matrix
- Appendix AH – Boulder Bay Alternative C Building Elevations



## **8 RESPONSE TO COMMENTS ON THE DEIS**

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### **8.1 INTRODUCTION**

This document is a Final Environmental Impact Statement (FEIS) prepared on behalf of the Tahoe Regional Planning Agency (TRPA) pursuant to the Tahoe Regional Planning Compact and the TRPA Code of Ordinances. On November 6, 2009, TRPA distributed to public agencies and the general public a Draft Environmental Impact Statement (DEIS) for the Boulder Bay Community Enhancement Program Project (Boulder Bay Project). In accordance with Article VII(a) of the Tahoe Regional Planning Compact, Article 6.13.b of the TRPA Rules of Procedure, and TRPA Code of Ordinances Section 5.8.A(4), a 60-day public review period was provided for the DEIS. The review period was extended by 30 days to February 4, 2010 based on a request by local non-profit groups. Three public hearings were held in November and December 2009 to solicit comments on the DEIS. The TRPA conducted hearings before the Governing Board on November 18, 2009 (The Chateau, Incline Village) and December 16, 2009 (TRPA Board Rooms, South Shore), and one hearing before the Advisory Planning Commission on December 9, 2009 (TRPA Board Rooms, South Shore). Additionally, a DEIS open house was held on December 1st at the Tahoe Biltmore Nevada Room (Crystal Bay, NV) for TRPA staff to answer questions about the EIS process.

Boulder Bay, LLC is pursuing the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a mixed-use resort community located at North Stateline in Crystal Bay, Nevada. The Boulder Bay Project area currently consists of the 76 foot tall four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, a storage building that was previously the Horsebook Casino, the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Boulder Bay Project area consists of a total of 16.26 acres on 13 distinct parcels. The DEIS evaluated the potential environmental impacts associated with the Proposed Project (Alternative C), No Project (Alternative A), and three separate redevelopment Alternatives (Alternatives B, D, and E).

Written and oral comments were received from State and local agencies and from organizations and individuals. Pursuant to Article 6.14 of the TRPA Rules of Procedure, “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.”

This FEIS has been prepared to respond to comments received on and to make appropriate revisions to the DEIS. Chapter 8.5 of this FEIS summarizes comments received during the public review period for the DEIS and provides responses to significant environmental issues raised in those comments. Some comments warrant revisions to the text of the DEIS, and are incorporated into the text of responses to comments. The DEIS revisions are summarized in Chapter 9 of this FEIS.

### **8.2 REQUIREMENTS FOR EIS CERTIFICATION AND FUTURE STEPS IN PROJECT APPROVAL**

The FEIS is intended to be used by the TRPA Governing Board when considering approval of the Proposed Project or an Alternative to the Proposed Project. In accordance with Article 6.16 of the TRPA Rules of Procedure, TRPA must certify the FEIS by making “a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and

these Rules of Procedure.” Before consideration of the FEIS by the TRPA Governing Board, the Advisory Planning Commission must review and make a recommendation to the Board regarding certification. The Board must provide an opportunity for comment on the FEIS and has the discretion to limit such comment to the responses to comments or other new information in the proposed FEIS. Before action by the Board on the Project, the Board shall certify the FEIS. The Board cannot approve the Project before certification of the FEIS. The TRPA Governing Board will hold a public hearing to consider certification of the FEIS and to decide whether or not to approve the Proposed Project or an Alternative to the Proposed Project.

### 8.3 USE OF COMMENT SUMMARIES

The full text of all written comments is included in Appendix Z. A comment number in the margin identifies each comment; responses use the same corresponding number system. To facilitate reading the response to comments, a summary of each comment is inserted in italics just prior to each response. This summary does not substitute for the actual comment and the reader is urged to read the full original text of all comments. The responses are prepared as an answer to the full text of the original comment, and not to the abbreviated summary.

### 8.4 COMMENT LETTERS RECEIVED ON THE DEIS

Each comment letter received on the DEIS has been numbered based upon date of receipt and is included in Appendix Z. Three Hundred and Sixty-Four (364) comment letters were received on the DEIS.

Comments that state a position for or against a specific Alternative are appreciated, as this gives the Agency a sense of the public's feeling and beliefs about a proposed course of action. Such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation. The following people submitted comments that offer support for the approval of the Project but provided no comment on the merits of the DEIS. The support is noted for the project record, but no further response is necessary.

Comments in Support of the Project			
Letter Number	Author (Last, First)	Agency/ Organization	Date Received
1	Pridmore, Nancy and Clint		11/03/2009
2	Adkins, Randy		11/05/2009
3	Leach, M. Roger		11/05/2009
4	Andrews, Richard		11/06/2009
5	Bacon, Kemby		11/06/2009
6	Haugland, Ron		11/06/2009
7	Meiling, Dean		11/06/2009
8	Merkow, Josh		11/06/2009
9	Stewart, Joe		11/06/2009
10	Maurer, Julie		11/09/2009
11	Moore, Terry		11/10/2009
12	Muller, John		11/10/2009

<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
13	Armand, Debi		11/11/2009
14	Basta, Robert		11/11/2009
15	Beck, Tim		11/11/2009
16	Twomey, Kelli		11/11/2009
17	Achondo, Dan and Linda		11/12/2009
18	Myers, Daniel		11/12/2009
20	Burns, John		11/13/2009
21	Antrim, Ron		11/15/2009
22	Haugland, Nicole		11/16/2009
23	Loomis, John		11/16/2009
24	Martinez, Robert	Nevada Division of Water Resources	11/16/2009
25	Merryfield, John and Carol		11/16/2009
26	Blair, Connie		11/17/2009
27	Buckley, Andy		11/17/2009
28	Dahl, Evan		11/17/2009
30	Dalton, Colleen		11/17/2009
31	Lawshe, Jasone		11/17/2009
32	Lontz, Shannon		11/17/2009
33	McGaughey, Eric		11/17/2009
34	Paulson, David		11/17/2009
35	Rachuy, Paula		11/17/2009
36	Stansell, Debbie		11/17/2009
38	Yates, Tim		11/17/2009
39	Colyer, Jan	Truckee-North Tahoe Transportation Management Association	11/18/2009
41	Meiling, Dean		11/18/2009
42	Teshara, Steve	North Lake Tahoe Chamber of Commerce	11/18/2009
43		Northstar Environmental Action Team	11/18/2009
44	Anderson, Madeline		11/19/2009
45	Cates, Matt		11/19/2009
47	Lounsberry, Linda		11/19/2009
48	Lounsberry, Robert		11/19/2009



<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
49	Zahler, Paul		11/19/2009
50	Cromwell, Wayne		11/22/2009
51	Johnson, Kris		11/23/2009
52	Morris, Peter		11/30/2009
53	Setty, Matthew		11/30/2009
55	Dowdle, Larry		12/01/2009
56	Ferrari, Dave		12/01/2009
57	Guassauo, Patricia		12/01/2009
58	Gurowitz, Ed		12/01/2009
59	Harford, Oriva		12/01/2009
60	Maxson, Robert	Sierra Nevada College	12/01/2009
61	Schneider, Maia		12/01/2009
64	Yount, Stewart		12/01/2009
65	Reynolds, Paul and Ann		12/02/2009
66	Dowdle, Candy		12/03/2009
67	Muller, John	Tahoe Biltmore	12/04/2009
68	Koster, George		12/06/2009
69	Vaca, Emilio	North Tahoe Family Resource Center	12/06/09
70	Guttman, Paul		12/07/2009
71	Kyler, Susan		12/07/2009
72	McKibben, Steve	Lake Tahoe School	12/07/2009
73	Mourelatos, Alex		12/07/2009
74	Peterson, James		12/07/2009
75	Sprenger, Cheri	North Tahoe Business Association	12/07/2009
76	Townsend, Bruce		12/07/2009
77	Wright, Jamie	Truckee North Tahoe Transportation Management Association	12/07/2009
78	Kang, Meea	Domus Development	12/08/2009
80	Benka, Joyce		12/10/2009
81	Cecchi, Amy		12/10/2009
82	de Leon, Fran		12/10/2009
84	Lowden, Chrystie		12/10/2009
85	Maroney, Kimberly		12/10/2009

<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
86	Palmer, Rebecca	Nevada State Historic Preservation Office	12/10/2009
87	Patrick, Deana		12/10/2009
88	Shoemaker, Dorea		12/10/2009
89	Polsen, Robert		12/11/2009
90	Stevenson, Luke		12/11/2009
91	Wallpe, Courtenay		12/11/2009
92	Kroll, Mary Jane		12/12/2009
94	Gaffaney, Tyler		12/13/2009
95	Chairman	Incline Village/Crystal Bay Visitors Bureau	12/14/2009
96	Gaffaney, John		12/14/2009
97	Paulson, David	Northstar Environmental Action Team	12/14/2009
98	Polsen, Brian		12/14/2009
99	Barth, Gina		12/15/2009
104	Evans, Bridget		12/16/2009
105	Francis, Joseph		12/16/2009
106	Gaffaney, Patricia		12/14/2009
107	Graeber, Anthony		12/16/2009
111	Rovig, Cari		12/17/2009
113	Van Lom, Keaven		12/18/2009
114	Otto, Chuck		12/19/2009
115	Fuetsch, Tom		12/20/2009
116	Roesch, Randy		12/23/2009
119	Hane, William		12/30/2009
125	Kenninger, Steve	Sierra Colinga, LLC	01/05/2010
130	Lee, Gary		01/20/2010
131	Stuver, Emily		01/21/2010
132	Stuver, John		01/22/2010
133			01/22/2010
135	Adkins, Randall		01/25/2010
136	Randolph-Wall, Ron		01/25/2010
138	Brown, Randen		01/26/2010
139	Carey, Karen		01/26/2010
140	Geiger, Edward		01/26/2010

<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
141	Leijon, Sheila		01/26/2010
142	Nobles, Tim		01/26/2010
143	Walsh, John		01/26/2010
144	Ward, Joseph		01/26/2010
145	Aronson, Ron		01/27/2010
146	Hill, Elizabeth		01/27/2010
147	Omundsen, Thea		01/27/2010
148	Robertson, Les		01/27/2010
149	Wardle, Gary		01/27/2010
151	Chandler, Jacquie		01/28/2010
152	Gilan Farr, Philip	Gilan Farr and Associates Architecture	01/28/2010
153	Good, Andy		01/28/2010
154	Hill, Donna		01/28/2010
155	Kreling, Renton		01/28/2010
156	Masters, Shahri		01/28/2010
157	Rosenbloom, Zaq		01/28/2010
158	Servin, Alvaro		01/28/2010
159			01/28/2010
160	Eldridge, David		01/29/2010
161	Moore, Travis		01/29/2010
163	Vince, Scott		01/29/2010
164	Colyer, Jan		01/30/2010
165	Devenish, Ronnie		01/30/2010
166	Fabrizio, David		01/30/2010
167	Matta, Meg		01/30/2010
168	Schaller, Richard		01/30/2010
170	Carlson, Cory		02/01/2010
173	Leach, M. Roger		02/01/2010
174	Lefrancois, Michael		02/01/2010
175	Serpa, Joe		02/01/2010
176	Tocchetti, Jody		02/01/2010
177	Watson, Bill	Thunderbird Lodge Preservation Society	02/01/2010
190	Duggan, Theresa May		02/02/2010



<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
194	Fischer, Wayne		02/02/2010
203	Holman, Robert		02/02/2010
205	Kennedy, Suzan		02/02/2010
207	Lautrup, Roberta		02/02/2010
211	Mandio, Brian		02/02/2010
216	Mein, Thomas		02/02/2010
220	Parker, Gerry		02/02/2010
221	Polomsky, Robbie		02/02/2010
229	Scordy, David		02/02/2010
242	Alcini, Richard		02/03/2010
245	Arndt, Steven		02/03/2010
247	Bandyke, Barbara		02/03/2010
250	Berardo, Lynn		02/03/2010
251	Berardo, Stevan		02/03/2010
254	Bourdeau, Joe		02/03/2010
256	Brinkley, Linda		02/03/2010
260	Chamberlain, Michael		02/03/2010
261	Cole, Erika		02/03/2010
262	Cresta, Octavio		02/03/2010
265	Flower, Rachel		02/03/2010
266	Fung, Donna		02/03/2010
268	Gillette, Lynn		02/03/2010
271	Hancock, David		02/03/2010
273	Hardie, David		02/03/2010
279	Lefrancois, Pam		02/03/2010
285	Mirzayan, Ara		02/03/2010
288	Offerdahl, Linda		02/03/2010
299	Schneider, Maia		02/03/2010
302	Sharp, Heather		02/03/2010
307	Stock, Ned		02/03/2010
315	Weaver, Matthew		02/03/2010
319	Yantis, Kristin		02/03/2010
320	Young, Kristine		02/03/2010
321	Yount, Geri		02/03/2010
324	Berliner, Art and Marilyn		02/04/2010

<b>Comments in Support of the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
328	Crowe, Thomas		02/04/2010
330	Ellis, William		02/04/2010
333	Goins, Derek		02/04/2010
340	Kimbrough, Mark		02/04/2010
341	Lalchandani, Margo and Atam		02/04/2010
343	McClellan, Wendy		02/04/2010
344	McKelway, Russell		02/04/2010
345	Moresi-Kellogg, Diane and Bob		02/04/2010
346	Mueller, Wendy		02/04/2010
347	Neary, Jason		02/04/2010
348	O'Toole, Daniel		02/04/2010
349	Plowman, Rick		02/04/2010
351	Regan, Michael		02/04/2010
353	Robinson, Tony		02/04/2010
354	Rovig, Cari		02/04/2010
356	Savary, Carol		02/04/2010
358	Stranzl, Christie		02/04/2010
359	Sussman, Dr. Norman		02/04/2010
362	Weber Koch, Lee		02/04/2010
364	Epstein, Don		

The following people submitted comments that offer general opposition to the Project but provided no comment on the content of the DEIS. The opposition is noted for the project record, but no further response is necessary.

<b>Comments in Opposition to the Project</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
118	Cronin, Linda		12/30/2009
123	Stephens, Doug and Kathleen		01/01/2010
162	Pata, Jason		01/29/2010
182	Brown, Robert		02/02/2010
183	Carlisle, Monique		02/02/2010
185	Cronklin, Ted		02/02/2010
191	Enger, Sue		02/02/2010
192	Fera, Thomas		02/02/2010

Comments in Opposition to the Project			
Letter Number	Author (Last, First)	Agency/ Organization	Date Received
195	Francis, Craig		02/02/2010
197	Frost, Ron		02/02/2010
201	Havilan, Kathleen		02/02/2010
202	Hoag, Silvija		02/02/2010
214	Mealy, Nora		02/02/2010
218	Morioka, Thomas		02/02/2010
219	Ouilhon, John		02/02/2010
223	Reid, Donna		02/02/2010
226	Roth, Elaine		02/02/2010
227	Saint, Mike		02/02/2010
243	Anderson, Lars		02/03/2010
249	Barnum, Shirley		02/03/2010
290	Peterson, Madeline and Larry		02/03/2010
293	Plummer, Gerald		02/03/2010
298	Ryan, Dwight		02/03/2010
301	Seaman, Edward and Jane		02/03/2010
304	Shaw, Sara		02/03/2010
314	Wagner, Rebecca		02/03/2010
355	Rutledge, John		02/04/2010
361	Trute, Barry		02/04/2010

The following people submitted the same comment on the Project by signing (submitting) a form letter regarding adequacy of the traffic analysis, assessment of fine sediment loads, and provision of adequate BMPs. Responses to these form letter comments are provided as **Master Response 1** below.

Form Letter Comments			
Letter Number	Author (Last, First)	Agency/ Organization	Date Received
178	Ballerini, Jennifer		02/02/2010
179	Balsama, Connie		02/02/2010
180	Becker, Jody Anne		02/02/2010
181	Binger, Elaine		02/02/2010
184	Case, Del		02/02/2010
186	Crumpton, Thomas		02/02/2010
187	Cunningham, Patricia		02/02/2010
189	Drew, Jennifer		02/02/2010



Form Letter Comments			
Letter Number	Author (Last, First)	Agency/ Organization	Date Received
193	Fidaleo, Kathleen		02/02/2010
198	Garofalos, John		02/02/2010
199	Gilmore, Chandra		02/02/2010
200	Gregg, Ronald		02/02/2010
204	Howard, Garrett		02/02/2010
206	Landowne, Debroah		02/02/2010
208	Lightcap, Allison		02/02/2010
209	Lyman, Ann		02/02/2010
210	Lyman, Robert		02/02/2010
213	Matusich, Robbie		02/02/2010
215	Meillier, Laurent		02/02/2010
217	Mellea, Brian		02/02/2010
222	Posanka, William		02/02/2010
224	Rogers, Tracy		02/02/2010
225	Rosser, Gwen		02/02/2010
228	Scharpf, Jason		02/02/2010
230	Seltzer, Rob		02/02/2010
231	Stirton, Jack and Mary		02/02/2010
232	Taylor, Clark		02/02/2010
233	Tilton, Patti		02/02/2010
238	Visbal, Jonathan		02/02/2010
239	Volkman, Billy		02/02/2010
240	Werner, Suzanne		02/02/2010
241	Williams, Liz		02/02/2010
246	Arntz, Julie		02/03/2010
248	Banfield, Charles		02/03/2010
252	Blume, Mark		02/03/2010
253	Boos, Kathleen		02/03/2010
257	Broadfoot, Pamela		02/03/2010
263	Dixon, Bob		02/03/2010
267	Giffin, Robert		02/03/2010
270	Giurgiulescu, Mihai		02/03/2010
272	Handwerker, Elliot		02/03/2010
275	Hayes, Janet Gray		02/03/2010
276	Keil, Kirk		02/03/2010

<b>Form Letter Comments</b>			
<b>Letter Number</b>	<b>Author (Last, First)</b>	<b>Agency/ Organization</b>	<b>Date Received</b>
277	Keyani, Judith		02/03/2010
278	Lane, Thomas		02/03/2010
280	Lin, Daphne		02/03/2010
281	Lorenson, Ray		02/03/2010
282	MacFayden, Gary		02/03/2010
283	Matthews, Alan		02/03/2010
287	Naes, Roxie		02/03/2010
289	Oliver, Burton		02/03/2010
291	Pettone, Catherine		02/03/2010
292	Pitcairn, Alexandra		02/03/2010
294	Postle, Robert and Susan		02/03/2010
295	Randall, Brandy		02/03/2010
296	Ritchey, Craig		02/03/2010
297	Rowberg, Carol		02/03/2010
300	Schommer, Edward		02/03/2010
303	Shaw, Judith		02/03/2010
305	Smetana, Janet		02/03/2010
309	Sweeney, Cathi		02/03/2010
310	Taylor, Linda		02/03/2010
312	Vernon, Andrew		02/03/2010
317	William, Siegling		02/03/2010
318	Wright, Gerald and Nancy		02/03/2010
323	Ball, Jane		02/04/2010
325	Brooks, David		02/04/2010
326	Callaway, Steve		02/04/2010
327	Coglizer, David		02/04/2010
329	De Luchi, Denis		02/04/2010
331	George, Fred		02/04/2010
334	Good, Jo		02/04/2010
336	Gruber, David		02/04/2010
342	Lynn, Dr. Richard		02/04/2010
350	Reeves, Sandra		02/04/2010
361	Waller, Peter		02/04/2010

## 8.5 RESPONSE TO UNIQUE WRITTEN COMMENTS

Review of the comments made on the DEIS showed that a number of comments from commenting parties are similar in content. **Master Responses** have been prepared for those topics that were frequently raised. Where appropriate in the responses to comments of this final document, the reader is referred to the **Master Responses**. Responses to written comments not addressed in the **Master Responses** are provided following the **Master Responses**. The four **Master Responses** included in this FEIS are:

1. Response to Comments included in a Form Letter (Traffic analysis, Water Quality Benefits, and BMPs)
2. Traffic Baseline
3. Internal/External Alternative Mode Trips, Fehr & Peers Mixed Use Development Model
4. Accessory Uses in Relation to the Traffic Analysis

### Master Response 1 – Form Letter Response to Comments

*Comment Summary – The EIS needs to include an adequate traffic analysis, a quantification of water quality benefits, including fine sediment load reduction and complete and fully maintained BMPs for water quality.*

#### **Traffic Analysis**

Comments regarding the traffic analysis baseline conditions and trip generation are discussed in **Master Responses 2, 3, and 4** and referenced to Appendix AA of the FEIS, which includes the *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* Technical Memorandum (Fehr & Peers, 2010).

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 all other traffic studies conducted by TRPA for recent Environmental Impact Studies. The DEIS traffic study 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 prepare a Technical Memorandum (Appendix AA) to be used by the decision maker(s) and the public to improve decision-making.

#### **Water Quality Benefits and Fine Sediment Load Reduction**

The TRPA Code of Ordinances requires that a project capture the 20 yr-1hr storm on site and meet water quality discharge limits. There is currently no requirement for fine sediment, nitrogen or phosphorus load reduction. The proposed Storm Water Management Plan for Alternative C and D 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). See supplemental water quality analysis (titled *Surface Water Quality - Quantification of Design Benefits for the Boulder Bay Community Enhancement (CEP) Project Stormwater*



*Treatment System*) added in Appendix AB of the FEIS. This supplemental analysis utilizes pre-project monitoring data (DEIS Appendix P) in combination with Desert Research Institutes (DRI) data (*Brockway Project Area Stormwater Runoff and Characterizations Study*, Heyvaert et al. 2008) linked to daily climate data from wet and dry water years (including El Nino events) in the Load Simulation Prediction in C++ coefficients (LSPC) to provide more robust estimates of total sediment (TSS) and fine sediment (FSP) load reductions from the project area.

The simulated scenarios include stormwater management programs (SWMPs) designed for the following four conditions:

- Existing Conditions (EC);
- Existing Conditions retrofitted to treat the TRPA 20yr/1hr design storm total runoff volume (E20);
- Alternative C (Proposed Project) built to treat the TRPA 20yr/1hr design storm total runoff volume (C20); and
- Alternative C (Proposed Project) built to treat the 100yr/1hr total runoff volume (C100).

The supplemental analysis addresses the question: What is the benefit of implementation of SWMPs for C100 vs. C20? Boulder Bay does not claim CEP credit for reductions of C100 vs. EC. The “over and beyond” of the Project is only communicated for C100 vs. E20 and C100 vs. C20. Table 8.5-1 summarizes the predicted runoff results. For E20, C20 and C100, the SWMP contains all of the project area runoff in the event of a 20yr/1hr storm. The total runoff, including NDOT and Washoe County ROWs for the 20yr/1hr storm is 16,428 cubic feet (CF) for E20, 0 CF for C20, and 0 CF for C100. In the event of a 100yr/1hr storm event the total runoff for the project area, including ROWs, is 37,920 CF for E20, 21,488 CF for C20 and 0 CF for C100.

Stormwater runoff that leaves a project area contains sediment, including fine sediment, nitrogen and phosphorus, the primary elements leading to the loss of Lake clarity in Lake Tahoe. In order to more clearly understand the potential for runoff from the project area and the conceptual design capacities of the SWMPs, a number of precipitation situations were modeled, including: multiple back-to-back storms; longer duration storms; fall, winter and spring timed storms; and the impact of periodic events such as El Nino years. The goal of the SMWP is to maximize containment and treatment of runoff volumes.

**Table 8.5-1**

Comparison of total Runoff Volumes for Various Designs and Storms for Project Area BMPs/SWMP

Project Area BMP Designs	EC Existing Conditions	E20 Existing Conditions (20 yr Design)***	C20 Alternative C (20 yr Design)	C100 Alternative C (100 yr Design)
BMP Capacity (CF)	500	22,647	39,079	58,152
LID elements (green roofs, pervious pavers, cisterns) (CF)**	none	none	none	12,838
<b>Total Capacity</b>	<b>500</b>	<b>22,647</b>	<b>39,079</b>	<b>70,990</b>
20 yr - 1 hr storm Volume (CF)	39,075	39,075	39,075	39,075
Storm Volume Runoff (CF)	38,575	16,428	-4*	-31,915*
50 yr - 1 hr storm Volume (CF)	48,844	48,844	48,844	48,844
Storm Volume Runoff (CF)	48,344	26,197	9,765	-22,146*
100 yr - 1 hr Storm Volume (CF)	60,566	60,567	60,567	60,567
Storm Volume Runoff (CF)	60,066	37,920	21,488	-10,423*

Notes:

\* A negative storm volume runoff represents excess design capacity for the storm event.

\*\* For C100, an estimate of capacity for the LID strategies is included for comparison purposes. The actual capacity varies for the loading calculations depending on antecedent moisture due to previous weather.

\*\*\* E20 results in runoff for the 20-year storm due to the contribution of NDOT and Washoe County ROW. E20 does not include capacity for these surfaces.

Appendix AB of the FEIS provides the detailed results and conclusions from the LSPC modeling exercises. The results and conclusions are summarized in the follow bullets:

- Dry Water Years (1993-1994 and 2007-2008) –
  - Implementation of C20 SWMP reduces loading compared to EC in both dry years by roughly 50 percent.
  - Implementation of C100 SWMP contains the stormwater runoff completely such that there is minimal to no discharges to down-gradient drainage and stormwater systems and ultimately Lake Tahoe.

- Stormwater runoff from the project area occurs in 6-7 days under E20 conditions and 2-6 days for C20 conditions and does not occur for C100 conditions.
- Total sediment, fine sediment and nutrient loads are presented in Tables 2 and 3 of Appendix AB for a variety of wet and dry water year conditions. Field monitoring of runoff from disturb soils indicates FSP load is 50 percent of TSS loads from granitic soils and JBR data (DEIS Appendix P) reported levels as high as 90%. For modeling and reporting purposes for the supplemental analysis, FSP of less than 20 microns are reported as 60 to 90 percent of the TSS load. The FSP load of less than 20 microns includes FSP loads of less than 16 microns. For E20, C20 and C100, a dry year is forecasted to contribute 4,374 lbs, 1,714 lbs and 134 lbs of FSP, respectively.
- The C100 SWMP will reduce total sediment loading by 97 to 100 percent as compared to E20 SWMP.
- Wet Water Years/Worst-Case Scenarios (1994-1995 and 2005-2006) –
  - E20 conditions result in possible discharge of approximately 17,000 to 32,000 lbs of total sediment (note that the DEIS reports approximately 34,000 lbs based on grab sample extrapolations) and 14,000 to 29,000 lbs of FSP leaving the project area.
  - Implementation of C20 reduces the loading compared to E20 by roughly 23 to 43 percent to ranges of 13,000 to 19,000 lbs of total sediment and 8,000 to 18,000 lbs of FSP.
  - Implementation of C100 reduces loading compared to E20 by roughly 88 to 92 percent to ranges of 1,400 to 3,900 lbs total sediment and 800 to 3,500 lbs of FSP.
  - Stormwater runoff from the project area occurs on 34 to 42 days under E20 conditions, 16 to 27 days for C20 conditions and 3 to 5 days for C100 conditions.
  - Stormwater runoff from the project area occurs under C100 conditions only for a substantial rain-on-snow event of 5.37 inches (New Year's Eve 2005) and after sequential 2 inch rain-on snow events (January 2005).
  - Data shows that in wetter years, which represent worst-case scenarios, total sediment output from C100 SWMP is over an order of magnitude (10X) less than those produced by E20.

Please see Appendix AB for supplemental analysis for additional quantification of surface water quality benefits, notably predicted load reductions for total sediment, fine sediment and nutrients. The analyses for Impacts HYDRO-1 and HYDRO-3 are presented in the format determined and reviewed by TRPA Staff. 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 level of less than significant.

### **Water Quality BMPs and BMP Maintenance**

Impact HYDRO-3 (page 4.3-36 through 4.2-47) details the proposed stormwater treatment systems for Alternatives A, B, C, D and E. Alternatives A, B and E will capture, convey and infiltrate the 20yr/1hr storm total runoff volume, while Alternatives C and D will capture, convey and infiltrate up to the 100yr/1hr storm total runoff volume. For Alternatives C and D, the stormwater treatment system schematic is illustrated in Figures 4.3-1, 4.3-2 and 4.3-3. For Alternatives A, B and E, the stormwater treatment system is described on pages 4.3-36 and 4.2-37. Design Plans for the BMP Retrofit for Existing Conditions (Alternatives A, B and E) was first submitted to TRPA in August 2007 and referenced in the DEIS as Appendix P. These design plans were updated and resubmitted based on comments and questions received during the DEIS comment period and are provided as supplemental information for DEIS Appendix P in Appendix AB. Under all Alternatives, runoff from the TRPA 20yr/1hr design storm (i.e. the current regulatory requirement) will not leave the project area untreated or enter into NDOT ROWs. Under Alternatives C and D, runoff volumes from up to the 100yr/1hr storm event will not leave the project area untreated or enter into NDOT ROWs except possibly under very extreme antecedent soil moisture conditions.

Long-term performance of any stormwater treatment system is reliant on the operations and maintenance of the system. The loss of efficiency over time will be minimized through proper operations and maintenance as determined in the inspection, operations and maintenance plan required for permitting of the selected Alternative. The supplemental analysis does consider the loss of gallery efficiency due to antecedent moisture in the system. The Inspection, Maintenance and Monitoring Plan is a standard practice of the Project (added as SP-10 in Chapter 6). The Plan will be developed for the selected Alternative through an RFP Process that includes a third party agreement between TRPA, Boulder Bay and a consultant. This detailed plan will be based on Chapter 6 of the EIS but can be tailored to the outcome of the Governing Board hearings that will decide the final design of the Project, if approved.

Because some of the facilities are subsurface, access points are built into the linear treatment system for maintenance and monitoring. The costs associated with maintenance and monitoring will be determined during project permitting because these costs are directly related to the selected Alternative. Subsurface infiltration galleries and other Low Impact Development (LID) strategies including pervious pavers and rain water harvesting are in regular use at Lake Tahoe and have recently been installed in a number of public works projects including but not limited to: Lake Tahoe Unified School District (High School), City of South Lake Tahoe (Lakeview Commons), State of California (Department of General Services - Tahoe Base Center), and Placer County DPW (Tahoe City Transit Center). Although 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. The post project monitoring program will be finalized in accordance with the permitting conditions for the selected Alternative and will most likely include some level of stormwater monitoring in addition to BMP and stormwater treatment system inspections.

### **Master Response 2 – Traffic Baseline**

*Comment Summary – 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.*



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. 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 as well as other traffic studies conducted by TRPA for recent Environmental Impact Studies. 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.

In order to respond to comments regarding the adequacy of the DEIS traffic study, TRPA asked for the preparation of an alternative baseline conditions study. The *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* Technical Memorandum (Fehr & Peers, 2010) addresses concerns raised during circulation of the DEIS about the existing and baseline existing trip generation of the Tahoe Biltmore. The memo is added as Appendix AA of the FEIS and presents an alternative traffic analysis using the actual 2008 traffic counts adjusted to the year 2006 to account for economic conditions that existed in 2008. The technical memorandum includes:

- A detailed explanation of the traffic data collection process.
- The methodology for determining PM and daily trip generation of the Tahoe Biltmore based on the collected traffic volumes, rather than the ITE and TRPA trip generation rates.
- The methodology for correcting the baseline existing conditions based on operating conditions and economic fluctuations.
- A comparison of each Alternative’s modeled trip generation to the existing and baseline existing trip generation of the Tahoe Biltmore and other land uses included in 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.

The trip generation estimates for Alternatives B, C, D and E are based upon Institute of Transportation Engineers (ITE) trip generation rates. These trip generation rates assume optimal operating conditions during the peak time of the year during a normal economic year. During the summer of 2008, Lake Tahoe and the broader US economy were in the midst of the worst economic downturn since the 1930’s. At the same time, gas prices were over \$4.00/gallon. Both situations led to dramatic temporary declines in visitation to Lake Tahoe. Based on an analysis of Nevada Gaming numbers for North Lake Tahoe and Biltmore audited financials, it was estimated that visitation was off by 28% in 2008 vs. normal economic conditions in 2006. (It is important to note that this does not include the decline due to the growth of tribal gaming in California. This decline, estimated at 32%, was viewed as a permanent decline and was not adjusted for in the calculation. Estimated Average Peak Daily Trips would be 5,853 if a recovery in gaming was included.) Due to the unique conditions of 2008, the baseline existing conditions analysis looks back two years previous to when the traffic counts were collected, consistent with the two-year window that TRPA considers for an “existing” use. This two-year look back provides a more consistent comparison between the existing conditions and ITE trip generation estimates for Alternatives B, C, D, and E.

Table 8.5-2 shows the daily and PM peak hour trip generation of the existing Tahoe Biltmore (based on the 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), the baseline existing conditions

(adjusted based on 2006 operating conditions), and the Alternatives. The Baseline Existing Conditions adjusted to 2006 assumes a permanent reduction due to tribal gaming of approximately 32%. The ITE Daily Trip Generation Estimates for Alternatives A, B, C, D, and E assumes that the permanent reduction due to tribal gaming is eliminated for all future conditions (e.g., the numbers represent a worst case assumption for gaming).

**Table 8.5-2**

**Trip Generation Summary including Alternative Baseline**

<b>Scenario</b>	<b>Daily Trip Generation</b>	<b>PM Peak</b>
Existing Conditions (based on 2008 Traffic Counts)	2,846	234
Alternative Baseline Existing Conditions (adjusted to 2006)	3,849	315
Alternative A	5,853	373
Alternative B	7,870	504
Alternative C	3,501	274
Alternative D	3,948	302
Alternative E	8,468	554

Source: Fehr & Peers, 2010

Please refer to the *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* (Fehr & Peers, 2010) in Appendix AA of the FEIS for additional information on the methodology for calculating the alternative baseline existing condition.

As shown in Table 8.5-2, using the results of the alternative baseline conditions analysis, the Proposed Project (Alternative C) generates more traffic than the 2008 counts, but less daily traffic than the alternative baseline conditions. Alternatives C and D also generate less PM peak hour traffic than the alternative baseline existing conditions. The alternative baseline existing conditions traffic analysis supports the conclusions included in the DEIS that Alternative C would not increase vehicle trips.

**Master Response 3 – Internal/External Alternative Mode Trips, Fehr & Peers Mixed Use Development Model**

*Comment Summary – 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, it 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.*

## ***Fehr & Peers Mixed Use Development Model***

### ***Methodology***

The Fehr & Peers mixed-use development model was developed using data from 239 mixed-use developments in six metropolitan regions (Boston, Atlanta, Houston, San Diego, Seattle, and Sacramento). While the data were collected in urban areas, the relationship between mixed uses can be applied to mixed-use projects in less urban areas. Hierarchical Linear Modeling (HLM) techniques were used to quantify relationships between characteristics of the mixed-use developments and the likelihood that trips generated by those mixed use developments will be made by means other than the private automobile. The mixed-use development model calculates the number of Alternative mode trips (trips made by walking, bicycling, transit, etc.) and determines the split between internal (walking between uses on the site) and external (walking, bicycling, or taking transit to a use off the site) Alternative mode trips.

The Fehr & Peers mixed-use development model considers the following variables when analyzing mixed-use developments:

- Employment
- (Population + Employment) per square mile
- Land Area
- Total Jobs / Population Diversity
- Retail Jobs / Population Diversity
- Number of intersections per square mile
- Employment within a mile
- Employment within a 30-minute trip by transit
- Average Household Size
- Vehicles Owned Per Capita

Many of these variables are examples of the "Ds", which are built environment variables that are known to influence travel behavior - density, diversity, development scale, design, and distance to transit.

### ***Validation***

A set of 16 independent mixed-use sites that were not included in the initial model was tested to help validate the model. The actual observed trip generation of the 16 test sites were compared to the trip generation estimated by the model. The model produced superior statistical performance when comparing the model results to observed data. Specifically, the trip generation estimated by the mixed-use development model better replicated the observed trip generation at the 16 test sites than trip generation estimated using the traditional ITE methods. For example, the statistical analysis comparing the observed trip generation to trip generation estimates from the traditional ITE methodology indicated an R-squared value of 0.58 (meaning the methodology explains about 58 percent of the variability in trips). The statistical analysis comparing the observed trip generation to trip generation estimates using the mixed-use model indicated an R-squared value of 0.82 (meaning the methodology explains 82 percent of the trips).

The mixed-use development model has been developed in cooperation with the US Environmental Protection Agency (EPA) and ITE. ITE is currently reviewing the model for potential inclusion in their updated recommended practice for evaluating mixed-use development

projects. It is anticipated that ITE will incorporate this methodology into the next update of the Trip Generation Handbook.

**Internal Capture/Alternative Mode Reduction Methodology**

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 total percentage of internal capture and Alternative mode trips provided in the “Trip Generation Spreadsheets” does not exactly match the “Overall Trip Reduction Percentage” provided in the Mixed Use Development Trip Generation Model results, provided in DEIS Appendix W, because the LSC survey data was also used in the analysis, to incorporate local data for the land use interactions available at the current site.

As shown in the Trip Generation Tables in Appendix W of the DEIS, the following uses interact internally with each other for each Alternative:

Alternative A

- Casino – Hotel
- Casino – Retail/Restaurant
- Hotel – Retail/Restaurant

Alternative B

- Casino – Retail/Restaurant
- Casino – Residential
- Residential – Retail/Restaurant

Alternative C

- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

Alternative D

- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

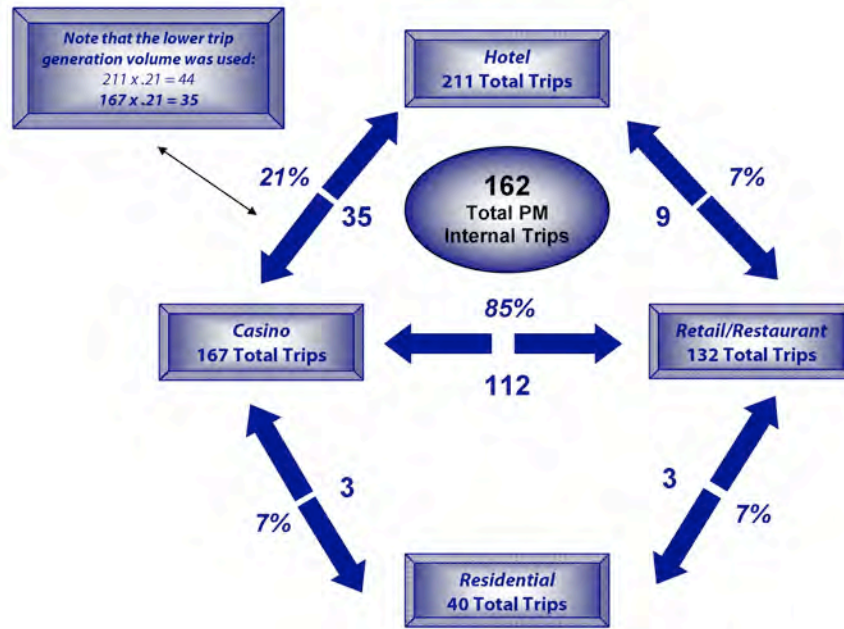
Alternative E

- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

The number of internally captured walking trips between the project land uses was calculated by balancing the trips to correspond with the capacity of the lower trip generating use. The exhibit



below provides a visual representation of how internal walking trips were estimated for Alternative C.



Source: Fehr & Peers, 2010

Note: Numbers may differ slightly from Trip Generation Spreadsheet due to rounding.

As shown in the exhibit above, 21% of casino guests will also be staying in the hotel. To be conservative, the internalization rate between uses was always applied to the lower trip generating use. As an additional example, the retail/restaurant uses generate fewer trips than the casino, and therefore the 85% internalization was applied to the retail/restaurant trip generation number (e.g., 85% of 132 retail/restaurant trips equals 112).

Please refer to the Trip Generation Spreadsheets in Appendix W of the Boulder Bay DEIS for the internal interaction between land uses for Alternatives A, B, D, and E.

**Different Internal Capture/Alternative Mode for Different Alternatives**

The internal capture percentages were determined based on the type and size of each land use included in the various Alternatives. The interaction between uses changes depending on the sizes and types of the interacting uses. For example, if you have two projects, one with 100 residential units and 5,000 square feet of retail, and one with 100 residential units and 50,000 square feet of retail, the project with 50,000 square feet of retail will have a higher potential for walking trips between the retail and restaurant uses than the project with 5,000 square feet of retail. The 50,000 square feet of retail use will have more product and therefore a greater opportunity of providing the needs of the customer. The 5,000 square foot retail use does not have the capacity to provide a wide variety of products and therefore customers will have to travel outside of the project area for their shopping needs.

Alternatives A and C present two different mixes of land use type and size, and therefore result in different internal capture rates.

Regarding alternative mode trips, the DEIS assumes that the exact same percentage of guests will use alternative transportation for each land use category as summarized below.

Land Use	Alternative				
	A	B	C	D	E
Hotel	20%	n/a	20%	20%	20%
Residential	n/a	8%	8%	8%	9%
Casino	8%	8%	8%	8%	9%
Restaurant	8%	8%	8%	8%	9%
Retail	8%	8%	8%	8%	9%

**Master Response 4 – Accessory Uses in Relation to the Traffic Analysis**

*Comment Summary – The 89,000 sf 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.*

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 operating compliance of land uses; 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. Based on the project description in the DEIS, the hotel spa (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 hotel meeting accessory use will include space for a multipurpose room for banquets and dinners, dedicated boardroom, flexible meeting rooms that can be partitioned for versatile space design, back of house, circulation and pre-function space. The meeting and group events will be scheduled, operated and billed through the hotel operations. The spa and meeting space will be located within the main hotel buildings (B & C). To access the spa and meeting space, guests will have to enter the main hotel entrance located at the front of Building C. There is no separate entrance for the spa or meeting space, and guests will use the hotel parking lot, not separate or dedicated parking.

The meeting space and spa (wellness center) are included in the traffic analysis as accessory uses to the hotel, based on the ITE *Trip Generation* definition of a hotel, because of the proposed operation, and that there is no 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.” For clarification, a service shop is any facility that provides a service, which includes uses such as salons or spas.

To understand this discussion better, it helps to understand how ITE develops its trip generation rates. Trip generation rates are based on numerous studies of the relationship between vehicle trips and land use quantities for different types of land uses. Explained very simply, ITE defines a land use type and then collects trip generation data from multiple representative properties around the country. The ITE Trip Generation Handbook suggests that evaluation of data for a minimum of three locations is necessary to establish a new trip generation estimate with sufficient statistical validity. Traffic counts are conducted over a 24-hour period at the project access points over a minimum of three days. ITE uses the traffic count data to develop a statistical regression to forecast peak trip generation rates based upon independent variables.

The independent variables used to determine trip generation estimates vary depending on the land use. Independent variables can include, but are not limited to square footage, number of gas pumps, number of dwelling units, number of rooms, etc. In the case of a hotel, ITE uses the number of rooms to calculate vehicle trips. Because the trip generation rates are based on data collected at the entrances and exits of the properties, they do not break down trips associated with each use within the hotel. Therefore the trip generation rate automatically includes the external trips associated with the hotel rooms, restaurants, meeting rooms, spa, lounges, etc. Including a separate trip generation estimate for accessory uses would double count vehicle trips under ITE’s accepted methodology.

Trip generation was not calculated for gaming area or other onsite CFA that would be unused for the project and banked within the project area under the various alternatives. Based on TRPA procedures, a future proposal to use banked gaming floor area or CFA would require a new application and a separate environmental review and permitting process. An analysis of the banked gaming area and CFA would be speculative.

**RESPONSES TO UNIQUE WRITTEN COMMENTS**

Each unique comment is summarized below in italics text and followed by a response to the full comment in non-italicized text. Each individual comment is identified by comment letter number and assigned an alphabetical letter corresponding to the order the comment was made. Each comment summary can be cross-walked to the original comment letter in Appendix Z.

**Comment Letter 19 – Weinstein, Linda, 11/12/2009**

Comment 19-a: *Comment Summary – Against the traffic problem this new development will cause.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Therefore, such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation.

**Comment Letter 29 - Dahlgren, Joy, 11/17/2009**

Comment 29-a: *Comment Summary – Opposes project - height limits, exotic landscape limits, require preservation.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Therefore, such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation.

**Comment Letter 37 – Volkmann, Wendy, 11/17/2009**

Comment 37-a: *Comment Summary – The existing Mariner Settlement Agreement should be enforced. Maintain current height and densities in the existing Regional Plan.*

The Mariner Settlement Agreement is a private agreement entered into by parties to settle litigation. The Settlement Agreement can be modified by the parties to the litigation separately from and in conjunction with project review. Because the Settlement agreement is not a TRPA Regional Plan document, it is not a threshold for determining the significance of impacts.

The Regional Plan Update for the existing 1987 Regional Plan has not been completed; therefore, the existing regulations, including the Code of Ordinances, remain valid, enforceable, and applicable to currently Proposed Projects. Amendments to the Code of Ordinances may continue to occur as established in the Rules of Procedure and at the discretion of the Executive Director. Comments stating the position for or against Code amendments during the Regional Plan update process are not relevant to the content or adequacy of the environmental analysis and documentation in the DEIS, but may be used by the decision maker(s) in reaching a conclusion on the Proposed Project.

At the December 17, 2008 TRPA Governing Board meeting, the TRPA Governing Board unanimously voted “to allow CEP projects to move forward concurrently with the Regional Plan Update, as originally planned.”

Comment 37-b: *Comment Summary – Traffic and parking analysis should be done with an understanding that Boulder Bay is retaining the right to use 29,000 plus sq. ft. of gaming.*

The traffic analysis was performed using the project description provided in Chapter 2 of the DEIS. If the project proponent revisits the size/type of uses on the site, it would require review by TRPA and re-evaluation of transportation impacts.

**Comment Letter 40 – Delaney, Tim, 11/18/09**

Comment 40-a: *Comment Summary - Opposes project until a regional plan is prepared; does not believe traffic will decrease with project.*

Please see response to comment 37-a.

As discussed in **Master Response 2**, Alternative C results in fewer trips than Alternative A existing conditions and the baseline existing conditions shown on Table 8.5-2. This table indicates an increase in daily trip generation and PM peak traffic volumes when the proposed Action Alternatives are compared to existing conditions based on the 2008 traffic counts. However, as discussed in Master Response 2, comparison between the trip generation during 2008 and the ITE trip generation rates is not valid because it represents different economic conditions assumptions. Furthermore, the TRPA standard of impact significance is based on a comparison to traffic volumes calculated for the land uses included in the No Project Alternative, not on existing traffic counts.

**Comment Letter 46 – Delaney, Tim, 11/19/09**

Comment 46-a: *Comment Summary - Opposes project until a regional plan is prepared.*

Please see response to comment 37-a.



## 9 REVISIONS TO THE DEIS

### 9.1 INTRODUCTION

This chapter contains changes to the text of the DEIS made in response to comments. Text to be added to the DEIS analysis is shown as bold and underline type (**example**). Text to be deleted from the DEIS is shown as strikeout type (~~example~~). These changes appear in order of their location in the DEIS.

### 9.2 REVISIONS TO THE DEIS

The alternative descriptions on Page S-3 of the DEIS Summary Chapter has been expanded as follows:

Alternative A

**Alternative A consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel and casino accessory uses; 22,400 square feet of casino (22,400 square feet in use out of of the 29,744 square feet of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.**

Alternative B

**Alternative B consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel and casino accessory uses; 29,744 square feet of casino (maximum amount of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.**

Paragraph 3 of page 4.2-19 in DEIS Chapter 4.2 has been revised as follows:

The resultant land coverage for the project area under Alternative D will equal 32,276 square feet on LCD 1a, ~~27,720~~ **27,270** square feet on LCD 2, and 318,329 square feet on LCD 4.

Bullet number 3 of page 4.3-26 in DEIS Chapter 4.3 has been expanded to clarify that EIP Project #114 is a recreational project as follows:

**EIP Project #114 is a recreation project that preserves open space and establishes park uses in the NSCP. The land underlying the park contributes to EIP # 732 for the treatment and infiltration of stormwater runoff. EIP #114 and 732 utilize the same parcel of land. The water quality benefits on this parcel of land include: a reduction in land coverage, installation of the infiltration gallery #9 and tie in with the Placer County Brockway Erosion Control Project. Bio retention systems for stormwater treatment will be installed in line with the underground infiltration galleries. The Stateline mini-park will be installed on**

**top of the under ground infiltration galleries and will include water quality interpretive signage.**

Mitigation Measure REC-1 in DEIS Chapter 4.6 has been revised as follows:

**REC-1: Beach Access Shuttle Service and Beach Maintenance Funding**

Boulder Bay will operate their van shuttle service as follows to reduce potential impacts to Lake Tahoe beaches from increased visitation:

- To reduce impacts to Speedboat Beach, Boulder Bay shall not provide guests with van service to Speedboat Beach. Although access to Speedboat Beach cannot be restricted, as it is a public beach, the resort shall not promote the use of Speedboat Beach in informational materials or provide shuttle service to the beach to avoid overcrowding and environmental degradation that may result from overuse. **Furthermore, the lack of amenities and constraints at Speedboat Beach will be noted to discourage visitors. Boulder Bay will coordinate with Placer County and will provide sufficient funding to Placer County for beach maintenance staffing and trash removal.**
- Because the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park (Sand Harbor) beaches are the largest public beaches in the area and offer more tourist attractions (boat rentals, picnic grounds, restrooms, etc.), Boulder Bay will encourage guests to visit these beaches rather than Speedboat Beach. **Coordination will occur regularly with both recreation areas prior to shuttle services to these sites.**
- 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 (e.g., Crystal Bay to Tahoe Vista Trolley). Boulder Bay may charge non Boulder Bay guests and residents a nominal fee (e.g., similar to a taxi) to use the van service and shall market the service to local residents and visitors of other developments. The use of the Boulder Bay on call van service by non-Boulder Bay guests and residents will reduce the number of private automobiles used to access nearby recreational facilities (e.g., beaches) during peak summer months, thereby improving access for other non-Boulder Bay visitors to the Lake Tahoe Basin. **To avoid overcrowding of area beaches and a reduction in the quality of the recreational experience, the Boulder Bay on call van service will coordinate with the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park on peak summer weekends to determine capacity prior to each drop-off. When visitors are dropped off, the van attendant shall discuss capacity with the parking attendant to determine if additional persons may be brought to the site and the van attendant shall note the number of people dropped off and picked up from each beach. During peak periods, van service may operate hourly or more, depending on demand. Boulder Bay shall establish a regular schedule to maintain an organized system of beach visitor accounting. If the beaches should reach parking capacity, guests will be encouraged to wait until later in the day when beach facilities typically empty out.**

- **Boulder Bay shall help pay for trash removal operations at Speedboat Beach by working with Placer County to increase the number of trash removal visits to the Beach during peak use periods. Based on its request, Placer County shall take the lead in securing an agreement with Boulder Bay to help offset the costs of the additional trash removal operations.**

Mitigation Measure REC-1B has been added to DEIS Chapter 4.6 as follows:

**REC-1B: Stateline Lookout Access Improvements.**

**Boulder Bay will work with the USDA Forest Service to identify areas where additional access signage may be placed and if access point improvements are warranted. If necessary, such improvements will be funded by Boulder Bay. Recreation access signage or information shall be provided at the resort, informing guests of trailhead locations and access routes. Boulder Bay will work with the USDA Forest Service to improve existing parking areas and signage to reduce erosion potential. Coordination shall occur prior to construction and improvements, if approved by the USDA Forest Service, will be immediately funded by Boulder Bay and implemented within the first year of resort operation.**

Page 4.7-2 of DEIS Chapter 4.7 has been revised as follows:

**Ethnography**

The project area lies entirely within the territory of the Hokan-speaking Washoe people. While they were an informal and flexible political collectivity, Washoe ethnography hints at a level of technological specialization and social complexity for Washoe groups, non-characteristic of their surrounding neighbors in the Great Basin. Semisedentism and higher population densities, concepts of private property, and communal labor and ownership were reported and may have developed in conjunction with their residential and subsistence resource stability (d'Azevedo 1986:473-476).

Lake Tahoe was **and remains** both the spiritual and physical center of the Washoe world. The Washoe lived along its shores, and the locations of several Washoe encampments in the Lake Tahoe Basin have been reported. The project vicinity is near two important Washoe fishing campsites, ImgiwO'tha and MathOcahuwo'tha (d'Azevedo 1986:473-476).

~~Currently,~~ The Washoe **Tribe is** are a **federally** recognized tribe by the U.S. Government, **is a sovereign government** and **has** have maintained an established land base. Its **approximately 4,200 1,600** tribal members are governed by a tribal council that consists of members of the Carson, Dresslerville, Woodfords, **Stewart** and Reno-Sparks **communities, Indian groups,** as well as **a significant number of tribal** members from non-reservation areas (Inter-Tribal Council of Nevada 1995 **and Darrel Cruz, Personal Communication, December 16, 2009**).

Page 7, paragraph 3 of DEIS Appendix V, Cultural Resources Study has been revised as follows:

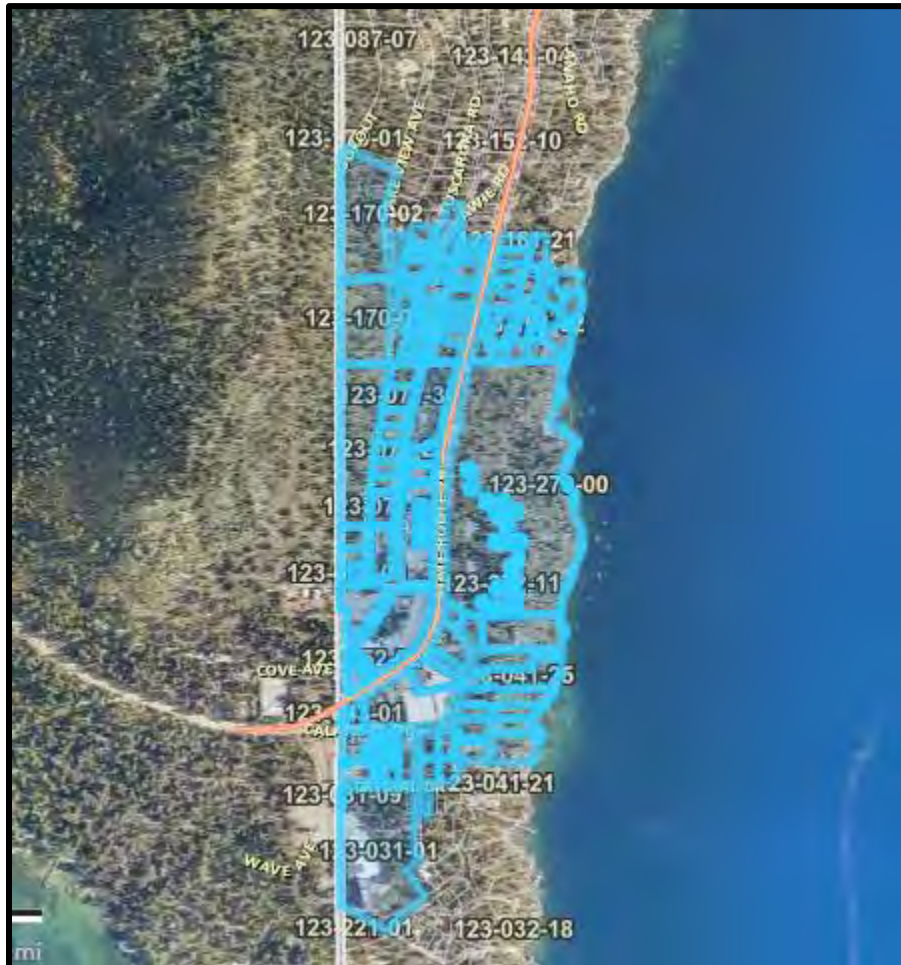
Delete: “The Washoe are part of an ancient Hokan-speaking residual population, which has been subsequently surrounded by Numic-speaking intruders such as the Northern Paiute (Jacobsen 1966).”

Insert: **“The Washoe are descendants of an ancient Hokan-speaking population that was subsequently surrounded in prehistoric times by Numic-speaking incomers such as the Northern Paiute (Jacobsen 1966).”**



### Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 750-foot radius of the subject property. A total of 192 parcels, and 133 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



### Public Notice Map

Special Use Permit Case Number WSUP23-0025

**Special Use Permit**

**Waldorf Astoria Lake Tahoe (“WALT”)**

**Crystal Bay, Nevada**

**APN: 123-071-04; 123-071-35; 123-071-36; 123-071-37  
123-054-01; 123-053-02; 123-053-04; 123-052-02;  
123-052-03; 123-052-04; 123-291-01**

Prepared for:

**EKN Tahoe, LLC**

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and

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Prepared by:

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## INTRODUCTION

This narrative includes detail on the following:

- **Special Use Permits** (“SUP”) are required per WDCDC Section 110.220.135 Crystal Bay Tourist Regulatory Zone for the following land uses:
  - Employee Housing – 14 2-bedroom units on site for a total of approximately 12K SF
  - Multiple Family Dwelling – 25 exclusive condominium units (2.5K – 5.4K SF) & 36 condominium units (1.7K – 4K SF) that can be rented by Waldorf Astoria Hotel
  - General Merchandise Stores – Curated Retail (up to 5K SF)
  - Vehicle Storage & Parking – Commercial parking garage that will charge for parking
  - Transmission & Receiving Facilities - Regional Communications Facility

Approval of these special use permits are required to allow for a proposed project consisting of a mixed-use resort. This development is proposed to include seven buildings, consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 SF of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. Further information is provided in a narrative below which details the above special use permits.

## 1. PROJECT LOCATION

The WALT project site (the “Site”) is approximately 14.373 acres (APNs 123-052-02, -03, -04; 123-053-03, -04; 123-054-01; 123-071-04, -35, -36, -37; 123-291-01; 123-042-01, -02) and is located in Crystal Bay in the midst of the commercial corridor of gaming venues, restaurants, office and single-family residential. See Figure 1 – Vicinity Map for the project location. The Site will be accessed via the following streets:

- Stateline Road, Lakeview Avenue and Big Water Way



Figure 1 – Vicinity Map

## 2. EXISTING CONDITIONS

### 2.1 Site Information

The site currently consists of the four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, and a storage building. The project area also includes two parcels located across Highway 28 from the Biltmore that currently host the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Project area consists of a total of 14± acres on 13 separate parcels.



View of Project Site from SR-28 / Stateline



View of Project Site from SR-28





View of Project Site from SR-28 / Reservoir Rd



View of Project Site from Reservoir Rd





View of Project Site from Reservoir / Lakeview



View of Project Site from Reservoir / Lakeview

## 2.2 Slopes and Topography

The project area slopes from southeast to northwest – rising approximately 40 feet in elevation from the southern frontage along state 28 to the rear (north) of the current Biltmore parking lot and rises 80 feet in elevation to the intersection near Lakeview and Reservoir roads. Per Washoe County Development Standards Section 110.424.05, the site is applicable to Hillside Development. Further information about how the project responds to the Hillside Development requirements is provided in section 3.2 Hillside Development of this narrative.

### **2.3 Summary of Phase I Environmental Site Assessment**

A Phase I Environmental Site Assessment (ESA) and Phase I Addendum was performed in 2007 by Kleinfelder, Inc. A Phase I ESA Update was conducted by David J. Herzog, CEG on February 9, 2015.

The 2007 Phase I ESA revealed one Recognized Environmental Condition (REC) on the subject site consisting of a small amount of soil containing diesel fuel on APN 123-053-02 and 123-052-04. A release occurred from a 4,000-gallon diesel underground storage tank (UST) removed in 1991. Almost all the contaminated soil was removed but some impacted soil could not be excavated due to difficult digging conditions in granite bedrock. Washoe County Health District (WCHD) granted site closure and acknowledged that some of the contamination remains in place. There is a possibility that contaminated soils may be encountered during future excavation activities. These soils would need to be removed and disposed of as non-hazardous petroleum contaminated soil in accordance with WCHD regulations.

The environmental database search by EDR, Inc. listed the Tahoe Biltmore as having three USTs on site including a 1,000-gallon diesel, a 550-gallon diesel, and a 550-gallon gasoline UST. These USTs are tested annually for leakage and comply with current UST regulations. The nearest adjacent sites listed by EDR, Inc. do not have the potential to impact the subject site.

Based on the prior Phase I ESA and the Phase I ESA Update, there is evidence for only one REC at the subject site consisting of small amounts of granite bedrock contaminated with diesel fuel in the area of the existing 1,000-gallon diesel UST on APNs 123-053-02 and 123-052-04. This will be of importance during excavation activities.

### **2.4 Geotechnical and Fault Studies**

A geotechnical report was performed for the project by Holdrege & Kull on May 10, 2016. Based on their subsurface investigations conducted on the project site, weathered granite rock can be found from approximately 0.5 to 9 feet below the existing ground surface. Refer to Appendix K.

### **2.5 Tahoe Area Plan**

The parcels that make up the project site are in the Crystal Bay Tourist regulatory zone, which is centered in the area where State Route 28 passes through the casino core. The overall vision for the area, according to the Tahoe Area Plan, is primarily focused on tourist activities. The area contains five casinos (including the now closed Biltmore on the project site) with accessory accommodation and commercial services.

The Tahoe Area Plan states that redevelopment in this regulatory zone plan may result in increasing the diversity of uses, but in general it expects that existing uses will be rehabilitated. The project fits both visions, rehabbing the previous gaming and hotel uses, while adding in a diverse arrangement of other uses, such as the outdoor amphitheater. The vision for the area is one of continued implementation of a tourist-oriented core. The area fills a unique niche as a historic center for tourism that connects Nevada and California, which is important to the community and the Region.

### 3. PROPOSED PROJECT

#### 3.1 Project Summary

Waldorf Astoria Lake Tahoe and Residences (“WALT”) (formerly Boulder Bay) property is in Crystal Bay, Nevada. The property associated with this application request is part of the revitalization of the Tahoe Biltmore property into an eco-friendly mixed-use project. EKN Tahoe, LLC is proceeding to complete the full build-out of the remaining components of the approved Boulder Bay CEP Project (FILE # CEPP 2008-0123) (“Project”). The Project has been refined to be better for the environment, community, and guests. The unit mix and types result in a net reduction of 157 units, a 47% reduction in unit density. This density reduction allows for additional amenity space to support the level of service necessary to achieve the desired experience. Hotel rooms were reduced from 275 rooms to 76 rooms and there is an increase in the number of residential condominium units from 59 units to 79 units (including the 18 units constructed in Building A “Granite Place”). There is no change to the approved gaming (10,000 sq. ft.), commercial (18,715 sq. ft.), or employee housing (14 units) components.

The parcels associated with these Special Use Permits (SUP) contain a total of approximately 13.143 acres.

The actual land uses are defined below with the corresponding SUPs:

1. Employee Housing – 14 2-bedroom units on site for a total of approximately 12K SF
2. Multiple Family Dwelling – 25 exclusive condominium units (2.5K – 5.4K SF) & 36 condominium units (1.7K – 4K SF) that can be rented by Waldorf hotel
3. General Merchandise Stores – Curated Retail (up to 5K SF)
4. Vehicle Storage & Parking – Commercial parking garage that will charge for parking
5. Transmission & Receiving Facilities - Regional Communications Facility

The requested land use special use permits request is the next step in the overall development path that will allow for the project to energize in its movement forward. A tentative map request will coincide with this Special Use Permit (SUP) to obtain Washoe County approval of the commercial, hotel and residential construction. The Tentative Map request will remain in substantial conformance with the previous TRPA approval. The project applicant is meeting regularly with TRPA and will continue to do so through the life of the project to assure that the project and work to be performed do remain in substantial conformance with the existing approval.

##### 3.1.1. Density

The Site is predominantly zoned Crystal Bay Tourist, with three APNs zoned as Crystal Bay (123-071-35, -36, & -37). Per Section 110.220.35 of the Washoe County Development Code, new residential and mixed-use developments within a town center (Crystal Bay Town Center Overlay) shall have a minimum density of 15 units per acre and a maximum density of 25 units per acre. The Project consists of 151 units on 10.4 acres. Therefore, the density of 14.5 units per acre meets the requirements of a town center.

##### 3.1.2. Buildings

There are seven (7) buildings that are proposed within the proposed community. All the buildings have been designed to blend in with the natural grade by varying building heights, terracing of building pads, and utilizing stepped foundations. The proposed heights are in conformance with the Chapter 22.4 Amendment of the TRPA Code of Ordinances. Per the Amendment, a maximum height of 75 feet is allowed in the area “located on the mountain side of State Route 28 within the North

Stateline Community Plan boundary” where the Site is located. Refer to Appendix I, FEIS Appendix AC and DEIS Section 4.5 for documentation on the height amendment. Refer to Appendix G for floor plans and elevations.

**3.1.3. Access and Circulation**

The primary entrance to the Project will be on Lakeview Avenue and two secondary access driveways will be on NV-28 and Stateline Road. A traffic study was performed and can be found in Appendix N.

**3.1.4. Landscaping**

Landscaping is proposed throughout the project site per Washoe County standards to contain a variety of trees, shrubs, and amenity areas. Refer to Appendix M.

There is a total of 12.37 acres of proposed disturbance area within the project limits. A minimum of 20% of the disturbance area (2.47 acres) is required to be landscaped. The proposed landscape area is estimated to be 3.6 acres or 29% of the disturbance area, which exceeds this requirement.

Common open space requirements were calculated based on the requirement of two hundred (200) square feet of common open space per dwelling unit resulting in an open space of 7,800 square feet required. The current proposed plan includes 15,884 square feet of common open space which exceeds this requirement. Common open space amenities include a courtyard with seating, spas, pavilions, tables and chairs, fire pits, and a water feature.

**3.1.5. Parking**

Article 410 of the Washoe County Development Code (WCDC) specifies parking rates for the various land use types in the project, shown in Table 1 below.

**Table 1: County Parking Rates**

Land Use	Unit Type	Rate
Condos	Beds, Bedrooms	0.5/bed + 0.5/bdrm
Hotel	Rooms, Admin Employees, Other Full-time Employees, Part-time Employees	1/room + 1/Admin + 0.5/FTE + 0.33/PTE
Hotel Meeting Spa	Floor Area	4/1,000 sq. ft.
Hotel Retail/Commercial	Floor Area	2.5/1,000 sq. ft.
Casino	Floor Area, Full-time Employees, Part-time Employees	4/1000 sq. ft. + 0.67/FTE + 0.33/PTE
Employee Housing	Beds, Bedrooms	0.5/bed + 0.5/bdrm

Source: Washoe County code, 2022

Based on the County standards, the Project would be required to contain 534 stalls. With reductions made to account for internal capture and the fact that demand for different uses will peak at different times of the day, and factoring in a 5% buffer, 461 stalls would be required. Hales Engineering, who conducted a parking analysis for the Project, concluded that with proper implementation of Travel Demand Management strategies, with the aid of valet parking, 414 stalls would be adequate. Applicant would like to formally request to modify the parking standards of the Washoe County Code with reductions outlined in the parking analysis in Appendix O.



Parking Calculations															
NV Washoe County - Lake Tahoe Alpine Resort PS															
Land Use	# of Units	KSF	# of Beds	Bedrooms	Admin Employees	Full-time Employees	Rate (stalls per unit)	Rate (stalls per KSF)	Rate (stalls per bed)	Rate (stalls per bedroom)	Rate (stalls per admin emp)	Rate (stalls per FT emp)	Stalls	% Red.	Total Stalls
Condos			200	200					0.5	0.5			200	1%	198
Hotel	76				3	143	1				1	0.5	151	1%	150
Hotel Meeting Space		6.5						4					26	0%	26
Hotel Retail		18.7						2.5					47	0%	47
Casino		10.0				40		4				0.67	67	1%	67
Employee Housing			28	28					0.5	0.5			28	0%	28
Granite Place			N/A	N/A									18	0%	18
<b>TOTAL</b>													<b>537</b>		<b>534</b>

Source: Washoe County code, 2022.

The project will have a parking garage with 424 dedicated parking stalls which can fit upwards of 461 vehicles with the envisioned valet operation plan. The purpose of the garage is to support the entire project, including the casino, hotel, residences, and retail spaces. Visitors and guests will be charged at a daily rate. The garage will be located predominantly underneath buildings B, C, D and F. The 424 parking stalls will include 16 compact stalls, 241 standard stalls & 167 tandem spaces.

### 3.1.6. Signage

A monument sign will be provided at the entry with the property name. The approximate location of the monument sign can be seen on the preliminary site and landscape plan in Appendix M. The signage plan will conform to article 505 of the Washoe County Code and will require a separate signage permit prior to construction.

The Site currently is home to the historical Tahoe Biltmore sign which will be removed by a historical preservation group to be preserved with the goal of finding a way to exhibit the sign in the new project. It will be preserved in accordance with Appendix V, "Cultural Resources Study", of the Draft Environmental Impact Statement. Refer to Appendix I herein.

### 3.1.7. Lighting

Community lighting will be provided for site safety, walkway, and parking visibility and will be per Washoe County standards. No spillover of light is proposed over the property line.

### 3.1.8. Amenities

The proposed community will contain a swimming pool, wellness spa, gym, meeting space, restaurants, retail space, gaming, outdoor amphitheater, and a kids club. Building elevations and floorplans for the planned development, including amenity spaces, is included in Appendix G.

### 3.1.9. Public Facilities and Infrastructures

Schools – The property elementary zoning is for Incline Elementary. Middle and high school zoning is for Incline Middle School and Incline High School.

Fire Station – The nearest fire station serving the site is approximately 0.2 miles to the south (Crystal Bay Fire Station #2 located at 14 Cal Neva Dr).

Parks – The property is located approximately 3.0 miles southwest of the Preston Field & Playground, and 2.3 miles southwest of the Incline Village West Entrance Park. Additionally, the property is currently home to Sierra Park, which will be dedicated upon opening of the project.

Library – The property is located approximately 3.7 miles from the Incline Village Library, and approximately 1.8 miles from the Kings Beach Public Library.

Water and Sewer Service – Water and sewer service will be provided by the Incline Village General Improvement District (IVGID). IVGID has provided a Will Serve Letter and is included in Appendix K. Currently the project has banked 40.39-acre feet of water, which is anticipated to be sufficient for the project.

### **3.1.10. Approval Time Period**

The applicant is requesting an approval term of five years instead of the typical two-year period. This is based off the expected timeframes of the project.

### **3.1.11. Boundary Line Adjustment**

The proposed project continues to progress on the necessary approvals of Washoe County to consolidate the Site for the construction of the project, including the recent adjustment to conditions associated with the Grantie Place Tentative Map. It now requires a BLA to bifurcate the real estate associated with parcel 123-291-01. After the successful completion of the BLA, EKN Tahoe LLC will be the sole owner of the Site. Big Water Investments LLC, the current owner of the parcel, is contractually obligated to transfer the revised parcel to EKN Tahoe LLC as defined within the Purchase Sale Agreement.

### **3.1.12. Property Lines**

The ultimate parcel lines associated with the Site will be realigned through the mapping process to avoid any structures crossing parcel lines. We anticipate filing a tentative map and several condominium maps to accomplish the ultimate site layout.

## **3.2 Hillside Development**

The proposed development is classified as Hillside Development by Article 424 as thirty percent of the Site is in excess of fifteen percent in slope. The following specifies how Hillside Development requirements will be met.

### **3.2.1. Purpose**

The proposed development is designed to meet the requirements outlined in Section 110.424.00 as outlined by the following responses in **bold**:

- (a) Minimizing use of slopes subject to instability, erosion, landslide, flood hazards or drainage problems;

**The Project's earth retaining systems will provide slope and roadway stability, while utilizing erosion control methods which are acceptable to both TRPA and Washoe County during the construction phases. Existing off-site drainage facilities will be protected and maintained both during and after construction and will follow TRPA and Washoe County regulations. On-Site drainage during and after construction shall meet and/or exceed drainage regulations as required and approved by TRPA and Washoe County.**

- (b) Minimizing the careless alteration of and disruption to the natural topography and landscape;

**Significant grading is necessary for the construction of the TRPA approved project, the connector roads, and Wellness Way. Grading of the interior of the site is required to create subterranean parking structures that will help meet the Tahoe Area Plans' objectives of concealing automobile parking areas for this project. The buildings, when constructed, will be placed in a hillside adaptive manner.**

- (c) Providing safe and adequate vehicular and pedestrian access to and within hillside areas, including emergency access;

**Pedestrian walkways will be provided in areas where no sidewalks or other pedestrian improvements exist in association with the roadway network. The previously approved variance and abandonment which outlines the alignment of the new connector roads will provide for safer vehicular access than what currently exists.**

- (d) Establishing stormwater runoff and erosion control techniques to minimize adverse water quality impacts resulting from non-point runoff;

**All proposed stormwater runoff collection facilities will be submitted for review and approval by both TRPA and Washoe County, prior to construction of any storm drain and water quality facilities. The Project will meet the necessary BMP requirements within the Tahoe Basin as required by TRPA.**

- (e) Encouraging innovative grading techniques and building design which respond to the hillside terrain and natural contours of the land;

**The earth retaining system will allow for a smaller disturbance footprint than would be typical with most wall systems, and the earth retaining system can be covered with soil at a gentler grade than what a stand-alone wall system can provide. The earth retaining system is anticipated to be concealed by the future buildings and covered with soil and landscaped to appear as a natural slope area. Certain segments of the wall may also be proposed to appear as stacked stone or other aesthetic appearances. The proposed design is in conformance with the site development and grading standards in Section 110.424.30 and 110.424.35. Building pads and heights will be varied to complement the existing slopes of the terrain.**

- (f) Minimizing impacts on existing trees and vegetation which reduce erosion, stabilize steep hillsides, enhance visual quality, protect water quality and preserve critical watershed recharge areas;

**Existing vegetation found within the interior of the site will be significantly impacted, as will vegetation and trees found in the path of the proposed connector roadways. Tree loss is anticipated as part of the proposed major grading project. Landscaping, limited grading, and**

**erosion control measures are proposed in accordance with Washoe County standards. Refer to the site and grading plan in WSUP21-0035 for more detail.**

- (g) Encouraging the transfer of density to avoid hazardous areas and to protect environmentally sensitive and open space area; and

**Density transfers were previously approved through initial planning and design of the project. The existing site has had a hotel/casino project since 1946, and as the development grew and added additional buildings, the site has utilized a terraced grading process to accommodate the additional development. Due to the existing project having been here for 75 years, the redevelopment of this site is not anticipated to have a detrimental impact on environmentally sensitive and open space areas.**

- (h) Minimizing impacts on prominent ridgelines, significant viewsheds, canyons and visually prominent rock outcroppings which reflect the visual value and scenic character of hillside areas.

**The proposed design will not impact any ridgelines, significant viewsheds, canyons or prominent rock outcroppings. Please refer to viewshed analysis in Appendix H.**

### **3.2.2. Constraint and Mitigation Analysis**

The Washoe County Potential Natural Hazards Map contained within Article 220 (Tahoe Area Plan) shows that the subject property and most of the Crystal Bay Tourist Zone area presents minimal potential hazards associated with seismic, hydrologic and slope hazard areas.

### **3.2.3. Site Development Standards**

The proposed development has been designed to encourage compatibility with the existing hillside. The proposed design is in conformance with the requirements outlined in Article 424 Hillside Development Section 110.424.15(a)(1-9) and Section 110.424.30.

### **3.2.4. Application Requirements**

The following has been provided in WSUP21-0035 to supplement the hillside grading requirements:

- Slope Analysis
- Proposed Site and Grading Plans
- Cut and Fill Analysis
- Proposed Cross Sections
- Viewshed Analysis
- Preliminary Geotechnical Report and Fault Study
- Supplemental Special Use Permit Documents

## **3.3 Special Use Permit Request**

The proposed project requests the following special use permits:



### Employee Housing

Fourteen workforce housing units will be constructed on site for a total of approximately 12,000 square feet, located in Building G, on top of the proposed retail space. All the units will have two bedrooms each. This workforce housing is intended for use by the future resort staff and will be augmented with an off-site workforce housing option that will include at least ten infill housing units.

### Multiple Family Dwelling

There will be two types of condominium units for sale. Twenty- five of them will be wholly owned by individuals (“Exclusive Condominium Units”) but branded by the Waldorf Astoria. All these exclusive units will be in Building B. They will range from 2,500 to 5,400 square feet.

The remaining 36 condominium units (“Hotel Residential”) will be contributed into the hotel rental pool for the hotel to rent them when the individual owner is not utilizing them. Building C will be exclusively Hotel Residential. Building H will have additional Hotel Residential over the retail space and Building E will also have Hotel Residential over the casino. These Hotel Residential units will range from 1,700 – 4,000 square feet.

### General Merchandise Stores

On the ground floor of Buildings G and H, there will be approximately 5,000 square feet of curated retail. Tenants are yet to be determined. The retail is intended to elevate the Grove and internal pedestrian walkways.

### Vehicle Storage & Parking

The project will have a parking garage with 424 dedicated parking stalls which can fit upwards of 460 vehicles with the envisioned valet operation plan. The purpose of the garage is to support the entire project, including the casino, hotel, residences, and retail spaces. Visitors and guests will be charged at a daily rate. The garage will be located predominantly underneath buildings B, C, D and F.

### Transmission & Receiving Facilities

Washoe County Regional Communication System operates a Radio Communication Site out of one of the Project’s parcels (APN: 123-053-04). The Microwave and LMR Radio Antennas are attached to the water tank owned by IVGID, but the radio equipment, batteries, routers, and switches of the repeater are located on the Project’s parcel.

## **3.4 Special Use Permit Findings**

1. Consistency. The granting of the special use permit is consistent with the policies and maps of the comprehensive plan elements and the Area plan in which the project is located.

**The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan.**

2. Adequate Public Facilities. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities must exist or will be provided.

**IVGID has provided a Will Serve Letter and is included in Appendix J. Currently the project has banked 40.39-acre feet of water, which is anticipated to be sufficient for the project.. Roadway improvements are proposed to be upgraded along SR-28, Stateline Road, Lakeview Avenue, Big Water Road and Wassou Road and promote safe access to the development and to the community. The surrounding roadways will be constructed and fulfill all the conditions outlined in SUP Case Number WSUP21-0035. The proposed water quality BMP plan is a substantial update from the existing conditions. It incorporates improved technology which will achieve the required water quality treatment which exceeds TRPA standards by constructing onsite infiltration galleries and detention basins sized to capture, treat, and infiltrate peak flow volumes from a 50-year, 1-hour storm event. The project also proposes water quality treatment facilities that will improve accessibility of those facilities for long-term operations and maintenance.**

3. **Site Sustainability.** The site must be physically suitable for the proposed use and for the intensity of development.

**The site has been thoroughly vetted through the environmental assessment process with mitigating measures in the certified EIS. Refer to Appendix I.**

4. **Issuance not Detrimental.** Issuance of the permit may not be significantly detrimental to the public health, safety or welfare; have a detrimental impact on adjacent properties; or be detrimental to the character of the surrounding area.

**The site has been thoroughly vetted through the environmental assessment process with mitigating measures in the certified EIS. Refer to Appendix I.**

**APPENDIX A**  
**Washoe County Development**  
**Application**

## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

<b>Project Information</b>		<b>Staff Assigned Case No.:</b> _____	
Project Name: <b>Waldorf Astoria Lake Tahoe</b>			
Project Description: Approval of these special use permits are required to allow for a proposed project consisting of a mixed-use resort. This development is proposed to include seven buildings, consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 SF of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. Further information is provided in a narrative above which details the above special use permits.			
Project Address: 47 Reservoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR 28 and 0 SR 28			
Project Area (acres or square feet): 13.143 acres			
Project Location (with point of reference to major cross streets <b>AND</b> area locator):			
<small>The WALT project site is located in Crystal Bay in the midst of the commercial corridor of gaming venues, restaurants, office and singlefamily residential. The Site will be accessed via the following streets: Stateline Road, Lakeview Avenue and Big Water Way.</small>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-052-02, -03, -04	0.28, 0.28, & 3.23 acres	123-054-01 & 123-291-01	0.996 & 2.77 acres
123-053-02, -04	1.42 & 0.184 acres	123-071-04, -35, -36, -37	0.644, 0.451, 0.402, & 2.486 acres
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WSUP21-0035 - Grading Permit			
<b>Applicant Information (attach additional sheets if necessary)</b>			
<b>Property Owner:</b> 123-052-02, -03, -04; 053-02, -04; 054-01; 071-04, -35, -36, 37		<b>Professional Consultant:</b> Owner: APN 123-291-01	
Name: EKN Tahoe LLC		Name: Big Water Investments LLC (-291-01)	
Address: 220 Newport Center Drive, Ste 11-262		Address: P.O. Box 6622	
Newport Beach, CA	Zip: 92660	Incline Village, NV	Zip: 89450
Phone:	Fax:	Phone:	Fax:
Email: tom@ekndevgroup.com		Email: rwittenberg@intlsupplyco.com	
Cell: 480.828.8959	Other:	Cell: 775.560.9527	Other:
Contact Person: Tom Jacobson		Contact Person:	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: EKN Tahoe LLC		Name: Austin Bergquist	
Address: 220 Newport Center Drive, Ste 11-262		Address: 220 Newport Center Drive, Ste 11-262	
Newport Beach, CA	Zip: 92660	Newport Beach, CA	Zip: 92660
Phone:	Fax:	Phone:	Fax:
Email: tom@ekndevgroup.com		Email: austin@ekndevgroup.com	
Cell: 480.828.8959	Other:	Cell: 949.887.9129	Other:
Contact Person: Tom Jacobson		Contact Person: Austin Bergquist	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	



# APPENDIX C

## Special Use Permit Application

# Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

Approval of these special use permits are required to allow for a proposed project consisting of a mixed-use resort. This development is proposed to include seven buildings, consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 SF of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. Further information is provided in a narrative below which details the above special use permits.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

A site plan is provided with the submittal package. Please see detailed narrative and site plan included in Exhibit G.

3. What is the intended phasing schedule for the construction and completion of the project?

Prior to Q2 2024, all of the vertical improvements, buildings & signage will be removed. The parking lot, sidewalks & horizontal infrastructure will then be removed at the start of grading season 2024. By the end of the grading season, all of the connector roads & associated utilities will be completed. Vertical construction will commence in grading season 2025 with excavation, haul off, & retaining walls starting with Building B. Following Building B will be Building D, Building C, Building E, Building F, & lastly Building G. The construction period is estimated to be 36 months.

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The Tahoe Area Plan states that redevelopment in this regulatory zone plan may result in increasing the diversity of uses, but in general it expects that existing uses will be rehabilitated. The project fits both visions, rehabbing the previous gaming and hotel uses, while adding in a diverse arrangement of other uses, such as the outdoor amphitheater. The vision for the area is one of continued implementation of a tourist-oriented core. The area fills a unique niche as a historic center for tourism that connects Nevada and California, which is important to the community and the Region.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

Impacts have been thoroughly analyzed & quantified in the EIS in Appendix I.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

Impacts have been thoroughly analyzed & mitigation measures have been recommended in the EIS in Appendix I.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

Parking is indicated on the site plan. The project will have a parking garage with 424 dedicated parking stalls which can fit upwards of 461 vehicles with the envisioned valet operation plan. Refer to Appendix N for Landscape Plan. Lighting will be per Washoe County standards.

8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

9. Utilities:

a. Sewer Service	Incline Village General Improvement District (IVGID)
b. Electrical Service	NV Energy
c. Telephone Service	Spectrum
d. LPG or Natural Gas Service	Southwest Gas
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	Spectrum
g. Water Service	Incline Village General Improvement District (IVGID)

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

<del>h. Permit #</del>	APN 123-052-04 (Appendix J)	acre-feet per year	40.20 banked
<del>i. Certificate #</del>	APN 123-053-04 (Appendix J)	acre-feet per year	0.19 banked
j. Surface Claim #		acre-feet per year	
k. Other #		acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

<b>IVGID</b>
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10. Community Services (provided and nearest facility):

a. Fire Station	Crystal Bay Fire Station #2 located at 14 Cal Neva Dr
b. Health Care Facility	Incline Village Community Hospital
c. Elementary School	Incline Elementary
d. Middle School	Incline Middle School
e. High School	Incline High School
f. Parks	The property is currently home to Sierra Park, which will be dedicated upon opening of the project
g. Library	The property is located approximately 1.8 miles from the Kings Beach Public Library.
h. <del>Citibus</del> Bus Stop	On-site

T.A.R.T.

**APPENDIX E**  
**Exhibits from Tahoe Area Plan**



## Mixed-Use and Tourist Regulatory Zones

There are four regulatory zones in the plan area that are either mixed use or tourist in character: Crystal Bay, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch. These areas are designated for mixed use development with more intense commercial uses and potentially other use classifications such as public service and light industrial. With the exception of Ponderosa Ranch and a large portion of the Incline Village Tourist regulatory zone, these areas largely correspond with the designated Town Centers. The mixed-use and tourist regulatory zones are subject to the Tahoe Area Design Standards provided in Appendix B of this document and established in the Washoe County Development Code (Article 110.220.1.) that articulates additional standards for buffering, landscaping, parking, and other design features intended to facilitate the mixed-use concept called for in each regulatory zone.

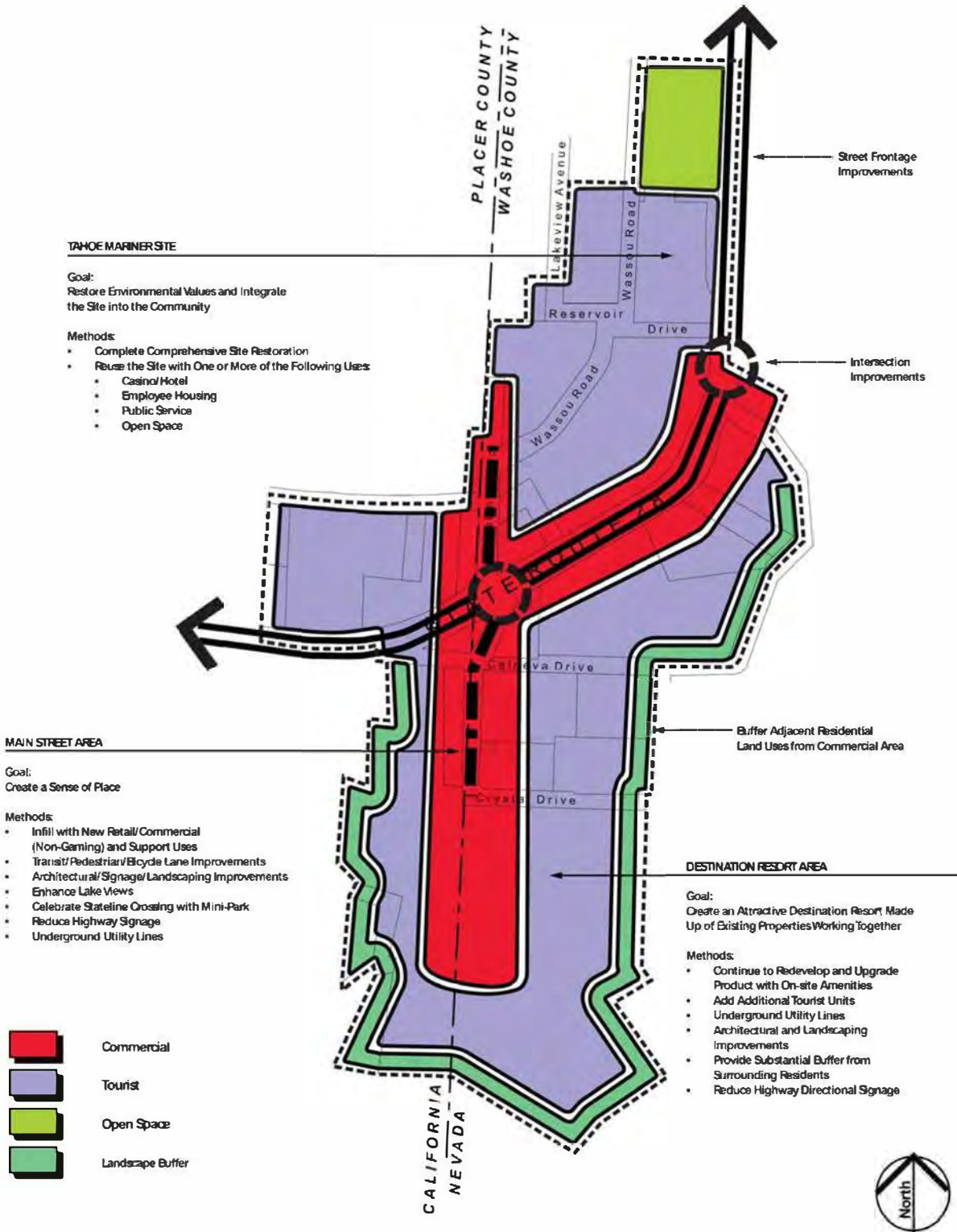
Permissible uses for each regulatory zone are established in Article 220 of the Washoe County Development Code (Appendix A). The list of permissible uses in each of these regulatory zones is broad and inclusive and contains uses from several land use classifications. As described in the existing conditions section above, the availability of commercial floor area, tourist accommodation units, residential bonus units and higher densities is focused on these regulatory zones. And finally, three of the plans (the Ponderosa Plan excepted) are largely coincidental with the Town Center overlays discussed above. This designation focuses important redevelopment incentives in these areas. Despite only three of the four mixed-use and tourist zones having the Town Center overlay designation, redevelopment is the foundation of the planning concept in each area.

These are important similarities. However, historical development patterns, differences in available permissible uses, and differences in available development rights combine to create large differences in the community character of these areas. These differences are reflected in the brief discussions of each mixed-use or tourist regulatory zones below.

### *Crystal Bay Tourist Regulatory Zone*

Originally known as the North Stateline Community Plan, with borders extending into Placer County, California, the TRPA Governing Board allowed the plan to be bifurcated along the California-Nevada Stateline in December of 2011. The Crystal Bay Tourist regulatory zone is centered on the area where State Route 28 passes through the casino core. The overall vision for the area remains primarily focused on tourist activities. The area contains five casinos with accessory accommodation and commercial services. The multiple award-winning North Stateline Beautification Project was completed on the Nevada side of the plan area in 1999. The streetscape included extensive improvements to State Route 28, the addition of sidewalks, street lighting, landscaping and street furniture. A joint Nevada Department of Transportation (NDOT) and Caltrans storm drainage project, and the undergrounding of utilities across State Route 28 at North Stateline was completed with generous contributions and help of the Biltmore property owners in 2012.

Redevelopment in this regulatory zone plan may result in increasing the diversity of uses, but in general it is expected that existing uses will be rehabilitated. The vision for this area is one of continued implementation of a tourist-oriented core with design standards that emphasize historic preservation and that specify how the plan transitions and provides buffers to the surrounding residential areas. The unique niche the area fills as a historic center for tourism that connects Nevada and California is important to the community and the Region.



**MAP 2.3. CRYSTAL BAY TOURIST CONCEPT PLAN**