

Boulder Bay Scoping Comments

Revised 8/21/08

To: TRPA

From: Friends of Crystal Bay/Brockway

As per TRPA's request for public scoping comments the following issues must be addressed in the Boulder Bay EIS:

1. *Code Amendments*

- All of the proposed code changes for the Boulder Bay CEP need to be identified, analyzed and stated as to the boundaries of affect utilizing exhibits and written text. Additionally the cumulative impacts of these code changes must be addressed for the entire North Stateline Community Plan (NSCP) area for all thresholds.
 - a. This includes amendments to add in a special height district, the potential for timeshare residential, any density concessions, amendment of plan boundaries, changes to settlement agreements etc. The NOP states that no Community Plan amendments or changes to the allowable NSCP land uses are proposed yet timeshare residential is not allowed. Does this present a flawed NOP scoping that should be recirculated?

If these planning considerations apply to the entire NSCP then this must be stated. The growth inducing impacts of how these amendments affect other properties such as Crystal Bay Club, Cal Neva, Nugget, Tahoe Inn, etc and impacts to adjacent residential and other property owners within the Community Plan must be addressed.

- b. The Environmental document must be very clear in a comparison of what would be allowed under existing rules and zoning ordinance today vs the impact of what the changes proposed as part of the future project would be, based on this project being both a CEP and potentially modified by Plan amendments. It is our understanding that Washoe County has

not adopted the TRPA density increase for timeshare use as per TRPA code. Is there a separate rezoning application required for and thus a separate rezoning application required for Washoe County?

- c. If amendments are proposed unique to the Boulder Bay site then an analysis of “spot zoning” – pros and cons must also be made in relation to impacts on surrounding land uses. I.E. Special Height amendment requests maximum height to be 75% of highest tree in existing tree canopy. A number of trees are 140-150 feet high.

2. Cumulative Impacts Analysis

A thorough cumulative impacts study must be done for potential growth inducing impacts for all properties in the NSCP, the surrounding Kings Beach CEP, Tahoe Vista projects etc. (probable future, past and present). These cumulative impacts must include an analysis of Article V (c) - of the 1980 Compact, TRPA adopted environmental thresholds that are necessary to maintain certain values specified in the Compact. These include but are not limited to:

- Traffic
- Air Quality
- Noise
- Scenic
- Recreation
- Water Quality
- Vegetation
- Wildlife
- Archeology
- etc

Note: Cal-Neva is in escrow and may be considering converting to timeshare residential/fractional use from condo hotel. The potential zoning change for this property must also be considered. A change from condo hotel will have environmental issues associated with this change such as the potential for increased size in TAU’s translating to increase in population, traffic, air quality, social and the other threshold related issues.

AFFILIATION WITH OTHER CEP CALIFORNIA PROJECT(S)-

NOP does not disclose Boulder Bay's affiliation with the Kings Beach/Ferrari Family resort and Sun and Sand. Developer says any such affiliation is not part of their current application at this time. However, this is inconsistent with other statements made to the Public. Developer should either confirm or deny in writing any affiliations being contemplated as part of the project. The impacts of this nexus must be disclosed if there is any potential for future linkage. A CEQA analysis must be done concurrently with the EIS and the impacts adequately mitigated. Developer/Owners have verbally indicated their intention to join forces in meetings. The public has a right to know what is proposed for the communities in which they live in as full disclosure is a must.

3. Community Plan

Per TRPA board action all projects are still being reviewed under current Community Plans. (Please refer to Attachment A- Board resolution). Therefore, the Boulder Bay project must be analyzed in comparison with the existing North Stateline Community Plan goals, policies and action programs. Comments were made that this project also meets “place based Planning “ criteria. Since the Regional Plan is not approved and an environmental document for the Regional Plan not certified, or an alternative not selected and ordinances for a new Regional Plan not in place this project must conform to the plan that is currently in place- NSCP with proposed amendments.

- a. Additionally, the EIS should differentiate between what would be reasonably expected of any project moving forward under the existing Community Plan guidelines in comparison to what level of mitigation would be expected for status as a CEP project. What is the additional benefit to the environment and the community – of this project getting concessions as a CEP?
- b. Alternatives to the preferred action must have enough diversity from one another as to be realistic. These include alternatives that propose less impact to the North Stateline area. Baseline coverage, gaming floor area and CFA calculations are incorrect in the Alternatives by a significant amount (I.e. existing coverage calculations include existing public right of way and are overstated by nearly 100,000 sq. ft.)
- c. Special Use Findings must be made for this project per Chapter 6.3 (threshold related findings) and Chapter 18.1 B and 18.2 (Special Use related findings).

d. “Family Oriented Destination Resort” characterization is used as justification for various claims by the developer, such as reduction in traffic, but a true destination resort has a full complement of goods and services and recreational opportunities on premise including pedestrian amenities and recreational opportunities.

e. Define “destination resort” as allowed in other jurisdictions? The project description does not discuss recreational amenities that would help to define any unique attributes of this project as a “destination.” Are there other aspects to this project that make it more destination oriented? What about other phases of the project or ties with other developments? If there is a contemplated link with California projects or other CEP’s then a CEQA analysis would also be required in coordination with this document as stated previously.

f. Currently only 50 residential bonus units are allocated in the NSCP for employee housing. Will this project utilize these bonus units? How many employee units are proposed? Does the number of proposed employee units change with each of the alternatives? What are Washoe County requirements for employee housing? Will the proposed housing satisfy all of the employee needs associated with the project at build out? If not, where will the additional employees be located? What amenities will be available for these employees and their families on site? Will there be play areas, open space and recreational opportunities etc? How many new jobs will be created compared to the jobs that currently exist now? Will there be any provisions for child care facilities within the project as per NSCP Goal 1.1.1?

g. The Proposal calls for mixed use of fractional, motel, commercial and multiple family dwellings. With this many mixes on a relatively small site the potential exists for conflicts with the differing uses, lifestyles and needs of the residents, visitors, employees, etc. Identify the conflicts between the uses and the suggested mitigation? Would like a clear exhibit showing the mixed uses proposed for the development and an analysis of the amenities, open space, recreation and other opportunities available for each use.

h. Identify where the allocations for new multiple family dwelling use are coming from? Again, if from out of area what are the social and environmental impacts of those entitlements transferring?

i. What portions of the project area are currently open space that will have structures or improvements within them? Identify the type, massing, and use of these new structures.

j. The vision for the future as detailed in the North Stateline Community Plan calls for “a more complete destination resort area for visitors and improving the quality of life for local residents while maintaining a balance between the tourist and residential aspects of the area.” “In terms of community design, the goal is to enhance the beauty of the built and natural environments. More emphasis should be placed on the outdoors and on human-scale design.” How does this project meet these goals?

- 1). Destination resort?
- 2). Improving the quality of life for the local residents while maintaining a balance?
- 3). Enhancing the beauty of the built and natural environments?
- 4). Emphasis placed on human scale design?

k. How do 86 foot tall buildings, dense and massive development meet any of the goals as listed above? What is intended by “human scale design?” How are the built and natural environments related with one another with this project? Planning Objectives Ignored- Modeling South Shore development on the North Shore will be detrimental to the area. The Place based Planning Goal based on public input and research conducted by the agencies themselves is to “keep Tahoe a rural wild place that is unlike surrounding cities and metro areas”. There is nothing rural and wild about this project. The entitlement transfers alone will be bringing in the City density from South Shore to the County of Washoe.

l. Boulder Bay’s proposed plans are inconsistent with the NSCP and Place Based Planning Goals as outlined on the TRPA website. The inconsistencies include:

1. Furthering the public desire to retain relaxed community in rural and community settings are ignored.
2. Creating attainable housing for the needs of children and families are ignored.
3. Creating recreational opportunities are ignored.
4. Creating a Family oriented resort- (limited amenities) is ignored.
5. Project does not retain the “Old Tahoe” rustic feel in human scale settings.
6. Easy going life style is not protected.
7. Project as proposed is a complete loss of Community Character as envisioned in the existing Community Plan for a “family destination resort.”
8. Dense urban core focus is the antithesis of residents living in a mixed use village center and a detriment to surrounding use.

9. New land use conflicts with adjacent residential uses have not been resolved or even attempted to be addressed.
10. Buffering between the new proposal and the neighboring residential is not adequate.
11. Proposed sidewalks, in some cases are non existent, are minimal in size and function. They do not lead to anywhere. If this project proposes a link to Kings Beach then the sidewalks must link to Kings Beach directly.
12. Proposal does not solve cumulative impacts regarding increased traffic congestion. (Tahoe Vista to Crystal Bay)
13. Complete urbanization of Crystal Bay into a City like atmosphere without adequate infrastructure or amenities that big cities have.
14. Timeshare residential is currently not an allowed use in the NSCP. Why should it be allowed?

m. (There is acknowledgement that structures housing gaming can be rebuilt to the same exact configurations as to mass and height as specified in the Compact.) However, the structure housing gaming is going to be demolished and a new structure (s) proposed in a different location. How does a complete tear down and relocation meet the compact provisions for replacement? What specifically would the “Grandfathered heights apply to? Special Height district rules used for South Shore development may not be appropriate for the North shore.

n. Proposed Special Height District ties maximum building height to 75% of the tallest tree in the tree canopy. Numerous trees have been measured from 140-150 feet in height. 222 trees are proposed to be removed. A inventory of tree height in the project area must be performed and impacts on thresholds must be analyzed. Currently site can be viewed from the water on all sides of Brockway point and from as far away as the east shore. Visual simulations of project should be done from 300’, 500’, 1000’. 2000’ from the shore

n. Building locations as proposed in relation to the street are still poor in the new proposal. 20 foot setbacks for tall and massive structures is not an adequate setback.

4. TAU Entitlements

Super Sizing Interpretation of Tourist Accommodation Units (TAUS) by TRPA and Inconsistencies in the code.

a. TAUS from projects of 100-300 sq.ft. in size (hotel/motel rooms) are being bought, transferred from outside jurisdictions i.e. South Shore and expanded to large multi-bedroom residences of indeterminable size and number of bedrooms to the North Shore. In some examples the TAU sizes go from 100- 300 sf to over 1600 sf a five fold increase with resulting impacts to environmental thresholds that must be addressed. These include an increase in population, traffic trips, air quality, land coverage, vegetation removal, infrastructure concerns, massing, social impacts, and code issues etc. There is no authority in the code to allow the increase in size of TAUs to multi-bedroom units.

b. The TRPA TAU definition Chapter 2-Code of Ordinances is, "one bedroom or a group of two or more rooms with a bedroom with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis."

c. TRPA requires one TAU per bedroom in a bed and breakfast facility as well as a traditional hotel room, yet with the fractional and timeshare residential projects the TRPA is currently allowing one TAU per residence with any number of bedrooms. This is a grave inconsistency in the code which is not acceptable.

d. Timeshare residential is the right to "exclusively use, occupy, or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years." (Chapter 18 definition in the Code). At this time *timeshare residential* is not even an allowed use in the NSCP yet fractional development is proposed as part of this development and part of the alternatives.. (ex. 1600 sf units with kitchens) Explain how this is possible? Where is the accompanying requested code. NOP should be recirculated with this amendment.

e. Chapter 34 of the TRPA Code of Ordinances for transfers of development findings must be addressed if any of the development is proposed on land that is not Bailey Class 4 or higher. This includes discussions on land coverage reduction, cubic volume, character etc. Part of Building B and Building A are in Class 1A

f. EIS must address the original 1995 Community Plan EIR/EIS for North Stateline with an analysis of TAU's and traffic impacts

prepared by Gordon Shaw. Traffic impacts of the existing and proposed TAU's were based on an analysis of TAUS as related to their original conceived size. (motel/hotel size of approx. 300 sf).

g. 77 % of the TAU's for this project (109 out of 141) Tau's are proposed to be imported from South Shore to North Shore. This in essence represents a significant impact of reducing density on the south shore only to increase it on the North Shore. Describe how transferring this density of small motel rooms from a incorporated City located in California- City of South Lake Tahoe- into another State - Nevada and another County- Washoe County improves the quality of the environment, or reduces dependency on the automobile, or meets any of the TRPA adopted environmental thresholds in any way. What are the environmental as well as the social impacts of these transfers?

h. The proposed fractional ownership units which are likely to have higher occupancy rates based on their size will have the potential to create accelerated stress on Public Infrastructure. This includes a demand for additional water and sewer needs. We would like an analysis of system capacity with IVGID and also a roadway analysis with Washoe County. Are there water rights in place to serve this increased development? If not, where will the water rights be obtained?

i. Allocations/entitlements for the fractional development should require residential units of use as they are sold as "shared residences" or one TAU per bedroom.

5. Mariner Settlement Agreement

The Social and environmental impacts of any change in the Mariner Settlement Agreement must be assessed.

A. Public Park

a. BB as proposed will result in a loss of potential public park space (1.27 acres) and approx. 4 acres of open space. How will this be mitigated?

- b. The area identified as a replacement park is virtually unusable Class 1 land at the end of the project that is steep and can't be developed or improved. This is not a recreational amenity or public benefit as it has sensitive land capability and no land coverage. This offer of a public park is an empty offer as it is virtually unusable.
- c. The BB proposal calls for additional development on Class 1 land. Would like to see an exhibit of new land coverage in areas previously not disturbed, coverage over existing coverage, and coverage to be removed for the entire project. Relocation findings per Chapter 20.5.C must also be analyzed for relocations. How can the project proponents meet findings that the relocation is to an equal or superior portion of the parcel?
- d. The site plan must identify new square feet of Mariner area that will be covered with structures that has never been developed in the past. Approx. 650 lineal feet of the property has massing in the new proposal. In the past, approx. 350 lineal feet had massing.

B. Three single family residences

- a. Current Mariner settlement only allows 3 single family residences on 1.4 acres. The proposal of replacing these three potential single family residences with four structures, containing 32 units totaling 95,176 sq.ft. is excessive and inconsistent with the 2001 TRPA Settlement Agreement in force. Currently no mass, or improvements exist in this area and the proposed new development will be character altering. (Please refer to comments above).

C. Allocations sold off by developer as part of settlement agreement

- a. Entitlement transfers have already occurred off the Mariner site as part of previous approvals. Private benefits were secured with the understanding that Public benefits would be maintained in terms of entitlement transfers already occurring on the Mariner site. In other words, the Mariner owners have already transferred off entitlements 27 times including land coverage, TAU's, commercial floor area etc. Only three single family residences were allowed to be constructed as a condition of the removal of development and transfers off of

entitlements. The public was aware of these concessions and informed that only three homes would be built on this site. How can findings be made that the new plan with 32 units and massive structures is a better use of the land?

b. The public was promised open space and reduced density of three homes in exchange for the developers being able to transfer off “goodies”. What is the legal implications of such a change to high density development? The new settlement agreement will require sign off from the California Attorney General’s office. Are they aware of this potential change and previous promises made to the public for reduced density? The public ‘s opinion should be noted in any future negotiations with the California Attorney General.

6 .Land Coverage

Project site acreage is significantly overstated.

- a. BB failed to accurately calculate the acreage and coverage as shown on the proposed site plan. The project area is not 15.06 acres. This acreage presumes that portions of the road have been abandoned which is not the case. An accurate delineation of acreage must be provided.
- b. An analysis of public benefit must be made of the potential road abandonments based on hard land coverage that accompanies such abandonments. If based on fair market value the coverage is worth \$1,000,000 or more that money should be held for public benefit to offset the loss to the public of the roads.
- c. Coverage discrepancies appear between the Alternatives matrix and the site plan. Accurate coverage figures must be provided. Coverage calculations assume ownership of existing Public Right of Way.

7. Impacts on Local Infrastructure

- a. Is their sufficient sewer and water capacity to serve the increase population and density of 421 units where now only 92 units of much smaller size and number of bedrooms exist? (4X increase in number of units. IVGID must give an analysis of the wastewater needs based on occupancy and the impacts to the existing system. Is the infrastructure large enough to accommodate this increase in use? i.e. sewer capacity and the ability to serve water?
- b. Is their adequate fire storage to accommodate this project without the need for construction of a new tank?
- c. Does the IVGID system meet the fire flow requirements as delineated in Chapter 27.3 B of the TRPA Code?
- d. What would demands be on fire dept equipment? Would this project require an additional engine? If so would the public have to bear the cost of the new equipment or would this be the sole responsibility of the developer? Would housing be needed for new equipment?
- e. Will serve letters should be required from the waste disposal company, power company, cable, Phone, gas, and other utilities.
- f. In accordance with TRPA Chapter 27.3 A- Are water rights needed to be transferred to IVGID to accommodate this project? If so are they acquired and from where?
- g. Narrow single lane roads surrounding the project site are not proposed for improvements yet capacity and demand is increasing. Adjacent roadways to this project must be improved to current County standards. Impacts of non residential traffic and the limited access issue must be addressed with County public works personnel.
- h. Pedestrian safety issues must be addressed. This includes pedestrian access throughout the site and as well as around the project with linkages to other communities (Kings Beach) where there are amenities such as shopping, retail, etc.

8. Impact on Off-Site Recreational Amenities

The NOP states that “Construction and operation of the project would have limited impacts to existing public access and recreational uses adjacent to the project area.” In light of this we would like to know:

- a. What are impacts on the Small local beaches such as -Buck’s beach to the neighbors- increased population, traffic, etc?
- b. What is demand on IVGID recreational facilities as a result of this project? Will the occupants of this project be allowed to utilize the IVGID beaches, the public parks and other amenities?
- c. Impact on Kings Beach recreational facilities must also be addressed. What is the impact of this increased population to public parks and beaches of California?
- d. What are the Impacts of increased use of the Crystal Bay Fire Trail Lookout to the surrounding neighborhoods located behind the development?? Currently there is inadequate parking to accommodate the users of this area now. What improvements are planned to mitigate the increased impacts to this location and to the environment?

Cars parking on the road shoulders have eroded the banks. This presents a significant impact to the neighborhood.

- e. Impact on Somers Loop lake access? Need to evaluate the demand in this location for local public lake access and how this project will impact this access. What mitigations are proposed? Inadequate parking also exists in this location.
- f. Project-generated demand for off-site recreational resources (including access to the fire trail and beach access points in the Crystal Bay/Brockway area) will negatively impact existing residents and the environment. The demand will be inappropriate given the limited off-site resources (especially parking), lack of on-site resources, and scale of the project and increase in population.
- g. Future linkages to projects in Kings Beach must be addressed. If BB is proposing a project in California that will benefit users of BB then the CEQA impacts of such a

linkage must be addressed as part of the overall environmental analysis for this project. This may involve a new scoping meeting held to allow opportunities for public input.

9. Review Existing Inventory Entitlements

- a. CFA numbers appear to be contradictory between the site plan and project description. How is the 44,631 sf of CFA for the existing Biltmore hotel allocated and broken down? I. e gaming area, retail area, public space etc? Need to compare this with a detailed breakdown of the proposed new commercial uses associated with this project.
- b. There is a discrepancy between the project application and the project description. Total CFA listed on the application is 89,652, but Alternative A in the NOP quotes CFA at 28,400. Which is the correct figure? Regarding CFA for the “wellness center” the site plan states that this center will be 35, 256 sf but the project description shows an overall decrease of CFA. This is nonsensical. Chapter 33.A code for allocations of commercial floor area need to be addressed as part of any proposed accessory use proposal.
- c. What are the accurate figures for casino floor area? 10,000 sf or 24,000 sf as is suggested by historical data? The project application reflects a 24,000 sq.ft. casino., not 10,000 sq.ft. as suggested in the NOP. What is the true coverage reduction in light of above?

10. TRAFFIC

- a. Traffic concerns: The Developer is tripling population to 2448 occupants in an area already experiencing traffic gridlock during peak periods. There is no adjacent beach access and no on-site recreational amenities yet the traffic study has taken a reduction in trips for a “destination type resort use”. Instead of a reduction in traffic trips, the users of this resort will have to drive to find amenities befitting a family thus more traffic trips will be created than originally envisioned in the traffic study.

b. Traffic VMT in the community plan is required to be reduced by 2315 VMT by 2007. How is this project meeting this goal and objective? The plan's overall goal for transportation is to reduce reliance on the automobile by provided enhanced transit, pedestrian and bike opportunities. How does this project meet these goals? Will there be a linkage to Kings Beach for pedestrian access as would be befitting a project of this size and magnitude

c. Traffic trips for existing baseline conditions should accurately reflect the fact that gaming overall is "down." An analysis of the gaming for the past five years should be provided along with future projections to obtain a more accurate baseline condition.

d. Developer's traffic study is flawed and must be redone as there are discrepancies in gaming floor area, number of users of the casino, hotel and properties etc.

e. What changes are proposed for the gaming amenities such as number of slots, tables, etc? How will these changes impact the public's use of the casino? A 10,000 sq.ft. casino can easily accommodate 12 tables and 275 slots. Currently the site has 12-14 tables and 315 slots. Show how this minor reduction in gaming will serve to reduce traffic counts.

f. Need new cumulative traffic study that addresses projects that are existing, probable, and planned for the future. This would include a geographic area from Incline Village, Northstar, Kings Beach and Tahoe Vista.

g. What is the maximum occupancy of the BB units for evaluation of traffic impacts and number of cars? What is going to be evaluated in the EIR document vs what is going to be marketed by the developer? (i.e. two people per bedroom doesn't take into account lock out units and sleepers in livingrooms. Occupancy is currently underestimated) How many lock out units are included in the unit count.

h. Occupancy of current Biltmore facilities overestimated- (EIS to provide historical occupancy tax records). The existing baseline numbers used in the traffic study for population are not accurate they reflect a much higher number than what is realistic. This

inaccuracy must be addressed and corrected. (New traffic study will have to be generated).

I. Would like a detailed breakdown of all of the parking needs for the project based on use. Reductions in required parking based on mixed use to be compared with requirements if not mixed use. Washoe County parking requirements must be identified in document.

j. Will there be assigned parking based on use? How will public and employees differentiate between uses? How will owners of fractional units locate their parking ? 250k sq.ft. of underground parking makes it unrealistic to have open parking. Therefore no deductions for the fractional/timeshare unit parking requirements should be made for open parking.

k. What amenities or facilities are available for use by the general public vs what will be considered private and how will this affect various relevant calculations? Will the Spa, Convention Center, Casino be advertised to the general Public?

l. What are the parking demands of the “wellness center?” or convention center? Is this facility open to the general public?

m. A Parking Master Plan for the entire NSCP should be prepared. Will there be reciprocal uses of parking ? i.e. Is the Crystal Bay Club parking structure available to BB ? It’s owner has said “no’.

n. Alternatives for Traffic circulation must be addressed as requests for road abandonments have not been granted. (i.e. issues remain with Stateline, Lakeview, Reservoir and Wassou Road and their conditions and status. How will traffic circulation and safety issues be addressed in the alternatives?)

o. The community plan talks about changes at the Stateline light from LOS C to LOS F. What is the LOS today vs the LOS upon project completion? The entire Stateline traffic signal must be evaluated in context of this project with the other planned and future projects located in Kings Beach.

p. The potential for a *roundabout* or other traffic flow measures should be addressed at key intersections.

- q. How will future stacking issues be resolved?
- r. How will this project address the goals in NSCP.5.1?
- s. Based on cumulative impacts of increased cars and VMT the adequacy of the single road link between Incline Village and Crystal Bay should be addressed? What mitigation measures will be installed to keep traffic moving?
- t. What type of transit shelter is proposed as part of the project?
- u. Will a shuttle be provided between Kings Beach and Crystal Bay? If so, what hours of operation and seasons of the year? What guarantee will the community have that the shuttle will be continued indefinitely?
- v. Employer based trip reduction program must be provided and implemented. Please provide a detailed analysis of what mitigations measures will be proposed as part of this program. What about monitoring requirements?
- w. A pedestrian linkage to Kings Beach should be part of mitigation as many of the existing casino workers live in Kings Beach and walk every day to work. (This may be an example of what is expected of a CEP status project).
- x. If mitigation measures for traffic improvements are only payment of a fee, show how this will be part of nexus to the local community or how a fee will improve any local problems.
- y. Would like an independent traffic consultant (not the EIS consultant) to review EIS traffic report.

11. Pedestrian Circulation

- a. Pedestrian gathering place or promenade seems to be missing from plans. Can't discern any perimeter sidewalks that encourage pedestrian circulation or use of site.

- b. Developer must perpetuate two safe accesses to southern Crystal Bay that function in a manner similar to the existing design. Alternative road access proposals must go thru approval process concurrently with the project application. Various Alternatives will dictate necessary road design.
- c. Project blocks current easy public access to the Crystal Bay Lookout for residents of lower Crystal Bay.
- d. Other residents of the area will have to negotiate Stateline Road/Lakeview with no sidewalks and uneasy sharing of the road with access to Building D (95k sq.ft.) Additional pedestrian amenities must be provided.
- e. Project as proposed creates substantial increases in population in a small area. How does current proposal enhance pedestrian safety on and off site? How will pedestrians safely cross Highway 28 at the project site? Will multiple crossings be provided?

12. Air Quality

- a. Pollution from construction must be addressed- long and short term impacts during construction and monitoring once project is complete.
- b. Air pollution thresholds must be addressed. How does this project comply with TRPA Code 91.5.A? (Adverse environmental affects must be addressed).
- c. Long term pollution from vehicles and households (natural gas combustion) must be addressed.
- d. Ca. State Resources Air Quality Board says Lake Tahoe is at nonattainment now for carbon monoxide. How does proposal improve air quality?
- e. Impact from population increase and resulting idling cars impact air quality. Urban density equals urban air quality. How will this be addressed?

- f. What are impacts of traffic and air quality to adjacent neighbors of this project? How will payment of an Air Quality Mitigation fee show any local nexus?

13. Cultural Resources

- a. The Historic Value of the Existing Biltmore Building and sign must be documented and addressed. Detailed signage plan must be proposed as part of project.
- b. NSCP has last remaining “Old Tahoe” gaming facilities. What will be done to preserve the character of the past?
- c. Exterior architecture contains outstanding qualities reminiscent of an early stage in Crystal Bay and Lake Tahoe history. What preservation of the historic features are proposed? Review Chapter 29 of the TRPA Code for Historic Resource Protection. Is the Biltmore eligible for consideration for any designated historic resource? (Chapter 29.4).
- d. NSCP and Place Based Planning goals include preservation of the “Old Tahoe” architectural theme. In what way does the proposed monolithic architecture of the new buildings enhance the “Old Tahoe architecture” and charm of this area?
- e. The Washoe tribe and other applicable indigenous peoples should be consulted for their input to this project.
- f. A thorough cultural investigation of the project site must be required. Standard mitigation practices should be implemented if artifacts are encountered during construction.

13. Natural Hazards

- a. Is the project located within any avalanche , landslide zones or other natural hazard areas?

14. Socio Economics

- a. Identify compatibility issues of a mixed use project.

b. What amenities will be provided for the employees? How much open space per person? Any amenities for the children such as laundry facilities, game rooms, exercise equipment, swing sets, outdoor areas, open space etc?

c. How much separation will be provided between the employee housing and the structure housing gaming?

d. Show how the employee housing meets goals in the NSCP that the workforce should be close to hospitals, schools, and shopping? Will there be shuttles available to transport employees to these services?

e. In light of the fact that there are over 500 fractional and timeshare resales and projects currently for sale on the North Shore an analysis must be developed to determine demand and need for this project .

f. The South Shore Convention Center is unbuilt due to issues with financing. What guarantees do the public have that this project will be started and completed to prevent an unfinished product leaving the community holding the bag?

g. Need to address the Potential decrease in property values due to increase in traffic and density and housing inventory. A market analysis should be provided in the environmental document.

h. Is site parking free to locals and guests ?

(Retail at the Marriott on So Shore is struggling since it is underparked and paid parking is expensive. Employees and shoppers use Harrahs and the Crescent V shopping center lots to park. Parking violators receive a \$50 fine at Crescent V) Excess cars park along highways and neighboring roads when projects are underparked creating terrible issues for locals and safety concerns- blocking driveways and neighborhoods.

A parking management plan must be prepared to address issues of inadequate parking and local alternatives.

15. Hydrology and Water Quality

- a. What are impacts of expansion of development in Class 1 soils? Relocation findings must be made in accordance with TRPA rules and regulations. (Chapter 20).
- b. 36 ft underground cuts could affect run off and water table. What are impacts of these huge cuts? Will dewatering of the site be required to construct building foundations? Any stability issues surrounding these large cuts?
- c. Run off study needed for roof run off.
- d. 50 year one hour storm is proposed to be infiltrated on site. What types of facilities are proposed to treat this runoff? Will there be natural swales and basins ? Where will the runoff discharge to?
- e. A fertilizer management plan should be required as part of this project for any landscaped areas including lawn. What are the impacts of the additional nitrogen and phosphorus to the Lake?
- f. An evaluation should be made of the entire watershed for Crystal Bay area to understand drainage patterns and the effect this project will have on the natural conditions.
- g. Cumulative impacts of this project in relation to future projects must take into consideration demands on the existing storm water drainage system.
- h. Run off study needed on Stateline and Lakeview Road. Massive amounts of surface water travels down this 12-15% grade during heavy weather events and end up running down the county streets. BMP's of these roads must be part of project.
- i. Will boat storage or parking be included as part of the project design? Increase in population equals increase in boating which equals more pests in the lake.(i.e. zebra and quagga mussels, Eurasian milfoil). A study of the potential impacts to lake clarity must be done as part of environmental document due to the increase in tourist population frequenting this resort.

- j. Since project area drains an area larger than 20 acres, water treatment storage and reduction should be calculated on 100 yr storm events.

Developer should provide evidence that existing pavement and structures aren't covering any historical SEZ areas. **Note on the first page re:North Stateline Casino Core, "CPA is 30% high hazard land and 5% SEZ. Much of this sensitive area has been covered. Two Swales exist on the CPA and one has a meadow at its north end, all of which is considered SEZ." There is a swale on the Somer's Loop side and one on the Whitecap side the beginning of which would be the Biltmore site. The only possible source for these swales are the Biltmore/Mariner site.**

- k. Snow storage areas and snow storage removal must be addressed. Will snow be physically removed from the site as the project is so dense there does not appear to be room to contain snow on site. (Chapter 30.5 C).

15.Scenic

The project shall not cause a decrease in the numerical ratings assigned to roadway and shoreline units. (Chapter 30.12 A).

- a. Roadway travel route #20 must be evaluated for scenic impacts. This roadway unit is currently not in scenic attainment therefore vast improvements to scenic quality are required. (Chapter 30.13) (The guidelines for urban corridors should be analyzed for this project).
- b. A scenic simulation should be required of the proposed improvements from Highway 28 viewpoints.
- c. A scenic simulation should also be required from the Lake. 300',500', 1000' from shore. Site is even visible from the east shore. Long and short distance simulations from the lake must be developed.

- d. Explain how the proposed project meets the scenic goals and character of the existing NSCP? Could Urban density alter scenic quality?
- e. Is future redevelopment consistent with “Old Tahoe” style objectives.
- f. 55 ft to 85 ft high buildings will be seen from the water at distances farther than 300 feet and should be evaluated as such. Currently the water tank and homes located on Lakevista are visible from the east shore (A scenic analysis from the lake must be provided).
- g. Identify impacts to neighbors of the massing and also of the height of the buildings. The height ordinance proposed for special height district is more befitting South Shore than Crystal Bay and needs modification.
- h. Special Heights of up to 75% of the tree canopy are not acceptable. Estimated heights of some trees approximate 150 feet.
- i. Identify number of buildings and proposed heights for each alternative. Show plan in relation to neighboring buildings and residences. Include view from HWY 28 .
- j. Special height district must require extensive mitigating measures such as increased setbacks, removal of land coverage, provision of access to shoreline, and other redeeming factors other than just mixed use developments.
- k. Would like cross sections of the proposed stepping of building height. The proposed transition in height will create appearance of solid structures stepping up the hill. Need accurate cross sections of each building in relation to height and stepping. It appears that Building D will rise 122 ft above a 6 ft. tall man standing on Cove Ave.

- l. The monolithic appearance of the architecture is not in keeping with the goals and policies of the NSCP.
- m. An arborist report should be required to Inventory all trees on site. Identify number of trees to be removed for all alternatives and sizes of trees.
- n. How many trees of significance are proposed to be removed?
- o. What percent of the existing trees are proposed to be removed?
- p. Scenic simulations must be done showing trees to be removed and also what impact these buildings have on potential loss of mountain views.
- q. If a majority of the existing trees are proposed to be removed this is a significant impact.
- r. What type of mitigation is proposed as part of tree replacement? How can you mitigate for loss of significant trees of larger size?
- s. Current Biltmore structure housing gaming is articulated and set 75-100 ft off Stateline and Reservoir Roads - Need shadowing study for interior of project and how project affects surrounding properties.
- t. 11 tall buildings close together will cause icy dark conditions in the interior. The affects of this must be analyzed.
- u. Light and Glare from the commercial uses and an estimated 1000 + windows from the 421 units will severely degrade nighttime sky and could impact the neighbors. How will nighttime sky loss be mitigated?
- v. Loss of existing open space view on the Mariner property to massing of 11 buildings 55-85 feet high is a significant impact that must be addressed.

- w. Ensure that the height, bulk, texture, form, materials, colors, lighting, and other design elements are compatible with the natural, scenic and recreational values of the region.

15. Phasing

Applicant needs to provide a phasing plan for construction staging. This should include the number of phases associated with the project, components of what will be constructed in each phase, construction schedule, and a list of what will be completed in each phase. (Ex. Will a batch plant on site be required? How long?)

16. Noise

Regional Plan Threshold says cumulative noise levels are not to exceed 60 CNEL for NSCP and the Hwy 28 corridor. The threshold for Brockway and residential Crystal Bay is 55 CNEL. A thorough noise analysis is required to determine project level noise impacts on both a short term as well as a long term basis and conformance with thresholds. A weighted and unweighted noise study should be performed.

17. Miscellaneous

a Mixed use table densities seem to be ignored and must be addressed per TRPA code requirements per Table in Chapter 21. What is the current non CEP density allowed?

b What does the site plan refer to in discussions of LEED development density?

c. What is proposed to achieve silver LEED certification status? Is this really feasible given the proposed architecture, height and mass of the buildings and number of buildings.

d. "Modified Mix of Uses" proposal must show the following:

1. Cross section of roads against buildings on Stateline/Lakeview/Wassou Roads.
2. Elevation study

e. Will a batch plant be required as part of site construction? If so what mitigations will be in place to keep noise, dust and debris to a minimum?

f. Boulders on site could demand excessive blasting. These impacts need to be identified or alternative locations sought.

g. June 30th 08 responses by Feldman Shaw are inadequate to address comments made by TRPA in their letter of June 3, 2008. More analysis and details are required for:

- Special Height District
- Analysis of project conformance with the Regional Plan, Goals and Policies, NSCP, TRPA Ordinances, relocation findings etc.
- TAU transfer information- What properties are the TAU's coming from- size of TAU transferred, etc.
- Clarification of the amendments required for this project. Is the applicant requesting a Timeshare Residential use? Is it for the entire NSCP?
- Density standards explanation for Special height ordinance request.
- Height analysis as per proposals to modify how heights are measured- deviation from the code.
- Opportunity for public input into the Mariner Settlement Agreement.

*****Note: Based on the fact that Boulder Bay is a CEP project evidence must be provided that this project exceeds what would be expected of a “demonstration type” project. Analysis of environmental mitigation measures which are normally required of a non CEP project in the NSCP should be compared with contributions offered by BB that are required to be “above and beyond that base contribution. What is the NET GAIN of the above and beyond that this project presents??