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**Re: The Resort at Tahoe & Residences (formerly Boulder Bay) Application for Grading Special Use Permit Comments**

**From: North Tahoe Preservation Alliance**

**Date: 12/24/2021**

Thank you for allowing the North Tahoe Preservation Alliance (NTPA) to comment on the Resort at Tahoe & Residences (RATR) application for a discretionary approval of a Grading Special Use Permit. The NTPA has been helping preserve the natural beauty and rural character of North Lake Tahoe since 2008. NTPA has been following the RATR (formerly Boulder Bay) project since 2007.

Upon review the only conclusion is that the application is materially flawed and must be denied. RATR has changed the 2011 originally approved project in important ways, invalidating the decades old TRPA permit. The project has been substantially altered requiring a new Environmental Impact study. The 2008 Traffic Study is now so out of date it must be considered unacceptable and irrelevant.

**The application fails in the following areas:**

1. CHANGED PROJECT DESCRIPTION: Project location and area are incorrect because it fails to include important APN #s.
2. The 2011 TRPA approved project included parcels on the south side of Hwy 28. Namely, APNs 123-042-01 and 02 (Crystal Bay Motel and Office Building and parking lot). (see attachment A-original project).
3. These parcels were important to calculate onsite population, coverage, drainage, existing unit (TAU) credit, parking and traffic counts.
4. The SUP completely ignores these parcels.
5. The SUP ignores the intended uses of the 275 unit hotel. The undefined hotel could be a condotel, or large condos with kitchens that are actually short term rentals which greatly affects population traffic and congestion. The application is silent on the detail of the project’s use.
6. The SUP ignores owner, EKN’s recent acquisition of Beesley’s cottages located in Tahoe Vista, Ca. Placer County.
7. **IRRELEVANT TRAFFIC STUDY: Consistent with the NDOT conditions of approval for the Abandonment, a new traffic study is required before any further variances are approved or roads taken. A 14 year old 2008 Traffic study is insufficient for reasons which include:**
8. The 2008 traffic study and the Final EIS failed to use existing traffic counts (about 1400 daily trips) as the baseline, instead they used projected traffic counts as if the property were fully developed under current zoning maximized buildout. This resulted in a unrealistic baseline that was excessively high (over 5000 daily trips), and then compared it with the proposed “smart growth” development that could potentially reduce trips to about 4000 per day. This false baseline deceived the public and decision-makers into thinking that the proposed development would reduce traffic from actual existing conditions of about 1400 vehicle trips daily. This deception must be corrected to accurately inform the public about the extent of further congestion from any new development.
9. The 2008 traffic study was based on a four lane configuration of SR28 in Kings Beach which no longer exists. Today the two single-lane roundabouts significantly reduced roadway capacity creating a bottleneck with queues that impact and effect traffic flows at the project site. This requires further study.
10. A roundabout at Crystal Bay may better enable traffic from the project site to access SR28 going east rather than crossing the already congested westbound lane. The current stoplight at Crystal Bay does not coordinate well with the queues from Kings Beach, and a roundabout with creative pedestrian control may help traffic move more consistently. Please have NDOT comment on the need and potential location for a roundabout.
11. The 2008 traffic study did not accurately reflect the level of service F which is experienced today for about four months of the year, oftentimes for 6 hours per day. Fourteen year old data under false pretenses does not produce an accurate representation for the public and decision-makers.
12. The 2008 traffic study and the Final EIS Traffic element failed to adequately account for redevelopment of the Cal Neva property, the Tahoe Inn (110 affordable housing units), Kings Beach CEP project, Ferrari’s project and redevelopment of several other vacated and underutilized commercial properties in Kings Beach. A cumulative impact of North Shore traffic is required.
13. The 2008 traffic study and the Final EIS failed to address the number of trips from the importation of manufactured road base, structural aggregate base, bedding material, drain rock, backfilling of retaining walls, etc. The Application for this grading permit also fails to produce any numbers for imported material and the associated truck trips occurring simultaneously with the export of excavated material.
14. The Final EIS assumes 121,000 cubic yards (CY) of excavated native soil that would be exported from the site during grading requiring about 200 truck trips per day. The new number in the Application is now 155,000 CY while keeping another 42,000 CY of excavated material on the site. Where would this material be stored, how would it be processed and utilized on site? What are the new traffic impacts, and where is the soil going? This information is incomplete.
15. The new owner, EKN has purchased Beasley’s Cottages, a lakefront property in Tahoe Vista,Ca (Placer County) as an additional destination for guests of the project.(see attachment B) The 2008 traffic study maintained that since the original project was a “destination resort” guests would never have to leave, and traffic would be reduced. Now that is clearly not the case. New traffic impacts must be considered since the location is west of the Kings Beach bottleneck. There will surely be impacts to Kings Beach/Tahoe Vista from the 2448 population of the RATR site.

1. **REDUCED EVACUATION: The SUP request is detrimental to the Public because it will limit the ability of Crystal Bay/Incline residents to evacuate by eliminating ONE method of egress for at least two fire seasons.**
2. The proposal will cut off Wassou Rd behind the Biltmore casino in February 2022 and not provide a temporary substitute road. Currently the community has Stateline, Reservoir, Beowawie and Amagosa as exits. The SUP scheme will provide only Reservoir, Beowawie and Amagosa. This is an outrageous health and safety violation, not to mention the application is silent on performing a traffic study in advance of the removal of any roads.
3. This is the 4th time a project developer has tried to remove an exit from the neighborhood. The community has fought hard to keep their exits, even winning on appeal to the Washoe County Commissioners.
4. A minimum of 2 years interruption is not temporary and it may take much longer. This dismissal of community safety and welfare concerns is alarming. Other projects, Martis Valley West and Squaw Valley have been denied by the courts because of similar issues.

1. **FURTHER CONCERNS:**
2. VARIANCES;It appears the applicant is requesting variances which were not part of the original environmental discussions.
3. At least 10 or more variances are now required because the project is too big for current standards. A huge amount of mass grading on 9.7 acres of the 11.12 acre total site is requested.
4. Developer claims that the site requires these extreme standards is false. A smaller project is clearly an alternative for the developer and more suitable for the surroundings. There are other alternatives to this project that wouldn’t require variances, such as a smaller project and free standing or shorter buildings.
5. RETAINING WALLS/CUTS UP TO 55’-It is clear the proposed project is too big and high for this sloped site as it is requiring an undisclosed number of 55’ high retaining walls and 40’ cuts to accommodate steep roads and 6 to 8 story buildings. The application fails to identify the location and height of cuts and retaining walls
6. PUBLIC MEETINGS-NDOT is requiring the developer to arrange in advance for public input meetings.. The request for special use permits ignores any public input. See attachment C.
7. STOCK PILE AREA-RATR proposes using the public park adjacent to the Granite Place condos as a stock pile area.
8. This should not be allowed on a public park.
9. The stock pile will impact Granite Place Condos and neighboring properties.

PERFORMANCE BONDS/FEASIBILITY STUDY-Although a contingency of the TRPA permit, there are no financial disclosures. The SUP is silent on the matter of performance bonds.

1. This lack of disclosure is troubling considering the checkered financial history of the project.
2. The Public must be assured that the project will be completed. That the Community won’t be left with another hole in the ground. All the trees will be gone and 30’ of the surface of the majority of the existing developed site will be removed.

The RATR project is too big for the site and the limited infrastructure in our already congested area. The prior TRPA approval was contentious and the new RATR proposal is dangerous when considering fire evacuation.

This project/SUP application must be denied.

Thank you.

Ann Nichols