



NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

MEETING PACKET

Monday August 1, 2022

Carson City, NV

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STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

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Phone (775) 684-2720 Fax (775) 684-2721

NOTICE OF PUBLIC MEETING

NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

August 1, 2022
2:00 PM

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Monday August 1, 2022**. This will be a hybrid meeting with both in person and virtual attendance options. The meeting will be held at the Nevada State Capitol Building, Old Assembly Chambers. 2nd Floor. 101 North Carson Street. Carson City, NV.

The meeting will also be available via Microsoft Teams at <https://bit.ly/3yKw7u9> or Meeting ID: 298 652 169 016
Passcode: v2aBVt

By Phone

Phone: 775-321-6111
Phone Conference ID: 384 309 999#

The Nevada Tahoe Regional Planning Agency uses Microsoft Teams, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The Nevada Tahoe Regional Planning Agency is not responsible if you are not able to participate in a meeting through Microsoft Teams due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at scarey@lands.nv.gov.

Public comment may also be submitted via email prior to the meeting, please submit public comments to scarey@lands.nv us by 5 PM on July 29, 2022.

AGENDA

1. **Call to Order.**
 - a. Roll Call.
 - b. Approval of Agenda – For Possible Action.
 - c. Approval of Minutes of the December 8, 2021 Meeting – For Possible Action.
2. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
3. **Acknowledgement of the Certified Base Data for the Lakeside Inn Structure Housing Gaming in Stateline for the purposes of retirement** – Review and consideration of a request to retire the entire 66,303 sq. ft. of total base area for the Lakeside Inn pursuant to the Nevada Tahoe Regional Planning Agency - Plan Review Procedures Policy, and NRS 277.200 – APN 1318-22-002-012 and APN 1318-22-002-011, 168 US Highway 50, Stateline, Nevada. – For Possible Action.
4. **Recertification of the Certified Base Data for the Tahoe Nugget Structure Housing Gaming in Stateline** – Review and consideration of a recertification request for the cubic volume for the Tahoe Nugget pursuant to the Nevada Tahoe Regional Planning Agency - Plan Review Procedures Policy, and NRS 277.200 – APN 1318-23-401-049. 177 US Highway 50, Stateline, Nevada. – For Possible Action.
5. **Report of the Executive Officer on Activities of the Agency: January 2022 – July 2022** – Informational Only.
6. **Board Member Comments**
7. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
8. **Adjournment**

Notice: Items on the agenda may be taken out of order at the discretion of the Chair, the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

Documentation and supporting agenda items are available on the Nevada Tahoe Regional Planning Agency Website at <http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes> and will be available at the NTRPA Governing Board Meeting meeting. For further information you may contact Scott Carey at 775-684-2723 or at scarey@lands.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Division of State Lands, 901 S. Stewart St., Suite 5003, Carson City, Nevada 89701 or by calling (775) 684-2723, no later than July 28, 2022.

Notice of this meeting was posted at the following locations:

Nevada State Capitol Building, 101 North Carson Street, Carson City NV

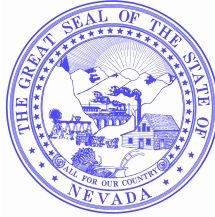
Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City NV

Nevada State Library, 100 North Stewart Street, Carson City NV

Tahoe Regional Planning Agency, 128 Market Street, Stateline NV

Nevada Tahoe Regional Planning Agency Website at www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency

Nevada Public Notice Website at www.notice.nv.gov.



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DRAFT MINUTES

DATE/TIME: Wednesday, December 8, 2021 – 1:00 pm
PLACE: Richard H. Bryan Building, Tahoe Hearing Room. 2nd Floor 901 S. Stewart Street.
 Carson City, NV.

MEMBERS PRESENT: – Haley Williamson; Shelly Aldean; Mark Bruce; Jim Lawrence, Barbara Cegavske, and Wesley Rice.

MEMBERS ABSENT: Alexis Hill.

OTHERS PRESENT: Charles Donohue – NTRPA Executive Officer; Scott Carey – State Lands; Dan Nubel – Office of the Attorney General; Gary Midkiff – Midkiff & Associates; D. Scott Tate – Northern Nevada Comstock Investments; Scott Anderson– Office of the Secretary of State, and Ellie Waller.

1. **CALL TO ORDER** – The meeting was called to order at 1:21 pm.
 - a. Roll Call – Scott Carey took roll and a quorum was established.
 - b. Approval of Agenda – Scott Carey stated that staff recommends that the agenda be modified so the items on the agenda would be heard in the following order Item 5, Item 3, Item 4, Item 1c, Item 2, and then Items 6-10. Member Bruce moved to approve the agenda with the recommendation on the order as outlined by staff. The motion was seconded by Member Rice. The motion was approved unanimously. ***ACTION**

5. **DISCUSSION AND SELECTION OF NEVADA MEMBER AT LARGE** – Scott Carey with the Nevada Division of State Lands provided an overview of the Nevada Member at Large appointment process outlined in NRS 278.792 section 2(c). Mr. Carey stated that last year the Governing Board conducted a full recruitment and interview process to select a new Nevada Member at Large. Mr. Carey stated at the December 4, 2020 meeting, the Governing Board appointed Haley Williamson to a one year term that ends on December 31, 2021. Mr. Carey stated that staff has received communication from Member Williamson that she would like to continue to serve as the Nevada Member at Large. Mr. Carey stated that Member Williamson is eligible for reappointment by the Board. Mr. Carey stated that the options for the Governing Board today are to reappoint Member Williamson, direct staff to conduct another recruitment process and schedule a future meeting for the Governing Board to interview candidates or appoint another individual to the Nevada Member

at Large position. Mr. Carey stated that staff recommends that the Governing Board make an appointment for the Nevada Member at Large for a 1-year term from January 1, 2022 to December 31, 2022. Mr. Carey stated that the Nevada Member at Large does not vote on this appointment. Mr. Carey stated that a majority of the Governing Board members present and eligible to vote on this appointment is needed to make the appointment of the Nevada Member at Large. Mr. Carey stated that with Member Hill not present at today's meeting a total of 3 votes are needed to make the appointment of the Nevada Member at Large.

Member Williamson thanked the Governing Board for the opportunity to serve as the Nevada Member at Large over the past year. Member Williamson stated that she learned a lot during the year and that she would like to continue serving as the Nevada Member at Large.

Member Bruce made a motion to appoint Haley Williamson as the Nevada Member at Large for a 1-year term beginning January 1, 2021 and ending December 31, 2022. The motion was seconded by Member Aldean.

Member Lawrence stated that he is glad that Member Williamson is interested in serving an additional year as the Nevada Member at Large.

Member Rice stated that he agreed with Member Lawrence.

There were no other Governing Board Member comments. The motion was approved unanimously by those present and eligible to vote on the motion. ***ACTION**

3. **ELECTION OF CHAIR** – Scott Carey with the Nevada Division of State Lands stated that the term for the Chair of the Governing Board is for two years and began on January 1, 2021 and would end on December 31, 2022. Mr. Carey stated that at the November 14, 2018 meeting the Governing Board appointed former Member Berkbigler as the Chair and Member Cegavske as Vice Chair to a two year term that ended on December 31, 2020. Mr. Carey stated that due to changes on Governing Board at the end of 2020, staff was directed to hold off on elections for Chair and Vice Chair until the new membership was decided. Mr. Carey stated that the Governing Board is currently without a Chair and Vice Chair. Mr. Carey stated that the main duties of the Chair position include running the meetings, assisting staff with the development of meeting agendas, signing off on NTRPA certified plans & drawings, and signing other letters or official correspondence on behalf of the Governing Board. Mr. Carey stated that staff recommends that the Governing Board elect a Chair for a 2-year term beginning on January 1, 2021 and ending on December 31, 2022.

Member Lawrence stated that he believed Member Hill would be a good Chair and that Member Williamson would be a good Vice Chair. Member Lawrence stated that he talked with Member Hill prior to the meeting, and she agreed to serve as Chair if elected.

Member Lawrence nominated Member Hill to serve as Chair and Member Williamson to serve as Vice Chair for a term beginning on January 1, 2021 and ending on December 31, 2022. The motion was seconded by Member Bruce.

There was no discussion on the motion. The motion was approved unanimously. ***ACTION**

4. **ELECTION OF VICE CHAIR** – Member Lawrence nominated Member Hill to serve as Chair and Member Williamson to serve as Vice Chair for a term beginning on January 1, 2021 and ending on December 31, 2022. The motion was seconded by Member Bruce.

There was no discussion on the motion. The motion was approved unanimously. ***ACTION**

- 1.c **APPROVAL OF DECEMBER 4, 2020 MINUTES** – Member Bruce made a motion to approve the meeting minutes of December 4, 2020 as submitted. The motion was seconded by Member Lawrence.

Member Cegavske stated that she will abstain from the vote as she was not present at this meeting.

Vice Chair Williamson called for a roll call vote on the motion. ***ACTION**

AYES: Chair Berkbigler, Member Aldean, Member Bruce, and Member Lawrence.

NAYS: None

ABSTAIN: Member Cegavske and Member Rice

ABSENT: Chair Hill.

2. **PUBLIC COMMENTS** – Vice Chair Williamson called for public comment.

Ellie Waller, Douglas County resident. Ms. Waller stated that she was happy to be at this meeting and participate in future NTRPA meetings. Ms. Waller stated that she looks forward to hearing updates on the Boulder Bay and Cal Neva projects. Ms. Waller asked a question as to when the one-year permit extension for the Cal Neva project expires. Ms. Waller stated that she was glad to see the sale of the Lakeside Casino to Barton and thought that would have been a suitable location for affordable housing. Ms. Waller stated that she would also like to know if there's any information regarding the event center financing in Stateline.

Scott Carey with the Division of State Lands stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of December 7, 2021 at 5:00 PM staff did not receive any public comments prior to the meeting.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

6. **REQUEST FOR SECOND EXTENSION OF TIME FOR CONDITION #1 FOR THE DETERMINATION OF CERTIFICATION OF THE GAMING FLOOR AREA FOR THE TAHOE NUGGET IN STATELINE** – Scott Carey presented the [staff report](#) which is included as pages 21-29 of the meeting packet to the Governing Board. Mr. Carey stated that at the July 23rd Board meeting, the Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site subject to 1 condition of approval. The condition of approval required that the applicant submit to the agency

detailed architectural floor plans and base data calculations within 6 months after purchasing the property.

Mr. Carey stated that at its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Governing Board's previous determination for the Tahoe Nugget site. The approved amended Condition #1 extended the deadline, allowing the applicant to submit the detailed architectural floor plans and base data calculations to the agency by December 31, 2021.

Mr. Carey stated that the approved amended Condition #1 also allowed the applicant to submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase of the project. Mr. Carey stated that as part of its approval at the December 4, 2020 meeting, the Governing Board defined the term "commencement". Mr. Carey stated that the Governing Board specified that the term "commencement" means that no construction can begin on any phase until such floor plans and base data calculations have been reviewed and approved by the NTRPA.

Mr. Carey stated that the intent of the term "commencement" in Condition #1 as it relates to future phases of the project is to allow the owners of the site sufficient time to analyze tenant spaces within the building as they become vacant.

Mr. Carey stated that in October, staff received a request from Northern Nevada Comstock Investments for a second amendment to condition #1 to allow for an additional 6 months to submit detailed architectural floor plans and base data calculations. Mr. Carey stated that page 30 of the [meeting packet](#) includes a letter from the applicant requesting this second amendment.

Mr. Carey stated that there were some there are some minor discrepancies with the square footages and cubic volume indicated and the exhibits reviewed by the agency and Governing Board when compared to the certified base data on file for the site. Mr. Carey stated that the discrepancies are indicated in the staff report. Mr. Carey stated that the intent of Condition #1 as approved by the Governing Board was to "clean up" the certified base data that the agency has on file for the Tahoe Nugget site. Mr. Carey stated that at the time of the original request in July 2020, the applicant did not own the building and did not have access needed to conduct detailed measurements and develop more accurate floor plans.

Mr. Carey stated that in the year since the Governing Board's decision to extend the time for condition #1, leases with tenants have expired and the owners have made progress conducting demolition work and developing plans for the future use of the building. Included on pages 25-27 of the [meeting packet](#) are photos showing the demo work that has taken place within the building.

Mr. Carey stated that since the applicant has owned the building, they have come across many unexpected issues with the building while conducting the demo work. Mr. Carey stated that according to the applicant these issues have made it difficult to submit the detailed architectural floor plans and base data calculations by the December 31, 2021 deadline.

Mr. Carey stated that staff recommends a second amendment to Condition #1 to allow additional time for the applicant to submit detailed architectural floor plans and base data calculations for the first phase and future phases of the project. Mr. Carey stated that staff proposes that the condition of approval be amended to allow the applicant until June 30, 2022 to submit the detailed architectural floor plans and base data calculations to the agency.

Mr. Carey stated that for future phases of the project, staff proposes the condition of approval language remain to require the applicant submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase. Mr. Carey stated that the intent of this language for future phases is to allow the applicant to go through the building as tenant spaces become vacant and ensure sufficient time to conduct the measurements needed to develop detailed architectural floor plans and base data calculations.

Mr. Carey stated that staff believes that the applicant has shown progress in reestablishing the gaming use on the subject site and that a second extension of time for Condition #1 is warranted. Mr. Carey stated that allowing the applicant an additional 6 months to develop plans and submit new plans for the building will help achieve the agency's goal to clean up the data on this site and make a determination on whether the future gaming use in the building is within the certified base data or if a recertification request will need to be reviewed by the Governing Board.

Gary Midkiff, with Midkiff & Associates stated that work is continuing within the building towards reestablishing the gaming use. Mr. Midkiff stated that Northern Nevada Comstock Investments has taken ownership of the building, but they still have leases with two commercial tenants. Mr. Midkiff stated that today there is an existing restaurant and UPS Store on the first floor of the building that was originally part of the gaming use. Mr. Midkiff stated that with the existing tenants in the building the reestablishment of the gaming use will be well under the gaming area in the approved Certified Base Data.

D. Scott Tate with Northern Nevada Comstock Investments stated that he agrees with staff's recommendation and assessment on this request. Mr. Tate stated that with the existing tenants on the first floor, the reestablishment of the gaming use on the site will not exceed the certified base data on the site. Mr. Tate stated that they would like additional time in order to continue the demolition work and get accurate measurements for the building. Mr. Tate stated that it is their intention to provide the NTRPA with professional and accurate information for the building.

Member Rice asked if the law offices on the second floor are still being used inside of the building. D. Scott Tate with Northern Nevada Comstock Investments stated that the law office on the second floor is still in use and will continue to be utilized as a law office.

Member Aldean stated that she does not have a problem with this request and believes that it is reasonable for the applicant to request this extension. Member Aldean asked for clarification on the term "substantial compliance" and if it was a term of art of statutorily defined.

Scott Carey with the Division of State Lands stated that the term “substantial compliance” is not defined in statute. Mr. Carey stated that the intent behind the term is that if the owner’s data is under the certified base data totals than staff would be authorized to sign off on the plans. Mr. Carey stated that if the owner’s data is above the certified base data totals than the Governing Board would be asked to consider a recertification request.

Executive Officer Donohue stated that if there was a need for the Governing Board to consider a recertification request, that it would likely come at the last phase of the project. Mr. Donohue stated that it is staff’s intent that if the owner’s data came in under the certified base data totals, then staff would be authorized to sign off on the plans as opposed to the Governing Board reviewing each phase of the project.

Member Lawrence stated that he does not have any problems with this request and that he believes that the request makes sense. Member Lawrence asked if the 6-month time frame with the proposed condition of approval provides enough time to submit the detailed architectural floor plans and base data calculations to the agency. Member Lawrence stated that he wanted to make sure that the Governing Board provided the applicant with enough time to complete the plans and calculations and start on construction as opposed to reviewing another extension request.

D. Scott Tate with Northern Nevada Comstock Investments stated that they believe 6 months is enough time to submit the detailed architectural floor plans and base data calculations. Mr. Tate stated that it is currently a challenging environment within the construction industry and to find the professionals to complete the detailed architectural floor plans and base data calculations. Mr. Tate stated that they do believe that an additional 6 months is more than to submit the detailed architectural floor plans and base data calculations. Mr. Tate stated that they have also looked at the exterior of the building and have considered best management practices to enhance the site.

Vice Chair Williamson opened this item up for public comment.

Ellie Waller, Douglas County resident. Ms. Waller asked for clarification as to what would trigger a recertification request for the project.

Scott Carey with the Division of State Lands stated that if the owner’s data is above the certified base data totals than the Governing Board would be asked to consider a recertification. Mr. Carey stated that if owner’s data is under the certified base data totals than staff would be authorized to sign off on the plans.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

Member Aldean made a motion approve the second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in the December 8, 2021 staff report with the understanding that the term commencing does not include the start of any new construction. The motioned was seconded by Member Rice. The motion was passed unanimously. ***ACTION**

7. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: JANUARY 2021 – DECEMBER 2021** – Executive Officer Donohue stated that he and Scott Carey will both provide the Governing Board with an update on the activities of the NTRPA.

Scott Carey with the Division of State Lands stated that in September that agency was contacted by a representative about the certified base data for the North Casino property in Stateline. Mr. Carey stated that the North Casino property sits in between Harrah's and the Bill's/Barneys properties in Stateline. Mr. Carey stated that as part of this inquiry, staff discovered an error in the certified base data summary table for the North Casino property while conducting research. Mr. Carey stated that the error in the table is reflected in the certified base data summary table on page 33 of the [meeting packet](#).

Mr. Carey stated that in 2011, after Harrah's disposed of the North Casino property, the Governing Board approved a separation request of this property from the certified base data of the Harrah's property. Mr. Carey stated that as a condition of approval of the separation request, the Governing Board required the property owner to submit large plans sheets and certified base data totals for the North Casino property that would be signed off by the Governing Board Chair. Mr. Carey stated that it was discovered that the required plans were never submitted to the agency. Mr. Carey stated that staff has been working with the property owner and former applicant to obtain the required plans. Mr. Carey stated that the updated certified base data summary table reflects the Governing Board's separation approval and reduces the certified base data for Harrah's and creates a new entry in the table for the North Casino property. Mr. Carey stated that staff wanted to report to the Governing Board this error in the table, be available for any questions from the Board, and let Chair Hill know that she will be asked to sign off on the large plan sheets for the North Casino Property.

Executive Officer Donohue stated that he would not classify this issue as an error for the agency but rather that the agency has been waiting for the applicant and property owner to submit the required large plan sheets to the agency. Executive Officer Donohue stated that the Governing Board took previous action to separate the North Casino from the Harrah's certified base data. Executive Officer Donohue stated that now that the agency has the required plans the certified base data summary table can be updated to reflect previous Governing Board action.

Member Lawrence stated that he recalls when the Board took action on the separation, one of the biggest challenges was with Harrah's certified base data. Member Lawrence stated that the entire Harrah's property was certified previously as one large site that included several buildings. Member Lawrence stated that it will be important for staff to carefully review the plans to make sure that the separated certified base data for the North Casino property does not exceed the overall certified base data for the entire Harrah's property.

Executive Officer Donohue stated that he agrees with Member Lawrence's comments and that staff has carefully considered this while drafting up the changes to the certified base data summary table.

Member Rice stated that it is his recollection that the owners of the North Casino property have initiated an action against the owners of the Harrah's property regarding parking. Member Rice stated that it is his recollection that there would be paid parking on the site and that the owners may not want paid parking in their lot. Member Rice asked if staff has heard anything about the parking situation on the North Casino property.

Scott Carey with the Division of State Lands stated that the agency has not been made aware of or has been a party to any discussions or action concerning parking on the North Casino property. Mr. Carey stated that when staff heard from the representative in September, they were looking into possibly changing some of the uses within the existing building on the North Casino property.

Executive Officer Donohue stated that staff recently took a brief field trip to the North Casino property and noticed that there was a sign in the existing building that they would validate Harrah's parking. Executive Officer Donohue stated that nothing regarding parking has been brought forward to the agency.

Member Lawrence stated that it is his recollection that the surface lots at Harrah's are not certified by the agency one way or the other. Member Lawrence asked for clarification if this was correct.

Executive Officer Donohue stated that he was not sure if this was correct and that he would need to look into the data further.

Member Lawrence stated that it is his recollection that the Crystal Bay Club property in Crystal Bay included a parking structure which was included in the certified base data for the property because it's attached to the structure housing gaming.

Executive Officer Donohue stated that he believes this makes sense and that the parking structure for the Harrah's property in Stateline would be included as private area in the certified base data. Executive Officer Donohue stated that he does not believe that the large surface parking lot behind the Horizon and Harvey's properties in Stateline are included in certified base data.

Vice Chair Williamson opened this item up for public comment.

Ellie Waller, Douglas County resident. Ms. Waller stated that she believes this issue is connected with the transportation and funding to supplement the new events center in Stateline. Ms. Waller stated that she believes it would be good for this issue to come back before the Governing Board if its within their purview. Ms. Waller stated that she participated in the events center conversations and attended the oversight hearings for the project. Ms. Waller stated that she believes the new events center is going to supplement incomes in the area and wanted to make sure there is enough money to deal with private parking with the events center.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

Executive Officer Donohue provided the Governing Board with an update on recent ownership changes for gaming properties within the Lake Tahoe basin. Executive Officer Donohue stated that the MontBleu property in Stateline has recently been purchased by the Bally's Corporation. Executive Officer Donohue stated that the Tahoe Biltmore in Crystal Bay and the Hyatt in Incline Village have also been purchased by new owners. Executive Officer Donohue stated that staff plans to touch base with all new owners of these properties and inform them about the agency and its requirements.

Executive Officer Donohue responded to Ms. Waller's public comments regarding financing for the new events center. Executive Officer Donohue stated that financing for that facility is outside of the scope of the agency and that he does not have anything to report on the issue.

Executive Officer Donohue stated that during the recent staff visit to the Lakeside property in Stateline it was discovered that active demolition was taking place on the property. Executive Officer Donohue stated that the agency had discussions with potential buyers in the past about how to handle the certified base data on the property. Executive Officer Donohue stated that if the facility has been sold to Barton Health, that staff expects to receive a request to formally retire the certified base data on the site and that the property would no longer be a structure housing gaming.

Member Aldean asked if there was a possibility for Barton Health to bank the certified base data on the property instead of retiring the data.

Executive Officer Donohue stated that the agency has never really explored the possibility of banking certified base data within the Lake Tahoe basin. Executive Officer Donohue stated that when the Governing Board approved the redevelopment of the Tahoe Biltmore property in Crystal Bay, the property owners chose to downsize and restrict the gaming area through a deed restriction on the property as part of a separate deal with the California Attorney General's Office. Executive Officer Donohue stated that the agency was not involved with or a party to this deal and that the certified base data for the Tahoe Biltmore property was not changed. Executive Officer Donohue stated there may be an opportunity to explore banking certified base data however conversations with TRPA have indicated that Barton Health would need additional commercial floor area to accommodate redevelopment of the Lakeside property. Executive Officer Donohue stated that if the Board were to retire the certified base data on the Lakeside property it would be allowed to be converted into TRPA commercial floor area. Executive Officer Donohue stated that staff will follow up with the owners of the Lakeside property on this question.

Member Aldean stated that from a purely objective commercial standpoint, reserving the right to use gaming floor area at a future date would be an astute move for an investor to make. Member Aldean stated that she believes it would be good to have this conversation sooner rather than later.

Executive Officer Donohue stated that he agrees with this comment. Executive Officer Donohue stated that there also needs to be a conversation with the TRPA on whether they would recognize

any conversion as commercial floor area upon the retirement of any certified base data or implementation of a banking concept.

Member Lawrence stated that it was recollection that the Lake Tahoe Compact is silent on whether certified base data could be retired or banked. Member Lawrence stated that within the compact there are very strict requirements as to what you can and cannot do with the walls of a structure but there is nothing about what happens if gaming is retired or goes away. Member Lawrence stated that when he served as the Executive Officer, he would regularly get calls from real estate agents about whether gaming could be returned to the Tahoe Nugget property in Stateline. Member Lawrence stated that it was his opinion as Executive Officer that there was never any action to remove the gaming and under the compact the gaming use was still allowed. Member Lawrence stated that he believes with what Barton Health wants to do and needs to do with the Lakeside property, this it likely does not fit within the structure housing gaming restrictions. Member Lawrence stated that they appear to have a desire to no longer be a structure housing gaming in order to redevelop the site. Member Lawrence stated that it is likely up to the Governing Board as to determine whether gaming is still on the property or not because the Lake Tahoe Compact is silent on the matter. Member Lawrence stated that there is nothing with the Lake Tahoe Compact that specifies that a gaming use would expire after a certain amount of time and that its likely at the discretion of the Governing Board.

Executive Officer Donohue stated that the Hyatt in Incline Village recently sold, and that the agency has had discussions with a representative of the new owner. Executive Officer Donohue stated that these discussions have involved some interesting questions that may require future Governing Board review and consideration.

Executive Officer Donohue stated that it is his understanding that the Tahoe Biltmore property in Crystal Bay has recently sold as well. Executive Officer Donohue stated the agency does intend to reach out to the new owners to discuss their future plans for the property. Executive Officer Donohue stated that it was his understanding that the TRPA has received inquiries from the new owners regarding the approved Boulder Bay project on the property. Executive Officer Donohue stated that he does not know whether the permits approved for the project fit within the new owners future plans for the property.

Executive Officer Donohue provided an update on the Cal-Neva in Cystal Bay. Executive Officer Donohue stated that he made an inquiry to the new owners on their future plans and has not heard back on the status of the redevelopment project. Executive Officer Donohue stated that a year ago he reported back the Governing Board that the owners were interested in moving forward on the project, but the status of the project remains that same.

Vice Chair Williamson opened this item up for public comment.

Ellie Waller, Douglas County resident. Ms. Waller thanked staff for the update. Ms. Waller stated that residents living near the Cal-Nevada and Tahoe Biltmore properties are concerned about the lack of progress on both redevelopment projects. Ms. Waller stated that she recently attended a Washoe County Planning Commission meeting where there was discussion on several issues

related to Tahoe Biltmore redevelopment project. Ms. Waller stated that many members of the public want to understand the issues involved with these projects and how previously approved plans may move forward with the new owners of these properties.

Vice Chair Williamson encouraged staff to meet with Ms. Waller and discuss with her the purview of the agency and its main responsibilities.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

8. **BOARD MEMBER COMMENTS** – Member Aldean asked in light of today’s discussion if staff could develop a Frequently Asked Questions (FAQ) or informational sheet about the agency and its legal responsibilities. Member Aldean stated that it would also be helpful for the agency to create a question-and-answer sheet which responds to questions about the agency’s responsibilities vs TRPA responsibilities.

Vice Chair Williamson stated that she agrees with this suggestion.

Member Lawrence stated that he also agrees with this suggestion. Member Lawrence stated that he recalls as part of the TRPA’s approval of the events center that a portion of the paid parking fees would towards funding a micro-transit program in Stateline. Member Lawrence stated that it would be good for the TRPA Governing Board to receive an update on the status of the new events center in Stateline.

Member Bruce stated that he is very happy to talk with TRPA Executive Director Joanne Marchetta and have this update be put on a future TRPA Governing Board agenda. Member Bruce stated that there have been some updates on this project and that it would be good for the TRPA Governing Board to stay on top of any issues for this project.

Member Rice stated that he is very involved with the events center project and that has heard that the project is on schedule, on budget, and that financing for the project is not an issue at this time. Member Rice stated that the Legislature implemented a \$5 per night fee that goes towards retiring the debt for the new events center. Member Rice stated that this \$5 per night fee cannot be used for any other purpose because of the Legislature’s actions. Member Rice stated that the events center project remains on track and on budget and the steel work continues on the project. Member Rice stated that opening for the events center is scheduled for January of 2023.

Member Bruce expressed his appreciation to Vice Chair Williamson for her work as a member of the TRPA Governing Board’s legal committee. Member Bruce stated that Vice Chair Williamson has been a valuable member of the TRPA Governing Board and that he looks forward to Vice Chair Williamson’s work over the next year.

Vice Chair Williamson thanked Member Bruce for his comments.

9. **PUBLIC COMMENTS** – Vice Chair Williamson called for public comment.

Ellie Waller, Douglas County resident. Ms. Waller thanked staff and the Board for its work. Ms. Waller stated that it would be a good refresher for all the new owners to reach out to and meet with agency staff to review the requirements of the agency.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

10. **ADJOURNMENT** – Member Bruce made a motion to adjourn the meeting. The motion was seconded by Member Aldean. The motion was approved unanimously. ***ACTION**

The meeting was adjourned at 2:21 PM.

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency Governing Board. Corrections and additions could be made prior to approval.

DRAFT



STATE OF NEVADA
Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
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STAFF REPORT

August 1, 2022

Subject: Request for acknowledgement of the Certified Base Data for the Lakeside Inn Structure Housing Gaming in Stateline for the purposes of retirement

Jurisdiction: Pursuant to the Tahoe Regional Planning Compact, the NTRPA Governing Board reviews and regulates redevelopment of and modifications to Structures Housing Gaming. The Compact provides the following guidance related to the applicant's request.

- Structures Housing Gaming are buildings operating under a nonrestricted gaming license that existed on May 4, 1979 or were approved for construction before that date.
- Structures Housing Gaming are inclusive of their public areas, such as gaming, retail, restaurants, meeting areas, etc. and private areas such as hotel rooms and parking.
- Article VI of the Compact limits the amount of Structures Housing Gaming space to what was existing, or approved to be constructed, prior to May 4, 1979.
- Article VI(d)(1) says construction of a structure not so existing, or enlargement in cubic volume of any existing or approved structures is prohibited.

To assist the NTRPA Governing Board, certified base data for each Structure Housing Gaming was established. The certified base data documents the areas occupied by Structures Housing Gaming as of May 4, 1979. Certified base data is established for each Structure Housing Gaming's public areas, private areas, gaming, cubic volume, coverage, etc. Because the Compact restricts and even prohibits redevelopment if certified base data is exceeded, it is important that the data be accurate.

The Tahoe Regional Planning Compact Article VI, Section (e) states that "Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979 without the

approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.”

NTRPA Ordinance 1980-1 Article 3, Section 3.1 states “When any modification, remodeling or change in use of a structure housing gaming requires a permit from the permit-issuing authority, an application shall be filed with the agency and with the permit-issuing authority showing proof of filing with the agency. The permit-issuing authority shall review the application for compliance with this ordinance. The application shall be deemed in compliance with this ordinance, if when compared to the base data findings on file with the permit-issuing authority, it will not:

- (a) Enlarge the cubic volume of said structure;
- (b) Increase the total square footage of an area open to or approved for public use on May 4, 1979; and
- (c) Convert private use area to public use area.”

NTRPA Plan Review Procedures Policy Section 1(d) Changes in Gaming Area states that “All plans and proposals which will change the area in square feet devoted to gaming or change the location of gaming with any such structure must be accompanied by an information report (NRS 277.200, Article VI(g)). The Board will review all information reports showing changes in gaming and direct their transmittal to the TRPA.”

Therefore, it is under the jurisdiction of the NTRPA Governing Board to review applications that propose changes to Structures Housing Gaming, and in this instance, consider a request to retire the certified base data that the NTRPA Governing Board approved for the Lakeside Inn site.

Lake Tahoe’s Scenic Character:

In reviewing this request to retire the certified base data for the Lakeside Inn site, it is important to recall that the Tahoe Regional Planning Compact stresses the importance of the scenic character of Lake Tahoe.

Compact, Article I, “Findings of Declaration of Policy:

Section (a)(8) states:

“Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.”

Section (a)(10) states:

“In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”

Application:

On March 17, 2022, NTRPA agency staff received a request from Richard Belli, Administrative Director of Facilities with Barton Health to retire the certified base data for the Lakeside Inn in Stateline. Barton Health purchased the Lakeside Inn property in May of 2021 and is considering redevelopment of the site without a non-restricted gaming use.

A copy of the letter submitted by Richard Bell outlining their request to retire the certified base data on the site is included in this staff report as Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter.

Historic Use of Site:

The Lakeside Inn is located at 168 US Highway 50, Stateline, NV, in Douglas County on Assessor's Parcel Numbers 1318-22-002-011 and 1318-22-002-012. The building on the site was included in the original Structures Housing Gaming list and was declared to be in existing before May 4, 1979 by the NTRPA. A structure housing gaming has been in operation on the Lakeside Inn site for many decades under several different names: Tahoe Sky Harbor, Fabulous Eddie's Stardust Club, Caesars Inn and Harvey's Inn. Originally there was a smaller casino on the site that was called Caesars Inn which opened in 1969 with five table games and 100 slot machines. The existing building on the site was constructed in the early 1970's and has been renovated many times throughout its history. Gaming was in operation on the Lakeside Inn site until a statewide casino closure was issued by the Nevada Gaming Control Board in March 2020 in response to the COVID-19 pandemic. After the statewide casino closure order was lifted in June 2020, gaming and associated uses on the site remained closed. In May of 2021, Barton Health purchased the Lakeside Inn property and has announced plans to redevelop the site.

The certified base data for Lakeside Inn was approved by the NTRPA Governing Board on June 17, 1987. At the time the Governing Board was working on how to sort out the base data calculations for catwalks, escalators, and stairways. The Governing Board's approval was subject to the review and approval of the certified base data by their consultant. Through some back and forth between the Lakeside Inn architect and the NTRPA's consultant, the agency ultimately approved the certified base data on the site when the NTRPA Chair signed off on the certified plan sheets on May 25, 1988. The following is a breakdown of the certified base for the Lakeside Inn site.

Public Area:	66,303 sq ft
Base Area:	37,933 sq ft
Non-Base Area:	26,370 sq ft
Gaming:	31,262 sq ft
Private Area:	0 sq ft
Cubic Volume:	1,071,447 sq ft
Site Coverage:	24,199 sq ft

A copy of the certified base data and plans on file with the NTRPA, are included in this staff report as Exhibit 3: Lakeside Inn Certified Base Data from May 25, 1988.

Comparison to Previous Structure Housing Gaming Reviews:

The request to retire the certified base data on Lakeside Inn site is an unusual request and staff believes that this may be the first time that the Governing Board has considered such a request. In the past the NTRPA and the Governing Board have reviewed and approved several requests to change or modify gaming areas to other public area uses. Recent NTRPA Governing Board actions regarding modifications of certified base data were Harrah's in 2011, and the Hyatt in 2001. In 2011, after Harrah's divested of the North Casino property in Stateline the NTRPA Governing Board allowed for the separation of the North Casino from the Harrah's certified base data. In 2001, as part of the reconstruction of the hotel wing at the Hyatt in Incline Village the Governing Board approved a request to modify the certified base data on the site. In these cases, although other actions were taken regarding the relocation/reconfiguration of structures housing gaming, these actions did not increase the gaming area or cubic volume of the structures which are prohibited under the Lake Tahoe Compact.

In 2008, the NTRPA Governing Board considered a request from Boulder Bay LLC to relocate and modify the Tahoe Biltmore in Crystal Bay to a new structure on two adjacent properties. In this project, the proposed relocation shifted the footprint of the structure housing gaming to the northwest and moved the structure housing gaming 161'-6" feet from State Route 28. After review and testimony, the Governing Board unanimously approved the request but did not make any changes to the certified base data on the site. Subsequently outside of the NTRPA's review of the project, the property owners chose to downsize and restrict the gaming area and cubic volume through a deed restriction on the property as part of a separate deal with the California Attorney General's Office. These actions resulted in a reduction in the use of the certified gaming area on the site (from 29,744 sf to 10,000 sf) and cubic volume (from 1,513,758 cu. ft. to 731,609 sq ft). Because the agency was not involved with or a party to the deal between the Tahoe Biltmore property owners and the California Attorney General's Office, the certified base data for the Tahoe Biltmore property was not changed.

In 2020, the Governing Board reviewed and considered a request to determine the eligibility of the Ed's Tahoe Nugget building in Stateline. Over the course of roughly 25 years the building went from a primarily gaming use with supporting restaurant, office, kitchen and other supporting uses to a building primarily used for restaurants, retail, and office uses without gaming. In this request, the applicant requested that the Governing Board decide on the eligibility of the certified base data on this site which would allow them to reestablish the gaming use on the site. After review and testimony, the Governing Board unanimously determined that certified base data on the Ed's Tahoe Nugget site was eligible, and that a gaming use could be reestablished. In its determination of this eligibility, the Governing Board found that the reestablishment of gaming on the site would not increase the size of the gaming area or cubic volume of the building in accordance with the Tahoe Regional Planning Compact Article VI, Section (e).

To the best of staff's knowledge this is the first time that an applicant has requested to remove a non-restricted gaming use and retire the certified base data associated with a structure housing gaming within the Lake Tahoe basin.

Legislative History/Intent

In 2008, NTRPA staff reviewed the 1979 legislative record of SB 323 by the Nevada Legislature to see if there was anything in the testimony that would shed light on whether the intention was to "freeze" gaming structures in place without the ability to demolish and reconfigure.

The minutes of one of the hearings on SB 323 included various statements regarding this issue. It was stated that the intent of the legislation was that gaming would not increase or expand beyond existing conditions. A sample of statements includes: "provide that gaming be restricted to the places where it is now conducted or in those places where it enjoys a Nevada permit". Another key statement as part of the legislative record was that "there would be no additional, new, nonrestricted gaming facilities at lake Tahoe", and the main purpose of this legislation was to "limit area which may be open to public use to that existing or approved for public use on January 1, 1979".

Although the legislation did not specifically say that a gaming structure could be demolished and reconfigured, the issue was discussed. The original language for Article VI (e) stated: "If any structure housing licensed gaming is destroyed or damaged, the structure may be rebuilt or replaced (emphasis added) to a size not to exceed the existing or approved cubic volume and land coverage". There was testimony at the committee hearings that the legislature should delete language referring to "destroyed or damaged" because it was not possible to foretell what the conditions may be 10, 20, or 30 years into the future, and it may be desirable to allow for structures to be rebuilt due to obsolescence. The testimony did not elaborate on what would constitute obsolescence, or if that meant rebuilding in a different location. However, the bill was amended to remove the language "destroyed or damaged." Staff concludes that it was the intent of the Legislature that structures housing gaming could be demolished and rebuilt due to obsolescence.

In addition, NTRPA staff had been advised by legal counsel that Ordinance 1980 allows the Board to make such decisions on a case-by-case basis without the need to develop a new ordinance.

Analysis:

The applicant has informed NTRPA staff that they have no interest in gaming and they have requested to "retire all gaming rights" on the Lakeside Inn site. When reviewing and considering this request, the Governing Board is asked to acknowledge the certified base data that was approved by the agency for this site in 1988. Following the acknowledgement of the certified base data on the site, the Governing Board is asked to take action on the request to retire all of the certified base data on the Lakeside Inn site.

Upon retirement the Lakeside Inn would no longer be a structure housing gaming. By permanently retiring the certified base data on the Lakeside Inn site, the public area, base area, non-base area, gaming area, private area, site coverage, and cubic volume would be zeroed out on the NTRPA Base Data Summary table.

A copy of the certified base data and plans on file with the NTRPA are included in this staff report as Exhibit 4: Revised NTRPA Base Data Summary Table.

If the request to retire the certified base data for the Lakeside Inn is approved, the following is a breakdown of the revised certified base for the Lakeside Inn site upon retirement.

Type	Certified Data	Upon Retirement
Public Area	66,303 sq ft	0 sq ft
Base Area	37,933 sq ft	0 sq ft
Non-Base Area	26,370 sq ft	0 sq ft
Gaming Area	31,262 sq ft	0 sq ft
Private Area	0 sq ft	0 sq ft
Site Coverage	24,199 sq ft	0 sq ft
Cubic Volume	1,071,447 sq ft	0 sq ft

The applicant has informed agency staff that they intend to redevelop the Lakeside Inn site without gaming. The applicant has requested to retire the certified base data on the Lakeside Inn site with the intention that upon retirement it would be recognized and converted to TRPA commercial floor area. According to the applicant, the use of TRPA commercial floor area would allow them to pursue their redevelopment plans for the site. Over the past several months, NTRPA staff has been in communication and working with TRPA staff on this request. In June, the agency received confirmation from the TRPA that if approved, the retired NTRPA certified base data would convert to TRPA commercial floor area. Additionally, upon retirement of the NTRPA certified base data, the Lakeside Inn site would no longer be considered a structure housing gaming and would no longer be under the jurisdiction of the NTRPA. TRPA staff has been invited to the NTRPA Governing Board meeting to answer any questions or provide information as requested by members of the Governing Board.

A copy of an email from Paul Nielsen, Special Projects Manager for the TRPA confirming that the retired certified base data for the Lakeside Inn site would convert to TRPA commercial floor area is attached to this staff report as Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email.

Staff Recommendation:

Staff finds that the Tahoe Regional Planning Compact remains silent on whether a structure housing gaming could go away and that it does not specifically prohibit the retirement of certified base data. From reviewing the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy there was never a scenario envisioned where a structure housing gaming with certified base data would change its main use away from gaming. It is staff's interpretation of these regulations that

the main intent of regulating structures housing gaming within the Lake Tahoe basin was to freeze the square footages of the certified base data and location of these uses, and not allow them to grow in order to achieve the findings and declaration of policy of the Tahoe Regional Planning Compact.

Therefore, it is staff's opinion that it is at the Governing Board's discretion to retire certified base data associated with a structure housing gaming if requested by a property owner and if it meets the requirements of the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy.

Furthermore, it is staff's interpretation of the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy that the certified base data remains on the site and therefore can be retired at the request of a property owner subject to the following findings.

- 1) Pursuant to the Tahoe Regional Planning Compact Article VI, Section (e) any structure housing gaming may be rebuilt replaced to a size not to exceed the cubic volume, height, and land coverage existing or approved on May 4, 1979. It is staff's interpretation of the compact that there is no time limit or expiration of the certified base data on a particular site.

The applicant's request is to retire the certified base data associated with the Lakeside Inn for the purposes of future redevelopment of the site. The retirement request does not exceed the gaming floor area which was previously certified by the NTRPA on this site. The certified base data on this site included a total of 31,262 sq ft of gaming area. If the request is approved the entire 31,262 sq ft of gaming area on the Lakeside Inn site would be retired and total 0 sq. ft. Therefore, staff finds the request to retire the certified base data on this site in compliance with the Tahoe Regional Planning Compact Article VI.

- 2) NTRPA Ordinance 1980-1 Article 3, Section 3.1 any structure housing gaming shall not enlarge the cubic volume of the structure, increase the total square footage of an area to or approved for public use; and convert private use area to public use area.

The applicant's request to retire the certified base data on this site does not enlarge the cubic volume of the structure, it does not increase the square footage of the public use area, and it does not propose to covert private use areas to public use. The certified base data on this site included a total of 1,071,447 sq ft of cubic volume. If the request is approved the entire 1,071,447 sq ft of cubic volume on the Lakeside Inn site would be retired and total 0 sq. ft. Therefore, staff finds the request to retire the certified base data on this site in compliance with the NTRPA Ordinance 1980-1.

- 3) Pursuant to NTRPA Plan Review Procedures Policy Section 1(d) all plans and proposals which will change the area in square feet devoted to gaming

or change the location of gaming with any such structure must be accompanied by an information report.

Staff finds that the plans and correspondence submitted by the applicant for this retirement to be sufficient and meets the information report requirement and is therefore in compliance with the NTRPA Plan Review Procedures Policy.

Staff finds no inconsistency with the requirements of the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy to retire the certified base data on the Lakeside Inn site. Staff finds that the proposed request to retire the certified base data on the Lakeside Inn site meets the above findings and is consistent with previous Governing Board actions. Therefore, staff recommends that the NTRPA Governing Board acknowledge the certified base data approved by the agency on the site on May 25, 1988 and to permanently retire the certified base data from the Lakeside Inn site.

Suggested Motion: *I move to acknowledge the certified base data approved by the NTRPA on May 25, 1988 associated with the Lakeside Inn Structure Housing Gaming in Stateline, Douglas County APN's 1318-22-002-011 and 1318-22-002-012 and to permanently retire the certified base data from the Lakeside Inn site.*

Prepared By: Scott Carey, AICP. State Lands Planner.

ATTACHMENTS:

Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter

Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email

Exhibit 3: Lakeside Inn Certified Base Data from May 25, 1988

Exhibit 4: Revised NTRPA Base Data Summary Table

Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter

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2170 South Avenue
South Lake Tahoe
CA 96150

530-541-3420 TEL
www.bartonhealth.org

March 17, 2022

Scott Carey
State Lands Planner
NDSL/NTRPA

Via email: Scott Carey <scarey@lands.nv.gov>

Re: Barton Healthcare -Lakeside Inn Casino and site, Retirement of All Gaming Rights, Conversion to CFA

Dear Scott,

I am writing in response to your March 8, 2022, email requesting additional information regarding Barton's request to NTRPA to retire all gaming rights at the former Lakeside Inn. As you know, our plan has been to request the TRPA to convert the former gaming rights to Commercial Floor Area (CFA).

Regarding your request for an explanation from the TRPA about their approval for the conversion of gaming footage from the Certified Base Data to commercial floor area; Gary Midkiff and I have had further discussions with the TRPA and per your request have received two documents that address both items 1 and 2 in your previous email. Please read the attached emails as you will see the last email references Settlement Agreements that allow gaming rights be retired and converted to CFA.

1. Paul Nielsen, TRPA Special Projects Director sent an email to Gary including an email from Kara Thiel, attorney with Feldman. Thiel references the conversion of 19,744 SF of gaming floor area to commercial floor area as part of the Boulder Bay Project. I believe the previous approval by both the TRPA and NTRPA of the Boulder Bay Project EIS Alternative included the conversion of all but 10,000 SF of the Tahoe Biltmore gaming area to commercial floor area.

In response to Kara's email (attached), Paul says, "Providing NTRPA has no objections, TRPA will support the conversion of GFA to CFA at the Lakeside Inn and Casino in exchange for the permanent retirement of GFA."

The issue was raised by Kara on behalf of Lakeside Inn when another potential buyer for the Lakeside property raised the question.

2. Regarding item 2 of your email, I'm not sure it is relevant due to both the NTRPA and TRPA approving the retirement and conversion of gaming area to commercial floor area for the Boulder Bay redevelopment project.

Taking your health to **new heights**

Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter

It is also good to note that the California Attorney General (AG) reviewed and approved the Boulder Bay project, which of course includes the retirement of gaming rights and conversion to CFA. The AG also indicated that it was consistent with the compact provisions regarding the reduction of gaming in the Basin.

3. As to Barton's request that we clarify our request to "retire all gaming rights", we are asking to remove all gaming rights on the entire site, and to remove the Gaming square footage from the Certified Base Data that exists on the property. To reiterate, Barton has no interest in gaming.

If you have further questions, please let us know.

The full text of the referenced emails between Paul Nielsen, Kara Thiel and Gary Midkiff are included below for the record. I did not receive the referenced Settlement Agreements, but they are probably already in the NTRPA files. If you need them, I can probably get copies from Paul.

Thank you for helping us to work this matter out with NTRPA and TRPA.

Richard Belli

Richard Belli

Administrative Director of Facilities

BARTON HEALTH

CC:

Dr. Clinton Purvance, CEO, Barton Health

Kelly Neiger CFA, Barton Health

Charles Donohue, Nevada Tahoe Regional Planning Agency

From: Paul Nielsen

Sent: Wednesday, December 9, 2020, 10:20 AM

To: Kara Thiel <Kara@fmttahoe.com>; Lew Feldman <Lew@FMTTahoe.com>

Subject: RE: GFA

Lew and Kara,

Thank you for the information. Providing NTRPA has no objections, TRPA will support the conversion of GFA to CFA at the Lakeside Inn and Casino in exchange for the permanent retirement of GFA.

Let me know if you would like to discuss further.

Paul

From: Kara Thiel <Kara@fmttahoe.com>

Sent: Monday, November 23, 2020 10:39 AM

To: Paul Nielsen <pnielsen@trpa.org>

Cc: Lew Feldman <Lew@FMTTahoe.com>

Subject: RE: GFA

Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter

Paul and Lew,

Not sure how I missed this in researching the issue and various documents, but the Draft EIS for Boulder Bay includes a concise discussion re CFA / GFA at page 2-22:

Within the project area, there is currently 56,322 square feet of verified CFA, which includes 29,744 square feet of NTRPA certified gaming area. Alternative C will utilize 20,715 square feet of the existing CFA for the retail and restaurant village and 10,000 square feet of certified gaming area for the casino. 7,772 square feet of the existing and verified CFA associated with the exiting Crystal Bay Office Building will remain in use. The total overall reduction of CFA is 17,835 square feet. The CFA reduction consists of the 19,744 square feet of gaming area reduction, a portion of which will be used for non-gaming commercial uses within the project. The total gaming reduction is over 66 percent of the total gaming area currently certified on the Biltmore property. With project approval, Boulder Bay has agreed to permanently retire one-third (9,914 square feet) of its gaming floor area within the NSCP (Tahoe Biltmore/Gaming Floor Area Agreement between Boulder Bay and the State of California dated December 9, 2008). A portion of the 9,914 square feet of permanently retired gaming CFA, per the December 9, 2008, agreement, will be used for the proposed retail and dining space onsite.

Paul, this issue appears to be tabled for now, but I wanted you to have this info should it arise again.

Thanks,
Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
178 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
[Email: kara@fmttahoe.com](mailto:kara@fmttahoe.com)

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From: Kara Thiel
Sent: Friday, November 20, 2020 12:55 PM
To: Paul Nielsen <pnielsen@trpa.org>
Cc: Lewis Feldman <Lew@fmttahoe.com>
Subject: GFA

Hey Paul. Please see Paragraph 4 of the attached Settlement Agreement re Boulder Bay and GFA. It provides that BB must retire a certain amount of the Biltmore's GFA from gaming use, but the retired GFA can be converted to CFA. While TRPA is not a party to this agreement, it is a party to the attached Amendment to the Tahoe Mariner Settlement Agreement which expressly acknowledges the provisions of the GFA Agreement re the retirement and use of GFA. See Paragraph 15.1 of the Mariner Agreement.

Exhibit 1: Lakeside Inn Certified Base Data Retirement Request Letter

So, there is precedent for conversion of GFA to CFA.

Please let us know if you need anything further.

Thanks,

Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
178 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
[Email: kara@fmttahoe.com](mailto:kara@fmttahoe.com)

Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email

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Scott Carey

From: Paul Nielsen <pnielsen@trpa.gov>
Sent: Tuesday, June 7, 2022 4:29 PM
To: Scott Carey
Cc: Charlie Donohue; Ellery Stahler
Subject: RE: Request for Lakeside Inn Conversion Analysis

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Scott,

Please let this email serve as TRPA confirmation that the 66,303 sq. ft. of total base area for the Lakeside Inn is eligible to be converted to commercial floor area with the understanding that the base area would be permanently retired. I confirmed with TRPA legal counsel that such a conversion was authorized before under the Regional Plan in conjunction with the approval for the Boulder Bay project at North Stateline.

Thank you for your patience in this matter and please feel free to contact me with any questions.

Paul Nielsen
Special Projects Manager

From: Scott Carey <scarey@lands.nv.gov>
Sent: Wednesday, April 6, 2022 3:04 PM
To: Paul Nielsen <pnielsen@trpa.gov>
Cc: Charlie Donohue <cdonohue@lands.nv.gov>; ElleryStahler <estahler@lands.nv.gov>
Subject: RE: Request for Lakeside Inn Conversion Analysis

Paul,

I had a chance to look into this. You are not wrong the public area should be the sum of the Base Area and Non-Base Area, when you calculate the numbers that are listed on the plans the total should be 64,303 and not 66,303.

From digging into the files, it appears in the mid 1980's the NTRPA hired a consultant and went through a process of reviewing and updating the certified base data summaries for each structure housing gaming within the base. At their meeting in June 1987, the NTRPA Governing Board reviewed and ultimately approved the revised base data drawings for the Lakeside Inn subject to the review and approval of their consultant. Attached please find a copy of the meeting minutes.

Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email 28

From what I can tell by the correspondence that we have in the files, the Board was working on how to sort out base data calculations for catwalks, escalators, and stairways. Through this process and some back and forth between the Lakeside architect and the NTRPA's consultant approved the base area calculation for the Lakeside which increased the base area by 2,000 sq ft to get to the 66,303 sq. ft. total.

[The plans that I provided you on Monday](#) were signed off by the NTRPA in 1988 after their consultant reviewed and concurred with the new calculations in accordance with the Governing Board's approval. I was also able to dig up the [original certified base data drawings from 1982](#) and they show that the original certified base area calculation was indeed 64,303 sq. ft. Based on this information we believe that the correct total for the base area for the Lakeside Inn is 66,303 sq. ft.

I hope this helps, please let me know if you have any questions or need anything else.

Thank You,

Scott H. Carey, AICP
State Lands Planner
Nevada Division of State Lands
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 5003
Carson City, NV 89701
scarey@lands.nv.gov
(O) 775-684-2723 | (F) 775-684-2721

Connect with us:   

<http://dcur.nv.gov>, <http://lands.nv.gov/> style="position: absolute; margin-left: 142pt; margin-top: 4.25pt; width: 119.45pt; height: 28.25pt; z-index: 251665408; visibility: visible; mso-wrap-style: square; mso-width-percent: 0; mso-height-percent: 0; mso-wrap-distance-left: 9pt; mso-wrap-distance-top: 0; mso-wrap-distance-right: 9pt; mso-wrap-distance-bottom: 0; mso-position-horizontal: absolute; mso-position-horizontal-relative: text; mso-position-vertical: absolute; mso-position-vertical-relative: text; mso-width-percent: 0; mso-height-percent: 0; mso-width-

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From: Paul Nielsen <pnielsen@trpa.gov>
Sent: Monday, April 4, 2022 10:48 AM
To: Scott Carey <scarey@lands.nv.gov>
Cc: Charlie Donohue <cdonohue@lands.nv.gov>; Ellery Stahler <estahler@lands.nv.gov>
Subject: RE: Request for Lakeside Inn Conversion Analysis

Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email

Scott,

Thank you for the very thorough package. I definitely may be missing something, but should the Public Area be the sum of the Base Area and Non-Base Area, which is 64,303 and not 66,303?

Paul

From: Scott Carey <scarey@lands.nv.gov>
Sent: Monday, April 4, 2022 10:26 AM
To: Paul Nielsen <pnielsen@trpa.gov>
Cc: Charlie Donohue <cdonohue@lands.nv.gov>; ElleryStahler <estahler@lands.nv.gov>
Subject: Request for Lakeside Inn Conversion Analysis

Paul,

Thank again for your time a couple weeks ago to discuss the request we received here at the NTRPA to remove the certified base data on the Lakeside Inn site. As a follow up to our meeting, the NTRPA would like to submit a request to the TRPA to provide an analysis of what the NTRPA certified base data would convert to TRPA commercial floor area. Below is a breakdown of the certified base data for the Lakeside Inn site.

Public Area: 66,303 sq. ft.
Base Area: 37,933 sq. ft.
Non Base Area: 26,370 sq. ft.
Gaming: 31,262 sq. ft.
Private Area: 0 sq. ft.
Cubic Volume: 1,071,447 sq ft.
Site Coverage: 24,199 sq. ft.

Attached to this email please find a copy of the following.

- 1) Letter from the property owner requesting the removal of the certified base data
- 2) NTRPA Certified Base Data Summary Table
- 3) NTRPA Ordinance 1980-1
- 4) NTRPA Base Data Definitions
- 5) NTRPA Certified Base Data Diagram

A copy of the NTRPA certified drawings for the Lakeside Inn are available [HERE](#).

If you have any questions or need any additional information concerning this request please feel free to contact us.

Thank You for your help,

Scott H. Carey, AICP

Exhibit 2: TRPA Lakeside Inn Conversion Confirmation Email

30

State Lands Planner
Nevada Division of State Lands
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 5003
Carson City, NV 89701
scarey@lands.nv.gov
(O) 775-684-2723 | (F) 775-684-2721

Connect with us:   

<http://dcnr.nv.gov>

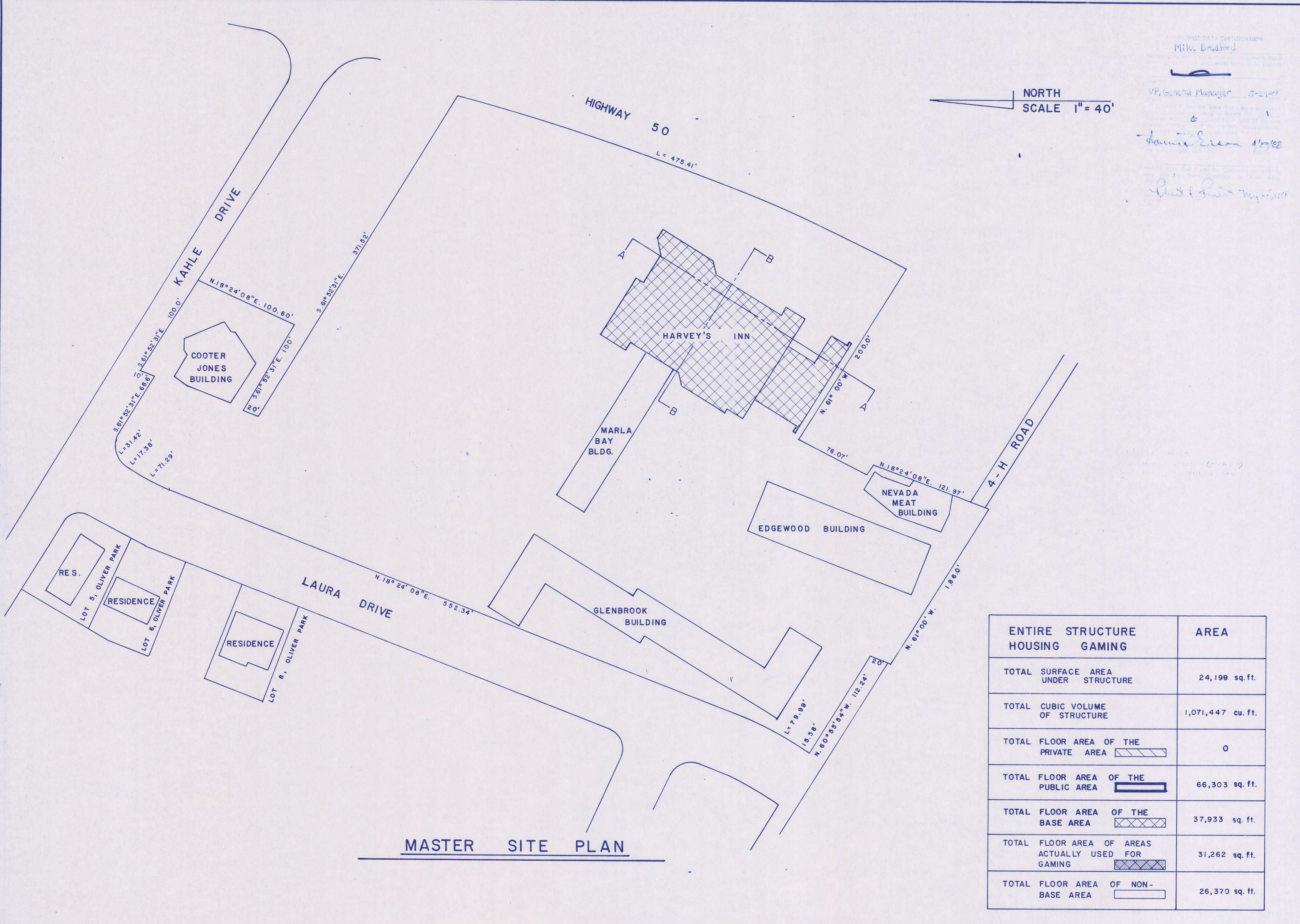
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REVISIONS	BY
PUBLIC BASE GAMING 6-8-87	RG
FINAL REV 4/27/88 SEA	

BASE DATA CERTIFICATION
 Mike Bradford
 VP, General Manager 5-21-88
 4/29/88
 4/29/88

NORTH
 SCALE 1" = 40'



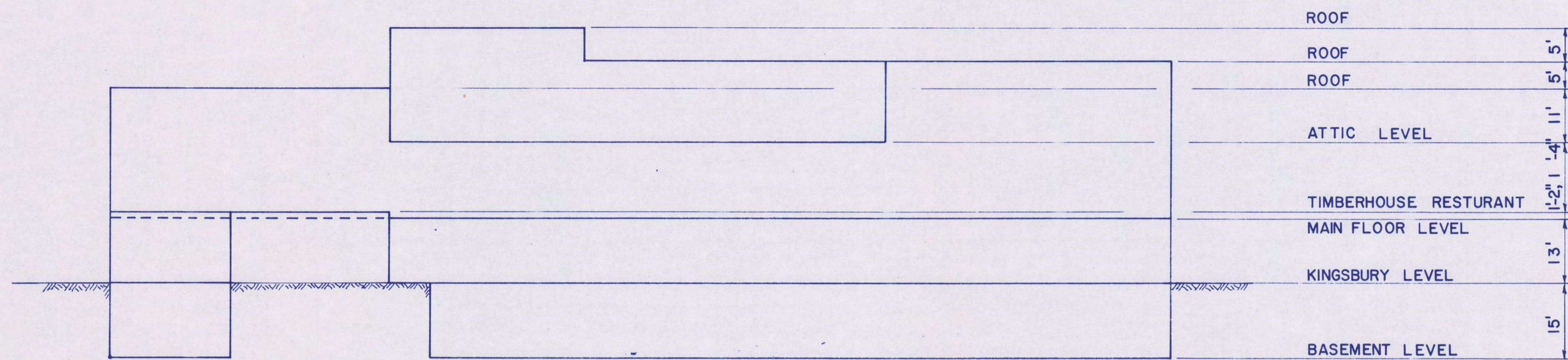
ENTIRE STRUCTURE HOUSING GAMING	AREA
TOTAL SURFACE AREA UNDER STRUCTURE	24,199 sq. ft.
TOTAL CUBIC VOLUME OF STRUCTURE	1,071,447 cu. ft.
TOTAL FLOOR AREA OF THE PRIVATE AREA	0
TOTAL FLOOR AREA OF THE PUBLIC AREA	66,303 sq. ft.
TOTAL FLOOR AREA OF THE BASE AREA	37,933 sq. ft.
TOTAL FLOOR AREA OF AREAS ACTUALLY USED FOR GAMING	31,262 sq. ft.
TOTAL FLOOR AREA OF NON-BASE AREA	26,370 sq. ft.

GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423

HARVEY'S INN
 STATELINE, NEVADA
 MASTER SITE PLAN

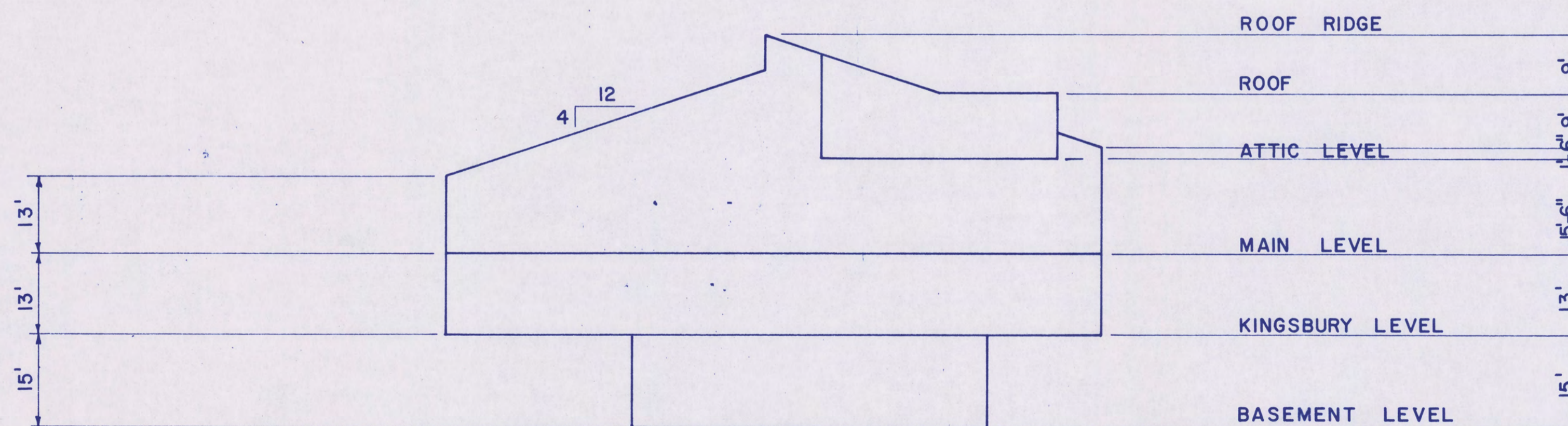
Date NOV. 5, 1982
 Scale 1" = 40'
 Drawn RAG
 Job
 Sheet
 Of 6 Sheets

CERTIFIED BASE DATA CERTIFICATION
 Mike Bradford
 VP, General Manager 5-24-88
 4/29/88
 4/29/88



SECTION A - A

SCALE 1/16" = 1'-0"

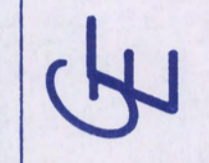


SECTION B - B

SCALE 1/16" = 1'-0"

REVISIONS	BY

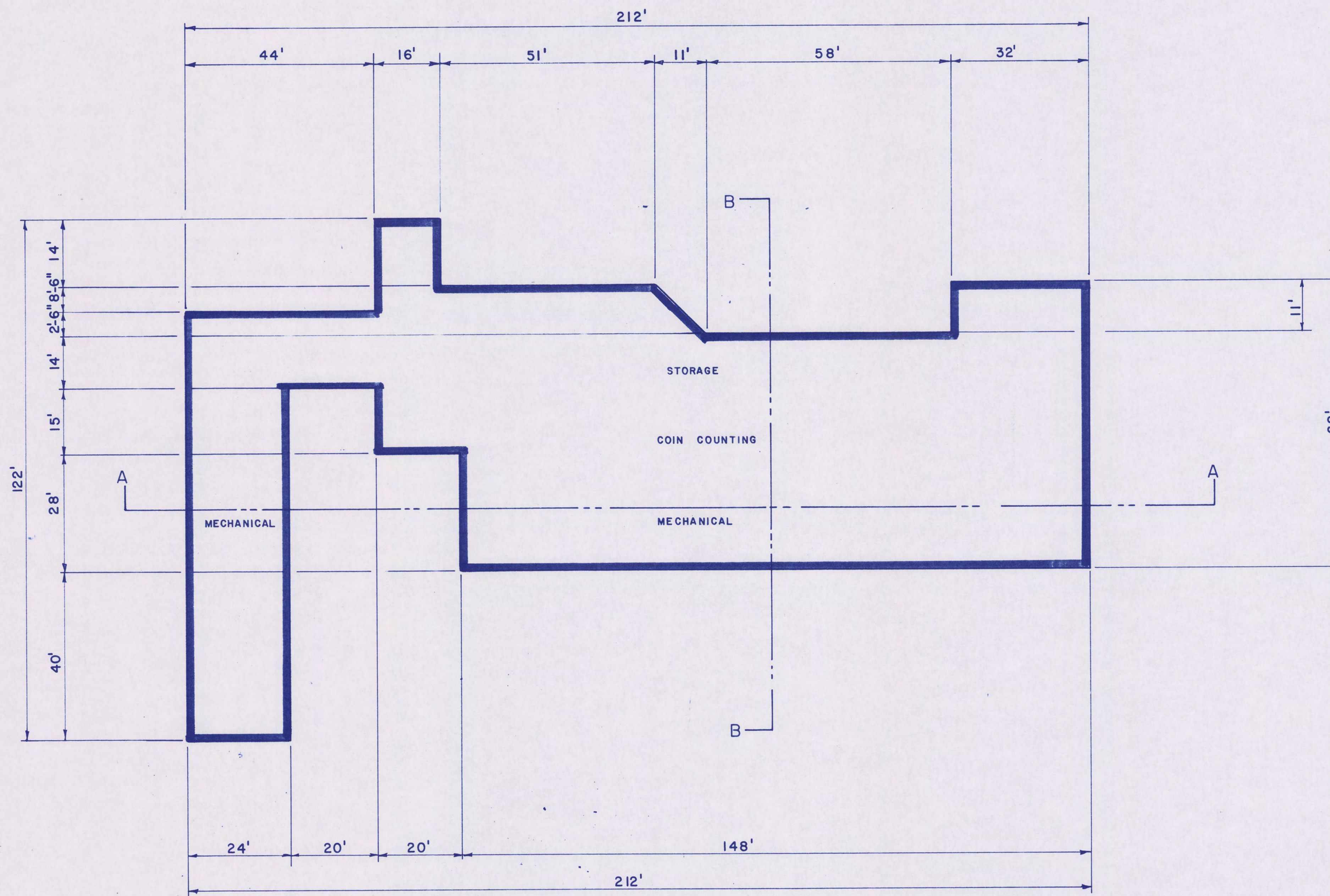
GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423



HARVEY'S INN
STATELINE, NEVADA
MASTER ELEVATIONS

Date NOV. 5, 1982
 Scale 1/16" = 1'-0"
 Drawn R A G
 Job
 Sheet
2
 Of 6 Sheets

BASE DATA CERTIFICATION
 Mike Bradford
 VP, General Manager 5-24-88
 4/23/88
 4/23/88

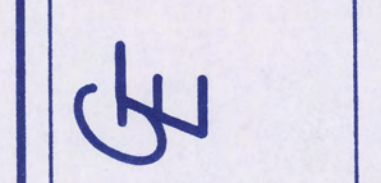


BASEMENT LEVEL FLOOR PLAN

SCALE 1/16" = 1'-0"

REVISIONS	BY
FINAL REV.	
4/28/88 SEA	

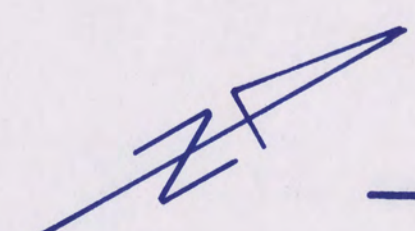
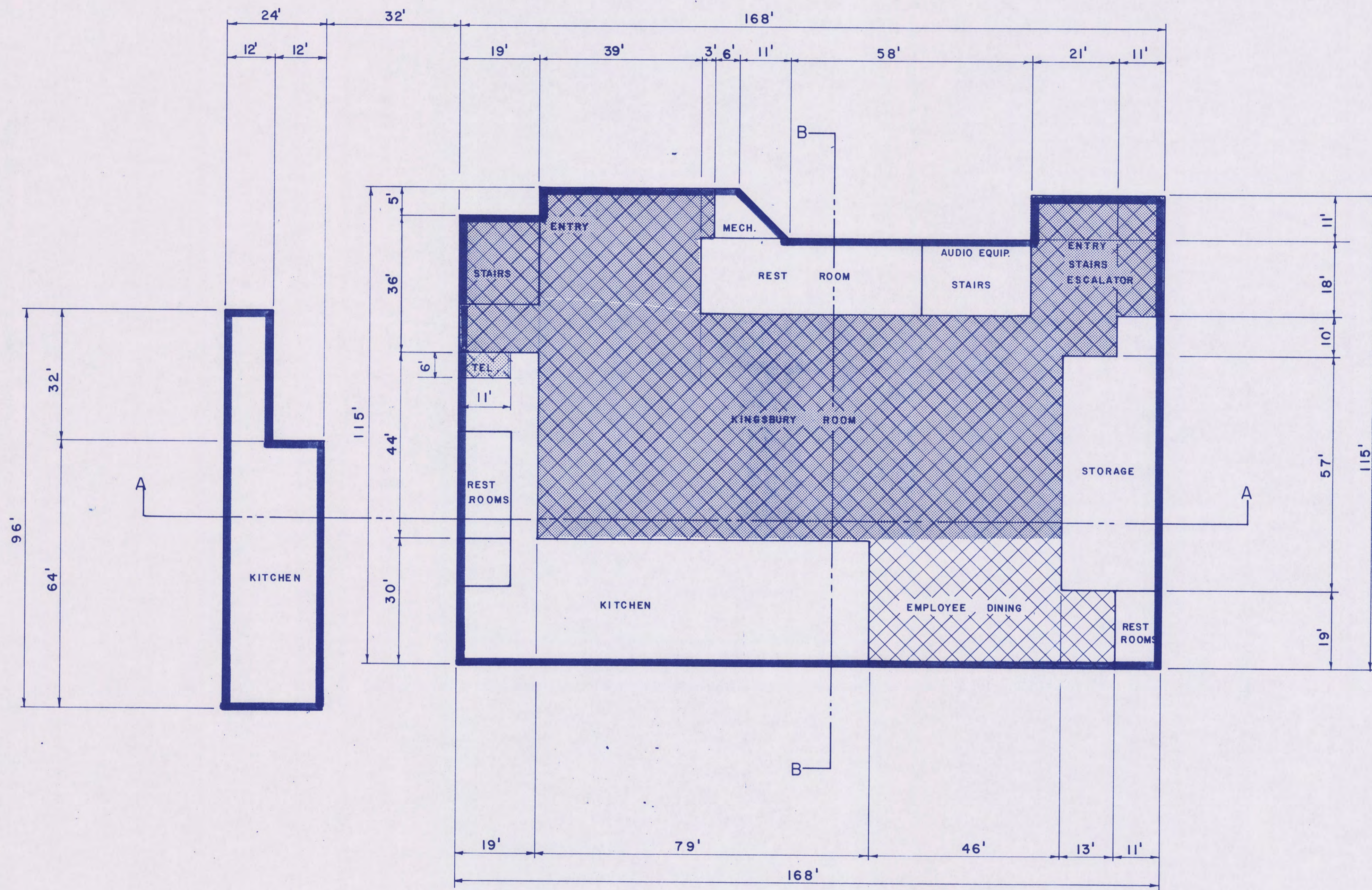
GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423



FLOOR	SUMMARY	TABLE:	SQ. FT.	HT.	VOLUME
	PRIVATE		0	0	0
	PUBLIC		13,039	15'	0
	BASE		0	0	0
	GAMING		0	0	0
	NON-BASE		13,039	15'	195,585
	TOTAL		13,039		

HARVEY'S INN
STATELINE, NEVADA
BASEMENT LEVEL PLAN

Date NOV. 5, 1982
 Scale 1/16" = 1'-0"
 Drawn R A G
 Job
 Sheet **3**
 Of 6 Sheets



KINGSBURY LEVEL FLOOR PLAN

SCALE 1/16" = 1'-0"

REVISIONS 34
 Mike Bradford
 V.E. General Manager 5-24-88
 David Swan 4/20/88
 May 25, 1988

REVISIONS	BY
EMPL. DINING	RG
TEL. 6/6/87	
FINAL REV	
4/27/88 SEA	

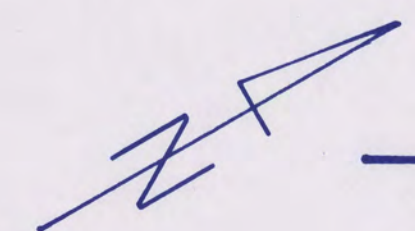
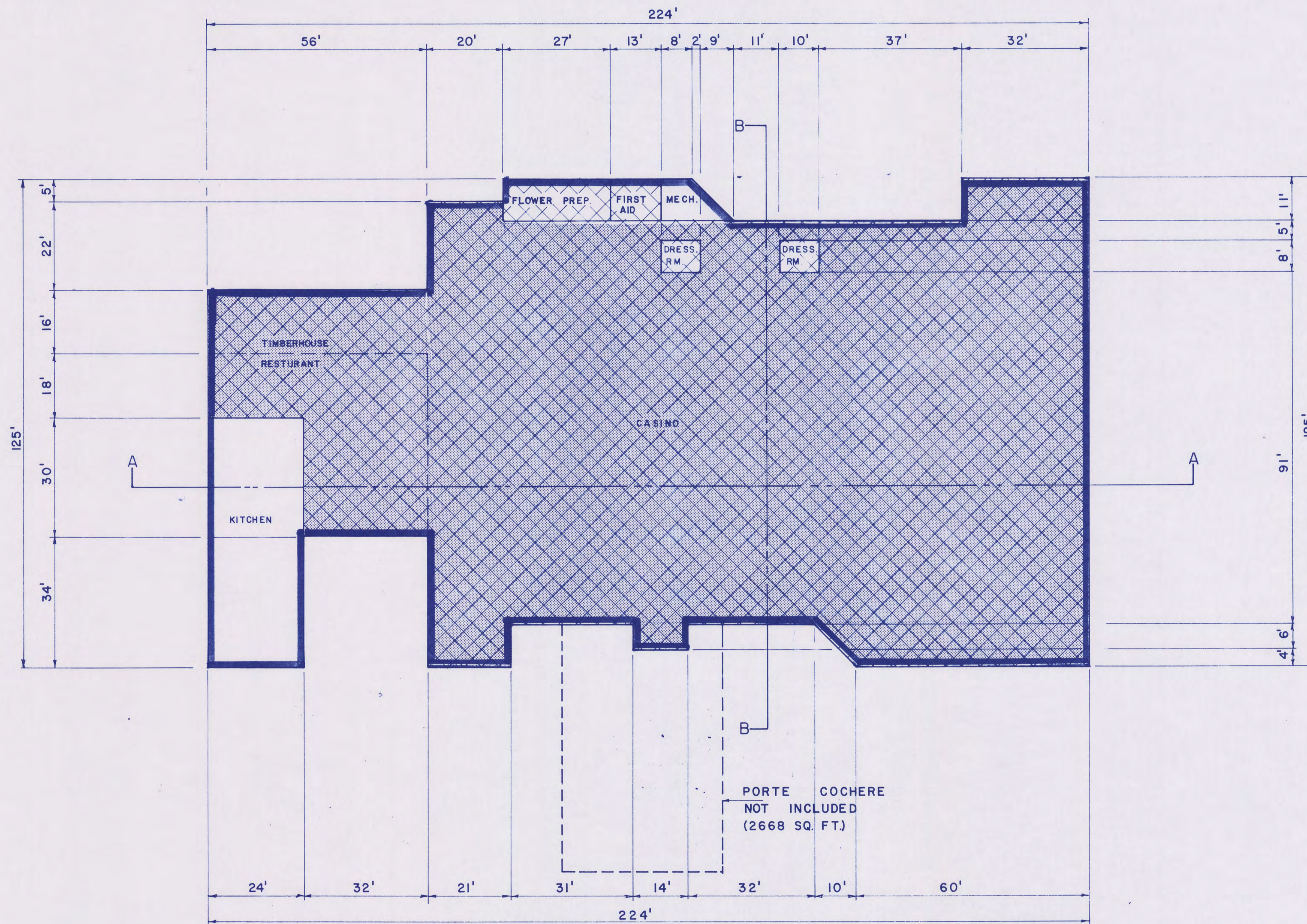
GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423



FLOOR	SUMMARY	TABLE:	SQ. FT.	HT.	VOLUME
	PRIVATE		0	13' - 14'-2"	0
	PUBLIC		20,344	13' - 14'-2"	
	BASE		11,440	13' - 14'-2"	
	GAMING		9,813	13' - 14'-2"	
	NON-BASE		8,904	13' - 14'-2"	
	TOTAL				266,707

HARVEY'S INN
STATELINE, NEVADA
KINGSBURY LEVEL PLAN

Date NOV. 5, 1982
 Scale 1/16" = 1'-0"
 Drawn R A G
 Job
 Sheet **4**
 Of 6 Sheets



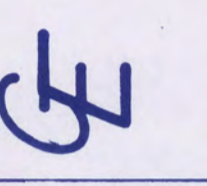
MAIN LEVEL FLOOR PLAN

SCALE 1/16" = 1'-0"

Mike Bradford
 VP, General Manager 5-21-88
 6
 James E. ... 4/29/88
 Robert S. ... May 25, 1988

REVISIONS	BY
FINAL REV 4/28/88 SEA	

GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423



FLOOR	SUMMARY	TABLE:	SQ. FT.	HT.	VOLUME
	PRIVATE	0			0
	PUBLIC	23,745	12'-36"		
	BASE	22,043	12'-36"		
	GAMING	21,449	12'-36"		
	NON-BASE	1,702	12'-36"		
	TOTAL				576,796

HARVEY'S INN
STATELINE, NEVADA
MAIN LEVEL FLOOR PLAN

Date NOV. 5, 1982
 Scale 1/16" = 1'-0"
 Drawn RAG
 Job
 Sheet 5
 Of 6 Sheets

Mike Bradford

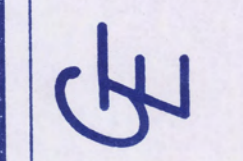
VP, General Manager 3-24-88

Tom Deen 4/27/88

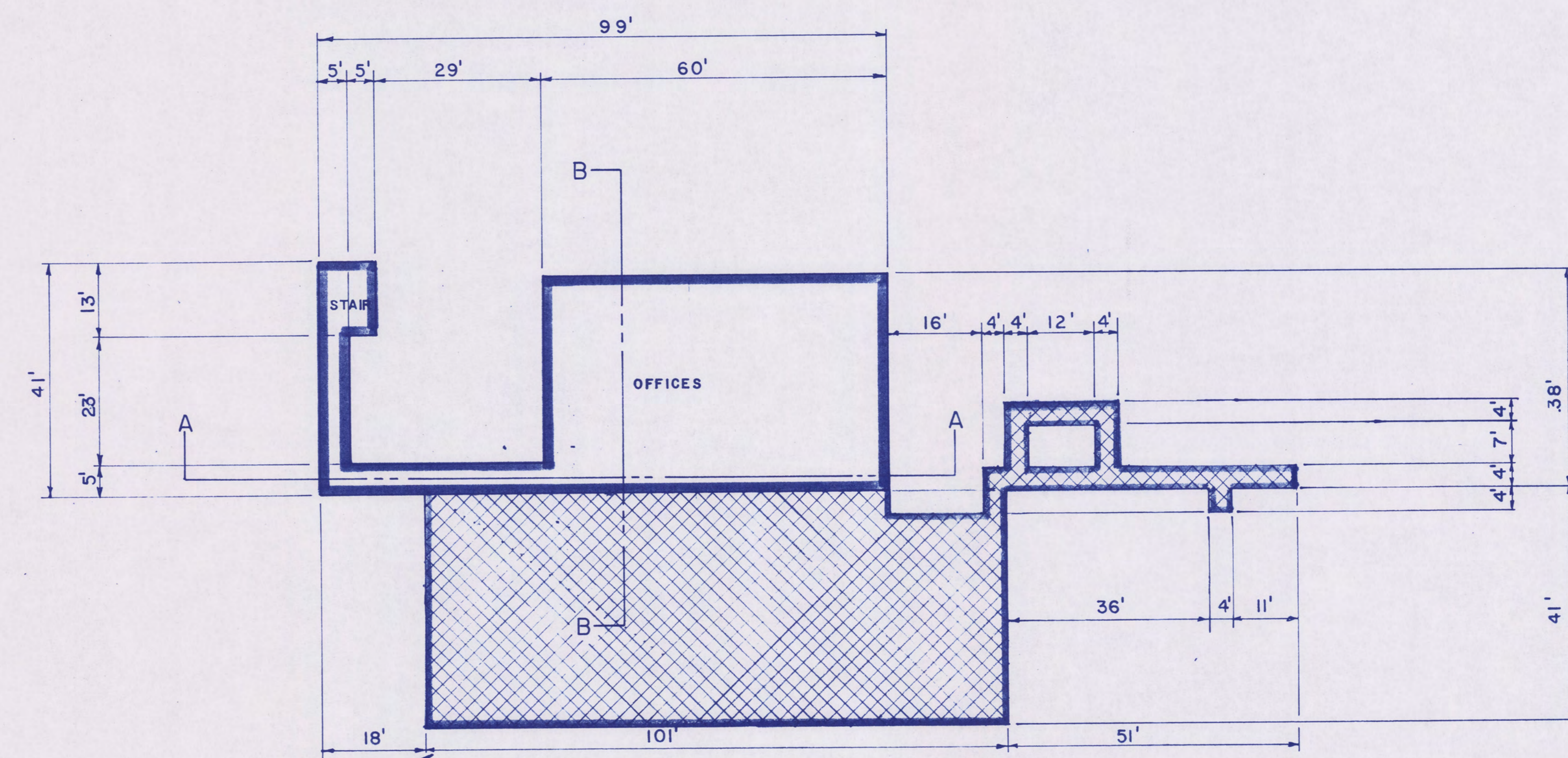
Robert Deen

REVISIONS	BY
3/4/87 ADD CATWALK	R G

GARDNER ENGINEERING
 1521 MAIN ST., BOX 1588
 MINDEN, NEVADA 89423



FLOOR	SUMMARY	TABLE:	SQ. FT.	HT.	VOLUME
	PRIVATE		0		
	PUBLIC		7,175	10'-6" - 16'	
	BASE		4,450		
	GAMING		2,725	10'-6" - 16'	
	NON-BASE				
	TOTAL				32,359



ATTIC FLOOR PLAN

SCALE 1/16" = 1'-0"

HARVEY'S INN
STATELINE, NEVADA
ATTIC FLOOR PLAN

Date NOV. 5, 1982
 Scale 1/16" = 1'-0"
 Drawn R A G
 Job
 Sheet
 Of 6 Sheets

Exhibit 4: Revised NTRPA Base Data Summary Table

NEVADA TAHOE REGIONAL PLANNING AGENCY

BASE DATA SUMMARIES

PROPERTY	PUBLIC AREA (sq. ft.)	BASE AREA (sq. ft.)	NON-BASE			PRIVATE AREA (sq. ft.)	CUBIC VOLUME (sq. ft.)	SITE COVERAGE (sq. ft.)
			AREA (sq. ft.)	GAMING (sq. ft.)				
SOUTH SHORE								
BILLS/BARNEYS*	18,498	14,019	4,479	10,492	0	221,103	7,460	
CAESARS	425,667	245,857	179,910	95,566	553,873	13,088,431	310,329	
HARRAHS	569,323	324,000	245,323	72,650	1,839,998	25,954,176	417,383	
NORTH CASINO	34,175	20,126	14,049	16,501	0	452,016	19,936	
HARVEYS								
Mountain Tower	290,346	133,834	156,512	101,967	96,115	5,209,727	94,507	
Lake Tower	301,265	184,360	116,905	29,650	331,982	8,708,006	54,501	
Parking I	82,583	56,928	25,655	0	536,935	5,186,816	113,764	
Parking II	28,130	3,630	24,500	0	224,007	2,288,096	-	
Parking III	WILL BE COMPUTED WHEN CONSTRUCTED							
HORIZON	334,362	153,064	181,298	78,845	1,171,442	19,199,464	347,185	
LAKESIDE INN	66,303 0	37,933 0	26,370 0	31,262 0	0 0	1,071,447 0	24,199 0	
EDS TAHOE NUGGET	16,122	9,461	6,661	8,773	0	200,462	11,560	
NORTH SHORE								
CAL NEVA	89,430	46,135	42,970	25,827	86,159	2,171,161	58,894	
CRYSTAL BAY CLUB	51,616	19,516	32,100	16,184	185,238	2,120,654	79,007	
HYATT	125,842	59,041	67,481	23,684	196,808	3,954,953	90,579	
KELLEYS NUGGET								
Prior to Fire	14,934	14,934	0	3,790	0	172,550	5,075	
As Rebuilt	-13,854	-8,794	-5,060	-3,683	0	-170,164	-4,895	
MARINER	21,714	13,315	8,399	12,200	9,732	359,370	23,662	
TAHOE BILTMORE	74,375	46,588	27,787	29,744	21,032	1,513,758	42,797	

August 2022

NOTES:

Eds Tahoe Nugget has been converted into an office-retail building without gaming.

The Mariner is not in operation and the structure has been demolished.

Some of the figures include "approved but unbuilt" area.

In 1993 the NTRPA acknowledged that 10,879.5 sq ft of private use area in the Crystal Bay Club had historically been and may continue to be in public use, but may not be used in calculating the base and the allowable gaming area.

In 2000, the NTRPA approved changes to the base data to the Hyatt as part of a renovation project.

In 2011, the NTRPA separated the North Casino from Harrah's.

In 2018, the NTRPA recertified the total cubic volume of the Cal Neva.

In 2022, the NTRPA retired the certified base data for the Lakeside Inn.



STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721

STAFF REPORT

August 1, 2022

Subject: Recertification of the Certified Base Data for the Tahoe Nugget Structure Housing Gaming in Stateline – For Possible Action

Background

At its July 23, 2020 meeting, the Governing Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site. At this same meeting the Governing Board approved Northern Nevada Comstock Investment's request to utilize the certified base data on this site subject to one Condition of Approval. The Condition of Approval required that the applicant submit to the NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the site. According to records obtained by the NTRPA from Douglas County, Northern Nevada Comstock Investments closed on the purchase of the Tahoe Nugget site on August 19, 2020. In September 2020, agency staff notified the applicant that they had until February 19, 2021 to satisfy the requirements of Condition #1.

At its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Board's previous determination for the Tahoe Nugget site. The approved amended Condition #1 extended the deadline, allowing the applicant to submit the detailed architectural floor plans and base data calculations to the agency by December 31, 2021. The approved amended Condition #1 also allowed the applicant to submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase of the project.

As part of its approval at the December 4, 2020 meeting, the Governing Board defined the term "commencement". The Governing Board specified that the term "commencement" means that no construction can begin on any phase until such floor plans and base data calculations have been reviewed and approved by the NTRPA. The intent of the term "commencement" in Condition #1 as it relates to future phases of the project is to allow the owners of the site sufficient time to analyze tenant spaces within

the building as they become vacant. At this same meeting, the Board expressed a desire to allow the applicant flexibility and sufficient time to tear down the vacant spaces within the existing building and submit the detailed architectural floor plans and base data calculations to the agency. However, the Board was clear that no construction or reestablishment of any gaming use within the building could begin until the plans were reviewed by the NTRPA and found to be in compliance with the certified base data for the site.

At the December 8, 2021 meeting the Governing Board approved a request for a second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site. The second amendment to the condition of approval allowed for an additional 6 months (through June 30, 2022) to submit detailed architectural floor plans and base data calculations for the site. Included in the Governing Board's action on this request was understanding that the term commencing does not include the start of any new construction.

On May 17, 2022 in compliance with the approved second amendment to Condition 1, agency staff received detailed architectural floor plans and base data calculations for the site from the applicant. Staff finds that the detailed architectural floor plans and base data calculations met the June 30, 2022 deadline in Condition 1 of the NTRPA Governing Board's approval of the certified base data eligibility on the site. Since receiving the information from the applicant, Agency staff has been working closely with the applicant to analyze the base data calculations provided and determine whether or not the data provided is within the approved certified base data for the site.

Analysis

The intent of the original Condition #1 and its two subsequent amendments was to "clean up" the certified base data that the agency has on file for the Tahoe Nugget site. Clean certified base data for the site is needed by the agency to determine if the reestablishment of gaming on the site will fall within the certified base data approved on the site or whether a recertification request to the Governing Board will be warranted. Since 1996, there have been several alterations with the Tahoe Nugget building and the applicant has continued demolition work to prepare the site for future gaming use. Given the building's age and use of the building, staff believes there is a need to update or clean up the certified base data on this site.

The updated base data calculations and plans will allow the agency to make an accurate determination on whether a recertification request to the Governing Board will be warranted. At the July 23, 2020 Governing Board meeting, staff proposes that if the architectural floor plans and base data calculations for the first phase and future phases of the project are substantially in compliance with the certified base data for the site, then staff will have the ability to sign off on the plans for compliance and report back to the Governing Board. If the architectural floor plans and base data calculations for the first phase and future phases of the project are not in compliance with the certified base data, staff will then schedule a meeting for the NTRPA Governing Board to consider recertification of the certified base data.

Staff has reviewed the plans and data that were submitted and have found some discrepancies when comparing the data with the approved certified base data for the site. Staff and the applicant were working together prior to the meeting to submit a recertification request for the Governing Board's review and consideration for the Tahoe Nugget site. Before the meeting the applicant requested a continuance of this recertification request to allow for additional time to prepare the data and information needed for the Governing Board to consider.

A copy of the letter submitted by the applicant's representative Gary Midkiff requesting a continuance of their recertification request is included in this staff report as Exhibit 1: Continuance Request Letter.

Staff Recommendation Staff recommends that the Governing Board grant the applicant's request for a continuance of the recertification request for the Tahoe Nugget site. A continuance to a future NTRPA meeting will allow the applicant additional time to provide agency staff with information needed for the Governing Board to consider the recertification request.

Suggested Motion: *I move to continue the recertification request approved certified base data determination for the Tahoe Nugget site in Stateline to a future NTRPA Governing Board Meeting.*

Prepared By: Scott Carey, AICP. State Lands Planner.

ATTACHMENTS:

Exhibit 1: Continuance Request Letter

Exhibit 1: Continuance Request Letter

Midkiff
& Associates, Inc.
CONSULTANTS

July 26, 2022

Charlie Donohue
Administrator
NTRPA

Via email: Charlie Donohue <cdonohue@lands.nv.gov>

Re: Base Data Recertification for the former Ed's Tahoe Nugget, Stateline, NV 89449

Dear Charlie,

I have been working diligently with Scott Tate and the Nugget Architect, Frank Woodliff III to respond to the requests from Scott Carey in your office.

Unfortunately, as I explained to Scott Carey on your staff yesterday, we need some more direction. For this reason, we must request that the Nugget Item on the NTRPA Board Agenda for August 4 be continued to a future date. Scott Tate has asked me to request a 30 day continuance to give us an to complete the recertification request after we receive more direction as to the changes to the Nugget building with the TRPA's approval.

I have attached the draft letter I have prepared for the recertification request for your review. The problem is that we are not sure what happened on the Nugget building during the time it was not operated as structure housing gaming.

For example, we know that there were errors in 1987 when the base data was first certified by NTRPA. We do not know with any certainty what happened in 1995 – 1996. We know that TRPA approved a permit and a plan revision during that time frame, but we are not sure what NTRPA approved. The only thing the NTRPA base data drawings show was approved in 1996 was the relocation of the north casino entrance.

The TRPA stamped/approved drawings showing multiple exterior changes to casino, but although the changes to the stairwells, roofs, entrances, etc. were constructed, there were no changes to the base data even though the change increased the floor area and cubic volume.

The attached draft letter proposes to have NTRPA Recertify the Nugget base data to add cubic volume and floor area to correct errors made in 1987, and to ignore the changes make based on the TRPA approved plans. However, the Nugget has directed me to ask you to specifically state in a letter or an email exactly what you want from them to respond to the July 14,2022 memo from Scott Carey to Scott Tate, Frank Woodliff, and myself.

Along with the draft letter requesting recertification of the base data, I have attached the following draft exhibits.

Exhibit 1: Continuance Request Letter

42

Donohue

NTRPA

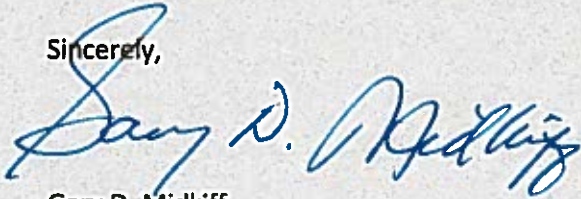
Re: Nugget Recertification

July 26, 2022

Page 2

Thank you for your assistance with this request for more information regarding the changes to the Nugget that were not treated as a change to the base data.

Sincerely,



Gary D. Midkiff
President

Cc: Scott Tate
Frank Woodliff III
Scott Carey

Draft Request for Recertification and Request for Information

Attachments: Draft Exhibits to the Recertification Request

Exhibit A1 – current draft base data drawings that include both the corrections to the 1987 certified base data and the changes approved by TRPA in 1995-1996.

Exhibit A2 – Sheet G5 that illustrates the location of the corrections to the base data and TRPA 1995 – 1996 revisions

Exhibit B - 1987 approved base data

Exhibit C – 1995 -1996 TRPA approved plans for remodel

Exhibit D – 2000 TRPA approved plans for the UPS store and remodel

Exhibit E – photos illustrating the raising of the roof for drainage

Exhibit F - Commentary from Frank Woodliff III the architect on the project explaining the methodology he used to measure the building. Also includes table with the details of changes to the building.

Exhibit G – July 2020 NTRPA Staff Report re Nugget