



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Rob Pierce, Chair
Don Christensen, Vice Chair
Kathie Julian
Peter Ghishan
Leo A. Horishny

Thursday, December 7, 2023

1:30 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

Chair Pierce called the meeting to order at 1:30 p.m. The following members and staff were present:

Members Present: Rob Pierce, Chair
Don Christensen, Vice-Chair
Kathie Julian
Peter Ghishan
Leo A. Horishny

Members Absent: None

Staff Present: Chris Bronczyk, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Tim Evans, Planner, Planning and Building Division
Elizabeth Hickman, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Member Horishny led the pledge of allegiance.

3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Elizabeth Hickman recited the Ethics Law standards and the instructions for providing public comment via Zoom/Telephone.

4. Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. Public Comment

Mr. Russ Earle spoke on Agenda Item 10E, saying many stables were small operations, and the addition of asphalt was dangerous to the animals. He felt gravel and dirt were preferable surfaces for horses, and it was impractical to plant and water many trees. Stables were labors of love and not money-makers. He believed the imposition of all-purpose regulations on small operations lacked common sense because those businesses provided a great service to the community. He urged the Board to take the applicant's plan into consideration.

6. Approval of the December 7, 2023 Agenda

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of December 7, 2023. Member Julian seconded the motion, which carried unanimously.

7. Approval of the October 26, 2023 Draft Minutes

Member Julian requested modifying the language on the top of page 7 to read, "...to possibly shuttle visitors to the Tahoe basin during the summer months".

Member Julian moved to approve the minutes of October 26, 2023 as amended. Member Ghishan seconded the motion, which carried unanimously.

8. Approval of the November 2, 2023 Draft Minutes

Member Ghishan moved to approve the minutes of November 2, 2023 as written. Member Horishny seconded the motion, which carried unanimously.

9. Planning Items

A. Resolution of Appreciation – For possible action to approve a Resolution of Appreciation of Service for Clay Thomas and to authorize the Chair to sign the resolution on behalf of the Board of Adjustment.

Secretary Trevor Lloyd read and presented the resolution to former Member Clay Thomas.

Mr. Thomas praised the Board Members, staff for their research, and Mr. Lloyd. He thanked the public for allowing him to represent them and listen to their opinions.

Member Julian moved to approve the resolution. Member Ghishan seconded the motion, which carried unanimously.

10. Public Hearing Items

A. Amendment of Conditions Case Number WAC23-0014 (Lake Tahoe School) for WSUP17-0004 – For hearing, discussion, and possible action to approve an amendment of conditions for Lake Tahoe School Case Number WSUP17-0004 to increase student enrollment from 220 to 250 students.

- Applicant: Exline and Company, Inc.
- Property Owner: Lake Tahoe School
- Location: 995 Tahoe Blvd.
- APN: 127-030-39
- Parcel Size: 4.6 acre
- Master Plan: Tahoe - Incline Village Tourist
- Regulatory Zone: Tahoe - Incline Village Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits

- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Chair Pierce noted this item would not be heard.

B. Variance Case Number WPVAR23-0004 (Chapman) – For hearing, discussion, and possible action to approve a variance to reduce the rear yard setback from 30 feet to 12 feet to allow for the construction of an accessory RV garage.

- Applicant / Property Owner: Curtis Chapman
- Location: 3310 Pershing Lane
- APN: 050-444-25
- Parcel Size: 1 acre
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Clark
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; Vicinity Map; Evaluation; Setbacks; aerial photo; diagram; Elevations; photos; Evaluation; Findings; Requirement 1 & 2; Denial; Noticing; Reviewing Agencies; and Possible Motion.

Applicant Curtis Chapman noted his career was spent in the field of consulting design as a licensed land surveyor, and he reviewed his professional exposure to the design of projects. He said any designer professional's goal was to solve problems and maximize opportunity, and he discussed a project he designed in Storey County.

Mr. Chapman conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: aerial photo; rendering (4 slides); aerial photos (3 slides); Approval of a variance...; and W.C. Dev Code Sect 110.804.25... (4 slides).

Mr. Chapman explained the various work he did to clean up the property when he bought it in 2020, adding that a garage and pump house were left on the property when the main house was demolished. He discussed his idea for creating a courtyard area blocked from the wind by a structure and trees which he would plant. An additional shelter would be placed on the property so his tractor and utility trailer could be protected from the sun and from winter weather. He said the portion of the property separated by Jumbo Creek had never been used for anything, and that, in combination with the creek, comprised more than 25 percent of the parcel.

Mr. Chapman reviewed the various aerial view slides, detailing where the various aspects of his design would go. He indicated a 150-foot culvert would be impractical, so situating the recreational vehicle (RV) garage in the buildable area on the far side of Jumbo Creek was not viable. He illustrated several other potential placements and explained why each was also not viable. He stated the structure would fit in the proposed location if that were considered a side yard and not a front yard, which would not only make it more practical to back a rig into the garage, but it would also lessen the visual impact of the structure.

Mr. Chapman mentioned his neighbor to the south, who was revitalizing the neighborhood by putting in a quality project. That neighbor, Mr. Pedlar, wrote a letter of support for the project. Mr. Chapman believed no other parcel was impacted by a unique topographic feature like Jumbo Creek in the same way as his parcel. His proposal, he continued, would simply get the parcel closer to the developability of all parcels in the area, and it would be an asset to the neighborhood which was experiencing a revitalization effort.

Mr. Chapman acknowledged the parcel was a one-acre rectangle, but from a developability perspective it was two parcels segmented by a channel, and the portion on which he wanted to develop had an odd shape and narrowness to it. He described Jumbo Creek as an exceptional topographic condition. He believed one or more conditions were met with his proposal, and he could not find a similar hardship on any other property. He commented that his project would not be a detriment, but rather it would be a positive thing for the local community. Further, the intent of setbacks in the code would not be violated because the abutting neighbor's home would be far from the property line.

Member Ghishan asked whether the applicant would be permitted to install a second driveway on Pershing Lane if the Board approved the variance. Mr. Chapman responded he was told it would be too close to the existing driveway if placed on the near side of Jumbo Creek, but it would be fine on the far side.

Mitchell Fink with the Washoe County Engineering Department clarified that a 250-foot distance between the two driveways would be more than adequate since circular driveways with a 50-foot center spacing were allowed.

There was no response to the call for public comment.

Member Ghishan expressed disagreement with staff's recommendation for a denial as he believed the proposal was consistent with the neighborhood. Many nearby lots had boats, sheds, and storage facilities. He believed the angled bifurcation of the property posed an exceptional situation, and he felt he could make the findings. He moved to approve the variance.

Member Julian noted the purchaser of a property knew the rules and regulations surrounding that property, and she agreed with staff's recommendation. She requested clarification about the disparity between the 10 percent of the property which was impacted by the creek as defined by staff and the 25 percent and defined by the applicant. Ms. Olander replied she did not calculate the exact percentage of the property taken up by Jumbo Creek, and she did not taken into account the existing buildings when calculating the amount of buildable square footage.

Chair Pierce believed the Board could make the findings given the odd shape of the property and expressed support for approval.

Member Ghishan moved that Variance Case Number WPVAR23-0004 for Curtis Chapman be approved, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25. Member Horishny seconded the motion, which carried on a vote of 3 to 2 with Vice Chair Christensen and Member Julian voting no.

C. Special Use Permit Case Number WSUP23-0017 (Joy Lake Road) – For hearing, discussion, and possible action to approve a special use permit for the replacement of the existing 39-foot-tall telecommunications tower with a new 80-foot tall monopine, antennas, and supporting equipment for T-Mobile at the existing telecommunications facility located at 18400 Joy Lake Road. The applicant is also asking to vary the parking requirement of Article 410 and the landscaping requirements of Article 412.

- Applicant: Crown Castle on behalf of T-Mobile
- Property Owner: Nevada Bell
- Location: 18400 Joy Lake Road,
Washoe Valley, NV
- APN: 046-080-19
- Parcel Size: 0.24 acres
- Master Plan: Rural (R)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: South Valleys (SV)
- Development Code: Authorized in Article 810, Special Use Permits and Article 324
Communication Facilities
- Commission District: 2 – Commissioner Clark
- Staff: Tim Evans, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request; Site Plan; Elevation; Photo Simulation; Evaluation (2 slides); Modifications; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant Lisa Elliott noted via Zoom that she concurred with her planner and accepted the conditions of approval.

There was no response to the call for public comment.

Member Julian moved that Special Use Permit Case Number WSUP23-0017 for T-Mobile be approved with conditions, having made all five required findings in accordance with Washoe County Development Code Section 110.810.30, all three findings in accordance with Section 110.324.75, and the findings in accordance with South Valleys Area Plan policies SV 2.16 and SV 18.3, subject to the conditions contained in Exhibit A to the staff report. Member Ghishan seconded the motion, which carried unanimously.

D. Special Use Permit Case Number WSUP23-0033 (Axe Handle) – For hearing, discussion, and possible action to approve a special use permit for the installation and operation of a 141-foot-tall monopole telecommunication facility, including a 6’ tall lightning rod at the top of the facility, with associated ground equipment, including two (2) equipment cabinets, 30 kW diesel emergency backup generator with 210-gallon fuel tank, and a stepdown transformer within a 20’ by 50’ compound surrounded by a 6’ tall chain link fence. The proposed site of the facility will include some grading to extend the utility access road from the existing 1,700-foot driveway terminus at the residence on the property to the facility’s leased area, and, additionally, the applicant is requesting to vary development code requirements for landscaping per Article 412, parking per Article 410, and lighting for a commercial use by waiving them for this project.

- Applicant: Verizon Wireless c/o Complete Wireless Consulting
- Property Owner: Renia Smith
- Location: 14855 Pyramid Way, Reno, NV 89510
- APN: 076-272-03
- Parcel Size: 79.82 acres
- Master Plan: Rural
- Regulatory Zone: General Rural Agricultural
- Area Plan: Warm Springs
- Development Code: Authorized in Article 810, Special Use Permit and Article 324, Communication Facilities
- Commission District: 5 – Commissioner Herman
- Staff: Tim Evans, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request; Site Plan; Elevation; Photo Simulation; Evaluation (2 slides); Modifications; Reviewing Agencies; Public Notice; Findings; and Possible Motion. He added that one public comment in support of the project was received twenty minutes ago.

Kevin Gallagher, with Complete Wireless Consulting Inc. on behalf of the applicant, conducted a PowerPoint presentation and reviewed slides with the following titles: Application Timeline; Project Location; Coverage Gap; Improved Service; Design and Location; Photosimulations (4 slides); Map of Alternatives; Principal Factors to Discount Alternatives; and Complies with County Permit Requirements.

Mr. Gallagher explained the project approved in 2018 was not viable because grading the extra 40 feet of elevation turned out to be prohibitive. He indicated cell coverage was blocked by mountains and fixing the coverage gap on Pyramid Highway would also address safety concerns. The all-weather access road would be available year-round, he noted, and the proposed tower was 40 feet taller than the original design to compensate for its placement 40 feet lower on the mountain. He mentioned they could not find other suitable locations which would allow for the same coverage; the only alternate that might have worked was not viable because the property owner was not interested in moving forward. He requested that the Board approve the project.

There was no response to the call for public comment.

Chair Pierce pointed out the findings slide required consistency with the North Valleys Area Plan. Mr. Evans replied that was a typo and it was supposed to read Warm Springs.

Vice Chair Christensen said he lived in the area and expressed frustration with the coverage there. He noted the applicant represented only Verizon and he asked about a possible equipment sharing agreement that would result in better coverage for other providers. Mr. Gallagher said the equipment proposed in this item would only impact Verizon customers and any kind of emergency call regardless of carrier. The tower was engineered to allow co-location, so other carriers could apply to the County to put their own equipment there.

Vice Chair Christensen moved that Special Use Permit Case Number WSUP23-0033 for Verizon Wireless be approved with conditions, having made all five required findings in accordance with Washoe County Development Code Section 110.810.30 and all three findings in accordance with Section 110.324.75, subject to the conditions contained in Exhibit A to the staff report. Member Julian seconded the motion, which carried unanimously.

E. Special Use Permit Case Number WSUP23-0034 (Team Yriarte) – For hearing, discussion, and possible action to approve a special use permit to bring into conformance an existing commercial stable for the boarding of horses, by-appointment only riding lessons and horse training. Six (6) training events per year for horsemanship education that may include, but not be limited to, topics such as rider biomechanics, working equitation, classical dressage principles, Californios-style bridle horsemanship, hackamore horsemanship, ranch riding, working-cow horse, pleasure riding, and ranch horse versatility. A maximum of fourteen (14) horses will be boarded, with a maximum of five (5) participants per week for lessons and training and forty (40) participants per event. The applicants are requesting to waive all applicable parking and landscaping requirements.

- Applicant/Property Owner: Daniel and Katherine Yriarte
- Location: 23950 Fetlock Drive, Reno, NV 89508
- APN: 078-302-23
- Parcel Size: 12.29 acres
- Master Plan: Rural Residential
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Tim Evans, Planner
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- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request; Site Plan; Evaluation; Grading & Traffic; Parking; Modifications; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant Daniel Yriarte, an owner of Team Yriarte Horsemanship (TYH) with his wife, believed proper training was an essential part of responsible horse ownership. He reviewed his history with mustang adoption, competitions, and their business, which prioritized communication and confidence. He discussed the different aspects of programming associated with the business and the lessons they, as owners, took with experts in the field. He confirmed the number of daily appointments as relayed in staff's presentation, as well as the number of participants for the six events they planned to hold.

Mr. Yriarte indicated they did not seek to add to their operation, only to continue providing the same service they were already providing. He mentioned they had trained more than 700 horses over eight years for clients in Nevada, Colorado, Oregon, California, and Montana. Their business license, obtained in 2018, was in good standing and no complaints had been filed against them either before or since the code violation that prompted this item.

Applicant Kathy Yriarte displayed portions of the Washoe 2040 master plan and read from pages with the following titles or descriptions: History & Existing Conditions; Development Constraints; Vision; Priority Principles & Policies; and North Valleys Master Plan Land Use Map.

Ms. Yriarte noted the image selected for the North Valley page, showing the Lemmon Valley horseman's arena, highlighted the importance of equestrian character to the north valleys. She emphasized that the character management areas defined complex planning areas which were unique and distinct from one another. Rancho Haven and Sierra Ranchos were characterized by privately-maintained dirt roads, 10-acre or larger lots, and an abundance of livestock. Equestrian businesses, she continued, should be expected to enhance their neighborhood, and she encouraged the Board to observe the area.

Ms. Yriarte stated the waivers included in the application, including paving and landscaping, were supported by the neighborhood to preserve the aesthetic of the area, and she read statements supporting that declaration. She discussed the benefits of well-established native vegetation, adding that unnatural cityscape would be contradictory to the neighborhood, and pointed out the challenges of the landscaping requirements for this particular area. She read further statements regarding the use of solid decorative fencing and the impact to property values. She noted they reached out to all the agencies listed in Exhibit A and provided a list of all conditions which had already been satisfied. She hoped the Board would continue to allow them to provide educational services to the equestrian community.

On the call for public comment, Ms. Samantha Quinto remarked she had three horses boarded at the Yriarte property, which was safer than her own. She talked about the challenges of raising horses and said she could not do it without their help. She compared these stables to ones she had visited in other states, saying TYH's remote location and lack of paving was a magical part of the experience. She believed paved roads, parking lots, and gravel roads were unsafe for horses and riders, and people needed the kind of experience offered by TYH as it was proven that horses reduced anxiety.

Mr. Tim Gavin stated he was a neighbor and TYH was a valuable resource for the community. He said he had never heard of any negative impacts of the operation, and he expressed appreciation for the business.

Ms. Betty Thiessen opined the requirement to install parking lots, city-style fences, and landscaping would impact her rural lifestyle. She asked the Board to approve the special use permit (SUP) with those elements removed.

Dr. Kelley Varik, a veterinarian neurosurgeon, said she chose this area because it was rural. She felt the conditions to include fencing and landscaping could cause people like her to leave the area. She urged the Board to allow the Yriartes to keep their business as is.

Via Zoom, Ms. Diana Conger indicated she was a horse owner and, though she did not know the applicants, she expressed concern about the enforcement of these codes. She spoke about the expense to board her horses, which could increase if these requirements were imposed. She used her horses as emotional support to enable her to work and survive in the world, and the code was challenging and dangerous for horse owners.

In response to Member Ghishan's request for clarification, Ms. Yriarte stated they believed they had already satisfied conditions 1(g), 1(h), 1(j)(v), 2(a)(i), 6(a), and 6(b). They were currently in discussions with the Health Department to address the requirements for restrooms.

Vice Chair Christensen noted there was a disconnect between the neighbors and those interested in the business, adding it was not the Board's purview to correct people's attitudes

toward the equestrian lifestyle. He asked how and when the applicants became aware of the need for an SUP from the County. Ms. Yriarte responded they became aware at the time they received the code enforcement notification via the mail, though they had operated as a business since 2016. Vice Chair Christensen did not think the applicants did this intentionally and he asked about their employment. Ms. Yriarte indicated she worked part-time at Comstock Veterinary Hospital and her husband worked as a full-time trainer.

Member Julian inquired about any other complaints. Ms. Yriarte said they had never received any other complaints before or since this notification.

Chair Pierce wondered whether staff required the landscaping waiver request in the application. Mr. Evans said County Code required certain landscaping and paving requirements, and staff's recommendation was to waive those requirements because they would be out of place for this use type.

Member Julian acknowledged the County sometimes imposed one-size-fits-all requirements which were waived when appropriate, such as in this project.

Member Horishny said he believed common-sense expectations should already exist with regard to horse ownership. Secretary Trevor Lloyd responded there had been proposals by horse stable businesses in other parts of the County where neighbors desired paving and landscaping, but that was less appropriate in the north valleys. It was within the Board's purview to waive certain standards on a case-by-case basis.

Member Julian moved that Special Use Permit Case Number WSUP23-0034 for Daniel and Katherine Yriarte be approved with conditions, having made all five required findings in accordance with Washoe County Development Code Section 110.810.30: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Chair Pierce seconded the motion, which carried unanimously.

3:16 p.m. The Board recessed.

3:27 p.m. The Board reconvened with all Members present.

F. Special Use Permit Case Number WSUP23-0025 (Waldorf Astoria Lake Tahoe) – For hearing, discussion, and possible action to approve a special use permit for a casino and hotel redevelopment project of the former Biltmore Casino site. This development project includes seven buildings consisting of 76 hotel rooms, 61 condominium units, 14 employee housing units, with 10,000 square feet of gaming space, a retail plaza, restaurants, swimming pool, wellness spa, outdoor amphitheater, and a commercial parking garage. The applicant is also requesting to reduce parking. The special use Permits being requested are:

- Employee Housing
 - Multiple Family Dwelling
 - General Merchandise Stores – Curated Retail (up to 5K SF)
 - Vehicle Storage & Parking
 - Transmission & Receiving Facilities
-
- Applicant/Property Owner: EKN Tahoe LLC
 - Location: 47 Reservoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR 28 and 0 SR 28
 - APN: 123-052-02; -03; -04; 123-053-02; -04; 123-054-01; 123-291-01; 123-071-04; -35; -36; -37

- Parcel Size: 0.28; 0.28; 3.23; 1.42; 0.184; 0.996; 2.77; 0.644; 0.451; 0.402; and 2.486 Acres
- Master Plan: Crystal Bay; Crystal Bay Tourist
- Regulatory Zone: Crystal Bay; Crystal Bay Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Project History; Designations; Tahoe Projects; TRPA Revision; Employee Housing; Multiple-Family Dwelling; General Merchandise Store; Vehicle Storage and Parking; Transmission and Receiving Facilities; Signage; Lighting; Parking (2 slides); Traffic (Site-Generated); Traffic; Access and Traffic; Landscaping; Phasing; Hillside Development; Tahoe Area Plan; Neighborhood Meeting; Amended Conditions (Planning); Amended Conditions (IVGID); Approval Time Frame; Findings; Policy LU1-3 Finding of Compatibility; and Possible Motion.

Mr. Bronczyk noted the tentative subdivision map approved in 2016 was for building A of the Waldorf-Astoria project, or Granite Place Condominiums. The application indicated that any retail would be curated to the specific resort and to Lake Tahoe. He stated requests for parking for these projects were typically considered part of the project and would not require a special use permit (SUP); however, an SUP was needed here because the proposal included charging for parking. He explained a condition had been placed on the project that no disruptions of this facility should take place. In the event an agreement was made between the applicant and Regional Communications, this SUP would allow Washoe County to move its equipment without needing approval from the Board. He noted the photometric and lighting plans submitted as part of the application largely complied with Washoe County standards.

Applicant Thomas Jacobson with EKN Development Group noted this project had been underway for more than 12 years, reminding the Board they received rare, unanimous approval from the Tahoe Regional Planning Agency (TRPA). He conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Project Highlights; The project site is located...; Project Goals; map; renderings (3 slides); General Merchandise Stores; Vehicle Storage & Parking; Transmission & Receiving Facilities; Employee Housing; Multiple Family Dwellings; Agency Coordination; and Project Timeline.

Mr. Jacobson stated the project was supported by the TRPA, primarily because of the benefits to the environment. He indicated that charging for parking and utilizing shuttles would help manage traffic trips, and the applicants were happy to support emergency responders through the application of an SUP. He recognized that 14 employee housing units would not be sufficient but it was a start. They were currently in discussions with the Nevada Department of Transportation (NDOT) on possibly consolidating the two bus stops on the site. He expressed appreciation for the cooperation of all the agencies with whom they had worked, but specifically Washoe County. He discussed ongoing work to address things like asbestos so they could get approval to tear the Biltmore building down.

On the call for public comment, Mr. Ron Volle noted he had managed numerous hotels and developed numerous restaurants. He expressed doubt that this large project would generate less traffic than the Tahoe Biltmore and contested the conclusions of the traffic impact study, particularly since the planned amenities would draw many visitors. He believed the number of parking spaces would be insufficient, and he provided a video of an unsafe corner in the neighborhood. He urged the Board to help with the traffic and review the study.

Via Zoom, Mr. Tim Delaney expressed frustration at the amount of time given to developers to present at TRPA meetings compared to how little time the public received, and he felt all projects were rubber-stamped. He thought the community and environment were being destroyed by the number of projects approved in the Tahoe Basin, and he worried about protecting eagles on Native American land on the east shore of Lake Tahoe. He requested that a lead cable be removed to foster trust with the community before considering some of these projects.

Ms. Helen Neff expressed concern via Zoom about traffic and pedestrian safety, asking the Board to address the shortfalls in the transportation study. She cited the TRPA 2020 census which presented data showing casino traffic was declining in Lake Tahoe, and the current desire for Lake Tahoe was outdoor activities, not staying on-site. She said there was no reliable public transit access in Lake Tahoe, and the traffic in King's Beach during the summer would be compounded by this development. She was uncertain how they would provide a bicycle-only lane.

Mr. Coleman Munch agreed with Mr. Volle's concerns, saying traffic would be an issue. He requested that the Board review the traffic closely and try to prevent guests from using Lakeview Avenue through the Crystal Bay neighborhood.

Member Julian sought clarification about the number and location of entrances for this project. Mr. Jacobson replied there were multiple entrances, and he reviewed which entrances would be used by hotel guests, homeowners, and shoppers. This plan was designed to allow pedestrians to be able to walk throughout the project, and there were no plans to allow people to park their own vehicles unless they were homeowners. He explained where people might park should they ever change their stance on self-parking. Guests picking up their cars from valet parking would do so in the underground parking and exit via Stateline Road. He further clarified where trucks would be received and where guests would arrive.

In response to Member Julian's additional queries, Mr. Jacobson discussed roads that currently existed and other connector roads that were planned. The applicants were conditioned and committed to building an access road, for which there was much public interest. The intent of the design was to encourage people to use Stateline Road to get to SR 28.

Member Julian pointed out there was a difference between affordable housing and moderate-income housing according to recent changes in TRPA code, and she asked what salary range was being targeted in this proposal. Mr. Jacobson responded the workforce housing was intended for their employees, and housing could be part of their compensation. The rooms would be operated by the owner of the hotel.

Member Julian inquired about discussions between the applicants and the appropriate authorities regarding wildfire evacuation. Mr. Jacobson said the applicants could not be responsible for evacuation of the entire area, but they could ensure their property could help the process. The local fire department already had an evacuation plan, and there were plans to use some of the designated underground parking area as a temporary shelter. The project would also comply with all fire codes.

Mr. Bronczyk confirmed Member Ghishan's assertion that the SUPs were only being sought because the applicants wanted employee housing, multi-family dwellings, general merchandise

stores, and paid parking; otherwise, they could obtain a building permit and build 8,000 square feet of casino and hotel.

Member Ghishan asked for clarification about the parking SUP. Mr. Bronczyk said the SUP was for the paid, underground component. The request for a reduction in parking spaces had its own requirements, and that was up to the discretion of the Board.

Member Ghishan questioned whether the TRPA had already approved the traffic impact analysis as part of its process. Mr. Bronczyk said the analysis was accepted by Washoe County, the TRPA, and NDOT. Senior Engineer Janelle Thomas confirmed the project was moving forward based on the acceptance of the analysis and collaboration between all stakeholder agencies, with whom they have had extensive conversations about the proposed improvements. Since SR 28 is an NDOT-owned right-of-way, the permit for work within that right-of-way would occur through that agency. She briefly reviewed the related improvements, saying the next step would be for NDOT to accept the application for an encroachment permit.

Member Julian clarified that acceptance of the study did not equal approval of certain conditions. For instance, NDOT would make decisions on the improvements to the road. She cited a discrepancy between the study and TRPA's recommendations regarding turn lanes. The project would increase traffic, she opined, which would create a need for expansion of the road and left-turn lanes. She thought some conditions might be needed to ensure the project would not be detrimental. Ms. Thomas indicated keeping the two-way left-turn lane through that corridor was one of the topics being discussed.

Chair Pierce wondered whether a change to the applicant's current desire to keep most vehicles on premises would impact the traffic analysis. Mitchell Fink with the Washoe County Engineering Department responded that the traffic impact study reflected the number of vehicle trips generated from the project, and the parking situation would impact that number. If the applicant changed the land use category in a way that would impact trip generation, he continued, that would change the number of trips generated, as would the number of cars which did not leave the premises. In response to another of the Chair's queries, Mr. Fink indicated the nature of the request would dictate if it would need to come back before the Board for approval or whether an updated traffic impact study would be needed. As part of NDOT's process for encroachment and occupancy permits for any work done on the road, they could require an updated traffic study for continued review depending on additional comments from NDOT.

Member Julian believed there would be interest from Incline Village in visiting this project. She asked how many restaurants were planned, noting residents would drive there, not walk. Mr. Jacobson answered there would be potentially four food-and-drink establishments, some of which would be open to the public. He stated valet parking was more efficient than self-parking, and the traffic study was completed by an independent person using standards to derive the number of trips. Since any modifications could change that number, the TRPA required an updated traffic study as part of the submittal. He noted they were replacing old, inadequate roads with ones that met County standards. He guaranteed the flow would be better for the community once the project was done.

Noting the plan revolved heavily around valet parking, Member Julian inquired about the applicant's plans to prevent guests from parking on neighboring streets to avoid having to pay. Mr. Bronczyk said the SUP would be used to manage part of the parking as described. They could not prevent anyone from parking on the public roadway, but it could lead to an amendment of conditions in the future if things got out of control.

Member Ghishan wondered whether a certain amount of employee-based housing was needed to satisfy TRPA requirements. Mr. Jacobson replied the condition imposed by the TRPA was for

14 two-bedroom units, with other units available offsite. He had identified a spot offsite to accomplish that, but they were not at that point in the process yet. The affordable housing units were specified as being allocated for workforce housing.

Member Julian stated she was supportive of the project subject with some conditions. First, she noted there was a condition in the grading SUP which detailed the hours of construction, and she wished that to be consistent with that SUP. However, this SUP included work on Saturdays, which she felt would be difficult in the summer.

Mr. Bronczyk indicated the condition found on the major grading SUP was added by the Board of County Commissioners, and he believed Member Julian wished for that to be included in this SUP as well. Mr. Jacobson responded that limiting work hours would result in longer construction times.

Member Julian brought up NDOT data which showed the amount of traffic typical for a Saturday in July, which she thought was detrimental to the community. She suggested utilizing work hours of 7:00 a.m. to 7:00 p.m., resulting in an additional 7.5 hours, making up for each Saturday. She remarked more than 13,000 truckloads of material were expected to be dug out and hauled away for the grading alone. She read aloud the portion of the grading SUP related to construction hours, mentioning a prior project for which NDOT imposed even more stringent conditions regarding construction hours.

Member Julian advocated for increasing the amount of available parking to the County standard of 537 spaces, or at least the 461 spaces recommended by the parking study, in part because she anticipated the project being popular. In addition, she wondered whether implementation of left-hand turn lanes could be added to NDOT's conditions. Chair Pierce pointed out that had not yet been finalized. Member Julian acknowledge that, but since staff was fairly certain those turn lanes would be used, she asked whether that could be added to the conditions subject to the approval of NDOT.

Chair Pierce believed that should be addressed by NDOT. Deputy District Attorney Elizabeth Hickman asked Member Julian which specific condition she was proposing to amend. Member Julian indicated a reference to left-hand turn lanes could be added to section 4(c) on page 54. Ms. Hickman opined that the Board could not add a requirement to 4(c) since it was specific to NDOT. Member Julian said the project would be detrimental to the community if left-hand turn lanes were not included.

Member Julian noted the conditions regarding hauling plans would need to be approved. In order to be transparent, she continued, it would be helpful to gather public feedback before the plans were approved. Ms. Hickman did not believe adding that to a condition would be appropriate, but the hauling plans would not be confidential and they would be subject to public disclosure. Member Julian asked whether the applicant would put the plan on their website as a way of encouraging feedback.

Ms. Thomas explained that projects underwent extensive review, and adequate notification was required. Projects also had websites associated with them identifying elements such as construction schedules. Regarding Member Julian's query about whether the applicant would be willing to put that on their website, Mr. Jacobson said he would.

Member Julian expressed appreciation that the applicant spoke with Washoe County about fire evacuation routes, even though it was an existing concern in the Tahoe basin that this project alone could not address. She stressed the importance of wildfire evacuation, particularly in this area, and she felt the Board should continue to discuss the topic.

Member Ghishan thought there should be dedicated parking for the workforce housing onsite. He proposed that condition 1(t) read, "Dedicated free parking spaces for the 28 employees with onsite housing will be provided at a rate of 1 per 2 employees, for a total of 14 parking spaces".

Member Horishny asked whether there were any discussions about connecting the proposed bike infrastructure in front of the project with the existing Tahoe bikeway. Mr. Jacobson responded that Secretary Trevor Lloyd had set up meetings with the Tahoe Transportation District and other agencies associated with the trail. That trail was currently too far away, but he agreed the bike path between King's Beach and Incline Village was inadequate. It would take more than just this applicant to make that happen.

Vice Chair Christensen said he liked what was presented, though he agreed the Saturday work hours needed to be addressed; the Board's approval, he felt, should be conditioned on at least that facet. He cautioned against getting trapped in the minutiae, and he believed NDOT would provide left-turn lanes without the Board needing to condition it. He was in favor of approving the project as presented with conditions, even though he expected needing to revisit it in the future.

Member Julian disagreed that only the work hours needed addressing, stressing that the points she made about parking, including the County Code-driven number of parking spaces, should be included in the conditions. Member Ghishan pointed out the Code also allowed the applicant to reduce the number of spaces needed, and he wished to rely on the opinions of professionals. Member Julian said the ability for the applicant to get the number of spaces below the 461 recommendation in the consultancy report was dependent on various factors, such as getting public transportation incentives. She thought that was too tenuous given the realities of Incline Village.

Chair Pierce questioned the applicant whether he was comfortable committing to the conditions of increasing the number of parking spaces to 461 and limiting construction hours to 7:00 a.m. to 7:00 p.m. Monday through Friday. Mr. Jacobson replied he did not want to increase the parking because it would cause more traffic. Their investment in other modes of transportation would be in line with the goals of the Truckee/North Tahoe Transportation Management Association to lessen the amount of cars. Additionally, he believed changing that request would require him to return to the TRPA for approval. As for the work hours, he accepted those hours for grading because it was loud. However, work could be done quietly on buildings once they were contained. He recommended keeping the requested hours, though he was open to limiting construction during peak periods or on holidays. He mentioned adding dedicated parking for employees would be acceptable.

Member Julian opined the applicant's comments about the number of parking spaces did not address the problem of overflow parking. The County Code suggested there should be 534 spaces, and the parking study, which adjusted that number for several factors, recommended 461. Mr. Bronczyk clarified that Code required 537 spaces, and the parking study originally suggested 461 spaces, which could be further reduced to 414 spaces because of the reliance on valet parking and other measures. The applicant sought to have the project approved at 424 spaces. He confirmed the project would need to return to the TRPA if that sort of change was made, though he did not know if it would be an administrative review or a governing board review.

Member Ghishan referenced the staff report which said the 424 dedicated stalls could fit upwards of 461 vehicles based on the use of valet parking. Member Julian expressed concern about the applicant possibly changing their mind about the valet plan after construction on the parking lot was already complete. Chair Pierce believed they should follow the expertise of the County, and it would be up to the applicant to build more parking if it was needed. He did not believe the proposal should go back to TRPA for reapproval.

In response to Chair Pierce, Mr. Bronczyk stated standard hours for any type of construction were from 7:00 a.m. to 7:00 p.m., Monday through Saturday. He added that specific conditions already existed for the dirt work as memorialized in the TRPA's permit, which needed to take place between 8:00 a.m. and 6:30 p.m., Monday through Saturday. He was unsure whether a change to those hours would need to get approval from the TRPA. Member Julian said that condition did not list any specific days.

Member Ghishan asked how the Board should proceed given that it appeared unanimity would not be achieved on all conditions. Ms. Hickman said the motion as proposed in the staff report would approve the item with the conditions listed in Exhibit A, so any additional amendments would also need to be included in the motion. She noted the Planning Department presented amendments to the Incline Village General Improvement District condition 8(d) and Planning condition 1(c). The other conditions discussed during this item were conditions 1(i) and 1(t), though the number of parking spaces was not set forth in a specific condition in Exhibit A.

A brief discussion occurred where the TRPA condition regarding work hours was compared with the County's condition. Mr. Bronczyk stated the hours listed in the proposed project were consistent with typical work hours in the Tahoe basin.

Member Ghishan stated he was not in favor of modifying the construction times, changing the number of parking spaces, or addressing turn lanes. Member Julian expressed a desire to modify the hours to eliminate work on Saturdays in alignment with a previous ruling the Board made, as it would be detrimental to the community.

Vice Chair Christensen remarked the Board's original intent when modifying construction hours was for noise abatement, not to address traffic. While he agreed that Saturday construction would impact to the area greatly, he did not feel that was up to this Board and the subcontractor would rectify the issue naturally. He supported the modifications as written.

Member Ghishan moved that Special Use Permit Case Number WSUP23-0025 for EKN Tahoe LLC be approved with the conditions included as Exhibit A to this matter, having made all five required findings, and Tahoe Area Plan Policy LU1-3, in accordance with Washoe County Code Section 110.810.30, with conditions of approval modified by staff and condition 1(t) being modified to add the word "free" between "dedicated" and "parking", and to remove the second sentence. Vice Chair Christensen seconded the motion, which carried on a vote of 4 to 1 with Member Julian voting no.

9. Chair and Board Items

A. Future Agenda Items

There were no agenda items.

B. Requests for Information from Staff

There were no requests for information.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Secretary Trevor Lloyd indicated the Board of County Commissioners (BCC) heard the Safe Embrace appeal on November 28, 2023, approving the appeal and granting the special use permit for Safe Embrace.

Additionally, the BCC would consider a code amendment on December 12, 2023 associated with the Envision Washoe 2040 plan. He noted the BCC approved the plan, and the second reading of the code amendment would take place on that date. Staff planned to provide an overview of that to the Board of Adjustment at an upcoming meeting.

Deputy District Attorney Elizabeth Hickman noted the Pro Pony item would be heard by the BCC on January 9, 2024.

B. Legal Information and Updates

There were no updates.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 5:33 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on January 4, 2024



Trevor Lloyd
Secretary of the Board of Adjustment