



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 27, 2017

DATE: Monday, June 12, 2017

TO: Board of County Commissioners

FROM: Eva M. Krause, AICP, Planner, Planning and Development Division
Community Services, 328-3628, ekrause@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning and
Development, Community Services Department, 328-3619,
mhauenstein@washoecounty.us

SUBJECT: Public Hearing: For possible action and discussion of the Tahoe Racquet Club's appeal of the Planning Commission's approval for Special Use Permit WSUP17-0004 (Lake Tahoe School) to modify Special Use Permit SW02-008 which permitted the operation of a kindergarten through 9th grade private school in an existing commercial building. The approved modification will permit the construction of a 13,906 square foot multi-purpose building with parking. As approved, the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential condominium subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard and Tahoe Boulevard. The access easement will be relocated approximately 200 feet further to the northwest.

Applicant: Lake Tahoe School • Property Owner: Lake Tahoe School • Location: 955 Tahoe Boulevard • Assessor's Parcel Numbers: 127-581-01 and 127-030-21 • Parcel Size: 4.11 acres (total) • Master Plan Category: Commercial (C) • Regulatory Zone: Tourist Commercial • Area Plan: Incline Village Tourist Commercial • Citizen Advisory Board: Incline Village/Crystal Bay • Development Code: Authorized in Article 810, Special Use Permit (Commission District 1.)

SUMMARY

The Tahoe Racquet Club is appealing the Planning Commission's approval of the Lake Tahoe School's (School) proposed expansion. The School has proposed to increase the size of their campus by constructing a new multi-purpose building. The proposal will require the relocation of parking lots and rerouting of the easement that provides access to the Tahoe Racquet Club Condominiums.

AGENDA ITEM # 29

Washoe County Strategic Objective supported by this item: Stewardship of our Community.

PREVIOUS ACTION

On March 19, 2002, Washoe County Planning Commission recommended adoption of Comprehensive Plan Amendment CP02-002 to add “Schools – Kindergarten to Secondary” as permissible use with a Special Use Permit in the Incline Village Tourist Community Plan.

On May 14, 2002, Washoe County Board of County Commissioners adopted Comprehensive Plan Amendment CP02-002.

July 24, 2002, Tahoe Regional Planning Agency approved an amendment to the Incline Village Tourist Community Plan to permit by special use “Schools – Kindergarten to Secondary.

On August 6, 2002, Washoe County Planning Commission approved Special Use Permit SW02-008 – Approving a private school for 150 students.

September 5, 2006, Washoe County Planning Commission approved the Amendment of Conditions AC06-006 - Increasing the allowable pre-K enrollment from 15 to 25.

On September 3, 2013, Washoe County Planning Commission approved the Amendment of Conditions AC13-007 - Increasing pre-K enrollment from 25 to 40, and increasing total student population from 150 to 200.

On April 2, 2013, In accordance with WCC Section 110.810.60 Modifications of a Special Use Permit, Washoe County Community Development Department Director modified Special Use Permit SB13-001 – converting the remaining 2,270 square feet of commercial space to school use.

On May 2, 2017, Washoe County Planning Commission approved Special Use Permit WSUP17-0004, to modify SW02-008 to allow the addition of a new multi-use building.

BACKGROUND

Lake Tahoe School has a special use permit to operate a private school at 995 Tahoe Boulevard. The School also owns an adjoining parcel. The School proposes to consolidate the two parcels and build a multi-purpose building for school use. Pursuant to WCC Section 110.810.60(c), since the proposal increases the school structure by more than 10%, modification of the original special use permit requires a new application following the same procedure required for the original special use permit. Therefore, the School applied for a new special use permit to be heard by the Washoe County Planning Commission. The Planning Commission held a public hearing on the new special use permit (WSUP17-0004) on May 2, 2017. The staff report prepared for the Planning Commission’s meeting is included as Attachment B to this staff report. The property owners of the Deer Creek and Tahoe Racquet Club subdivisions spoke in opposition to the proposal during the public hearing (see Attachment D for exhibits presented during the public hearing), but after deliberation the Planning Commission unanimously approved the request with conditions. The Action Order of the Planning Commission, and the draft minutes from the May 2nd meeting, are included as Attachments A and C respectively to this staff report. Wm. A. Baker and Peter J. Sferrazza filed an appeal on behalf of the Tahoe Racquet Club on May 12, 2017. Below is a summary (numbered

points) of the appellant's appeal application and staff response to each point. The full appeal application is attached as Attachment E to this staff report.

Appellant's Arguments on Appeal

1. The Planning Commission gave almost no consideration to the opposition. They did not ask a single questions or request more detail from the opposition.

Staff Comments: After more than 2 hours of public comment and when all public comment cards were acknowledged, the public hearing was closed. The Commissioners did discuss the case during their discussion after closing the public hearing and did ask staff for clarification on some of the matters raised during public comment. The Commission did not re-open the public hearing period.

2. Every resident of the Tahoe Racquet Club will be impacted by the approval of this grossly excessively sized building.

Staff Comments: When the Lake Tahoe School purchased the school property and the adjoining lot, there was an existing 10,000 square foot commercial building on the adjoining parcel (Incline Creek Commercial Building). The structure was built in 1978. The building was outdated and in need of maintenance. One lane of the access drive to the Racquet Club passed under the building, restricting access to the condominium complex. The School had the building demolished in 2003, removing the road hazard the building created. The removal of the commercial building did not imply or guarantee that the site would not be developed in the future. The proposed multi-purpose building will be 400 sq. ft. larger than the building that was previously on the site. The site development plan provides: the required parking for the School; required landscaping; required setbacks; and provided access to the Tahoe Racquet Club. These are the same requirements that a commercial building would have to comply with, but in many cases no special use permit would be required. The appellant has not stated what makes a 14,000 square foot building on a 3 acre commercial parcel grossly oversized, or how the size of the building impacts the neighbors.

Excerpt from SW02-008 staff report (2002)



Looking south down the shared access drive. The south bound lane of the driveway goes along side commercial building the north bound lane goes under it. The Tahoe Racquet Club Condominiums are located behind the trees.



The Incline Creek Commercial Building.

3. Many of the Tahoe Racquet Club owners bought their residence before the school existed and the property was in common ownership.

Staff Comments: The Racquet Club Condominiums subdivision map was recorded in August of 1970. The subdivision map does not include the commercial parcel as part of the development. In January of 1971, the Tahoe-Sierra Development Company, Inc. granted the Tahoe Racquet Club an easement across their commercial property. The Condominiums were built in 1971. This timeline indicates that the Tahoe Racquet Club and the commercial property were never in common ownership.

Regardless of when a person bought property in the Racquet Club, they should have been aware that the adjoining commercial property could be developed as a commercial use.

The commercial property was developed and had changed uses over the years. The property had been owned by three or more separate owners before Lake Tahoe School purchased it in 2002.

4. The School was allowed on a small parcel of the adjoining property by special use permit only, and has always been limited in size and thus density and intensity. The Planning Commission ignored that historical detail that had been relied upon by the neighboring homeowners over the years.

Staff Comments: The Planning Commission staff report outlined the history of the development of the School. Neither the Washoe County Development Code (Washoe County Code Chapter 110), nor the Conditions of Approval from the approved 2002 special use permit prohibits the School from amending their permit.

The addition of a new building does not increase enrollment nor does it permit uses that are allowed by code, therefore neither the density nor intensity is increased. The original special use permit is for use of the adjoining parcel where the School building is located. Special Use Permit WSUP17-0004, amends the original special use permit to include the adjoining parcel. There are no historical details that limited future expansion or imply that the adjoining parcel would not be developed in the future.

5. When the School was approved in 2002, only 995 Tahoe Boulevard was approved for the School's use, the adjoining parcel was not included as part of the school.

Staff Comments: The appellant is correct, the staff report for the Lake Tahoe School's 2002 special use permit application stated that the adjoining parcel and commercial building was not part of the school. That approval did not give any assurances or imply that the school would never expand, nor did it prohibit amending the permit to use the adjoining property in the future. The Planning Commission's approval of WSUP17-0004 modified the original permit by allowing the expansion of the school campus onto the adjoining parcel. The application and staff report stated the school parcels are being consolidated and the drawings clearly indicated that the new building straddles the current property line. As noted earlier, the process for modifying the conditions of a special use permit is to apply for a new special use permit through the same required for the original special use permit. Special Use

Permit WSUP17-0004 modified the original special use permit, and permitted an expansion of the school campus on to the adjoining property.

6. The School came to this site and has known since 2002 of the limitation on the site. They have eroded those limitations to the point of extinction by the current proposal.

Staff Comments: The special use permit issued in 2002, placed conditions on the uses and operation of the school. The special use permit has been amended three times. The original special use permit and the first and second amendments went through a public hearing process, including public notice of all the surrounding property owners and public hearings before Planning Commission.

The third amendment permitted the 2,270 sq. ft. commercial office in the building to be converted to school use. Because this amendment did not involve any new structures, an increase in student enrollment or created new impact on the use or the surrounding properties, the amendment was approved by the Planning Director, as permitted by WCC Section 110.810.60, Modifications of a Special Use Permit.

Each amendment of the special use permit was processed according to the Development Code. Except for the Director's Modification, notice of the public hearing was mailed to the surrounding property owners. The Planning Commission's approval of Special Use Permit WSUP17-0004, modifies the original permit. It does not erode it.

7. The proposed construction is too large relative to the special use permit that it is based upon, and imposes additional hardship and increase cost upon the Tahoe Racquet Club.

Staff Comments: The appellant's statement that the structure is too large is a matter of opinion. The gym/basketball court is the recommended size for a middle school use. The addition of a stage at one end of the court makes efficient use of the structure by giving the school the ability to offer theater arts to their students, without construction of a separate auditorium. The multi-purpose building gives the School the flexibility to provide its students with amenities that are common in many public schools.

The additional hardship and cost stated by the appellant include a more restrictive access to Tahoe Racquet Club units, more limited parking, more delays in access and impact of changing the access to the Tahoe Racquet Club which will increase the Racquet Club's cost to maintain a much bigger, wider, longer access.

8. The proposed multi-purpose building increases density and intensity of the use.

Staff Comments: The school enrollment is not proposed to increase, so there is no increase in density. The addition of a multi-purpose building will provide more room for student activities, family events and other school functions, but it does not permit new uses or increase the intensity of the use. The school is still a school; it is not a convention facility or a public entertainment venue. It is not unreasonable or unusual that a school has a gym and auditorium, and most schools use their buildings to hold PTA meetings, school fund raisers, sports events or other activities during

non-school hours. Staff recognizes that the addition of a multi-purpose building will provide more opportunities for the school to host more activities for their students. Some of the activities will include parents and other family members, which could increase traffic during different events. The development plan provides more parking than required for a school. The approved conditions of approval for Special Use Permit WSUP17-0004 limits use of multi-purpose building during school hours, and include requirements for parking plans that will implement off-site parking and transportation to the site, when activities are open to the public and are expected to draw more than 125 people.

9. The original approval states that “the Tahoe Boulevard driveway that serves this site [Lake Tahoe School] also serves as the main access to the Incline Creek Office Building and the Tahoe Racquet Club Continuums, which include the Lakeside Cottages. That remains the case to this very date but is drastically changed to the detriment of the Tahoe Racquet homeowner by the application that was approved.”

Staff Comments: When the School was originally approved, the adjoining property was developed with the commercial building and several cottages. The site drastically changed in 2003, when the School demolished the Incline Creek Commercial building and improved the access to the Tahoe Racquet Club by removing the structure that overhung the south bound lane of the drive. The proposed relocation and widening of the access easement 200 feet further northwest on Tahoe Boulevard, which requires a person to slow down to make one additional turn before entering the Tahoe Racquet Club, is not considered by staff as a drastic change.

What is the outcome you are requesting

10. What was approved by the Planning Commission is not acceptable to the members of the Tahoe Racquet Club, and the Planning Commission did not make any of the findings. The appellant is requesting the Board overturn the Planning Commission’s approval, or send the case back to the Planning Commission for further review.

Staff Comment: The Planning Commission’s motion (see draft minutes includes as Attachment C to this staff report) stated that the Commission had made all the required findings in accordance with WCC Section 110.810.30.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners affirm the Planning Commission’s approval of Special Use Case Number WSUP17-0004.

POSSIBLE MOTION

Should the Board agree with the Planning Commission’s approval of Special Use Case Number WSUP17-0004; staff offers the following motion:

“Move to affirm the Planning Commission’s approval of Special Use Case Number WSUP17-0004 (Lake Tahoe School) to modify Special Use Permit SW02-008 which

permitted the operation of a kindergarten through 9th grade private school in an existing commercial building. The approved modification will permit the construction of a 13,906 square foot multi-purpose building. As approved, the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential condominium subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard and Tahoe Boulevard. The access easement will be relocated approximately 200 feet further to the northwest; and deny the Tahoe Racquet Club appeal.”

Should the Board disagree with the Planning Commission’s approval of Special Use Case Number WSUP17-0004, staff offers the following motion:

“Move to reverse the Planning Commission’s approval of Special Use Case Number WSUP17-0004 (Lake Tahoe School) and to deny the applicant’s request to modify Special Use Permit SW02-008.”

Attachments:

- A – May 3, 2017, Planning Commission Action Order
- B – April 13, 2017, Planning Staff Report
- C – May, 2, 2017, Planning Commission Meeting draft minutes
- D – Exhibits and written comments presented during public hearing
- E – Appeal Application
- F – Lake Tahoe School letter, request modification to Conditions of Approval for WSUP17-0004.

Appellant: Wm. A. Baker and Peter J. Sferrazza, for Tahoe Racquet Club, 9468 Double R Blvd., Suite A, Reno NV 89521

Applicant/Property Owner: Lake Tahoe School, 995 Tahoe Blvd., Incline Village, NV 89451

Representative: Nick Exline, Midkiff and Associates, PO Box 12427, Zephyr Cove, NV 89448

Other (email): Lyn Barnnet, lyn@wbaplanning.com
Michael Pagni, mpagni@mcwlaw.com



Attachment A
WASHOE COUNTY
Planning and Development
INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-6100
Fax: (775) 328-6133

Planning Commission Action Order
Special Use Permit Case Number WSUP17-0004

Decision: **Approval with Conditions**

Decision Date: May 2, 2017

Mailing/Filing Date: May 3, 2017

Property Owner: Lake Tahoe School
995 Tahoe Blvd.
Incline Village, NV 89451

Assigned Planner: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3628
E-Mail: Ekrause@washoecounty.us

Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School) – For possible action, hearing, and discussion to approve a modification of Special Use Permit SW02-008 which approved the operation of a kindergarten through 9th grade private school in an existing commercial building. The modification will permit the construction of a 13,906 square foot multi-purpose building. As proposed the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard and Tahoe Boulevard. The access easement is proposed to be relocated approximately 200 feet further to the northwest (the new access will be approximately 925 feet northwest of the same intersection).

- Applicant: Lake Tahoe School
- Property Owner: Lake Tahoe School
- Location: 995 Tahoe Boulevard
- Assessor's Parcel Numbers: 127-581-01 and 127-030-21
- Parcel Size: 4.11 acres (total)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial
- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 1– Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM,
Washoe County, NV

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Code

To: Lake Tahoe School
Subject: WSUP17-0004
Date: May 3, 2017
Page: 2

Chapter 110 (Development Code) Article 810, *Special Use Permits*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code. This decision is based on having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within seven days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize any development, to include building construction and grading, without the required permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division


Carl R. Webb, Jr., AICP
Secretary to the Planning Commission

CRW/EK/ks

To: Lake Tahoe School
Subject: WSUP17-0004
Date: May 3, 2017
Page: 3

xc:

Applicant: Lake Tahoe School, 995 Tahoe Blvd., Incline Village, NV 89451

Representative: Nick Exline, Midkiff and Associates, PO Box 12427, Zephyr Cove, NV 89448

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Incline Village/Crystal Bay Citizen Advisory Board, Chair; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451; Nevada Department of Transportation



Conditions of Approval

Special Use Permit Case Number WSUP17-0004

The project approved under Special Use Permit Case Number WSUP17-0004 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on May 2, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

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

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Department of Community Development prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Department of Community Development recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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

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

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

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

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

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**
- **Nevada Department of Transportation (NDOT) has jurisdiction over all state roads. Any conditions set by NDOT must be appealed to that agency.**

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

Washoe County Planning and Development Division

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

Contact – Eva M. Krause, 775.328-3628, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County or the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits.
- i. Prior to obtaining a building permit, the applicant shall demonstrate that the property subject to the July 1, 2015, Lease Agreement between Lake Tahoe School and Tahoe Racquet Club Condominium Association is unencumbered by the lease agreement and is available for construction under the permit by Lake Tahoe School. Demonstration shall be made by proof of a court order terminating the lease, proof of the expiration of the lease, or proof of an agreement to terminate the lease between Lake Tahoe School and Racquet Club Condominium Association.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. Access to the Tahoe Racquet Club subdivision shall be maintained during construction. Temporary closure of access driveway shall be limited to no more than 15 minutes per

Washoe County Conditions of Approval

hour. Temporary closures shall not be permitted between 7:00 am to 9:00 a.m. or 3:30 p.m. and 6:30 p.m.

f. New Operational Conditions are required:

- i. The use of the multi-purpose building shall be limited to school sponsored activities and functions. The building shall not be leased or rented for private functions or events. The building shall not be used as Convention and Meeting Facilities commercial use type.
- ii. The use of the multi-purpose building exclusively for student activities is permitted during the school day. Such activities may include all 200 students, school staff and up to 25 non-students (such as friends, family, guest speakers, and entertainers).
- iii. Activities held in the multi-purpose building that are intended for, or open to public and is expected to draw more than 100 people (except as permitted in condition 1.f.ii), shall not begin before 4:00 p.m. on a school day, and not before 8:00 a.m. on other days.
- iv. When an activity is open to the public and intended or expected to draw more than 125 people. The school shall prepare and implement a parking plan that provides off-site parking locations and transportation to and from those sites.
- v. The multi-purpose building shall not be open for public activities during the following holidays: New Year's Day, Presidents Day, Fourth of July, Labor Day and Thanksgiving.

g. The following **Existing Operational Conditions** shall continue to be required:

- i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
- ii. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
- iii. The applicant and any successors shall direct any potential purchaser and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- iv. The following operational conditions, shall continue to apply:
 1. The school operation is limited to Pre-K, and kindergarten through ninth grade. The maximum enrollment [shall] not exceed 200 students in any one enrollment period (quarter, semester or school year) including Pre-K.
 2. The applicant shall install directional signs in prominent locations directing people to the handicapped parking and access in the garage.
 3. The applicant shall provide a minimum of two staff persons at the front entrance of the building starting a minimum of 15 minutes before and after the beginning and ending of all class periods. One staff person shall be dedicated to directing traffic and the second person shall be responsible for supervising students.

Washoe County Conditions of Approval

4. The traffic director shall see that a clear driving lane in and out of the parking garage are maintained at all times, no cars will be allowed to stack in front of the parking garage entrance and children shall not be allowed to load or unload from vehicles in this area.
5. The traffic director shall see that at no time shall unattended vehicles be allowed to park in the driving lanes and no vehicle shall be allowed to stand in the driving lane in front of the school more than 5 minutes. Any car waiting more than 5 minutes in this area shall be directed to the parking lot in the rear of the property.
6. The applicant shall develop and manage an active car-pooling program for both staff and students. This program shall include notices and announcement at informational meetings and create a ride-share board for staff. The school shall also collect information regarding the residential location of students and shall contact parents to notify them of other student households who are in their neighborhoods. The school should provide parent with names and phone numbers of willing participants.
7. ~~(deleted) There shall be 10 parking spaces reserved for urgent care patients, no more than one of which may be designated as handicapped. If the dedicated parking is in the garage than signs direct patients into the garage shall be provided.~~

Washoe County Health District

2. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact – Wes Rubio, Health District, 775.328.2635, wrubio@washoecounty.us

Mike Wolf, Air Quality, 775.784.7206, mwolf@washoecounty.us

- a. Plans must be submitted to the WCHD for review and approval of the proposed building permit.
- b. Dust control permits must be obtained from the Air Quality Management Division (AQMD) prior to start of site improvements
- c. The developer shall contact AQMD regarding the school's HVAC systems during the building permit process.

Incline Village General Improvement District

3. The following conditions are requirements of Incline Village General Improvement District, which shall be responsible for determining compliance with these conditions.

Contact – Tim Buxton, 775.832.1246, Tim_Buxton@IVGID.org

- a. Water and Sewer utility plans designed to all State and IVGID construction standards are required
- b. Plans must identify all Easements and Encroachments on this project and be wet stamped by a Nevada Licensed Engineer.
- c. The Incline Village General Improvement District must approve all utility plans before any site work begins.

North Lake Tahoe Fire Protection District

4. The following conditions are requirements of North Lake Tahoe Fire Protection District which shall be responsible for determining compliance with these conditions.

Contact – Mark Regan, 775.461.6200, mregan@NLTFPD.net

- a. Emergency vehicle access shall be provided for the four existing structures nearest the Lake Tahoe School building. The proposed entrance change eliminates access and hose reach to those four structures.
- b. Secondary emergency vehicle access shall be provided to property. 2012 IFC Chapter 5, Section 503
- c. Provide and maintain No Parking-Fire Lane signage for all fire apparatus access roads less than 26' in width. Signage shall be spaced to provide adequate visibility. 2012 IFC Chapter 5, Section 503 and Appendix D
- d. A minimum of two fire hydrants will be required. One near the proposed new building (phase II) and the other near the entrance to Racquet Club (phase I). Additional hydrants would be required if distance between hydrants (TRC) exceeds 500ft. 2012 IFC Chapter 5, Section 507 and Appendix B and C

Nevada State Department of Transportation

5. The following conditions are requirements of Nevada State Department of Transportation, which shall be responsible for determining compliance with these conditions.

Contact – Jae Pullen, 775.834.8300, jpullen@dot.state.nv.us

- a. NDOT supports the intent to minimize conflict points between students and vehicles. The proposed structure would change the vehicle parking circulation and reduce high speed collisions.
- b. An encroachment permit is required for facilities within the NDOT right-of-way. Please see the ***Terms and Conditions Relating to Right of Way Occupancy Permits*** booklet available online at nevadadot.com. Please contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit.
- c. Existing approaches are personal and not transferable with the sale of property. If the property changes ownership or use, the property owner will need to apply for an encroachment permit for access to the state highway.
- d. Permits dated prior to 2003 cannot be amended in NDOT's permit system. A new occupancy permit will need to be issued. Contact the Permit Office for more information.
- e. All driveway accesses to the state highway system will be required to comply with the current ***NDOT Access Management System and Standards*** at the time of application. There is no guarantee that past approved driveways will be approved today. The applicant is encouraged to coordinate with Permit Office and review proposed driveway(s) prior to submitting for a permit.
- f. Prior to any grading adjacent to the NDOT right-of-way, a Drainage Information Form, including a grading plan, must be submitted to the Permit office.
 - i. A Drainage Report shall be submitted for any development or construction that impacts flow to or within State right-of-way.

Washoe County Conditions of Approval

- ii. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.
- iii. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following: Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
- g. Include FEMA flood maps pertaining to the proposed project location.
- h. Include construction plans or any other supporting documentation.
- i. While the building is anticipated to generate very little traffic trips for the peak a.m. hour and peak p.m. hour volumes, the proposed changes in the access and vehicle circulation through the parking lot needs further consideration.
- j. With the removal of the east driveway, please provide information on the school bus operations such as trip distribution/destination, staging and parking area, and turning templates to demonstrate a school bus can safely enter and exit the driveway.
- k. With the proposed elimination of one driveway, there is a possibility of additional queueing and delay during the morning and afternoon school peak due to buses sharing access. Improvements to the driveway may be necessary.
- l. Street lighting is an important safety strategy at roadway conflict points. Proper use and placement improves vehicle, bicycle, and pedestrian visibility. Has the applicant reviewed the existing lighting infrastructure at the access points?
- m. Any proposed access or design deviating from the NDOT Access Management or NDOT Standards and Specifications should include a compelling argument encouraging the deviation and a reasonable mitigation strategy. Engineering deviation letters of this nature should reference the applicable standard, indicate the proposed alternative with any mitigating features, indicate how the proposal meets the intent of the standard, and indicate why the proposal is reasonable and safe. The letter should also include how denying this deviation would place undue and exceptional hardship on the property owner. Engineering letters should be stamped by a licensed professional engineer. Request to deviate from NDOT Standards and Guidelines are subject to the approval of the NDOT District Engineer.

*** End of Conditions ***



Planning Commission Staff Report

Meeting Date: May 2, 2107

Subject: Special Use Permit Case Number WSUP17-0004
Applicant: Lake Tahoe School
Agenda Item Number: 8A
Project Summary: Modify Special Use Permit SW02-008 to increase the size of the school by adding a new 13,906 square foot multi-purpose building,
Recommendation: **Approval with Conditions**
Prepared by: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3628
E-Mail: Ekrause@washoecounty.us

Description

Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School) – For possible action, hearing, and discussion to approve a modification of Special Use Permit SW02-008 which approved the operation of a kindergarten through 9th grade private school in an existing commercial building. The modification will permit the construction of a 13,906 square foot multi-purpose building. As proposed the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard and Tahoe Boulevard. The access easement is proposed to be relocated approximately 200 feet further to the northwest (the new access will be approximately 925 feet northwest of the same intersection).

- Applicant: Lake Tahoe School
- Property Owner: Lake Tahoe School
- Location: 995 Tahoe Boulevard
- Assessor's Parcel Numbers: 127-581-01 and 127-030-21
- Parcel Size: 4.11 acres (total)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial
- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 1– Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM, Washoe County, NV

Staff Report Contents

Description..... 1

Vicinity Map 4

Existing Site Plan 5

Proposed Site Plan 6

Previous Actions 7

Project Evaluation 7

Incline Village/Crystal Bay Citizen Advisory Board (IV/CBCAB)11

Public Comment.....11

Reviewing Agencies.....11

Recommendation14

Motion14

Appeal Process.....14

Exhibits Contents

Conditions of ApprovalExhibit A

Incline Village/Crystal Bay CAB Memo.....Exhibit B

Public Comments (Deer Creek Property Owners)..... Exhibit C

Public Comment (Tahoe Racquet Club Property Owners) Exhibit D

Public Comment (others)Exhibit E

Washoe County Health District (2).....Exhibit F

Incline Village General Improvement District Memo Exhibit G

North Lake Tahoe Fire Protection District..... Exhibit H

Nevada Department of Transportation Letter Exhibit I

Public Notice MapExhibit J

Project ApplicationExhibit K

Special Use Permit

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

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

The Conditions of Approval for Special Use Permit Case Number WSUP17-0004 are attached as Exhibit A, to this staff report and will be included with the Action Order if the application is approved by the Planning Commission.

The subject property has a regulatory zone of Tourist Commercial (TC) and is located within the Incline Village Tourist Community Plan. In January 2002, a Comprehensive Plan amendment was proposed to permit Schools, Kindergarten through Secondary Schools, by Special Use Permit, in the Incline Village Tourist Community Plan Area. The use was found to be compatible and in conformance with the Community Plan. The Washoe County Board of County Commissioners adopted the amendment on May 14, 2002. The TRPA Governing Board approved the amendment on July 24, 2002.

On August 6, 2002 a Special Use Permit was approved to develop a kindergarten through ninth grade private school as authorized in Washoe County Code (WCC) Section 110.810. The project is located at 995 Tahoe Boulevard approximately 500 feet west of the intersection of Tahoe Boulevard and Country Club Drive, Incline Village.

On April 2, 2013, a Modification of the Special Use Permit was approved the Director of Community Development as permitted by WCC Section 110.810.60. The use did not involve expansion of the building or an increase in student population, intensification or change of the use.

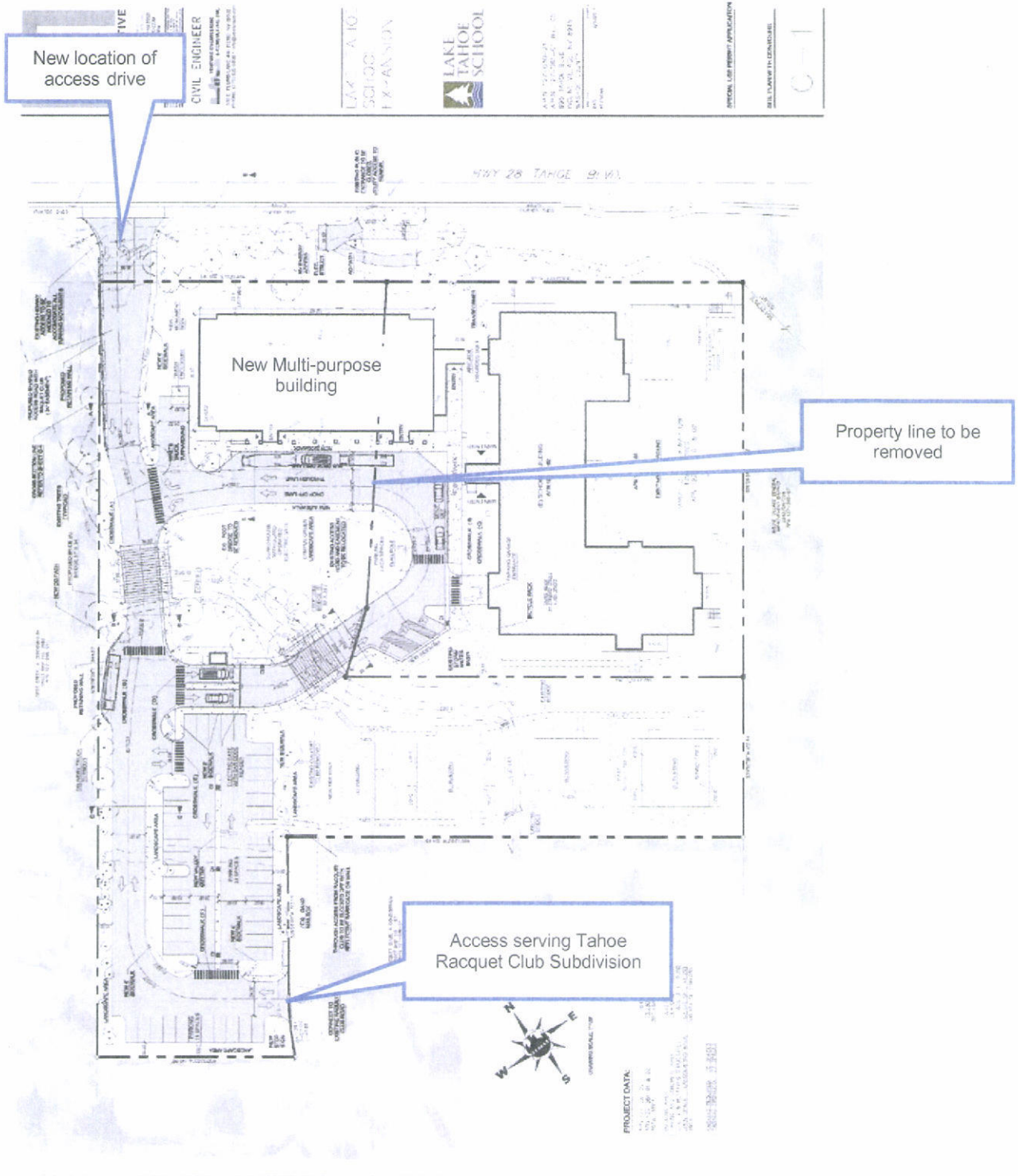
The current request is to build a new building to serve the approved student population. The new building will increase the floor area of the development by more than 10%, therefore, a new Special Use Permit application is required to modify the approved permit.

The Tahoe School is on property zoned Tourist Commercial (TC) and qualifies as an Education use type under the Development Code's use classification system. WCC 110.304.20(g). Table 110.302.05.2 specifies that an Education use type in a TC zone requires a Board of Adjustment Special Use Permit. However, the original SUP for the Tahoe School was approved by the Washoe County Planning Commission in August of 2002. Additionally, the Planning Commission has since approved at least 2 Amendment of Conditions cases for the Tahoe School's SUP since the original permit approval. WCC 110.810.60 provides that modifications of the terms of an SUP must be approved using the same procedure as the original application.

Accordingly, this modification has been brought before the Planning Commission, rather than the Board of Adjustment, because the Planning Commission originally approved the permit.



Vicinity Map



Proposed Site Plan

Previous Actions

- March 19, 2002, Washoe County Planning Commission recommended adoption of Comprehensive Plan Amendment CP02-002 to add "Schools – Kindergarten to Secondary" as permissible use with a Special Use Permit in the Incline Village Tourist Community Plan.
- May 14, 2002, Washoe County Board of County Commissioners adopted Comprehensive Plan Amendment CP02-002
- July 24, 2002, Tahoe Regional Planning Agency approved an amendment to the Incline Village Tourist Community Plan to permit by special use "Schools – Kindergarten to Secondary.
- August 6, 2002, Washoe County Planning Commission approved Special Use Permit SW02-008 – Approving a private school for 150 students.
- September 5, 2006, Washoe County Planning Commission approved the Amendment of Conditions AC06-006 - Increasing the allowable pre-K enrollment from 15 to 25.
- September 3, 2013, Washoe County Planning Commission approved the Amendment of Conditions AC13-007 - Increasing pre-k enrollment from 25 to 40, and increasing total student population from 150 to 200.
- April 2, 2013, In accordance with WCC Section 110.810.60 Modifications of a Special Use Permit, Washoe County Community Development Department Director modified Special Use Permit SB13-001 – converting the remaining 2,270 square feet of commercial space to school use.

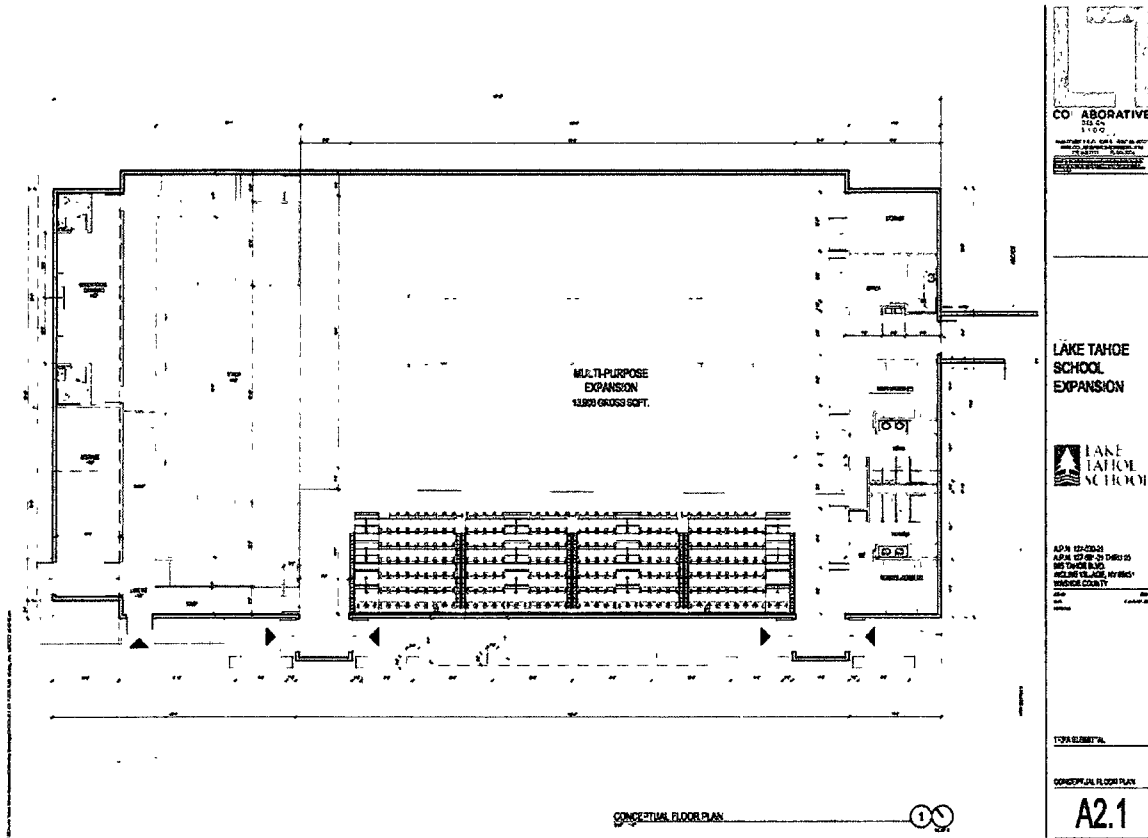
Project Evaluation

The subject property is a 4 acre site with a two story building used as the school and 14 residential units in four buildings on the rear of the property. The property has a regulatory zone of Tourist Commercial. The surrounding properties are zoned as Tourist Commercial to the northwest [Deer Creek] and west [Tahoe Racquet Club], and Public Semi-Public to the southeast [Incline Village General Improvement District].

The applicant is proposing to build a multi-purpose building which can be used as a gymnasium, auditorium and assembly hall for the Lake Tahoe School (School). As stated in the Traffic Report, "*Many different types of events are planned for the multi-purpose building, although the building will generally be used by Lake Tahoe School students, parents and friends only. That is, no community-wide events are anticipated to occur there.*"

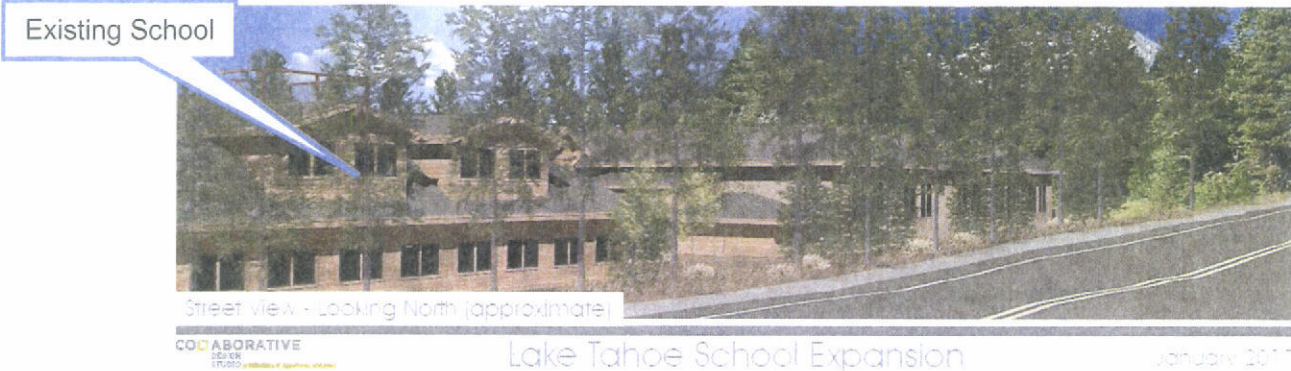
The School is not proposing to change operational condition or to increase student enrollment; however it does propose to increase the size of the project floor area and building foot print by more than 10%. Therefore, to modify the approved special use permit the applicant is required to file a new application and following the same procedure required for the initial permit.

The operational conditions approved in 2002 related to the use of the school, traffic and parking shall continue to apply. Operational conditions that were related to the commercial uses in the building are proposed to be removed because all commercial use has been removed from the property.



In order to build the multi-purpose building, the School has begun the process of a reversion to acreage of the subject parcels so the new building does not cross a property line. In order to add the new building and improve traffic circulation, the applicant is proposing to reconfigure the access drive that serves the School and the Tahoe Racquet Club (Racquet Club) subdivision. The reconfiguration will increase safety by reducing the interaction between vehicles and children and limiting public access to the school site. The proposal is to move the access drive to the west side of the property and then crossing the rear of the property to access the Racquet Club subdivision. This will provide residents of the Racquet Club unrestricted access to their properties, while directing the daily school traffic to the east on the circular drive in front of the school building. The location of the multi-purpose building is currently a parking lot. This parking lot will be relocated to the rear of the property, where the decommissioned tennis courts are currently located.

The multi-purpose building is designed to be compatible with the existing school building, using similar materials and colors. The renderings give the appearance that the buildings are close to the road. The proposed building is setback 23 feet from the property line and there is approximately 50 feet of NDOT right-of-way between the property line and the edge of the highway pavement.



Rendering of School and Multi-purpose building fronting on Tahoe Boulevard
(Additional renderings are included in the application)

Access. The issue of access to Racquet Club was brought up in many of the public comments.

When Lake Tahoe School was approved, the School bought the adjoining property and tore down the commercial structure on the property. The parking lot and a second driveway were retained, so there are two driveways from Tahoe Boulevard that provide access to the subject property. The driveway closest to the school building is the driveway that currently is designated as the access to the Racquet Club. The School is proposing to remove that driveway, and to relocate the access easement to the other driveway. The relocation of the easement is permitted by a Grant of Easement giving Racquet Club residents access through the School's property for 50 years (until May 10, 2021). The Grant of Easement made between A&R Corporation, and Tahoe-Sierra Development Company, Inc., states *"the location of said walkways and driveways shall be determined by the grantor [A&R Corporation and future owners] in its sole discretion and determination, and such location may be changed from time to time without the consent of any of the owners of all or any portion of Parcel B"* [Racquet Club].

In addition, several residents of the Deer Creek subdivision, whose property abuts the Schools property, state that the driveway proposed to be used as the new access is too close to their private street access. Because both of these developments are located on a state highway, Nevada Department of Transportations (NDOT) is responsible for determining if the access can be used as proposed.

Secondary Access. Another issue brought up by the Tahoe Racquet Club is their lack of a secondary access. While Fire Codes require a secondary access for the School, the code does not require one property owner to provide access to a neighboring property owned by someone

else. In order for the Racquet Club to obtain a secondary access to their development, they will have to negotiate with one of the adjoining property owners to obtain an easement or purchase land to create the access. Lake Tahoe School is only one of three properties adjacent to the Racquet Club. Staff does not believe it appropriate for the county in this instance to require the School to continue to allow its property to be used as a secondary access for another group of private property owners.

Parking. Parking requirements for a school are one space per employee during peak shift, and 0.25 per student of driving age. In addition there are 14 residential units in 4 buildings between the school building and the Racquet Club. Multi-family dwellings require 2.1 spaces per unit.

No students are of driving age. There are 31 staff members at peak shift, 5 of whom live on the property. The total required parking is 60 spaces [0+31+29] or 55 spaces subtracting the 5 spaces for employees who live on site. The school is providing 73 parking spaces.

The traffic report also looked at the need for additional parking for activities with an expected attendance of 100 people. The report states that if events start after 4:00 p.m. there would be sufficient parking. Based on the traffic report, and because it did not include estimates for activities for large attendance, staff is recommending conditions regarding starting times for events, and the requirement for a parking mitigation plan for large events.

In addition, because Lake Tahoe is a very popular vacation spot, traffic often peaks during the holidays in the summer and winter. In order to avoid increasing traffic on Tahoe Boulevard during prime season holidays, staff is recommending a condition that states the multi-purpose building may not be used for public events on the following holidays: New Year's Day, President's Day, Fourth of July, Labor Day, and Thanksgiving.

Parking for the Racquet Club. Much of the public comments state they object to the project because it would eliminate parking for Racquet Club residents. Lake Tahoe School has leased a portion of their property to the Tahoe Racquet Club for overflow parking and as a location for Racquet Club's trash dumpsters for several years. While the parking lease has helped alleviate some of the Racquet Club's parking issues, the School has no obligation to continue to allow parking, trash or snow storage for the Racquet Club subdivision on their property. The current lease is set to expire in 2020.

Landscaping. When a civic use adjoins a residential use, the Development Code requires a landscape buffer. The buffer shall be the width of the required yard (10 feet for Tourist Commercial regulatory zone) for the entire width of the property line. It shall include at least one tree every 20 feet. In addition a solid 6 to 7 foot decorative wall or fence shall be erected on the common property line. This requirement applies to the full length of the Deer Creek Subdivision property line, and the area around the rear parking lot adjacent to the Racquet Club subdivision. The buffer requirement is optional between the four residential buildings on the School's property and the Racquet Club's property.

Lighting. The lighting standards require that all lighting within 100 feet of a residential regulatory zone shall not exceed twelve feet in height. While there are no residential regulatory zones surrounding the property, there is residential development on two sides of the School property, within the Tourist Commercial regulatory zone. Since the lighting standards were designed to minimize impact on residential uses, staff is recommending that the same standard be applied to this project regardless of the zoning designation. All other lighting standards found in Article 414, apply to the proposed development.

Noise. Several people voiced their concerns about construction noise. It is given that construction is a noisy undertaking. In order to permit any development, redevelopment,

remodeling or repair work to be undertaken, it is necessary to permit construction noise. WWC Section 110.414.21 specifically states that construction activities occurring between 7:00 a.m. and 7:00 p.m. on any day except Sunday are exempt from complying with noise limits.

Snow Storage. Some property owners have asserted that there is not enough snow storage on the property, and the School cannot store snow adjacent to their property line. The school site is 4 acres in size, with the school building, existing residential buildings and the proposed multi-purpose room; however only 21.5% of the site is covered by structures. There are landscaped areas, the "Campus Green" inside the loop drive and areas near the residential units, besides the excess parking spaces where snow can be stored on site. Washoe County requires a 7.5 foot snow storage area along public streets, so staff does not see any reason why a 10 foot wide landscape strip is not adequate for storing snow from a private driveway. Washoe County does not require any property owner to design their home or project for "catastrophic events".

Incline Village/Crystal Bay Citizen Advisory Board (IV/CBCAB)

The proposed project was heard at the regularly scheduled March 27, 2017 Incline Village/Crystal Bay Citizens Advisory Board. There was a lot of discussion and public comment regarding parking, moving of the access easement, the size of the building and other items.

Kevin Lyons moved to forward comments to Washoe County with minutes [Exhibit B, CAB Memo] with the following: "As a school project, we would recommend approval as it is an appropriate use. Andrew Wolf seconded. Pete Todoroff opposed. Motion passed 4 to 1".

Public Comment

Staff has received numerous written comments from property owners in the area. The comments came mainly from property owners of Deer Creek subdivision [Exhibit C] and the Tahoe Racquet Club subdivision [Exhibit D].

While there were many different comments, several items were repeated in many of the letters and emails. Those were:

- The location of the access road is too close to Deer Creek
- Loss of parking for the Racquet Club
- Increase in traffic from activities and events in the Multi-purpose building
- Size of building
- Noise during construction

All letters and emails are included as exhibits to this report.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capital Projects Division

- Washoe County Health District
 - Air Quality Management Division
 - Environmental Health Services Division
- Regional Transportation Commission
- Nevada Department of Transportation
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District
- Nevada Tahoe Conservation District

Five out of the nine above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the special use permit is approved by the Planning Commission.

- Washoe County Planning and Development Division provided standard conditions for site development and restated that operational conditions for the school, approved under SW02-008, are still required.

Contact: Eva Krause, 775.328.3628, ekrause@washoecounty.us

- Washoe County Health District provided standard conditions requiring Air Quality Permits, and environmental services plan review.

Contact: Wes Rubio, Environmental Health Services Division, 775.328.2635, wrubio@washoecounty.us and

Mike Wolf, Air Quality Management Division, 775.784.7206, mwolf@washoecounty.us

- Incline Village General Improvement District must approve all utility plans prior to construction. All utilities to be designed to State and IVGID standards, plans must show all easements.

Contact: Tim Buxton, 775.832.1246, Tim_Buxton@ivgid.org

- North Lake Tahoe Fire Protection District requires emergency vehicle access be provided to the residential units on the rear of the School's property; secondary access; installation of fire hydrant and no parking signs on all access roads less than 26 feet in width.

Contact: Mark Regan, 775.461.6200, mregan@nltfpd.net

- Nevada State Department of Transportation supports the relocation of the access driveway. The applicant is required to apply for a new encroachment permit for the relocation of the access easement and to conform to all NDOT Access management

Systems and Standards. NDOT also requires additional information on grading and vehicle circulation.

Contact: Jae Pullen, 775.834-8300, jpullen@dot.state.nv.us

Staff Comment on Required Findings

Washoe County Code Section 110.810.30 requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan.

Staff Comment: The Incline Village Tourist Commercial plan was amended to permit Schools, Kindergarten through Secondary Schools in the Incline Village Tourist Community Plan Area. The use was found to be compatible and in conformance with the Community Plan.

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

Staff Comment: The School is proposing to reconfigure the access drive to the Racquet Club subdivision properties to direct traffic away from the school and limiting the interaction between children and vehicles. The access drive shall be built to county standards. The applicant shall be responsible for providing adequate on-site improvements to serve the proposed use. The existing roadway is properly designed for the proposed use. NDOT controls access to Tahoe Boulevard, and may have additional requirements regarding the relocation of the access easement.

3. **Site Suitability.** That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development.

Staff Comment: The site has operated as a private school for over 14 years; the proposed multi-purpose building will redevelop a parking lot that remained after the Incline Creek Business Park was demolished. All required parking lost by the construction of the multi-purpose building has been relocated to the site of the decommissioned tennis courts. Additional parking has been provided for activities in the multi-purposed building when persons other than students and staff are in attendance.

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

Staff Comment: The redevelopment of the parking lot and tennis courts, along with the reconfiguration of the access drive will improve public safety and welfare. The access agreement for the Racquet Club states that the location of the access can be moved at

the property owner's discretion. The applicant shall provide a landscape buffer between their use and residential development as required by the WCC 110.412.40.

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

Staff Comment: *There are no military installations within the required noticing area.*

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project or provided no comments. Therefore, after a thorough analysis and review, Special Use Permit Case Number WSUP17-0004 is being recommended for approval with conditions. Staff offers the following motion for the Planning Commission's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Special Use Permit Case Number WSUP17-0004 for Lake Tahoe School, with the conditions of approval included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs; policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

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

Applicant: Lake Tahoe School
995 Tahoe Blvd.
Incline Village, NV 89451

Representatives: Nick Exline
Midkiff and Associates
PO BOX 12427
Zephyr Cove, NV 89448



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members
James Barnes, Chair
Sarah Chvilicek, Acting Chair
Larry Chesney
Francine Donshick
Philip Horan
Carl R. Webb, Jr., AICP, Secretary

Tuesday, May 2, 2017
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, May 2, 2017, in the Washoe County Commission Chambers, Building A, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

Acting Chair Chvilicek called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Acting Chair
Larry Chesney
Francine Donshick
Philip Horan

Commissioner absent: James Barnes, Chair

Staff present: Roger Pelham, MPA, Senior Planner, Acting Secretary
Eva M. Krause, AICP, Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Development
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

2. *Pledge of Allegiance

Commissioner Donshick led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Roger Pelham, Senior Planner, recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Acting Chair Chvilicek opened public comment. Hearing no response, she closed public comment.

6. Approval of Agenda

Acting Chair Chvilicek requested to move Agenda Item 8B to the beginning of the meeting. In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the Agenda as amended for the May 2, 2017 meeting. Commissioner Donshick seconded the motion, which carried unanimously with Chair Barnes absent.

7. Approval of April 4, 2017 Draft Minutes

On motion by Commissioner Donshick, seconded by Commissioner Chesney, which carried unanimously with Chair Barnes absent, it was ordered that the minutes for April 4, 2017 be approved.

8. Public Hearings

B. Development Code Amendment Case Number WDCA17-0001 – For possible action, hearing, and discussion on an amendment to Chapter 110 of the Washoe County Code (Development Code) within Article 505, Section 505.30 (Electronic Message Display Signs), to allow certain Electronic Message Display (EMD) signs to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information including traffic control and directional information. The planning commission may act to recommend approval of the proposed amendment with or without changes or to deny the proposed amendment. If approval is recommended, the action will be reflected in a resolution recommending approval that will be forwarded on to the county commission for further action.

- Prepared by: Trevor Lloyd, Senior Planner Washoe County Community Services Department Division of Planning and Development
775.328.3620
tlloyd@washoecounty.us
- Phone:
- E-Mail:

Acting Chair Chvilicek opened the public hearing and called for any disclosures from the Commission. Hearing none, she called for the Staff Report. Trevor Lloyd, Senior Planner, presented the Staff Report. Acting Chair Chvilicek opened up questions to the Commission. Commissioner Horan asked who would make the determination that it was in the best interest of the public. Mr. Lloyd stated that would be part of the Special Use Permit process and would have to be disclosed at that time of the nature and use of that specific sign. He said the intent would be that it would be utilized on public property by a public agency. Commissioner Horan asked if that was going to be made at the Director level or would it go to the Board of Adjustment. Mr. Lloyd stated the electronic message display sign would go to the Board of Adjustment for their review.

Commissioner Donshick stated this was for a permanent sign versus a temporary sign being used in the event of an emergency situation, traffic issues or road construction. Mr. Lloyd stated this was for permanent signs.

Commissioner Donshick opened public comment. Hearing none, she closed public comment and brought discussion back to the Commission. Commissioner Horan stated this was straight forward and that it was in the public's interest to have something like this. Acting Chair Chvilicek closed the public hearing and called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0001, to amend Washoe County Chapter 110 (Development Code) within Article 505 to allow certain Electronic Message Display (EMD) sign to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information WDCA17-0001 ARTICLE 505 SIGNS Washoe County Planning Commission Staff Report Date: April 10, 2017 Development Code Amendment Case Number WDCA17-0001 Page 5 of 5 including traffic control and directional information. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e) as follows. Commissioner Donshick seconded the motion, which carried unanimously with Chair Barnes absent.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

A. Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School) – For possible action, hearing, and discussion to approve a modification of Special Use Permit SW02-008 which approved the operation of a kindergarten through 9th grade private school May 2, 2017 Washoe County Planning Commission Notice of Meeting and Agenda Page 3 of 4 in an existing commercial building. The modification will permit the construction of a 13,906 square foot multi-purpose building. As proposed the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard

and Tahoe Boulevard. The access easement is proposed to be relocated approximately 200 feet further to the northwest (the new access will be approximately 925 feet northwest of the same intersection).

- Applicant: Lake Tahoe School
- Property Owner: Lake Tahoe School
- Location: 955 Tahoe Boulevard
- Assessor's Parcel Numbers: 127-581-01 and 127-030-21
- Parcel Size: 4.11 acres (total)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial
- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 1- Commissioner Berkgigler
- Section/Township/Range: Section 15, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Eva M. Krause - AICP, Planner Washoe County Community Services, Department Division of Planning and Development
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Acting Chair Chvilicek opened the public hearing and called for any disclosures from the Commission. Commissioner Horan stated he was a Trustee for the Incline Village General Improvement District (IVGID) and there were some conditions attached to this by IVGID regarding water and sewer; however, he had nothing to do with that and he believed he did not have a conflict. Acting Chair Chvilicek informed the public this hearing would be held with decorum and respect and she asked for patience regarding this item.

Eva Krause, Planner, presented the Staff Report. Acting Chair Chvilicek opened up questions to the Commission. Hearing none, she called the Applicant forward. Nick Exline, Senior Planner, Midkiff and Associates, Inc., stated he was present on behalf of the Lake Tahoe School (LTS). He presented a PowerPoint presentation, which was placed on file with the Clerk. Ruth Glass, Head of School, said she had been the Head of School for the last six years and she had become increasingly concerned with the safety and security issues created by the bi-section of their campus. She said she planned to present a few photographs of the school's current safety concerns and then talk more broadly about the school's need to improve the security of the campus. She explained she greeted students every morning and her office overlooked the driveway and she had frequently identified and communicated her concerns about the blatant disregard for safety that was exhibited by many drivers coming from the Tahoe Racquet Club (TRC). She said there was a stop sign at the cross walk and the average number who just blew through the stop sign everyday was 20 to 25.

Mr. Exline continued going through his PowerPoint presentation. Acting Chair Chvilicek opened up questions to the Commission. Commissioner Horan said the TRC's HOA concerns did not reflect its resident's concerns. He wondered what his basis was for stating that. Mr. Exline said the public outreach process they went through. He noted Ms. Krause was receiving letters outlining various issues so he started calling as many members of the TRC as he could to see what their concerns were, how to address them and mitigate them before they got to this point. He said parking was one of the most voiced concerns. He said a member of the school board was talking to the HOA and said they were not in the parking business anymore; when all

the residents said they had parking concerns. He said they were willing to entertain a parking agreement with the TRC.

Acting Chair Chvilicek opened public comment. Roger and Zoe Hill, Tahoe Racquet Club (TRC) resident, presented an aerial photograph (Exhibit D) and talked about 150 single-family homes affected by the project, overflow parking, the proposed size of the new building and seating, large stage to go with large events, only 65 parking spots, when parking lot full have to have diversion on Highway 28 to let people know where to park, traffic slow in right-hand lane, u turns on Highway 28, heavily traveled two-lane highway, pedestrians walking across, concerns regarding Country Club Drive and Incline Way, unsafe activity on State Highway 28, inappropriate parking, trespassing, how this project with fit into the overall environment of Incline Village, all commercial buildings required certain setbacks from roadways and were surrounded by plants and trees, Highway 431, Lake Tahoe School (LTS) zoned commercial, a multi-use building located next to Highway 28. One of their main concerns was that this project would change the character of surrounding area and what would happen in the future if the LTS decided the campus was too small and they had to move on; what would the building be used for by some other commercial company. They said they were against granting Special Use Permit and modifications should be made regarding the size and location of the building.

William Baker, 9468 Double R Boulevard, Attorney, said the property for the LTS had a roadway leading to the TRC which was the only access. He thought they should change the access because the new proposed roadway ran to back of the property and he thought it would turn into a drag strip. His concerns were the project would impact the Deer Creek neighborhood and questioned how people would be allowed through the gate. He said the engineer presented alternative paths into the TRC, which gained no traction; there was no give in the proposal. He noted the only access to the TRC would be allowed to expire and may have to go through judicial intervention. He noted the NDOT's and Fire Department's recommendations expressed in the staff report regarding increased traffic (82 cars per day) and one-way traffic, which he did not think accounted for peaks hours for the LTS. He discussed the 2002 Special Use Permit application, which applied to 995 Tahoe Boulevard and adjoining properties acquired by the LTS did not make them part of the school. He was also concerned that the LTS could choose to house, staff or lease professional space that was not part of the school.

Blane Johnson, 989 Tahoe Boulevard, said he purchased his residence many years ago when there was a commercial development where the LTS was now, and Deer Creek did not exist, the Rec Center was not there and Sierra College was not there. He said LTS cleaned up the homeless community, but it was only after the LTS was built that the problem began. They agreed that the continued use of the access road the way it was with children crossing from the parking lot to the school was a safety hazard, which should have been recognized by the developers and authorities when the school was first allowed. He felt the decisions made then should not be allowed to detrimentally affect homeowners now who had been there years before the school. He stated expansion was anticipated; however, the current proposal did not describe future expansion plans. His comments included: the project was incompatible with the surrounding area; no room for growth, insufficient parking and access, safety for the students, potential abandonment of the buildings, long-term plans, contributors pulling their support, and incremental additions to come up with a 20-year plan.

Heidi-Lynn Tayler, 989 Tahoe Boulevard, gave a copy of her comments to the Clerk. She said her husband was a Science teacher at LTS. She offered some suggestions as to how the LTS site could be renovated so that the changes would benefit the LTS and the area for its neighbors. Two members of the LTS Board of Trustees held meetings about the plans with the LTS teachers in January and they made it clear that the site plan was set in stone. She shared many of the same concerns regarding lost space for the TRC parking, snow removal, entering

their property through someone else's parking lot, maneuvering around cars and children, and noise during construction. She thought the LTS should repaint the crosswalks and place a stop sign at the crosswalk for cars coming from the TRC and not going to the TRC. She wondered why there were no posted speed limits, a crossing guard and a camera to catch people driving too fast or running the stop sign. She was also concerned about a large gymnasium for a school that had no plans to grow beyond 200 students.

Tim Kerrigan, 282 Deer Court; was present on behalf of the Deer Creek HOA Board of Directors as their secretary/treasurer. He characterized many of the actions of the LTS Board as intimidation. He said speed bumps would not be allowed because it was a fire road; a long straight road with a very sharp left-turn with cars going too fast. He pointed out the easement would expire but he felt that would be a good idea because then the Incline Village General Improvement District (IVGID) would be forced to deal with an access road through the recreation department where other homes and residents would not be affected. He said the Staff Report found the project would not be detrimental to any other properties and he and others strongly disagreed with that. He reported most of the residences were two-story and had great views, but with the new building that would be all they could see from their second story. He said his concerns were: noise from traffic, exhaust from cars, air pollution, devaluation of their property values, student safety and a previous contract whereby the LTS rented out their parking lot.

Tim Heying, 989 Tahoe Boulevard, said he was a retired fireman. He observed that the school had a secondary access for emergency vehicles; however, the proposal eliminated that. He was concerned about an emergency at the school and there only being one way in and one way out. He said the only way to provide the secondary emergency access would be through the TRC, but no one had contacted them about securing a right-of-way. He stated the proposal would move the current access road away from the complex, thus cutting off access to both fire trucks and patrol cars. He reported there was a water retention pond between the apartments and the loop road and a year-round stream. He thought a fireman would have to pull hoses across the stream down a hill to access a burning apartment and paramedics would have to reach a patient in the same manner. He thought that was not a feasible option and why the Fire Marshal voiced objections.

Michael Thiele, 989 Tahoe Boulevard, said his concern was the density with Deer Creek, Sierra College, the LTS and the TRC. He stated that whenever they tried to negotiate with the LTS they brought up the easement and threatened to take away the easement and he would like the Commission to force them to negotiate with TRC in good faith without that issue.

Debi Moore, 989 Tahoe Boulevard, said when the LTS wanted to move to the neighborhood, they met and they had no objections to them being there because they thought their usage would be an improvement over what was there before. However, she felt things were going downhill. She said she also had concerns with density, limited parking, negative impacts to the adjacent properties, input from adjacent property owners was not requested, the new road did not align with the existing entrance, and the ability for fire trucks to turn around.

Peter Sferrazza, TRC resident; said foremost no one from the LTS had tried to contact him or gain any input from the TRC residents. He bought his unit before the school was built and over time, the Planning Commissioners and the County Commissioners had allowed this encroachment to take place and surround the TRC with non-conforming uses, even though they were within the correct zoning. He noted the prior owner reserved an easement, but he did not know how they could relocate it without permission of the TRC, which could land lock them if they did not go along with it. He discussed the legalities of the prescriptive and legal easement, the owner's responsibility to reserve parking and possible legal action.

Amulia Thomson, 989 Tahoe Boulevard, asked the Commission to delay their decision until alternate solutions could be heard.

Denise Rydman, 989 Tahoe Boulevard, said her issues were the safety of the children and all the additional traffic and people this would bring to the area.

Jack Leske, 989 Tahoe Boulevard, said he was new to the area. He thought it was a reasonable desire for the LTS to implement a gym for recreational use; however, he had reservations about the secrecy surrounding the proposal which he felt was being forced on neighboring communities. He hoped his fellow neighbors proved there were alternative solutions to sustain a safer infrastructure versus forcing the TRC residents to utilize a 90-degree turn ingress/egress.

Sallie Leske, 989 Tahoe Boulevard, said she felt like they were being attacked by the LTS and the TRC was something that wasn't wanted. She realized Incline Village was full of million dollar homes, but not everyone could afford those types of properties. She was sure the school had anti-bullying policies and should adhere to them regarding this proposal. She brought up a concern regarding the 35mph zone and asked why it was not zoned 15mph as most schools were. She reported the LTS had put up a sign regarding enrollment for the next year, which blocked the view for oncoming traffic and created a safety hazard.

Nathan Robison, 846 Victorian Avenue, said he was a civil engineer and usually on the applicant's side. He noted he was retained by the Deer Creek subdivision and the TRC to advise them, but his opinions were his own. He recommended some considerations for the Commission; add an engineered acceleration/deceleration lane to increase safety on Highway 28; obtain an emergency egress route through the IVGID parking lot; deny the application on technical ground; additional parking spaces; design a road that did not encourage speeding; design a parking lot to cause slower traffic; crossing the creek could be reduced to one time instead of twice; and, backup could be improved by a drop off route through a parking lot.

Margie Lapaarja, 989 Tahoe Boulevard, asked that the Commission modify the roadway with no blind turns. She noted Section 110.10.30 (B) that stated the proposed improvements were properly related to existing proposed roadways; however, her daughter had been hit crossing in a parking lot when someone came around a blind 90-degree turn. She requested the Commission consider further study of the design because she found it odd they would put their children at risk by the proposed design. She was a member of the TRC Board Directors and said they had always been open to discussing options and being a good neighbor and she believed there were good intentions on the part of the LTS and the TRC.

Michael Erikson, Incline Village, said he was present to speak in support of the LTS expansion. He thought the LTS had been nothing but accommodating and dedicated to the wellbeing of the children. He did agree that there were close calls to being hit by cars; however, he thought that could be solved by cars slowing down. He said turning sharply into the units at the TRC would cause them to slow down. He stated the new design would take the cars over by the school where drop offs would occur leaving the lane open for the residents to get back and forth to their units. He said events at the LTS would not happen all the time and he did not think the density would be every day, so the density would not increase.

Shawn Scherer, Incline Village, said he had been involved in a number of meetings at the LTS and there had been a lot of thought and effort put into trying to accommodate the other neighbors in the area. He said a majority of the units in the TRC were rented and the owners did not have control over what they were doing. He noted there were people driving on the wrong

side of the road to pass through a very long line at the school and they had numerous staff trying to monitor the situation to make sure the children were safe. He believed there were numerous opportunities for overflow parking that did not involve trespassing on anyone's property. He referred to the fact that the number of students would not increase; therefore, the increase in traffic really would not occur.

Donald Reyes, 4217 Conte Drive, was not present to speak.

Lisa Hill, 1975 Peavine Road, said she endorsed the concerns about parking for events, the ingress/egress for both of the constituents, and possibly delaying approval of the proposal for more input from the surrounding neighbors. She said she was a citizen's activist and had attended a lot of meetings like this and felt this could be a great project if everyone slowed down and took more time to study it further.

Chuck Weinberger, 1059 Tiller Drive, said he was a Board Member of the LTS and reported they would be pursuing the site work project for safety even if there was no multi-use building. He noted the safety improvements alone would make this project essential for the LTS. He stated there was no way the Washoe County School District would allow a road to bi-sect the middle of a campus. He commented that the snow removal operation removed the paint from the sidewalks and speed bumps each year. He said they did not have a crossing guard because they had very strict policies regarding how kids crossed the parking lot. He believed the campus was a controlled environment where teachers and parents took an active role. He further explained that the TRC was responsible for the snow removal; not the LTS.

Dana Kirkland, Incline Village, said she was a Board Member of the LTS. She knew change was hard and it could be difficult to see; but she thought this was a fantastic proposal. She said it would create a lovely campus and provide an access that would be safer by eliminating the backup they had now and eliminate TRC folks from going against the traffic to get into their units.

Todd Lankenau, 9444 Double R Boulevard, Architect, said they hoped to reduce the slope of the original entrance and create spots for cars to stack at the top of the hill as they entered Highway 28 to make it safer and not slide back down the hill. He said they were increasing the width of that to three lanes, rather than two and dedicate a right-turn lane and a left-turn lane. Separating all of the traffic from the buses was one of the key elements towards the safety of the students. The loop they had now was a one-way driveway, so they did not have two directional traffic which would make it safer for the children. He said there would be a 15mph speed zone. He noted the fire department did not have any problem with the site design and had checked all the turning radius.

John Munson, 530 E Plumb Lane, said he agreed with Mr. Lankenau's comments. He noted the 90-degree turn at the end of the parking lot had always been 15mph and he reported there was complete visibility of all of the 11 parking spaces. He said that the turn would slow people down, because there was a long stretch of straightaway and then a sign stating "curve ahead." He stated the TRC residents voiced concerns about having to turn another 90-degree turn, but they were completely stopped at the stop sign and could make the decision which way they needed to go to their unit. He informed the Commission there were 50+ parking spaces in the underground parking garage at the school for employees and teachers. The site plan showed a driveway off the inter-loop that provided parking, so the 43 spaces were in addition to the parking for staff. He noted there were two exit lanes and the inbound lane for emergency vehicles was 12 foot wide and should always remain open.

Acting Chair Chvilicek closed public comment and opened discussion to the Commission.

Commissioner Donshick stated everyone had been talking about the granted easement between A & R Corporation and Tahoe Sierra Development Company. She said it was in effect until May 2021 or it could be changed from time to time without the consent of any of the owners (TRC) and she wondered how that worked. DDA Edwards stated he could not give the Commission any history of how that came about; however, he spoke with Roger Pelham, Senior Planner, and they found the easement was prescribed to expire in 2021. He thought that was surprising to have a sunset date on an easement. He said with regard to the location, it was determinable by the LTS and could be located within the property as long as it provided access to the TRC as required under the easement agreement.

Commissioner Donshick asked where the secondary emergency vehicle access would be and if the North Lake Tahoe Fire Protection District (NLTFPD) had any problems with the Plan regarding the four issues that were brought up. Ms. Krause answered there are three abutting property owners that the School could work with to provide secondary access across their property. It will be up to the School to create a secondary access to the satisfaction of the Fire Marshal before the multipurpose building is constructed.

Acting Chair Chvilicek asked if all four points from the NLTFPD were added to the Conditions of Approval. Ms. Krause stated yes, all the Fire's conditions are included in the Conditions of Approval.

Acting Chair Chvilicek asked if Ms. Krause would review the notification process and how many properties were notified. Ms. Krause stated that courtesy notices and public hearing notices were sent out for the Board of Adjustment meeting because the last permit that was issued was the Amendment of Conditions done by the Director of Planning. It was accidentally assigned a "SB" Case Number instead of an "SW" Case Number, so she assumed it was going to the Board of Adjustment. She noticed 96 property owners informing them this would be heard at the Board of Adjustment level, which meant they got a courtesy notice. She explained the courtesy notice was mailed before the CAB meeting in Incline Village; it was noticed for the Board of Adjustment and right before the Board of Adjustment meeting she was notified that it should have been noticed for the Planning Commission. She then emailed all those who had emailed comments for the Board of Adjustment, to notify them of the change. She sent out notices to the same 96 property owners 10 days prior to this meeting.

Acting Chair Chvilicek asked what Exhibit J encompassed. Ms. Krause explained Exhibit J showed the surrounding property owners and neighbors on Deer Creek, Glen Way, and the TRC who were notified, as well as the Sierra Nevada College, the church across the street and all the IVGID surrounding properties.

Acting Chair Chvilicek said they received questions regarding density and the Planning Commission understood density differently, so she asked Ms. Krause to offer clarification. Ms. Krause said they were not proposing to increase any density. She said there would be bigger buildings on the property, but it would not increase the enrollment, but there would be opportunities to use the building after school hours.

Commissioner Donshick asked for clarification of the timeframe and usage of the multi-purpose building because at one point it looked like it would be for school activities only. Ms. Krause stated it could not be used as a meeting or convention facility or rented out to the public. If the school wanted to hold extracurricular activities for the parents and the students, they could.

Acting Chair Chvilicek closed the public hearing and brought it back to the Commission for discussion and or motion. Commissioner Horan said he heard lots of different topics and he thought one thing they had to keep in mind was the Commission was subject to other departments setting conditions and they relied on their expertise to make their decisions. He stated the different things that were brought up regarding the Fire Department, the Department of Transportation (Highway 28), compliance with setbacks and access, were things the Commission relied on to make sure were met before the Applicant could proceed. He stated there was a lot of emotion and someone brought up legal issues, but he did not believe that was for the Planning Commission to determine. He said it appeared the LTS had the authority to relocate the access.

Commissioner Chesney said this was an application for a Conditional Use Permit; it was just an application. He noted the conditions that were set forth for the Applicant had to be met. He said this was the beginning of a long process for the Applicant. He said no one liked change in their backyard but the LTS owned the property and they explained what their position was. Based on the conditions set forth by all the parties he could not do anything but look at this in a positive sense and approve it.

Commissioner Donshick said she agreed with the other Commissioners. This Commission had to follow a lot of guidelines and rules and had to base their decision on the facts and guidelines they were given.

DDA Edwards stated Mr. Sferrazza raised a point regarding parking. He said he was provided with a copy of the lease agreement regarding the TRC to use the tennis courts on the LTS property. He noted it was entered into in 2015 and would expire June 30, 2018. He said if the construction was approved as provided, then it would eliminate that parking area. That would not cause a problem if the lease was expired by then or if it was terminated, but if it was not terminated before the time construction began then that could be a potential legal problem. He recommended, in order to address that, an additional condition under Exhibit A, page 2, be added as B1. He recited the language: "Prior to obtaining a building permit, the Applicant shall demonstrate that the property subject to the July 1, 2015 lease agreement, between LTS and TRC Condominium Association was unencumbered by the lease agreement and was available for construction under this permit by LTS. Demonstration shall be made by proof of a court order terminating the lease, proof of the expiration of the lease, or proof of agreement to terminate the lease between LTS and TRC Condominium Association."

Acting Chair Chvilicek called for a motion. Commissioner Chesney moved that after giving reasoned consideration to the information contained in the Staff Report and information received during the public hearing, the Washoe County Planning Commission approve the Special Use Permit Case Number WSUP17-0004 for the Lake Tahoe School with the Conditions of Approval included as Exhibit A in this matter, having made all the findings in accordance with Washoe County Code Section 110.810.30, with the additional condition as read by counsel. Commissioner Donshick seconded the motion. Commissioner Horan said it was a difficult process to hear tonight; however, he said the Planning Commission had to rely on the other specific authorities that were attaching conditions to the application. On call for the vote, the motion carried unanimously with Chair Barnes absent.

1. Consistency That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed

improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and,
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

9. Chair and Commission Items

*A. Future agenda items.

There were no future agenda items.

*B. Requests for information from staff.

There were no requests for information from Staff.

10. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items.

There were no reports to be given.

*B. Legal information and updates.

DDA Edwards stated he had no information or updates to share with the Commission.

11. *General Public Comment

There was no response to the call for public comment.

12. Adjournment

8:47 p.m. Commissioner Horan moved to adjourn the meeting, seconded by Commissioner Chesney, which carried unanimously with Chair Barnes absent

Respectfully submitted,

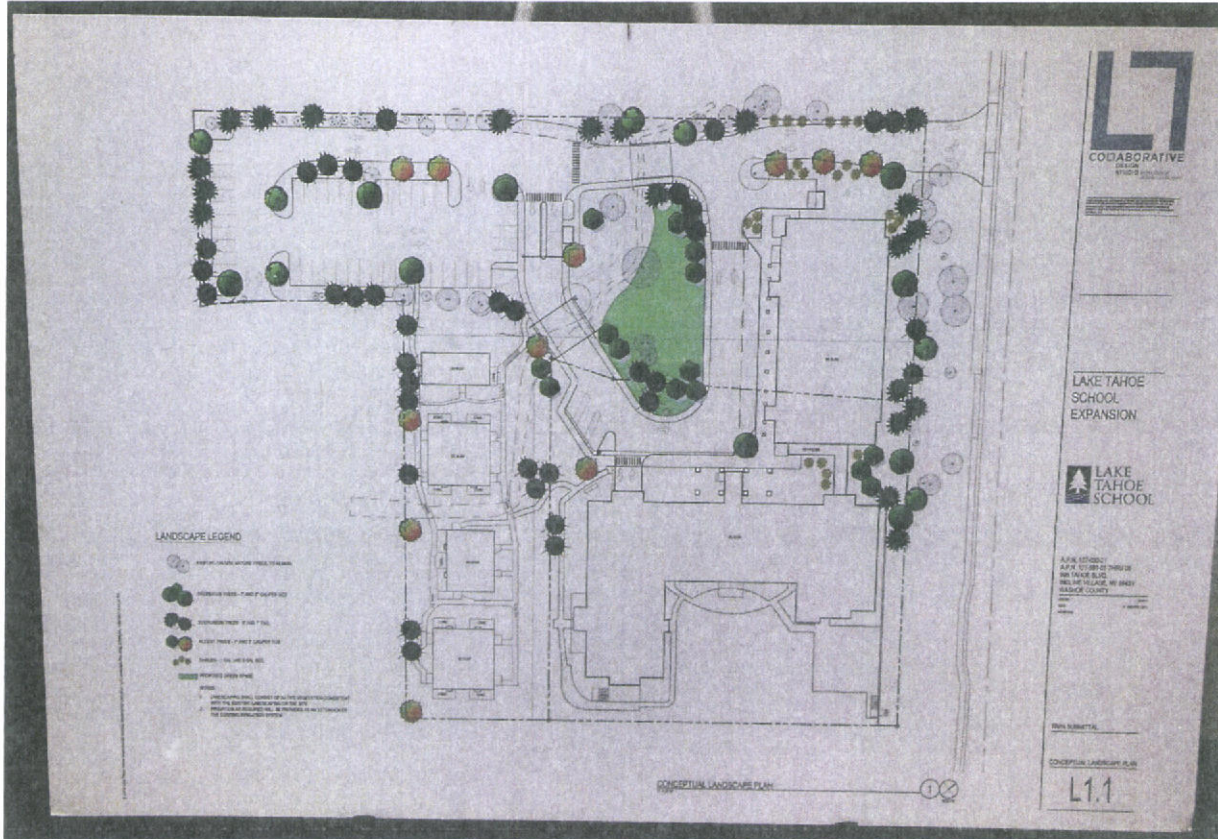
Jaime Deller, Independent Contractor

Approved by Commission in session on June 6, 2017.

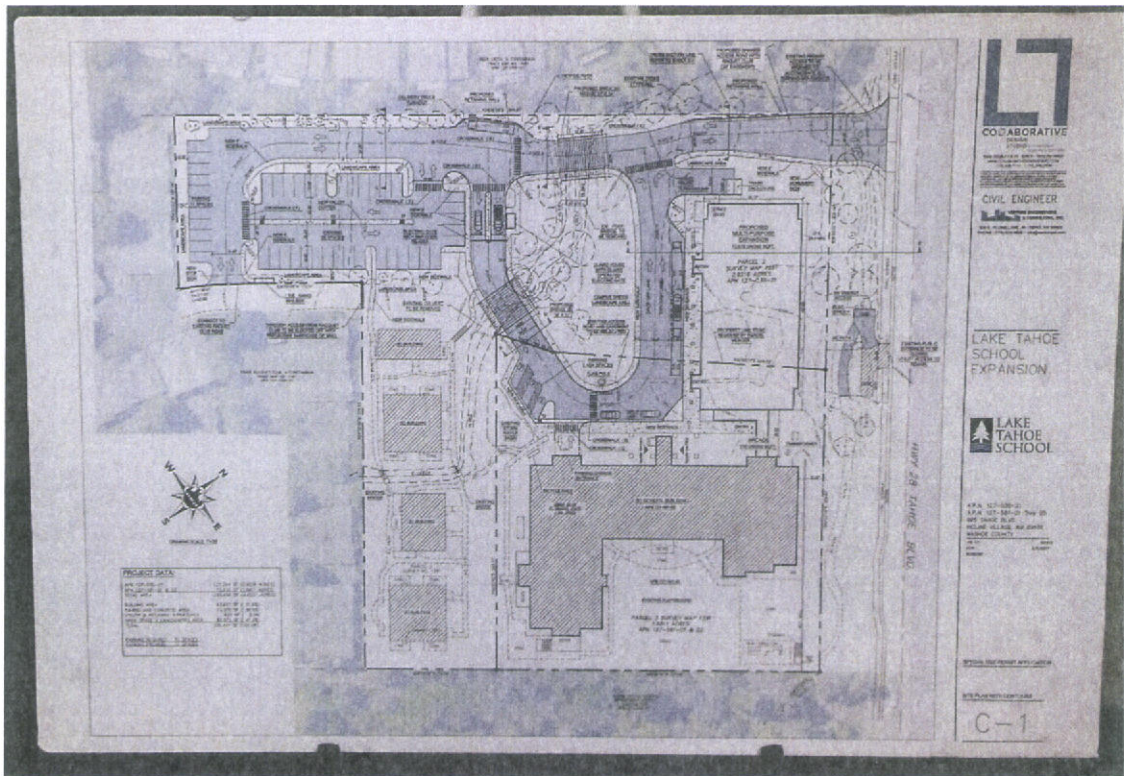
Carl R. Webb, Jr., AICP
Secretary to the Planning Commission

Attachment D

Special Use Permit WSUP17-0004 (Lake Tahoe School)
Display boards presented during Planning Commission Public Hearing
May 2, 2017



Lake Tahoe School representative – Nick Exline



Lake Tahoe School representative – Nick Exline



Tahoe Racquet Club property owner - Roger Hill



Tahoe Racquet Club/Deer Creek, Representative – William Baker Esq.



Tahoe Racquet Club/Deer Creek, Representative – William Baker Esq.

Hello, my name is Roger Hill and I am an owner at the Tahoe Racquet Club. Here is an enlargement of a photo that shows the neighborhood of the proposed project. The neighbors are TRC/ Deer Creek and the Glen/ 150 single family residents. Also Sierra Nevada College, The Recreation Center and State Highway 28.

The proposed 14,000 square foot building includes a basketball court and fixed seating for 250 people. Also there is a raised stage for performances where 400 people can be accommodated. 65 parking places exist when construction is complete. This is inadequate when large events occur and will have to be made up by **overflow parking**.

Overflow parking will occur when a sign is posted at the highway entrance, PARKING FULL. Then the fun begins. Cars slow to a stop and slowly advance and drivers are given directions on where to find street parking, passengers get out of cars, cars U turn, left turn lane cars give up and go for a U turn and join the cars waiting for a right hand turn, some cars U turn and hope for street parking on Highway 28, others go to Incline Way and drive into the Recreation Center lot , park near TRC, and then trespass thru the TRC complex to the event. Perhaps street parking will be possible on Incline way, Country Club Drive or South Wood. Some TRC residents may be ensnared in this while they wish to get home. All of the above is:

- 1 unsafe activity on the state highway 28,
- 2 inappropriate parking,
- 3 trespassing,
- 4 irritation for those that are required to endure this inconvenience.

My question: does the Lake Tahoe School have the right to subject the neighborhood to the negative effects and traffic safety and congestion caused by overflow parking because they lack inadequate parking on site?

I believe the Planning Commission should press the pause button and request that Lake Tahoe School reconsider a way to satisfy their multi activity needs with a much smaller building that does not result in the need for **overflow parking**, locating it back from the highway and in a location that will not require relocating the right of way serving the Tahoe Racquet Club. Thank you.

My name is Zoe Hill and I am an owner at the Tahoe Racquet Club.

I want to speak about the built environment of Incline Village and how it fits into the natural environment. The thing that makes Incline Village so special is that nearly all of the commercial buildings are set back from the roadways and are surrounded by plantings and trees. When you look at Incline Village from the overlook on highway 431 the only building noticeable through the trees is the Hyatt Hotel.

Even though the Lake Tahoe School is zoned commercial now there is enough open space that it fits into the neighborhood environment. However, the project proposed by Lake Tahoe School is a very large 14,000 square foot multi-use building that is located right next to Highway 28. That building would change the character of the surrounding area. Should the school decide at some point in the future that this campus is too small for them and move on, this large building would still be there for some other commercial use right beside the roadway. I believe the project as it is presented should not be granted a special use permit because it is **too large, too close to Highway 28, and has an adverse effect on the neighborhood environment.**

I propose that the planning commission recommend to the school that modifications be made regarding the size and location of the building. Setting a **smaller** building **further back** from Highway 28 will be more in keeping with the natural environment that we all enjoy in Incline Village.

Article 810

SPECIAL USE PERMITS

Sections:

110.810.00 110.810.05 110.810.10 110.810.15 110.810.20
110.810.25 110.810.30 110.810.35 110.810.40 110.810.42
110.810.50 110.810.55 110.810.60 110.810.65 110.810.70

Purpose

Review of Special Use Permits

Requirements for Application

Supplemental Guidelines, Standards and Criteria Review Procedures

Notice

Findings

Development of Natural Resources

Projects of Regional Significance

Hazardous Materials

Appeals

One Year Wait on Denials

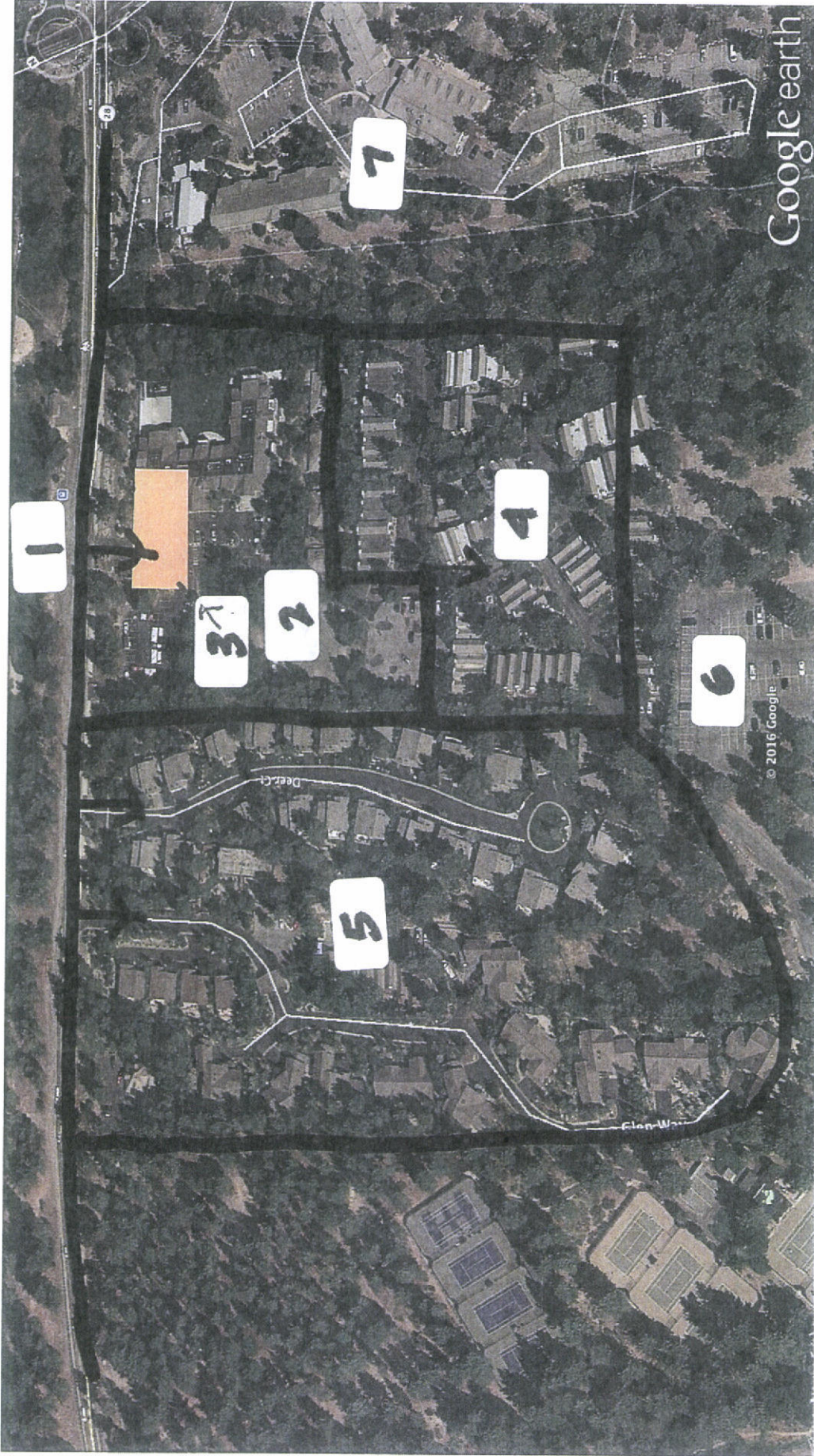
Modification of a Special Use Permit

Expiration

Revocation

Section 110.810.00 Purpose. The purpose of this article, Article 810, Special Use Permits, is to provide a method of reviewing proposed uses as listed in Article 302, Allowed Uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation systems, or public facilities in the vicinity. The Planning Commission, Board of Adjustment or hearing examiner may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of the use.

Section 110.810.05 Review of Special Use Permits. Section 110.302.15 and Section 110.810.20(b) of this Development Code shall be used to determine whether the Planning Commission, the Board of Adjustment or a hearing examiner shall review an application for a special use permit according to the procedures of this article.



LEGEND

- 1 STATE HIGHWAY 28 - TWO LANE
- 2 LAKE TAHOE SCHOOL
- 3 PROPOSED 14000 SQUARE FOOT MULTI-PURPOSE BUILDING
- 4 TAHOE RACQUET CLUB- 101 SINGLE FAMILY COMPLEX
- 5 DEER CREEK AND GLEN SINGLE FAMILY COMPLEX
- 6 RECREATION CENTER
- 7 SIERRA NEVADA COLLEGE

LAKE TAHOE SCHOOL
 SPECIAL USE PERMIT WSUP17- 004
 14,000 SQUARE FOOT MULTI-PURPOSE BUILDING

Remarks on Special Permit Case Number WSUP-0004
(Lake Tahoe School) Tim Kerrigan representing:

Deer Creek Homeowners Association

My name is Tim Kerrigan, and I live at 282 Deer Court in Incline Village. I am the Secretary of the Deer Creek HOA.

Members of the Planning Commission,

The School Board of Lake Tahoe School, a small private school of less than 150 elementary students, is proposing to build a huge "college-like" Gymnasium, and to move an access road to the side of their property. The Deer Creek HOA and Tahoe Racquet Club HAO, who together represent 125 residential properties, will suffer major negative effects if the School's plan is realized in its current form.

We believe that our neighbors should not be allowed to move a road near our property line that will negatively affect our lives. We feel that one of the functions of a Planning Commission should be to prevent one neighbor creating a "bad" situation for another neighbor.

Let me give you an example of how the school attempted to do just this kind of thing a few years ago.

The School rented the parking lot directly below some of our houses to Alpine Towing. The company had a contract with the County to pick up any vehicles disabled in accidents or abandoned.

The of the sound of tow trucks coming into the yard 24/7 and chains being dropped from cars, created a nightmare for us. As it turns out we discovered after eight months, the school had no business permit and the rental was illegal. Yet it took another four months for the School to act after the County served them notification.

Lake Tahoe School has made decisions in planning this new campus, which dictated that a road needed to be moved to the border of their property near our homes. There were other options that would have provided a safe entrance into the new gym. At no time did Lake Tahoe School ask for any input from either Association, nor have they been willing to give any ground when we tried to negotiate.

Our homes are all two-stories with most of our living space and patio upstairs. Most of us do not have air-conditioning, so we leave the windows open at night in the summer.

The results of moving this road will mean to us:

Twenty-four/seven noise from cars and motorcycles, air pollution from car exhaust, light pollution at night, our views destroyed, and a major devaluation of our property. According to several Real Estate agents, our properties along this proposed alley will see a reduction in resale value of from 8% to 12%. Property values may experience a reduction of over \$100,000 per the 10 affected homes, or well over \$1,000,000.

The school justifies moving this road in the name of student safety. As a retired elementary school principal and a retired consultant on school building and student safety, I can assure you there are many ways to provide a safe place for students without moving the access road.

We are asking this Commission to return the plans to Lake Tahoe School, so they can be revised in the interest of the School and their neighbors. We are reasonable people and ready to seek a compromise that works for everyone.

I am confident that Lake Tahoe School teaches the values of being a good neighbor; their School Board needs to practice what is taught to their children.

If you have any questions, I would be glad to attempt to answer them.



NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

866 Oriole Way – Incline Village, NV 89451-9439
(775) 831-0351 Fax (775) 831-2072 www.nltfpd.net
Ryan Sommers – Fire Chief

April 11, 2017

Ms. Eva Krause, Planner
Washoe County Planning and Development Division
1001 E. Ninth St., Bldg. A
Reno, NV 89512

RE: LTS, WSUP17-004

Dear Ms. Krause.

The North Lake Tahoe Fire Protection District has reviewed WSUP17-004 and will approve WSUP17-004 with the following conditions:

1. Emergency vehicle access shall be provided for the five existing TRC structures nearest the Lake Tahoe School building. The proposed entrance change eliminates access and hose reach to those five structures. *2012 IFC Chapter 5, Section 503*
2. Secondary emergency vehicle access shall be provided to property. *2012 IFC Chapter 5, Section 503*
3. Provide and maintain No Parking-Fire Lane signage for all fire apparatus access roads less than 26' in width. Signage shall be spaced to provide adequate visibility. *2012 IFC Chapter 5, Section 503 and Appendix D*
4. A minimum of two fire hydrants will be required. One near the proposed new building (phase II) and the other near the entrance to Racquet Club (phase I). Additional hydrants would be required if distance between hydrants (TRC) exceeds 500ft. *2012 IFC Chapter 5, Section 507 and Appendix B and C*

If you have questions or need clarification, I may be reached at: 775-461-6200.

Regards,

Mark Regan
North Lake Tahoe Fire Protection District
775 461 6200 mregan@nltfpd.net

**WSUP17-0004
EXHIBIT H**

My name is Heidi-Lynn Tayler. My husband and I live at the Tahoe Racquet Club, and my husband is the Middle School Science teacher at Lake Tahoe School. Given our connections to both entities, he and I would like to offer suggestions on how the LTS site could be renovated so that the changes would not only benefit LTS but might also improve the area for its neighbors. Two members of the LTS Board of Trustees held meetings about the plans with LTS teachers in January. While they took suggestions about the proposed gymnasium, they made it clear that the site plan was set in stone. Everything, including the entrance and exit, parking, and the footprint of the gymnasium, had already been finalized.

You have already heard concerns about the impact of the proposed changes to residents of TRC. We share many of those concerns, especially regarding lost space for TRC parking, snow removal, and having to enter our property through someone else's parking lot, maneuvering around cars and children. We are also concerned about the construction noise and believe that a 7am to 7pm timeframe is unreasonable during the summer in our special town.

I would like to take this opportunity to call into question the assertions made by LTS representatives that the site changes would be made primarily for safety's sake. If LTS was so concerned about safety, why have they not repainted the crosswalk many students and parents walk across to get to and from the school building and the main parking lot? Why is there only a stop sign at the crosswalk for cars coming *from* TRC and not for those going *to* TRC? Why is there no posted speed limit on their property, only School Zone signs? Why do they not have a crosswalk attendant with a neon vest and a hand-held stop sign to make sure students going to their parents' cars in the parking lot are safe? Why haven't they asked to install cameras to catch anyone who is driving too fast or running the stop sign? Why was the snow piled at the entrances to the crosswalks this winter so that even after stopping completely I couldn't see if anyone was approaching the crosswalk? Why aren't LTS

representatives making common sense, low cost improvements? I suspect that the answer to the last question is: if they solve the safety problem without making renovations to the site, they cannot use their safety issue to convince you to approve their plan to build a large gymnasium for a school with no plans to grow beyond 200 students. Ruth, what if a child is hit tomorrow and LTS is shown not to have addressed these concerns? If I were a parent of a LTS student, I would be wondering why you raise this as a major issue but haven't done anything about it.

The gymnasium might be great for a few of our community's kids, but we think LTS should go back to the drawing board and develop a plan that does not clearly hurt so many of its neighbors, who outnumber the students at LTS. My husband has a simple definition of leadership he uses when working with his students: be your best self and positively influence others. We would like to see LTS representatives be *their* best selves and set good examples for their students and children by working with their neighbors to come up with a better plan.

Entrance to TRC easement/LTS driveway from Lake Tahoe Blvd. No stop sign before the crosswalk. No speed limit posted, only School Zone sign.



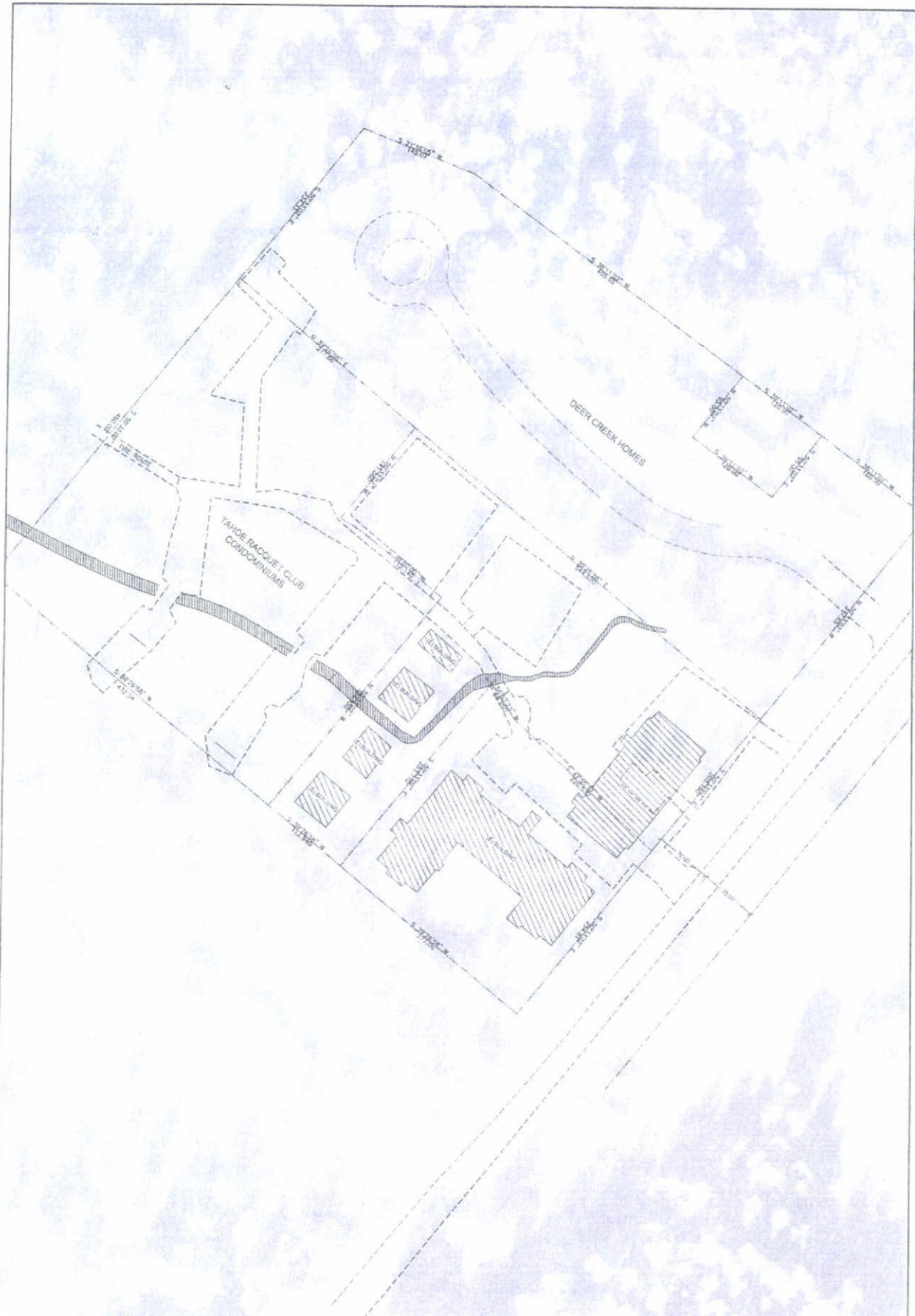
Stop sign and difficult to see cross walk up TRC easement/LTS driveway from TRC.



Posted speed limit into TRC.



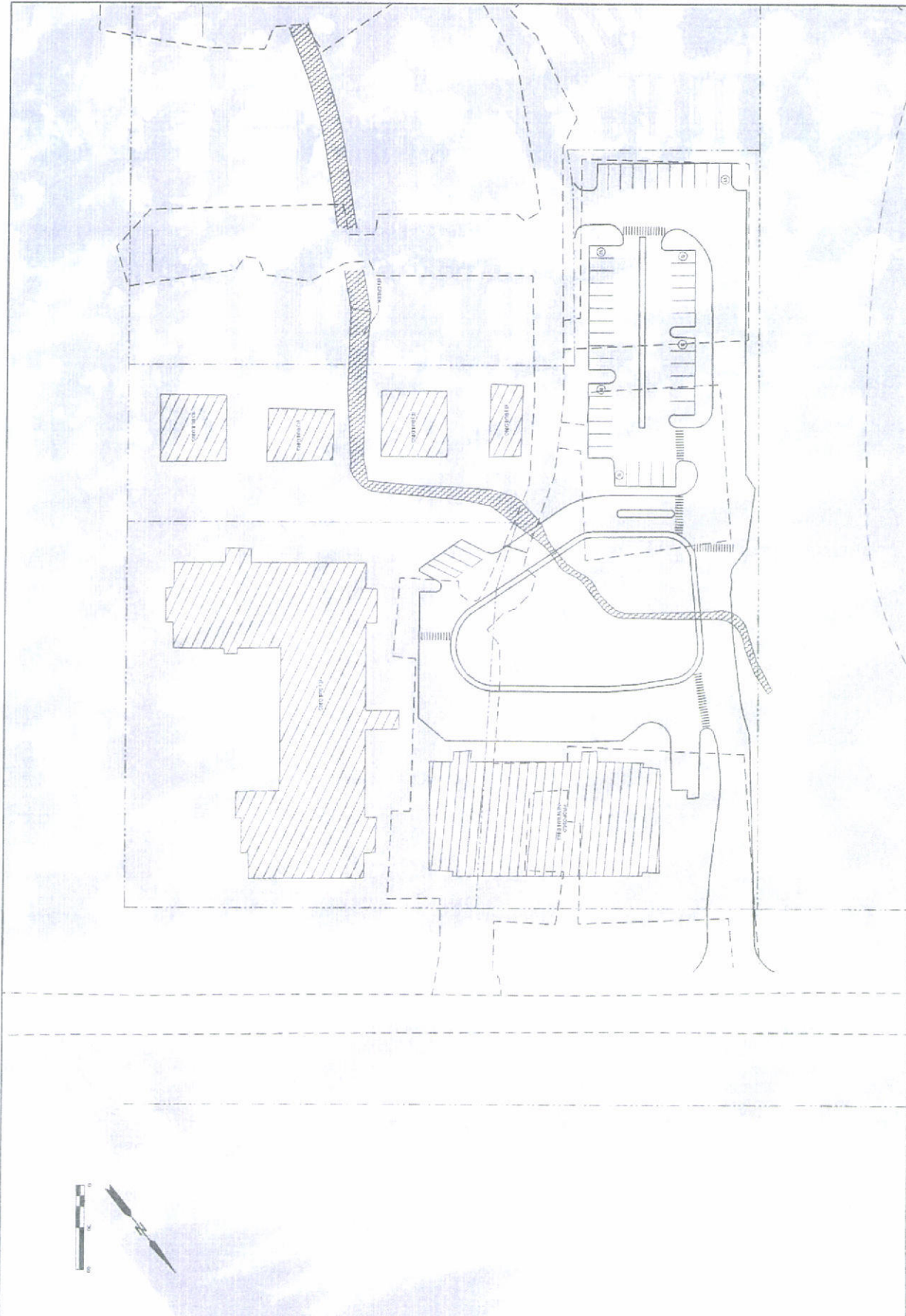
All photographs taken by Heidi-Lynn Tayler at 2pm on 2 May 2017.



NO.	DESCRIPTION	DATE	BY	CHKD	1
R1	PRELIMINARY LAYOUT FOR CLIENT REVIEW	2017.04.27	EMD	NER	2
R2	CONCEPT'S PUBLISHED FOR WAZISIDE CO. PLANNING	2017.04.20	NER	NER	3
					4
					5
					6

PREPARED FOR:
 TAHOE RACQUET CLUB
 DEER CREEK HOA
 OPTIMAL DR. BAKEN
 PROJECTS/PAV & LANDSCAPE
 440 FOUNTAIN ST. STE. 11
 TOWN OF TAHOE, NV 89521
 DATE: 02/14/18

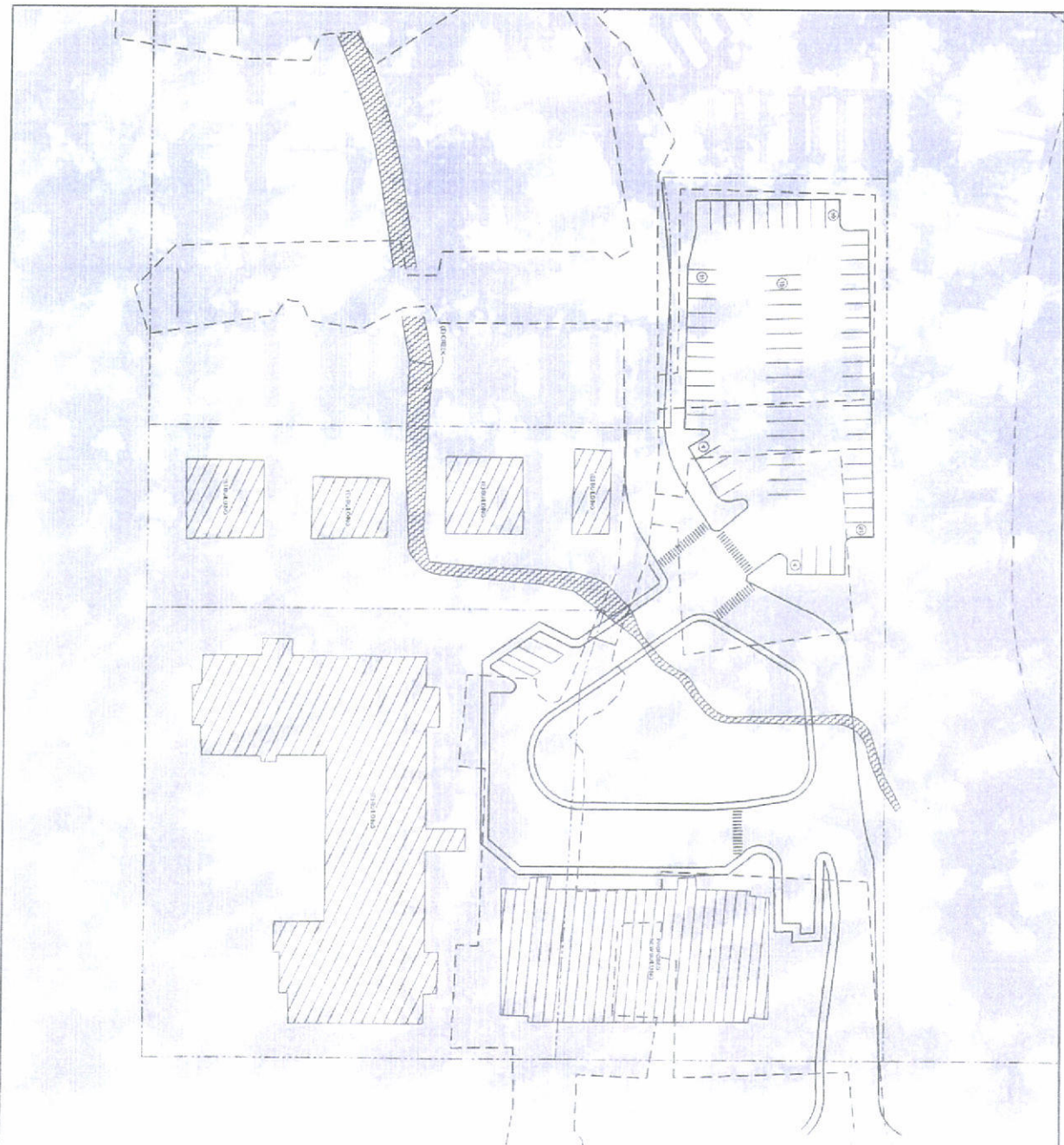
LAKE TAHOE SCHOOL
 EXPANSION SUPPORT
 SHEET 1
 GENERAL SITE MAP - EXISTING
 PROJECT NUMBER:
 1804-1-001-000-00



NO.	DESCRIPTION	DATE	BY	CHKD	REV
1					1
2	PRELIMINARY LAYOUT FOR CLIENT REVIEW	2017-04-21	DMC	NER	2
3	CONCEPTS FORWARDED FOR WASHOE CC PLANNING	2017-04-20	NER	NER	3
4					4
5					5
6					6

	PREPARED FOR THE SUMMIT CLUB DEER CREEK HOA 220 WALDEN BLVD. BOZEMAN, MT 59717 TEL: 406.586.8888	LAKE TAHOE SCHOOL EXPANSION SUPPORT SHEET 2 SCHOOL PROGRAMS PROJECT NO. 17-00000001
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2



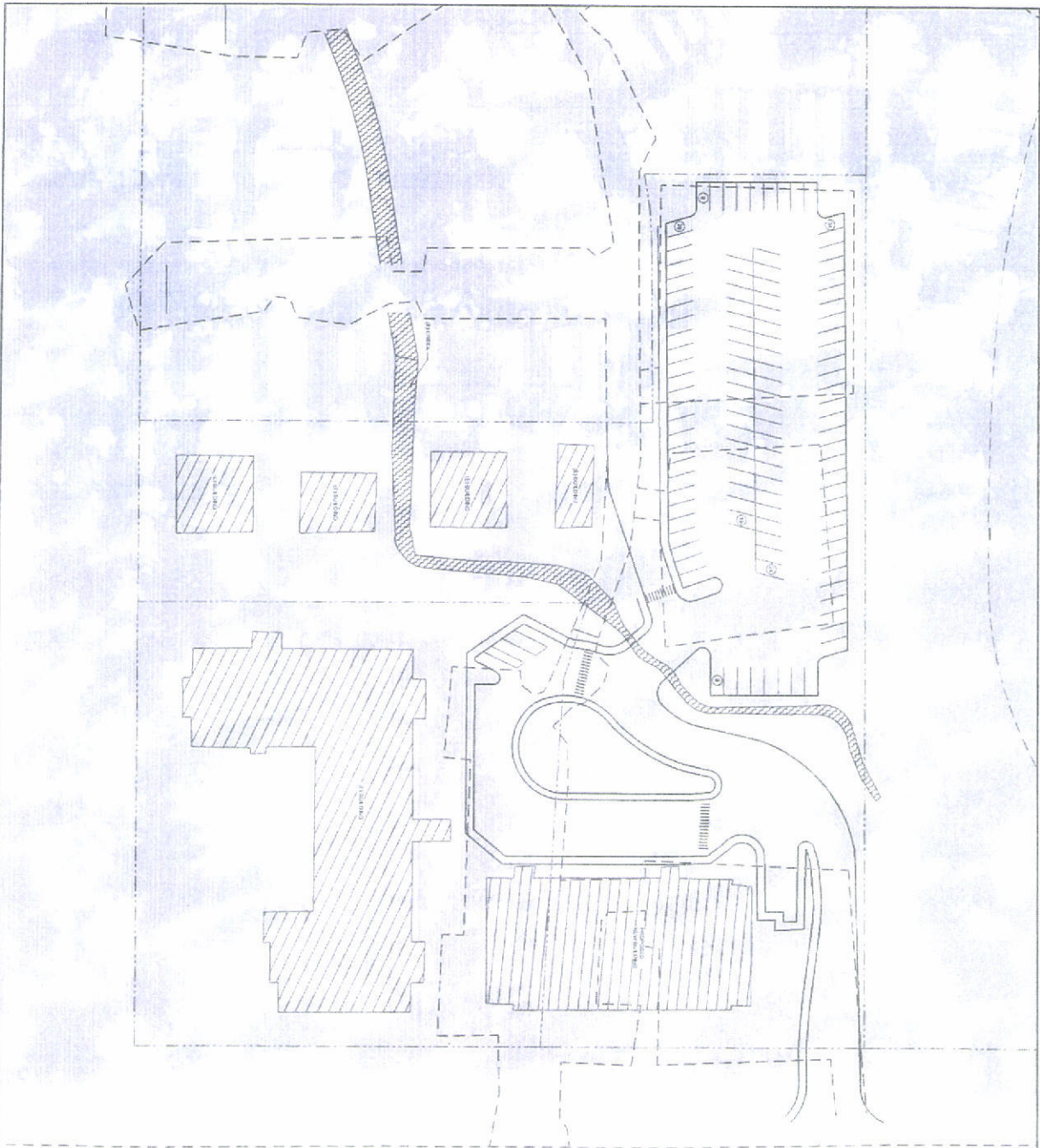
NO.	DESCRIPTION	DATE	BY	CHKD
1	PRELIMINARY LAYOUT FOR CLIENT REVIEW	2017.04.27	BMC	NER
2	CONCEPTS PUBLISHED FOR WASHOE CO. PLANNING	2017.04.30	NER	NER
3				
4				
5				
6				

NO.	DESCRIPTION	DATE	BY	CHKD
1				
2				
3				
4				
5				
6				

PREPARED FOR
 TAHOE PACQUET CLUB
 DEER CREEK HOA
 20 WALDEN AVENUE
 BOZEMAN, MT 59717
 PREPARED BY
 S&B CONSULTANTS
 1000 W. 10TH ST.
 TACOMA, WA 98401

LAKE TAHOE SCHOOL
 EXPANSION SUPPORT
 SHEET 3
 HOTEL PROGRAM
 PROJECT NO. 160641-001

3



NO.	DESCRIPTION	DATE	BY	CHKD	REV
1	PRELIMINARY LAYOUT FOR CLIENT REVIEW	2017/04/27	MMZ	NER	1
2	CONCEPTS PUBLISHED FOR WASHOE CO PLANNING	2017/04/27	NER	NER	2

4 SHEET 4 OF 4	PREPARED BY: JANE RAGGETT CLAS DEBRA CREEK HOA 200 HUNTER AVENUE NORTH LEAS & LODGING 1440 SOUTH H. ST. N. REID, NV 89441	LAKE TAHOE SCHOOL EXPANSION SUPPORT SHEET 4 ROBSON ENGINEER'S PROPOSAL PROJECT NO. 17-001
	DRAWN BY: JANE RAGGETT CLAS CHECKED BY: DEBRA CREEK HOA	SCALE: AS SHOWN DATE: 04/27/17

April 29, 2017

Washoe County Planning Commission
1001 E. Ninth Street
Reno, NV 89512

Dear Commissioners:

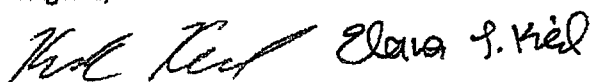
We are writing to express our support for the Lake Tahoe School expansion plans and the re-routing of the road that leads to the school and to Tahoe Racquet Club.

Schools are an important part of a small community like Incline Village. They attract and retain families such as our own. Improving schools is a positive for the families who attend the school as well as for the community as a whole, which benefits from events the school holds as well as the school's facilities. Overall, areas with better schools are simply more desirable places to live.

Lake Tahoe School's plan to expand and improve its campus is critical to furthering its goal of educating and developing well-rounded students. As part of this expansion, the road that cuts directly between the school and its parking lot would be re-routed around the edge of the campus. Moving this road is critical for the integrity of the campus expansion and more importantly, for increasing pedestrian safety. Currently parents and children make frequent crossings of this road as they travel between the parking lot and school building. Moving the road would significantly reduce pedestrian traffic. That drivers would only need to drive a couple hundred extra yards seems like a small price to pay.

In addition, separating school pick-up and drop-off traffic from the through traffic for Tahoe Racquet Club would improve traffic flows, as the existing road backs up at peak times. Given that the moving of the access to Tahoe Racquet Club is permitted by the conditions of the existing easement, we urge you to approve the moving of the road and the campus expansion as proposed.

Regards,



Kirk and Elana Keil
PO Box 4086
Incline Village

April 28, 2017

To: Washoe County Planning Commission


Re: Lake Tahoe School Expansion Plans

We are writing as concerned parents to state our utmost support for the Lake Tahoe School expansion plans. The emphasis is not only on a much-needed facility expansion for the growing school, but mostly on increased safety for the students, including our two young children, who attend LTS and everyone who walks across the LTS campus to the Tahoe Racquet Club. We believe that this renovation would establish improved traffic flow for all cars on and near campus and separate school traffic from TRC traffic. We cannot tell you how many times we have witnessed pedestrian close calls while cars speed past the crosswalk on that main driveway, which is shared by *many* drivers not associated with the school. Providing improved overall access to LTS families and TRC residents that regularly make use of the shared road is not only an upgrade to the overall condition of the property and road, it is important for the safety and security of the 150 young children who are on the school premises every day. And unfortunately with the rise of targeted attacks towards schools throughout the country it is imperative that Lake Tahoe School protects its campus grounds. Strangers drive and walk within 15 yards of the LTS front entrance – no school can allow that. Eliminating uncontrolled pedestrian and automobile traffic from the center of the LTS campus is a crucial security improvement.

We feel that because Lake Tahoe School is a valuable part of the community in Incline Village, the provision of this expansion will help continue its reputation as a stellar and *safe* pre-k, elementary and middle school that positively contributes to the local economy and culture.

It is for these reasons that we support in full the proposed development and we hope you will take these points into consideration.

Regards,

 
Mike and Danielle Erikson

From: Sandra Burnell
To: [Krause, Eva; abrawski@trpa.org](mailto:abrawski@trpa.org); RSommers; jdonohue@nltfod.net
Cc: trcboard@sbcglobal.net; TRC Action Committee; [Hillary](#); [Larry Wodarski](#)
Subject: Lake Tahoe School proposed multi-purpose build
Date: Thursday, April 20, 2017 12:55:15 PM

To all concerned parties,

Please be advised that we oppose the the proposed building by the LTS on the basis that they are over building for that site. The site cannot support an auditorium with over 300 seating capacity and only 65 parking spaces. It can be reasonably be assumed that during events at this auditorium they will run out of parking and people will enter the TRC unlawfully to use our parking. This could cause a safety hazard.

If this project proceeds as planned, TRC will be reduced to 119 parking spaces for 101 units. It is our understanding that county rules require 2 parking spaces for each unit. Can you provide us with information if this is not true.

We are seriously concerned about this matter, but are unable to attend the meeting on May 2nd, 2017.

Please accept this letter as our voice of opposition.

Sincerely,

Sandra and Gary Burnell and Candace Klieman
owners of units #14, #84 and #85

From: Annette Heying
To: [Krause, Eva](#)
Subject: Lake Tahoe School's Proposed Expansion
Date: Tuesday, April 25, 2017 4:16:25 PM

April 23, 2017

Re: Lake Tahoe School Proposed Changes

Dear Eva Krause:

I am an owner in Tahoe Racquet Club (TRC).

I'm not opposed to Lake Tahoe School (LTS's) expansion project, but I do believe there are several areas that must be worked out. Namely,

1. Easement/Right of Way for TRC Members

We are being held hostage with threats of raising fees for access to the road easement. LTS is demanding we break our 3 year lease now, yet no alternate solutions have been reached. This is a ploy to eliminate any negotiation power we may have so LTS can get quick approval of their plans and start on the project immediately. This seems unreasonable as TRC did not ask for a new access road—this is for the benefit of LTS.

2) Parking

LTS is demanding we abandon the 3 year lease we have on one of the defunct tennis courts TRC currently uses for parking. If we don't, Chuck Weinberger of the LTS is threatening legal action to break our lease. He has not offered any alternate solutions, indicating it's our problem. This adversely impacts TRC as there is already inadequate parking.

No one understands how adequate parking for TRC was not addressed/somehow ignored by Washoe County when the LTS & TRC properties were originally split up years ago. Since this should never have been allowed to begin with, we must come up with a mutually agreeable solution.

Additionally, we are told the proposed multi-purpose theater/gymnasium can seat up to 400. There does not appear to be consideration for parking for the additional school guests LTS intends to accommodate as well as parking for their cottage rentals much less parking to accommodate TRC Owners. Clearly, there is simply not enough parking for this project.

3) Egress

The Fire Department is requesting a secondary entrance to LTS for fire-fighting/evacuation purposes. This would mean LTS would need an easement/right of way through TRC's property, yet they are unwilling to grant us an easement. It would seem reasonable for both LTS & TRC to allow permanent rights of ways without the other charging a fee....I'd like to see this as part of the solution before LTS is granted permission to expand. LTS also does not want us to put signage of our address on their property (we had a street sign but it is gone—likely taken down by LTS). This could impact the ability for emergency services to locate us quickly.

I'm sure there are additional details that must be worked out, but these three are critical if the project is to move forward with both communities in mind.

Regards,

Annette Heying
TRC Unit # 52

From: Timothy Heying
To: Krause, Eva
Subject: Lake Tahoe School WSUP17-0004
Date: Tuesday, May 02, 2017 8:46:36 AM

Eva Krause & Planning Commission members,

My name is Tim Heying, I live in the Tahoe Racquet Club. I am retired from the fire service after over 30 years of firefighting and operating various fire trucks. I have a few observations I would like to make regarding the school's proposal from a public safety standpoint. I would like to direct you to the letter regarding the Lake Tahoe School proposal from the North Lake Tahoe Fire Protection District, dated April 11, 2017.

Item #1 I believe that four of the five buildings the fire marshal is referring to are an apartment complex with approximately 14 apartments that the Lake Tahoe School owns and operates on their property. They are located adjacent to the Tahoe Racquet Club and I believe he mistakenly thought that they are part of our condo community, but they are not. The school owns them and currently they have their own parking lot for their residents, which this proposal incidentally eliminates.

The current access road runs past the front of the school, providing great access there, then continues past the apartment complex, providing access there as well, and then enters the TRC condo complex. The school's proposal moves the current access road away from the apartment complex, thus cutting off access to them for both fire trucks and patrol cars. I believe the school's hope is that they can still be reached by the loop road they've proposed, but that's almost impossible. Imagine an apartment catches fire there, the complex currently has wood shingle roofs, so fire spread would be rapid. Between the apartments and the loop road there is a water retention pond and a year round stream. Also, there is an elevation change between the proposed loop road and those apartments. So, in the event of a fire, the firemen will be expected to pull hose lines through a pond, across a stream, and down a hillside to access a burning apartment. Or in the event of a medical emergency to one of the residents, the paramedics will be attempting to reach the patient in the same manner. The only other option is to park some distance away on the other access road that leads into the Tahoe Racquet Club (TRC) and have the firemen stretch hose lines and carry firefighting equipment through the proposed parking lot, navigating around parked cars as they go. That isn't a feasible option either and is why the fire marshal voices his objection in item #1. For this reason alone the proposed moving of the current access road should be denied. It is rumored that in the future the school hopes to replace their apartments with additional school buildings, but even those future buildings would have the same access problems as the apartment complex.

Item #2 refers to secondary access for emergency vehicles, which the school currently has, but this proposal eliminates. Under this proposal there is only one way in and one way out. Imagine an emergency at the school, a fire, natural gas explosion or active shooter for example. People will be running out to their cars and driving away in a panic. Others will be driving to the school in a panic to get their kids. This will create a cluster at the only entrance to the school where emergency vehicles will also be trying to enter the school property. Access will be delayed for emergency responders as traffic tries to sort itself out. That is why the fire district is requiring the school to maintain two ways of entering the property. Under this proposal the school could potentially utilize a route through the TRC as a back entrance to their property, thus fulfilling the fire district's requirement, but thus far no one from the school has bothered to approach the TRC to ask about a right of way through our property. Thus I can only assume they are hoping to get around this requirement somehow, but that could potentially jeopardize children's lives. For this reason, I agree with the fire marshal and believe this proposal should be rejected until a solution is found for secondary access.

I am also in full agreement with the fire district on items number three and four as well. People will be tempted, as they always are when there is inadequate parking, to park in the access road/fire lane. I don't believe, from my experience that the posted signs alone will keep people from parking in the roadway, but they will help. The current access road is straight, but the 90 degree turns in the proposed roadway will be impossible for fire trucks if people park in the roadway.

Sincerely,

Timothy Heying

April 24, 2017

Eva M. Krause, AICP Planner
Washoe County Community Services, Planning and Development Division
1001 E. Ninth St., Bldg. A
Reno, Nevada 89512
By e-mail: ekrause@washoeocounty.us

Subject: Special Use Permit Case Number WSUP17-0004, Lake Tahoe School

From: Blane and Linda Johnson
Tahoe Racquet Club, #34

Welcome to our neighborhood, Tahoe Racquet Club, located in Incline Village, Nevada. We love where we live. We have owned condo #34 for 25 years and completed an extensive remodel about three years ago. Many of our neighbors have also completed remodels, eliminating downstairs kitchens and providing other upgrades and the complex is transitioning to an affordable and quiet community for retirees and local workers in addition to many college students from adjacent Sierra College. Our home is located on Incline Creek and we hike either to the lake (about ½ mile away) or in the nearby mountains almost every day. We also enjoy the golf courses, Diamond Peak ski resort and the Rec Center. It is a great place to live. We are dedicated to continuing to participate in improvements in our condo association and Incline Village.

When Blane first moved here, there was a commercial development where Lake Tahoe School is now and a pedestrian bridge over the Tahoe Racquet Club access street to the parking lot. The Deer Creek community was not there nor was the Rec Center or Sierra College. The only use of the access road from Lake Tahoe Blvd was for Tahoe Racquet Club residents. It was only after Lake Tahoe School was built a few years ago that problems with use of the road began to occur. We agree that continued use of the access road the way it is, with children crossing from the parking lot to the school is a safety hazard. That should have been recognized by the developers and zoning authorities when the school was first allowed to build there. But perhaps it was overlooked. In any event, that such a decision was made should not now be used to detrimentally affect homeowners whose homes were there 35 years prior to the school. Lake Tahoe School is now proposing an expansion for a use that was never anticipated, is incompatible with surrounding uses and will likely aggravate the safety issues to all concerned. We hope the Planning Commission process can bring some balance to the plan as we believe there are reasonable alternatives that accommodate the needs of everyone.

It is clear that the school is likely to continue to expand, as it provides a popular private alternative to Incline Village public schools. Under evolving Federal policies which may allow families to use vouchers for private schools, the demand will increase for Lake Tahoe School.¹ The current proposal does not describe future expansion plans, but there will certainly be no room for growth in parking and access to the school that would be safe or efficient. The property also includes several older residential units which are rented to tenants by Lake Tahoe Schools and which may be removed in the near future. There is nothing in the proposal indicating what the use of this property will be. We suggest that, instead of incremental additions, the developers come up with a 20 year plan that provides a campus

¹ Governor Sandoval's proposed budget includes \$60 million for a voucher program.
http://www.ontheissues.org/Governor/Brian_Sandoval_Education.htm

that can be safely enjoyed by the students. Included in the 20 year plan should be responsibility for alternative use of the property in the event primary contributors reduce their support for the school and the buildings are abandoned. There are already numerous properties in Incline Village badly in need of restoration or demolition. Approval of new buildings should include re-purposing plans and funds for removal.

The following is a summary of possible alternatives:

- 1) It is our understanding that the chief contributor for the current multiple use center expansion is Mr. David Duffield. Mr. Duffield owns what used to be the old Ponderosa land, a gorgeous property that could be turned into a beautiful school. There's lots of room for parking and accessible buildings that are still located far enough from a busy highway to provide a safe campus for students. In addition, students would have access to the beach at Sand Harbor using a new bike trail being built by Washoe County. According to tax assessment records, Mr. Duffield received a \$12 million write-off for his donation of the land for Lake Tahoe Schools. It would seem that financial resources are available for a re-location of the school.
- 2) Alternatively, we wonder if the Lake Tahoe School and Sierra Nevada College, both private institutions, have considered going together to build a multiple use center on the Sierra Nevada campus that could be used by both institutions. Access to the Sierra College campus by the Lake Tahoe School students would be via Tahoe Racquet Club property or additional footbridge, but it is away from the main road and the campus can be reached safely.² It also seems worth exploring options for joint use of public school facilities, at least as an interim solution.
- 3) A third solution would be for Lake Tahoe School to provide an alternate access/easement to Tahoe Racquet Club. With the cooperation of Incline Village Improvement District, it would be possible to use the existing easement at the Rec Center along the eastern side. There could be additional parking built adjacent to the existing parking lot. This could be a non-exclusive use of the new parking lot for Tahoe Racquet Club. The additional parking could benefit overflow during the day time hours for beach goers, ski area activities, etc. and used as additional parking for Tahoe Racquet Club homeowners and guests during the evening hours. With an additional set back from the Tahoe Racquet Club and landscaping, leaving in place as many existing trees as possible, this could be a beautiful addition. Tahoe Racquet Club could build a more attractive and useable enclosure for waste management, snow removal could be pushed through this new area relieving the need to pile snow at the end of the existing driveways and away from the Creeks, fire access would also be enhanced. It is our understanding that the land for the Rec Center and adjacent properties was donated to the IVGID community. It would be in the interest of the community served by IVGID to help us with this project. Including Deer Creek homeowners, Tahoe Racquet Club homeowners and the 250 families with students at Lake Tahoe School, there are over 500 families affected by this issue. We need a community solution.

In this letter, we wanted to focus on alternatives, but we agree with the concerns expressed by other residents at Tahoe Racquet Club and Deer Creek concerning access road design, lack of parking, snow

² Access to the beaches and lake by Lake Tahoe School students is already through land owned and managed by Tahoe Racquet Club at no charge to Lake Tahoe School.

storage and other issues with the current proposal. We will be attending the May 2nd meeting and look forward to working with you.

Thank-you for your consideration of these issues.

Blane and Linda Johnson
TRC# 34
PO Box 7002
Incline Village, Nevada 89450
(916) 878-0213

cc:
Tahoe Racquet Club Board of Directors
trcboard@sbcglobal.net

Tahoe Regional Planning Agency
Jennifer Self
Associate Planner
128 Market Street
PO Box 5310
Stateline, Nevada 89449
aborawski@trpa.org

Chief Sommers
Incline Village Fire Dept.
rsommers@ntfpd.net

Steve Pinkerton, General Manager
Incline Village General Improvement District
sjp@ivgid.org

From: Planning Counter
To: Krause, Eva
Subject: FW: Tahoe Racquet Club and Lake Tahoe School Development Proposal
Date: Wednesday, April 19, 2017 3:42:57 PM

From: Yvonne Shevnin [mailto:yvonne@pointsconnected.com]
Sent: Wednesday, April 19, 2017 3:10 PM
To: MBIRKBIGLER@washoecounty.us
Cc: Washoe County Planning and Development
Subject: Tahoe Racquet Club and Lake Tahoe School Development Proposal

Dear Commissioner Birkbigler and other Commissioners,

I am the owner of Tahoe Racquet Club #69. The Board and a group of homeowners are very concerned about a new proposed development by Lake Tahoe School which would remove our access to about 40 parking spaces. There are 101 condos in the Tahoe Racquet Club. This new proposal would reduce our parking spaces to 119 spaces for approximately 250 - 300 residents. That would be approximately 1 parking space per 3 bd/ 2ba home.

We have made many offers to Lake Tahoe School to purchase our current overflow parking area - which would be taken away if this development proposal goes through. In the 80s, a redrawing of the subdivision, cut out the tennis court area from TRC and allowed LTS to purchase the property that was originally part of the TRC complex. Most of our owners, even ones who recently purchased property here, were not advised of that fact. In fact, last May Governor Sandoval and the First Lady purchased Unit #32. I have to wonder if he knows about this issue.

The current county rules mandate 2 parking spaces (one covered) per residential dwelling. Right now, we (mostly) meet that mandate. Reducing parking at Tahoe Racquet Club is going in the wrong direction in terms of compliance with county rules.

I believe reducing parking would represent a safety hazard in our complex which is already burdened with parking problems. For instance, if there is a fire and we have to evacuate quickly - wouldn't we want enough cars nearby in order to evacuate?

I would like your opinion on this matter. Would you be willing to speak with me about this subject?

Thank you,
Yvonne

Yvonne Shevnin
Tahoe Racquet Club
989 Tahoe Blvd. #69
Incline Village, NV 89451
yvonne@pointsconnected.com
408.615.8424 Landline
408.461.9006 Cell



April 27, 2017

Washoe County Planning Commission
Attn: Community Services Department
P.O. Box 11130
Reno, Nevada 89520-0027

Re: Case # WSUPI7-0004

Dear Commission,

I apologize in advance for not including my name or address in this letter, but I am a resident of Incline Village and a Lake Tahoe School parent who does not want to subject my husband or children to any backlash from other members of the fairly tight-knit LTS community.

I was prompted to write this letter when I received a message from Ruth Glass, head of LTS, requesting that parents attend the upcoming commission hearing or write letters and stress the safety benefits of the proposed addition of a gymnasium to the school. I'm sorry, but that's not what this development is all about. It's about building a monument to the school's major donor. If the school was primarily concerned with improving safety, they might change the driveway and parking lot a bit without building a gym. The design would not cut the number of driveways into the school from two to one as the proposed site plan does. What does the fire department think of the plan?

Another concern I have is that the school has not even begun a capital campaign to build the center. How do we know that after construction has begun the project will be completed. In a document sent by Ruth Glass to parents earlier this month that is being used in the search for a new head of school, there is a table that shows that donations dropped from \$936,442 in 2011-2012 to \$536,695 in 2015-2016. The same document shows that enrollment is stagnant, stuck between 148 and 155 students. There is a lot of grumbling among parents about the direction the school has taken in recent years. Parents are pulling their kids out due to the lack of diversity in the population of students and in the academic and extracurricular activities (the latter are almost all sports) as well as because of bullying. One middle school student left LTS this week to attend Incline Middle School. What could be so bad at LTS that the child would leave less than two months before the end of the school year?

Speaking of Incline Middle School, the public schools in Incline Village are very good. LTS is unnecessary. It is a luxury. We have sent our kids there for the small class sizes but have often questioned whether it was the right decision. We have stayed because so of much our (and our kids') social life is wrapped up in the school. The new gym is just an added luxury. With the Rec Center a few hundred yards away and the school having fewer than 50 middle school students, the gym is not needed.

Finally, as a member of the broader Incline Village community, I am concerned with the effect of the expansion on LTS's neighbors. Many of the residents of the Tahoe Racquet Club, for example, are two-income families who need their cars to get to work. What will be the effect of taking parking away from them to accommodate well-heeled parents who spend very little time dropping off and picking up their kids? There are very few events each year at LTS that require as much parking as the school already has. With a little advance planning, the school could arrange to have cars parked at the Rec Center or at Incline Middle School. Both are within a few minutes walk of the school.

Thank you for considering my concerns.

Sincerely,
A Concerned Citizen

RECEIVED

APR 28 2017

WASHOE COUNTY
COMMUNITY DEVELOPMENT

WALSH, BAKER & ROSEVEAR

Please Reply to:

ATTORNEYS & COUNSELORS AT LAW
9468 Double R Blvd., Suite A
RENO, NEVADA 89521
(775) 853-0883
FAX (775) 853-0860

William A. Baker

April 27, 2017

Washoe County Planning Commission
Chairman James I. Barnes
1001 E. 9th Street, Bldg. A
Reno, Nevada

Re: WSUP 17-0004 Lake Tahoe School

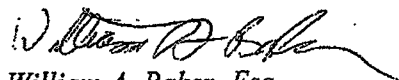
Dear Chairman Barnes:

I will be appearing at the May 2, 2017 Planning Commission meeting on the above referenced matter on behalf of approximately 150 individual homes and at least twice that many homeowners. These adjacent homes are the Tahoe Racquet Club Condominium Association and the Deer Creek Owners Association. I have reviewed the Commission's rules and procedures and would request that my presentation be given equal time with that of staff and the applicant. I have visual presentations and am accompanied and assisted by a registered engineer who has prepared the visual graphics that form part of our presentation in opposition to the requested special use permit.

I am sure that some homeowners from both Association's will want to be heard individually but I have been asked to make a presentation on behalf of the Board of Directors and members of these two homeowners associations. I would appreciate the opportunity to perhaps make the initial presentation of the opposition points immediately after the staff and applicant presentations. I suspect that individual owners thereafter will potentially touch upon similar issues and points but such an initial, single, comprehensive presentation may focus these opposition points and potentially result in expediting the process somewhat.

If I can get the same 15 minutes for me and my engineer as the staff and applicant have, I will make every effort to explain to the Commission members our significant points in opposition to this special use permit application. Thank you for your consideration of this request.

Sincerely,


William A. Baker, Esq.

Lake Tahoe School

995 Tahoe Blvd Incline Village, NV 89451



WSUP17-0004W

May 2, 2017

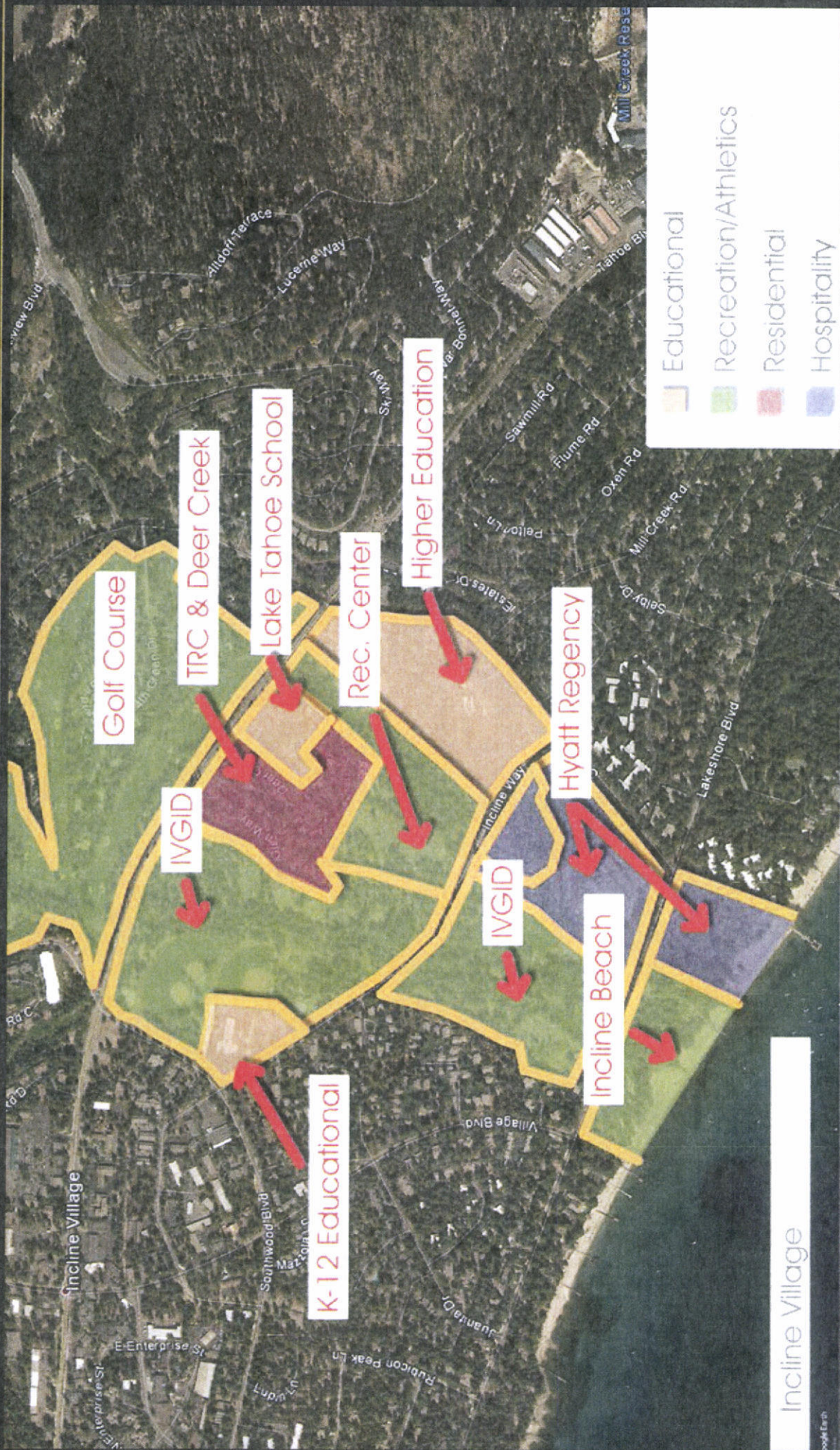


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Surrounded by Compatible Uses



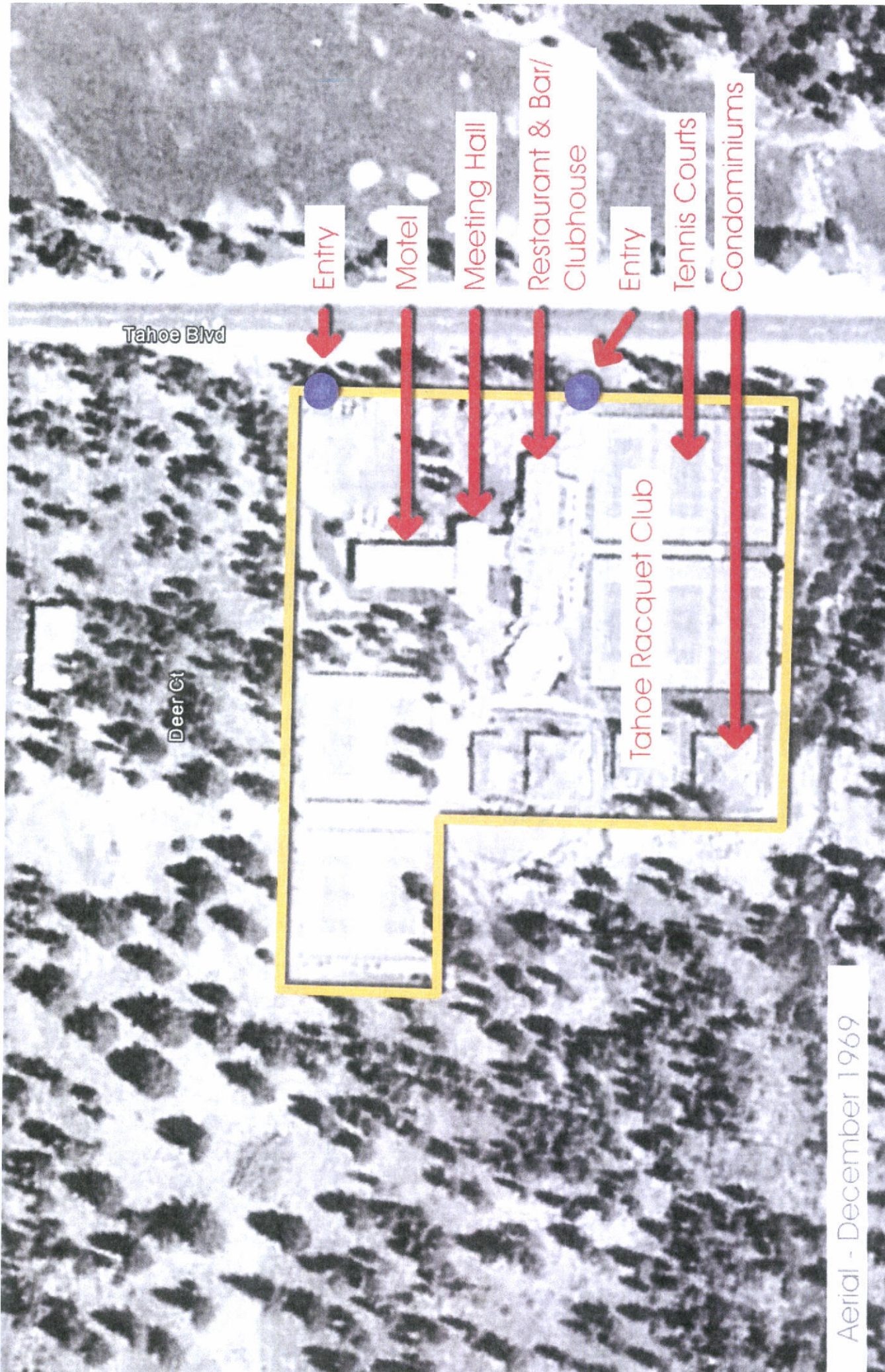
Incline Village



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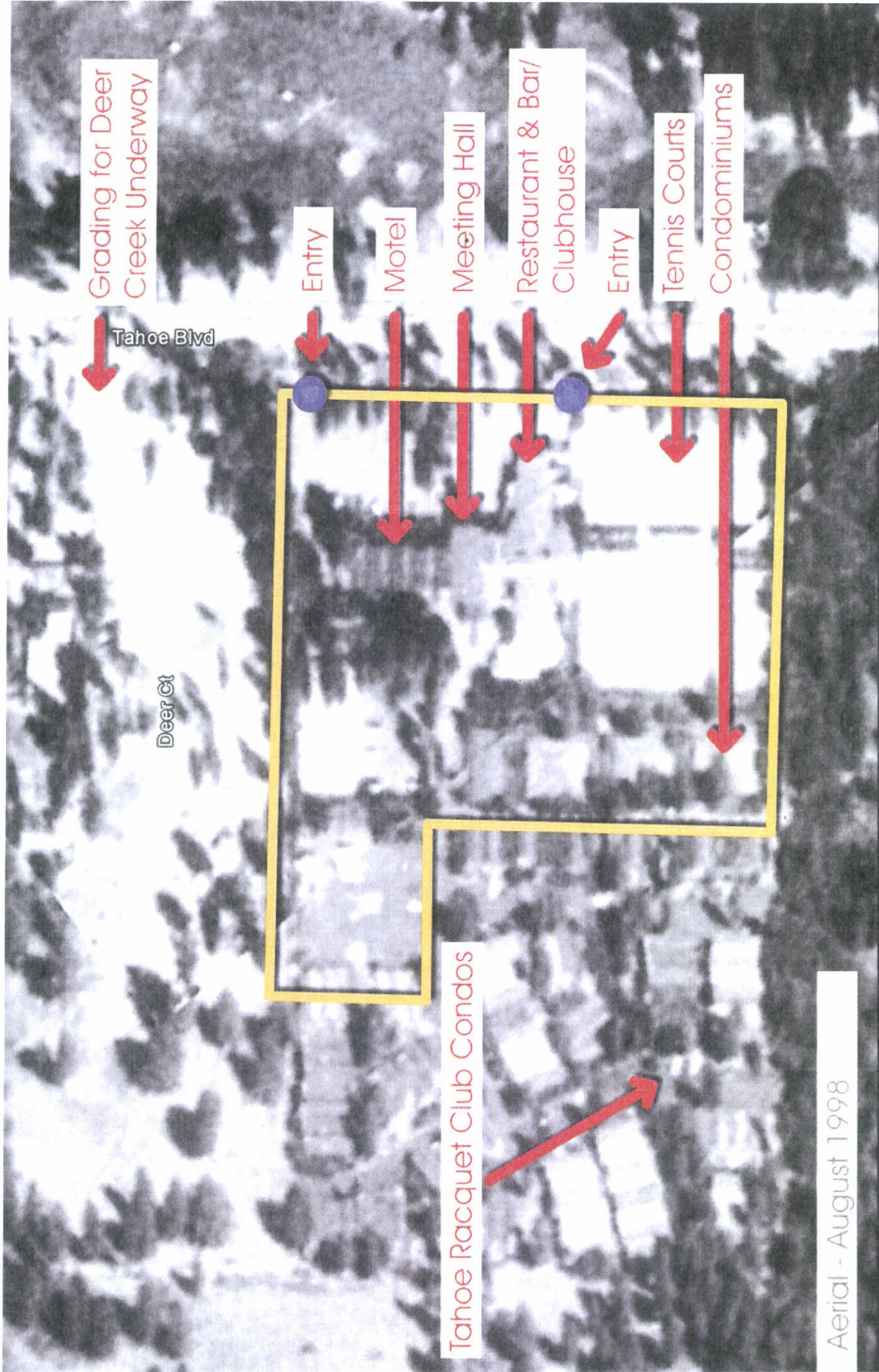
Aerial - December 1969



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Aerial - August 1998



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Deer Creek Condos

Deer Creek Entry

200' Code Compliant
Driveway Spacing

Entry

Entry

Deer Blv

Deer Ct

Aerial - July 1999



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Aerial - Jul 2016



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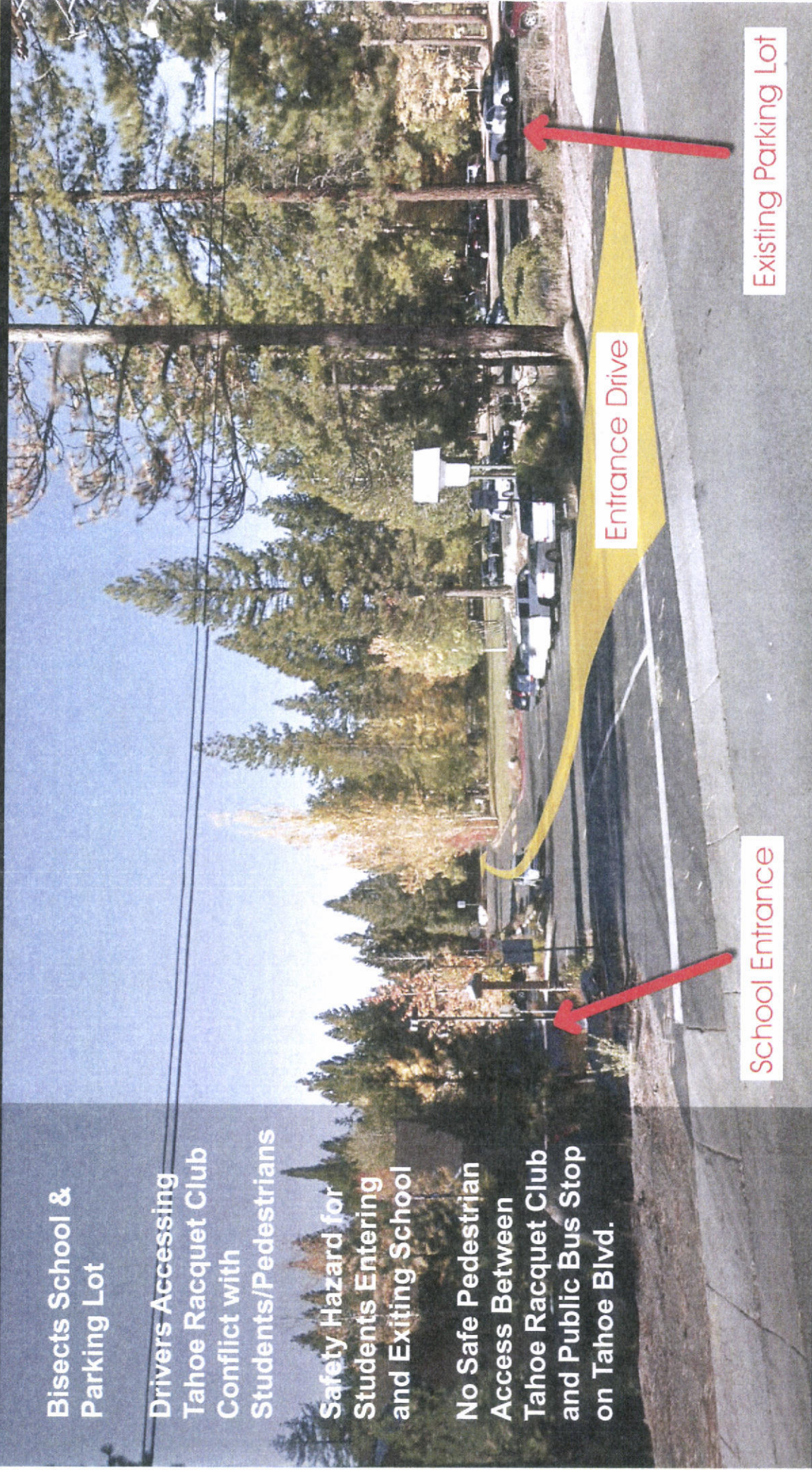
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Existing Entrance

- Bisects School & Parking Lot
- Drivers Accessing Tahoe Racquet Club Conflict with Students/Pedestrians
- Safety Hazard for Students Entering and Exiting School
- No Safe Pedestrian Access Between Tahoe Racquet Club and Public Bus Stop on Tahoe Blvd.



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Pick-up and Drop-off Traffic

April 21, 2017



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Students crossing traffic to get to parking lot

April 21, 2017



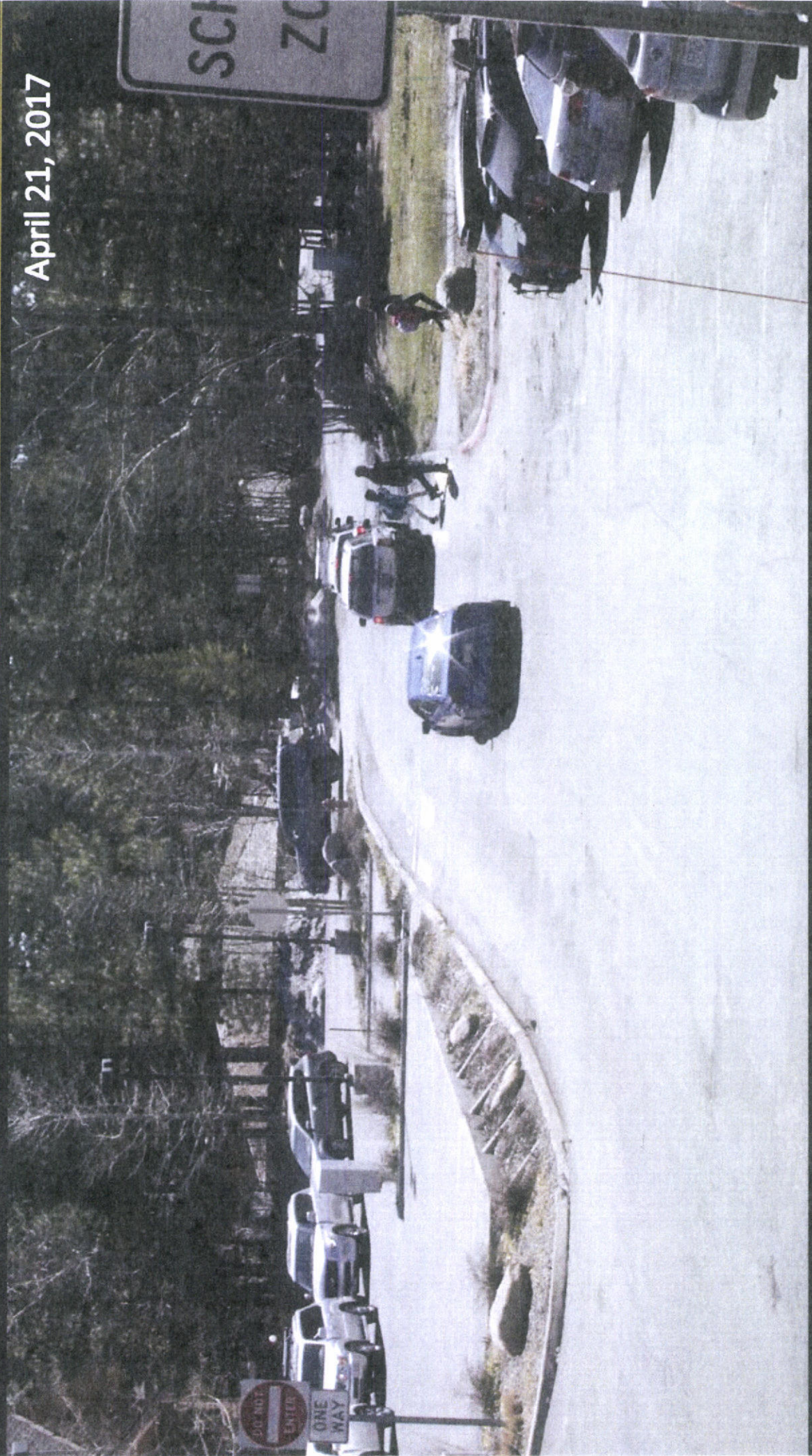
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TRC residents crossing into oncoming lane to avoid LTS Traffic

April 21, 2017



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TRC residents crossing into oncoming lane to avoid LTS Traffic

April 21, 2017



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Washoe County School District Safe Campus Guidelines

- Perimeter Security
- Pedestrian Safety
- Single Point of Entry to School
- Close Circuit TV and Intrusion Alarms
- Motion Detector Outdoor Lighting
- Emergency Lock Down of All Exterior Doors
- Code Blue Stations in Parking Lot

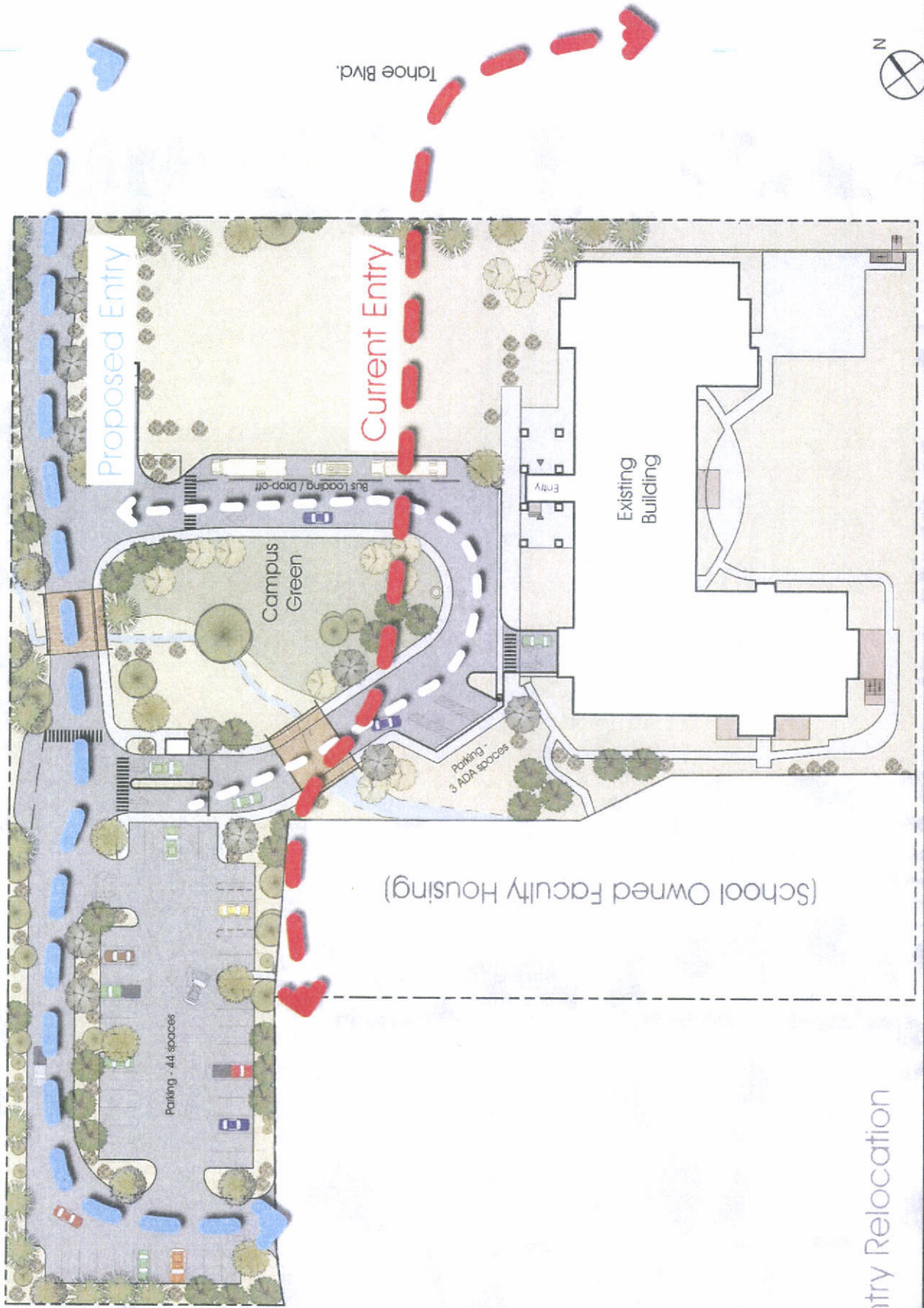


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Proposed Entry Relocation

Proposed Entrance

Not Part of Students
Path of Travel

Designated 15MPH
Speed Limit with
Speed Bumps

Removes Safety
Hazard for Students
Entering and Exiting
School

Additional Fencing
and Property Line
Landscaping
proposed

Proposed Route of
New Entrance



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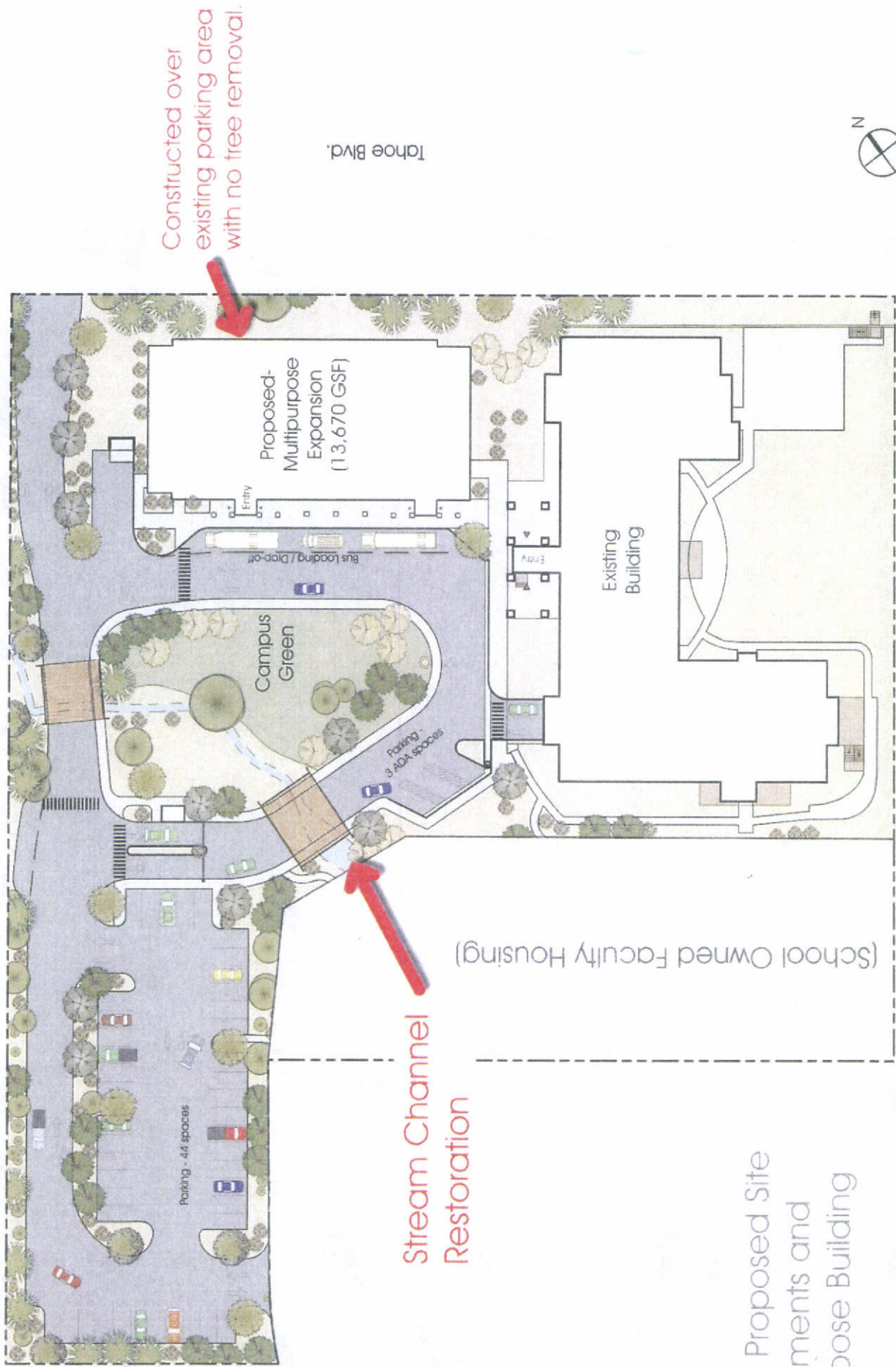
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Current vs. Proposed Entrance



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2017-18 Proposed Site Improvements and Multipurpose Building



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Exterior Renderings



Street View - Looking South (approximate)



Street View - Looking North (approximate)



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Exterior Renderings



Campus Green



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Current Zoning

Current zoning allows for these normal uses without a Special Use Permit.

- Tourist Accommodation Bed and breakfast facilities
- hotels, motels, and other transient dwelling units
- Commercial Eating and drinking places
- food and beverage retail sales
- furniture, home furnishings and equipment
- general merchandise stores
- gaming – non-restricted
- broadcasting studios
- collection stations
- cultural facilities
- day care centers/pre-schools
- government offices
- hospitals
- local assembly and entertainment
- local post office
- local public health and safety facilities
- membership organizations
- social service organizations



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Surrounding Neighborhood

Lake Tahoe School is committed to addressing

Concern

Solution

Public Safety

- Public safety enhanced by separating entrance from road from pedestrians.
- Sidewalk from TRC to HWY 28 to be installed.
- Existing site drainage issues will be corrected.
- Stream channel restoration.
- New BMP's throughout site.

Environmental Impact

Noise from vehicles, People speeding on new road

- 15MPH Speed Limit with multiple speed bumps.

Light from headlights of cars, building lights

- Additional property line landscaping to screen residents.
- Additional fencing along property line.

Parking

- Adequate parking will be provided for Lake Tahoe School as required by Parking Analysis.

Building Too Large

- Building size & height conform to Washoe County and TRPA standards.



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Accommodations Proposed by Lake Tahoe School to TRC

- Thirty year extension of ingress/egress easement; same fee as in 1971 except adjusted for inflation.
 - LTS to consider perpetual easement for an increased fee
- Formal parking lease on 11 parking spaces during non-school hours.
 - Informal use of additional parking spaces
- Assistance securing an emergency entrance/exit over the IVGID Rec. Center property.
- An easement on LTS property for half of TRC dumpster enclosure.
- TRC signage on Tahoe Blvd.
- Waive ~\$4,000 in fees owed by TRC to LTS

Addresses the large majority of TRC residents' concerns



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TRC HOA Board Rejected the Proposal

- “[The accommodations in the proposal] are not the priorities of the current TRC Board.” William Baker 4/12/17 email.
- “[The HOA] doesn’t want to be in the parking lot business any more.” Debi Moore to Chuck Weinberger on 3/27/17
- “Our main issue with your plan is that the [proposed access road] does not align with the entrance to our complex.” TRC HOA Board to LTS Board dated 4/21/17)

TRC HOA’s concerns do not reflect its residents’ concerns



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Thank You



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Current Conditions of the Parking Lots



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Conditions of the Parking Lots – Cont.

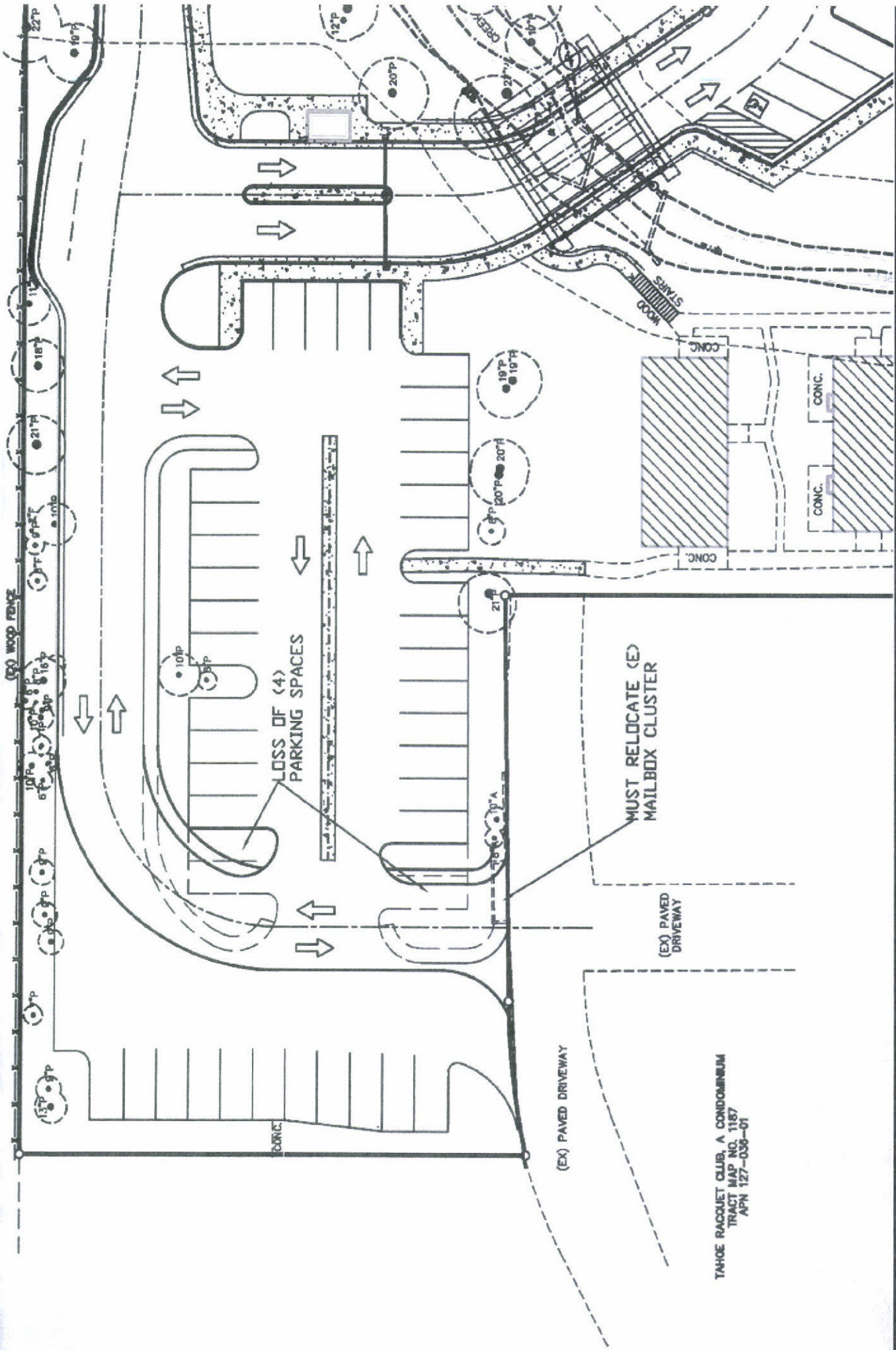


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Conditions of the Parking Lots – Cont.





LAKE RACQUET CLUB, A CONDOMINIUM
 TRACT MAP NO. 1187
 APN 127-036-01



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WSUP17-0004

Washoe County Planning Commission May 2, 2017



Street View - Looking South (approximate)



Street View - Looking North (approximate)

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Lake Tahoe School Expansion

January 2017

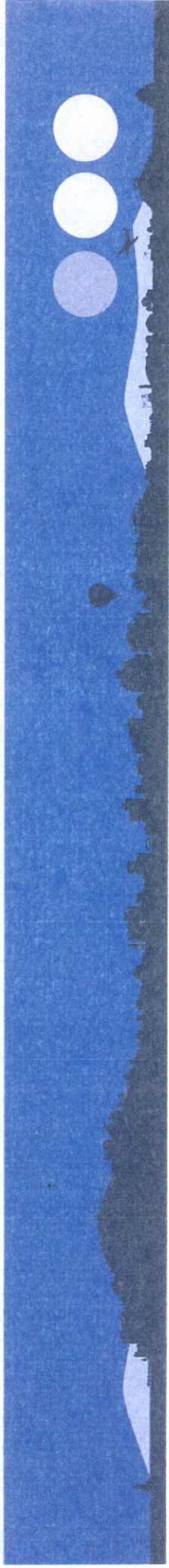




Proposed Expansion of Use

Lake Tahoe School Expansion

- **Add a new multi-purpose building**
- **Provide indoor recreation space and performance stage for school use**
- **Control vehicle access to school buildings**
- **Reduce student and vehicle interaction**
- **No increase in student enrollment**





Multi-Purpose Building

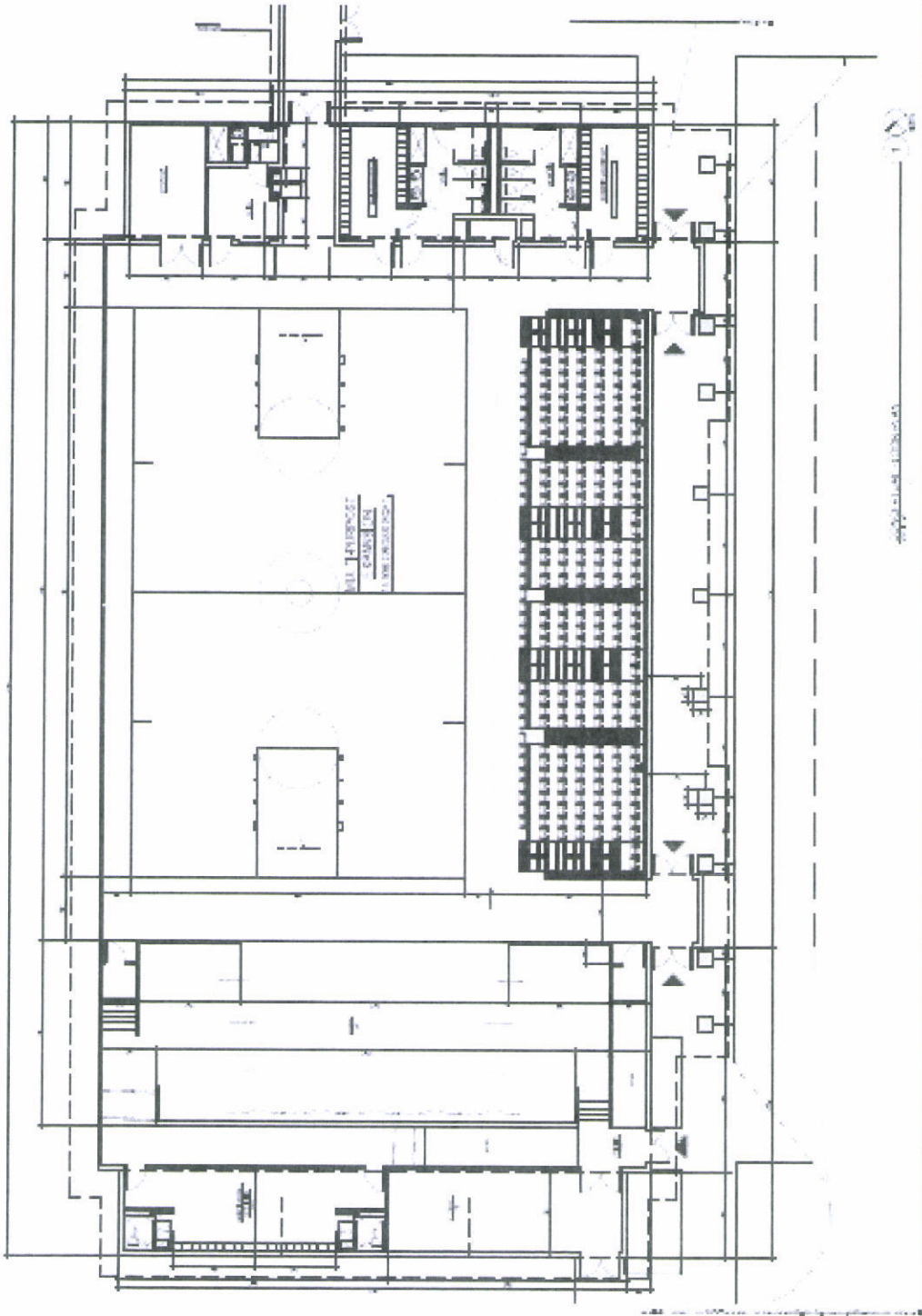
13,906 square foot building

- 230 seats
- Basketball court (recommend size for middle school)
- Boys and Girls locker rooms
- Performance stage with back stage green room and storage





Multi-Purpose Building





Parking for Multi-Purpose Building

- **60 spaces required**
- **75 spaces provided**
- **No limit on days or hours of use for student activities**
- **Limit hours of uses for activities open to family and friends of student body**
- **Require alternative parking and transportation plan for activities when anticipated attendance is more than 125 persons**





Development Standards

- **10 foot landscape buffer required between civic and residential use**
- **Landscape buffer – one tree every 20 feet and 6 to 7 foot decorative fence or wall along property line**
- **Lighting standards limited to 12 feet within 100 feet of residential zone**
- **Light fixture shielded and down lit**





Conceptual Plan

Deer Creek Subdivision

Tahoe Boulevard



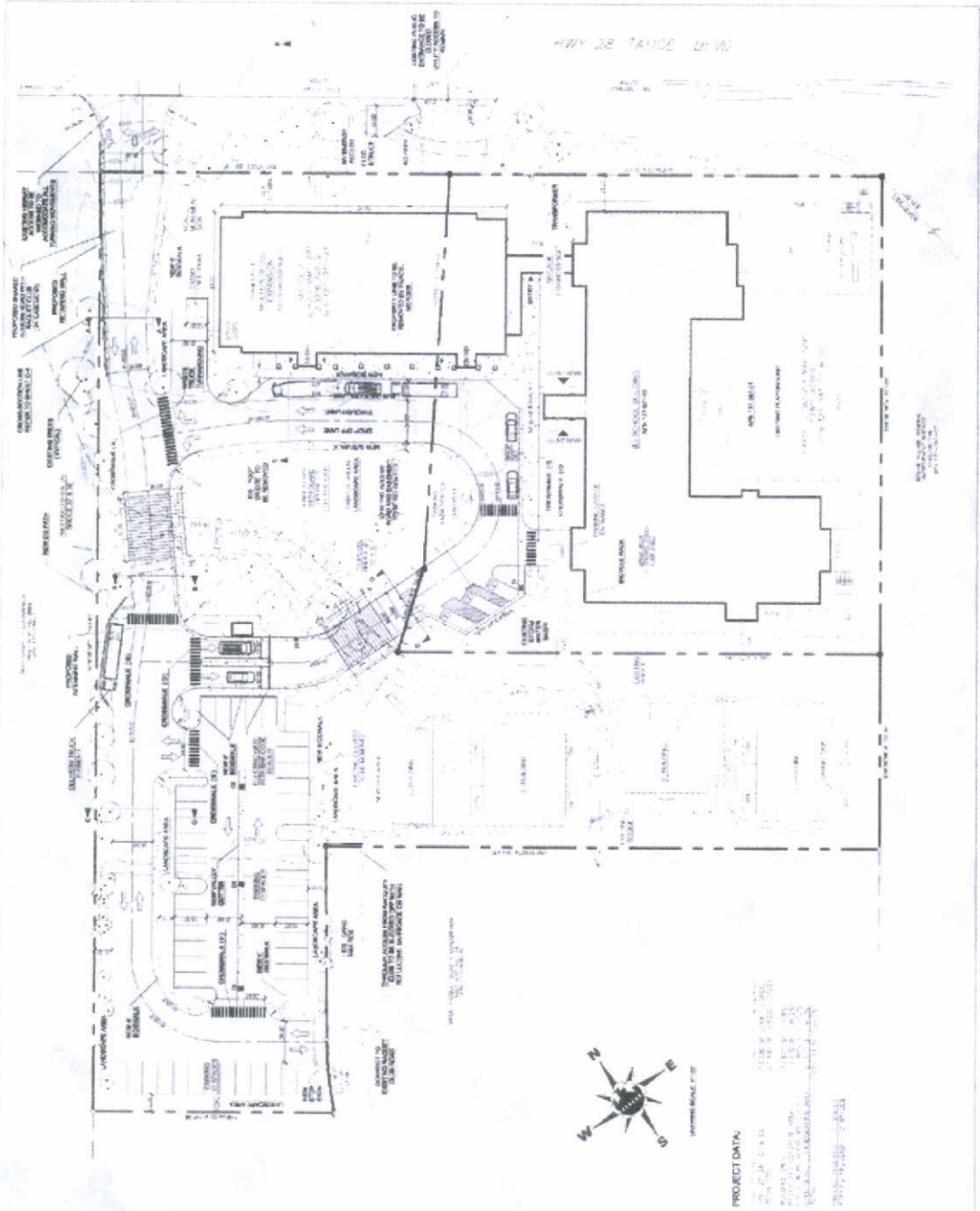
Tahoe Racquet Club Condominiums

LANDSCAPE LEGEND

- EXISTING CONDITIONS AND FEATURES TO REMAIN
- PROPOSED TREES - 10' TO 20' DBH
- PROPOSED TREES - 20' TO 30' DBH
- PROPOSED TREES - 30' TO 40' DBH
- PROPOSED TREES - 40' TO 50' DBH
- PROPOSED TREES - 50' TO 60' DBH
- PROPOSED TREES - 60' TO 70' DBH
- PROPOSED TREES - 70' TO 80' DBH
- PROPOSED TREES - 80' TO 90' DBH
- PROPOSED TREES - 90' TO 100' DBH
- PROPOSED TREES - 100' TO 110' DBH
- PROPOSED TREES - 110' TO 120' DBH
- PROPOSED TREES - 120' TO 130' DBH
- PROPOSED TREES - 130' TO 140' DBH
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- PROPOSED TREES - 970' TO 980' DBH
- PROPOSED TREES - 980' TO 990' DBH
- PROPOSED TREES - 990' TO 1000' DBH



Proposed Site Plan



LABORATIVE
 CONSULTING ENGINEERS
 1000 S. RIVER ST. SUITE 200
 TAYLOR, NV 89401
 (775) 784-1111
 WWW.LABORATIVE.COM

CIVIL ENGINEER
 LICENSE NO. 10000
 1000 S. RIVER ST. SUITE 200
 TAYLOR, NV 89401
 (775) 784-1111
 WWW.LABORATIVE.COM

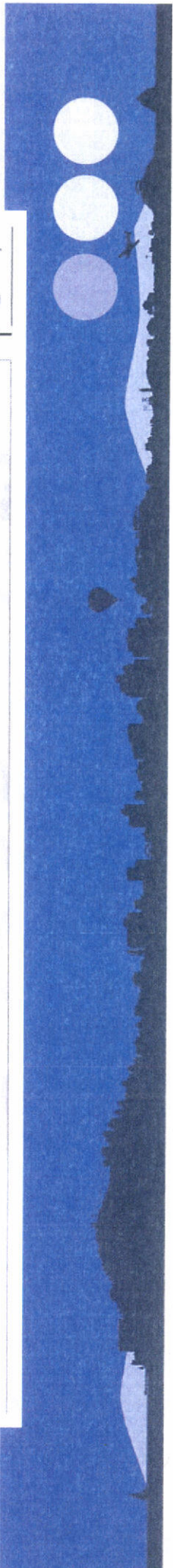
**LAKE TAHOE
 SCHOOL DISTRICT
 EXPANSION**

**LAKE TAHOE
 SCHOOL DISTRICT**

PROJECT NO. 12-001
 SHEET NO. 01 OF 01
 DATE: 08/14/12
 DRAWN BY: J. W. WILSON
 CHECKED BY: J. W. WILSON
 SCALE: AS SHOWN
 SHEET NO. 01 OF 01

SPECIAL USE PERMIT APPLICATION
 BE LAKING WITH COUNTY BUREAU

C-1



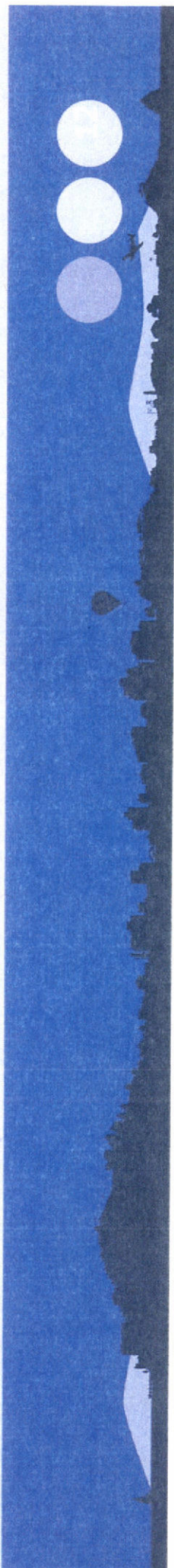
Access to TRC





Findings Evaluation

- **Consistency.** Pre-K through secondary school use, was found to be compatible and in conformance with the Community Plan.
- **Improvements.** The proposed addition to the school does not require additional public improvements to utilities, roadways, sanitation or other public facilities, and conforms to the requirement of Division Seven.
- **Site Suitability.** The site is physically suitable to accommodate the existing and proposed school structures, required parking, landscape buffers and screening for a civic use. Additional parking has been provided for activities in the multi-purposed building when persons other than students and staff are in attendance.
- **Issuance Not Detrimental.** The redevelopment of the parking lot and tennis courts, along with the reconfiguration of the access drive will improve public safety and provide additional security for the student population. Landscape buffers and screening fence are mitigation requirements when a Civic use abuts residential uses.
- **Effect on a Military Installation.**





Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Special Use Permit Case Number WSUP17-0004 for Lake Tahoe School, with the conditions of approval included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30





Findings

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.



**Community Services Department
Planning and Development
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION**



**Community Services Department
Planning and Development
1001 E. Ninth St., Bldg. A
Reno, NV 89520**

Telephone: 775.328.3600

Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Development staff at 775.328.3600.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning & Development Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>MAY 12, 2017</u>	
Date of action by County: <u>MAY 2, 2017</u>	
Date Decision filed with Secretary: <u>MAY 3, 2017</u>	
Appellant Information	
Name: <u>Wm. A. Baker & Peter J. Fenaggs</u>	Phone: <u>853-0883</u>
Address: <u>FIR TAHOE RESORT CLUB</u>	Fax: <u>853-0860</u>
<u>479408 DOVRE R. BLVD, S.D.</u>	Email: <u>WBAKER@WBEE.NET</u>
City: <u>RENO</u> State: <u>NV</u> Zip: <u>89521</u>	Cell: <u>932-4510</u>
Describe your basis as a person aggrieved by the decision: <u>A TYPED REPLICATION OF THESE DETAILS IS ATTACHED</u>	
Appealed Decision Information	
Application Number: <u>NSUP17-0004</u>	
Project Name: <u>LAKE TAHOE SCHOOL</u>	
State the specific action(s) and related finding(s) you are appealing: <u>WE ARE APPEALING THE CONDITIONAL APPROVAL GRANTED BY THE PLANNING COMMISSION TO THE BUILDING AND RELATED MATTERS PROPOSED BY THE APPLICANT LAKE TAHOE SCHOOL AT THE MAY 2, 2017 MEETING</u>	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:

A TYPED RECITATION OF THESE DETAILS HAS BEEN ATTACHED FOR EASE OF REVIEW.

Cite the specific outcome you are requesting with this appeal:

A TYPED RECITATION OF THESE DETAILS HAS BEEN ATTACHED FOR EASE OF REVIEW

Did you speak at the public hearing when this item was considered?

Yes
 No

Did you submit written comments prior to the action on the item being appealed?

Yes
 No

Appellant Signature

Printed Name:

PETER J. SFARAZZA
WILLIAM A. BAKER FOR TRADE RACQUET CLUB

Signature:



Date:

Describe your basis as a person aggrieved by the decision: Appellant Sferrazza is a homeowner in the Tahoe Racquet Club and Appellant Baker is the attorney for Tahoe Racquet Club Board of Directors. Both appellants spoke against the special use permit application on behalf of both Tahoe Racquet Club and the Deer Creek Homeowners Association. The Planning Commission gave almost no consideration to the opposition contentions to the applicant's proposal. They asked not a single question of the opponents or any details of their points in opposition. All of the individuals that spoke had their concerns ignored and brushed off in the consideration of the applicant's proposal and their voices need to be heard in a meaningful manner and given due and adequate consideration.

Every resident of Tahoe Racquet Club will be impacted by the approval of this grossly excessively sized building. This appeal is that effort of these adjoining homeowners, whose dwellings have existed at this location well before there was ever a Lake Tahoe School in existence, to be heard and to have full and fair consideration of the points of contention in opposition to the application. Many, many Tahoe Racquet Club homeowners purchased their residences before the school existed, when the property was in common ownership.

Describe why the decision should or should not have been made: The conditional approval should **not** have been granted for the project as submitted by the Lake Tahoe School applicant. Tahoe Racquet Club has existed for many years as a residential community prior to the creation of the Lake Tahoe School. The School was allowed on a small parcel of the adjoining property by special use permit only, and has always been limited in size and thus density and intensity. The Planning Commission approval ignored that historical detail that had been relied upon by the neighboring homeowners over the years.

The 2002 initial special use permit (#SW02-008 for the Tahoe Learning Center) allowed a kindergarten thru ninth grade private school on this site, which was originally developed in 1965 as the Incline Village Racquet Club. This was not new construction in 2002 but was a new use for an existing building at the site. The Tahoe Racquet Club Condominiums were developed at this same time and have always existed at this location. Only pre-kindergarten schools were allowed in this Tourist Commercial zone so an amendment to the Comprehensive Plan was approved by the County Commission in May of 2002 to allow this use.

The staff report for this amendment specifically states that **“The requested special use permit for a school, kindergarten through ninth grade, will encompass only the 995 Tahoe Boulevard site. While the applicant may own the adjoining properties, the special use permit is limited to the proposed site, and does not include the adjoining properties. While the school may choose to lease professional office space in the Incline Creek Office Building and may house staff in the Lakeside Cottages, these two properties are not part of the school, and shall not be used as such.”** (emphasis added, See Ex. 1, July 29, 2002 staff report to Planning Commission, page 4) The staff report goes on to say that **“Acquiring the adjoining properties does not make them**

part of the school, but gives the new owners control of the properties, assuring that other uses do not conflict with the school.” (emphasis added, See Ex. 1, July 29, 2002 staff report to Planning Commission, page 4) The size of this specially permitted use was limited in 2002 to a maximum enrollment of 150 students to address the intensity and density of the use and concerns about traffic and parking impacts as a result. (See Ex. 1, July 29, 2002 staff report to Planning Commission, pg. 17) This was specifically mentioned to the Planning Commission, who chose to disregard this significant detail. Even in 2002, there were concerns about traffic at the site during pick up and drop off times. (See Ex. 1, July 29, 2002 staff report to Planning Commission, pg. 7) The staff reports shows a relatively open and free flowing, less dense environment at the time. (See Ex. 1, July 29, 2002 staff report to Planning Commission, pgs. 9-13) The staff report notes that **“The Tahoe Boulevard driveway that serves this site also serves as the main access to the Incline Creek Office Building and the Tahoe Racquet Club Condominiums, which includes the Lakeside Cottages.”** (emphasis added, See Ex. 1, July 29, 2002 staff report to Planning Commission, pg. 20) That remains the case to this very date but is drastically changed to the detriment of the Tahoe Racquet Club homeowners by the application that was approved.

This site was revisited in 2006 for an amendment of conditions to allow 10 more pre-kindergarten students (from 15 to 25). This was Case #AC06-06, Ex. 2, attached. Maximum enrollment remained limited to 150 students, thus avoiding any increased density or intensity of use by keeping the number of students on the site static. (emphasis added, See Ex. 2, August 24, 2006 staff report to Planning Commission, pg. 2)

The school site was revisited in April of 2013 by Special Use Permit Case #SB13-001, in which the school sought to convert additional commercial office space to school use. Enrollment was not allowed to be increased beyond 150 students. (See Ex. 3, April 2, 2013 action order) Thus, intensity and density of the use remained controlled and limited, consistent with the prior direction of the County Commission in the original approval. The last action on this site was in September of 2013 and was undertaken as an additional amendment of conditions to the original Special Use Permit Number SW02-008. (See Ex. 4, September 3, 2013 approval memo This action, for the first time, increased the intensity and density of the use made of the property directly in front of the Tahoe Racquet Club by allowing enrollment to be increased from 150 to 200 students but without additional construction of any kind.

None of this has changed the initial philosophy of the original special use permit approval that the school encompasses only 995 Tahoe Boulevard and adjoining properties are not part of the school. The current application includes a revision of acreage to take out a property line and merge two parcels into one while adding a 15,000 square foot building to the revised parcel. Tahoe Racquet Club existed first on this land, well before the school ever existed and the school has come to their neighborhood. The use of the single property available to the school has been limited in the past by County approvals as the Commission has always protected these residents from development that would adversely impact their homes. That effort needs to be continued in this instance as the school has, apparently, outgrown the current site and its limitations. That is through no fault of the

Tahoe Racquet Club but the most dramatic impact from this will be visited upon the Tahoe Racquet Club if the Planning Commission approval is allowed to stand. The school came to this site and has known since 2002 of the limitations on the site. They have eroded those limitations to the point of extinction by the current proposal that was approved. They should not be allowed to do that and impose substantial hardships on the residents that were there before the school existed. That is the result and impact of this approval if it is allowed to be built.

The proposed construction project is too large relative to the special use permit that it is based upon, what is proposed creates too much additional density, imposes additional hardships and increased costs upon the Tahoe Racquet Club homeowners as a direct result, is inconsistent with the prior approvals and amendments to the special use permit that it encompasses, violates prior assurances given with regard to density and intensity of the application and relies far too on "what-if" scenarios such as what could be built in a tourist commercial zone. Far too little consideration was given by the Planning Commission to the creation and imposition of the additional hardships that would be imposed upon the adjoining property owners of Tahoe Racquet Club by the approval of a project of this size and intensity. These problems include more restrictive access to every owner of a home in Tahoe Racquet Club, more limited parking, more delays in access to the Tahoe Racquet Club Units, the refusal of the Lake Tahoe School to consider professionally engineered and designed alternative roadway alignments and the general lack of community spirit or co-operative effort expended by Lake Tahoe School toward its immediate neighbors.

The Lake Tahoe School wants its project, for its needs and desires and refuses to consider alternatives that would meet their objectives but be less intrusive to the owners of the 101 homes at Tahoe Racquet. Lake Tahoe School has refused to participate in any meaningful and substantive discussions of alternatives. When their neighbors have opposed this unconscionable expansion, their response has been to threaten more density and intensity of use by citing to the Tourist Commercial zoning and calling members of Tahoe Racquet Club bad neighbors. Neither is a basis for approval of the proposal submitted by the Lake Tahoe School. Their school's BMP's and site "improvements" are not community or charitably based, they are requirements to be able to do what they want on a site that was never designated for such intensive development.

The Planning Commission was advised that the subject Special Use Permit had previously specified that land adjoining the Lake Tahoe School was not to be considered to be part of the school or its permit approval but they ignored this detail and granted conditional approval for the construction of a building that exceeds all reasonable requirements for a school with a maximum enrollment of 200 students and their was professional testimony in that regard but it was not considered. The staff report to the Planning Commission makes clear that NDOT wants further study to both the access issue and vehicle circulation, but the application as approved. NDOT further opined that problems with queuing and delay of traffic during peak hours requires improvement to the driveway to be used for the project but none is proposed by the applicant and the application was approved. The fire department has concerns with secondary access

being needed but not existing but the application was approved without this detail being addressed. The fire department further advised that the entrance roadway as proposed eliminates access to some structures but the application was approved without this detail being addressed. The traffic counts of the applicant were based on a one day study on a week day in October, ignoring the peak season of Labor Day to Memorial Day at Incline Village. The staff report agrees with and acknowledges this, noting that the traffic study does not include estimates for activities with large attendance; the study provided does not include traffic during summer tourist months (when the building may be used even without school in session) and admits that traffic counts will be affected by the activity being conducted at the school at the time, which is not included in the analysis, but the application was approved without this detail being addressed.

In addition and not to be overlooked is the fact that the Planning Commission made none of the findings required for approval. They simply took the form motion language, recited it and voted but the Commission made any record of the individual findings required for the approval that they voted upon. This is a substantial procedural defect that may make review by the Board of County Commissioners more difficult as a direct result. Finding #1, consistency with the applicable area plan, was not made and cannot be made as the use being made is greatly more intensive with the addition of such a large building to the site. If the building was smaller, it would hold fewer people and draw less traffic, require less parking and be less dense of a use. Making this finding ignores the prior modifications and limitations to the density and intensity of this use. Finding #2, the improvements are properly related to existing and proposed roadways, with adequate parking was not and cannot be made as both NDOT and the fire department say the parking, queing, emergency access and internal circulation on the site ALL REQUIRE FURTHER STUDY and possible modification. Finding #3, site suitability was not made and cannot be made upon the basis set forth above. The proposed building is too large, takes up too much available parking and the increased size impermissibly expands the use and its intensity for the location and the neighborhood. This has previously been protected by the approvals granted that made clear that the use is not to be expanded to be more dense or intense. The mere size of the building proposed violates these previous efforts to control the growth of the school immediately adjacent to the Tahoe Racquet Club. Finding #4, that the proposal is not injurious to the property or improvements of adjacent properties or is detrimental to the surrounding area was not and cannot be made. The proposed construction does not keep the school to its address but allows it to expand beyond its original footprint, contrary to the historical approval language. The new roadway will require every resident of Tahoe Racquet Club to drive through a series of parking lots to get to and from home every day. This will result in delays and congestion as vehicles back, stand and load into or immediately adjacent to the sole access lane. Such a large building has the potential to attract a large audience who will have to park on site. Parking on site is currently inadequate for the neighborhood and this will only be exacerbated by this approval.

Cite the specific outcome you are requesting with this appeal: The hundreds of owners of the 101 residences that lie within the Tahoe Racquet Club would like the decision of conditional approval of this Special Use Permit's further amendment

overturned or returned to the Planning Commission for further review. The Tahoe Racquet Club owners will have to live with the fall out and results of any such construction every day of their occupancy of their homes. This is not a partial, week day only situation as it is for a school; it impacts every day of their ownership and access to their homes, every day of every week of every month of every year after this huge project is built. Now is the best and most flexible time to generate solutions that are not just for the benefit of a single party such as the applicant.

What is proposed and was conditionally approved by the Planning Commission is far from any sort of jointly acceptable construction project but the members of Tahoe Racquet Club are simply not able to negotiate with themselves. The Lake Tahoe School said at the Planning Commission hearing that they would let the existing access easement across Lake Tahoe School property lapse rather than negotiate with Tahoe Racquet Club representatives, thus land locking the Tahoe Racquet Club. The fact that this is so antagonistic and illegal a proposal was brought up to the Commission members, who asked not a single question about that detail.

They were advised that to land lock the Tahoe Racquet Club was illegal and would result in litigation yet they asked not a single question about this detail. The history of this special use permit has been one of very controlled and limited growth and approval of this project violates that principal to the extreme. This project can be built, it can be built to meet the reasonable needs of the 200 students of Lake Tahoe School and it can be built without the attendant sacrifices to be forced upon the owners of the homes at the Tahoe Racquet Club by the current iteration of the project. A reversal of the conditional approval is warranted on the facts presented and the details ignored and given short shrift by the members of the Planning Commission at the May 2, 2017 hearing. The project, as proposed, is too great an expansion of the limited use granted by the original special use permit and every subsequent amendment and change of condition granted.

The school has outgrown this location and the size of the proposed building supports that conclusion. The school was consolidating locations when it came to the Tahoe Racquet Club neighborhood and it was told very clearly then that its use would be allowed in limited fashion. Every approval since that 2002 date has minded that admonition and spoken about controlling density and intensity of use. The Planning Commission ignored the fact that this was first and primarily a neighborhood that the school moved to. There is a reason that the Commission has the authority to approve condition, modify, modify with conditions or deny the application. This is not a project of right and never has been; it is a special use and Section 810 of the County Code provides that uses which possess special characteristics that require special appraisal to **determine if the uses have the potential to adversely affect other land uses**, transportation systems or public facilities.

This project, as proposed, has more than the potential to adversely affect the ability of Tahoe Racquet Club residents to enjoy their property. Their very access to their homes will be affected substantially and the increased costs to maintain, remove snow and obtain the easement for access over the newly proposed roadway are solely as a result of the proposal submitted by the applicant and for no purpose other than its own needs.

The applicant can refute this and agree that it will charge no more than it charges now for these items but it has not done so. It wants a much bigger, wider, longer roadway and thus the costs will increase to Tahoe Racquet for these items that it does not want. This alone is an adverse affect on the adjoining property owner's use of their property that has not been properly considered or conditioned. The project, as proposed, has outgrown the neighborhood and will put too much stress on the available parking, roadway access, and emergency access and should not be approved in its present, gargantuan configuration. It is inconsistent with the neighborhood.

EXHIBIT 1

EXHIBIT 1

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Special Use Permit Case No. SW02-008 (TMJDKC, LLC – Tahoe Learning Center)

Date: 29 July 2002

Prepared By: Eva M. Krause

GENERAL INFORMATION SUMMARY

Applicant: TMJDKC, LLC/ dba Tahoe Learning Center

Requested Action: To develop a kindergarten through ninth grade private school as authorized in Section 110.810 of the Washoe County Development Code. **The project is located at 995 Tahoe Boulevard approximately 500 feet west of the intersection of Tahoe Boulevard and Country Club Drive, Incline Village.** The ±1.70-acre parcel is designated General Commercial (GC) in the Incline Village Tourist Community Plan, a part of the Tahoe Area Plan, and is situated in a portion of Section 15, T16N, R18E, MDM, Washoe County, Nevada. Commission District 1.

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

The Washoe County Planning Commission conditionally approves Special Use Permit Case No. SW02-008 to develop a kindergarten through ninth grade private school having made the following findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan;

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 2

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area and the environment in general; and
5. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources;
6. That the proposed development will reclaim the site and all affected areas at the conclusion of the operation; and
7. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

Incline Academy has been a licensed private school in Incline Village since August 1998. The school recently changed its name to the Tahoe Learning Center. Currently the Tahoe Learning Center uses three different sites in Incline Village. Two sites are used to hold classes and the third site houses offices. The applicant recognizes the need to consolidate the school on one site and to expand its operations to serve a growing population. The Learning Center identified a site that would meet their needs, and is now requesting a special use permit to develop the project. The Tahoe Learning Center is proposing to operate a private school for Pre-K, and Kindergarten through Ninth grade. A special use permit is required for the kindergarten through ninth grade. Pre-K is an allowed use in the Tourist Community Plan Area and does not require a special use permit.

The site selected is a 1.68 acre parcel on Tahoe Boulevard. The site was originally developed in 1965 as the Incline Village Racket Club. The property was one of three properties developed as part of one large project that including the Racket Club

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 3

(clubhouse), Incline Creek Business Park and the Racket Club Condominiums and Lakeside Cottages. When the original project was built a symbiotic relationship was created between the three properties in that there is a reciprocal parking agreement on the Incline Creek Office Building property, recorded in 1980, to the benefit of the applicant's property involving the right to use 68 parking spaces and the shared access drives. Even though the clubhouse site was redeveloped as the Phoenix Landing development in 2000, the reciprocal parking agreement and the access easements are still in effect. TMJDKC, LLC. has acquired Incline Creek Office Building (987 Tahoe Boulevard), and is in escrow for the purchase of the Lakeside Cottages (991 Tahoe Boulevard), which consists of 12 condominium units directly to the south of the site. This will give the school some control over how these adjoining sites are used.

When the Phoenix Landing project was near completion, the applicant realized that the site offered the opportunity to meet the needs of the school. It was a new building that does not need major upgrades or repairs and the building can easily be modified to serve the school's needs. The building is large enough to consolidate the existing school programs and staff, and the structure is large enough fit the school's current plans to expand its services, accommodating up to 150 students. It is located in the Incline Village area with easy access off Tahoe Boulevard. While being in a commercial area, the proposed site is surrounded on three sides by residential, recreational and educational uses.

While the site fit the needs of the school, this type of use was not allowed in the Tourist Commercial Plan Area. In January 2002, the applicant applied for a Comprehensive Plan amendment to permit Schools, Kindergarten through Secondary Schools in the Incline Village Tourist Community Plan Area. The use was found to be compatible and in conformance with the Community Plan. The Washoe County Board of County Commissioners approved the amendment on May 14, 2002. Because the Community Plan is incorporated in Tahoe Regional Planning Agency (TRPA) plans, the amendment also needed approval by the TRPA Governing Board. The Governing Board approved the amendment on July 24, 2002.

Site Analysis:

The proposed site was recently redeveloped as Phoenix Landing, a mixed-use development. Phoenix Landing was approved in 2000 as 21,948 square feet of commercial floor area and four condominiums. The structure was completed in October of 2001, and is currently vacant except for an urgent care office. The applicant is proposing to maintain the lease with the doctor, keeping the urgent care office on the premise. The urgent care facility will remain open to the public and the doctor will provide medical services for the school.

By consolidating the school, the applicant will be reducing transportation needs of both the students and staff, allowing siblings in different grades to be dropped off at one location and having all the staff in one location. Currently, one of the school sites is

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 4

located in a church facility which means that other activities are taking place in and around the school. By consolidating the school in a single location controlled by the school, other uses are controlled by the school, improving safety and security.

The site does not have sufficient parking to accommodate the requirements for students of driving age. The applicant recognizes this fact and has chosen to limit this site to Pre-K, and Kindergarten through Ninth grade.

The requested special use permit for a school, kindergarten through ninth grade, will encompass only the 995 Tahoe Boulevard site. While the applicant may own the adjoining properties, the special use permit is limited to the proposed site, and does not include the adjoining properties. While the school may choose to lease professional office space in the Incline Creek Office Building and may house staff in the Lakeside Cottages, these two properties are not part of the school, and shall not be used as such.

Impacts:

The project is located on Tahoe Boulevard, in an area developed with mixed uses. Surrounding properties include residential development, recreational opportunities and educational facilities. A private school is an compatible use with these uses. The area also includes commercial uses, which may not complement a new school but is not incompatible with the proposed use.

TMJDKC, LLC has purchased the Incline Creek Office Building, and the Lakeside Condominiums, allowing them to control how the adjoining sites are used. Acquiring the adjoining properties does not make them part of the school, but gives the new owners control of the properties, assuring them that other uses do not conflict with the school. Since these are separate parcels they could be sold in the future, but it is in the best interest of the school to retain control of the site while the school is in business. If the adjoining sites are sold, the reciprocal parking agreement and access easements are still effective.

The site was originally developed as Phoenix Landing, a mixed use commercial and residential development. To build the project the owners had to obtain both Commercial Floor Area (CFA) and Residential Allocations. The current proposal is for a school use that does not require Allocations or CFA. The applicant has stated that they intend to retain both the CFA and residential allocations, so the building can be returned to its original state and be sold as a mixed use development in the future.

There is some concern about the traffic impact and the circulation patterns during the morning and afternoon pick-up/drop-off times. The school is proposing that all students be driven to school. No students will walk or bicycle to the site. At maximum enrollment there would be a maximum of 135 students and 27 staff persons (school and urgent care staff) on site at any one time. Both Washoe County Engineering and Nevada Department

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 5

of Transportation (NDOT) are reviewing the traffic analysis to determine the impact of this proposal.

LAND USE SUMMARY

Land Use Designations: Tourist Commercial

Land Use: Tourist Commercial in the Incline Village Tourist Community Plan

Compatibility Matrix: The adjacent land use designations for the parcels surrounding the subject property, and their compatibility with the existing land use designation of Tourist Commercial, are listed in Figure 1. The "High" land use compatibility rating with the surrounding land uses generally indicates that minimal conflicts could occur with adjacent land uses, and little or no screening or buffering measures are necessary. The "Medium" land use compatibility rating generally indicates that limited screening and buffering is necessary. The "Low" land use compatibility indicates significant screening and buffering is necessary.

Figure 1

**ADJACENT PARCELS COMPATIBILITY
WITH**

Direction	Land Use Designation	Land Use Compatibility
North	Parks and Recreation Golf Course	High
South	Tourist Commercial Condominium Project	High
East	Public/Semi-Public Facilities College	High
West	Tourist Commercial Office Building	High

Source: Table 3, Land Use Compatibility Matrix of the adopted Washoe County Comprehensive Plan Land Use and Transportation Element.

Development Suitability Constraints:

The Tahoe Area Suitability Map identifies the site as being most suitable for development.

Parking Required and Parking Provided

Elementary and secondary schools require 0.25 parking space per student of driving age and one parking space per employee during peak employment shifts. The proposed use is for kindergarten through ninth grade, which equates to no students of driving age. No

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 6

student parking is required. The proposed maximum staffing level is 20 teachers and staff at peak times. The school requires 20 parking spaces

Urgent Care facility requires five parking spaces per 1000 square feet of building space and one parking space per employee during peak employment shifts. The urgent care facility is 2,092 square feet and the maximum staffing level is 5 persons at peak times. The urgent care facility requires 15 parking spaces.

The required parking for both the school and the urgent care facility is 35 spaces. The site has 51 parking spaces; 28 spaces in the garage and 23 surface parking spaces. In addition the reciprocal parking agreement would allow the school to use parking in the adjoining Incline Creek Office Building parking lot. The site has adequate parking for the proposed project.

Landscaping Required and Landscaping Provided:

- (a) Coverage. A minimum twenty (20) percent of the total developed land area shall be landscaped. Any disturbance to undeveloped portions of a site shall be mitigated.
- (b) Required Yards Adjoining Streets. All required yards which adjoin a public street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof.
- (c) Landscaped Buffers Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a landscaped buffer is required as follows:
 - (1) The buffer shall be the width of the required front, side or rear yard for the entire length of the adjoining common property line; and
 - (2) The buffer shall include at least one (1) tree every twenty (20) linear feet of property frontage, or fraction thereof, planted in off-set rows or groupings to achieve maximum screening.
- (d) Screening Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a solid decorative wall or fence shall be erected along the entire length of the common property line. This wall or fence shall be at least six (6) feet but not more than seven (7) feet in height.

The Phoenix Landing project was reviewed and approved by the Design Review Committee and all required landscaping was installed. The proposed school requires that the landscaping be modified to provide play areas, and some building modifications be made to provide additional means of egress to the building. In addition, the applicant proposed to enlarge the front entry to create a area for students to wait for their parents to pick them up. The waiting area is proposed to be supervised.

Because the applicant is proposing to modify the previously approved building and landscaping, the project architect requested that the Design Review Committee review

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 7

the proposed modifications prior to review and approval of the Planning Commission to expedite the permitting process, if approved. Staff informed the applicant that approval of the design does not imply approval of the use. The landscaping plan will be modified to include the following: a hard surface play court on the northeast corner of the property; a large area of the rear yard will be leveled to create a grass play area; and a small hard surface play area will be install in the southeast corner of the lot for the Pre-K and Kindergarten classes. The Design Review Committee reviewed the proposal on June 13, 2002, and approved the plans submitted.

AGENCY COMMENTS

The plans were submitted to involved agencies. Comments and technical conditions have been provided by North Lake Tahoe Fire Protection District, Incline Village General Improvement District, Incline Village Sheriff Office, Nevada Department of Transportation (NDOT), Washoe County Engineering Division.

Both Engineering and NDOT expressed concerns about the traffic during peak drop-off and pick-up times. The applicant has prepared a second traffic analysis based on comments they received from these two agencies. At the time of this report, the new traffic analysis is being reviewed by NDOT and Engineering. Please see addendum report for details. Staff's recommendation to approve the special use permit are based on the assumption that the all of NDOT and Engineering concerns will be adequately addressed by the applicant. Staff will provide an update of their comments and any technical conditions at the Planning Commission caucus.

No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Incline Village/Crystal Bay Citizen Advisory Board and will discussed at their July 30, 2002 meeting.

RELEVANT TAHOE AREA PLAN POLICIES AND ACTION PROGRAMS

In addition to the Washoe County Development Code Article 812, Tahoe Area Modifiers, the following excerpts of policies and action programs contained in the Tahoe Area Plan are relevant to the proposed special use permit:

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 8

Public Services and Facilities Element¹

The public services and facility goal is to assure the level of community services and standards meet the environmental, social and aesthetic needs of the residents of the Washoe County portion of the Lake Tahoe Basin. The following policies reflect this goal.

¹ ibid

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 9

- ITCP.11.1** Continue to permit public service uses in the plan area. Use the permissible use list as a mechanism.
- ITCP.11.3** Require expansions of public service uses to demonstrate their compatibility with surrounding land uses, especially those with potential adverse impacts to human health.

SITE PHOTOGRAPHS

The proposed site of the new school. The primary access from Tahoe Boulevard is visible on the left hand side of the picture.



To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 10

Looking south down the shared access drive. The south bound lane of the driveway goes along side commercial building the north bound lane goes under it. The Tahoe Racquet Club Condominiums are located behind the trees.

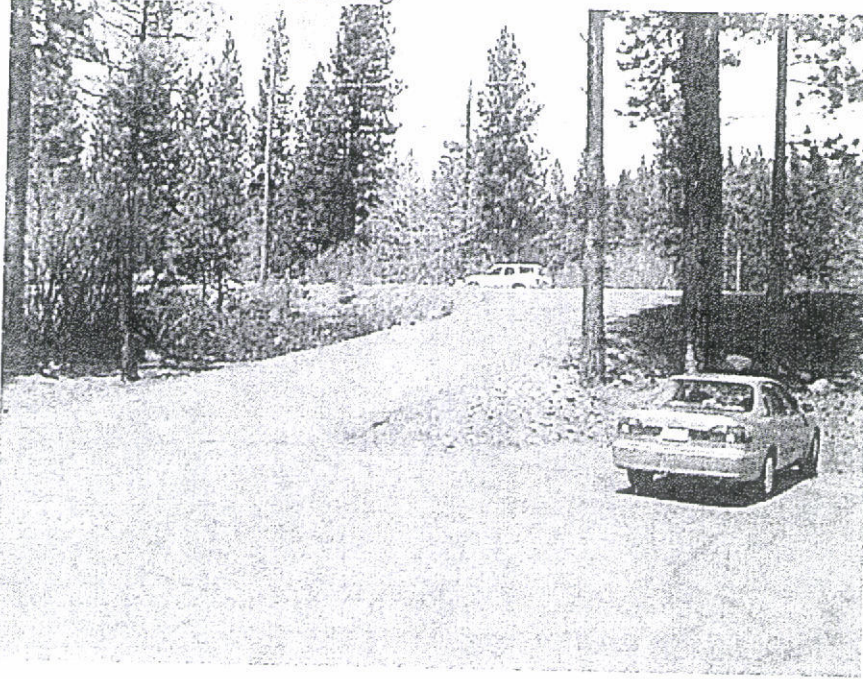


The Incline Creek Commercial Building.



To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 11

The secondary entrance to the three properties. This is located on the northwest corner of the Incline Creek Office Building.



The Incline Creek Office Building parking lot is available for the schools use under the reciprocal parking agreement.

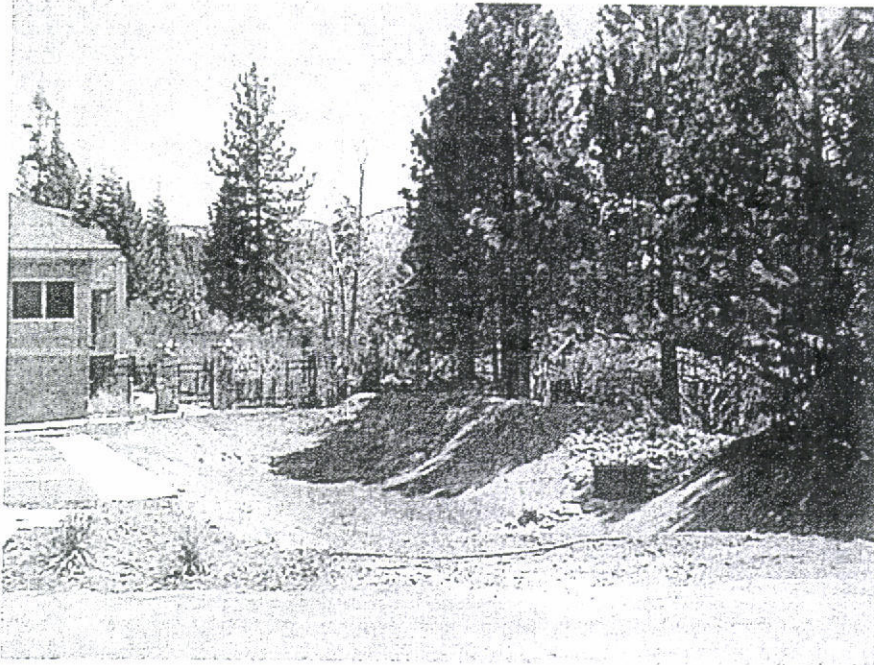


To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 12

The Lakeside Cottages are just south of the proposed school.



The southeast corner of the school. The Lakeside Cottages area located behind the earth berm.

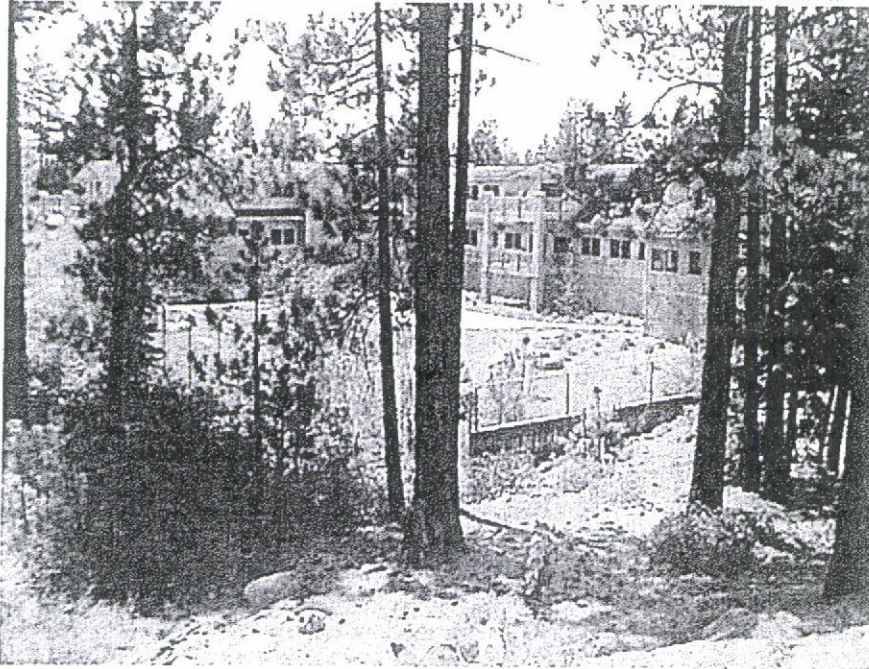


To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 13

The side of the building faces Tahoe Boulevard and the pedestrian path.

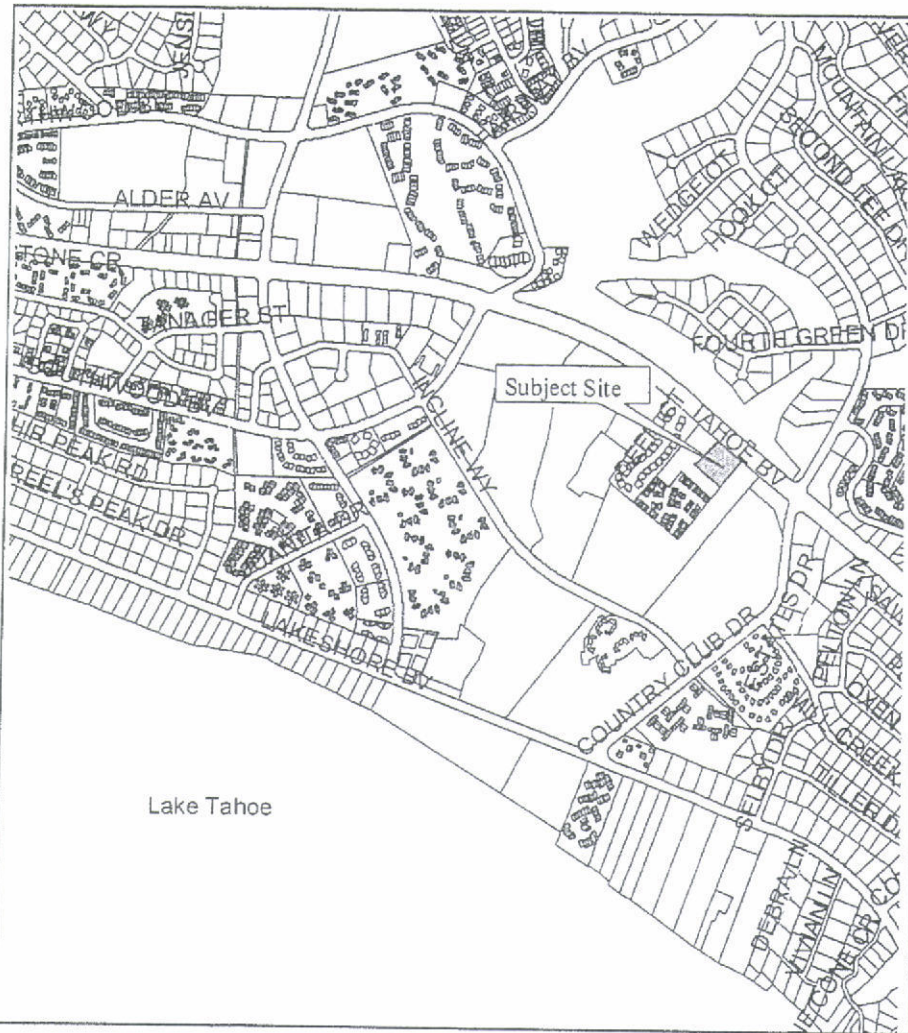


The rear yard of the proposed school would be modified to provide play areas for the students. The rear yard is fully fenced for security reasons. Addition vegetation will be planted in front of the block wall to screen the play areas from the street.



To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 14

LOCATION MAP



Lake Tahoe

Subject Site

Vicinity Map

Special Use Permit Case No. SW02-008
TMJDKC, LLC - Tahoe Learning Center



1000 0 1000 2000 Feet

05/21/02



To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 15

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.812

EMK (SW02-008)

Attachments: Addendum Report, Site Plan, Elevations, Floor Plan

xc: Applicant: TMJDKC, LLC/ dba Tahoe Learning Center, P.O. Box 7400
Incline Village, NV 89452, ATTN: Jim Dugdale

Representatives: Gary Midkiff, Midkiff & Associates, Inc., P.O. Box 12427, Zephyr
Cove, NV 89449
Jeff Lundahl, Lundahl and Associates, 9444 Double R Boulevard,
Suite B, Reno NV 89511

Agencies: Incline Village /Crystal Bay Citizen Advisory Board

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 16

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW02-008
TMJDKC, LLC – Tahoe Learning Center
(As recommended by Department of Community Development
and attached to Staff Report dated 29 July 2002)**

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 17

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within two years from the date of approval by Washoe.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The Incline Village Tourist Commercial Plan Amendment shall be approved by the Tahoe Regional Planning Agency (TRPA) Governing Board prior to issuing a business license.
5. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
6. The property owner shall notify Washoe County of any transfers of Commercial Floor Area (CFA), Residential Allocations (allocations) or development rights from this site. The property owner shall disclose to any potential buyers the existence, or lack of, CFA, allocations or development rights associated with this property.

OPERATIONAL CONDITIONS

7. The school operation is limited to Pre-K, and kindergarten through ninth grade. The maximum enrollment not exceed 150 students in any one enrollment period (quarter, semester or school year) including Pre-K. The maximum enrollment in Pre-K shall not exceed more than 15 student either the morning or afternoon program.
8. The applicant shall install directional signs in prominent locations directing people to the handicapped parking and access in the garage.
9. There shall be 10 parking spaces reserved for urgent care patients, no more than one of which may be designated as handicapped. If the dedicated parking is in the garage than signs direct patents into the garage shall be provided.

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 18

DRAINAGE AND GRADING

10. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.
11. A detailed traffic report shall be prepared by a registered engineer and shall address driveway locations and turning movements, delivery truck patterns and movements, and provide recommendations on acceleration/deceleration lanes, storage lanes, access control and student drop-off controls. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required.
12. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT) for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.
13. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
14. The minimum pavement requirements for on-site paving shall be three inches (3") asphalt over six inches (6") granular base.
15. A safe walkway route, including any required crossings, shall be provided for all school age pedestrians. A pedestrian walkway plan shall be approved by the County Engineer prior to the finalization of construction improvement drawings.

HEALTH, WATER AND SEWER

16. The applicant shall dedicate water rights in an amount sufficient to serve the increased demand of the intended project. The Incline Village Genreal Improvement District shall be responsible for determining compliance with this condition.
17. The applicant shall provide water and sewer calculations relative to this change in use. The proposed loading of water and sewer demand shall be derived from calculations made using standard engineering practices and principles. The Incline Village Genreal Improvement District shall be responsible for determining compliance with this condition.

FIRE SAFETY

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 19

18. The project must comply with all provisions established for Group E, Division 1 occupancy as delineated in the Uniform Fire and Building Codes; Nevada Administrative Code Chapter 477; and N.F.P.A. 101, the Life Safety Code.

LANDSCAPING AND DESIGN

19. The applicant shall submit the approved landscaping plan with the building permit application. The landscaping plan shall provide information on parking, parking lot circulation and striping, signage, exterior lighting, fencing, landscaping material plant material type, and size at time of planting, maturation size at full growth, period of time between planting and full growth, landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
20. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development.

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 20

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
ADDENDUM TO SW02-008**

Date: 29 July 2002
Prepared By: Eva M. Krause

Parking, Loading and Traffic Issues

The Tahoe Boulevard driveway that serves this site also serves as the main access to the Incline Creek Office Building and the Tahoe Racquet Club Condominiums, which includes the Lakeside Cottages. There is a second access driveway on Tahoe Boulevard at the northwestern corner of the office building site. This access drive is not as direct in getting to the condominiums or the proposed school site, therefore is not used as often as the access drive in front of the school property. None the less, it does provide a secondary access, which can be used by any of the three properties at peak periods. In addition, there is a reciprocal parking agreement between the school site and the commercial building that grants the school the right to use the parking spaces on the commercial property.

The concerns of both Engineering and NDOT are based on the impact of the additional traffic generated by the school. The school is proposing to enroll a maximum of 15 students in the morning Pre-K program, which runs from 8:30 a.m. to 11:45 p.m. Another 15 students (maximum) will be enrolled in the afternoon Pre-K program, which runs from 12:45 to 3:15 p.m. The remaining 120 students (maximum) in grades kindergarten through ninth grade will attend classes from 8:15 to 2:45. The school expects that approximately 50% of the students (60 students) will be enrolled in after school programs and approximately 35 students will be picked up at 4:00 p.m. and the remaining 25 students will be picked up at 5:00 p.m.

The applicant is proposing to use both the driving lanes in the parking lot in front of the school to stack cars while waiting to pick-up or drop-off students at the beginning and end of the school day. Engineering has concerns about the safety of stacking cars in two parallel lanes. Their issues include children running between cars, the fact that once a vehicle is loaded it cannot pull out of the stacking lane but must wait for the car in front to move and about providing access to emergency vehicles during these drop-off and pick-up times.

The applicant has indicated that staff should always be on hand during morning and evening drop-off/pick-up times to direct parent vehicles. Parents using the drop-off lanes shall be instructed to only proceed when directed by staff.

Community Development would recommend that the access to the parking garage be kept clear at all times. This would create access to the five parking spaces on the south

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 21

side of the parking, as well as to the garage. This would also provide emergency access to the south end of the building and the elevators in the garage.

NDOT had expressed concerns that the additional traffic may warrant the addition of a left turn lane on to Tahoe Boulevard. After meeting with NDOT and going over the traffic analysis, the applicant's consultant prepared a second traffic analysis and address this issue. The traffic analysis indicates that the proposed project would increase the number of left turn movements on to Tahoe Boulevard during the school's peak-hours by 5 (from 14 to 19 left turns) This 15 minute period between 2:45 to 3:00 p.m. weekdays, during non-summer months, could warrant a left turn lane. The applicant's traffic consultant has proposed several mitigation measures to eliminate the need for a left turn lane. Their suggestions include:

- Require that a portion of the parents to use the western access to the site in the afternoon. Such as, all parents of student in the 3rd grade or lower shall use the western entrance to access the site. All parent could exit the site at the primary access drive.
- Encourage parents to car-pool students. At a minimum information should be announced at meeting and notices distributed. The school could take an active roll in encouraging car-pooling by collecting information regarding the residential location of students and contacting parents to provide names and phone numbers of households in there neighborhood.
- Create a ride-sharing board for employees who wish to car-pool.
- The school should provide transit passes for any employee who wishes to use the transit service.

Engineering and NDOT are currently reviewing the new traffic analysis and the proposed mitigation measures at this time. Staff will update the Planning Commission at the Caucus of any recommendations or conditions that they may have.

Based on Community Developments review of the data, staff has suggested several conditions that may address Engineering and/or NDOT concerns.

21. The applicant shall provide a minimum of two staff persons at the front entrance of the building starting a minimum of 15 minutes before and after the beginning and ending of all class periods. One staff person shall be dedicated to directing traffic and the second person shall be responsible for supervising students.
22. The traffic director shall see that a clear driving lane in and out of the parking garage is maintained at all times, no cars will be allowed to stack in front of the parking garage entrance and children shall not be allowed to load or unload from vehicles in this area.

To: Washoe County Planning Commission
Re: SW02-008 Tahoe Learning Center
Date: 31 July 2002
Page: 22

23. The traffic director shall see that at no time shall unattended vehicles be allowed to park in the driving lanes and no vehicle shall be allowed to stand in the driving lane in front of the school more than 5 minutes. Any car waiting more than 5 minutes in this area shall be directed to park in the adjacent parking lot.
24. The applicant shall re-strip the reciprocal parking area to clearly delineate the parking spaces and the driving lanes.
25. The applicant shall develop and manage an active car-pooling program for both staff and students. This program shall include notices, and announcement at informational meetings and create a ride-share board for staff. The school shall also collect information regarding the residential location of students and shall contact parents to notify them of other student households who are in their neighborhoods. The school should provide parent with names and phone numbers of willing participants.

EXHIBIT 2

EXHIBIT 2



Staff Recommendation: **Agenda Item No: 1**
CONDITIONALLY APPROVE

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: AMENDMENT OF CONDITIONS CASE NO. AC06-006

Date: 24 August 2006

Prepared By: Eva M. Krause, AICP

GENERAL INFORMATION SUMMARY

Applicant: TAHOE LEARNING CENTER

Requested Action: To amend a condition of approval for the Tahoe Learning Center, Special Use Permit Case No. SW02-008. The amendment would increase the number of pre-kindergarten students permitted from 15 to 25 students, as authorized in Section 110.810 of the Washoe County Development Code. **The project is located at 995 Tahoe Boulevard approximately 500 feet west of its intersection with Country Club Drive, Incline Village.** The ±1.70-acre parcel is designated General Commercial (GC) in the Incline Village Tourist Community Plan, a part of the Tahoe Area Plan, and is situated in a portion of Section 15, T16N, R18E, MDM, Washoe County, Nevada, Commission District 1. (APN 127-581-01 and 02)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request and offers the following motion for your consideration:

I move that the Washoe County Planning Commission conditionally approves the amendment of condition number 7 for Special Use Permit Case No. SW02-008, by increasing the number of pre-kindergarten students permitted from 15 to 25 students, having made the following findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan;

To: Washoe County Planning Commission
Re: Amendment of Conditions Case No. AC06-006
Date: 24 August 2006
Page: 2

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

In 2002, Incline Elementary School reorganized and expanded its program, relocated to its present location and renamed the school Tahoe Learning Center. Because this involved a new site location and an expansion of the use, the school was required to obtain a new special use permit. Special Use Permit SW02-008 was approved for the Tahoe Learning Center.

In order to evaluate the impact of the development, the applicant was asked to define their expectations for the school and determine the maximum number of student that they felt they could accommodate. Conditions of Approval were then set based on the impact of the maximum number of students. The following operational condition was approved for the Learning Center.

7. The school operation is limited to Pre-K, and kindergarten through ninth grade. The maximum enrollment shall not exceed 150 students in any one enrollment period (quarter, semester or school year) including Pre-K. The maximum enrollment in Pre-K shall not exceed more than 15 students in either the morning or afternoon program.

The school has been in operation since September 2002. It has operated under its conditions of approval since that time. The school has realized that the demand for pre-kindergarten (Pre-K) education is higher than they expected. The school contacted Social Services to evaluate their classrooms and facilities available for Pre-K and determine if the school could accommodate 25 Pre-K students. Social Services determined that they have more than enough room set aside for 25 Pre-K students. Since the school has adequate space and facilities and there is a demand for services,

To: Washoe County Planning Commission
Re: Amendment of Conditions Case No. AC06-006
Date: 24 August 2006
Page: 3

the applicant is requesting to increase the number of Pre-K students permitted at one time.

Site Analysis:

No changes are proposed for the site. The school has fenced outdoor play areas for the elementary classes and the Pre-K classes. There is underground parking for the staff and surface parking for visitors. The school provides staff to direct traffic during morning and afternoon drop-off/pick-up periods. There is additional parking on the adjacent lot (also owned by the school) for persons waiting to pick-up students.

Impacts:

The proposed amendment does not increase the total number of students. It will allow more of the students to be enrolled in Pre-K classes, but total enrollment shall remain capped at 150 students per enrollment period. The enrollment period is based on the operational structure. If the school's enrollment period is quarterly, then no more than 150 students can be enrolled in one quarter. It is up to the school to determine its enrollment period.

If the proposed amendment is approved, Social Services will request health and fire inspections before increasing the allowable number of Pre-K students permitted.

LAND USE SUMMARY

Land Use Designations: General Commercial (GC) in the Incline Tourist Commercial Area Plan.

Land Use: Private school for grades pre-kindergarten through ninth grade.

Development Suitability Constraints:

Site is most suitable for development.

Parking Required and Parking Provided:

Parking requirements and traffic management conditions were set as a condition of the special use permit. Those conditions shall remain in effect. The proposed change will not affect parking requirements.

Landscaping Required and Landscaping Provided:

The site is landscaped and well maintained. No new development is proposed under this request.

To: Washoe County Planning Commission
Re: Amendment of Conditions Case No. AC06-006
Date: 24 August 2006
Page: 4

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received.

No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Incline Village/Crystal Bay Citizen Advisory Board and were discussed during the August 2, 2006 meeting. A copy of their correspondence is attached for your reference.

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.810

EMK (AC06-006)

Attachments: Location Map; Agency Comment letters from North Lake Tahoe Fire Protection District, Incline Village General Improvement District, Washoe County Public Works, Washoe County Department of Social Services

xc: Applicant/Property Owner: Elisabeth Tuoto, Tahoe Learning Center, 995 Tahoe Boulevard, Incline Village, NV 89451

To: Washoe County Planning Commission
Re: Amendment of Conditions Case No. AC06-006
Date: 24 August 2006
Page: 5

**CONDITIONS FOR
AMENDMENT OF CONDITIONS CASE NO. AC06-006
PERTAINING TO
SPECIAL USE PERMIT CASE NO. SW02-008
TAHOE LEARNING CENTER**

(As recommended by Department of Community Development
and attached to Staff Report dated 24 August 2006)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

To: Washoe County Planning Commission
Re: Amendment of Conditions Case No. AC08-008
Date: 24 August 2008
Page: 6

GENERAL CONDITIONS

1. Condition number 7 shall be amended to state:
 7. The school operation is limited to Pre-K and kindergarten through ninth grade. The maximum enrollment shall not exceed 150 students in any one enrollment period (quarter, semester or school year) including Pre-K. The maximum enrollment in Pre-K shall not exceed 25 students in either the morning or afternoon program.
2. All other conditions of approval for Special Use Permit No. SW02-008 shall remain the same and the use shall continue to comply with those conditions.
3. The applicant shall obtain a revised child care license from Social Services increasing the number of students permitted to 25.

EXHIBIT 3

EXHIBIT 3

Administrative Review Written Decision / Action Order

Special Use Permit Case No. SB13-001

Decision: Approval with Conditions
Decision Date: April 2, 2013
Applicant/Property Owner: Lake Tahoe School - Stuart Sagan, 995 Tahoe Boulevard, Incline Village NV 89451
Assigned Planner: Eva M. Krause - AICP, Planner
Phone: 775.328.3796
E-Mail: ekrause@washoecounty.us

Project Description: Special Use Permit Case No. SB13-001 – To modify Special Use Permit SW02-008, by converting 2,270 square feet of commercial office space to public facility, thereby increasing the size of the school. The increase of the school building does not increase the maximum number of student permitted by the original Special Use Permit.

- Applicant: Lake Tahoe School, Stuart Sagan
- Property Owner: Lake Tahoe School
- Location: 995 Lake Tahoe School
- Assessor's Parcel No: 127-582-05
- Parcel Size: 0.34 acres
- Master Plan Category: Commercial
- Regulatory Zone: Tourist Commercial
- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 810
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM, Washoe County, NV

Notice is hereby given that the Planning & Development Division Director granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810. If no appeals have been filed within 10 days after the date of decision, the approval by the Washoe County Planning & Development Division Director is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 810 of the Washoe County Development Code.

This Action Order of approval is granted subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. A business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances and regulations applicable to the approved project.

To: Lake Tahoe School
Subject: Special Use Permit Case No SB13-001
Date: April 11, 2013
Page: 2

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Department.

Washoe County
Community Services Department
Planning & Development Division

/s/

Carl R. Webb
for William Whitney
Division Director

WW/EK/ds (SB13-001 Lake Tahoe School Action Order)

Attachments:

- Conditions of Approval

xc: Representatives: Midkiff and Associates, Inc., Nick Exline, P.O. Box 12427 Zephyr Cove, NV 89448. nick@midkiffandassoc.com

Agencies: Gregory Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439

The project approved under Special Use Permit Case No. SB13-001 shall be carried out in accordance with the Conditions of Approval granted by the Planning and Development Division Director on April 2, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

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

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

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

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

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

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

Washoe County Conditions of Approval

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

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva Krause, 775.328.3796, EKrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. All General and Operational Conditions of Approval from SW02-008 are still in effect and compliance with those conditions is required.
- c. Failure to conform to all conditions of approval from SW02-008, failure to maintain a current business license or discontinuation of use for more than 1 year shall result in Special Use Permits SW02-008 and SB13-001 becoming null and void.

Washoe County Department of Public Works

2. The following conditions are requirements of Building and Safety which shall be responsible for determining compliance with these conditions.

Contact Name – Don Jeppson, 775.328.2030, DJeppson@washoecounty.us

- a. Lake Tahoe school shall submit for a change of occupancy permit in accordance with the Building Code.

*** End of Conditions ***

EXHIBIT 4

EXHIBIT 4

Planning Commission Action Order

**Amendment of Conditions Case No. AC13-007 for
Special Use Permit Case No. SW02-008**

Decision: Approval with Conditions
Decision Date: September 3, 2013
Applicant/Property Owner: Lake Tahoe School, Ruth Glass, ruth.glass@laketahoeschool.org
Assigned Planner: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3796
E-Mail: EKrause@washoecounty.us

Project Description: Amendment of Conditions Case No AC13-007 – Lake Tahoe School -
To increase the number of Pre-K students from 25 to 40, and to increase total enrollment at the school from 150 to 200 students.

- Applicant/Property Owner: Lake Tahoe School
- Location: 995 Tahoe Boulevard, Incline Village
- Assessor's Parcel No: 127-581-02, 127-582-01, 127-582-02, 127-582-03, 127-582-04, 127-582-05
- Parcel Size: ±1.7 acres
- Master Plan Category: Commercial
- Regulatory Zone: Tourist Commercial
- Area Plan: Tahoe Area Plan
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 810, Special Use Permit
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810. If no appeals have been filed within 10 days after the date of decision, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 810 of the Washoe County Development Code.

This Action Order of approval is granted subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. A business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances and regulations applicable to the approved project.

To: Lake Tahoe School
Subject: Amendment of Conditions Case No. AC13-007 for Special Use Permit Case No. SW02-008
Date: September 4, 2013
Page: 2

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Department.

Washoe County Community Services Department
Planning and Development Division

Carl R. Webb, Jr., AICP
Secretary to the Planning Commission

CW/EK/ds (AC13-007 Lake Tahoe School Action Order)

Attachments:

- Conditions of Approval

xc: Contact: Mark Brockway, mbrockway@laketahoeschool.org
Agencies: Gregory Salter, Esq., District Attorney's Office

McDONALD  **CARANO**

Michael A.T. Pagni
mpagni@mcdonaldcarano.com

Reply to: Reno
Our Client No. 7553-17

May 30, 2017

Via Hand-Delivery and
Via Email jslaughter@washoecounty.us
Washoe County Commission
c/o John Slaughter
1001 E. Ninth Street
Reno, Nevada 89512

Re: Case No. WSUP17-0004: Lake Tahoe School Special Use Permit
Hearing Date: June 27, 2017

Dear Commissioners:

Our firm represents the Lake Tahoe School ("School"), and this letter is written in connection with an appeal by third parties of the Planning Commission's unanimous approval of a modification to the School's existing special use permit to allow construction of a 13,906 foot multi-purpose building and access modifications to enhance student and public safety. The purpose of this letter is to request clarification of conditions 1.b.i and 1.f of the approved SUP.

We understand condition 1.b.i was recommended to avoid any implication that the County was impairing rights or obligations under an existing lease with the Racquet Club Condominium Association ("TRC") for a portion of the subject property. We support that intended purpose; however, we believe that when the condition was later reduced to writing in the final approval letter it was not as clear on this point as it could be. We are concerned that two provisions could be misconstrued as impairing property rights, rather than protecting property rights.

First, the condition provides that "prior to obtaining a building permit", the School must demonstrate the "property subject to the July 1, 2015 lease" is unencumbered. The SUP contemplates different construction elements, some of which are on the leased premises and some of which are on property unencumbered by the lease. We understand the term "building permit" refers to a building permit for work to be constructed on the leased premises, and would not include building permits for work on other property which is not part of the leased premises (for example, the multi-purpose building). In our discussions with the Assistant District Attorney, he confirmed the intent was only to prevent construction activities on the leased premises that may impair with rights under the lease, not activities on other land.

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Second, the condition provides that with respect to construction activities on the leased premises, the applicant must provide proof that such activities will not encumber rights under the lease (including, for example, proof of termination or expiration, etc.). Under the Lease, the School has the right to self-perform repairs to the leased premises after certain notice to the tenant (see Paragraph 5.B of the Lease Agreement between the Lake Tahoe School and the Tahoe Racquet Club Condominium Assoc.). We understand that condition 1.b.i of the SUP would not prohibit or impair the School's existing rights under the Lease to obtain a building permit to perform work on the leased premises that is otherwise permitted by the Lease itself. A different interpretation would impair property rights under the Lease, which was not the intent of the condition. In our discussions with the Assistant District Attorney, he confirmed that the intent was not to limit or impair existing rights under the Lease.

Condition 1.b.i was added at the conclusion of the Planning Commission hearing on the Assistant District Attorney's verbal request. As the public hearing was already closed, the School did not have an opportunity to seek this clarification at that time. To avoid any confusion on these points and any unintended impairment of property rights, we respectfully request that condition 1.b.i be clarified on the record to state as follows:

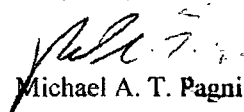
- i. Prior to obtaining a building permit for construction on the portion of the property subject to the July 1, 2015 Lease Agreement between Lake Tahoe School and Tahoe Racquet Club Condominium Association, the applicant shall demonstrate (a) the leased premises is unencumbered by the Lease and is available for construction under the permit by proof of a court order terminating the Lease, proof of expiration of the Lease, or proof of an agreement between Lake Tahoe School and the Racquet Club Condominium Association which allows such construction, or (b) that the entry onto the leased premises for such work is permitted by the Lease.

We also request clarification on the operational conditions in condition f. We understand these conditions are intended to address the Planning Commission's concerns regarding using the new building **for public uses unrelated to school activities**. These new activities are completely distinguishable from **school related activities**, which the School already undertakes in its main building. Unfortunately, the conditions in section f rely on the phrase "open to the public" to distinguish between potential new non-school activities that may take place in the multi-use building from the current school activities that the School intends to move from its main building to its multi-use building. The reliance on the phrase, "open to the public" could create confusion, however, as a number of school related functions allow members of the public to attend (for example, graduation ceremonies, holiday recitals, "declamation" speaking events, etc.). We understand conditions iii, iv and v are intended to apply only to "public uses unrelated to school activities" and request that express clarification be made.

With respect to condition f.ii, we request that the last sentence be stricken, as the School will continue to hold "school related activities" during the school day that are attended by parents, family and guests (again, think of a graduation ceremony or music recital) and occupancy within the new multi-use building should be limited by fire code, as opposed to the role of the person (student, staff, parent, etc.) at the school event. As stated above, the school already holds these events, and parents, relatives and guests already attend them. And seeing as the School has not requested any increase in its permitted enrollment from the county, the School likewise does not anticipate any increased attendance at these school related events.

We respectfully request the Planning Commission's unanimous approval be upheld with these clarifications. We appreciate your consideration of this request, and the School welcomes the opportunity to answer any questions at the upcoming hearing.

Very truly yours.



Michael A. T. Pagni

MATP:ma

cc: Client (via email chuckhw@sbcglobal.net)
Nate Edwards, Esq. (via email nedwards@da.washoecounty.us)
Paul Lipparelli, Esq. (via email plipparelli@da.washoecounty.us)
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