



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: November 28, 2023

DATE: November 2, 2023

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Planning and Building Division, Community Services Department, (775) 328-3627, jolander@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, (775) 328-3619, kmullin@washoecounty.gov

SUBJECT: Public hearing: Appeal of the Washoe County Board of Adjustment's inability to approve Special Use Permit Case Number WSUP22-0019 (Safe Embrace). The applicant requests approval of a special use permit to allow a group care facility for up to 25 occupants if connected to city sewer, or up to 18 occupants if utilizing the existing septic system. The regulatory zone of the parcel is Low Density Suburban (LDS) and a special use permit is required per Washoe County Code Table 110.302.05.2. The proposal also requests to modify the parking requirements in Washoe County Development Code Article 410 by not requiring any additional paved parking spaces or additional lighting in the parking area.

The applicant and property owner is Safe Embrace. The address is 1995 Ponderosa Drive in Sparks. The Assessor's Parcel Number is 026-422-14.

The Board of County Commissioners shall consider the appeal based on the record and any testimony and materials submitted at the public hearing. The Board of County Commissioners may approve or deny the special use permit. (Commission District 3.)

SUMMARY

The appellant, Safe Embrace, is appealing the Washoe County Board of Adjustment's (BOA) failure to approve WSUP22-0019 on August 3, 2023.

Washoe County Strategic Objective supported by this item: Support a Thriving Community & Expand Appropriate Housing Option Across Community

AGENDA ITEM # _____

NEIGHBORHOOD MEETING

The applicant held two neighborhood meetings, one on July 18, 2022, and a follow-up meeting on May 23, 2023, by Zoom. The attendees overall were not in opposition of Safe Embrace's mission, but felt the domestic violence shelter should be located elsewhere. The comments for the attendees included: safety and security of the neighborhood, enforcement of any SUP conditions, noise from dogs and residents, traffic and road maintenance on the private road.

PREVIOUS ACTION

On October 17, 2023, the appellant requested to continue the hearing of the appeal of WSUP22-0019 to November 28, 2023 and the Board agreed.

On August 3, 2023, the BOA was unable to approve or deny WSUP22-0019. A motion was made to deny the special use permit request (SUP), but the motion failed to receive a majority vote. The decision was 2-2.

BACKGROUND

The Washoe County Board of Adjustment was unable to approve or deny WSUP22-0019. The SUP was a request to allow a group care facility to serve up to 25 occupants if connected to city sewer or 18 occupants if utilizing the existing septic system.

Safe Embrace is an organization that provides counseling, housing and shelter services for victims of domestic and sexual abuse and human trafficking, with a length of stay limited to 90 days per occupant. Safe Embrace has been located at this site for over 20 years. Other organizations and shelters have been located on the site since 1994. The site is currently operating as a group home for 10 occupants or less and has had a business license since 2001.

The regulatory zone of the parcel is Low Density Suburban (LDS) and a special use permit is required per Washoe County Code Table (WCC) 110.302.05.2. The applicant is requesting to modify the paved parking and lighting requirements by not requiring any additional paved parking spaces or additional lighting in the parking area. The applicant indicates the variance relating to parking and lighting will maintain the neighborhood character and preserve a look similar to the neighboring properties. The applicant has also stated that the facility is in compliance with Article 322, Group Care Facilities requirements.

The single-story residence with an attached garage was built in 1964. In 2019, the 650 SF garage was converted into a storage area and a 1,924 SF 4-bedroom addition was constructed. In 2002, a portion of a 1,000 SF detached garage was converted into work and office space and in 2006 the whole building was converted into work and office space. However, the 650 SF converted garage is not heated and cannot be considered habitable space or included as interior space. The total of interior space is 3,406 SF and there is 3,000 SF of recreational area at the rear of the property. Per Washoe County code 110.322.10 the square footage will only allow 18 occupants. If the applicant obtains the sewer connection and is allowed 25 occupants HVAC (heating ventilation and air conditioning) will need to be installed in the 650 SF converted garage.

The applicant is proposing several ways to address the neighbors' concerns, with plans to "hire an additional advocate to reside at the site during the overnight hours" and "upgrading the cameras and security system to allow for monitoring of the exterior of the residence"

along with “the development code guidelines, Safe Embrace is preparing a Neighborhood Response Program”. Additionally, the Executive Director and Shelter Manager will provide their contact phone numbers and emails and schedule weekly in-person check-ins with neighborhood residents to discuss neighborhood problems, suggestions and improvements to the group care facility. New pet policies have been put in place to address barking dogs and other pet nuisances. A pet shelter will be available to house 3 dogs and 6 cats or small animals, with indoor and outdoor area.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

The Board of County Commissioners should review the record and consider the record and any testimony and materials submitted at the public hearing. The Board may take one of the following actions:

1. Approve Special Use Permit Case Number WSUP22-0019 (Safe Embrace); or
2. Deny Special Use Permit Case Number WSUP22-0019 (Safe Embrace).

Whether approving or denying, the Board must articulate the factual evidence that enables or prevents it from making the findings required by WCC Section 110.810.30.

POSSIBLE MOTIONS

Should the Board agree with the appellant for Special Use Permit Case Number WSUP22-0019 (Safe Embrace), staff offers the following motion:

“Move to approve Special Use Permit Case Number WSUP22-0019 (Safe Embrace), having made the findings required by WCC Section 110.810.30.”

Should the Board disagree with the appellant for Special Use Permit Case Number WSUP22-0019 (Safe Embrace), staff offers the following motion:

“Move to deny Special Use Permit Case Number WSUP22-0019 (Safe Embrace). The denial is based upon the inability to make the findings required by WCC Section 110.810.30, *Findings*.”

Attachments A-I constitute the record on appeal:

Attachment A: Appeal Application dated 8/17/23

Attachment B: Board of Adjustment Action Order dated 8/7/23

Attachment C: Board of Adjustment Staff Report dated 8/3/23

Attachment D: Board of Adjustment Minutes of 8/3/23

Attachment E: Additional Public Comments from BOA meeting -8/23/23

Attachment F: Board of Adjustment PowerPoint dated 8/3/23

Attachment G: Board of Adjustment Meeting Video Recording- 8/3/23

Attachment H: Board of County Commissioners Video Recording -10/17/23

Attachment I: BCC Meeting Emails - 10/17/23

cc: Appellant/Property Owner: Safe Embrace., Attn: Afshan West,
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