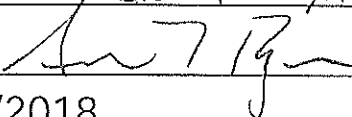


Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

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 type="checkbox"/> Planning Commission	<input checked="" 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 and Building 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>4/16/2018</u>	
Date of action by County: <u>4/5/2018</u>	
Date Decision filed with Secretary: <u>4/9/2018</u>	
Appellant Information	
Name: Andrew T. Ryan	Phone: 530-546-4500 x 105
Address: 8889 N. Lake Blvd.	Fax:
PO Box 1847	Email: andrew@prdei.com
City: Kings Beach State: CA Zip: 96143	Cell: 530-362-0927
Describe your basis as a person aggrieved by the decision: Project representative and NV licensed civil engineer in responsible charge for private improvements and improvements in NV State and Washoe County R.O.W.s	
Appealed Decision Information	
Application Number: WPVAR17-0007	
Project Name: Kaz 42 (Formerly Izakaya Tahoe)	
State the specific action(s) and related finding(s) you are appealing: Item #3 No Detriment Please see attached appeal request letter for further information.	

Appealed Decision Information (continued)	
<p>Describe why the decision should or should not have been made:</p> <p>Please see attached appeal request letter for further information.</p>	
<p>Cite the specific outcome you are requesting with this appeal:</p> <p>Approve variances with conditions as recommended by Planning and Engineering Staff:</p> <p>1) Reduction of front yard setback along Stateline Rd. from 20 feet to 2 feet for building and 0 Feet for eave.</p> <p>2) Reduction of front yard setback along Route 28 from 20 feet to 10 feet for building and 8 feet for eave.</p> <p>3) Reduction of side yard setback from 10 feet to 3 feet to allow commercial building on approx. 2,000SF legally created parcel.</p>	
<p>Did you speak at the public hearing when this item was considered?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Did you submit written comments prior to the action on the item being appealed?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
Appellant Signature	
<p>Printed Name: <u>ANDREW T. RYAN</u></p>	
<p>Signature: <u></u></p>	
<p>Date: <u>4/16/2018</u></p>	



April 13, 2018

Trevor Lloyd, Planning Manager
Washoe County Community Services Department
Planning and Building Division
775.328.3617
tlloyd@washoecounty.us

Variance Case Number: WPVAR17-0007
APN: 123-043-01
Project: Kaz 42 (Formerly Izakaya Tahoe)
Location: 2 N. Lake Ave. Crystal Bay, NV 89402

Dear Mr. Lloyd,

This letter is a formal request to appeal the Board of Adjustment Action Order of Denial without prejudice for WPVAR17-0007 heard on April 5th, 2018. This appeal is in accordance with Section 110.912.20 of the Washoe County Development Code.

The Project was required to demonstrate compliance with 5 required findings per Washoe County Code Development Section 110.804.25. It is our position that the Board of Adjustment (BOA) was unclear that additional collaboration between the Applicant and Staff had changed the recommendation of the staff report from “Denial” to “Approve with Conditions”.

The status of the 5 required findings is as follows:

1. Special Circumstances: Staff report supports this finding.
2. No Detriment: Staff supports this finding with conditions provided by Planning and Engineering.
3. No Special Privileges: Staff report supports this finding.
4. Use Authorized: Eating and Drinking establishment is an allowed use within TC regulatory zone.
5. Effect on Military Installation: There are no military bases in close proximity of subject site.

The BOA ruled against the Project citing non-compliance with only item #2 No Detriment and noted the following in the Action Order:

“The relief may create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted. The Board specifically identified unresolved concerns relating to pedestrian safety, traffic, parking, and snow removal.”

The following addresses the Action’s identified unresolved concerns individually.

Pedestrian Safety

There exists a long history of qualifying the level of service (LOS) for motorized traffic for engineers and planners to analyze traffic function by studying speed, delay, and space. It is important to note that these factors do not apply to pedestrians, bicyclists, or transit riders. Alternate categories must be analyzed for these users of the roadway that capture the quality of the service by accounting for safety, mobility, and the experience.

The existing condition of the Project frontage is poor for pedestrians and bicyclists. This frontage includes NDOT and Washoe County R.O.W.s. This statement of “poor” is supported by the following:

- No crosswalk at Stateline Dr. connecting the Project to Crystal Bay Casino Core and transit.
- A long length crosswalk (100ft) to traverse without areas of refuge, islands, signage or signalized flashers for pedestrians.
- No striped bike lane.
- No traffic calming to encourage motorists to reduce speed as they transition from 35 mph to 25 mph.
- Limited to no lighting for nighttime visibility.
- Reduced site distances due to existing features.

The proposed conditions include a combination of the following measures to increase pedestrian and bicycle safety:

- Areas of pedestrian refuge at endpoints of the crosswalk.
- Curb, gutter, and sidewalk.
- Applicable signage.
- Striped bike lane.
- Traffic calming because of increased pedestrian activity and visual indicators.
- Increased site distance with compliant vegetation.

Additional reviews by Washoe County Engineering and NDOT are expected with forthcoming submittals. Based on the above and permits required, the proposed Project will significantly increase pedestrian and bicycle safety.

Traffic

The Applicant will be required to satisfy engineering standards of Washoe County and NDOT. Our preliminary efforts have determined that it is feasible to install the improvements noted above for pedestrians and bicycles with insignificant impacts to traffic. Additionally, the proposed use is not expected to generate an appreciable number of unique trips that could affect daily traffic volumes. The proposed new 950 SF building will serve the traveling public who is already choosing to spend the day in Lake Tahoe. These day trip users are a result of explosion of growth in Reno, Sparks, Truckee, and Sacramento areas. Board of Adjustment members stated during the hearing that they would like the Applicant to prepare a traffic study for impacts to SR 28. We agree with the September 6, 2017 project review letter from NDOT stating that a traffic study is not required and ask that the Board of County Commissioners (BCC) defer to NDOT as

authority regarding the State R.O.W. The Project proposes public improvements in NDOT R.O.W. and we are expecting a collaborative and iterative approach with NDOT, TRPA, and Washoe County.

Parking

The Applicant will provide a parking management plan that is consistent with the goals of the Tahoe Regional Planning Agency - Regional Plan Update (RPU). The RPU specifically notes redevelopment within Town Centers and is focused on multi-modal improvements. This Project is a redevelopment of previously disturbed areas and will be multi-modal with the inclusion of the following:

- Pedestrian Improvements
- Public Transportation Access
- Bicycle Parking
- Shuttle Service
- Valet Service

Urban redevelopment in the Lake Tahoe Basin is challenging; many areas that were previously thriving have decayed and become blighted. Crystal Bay has similar challenges of other areas around Lake Tahoe in both California and Nevada. The parking strategies used are dependent upon the size and type of permitted structures. To see this project to fruition, the applicant will work closely with Washoe County Staff to satisfy the conditions of the variance. Please see Technical Memorandum #1 provided in the Staff Report for more information on Parking.

Snow Removal

There were two areas of concern regarding snow removal during the BOA hearing: onsite and offsite at Stateline Rd.

Onsite snow removal will be managed by use of the following:

- Design of roofs and selection of roofing materials to hold snow on the roof. The roofs will be engineered to hold the snow on the roof and not shed to the Project area. The increased cost in the structure will mitigate snow removal and maintenance costs.
- Applicant will use landscape areas to store snow generated from hardscape areas.

Offsite snow removal will not negatively impact the proposed Project. The existing retaining wall limits the amount of available snow storage along Stateline Rd. The proposed Project is not expected to decrease the existing amount of R.O.W. snow storage. The Applicant will agree to not discharge snow to R.O.W.s. Additionally, the Applicant will work collaboratively with NDOT and Caltrans regarding snow removal from public improvements.

Small sites, like the proposed Project, may have to off-haul snow in the biggest snow years and the Applicant will likely be conditioned by TRPA to have a contract with a snow removal contractor for such services. The risk of infrequent off hauling is not great enough to pose a significant challenge to function of the Project.

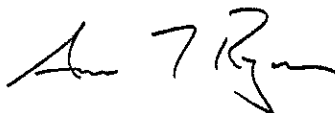
The Project received unanimous Citizen Advisory Board support for the variance and support from the Planning and Engineering Staff. The Board of Adjustment members recognized the challenges to redevelopment, and the need for pedestrian improvements, yet, they voted to retain the status quo citing the need for more detailed information as discussed above.

Delivering Projects within the Tahoe Basin is uniquely challenging as it requires the ability to navigate many layers of jurisdictional oversight and public expectations. Key to project momentum is removal of critical areas of uncertainty; this is especially important in areas like Crystal Bay, which do not have an updated Area Plan that implement the goals of the TRPA Regional Plan Update. The variance request was engineered to be narrow and discrete with the intent to establish an acceptable building footprint. That defined footprint would allow enough clarity to seek the additional Agency(s) approvals.

Redevelopment of existing urban areas are difficult within the Lake Tahoe Basin. Problem properties, like 2 N. Lake Blvd. in Crystal Bay, have remained blighted for a variety of reasons and our team has created an earnest approach to project success. This appeal of the Board of Adjustment Action of denial and a granting of the variance allows the rare opportunity to redevelop the gateway property to Washoe County and the State of Nevada to move incrementally forward.

The long-term benefits to the environment include: water quality, scenic improvements, removal of blight, and reduced dependence on the automobile. Gains in Environmental Quality, Economic Activity, and Community Beautification support granting a variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Ryan". The signature is fluid and cursive, with the first name "Andrew" and last name "Ryan" clearly distinguishable.

Andrew Ryan, PE