



## **Incline Village Crystal Bay Citizens Advisory Board**

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held via teleconference on January 4, 2021

**1. \*CALL TO ORDER/ PLEDGE OF ALLEGIANCE** – Judy Miller called the meeting to order at 5:30 P.M. The pledge was recited by Commissioner Alexis Hill.

**2. \*ROLL CALL/DETERMINATION OF A QUORUM** - Judy Miller, Michael LeFrancois, Sara Schmitz, Kevin Lyons, Diane Becker, Diane Davis (alternate), Kathie Julian (alternate). A quorum was determined.

Absent: Mike Sullivan.

### **3. \*PUBLIC COMMENT –**

Mike Able said two weeks ago we received a post card from the Washoe County Planning Department about the item on the agenda for changes to the bowling alley located at Southwood and Incline way. He said he sent an email to the CAB board and will send it to the commissioner. There is extensive documentation, but no schematics to view. He stated he welcomes the investment but it's lacking the schematic. He said some neighbors on Southwood didn't receive the postcard notice. He emailed Christopher Bronczyk about the schematics and appreciated receiving them. It's an outdoor theater and jumbotron to show movies with bar and amplified music. He said in a mixed-use area, he stated he is concerned with amplified music. Others may be concerned about parking. According to the ordinance, you aren't supposed to have amplified music after 10 p.m. He said he doesn't find it acceptable in the mixed residential and commercial area. The neighbors across are concerned with sound and parking. He said he doesn't want amplified sound. He said if they want a bar outside, that's fine. He said he thinks the other additions and ideas are a great idea. He welcomed the people who are fixing it up. Please, no amplified sound. They wanted to have ice rinks years ago and it was paid for, but people opposed it because it had amplified sounds.

Steve/Tracy Tomkovicz introduced themselves and will talk about the project at the agenda item.

Alexis Hill thanked all the cab members for serving on the board which greatly serves the Commissioners. She said they are looking at making changes with the CAB. She will report back. She said she will look to fill the vacancy on the roster.

Jack Dalton thanked the CAB. There are issues with IVGID and lack of zoom meetings. He said he doesn't like zoom meetings but it's good to see faces. He said he appreciated the public comments at each agenda item. It's a big asset to the meeting. That's not how IVGID does it.

Kathie Julian agreed with Jack about zoom meeting. It adds to a sense of community.

**4. APPROVAL OF AGENDA FOR THE MEETING OF JANUARY 4, 2021** – The agenda was approved by unanimous consent.

### **5. APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 2, 2020 and NOVEMBER 2, 2020 (for Possible Action)–**

The meeting minutes of March 2, 2020 – There were no objections. The minutes were approved by unanimous consent. The meeting minutes of November 2, 2020 – Sara Schmitz said she was concerned with the brevity of these minutes. They don't capture the essence of concerns held by CAB members. She said she was clear why she voted in opposition of the Special Use Permit for parcel that is adjacent to the parcel that is being discussed this evening. She said she was concerned about precedence being set for serious grading on a steep slope and appreciation for the county codes. The codes are put there for a reason and felt they should be respected and adhered to. She said there wasn't a notation of why she voted no and request those changes be added. Judy Miller noted this meeting is being recorded and request those comments are incorporated into those minutes. Kevin Lyons asked if Sara had specific change to the motion. Sara Schmitz clarified and noted that the meeting minutes didn't reflect our conversation. It was very brief with about a paragraph. She said she expressed concerns about grading and erosion. There were comments about Mike's comments about concerns with

traffic. She said when she votes no to something, she feels its important to explain why. Kevin Lyons noted there was only a sentence in the motion that Sara opposed due to hardship which is totally vague. Sara Schmitz said we do a lot of work to prepare for meetings and would like it to be reflected in the minutes. Kevin Lyons noted under the first motion, it should state Kevin Lyons moved to *recommend* approval since this is an advisory body. He added that he arrived at 5:31 p.m. but the minute reflects him joining the meeting at 6:00 p.m. Judy Miller stated we can approve the minutes conditionally with the edits that have been discussed that need to be made.

**MOTION: Kevin Lyons moved to approval with changes recommended by Sara Schmitz and Kevin Lyons. Sara Schmitz seconded the motion. The motion carried unanimously.**

**6. ELECTION OF OFFICERS** - Elections by the CAB members will be held to elect the Chair and Vice-Chair for the remainder of the 2021 term. Elected officers will be effective immediately. Election of officers typically occurs at the July meeting, but a meeting was not held in July 2020 (for Possible Action)

**Nominations for chair:** Diane nominated Judith Miller to be chair. Judy Miller accepted that nomination. Kevin Lyons seconded the nomination. The nomination carried unanimously.

**Nominations for vice chair:** Mike Lefrancois nominated himself. Kevin Lyons seconded the nomination. The nomination carried unanimously.

**7. DEVELOPMENT PROJECTS-** The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page: [www.washoecounty.us/comdev](http://www.washoecounty.us/comdev)

Judy Miller noted the plans have now been supplied.

**7.A. Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Drive Grading)** – For possible action, hearing, and discussion to approve a special use permit to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; excavation of 1,000 cubic yards on slopes greater than 15%; grading of one-half (0.5) acre (21,780 sf) or more on parcels less than six acres in size. The proposal is also requesting to vary standards found in Washoe County Code (WCC) Section 110.438.45 (a) to allow slopes in excess of, or steeper than, three horizontal to one vertical (3:1) and WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback.

- Applicant\Property Owner: Myers Family Trust
- Location: 449 Lakeshore Boulevard
- Assessor's Parcel Number: 123-250-08
- Staff: Chris Bronczyk, Planner, (775) 328-3612; cbronczyk@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 4, 2021

Chris Bronczyk, Washoe County Planner, introduced Mike Railey, applicant representative for Marrs Family Trust, who provided a PowerPoint slideshow of the proposal.

Judy Miller said she has inquired about the bike path. She stated she remembers that was a quite a feat to put in the multiuse path between Incline Village and Sand Harbor because of the house built right next to the highway. She stated she did confirm with former CAB member who was involved in the preliminary plans of the bike path, and his preferred path was on the uphill of the highway. Mike Railey confirmed that would still be the location.

Diane inquired about grading and asked if all the equipment and work will be performed onsite so there won't be any impact on Lakeshore. Mike Railey said yes, a NDOT condition is a traffic control and mitigation plan is required. He said we cannot back up traffic on SR 28. He said initial grading will allow a turn around so the garbage truck can access and staging can happen off of the highway. Diane said she understands there are several issues varied from code that you are requesting to be waived. She said she is wondering if we can hear from the County how the County feels about this. She asked if this safe. She said she comes from California and it involved with litigation where infrastructure fell during very heavy rain. She said she is wondering where the responsibility falls if there was a failure with the retaining wall. If there was a failure with the wall, the street would fall in. She stated she is concerned with responsibility if this should fail. She said we know NDOT doesn't take care of the roads. On 431, NDOT hasn't fixed where the protections are falling in. Can

the client take responsibility. Mr. Railey stated if any grading performed cause that, the owner would be liable. He stated NDOT reviews the plans, but if the engineering failed, that that would fall on the property owner to rectify the situation. He said there is an expert Tahoe based engineer reviewing this including TRPA and NDOT review as well. It's analyzed at a much higher level to make sure that won't happen. Diane said it seems people are trying to build on what was previously considered unbuildable and approvals given for variance to Washoe County code or that require special use permit. She said she wonders if no mistake is made, once you take away the dirt, you take away the protection of roadway by cutting into the slope. That is a lot of dirt you are moving. Is there a possibility your client would take responsibility. We on the board want to make sure.

Mike Lefrancois is there anything about the new development that would compromise the existing road. He asked are you cutting into the existing road prism. He asked if they are cutting into the existing slope. Mike Railey said he is a land planner, not an engineer. Mr. Railey said they are not allowed to cut into the right-a-way other than the access to the property. We will put in retaining walls to make sure nothing will slide down. We don't object to taking responsibility and would restore it to proper conditions. Kevin Lyons stated they would be liable.

Sara Schmitz stated this brings up the issues she had with the project that is adjacent to this. These driveways are making deep cuts on steep, rocky terrain. We have seismic activity with potential for boulders to roll downhill. She said she is concerned with precedence setting with these lots making cuts in rocky, boulder hillsides that are needed for our road and other properties. She said she is concerned for the properties in the area and doing the same thing with cutting into the hillside and potentially cutting off a thoroughfare for evacuation for our community.

Kevin Lyons asked Chris Bronczyk about the scope. Mike Railey said this application has 4 triggers for the SUP for major grading. He said it's very common. There are two additional segments of his request that are varying standards on article 438. He said again, it's very common. As part of agency review process, it is reviewed by the CAB, but also it goes to Tahoe agencies, NDOT reviews, and Washoe County engineer. Mr. Bronczyk noted he received comments from engineering with no concerns. He hasn't heard back from NDOT. All comments and concerns being expressed are on-point. Kevin Lyons asked about hillside review from NDOT. Mr. Bronczyk said they review standard conditions and take a deep dive review of stability.

#### PUBLIC COMMENT:

Jack Dalton said it's an illusion by presenter. He is a land planner. It's an unusual site around the lake. There is tremendous grade. Nobody has this around the lake, Nevada, or Reno. Nobody has experience with slope. California Coastal Commission has strict rules. Nevada doesn't have strict rules. California Coastal Commission are familiar with type of property. It doesn't make sense to have property on this steep slope. As a community person, he said he is opposed to it. It's a big mistake.

Kathie Julian inquired if NDOT approved it or not. Mike Railey noted they have conditionally approved it. Chris Bronczyk noted his request is an agency review. Chris stated we send project to NDOT, NDOT provides conditions of approval. It could be detailed or standard conditions. He said he is still waiting to hear from NDOT for conditions of approval. Mike Railey said he has received conditional approval and will make sure with County that their conditions are carried forward on this permit as well.

Diane asked if Chris Bronczyk has concerns about this project. Mr. Bronczyk said he isn't an engineer. He said you show me grading plans with 12 foot retaining walls, I don't see the structural engineering. He sent to proper reviewing agencies and no conditions or denial have been issued. He hasn't received everything back yet. Mr. Bronczyk noted it is scheduled to go before the Board of Adjustment in February. Kevin Lyons noted there is plenty of time to get all the stuff in that you need. Mr. Bronczyk said he expects to receive everything to Friday.

Ms. Schmitz asked when engineering looks at these, do they look at it site by site, or proposed plans for other parcels grading on that slope as well. From a structural engineering standpoint, collectively would have an impact on each other. Do they look at collective versus singular. Mr. Bronczyk said he doesn't know that answer. They look at specifics and overall impact on adjacent properties. They look at traffic, impacts on arterials and potential impacts several miles away. He said he couldn't give a yes or no on this one.

Judy Miller said it's very technical. Mike Lefrancois is an engineer, but the rest of us have to rely on the permitting process. NDOT, TRPA, and the County looks at it. There are other sites that are quite steep with large structures in Crystal Bay. As community, we look at it esthetic viewpoint, proper planting, landscaping screening from the lake. She said that should be in the Tahoe Area Plan for design guidelines, but there aren't any. TRPA has extensive design guidelines. She asked Chris why those aren't included. Mr. Bronczyk said Tahoe is an entirely different beast. There are four different community plans and Tahoe Area Plan. With Tahoe Area Plan, it was written before he finished college. There were placeholders for things that didn't make it in. He said it has been going through a re-write by Eric Young. He said to ask Eric to see if there would be design standards included for Tahoe.

MOTION: Mike Lefrancois moved to recommend approval of the **Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Drive Grading)**. Kevin Lyons seconded the recommendation. Mike Lefrancois said he sees a lot of these. The County code makes sure there isn't any irresponsible grading or construction. In this case, a very responsible level of design. A lot of these measures are more of a trigger. It's a challenging site. He said he doesn't see issues that would be a red flag to stop development. TRPA holds the heavy hand with scenic visual from the lake. NDOT will scrutinize it. He doesn't see a red flag and that is why he recommends approval. The motion carried by roll call 3 to 2 (Mike Lefrancois, Kevin Lyons, Judy Miller). Diane and Sara opposed. Diane said it's difficult to vote against something a neighbor wants to do. In this case, she said she feels we need to be responsible. For very steep terrain with all those vacant lots being developed, she said she would like to see the review to be ongoing. She said she hopes the government agency will review the area and come up with analysis. That road is an exit out of the community. She said it's risky. We have a little presentation by the applicant and no back up documentation. She said she would like to see a lot more. Judy Miller said we aren't all technical experts and don't have a great deal of information. Sara Schmitz made a request of Chris Bronczyk. She agreed with Diane. The county needs to review the slope side and acceptability of grading at multiple parcels. The more you start grading on that hillside, you are adding more risk to slopes stability. The county should look at that entire section and evaluate threat of the slope side and what it means to have multiple properties with grading, stability. And look at what would happen to our road as its one of the only exits out of town. Mr. Bronczyk said they look at lot-specific, but don't know if they look at the entire area. He said for planning, we look at the impact. Sara Schmitz asked if the CAB can request this. We don't want to say no to people, but don't want to cause damage. Slope is extremely steep and development poses more risk. Chris Bronczyk said we have not received all agency review comments and CAB members can get ahold of him to ask questions and request information. It's not overstepping by reaching out to engineering to ask how they review the cases.

Alexis Hill stated an overview from engineering would be helpful. She said she will request that and follow up with design guidelines in area plan. She said she will look at purpose and mission for the CAB. She will do home work and have more background and understanding for the next meeting.

Kevin Lyons said he rushed his second to the motion so Mike could provide comment, but it's implied that we want the entire area is reviewed.

Judy Miller said the Board of Adjustment is attentive to the CAB meetings and understand what has been transpired here. Kristina Hill understands what is going on here.

Mike Lefrancois asked Alexis during her update to address relationship with NDOT. The road is NDOT, but there is shared responsibility. Can we trust NDOT that the road will stay open.

**7.B. Special Use Permit Case Number WSUP20-0026 (Incline Bowl)** – For possible action, hearing, and discussion to approve an outdoor amusement use type and an amusements and recreation services use type. The amusements and recreation services is an existing legal non-conforming use type, due to the expansion of the existing commercial facility, a special use permit is required.

- Applicant\Property Owner: Dennis E. Zirbel \ Steven and Tracy Tomkovicz
- Location: 920 Southwood Blvd.
- Assessor's Parcel Number: 132-232-08
- Staff: Chris Bronczyk, Planner, (775) 328-3612; cbronczyk@washoecounty.us

- Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 4, 2021

Chris Bronczyk, Washoe County Planner, introduced Dennis Zirbel, Wyatt Ogilvy, and Steve & Tracy Tomkovicz.

Wyatt Ogilvy, applicant representative, provided a PowerPoint slide show.

Mike Lefrancois in response to the public comment asked what outdoor noise will be generated. He said there is a bar and play area. Tracy Tomkovicz said there will be picnic table, hopscotch, and four square. Its not a movie screen, but there will be a large screen tv that will be out there. Judy Miller asked if there will be amplified sound. Wyatt Ogilvy said the bowling alley has been there, and the outdoor is special use under the community plan. Special uses give county staff the ability to impose conditions to ensure the uses don't adversely impact adjacent neighbors. He understands Mr. Abel's concerns. There will be design elements to buffer the sound. The adjoining uses are commercial with residential across the street and the middle school across the street. He said we can work through with condition of approval that upholds the noise standards with decibel levels and hours. It's not the intent of the project to request more than the standards.

Sara Schmitz asked about the hours of operations for outdoor operations. Wyatt Ogilvy said they just closed escrow and the owners are working towards developing a business plan that surrounds the operation of the rehabilitated facility. There weren't any proposed hours in special use permit. Steve Tomkovicz said they have owned it for 3 months and haven't owned family fun center operation before. He said the current hours are 11 am to 12 midnight. He said when they put the diner in, breakfast will be served. He said they haven't figured it out yet to see what is appropriate for business and community.

Sara Schmitz welcomed the owners. She said she is thrilled. She said she lived in Danville and was a regular bocce league player. She said they should add to the bocce ball courts. She said she is looking forward to curling in the winter. She said she lives in an area where there are tourists, they forget how their voices and sound carries at our elevation. She said we want to be respectful to neighbors and do what's right for residential aspect of mixed use. Steve Tomkovicz said we understand as we are professional business owners.

Sara Schmitz asked if they would identify what they plan to do with sound barrier or planned for buffering and how will they address any amplification of noise as it could be problematic to the residential adjacent area. Wyatt Ogilvy said they don't have a conceptual operation plan yet but can do a general condition that reinforces the noise standard and county code and guidelines. He said we tried to incorporate landscaping and explore other additional mitigating factors that we could further offset any impacts based on the comments received.

Kevin Lyons said he is excited for bocce and curling. He noted the parking lot has been an eyesore. He asked if the parking lot will be brought up to the road level. Wyatt Ogilvy said the civil engineer isn't on this call, but Wyatt said the site slopes down, we are adding retention along Southwood to level out the parking lot. That area will be slightly higher than street grade. Dennis said we are dropping the norther part by the entry because it's a steep slope. That will be flattened out. Kevin Lyons asked about the bocce and climbing wall location. Dennis said it's all the same elevation. Kevin Lyons said the code indicates sound levels is 65 decibels at the property line. Mr. Bronczyk said county doesn't have specific standard for commercial, but typically, we do 65 decibels at the property line. Chris Bronczyk said even though residential is across the street, this property is not abutting residential. It's commercial that surrounds the property. They will be in accordance with development code. Chris Bronczyk said we usually don't put conditions of approval on something within code, but they would have to meet the nighttime noise requirement. It doesn't mean they cannot do something outdoors, but they would have to adhere to noise requirement. If we look at it 65 deciles during the day, the 55 decibels less at night.

Judy Miller asked about serving alcohol and being in close proximity with the school. She asked if adding outside bar does away with any grandfathering in. She asked if there an impediment with adding an additional bar. Mr. Bronczyk noted Chapter 30 oversees alcohol beverages associated with use type. As provided within chapter 30, it's unlawful to sell or distribute within 500 feet of a school or 500 feet of a church. Chris Bronczyk said subsection two, this doesn't apply to businesses approved to selling liquor prior to 1991. They have never lapsed in their permit since their opening in 1980s. He said management and legal are reviewing this. Judy Miller said whatever the outcome, people drink and get noisier, the time of operations is important given it will be a legal use. She said the tourist season is year-round now. Gatherings

get loud with alcohol. School is being conducted across the street. She said she would like to see a limit put on bar operations while school is in session. Steve said even though the bar is outside, it has to be accessed from the inside. It will be separated from the parking lot with a fence and roof. There will be a roof over the outdoor area. Steve said turning bocce into curling would be awesome. He said they love the idea, but we don't know if it will be turned into curling or not.

**Public comment:**

Kathie Julian asked if the outside area is in the front or in back of the building. Tracy Tomkovicz said it's in the front, to the left of the entry. Wyatt Ogilvy showed it on the slide.

Chris Bronczyk said depending on how you measure the school distance, it's 400-480 feet. If it went through now, it wouldn't be allowed, but if there are concerns, he included his contact information to contact him directly.

Sara Schmitz asked to see the landscape plan to help address Kathie's question about where things are planned. Wyatt Ogilvy showed the outdoor concept of the outdoor features.

Judy Miller stated she didn't realize there is a roof. She asked if there is roof over the bocce. Wyatt said no and showed where it's a covered patio. There won't be any walls.

Judy Miller moved to recommend approval with certain conditions for hours of operation during school year. She stated she is concerned about drinking with open area across from the school. The motion failed due to lack of a second.

**MOTION: Sara Schmitz moved to recommend approval of these plans that have been presented with a stipulation to address noise concerns for residential community and evening hours of operation to accommodate the noise restrictions. Diane seconded the motion. Mike Lefrancois said he doesn't want to restrict nighttime operation. Sara Schmitz said it wasn't to restrict, rather to observe the nighttime operations for standard noise restrictions. It's welcomed and needed. She said she appreciates it being before us today. The motion carried unanimously.**

**8. \*WASHOE COUNTY COMMISSIONER UPDATE-** Judy Miller thanked Commissioner Berkbigler for her years of service and welcomed Washoe County Commissioner, Alexis Hill.

**9. \*CHAIRMAN/BOARD MEMBER ITEMS-** There were no were comments.

**10. \*GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –**

Alexis Hill stated a member of the CAB provide her with an updated roster. She added changes to the CAB may come in July but she doesn't have specifics yet.

**ADJOURNMENT –** meeting adjourned at 7:24 p.m.

Number of CAB members present: 5

Number of Public Present: 2

Presence of Elected Officials: 1

Number of staff present: 1

Submitted By: Misty Moga