

We live on Ponderosa Drive and are here to discuss specifically the property at 1995 Ponderosa Drive and how it will be assigned the most appropriate zoning.

It is not in question the property at 1995 Ponderosa was improperly and unlawfully changed by the City of Sparks from single family residential group home to a multi family group care facility on 06-26-19. As far back as September 2018, when we discovered a new structure had been approved by the City of Sparks in direct conflict with code and ground had not yet been broken, we went to the Sparks City Manager and the Head of Planning. They adamantly denied anything had been approved other than an increase in bedrooms - NOT an increase in occupancy. The Assistant City Attorney maintained there was no maximum term a resident could stay so this was NOT transitional housing. This statement was incorrect.

We subsequently met with the county head of planning who agreed with our position that the project should not proceed. He held a meeting with Sparks and got nowhere but advised us that the facility would remain a group home with no more than 10 occupants plus a caregiver. If they occupied with more than 10 he would send out code enforcement. Sparks could not lawfully spot zone the property to multi-family, a group care facility, without going through the public notice and hearing process with the Sparks Planning Commission. This didn't happen. Prior to meeting with the City we had met with Safe Embrace, owners of the property. Even with full knowledge they did not care they would be in violation of the CC&Rs (of which we supplied them a copy) nor did they care that with a group home use they could not have more than 10 occupants.

We relied on the city's and the county's assurances this would remain a group home. Then in July 2019 we discovered the City of Sparks had in January 2019 approved a change in use to a group care facility with 32 occupants in direct conflict with code. Even if they HAD followed proper procedures with noticing, going to a group care facility is NOT ALLOWED in a residential neighborhood. It is only allowed in a civic area. Ponderosa is a residential one block private dead end drive – definitely not a civic area.

We attended the July 8, 2019, Sparks City Council meeting where we and our neighbors brought up all of our issues. Subsequently we had multiple meetings with Sparks, including the Mayor, City Manager and Assistant City Manager where they admitted making mistakes but refused to take measures to correct them. In our meeting with the City Manager he specifically said that because of us, they were making major changes, one of them giving already developed areas in the Sparks Sphere of Influence back to the County.

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Safe Embrace is the owner of the property at 1995 Ponderosa Drive. Their builder, whose vice president is a Sparks City councilman, must have known that a group care facility is not allowed in a residential area. Their architect knew or should have known. Therefore Safe Embrace knew, or should have known they could not lawfully proceed. Yet they did anyway. The City of Sparks knew it was against code to allow such a facility. Both we and the County reminded them of that prior to the change in zoning and use. No administrator had the authority to change the zoning and use. They proceeded anyway. The City acknowledged they made mistakes. But since they were reminded by both us and Washoe County that a group care facility in our single family residential neighborhood is not allowed it was NOT a mistake. It was a total disregard of the law and the specific rights of the rest of the residents on Ponderosa Drive.

On 2-3-2020, our attorney received a letter from the City of Sparks stating that due to the SOI change, "only Washoe County has authority to take any action with respect to 1995 Ponderosa Drive". We filed a complaint with the County on 2-3-2020. When we had heard nothing, on 2-14-2020 we called for an update. We were told by an office support specialist in code enforcement that Safe Embrace "has been in place a very long time" and "they shouldn't be penalized even if it was done in error" and the complaint had been closed.

The current use has NOT been in place for a very long time. Safe Embrace is NOT being penalized since they were aware of the incompatibility of the proposed use and zoning from the beginning. To allow it to remain as is, would not only be in violation but it would reward bad behavior by both Safe Embrace and the City. It is the residents on Ponderosa Drive who are being heavily penalized if the County does not abide by the law and re-wind this by changing the status back to Group Home and classifying the property as single family residential the same as the other 12 properties on Ponderosa.

The impact on the residents of Ponderosa has already been significant. We have a volume of documentation supporting all of our efforts and the issues addressed, along with copies of the City's public records which include their admission of errors, and their biased communications with Safe Embrace.

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