



# Board of Adjustment Staff Report

**Meeting Date: June 2, 2016**

**Subject:** Administrative Permit Case Number AP16-002

**Applicant:** Classical Tahoe (Formerly Lake Tahoe SummerFest) – Kirby Combs

**Agenda Item Number:** 8D

**Summary:** To approve an administrative permit and outdoor community event business license for the Classical Tahoe (formerly Lake Tahoe SummerFest), an outdoor concert event to be held at the Sierra Nevada College on July 29, 30, August 5, 6, 7, 12, and 13, 2016 and at the Lifepoint Church on July 26, August 2, and 9, 2016 in Incline Village, Nevada.

**Recommendation:** **Approval with Conditions**

**Prepared by:** Eric Young, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division

**Phone:** 775.328.3613

**E-Mail:** eyoung@washoecounty.us

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## **Description**

**Administrative Permit Case Number AP16-002 (Classical Tahoe)** – Hearing, discussion, and possible action to approve an administrative permit and outdoor community event business license for Classical Tahoe, formerly known as Lake Tahoe SummerFest, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 29, 30, August 5, 6, 7, 12, 13, 2016; and indoor concert event at Lifepoint Church in Incline Village on July 26, August 2, and 9, 2016. The proposed outdoor concerts will be held between the hours of 5:00 p.m. and 9:00 p.m. on July 29, 30, August 5, 6, 12, and 13, 2016, with one additional concert held August 7, 2016 between the hours of 11:00 a.m. and 1:00 p.m. The proposed indoor concerts at Lifepoint Church will be held on the Tuesdays of July 26, August 2 and 9, 2016, between the hours of 7:00 p.m. and 9:00 p.m. All proposed concerts will be unamplified classical music venues. Primary participant and spectator parking will be within parking lots on the College campus and the Lifepoint Church existing parking lot, with additional off-site (overflow) parking at the adjacent Incline Village General Improvement District (IVGID) Recreation Facility, if needed. Event organizers estimate that approximately 1,300 participants and spectators will take part in the event during any of the three-day event periods, with a maximum of 500 participants and spectators on any one day of the event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the issuance of the administrative permit and business license with conditions, or deny the application.

- Applicant: Lake Tahoe SummerFest – Kirby Combs
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way, Incline Village, NV 89451 and 300 Country Club Drive, Incline Village, NV 89451
- Assessor's Parcel Numbers: 127-040-10 (College), 127-040-07 (IVGID Recreation Center), and 130-050-01 (Lifepoint church)

- Parcel Size: 17.05 acres (College), 1.4 acres (Recreation Center), 1.45 acres (Lifepoint Church)
- Master Plan Category: Rural (R)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Uses and Structures; and Washoe County Code Chapter 25, Business Licenses, Permits, and Regulations
  
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Within Section 14, T16N, R18E, MDM, Washoe County, NV

**Staff Report Contents**

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**Exhibits Contents**

Conditions of Approval.....Exhibit A

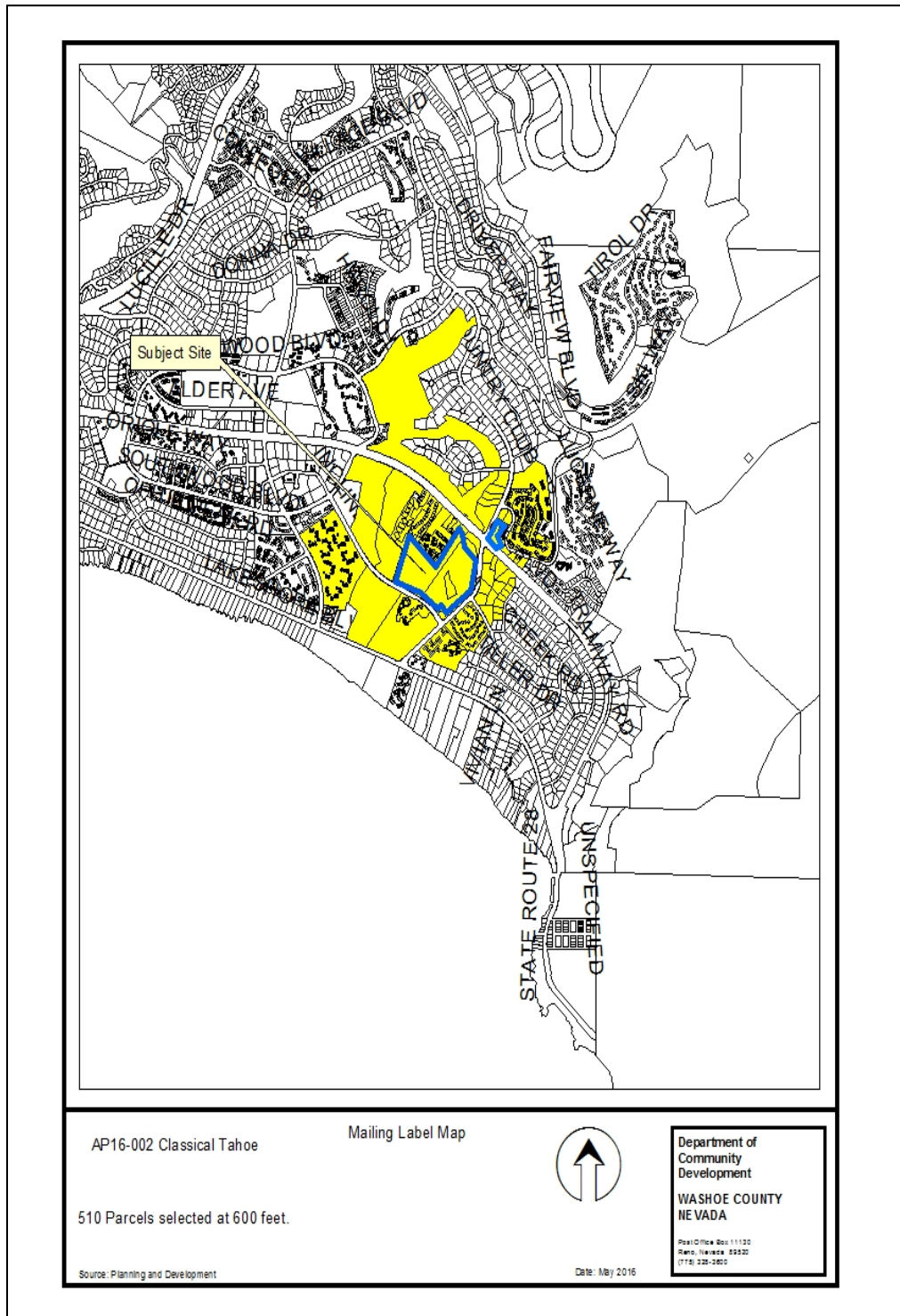
### **Administrative Permit Definition**

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Hearing Examiner or the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for Administrative Permit Case Number AP16-002 is attached to this staff report and will be included with the Action Order if the administrative permit and the outdoor community event business license are approved by the Board of Adjustment.

### **Notice**

**AP16-002**, Classical Tahoe, was noticed per Washoe County Code Section 110.808.40 (c) (1). This includes **all owners of property within 600** feet of the subject parcel, the Incline Village General Improvement District (IVGID), and the Incline Village/Crystal Bay Citizen Advisory Board (CAB).



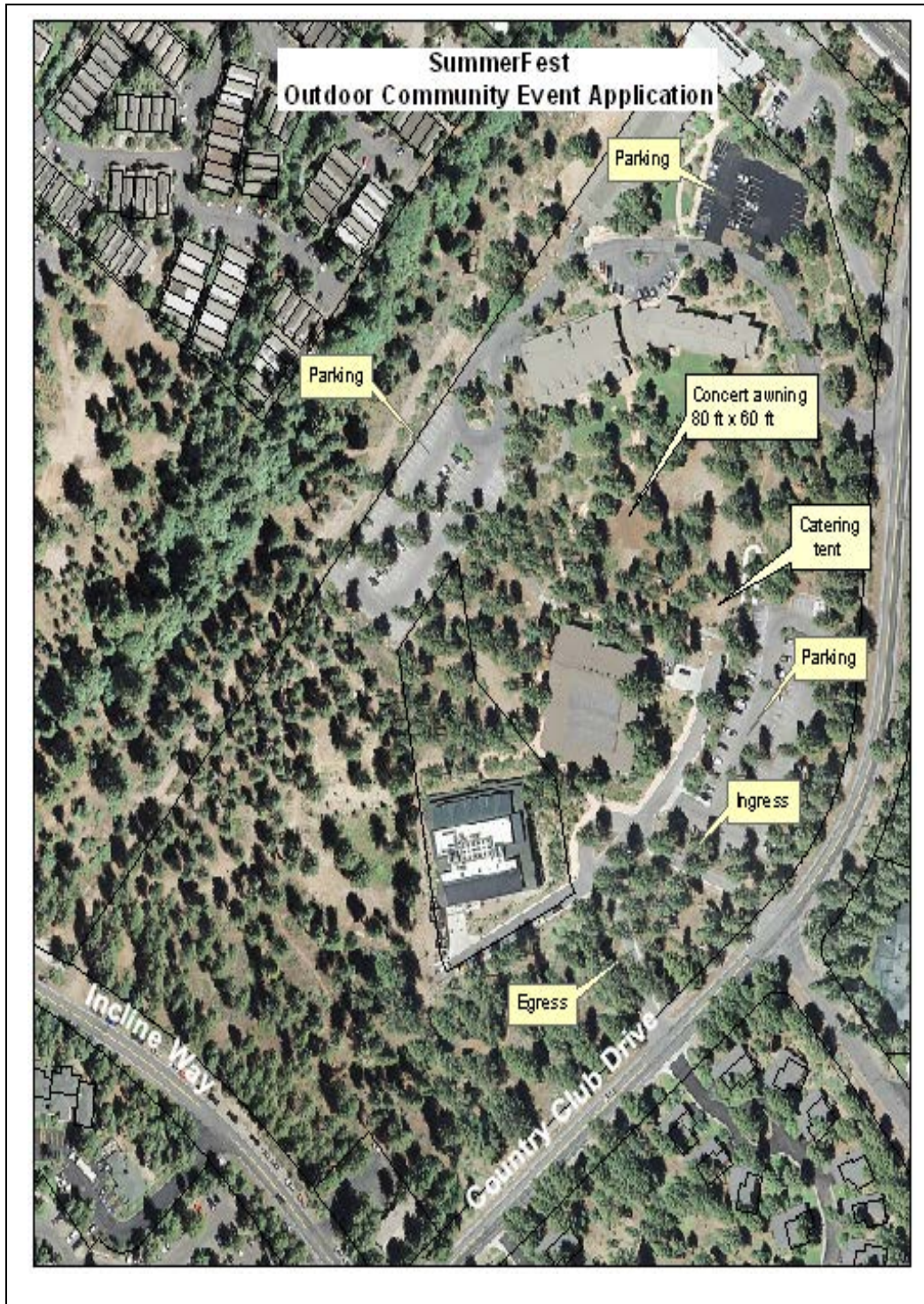
AP16-002 Classical Tahoe Mailing Label Map

510 Parcels selected at 600 feet.

Source: Planning and Development Date: May 2016

Department of Community Development  
WASHOE COUNTY NEVADA  
Post Office Box 11120  
Reno, Nevada 89520  
775-328-2600

**Vicinity and Notice Map**



**Site Plan for proposed events at the Sierra Nevada College**

## **Project Evaluation**

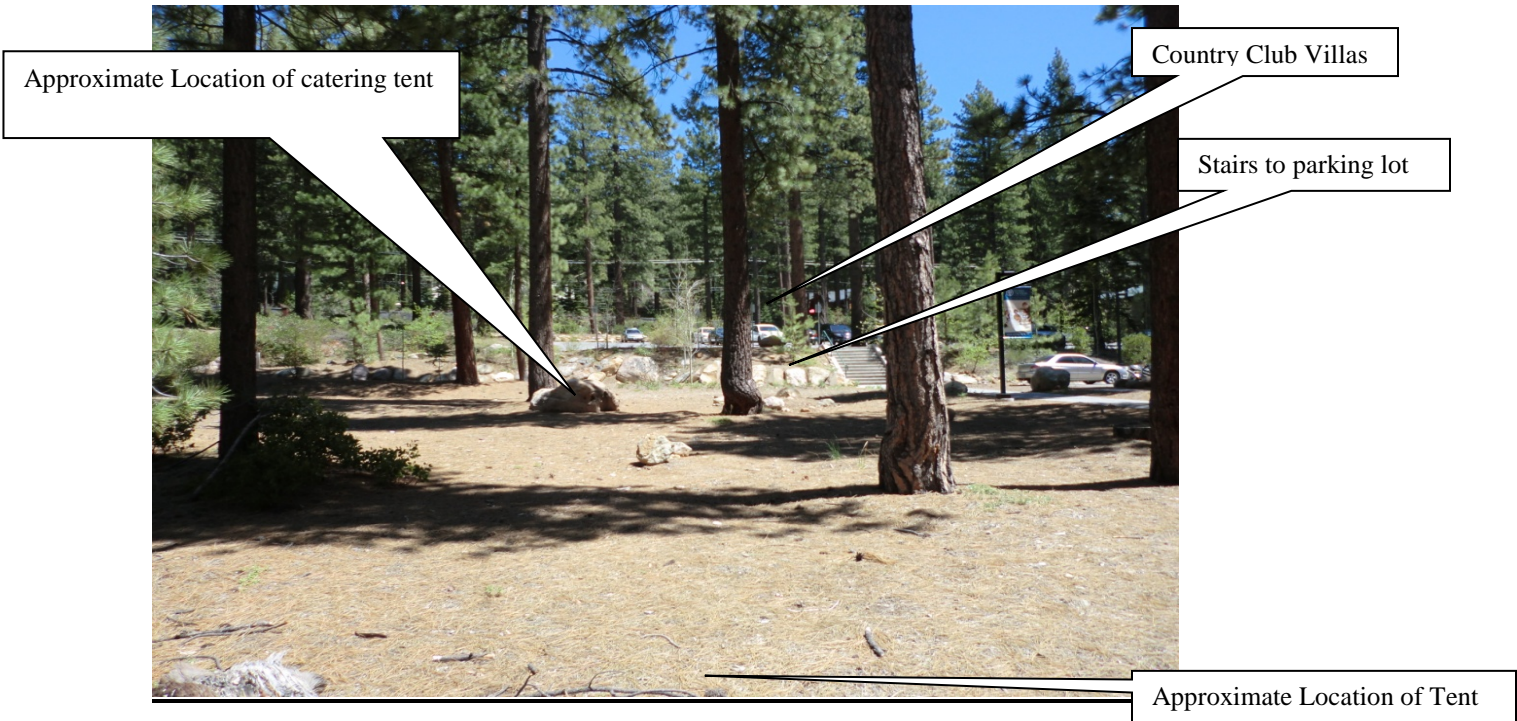
Classical Tahoe, formerly known as Lake Tahoe SummerFest, is a series of outdoor concert events being held under a tent erected on the Sierra Nevada College property. The tent is proposed to be set up in the area between the Primm Library and Patterson Hall. There are residential dwellings to both the east (Country Club Villas) and west (Tahoe Racquet Club) of the college property. The concert tent will be located approximately 500 feet from any of the residential structures.

Most concerts will be held on Friday and Saturday nights between 7:00 p.m. and 9:00 p.m. One additional concert will be held on the Sunday, August 7, between the hours of 11:00 a.m. and 1:00 p.m. The concert performances will not use amplification equipment, but there will be one microphone system for making announcements, if necessary. This year, the event organizers have chosen to shift most Sunday concerts to Tuesday, and move them indoors to the adjacent Lifepoint Church. These smaller shows will be held on Tuesday July 26, August 2, and 9, 2016, between the hours of 7:00 p.m. and 9:00 p.m.

With the exception of the Sunday family concert, food and beverages will be provided by a private company sold before and during the concerts. The catering tent will be set up near the stairs to the parking lot closest to Country Club Drive (east of Primm Library). The area where the caterer will set up is several feet below the parking lot. This lower location will serve to screen the tent from the roadway.

There are three parking lots on the Sierra Nevada Campus which provide 238 parking spaces. The applicant cites an agreement with IVGID to utilize the nearby recreation center parking facility for any overflow parking should the need occur. However, similar arrangements made in previous years for this concert series proved unnecessary. Lifepoint Church is immediately adjacent to Sierra Nevada College, across the intersection of Country club Drive and Tahoe Blvd. While these concerts will be restricted to fewer people than the outdoor concerts, overflow parking will be available at Sierra Nevada College. The event organizers will provide staff to assist in directing overflow parking to the appropriate places.

The restroom facilities in the campus buildings will be open for use by the concert attendees. Sierra Nevada College security staff will be on site during the concert. Volunteer staff will be assigned to direct traffic and assist the public.



**Facing west towards Country Club Drive**



**Facing northeast**





Approximate Location of Tent

**Facing southwest**

**Incline Village/Crystal Bay Citizen Advisory Board**

Washoe County Code does not require Administrative Permits to be presented to the local Citizens' Advisory Board. However, the CAB was provided notice. On May 3, 2016 the Incline Village Crystal Bay CAB discussed this item and voted unanimously to recommend support for this year's application.

**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
  - Building and Safety Division
- Washoe County Health District (EMS, Vector Control, Food Service)
- Washoe County Risk Management
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Washoe County Sheriff Department
- Regional Transportation 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 administrative permit and the outdoor community event business license are approved by the Board of Adjustment.

- Washoe County Planning and Development addressed the hours of operation and imposed operational conditions that will be in effect for the duration of the event.  
**Contact: Eric Young, 775.328.3613, [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)**
- Washoe County Health District addressed the need for permits for temporary food establishments, and restroom facilities.  
**Contact: James English, 775.328.2610, [jenglish@Washoecounty.us](mailto:jenglish@Washoecounty.us);**
- Washoe County Engineering and Capital Projects Division addressed the need for a traffic/parking plan for overflow parking.  
**Contact: Clara Lawson, 775-328-3603, [clawson@washoecounty.us](mailto:clawson@washoecounty.us)**
- Washoe County Building and Safety Division addressed the need to obtain building permits.  
**Contact: Don Jeppson, 775-328-2030, [djeppson@washoecounty.us](mailto:djeppson@washoecounty.us)**

### **Staff Comment on Required Findings**

Washoe County Code Section 110.808.25 requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the 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 Tahoe Area Plan.

*Staff Comment: The proposed outdoor community event, a series of outdoor and indoor concerts to be conducted on the grounds of the Sierra Nevada College and Lifepoint Church, is a permitted use with acquisition of an administrative permit and business license. There are no programs, policies, maps, or standards in any of the relevant Washoe County Plans that are inconsistent with this use.*

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: 1) electric, water utilities, and sanitation are provided by public utilities and agencies and are adequate; (2) with proper traffic management, roadways are capable of serving the event; (3) as explained in the staff report, the application was reviewed by agencies who recommended conditions (Exhibit A) to assure adequate facilities, and utilities are furnished. Staff is confident that the necessary facilities are in place or will be in place as the result of a condition for the duration of the event.*

3. Site Suitability. That the site is physically suitable for an outdoor community event and for the intensity of such a development.

*Staff Comment: The proposed site is particularly suitable for this event. The lawn areas of Sierra Nevada College are capable of hosting the expected crowds and there is adequate room for the set up of the necessary facilities and equipment. The successful use of this area last year is an indication that the site is suitable for this event.*

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 administrative permit review process ensures that all appropriate agencies have recommended the necessary conditions for this event to remain non detrimental to the public health, safety, and welfare of the area, nor will surrounding properties be unduly injured nor will the character of the surrounding area be harmed. The conditions of approval impose noise controls (no amplification) and hours of operation to assure minimum impact on surrounding properties, and no surrounding property owners have responded to the notice sent to them objecting to the event.*

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: Not applicable as there is no military installation within the required noticing distance.*

## **Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review Administrative Permit Case Number AP16-002 and the associated outdoor community event business license are being recommended for approval with the attached conditions of approval (Exhibit A). Staff offers the following motion for the Board'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 Board of Adjustment approve Administrative Permit Case Number AP16-002 and the associated outdoor community event business license for Classical Tahoe, having made all four findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area 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 an outdoor community event, 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;

**Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original 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 Board of Adjustment and mailed to the original applicant.

xc: Applicant: Kirby Combs, Executive Director  
Lake Tahoe SummerFest  
948 Incline Way  
Incline Village NV 89451

Property Owner: Sierra Nevada College  
291 Country Club Drive  
Incline Village, NV 89451

Lifepoint Church  
300 Country Club Drive  
Incline Village, NV 89451

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# Conditions of Approval

Administrative Permit Case Number AP16-002

The project approved under Administrative Permit Case Number AP16-002 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 2, 2016. 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 Administrative 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 Planning and Development.

Compliance with the conditions of approval related to this Administrative 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 Administrative 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 Administrative 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.**
- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own Board. Conditions recommended by the RTC may be required, at the discretion of Washoe County.**

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**

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

**Contact Name – Eric Young, 775.328.3613, [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)**

1. The event organizers must obtain building permits by submitting plans and calculations for review and approval of all temporary structures, including tent structures. Plan submittals should include manufacturer's recommendations for anchoring and specifications regarding wind loads, flame spread and smoke- development.
2. The applicant will provide the Planning and Development Division with proof of coordination and compliance with the North Lake Tahoe Fire Protection District requirements.
3. The applicant shall provide Planning and Development a pass to gain access to the concert site, including parking, for inspection to verify that all conditions of approval are being adhered to. The pass must be good for any and all concerts. Inspection shall be random and unannounced.
4. An Outdoor Community Event business license for Classical Tahoe shall be issued prior to commencing of concerts.
5. Catering services shall obtain appropriate Washoe County business and intoxicating liquor licenses.
6. Hours of Operation. All concerts shall end by 9:30 p.m. each Tuesday, Friday and Saturday evening, and by 1:30 p.m. on Sundays. Pre-Concert activities shall not start before 4:30 p.m. on Fridays and Saturdays and 9:00 a.m. Sundays, and all activities shall end by 10:00 p.m. on Tuesday, Friday and Saturday nights. All activities shall end by 1:30 p.m. on Sundays.
7. Noise. The music shall not be amplified during any concert.
8. Restroom Facilities must be open and available to the concert goers at least 30- minutes before and after the concert, and during the entire time that food or beverages are sold.

9. Lighting. All outdoor lighting, other than standard campus lighting, shall be turned off by 10:00 p.m. on Friday and Saturday nights, and by 8:00 p.m. on Sundays.
10. Clean up. The applicant shall be responsible for total clean-up of the site. The tent structure shall be removed within 48 hours of the final concert. The applicant shall contact Washoe County Planning and Development to arrange final site inspection after clean-up is complete.
11. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
12. The applicant shall attach a copy of the action order, if available, approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
13. A note shall be placed on all construction drawings and grading plans stating:

NOTE

- i. 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.

The following **Operational Conditions** shall be required for the life of the project:

14. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
15. 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.
16. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative 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 administrative permit. Any subsequent purchaser/operator of the site and/or the administrative 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.
17. This administrative permit shall remain in effect as long as the business is in operation and maintains a valid business license.

**Washoe County Engineering and Capital Projects**

The following conditions are requirements of the Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

**Contact Name – Clara Lawson, 775.328.3603, clawson@washoecounty.us**

1. Submit a plan for the church. The church plan should have either an attendant, or a sign that directs overflow traffic to the collage. An attendant should be on site to determine when the lot is full.

2. For the collage site there should be an attendant who also can determine when the lot is full and then either with a sign or an attendant to direct patrons to the overflow parking.

**Washoe County Health District**

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 Name – James English, 775.328.2610, [jenglish@washoecounty.us](mailto:jenglish@washoecounty.us)**

3. The event promoter is required to submit all required applications and obtain the required permits for any temporary food booths or mobile units that will be at the event;
4. All waste must be properly stored and removed from the site as required;
5. Grey and Black water tanks must be provided for all hand washing, dish washing, and restroom facilities;
6. Grey water tanks are required to be pumped and emptied on a daily basis if dishwashing is being conducted;
7. All food operations must meet the requirements of the Washoe County Health District Regulations Governing Food Establishments

[https://www.washoecounty.us/health/files/regulations/ehs/Food\\_Regs\\_Filed\\_2015-06-15\\_with\\_hyperlinks.pdf](https://www.washoecounty.us/health/files/regulations/ehs/Food_Regs_Filed_2015-06-15_with_hyperlinks.pdf)

Failure to comply with the conditions of approval shall render this approval null and void.

\*\*\* End of Conditions \*\*\*