

NEVADA TAHOE REGIONAL PLANNING AGENCY

333 West Nye Lane, Room 118, Carson City, Nevada 89710

Telephone: (702) 687-4921

MINUTES

December 20, 1995

Meeting Place

Council Chamber
South Lake Tahoe City Hall
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

The meeting of the Governing Board (hereinafter board) of the Nevada Tahoe Regional Planning Agency was convened by chairperson Steve Bradhurst at 1:00 p.m. A roll call was taken and a quorum was present.

MEMBERS PRESENT

Steve Bradhurst, Chairperson
Don Miner, Vice-chairperson
Steve Wynn
Kay Bennett
Roland Westergard
Drake Delanoy
Dean Heller

MEMBERS ABSENT

None

OTHERS PRESENT

Pamela Wilcox, Executive Officer
Mike Del Grosso, Division of State Lands
George Taylor, Attorney General's Office
Gary Midkiff
Jeff Lundahl
Susan Scholley, Tahoe Regional Planning Agency
R. J. Nicolle, Tahoe Regional Planning Agency
Steve Teshara, Tahoe Gaming Alliance
Rochelle Nason, League to Save Lake Tahoe
Lauren Graham, Tahoe Nugget

APPROVAL OF MINUTES

Kay Bennett made a motion to approve the minutes of the August 24, 1995 meeting as written, seconded by Drake Delanoy. Motion passed by all affirmative votes.

EXECUTIVE STAFF REPORT OF ACTIVITIES AUGUST 1995 TO DECEMBER 1995

Pam Wilcox, Executive Officer, stated the agency report was provided in the information packet for the board's review. She

stated that there had not been any unusual activity involving the staff and that the workload had not been excessive. Steve Wynn moved that the executive report be accepted, second by Don Miner. Report accepted by affirmative vote of all present.

CONSIDERATION OF ADDING TO THE CUBIC VOLUME OF A STRUCTURE HOUSING GAMING BY MODIFYING TWO EXISTING STAIRWELLS TO ALLOW CONVERSION OF A SECOND FLOOR AREA TO NON-GAMING COMMERCIAL OFFICES. THE CHANGES PROPOSED ARE REQUIRED BY BUILDING CODE. THE TOTAL AREA INVOLVED IS APPROXIMATELY 84 SQUARE FEET AND A CUBIC VOLUME OF APPROXIMATELY 1830 CUBIC FEET. NO EXCHANGE OF SPACE IS OFFERED. THE CHANGE IS PROPOSED AT THE TAHOE NUGGET, 195 U.S. HIGHWAY 50, STATELINE, NEVADA.

Pam Wilcox, Executive Officer, said a staff report had been prepared and a copy has been included in each member's meeting packet. A copy of a letter from Mr. Midkiff addressing the changes is also included.

Gary Midkiff, consultant for the applicant, told the board that the stairwell additions were required by the building and fire codes as part of the building remodel project, and not as part of an application to convert the second floor to another use (as stated in the agenda). The existing stairwells do not meet current standards and must be brought up to code. Current building code standards, including the Americans With Disabilities Act requirements, mandate that stairways have landings, and stair rise/run relationships, which make buildings accessible to the handicapped. In order to continue use of the second floor offices at the Nugget, it is necessary that the mandated improvements be made. Mr. Midkiff added that the use of the interior space on the second floor was immaterial to the consideration since the changes must be made regardless of the use.

A letter from Mike Stoeffler, Douglas County Building Official, was presented to the board. The letter stated that a life safety inspection of the Nugget property disclosed the stair discrepancy problem. The Uniform Building Code specifies certain standards for exterior exit stairs with safety the governing factor.

Mr. Midkiff continued by stating that the Nugget structure is a rectangular building, so no square footage or cubic volume could be offered in exchange for this additional space. He pointed out that in 1987 the Tahoe Biltmore was allowed to add a partially exterior stairwell because of fire and safety requirements. A copy of the minutes of that meeting were presented to the board members for their information. A condition of the approval for the Biltmore was that the modification would not change base data to qualify for additional gaming. In reply to a question on whether a change in gaming is contemplated at the Nugget, Mr. Midkiff

stated that there is not and that the second floor use would remain as offices.

Concern was expressed by the board that an increase in gaming space, based on this enlargement of the structure and a perceived increase in base area, could be requested by a future property owner. The board wanted assurance that such a request could not be made.

Kay Bennett asked if that building owner would agree to stipulate that he would not come back to the board to request an increase in base data. It was noted that the staff has suggested a condition, as follows:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for the public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional Planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."

Lauren Graham, building owner, told the board that he agreed to the condition and the stipulation that he would not come back to the board to request an increase.

In response to a question about the differences between this proposal and the addition made at the Biltmore, Mr. Midkiff stated that they were virtually identical. He pointed out that in both instances the changes were required and had not been proposed by the applicant.

Roland Westergard asked the architect if the change will add to the usable area of the structure. Jeff Lundahl, architect, said that it would not and displayed a building plan which showed the changes and explained why they were required.

Motion made by Don Miner, seconded by Steve Wynn, that the proposed required stairwell changes be approved, subject to the condition recommended in the staff report and agreed upon by the building owner. The motion was approved by unanimous affirmative vote.

SELECTION OF A SEVENTH-MEMBER OF THE NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD FOR A ONE-YEAR TERM STARTING JANUARY 1,

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1996. NEVADA REVISED STATUTES 277.200 REQUIRES AFFIRMATIVE AGREEMENT BY AT LEAST FOUR OF THE SIX MEMBERS OF THE BOARD FOR APPOINTMENT

Drake Delanoy made a motion, seconded by Don Miner, that Steve Wynn be reappointed as the seventh member of the Nevada Tahoe Regional Planning Agency governing board for a one-year term to expire on January 1, 1997. The motion was approved by the affirmative vote of the six eligible voting members.

BOARD MEMBER COMMENTS

There were no board member comments.

PUBLIC COMMENTS

There were no public comments.

DISCUSSION OF TIME, PLACE AND AGENDA ITEMS FOR THE NEXT MEETING

Pam Wilcox said that two items are pending: a revisit to the interim plan review procedures policy, and; consideration of "approved but unbuilt" areas for structures housing gaming. At this time only one casino has responded to our request for information- that being the Cal-Neva which reported they do not have such area. The time set for response to the request for information by the casinos is December 31, 1995.

It was suggested that the Shorezone Committee of the Tahoe Regional Planning Agency generally meets on the Tuesday prior to the regular Wednesday TRPA monthly meeting starting at 1:00 p.m. A NTRPA meeting in the morning before the Shorezone Committee meets could be a good time to meet since some members of the NTRPA also sit on the committee. The meeting could be held in the TRPA offices. It was decided that the chairperson and the executive officer would work together to set the next meeting.

The meeting was adjourned at 1:20 p.m.



Pamela B. Wilcox, Executive Officer

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency governing board. Corrections and additions could be made prior to approval.

The meeting was tape recorded. Anyone wishing to listen to the tape may call (702) 687-4921 for an appointment. The tape will be retained for two years.

NEVADA TAHOE REGIONAL PLANNING AGENCY

333 West Nye Lane, Room 118, Carson City, Nevada 89710

Telephone: (702) 687-4921

NOTICE OF MEETING OF THE BOARD OF THE NEVADA TAHOE REGIONAL PLANNING AGENCY

Notice is hereby given that the Board of the Nevada Tahoe Regional Planning Agency will hold a public meeting on December 20, 1995. The meeting will be held in the Council Chamber, South Lake Tahoe City Hall, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The meeting will begin at 1:00 p.m., preceding the afternoon session of the meeting of the Governing Board of the Tahoe Regional Planning Agency.

The agenda for the meeting is as follows:

1. Call to order:
Roll call
Approval of minutes of the August 24, 1995 meeting*
2. Executive staff report of activities August 1995 through December 1995*
3. Consideration of adding to the cubic volume of a structure housing gaming by modifying two existing stairwells to allow conversion of a second floor area to non-gaming commercial offices. The changes proposed are required by building code. The total area involved is approximately 84 square feet and a cubic volume of approximately 1830 cubic feet. No exchange of space is offered. The change is proposed at the Tahoe Nugget, 195 U.S. Highway 50, Stateline, Nevada.*
4. Selection of a seventh-member of the Nevada Tahoe Regional Planning Agency governing board for a one-year term starting January 1, 1996. Nevada Revised Statutes 277.200 requires affirmative agreement by at least four of the six members of the Board for appointment.*
5. Board member comments.
6. Public comments.
7. Discussion of time, place and agenda items for the next meeting of the Board.*
8. Adjourn.

Note: * Denotes items on which the Board may take action.

(Listing of agenda items is approximate. Items may be taken in different order than that shown on the agenda.)

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Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Mike Del Grosso in writing at the Division of State Lands, Capitol Complex, Carson City, Nevada 89710 or by calling (702) 687-4921 no later than December 15, 1995.

Notice of the meeting was posted at the following locations:

Division of State Lands, 333 West Nye lane, Room 118, Carson City
Legislative Building, Main Lobby, 401 S. Carson Street, Carson City
Tahoe Regional Planning Agency, 308 Dorla Court, Elks Point, Nevada
Department of Conservation and Natural Resources, 123 West Nye
Lane, Carson City
South Lake Tahoe City Hall, 1900 Lake Tahoe Boulevard, South Lake
Tahoe, California

December 21, 1995

Gary Midkiff
Midkiff and Associates
P. O. Box 12427
Zephyr Cove, Nevada 89448

Dear Gary:

During their meeting held on December 20, 1995, the governing board of the Nevada Tahoe Regional Planning Agency approved modifications to a structure housing gaming located at 195 U.S. Highway 50, Stateline, Nevada, commonly known as the Tahoe Nugget.

The approved modifications consisted of enlarging two (2) existing stairways which serve second floor offices. The additions to the stairways were required by Douglas County officials for fire, health and safety purposes. Compliance to the Americans with Disabilities Act also necessitated the additions. The required modifications added (84) square feet and 1,830 cubic feet to the existing structure.

The governing board approved the modifications subject to the following condition:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."

The certified base data plans for the Tahoe Nugget are located in the offices of SEA Engineers, 950 Industrial Way, Sparks, Nevada. Harry Erickson (358-6931) is the contact person in that office. We have contacted Mr. Erickson and informed him that an

Gary Midkiff
December 21, 1995
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addition will be made to the certified plan. You need to make arrangements with Mr. Erickson to have the required condition added to the certified base data plan.

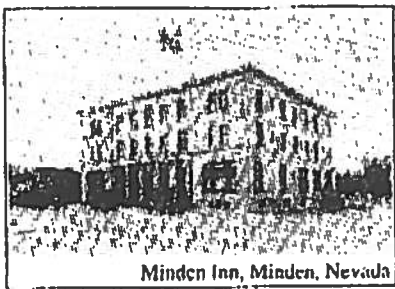
If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Pamela B. Wilcox
Executive Officer

cc: Harry Erickson, SEA Engineers
Susan Scholley, TRPA
Jeff Lundahl
Lauren Graham
Valerie Smith, Douglas County Building Department

PBW/jmd



DOUGLAS COUNTY
Community Development

BOB NUNES
Director of Community Development

Planning Division
Engineering Division
Building Division
Regional Transportation
Facilities Operations
Water Utility
Road Maintenance
Vehicle Maintenance
Code Enforcement

December 20, 1995

Gary Midkiff
FAX: 588-1091

RE: Tahoe Nugget

Gary:

The criteria used to establish the proposed change-out of the exterior stairs, is that they are not in compliance with the adopted model codes. The UBC has specificities for exterior exit stairs, and safety is the governing factor.

The life safety inspection of the above referenced property brought the stair discrepancy to light. Should you need further clarification, please feel free to contact me.

Thank you

Mike Stoeffler,
Building Official

DIVISION OF
STATE LANDS

Midkiff & Associates, Inc.

CONSULTANTS

'95 DEC 19 A11 :45

December 18, 1995

Ms. Pamela Wilcox
Executive Director
NTRPA
Department of Conservation
and Natural Resources
Division of State Lands
Capitol Complex
Carson City, NV 89710

	PAM	
	MIKE	
	KAM	
	ED	
	SARAH	
	RON	
	REX	
	JON	
	MARVA	
	KIM	
	BOB	
	CD	
	OTHER	

Subject: Nugget Stairway Remodel - Life Safety Modifications
Required by Douglas County Building Official

Dear Ms. Wilcox:

I am writing on behalf of the Nugget Owners regarding the requirements of the Douglas County Building Official which mandate that the existing stairways be brought up to current Building Code Standards. The requirement was the result of the building review undertaken by the Building Dept. in relation to the current remodel of the structure. While the Building Official is out of town at this time, I have requested a letter documenting the County health and safety requirement, and expect to have such a letter prior to the NTRPA Board meeting on December 20, 1995.

Basically, the requirements are as follows:

Current Building Code standards, including the Americans With Disabilities Act requirements, mandate that stairways have landings, and stair rise/run relationships, which make buildings accessible to the handicapped. In order to continue use of the second floor offices at the Nugget, it is necessary that the mandated improvements be made.

When considering the issue of the mandated Code Compliance, as it relates to the limitations in the Tahoe Regional Planning Compact, it is helpful to look to how similar situations have been dealt with previously. On June 17, 1987, the NTRPA approved the application of the Tahoe Biltmore to add one interior and one exterior stairwell for public health and safety reasons. the second stairwell was partially inside and partially outside of the building. The action of the NTRPA was reported in its Minutes, as follows (See Exhibit A attached):

Wilcox
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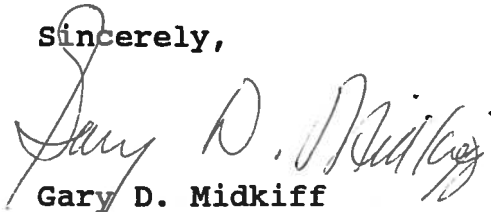
"After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation that the Tahoe Biltmore not come to the Board at a later date to use this increased volume to increase its base data area. The motion carried."

I submit that the mandated health and safety, and ADA requirements in this case of the Nugget are substantially the same as the above cited Tahoe Biltmore situation in 1987, and respectfully request that the Nugget proposed plans be approve with the same conditions.

I trust that this information will be helpful to you in evaluation of this matter and advising the NTRPA Board. I regret the lateness of this submittal, but only very recently asked to look at this issue with regard to your hearing.

If you have any questions regarding this submittal, please feel free to give me a call.

Sincerely,



Gary D. Midkiff

cc: Lauren Graham
John Mason
Jeff Lundahl

NEVADA-TAHOE REGIONAL PLANNING AGENCYWEDNESDAY 9:30 A.M. JUNE 17, 1987

PRESENT:

F. DeArmond Sharp, Chairman
Bob Pruett, Vice Chairman
Stan Hansen, Member
Roland Westergard, Member

OTHERS PRESENT:

Marta Adams, Deputy Attorney General, for Scott Bodeau
Connie Sparbel, Executive Officer
Alice Becker, Frankie Sue Del Papa Designee

ABSENT:

Dianne Cornwall, Member
David F. Miller, Member

The Nevada-Tahoe Regional Planning Agency (NTRPA) convened in the auditorium of the Ormsby Public Library, 900 North Roop Street, Carson City, Nevada, to conduct the following business:

ROLL CALL

Executive Officer Sparbel took roll call. She also stated notice of the meeting had been published in the papers and posted in four public places. Agendas had been mailed to everyone on the NTRPA mailing list.

DISPOSITION OF MINUTES

Member Hansen moved for approval of the minutes of February 11, 1987. The motion carried, with Alice Becker abstaining.

BASE DATA DRAWINGS

CAESARS - Executive Officer Sparbel stated Caesars had requested a continuance. Ronald Alling, attorney representing Caesars, also stated they were requesting a continuance.

LAKESIDE INN - Executive Officer Sparbel had received copies of the revised drawings that morning, and it was her understanding they had been corrected to SEMA's satisfaction. Executive Officer Sparbel recommended the Board certify the drawings as correct, subject to Harry Ericson, SEA, reviewing them. Ron Alling, representing the Lakeside Inn, asked that the record reflect that there is a dispute between Bob Gardner, the engineer who prepared the drawings, and Harry Ericson. Mr. Ericson has indicated there is a one to two

EXHIBIT A

percent error factor in his calculations and Mr. Gardner feels his calculations are correct. Member Hansen made a motion to approve the base data drawings on the Lakeside Inn with the stipulation that Mr. Ericson shall review and approve the drawings. The motion carried.

TAHOE MARINER - Executive Officer Sparbel said the drawings for the Tahoe Mariner still had not been received. She had sent a letter to the bank and received no response. Mike Furbush, representing Valley Bank, said the casino is in foreclosure and the sale should take place on or before July 15. He said he would be happy to answer any questions he could, but the bank is still in the process of trying to find out what the status of the project is. Mr. Furbush said he had heard there were some drawings, but had not been able to contact the proper people to obtain them. Chairman Sharp asked that Mr. Furbush stay in contact with Executive Officer Sparbel and let her know what happens concerning the sale of the casino. Mr. Furbush said he would do that.

CONSENT CALENDAR OF CASINO MODIFICATION DATED
DECEMBER 1985-JUNE 1987

Executive Officer Sparbel said she had given the Board members a revised consent calendar. Some drawings had been received since the original calendar had been typed. Included on the calendar were items on a consent calendar dated July 1986 that the Board had requested be postponed until Base Data Drawings were approved. Caesars plans are on a consent calendar addendum. Executive Officer Sparbel had done this in case the Board members did not want to approve these drawings until base data drawings were approved.

Ron Alling, representing Caesars, asked that Caesars interior modifications be approved since they deal with the area that was approved by this Board at the last meeting. They do not deal with the pool area, which is the only area still in question on the Base Data Drawings. Executive Officer Sparbel said if the addendum was going to be approved, she would like to hold Hannah's in abeyance and discuss it later.

Member Westergard made a motion that the Board ratify the actions of the Executive Officer in the form of approval of the consent calendar with the exception of Hannah's on the May 30 Consent Calendar Addendum. The motion carried.

TAHOE BILTMORE OUTSIDE STAIRWELL

Executive Officer Sparbel said last fall the Tahoe Biltmore had come before the Board about adding one exterior and one interior stairwell for public health and safety reason. It would mean adding cubic volume to the outside of the structure which is prohibited by statute. Executive Officer Sparbel has talked with both the TRPA legal counsel, Susan Scholley, and NTRPA legal counsel, Scott Bodeau, and both agree the statutes probably were not written to preclude retrofitting for health and safety purposes.

Executive Officer Sparbel received some drawings from the Tahoe Biltmore showing one stairwell completely inside the building and the second stairwell

partially inside and partially outside the building. Executive Officer Sparbel had a letter from G.L. Adams, Fire Marshal for the North Lake Tahoe Fire Protection District, stating this was being required by them, for health and safety purposes. Mr. Adams, along with the architects for the project, were in the audience, willing to discuss why the stairwell could not be done any other way. 11,577 cubic feet will be added to the building by this stairwell.

Jack Sheehan, representing Sheehan & Van Woert Architects, stated the Tahoe Biltmore has been mandated to bring its life safety shortfalls up to code conditions. The Tahoe Biltmore could be shut down if these conditions are not met.

The configuration of the roof of the Tahoe Biltmore is causing part of the stairwell to have to be on the outside of the building, no matter which side of the building the stairwell is built. The Tahoe Biltmore is willing to give up equal volume by giving up some other buildings it owns in the area.

Ms. Becker asked if there were other alternatives to this stairwell. Jerry Adams, Fire Marshal for the North Lake Tahoe Fire District explained why this was the best alternative. From a tactical stand point, placing this stairwell where it is shown in the drawings lets him utilize his manpower and equipment most efficiently. Placing the stairwell anywhere else will create a need for more manpower and equipment. This, he feels, is a very important factor.

After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation the Tahoe Biltmore not come to the Board at a later date to use this increased volume to increase its base data area. The motion carried. *Casino Department*
did comment on committee minutes of Aug. 26, 87

Chairman Sharp suggested a notation be made on the Base Data Drawings regarding this. Executive Officer Sparbel said it was her understanding the Tahoe Biltmore would have to take this before the TRPA also, but the TRPA had indicated if the NTRPA decided to allow it, the TRPA probably would also. Executive Officer Sparbel said she would communicate the Board's action to the TRPA and the Attorney General's Office. She will also talk to Harry Ericson about making a notation on the Base Data Drawings.

HARRAH'S

Linda Bowman, representing Harrahs, was present to speak about the exterior signs for Bill's Casino. Executive Officer Sparbel said Harrah's had submitted drawings regarding changing the signs from what was Barney's to Bill's. The square footage of the signs is being decreased. After discussion, Member Hansen made a motion to pass this on to the TRPA without further comment. The motion carried.

SUMMARY OF NTRPA 1987-89 BUDGET
DISCUSSION OF FEE STRUCTURE
NTRPA STAFF CONTRACT FOR JULY 1, 1987-JUNE 30, 1988

Executive Officer Sparbel had passed out copies of the budget she had received the week before from the budget office. The Legislature approved a budget of \$25,900 for the 1987-89 year, with \$7,000 of that amount being put in reserve for the 1988-89 year. The other \$18,900 must be recovered by the Board from the casinos. 100% of what is spent must be recovered from the casinos. The Agency is authorized to spend \$18,800 the first year and \$25,800 the second year.

Executive Officer Sparbel said the Agency had spend \$15,200 through May of this year and would spend approximately \$19,300 by the end of June. Chairman Sharp asked what Executive Officer Sparbel projected for next year. Executive Officer Sparbel said there was a problem in projecting since the Agency is essentially run on an as-needed basis. Member Hansen said since the Agency is approved to spend \$18,900, that is what the Agency should budget for and set their fee schedule to recover. If the Agency finds it needs to go to Interim Finance at a later date, it can do so.

Executive Officer Sparbel asked the Board members to look at the paper titled "Alternative Scenarios for 'Plan Review Fees' to Finance the NTRPA Annually". On the paper, she had put together some ideas for ways the Agency could recover funds from the casinos. She said there were problems with all the suggestions.

Ron Alling, representing Caesars, said he has expressed his concerns regarding this Agency before. He said this Agency was imposed on the casinos for the benefit of the entire basin. He feels those being regulated by the Agency should not have to support the regulator. But, since the Legislature has said this is the way it will be done, Caesars would be in favor of Scenario No. 1, whereby all casinos are charged a flat fee for this fiscal year with the understanding that the Board, with the aid of the casinos, if desired, approach Interim Finance to try to correct the situation. Caesars feels it would be unfair for the Agency to base fees on the number of plans that come before it.

Member Hansen said the scenarios should be looked at, too, as to a casino's ability to pay.

Member Westergard said he thought the staff contract should be looked at. This would give the Board a better idea of what kind of costs they will be looking at for the next year.

Executive Officer Sparbel said she had prepared a contract for \$18,800. She spoke with the State Budget Office and was told since this is what the legislature has authorized the Agency to spend, if a contract came to them for any more, it would be denied. The \$18,800 is for personnel costs, office supplies, postage, printing and copying, advertising legal notices, travel,

equipment and rent and utilities. The contract last year was for \$23,800. Executive Officer Sparbel is estimating the Agency will have spent \$19,300 by the end of June. 78% of that money went for personnel with approximately one to two percent each going for each of the other items.

Member Pruett suggested exploring the possibility of being able to obtain money generated from the room tax to help fund the Agency. Member Pruett said he would contact the Douglas County District Attorney to see if this would be possible in Douglas County. Scott Bodeau will also be contacted.

Member Westergard made a motion that the Agency establish a budget of \$18,800 for the next fiscal year and that the alternatives presented by Executive Officer Sparbel be distributed to the casinos and that a hearing be set at the call of the chairman or at a date to be determined to receive public testimony from the casinos as to the method of levying fees and that the Board enter into a contract with Executive Officer Sparbel for an amount not to exceed \$18,800. The motion carried.

BILL FROM SELA ENGINEERING

Member Westergard presented a bill to the Board from SELA Engineering for \$6,602.04. This is separate from what was just discussed for the 1987-89 budget and needs to be paid from the current budget. Member Westergard made a motion to forward a letter to the Budget Director asking that he place on the agenda a request to expend an amount not to exceed \$6,602.04 for costs incurred in plan reviewing. The motion carried.

LEFTOVER FUNDS

Executive Officer Sparbel reported a map file had been ordered and was due any day. A filing cabinet had also been ordered for the Agency. She said there was going to be about \$2,000 left in the current contract and wanted to know what the Board wished to do with it. It was decided to spend it on (1) Executive Officer Sparbel working with Harry Ericson to try to standardize submittal procedures for additional plans from the casinos; (2) having tapes of previous meetings transcribed that have never been transcribed; and (3) purchasing a tape recorder to record future meetings.

TRANSFER OF RECORDS TO ARCHIVES

Executive Officer Sparbel has spoken to State Archives and they have agreed to accept the NTRPA records. The only question was who should have legal custody of the records. It was decided to have Executive Officer Sparbel talk with State Archives and use whatever system would make it easiest for the NTRPA to obtain the records, should the need arise.

SUBPOENA

Executive Officer Sparbel said she had been subpoenaed as an expert witness for the Cal Neva/Chuck Bluth vs. Rick Sawyer case. The case involves a dispute

over payment. The case had been scheduled to begin the previous week, but has been postponed until September.

PUBLIC HEARING

Executive Officer Sparbel will see about setting a public hearing regarding fee schedules to take place at Round Hill following the July 22 TRPA meeting.

There being no further business, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Pat Hughey

Pat Hughey, Secretary

NEVADA TAHOE REGIONAL PLANNING AGENCY

333 West Nye Lane, Room 118, Carson City, Nevada 89710

Telephone: (702) 687-4921

December 20, 1995

STAFF REPORT

Agenda Item 3:

Tahoe Nugget (Stateline): Consideration of adding to the cubic volume of a structure housing gaming by modifying two existing stairwells to allow conversion of a second floor area to non-gaming commercial offices. The changes proposed are required by building code. The total area involved is approximately 84 square feet and a cubic volume of approximately 1830 cubic feet. No exchange of space is offered.

Staff comments:

Application: The Tahoe Nugget is remodeling its second floor, which will be used as commercial office space. The building code requires modifications in its stairwells, which modifications will require enlarging the building footprint as specified above.

Precedent: There is one related precedent. In 1987 the NTRPA board approved a request from the Tahoe Biltmore to add an enclosed exterior stairway. The following is quoted from the minutes of June 11, 1987:

Executive Officer Sparbel said last fall the Tahoe Biltmore had come before the Board about adding one exterior and one interior stairwell for public health and safety reasons. It would mean adding cubic volume to the outside of the structure which is prohibited by statute. Executive Officer Sparbel has talked with both the TRPA legal counsel, Susan Scholley, and NTRPA legal counsel, Scott Bodeau, and both agree the statutes probably were not written to preclude retrofitting for health and safety purposes.

...Executive Officer Sparbel had a letter from G.L. Adams, Fire Marshal for the North Lake Tahoe Fire Protection District, stating this was being required by them, for health and safety purposes...

After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation the Tahoe Biltmore not come to

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the Board at a later date to use this increased volume to increase its base data area. The motion carried.

Chairman Sharp suggested a notation be made on the Base Data Drawing regarding this...

Recommendation: Staff notes that the current situation is similar to but not identical with the Biltmore's fire code requirement. Applicant expects to have a letter from the Douglas County Building Department prior to the board meeting. If the board is satisfied that this application is also a public health, safety and welfare requirement which should be allowed, staff recommends approval subject to the following condition:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional Planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."