



City Clerk's Office
1 E First Street
2nd Floor
Reno, NV 89501
775-334-2030
CityClerk@reno.gov

For Office Use: Date Stamp
Received
DEC 20 2024
<i>JG</i>
City Clerk

City of Reno Notice of Appeal Form

Please complete this form to appeal a decision made by a City official, a hearing examiner, or the Planning Commission.

To be considered complete, the appeal must: (1) be in writing; (2) provide information addressing all of the items below; (3) be accompanied by the required appeal fee adopted by the City Council; and, (4) submitted to the City Clerk's Office or emailed to cityclerk@reno.gov.

An incomplete form will be returned to you, and may result in a delay in scheduling your appeal.

In addition, all appeals must be filed within the applicable period of limitations. For example, an appeal of a Planning Commission decision must be submitted to the City Clerk's Office within ten business days after the date of filing of notice of the decision with the City Clerk. (The City Clerk's Office maintains a list of common periods of limitations available upon request.)

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1. Type of Appeal (please select only one)

RMC: Title 18 Code

- ☒ Planning Commission Decision
- ☐ Hearing Examiner Decision
- ☐ Minor Deviation
- ☐ Minor Conditional Use Permit
- ☐ Site Plan Review
- ☐ Administrative Interpretation

RMC: Administrative Code

- ☐ Code Enforcement Citation
- ☐ Business License
- ☐ Building Permit
- ☐ Sign Permit
- ☐ Other:

LDC25-00016

2. Appellant Information:

Appellant Name: Thompson Thrift

Authorized Representative: Garrett D. Gordon, Esq.

Address: One East Liberty Street, Suite 300, Reno, NV 89501

Telephone No.: 775-321-3420

Email Address: ggordon@lewisroca.com

3. Brief description of the action, decision, or order being appealed. (Please reference the project name, address, case number, citation number, or permit number, as applicable. Attach additional sheets, as necessary.)

Appealing the decision of Planning Commission's approval of Case No. LDC25-00016 to preserve rights to judicial review.

4. Describe in detail how the action, decision, or order being appealed impacts you or your property, as applicable. (Attach additional sheets, as necessary.)

See attached letter.

5. Describe in detail the reason(s) why the action, decision, or order being appealed should be reversed, modified or set aside. (Attach additional sheets, as necessary.)

See attached letter.

6. Please identify and attach all documentation/evidence that you would like considered supporting your appeal. (Attach additional sheets, as necessary.)

See attached letter.

7. Relief or action sought. (Attach additional sheets, as necessary.)

See attached letter.

Appellant or Authorized Representative

Signature (Print Name):

Garrett D. Gordon, Esq.

☒ By checking this box, I agree information is complete and I have authority to sign this form.

For Office Use:

Hearing Date: 1/22/2025

Hearing Time: 6pm

Hearing Location: City Council

☐ Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)

Received by: Jennifer G.


O. 775.823.2900
One East Liberty Street
Suite 300
Reno, NV 89501-2128
lewisroca.com

Garrett D. Gordon
Partner
Admitted in Nevada
775.321.3420 direct
775.321.5569 fax
GGordon@lewisroca.com

LEWIS  ROCA

December 20, 2024

VIA HAND DELIVERY

Mayor Hillary Schieve & Honorable City Council Members
City of Reno
1 East First Street
Reno, Nevada 89505

RE: Appeal of Planning Commission Decision in Case No. LDC25-00016.

Dear Mayor Schieve and Honorable City Council Members:

This office represents Thompson Thrift, the applicant in the above referenced matter (“Applicant”). On December 5, 2024, the Planning Commission held a public hearing and approved the Applicant’s request for a conditional use permit to allow for: 1) a 273-unit multi-family apartment complex; and 2) grading resulting in fills greater than ten feet on the property known as Washoe County Assessor’s Parcel Numbers 042-022-11, 042-030-03 & 04. Pursuant to NRS 278.3195(4), the Applicant is required to appeal the decision of the Planning Commission in order to preserve its rights to judicial review. Thus, the purpose of this appeal is to preserve the Applicant’s right to any necessary further appeals pursuant to NRS 278.3195 or any other applicable code, regulation or statute. This letter sets forth the legal framework for an appeal of a favorable decision of the Planning Commission to the Reno City Council.

The Nevada Supreme Court has consistently held that judicial review of land use actions may only be preserved when the prevailing party at the planning commission level has appealed such favorable decision to the applicable governing body. The statutory language states, as follows:

Any person who:

- a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to [NRS 278.3195(1)]; and
 - b) Is aggrieved by the decision of the governing body,
- may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

NRS 278.3195(4). The Court has examined this statute and determined that:

NRS 278.3195(4) is clear and unambiguous, and thus, we follow its plain meaning. A party who has administratively appealed to the [governing body], under the local ordinance, may challenge the [governing body's] decision "by filing a [timely] petition for judicial review."

Kay v. Nunez, 122 Nev. 1100, 1104, 146 P.3d 801, 804-05 (2006) (quoting NRS 278.3195(4); quotation marks in original).

Although statutory and common law in Nevada typically require an appellant to be aggrieved by a decision, the Nevada Supreme Court has explained that the Legislature created additional authority and a *requirement* for parties to appeal favorable land use decisions to the governing body in order to preserve their rights to judicial review. *See Kay*, 122 Nev. at 1106, 146 P.3d at 805-06; *Humboldt River Ranch Ass'n v. Pershing County Bd. Of Com'rs*, 128 Nev. 904, 381 P.3d 622 (2012) (unpublished). In other words, if an applicant has not appealed a favorable decision from the lower body to the governing board, the applicant would not have standing to appeal an adverse governing board decision to district court. *See Kay*, 122 Nev. at 1106, 146 P.3d at 805-06. The Court explained that:

the Legislature has substituted its own definition of "aggrieved" for purposes of local zoning and land use planning decisions" . . . NRS 278.3195(4) governs a party's standing to challenge the Board's decision in the district court; it provides that a person who has appealed an administrative decision to the Board under the local ordinance and is aggrieved by the Board's decision may file a petition for judicial review in the district court.

Id.

Further review by the Court of NRS 278.3195(4) indicates that the prevailing party in initial municipal decisions, such as from the Board of Adjustment, are authorized *and required* to file such appeals to preserve standing for judicial review. *See Holt-Still v. Washoe County Board of County Commissioners*, 466 P.3d 937, 2020 WL 3570377 (2020) (unpublished) ("Had the Legislature meant to extend standing to a party who won at the lower body level and so did not appeal to the governing body, it would not have included a separate subsection expressly requiring a petitioner to "[h]a[ve] appealed" to the governing body."); *Humboldt River Ranch Ass'n*, 128 Nev. 904, 381 P.3d 622.

In *Humboldt River Ranch Ass'n*, the petitioner ("HRRA") sought judicial review of an adverse zoning decision by the Pershing County Board of County Commissioners ("Pershing County BCC"). Because the Pershing County Planning Commission's decision was favorable to the position taken by HRRA, it did not appeal the Planning Commission's decision to the Pershing County BCC. After the Pershing County BCC reversed the Planning Commission's decision, HRRA sought a petition for judicial review. The district court dismissed the petition for a lack of

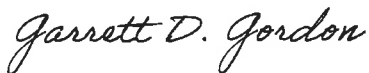
standing, which dismissal was upheld by the Nevada Supreme Court. The Supreme Court explained:

Pursuant to NRS 278.3195(4), a petition for judicial review can only be filed with the district court by a person who administratively appeals a zoning decision under the applicable ordinance to the governing board and is aggrieved by the board's decision. We recognize that the decision of the Planning Commission was favorable to the position taken by HRRA, however, based on the plain language of NRS 278.3195(4)'s limiting criteria, HRRA was required to file an appeal within the local zoning process in order to pursue a petition for judicial review. *See Kay*, 122 Nev. at 1104, 146 P.3d at 805 (stating that “NRS 278.3195(4) is clear and unambiguous, and thus, we follow its plain meaning”). HRRA did not file such an appeal before filing its petition for judicial review, and we therefore conclude that the district court did not err in dismissing HRRA's petition.

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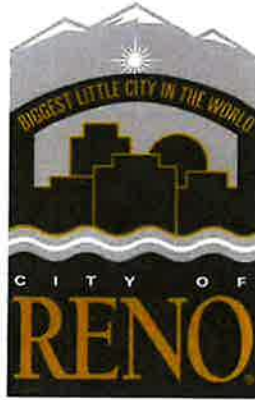
Thus, the Applicant is required to appeal the favorable decision of the Planning Commission in order to preserve its rights to judicial review. In the event of a City Council hearing on any adverse appeals, the Applicant requests that this honorable body affirm the Planning Commission decision.

Sincerely,



Garrett D. Gordon
Lewis Roca Rothgerber Christie LLP

Mike Railey, Planning Manager
Development Services Department
P. O. Box 1900
Reno, NV 89505
(775) 393-1047



December 6, 2024

FILED THIS DATE
12 / 06 / 2024
BY: [Signature]
CITY CLERK

Thompson Thrift
111 Monument Circle #1500
Indinapolis, IN 46204

Subject: LDC25-00016 (Plumas Redevelopment)
APN: 042-022-11, 042-030-03 & 04 (Ward 2)

Dear Applicant:

At the regular meeting of the Planning Commission on December 5, 2024, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow for: 1) a 273-unit multi-family apartment complex; and 2) grading resulting in fills greater than ten feet. The ± 9.48 acre project site includes three parcels and is located on the southeast corner of Plumas Street and South McCarran Boulevard. The site is located in the General Commercial (GC) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

Your approved request is subject to the following conditions to the satisfaction of Development Services Department staff:

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall apply for all building permits associated with the project within 18 months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void.
3. Prior to the issuance of any building permit and/or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.

5. Issuance of the first building permit (excluding mass grading permits) associated with this project shall void the previous approval for a 314-unit attached condominium subdivision (LDC21-00036).
6. All signage shall conform to the residential district sign standards.
7. Final site improvement and landscaping plans shall demonstrate final recreation and site amenities/programs, to be in substantial conformance with those depicted on the preliminary landscape plan, subject to review and approval by the Administrator.
8. Prior to issuance of any building permit, the applicant shall submit a final tree preservation and tree protection plan. The tree protection plan shall specify how trees will be protected during construction activities. In the event a tree is lost during due to a future expansion of South McCarran Boulevard (i.e. addition of lane), the applicant or future association shall be required to replace trees identified as protected on the tree mitigation plan with deciduous trees of a minimum caliper of 2 ½ inches and evergreen trees with a minimum height of ten feet. vertical building permit. The applicant shall provide a final tree count demonstrating a minimum of 309 trees.
9. Final site improvement and landscaping plans shall demonstrate a line of dense evergreens along the eastern edge of the compactor, subject to the satisfaction of the Administrator.
10. The trash compactor shall be operated by an onsite valet waste service and emptied any time capacity hits 70%. Granular odor neutralizer shall be used to aid in containing spills, absorbing liquids, and neutralizing odors. Should the proximity of the trash compactor become a nuisance, as defined by RMC Chapter 8.22, Nuisances, a revised mitigation plan shall be required, which may include relocation of the trash compactor, subject to the satisfaction of the Administrator.
11. Site improvement and landscaping plans shall demonstrate a landscaped parkway along a minimum of 30% of the frontage along McCarran. This shall include a minimum five-foot-wide landscaped parkway starting from the back of curb along South McCarran Boulevard and a minimum five-foot-wide sidewalk with recoded public access easement. The remaining area between the sidewalk and the parking area shall be landscaped to the satisfaction of the Administrator. Maintenance responsibility of landscape and sidewalk improvements in the right-of-way shall be the responsibility of the property owner or equivalent entity.
12. Final site improvement and landscaping plans shall demonstrate final parking spaces and parking areas, to be in substantial conformance with those depicted on the preliminary site plan, subject to review and approval by the Administrator.
13. Garages allocated for required RMC off-street vehicle parking shall be used exclusively for parking. Prior to the approval of a business license or any business license renewal, the applicant shall provide lease restrictions including language that requires residents to use

garages for vehicle parking in perpetuity. Said standards shall be enforced by the property owner or equivalent entity.

14. Final site improvement and landscaping plans shall demonstrate that five percent of the final required parking spaces include electric vehicle charging stations.

The decision of the Planning Commission may be appealed within ten business days by filing an appeal form with the Reno City Clerk together with the appropriate fees. The ten day appeal period starts the day after this notice is filed with the City Clerk. Appeals may be filed by any person who is aggrieved by the decision. The City Clerk's office is on the 2nd floor of Reno City Hall located at One East First Street, Reno, NV. The City Clerk shall set the appeal for public hearing before the City Council and mail a notice of the hearing to the appellant and all others who were mailed a notice of the hearing of the Planning Commission. The City Council may affirm, reverse, or modify the decision.

In the absence of an appeal, no building permit may be issued until this letter has been on file with the City Clerk for ten business (10) days.

This approval letter has not been issued in lieu of a building permit. You are responsible for obtaining the appropriate building permits associated with this project and a copy of this letter must be attached to the application.

Sincerely,



Mike Railey, AICP, Planning Manager
Development Services Department

LDC25-00016 (Plumas Redevelopment) - LNP.doc

xc: Lakeridge-Reno Partners LLC
4901 Birch St
Newport Beach, CA 92660

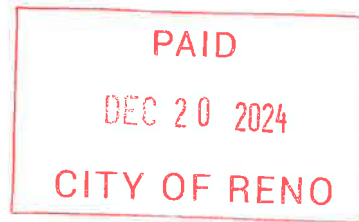
Andy Durling
1361 Corporate Blvd
Reno, NV 89502

Mikki Huntsman, City Clerk
Michael Mischel, P.E., Engineering Manager
Steve Clement, Washoe County Tax Assessor

PAYMENT DATE
12/20/2024
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
APPEAL LDC25-00016
DESCRIPTION
LEWIS ROCA

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2025-00002503
RECEIPT NO.
2025-00125801
CASHIER
Gutierrez, Jennifer



PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$103.00 Total Cash \$0.00 Total Check \$103.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$103.00 Change \$0.00 Total Received \$103.00	\$103.00
Total Amount:		\$103.00

Customer Copy



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1 E First Street
2nd Floor
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For Office Use: Date Stamp Received DEC 20 2024 City Clerk
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- ☐ Code Enforcement Citation
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- ☐ Other:

LDC25-00016

2. Appellant Information:

Appellant Name: Thompson Thrift

Authorized Representative: Garrett D. Gordon, Esq.

Address: One East Liberty Street, Suite 300, Reno, NV 89501

Telephone No.: 775-321-3420

Email Address: ggordon@lewisroca.com

3. Brief description of the action, decision, or order being appealed. (Please reference the project name, address, case number, citation number, or permit number, as applicable. Attach additional sheets, as necessary.)

Appealing the decision of Planning Commission's approval of Case No. LDC25-00016 to preserve rights to judicial review.

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See attached letter.

Appellant or Authorized Representative

Signature (Print Name):

Garrett D. Gordon, Esq.

☒ By checking this box, I agree information is complete and I have authority to sign this form.

For Office Use:

Hearing Date: 1/22/2025

Hearing Time: 6pm

Hearing Location: City Council

☐ Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)

Received by: Jennifer G.


O. 775.823.2900
One East Liberty Street
Suite 300
Reno, NV 89501-2128
lewisroca.com

Garrett D. Gordon
Partner
Admitted in Nevada
775.321.3420 direct
775.321.5569 fax
GGordon@lewisroca.com

LEWIS  ROCA

December 20, 2024

VIA HAND DELIVERY

Mayor Hillary Schieve & Honorable City Council Members
City of Reno
1 East First Street
Reno, Nevada 89505

RE: Appeal of Planning Commission Decision in Case No. LDC25-00016.

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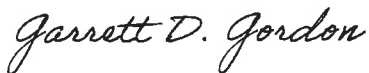
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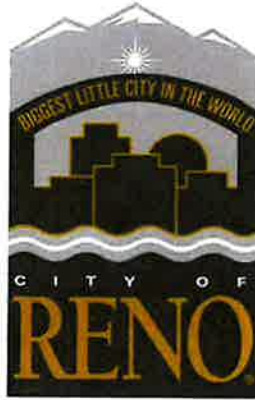
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Sincerely,



Garrett D. Gordon
Lewis Roca Rothgerber Christie LLP

Mike Railey, Planning Manager
Development Services Department
P. O. Box 1900
Reno, NV 89505
(775) 393-1047



December 6, 2024

FILED THIS DATE
12 / 06 / 2024
BY: [Signature]
CITY CLERK

Thompson Thrift
111 Monument Circle #1500
Indianapolis, IN 46204

Subject: LDC25-00016 (Plumas Redevelopment)
APN: 042-022-11, 042-030-03 & 04 (Ward 2)

Dear Applicant:

At the regular meeting of the Planning Commission on December 5, 2024, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow for: 1) a 273-unit multi-family apartment complex; and 2) grading resulting in fills greater than ten feet. The ± 9.48 acre project site includes three parcels and is located on the southeast corner of Plumas Street and South McCarran Boulevard. The site is located in the General Commercial (GC) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

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garages for vehicle parking in perpetuity. Said standards shall be enforced by the property owner or equivalent entity.

14. Final site improvement and landscaping plans shall demonstrate that five percent of the final required parking spaces include electric vehicle charging stations.

The decision of the Planning Commission may be appealed within ten business days by filing an appeal form with the Reno City Clerk together with the appropriate fees. The ten day appeal period starts the day after this notice is filed with the City Clerk. Appeals may be filed by any person who is aggrieved by the decision. The City Clerk's office is on the 2nd floor of Reno City Hall located at One East First Street, Reno, NV. The City Clerk shall set the appeal for public hearing before the City Council and mail a notice of the hearing to the appellant and all others who were mailed a notice of the hearing of the Planning Commission. The City Council may affirm, reverse, or modify the decision.

In the absence of an appeal, no building permit may be issued until this letter has been on file with the City Clerk for ten business (10) days.

This approval letter has not been issued in lieu of a building permit. You are responsible for obtaining the appropriate building permits associated with this project and a copy of this letter must be attached to the application.

Sincerely,



Mike Railey, AICP, Planning Manager
Development Services Department

LDC25-00016 (Plumas Redevelopment) - LNP.doc

xc: Lakeridge-Reno Partners LLC
4901 Birch St
Newport Beach, CA 92660

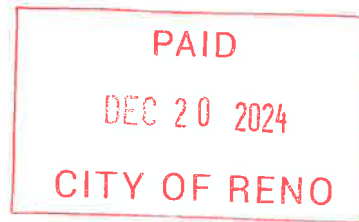
Andy Durling
1361 Corporate Blvd
Reno, NV 89502

Mikki Huntsman, City Clerk
Michael Mischel, P.E., Engineering Manager
Steve Clement, Washoe County Tax Assessor

PAYMENT DATE
12/20/2024
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
APPEAL LDC25-00016
DESCRIPTION
LEWIS ROCA

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2025-00002503
RECEIPT NO.
2025-00125801
CASHIER
Gutierrez, Jennifer



PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$103.00 Total Cash \$0.00 Total Check \$103.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$103.00 Change \$0.00 Total Received \$103.00	\$103.00
Total Amount:		\$103.00

Customer Copy