



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



## 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.)

**Untimely appeals will be rejected by the City Clerk, and any appeal fees paid will be returned.**

### 1. Type of Appeal (please select only one)

RMC: Title 18 Code

- ☒ Planning Commission Decision  
*LDC 25-00014*
- ☐ 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: \_\_\_\_\_

### 2. Appellant Information:

Appellant Name: Sierra Club Toiyabe Chapter  
Authorized Representative: Olivia Tanager  
Address: PO Box 8096, Reno, NV 89507  
Telephone No.: 504-400-3113  
Email Address: olivia.tanager@sierraclub.org

**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.)**

The Sierra Club Toiyabe Chapter is appealing the administrative interpretation pertaining to the planning commission decision, as well as the decision itself, related to the Webb Data Center proposed by EPL Virginia Investors LLC for a Conditional Use Permit. The Planning Commission approved the data center, Agenda Item 5.1, on December 18th.

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

The Sierra Club Toiyabe Chapter represents 40,000 members and supporters across Nevada, the Lake Tahoe Basin, and the eastern Sierra in California. We work on issues related to energy and climate, conservation of land, water, and wildlife, and urban development. The Sierra Club Toiyabe Chapter is a public interest organization that demands the highest level of transparency and adherence to ethical practices by public officials. This particular interpretation was marred by a violation of public meeting law, an incorrect interpretation of city code, and thus does not adhere to the ethical standard the Sierra Club Toiyabe Chapter expects of public officials in our region. Lastly, the administrative interpretation was not noticed or agendized to allow for public input and participation in the interpretation.

**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.)**

According to Reno Annexation and Land Development Code, 18.03.205, the Administrator shall determine the appropriate use category and use type for the proposed use. In making such determination, the Administrator shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements. In this instance, where the Administrator instructed the commission to consider the data center as a warehouse, the administrators interpretation was arbitrary and capricious. Data centers and warehouses are two different entities entirely. Data centers are a specific type of industrial building, generating different noises, impacting the grid differently, and operate to serve separate purposes. They are designed with distinct features to meet the needs of their respective industries.

Continued on attached page.

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

Attached staff report from March 20th planning commission meeting--note the lack of acknowledgement that a data center is being considered for this parcel, and instead the project is referred to as a warehouse.

Attached staff report from December 18th planning commission meeting--see highlighted. While the staff report says it has been incorporated into the code, it is misleading because the city of Reno has yet to fully adopt a definition

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

We are asking for this decision to be remanded, and for all data center proposals to be considered after the city of Reno has an ordinance pertaining to data centers. Presently, there is a draft ordinance that has passed its first reading, but has not yet fully passed and been adopted. Data centers are unique in their impact to residential communities, the electric grid, and natural resource use, and therefore need to be considered under an ordinance that caters to their unique impacts.

Continued.

**Appellant or Authorized Representative**

Signature (Print Name):

Olivia H. Tanager

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

For Office Use:	
Hearing Date:	<u>Feb 12, 2025</u>
Hearing Time:	<u>6:00 pm</u>
Hearing Location:	<u>City Council</u>
<input type="checkbox"/> Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)	
Received by:	<u>Lauren Morris</u>

**Webb Data Center, Reno Planning Commission, Appeal**

5. They serve very different purposes and are designed with distinct features to meet the needs of their respective industries. Data centers and warehouses require two totally separate sets of environmental controls and operational requirements. Data centers often require a controlled environment to keep the equipment at optimal temperatures and humidity levels. They also need to manage electromagnetic interference, dust, and other contaminants that could damage sensitive equipment. Warehouses may have simpler environmental controls focused on safety and practicality, like overhead lights, basic heating and cooling, and ventilation. They may not need the same level of environmental control as data centers unless storing temperature-sensitive goods. Per Reno Annexation and Land Development Code, 18.03.205, requirements for public utilities must be considered in administrative interpretation, and the requirements for utilities related to data centers and warehouses are substantially different. For these reasons and more, data centers and warehouses should be considered separate entities and must be regulated by separate ordinances. NV Energy and the Truckee Meadow Water Authority should be brought in to brief the planning commission and City Council on the impact of data centers to public utilities- namely the demand on the grid, how that demand will be met, and where water for data center processes will come from.

Earlier this year, per the memo from staff, when the commission took action on the conditional use permit in March, (agenda item 5.1 from March 20th), they were under the impression this was a warehouse. The project description from March 20th with the same parcel as the December 18th meeting stated "to allow... the development of an industrial warehouse building," making it unclear the commission was considering a data center. Had this administrative interpretation not been applied in this particular situation in December, members of the public would not have otherwise known about this interpretation because it was never brought before the public. However, if it had been known that a data center was being considered for a conditional use permit in March, the public could have better engaged with the administrator's interpretation of data centers as warehouses. Further, under the master plan, this site is zoned as industrial, but in the development code, the site is zoned as mixed use suburban, so there is a clear inconsistency in planning for this site and around data centers generally due to the lack of existing ordinance governing data centers. Because the administrator's interpretation was inconsistent and incorrectly applied, the decision of the planning commission should be remanded.

Secondarily, throughout the planning commission meeting, there were several sidebar conversations between Mr. Doug Thornley, presently representing the developer proposing the data center, and Reno City Attorney Karl Hall. Commissioner Manny Becerra pointed this out on the record. NRS 241.020 outlines the requirements for open meeting law, requiring meetings to be conducted openly and publicly, barring side conversations off the record, and out of earshot



Tanager, O.

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of the public. Further, topics discussed must be agendized and noticed to the public. Due to the sidebar, the public cannot ascertain properly if the discussion was pertinent to the agendized topic, or if there was a discussion related to an item that was not agendized. In having these repeated side conversations, Mr. Hall and Thorley violated open meeting law. Additionally, because the public was never notified of the administrative interpretation pertaining to considering data centers under warehouse regulations, and the administrator's definition of data centers, the public did not have sufficient opportunity to push back on this interpretation and its applications. While the staff report submitted alongside the agenda says the definition of data centers has been incorporated into the code, it is misleading because the city of Reno has yet to fully adopt a definition. Therefore, because of the open meeting law violation, the decision to approve this data center should be remanded until a hearing can proceed with proper public input on all information shared amongst public officials and the applicant.

7. Future data centers will be subjected to the forthcoming Reno code guiding data center permitting, and this data center should be no exception. We are requesting consistency in the application of Reno ordinances, and therefore expect this data center to be treated as all future data centers will be once Reno adopts the pertinent ordinance. This will give the public the ability to have input in the crafting of the ordinance, instead of being left out of the administrative process and incorrect interpretation of Reno code.

Further, we are requesting that this decision be remanded and that subsequent discussions of this matter be done with the highest adherence to NRS and open meeting requirements. All discussion between multiple City officials and the applicant should be done before the public so Reno residents can engage properly through public channels.

**PLANNING COMMISSION  
STAFF REPORT**

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**Date:** December 18, 2024

**To:** Reno City Planning Commission

**Subject:** Staff Report (For Possible Action): Case No. LDC25-00014 (Webb Data Center) - A request has been made for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The ±6.02 acre site is comprised of three parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The site is zoned Mixed-Use Suburban (MS) and has a Master Plan land use designation of Industrial (I).

**From:** Jeff Foster, Associate Planner

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**Ward #:** 4

**Case No.:** LDC25-00014 (Webb Data Center)

**Applicant:** EPL Virginia Investors LLC

**APN:** 082-101-13, -14 and -19

**Request:** **Conditional Use Permit:** To allow 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m.

**Location:** See Case Maps (**Exhibit A**)

**Proposed Motion:** Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to the conditions listed in the staff report.

**Summary:** The ±6.02 acre site is comprised of three vacant parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The proposed conditional use permit (CUP) would allow a data center with 24-hour operations. Key project issues include: 1) compatibility with surrounding uses and 2) site design. These issues are mitigated through project design, code compliance, and/or conditions of approval. Staff recommends approval subject to all proposed conditions.

**Background:** On March 20, 2024, the Planning Commission approved a request for a CUP to allow 24-hour operations, grading resulting in fills greater than 10 feet, and disturbance of a major



drainageway associated with an industrial **warehouse** development (LDC24-00035). That request included the three subject parcels along with a fourth parcel that contains the major drainageway.

On December 5, 2024, the Planning Commission deliberated on the proposed project. There was some discussion on other potential uses for the project site as well as whether the applicant had evaluated repurposing an existing building for a data center. Most of the discussion centered around potential implementation of sustainable components (e.g., low flow fixtures and solar) and the ability for NV Energy to provide sufficient power for the project. The item was continued to a date certain in order for the applicant to provide further information on the NV Energy commitment to serve the project.

**Discussion:** The project proposes construction of an  $\pm 82,000$  square foot industrial building with supporting mechanical equipment to be used as a data center on the subject site. On January 25, 2024, **the definition of a data center was incorporated into the Reno Municipal Code (RMC) through an Administrative Interpretation/Decision (ADM24-00020)** as “A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of a data center.”

A data center is now recognized as a permitted use in the MS zoning district with approval of a CUP. It is acknowledged that there will be significantly less truck traffic, loading/unloading, and dock doors for a data center as opposed to a warehouse or distribution center. Since data centers typically do not require many dock doors, the data center use standards limit the number of dock doors to three per building. Required parking for a data center is the same as a warehouse or distribution center (one space per 3,300 square feet of building area).

### **Analysis:**

**Compatibility with Surrounding Uses:** The general development pattern along North Virginia Street in the project vicinity is industrial in nature with some existing nonconforming residential uses occurring. Land uses immediately surrounding the site consist of warehouse or distribution center uses to the north, east, and south, and an undeveloped parcel to the west. A mobile home park is located  $\pm 470$  feet to the east, separated from the subject parcels by a parking lot and a business industrial flex development. A second mobile home park is located  $\pm 550$  feet to the northwest, separated from the subject parcels by a parking lot. The land uses immediately surrounding the site are summarized in the table below.

Adjacent Properties		
	Zoning	Use
<b>North</b>	IC	Warehouse or distribution center (Amazon Delivery Station)
<b>East</b>	IC	Warehouse or distribution center (Amazon Delivery Station parking)
<b>South</b>	I	Warehouse or distribution center (OnTrac parcel delivery service)
<b>West</b>	IC	Vacant (fourth parcel from LDC24-00035)

The applicant requests to allow indoor operations 24 hours a day. This geographic area is generally characterized by industrial zoning and uses that would allow for 24-hour indoor operations by right. The nearest residentially zoned property is  $\pm 1,500$  feet away and separated from the site by a freeway. However, there are two mobile home parks within  $\pm 550$  feet of the subject site. There are significant buffers between the site and the mobile home parks, and it is anticipated that indoor operations would not have impacts upon these residential uses. Regarding exterior operations and the proposed location of the truck dock and drive-up door, staff recommends a condition to limit the hours of truck arrivals/departures, idling, and on-site movement (**Condition 5**). Restricted construction hours will further reduce potential impacts on the existing residential uses (**Condition 6**). Given all of the above, the proposed use is generally compatible with existing land uses in the area.

**Site Design:** In addition to the data center building, the proposed site plan includes two chiller yards, a backup generator yard with  $\pm 10$  emergency generators (only used during a power failure and during necessary periodic testing or maintenance per **Condition 7**), parking, landscaping, and underground retention/detention basins (**Exhibit B**). Twenty-five parking spaces are required and 26 are provided. A truck dock and a drive-up door are proposed at the northwest corner of the building, which is a significant distance from North Virginia Street and screened by intervening parking and landscaping.

One of the chiller yards is on the south side of the building facing North Virginia Street; the generator yard on the east side of the building would also be visible from North Virginia Street (**Exhibit C**). The chillers are  $\pm 10$  feet tall with additional height for the piping and the generators at  $\pm 25$  feet tall. A  $\pm 15$  foot tall screening/security fence is proposed approximately six to eight feet below the level of the roadway to screen the chillers and piping along with the majority of the height of the generators. Proposed street tree canopy along North Virginia Street will obscure visibility of the top of the generators, and the southernmost generator will be painted a custom color that is coordinated with the building color (**Condition 8**). Rooftop mechanical equipment will be screened by parapet walls.

Elevations for the proposed  $\pm 32$  foot tall, single story building are shown in **Exhibit D**. The south street facing façade appears to meet the required wall articulation per RMC 18.04.1003(c)(2)(b) and ground floor transparency requirement per RMC 18.04.1003(c)(3). The ground floor



transparency glazing is located along the upper portion of the façade so it is visible above the 15 foot tall screening/security fence. The building mounted light fixtures are mounted at 25 feet as allowed by code and no lighting is directed onto adjacent properties.

The MS zone requires a minimum of 20% of the developed site to be landscaped. As designed, the project includes ±52,703 square feet (20% of the site) of formal landscaping plus additional decorative rock mulch area (**Exhibit E**). Landscaping to provide parking area screening from view of North Virginia Street has been included per code. The site plan includes a ±20 foot landscaped buffer between the proposed sidewalk and the proposed screening fence. A mixture of deciduous and evergreen trees will be planted along North Virginia Street, within the buffer area, in a staggered arrangement at two elevations to help obscure the screening/security fence, top of the generators, and building (**Condition 9**).

Since the site encompasses three parcels, prior to approval of any site improvement permit the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the parcels (**Condition 10**).

**Traffic, Access and Circulation:** The proposed data center project is anticipated to generate 84 daily trips, including 9 A.M. peak hour and 8 P.M. peak hour trips. This trip generation is well below RMC requirements for a traffic entry and access study. With this very low trip generation, the proposed project is not expected to have any significant impact on local traffic operations or surrounding roadway infrastructure. The project will pay standard regional road impact fees that are used to mitigate impacts on the regional roadway network.

The Regional Transportation Commission (RTC) classifies North Virginia Street as a Moderate Access Control Arterial in the 2050 Regional Transportation Plan. RTC has a roadway improvement project planned in this area that would widen North Virginia Street and provide a center left turn lane. The project proposes to provide a six foot sidewalk along the project frontage; the location of this sidewalk will be coordinated with RTC to minimize risk of it needing to be relocated in the future.

**Public Utilities:** Sanitary sewer from the site will be treated at the Reno-Stead Water Reclamation Facility (RSWRF). There is limited sewer capacity remaining at RSWRF, which is connected to a short-term capacity project that diverts or “shaves” the raw sewage flow to a pipe that is used to pump sludge to the Truckee Meadows Water Reclamation Facility (TMWRF) for processing. The limit on sewer capacity was primarily to allow the remaining flow potential to be used to reduce the volume of effluent going to Swan Lake, which reduces the potential for flooding from this source. Since that time, a project was constructed to pump water directly out of Swan Lake during the irrigation months (April through October) and has been very effective in managing the water

level at the lake. The long-term solution for increasing wastewater treatment capacity is the expansion of RSWRF from two million gallons per day (MGD) to four MGD and the Advanced Purified Water Facility and American Flat Aquifer Storage and Recovery project, which is currently being reviewed (LDC25-00013).

The applicant will be required to apply for a sewer will-serve and pay sewer connection fees prior to permit issuance consistent with the established sewer allocation program. The time frame for building permit application specified in **Condition 2** has been adjusted in case the applicant is not able to secure a sewer will-serve in advance of the project as a result of the wastewater treatment capacity constraints.

Water will be provided by Truckee Meadows Water Authority Water (TMWA). A will-serve from TMWA will be required prior to any permit requests to develop the site. Electricity and gas will be provided by NV Energy. Regarding power supply for the proposed data center, the application indicates that ownership has obtained commitments from and executed agreements with NV Energy to supply the necessary power to operate the data center. Existing overhead power lines along the site frontage are required to be undergrounded or a waiver obtained per RMC 18.04.503(c).

**Hydrology:** The project is in the FEMA Flood Zone Unshaded X, an area of minimal flood hazard. Final design shall incorporate measures to ensure that there is no net increase in the regulatory 100-year water surface elevation of Silver Lake. Volumetric mitigation shall be a minimum 1.3:1 when located within watershed areas contributing to closed basins, based on the 100-year 10-day storm event. Volumetric mitigation is typically satisfied with an onsite retention basin(s); four underground retention/detention basins are proposed. A final drainage report will be required at the time of building permit to ensure the proposed facilities are adequate to serve the site.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Industrial (I) and is located along a Suburban Corridor within the Industrial/Logistics Employment Areas per the Structure Plan Framework of the Reno Master Plan. The Industrial land use designation is intended to support industrial uses, including manufacturing/processing operations, maintenance and repair shops, and warehousing and distribution facilities. As proposed and with the recommended conditions, the proposed project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

- GP 1.1A: City-Focused Economic Development Strategy
- C-SC.1: Overall Mix
- C-SC.17: Infill and Redevelopment
- DPEA-G.3: Parking, Loading and Storage
- EA-ILA.1: Overall Mix

- EA-ILA.7: Varied Design

**Public and Stakeholder Engagement:** The proposed project was reviewed by various City divisions and partner agencies. Comments received were incorporated into this report (**Exhibit F**). A courtesy notice was sent out to surrounding property owners upon initial submittal of the project. The applicant presented their project at the November 21, 2024 Ward 4 Neighborhood Advisory Board meeting. No comments have been received. Any future comments will be forwarded to the Planning Commission as they are received.

**Recommended Conditions of Approval:** All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

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 a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with this project, 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. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.
6. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control

or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.

7. The emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance.
8. Prior to approval of a building permit for site improvements or vertical construction as appropriate, the applicant shall submit final plans showing a minimum 15 foot screening fence along the project frontage and a note that the southernmost generator will be painted to complement the building to the satisfaction of the Development Services Department.
9. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate a double row of staggered trees along the project frontage as shown on the preliminary landscape plan and sightline study. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.
10. Prior to approval of a building permit for site improvements, the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the three parcels.

### **Findings:**

**General Review Criteria:** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and
  - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.

- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan: If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

**Conditional Use Permit:** In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- 1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- 2) The proposed land use and project design is compatible with surrounding development;
- 3) The proposed land use and project design is consistent with applicable development standards;
- 4) Public services and facilities are available to serve the project, or will be provided with development;
- 5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- 6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

**Attachments:**

Exhibit A. Case Maps  
Exhibit B. Preliminary Site and Floor Plans  
Exhibit C. Sightline Study  
Exhibit D. Preliminary Elevations  
Exhibit E. Preliminary Landscape Plan  
Exhibit F. Agency Comments

**PLANNING COMMISSION  
STAFF REPORT**

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**Date:** March 20, 2024

**To:** Reno City Planning Commission

**Subject:** Staff Report (For Possible Action): Case No. LDC24-00035 (North Virginia and Webb Industrial) - A request has been made for a conditional use permit to: a) allow the operation between the hours of 11:00 p.m. and 6:00 a.m.; b) allow grading resulting in fills greater than 10 feet; and c) allow the disturbance of a major drainageway with the development of an industrial warehouse building. The ±9.02 acre site is located on the north side of North Virginia Street, ±860 feet east of its intersection with Stead Boulevard. The site is within the Industrial Commercial (IC) and Mixed-Use Suburban (MS) zones and has a Master Plan land use designation of Industrial (I).

**From:** Carter Williams, Associate Planner

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**Ward #:** 4

**Case No.:** LDC24-00035 (North Virginia and Webb Industrial)

**Applicant:** McKenzie Capital Partners LLC

**APN:** 082-101-13, -14, -19, & -20

**Request:** **Conditional Use Permit:**

- a) To allow the operation between the hours of 11:00 p.m. and 6:00 a.m.;
- b) To allow grading resulting in fills greater than 10 feet; and
- c) To allow the disturbance of a major drainageway with the development of an industrial warehouse building

**Location:** See Case Maps (**Exhibit A**)

**Proposed Motion:** Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to conditions listed in the staff report.

**Summary:** The ±9.02-acre project site includes four parcels located on the north side of North Virginia Street, ±860 feet east of its intersection with Stead Boulevard. The proposed conditional use permit would allow for the development of an industrial warehouse building that would result



in fills greater than 10 feet and disturbance of a major drainageway. The applicant also proposes operations between the hours of 11:00 p.m. and 6:00 a.m. Key issues analyzed in this report include: 1) natural resource protection, 2) grading, and 3) compatibility with surrounding uses. Staff recommends approval of the application with the proposed conditions of approval.

### **Analysis:**

**Site Design:** The proposed site plan includes the construction of two industrial warehouse buildings totaling ±164,160 square feet in building area with associated site improvements including parking, landscaping, and drainage facilities (**Exhibit B**). As the site includes four parcels that would conflict with the location of proposed buildings, **Condition No. 6** is recommended to require that a reversion to acreage map be recorded to ensure that buildings are not constructed over property lines. The applicant proposes constructing a minimum six-foot-wide sidewalk in coordination with improvements planned by the Regional Transportation Commission (RTC).

The site is split into two zoning designations (MS & IC) which differ in standards for landscaping. The landscaping requirements were calculated based on each respective district area; however, the proposed landscape is distributed throughout, with particular emphasis on the drainageway course (**Exhibit C**). As industrial districts only require a 10-foot strip to be landscaped along the street frontage, the proposed landscape area greatly exceeds the combined landscape requirements with 22.7 percent of the site to be landscaped. Truck docks associated with the warehouse buildings are aimed interior to the site and loading areas are screened from the street using a combination of landscaping and screen walls.

**Compatibility with Surrounding Uses:** The applicant requests to allow indoor operations 24 hours a day, seven days a week. The nearest residentially zoned property is at least 1,500 feet away from the site and separated by a freeway; however, there are two mobile home parks within 500 feet from the site. This area is generally characterized by industrial that would allow for 24-hour operations indoors by-right, including the northwestern portion of the subject property. There are significant buffers between this site and the two mobile home parks, so it is not anticipated that indoor operations would have impacts upon the nearby residential uses. Staff does, however, recommend a condition to limit the hours of truck arrival, departures, and on-site movement to between the hours of 6:00 a.m. and 10:00 p.m. (**Condition No. 7**).

**Major Drainageway:** The application proposes limited disturbance of a major drainageway. The existing course of the drainageway starts at the southeast corner of the site, runs generally northwest along North Virginia Street, and meets with a lesser drainage course to continue northeast (**Exhibit D**). The drainageway is piped to the south and north of the site with past development; however, the Reno Municipal Code requires intensive scrutiny whenever a major

drainageway is disturbed and requires not only the preservation of existing drainage courses but indicates a developer's responsibility to restore drainageways. The major drainageway in question appears to have been disturbed in the past due to past grading activities and the construction of North Virginia Street.

The applicant proposes to generally leave the major drainageway in its current location and character at the northwest end of the site. There is minor encroachment proposed that is required to be revegetated and restored. Otherwise, existing riparian vegetation is to remain. An extensive coordination period spanning over months has occurred regarding the existing drainageway course that runs along North Virginia Street. Its proximity to the roadway appears to have long resulted in the degradation of its condition. With the oncoming widening and pedestrian improvements proposed by RTC, it appears that the best alternative is to pipe this section to outlet at the juncture where the two drainageways combine. A number of alternatives have been analyzed up to this point including the option to relocate the drainageway or to pipe the portion up to the driveway access. These solutions would either be unfeasible or only serve as a temporary solution due to the road widening and need for pedestrian access in this area. Staff is supportive of this alternative because it considers the infrastructure needs for this area while still providing for the preservation and enhancement of the greater portion of the major drainageway that runs through the site. **Condition No. 8** is recommended to indicate the degree of disturbance that is appropriate for the implementation of this project.

**Site Grading:** This application also proposes fills greater than ten feet with the proposed grading (**Exhibit E**). The location of these fills is to the rear of the site, would not impact the major drainageway, and are limited in scope to filling cavities in the earth that do not impact any significant hillside or topographical features. By allowing the fill of these portions of the site, it supports a site plan for development that pushes buildings and other improvements further southeast, reducing the need to further disturb the major drainageway.

**Traffic, Access, and Circulation:** The project site proposes access through three driveways on North Virginia Street. The westernmost and easternmost driveways are to be limited to right-in and right-out traffic maneuvers only. Three driveways are needed to provide circulation around the two buildings, with the center driveway providing primary access to the site. Pork chop islands are proposed for the west and east driveways to restrict turn movements and enhance safety. No right turn deceleration lanes or acceleration lanes are necessary to meet traffic safety standards.

The proposed warehouse project is anticipated to generate 282 Daily, 28 AM peak hour, and 30 PM peak hour trips. This is considered a very low trip generating use which would not warrant a traffic entry and access study per RMC Section 18.04.601. The project will pay standard regional road impact fees (RRIF) which are used to mitigate impacts on the regional roadway network.

The Regional Transportation Commission (RTC) classifies North Virginia Street as a Moderate Access Control Arterial in the 2050 Regional Transportation Plan (RTP). The RTC has a roadway improvement project planned in this area that would widen North Virginia Street and provide a center left turn lane. The project proposes to provide a six-foot-wide sidewalk along their project frontage and the location of this sidewalk would be coordinated with the RTC's roadway design planning to minimize risk of it needing to be relocated in the future with the construction of RTC's project.

**Public Utilities:** Sanitary sewer from the site will be treated at the Reno-Stead Water Reclamation Facility (RSWRF). There is limited sewer capacity remaining at RSWRF connected to a short-term capacity project that diverts or "shaves" the raw sewage flow to a pipe that is used to pump sludge to the Truckee Meadows Water Reclamation Facility (TMWRF) for processing. The limit on sewer capacity was primarily to allow the remaining flow potential to be used to reduce the volume of effluent going to Swan Lake, which reduces the potential for flooding from this source. Since that time, a project was constructed to pump water directly out of Swan Lake during the irrigation months (April through October) and has been very effective in managing the water level at the lake. The long-term solution for increasing wastewater treatment capacity is the expansion of RSWRF from two million gallons per day (MGD) to four MGD and the Advanced Purified Water Facility and American Flat Aquifer Storage and Recovery project.

The applicant will be required to apply for a sewer will-serve and pay sewer connection fees prior to permit issuance consistent with the established sewer allocation program. If the applicant is not able to secure a sewer will-serve in advance of the project, resulting from the wastewater treatment capacity constraints, the time frame for building permit application specified in **Condition No. 2** has been adjusted.

Electric and gas utilities will be provided by NV Energy and the water utility by the Truckee Meadows Water Authority (TMWA). Based on the site frontage, existing overhead facility lines require to be undergrounded, or otherwise require a waiver pursuant to RMC 18.04.503(c).

**Flood Hazard/Stormwater Drainage:** The project is in the FEMA Flood Zone Unshaded X, an area of minimal flood hazard. A Drainage Report was prepared for the project to address on-site and off-site stormwater flows, detention, and facility capacities for the pre-development and post-development site conditions in compliance with the Public Works Design Manual. Site drainage is conveyed through an above ground detention basin and two underground stormwater storage galleries that will have a controlled outlet into the major drainageway. Drainage facilities are required to be sized to adequately mitigate storm water runoff at a mitigation rate of 1:1.3 when located within watershed areas contributing to closed basins. A final drainage report will be required at the time of building permit to ensure the proposed facilities are adequate to serve the site.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Industrial (I) and is located along a Suburban Corridor within an Industrial/Logistics Employment Area per the Structure Plan Framework of the Reno Master Plan. As proposed, and with the recommended conditions, the project is in conformance with the I Master Plan land use designation and the following applicable Master Plan goals and policies:

- 1.1B: Community Development
- 1.2B: Modern Industrial Hub
- 2.3B: Cost of Growth
- 7.1E: Hydrologic Resources
- 7.1F: Major Drainageways
- EA.ILA-7: Varied Design

**Public and Stakeholder Engagement:** Agency comments that were received were integrated into this staff report (**Exhibit F**). The applicant presented the project to the Ward 4 Neighborhood Advisory Board (NAB) on January 18, 2024. Several concerns were raised related to traffic impacts and noise/visual impacts on nearby residential uses. A courtesy notice was sent out to surrounding property owners upon initial submission of the project and one written comment in opposition was received noting similar concerns (**Exhibit G**). Based on the site design, recommended conditions, and existing code requirements, staff finds that the public concerns are adequately mitigated and will further be addressed with the widening of North Virginia Street. Any future comments will be forwarded to the Planning Commission as they are received.

**Recommended Conditions of Approval:** All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

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 owner or developer shall apply for a building permit or business license for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit or license 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. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of Administrator.
6. Prior to the issuance of any permit for the vertical construction of buildings, a reversion to acreage map shall be recorded with the Washoe County Recorder's Office to combine parcels in such a way that parcel lines will not conflict or intersect with proposed buildings.
7. Truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. Unloading and loading activities of enclosed containers previously docked at a sealed dock door are permitted beyond these restricted hours. Truck idling is prohibited on the site. Prior to the issuance of a building permit, the applicant shall have plans approved demonstrating that signs shall be installed between the overhead doors informing vehicle operators that idling shall be prohibited.
8. Prior to the issuance of any permit, including grading, the applicant shall have plans approved that demonstrate that the major drainageways are only disturbed in accordance with the grading plans provided with the application materials. Disturbance and protection of the major drainageway on the site shall be in accordance with RMC Section 18.04.104.

### **Findings:**

***General Review Criteria and Considerations:*** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- (1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and

- b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- (2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- (3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- (4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- (5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

***Conditional Use Permit:*** In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- (1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- (2) The proposed land use and project design is compatible with surrounding development;
- (3) The proposed land use and project design is consistent with applicable development standards;
- (4) Public services and facilities are available to serve the project, or will be provided with development;
- (5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- (6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:



- a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
- b. Any hazard to persons and property.

***Limits on Grading (Cut and Fill):*** For developments ten acres or more in area, the following findings shall be made prior to granting a major site plan review, in addition to the general major site plan review findings:

- a. The proposed project mitigates environmental degradation, including slope failure, erosion, sedimentation, and stormwater run-off;
- b. The proposed project utilizes grading practices that are appropriate for hillsides and designed to minimize the visibility of unsightly scarring;
- c. The proposed project provides open space based on hillside constraints;
- d. The proposed project adheres to applicable hillside development design standards and to Master Plan provisions related to development in sloped areas; and
- e. The proposed project's site layout and design features adequately mitigate potential visual impacts of development near prominent ridgelines and within other visually prominent areas.

**Attachments:**

**Exhibit A – Case Maps**

**Exhibit B – Site Plan**

**Exhibit C – Landscape Plan**

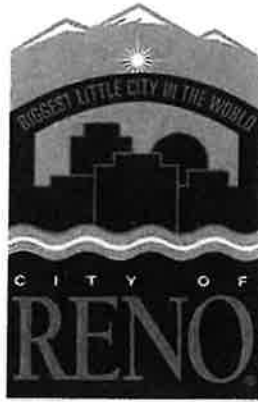
**Exhibit D – Major Drainageway Exhibit**

**Exhibit E – Fills Map**

**Exhibit F – External Agency Comments**

**Exhibit G – Public Comments**

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



FILED THIS DATE  
12/19/2024  
BY: B. J.  
CITY CLERK

December 19, 2024

EPL Virginia Investors LLC  
One Sansome Street #1550  
San Francisco, CA 94104

Subject: LDC25-00014 (Webb Data Center)  
APN: 082-101-13, -14 and -19 (Ward 4)

Dear Applicant:

At the regular meeting of the Planning Commission on December 18, 2024, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The  $\pm 6.02$  acre site is comprised of three parcels located on the north side of North Virginia Street  $\pm 1,170$  feet east of its intersection with Stead Boulevard. The site is zoned Mixed-Use Suburban (MS) and has a Master Plan land use designation of Industrial (I).

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 a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with this project, 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. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.
6. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.
7. The emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance.
8. Prior to approval of a building permit for site improvements or vertical construction as appropriate, the applicant shall submit final plans showing a minimum 15 foot screening fence along the project frontage and a note that the southernmost generator will be painted to complement the building to the satisfaction of the Development Services Department.
9. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate a double row of staggered trees along the project frontage as shown on the preliminary landscape plan and sightline study. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.
10. Prior to approval of a building permit for site improvements, the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the three parcels.

11. Prior to approval of a building permit for vertical construction, the applicant shall submit plans demonstrating that a rooftop photovoltaic (PV) system is incorporated into the building design to the satisfaction of the Development Services Department. The PV system array shall be limited to the roof over the "front of house" areas and shall not be required to be installed above the data halls, electrical rooms, battery rooms, or other critical equipment areas.
12. Prior to approval of a building permit for vertical construction, the applicant shall demonstrate that the entire roof structure has been designed with a load capacity that can support a photovoltaic (PV) system array for a future use other than the current data center project.
13. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating a minimum of two onsite Level 2 electric vehicle (EV) chargers to be installed as part of the project.
14. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying installation of low flow domestics water fixtures. This shall not apply to hose bibs serving equipment areas.
15. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying utilization of low volatile organic compound (VOC) materials on the building shell.
16. Prior to approval of a building permit for vertical construction, the applicant shall submit plans with a note on the title page and in the construction notes requiring source separation and diversion of construction debris from the landfill where possible.

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 2<sup>nd</sup> 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.

EPL Virginia Investors LLC  
RE: LDC25-00014 (Webb Data Center)  
Page 4

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,

A handwritten signature in black ink, appearing to read 'Mike Railey', written over the printed name.

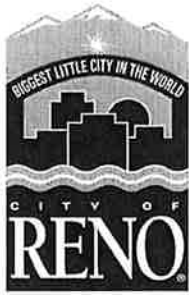
Mike Railey, AICP, Planning Manager  
Development Services Department

LDC25-00014 (Webb Data Center) - JAF.doc

xc: Dorothy & Henrietta R Staples  
6123 E 5<sup>th</sup> Ave  
Hialeah, FL 33013

Veronica Bardhan  
730 Sandhill Road #250  
Reno, NV 89521

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



## ADMINISTRATIVE INTERPRETATION/DECISION

NO. ADM24-00020

DATE OF DECISION 1/25/2024

CODE SECTION Reno Municipal Code (RMC) Chapter 18.03 Article 2, Table 3-1 "Table of Allowed Uses", Chapter 18.09 Article 3 "Definitions of Use Categories and Use Types", Chapter 18.04 Table 4-6 "Off Street Parking Requirements"

INTERPRETATION To provide clarification for a use (data center) that is not identified in RMC. It is the interpretation of the Administrator that data center is a new and emerging use similar to a warehouse or distribution center, often with lesser impacts. The proposed use of data center will be permitted in the following districts with the approval of a conditional use permit (CUP): Mixed-Use Downtown – Innovation District (MD-ID), Mixed-Use Suburban (MS), Industrial (I), Industrial Commercial (IC), Mixed – Employment (ME), Mixed-Use Airport (MA), Mixed-Use Urban (MU), General Commercial (GC), and Public Facilities (PF). These allowances are similar to a warehouse or distribution center and trigger a discretionary review (CUP) based on their inherent need for 24-hour operations. There will be significantly less truck traffic, loading/unloading, and dock doors for a data center, as opposed to a warehouse or distribution center. Since data centers typically do not require many, if any, dock doors, an additional use standard limiting the number of dock doors to three per building has been added.

Parking for data center uses will be the same as a warehouse or distribution center, which is 1 parking space for every 3,300 square feet of building area. Although data centers typically require less parking than a warehouse, this is the most permissive parking ratio in



RMC Chapter 18.04 Table 4-6 and is seen as adequate to address the proposed use needs.

Lastly, the definition for the proposed use of a data center will be as follows: A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of a data center.

BACKGROUND The intent of this interpretation is to explicitly define and call out a new use that has been increasing throughout the community. In order to be sufficiently prepared to regulate and permit data centers throughout the City, the Administrator intends to address use specific standards and any requirements that may be appropriate. Data centers were not adequately captured in any of the existing uses listed in RMC. This interpretation intended to capture a new and emerging use so staff can appropriately regulate it.

This interpretation shall supersede all previous interpretations of R.M.C. Title 18, Annexation and Land Development Code, concerning the above referenced code section and shall be in effect unless and until a subsequent interpretation concerning the above referenced code section is made by the Administrator, this decision is reversed by the Reno City Council, or the code section in question is modified.

Pursuant to R.M.C.18.08.502, the Administrator has the authority to interpret the zoning ordinance provisions within the reasonable exercise of discretion. Any person aggrieved by the decision of the Administrator who alleges that there is an error in the decision may appeal to the City Council within ten business days starting on the day after written notice of the action is filed with the City Clerk. The written notice of appeal must briefly specify the grounds of the appeal on the appropriate form and be accompanied by the necessary fees. The City Clerk's Office is located on the 2<sup>nd</sup> floor of Reno City Hall at One East First Street, Reno, Nevada.

---

Mike Railey, AICP, Planning Manager



---

Angela Fuss, AICP, Development Services Assistant Director, Department Approval

**PAYMENT DATE**  
01/03/2025  
**COLLECTION STATION**  
7933 - Front Desk 2  
**RECEIVED FROM**  
Appeal LDC25-00014  
**DESCRIPTION**  
Olivia Tanager

City of Reno  
1 East First Street  
Reno, NV 89501

**BATCH NO.**  
2025-00002657  
**RECEIPT NO.**  
2025-00160323  
**CASHIER**  
Gutierrez, Miriam

**PAID**

**JAN 03 2025**

**CITY OF RENO**

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



**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**  
JAN 06 2025  
CITY OF RENO

## 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.)

**Untimely appeals will be rejected by the City Clerk, and any appeal fees paid will be returned.**

### 1. Type of Appeal (please select only one)

RMC: Title 18 Code

- ☒ Planning Commission Decision  
*LD 25-00014*
- ☐ 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: \_\_\_\_\_

### 2. Appellant Information:

Appellant Name: EPL Virginia Investors LLC

Authorized Representative: Douglas R. Thornley

Address: 5470 Kietzke Lane #100, Reno, NV 89511

Telephone No.: 775.327.3000

Email Address: DRThornley@hollandhart.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.)**

LDC25-00014 (Webb Data Center) - Application for conditional use permit authorizing (1) development of a data center and (2) business operations between 11:00 p.m. and 6:00 a.m. on an approximately 6.02 acre site comprised of three parcels on the north side of North Virginia Street approximately 1,170 feet east of its intersection with Stead Boulevard.

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

EPL Virginia Investors LLC ("Ellis Partners") is the applicant in LDC25-00014.

**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.)**

The Planning Commission's approval is appealed by Ellis Partners to preserve Ellis Partners' right to judicial review under NRS 278.3195 and seeks modification of Condition of Approval 15 to correct a drafting error. Please see attached letter for more detail.

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

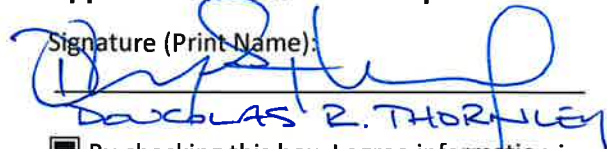
Please see attached letter for more detail.

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

Affirmation of Planning Commission's approval of LDC25-00014 and modification of Condition of Approval 15 to correct drafting error. Please see attached letter for more detail.

**Appellant or Authorized Representative**

Signature (Print Name):

  
DOUGLAS R. THORNEY

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

For Office Use:

Hearing Date: January 22, 2025

Hearing Time: 6:00 pm

Hearing Location: City Council

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

Received by: 





**Douglas R. Thornley**  
**Of Counsel**  
**Phone:** (775) 327-3020  
**Fax:** (775) 313-9607  
drthornley@hollandhart.com

January 6, 2025

City of Reno  
One East 1st Street  
Reno, NV 89501

**Re: Webb Data Center (LDC25-00014)**

Dear Mayor Schieve and members of the City Council,

Ellis Partners, the applicant in the above-captioned matter, supports the Planning Commission's December 18, 2024, approval of a conditional use permit authorizing development of a data center project near the intersection of North Virginia Street and Stead Boulevard on APNs 082-101-13, 14, and 19 (collectively, the "Site").<sup>1</sup> On January 3, 2024, that approval was appealed to the City Council by the Sierra Club, which did not participate in, or provide comment on, the nearly five hours of hearings - across two meetings - required by the Planning Commission to decide the issue.<sup>2</sup> In fact, no public opposition to this project was made to the Planning Commission. Because of peculiarities in Nevada law and because Condition of Approval 15 was approved without including an important, practical caveat, Ellis Partners hereby files this Notice of Appeal of the December 18, 2024, approval of LDC25-00014.

***Nevada Law Requires Prevailing Parties to File Administrative Appeals to Preserve Their Right to Judicial Review***

NRS 278.3195 provides judicial review of the City Council's decision on this matter is only available to parties that pursue an appeal themselves. *See, e.g., Humboldt River Ranch Ass'n v. Pershing County Bd. of Com'rs*, 128 Nev. 904, 381 P.3d 622 (2012) (unpublished) ("Pursuant to NRS 278.3198(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 [the applicant], however, based on the plain language of NRS 278.3195(4)'s limiting criteria, [the applicant] was required to file an appeal within the local zoning process in order to pursue a petition for judicial review."). Resultantly, to preserve its rights under Nevada law, Ellis Partners is forced to also appeal the approval.

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<sup>1</sup> Notice of Approval attached hereto as Exhibit 1.

<sup>2</sup> Sierra Club Notice of Appeal attached hereto as Exhibit 2; December 5, 2024, Staff Report for LDC25-00014 attached hereto as Exhibit 3; December 18, 2024, Staff Report for LDC25-00014 attached hereto as Exhibit 4.

### ***Condition of Approval 15 is Missing an Important Qualification and Should be Modified***

Earlier this year, the city enacted development standards for data centers through the administrative interpretation process. *See* ADM24-00020 (identifying data centers as a new and emerging use like warehouses and distribution centers, but with significantly lesser impacts). Regardless of zoning district, a conditional use permit<sup>3</sup> is required for any data center because of the 24-hour operations inherent to the use. *Id.* Ellis Partners proposed six conditions of approval memorializing its strong commitment to sustainable development; one of which concerns the use of low volatile organic compound materials (where available) in the construction of the building shell.<sup>4</sup> The Planning Commission accepted the proposal as Condition of Approval 15, but did not include the qualifying phrase related to availability of materials. The oversight appears unintentional; it was not discussed during the Commission's deliberation on the project.<sup>5</sup> For avoidance of doubt, Ellis Partners intends to fully comply with the sustainability measures it proposed in connection with this project – the existence or availability of certain construction materials is simply out of its control. Because the condition is not related to mitigating the 24-hour nature of the data center use, and because the omission appears to be a mere drafting oversight, Ellis Partners respectfully requests modification of Condition of Approval 15 to reflect the language originally proposed.

### ***Time is of the Essence; the Hearings for this Appeal and the Appeal by the Sierra Club Should be Scheduled for January 22, 2025***

As with all development projects, delays add cost through uncertainty. Significant, separately approved off-site improvements are required to serve the Webb Data Center and require considerable capital and attention from Ellis Partners and several other parties to move forward. Fundamental fairness to Ellis Partners requires these appeals to be resolved as quickly and efficiently as possible – at the first available meeting of the City Council that complies with the city's noticing requirements: January 22, 2025.

\*\*\*

The Site is developing in exactly the way contemplated by the city's Master Plan, which identifies a desire for Reno to evolve into a technology center, to “foster growth in high-tech and knowledge-based industries,” and promote the city as a destination for testing of new technologies (ReImagine Reno, 1.3B) whether by facilitating access to advanced telecommunications technologies (ReImagine Reno, 1.3E), assuring a business climate open to new technologies (ReImagine Reno, 1.4B), or building a more talented labor pool (ReImagine Reno, 1.5F). Data centers are the base infrastructure of a technology-based economy; these projects attract additional investment in the community by attracting tech companies needing close physical proximity to data facilities. They generate tremendous amounts of public revenue through real and personal property taxes and franchise fees, while contributing an almost

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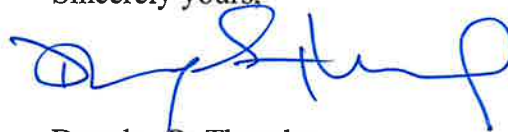
<sup>3</sup> The purpose of a conditional use permit is to “ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.” RMC 18.06.605.

<sup>4</sup> Ellis Partners' Proposed Conditions attached hereto as Exhibit 5.

<sup>5</sup> December 18, 2024, Memo to Planning Commission regarding Conditions of Approval attached hereto as Exhibit 6.

imperceptible amount to traffic impacts or requiring very little in the way of public services. The Project is surrounded by warehouses and vacant land in an area planned and designed to support industrial uses. The conditional use permit, and requested modification to Condition of Approval 15, is supported by substantial evidence and should be confirmed by the City Council.

Sincerely yours,

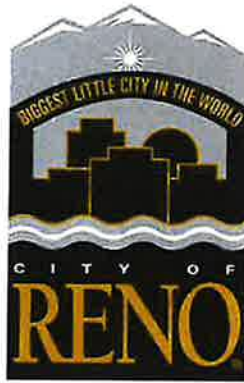
A handwritten signature in blue ink, appearing to read 'Douglas R. Thornley', with a stylized, looping flourish at the end.

Douglas R. Thornley  
Of Counsel  
for Holland & Hart LLP

# EXHIBIT 1

# EXHIBIT 1

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



December 19, 2024

EPL Virginia Investors LLC  
One Sansome Street #1550  
San Francisco, CA 94104

Subject: LDC25-00014 (Webb Data Center)  
APN: 082-101-13, -14 and -19 (Ward 4)

Dear Applicant:

At the regular meeting of the Planning Commission on December 18, 2024, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The  $\pm 6.02$  acre site is comprised of three parcels located on the north side of North Virginia Street  $\pm 1,170$  feet east of its intersection with Stead Boulevard. The site is zoned Mixed-Use Suburban (MS) and has a Master Plan land use designation of Industrial (I).

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 a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with this project, 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. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.
6. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.
7. The emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance.
8. Prior to approval of a building permit for site improvements or vertical construction as appropriate, the applicant shall submit final plans showing a minimum 15 foot screening fence along the project frontage and a note that the southernmost generator will be painted to complement the building to the satisfaction of the Development Services Department.
9. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate a double row of staggered trees along the project frontage as shown on the preliminary landscape plan and sightline study. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.
10. Prior to approval of a building permit for site improvements, the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the three parcels.

11. Prior to approval of a building permit for vertical construction, the applicant shall submit plans demonstrating that a rooftop photovoltaic (PV) system is incorporated into the building design to the satisfaction of the Development Services Department. The PV system array shall be limited to the roof over the “front of house” areas and shall not be required to be installed above the data halls, electrical rooms, battery rooms, or other critical equipment areas.
12. Prior to approval of a building permit for vertical construction, the applicant shall demonstrate that the entire roof structure has been designed with a load capacity that can support a photovoltaic (PV) system array for a future use other than the current data center project.
13. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating a minimum of two onsite Level 2 electric vehicle (EV) chargers to be installed as part of the project.
14. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying installation of low flow domestic water fixtures. This shall not apply to hose bibs serving equipment areas.
15. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying utilization of low volatile organic compound (VOC) materials on the building shell.
16. Prior to approval of a building permit for vertical construction, the applicant shall submit plans with a note on the title page and in the construction notes requiring source separation and diversion of construction debris from the landfill where possible.

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 2<sup>nd</sup> 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.

EPL Virginia Investors LLC  
RE: LDC25-00014 (Webb Data Center)  
Page 4

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,

A handwritten signature in black ink, appearing to read 'Mike Railey', written over the printed name.

Mike Railey, AICP, Planning Manager  
Development Services Department

LDC25-00014 (Webb Data Center) - JAF.doc

xc: Dorothy & Henrietta R Staples  
6123 E 5<sup>th</sup> Ave  
Hialeah, FL 33013

Veronica Bardhan  
730 Sandhill Road #250  
Reno, NV 89521

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



# EXHIBIT 2

# EXHIBIT 2



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



## 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.)

**Untimely appeals will be rejected by the City Clerk, and any appeal fees paid will be returned.**

### 1. Type of Appeal (please select only one)

RMC: Title 18 Code

- ☒ Planning Commission Decision  
*LDC25-00014*
- ☐ 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: \_\_\_\_\_

### 2. Appellant Information:

Appellant Name: Sierra Club Toiyabe Chapter

Authorized Representative: Olivia Tanager

Address: PO Box 8096, Reno, NV 89507

Telephone No.: 504-400-3113

Email Address: olivia.tanager@sierraclub.org

**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.)**

The Sierra Club Toiyabe Chapter is appealing the administrative interpretation pertaining to the planning commission decision, as well as the decision itself, related to the Webb Data Center proposed by EPL Virginia Investors LLC for a Conditional Use Permit. The Planning Commission approved the data center, Agenda Item 5.1, on December 18th.

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

The Sierra Club Toiyabe Chapter represents 40,000 members and supporters across Nevada, the Lake Tahoe Basin, and the eastern Sierra in California. We work on issues related to energy and climate, conservation of land, water, and wildlife, and urban development. The Sierra Club Toiyabe Chapter is a public interest organization that demands the highest level of transparency and adherence to ethical practices by public officials. This particular interpretation was marred by a violation of public meeting law, an incorrect interpretation of city code, and thus does not adhere to the ethical standard the Sierra Club Toiyabe Chapter expects of public officials in our region. Lastly, the administrative interpretation was not noticed or agendized to allow for public input and participation in the interpretation.

**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.)**

According to Reno Annexation and Land Development Code, 18.03.205, the Administrator shall determine the appropriate use category and use type for the proposed use. In making such determination, the Administrator shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements. In this instance, where the Administrator instructed the commission to consider the data center as a warehouse, the administrators interpretation was arbitrary and capricious. Data centers and warehouses are two different entities entirely. Data centers are a specific type of industrial building, generating different noises, impacting the grid differently, and operate to serve separate purposes. They are designed with distinct features to meet the needs of their respective industries.

Continued on attached page.

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

Attached staff report from March 20th planning commission meeting--note the lack of acknowledgement that a data center is being considered for this parcel, and instead the project is referred to as a warehouse.

Attached staff report from December 18th planning commission meeting--see highlighted. While the staff report says it has been incorporated into the code, it is misleading because the city of Reno has yet to fully adopt a definition

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

We are asking for this decision to be remanded, and for all data center proposals to be considered after the city of Reno has an ordinance pertaining to data centers. Presently, there is a draft ordinance that has passed its first reading, but has not yet fully passed and been adopted. Data centers are unique in their impact to residential communities, the electric grid, and natural resource use, and therefore need to be considered under an ordinance that caters to their unique impacts.  
Continued.

**Appellant or Authorized Representative**

Signature (Print Name):  
Olivia H. Tanager

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

For Office Use:	
Hearing Date:	<u>Feb 12, 2025</u>
Hearing Time:	<u>6:00 pm</u>
Hearing Location:	<u>City Council</u>
<input type="checkbox"/> Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)	
Received by:	<u>Lauren Morris</u>



Tanager, O.

[olivia.tanager@sierraclub.org](mailto:olivia.tanager@sierraclub.org)

504-400-3113

### **Webb Data Center, Reno Planning Commission, Appeal**

5. They serve very different purposes and are designed with distinct features to meet the needs of their respective industries. Data centers and warehouses require two totally separate sets of environmental controls and operational requirements. Data centers often require a controlled environment to keep the equipment at optimal temperatures and humidity levels. They also need to manage electromagnetic interference, dust, and other contaminants that could damage sensitive equipment. Warehouses may have simpler environmental controls focused on safety and practicality, like overhead lights, basic heating and cooling, and ventilation. They may not need the same level of environmental control as data centers unless storing temperature-sensitive goods. Per Reno Annexation and Land Development Code, 18.03.205, requirements for public utilities must be considered in administrative interpretation, and the requirements for utilities related to data centers and warehouses are substantially different. For these reasons and more, data centers and warehouses should be considered separate entities and must be regulated by separate ordinances. NV Energy and the Truckee Meadow Water Authority should be brought in to brief the planning commission and City Council on the impact of data centers to public utilities- namely the demand on the grid, how that demand will be met, and where water for data center processes will come from.

Earlier this year, per the memo from staff, when the commission took action on the conditional use permit in March, (agenda item 5.1 from March 20th), they were under the impression this was a warehouse. The project description from March 20th with the same parcel as the December 18th meeting stated "to allow... the development of an industrial warehouse building," making it unclear the commission was considering a data center. Had this administrative interpretation not been applied in this particular situation in December, members of the public would not have otherwise known about this interpretation because it was never brought before the public. However, if it had been known that a data center was being considered for a conditional use permit in March, the public could have better engaged with the administrator's interpretation of data centers as warehouses. Further, under the master plan, this site is zoned as industrial, but in the development code, the site is zoned as mixed use suburban, so there is a clear inconsistency in planning for this site and around data centers generally due to the lack of existing ordinance governing data centers. Because the administrator's interpretation was inconsistent and incorrectly applied, the decision of the planning commission should be remanded.

Secondarily, throughout the planning commission meeting, there were several sidebar conversations between Mr. Doug Thornley, presently representing the developer proposing the data center, and Reno City Attorney Karl Hall. Commissioner Manny Becerra pointed this out on the record. NRS 241.020 outlines the requirements for open meeting law, requiring meetings to be conducted openly and publicly, barring side conversations off the record, and out of earshot



Tanager, O.

[olivia.tanager@sierraclub.org](mailto:olivia.tanager@sierraclub.org)

504-400-3113

of the public. Further, topics discussed must be agendized and noticed to the public. Due to the sidebar, the public cannot ascertain properly if the discussion was pertinent to the agendized topic, or if there was a discussion related to an item that was not agendized. In having these repeated side conversations, Mr. Hall and Thorley violated open meeting law. Additionally, because the public was never notified of the administrative interpretation pertaining to considering data centers under warehouse regulations, and the administrator's definition of data centers, the public did not have sufficient opportunity to push back on this interpretation and its applications. While the staff report submitted alongside the agenda says the definition of data centers has been incorporated into the code, it is misleading because the city of Reno has yet to fully adopt a definition. Therefore, because of the open meeting law violation, the decision to approve this data center should be remanded until a hearing can proceed with proper public input on all information shared amongst public officials and the applicant.

7. Future data centers will be subjected to the forthcoming Reno code guiding data center permitting, and this data center should be no exception. We are requesting consistency in the application of Reno ordinances, and therefore expect this data center to be treated as all future data centers will be once Reno adopts the pertinent ordinance. This will give the public the ability to have input in the crafting of the ordinance, instead of being left out of the administrative process and incorrect interpretation of Reno code.

Further, we are requesting that this decision be remanded and that subsequent discussions of this matter be done with the highest adherence to NRS and open meeting requirements. All discussion between multiple City officials and the applicant should be done before the public so Reno residents can engage properly through public channels.

# EXHIBIT 3

# EXHIBIT 3



**PLANNING COMMISSION  
STAFF REPORT**

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**Date:** December 5, 2024

**To:** Reno City Planning Commission

**Subject:** Staff Report (For Possible Action): Case No. LDC25-00014 (Webb Data Center) - A request has been made for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The ±6.02 acre site is comprised of three parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The site is zoned Mixed-Use Suburban (MS) and has a Master Plan land use designation of Industrial (I).

**From:** Jeff Foster, Associate Planner

---

**Ward #:** 4

**Case No.:** LDC25-00014 (Webb Data Center)

**Applicant:** EPL Virginia Investors LLC

**APN:** 082-101-13, -14 and -19

**Request:** **Conditional Use Permit:** To allow 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m.

**Location:** See Case Maps (**Exhibit A**)

**Proposed Motion:** Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to the conditions listed in the staff report.

**Summary:** The ±6.02 acre site is comprised of three vacant parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The proposed conditional use permit (CUP) would allow a data center with 24-hour operations. Key project issues include: 1) compatibility with surrounding uses and 2) site design. These issues are mitigated through project design, code compliance, and/or conditions of approval. Staff recommends approval subject to all proposed conditions.



**Background:** On March 20, 2024, the Planning Commission approved a request for a CUP to allow 24-hour operations, grading resulting in fills greater than 10 feet, and disturbance of a major drainageway associated with an industrial warehouse development (LDC24-00035). That request included the three subject parcels along with a fourth parcel that contains the major drainageway.

**Discussion:** The project proposes construction of an ±82,000 square foot industrial building with supporting mechanical equipment to be used as a data center on the subject site. On January 25, 2024, the definition of a data center was incorporated into the Reno Municipal Code (RMC) through an Administrative Interpretation/Decision (ADM24-00020) as “A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of a data center.”

A data center is now recognized as a permitted use in the MS zoning district with approval of a CUP. It is acknowledged that there will be significantly less truck traffic, loading/unloading, and dock doors for a data center as opposed to a warehouse or distribution center. Since data centers typically do not require many dock doors, the data center use standards limit the number of dock doors to three per building. Required parking for a data center is the same as a warehouse or distribution center (one space per 3,300 square feet of building area).

**Analysis:**

**Compatibility with Surrounding Uses:** The general development pattern along North Virginia Street in the project vicinity is industrial in nature with some existing nonconforming residential uses occurring. Land uses immediately surrounding the site consist of warehouse or distribution center uses to the north, east, and south, and an undeveloped parcel to the west. A mobile home park is located ±470 feet to the east, separated from the subject parcels by a parking lot and a business industrial flex development. A second mobile home park is located ±550 feet to the northwest, separated from the subject parcels by a parking lot. The land uses immediately surrounding the site are summarized in the table below.

Adjacent Properties		
	Zoning	Use
North	IC	Warehouse or distribution center (Amazon Delivery Station)
East	IC	Warehouse or distribution center (Amazon Delivery Station parking)
South	I	Warehouse or distribution center (OnTrac parcel delivery service)
West	IC	Vacant (fourth parcel from LDC24-00035)

The applicant requests to allow indoor operations 24 hours a day. This geographic area is generally characterized by industrial zoning and uses that would allow for 24-hour indoor operations by right. The nearest residentially zoned property is  $\pm 1,500$  feet away and separated from the site by a freeway. However, there are two mobile home parks within  $\pm 550$  feet of the subject site. There are significant buffers between the site and the mobile home parks, and it is anticipated that indoor operations would not have impacts upon these residential uses. Regarding exterior operations and the proposed location of the truck dock and drive-up door, staff recommends a condition to limit the hours of truck arrivals/departures, idling, and on-site movement (**Condition 5**). Restricted construction hours will further reduce potential impacts on the existing residential uses (**Condition 6**). Given all of the above, the proposed use is generally compatible with existing land uses in the area.

**Site Design:** In addition to the data center building, the proposed site plan includes two chiller yards, a backup generator yard with  $\pm 10$  emergency generators (only used during a power failure and during necessary periodic testing or maintenance per **Condition 7**), parking, landscaping, and underground retention/detention basins (**Exhibit B**). Twenty-five parking spaces are required and 26 are provided. A truck dock and a drive-up door are proposed at the northwest corner of the building, which is a significant distance from North Virginia Street and screened by intervening parking and landscaping.

One of the chiller yards is on the south side of the building facing North Virginia Street; the generator yard on the east side of the building would also be visible from North Virginia Street (**Exhibit C**). The chillers are  $\pm 10$  feet tall with additional height for the piping and the generators at  $\pm 25$  feet tall. A  $\pm 15$  foot tall screening/security fence is proposed approximately six to eight feet below the level of the roadway to screen the chillers and piping along with the majority of the height of the generators. Proposed street tree canopy along North Virginia Street will obscure visibility of the top of the generators, and the southernmost generator will be painted a custom color that is coordinated with the building color (**Condition 8**). Rooftop mechanical equipment will be screened by parapet walls.

Elevations for the proposed  $\pm 32$  foot tall, single story building are shown in **Exhibit D**. The south street facing façade appears to meet the required wall articulation per RMC 18.04.1003(c)(2)(b) and ground floor transparency requirement per RMC 18.04.1003(c)(3). The ground floor transparency glazing is located along the upper portion of the façade so it is visible above the 15 foot tall screening/security fence. The building mounted light fixtures are mounted at 25 feet as allowed by code and no lighting is directed onto adjacent properties.

The MS zone requires a minimum of 20% of the developed site to be landscaped. As designed, the project includes  $\pm 52,703$  square feet (20% of the site) of formal landscaping plus additional decorative rock mulch area (**Exhibit E**). Landscaping to provide parking area screening from view

of North Virginia Street has been included per code. The site plan includes a ±20 foot landscaped buffer between the proposed sidewalk and the proposed screening fence. A mixture of deciduous and evergreen trees will be planted along North Virginia Street, within the buffer area, in a staggered arrangement at two elevations to help obscure the screening/security fence, top of the generators, and building (**Condition 9**).

Since the site encompasses three parcels, prior to approval of any site improvement permit the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the parcels (**Condition 10**).

**Traffic, Access and Circulation:** The proposed data center project is anticipated to generate 84 daily trips, including 9 A.M. peak hour and 8 P.M. peak hour trips. This trip generation is well below RMC requirements for a traffic entry and access study. With this very low trip generation, the proposed project is not expected to have any significant impact on local traffic operations or surrounding roadway infrastructure. The project will pay standard regional road impact fees that are used to mitigate impacts on the regional roadway network.

The Regional Transportation Commission (RTC) classifies North Virginia Street as a Moderate Access Control Arterial in the 2050 Regional Transportation Plan. RTC has a roadway improvement project planned in this area that would widen North Virginia Street and provide a center left turn lane. The project proposes to provide a six foot sidewalk along the project frontage; the location of this sidewalk will be coordinated with RTC to minimize risk of it needing to be relocated in the future.

**Public Utilities:** Sanitary sewer from the site will be treated at the Reno-Stead Water Reclamation Facility (RSWRF). There is limited sewer capacity remaining at RSWRF, which is connected to a short-term capacity project that diverts or “shaves” the raw sewage flow to a pipe that is used to pump sludge to the Truckee Meadows Water Reclamation Facility (TMWRF) for processing. The limit on sewer capacity was primarily to allow the remaining flow potential to be used to reduce the volume of effluent going to Swan Lake, which reduces the potential for flooding from this source. Since that time, a project was constructed to pump water directly out of Swan Lake during the irrigation months (April through October) and has been very effective in managing the water level at the lake. The long-term solution for increasing wastewater treatment capacity is the expansion of RSWRF from two million gallons per day (MGD) to four MGD and the Advanced Purified Water Facility and American Flat Aquifer Storage and Recovery project, which is currently being reviewed (LDC25-00013).

The applicant will be required to apply for a sewer will-serve and pay sewer connection fees prior to permit issuance consistent with the established sewer allocation program. The time frame for

building permit application specified in **Condition 2** has been adjusted in case the applicant is not able to secure a sewer will-serve in advance of the project as a result of the wastewater treatment capacity constraints.

Water will be provided by Truckee Meadows Water Authority Water (TMWA). A will-serve from TMWA will be required prior to any permit requests to develop the site. Electricity and gas will be provided by NV Energy. Regarding power supply for the proposed data center, the application indicates that ownership has obtained commitments from and executed agreements with NV Energy to supply the necessary power to operate the data center. Existing overhead power lines along the site frontage are required to be undergrounded or a waiver obtained per RMC 18.04.503(c).

**Hydrology:** The project is in the FEMA Flood Zone Unshaded X, an area of minimal flood hazard. Final design shall incorporate measures to ensure that there is no net increase in the regulatory 100-year water surface elevation of Silver Lake. Volumetric mitigation shall be a minimum 1.3:1 when located within watershed areas contributing to closed basins, based on the 100-year 10-day storm event. Volumetric mitigation is typically satisfied with an onsite retention basin(s); four underground retention/detention basins are proposed. A final drainage report will be required at the time of building permit to ensure the proposed facilities are adequate to serve the site.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Industrial (I) and is located along a Suburban Corridor within the Industrial/Logistics Employment Areas per the Structure Plan Framework of the Reno Master Plan. The Industrial land use designation is intended to support industrial uses, including manufacturing/processing operations, maintenance and repair shops, and warehousing and distribution facilities. As proposed and with the recommended conditions, the proposed project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

- GP 1.1A: City-Focused Economic Development Strategy
- C-SC.1: Overall Mix
- C-SC.17: Infill and Redevelopment
- DPEA-G.3: Parking, Loading and Storage
- EA-ILA.1: Overall Mix
- EA-ILA.7: Varied Design

**Public and Stakeholder Engagement:** The proposed project was reviewed by various City divisions and partner agencies. Comments received were incorporated into this report (**Exhibit F**). A courtesy notice was sent out to surrounding property owners upon initial submittal of the project. The applicant presented their project at the November 21, 2024 Ward 4 Neighborhood Advisory

Board meeting. No comments have been received. Any future comments will be forwarded to the Planning Commission as they are received.

**Recommended Conditions of Approval:** All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

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 a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with this project, 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. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.
6. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize



impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.

7. The emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance.
8. Prior to approval of a building permit for site improvements or vertical construction as appropriate, the applicant shall submit final plans showing a minimum 15 foot screening fence along the project frontage and a note that the southernmost generator will be painted to complement the building to the satisfaction of the Development Services Department.
9. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate a double row of staggered trees along the project frontage as shown on the preliminary landscape plan and sightline study. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.
10. Prior to approval of a building permit for site improvements, the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the three parcels.

## **Findings:**

**General Review Criteria:** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) **Consistency with the Reno Master Plan:** The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and
  - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) **Compliance with Title 18:** The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) **Mitigates Traffic Impacts:** The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) **Provides Safe Environment:** The project provides a safe environment for pedestrians and people on bicycles.
- 5) **Rational Phasing Plan:** If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and

other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

**Conditional Use Permit:** In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- 1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- 2) The proposed land use and project design is compatible with surrounding development;
- 3) The proposed land use and project design is consistent with applicable development standards;
- 4) Public services and facilities are available to serve the project, or will be provided with development;
- 5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- 6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

**Attachments:**


Exhibit A. Case Maps  
Exhibit B. Preliminary Site and Floor Plans  
Exhibit C. Sightline Study  
Exhibit D. Preliminary Elevations  
Exhibit E. Preliminary Landscape Plan  
Exhibit F. Agency Comments

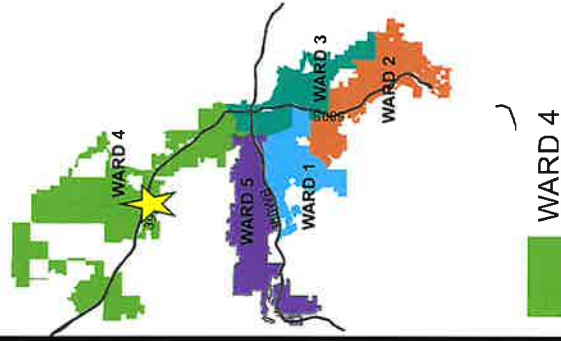


# AREA MAP

LDC25-00014

(Webb Data Center)

Subject Site ► 



The information herein is approximate and is intended for display purposes only.  
Date: October 2024  
Scale: 1 inch = 750 feet




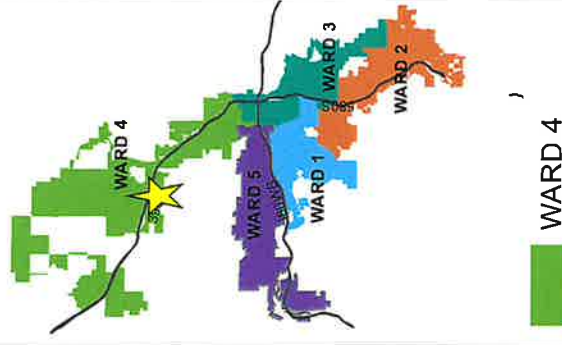


# VICINITY MAP

LDC25-00014

(Webb Data Center)

Subject Site ► 



Development  
Services  
Department



The information hereon  
is approximate and  
is intended for display  
purposes only.

Date: October 2024

Scale: 1 inch = 375 feet





# ZONING MAP

LDC25-00014

ZONING = MS

(Webb Data Center)

Subject Site ► 

## Zoning Designations

 SF-11

 MS

 GC

 I

 IC



Development  
Services  
Department

The information hereon  
is approximate and  
is intended for display  
purposes only.




DATE: October 2024  
SCALE: 1 inch = 375 feet

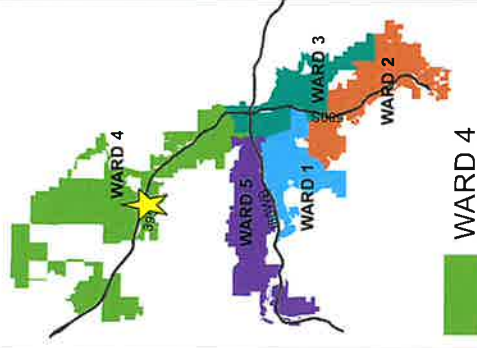


# MASTER PLAN MAP

LDC25-00014

(Webb Data Center)

Subject Site ► 



The information hereon is approximate and is intended for display purposes only.

Date: October 2024  
Scale: 1 inch = 375 feet

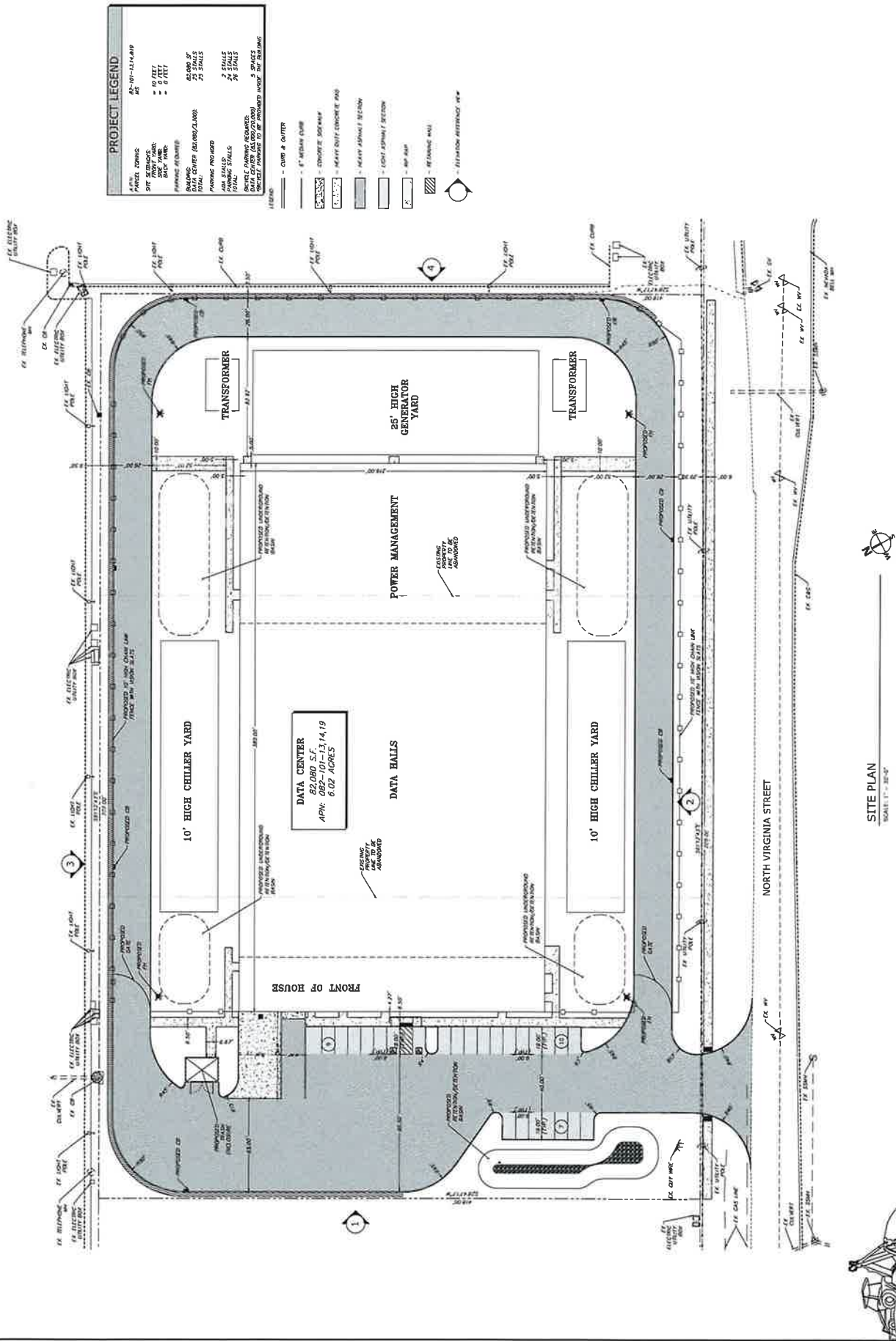


**Legend**

**Master Plan Land Use**

DT-MU	I	LL	ME	MF	MX	NOLU	PGOS	PQP	RSIC	SF	SMU	SPA	UMU	UT
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2 DAYS BEFORE  
YOU DIG CALL USA  
TOLL FREE 1-800-227-2600

DATA CENTER SHELL  
9730 NORTH VIRGINIA ST  
RENO, NV 89506

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or 415.655.9290  
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INCORPORATEE  
DEVLON  
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Oakland, California 94612  
HUNTER FOSTER & PARTNERS

TECTONICS  
DESIGN GROUP  
725 South Rd., #250, Reno, Nevada 89521  
or 775.851.6666  
www.tectonicsdesign.com

AREA USE LEGEND

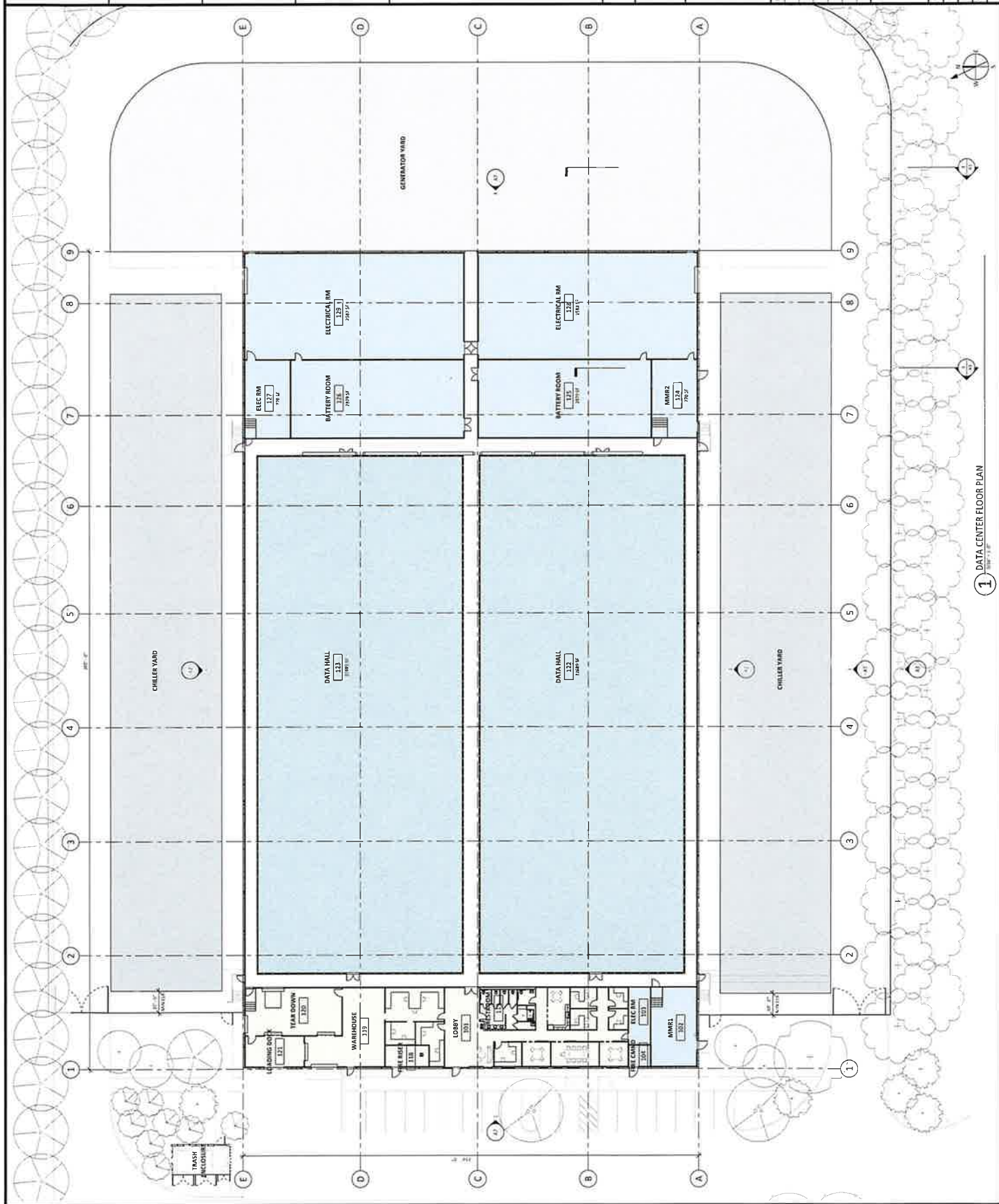


REVISIONS  
DATE  
BY  
REVISIONS

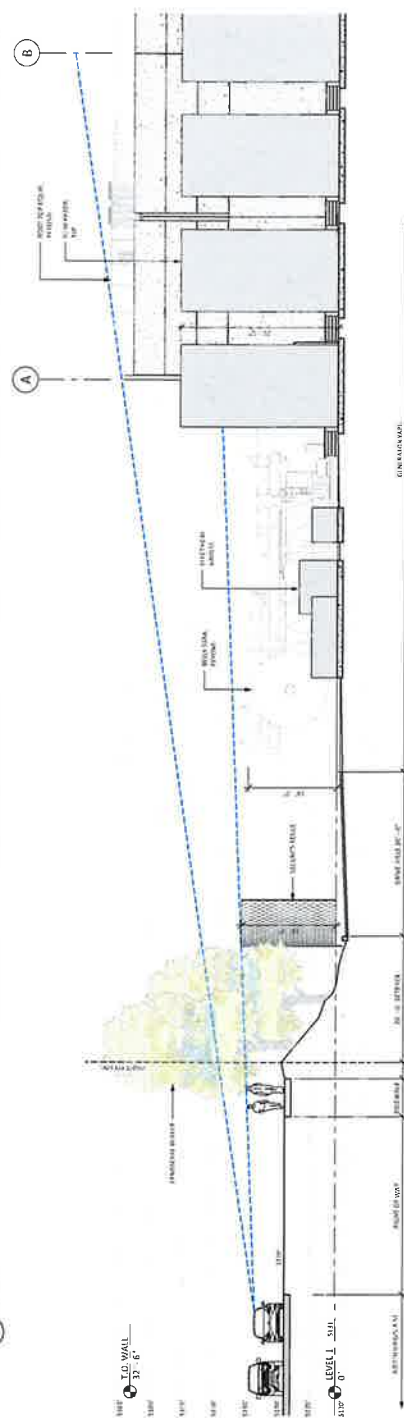
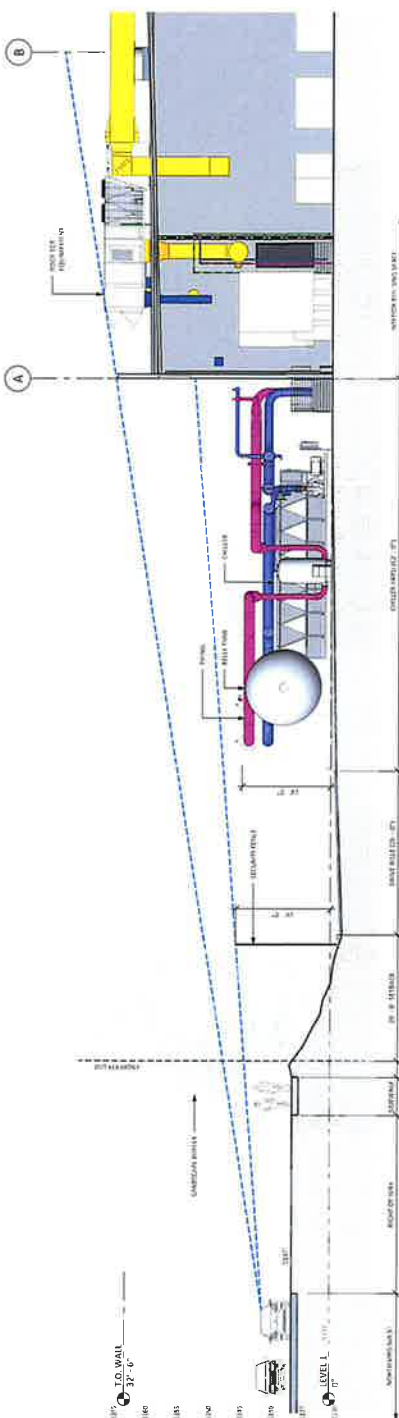
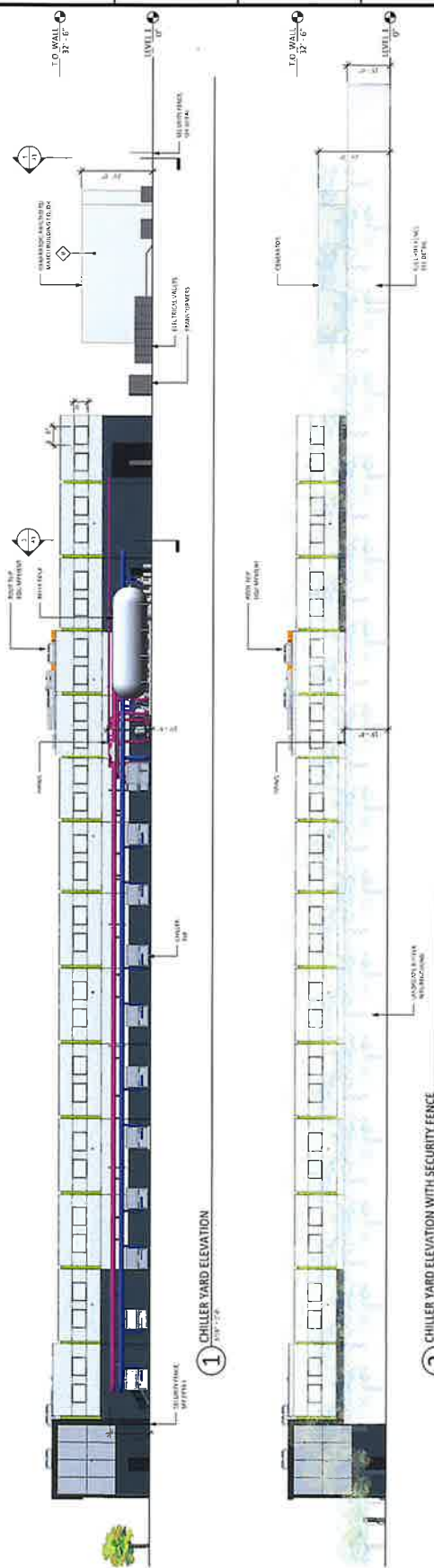
DATA CENTER FLOOR PLAN

DATE: 25.000  
DATE: 12/04/2024  
SCALE: 1/8" = 1'-0"  
SHEET: 001  
CONFLICT USE PERMIT

1 DATA CENTER FLOOR PLAN





[illegible]MECH'L YARD ELEVATIC  
& SIGHTLINE STUDIES

01/07/2020	25 CCQ	11/08/2024	ME	ME	CONDUIRE PERMIT
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0730 NORTH VIRGINIA ST  
RENO, NV 89506

One Sansome Street, Suite 1550  
San Francisco, CA 94104  
o: 415.675.1239  
www.ellispartners.com

**DEVCON**  
CONSTRUCTION  
INCORPORATED

4500 Cahoon at Edge  
Minneapolis, California 55426  
1-800-451-2222 ext. 2222

**TECTONICS  
DESIGN GROUP**

2705 Southview Rd., #750, Reno, Nevada 89521  
tel 775-831-0266  
fax 775-831-0666

with these data, we have found that the use of a single, non-validated, questionnaire (the 'Health Survey for Men') to assess risk factors for prostate cancer is not sufficient to identify high-risk men for whom a PSA test would be most useful. The use of a validated questionnaire, such as the EPIC-2, would be more useful in this context.

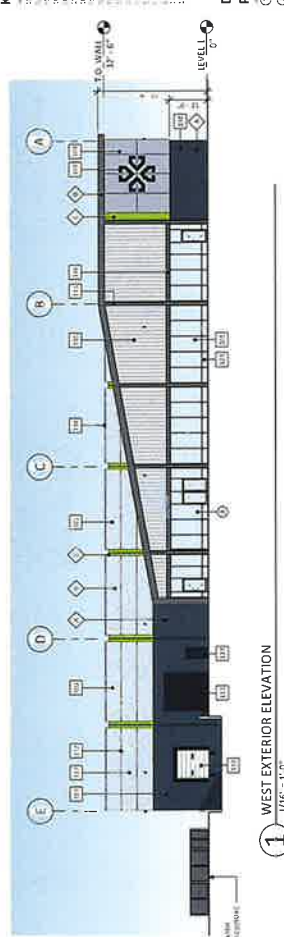
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## BUILDING ELEVATIONS

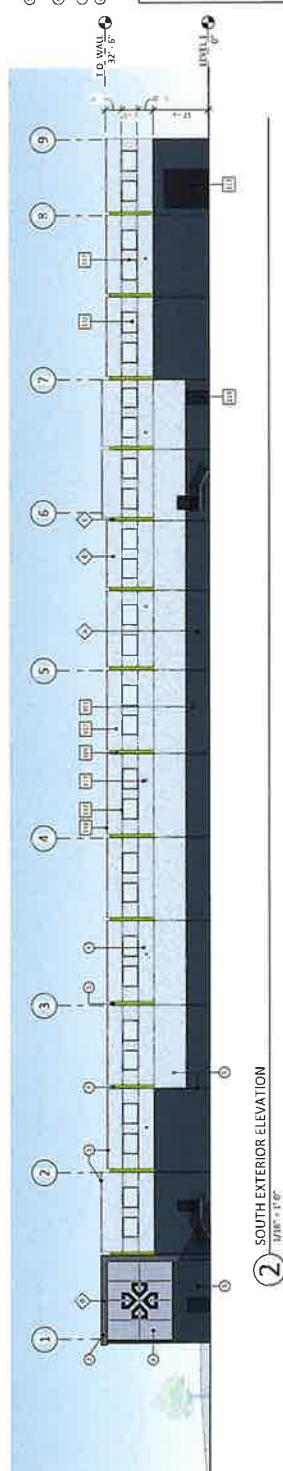
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DATE	11/08/2024
FROM	MR
TO	MR
NO.	ACCOUNT USE PERMAN

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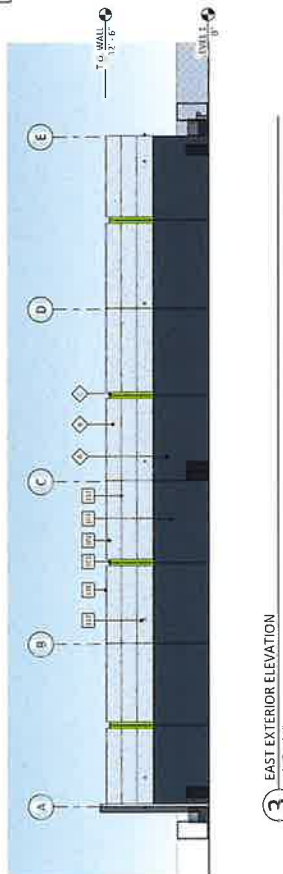
Journal of Management Education 30(1) 10-11



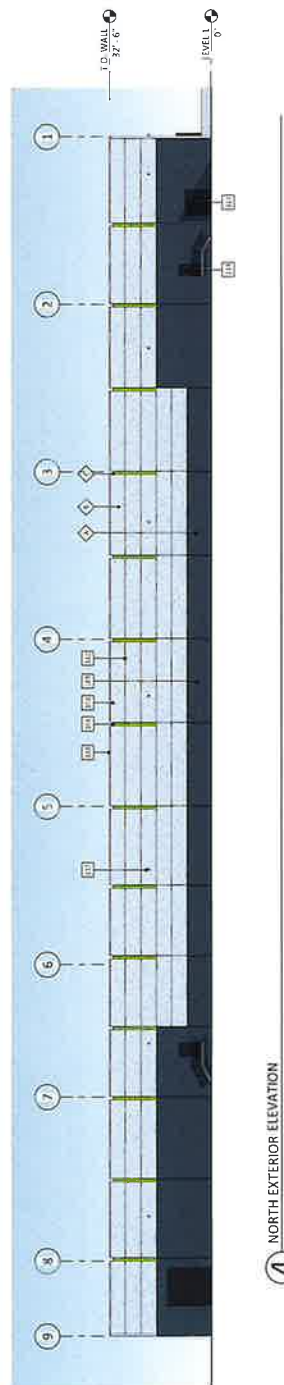
1 WEST EXTERIOR ELEVATION  
1/16" = 1' 0"



2 SOUTH EXTERIOR ELEVATION  
1/16" = 1' 0"



3 EAST EXTERIOR ELEVATION  
1/16" = 1'-0"

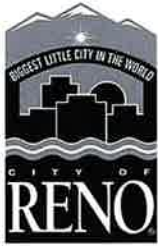


4 NORTH EXTERIOR ELEVATION  
1/16" = 1'-0"









## Environmental Control

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### MEMORANDUM

**Date:** October 31, 2024  
**To:** Mike Railey – Planning Manager  
Planning Desk  
**From:** Eric Farrar, Environmental Control Officer  
**Subject:** **October 18, 2024 Current Development Projects Review/Comments**

The Environmental Control Section (EC) under the Utility Services Department has reviewed the Development Projects memorandum dated October 18, 2024. We offer the following comments or conditions:

**Hawkview Apartments- MUP25-00002**

Environmental Control has no comment on the proposed Minor Conditional Use Permit application.

**Sky Mountain Senior Apartments- MUP25-00003**

Environmental Control has no comment on the proposed Minor Conditional Use Permit application.

**Lyons RV & Boat Storage SPR- SPR25-00001**

EC has no comment on the proposed Site Plan Review and use of the property for outdoor storage of boats and RVs. If washing or servicing of vehicles stored on the property is anticipated, a pretreatment device in accordance with RMC 12.16.555 and an Environmental Control Permit would be required. Applicants can call 775-334-4230 for more information.

**APWF At American Flat- LDC25-00013**

Environmental Control has no comment on the proposed Conditional Use Permit application or the anticipated use, operating hours, or zoning associated with the APWF.

**Webb Data Center- LDC25-00014**

Environmental Control has no comment on the proposed use or operating hours associated with the project. The anticipated discharge to the sewer collection system must be in compliance with RMC 12.16.530, in particular paragraph (9) which states that the operation will not discharge "Any heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature exceeds 40 degrees Celsius (40°C) or 104 degrees Fahrenheit (104°F) at the treatment plant." Applicants can call 775-334-4230 for more information.

**Reno Housing Authority - Carville Drive- LDC25-00015**

Environmental Control has no comment on the proposed Master Plan Amendment and Zoning Map Amendment.

**Plumas Redevelopment - LDC25-00016**

Environmental Control has no comment on the Conditional Use Permit.

**Costco Fuel Expansion - LDC25-00017**

Because the proposed Amendment to Conditional Use Permit includes a sand/oil interceptor associated with the stormwater collection system, and Environmental Control Permit will be required when the facility applies for a business license amendment. Applicants can call 775-334-4230 for more information.

**1565 Plumas Master Plan Amendment- LDC25-00018**

Environmental Control has no comment on the proposed Master Plan Amendment.

**Orrcrest Drive Zoning Map Amendment- LDC25-00019**

Environmental Control has no comment on the proposed Zoning Map Amendment. If any future anticipated use of the property includes commercial or industrial use, a pretreatment device may be required. Applicants can call 775-334-4230 for more information.

**From:** [COOPER, CLIFFORD E](#)  
**To:** [Jeff Foster](#)  
**Subject:** LDC25-00014 Webb Data Center  
**Date:** Monday, October 21, 2024 10:31:40 AM

---

Jeff,

AT&T does not have any adverse comments regarding this project.

CLIFF COOPER  
SR SPECIALIST-OSP DESIGN ENGINEER  
AT&T NEVADA  
1375 Capital Blvd rm 115  
Reno, NV 89502  
ROW Office: 775-453-7578  
Cell: 775-200-6015  
Email: [cc2132@att.com](mailto:cc2132@att.com)

***TEXTING and DRIVING...It Can Wait***

# EXHIBIT 4

# EXHIBIT 4

**PLANNING COMMISSION  
STAFF REPORT**

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**Date:** December 18, 2024

**To:** Reno City Planning Commission

**Subject:** Staff Report (For Possible Action): Case No. LDC25-00014 (Webb Data Center) - A request has been made for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The ±6.02 acre site is comprised of three parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The site is zoned Mixed-Use Suburban (MS) and has a Master Plan land use designation of Industrial (I).

**From:** Jeff Foster, Associate Planner

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**Ward #:** 4

**Case No.:** LDC25-00014 (Webb Data Center)

**Applicant:** EPL Virginia Investors LLC

**APN:** 082-101-13, -14 and -19

**Request:** **Conditional Use Permit:** To allow 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m.

**Location:** See Case Maps (**Exhibit A**)

**Proposed Motion:** Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to the conditions listed in the staff report.

**Summary:** The ±6.02 acre site is comprised of three vacant parcels located on the north side of North Virginia Street ±1,170 feet east of its intersection with Stead Boulevard. The proposed conditional use permit (CUP) would allow a data center with 24-hour operations. Key project issues include: 1) compatibility with surrounding uses and 2) site design. These issues are mitigated through project design, code compliance, and/or conditions of approval. Staff recommends approval subject to all proposed conditions.

**Background:** On March 20, 2024, the Planning Commission approved a request for a CUP to allow 24-hour operations, grading resulting in fills greater than 10 feet, and disturbance of a major

drainageway associated with an industrial warehouse development (LDC24-00035). That request included the three subject parcels along with a fourth parcel that contains the major drainageway.

On December 5, 2024, the Planning Commission deliberated on the proposed project. There was some discussion on other potential uses for the project site as well as whether the applicant had evaluated repurposing an existing building for a data center. Most of the discussion centered around potential implementation of sustainable components (e.g., low flow fixtures and solar) and the ability for NV Energy to provide sufficient power for the project. The item was continued to a date certain in order for the applicant to provide further information on the NV Energy commitment to serve the project.

**Discussion:** The project proposes construction of an ±82,000 square foot industrial building with supporting mechanical equipment to be used as a data center on the subject site. On January 25, 2024, the definition of a data center was incorporated into the Reno Municipal Code (RMC) through an Administrative Interpretation/Decision (ADM24-00020) as “A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of a data center.”

A data center is now recognized as a permitted use in the MS zoning district with approval of a CUP. It is acknowledged that there will be significantly less truck traffic, loading/unloading, and dock doors for a data center as opposed to a warehouse or distribution center. Since data centers typically do not require many dock doors, the data center use standards limit the number of dock doors to three per building. Required parking for a data center is the same as a warehouse or distribution center (one space per 3,300 square feet of building area).

**Analysis:**

**Compatibility with Surrounding Uses:** The general development pattern along North Virginia Street in the project vicinity is industrial in nature with some existing nonconforming residential uses occurring. Land uses immediately surrounding the site consist of warehouse or distribution center uses to the north, east, and south, and an undeveloped parcel to the west. A mobile home park is located ±470 feet to the east, separated from the subject parcels by a parking lot and a business industrial flex development. A second mobile home park is located ±550 feet to the northwest, separated from the subject parcels by a parking lot. The land uses immediately surrounding the site are summarized in the table below.

Adjacent Properties		
	Zoning	Use
North	IC	Warehouse or distribution center (Amazon Delivery Station)
East	IC	Warehouse or distribution center (Amazon Delivery Station parking)
South	I	Warehouse or distribution center (OnTrac parcel delivery service)
West	IC	Vacant (fourth parcel from LDC24-00035)

The applicant requests to allow indoor operations 24 hours a day. This geographic area is generally characterized by industrial zoning and uses that would allow for 24-hour indoor operations by right. The nearest residentially zoned property is  $\pm 1,500$  feet away and separated from the site by a freeway. However, there are two mobile home parks within  $\pm 550$  feet of the subject site. There are significant buffers between the site and the mobile home parks, and it is anticipated that indoor operations would not have impacts upon these residential uses. Regarding exterior operations and the proposed location of the truck dock and drive-up door, staff recommends a condition to limit the hours of truck arrivals/departures, idling, and on-site movement (**Condition 5**). Restricted construction hours will further reduce potential impacts on the existing residential uses (**Condition 6**). Given all of the above, the proposed use is generally compatible with existing land uses in the area.

**Site Design:** In addition to the data center building, the proposed site plan includes two chiller yards, a backup generator yard with  $\pm 10$  emergency generators (only used during a power failure and during necessary periodic testing or maintenance per **Condition 7**), parking, landscaping, and underground retention/detention basins (**Exhibit B**). Twenty-five parking spaces are required and 26 are provided. A truck dock and a drive-up door are proposed at the northwest corner of the building, which is a significant distance from North Virginia Street and screened by intervening parking and landscaping.

One of the chiller yards is on the south side of the building facing North Virginia Street; the generator yard on the east side of the building would also be visible from North Virginia Street (**Exhibit C**). The chillers are  $\pm 10$  feet tall with additional height for the piping and the generators at  $\pm 25$  feet tall. A  $\pm 15$  foot tall screening/security fence is proposed approximately six to eight feet below the level of the roadway to screen the chillers and piping along with the majority of the height of the generators. Proposed street tree canopy along North Virginia Street will obscure visibility of the top of the generators, and the southernmost generator will be painted a custom color that is coordinated with the building color (**Condition 8**). Rooftop mechanical equipment will be screened by parapet walls.

Elevations for the proposed  $\pm 32$  foot tall, single story building are shown in **Exhibit D**. The south street facing façade appears to meet the required wall articulation per RMC 18.04.1003(c)(2)(b) and ground floor transparency requirement per RMC 18.04.1003(c)(3). The ground floor

transparency glazing is located along the upper portion of the façade so it is visible above the 15 foot tall screening/security fence. The building mounted light fixtures are mounted at 25 feet as allowed by code and no lighting is directed onto adjacent properties.

The MS zone requires a minimum of 20% of the developed site to be landscaped. As designed, the project includes ±52,703 square feet (20% of the site) of formal landscaping plus additional decorative rock mulch area (**Exhibit E**). Landscaping to provide parking area screening from view of North Virginia Street has been included per code. The site plan includes a ±20 foot landscaped buffer between the proposed sidewalk and the proposed screening fence. A mixture of deciduous and evergreen trees will be planted along North Virginia Street, within the buffer area, in a staggered arrangement at two elevations to help obscure the screening/security fence, top of the generators, and building (**Condition 9**).

Since the site encompasses three parcels, prior to approval of any site improvement permit the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the parcels (**Condition 10**).

**Traffic, Access and Circulation:** The proposed data center project is anticipated to generate 84 daily trips, including 9 A.M. peak hour and 8 P.M. peak hour trips. This trip generation is well below RMC requirements for a traffic entry and access study. With this very low trip generation, the proposed project is not expected to have any significant impact on local traffic operations or surrounding roadway infrastructure. The project will pay standard regional road impact fees that are used to mitigate impacts on the regional roadway network.

The Regional Transportation Commission (RTC) classifies North Virginia Street as a Moderate Access Control Arterial in the 2050 Regional Transportation Plan. RTC has a roadway improvement project planned in this area that would widen North Virginia Street and provide a center left turn lane. The project proposes to provide a six foot sidewalk along the project frontage; the location of this sidewalk will be coordinated with RTC to minimize risk of it needing to be relocated in the future.

**Public Utilities:** Sanitary sewer from the site will be treated at the Reno-Stead Water Reclamation Facility (RSWRF). There is limited sewer capacity remaining at RSWRF, which is connected to a short-term capacity project that diverts or “shaves” the raw sewage flow to a pipe that is used to pump sludge to the Truckee Meadows Water Reclamation Facility (TMWRF) for processing. The limit on sewer capacity was primarily to allow the remaining flow potential to be used to reduce the volume of effluent going to Swan Lake, which reduces the potential for flooding from this source. Since that time, a project was constructed to pump water directly out of Swan Lake during the irrigation months (April through October) and has been very effective in managing the water



level at the lake. The long-term solution for increasing wastewater treatment capacity is the expansion of RSWRF from two million gallons per day (MGD) to four MGD and the Advanced Purified Water Facility and American Flat Aquifer Storage and Recovery project, which is currently being reviewed (LDC25-00013).

The applicant will be required to apply for a sewer will-serve and pay sewer connection fees prior to permit issuance consistent with the established sewer allocation program. The time frame for building permit application specified in **Condition 2** has been adjusted in case the applicant is not able to secure a sewer will-serve in advance of the project as a result of the wastewater treatment capacity constraints.

Water will be provided by Truckee Meadows Water Authority Water (TMWA). A will-serve from TMWA will be required prior to any permit requests to develop the site. Electricity and gas will be provided by NV Energy. Regarding power supply for the proposed data center, the application indicates that ownership has obtained commitments from and executed agreements with NV Energy to supply the necessary power to operate the data center. Existing overhead power lines along the site frontage are required to be undergrounded or a waiver obtained per RMC 18.04.503(c).

**Hydrology:** The project is in the FEMA Flood Zone Unshaded X, an area of minimal flood hazard. Final design shall incorporate measures to ensure that there is no net increase in the regulatory 100-year water surface elevation of Silver Lake. Volumetric mitigation shall be a minimum 1.3:1 when located within watershed areas contributing to closed basins, based on the 100-year 10-day storm event. Volumetric mitigation is typically satisfied with an onsite retention basin(s); four underground retention/detention basins are proposed. A final drainage report will be required at the time of building permit to ensure the proposed facilities are adequate to serve the site.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Industrial (I) and is located along a Suburban Corridor within the Industrial/Logistics Employment Areas per the Structure Plan Framework of the Reno Master Plan. The Industrial land use designation is intended to support industrial uses, including manufacturing/processing operations, maintenance and repair shops, and warehousing and distribution facilities. As proposed and with the recommended conditions, the proposed project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

- GP 1.1A: City-Focused Economic Development Strategy
- C-SC.1: Overall Mix
- C-SC.17: Infill and Redevelopment
- DPEA-G.3: Parking, Loading and Storage
- EA-ILA.1: Overall Mix

- EA-ILA.7: Varied Design

**Public and Stakeholder Engagement:** The proposed project was reviewed by various City divisions and partner agencies. Comments received were incorporated into this report (**Exhibit F**). A courtesy notice was sent out to surrounding property owners upon initial submittal of the project. The applicant presented their project at the November 21, 2024 Ward 4 Neighborhood Advisory Board meeting. No comments have been received. Any future comments will be forwarded to the Planning Commission as they are received.

**Recommended Conditions of Approval:** All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

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 a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
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5. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.
6. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control

or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.

7. The emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance.
8. Prior to approval of a building permit for site improvements or vertical construction as appropriate, the applicant shall submit final plans showing a minimum 15 foot screening fence along the project frontage and a note that the southernmost generator will be painted to complement the building to the satisfaction of the Development Services Department.
9. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate a double row of staggered trees along the project frontage as shown on the preliminary landscape plan and sightline study. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.
10. Prior to approval of a building permit for site improvements, the applicant shall have a recorded deed of combination or equivalent mapping process to revert or combine the three parcels into one. Alternatively, the applicant shall demonstrate that there is an existing reciprocal access easement over the three parcels.

#### **Findings:**

**General Review Criteria:** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and
  - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.

- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan: If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

**Conditional Use Permit:** In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- 1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- 2) The proposed land use and project design is compatible with surrounding development;
- 3) The proposed land use and project design is consistent with applicable development standards;
- 4) Public services and facilities are available to serve the project, or will be provided with development;
- 5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- 6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

**Attachments:**

Exhibit A. Case Maps  
Exhibit B. Preliminary Site and Floor Plans  
Exhibit C. Sightline Study  
Exhibit D. Preliminary Elevations  
Exhibit E. Preliminary Landscape Plan  
Exhibit F. Agency Comments



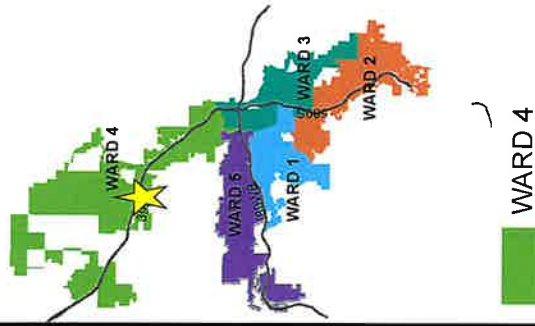
# Exhibit A. Case Maps

## AREA MAP

LDC25-00014

(Webb Data Center)

Subject Site ►



The information herein is approximate and is intended for display purposes only.

Date: October 2024

Scale: 1 inch = 750 feet




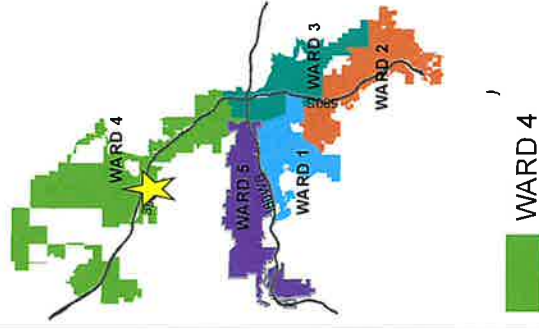


# VICINITY MAP

LDC25-00014

(Webb Data Center)

Subject Site ► 



Development  
Services  
Department



The information hereon  
is approximate and  
is intended for display  
purposes only.

Date: October 2024  
Scale: 1 inch = 375 feet





# ZONING MAP

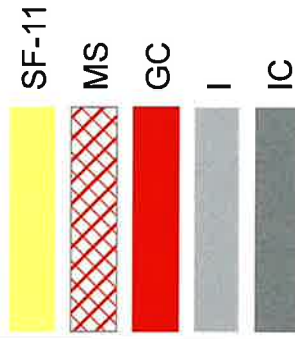
LDC25-00014

ZONING = MS

(Webb Data Center)

Subject Site ► 

## Zoning Designations



The information hereon is approximate and is intended for display purposes only.


DATE: October 2024  
SCALE: 1 inch = 375 feet

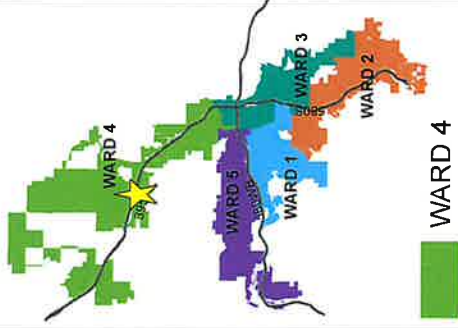


# MASTER PLAN MAP

LDC25-00014



(Webb Data Center)

Subject Site ► 



The information herein is approximate and is intended for display purposes only.  
Date: October 2024  
Scale: 1 inch = 375 feet

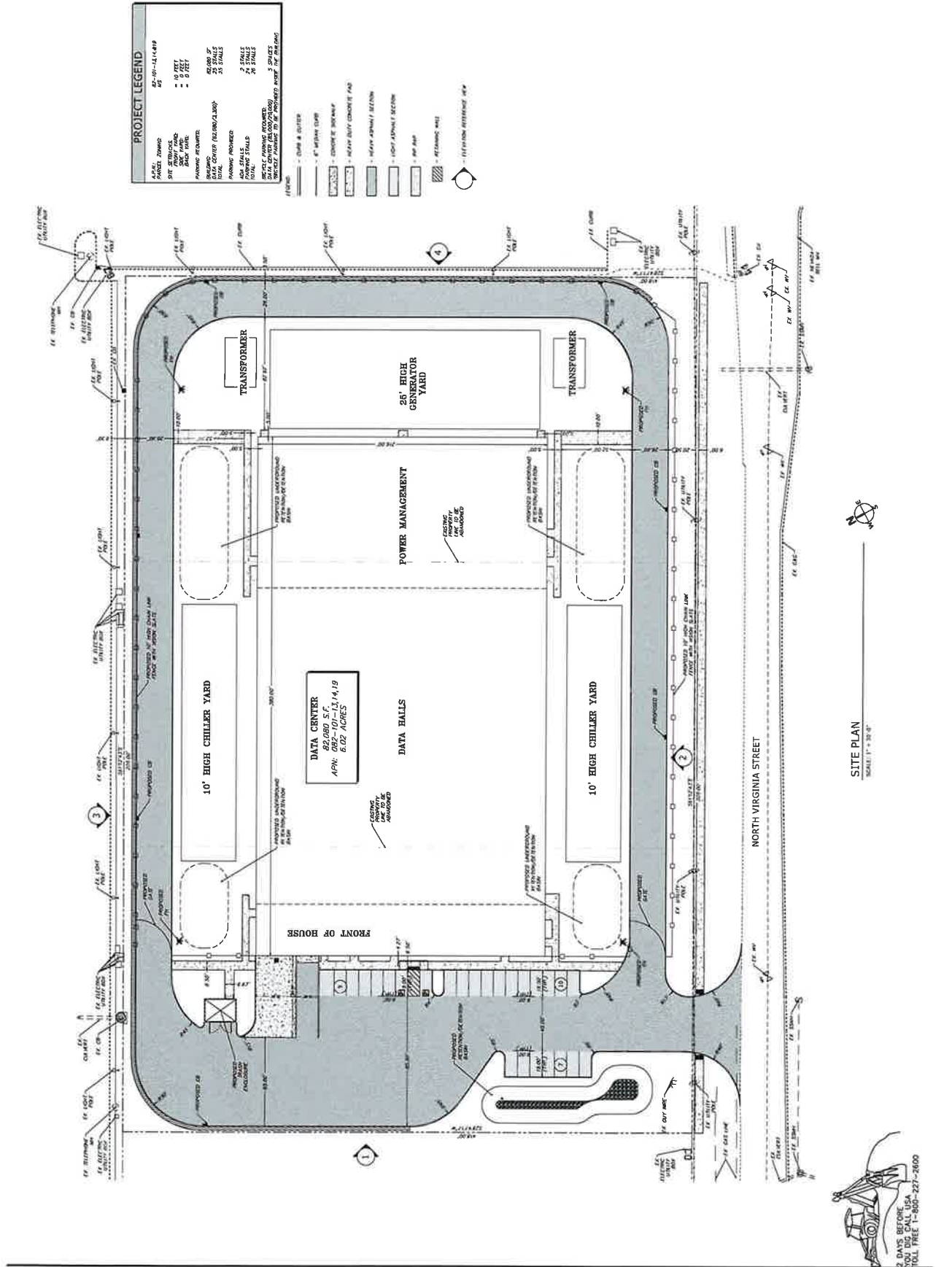


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# Exhibit B. Preliminary Site and Floor Plans

DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER	REVISIONS: 1	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER	REVISIONS: 1
DESIGNER: TECTONICS DESIGN GROUP	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER	REVISIONS: 1	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER
PROJECT: DATA CENTER	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER	REVISIONS: 1	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER
PROJECT: DATA CENTER	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER	REVISIONS: 1	DATE: 11/13/2014 BY: [Signature] PROJECT: DATA CENTER



# DATA CENTER SHELL

9730 NORTH VIRGINIA ST  
RENO, NV 89506

## ELLIS PARTNERS

One Sansome Street, Suite 1500  
San Francisco, CA 94104  
or 415.663.1229  
www.ellispartners.com

## DE/CON CONSTRUCTION INCORPORATED

5000 Chabot Drive  
Marina, CA 94035  
949.632.1474

## TECTONICS DESIGN GROUP

7300 Lakeside Blvd., Suite 200, Reno, Nevada 89521  
www.tectonicsdesigngroup.com  
970.821.9988  
970.821.9986

### AREA USE LEGEND

	PERMITTED USE
	DATA HALL
	BATTERY/ELECTRICAL ROOM
	PERMITTED YARD
	RESTRICTED YARD

NOTES:  
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL, ELECTRICAL, AND PLUMBING CODE (IMC).  
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODE (CMPC).  
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) STANDARDS AND SPECIFICATIONS FOR GREEN BUILDING PRACTICES (CESG).  
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) STANDARDS AND SPECIFICATIONS FOR GREEN BUILDING PRACTICES (CESG).  
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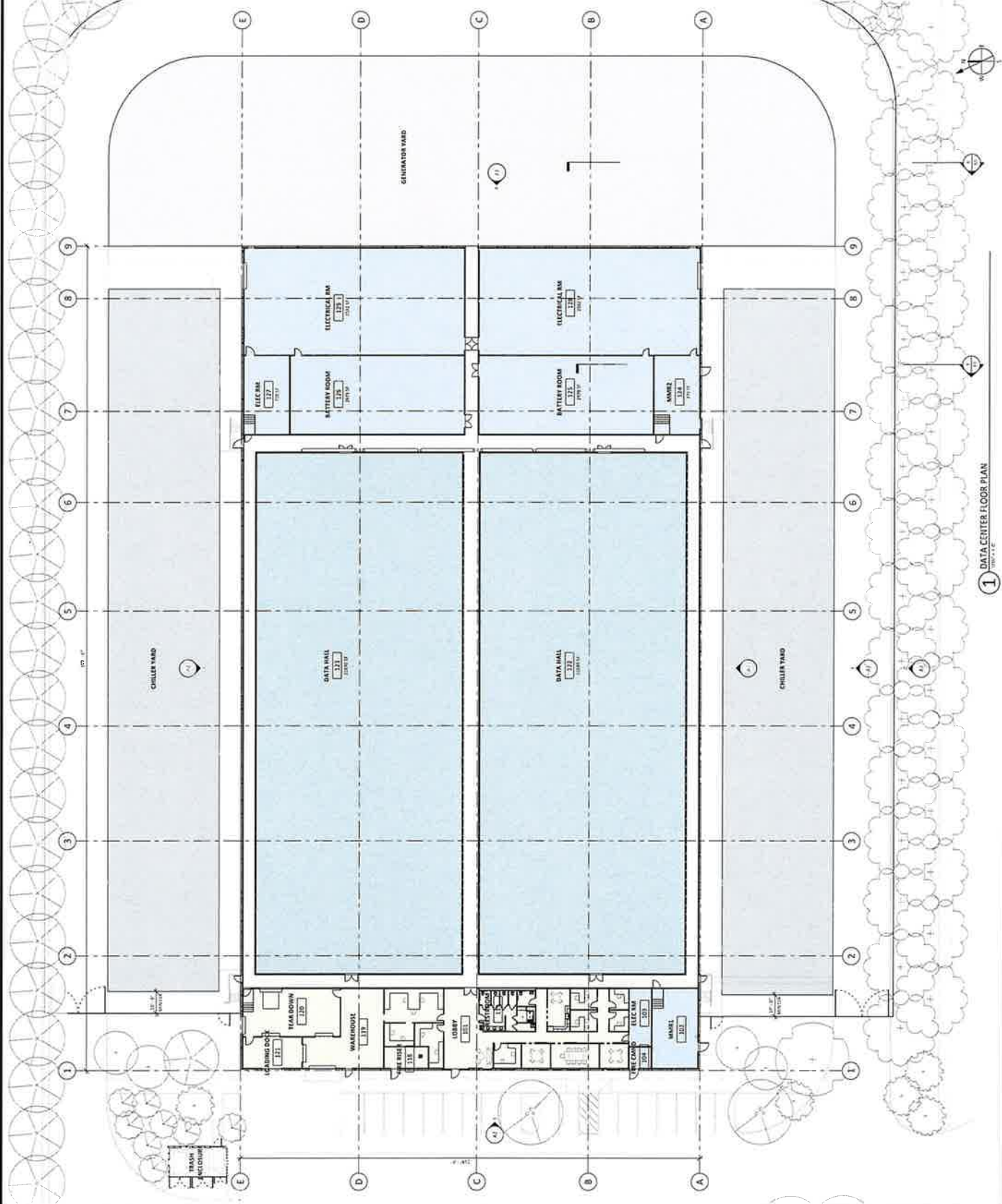
REVISIONS	DATE	DESCRIPTION
1	11/11/2024	ISSUED FOR PERMIT

### DATA CENTER FLOOR PLAN

A1

PROJECT	JH 020
DATE	11/02/2024
DRAWN BY	WFB
CHECKED BY	WFB
DATE	11/02/2024

COURT USE PERMIT



1 DATA CENTER FLOOR PLAN







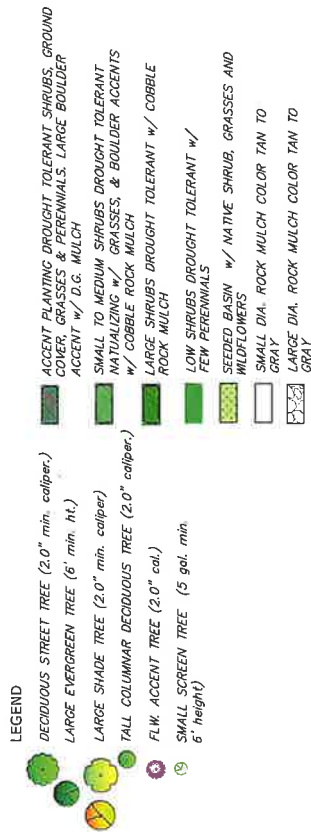
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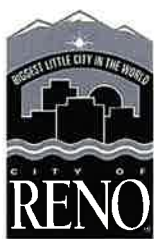
[illegible]

GROSS PARCEL IN AREA: 162.243 S.F.  
 REQUIRED LANDSCAPE IN AREA: 52.640 S.F.  
 SITE TREES PROVIDED: 1  
 1 PER 200 S.F. OF 20% LANDSCAPE AREA (52.640 S.F.) = 175  
 TREE PLACEMENT REQUIREMENT: 120.1 F. OF FRONTAGE (PROVIDED)  
 6 SHRUBS PER 100 S.F. OF 20% LANDSCAPE AREA (52.640 S.F.) = 1,053 SHRUBS

**SITE AREA LANDSCAPE PROVIDED:**  
 TOTAL LANDSCAPE AREA PROVIDED: 110.964 S.F.  
 ORNAMENTAL LANDSCAPE PROVIDED: 29.343 S.F.  
 DECORATIVE ROCK MULCH AREA COUNTED AS REQ. LANDSCAPE: 13.160 S.F.  
 13.160 ROCK MULCH = 35.541 S.F. LANDSCAPE = 52.793 S.F.)  
 TOTAL DECORATIVE ROCK MULCH AREA: 80.321 S.F.  
 TOTAL TREES REQUIRED = 175  
 TOTAL TREES PROVIDED = 175  
 TREE PLACEMENT REQUIREMENT: 120.1 F. OF FRONTAGE (PROVIDED)  
 TOTAL PARKING AREA: 97.878 S.F.  
 1 PER 100 S.F. OF 20% LANDSCAPE AREA = 10.56 SPACES  
 PROVIDED LANDSCAPE PARKING: 53% MIN. OF PARKING AREA = 681 S.F.  
 PROVIDED LANDSCAPE PARKING: 53% OF AREA = 1,550.3 S.F.  
 PROVIDED LANDSCAPE PARKING: 53% OF AREA = 1,550.3 S.F.  
 PARKING AREA TREES PROVIDED: 30  
 PARKING AREA TREES PROVIDED: 30



SCALE: 1" = 40' 0"



**Environmental Control**

---

**MEMORANDUM**

**Date:** October 31, 2024  
**To:** Mike Railey – Planning Manager  
Planning Desk  
**From:** Eric Farrar, Environmental Control Officer  
**Subject:** **October 18, 2024 Current Development Projects Review/Comments**

---

The Environmental Control Section (EC) under the Utility Services Department has reviewed the Development Projects memorandum dated October 18, 2024. We offer the following comments or conditions:

**Hawkview Apartments- MUP25-00002**

Environmental Control has no comment on the proposed Minor Conditional Use Permit application.

**Sky Mountain Senior Apartments- MUP25-00003**

Environmental Control has no comment on the proposed Minor Conditional Use Permit application.

**Lyons RV & Boat Storage SPR- SPR25-00001**

EC has no comment on the proposed Site Plan Review and use of the property for outdoor storage of boats and RVs. If washing or servicing of vehicles stored on the property is anticipated, a pretreatment device in accordance with RMC 12.16.555 and an Environmental Control Permit would be required. Applicants can call 775-334-4230 for more information.

**APWF At American Flat- LDC25-00013**

Environmental Control has no comment on the proposed Conditional Use Permit application or the anticipated use, operating hours, or zoning associated with the APWF.

**Webb Data Center- LDC25-00014**

Environmental Control has no comment on the proposed use or operating hours associated with the project. The anticipated discharge to the sewer collection system must be in compliance with RMC 12.16.530, in particular paragraph (9) which states that the operation will not discharge "Any heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature exceeds 40 degrees Celsius (40°C) or 104 degrees Fahrenheit (104°F) at the treatment plant." Applicants can call 775-334-4230 for more information.

**Reno Housing Authority - Carville Drive- LDC25-00015**

Environmental Control has no comment on the proposed Master Plan Amendment and Zoning Map Amendment.

**Plumas Redevelopment - LDC25-00016**

Environmental Control has no comment on the Conditional Use Permit.

**Costco Fuel Expansion - LDC25-00017**

Because the proposed Amendment to Conditional Use Permit includes a sand/oil interceptor associated with the stormwater collection system, and Environmental Control Permit will be required when the facility applies for a business license amendment. Applicants can call 775-334-4230 for more information.

**1565 Plumas Master Plan Amendment- LDC25-00018**

Environmental Control has no comment on the proposed Master Plan Amendment.

**Orrcrest Drive Zoning Map Amendment- LDC25-00019**

Environmental Control has no comment on the proposed Zoning Map Amendment. If any future anticipated use of the property includes commercial or industrial use, a pretreatment device may be required. Applicants can call 775-334-4230 for more information.



**From:** [COOPER, CLIFFORD E](#)  
**To:** [Jeff Foster](#)  
**Subject:** LDC25-00014 Webb Data Center  
**Date:** Monday, October 21, 2024 10:31:40 AM

---

Jeff,

AT&T does not have any adverse comments regarding this project.

CLIFF COOPER  
SR SPECIALIST-OSP DESIGN ENGINEER  
AT&T NEVADA  
1375 Capital Blvd rm 115  
Reno, NV 89502  
ROW Office: 775-453-7578  
Cell: 775-200-6015  
Email: [cc2132@att.com](mailto:cc2132@att.com)  
***TEXTING and DRIVING...It Can Wait***

# EXHIBIT 5

# EXHIBIT 5

# ELLIS PARTNERS

1 Sansome Street, Suite 1550  
San Francisco, CA 94104

December 18, 2024

Mr. Jeff Foster  
Associate Planner  
Development Services Department  
1 E First Street  
Reno, NV 89505

**RE: LDC25-00014 Webb Data Center – Sustainability Commitments**

Dear Jeff,

In response to comments received from the Reno Planning Commission and to solidify Ellis Partners' commitment to sustainable development, we propose the following Conditions be applied to our conditional use permit:

**PV Array** - Applicant shall make good faith efforts to provide onsite power generation in the form of a roof top photovoltaic system. Applicant shall work to design a viable PV system to the reasonable satisfaction of Planning Department staff prior to building permit issuance. The PV array shall be limited to the roof over the "front of house" areas and shall not be required to be installed above the data halls, electrical rooms, battery rooms or other critical equipment areas.

**PV Ready Roof Structure** - Applicant shall design the entire roof structure with a load capacity that can support a PV array in the future.

**EV Chargers** - Applicant shall provide a minimum of two on site Level 2 EV chargers as part of the project.

**Low Flow Domestic Fixtures** - Applicant shall specify and install low flow domestic water fixtures. This shall not apply to hose bibs serving equipment areas.

**Low VOC Materials** - Applicant shall specify and utilize low VOC materials (where available) on the building shell.

**Source Separation of Construction Debris** - Applicant shall require source separation and diversion from landfill, where possible, of construction debris.

If you have any questions, please do not hesitate to call me at (415) 391-9800.

Sincerely,



David Harty  
Senior Vice President  
Ellis Partners LLC

# EXHIBIT 6

# EXHIBIT 6



C I T Y O F  
**RENO**  
Memorandum

---

**DATE:** December 18, 2024

**TO:** Reno City Planning Commission

**THROUGH:** Mike Railey, Planning Manager

**FROM:** Jeff Foster, Associate Planner

**DEPT:** Development Services Department

**SUBJECT:** Item 5.1 – LDC25-00014 (Webb Data Center)

---

This item was heard at the December 5, 2024, Planning Commission hearing. The item was continued to December 18, 2024, in order for the applicant to provide further information on the NV Energy commitment to serve the project. Some of the discussion during the December 5<sup>th</sup> meeting centered around potential implementation of sustainable project components. Subsequently the applicant has proposed several conditions of approval to address their commitment to sustainable development (see attached letter). Staff is proposing the following conditions to formalize these items.

11. Prior to approval of a building permit for vertical construction, the applicant shall submit plans demonstrating that a rooftop photovoltaic (PV) system is incorporated into the building design to the satisfaction of the Development Services Department. The PV system array shall be limited to the roof over the “front of house” areas and shall not be required to be installed above the data halls, electrical rooms, battery rooms, or other critical equipment areas.
12. Prior to approval of a building permit for vertical construction, the applicant shall demonstrate that the entire roof structure has been designed with a load capacity that can support a photovoltaic (PV) system array for a future use other than the current data center project.
13. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating a minimum of two onsite Level 2 electric vehicle (EV) chargers to be installed as part of the project.

14. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying installation of low flow domestics water fixtures. This shall not apply to hose bibs serving equipment areas.
15. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying utilization of low volatile organic compound (VOC) materials on the building shell.
16. Prior to approval of a building permit for vertical construction, the applicant shall submit plans with a note on the title page and in the construction notes requiring source separation and diversion of construction debris from the landfill where possible.



PAYMENT DATE

01/06/2025

COLLECTION STATION

7958 - Front Desk 3

RECEIVED FROM

APPEAL-LDC25-00014

### DESCRIPTION

DOUGLAS R. THORNLEY C/O EPL VIRGINIA INVESTORS LLC

**City of Reno**  
1 East First Street  
Reno, NV 89501

BATCH NO.

2025-00002687

RECEIPT NO.

2025-00161595

CASHIER

Urbina-Tapia Janet

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
6901	Copies/Miscellaneous DOUGLAS R. THORNLEY C/O EPL VIRGINIA INVESTORS LLC 00100-0000-5780-1099 Other income \$103.00	\$103.00																
	<table><tr><td>Total Cash</td><td>\$0.00</td></tr><tr><td>Total Check</td><td>\$0.00</td></tr><tr><td>Total Charge</td><td>\$103.00</td></tr><tr><td>Total Wire</td><td>\$0.00</td></tr><tr><td>Total Other</td><td>\$0.00</td></tr><tr><td>Total Remitted</td><td>\$103.00</td></tr><tr><td>Change</td><td>\$0.00</td></tr><tr><td>Total Received</td><td>\$103.00</td></tr></table>	Total Cash	\$0.00	Total Check	\$0.00	Total Charge	\$103.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$103.00	Change	\$0.00	Total Received	\$103.00	
Total Cash	\$0.00																	
Total Check	\$0.00																	
Total Charge	\$103.00																	
Total Wire	\$0.00																	
Total Other	\$0.00																	
Total Remitted	\$103.00																	
Change	\$0.00																	
Total Received	\$103.00																	
	<div>PAID</div> <div>JAN 06 2025</div> <div>CITY OF RENO</div>																	
	<div>Total Amount:</div>	\$103.00																
Customer Copy																		

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