

# ATTACHMENT B

6.5 Staff Report (For Possible Action - Recommendation to City Council) Case No.

**LDC24-00050 (The Canyons PUD Amendment)** – A request has been made for an amendment to The Canyons Planned Unit Development (PUD) handbook to: a) increase the number of residential units from 81 to 126; b) reduce the number of land use categories and villages; c) modify the allowed uses within each land category; d) make changes to various environmental standards including grading, feral horse management, and open space requirements; and e) make changes to other development standards including site, building, and roadway design, among other modifications. The ±161.23 acre site is located east of the eastern terminus of Mine Shaft Drive. The site is within The Canyons PUD zoning district and has the Master Plan land use designations of Single-Family Neighborhood (SF) and Parks, Greenways, and Open Space (PGOS). **[Ward 2]**

Nathan Gilbert, Development Services Principal Planner, presented the staff report for this amendment request.

Brook Oswald, applicant representative, presented an overview of the project and their amendment request.

Disclosures: met with applicant's representative, read and received emails, familiar with the site

Public Comment: Correspondence received for this item was forwarded to the Planning Commission and entered into the record. No request to speak forms or voicemails were received.

Questions:

Mr. Oswald confirmed for Commissioner Drakulich that this was brought to the NAB where Ward 2 provided good feedback and he addressed the concerns that he was able to at that time.

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Commissioner Becerra asked about the sustainability components that were refined down.

Mr. Oswald explained that working with staff there were some concerns with how some of the sustainability components would be enforceable and how they would monitor it so the decision came to pull those back.

Mr. Gilbert explained the key concern was the language and enforceability. Staff does not typically like standards that aren't standards in a PUD handbook.

Commissioner Rohrmeier asked if those standards could have been accomplished with a development agreement.

Mr. Gilbert stated there are other tools that could do that and there is nothing precluding the developer from doing that. They did incorporate some measurable sustainability standards with things like EV charging that are measurable and enforceable.

Commissioner Rohrmeier noted the handbook sounds a lot like Title 18 and asked what differentiates the PUD handbook from Title 18.

Mr. Gilbert stated it is a lot of Tile 18 but the tool that the handbook provides is higher level things like the park and trail connectivity. This was the path they pursued and staff thinks it is an adequate project.

Commissioner Villanueva asked about the fire response times noting it is beyond six minutes and now more houses are being added.

Mr. Gilbert stated the master plan does allow that in limited circumstances. The handbook maintains wild land urban interface standards and they would be required to have fire sprinklers.

Commissioner Villanueva asked if there is a map comparing what was presented originally and now with the additional housing.

Mr. Oswald explained one of the major differences is the addition of the loop road and he noted that having two access points does help with fire response.

Mr. Oswald confirmed for Commissioner Villanueva that they are providing the same amount of open space with the current proposal. He also confirmed there will be cuts and fills and those will be reviewed by staff and the Planning Commission when there is a final grading plan. They have done soil samples

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and nothing dangerous has been discovered at this point.

Commissioner Becerra referenced the discussion regarding pulling the developer proposed sustainability standards back because they are unenforceable and asked what the process would be to raise the bar in the Reno code standards if staff sees that as a developer trend.

Mr. Gilbert stated the Planning Commission has the ability to discuss and make a recommendation to Council on what the standards should be.

Commissioner Velto asked staff if the requirement in the handbook to come up with an emergency response plan is adequate in order to ensure there is fire safety.

Mr. Gilbert stated yes. The applicant and staff met with the Fire Marshall more than once during the course of this review and there are more applications to go.

Commissioner Velto asked if there is anything that concerns staff about increasing the number of units.

Mr. Gilbert stated this sets the baseline and staff's initial concern was the grading impacts that would facilitate the increased density. The revisions made through this process have addressed those concerns.

Mr. Oswald reviewed the proposed changes to the grading for Commissioner Rohrmeier.

There was discussion to clarify the sustainability standards that were proposed versus what is required and enforceable.

Mr. Oswald explained for Commissioner Becerra that they did have some lofty goals and after working with staff they got them down to some fundamentals that are enforceable.

Commissioner Becerra stated it is important when people go above and beyond that they have a mechanism to capture that.

Mr. Oswald confirmed for Commissioner Becerra that all trails and parks will have public access.

Commissioner Villanueva expressed concern about the proposed open space changing. Even though it will be the same amount of open space the quality of it is different.

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Mr. Oswald stated they believe the quality of what they are protecting with open space is better now than what was originally proposed.

Discussion:

Commissioner Velto stated he hears a lot of concerns about what this project will look like and he is struggling to understand why there is a concern that there would be a loss of open space because until they have a tentative map they don't know what it will look like. Because of that, he can't assume there will be a loss of open space. A lot of the concerns being raised are premature and they are supposed to be looking to see if they can make the findings for the amendments. The amendments are supported by staff and they seem reasonable.

Commissioner Rohrmeier stated she could make the findings if they were here for a zoning request for single family and open space because they would be compelled to consider the zoning exclusively without a project. By adding the PUD handbook we are here to evaluate the details of how this differentiates itself from code. She would be curious to see the layout and exact locations of building footprints, the architecture and its sustainability, and all of the features that make it above and beyond. This is a special place with constraints like cultural resources, water resources, and wildlife. A lot of concerns were received from public comments around transportation. Having a handbook compels us to have more detail in our determination. This is an amendment versus a new project but a PUD handbook commands more than straight code and she is not seeing that here.

Commissioner Villanueva stated she views PUDs typically as being unique where they can't use the development code because of unique circumstances, but with this project she sees it as them trying to get around the development code to develop in a place where it probably shouldn't have been initially developed. She is generally in favor of more housing as long as it is thoughtful.

She thinks this is not conducive to the character of the neighborhood to the master plan and has a lot of issues with the changes being requested.

Commissioner Velto stated he can make the findings because of the fact that they already approved the handbook. At that time they were accepting of the fact there were no design standards or other things they wanted to see and now they are just looking at the amendments. He can make the findings on the amendments. In hindsight, it might have been better the first time this came through if they looked at some things and questioned what was in the handbook. Given where they are now, he does not want to penalize the applicant for not having done that the first time. In his view, this isn't the

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appropriate time to tell them we should have done it differently. He wants to keep his decision focused on what the amendments are.

Commissioner Becerra agreed with Commissioner Rohrmeier that it would be great to have more detail and asked if it is okay to add a condition that when they bring a tentative map they will include additional design details.

Mike Railey, Development Services Planning Manager, stated they can add conditions and require changes to the handbook.

Commissioner Becerra also agreed with Commissioner Velto regarding not creating a new burden now.

Commissioner Villanueva stated it is her understanding that they are able to develop as the project was originally presented, it would just be without the additional housing and amendments.

Commissioner Rohrmeier stated it is her understanding that the way the original handbook was written, the project would not be fiscally feasible now.

Mr. Oswald confirmed they looked at what would make the project pencil. He discussed changes in the market and other factors that contribute to the challenges with the existing handbook.

Commissioner Villanueva stated they are basically being asked to make compromises despite the code because the numbers don't pencil out.

Commissioner Rohrmeier suggested the applicant provide a constraints map that goes beyond just slopes and includes things like the archaeological and wildlife constraints and the regional trail and bring that back with a tentative map showing the actual buildable area.

Commissioner Villanueva questioned what they would really get out of that added condition. It won't change the constraints that already exist. They would have more detail but it doesn't change the reality of where these houses are going to be built and that is the root of the problem.

She expressed concern that if this is approved tonight, they can't go back and say no at the point of a tentative map.

Commissioner Rohrmeier stated they can deny a tentative map.

Commissioner Villanueva stated yes, but she has seen district court cases that come down on that.

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*It was moved by Kerry Rohrmeier, seconded by Manny Becerra, to recommend that Council approve the handbook amendment to The Canyons Planned Unit Development, subject to Condition 1 and the addition of a constraints map submitted at the time of the tentative map. Motion Pass.*

**RESULT: Approve [5 TO 1]**

**MOVER:** Kerry Rohrmeier, Commissioner

**SECONDER:** Manny Becerra, Commissioner

**AYES:** Drakulich, Armstrong, Becerra, Rohrmeier, Velto

**NAYS:** Silvia Villanueva

**ABSENT: ABSTAIN:**

**RECUSED:**