



City Clerk's Office
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DEC 09 2024

City Clerk

City of Reno Notice of Appeal Form

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

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

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

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

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

RMC: Administrative Code

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

LDC25-00003

2. Appellant Information:

Appellant Name: AMH

Authorized Representative: Wood Rodgers Inc.

Address: 1361 Corporate Blvd. Reno, NV 89502

Telephone No.: 775-823-9770

Email Address: ehasty@woodrodgers.com; adurling@woodrodgers.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.)

Appeal of LDC25-00003 – 2400 W. 7th Street Tentative Map and Major Site Plan Review.

On behalf of the Applicant for the above referenced case, we respectfully request that the City Council reverse the decision of the Planning Commission to deny the request for a Tentative Map and Major Site Plan Review for Cluster Development.

Please see the attached letter for additional details.

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

It is our position that the decision was made in error due to the misrepresentation of the findings by City Staff. Specifically, the statements made by staff and the Planning Commission demonstrate that the decision was not made on the project's conformance with Reno Municipal Code, but rather the intent of code. "The intent of code" is arbitrary and given the Commissioner's ability to recognize the project's code conformance, we implore the City Council to reverse the Planning Commission's decision to deny and to uphold the recommended approval as presented in the City of Reno staff report.

Please see the attached letter further detailing our position.

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 decision was not based on the findings and Reno Municipal Code, but rather misinterpreted representations of both. The Planning Commission erred in making the findings based on:

- A subjective and arbitrary application of "the intent of code" even though both Staff and the Planning Commission acknowledged the project met code requirements
- Misinterpretation of the standards for cluster development
- Misleading representations of Reimagine Reno Master Plan
- Misinterpretation that the request meets the "minimum" Reno Municipal Code standards

See the letter attached detailing the claims for this appeal.

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

See the attached letter for the supporting documentation.

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

We respectfully request that the City Council overturn the Planning Commission's decision and approve the request as originally recommended by Staff.

Refer to the letter attached for the rationale supporting this requested action.

Appellant or Authorized Representative

Signature (Print Name):

Andy Durling

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



For Office Use: JB

Hearing Date: 1/20/2025

Hearing Time: 10:00 AM 6pm

Hearing Location: City Council

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

Received by: Jennifer G.



December 9, 2024

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

RE: Appeal of LDC25-00003 – 2400 W. 7th Street Tentative Map and Major Site Plan Review, Applicant's Request to Appeal

Reno City Councilmembers:

On behalf of the Applicant for the above referenced case, we respectfully request that the City Council reverse the decision of the Planning Commission to deny the request for a Tentative Map and Major Site Plan Review for Cluster Development. It is our position that the decision was made in error due to the misrepresentation of the findings by City Staff. Specifically, the statements made by staff and the Planning Commission demonstrate that the decision was not made on the project's conformance with Reno Municipal Code, but rather the intent of code. "The intent of code" is arbitrary and given the Commissioner's ability to recognize the project's code compliance, we implore the City Council to reverse the Planning Commission's decision to deny and to uphold the recommended approval as presented in the City of Reno staff report.

The Planning Commission's decision was not based on the findings and Reno Municipal Code, but rather misleading representations of both. The Planning Commission erred in making the findings based on:

- A subjective and arbitrary application of "the intent of code" even though both Staff and the Planning Commission acknowledged the project met code requirements
- Misinterpretation of the standards for cluster development
- Misleading representations of Reimagine Reno Master Plan
- Misinterpretation that the request meets the "minimum" Reno Municipal Code standards

To support this, the Applicant would like to highlight some of the comments made by staff which misguided several Planning Commissioners and their interpretations of the findings specific to a Cluster Development. Leah Picotti, Associate Planner stated,

"Overall, it [the project] meets Reno Municipal Code. Does it meet the intent of code? Does it meet the intent of the master plan? That is where you guys come in [Planning Commissioners] ... we look to you, as our bodies to decide whether the intent is there for this. So, when we wrote that code, did we intend for this kind of development? When we wrote the master plan policies was our intent to kind of restrict this type of development or was it to protect these kinds of neighborhoods?"

This had an impact on the decision of several of the Planning Commissioners and was expressed during their discussion. Commissioner Becerra stated, “While it meets the bare minimum of Reno Municipal Code. I don’t think that is the bar we want to set. I don’t think it meets the broader intent.” Further, Commissioner Harris also expressed that staff’s comments regarding code’s intent strongly influenced his decision and later stated that it (the project) meets the code, but not necessarily the intent. By measuring development projects by the intent of code or “the bar” and not the Code itself creates an arbitrary environment for decision making that is not appropriate for the Planning Commission.

Intent should have no bearing in the consideration of a project making the findings for approval. Reno Municipal Code does not restrict Cluster Development within the SF8 zoning designation, nor does it restrict it from being utilized in infill development if the project meets the required findings as demonstrated in the City’s Staff Report and acknowledged by several of the Planning Commissioner’s who voted to deny the project.

RMC 18.04.903(a)(6) (Cluster Development) states that “Cluster development is encouraged to support the protection of sensitive natural resources, viewsheds, or other unique site features; promote fire safety within the wildland interface; provide opportunities for shared common open space; protect documented wildlife corridors; and provide a more gradual transition to the unincorporated county and public lands.” (emphasis added).

Please note that the applicability of cluster development addresses a number of different circumstances where clustering is appropriate, including opportunities for shared common open space, as the project has proposed. While Staff and the Planning Commission stated that the “intent” of cluster development is to preserve natural resources and the like, that is not the only option. Cluster development has been used successfully as a tool throughout Reno for unique single family detached housing products that represent the “missing middle” the City so desperately needs. The Planning Commission failed to recognize that by simply providing shared common open space, the project fully meets the requirements of cluster development.

With regarding the Master Plan, staff described the difficulty in finding consistency with the Master Plan. On slide eight of staff’s presentation they presented six policies the request did not comply with. These policies were highlighted in red on the slide, however only a portion of the policy was presented to the Planning Commission. Evaluating the full text of the Master Plan Policies, the Appellant believes most of the policies are in fact supported by the project. The following are the policies staff presented as not supporting the master plan. They are shown as they were presented by staff (in italics) followed by the policy as it is written in the Master Plan, with commentary by the Applicant:

- **Policy as presented –**
C-NC.8: Transitions in Density/Intensity: gradual transitions between higher density residential development along neighborhood corridors

Policy as described in the Master Plan –

C-NC.8: TRANSITIONS IN DENSITY/INTENSITY: Provide gradual transitions in building height and massing between higher density residential development along neighborhood corridors and adjacent single-family neighborhoods (emphasis added).

The way the policy is presented by staff indicates that the policy requires transitions between densities. However, when evaluating the full policy, it is clear that it is referring to a transition in building height and massing. The proposed buildings are conditioned to be two-story single family detached homes and limited to 28 feet in height, which is reflective of the two-story single family detached homes adjacent to the property and throughout the broader surrounding neighborhood. Therefore, the request does support this policy.

- **Policies as presented –**

N-G.4: Garage Orientation: variety of garage orientations – front-loaded, side loaded, detached

N-G.5: Parking: should be located behind the primary structure, away from street frontages.

Conflicting Policy Specific to the Central Neighborhood in the Master Plan –

N-CN.10: GARAGE AND PARKING LOCATION: The types and orientations of garages and/or the placement of parking on the site should be consistent with the existing character of surrounding blocks. Aside from driveways, parking in front of primary structures should be prohibited. Where alleys exist, garages should be located in the rear of the lot and accessed from the alley. On-street parking should be supported where street widths allow (emphasis added).

The two policies presented by staff are specific to all neighborhood development within the City. The Master Plan clearly states that the policies are not applicable when there are more specific policies within the applicable neighborhood category. The project site is located in the Central Neighborhood and the policy above is in conflict with the two policies presented to the Planning Commission and should therefore not apply. Further, the project as proposed supports the policy for the Central Neighborhood listed above, as a majority of the surrounding development has forward facing garages with driveway parking.

- **Policy as presented –**

N-G.15: Outdoor Gathering Spaces: should provide gathering spaces (courtyard, community garden, park, swimming pool, etc.)

Policy as described in the Master Plan –

N-G.15: OUTDOOR GATHERING SPACES: Larger projects or new neighborhoods should provide gathering spaces (courtyard, community garden, park, swimming pool, etc.) for residents. Adjacent residential buildings (regardless of housing type) should be oriented toward such gathering spaces where provided. Amenities such as benches, trees, planters, or other landscaping should be included in the design of the gathering space to improve its usability. Gathering spaces should be accessible from adjacent the street(s) (emphasis added).

This is an infill project for 28 homes on just under 4-acres. It is neither a large project nor a new neighborhood. This policy is not applicable to this request, however it should be noted that, by virtue of the cluster development, small gathering places of an appropriate scale to the overall parcel are provided.

- **Policy as presented –**

N-G.21: Transitions: Abrupt changes in residential densities should be avoided unless they are part of an integrated plan

Policy as described in the Master Plan –

N-G.21: TRANSITIONS Abrupt changes in residential densities should be avoided unless they are part of an integrated plan, adequate buffers are provided, or building massing and placement provides an adequately smooth transition (emphasis added).

Buffers have been provided and the homes are located more than twenty-eight feet from the nearest property line. The proposed building massing is less than the adjacent properties, and the placement is below the grade of the residents to the west. Furthermore, a proposed single family detached use in the SF8 zoning district next to other single family detached uses in SF8 zoning district are not abrupt changes in density, they are like kind. Therefore, the request supports this policy.

- **Policy as presented –**

N-CN.2: Preservation of Lot Patterns: Maintain the traditional pattern and size of lots in central neighborhoods to the maximum extent feasible

Policy as described in the Master Plan –

N-CN.2: PRESERVATION OF LOT PATTERNS Maintain the traditional pattern and size of lots in central neighborhoods to the maximum extent feasible, avoiding subdivision of lots that create entrances or access points where they were not traditionally found (emphasis added).

The traditional pattern of the neighborhood is single family detached lots with local streets accessed off of 7th Street. When considering an infill site with unique site features such as the need for on-site retention, the reduction in lot size is feasible and warranted. Further, the entrance and onsite circulation will make this request an extension of the existing street to the north, mimicking the existing street pattern and does not create any access points where they are not traditionally found.

As Planning Commissioners were not presented with the full policy descriptions, the Applicant contends that this led to several of the Planning Commissioner's motion to deny, stating that the project does not support the master plan. Furthermore, the required finding for compliance with the master plan stresses that projects must substantially comply, which this project does as demonstrated by staff and the above corrections to master plan policies by the applicant.

The applicant would also like to address an inaccuracy that was presented to the Planning Commission during staff's presentation. On slide 4 of the staff presentation, the slide states that the project is dedicating, "Approx. 8,000 sq. ft. of landscaped common space". In fact the project is proposing a total of 1.32± acres of common area, of which 0.85± acres (23% of the site) will be landscaped common area and on-site retention. Considering Finding #1 for a cluster development, the dedication of open space or common area is significantly important to make the finding. This prevented the Planning Commission from making an informed decision, as a number of the Planning Commissioners stated the findings specific to a Cluster Development as their reason for denial.

Finally, Staff's presentation stated that the project meets the "minimum" Reno Municipal Code standards. This statement was reflected in the motion of at least two of the Planning Commissioners (Becerra and Armstrong) as their rationale for denial. However, in addition to meeting all applicable RMC standards, there are five (5) conditions of approval that require the development to provide more than what RMC requires. The Applicant expressed agreement with these conditions at the meeting as they further help to mitigate potential impacts to the surrounding neighbors. The conditions are as follows:

- **Condition 9:** Requires all structures to be limited to a height of 28 feet. Code allows structures up to 35 feet in height within the SF-8 zoning. This is in response to concerns about the height of the buildings addressed during the Applicant hosted neighborhood meeting.
- **Condition 10:** Requires a minimum of 4 off-street parking spaces per unit. Code requires 2 off-street parking spaces per unit. This is in response to parking concerns addressed by the adjacent neighbors during the applicant hosted neighborhood meeting.
- **Condition 12:** Requires a licensed arborist to determine if any of the existing trees on site within the western buffer can be preserved. If it is determined that the trees can be, they shall be preserved. These trees are not protected under RMC but the condition was provided based on concerns addressed by City Staff and the adjacent neighbors.
- **Condition 13:** Requires the backyards of all units to be landscaped in accordance with RMC standards. This requires one tree and six shrubs per 300 sq. ft. of rear yard area and requires one additional tree per rear lot for lots 1-10 along the western boundary. The homeowner will be responsible for maintaining these trees through the life of the development. RMC does not require rear yards to be landscaped at all. This condition will add an additional 76 trees in addition to the 41 trees required by RMC for a total of 117 trees. This was in response to the adjacent neighbors' concerns with screening of along the western boundary.
- **Condition 16:** Requires additional architectural enhancements along the rear façades of all homes along the western boundary. This will add articulation which is only required by RMC for the front façades of homes. Again, this is in response to neighbors' concern with the visual impact of the proposed request.

Based upon the above rationale and identified misleading and inaccurate representations of the Reno Municipal Code and Reimagine Reno, the Applicant is confident that the Planning Commission's

Appeal of LDC25-00003 – 2400 W. 7th Street Tentative Map & Major Site Plan Review
December 9, 2024
Page 6 of 6

decision was made in error. We respectfully request that the City Council overturn the Planning Commission's decision and approve the request as originally recommended by Staff.

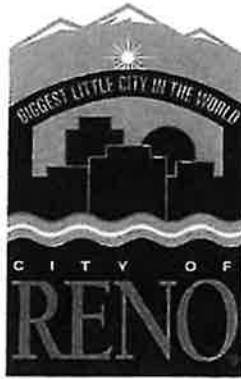
We respectfully request that this appeal be heard at the January 22, 2025 City Council meeting to accommodate for the holidays. Please do not hesitate to contact our office with any questions.

Sincerely,
Wood Rodgers, Inc.

A handwritten signature in blue ink, appearing to read "Andy Durling", followed by a horizontal line.

Andy Durling, AICP
Vice President

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



FILED THIS DATE
11 / 22 / 2024
BY: fu
CITY CLERK

November 22, 2024

AMH
9585 Prototype Court, Suite B
Reno, NV 89521

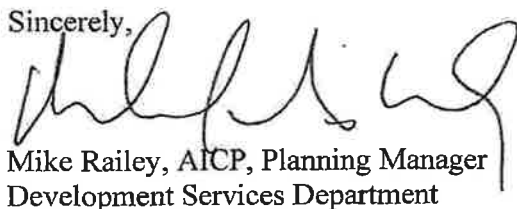
Subject: LDC25-00003 (2400 West 7th Street)
APN: 005-122-09 (Ward 5)

Dear Applicant:

At the regular meeting of the Planning Commission on November 21, 2024, the Planning Commission, as set forth in the official record, **denied** your request for: 1) a tentative map for a 28-lot single-family detached subdivision; and 2) a major site plan review for cluster development. The ±3.72 acre project site is located directly south of the intersection at West 7th Street and Rhode Island Drive. The site is located in the Single-Family Residential – 8 units per acre (SF-8) zoning district and has a Master Plan land use designation of Single Family (SF).

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

Sincerely,



Mike Railey, AICP, Planning Manager
Development Services Department

LDC25-00003 (2400 W 7th Street) - LNP

AMH
RE: LDC25-00003 (2400 West 7th Street)
Page 2

xc: Episcopal Diocese of Nevada
PO Box 2857
Reno, NV 89505

Wood Rodgers
ATTN Eric Hasty
1361 Corporate Blvd
Reno, NV 89502

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

PAYMENT DATE
12/09/2024
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
APPEAL - LDC25-00003
DESCRIPTION
WOOD ROGERS

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2025-00002323
RECEIPT NO.
2025-00119371
CASHIER
Gutierrez, Jennifer

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$103.00 Total Cash \$3.00 Total Check \$100.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$103.00 Change \$0.00 Total Received \$103.00	\$103.00
Total Amount:		\$103.00

Customer Copy