



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
- ☐ 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:

LDC25-00031

2. Appellant Information:

Appellant Name: Smart Growth Reno, Magali Rivera and Rick Heroux

Authorized Representative: John L. Marshall, Esq.

Address: 570 Marsh Ave., Reno, NV 89509

Telephone No.: 775.303.4882

Email Address: johnladuemarshall@gmail.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.)

Case No. LDC25-00031 (J Resort Festival Grounds): A request has been made for a conditional use permit to allow "Amusement or Recreation, Outside" and "Live Entertainment" land uses to facilitate outdoor festivals, concerts, recreation, and events. The decision being appealed is the Planning Commission's approval on February 19, 2025, of a conditional use permit (LDC25-00031) for Reno Real Estate Development, LLC, allowing "Amusement or Recreation, Outside" and "Live Entertainment" land uses at the J Resort Festival Grounds, subject to specific conditions.

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

Appellants Smart Growth Reno members, Magali Rivera and Rick Heroux live and recreate in the downtown Reno area close to the location of the proposed J Resort Festival Grounds. The decision to grant the J Resort Festival Grounds Conditional Use Permit will result in traffic, parking and noise conditions that will adversely affect appellants' health, enjoyment and property in the downtown area as testified to in public comment. Appellants are directly impacted by the Planning Commission's decision to grant the Conditional Use Permit (CUP) under Case #LDC25-00031. The approval, per Section 18.08.605, permits up to 15,000 attendees, causing LOSF traffic conditions and unmitigated post-event congestion, hindering their safe access and mobility (Section 18.08.304(e)(3)). Noise from amplified sound exceeding 75 decibels for unlimited events annually, with hours up to 12:15 a.m. (Conditions 11-12), disrupts their quiet enjoyment and threatens their health and property values, violating Section 18.08.605(e)(6)(a)'s protection against nuisances. These impacts, unaddressed despite public testimony, undermine compatibility with their residential area (Section 18.08.605(a)), materially affecting their well-being and property.

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 made the wrong decision under RMC sections 18.08.304 (e) and 18.08.605(e) to grant the J Resort Festival Grounds Conditional Use Permit. The application should be denied because, inter alia, the Festival Grounds CUP allows for an unlimited number of events with unlimited noise amplification. Limitations on the number of large size events do not limit the number of event days. Granting the application is inconsistent with the direction of the Reno Master Plan, is incompatible with the surrounding existing and future uses and developments, reasonable mitigation was not required, inconsistent with the purpose of the applicable zoning district, lack of adequate public services, and detrimental to public safety and property, all from noise, vibration, and traffic/parking and compounded by the City's lack of enforcement resources. The following public comments to the Planning Commission provide background for this appeal: Art Rangel (pp 93-109 pf PC packet), comment at pp. 207-223 re sound and traffic analysis, Peter C. Neumann (pp. 244-250), Maggie Telander (pp. 236-239), Kenneth Hines (pp. 265-270), Brandi Smith (pp. 193-195).

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

See above references and all other public comments, testimony, and commissioner comments at the February 19, 2025 Planning Commission hearing.

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

Denial of the J Resort Festival Grounds CUP application.

Appellant or Authorized Representative

Signature (Print Name):


(John L. Marshall)

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

For Office Use:

Hearing Date: 4/9/25

Hearing Time: 6:00 pm

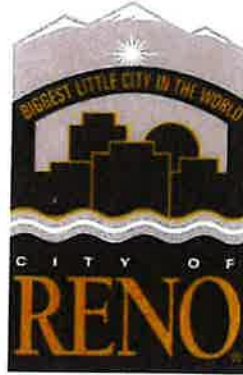
Hearing Location: City Council

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

Received by: 

FILED THIS DATE
2 / 20 / 2025
BY: Sta
CITY CLERK

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



February 20, 2025

Reno Real Estate Development, LLC
12596 W Bayaud Ave, Suite 100
Lakewood, CO 80228

Subject: LDC25-00031 (J Resort Festival Grounds)
APN: 011-360-27, 011-360-28, 011-026-11, 011-026-12, 011-026-13, 011-026-14, 011-026-15 (Ward 1)

Dear Applicant:

At the regular meeting of the Planning Commission on February 19, 2025, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow "Amusement or Recreation, Outside" and "Live Entertainment" land uses to facilitate outdoor festivals, concerts, recreation, and events. The ±4.5-acre site is located on seven parcels generally located south of Third Street, east of Ralston Street, and west of North Arlington Avenue. The site is located in the Mixed-Use Downtown Entertainment District (MD-ED) zone and has a Master Plan land use designation of Downtown Mixed-Use (DT-MU).

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

1. All work involved in constructing and operating a project approved pursuant to Title 18 of Reno Municipal Code shall comply with all plans, reports, renderings, and materials that were submitted or presented as a part of this application. City Codes shall prevail in the event of a conflict between the approved plans and the City Codes in effect when the permit is reviewed.
2. The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the Conditional Use Permit 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 and/or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant; developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction/operations of the project/business. This approval letter shall be posted or made readily available upon demand by City staff.

5. The Glow Plaza venue and the proposed Festival Grounds may hold events simultaneously. The total number of attendees shall not exceed 15,000 per day.
6. A special event or activity permit shall be required for all events. Additional requirements may be necessitated with special event or activity permit review. Onsite security shall monitor and record onsite attendance for all activities to ensure that occupancy is not exceeded. Records shall be made available to City staff upon request.
7. Lighting shall be consistent with the photometric plan submitted in application materials. Specialty lighting (e.g. lasers, additional stage lighting, spotlights, etc.) associated with events shall not shine on any offsite structures or public right-of-way(s). Additional restrictions may be imposed through special activity and events permitting.
8. Portable restrooms shall be screened from view from public right-of-way(s).
9. Prior to site activity associated with this request, the applicant shall install code compliant refuse containers and appropriate screening.
10. Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday. Hours may extend to 12:15 a.m. for two events annually.
11. Amplified sound and alcohol sales are restricted to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. Hours may extend to 12:15 a.m. for two events annually.
12. Permitted special events and/or activities may exceed the 75-decibel threshold with amplified sound ceasing at 11:00 p.m. Tier 2 and Tier 3 events shall be limited to 30 per year, as outlined in the Traffic Management Plan (**Exhibit B**), subject to approval of special event and/or activity permit.
13. Prior to site activity associated with this request, a Security and Management Plan shall be submitted and approved by the Zoning Administrator, Code Enforcement Department, Public Works Department, Reno Fire Department, and Reno Police Department. At a minimum the plan shall include:
 - a. A management plan to address sweeping and pickup of any trash around site perimeter at the close of on-site activities;
 - b. Required signage including a website address providing a schedule of upcoming events;
 - c. A patron queuing plan;
 - d. A signage plan for prohibited items (i.e. weapons, drugs, alcohol, etc.);
 - e. An evacuation plan in the event of an emergency;
 - f. A security staffing, procedures and training plan;
 - g. A process for staff to review events of any size at the site; and

- h. A process for reimbursement for all City services required related to the event (i.e. street closures, public safety, fire inspections, traffic mitigations, etc.).

Additional requirements and/or modifications may be required for special event and activity permits.

14. As required by RMC Section 105.6.36 of the adopted International Fire Code, as amended, a separate Outdoor Assembly Event operational permit will be issued by the Reno Fire Department. Each event will be reviewed by the Reno Fire Department for Fire Code compliance.
15. Prior to site activity associated with this request, the applicant shall provide plans demonstrating installation of bicycle parking compliant with RMC 18.04.705 (c) "Bicycle Parking" and as outlined the Traffic Management Plan (**Exhibit B**).

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

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

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

Sincerely,



Mike Railey, AICP, Planning Manager
Development Services Department

LDC25-00031 (J Resort Festival Grounds) - LNP.doc

xc: Garrett D. Gordon, Esq.
One East Liberty Street, Suite 300
Reno, NV 89501

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

What management measures are recommended?

Traffic management strategies have been developed for each event tier. **Table 5** shows the traffic management strategies that should be implemented for each event tier based on the number of persons/ticket sales for festival type events. **Figure 12** shows the Tier 1 recommendations, **Figure 13** shows the Tier 2 recommendations, and **Figure 14** shows the Tier 3 recommendations. These recommendations should be viewed as guidelines. The project applicant and City of Reno should monitor event metrics and the need for management at each location and adjust as needed.

The recommended “Entire Event” traffic management strategies should be implemented from the event start time until 30 minutes after the event end time. The recommended “Egress Period Only” traffic management strategies should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time. The background traffic volumes at the study intersections during the 10 PM hour when an event ends are, on average, approximately 55 percent lower than the highest arrival hour. The recommended traffic management strategies should be implemented for 30 minutes after the event ends to manage egress traffic.

Other Amenities

In addition to the traffic management strategies included in **Table 5**, the Festival Grounds will also provide a map of parking locations available to attendees on their website and with each ticket purchase. An example of the parking map is shown on **Figure 7**. Wayfinding signs will also be provided in the project vicinity directing pedestrians to the Festival Grounds entrance.

Table 5: Recommended Improvements per Tier Based on Attendance

Tier	Attendance Level/ Tickets Sold	Traffic Management	# of Event Days per Year
1	0 to 5,000	<ul style="list-style-type: none"> - No traffic control needed at intersections - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ 	Unlimited
2	5,001 to 12,000	<p><u>Entire Event²</u></p> <ul style="list-style-type: none"> - Ralston Street between 3rd Street and 2nd Street – close road - 3rd Street/Ralston Street – Traffic control by flaggers (see Figure 13) - 3rd Street crosswalk between Ralston Street and Arlington Avenue – Wayfinding signs directing pedestrians to the 3rd Street/Ralston Street crosswalks - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ <p><u>Egress Period Only³</u></p> <ul style="list-style-type: none"> - 4th Street/Washington Street – Traffic control by flaggers (see Figure 13) - 4th Street/Nevada Street crosswalk – Traffic control by flaggers - 3rd Street/Arlington Avenue – Traffic control by flaggers (see Figure 13) - Arlington Avenue/Commercial Row crosswalk – Traffic control by flaggers 	20 ⁴
3	12,001 to 15,000	<p><u>Entire Event²</u></p> <ul style="list-style-type: none"> - Ralston Street between 3rd Street and 2nd Street – close road - 3rd Street/Ralston Street – Traffic control by flaggers (see Figure 14) - 3rd Street crosswalk between Ralston Street and Arlington Avenue – Wayfinding signs directing pedestrians to the 3rd Street/Ralston Street crosswalks - 3rd Street/Arlington Avenue – Traffic control by flaggers (see Figure 14) - Arlington Avenue/Commercial Row crosswalk – Traffic control by flaggers - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ - Shuttle service, if necessary - Provide signs at each J Resort managed parking lot <p><u>Egress Period Only³</u></p> <ul style="list-style-type: none"> - 4th Street/Washington Street – Traffic control by flaggers (see Figure 14) - 4th Street/Nevada Street crosswalk – Traffic control by flaggers 	10

Notes: Blue text indicates new management strategies compared to the previous Tier.

1. Bicycle parking demand should be monitored and adjusted as needed.

2. Entire Event – Traffic management should be implemented from the event start time until 30 minutes after the event end time.

3. Egress Period Only – Traffic management should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time.

4. If less than ten (10) Tier 3 events are scheduled per year, the number of Tier 2 events can be increased by the number of unused Tier 3 events (for example, if there are only four (4) Tier 3 events, then there can be up to 26 Tier 2 events). In other words, there can be a total of thirty (30) Tier 2 and Tier 3 events, with no more than ten (10) Tier 3 events per year.

Table 4: Existing Plus Project Intersection Level of Service (Tier 3 with 15,000 Attendees) - continued

Int. ID	Intersection	Control	Existing		Existing Plus Project	
			Friday 6-7 PM Peak Hour ¹		Friday 6-7 PM Peak Hour ¹	
			Delay ²	LOS	Delay ²	LOS
14	2 nd St/Arlington Ave	Signal				
	Overall		15	B	17	B
15	2 nd St/Sierra St	Signal				
	Overall		14	B	14	B
16	2 nd St/University Way	Signal				
	Overall		15	B	15	B

Notes: 1. The highest anticipated traffic generation hour during an event.

2. Delay is reported in seconds per vehicle for the overall intersection for signalized intersections, and for the worst approach/movement for side street stop controlled intersections.

3. Delay and level of service with proposed West 4th Street Downtown project modifications .

Source: GCW, 2025

As shown in the table, the 3rd Street/Ralston Street and 3rd Street/Arlington Avenue intersections are expected to operate at LOS E/F conditions during the highest peak hour during a Tier 3 event without traffic management. Traffic management is recommended to provide improved operations during festival events.

TRAFFIC MANAGEMENT RECOMMENDATIONS

Traffic management strategies have been developed for each event tier based on the level of festival attendance:

- Tier 1 – 0 to 5,000 people
- Tier 2 – 5,001 to 12,000 people
- Tier 3 – 12,001 to 5,000 people

Table 5 shows the traffic management strategies that should be implemented for each event tier based on the number of persons/ticket sales for festival type events. **Figure 12** shows the Tier 1 recommendations, **Figure 13** shows the Tier 2 recommendations, and **Figure 14** shows the Tier 3 recommendations.

The recommended “Entire Event” traffic management strategies should be implemented from the event start time until 30 minutes after the event end time. The recommended “Egress Period Only” traffic management strategies should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time. The background traffic volumes at the study intersections during the 10 PM hour when an event ends are, on average, approximately 55 percent lower than the highest arrival hour. The recommended traffic management strategies should be implemented for 30 minutes after the event ends to manage egress traffic.

Table 5: Recommended Improvements per Tier Based on Attendance

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Notes: **Blue** text indicates new management strategies compared to the previous Tier.

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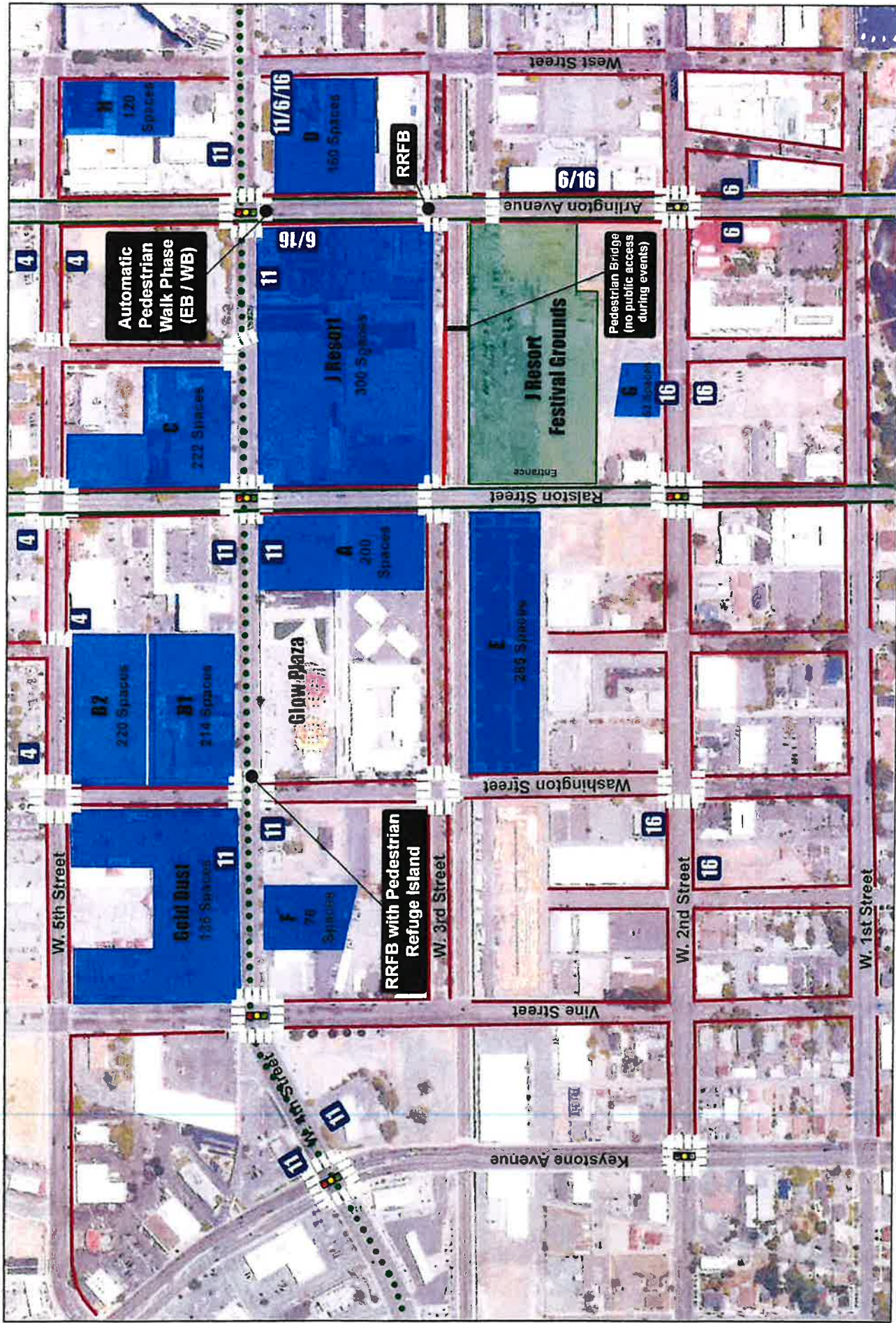


Figure 7

J Resort Festival Grounds
Traffic Impact Study


Parking Locations and Multimodal Amenities

- - Project Site
- - Existing/Planned Surface Parking Lots
- - Potential Loading/Drop-Off Location
- # - Existing Bus Stop & Route Number

- - Planned 4th St Project (Enhanced sidewalk, bus/bike lanes, intersection improvements)
- - On Street Parking
- - Existing Crosswalk
- - Existing Bike Lane

NO SCALE





ENGINEERS | SURVEYORS

Figure 12

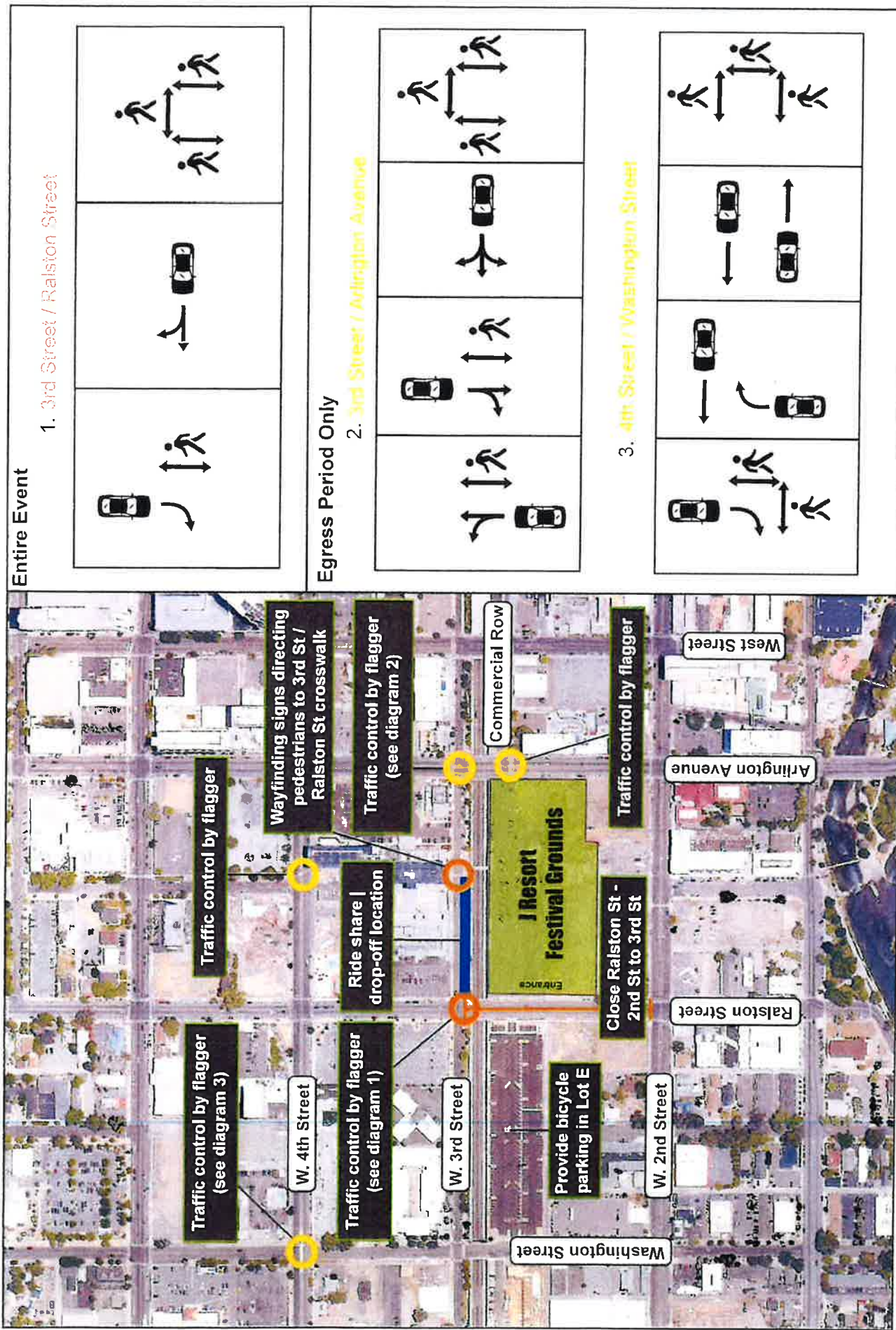
J Resort Festival Grounds
Traffic Impact Study

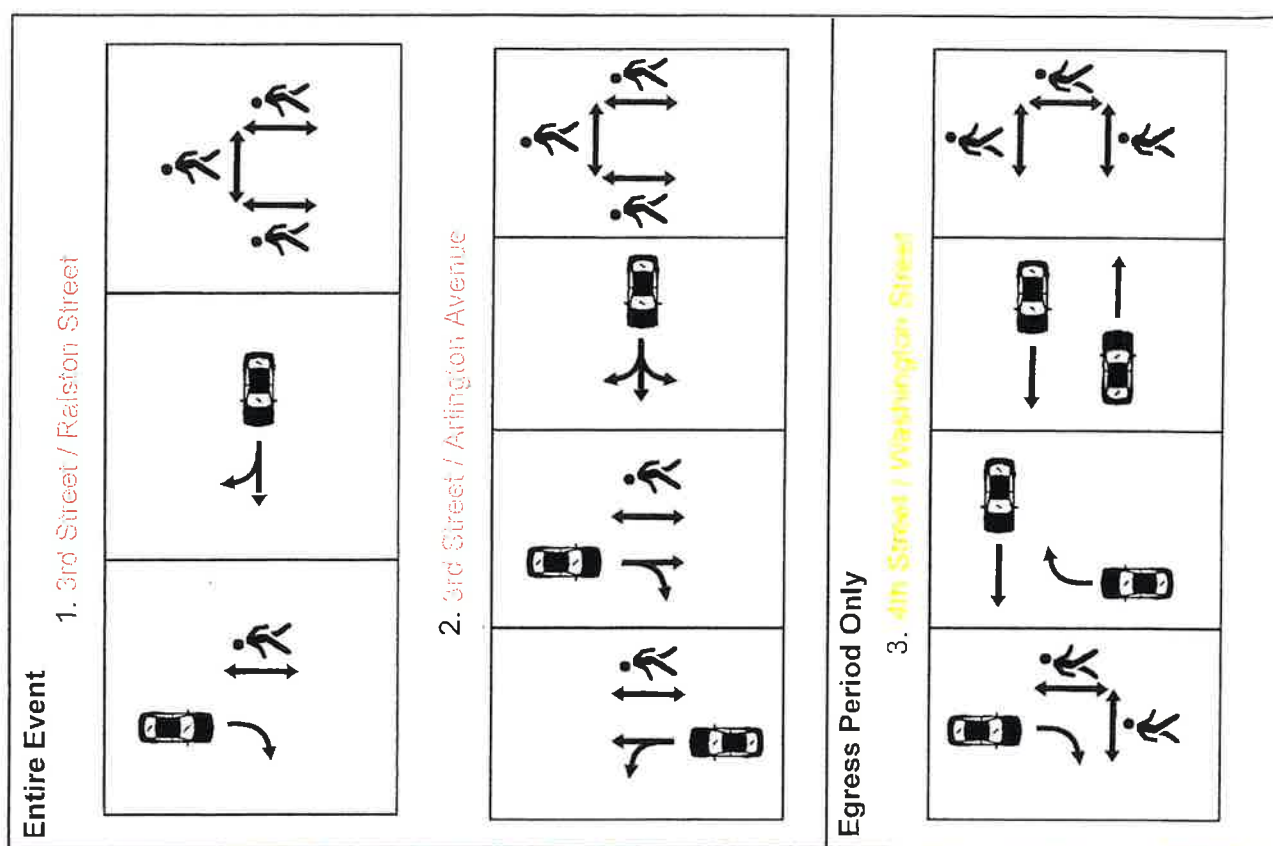
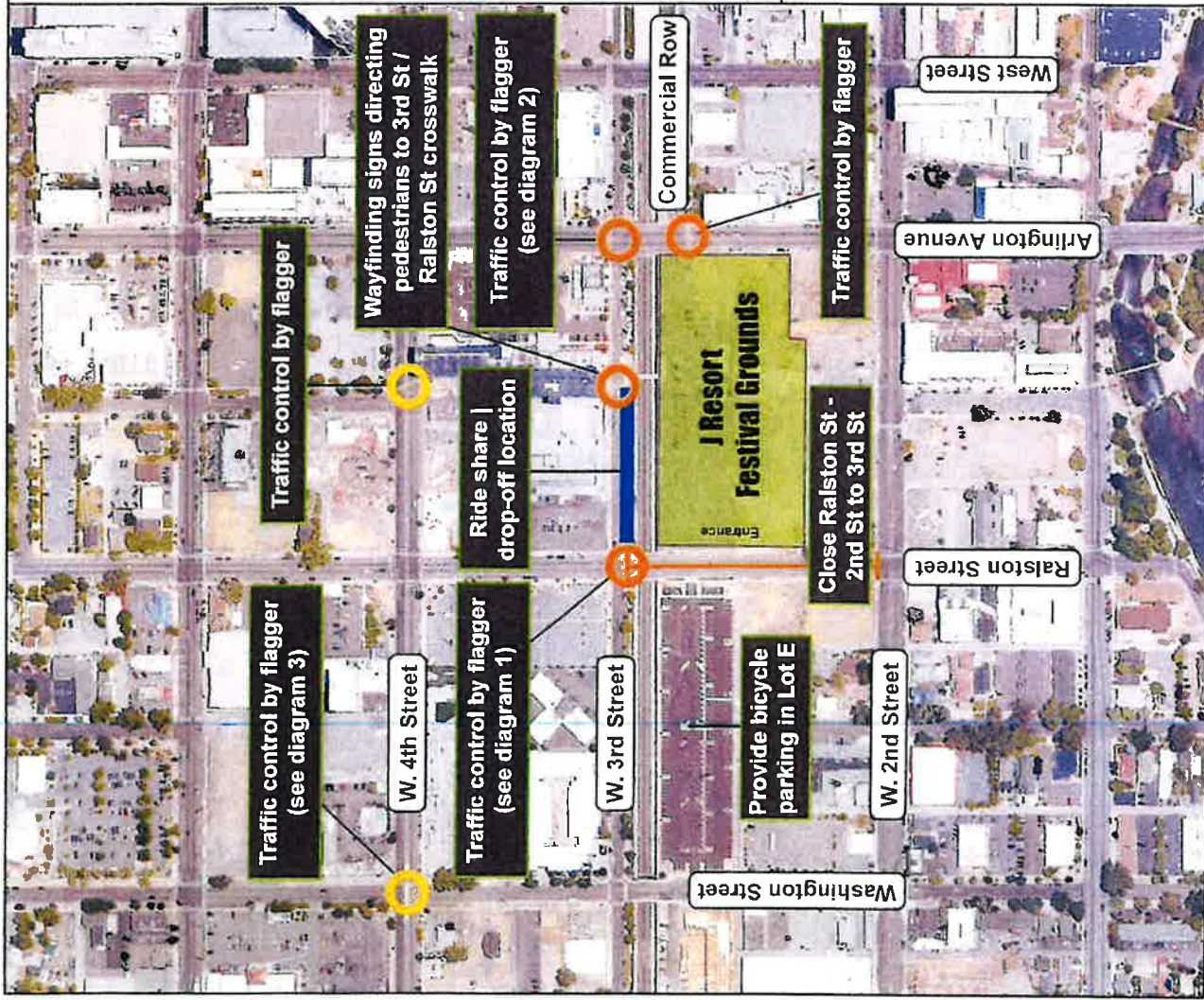
Tier 1 - Recommended Event Traffic Management

- Event Site

- Ride share | drop-off location
 (on-street parking prohibited during event)

NO SCALE





Entire Event - Traffic management should be implemented from the event start time until 30 minutes after the event end time

Egress Period - Traffic management should be implemented from 30 min before the end of an event until 30 minutes after the event end time

Legend:
 - Event Site
 - Ride share drop-off location (on-street parking prohibited during event)
 - Traffic control by flagger (see diagram 1)
 - Traffic control by flagger (see diagram 2)
 - Traffic control by flagger (see diagram 3)
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 - Traffic control by flagger (see diagram 100)

PAYMENT DATE

03/06/2025

COLLECTION STATION

7933 - Front Desk 2

RECEIVED FROM

John L Marshall Esq

DESCRIPTION

LDC25-00031 Smart Growth Reno, Magali Rivera & Rick Heroux

City of Reno

1 East First Street

Reno, NV 89501

BATCH NO

2025-00003631

RECEIPT NO. _____

2025-00201092

CASHIER

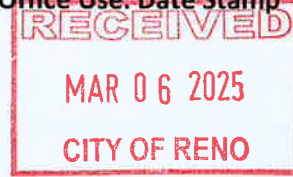
Cudworth, Heather

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
6901	Copies/Miscellaneous 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>MAR 06 2025</div> <div>CITY OF RENO</div>																	



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

For Office Use- Date Stamp



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:

LDC 25-00031

2. Appellant Information:

Appellant Name: Reno Real Estate Development, LLC

Authorized Representative: Garrett D. Gordon, Esq.

Address: 1 East Liberty Street, Suite 300

Telephone No.: 775-321-3420

Email Address: garrett.gordon@wbd-us.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.)

See attached letter.

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

See attached letter.

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

See attached letter.

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

See attached letter.

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

See attached letter.

Appellant or Authorized Representative

Signature (Print Name):

Garrett D. Gordon

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

For Office Use:

Hearing Date: 4/9/25

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: [Signature]



March 6, 2025

Mayor Hillary Schieve & Honorable City Council Members
City of Reno
1 East First Street
Reno, Nevada 89501

Womble Bond Dickinson (US) LLP

One East Liberty Street
Suite 300
Reno, NV 89501-2128

Via E-mail (cityclerk@reno.gov).

**RE: Appeal of Favorable Planning Commission Decision
in Case No. LDC25-00031.**

Garrett D. Gordon
Partner
Admitted in Nevada
Direct Dial: 775.321.3420
Direct Fax: 775.321.5569
E-mail: Garrett.Gordon@wbd-us.com

Dear Mayor Hillary Schieve and Honorable City Council Members:

This office represents Reno Real Estate Development, LLC, the applicant in the above referenced matter (“Applicant”). On February 19, 2025, the Planning Commission held a public hearing and approved the Applicant’s request for a conditional use permit to allow for the establishment of an outdoor festival/event space, with associated live entertainment, within the Mixed-Use Downtown Entertainment District (MD-ED) zone. The outdoor event space will have a maximum capacity of 15,000 patrons. Approval of the application will allow for: 1) the establishment of an outdoor recreational venue; and 2) outdoor live entertainment until 11:00 p.m. on Fridays and Saturdays. Pursuant to NRS 278.3195(4), the Applicant is required to appeal the decision of the Planning Commission in order to preserve its rights to judicial review. Thus, the purpose of this appeal is to preserve the Applicant’s right to any necessary further appeals pursuant to NRS 278.3195 or any other applicable code, regulation or statute. This letter sets forth the legal framework for an appeal of a favorable decision of the Planning Commission to the Reno City Council.

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

Any person who:

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

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



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

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

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

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

Id.

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

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

Pursuant to NRS 278.3195(4), a petition for judicial review can only be filed with the district court by a person who administratively appeals a zoning decision under the applicable ordinance to the governing board and is aggrieved by the board's decision. We recognize that the decision of the Planning Commission was favorable to the position taken



by HRRRA, however, based on the plain language of NRS 278.3195(4)'s limiting criteria, HRRRA was required to file an appeal within the local zoning process in order to pursue a petition for judicial review. *See Kay*, 122 Nev. at 1104, 146 P.3d at 805 (stating that “NRS 278.3195(4) is clear and unambiguous, and thus, we follow its plain meaning”). HRRRA did not file such an appeal before filing its petition for judicial review, and we therefore conclude that the district court did not err in dismissing HRRRA's petition.

128 Nev. 904, 381 P.3d 622.

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

Sincerely,

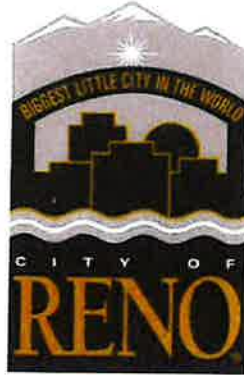
Womble Bond Dickinson (US) LLP

Garrett D. Gordon

Garrett D. Gordon

FILED THIS DATE
2 / 20 / 2025
BY: JK
CITY CLERK

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



February 20, 2025

Reno Real Estate Development, LLC
12596 W Bayaud Ave, Suite 100
Lakewood, CO 80228

Subject: LDC25-00031 (J Resort Festival Grounds)
APN: 011-360-27, 011-360-28, 011-026-11, 011-026-12, 011-026-13, 011-026-14, 011-026-15 (Ward 1)

Dear Applicant:

At the regular meeting of the Planning Commission on February 19, 2025, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow "Amusement or Recreation, Outside" and "Live Entertainment" land uses to facilitate outdoor festivals, concerts, recreation, and events. The ±4.5-acre site is located on seven parcels generally located south of Third Street, east of Ralston Street, and west of North Arlington Avenue. The site is located in the Mixed-Use Downtown Entertainment District (MD-ED) zone and has a Master Plan land use designation of Downtown Mixed-Use (DT-MU).

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

1. All work involved in constructing and operating a project approved pursuant to Title 18 of Reno Municipal Code shall comply with all plans, reports, renderings, and materials that were submitted or presented as a part of this application. City Codes shall prevail in the event of a conflict between the approved plans and the City Codes in effect when the permit is reviewed.
2. The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the Conditional Use Permit 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 and/or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction/operations of the project/business. This approval letter shall be posted or made readily available upon demand by City staff.

5. The Glow Plaza venue and the proposed Festival Grounds may hold events simultaneously. The total number of attendees shall not exceed 15,000 per day.
6. A special event or activity permit shall be required for all events. Additional requirements may be necessitated with special event or activity permit review. Onsite security shall monitor and record onsite attendance for all activities to ensure that occupancy is not exceeded. Records shall be made available to City staff upon request.
7. Lighting shall be consistent with the photometric plan submitted in application materials. Specialty lighting (e.g. lasers, additional stage lighting, spotlights, etc.) associated with events shall not shine on any offsite structures or public right-of-way(s). Additional restrictions may be imposed through special activity and events permitting.
8. Portable restrooms shall be screened from view from public right-of-way(s).
9. Prior to site activity associated with this request, the applicant shall install code compliant refuse containers and appropriate screening.
10. Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday. Hours may extend to 12:15 a.m. for two events annually.
11. Amplified sound and alcohol sales are restricted to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. Hours may extend to 12:15 a.m. for two events annually.
12. Permitted special events and/or activities may exceed the 75-decibel threshold with amplified sound ceasing at 11:00 p.m. Tier 2 and Tier 3 events shall be limited to 30 per year, as outlined in the Traffic Management Plan (**Exhibit B**), subject to approval of special event and/or activity permit.
13. Prior to site activity associated with this request, a Security and Management Plan shall be submitted and approved by the Zoning Administrator, Code Enforcement Department, Public Works Department, Reno Fire Department, and Reno Police Department. At a minimum the plan shall include:
 - a. A management plan to address sweeping and pickup of any trash around site perimeter at the close of on-site activities;
 - b. Required signage including a website address providing a schedule of upcoming events;
 - c. A patron queuing plan;
 - d. A signage plan for prohibited items (i.e. weapons, drugs, alcohol, etc.);
 - e. An evacuation plan in the event of an emergency;
 - f. A security staffing, procedures and training plan;
 - g. A process for staff to review events of any size at the site; and

- h. A process for reimbursement for all City services required related to the event (i.e. street closures, public safety, fire inspections, traffic mitigations, etc.).

Additional requirements and/or modifications may be required for special event and activity permits.

- 14. As required by RMC Section 105.6.36 of the adopted International Fire Code, as amended, a separate Outdoor Assembly Event operational permit will be issued by the Reno Fire Department. Each event will be reviewed by the Reno Fire Department for Fire Code compliance.
- 15. Prior to site activity associated with this request, the applicant shall provide plans demonstrating installation of bicycle parking compliant with RMC 18.04.705 (c) "Bicycle Parking" and as outlined the Traffic Management Plan (**Exhibit B**).

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

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

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

Sincerely,



Mike Railey, AICP, Planning Manager
Development Services Department

LDC25-00031 (J Resort Festival Grounds) - LNP.doc

xc: Garrett D. Gordon, Esq.
One East Liberty Street, Suite 300
Reno, NV 89501

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

What management measures are recommended?

Traffic management strategies have been developed for each event tier. **Table 5** shows the traffic management strategies that should be implemented for each event tier based on the number of persons/ticket sales for festival type events. **Figure 12** shows the Tier 1 recommendations, **Figure 13** shows the Tier 2 recommendations, and **Figure 14** shows the Tier 3 recommendations. These recommendations should be viewed as guidelines. The project applicant and City of Reno should monitor event metrics and the need for management at each location and adjust as needed.

The recommended “Entire Event” traffic management strategies should be implemented from the event start time until 30 minutes after the event end time. The recommended “Egress Period Only” traffic management strategies should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time. The background traffic volumes at the study intersections during the 10 PM hour when an event ends are, on average, approximately 55 percent lower than the highest arrival hour. The recommended traffic management strategies should be implemented for 30 minutes after the event ends to manage egress traffic.

Other Amenities

In addition to the traffic management strategies included in **Table 5**, the Festival Grounds will also provide a map of parking locations available to attendees on their website and with each ticket purchase. An example of the parking map is shown on **Figure 7**. Wayfinding signs will also be provided in the project vicinity directing pedestrians to the Festival Grounds entrance.

Table 5: Recommended Improvements per Tier Based on Attendance

Tier	Attendance Level/ Tickets Sold	Traffic Management	# of Event Days per Year
1	0 to 5,000	<ul style="list-style-type: none"> - No traffic control needed at intersections - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ 	Unlimited
2	5,001 to 12,000	<p><u>Entire Event²</u></p> <ul style="list-style-type: none"> - Ralston Street between 3rd Street and 2nd Street – close road - 3rd Street/Ralston Street – Traffic control by flaggers (see Figure 13) - 3rd Street crosswalk between Ralston Street and Arlington Avenue – Wayfinding signs directing pedestrians to the 3rd Street/Ralston Street crosswalks - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ <p><u>Egress Period Only³</u></p> <ul style="list-style-type: none"> - 4th Street/Washington Street – Traffic control by flaggers (see Figure 13) - 4th Street/Nevada Street crosswalk – Traffic control by flaggers - 3rd Street/Arlington Avenue – Traffic control by flaggers (see Figure 13) - Arlington Avenue/Commercial Row crosswalk – Traffic control by flaggers 	20 ⁴
3	12,001 to 15,000	<p><u>Entire Event²</u></p> <ul style="list-style-type: none"> - Ralston Street between 3rd Street and 2nd Street – close road - 3rd Street/Ralston Street – Traffic control by flaggers (see Figure 14) - 3rd Street crosswalk between Ralston Street and Arlington Avenue – Wayfinding signs directing pedestrians to the 3rd Street/Ralston Street crosswalks - 3rd Street/Arlington Avenue – Traffic control by flaggers (see Figure 14) - Arlington Avenue/Commercial Row crosswalk – Traffic control by flaggers - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ - Shuttle service, if necessary - Provide signs at each J Resort managed parking lot <p><u>Egress Period Only³</u></p> <ul style="list-style-type: none"> - 4th Street/Washington Street – Traffic control by flaggers (see Figure 14) - 4th Street/Nevada Street crosswalk – Traffic control by flaggers 	10

Notes: Blue text indicates new management strategies compared to the previous Tier.

1. Bicycle parking demand should be monitored and adjusted as needed.

2. Entire Event – Traffic management should be implemented from the event start time until 30 minutes after the event end time.

3. Egress Period Only – Traffic management should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time.

4. If less than ten (10) Tier 3 events are scheduled per year, the number of Tier 2 events can be increased by the number of unused Tier 3 events (for example, if there are only four (4) Tier 3 events, then there can be up to 26 Tier 2 events). In other words, there can be a total of thirty (30) Tier 2 and Tier 3 events, with no more than ten (10) Tier 3 events per year.

Table 4: Existing Plus Project Intersection Level of Service (Tier 3 with 15,000 Attendees) - continued

Int. ID	Intersection	Control	Existing		Existing Plus Project	
			Friday 6-7 PM Peak Hour ¹		Friday 6-7 PM Peak Hour ¹	
			Delay ²	LOS	Delay ²	LOS
14	2 nd St/Arlington Ave	Signal				
	Overall		15	B	17	B
15	2 nd St/Sierra St	Signal				
	Overall		14	B	14	B
16	2 nd St/University Way	Signal				
	Overall		15	B	15	B

Notes: 1. The highest anticipated traffic generation hour during an event.

2. Delay is reported in seconds per vehicle for the overall intersection for signalized intersections, and for the worst approach/movement for side street stop controlled intersections.

3. Delay and level of service with proposed West 4th Street Downtown project modifications .

Source: GCW, 2025

As shown in the table, the 3rd Street/Ralston Street and 3rd Street/Arlington Avenue intersections are expected to operate at LOS E/F conditions during the highest peak hour during a Tier 3 event without traffic management. Traffic management is recommended to provide improved operations during festival events.

TRAFFIC MANAGEMENT RECOMMENDATIONS

Traffic management strategies have been developed for each event tier based on the level of festival attendance:

- Tier 1 – 0 to 5,000 people
- Tier 2 – 5,001 to 12,000 people
- Tier 3 – 12,001 to 5,000 people

Table 5 shows the traffic management strategies that should be implemented for each event tier based on the number of persons/ticket sales for festival type events. **Figure 12** shows the Tier 1 recommendations, **Figure 13** shows the Tier 2 recommendations, and **Figure 14** shows the Tier 3 recommendations.

The recommended “Entire Event” traffic management strategies should be implemented from the event start time until 30 minutes after the event end time. The recommended “Egress Period Only” traffic management strategies should be implemented from 30 minutes before the end of an event until 30 minutes after the event end time. The background traffic volumes at the study intersections during the 10 PM hour when an event ends are, on average, approximately 55 percent lower than the highest arrival hour. The recommended traffic management strategies should be implemented for 30 minutes after the event ends to manage egress traffic.

Table 5: Recommended Improvements per Tier Based on Attendance

Tier	Attendance Level/ Tickets Sold	Traffic Management	# of Event Days per Year
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3	12,001 to 15,000	<p><u>Entire Event²</u></p> <ul style="list-style-type: none"> - Ralston Street between 3rd Street and 2nd Street – close road - 3rd Street/Ralston Street – Traffic control by flaggers (see Figure 14) - 3rd Street crosswalk between Ralston Street and Arlington Avenue – Wayfinding signs directing pedestrians to the 3rd Street/Ralston Street crosswalks - 3rd Street/Arlington Avenue – Traffic control by flaggers (see Figure 14) - Arlington Avenue/Commercial Row crosswalk – Traffic control by flaggers - Designate ride share/drop-off zone location that can accommodate at least 10 vehicles - Provide bicycle parking spaces based on number of tickets sold (number of spaces = 1 percent of tickets sold)¹ - Shuttle service, if necessary - Provide signs at each J Resort managed parking lot <p><u>Egress Period Only³</u></p> <ul style="list-style-type: none"> - 4th Street/Washington Street – Traffic control by flaggers (see Figure 14) - 4th Street/Nevada Street crosswalk – Traffic control by flaggers 	10

Notes: Blue text indicates new management strategies compared to the previous Tier.

1. Bicycle parking demand should be monitored and adjusted as needed.

2. Entire Event – Traffic management should be implemented from the event start time until 30 minutes after the event end time.

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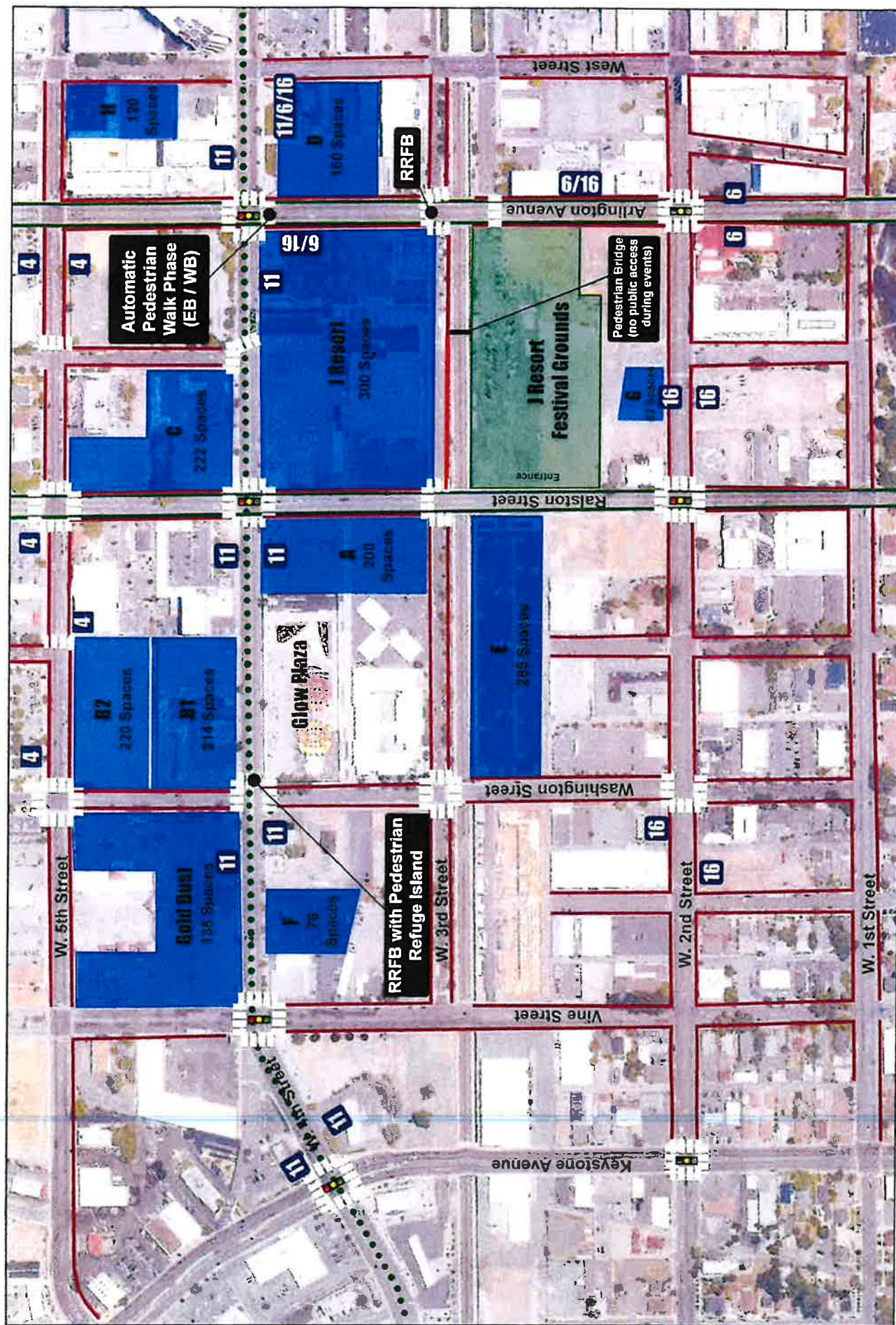


Figure 7


J Resort Festival Grounds
Traffic Impact Study

Parking Locations and Multimodal Amenities

- Project Site
- Existing/Planned Surface Parking Lots
- Potential Loading/Drop-Off Location
- Existing Bus Stop & Route Number

NO SCALE





ENGINEERS \ SURVEYORS

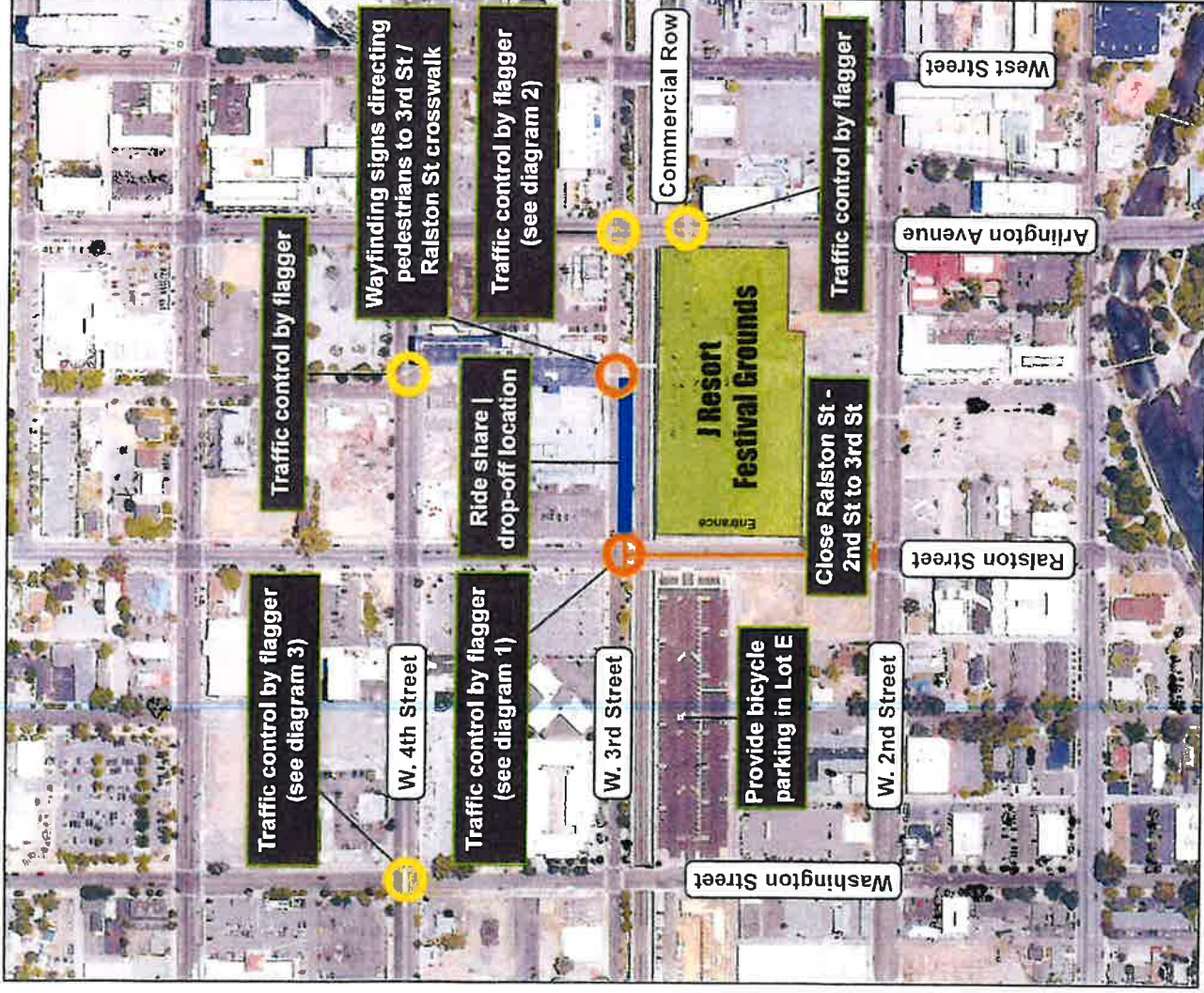
Figure 12

J Resort Festival Grounds
Traffic Impact Study

Tier 1 - Recommended Event Traffic Management

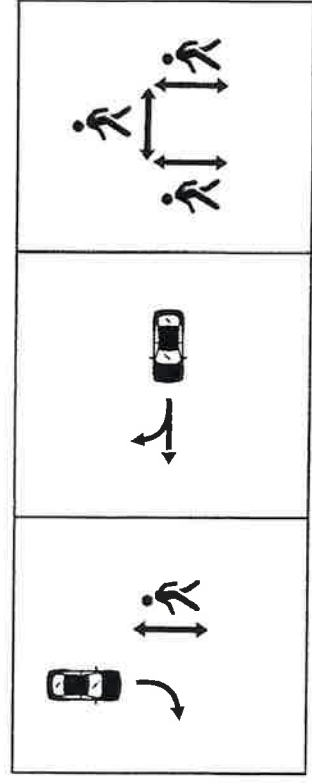
- Event Site
- Ride share | drop-off location
(on-street parking prohibited during event)

NO SCALE



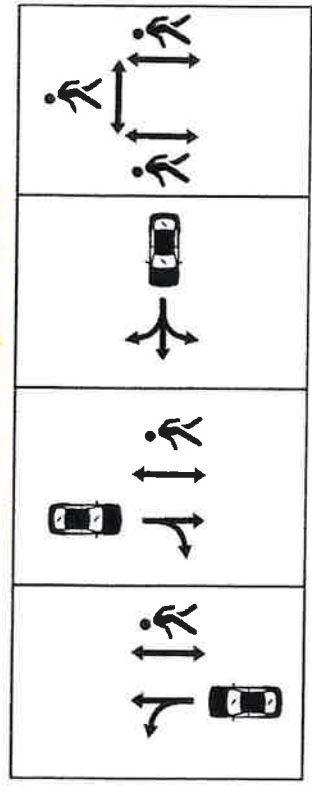
Entire Event

1. 3rd Street / Ralston Street

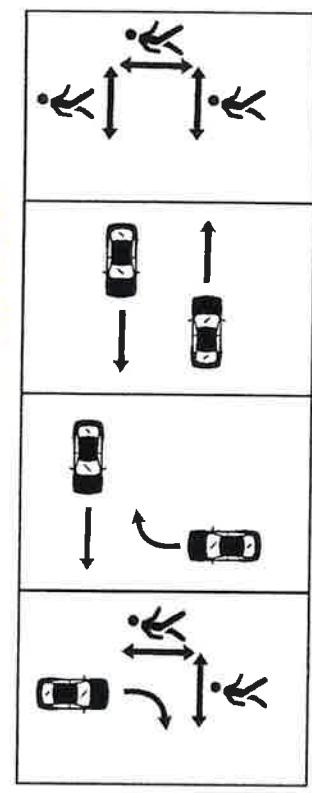


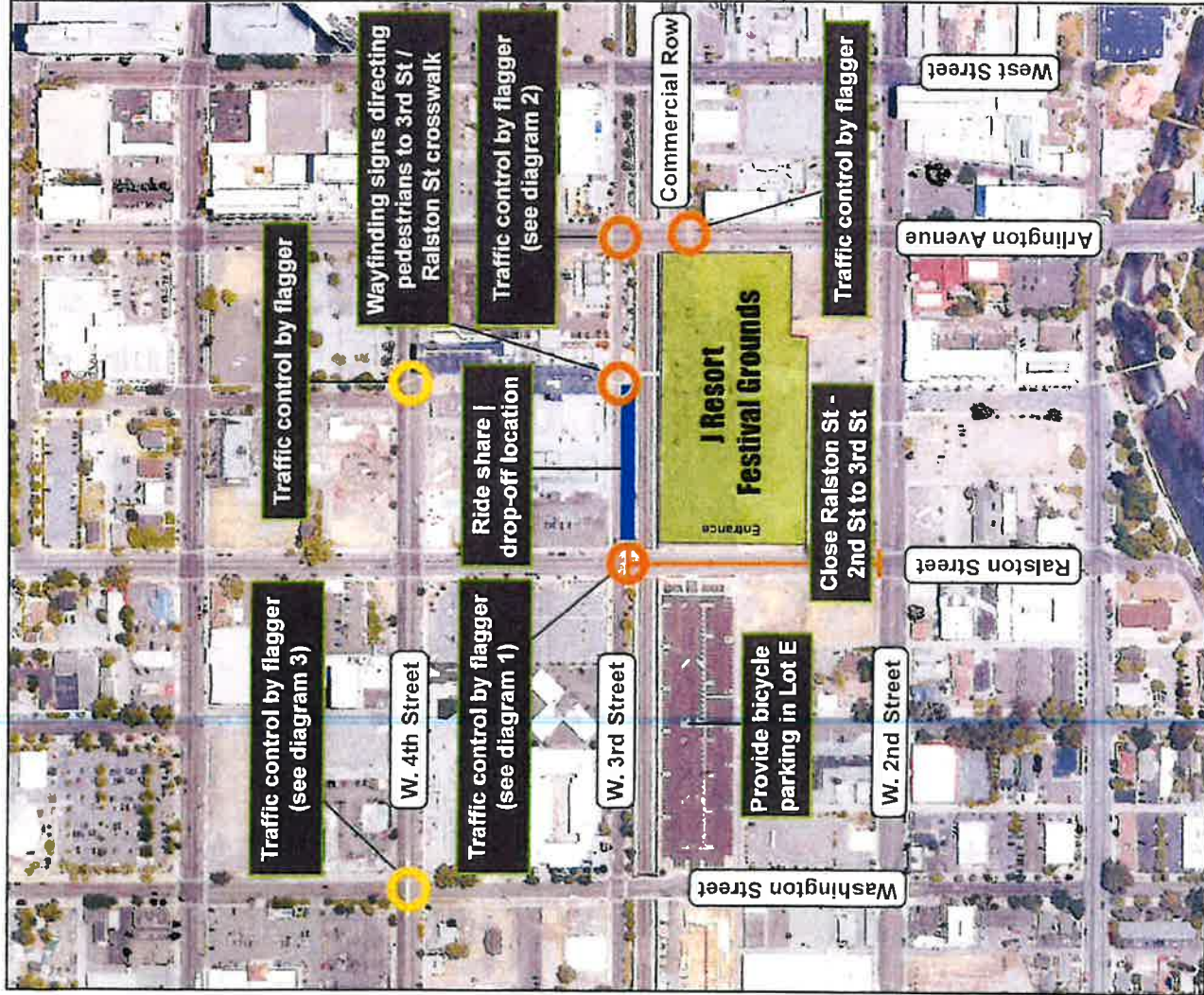
Egress Period Only

2. 3rd Street / Arlington Avenue



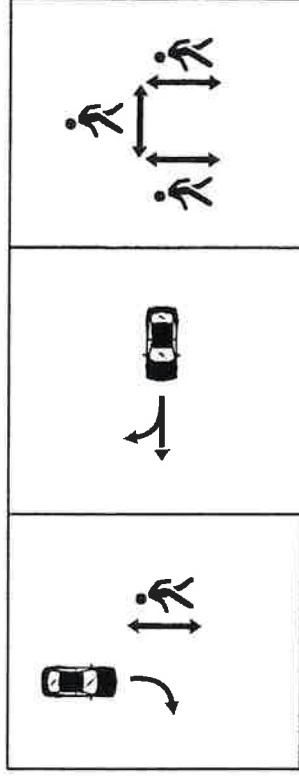
3. 4th Street / Washington Street



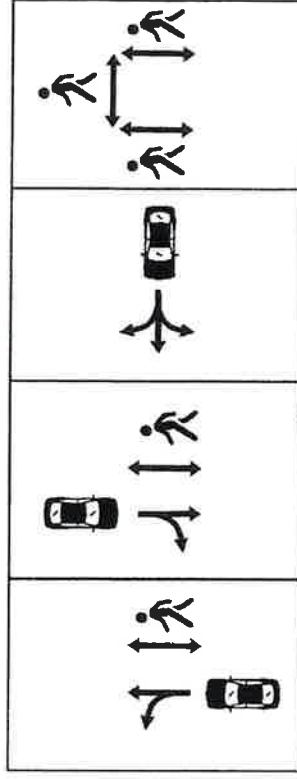


Entire Event

1. 3rd Street / Ralston Street

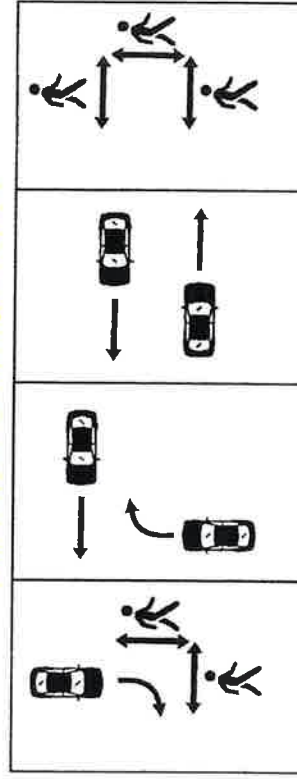


2. 3rd Street / Arlington Avenue



Egress Period Only

3. 4th Street / Washington Street



PAYMENT DATE
03/06/2025
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
Reno Real Estate
Development, LLC
DESCRIPTION
Appeal LDC25-00031

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2025-00003630
RECEIPT NO.
2025-00201093
CASHIER
Gutierrez, Miriam

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$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 PAID MAR 06 2025 CITY OF RENO	\$103.00
Total Amount:		\$103.00

Customer Copy