

RECEIVED

FEB 02 2023

CITY CLERK

Exhibit A - Appeals

Council Hearing Date:

Council Hearing Time:

March 8<sup>th</sup> 2023  
6 PM

**APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION, CITY OF RENO HEARING EXAMINER, OR BOARD OF APPEALS TO RENO CITY COUNCIL**  
(To be filed in Reno City Clerk's Office, 1 East First Street, Second Floor)

**Re:** Case No. LDC23-00018

**I.** I certify I am, or represent, an aggrieved person who has a right to appeal.<sup>1</sup> The aggrieved person's rights, or his property rights, were adversely and substantially affected by a decision of the Planning Commission, Hearing Examiner, or Board of Appeals (as applicable, "Lower Body") as follows (continue explanation on back or attach pages, if necessary):

The planning commission in their approval did not take into account the housing project underway on Golden Valley Road. It will impact traffic, local schools and city utilities. North Hills High is already at 107% capacity. The project also does not fit the area as we will demonstrate at the next hearing. There are concerns regarding access to Alice Smith school as described in the proposal. Vehicle ingress/egress to the project is also problematic. With projects underway or just finishing up in the area traffic will be heavier before this project breaks ground. Until the proposed road construction in the area is completed we cannot continue to add to the areas already overcrowded streets and highways. If public support matters we have over 2,330 signatures on a petition opposing the project.

**II.** In accordance with Reno Municipal Code, Chapter 18.06, Article II, §18.06.208, I appeal the decision of the Lower Body.

**III.** I certify that the above reasons are based upon information presented at the underlying hearing held on the 18 day of January, 2023.

A. If the aggrieved person presents information to the Reno City Council ("Council") not previously presented at the underlying hearing, the Council may remand the matter to the Lower Body for additional hearings regarding the newly presented items.

B. Anyone, including the aggrieved person, may address the Council by written communication. Materials should be submitted to the City Manager's Office five working days prior to the Council hearing date set forth above. If information is untimely presented, Council may continue the hearing to a later date.

**IV.** I understand that the appeal fee is \$55, and the appeal will not be filed until the fee is paid. The appeal is non-refundable.

**V.** Signature of Aggrieved Person: 

or

Name of Aggrieved Person: Michael D. Burke

Signature of Representative: \_\_\_\_\_

Firm Name/Title: \_\_\_\_\_

Address: 495 Copper Vista Ct. Reno

Telephone: 775-971-0171

E-mail Address: mburke094@gmail.com

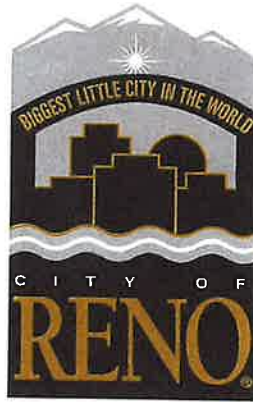
Date: February 2, 2023

Receipt No: 2023-00198967

<sup>1</sup> An aggrieved person, which may be business entities and/or the City of Reno, is one whose personal right or right of property is adversely and substantially affected by the action of the Lower Body. Each aggrieved person must make his/her/its own appeal. Each appeal will be considered separately on its own merits.



Jason Garcia-LoBue, MPA, Planning Manager  
Development Services Department  
P. O. Box 1900  
Reno, NV 89505  
(775) 334-4267



FILED THIS DATE  
1 / 19 / 2023  
BY: BR  
CITY CLERK

January 19, 2023

Brian Fagan  
16830 Ventura Blvd Ste 320  
Encino, CA 91436

Subject: LDC23-00018 (Aspire at North Hills)  
APN: 502-120-12, 502-120-13, 502-120-18, 502-120-20 (Ward 4)

Dear Applicant:

At the regular meeting of the Planning Commission on January 18, 2023, the Planning Commission, as set forth in the official record, approved your request for a conditional use permit to allow a 192 unit multi-family development. The  $\pm 8.64$  acre subject site consists of four parcels with  $\pm 308.63$  feet of frontage on North Hills Boulevard and  $\pm 179$  feet of frontage on East Golden Valley Road. The subject site is located within the General Commercial (GC) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

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

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted shall prevail.
2. The 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 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 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 approval letter shall be posted or made readily available upon demand by City staff.

5. Prior to approval of a building permit for site improvements, the applicant shall provide plans demonstrating that landscaped screening will be installed along property lines adjacent to Public Facilities (PF) zoned properties. Screening type shall be solid or semi-opaque, and shall meet or exceed the minimum requirements specified in RMC 18.04.808(b).
6. The existing six-foot tall wooden fence located along the shared property lines with APNs 502-120-03, 502-120-04, and 502-120-05 shall not be disturbed by this project.
7. Prior to issuance of any building permit for vertical construction, a six-foot tall decorative fence and landscape screening shall be installed between the existing emergency access road and APNs 502-120-03, 502-120-04, and 502-120-05. Landscape screening shall consist of a dense row of evergreen trees planted approximately 20 feet apart, on center.
8. 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 the hours of 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays, excluding dust control and Storm Water Pollution Prevention Plan measures. A note to this effect shall be placed on the title sheet of all building permit plan sets and a sign shall be posted at the construction site. If the construction hours need to be varied for the pouring of concrete slabs, 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.
9. All building permits associated with this project including exterior light fixtures shall include a photometric plan and cut sheets of all proposed exterior light fixtures proposed.
10. Mounting height for exterior light fixtures on the north and east sides of Buildings 7 and 8 shall not exceed 12.5 feet.
11. Accessible pedestrian connection(s) to Golden Valley Road and Alice Smith Elementary School shall be provided, and the existing emergency access road from Golden Valley Road to Alice Smith Elementary School shall be maintained. Prior to approval of a building permit for site improvements, the applicant shall coordinate with the Washoe County School District to develop an acceptable design of proposed pedestrian connection(s) and emergency access road to the satisfaction of Development Services staff.

12. Prior to issuance of any building permit for vertical construction, plans shall be approved demonstrating a clubhouse recreation areas and private recreation amenities such as BBQ areas, dog recreation areas, children's playground, etc. consistent with **Exhibit B** of the staff report.
13. The applicant shall coordinate with the Regional Transportation Commission regarding plans for the future expansion of North Hills Boulevard. Prior to the issuance of a site improvement permit, the applicant shall provide written correspondence with RTC verifying coordination to the satisfaction of the Administrator.
14. Prior to the approval of building permit for vertical construction, the applicant shall provide staff with a copy of information provided by the Regional Transportation Commission (RTC) on the RTC's Smart Trips Program. This information shall be included with lease documents for each tenant.

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.

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,



Jason Garcia-LoBue, MPA, Planning Manager  
Development Services Department

Brian Fagan  
RE: LDC23-00018 (Aspire at North Hills)  
Page 4

xc: Selective Real Estate Investments  
16830 Ventura Blvd Ste 320  
Encino CA 91436

Derek Wilson  
1985 Chimney Rock Trail  
Reno, NV 89523

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



## CITY OF RENO, NEVADA



CITY OF RENO, NEVADA  
12.22.2022 | SUP SUBMITTAL

**OWNER:**  
SELECTIVE GOLDEN NORTH, LLC  
% SELECTIVE REAL ESTATE INVESTMENTS  
16230 VENTURA BOULEVARD, SUITE 320  
ENCINO, CA 91436  
CONTACT: BRIAN FAGAN  
PHONE: 818.995-6900 EXTENSION: 224  
E-MAIL: BFAGAN@SELECTIVE-RE.COM

AVAMFRA CONSTRUCTION, LLC  
1560 LONGLEY LANE, SUITE 200  
RENO, NEVADA 89511  
CONTACT: KREG ROWE  
PHONE: 775.850.4200  
MAIL: KROWE@TCNEV.COM

ODYSSEY ENGINEERING INCORPORATED  
195 ROBERTA LANE, SUITE 101  
PARKS, NEVADA 89431

**STUDIO**  
552 C STREET  
PARKS, NVADA 89431  
**CONTACT:** MARC CHAPPELLE  
PHONE: 775 323 2223  
MAIL: MARCCHAPPELLE@ASUSTATIONEVA.COM

ARCHITECTURE PLANNING, INC.  
905 GRANITE LAKE DR., SUITE 140  
IRVINE, CA 92614  
CONTACT: SEAN RICHARDSON  
PHONE: 916.783.3700  
EMAIL: SRICHARDSON@IDAARCH.COM

## COVER SUBJECT

## PRELIMINARY LANDSCAPE PLAN

A5.1	PRELIMINARY LANDSCAPE PLAN	
A5.2	BUILDING A   SCHEMATIC RENDERING	
A5.3	LOBBY HOUSE   SCHEMATIC RENDERING	
A5.4	BUILDING A   SCHEMATIC SECOND FLOOR PLAN	
A5.5	BUILDING A   SCHEMATIC THIRD FLOOR PLAN	
A6.1	BUILDING A   SCHEMATIC FIRST FLOOR PLAN	
A6.2	BUILDING A   SCHEMATIC THIRD FLOOR PLAN	
A6.3	BUILDING A   SCHEMATIC ELEVATIONS   FRONT	
A6.4	BUILDING A   SCHEMATIC ELEVATIONS   RIGHT	1 LEFT
A7.1	BUILDING A   SCHEMATIC ELEVATIONS   REAR	
A7.2	BUILDING B   SCHEMATIC FIRST FLOOR PLAN	
A7.3	BUILDING B   SCHEMATIC SECOND FLOOR PLAN	
	BUILDING B   SCHEMATIC THIRD FLOOR PLAN	
A8.1	BUILDING B   SCHEMATIC ELEVATIONS   FRONT	REAR

## NORTH VALLEYS - PROJECT DATA

[illegible]

EXHIBIT B

[illegible]





Aspire

at North Hills

CITY OF RENO, NEVADA



BUILDING A | SCHEMATIC RENDERING  
BUILDINGS 2 + 4 PER CIVIL AND LANDSCAPE



A1.1





Aspire

at North Hills

CITY OF RENO, NEVADA



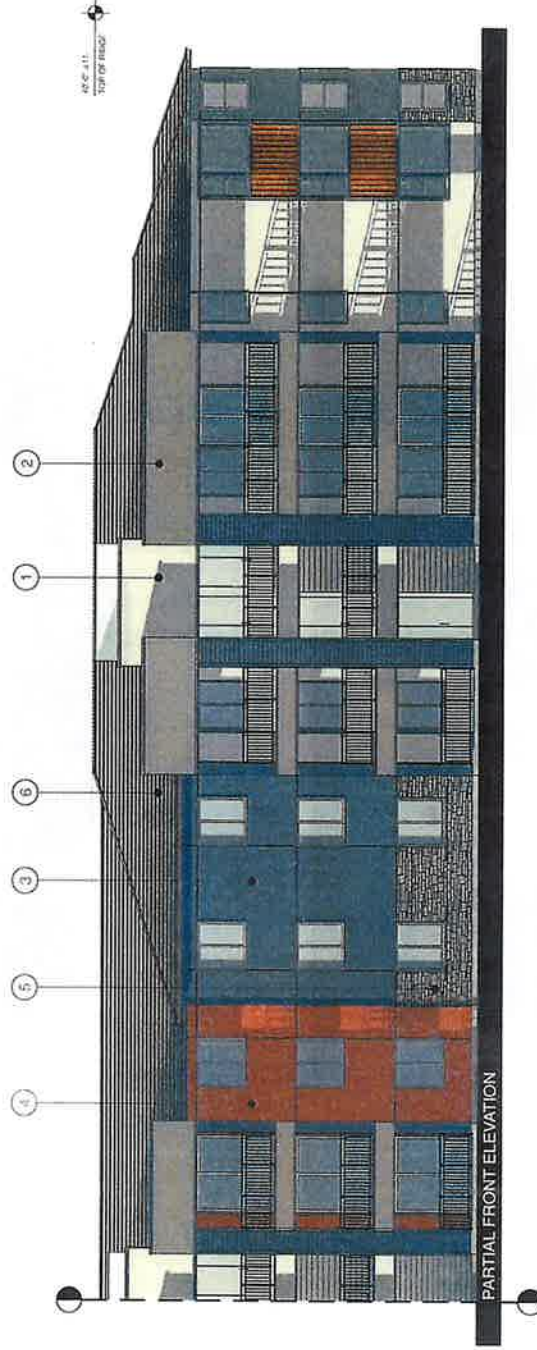
CLUBHOUSE | SCHEMATIC RENDERING  
BUILDING 1 PER CIVIL AND LANDSCAPE

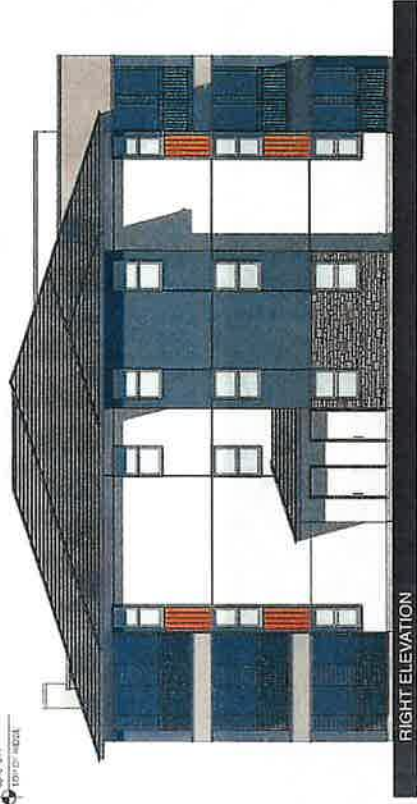


CLUBHOUSE BUILDING 1

A1.2

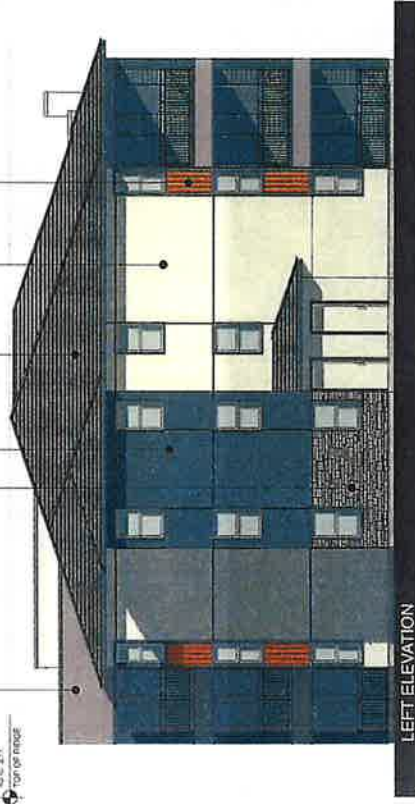






RIGHT ELEVATION

- 2
- 5
- 3
- 6
- 1
- 4



LEFT ELEVATION

- 1. 10' x 10' x 10' (10' x 10' x 10')
- 2. 10' x 10' x 10' (10' x 10' x 10')
- 3. 10' x 10' x 10' (10' x 10' x 10')
- 4. 10' x 10' x 10' (10' x 10' x 10')
- 5. 10' x 10' x 10' (10' x 10' x 10')
- 6. 10' x 10' x 10' (10' x 10' x 10')

Aspire

at North Hills

CITY OF RENO, NEVADA

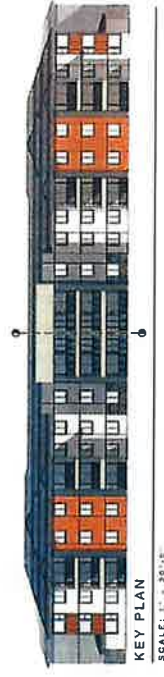
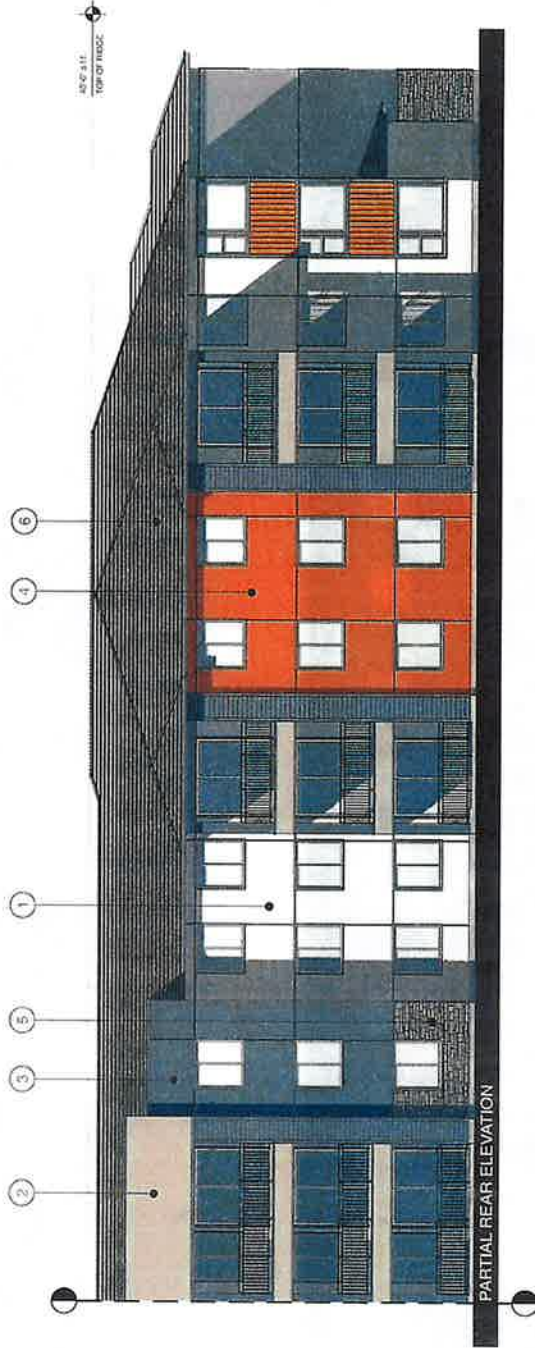
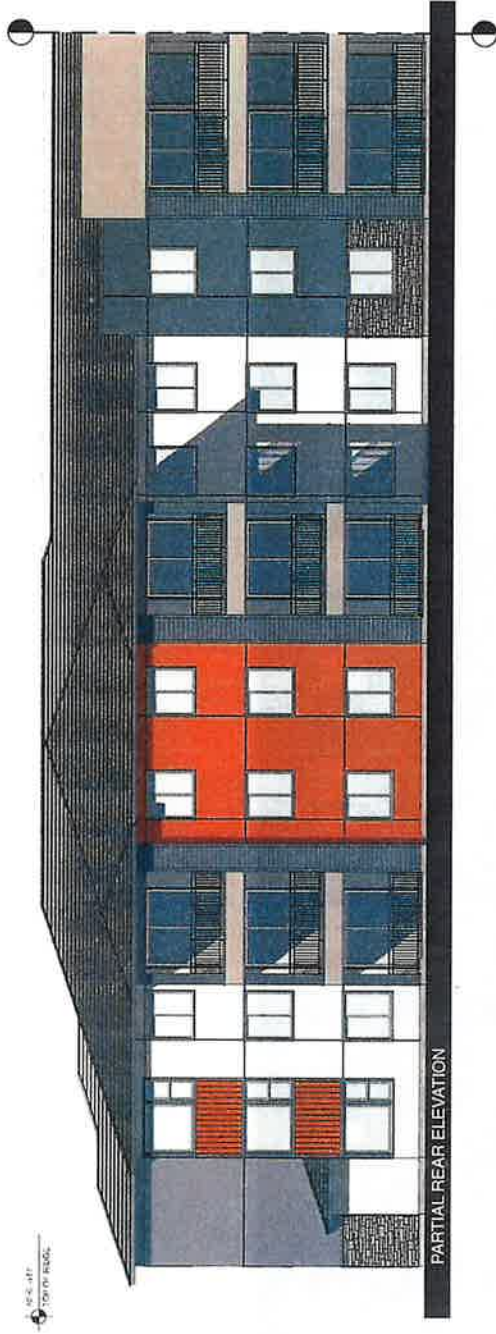


BUILDING A | SCHEMATIC ELEVATIONS | RIGHT & LEFT  
BUILDINGS 2 + 4 PER CIVIL AND LANDSCAPE



A2.5





# **BUILDING A | SCHEMATIC ELEVATIONS | REAR** **BUILDINGS 2 + 4 PER CIVIL AND LANDSCAPE**



**A2.6**

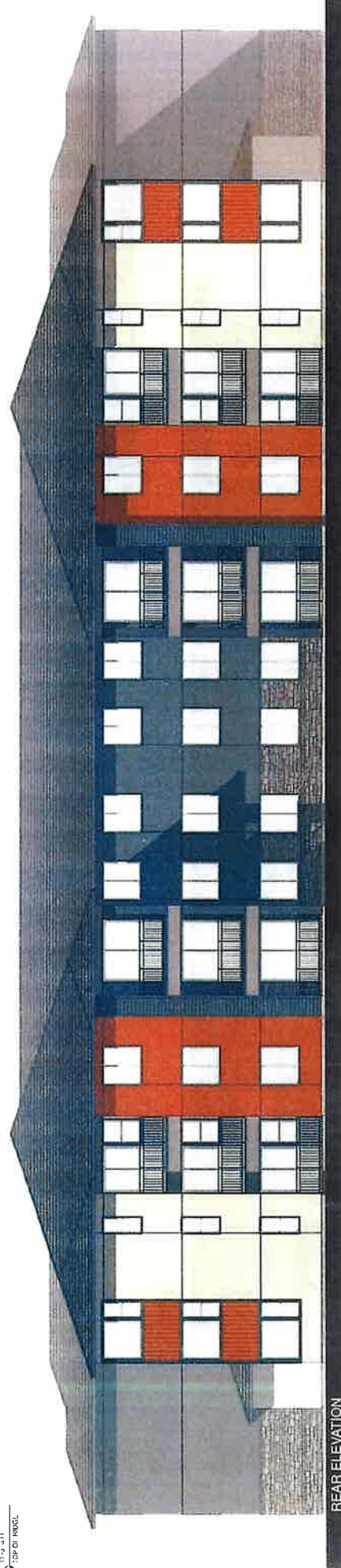
**Aspire**

at North Hills

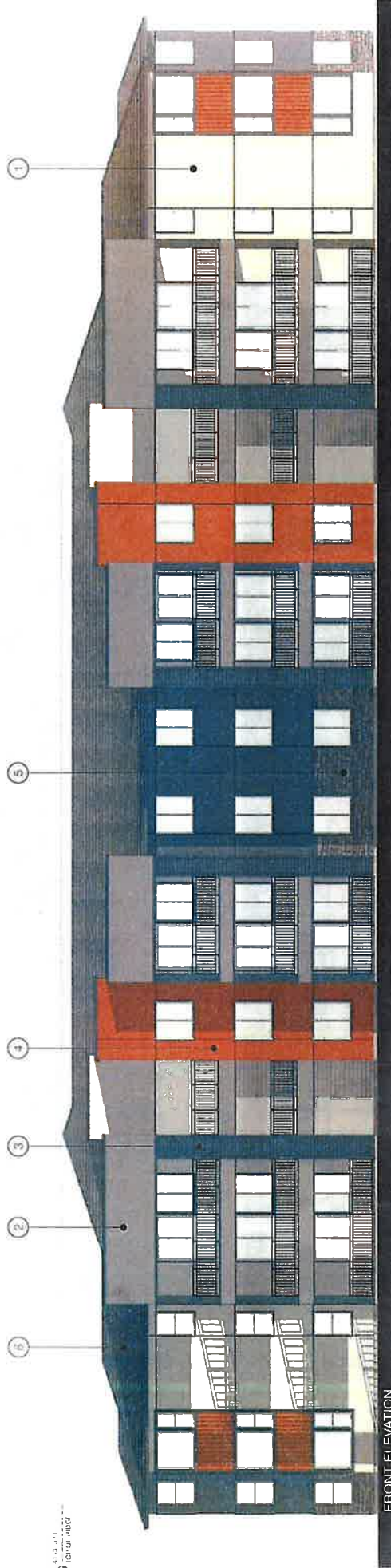
CITY OF RENO, NEVADA







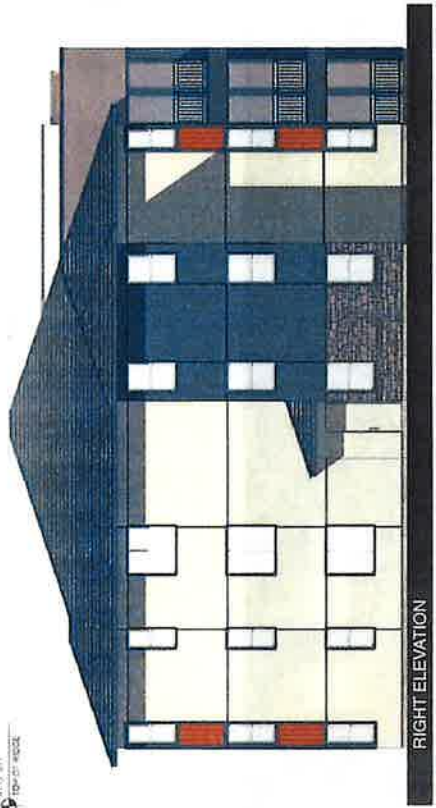
REAR ELEVATION



FRONT ELEVATION

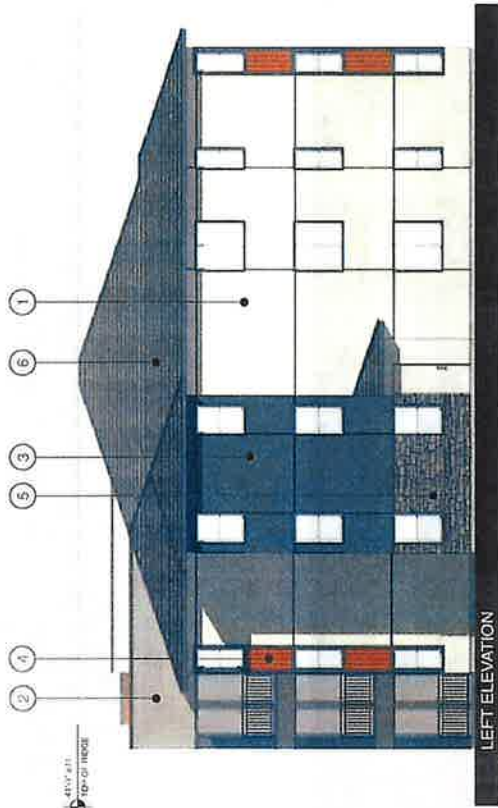
- 1. LIGHT GRAY  
WALL PANELS  
15% LUMINOUS
- 2. LIGHT GRAY  
WALL PANELS  
3% LUMINOUS
- 3. DARK GRAY  
WALL PANELS  
15% LUMINOUS
- 4. RED  
WALL PANELS  
15% LUMINOUS
- 5. LIGHT GRAY  
WALL PANELS  
15% LUMINOUS
- 6. DARK GRAY  
WALL PANELS  
15% LUMINOUS

4/11/21  
TOP OF MODEL



RIGHT ELEVATION

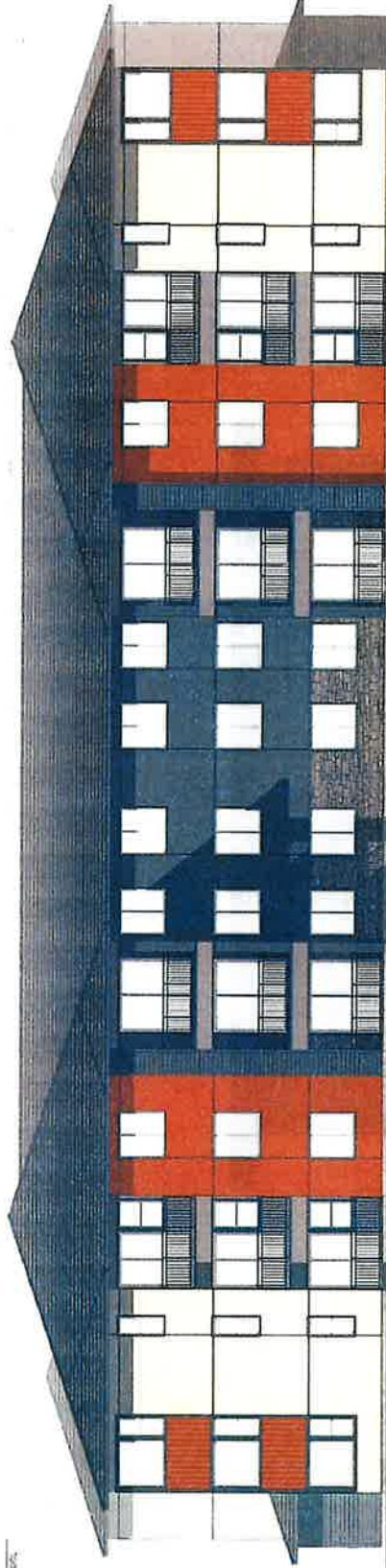
4/11/21  
TOP OF MODEL



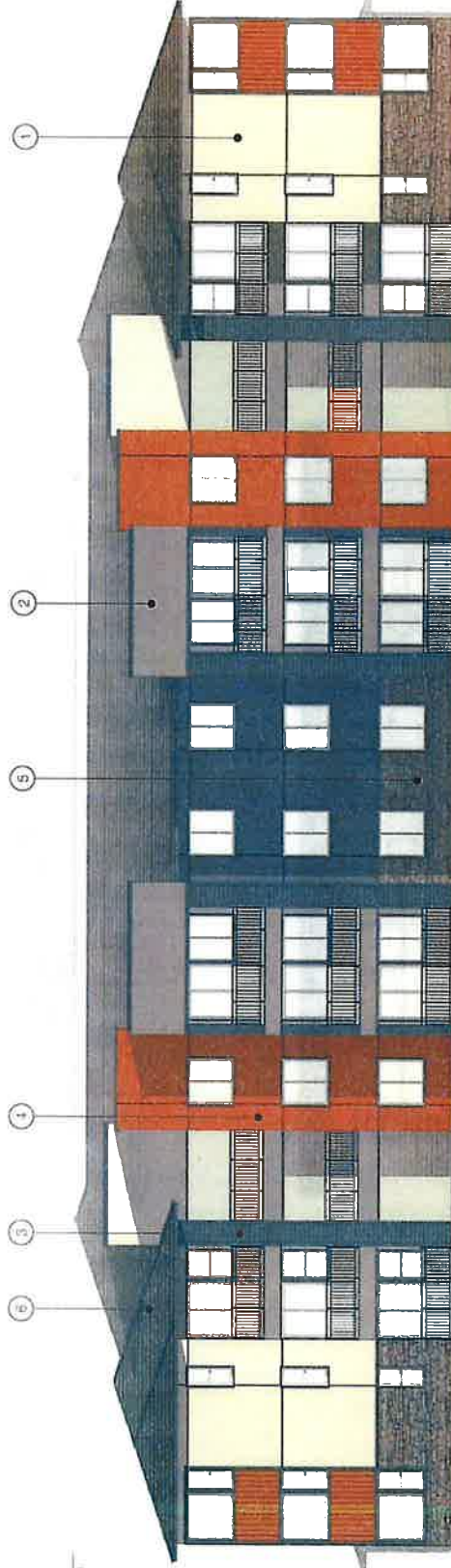
LEFT ELEVATION

- 1. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"
- 2. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"
- 3. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"
- 4. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"
- 5. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"
- 6. 100% CEMENT PORTLAND CONCRETE  
12" THICK  
12" x 12" x 12"





REAR ELEVATION



FRONT ELEVATION

- 1. LIGHT GRAY  
FLAT TILE ROOF
- 2. LIGHT GRAY  
FLAT TILE ROOF
- 3. LIGHT GRAY  
FLAT TILE ROOF
- 4. RED  
FLAT TILE ROOF
- 5. RED  
FLAT TILE ROOF
- 6. RED  
FLAT TILE ROOF

Aspire

at North Hills

CITY OF RENO, NEVADA

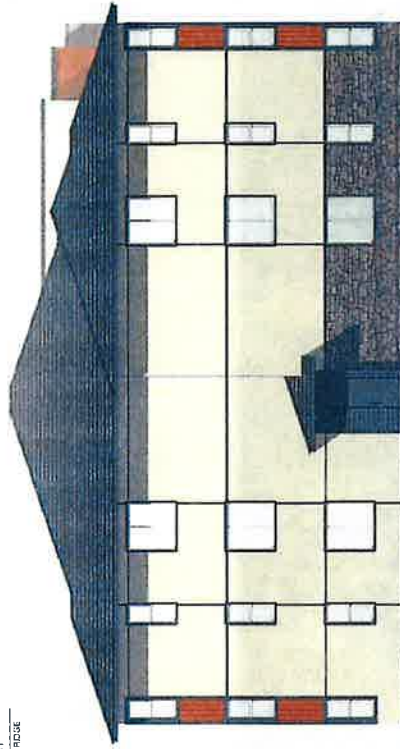


BUILDING C | SCHEMATIC ELEVATIONS | FRONT & REAR  
BUILDING 7 PER CIVIL AND LANDSCAPE

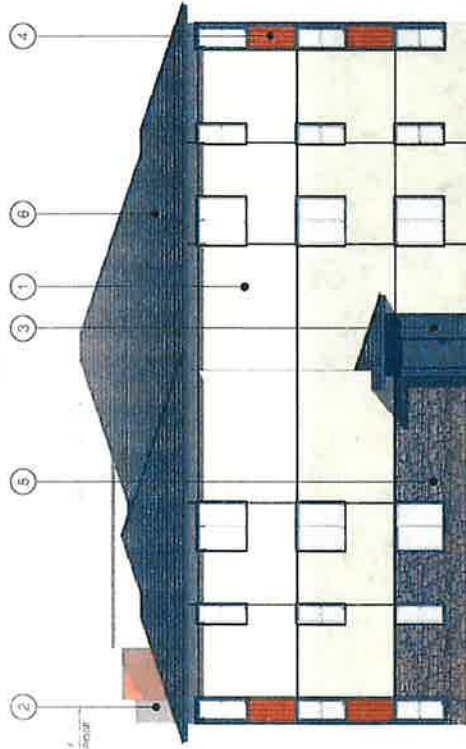


A4.4

1/4" = 1' - 0"  
TOP OF HOUSE

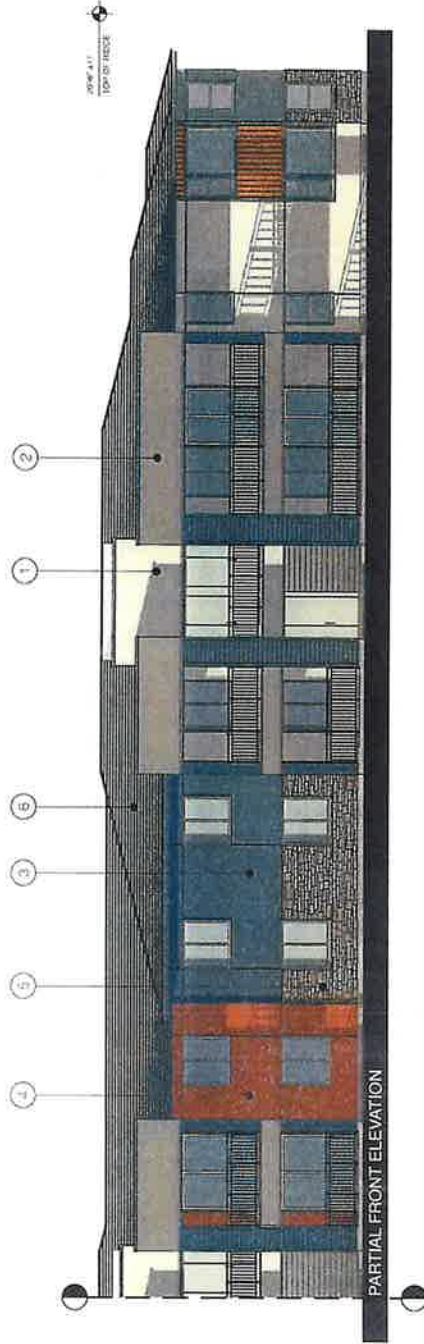
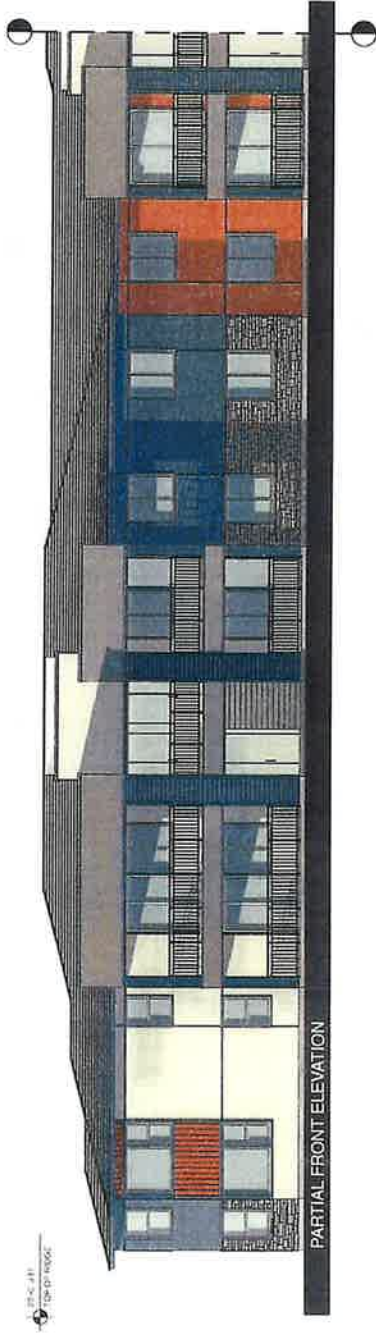


RIGHT ELEVATION

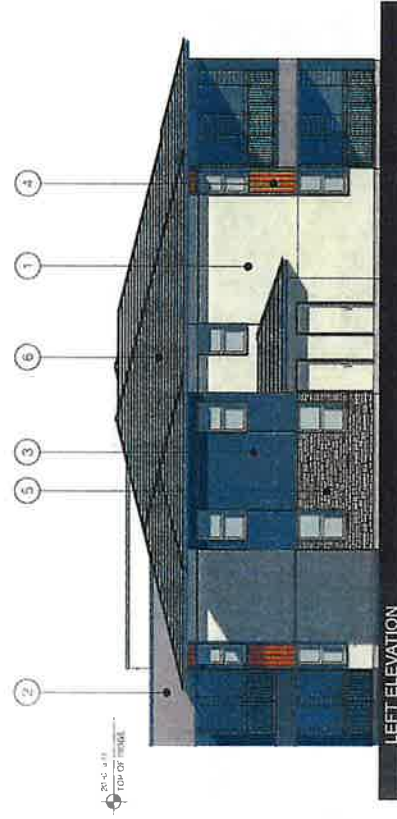
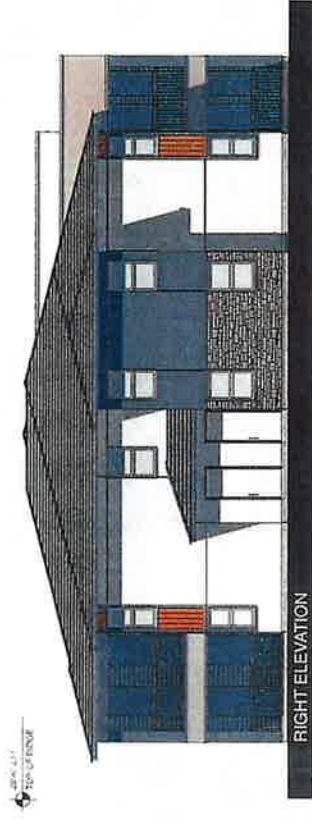


LEFT ELEVATION

1. 1/4" = 1' - 0"  
TOP OF HOUSE
2. 1/4" = 1' - 0"  
TOP OF HOUSE
3. 1/4" = 1' - 0"  
TOP OF HOUSE
4. 1/4" = 1' - 0"  
TOP OF HOUSE
5. 1/4" = 1' - 0"  
TOP OF HOUSE
6. 1/4" = 1' - 0"  
TOP OF HOUSE







1. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE
2. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE
3. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE
4. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE
5. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE
6. 1/2" = 1'-0" (1/4" = 1'-0")  
SCALE

**Aspire**

at North Hills

CITY OF RENO, NEVADA

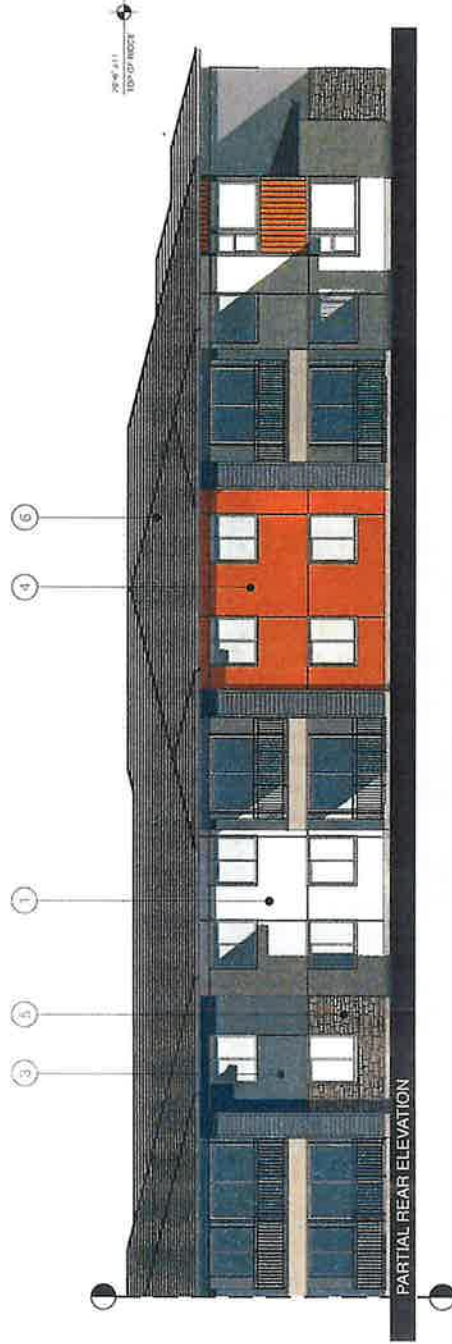
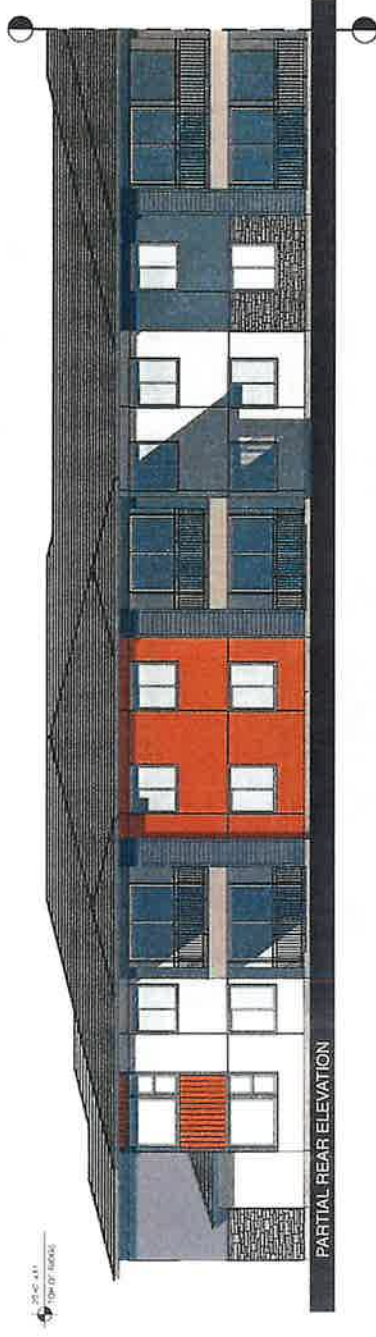


## BUILDING D | SCHEMATIC ELEVATIONS | RIGHT & LEFT

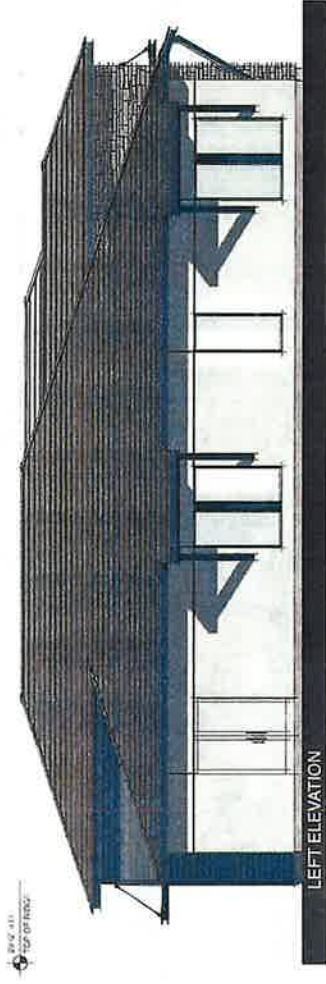
### BUILDING 8 PER CIVIL AND LANDSCAPE



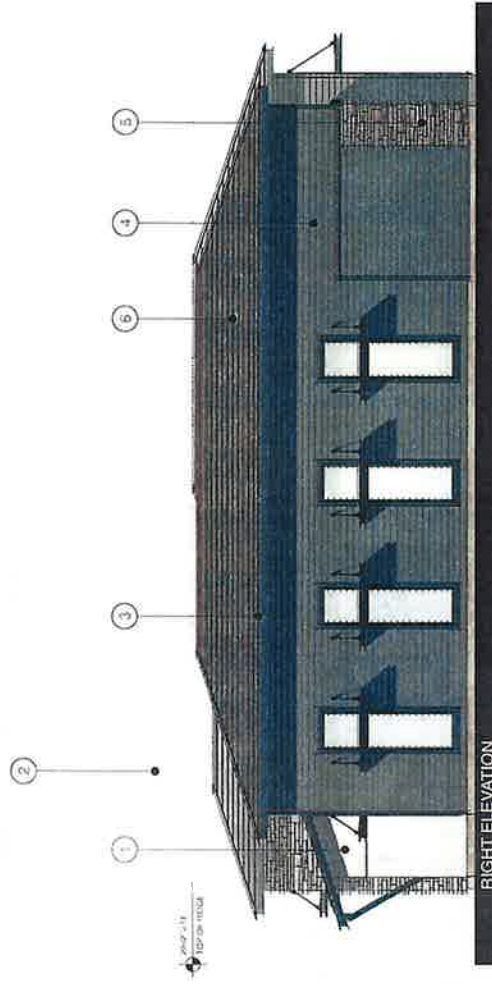
**A5.4**







LEFT ELEVATION



RIGHT ELEVATION

1. 1/2" = 1'-0" (1/4" = 1'-0")
2. 1/4" = 1'-0" (1/8" = 1'-0")
3. 1/8" = 1'-0" (1/16" = 1'-0")
4. 1/16" = 1'-0" (1/32" = 1'-0")
5. 1/32" = 1'-0" (1/64" = 1'-0")
6. 1/64" = 1'-0" (1/128" = 1'-0")

# CLUBHOUSE | SCHEMATIC ELEVATION | LEFT + RIGHT BUILDING 1 PER CIVIL AND LANDSCAPE





BORAL  
SAXONY 900 SLATE | GRAPHITE  
FLAT TILE ROOF



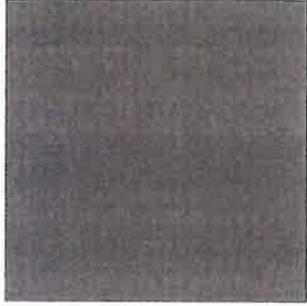
SW 7018  
DOVETAIL  
STUCCO #2



SW 7674  
PERPERCORN  
FASCIA, STUCCO #3, HORIZONTAL LAP SIDING + TRIM



SW 6356  
COPPER MOUNTAIN  
STUCCO #4, VERTICAL SIDING



SW 6208  
PEWTER GREEN  
HORIZONTAL LAP SIDING



CULTURED STONE  
PRO-FIT LEDGESTONE | SHALE  
STONE VENEER





**PAYMENT DATE**  
02/02/2023  
**COLLECTION STATION**  
7958 - Front Desk 3  
**RECEIVED FROM**  
MICHAEL D BURKE  
**DESCRIPTION**  
APPEAL FOR LDC23-00018

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

**BATCH NO.**  
2023-00003024  
**RECEIPT NO.**  
2023-00198967  
**CASHIER**  
Roman, Lorena

PAID

FEB 02 2023

CITY OF RENO

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55.00	\$55.00																
	<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>\$55.00</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>\$55.00</td></tr><tr><td>Change</td><td>\$0.00</td></tr><tr><td>Total Received</td><td>\$55.00</td></tr></table>	Total Cash	\$0.00	Total Check	\$0.00	Total Charge	\$55.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$55.00	Change	\$0.00	Total Received	\$55.00	
Total Cash	\$0.00																	
Total Check	\$0.00																	
Total Charge	\$55.00																	
Total Wire	\$0.00																	
Total Other	\$0.00																	
Total Remitted	\$55.00																	
Change	\$0.00																	
Total Received	\$55.00																	
Total Amount:		\$55.00																

Customer Copy

Customer Copy

Printed by: Roman, Lorena

Page 1 of 1

02/02/2023 02:29:04 PM



**PAYMENT DATE**  
02/02/2023  
**COLLECTION STATION**  
7958 - Front Desk 3  
**RECEIVED FROM**  
MICHAEL D BURKE  
**DESCRIPTION**  
APPEAL FOR LDC23-00018

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

**BATCH NO.**  
2023-00003024  
**RECEIPT NO.**  
2023-00198967  
**CASHIER**  
Roman, Lorena

PAID  
FEB 02 2023  
CITY OF RENO

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55.00	\$55.00
	<div>Total Cash\$0.00</div> <div>Total Check\$0.00</div> <div>Total Charge\$55.00</div> <div>Total Wire\$0.00</div> <div>Total Other\$0.00</div> <div>Total Remitted\$55.00</div> <div>Change\$0.00</div> <div>Total Received\$55.00</div>	
Total Amount:		\$55.00

Customer Copy





RECEIVED

FEB 02 2023

Council Hearing Date: March 8, 2023  
Council Hearing Time: 6 PM

**CITY CLERK**

**APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION, CITY OF RENO HEARING EXAMINER, OR BOARD OF APPEALS TO RENO CITY COUNCIL**

(To be filed in Reno City Clerk's Office, 1 East First Street, Second Floor)

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**A.** If the aggrieved person presents information to the Reno City Council ("Council") not previously presented at the underlying hearing, the Council may remand the matter to the Lower Body for additional hearings regarding the newly presented items.

**B.** Anyone, including the aggrieved person, may address the Council by written communication. Materials should be submitted to the City Manager's Office five working days prior to the Council hearing date set forth above. If information is untimely presented, Council may continue the hearing to a later date.

**IV.** I understand that the appeal fee is \$55, and the appeal will not be filed until the fee is paid. The appeal is non-refundable.

**V.** Signature of Aggrieved Person: \_\_\_\_\_

or

Name of Aggrieved Person: Selective Real Estate

Signature of Representative: Garrett D. Gordon

Firm Name/Title: Garrett Gordon Esq. - Lewis Roca Rothgerber Christie LLP

Address: One East Liberty Street, Suite 300

Telephone: 775-321-3420

E-mail Address: ggordon@lewisroca.com

Date: 2/1/2023

Receipt No: 2023-00198973

<sup>1</sup> An aggrieved person, which may be business entities and/or the City of Reno, is one whose personal right or right of property is adversely and substantially affected by the action of the Lower Body. Each aggrieved person must make his/her/its own appeal. Each appeal will be considered separately on its own merits.

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GGordon@lewisroca.com



February 1, 2023

Our File Number: 309670.00001

VIA HAND DELIVERY

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

RE: Appeal of Planning Commission Decision in Case No. LDC23-00018 (Aspire at North Hills)

Dear Mayor Schieve and Honorable City Council Members:

On behalf of Selective Real Estate, the applicant in the above referenced matter ("Applicant") we support the Planning Commission's action of January 18, 2023 to approve the Applicant's application for a conditional use permit to allow a 192 unit multi-family development. Pursuant to NRS 278.3195(4), the Applicant has appealed the decision of the Planning Commission in order to preserve its rights to judicial review. 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 from 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 Planning Commission to the City Council, the applicant would not have standing to appeal an adverse City Council 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 Planning Commission, 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 planning-commission level and so did not appeal to the governing body, it would not have included a separate subsection expressly requiring a petitioner to "[h]a[ve] appealed" to the governing body."); *Humboldt River Ranch Ass'n*, 128 Nev. 904, 381 P.3d 622.

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

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

NRS 278.3195(4)'s limiting criteria, 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 here is required to appeal the favorable decision of the Planning Commission in order to preserve his right to judicial review in the event of further appeals. During the City Council hearing on this appeal, the Applicant will therefore request that this honorable body affirm the Planning Commission decision.

Sincerely,

*/s/ Garrett D. Gordon*

Garrett D. Gordon  
Lewis Roca Rothgerber Christie LLP

GDG

**PAYMENT DATE**  
02/02/2023  
**COLLECTION STATION**  
7947- Front Desk 1  
**RECEIVED FROM**  
APPEAL - GARRETT  
GORDON  
**DESCRIPTION**  
LDC23-00018

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

**BATCH NO.**  
2023-00003020  
**RECEIPT NO.**  
2023-00198973  
**CASHIER**  
Johnson, Bailey

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55.00  <div> <div>Total Cash</div> <div>\$0.00</div> </div> <div> <div>Total Check</div> <div>\$55.00</div> </div> <div> <div>Total Charge</div> <div>\$0.00</div> </div> <div> <div>Total Wire</div> <div>\$0.00</div> </div> <div> <div>Total Other</div> <div>\$0.00</div> </div> <div> <div>Total Remitted</div> <div>\$55.00</div> </div> <div> <div>Change</div> <div>\$0.00</div> </div> <div> <div>Total Received</div> <div>\$55.00</div> </div>	\$55.00
<div> <div>Customer Copy</div> <div>Total Amount:</div> </div>		\$55.00

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