



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

For Office Use: Date Stamp

RECEIVED

JUL 31 2023

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:

*LDC23-00062 (Viewpoints
Apartments Access Road)*

2. Appellant Information:

Appellant Name: Montebello II, LP

Authorized Representative: CFA, Inc. Dave Snelgrove, AICP

Address: 1150 Corporate Blvd., Reno, NV 89511

Telephone No.: 775-856-7073

Email Address: dsnelgrove@cfareno.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.)

The applicant/property owner would like to appeal the inclusion of condition #8 in the planning commission's approval of the project on July 20, 2023. The case number is LDC23-00062 (Viewpoint Apartments Access Road - MSPR). It is requested that condition #8 be removed and replaced with a condition requiring an acceptable bonding level or placing money in a title account to provide surety that the full landscape, irrigation and revegetation will be completed as this was clearly noted by the City staff to be the primary concern about adding condition #8 to this case. It needs to be recognized that the emergency access is already a requirement of the vertical construction with the associated apartment approval case (LDC22-00084) and the applicant, recently amended the condition to move the timing of provision of proof of the emergency access to an earlier time than was originally approved by Planning Commission.

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

Only condition #8 from the approval is being appealed. This condition states: Prior to the issuance of a building permit, including grading, the applicant shall have plans approved demonstrating that an approved secondary access for LDC22-00084 has been secured.

The access road approved in LDC23-00062 is necessary as a first improvement such that construction equipment can appropriately access the Viewpoint Apartment site (approved under LDC22-00084). When the apartment site review (LDC22-00084) was ongoing, the anticipated emergency and construction access route was planned and fully expected to access from the north (roughly parallel to I-80) through the Harrah's and Home Depot parcels. However, through discussions and negotiations with the Home Depot, they identified that they did not want construction access to go through their parking lot area and the access would need to be limited only to emergency access. This left us with the need to find or locate a reasonable construction access.

The condition on the Access Road approval (LDC23-00062) presents a potential challenge to the timing of getting the approved documentation for the emergency access through the Home Depot in a timely manner and holds a strong potential of slowing the ability to get necessary construction equipment onto the approved Viewpoint Apartment site. There are existing utility lines that were put in place 25+/- years ago, when the Montebello Apartments were approved and developed. Those lines need to be checked and repaired, where necessary. This will involve some larger construction equipment that will need the access road (LDC23-00062) to get to the site.

The approved access road with LDC23-00062 provides a secondary/emergency access route onto the southbound access between Summit Ridge Drive onto McCarran Boulevard. Discussions with Tray Palmer of the Reno Fire Department, prior to publication of the staff report indicated that he would like to have an additional, previously discussed emergency access route that will cross the Harrah's and Home Depot properties to the north and west of the approved apartment site - this access is shown in Attachment C provided with this appeal form.

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.)

While we are requesting removal of condition #8 from the approval of LDC23-00062, we are not deaf to the concern that was expressed by city staff during the planning commission hearing that their paramount concern is that a scar could be left on the hill if we are not able to obtain the emergency access through the Harrah's and Home Depot parcels. As such, we suggest a replacement condition that requires substantial funds be placed in an account to complete the revegetation and landscaping associated with this access road project should something delay or halt the approved Viewpoint Apartment project. Following is suggested replacement condition language.

Prior to issuance of a grading permit, sufficient funds in the amount of 125% of the estimated landscaping, irrigation and revegetation costs shall be placed in an escrow account to be managed by a third party (First American Title Company or acceptable alternative). The purpose of these funds is to pay for the cost to complete all landscaping and irrigation should the associated apartment project (LDC22-00084) halt. Any excess funds after completion of the landscape, irrigation and revegetation construction shall be returned to the applicant.

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

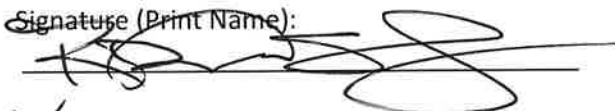
All of the information from the Planning Commission hearing, inclusive of the staff report, project application and presentations by staff and the applicant are included, yet not attached as they are in the records for this case at the City. I have provided the following information that specifically identifies the two secondary/emergency access points as well as the median separated dual access that currently exists as the primary access to the Montebello Apartments (See Attachment A). Additionally, copies of the approval letters for LDC22-00084 (which was amended through a minor modification, recently moving up the required timing for the provision of the emergency access route) (See Attachment B) and the approval letter from the case in question (LDC23-00062) where Condition 8 is highlighted as it is proposed to be supplemented with an appropriate and acceptable condition regarding surity for the provision of full landscape, irrigation and revegetation of the access road (See Attachment C).

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

It is requested that condition #8 be removed from the approval and a new, acceptable condition that ensures that a big scar is not left on the development area be added. This will allow for the City's concern over scarring can be addressed while the applicant's concern over holding up the timing of the creation of this access road can also be addressed.

Appellant or Authorized Representative

Signature (Print Name):



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

For Office Use:

Hearing Date: Sept. 13, 2023

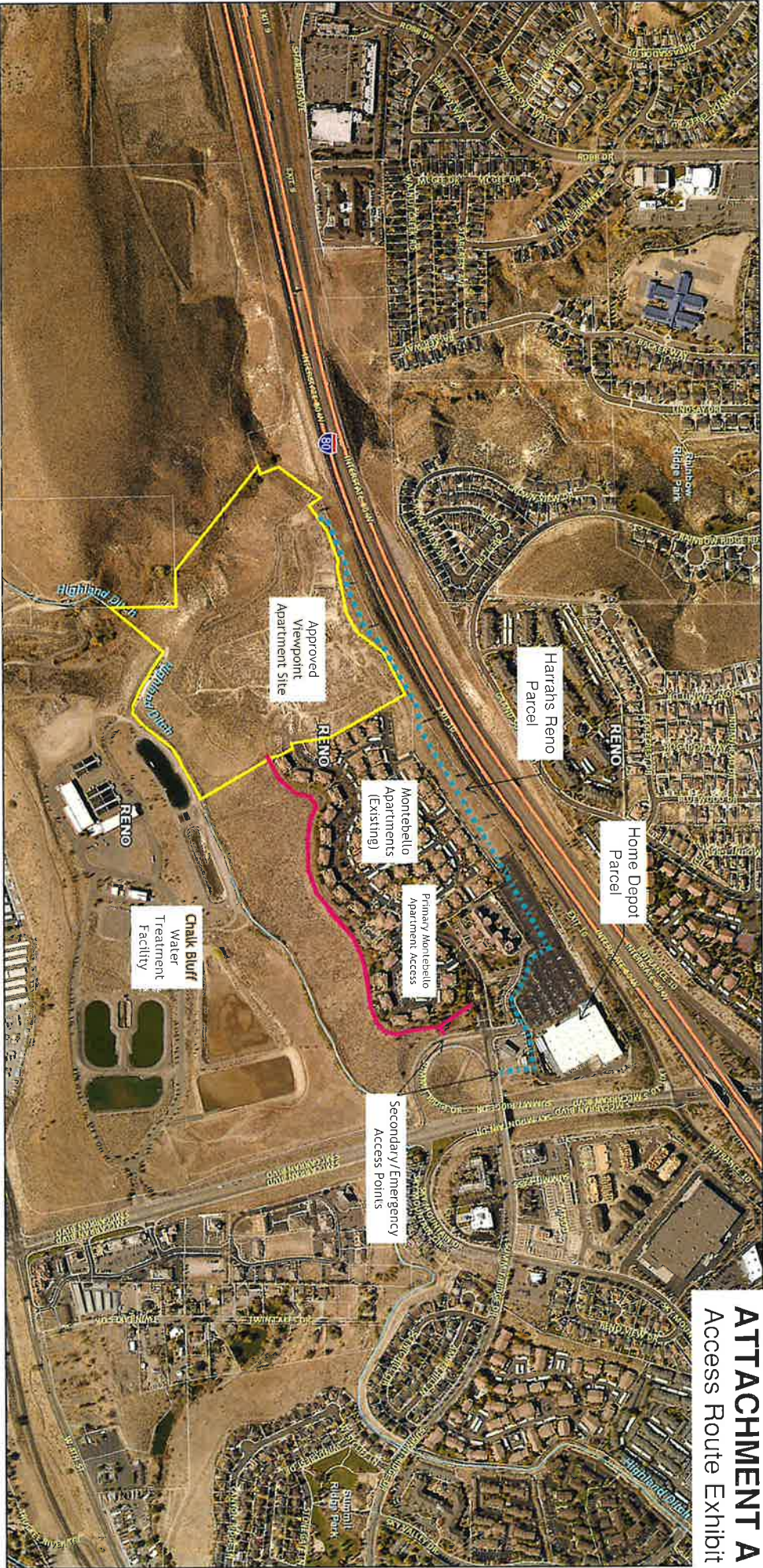
Hearing Time: @ 6 PM

Hearing Location: Peno Council Chambers

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

Received by: BA

MONTABELLO AND VIEWPOINT APARTMENTS PRIMARY & EMERGENCY ACCESS ROUTES



ATTACHMENT A
Access Route Exhibit

June 13, 2022

LEGEND

- Emergency Access Route to be obtained through Harrah's and Home Depot - the Home Depot previously identified that construction access would not be allowed, only emergency access.
- Viewpoint Access Road (UDC23:00062) Containing an Emergency Access Link - to be used for day-to-day and construction traffic for Viewpoint Apartments



Washtoe County GIS
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

This information for illustrative purposes only. Not be used for boundary resolution or location and not intended to be used for measurement, calculation, or delineation.
Washtoe County Technology Services - Regional Services Division, 1001 E. 9th St. Building C-200, Reno, NV 89512 www.washtoeconomy.us/gis (775) 328-2345

Angela Fuss, AICP, Assistant Director
Development Services Department
P. O. Box 1900
Keno, NV 89505
(775) 399-3843



ATTACHMENT B

LDC22-00062 MINOR MODIFICATION
APPROVAL LETTER WITH CONDITIONS

July 18, 2023

Revised Decision Letter

Montebello II LP
5700 Stoneridge Mall Rd Ste 235
Pleasanton, CA 94588

Subject: LDC22-00084 (Viewpoint Apartments)
APN: 039-170-35 (Ward 1)

Dear Applicant:

At the regular meeting of the Planning Commission on August 3, 2022, the Planning Commission, as set forth in the official record, approved your request for a: 1) conditional use permit to develop: a) 432 unit multi-family residential apartment complex, and b) grading with fills 10 feet or greater in height; and 2) a major deviation to allow for a 50% reduction in the required 20 foot setback between a multi-family zoning district and a single-family zoning district. The subject ± 41.16 acre site is located in the Multi-Family Residential – 14 units per acre (MF-14) zone approximately 1150 feet west of the terminus of Summit Ridge Drive. The subject site has Master Plan land use designations of Mixed Neighborhood (MX) and Parks, Greenways, and Open Space (PGOS). **Based on the materials submitted and with the requested modification to Condition #6, the project conforms to the findings as required by the Reno Municipal Code (RMC) 18.08.307(f) (Modifications or Amendment of Approval).** This revised decision letter updates the August 4, 2022 decision letter for LDC22-00084.

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

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall apply for all building permits associated with the first phase of the project within 18 months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void. All permits associated with the second and third phases of the project, as outlined in Exhibit F of the staff report, shall be applied for within 36 months from the date of approval and be continuously maintained or the approval of the latter phases shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the

construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.

5. Prior to the issuance of the first certificate of occupancy for any building abutting the northern property line of the site, a six-foot concrete block wall shall be erected along the north property line.

6. Prior to the issuance of ~~the first certificate of occupancy~~ a building permit for vertical construction, the applicant shall provide an emergency secondary access subject to the satisfaction of the Administrator.

7. Prior to the issuance of a building permit for vertical construction, the applicant shall provide staff with a copy of information provided by RTC on the Smart Trips Program. This information shall be included with leasing information 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 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 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,



Angela Fuss, AICP, Assistant Director
Development Services Department

LDC22-00084 (Viewpoint Apartments) - LNB - Amended 7 18 23

xc: CFA LLC
Attn: R. Dave Snelgrove, AICP
1150 Corporate Blvd
Reno, NV 89502

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

Condition #6 from
Viewpoint
Apartments
already requires
emergency
access at a time
when occupancy
becomes of
concern.

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



August 4, 2022

Montebello II LP
5700 Stoneridge Mall Rd Ste 235
Pleasanton, CA 94588

Subject: LDC22-00084 (Viewpoint Apartments)
APN: 039-170-35 (Ward 1)

Dear Applicant:

At the regular meeting of the Planning Commission on August 3, 2022, the Planning Commission, as set forth in the official record, approved your request for a: 1) conditional use permit to develop: a) 432 unit multi-family residential apartment complex, and b) grading with fills 10 feet or greater in height; and 2) a major deviation to allow for a 50% reduction in the required 20 foot setback between a multi-family zoning district and a single-family zoning district. The subject ± 41.16 acre site is located in the Multi-Family Residential – 14 units per acre (MF-14) zone approximately 1150 feet west of the terminus of Summit Ridge Drive. The subject site has Master Plan land use designations of Mixed Neighborhood (MX) and Parks, Greenways, and Open Space (PGOS).

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

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall apply for all building permits associated with the first phase of the project within 18 months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void. All permits associated with the second and third phases of the project, as outlined in **Exhibit F** of the staff report, shall be applied for within 36 months from the date of approval and be continuously maintained or the approval of the latter phases shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.

5. Prior to the issuance of the first certificate of occupancy for any building abutting the northern property line of the site, a six-foot concrete block wall shall be erected along the north property line.
6. Prior to the issuance of the first certificate of occupancy the applicant shall provide an emergency secondary access subject to the satisfaction of the Administrator.
7. Prior to the issuance of a building permit for vertical construction, the applicant shall provide staff with a copy of information provided by RTC on the Smart Trips Program. This information shall be included with leasing information 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 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 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

LDC22-00084 (Viewpoint Apartments) - LNB.doc

xc: CFA LLC
Attn: R. Dave Snelgrove, AICP
1150 Corporate Blvd
Reno, NV 89502

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



LANDSCAPE DATA

SITE AREA: 17,274 SQ. FT. (0.40 ACRES)
 TOTAL SITE AREA: 17,274 SQ. FT. (0.40 ACRES)
 LANDSCAPE: 17,274 SQ. FT. (0.40 ACRES)
 ZONING: M-1.5 (M-1.5-1.5)

REQUIRED LANDSCAPE AREA = 20,000 SQ. FT. (0.46 ACRES)
 % OF TOTAL SITE AREA = 116%

PROVIDED LANDSCAPE AREA = 20,000 SQ. FT. (0.46 ACRES)
 REQUIRED: 20,000 SQ. FT. (0.46 ACRES)
 PROVIDED: 20,000 SQ. FT. (0.46 ACRES)

REQUIREMENTS: 1. 10% OF TOTAL SITE AREA
 2. 10% OF TOTAL SITE AREA
 3. 10% OF TOTAL SITE AREA
 4. 10% OF TOTAL SITE AREA
 5. 10% OF TOTAL SITE AREA
 6. 10% OF TOTAL SITE AREA
 7. 10% OF TOTAL SITE AREA
 8. 10% OF TOTAL SITE AREA
 9. 10% OF TOTAL SITE AREA
 10. 10% OF TOTAL SITE AREA

PLANT LEGEND

- ORNAMENTAL TREES
- DECIDUOUS SHADE TREES
- EVERYGREEN TREES
- LANDSCAPE AREA

VIEW TO BE PROTECTED

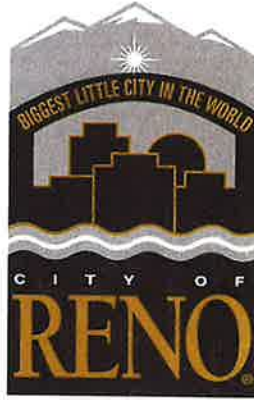
- AMENITY AREAS COULD INCLUDE ONE OR MORE OF THE FOLLOWING:
 - BENCHES
 - DOG PARK & WASTE STATION
 - EXERCISE STATION
 - OUTDOOR GAMES
 - PICNIC TABLES
 - MULTICURVING PATH
 - PLAY AREA

PEDESTRIAN CIRCULATION

GENERAL NOTES

- [illegible]

Chris Pingree, Director
Development Services Department
P. O. Box 1900
Reno, NV 89505
(775) 326-6650



ATTACHMENT C

LDC23-00062 APPROVAL LETTER
WITH CONDITIONS

July 21, 2023

Montebello II LP
5700 Stoneridge Mall Rd Ste 235
Pleasanton, CA 94588

Subject: LDC23-00062 (Viewpoint Apartments Access Road MSPR)
APN: 039-170-35, 039-170-36, and 039-170-21 (Ward 1)

Dear Applicant:

At the regular meeting of the Planning Commission on July 20, 2023, the Planning Commission, as set forth in the official record, approved your request for a major site plan review to allow for grading resulting in cuts deeper than 20 feet and fills greater than ten feet in height for the development of an access road to a previously approved 432 unit apartment complex (LDC22-00084). The ±97.97 acre site is located in the Multi-Family Residential – 14 units per acre (MF-14) zoning district directly west of the intersection of Summit Ridge Drive and Summit Ridge Court. The site has Master Plan land use designations of Mixed Neighborhood (MX) and Parks, Greenways, and Open Space (PGOS).

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 major site plan review application and maintain the validity of that permit, or the major site plan review approval shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.

4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Prior to the issuance of a grading permit, the applicant shall provide a landscape plan, subject to the satisfaction of the Administrator, demonstrating a minimum of one tree per 30 linear feet of access road street frontage, in clustered patterns with a minimum of 70% evergreen trees. The trees shall be selected from the Reno Urban Forestry Commission Approved Street Tree Species List.
6. Prior to the issuance of a grading permit, the applicant shall provide plans demonstrating that any fill/loss of detention volume in the existing detention pond due to the construction of the new access road shall be mitigated (replaced) at a 1:1 ratio elsewhere within the project area.
7. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of Administrator.
8. Prior to the issuance of a building permit, including grading, the applicant shall have plans approved demonstrating that an approved secondary access for LDC22-00084 has been secured.

Condition
requested for
removal and
replacement,
per appeal
form.

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.

Montebello II LP

RE: LDC23-00062 (Viewpoint Apartments Access Road MSPR)

Page 3

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,

A handwritten signature in blue ink, appearing to read "Chris Pingree", is written over the word "Sincerely,".

Chris Pingree, Director of Development Services
Development Services Department

LDC23-00062 (Viewpoint Apartments Access Road MSPR) - LNB.doc

xc: Tomanek Group LLC / Montebello II L.P.
5700 Stoneridge Mall Rd Ste 235
Pleasanton, CA 94588

R. Dave Snelgrove, AICP
CFA LLC
1150 Corporate Blvd
Reno, NV 89502

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

PAYMENT DATE
07/31/2023
COLLECTION STATION
7958 - Front Desk 3
RECEIVED FROM
APPEAL - CFA LAND
SURVEYORS
DESCRIPTION
LDC23-00662

City of Reno
1 East First Street
Reno, NV 89501

PAID

JUL 31 2023

CITY OF RENO

BATCH NO.
2024-00000356
RECEIPT NO.
2024-00006546
CASHIER
Roman, Lorena

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

Customer Copy