

## STAFF REPORT

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**Date:** March 8, 2023

**To:** Mayor and City Council

**Thru:** Doug Thornley, City Manager

**Subject:** Staff Report (For Possible Action): Case No. LDC23-00025 (Riviera Planned Community) Appeal of the Planning Commission's decision to approve a request for a tentative map to establish a five-lot single-family attached (condominium) subdivision and associated common areas. The ±0.31 acre project site is located southeast of Riviera Street, ±75 feet from its intersection with Idlewild Drive. The project site is located within the Multi-Family Residential – 14 units per acre (MF-14) zoning district and has a Master Plan land use designation of Mixed Neighborhood (MX). An appeal was filed by Dalen O'Bryan. City Council may affirm, modify, or reverse the decision of the Planning Commission.

**From:** Carter Williams, Assistant Planner

**Department:** Development Services - Planning

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**Summary:** This is a public hearing to consider an appeal of the Planning Commission's approval of a tentative map to allow a five-unit condominium development. The proposed use is allowed by-right in the Multi-Family Residential – 14 units per acre (MF-14) zoning district. A tentative map is required because five or more lots are proposed in a subdivision map. The ±0.31 acre site consists of a single parcel located southeast of Riviera Street, ±75 feet from its intersection with Idlewild Drive. An appeal of the Planning Commission's decision has been filed (**Exhibit A**), and is described below:

- Dalen O'Bryan appealed citing concerns regarding the potential shadowing of adjacent public streets, private gardens, and solar panels on neighboring homes.

Council may deny the appeal and affirm the Planning Commission's decision to approve the tentative map, approve the appeal and modify the conditions of approval, or approve the appeal and deny the project.

**Alignment with Strategic Plan:**

- Economic and Community Development

**Discussion:** A detailed project analysis is provided in the attached Planning Commission staff report (**Exhibit B**). The Planning Commission discussion is summarized in the following points:

- The proposed use is permitted by-right and is compliant with code
- The project as proposed is less intense than what could be built on the property
- Concerns raised regarding compatibility with surrounding neighborhood from an aesthetic perspective

Minutes from the January 18, 2023 Planning Commission public hearing are attached (**Exhibit C**). Public comment related to the proposed development included concerns related to: compatibility, height of the development, shadowing of neighboring properties, parking, architectural style, location of trash enclosures, and privacy.

**Planning Commission Vote:** Motion for Approval: six in favor; one opposed

**Financial Implications:** None at this time.

**Legal Implications:** Legal review completed for compliance with City procedures and Nevada law.

**Recommendation:** Staff recommends Council review the letter of appeal and Planning Commission action and affirm, modify or reverse the Planning Commission's decision.

**Proposed Motion:** Below are proposed motions with the findings for affirmation, modification, and reversal of the Planning Commission decision.

***Motion to Affirm Planning Commission Decision***

(Denying the appeal and approving the tentative map)

Regarding the appeal of LDC23-00025 (Riviera Planned Community), based on Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, and based on my ability to make all of the findings, I move to AFFIRM approval of the tentative map by the Planning Commission and DENY the appeal. The City Clerk is instructed to prepare and file an order.

***Motion to Modify Planning Commission Decision***

(Affirming the appeal and modifying the conditions of the tentative map)

Regarding the appeal of LDC23-00025 (Riviera Planned Community), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to AFFIRM the appeal and MODIFY the decision of the Planning Commission as follows \_\_\_\_\_. \*. As modified, I can make all of the required findings as listed in the staff report, and I move to APPROVE the tentative map subject to conditions stated in the Planning Commission decision letter and as modified by City Council. The City Clerk is instructed to prepare and file an order. \*Modifications to the conditions of approval outlined in the Planning Commission staff report are: [List modifications]

***Motion to Reverse Planning Commission Decision***

(Affirming the appeal, reversing the Planning Commission decision, and deny the tentative map)

In regards to the appeals of LDC23-00025 (Riviera Planned Community), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to AFFIRM the appeal, REVERSE the approval of the tentative map by the Planning Commission, and directly DENY the tentative map, based on the inability to make all the applicable findings. The City Clerk is instructed to prepare and file an order.

***General Review Criteria and Considerations:*** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

General Review Criteria: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and
  - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.

- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

***Tentative Map:*** Approval of tentative maps shall be subject to the approval criteria in Section 18.08.304(e), Approval Criteria Applicable to all Applications, and criteria set forth in NRS Section 278.349(3), as follows:

- 1) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- 2) Availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- 3) Availability and accessibility of utilities;
- 4) Availability and accessibility of public services such as schools, police and fire protection transportation, recreation and parks;
- 5) Conformity with the zoning ordinances, master plan, and elements thereof, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- 6) General conformity with the governing body's master plan of streets and highways.
- 7) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- 8) Physical land characteristics such as flood plain, slope, soil; and
- 9) Recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.348.
- 10) Availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- 11) Submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

**Attachments:**

Exhibit A – Appeal

Exhibit B – Planning Commission Staff Report

Exhibit C – Planning Commission Minutes