RECEIVED

Council Hearing Date: Uly 21, 2021 Council Hearing Time: Libo pm

MAY 26 2021

APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION, CITY OF

RENO HEARING EXAMINER, OR BOARD OF APPEALS TO RENO CITY COUNCIL

Re:	Case No. PAR 21-00034 # 35	
I. I certify I am, or represent, an aggrieved person who has a right to appeal. The aggrieved person's rights, or his property rights, were adversely and substantially affected by 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):		
appeal	II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §18.06.208, I the decision of the Lower Body.	
underly	III. I certify that the above reasons are based upon information presented at the ring head on the 19th day of 10th, 2021.	
	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 aid. The appeal is non-refundable.	
	V. Signature of Aggrieved Person: Jenny	
	or Trans Rathurs	
	Name of Aggrieved Person: Signature of Representative:	
	Firm Name/Title: City Council Member	
	Address: 15th F1802, 181	
	Telephone: 334 - 2011 E-mail Address: bellowing (ent) . and	
	Date: 5/26/21	
	Receipt No: 2021-00281084	

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.

There was confusion and inaccurate information provided to the Planning Commission in the proceedings for the appealed items. This resulted in the Planning Commission, vacating by parcel maps, the tentative maps they approved at the same meeting.

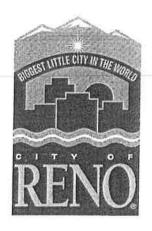
In addition, the approvals were problematic because:

- 1) The tentative conditions subject off-site improvements to lands that are not being developed and could be in non-common ownership through the parcel maps. This could subject the City to a future takings claim.
- 2) The parcel map laws require when "sequential" parcel map occurs the conditions are the same as if a tentative map. The conditions applied to the parcel maps agendas were not consistent with those of the tentative maps and did not in any manner contemplate the tentative maps (and by a reasonable interpretation voided the tentative maps as stated in paragraph 1).
- 3) State law also contemplates tentative maps and parcel maps be subject to "agreements". This is also an avenue available to effectuate an outcome should the City desire to reserve off-site tentative map conditions to properties not a part of tentative maps.
- 4) Broad tentative map conditions as related to infrastructure improvements are likewise problematic. For example, Condition No. 8 for LDC21-00055 requires installation of infrastructure to support Planning Area 19B. This condition should characterize in more detail, the referenced improvements and it is likewise unclear if these improvements are applicable to lands not within the tentative map boundaries.

It is predicted that in response to this appeal, the applicant will provide a legalese treaty explaining why the appeal is without merit. Likewise, the City Attorney's office may also prepare an analysis that may or may not be of a privileged attorney client nature (and thus not available to the public for review). Should the Council deny the appeal, it is recommended that both this appeal and materials provided by the applicant and the City attorney and or staff be incorporated as a basis for findings applicable to code and statute compliance.

Arlo Stockham, AICP
Community Development Director
Community Development Department
P. O. Box 1900
Reno, NV 89505
(775) 334-2435

May 20, 2021





NPLC BV Investment Company LLC Attn: Sam French 100 Bayview Cir, Ste 240 Newport Beach, CA 92660

Subject:

LDC21-00054 (Daybreak Plan Area 18A) APN No. Portions of 165-011-31 (Ward 3)

Dear Applicant:

At the regular meeting of the Planning Commission on May 19, 2021, the Planning Commission, as set forth in the official record, approved your request for a tentative map to develop an 81-unit single-family detached subdivision. The ±21.5 acre site is located +/- 2,000 feet north of the intersection of South Meadows Parkway and Echo Valley Parkway. The site is in the Daybreak Planned Unit Development (PD) 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 Community Development 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 record the final map(s) in accordance with the time limit contained in state law or this approval shall be null and void.
- 3. Prior to the issuance of any building permit or final map, the applicant shall attach a copy of the final approval letter and phasing plan. The approval letter and phasing plan 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.

RE: LDC21-00054 (Daybreak Plan Area 18A)

Page 2

- 5. 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
- 6. Prior to the approval of a site improvement permit the applicant shall provide plans that demonstrate all on and off site traffic improvements will be constructed per the traffic report. An updated traffic study shall be provided for each final map. The applicant shall be responsible for completing any identified improvements needed. Prior to the issuance of the first certificate of occupancy the applicant shall complete the intersection improvements at South Meadows Parkway and Echo Valley Parkway/Talus Valley Parkway pursuant to the PUD.
- 7. Prior to the approval of each final map, the applicant shall provide an on-site Sidewalk/Pedestrian and Bicycle Connectivity Plan depicting the existing and proposed pedestrian routes and facility improvements to the satisfaction of Community Development. All future development shall have pedestrian connectivity to South Meadows Parkway. The applicant shall work with the Community Development Department, Washoe County, and other applicable State agencies to create plans that detail art, historic markers, and interpretive panels to be incorporated into the pedestrian network.
- 8. The applicant shall construct full build-out of backbone infrastructure to include: water (culinary and effluent), street improvements and sanitary sewer infrastructure to support Planning Area 18A.
- 9. If human remains, human burials, burial cairns, or other significant archeological items are disturbed or identified during any construction, all work in the immediate vicinity must cease, the discovery must be secured, and the party responsible for the construction must immediately contact both the appropriate law enforcement and/or the State Historic Preservation Office per NRS 383.170.1(a). If bones are uncovered while digging, there shall be no attempt to excavate the materials, but the site shall be secured with immediate contact of both the appropriate law enforcement and the State Historic Preservation Office.

Failure to provide notice to the State Historic Preservation Office of a discovery of a Native American burial is a violation of state law and can result in criminal penalties under NRS 383,180,2.

RE: LDC21-00054 (Daybreak Plan Area 18A)

Page 3

- 10. Prior to the approval of a grading permit, the applicant shall demonstrate that a noxious weed monitoring and adaptive management plan has been prepared to address construction concerns and ensure ongoing consistent monitoring, prevention, and removal. This plan shall be implemented and enforceable throughout the life of the project. All naturalized and open space areas shall be planted with native vegetation/seed mixes and be irrigated for a minimum of two years.
- 11. Prior to the issuance of a grading permit the applicant shall submit a Conditional Letter of Map Revision (CLMOR) consistent with the Planned Unit Development Handbook.
- 12. Prior to approval of the first final map, the applicant shall provide a final wetlands report and delineation demonstrating that all existing wetlands on the site will not be disturbed; or if disturbed, provide appropriate mitigation in accordance with Federal regulation. Prior to issuance of any grading permit, the applicant shall provide suitable written verification that any wetlands disturbance within this project has been approved by the U.S. Army Corps of Engineers.

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,

Arlo Stockham, AICP, Community Development Director

Community Development Department

LDC21-00054 (Daybreak Plan Area 18A) - BJO.doc

RE: LDC21-00054 (Daybreak Plan Area 18A)

Page 4

xc:

Wood Rodgers, Inc. Attn Andy Durling 1361 Corporate Blvd Reno, NV 89502

Ashley Turney, City Clerk Michael Mischel, P.E., Engineering Manager Rigo Lopez, Washoe County Tax Assessor PAYMENT DATE 05/26/2021 COLLECTION STATION 7933 - Front Desk 2

City of Reno 1 East First Street Reno, NV 89501 BATCH NO. 2021-00003505 RECEIPT NO. 2021-00281084 CASHIER Stine, Elizabeth

RECEIVED FROM APPEAL - LDC21-00054 DESCRIPTION

TRANSACTION AMOUNT RECEIPT DESCRIPTION PAYMENT CODE \$55.00 Copies/Miscellaneous 6901 00100-0000-5780-1099 Other income \$55.00 \$0.00 **Total Cash Total Check** \$0.00 \$55.00 **Total Charge** Total Wire \$0.00 **Total Other** \$0.00 **Total Remitted** \$55,00 \$0.00 \$55.00 Change **Total Received** Total Amount: \$55.00

Customer Copy

RECEIVED

MAY 2 6 2021

Council Hearing Date: July 21, 2021

Council Hearing Time: ___

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)

		LDCZI	-00055	£54
Re:	Case No.	PAR	21-00	034 \$ 35

Re. Case 110. PAIL 21-000 54 4 25
I. I certify I am, or represent, an aggrieved person who has a right to appeal. 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):
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 19th day of 1,20 2.

- 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.
- Anyone, including the aggrieved person, may address the Council by written B. 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.
- 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.

rara.	The appear is non Terminates.
V.	Signature of Aggrieved Person:
	Name of Aggrieved Person: Tenny Backhus
	Signature of Representative:
	Firm Name/Title: City Council Member
	Address: 15th F1602, 18/
	Telephone: 334-2011
	E-mail Address: prellucio (en 0.90)
	Date: 5/26/21
	Receipt No: 2621-00281085

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.

There was confusion and inaccurate information provided to the Planning Commission in the proceedings for the appealed items. This resulted in the Planning Commission, vacating by parcel maps, the tentative maps they approved at the same meeting.

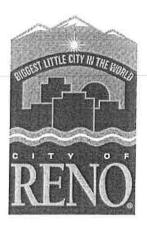
In addition, the approvals were problematic because:

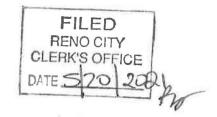
- 1) The tentative conditions subject off-site improvements to lands that are not being developed and could be in non-common ownership through the parcel maps. This could subject the City to a future takings claim.
- 2) The parcel map laws require when "sequential" parcel map occurs the conditions are the same as if a tentative map. The conditions applied to the parcel maps agendas were not consistent with those of the tentative maps and did not in any manner contemplate the tentative maps (and by a reasonable interpretation voided the tentative maps as stated in paragraph 1).
- 3) State law also contemplates tentative maps and parcel maps be subject to "agreements". This is also an avenue available to effectuate an outcome should the City desire to reserve off-site tentative map conditions to properties not a part of tentative maps.
- 4) Broad tentative map conditions as related to infrastructure improvements are likewise problematic. For example, Condition No. 8 for LDC21-00055 requires installation of infrastructure to support Planning Area 19B. This condition should characterize in more detail, the referenced improvements and it is likewise unclear if these improvements are applicable to lands not within the tentative map boundaries.

It is predicted that in response to this appeal, the applicant will provide a legalese treaty explaining why the appeal is without merit. Likewise, the City Attorney's office may also prepare an analysis that may or may not be of a privileged attorney client nature (and thus not available to the public for review). Should the Council deny the appeal, it is recommended that both this appeal and materials provided by the applicant and the City attorney and or staff be incorporated as a basis for findings applicable to code and statute compliance.

Arlo Stockham, AICP
Community Development Director
Community Development Department
P. O. Box 1900
Reno, NV 89505
(775) 334-2435

May 20, 2021





NPLC BV Investment Company LLC Attn Sam French 100 Bayview Cir, Ste 240 Newport Beach, CA 92660

Subject:

LDC21-00055 (Daybreak Planning Area 19B)

APN No. Portions of 165-011-31 and 165-011-34 (Ward 3)

Dear Applicant:

At the regular meeting of the Planning Commission on May 19, 2021, the Planning Commission, as set forth in the official record, approved your request for a tentative map to develop a 72-unit single-family attached townhome subdivision. The ±11.4 acre site is located +/-1000 feet north of intersection of South Meadows Parkway and Echo Valley Parkway. The site is in the Daybreak Planned Unit Development (PD) 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 Community Development 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 record the final map(s) in accordance with the time limit contained in state law or this approval shall be null and void.
- 3. Prior to the issuance of any building permit or final map, the applicant shall attach a copy of the final approval letter and phasing plan. The approval letter and phasing plan 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.

RE: LDC21-00055 (Daybreak Plan Area 19B)

Page 2

- 5. 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
- 6. Prior to the approval of a site improvement permit the applicant shall provide plans that demonstrate all on and off site traffic improvements will be constructed per the traffic report. An updated traffic study shall be provided for each final map. The applicant shall be responsible for completing any identified improvements needed. Prior to the issuance of the first certificate of occupancy the applicant shall complete the intersection improvements at South Meadows Parkway and Echo Valley Parkway/Talus Valley Parkway pursuant to the PUD.
- 7. Prior to the approval of each final map, the applicant shall provide an on-site Sidewalk/Pedestrian and Bicycle Connectivity Plan depicting the existing and proposed pedestrian routes and facility improvements to the satisfaction of Community Development. All future development shall have pedestrian connectivity to South Meadows Parkway. The applicant shall work with the Community Development Department, Washoe County, and other applicable State agencies to create plans that detail art, historic markers, and interpretive panels to be incorporated into the pedestrian network.
- 8. The applicant shall construct full build-out of backbone infrastructure to include: water (culinary and effluent), street improvements and sanitary sewer infrastructure to support Planning Area 19B.
- 9. If human remains, human burials, burial cairns, or other significant archeological items are disturbed or identified during any construction, all work in the immediate vicinity must cease, the discovery must be secured, and the party responsible for the construction must immediately contact both the appropriate law enforcement and/or the State Historic Preservation Office per NRS 383.170.1(a). If bones are uncovered while digging, there shall be no attempt to excavate the materials but the site shall be secured with immediate contact of both the appropriate law enforcement and the State Historic Preservation Office.

Failure to provide notice to the State Historic Preservation Office of a discovery of a Native American burial is a violation of state law and can result in criminal penalties under NRS 383.180.2.

RE: LDC21-00055 (Daybreak Plan Area 19B)

Page 3

- 10. Prior to the approval of a grading permit, the applicant shall demonstrate that a noxious weed monitoring and adaptive management plan has been prepared to address construction concerns and ensure ongoing consistent monitoring, prevention, and removal. This plan shall be implemented and enforceable throughout the life of the project. All naturalized and open space areas shall be planted with native vegetation/seed mixes and be irrigated for a minimum of two years.
- 11. Prior to the issuance of a grading permit the applicant shall submit a Conditional Letter of Map Revision (CLMOR) consistent with the Planned Unit Development Handbook.
- 12. Prior to approval of the first final map, the applicant shall provide a final wetlands report and delineation demonstrating that all existing wetlands on the site will not be disturbed; or if disturbed, provide appropriate mitigation in accordance with Federal regulation. Prior to issuance of any grading permit, the applicant shall provide suitable written verification that any wetlands disturbance within this project has been approved by the U.S. Army Corps of Engineers.

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,

Arlo Stockham, AICP, Community Development Director

Community Development Department

LDC21-00055 (Daybreak Planning Area 19B) - BJO.doc

RE: LDC21-00055 (Daybreak Plan Area 19B)

Page 4

xc: Wood Rodgers, Inc.

Attn: Andy Durling 1361 Corporate Blvd Reno, NV 89502

Ashley Turney, City Clerk

Michael Mischel, P.E., Engineering Manager Rigo Lopez, Washoe County Tax Assessor PAYMENT DATE 05/26/2021 COLLECTION STATION 7933 - Front Desk 2 City of Reno 1 East First Street Reno, NV 89501 BATCH NO. 2021-00003505 RECEIPT NO. 2021-00281085

CASHIER Stine, Elizabeth

RECEIVED FROM APPEAL PAR21-00034 DESCRIPTION

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55.00	\$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	
	,	
		MAY 2 6 2021 CITY OF RENO
1	Customer Copy	\$55.00

RECEIVED

MAY 2 6 2021

Council Hearing Date: UWY 31, 2021
Council Hearing Time: 4:00 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 Fact First Street, Second Floor)

Re:	(10 be filed in Reno City Clerk's Office, 1 East First Street, Second Floor) LDC 21-08055 \$54 Case No. PAR 21-00034 \$35	
I. I certify I am, or represent, an aggrieved person who has a right to appeal. 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):		
appeal	II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §18.06.208, I the decision of the Lower Body.	
underly	III. I certify that the above reasons are based upon information presented at the ring hearing held on the 19th day of 10, 20, 21.	
	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 aid. The appeal is non-refundable.	
	V. Signature of Aggrieved Person: Or Name of Aggrieved Person: Signature of Representative: Firm Name/Title: Address: Telephone: E-mail Address: Date: Receipt No: 2021-00281083	

¹An 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.

There was confusion and inaccurate information provided to the Planning Commission in the proceedings for the appealed items. This resulted in the Planning Commission, vacating by parcel maps, the tentative maps they approved at the same meeting.

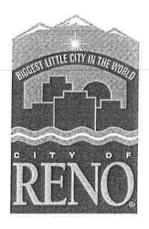
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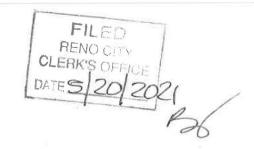
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- 4) Broad tentative map conditions as related to infrastructure improvements are likewise problematic. For example, Condition No. 8 for LDC21-00055 requires installation of infrastructure to support Planning Area 19B. This condition should characterize in more detail, the referenced improvements and it is likewise unclear if these improvements are applicable to lands not within the tentative map boundaries.

It is predicted that in response to this appeal, the applicant will provide a legalese treaty explaining why the appeal is without merit. Likewise, the City Attorney's office may also prepare an analysis that may or may not be of a privileged attorney client nature (and thus not available to the public for review). Should the Council deny the appeal, it is recommended that both this appeal and materials provided by the applicant and the City attorney and or staff be incorporated as a basis for findings applicable to code and statute compliance.

Arto Stockham, AICP
Community Development Director
Community Development Department
P. O. Box 1900
Reno, NV 89505
(775) 334-2435

May 20, 2021





NPLC BV Investment Company LLC Attn: Sam French 100 Bayview Cir, Ste 240 Newport Beach, CA 92660

Subject:

PAR21-00034 (Daybreak Plan 17, 18, 19 – Map 1) APN No. 165-011-31 and 165-011-34 (Ward 3)

Dear Applicant:

At the regular meeting of the Planning Commission on May 19, 2021, the Planning Commission, as set forth in the official record, approved your request for a merger and re-subdivision of parcels with the intent to create Village Parcels. This parcel map creation process is allowed per Section 2.8 (Subdivision into Village Parcels) of the Daybreak Planned Unit Development Handbook. The ±302.2 acres are located directly north of the intersection of South Meadows Parkway and Echo Valley Parkway. The site has a Master Plan land use designation of Suburban Mixed-Use (SMU) and is in the Daybreak Planned Unit Development (PD) zoning district.

Your approved request is subject to the following conditions to the satisfaction of Community Development 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 record the parcel map in accordance with the time limit contained in state law or this approval shall be null and void.
- 3. Prior to the final approval of the parcel map the applicant shall submit an affidavit stating that they will make provision for the 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 person proposing to divide the land or any successor in interest.

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

RE: PAR21-00034 (Daybreak Plan 17, 18, 19 - Map 1)

Page 2

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,

Arlo Stockham, AICP, Community Development Director

Community Development Department

PAR21-00034 (Daybreak Plan 17, 18, 19 - Map 1) - BJO.doc

xc:

Wood Rodgers, Inc. Attn: Derek Kirkland 1361 Corporate Blvd Reno, NV 89502

Ashley Turney, City Clerk Michael Mischel, P.E., Engineering Manager Rigo Lopez, Washoe County Tax Assessor PAYMENT DATE 05/26/2021 COLLECTION STATION 7933 - Front Desk 2 City of Reno 1 East First Street Reno, NV 89501 BATCH NO. 2021-00003505 RECEIPT NO. 2021-00281083

RECEIVED FROM APPEAL - LDC21-00055 DESCRIPTION CASHIER Stine, Elizabeth

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55,00	\$55.00
	Total Cash \$0.00 Total Check \$0.00 Total Charge \$55.00 Total Wire \$0.00 Total Other Total Remitted \$55.00 Change \$0.00 Total Received \$55.00	
		Toward I
		MAY 2 6 2021 CITY OF RENO
	Total Amount: Customer Copy	\$55.00

RECEIVED

MAY 26 2021

Council Hearing Date: July 21, 2021
Council Hearing Time: 600 pm

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

Re:	(To be filed in Reno City Clerk's Office, 1 East First Street, Second Floor) LDC71-00055 \$54 Case No. PAR 21-00034 \$35	
I. I certify I am, or represent, an aggrieved person who has a right to appeal. 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):		
omnool :	II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §18.06.208, I	
	the decision of the Lower Body. III. I certify that the above reasons are based upon information presented at the ing hearing held on the day of day of , 20 z.	
	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 aid. The appeal is non-refundable.	
	V. Signature of Aggrieved Person: Or Name of Aggrieved Person: Signature of Representative: Firm Name/Title: Address: Telephone: E-mail Address: Date: Receipt No: 2021-00281080	

¹An 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.

There was confusion and inaccurate information provided to the Planning Commission in the proceedings for the appealed items. This resulted in the Planning Commission, vacating by parcel maps, the tentative maps they approved at the same meeting.

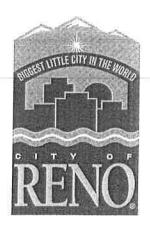
In addition, the approvals were problematic because:

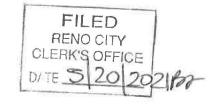
- 1) The tentative conditions subject off-site improvements to lands that are not being developed and could be in non-common ownership through the parcel maps. This could subject the City to a future takings claim.
- 2) The parcel map laws require when "sequential" parcel map occurs the conditions are the same as if a tentative map. The conditions applied to the parcel maps agendas were not consistent with those of the tentative maps and did not in any manner contemplate the tentative maps (and by a reasonable interpretation voided the tentative maps as stated in paragraph 1).
- 3) State law also contemplates tentative maps and parcel maps be subject to "agreements". This is also an avenue available to effectuate an outcome should the City desire to reserve off-site tentative map conditions to properties not a part of tentative maps.
- 4) Broad tentative map conditions as related to infrastructure improvements are likewise problematic. For example, Condition No. 8 for LDC21-00055 requires installation of infrastructure to support Planning Area 19B. This condition should characterize in more detail, the referenced improvements and it is likewise unclear if these improvements are applicable to lands not within the tentative map boundaries.

It is predicted that in response to this appeal, the applicant will provide a legalese treaty explaining why the appeal is without merit. Likewise, the City Attorney's office may also prepare an analysis that may or may not be of a privileged attorney client nature (and thus not available to the public for review). Should the Council deny the appeal, it is recommended that both this appeal and materials provided by the applicant and the City attorney and or staff be incorporated as a basis for findings applicable to code and statute compliance.

Arlo Stockham, AICP
Community Development Director
Community Development Department
P. O. Box 1900
Reno, NV 89505
(775) 334-2435

May 20, 2021





NPLC BV Investment Company LLC Attn: Sam French 100 Bayview Cir, Ste 240 Newport Beach, CA 92660

Subject:

PAR21-00035 (Daybreak Plan 17, 18, 19 – Map 2)

APN No. Portions of 165-011-31 and 165-011-34 (Ward 3)

Dear Applicant:

At the regular meeting of the Planning Commission on May 19, 2021, the Planning Commission, as set forth in the official record, approved your request for a merger and re-subdivision of parcels with the intent to create Village Parcels. This parcel map creation process is allowed per Section 2.8 (Subdivision into Village Parcels) of the Daybreak Planned Unit Development Handbook. The ±302.2 acres are located directly north of the intersection of South Meadows Parkway and Echo Valley Parkway. The site has a Master Plan land use designation of Suburban Mixed-Use (SMU) and is in the Daybreak Planned Unit Development (PD) zoning district.

Your approved request is subject to the following conditions to the satisfaction of Community Development 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 record the parcel map in accordance with the time limit contained in state law or this approval shall be null and void.
- 3. Prior to the final approval of the parcel map the applicant shall submit an affidavit stating that they will make provision for the 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 person proposing to divide the land or any successor in interest.

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

RE: PAR21-00035 (Daybreak Plan 17, 18, 19 - Map 2)

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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,

Arlo Stockham, AICP, Community Development Director

Community Development Department

PAR21-00035 (Daybreak Plan 17, 18, 19 - Map 2) - BJO.doc

xc:

Wood Rodgers, Inc. Attn: Derek Kirkland 1361 Corporate Blvd Reno, NV 89502

Ashley Turney, City Clerk Michael Mischel, P.E., Engineering Manager Rigo Lopez, Washoe County Tax Assessor PAYMENT DATE 05/26/2021 COLLECTION STATION 7933 - Front Desk 2 City of Reno 1 East First Street Reno, NV 89501 BATCH NO. 2021-00003505 RECEIPT NO. 2021-00281086

CASHIER Stine, Elizabeth

RECEIVED FROM APPEAL PAR21-00035 DESCRIPTION

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