

PLANNING COMMISSION

Meeting Date: 11/6/2023

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET (1)

AGENDA ITEM # 3

Applicant/Project Name: Restaurant Row Specific Plan
Project Number: SP22-0004

Brief Description: Letter from Yin T. Ho on behalf of Fish House Vera Cruz

Date: 11/3/2023
Time: 4:00 pm

October 27, 2023

Via Email (sdelsolar@san-marcos.net) and FedEx

City of San Marcos
Planning Division
Attention: Sean del Solar
1 Civic Center Drive
San Marcos, California 92069

Re: Additional Responses in Advanced of Planning Commission Meeting to Initial Study/Mitigated Negative Declaration for the Restaurant Row Project, Project No. SP22-0004, Environmental Document No. ND23-011, dated August 2023

Dear Mr. Solar:

In anticipation of the upcoming Planning Commission Meeting on November 6, 2023, this letter is a follow-up to our earlier correspondence dated September 20, 2023 regarding the Initial Study/Mitigated Negative Declaration (the "Initial Study") for the Restaurant Row Project (the "Proposed Project") sponsored by Lennar Homes Inc. (the "Applicant"). These comments are being submitted on behalf of my clients JAKK San Marcos, LLC, a California limited liability company, RK San Marcos, LLC, a California limited liability company, and Butler Properties, LLC, a California limited liability company, the owners of Fish House Vera Cruz (collectively referred to herein as "FHVC"). FHVC owns the real property located at 360 Via Vera Cruz, San Marcos, California, APN 219-200-40-00 (the "FHVC Property"), which is adjacent to the Proposed Project. We had filed our initial comments on September 20, 2023. This more complete analysis was withheld at the time, but provided to the Applicant, so that it could be apprised of the additional concerns we had assembled and to provide room for hoped-for negotiation and accommodation with the Applicant, which has unfortunately not occurred. Our analysis is therefore well-known to the Applicant. We reserve the right to comment further.

Fish House Vera Cruz is a family-owned and family-run business that was founded in San Marcos in 1979. FHVC opened their original restaurant in the Old California Restaurant Row building before moving to their current FHVC Property in 1989. As a longstanding San Marcos institution, FHVC is in support of the City's vision to create a vibrant, walkable development that honors the original legacy of Old California Restaurant Row, and a place for the community to come together.

FHVC wishes to be supportive of a project that aligns with these goals; however, in FHVC's judgment, there is evidence in the record that supports a fair argument that the Proposed Project may have significant impacts on the

environment, principally with respect to parking and transportation. Therefore, FHVC must oppose the Proposed Project if the following issues are not resolved.

Executive Summary

- ❖ The Proposed Project will in multiple respects violate the terms of the “1990 Easement” between the Applicant and FHVC, which among other things forbids parking by the general public. This matter was brought to the City’s attention in a series of earlier correspondence and is already part of the record.
- ❖ The Proposed Project will in multiple respects result in a substantial deficit in parking. The Proposed Project will have 501 parking spaces. 477 parking spaces minimum are required for the Proposed Project’s uses, leaving 24 undesignated parking spaces for use by FHVC and the adjacent property owners under the 1990 Easement, and other easement agreements. However, FHVC is entitled to 36 parking spaces under the terms of the 1990 Easement. The theater property requires 57 parking spaces to meet their requirement of 782 parking spaces. This results in a deficit of 69 parking spaces to FHVC and the theater property. Additionally, the theater property, 338 Via Vera Cruz, and the Wells Fargo property have reciprocal easement rights for an unspecified amount of parking on the Proposed Project site. The Proposed Project cannot satisfy these obligations with just 24 parking spaces.
- ❖ The City miscalculated the amount of parking supply required for the park and restaurant uses.
- ❖ The VMT Impact Analysis is flawed. The Proposed Project will result in a net increase in VMT and a detailed VMT Analysis is required.
- ❖ The VMT Impact Analysis should have analyzed the Proposed Project under the mixed-use impact threshold.

I.

THE PROPOSED PROJECT WILL VIOLATE THE APPLICANT’S EASEMENT WITH FHVC AND THE ADJACENT PROPERTY OWNERS

The Applicant and FHVC are parties to reciprocal easement agreements dictating that FHVC is entitled to 36 undesignated parking spaces on the Proposed Project site, and the Applicant is entitled to 54 undesignated parking spaces on the FHVC Property. However, as discussed in Section II, below, the Proposed Project requires 469 parking spaces and proposed to create just 501 parking spaces, leaving just 24 remaining parking spaces available to FHVC. This results in a deficit of 12 parking spaces. The deficit is even more pronounced when considering that 501 parking spaces are not sufficient for the Proposed Project. As discussed in Sections III-V, below, the parking supply 10 spaces are not enough for the park and four pickleball courts (as discussed below, at minimum 36 parking spaces should be required), the restaurant uses (as discussed below, an additional 32 parking spaces should be required), and the theater property will require at least 57 parking spaces.

Equally concerning is how the parking deficit will impact FHVC as a business and the FHVC Property. The Proposed Project’s park, pickleball courts, and portions of the commercial uses are unfortunately sited in the northeast corner of the Proposed Project site, abutting the southern and southeastern boundary of the FHVC Property. The Proposed Project site will not have any convenient parking spaces near that commercial use and spaces that border the park and pickleball courts on the northern boundary are likely to be over capacity. Thus, the visitors to the Proposed Project, and the general public who use the public amenities will unavoidably attempt to park on the FHVC Property, which is directly adjacent to the park, pickleball, and commercial uses. The easement agreements dictate that the grant of easements shall not be for “use by the general public or for any public purpose whatsoever.” In addition to impacting FHVC’s parking supply, this will create an insurmountable and unfair parking enforcement problem.

To the extent that the easement agreements permit the parties to make reasonable changes or to relocate the parking area, such changes cannot substantially impair the right of use by the dominant tenement. Here, the reduction of the parking supply on the Proposed Project site to just 24 parking spaces, combined with the parking demands of the Proposed Project, and the parking supply demands of the adjacent property owners is sufficient to constitute a substantial impairment. In addition, the parking available to FHVC will span the length of the Proposed Project. It is unreasonable to require FHVC's customers and patrons to walk across the entire Proposed Project site for parking.

As a result of the preceding, the Proposed Project's elimination of parking supply will result in a breach of the 1990 Easement. This breach has the potential to result in significant transportation impacts, among others, and should have been studied in further detail in the Initial Study because the users of the Proposed Project, and the customers of Fish House Vera Cruz, the theater property, and the adjacent properties will not have adequate parking.

II.

THE PROPOSED PROJECT WILL RESULT IN AN INADEQUATE SUPPLY OF PARKING SPACES

The Proposed Project consists of 202 residential dwelling units, 10,400 square feet ("SF") of commercial uses, and 1.1 acres of park uses, and proposes to provide 501 total parking spaces on site. (This results in a net reduction of 321 parking spaces.) Of these 501 spaces, the City's parking analysis determined that 409 parking spaces were required for residential uses, and 68 parking spaces were required for the commercial and park uses. Assuming that the City's determination that 501 parking spaces is correct (which we contend is not as discussed below) the Proposed Project would leave just **24 parking spaces** to satisfy the Applicant's parking obligations with adjacent owners.

The Proposed Project's parking supply requirements are summarized in *Table A: Proposed Project Parking Supply Requirements*, below.

Table A: Proposed Project Parking Supply Requirements

Land Use	Quantity	Parking Supply Rate	Required Parking Supply
Multi-Family (2 BR)	107 units	1.75 per unit	188
Multi-Family (3+ BR)	95 units	2 per unit	190
Guest Parking	202 units	0.15 per unit	31
Park Site	1.1 acres	9 per acre	10
Sit-Down Restaurant > 2,000 SF	3,232 SF	7.5 spaces per 1,000 SF	24
Take-Out Restaurant < 2,000 SF	4,063 SF	6.5 spaces per 1,000 SF	27
Retail	2,280 SF	3 spaces per 1,000 SF	7
Proposed Project Parking Supply Requirements			477
Proposed Project Parking Supply			501
Remaining Parking Supply for Adjacent Owners			24

As shown in Table A, the Proposed Project leaves just 24 parking spaces for the Applicant to satisfy its parking obligations with FHVC and adjacent owners. As summarized below in *Table B: Applicant's Parking Obligations to Adjacent Owners*, the FHVC Property is entitled to 36 parking spaces, the "Edwards Property" is required to have 57 parking spaces on the Proposed Project site, and other adjacent owners are entitled to an additional unspecified amount of parking spaces. These obligations greatly exceed the 24 parking spaces remaining, and are summarized as follows.

Table B: Applicant's Parking Obligations to Adjacent Owners

Description	Required Parking Supply
Property: FHVC Property	36
Document: Easement Agreement dated July 21, 1989, recorded on January 30, 1990, as Document Number 1990-050972 (the "1990 Easement"). Description: The Applicant is required to provide 36 parking spaces to FHVC. The 1990 Easement satisfied FHVC's site development requirements that were imposed by the City in 1989.	
Property: 1180 W San Marcos Blvd, APN 210-200-52-00 (the "Edwards Property") Document: CUP-94-255 ("1994 CUP") Description: CUP-94-255 (the "1994 CUP") requires the Edwards Property owner to have 782 parking spaces. The OCRR Parking Analysis claims that "[t]here are more than 782 parking spaces available to the theatre without reliance on the Proposed Project site, so development of the Proposed Project will not cause the theater to have access to fewer than 782 parking spaces." This claim does not appear to be accurate. Currently, the Edwards Property has only 725 parking spaces. The 85 parking spaces located on the former Sears property (the "Sears Property") is no longer available to the Applicant since the Sears leasehold interest has terminated, and a mixed use apartment/retail development will take its place. Thus, the Edwards Property owner will require <u>57 parking spaces</u> from the Proposed Project site.	57
Property: the Edwards Property; 338 Via Vera Cruz, APN 219-200-42-00 ("338 Via Vera Cruz Property"); 1000 W San Marcos, Blvd, APN 219-200-200-00 (the "Wells Fargo Property") Document: Declaration of Reciprocal Easement Agreements dated September 11, 1996, recorded on November 7, 1996, as Document Number 1996-0564623 ("1999 REA") Description: The Applicant is required to provide the Edwards Property, the 338 Via Vera Cruz Property, and the Wells Fargo Property shared parking rights on the Proposed Project site.	Unspecified
Minimum Parking Supply for Adjacent Owners	93

Remaining Parking Supply for Adjacent Owners	24
Parking Supply Deficit	(69)

As there are only 24 parking spaces remaining after allocating the requisite number of parking spaces to the Proposed Project, the Proposed Project will result in a substantial shortfall of parking supply. Without adequate parking to serve existing uses of the Proposed Project, FHVC, and the adjacent property owners, vehicles in search of non-existent parking in the affected area could result in significant impacts to transportation and air quality, among others, and requires further analysis.

III.

THE PROPOSED PROJECT'S PARKING SUPPLY IS INADEQUATE TO ACCOMMODATE THE PARK USES.

The Proposed Project will consist of a 1.1 acre public park featuring four pickleball courts, an unspecified amount of bleacher seating, playground, bench seating and tables, pergola, passive lawn with amphitheater seating and hillside seating, restroom facilities, and an HOA-maintained public dog park separated into two areas for large breed dogs and small breed dogs. As disclosed in Table 2 of the OCRR Parking Analysis (reproduced below), the City selected a parking supply rate of just 9 spaces per acre for a total of 10 parking spaces based upon "reasonable park usage":

Table 2: Proposed Project Parking Requirements - Non-Residential Uses

Land Use	Quantity	Parking Supply Rate	Required Parking Supply
Park Site	1.1 Acres	9 per Acre	10
Sit-Down Restaurant > 2,000 SF	3,232 SF	7.5 spaces per 1,000 SF ¹	24
Take-Out Restaurant < 2000 SF	4,063 SF	6.5 spaces per 1,000 SF	27
Retail	2,280 SF	3 spaces per 1,000 SF	7
		Total	68

Pickleball is the elephant in the room. No separately calculated parking is provided for four pickleball courts, which appears to be unique among all installations for which information is publicly available. From a planning standpoint, the oversight is shocking. Pickleball is widely regarded as America's fastest growing sport—according to the San Diego Union-Tribune, roughly 8 million people play the sport regularly, and pickleball supporters predict that there will be 30 million people playing regularly by 2030.¹ (*"This is not a fad: Pickleball invasion shows no signs of slowing for the San Diego tennis clubs embracing it"*, San Diego Union-Tribune, July 2, 2023.) Popularity is due to the social nature of the game (generally doubles), the fact that the court is smaller (thereby increasing social interaction among the four players), the game is easier to learn, easier to play, less physically taxing, allows people with a wide variety of skill levels to enjoy playing with each other, and can be played by families and by older people who can no longer handle the physical demands of sports like tennis.

The Applicant and the City should have thoroughly investigated the present and future parking supply requirements presented by pickleball, and as a separate use apart from the park use. Instead, it consolidated the multiple uses and selected an arbitrary number based upon "reasonable park usage," which appears to be a conclusory assumption unsupported by evidence in the record. The unique demand of the pickleball courts is ignored.

¹ See Attachment 1, available at: <https://www.sandiegouniontribune.com/news/politics/story/2023-07-02/pickleball-tennis-expansion-private-racquet-clubs> (*"This is not a fad: Pickleball invasion shows no signs of slowing for the San Diego tennis clubs embracing it"*, San Diego Union-Tribune, July 2, 2023.)

The City can look to its own Municipal Code (“Code”) for guidance of parking supply requirements that are analogous to pickleball courts. “Sport courts” are required to provide three (3) spaces per court and/or one (1) space per 200 SF. Similarly, for “outdoor commercial recreation,” the requirement is four (4) spaces per court and/or one (1) space per 200 SF. Minimum dimensions for a pickleball court are 1,800 SF (e.g., 30’ x 60’), resulting in 7,200 SF for the Proposed Project’s four pickleball courts. With respect to the bleacher use, the Code provides that where seating is provided by bleachers, such seats shall be calculated at the rate of one seat per eighteen inches. (Code, Section 20.340.040.E.2.) The Initial Study does not disclose the size or number of bleachers so it is unknown how many seats will be available to the pickleball courts, but those players in waiting would likely have the effect of increasing parking supply demands.

Given the documented popularity of the sport, and the availability of the bleachers, the City should have applied the more rigorous standard of one (1) space per 200 SF, which would result in, at minimum, an additional 36 parking spaces for the pickleball land use, in addition to the remaining park uses.

The concerns arising from pickleball use do not end there. The prevailing approach applied by other communities takes into account the decibel level from play, the effect of the noise upon proximate residences and businesses and light pollution from after-dark activities. Setbacks to mitigate light and noise are taken into account. None of this is addressed here and all of these are held to be environmental impacts.² ³ ⁴

IV.

THE PROPOSED PROJECT’S REQUIRED PARKING SUPPLY IS INADEQUATE TO ACCOMMODATE THE RESTAURANT USES.

The Proposed Project will include 10,400 SF of commercial uses, comprised of restaurant and retail. However, the City’s analysis uses a lower, net rentable square feet amount of just 9,575 square feet. This understates the quantity of commercial square feet by 825 SF, and therefore results in a lower parking supply requirement. (Elsewhere in the Code, the applicable standard is “gross square feet” and not “net rentable square feet.”) Assuming that such 825 square feet is distributed among the commercial uses, the required parking supply should be increased accordingly.

The Proposed Project anticipates that “outdoor dining will be the forefront for activating the streetscape.” (Specific Plan, p. 59.) Thus, the individual restaurant tenants will be permitted to create up to 35% of the net rentable square footage of their spaces of outdoor dining, or over 35% with an additional permit. The restaurant spaces are expected to total 7,295 SF, meaning that an additional 2,553 SF would be permitted by right. Using the standard of 6.5 spaces per 1,000 SF, **an additional 17 parking spaces** would be required for the outdoor dining uses alone.

The City’s analysis of the “sit-down restaurant” applied a parking supply rate of 7.5 spaces per 1,000 SF based upon an independent study of the adjacent restaurant spaces. This rate is less than the 8.5 spaces per 1,000 SF standard dictated by the Code. The City’s “cherry-picking” lowered the required parking supply by **three (3) parking spaces** (and more spaces are likely required, given that the 3,232 SF quantity is the “net rentable square feet” and not “gross square feet”).

Finally, the City’s parking supply rates for the restaurant uses fails to account for employee parking. For reference, in non-mixed use zones, the Code specifies that restaurants are required to supply three (3) employee parking spaces (for 1,000 to 4,000 SF) or two (2) employee parking spaces (for 1,000 SF or less). (Table 20.340-1.) It is

² See Attachment 2, available at: https://santa-rosa.granicus.com/MetaViewer.php?view_id=6&clip_id=705&meta_id=67707

³ See Attachment 3, available at: https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_two/2020/Files/wadmin20-0010w.pdf;

⁴ See Attachment 4, available at: <https://www.parkcity.org/departments/planning/code-amendments/pickleball>
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anticipated that there will be at least four separate restaurants. (Specific Plan, p. 77.) Thus, the required parking supply should have included **an additional 12 parking spaces** for their employees.

V.

THE PROJECT WILL ELIMINATE OFF-SITE PARKING

The Proposed Project will remove seven parking spaces from 1020-1050 W San Marcos Blvd, APN 219-200-46-00 (“1020-50 W San Marcos Blvd”), a single parcel that is owned by the Applicant, and which holds the Buffalo Wild Wings and the Cocina del Charro restaurants. 1020-50 W San Marcos Blvd contains two buildings totaling 17,492 SF, resulting in 149 required parking spaces under the City’s current 8.5 spaces per 1,000 SF standard. (Notwithstanding, it is believed that under the conditions of approval for 1020-50 W San Marcos Blvd, the City required the property to have 159 parking spaces.) 1020-50 W San Marcos Blvd contains 154 parking spaces, but the Proposed Project will eliminate 7 parking spaces, leaving it with just 147 parking spaces. Thus, the City’s statement that “the Buffalo Wild Wings site will still meet the City’s parking requirements” is not accurate, the property will be short by two parking spaces (or short by 12 parking spaces, based on the original conditions of approval). To the extent that the shortfall will be satisfied by the Proposed Project site (in which there is already a substantial deficit in parking), this will further exacerbate the limited parking supply in the affected area, and such shortfall could contribute to significant impacts to transportation and air quality, among others, and requires further analysis.

VI.

THE PROPOSED PROJECT’S ADT AND VMT ANALYSIS IS NOT ACCURATE

Table 1 of the VMT Impact Analysis discloses trip rates (based on SANDAG estimates) for the Proposed Project and is reproduced below:

Table 1: Proposed Project Trip Generation

Land Use	Units	Trip Rate	ADT	AM				PM			
				%	Trips	In	Out	%	Trips	In	Out
Multi-Family Units	202 DU	6/DU	1,212	8%	97	19	78	9%	110	77	33
Strip Commercial	10,400 SF	40/KSF	416	3%	13	8	5	9%	38	19	19
City Park	1.1 Acres	50/Acres	55	13%	9	5	4	9%	6	3	3
Project Total				1,683	118	31	87	153	99	54	
Existing Uses											
Restaurant (Quality)	63,484 SF	100/KSF	6,348 ¹	1%	64	-38	26	8%	-508	-356	-152
Net Change				-4,665	54	-7	61		-355	-257	-98

With respect to multi-family units, the SANDAG trip rate is 8 ADTs per dwelling unit where there are between 6-20 dwelling units per acre. The SANDAG trip rate drops down to 6 ADTs per dwelling unit where there are more than 20 dwelling units per acre. Here, the Proposed Project will have 202 dwelling units and the Proposed Project site contains 10.5 acres; thus, there are approximately 19.24 dwelling units per acre. As such, the City should have applied a standard of 8 ADTs per dwelling unit standard, which would have resulted in 1,616 ADTs versus 1,212 ADTs.

With respect to “Strip Commercial”, the City used the strip commercial standard, which is 40 ADTs per 1,000 square feet. For restaurant uses, however, SANDAG’s ADTs for a “sit-down, high turnover” restaurant is 160 ADTs per square feet, and for a “fast food (without drive-through)” restaurant is 700 ADTs per square feet. The Proposed Project’s commercial uses proposes 3,232 square feet of “sit down restaurant” uses and 4,063 square feet of “take-out restaurant”, and just 2,280 square feet of retail. Using SANDAG’s trip rates, the sit down restaurant would

generate 517 ADTs, the take-out restaurant would generate 2,844 ADTs, and the retail would generate 91 ADTs, for a grand total of 3,452 ADTs. Even if the take-out restaurant were to be categorized as a “sit down, high turnover” restaurant, those uses would generate 650 ADTs, for a grand total of 1,258 ADTs for the commercial uses.

With respect to the 1.1 acre park, the SANDAG standard is 50 per acre for a “City Park” (developed with meeting rooms and sports facilities). Notwithstanding, SANDAG provides more specific trip rate for tennis courts at 30 ADTs per court, or racquetball at 40 ADTs per court. Given that the four pickleball courts will feature bleacher seating (which is uncommon in both tennis and racquetball), the City should have analyzed VMT impacts with an additional 160 ADTs, which would have resulted in 215 ADTs for the City Park use. The resulting ADT and VMT calculations are thus described as follows:

Table C: Proposed Project Trip Generation

Land Use	Units	Trip Rate	ADT	Trip Length	VMT
Multi-Family Units	202 dwelling units	8 per dwelling unit	1,616	6.39	10,326
Sit Down Restaurant	3,232 square feet	160 per 1,000 square feet	517	5.39	2,786
Take Out Restaurant	2,280 square feet	700 per 1,000 square feet	2,844	5.39	15,329
Retail	2,280 square feet	40 per 1,000 square feet	91	5.39	490
City Park	1.1 acres	50 per acre	55	7.63	420
Pickleball	4 courts	40 per court	160	7.63	1,221
Project Total			5,123		30,572

In comparing Table 1 to Table C, it is clear that the City vastly underestimated the ADT and VMT that the Proposed Project would generate. These errors should be amended and analyzed in a detailed VMT Analysis, as discussed below.

VII.

THE PROPOSED PROJECT'S VMT WILL EXCEED VMT UNDER EXISTING CONDITIONS AND THEREFORE REQUIRES A DETAILED VMT ANALYSIS.

Under CEQA, the City is required to analyze the Proposed Project's impacts against a baseline of existing physical conditions (i.e., real conditions on the ground) in the affected area:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (Cal.Code Regs., tit. 14, § 15125, subd. (a), *italics added*.) A long line of Court of Appeal decisions holds, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework. This line of authority includes cases where a plan or regulation

allowed for greater development or more intense activity than had so far actually occurred, as well as cases where actual development or activity had, by the time CEQA analysis was begun, already exceeded that allowed under the existing regulations. In each of these decisions, the appellate court concluded the baseline for CEQA analysis must be the **“existing physical conditions in the affected area”** (*Environmental Planning Information Council v. County of El Dorado, supra*, 131 Cal.App.3d at p. 354, 182 Cal.Rptr. 317), **“that is, the ‘real conditions on the ground’”** (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra*, 87 Cal.App.4th at p. 121, 104 Cal.Rptr.2d 326; see *City of Carmel-by-the-Sea v. Board of Supervisors, supra*, 183 Cal.App.3d at p. 246, 227 Cal.Rptr. 899), **“rather than the level of development or activity that could or should have been present according to a plan or regulation.”** (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2020) 48 Cal.4th 310, at pp. 320-321, footnotes excluded, emphasis added).

The existing conditions standard applies notwithstanding the fact that a permit may allow maximum operating levels, which do not reflect existing conditions, as explained by *Communities*:

An approach using hypothetical allowable conditions as the baseline results in “illusory” comparisons that “can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,” a result at direct odds with CEQA’s intent. (*Environmental Planning Information Council v. County of El Dorado, supra*, 131 Cal.App.3d at p. 358, 182 Cal.Rptr. 317.) **“The Districts use of the prior permits maximum operating levels as a baseline appears to have had that effect here, providing an illusory basis for a finding of no significant adverse effect despite an acknowledged increase in NOx emissions exceeding the Districts published significance threshold.”** (*Communities*, 48 Cal.4th at p. 322, emphasis added.)

The CEQA Guidelines implementing S.B. 743 adheres to the same rule in *Communities*: “Projects that decrease vehicle miles traveled in the project area compared to **existing conditions** should be presumed to have less than significant transportation impact.” (CEQA Guidelines §15064.3(b)(1), emphasis added.)

Here, the Applicant’s traffic consultant performed actual driveway counts at the Proposed Project site on September 16, 2021, which totaled 2,179 daily trips and 11,745 VMT. Under *Communities*, this data reflects existing physical conditions, that is, the real conditions on the ground rather than illusory “allowable conditions.” Because the Proposed Project would result in a net increase in 18,827 VMT, the Proposed Project requires a detailed VMT analysis under Section 2.1.3.2 of the TIAG.

VIII.

THE PROPOSED PROJECT’S VMT IMPACTS SHOULD BE ANALYZED UNDER “MIXED-USE PROJECT” IMPACT THRESHOLDS RATHER THAN “REDEVELOPMENT PROJECT” IMPACT THRESHOLDS.

The CEQA Guidelines implementing S.B. 743 states:

A lead agency has discretion to choose **the most appropriate methodology to evaluate a project’s vehicle miles traveled**, including

whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. **The standard of adequacy in Section 15151 shall apply to the analysis described in this section.** (CEQA Guidelines §15064.3(b)(4), emphasis added.)

The TIAG further instructs that the City reserves the right to use its "professional engineering judgment" when reviewing applications, and in general, that the "City will make the final determination on a case-by-case basis on the appropriate metric(s) and threshold(s)." (TIAG.) The City's discretion, however, is guided by CEQA's demand that environmental analyses reflect a "good faith effort at full disclosure." (California Office of Planning and Research.)

Here, 86% of the Proposed Project site consists of nothing more than a parking lot and undeveloped land; the remaining 14% consists of "primarily vacant" commercial buildings (6 of the 10 restaurant spaces are unoccupied), which will be demolished. In other words, the Proposed Project site is largely undeveloped or has already been vacated. In light of the above, the City should have selected the applicable impact threshold that is most appropriate to evaluate the Proposed Project's VMT, consistent with its obligations to conduct an environmental analysis that reflects a good faith effort at full disclosure. Using the redevelopment impact threshold was error because, as instructed in *Communities*, a net VMT comparison of the three existing Old California Restaurant Row buildings to the Proposed Project is illusory—the restaurant spaces are now majority vacated. Therefore, the City should have analyzed VMT under the mixed-use impact threshold, which would require each use in the project (i.e., residential, employment, or retail) to be analyzed under separate impact thresholds (as defined in the TIAG).

IX.

FINAL COMMENTS

FHVC is pleased to submit the above comments, questions, and concerns for consideration by the City and in anticipation of thorough and complete responses in the responses to comments. However, FHVC does not represent that the City's responses will result in FHVC support for a finding that the Initial Study is adequate and in compliance with the California Environmental Quality Act.

If you have any questions regarding these comments, please contact Yin T. Ho at (415) 872-3232 or W. Stephen Wilson at (415) 872-3212.

Very truly yours,

Withers Bergman LLP,



Yin T. Ho

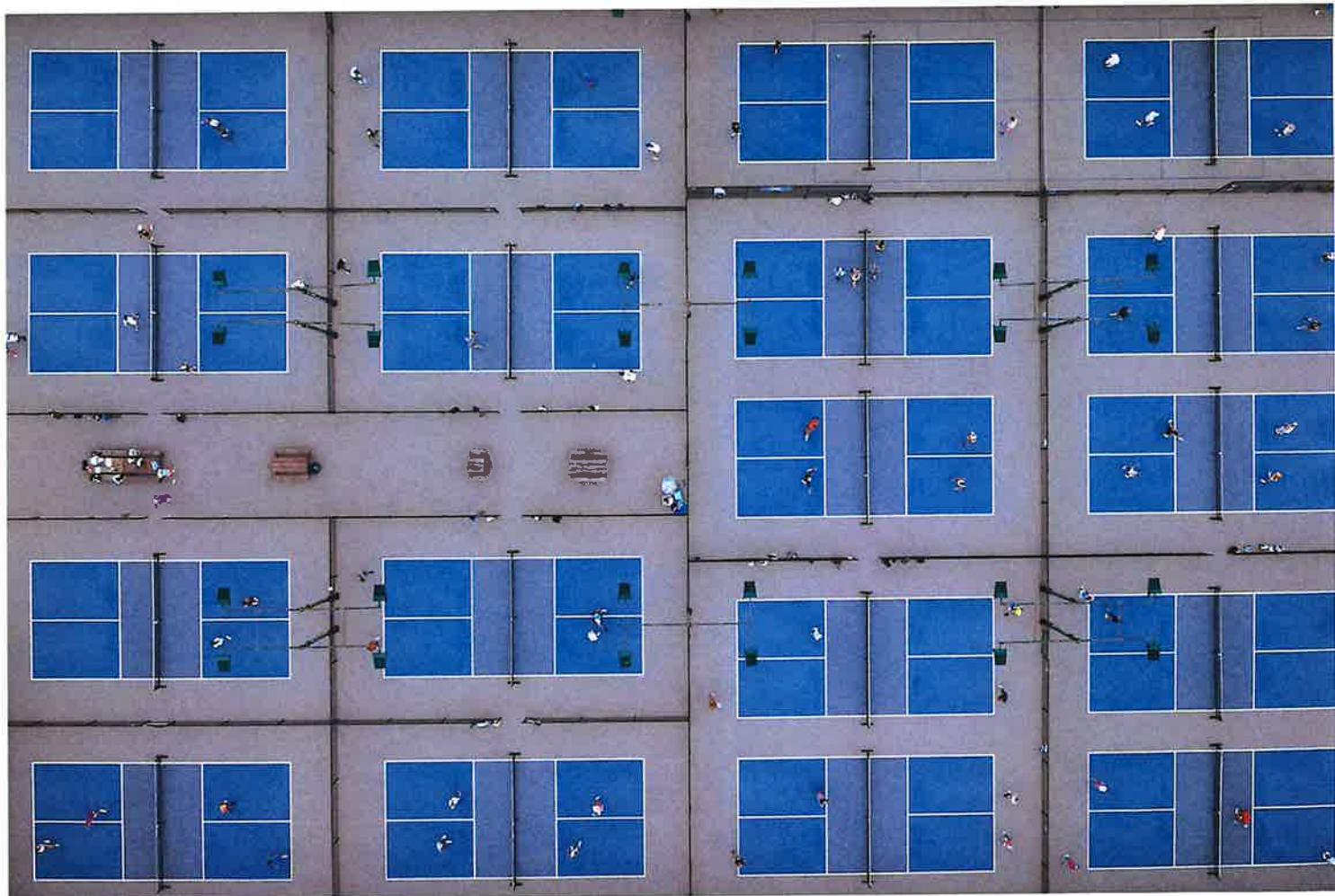
ATTACHMENT

1

[Sections](#)**The San Diego Union-Tribune**

POLITICS

‘This is not a fad’: Pickleball invasion shows no signs of slowing for the San Diego tennis clubs embracing it



(Nelvin C. Cepeda/The San Diego Union-Tribune)

‘I had yogurt shops in the 1980s, so I know what a fad is,’ said one racquet club owner.

BY DAVID GARRICK

SAN DIEGO — The surging popularity of pickleball is prompting a growing number of private tennis clubs and high-end resorts across San Diego County to convert tennis courts to smaller and more lucrative pickleball courts.

While pickleball players continue to lobby cities to convert more park space and public tennis courts to pickleball, the private sector is reacting more quickly and aggressively to the exploding demand for America's fastest growing sport.

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Owners of private clubs say the decisions are partly economic. You can fit four pickleball courts in the space of one tennis court, and pickleball players are typically more willing to pay to play.

They say that's because pickleball is more social than tennis, because the court is smaller. It's also easier to learn, less physically taxing and more fun for people with shorter attention spans because pickleball games take less time than tennis sets.

The two largest recent conversions are The Hub in Spring Valley and Bobby Riggs Racket and Paddle in Encinitas — two clubs that had been exclusively for tennis and are now devoted to pickleball, with more than 20 courts each.



LOCAL

FOR SUBSCRIBERS

Turf war heating up between tennis, pickleball in San Diego

June 17, 2022

Several other tennis clubs, including Fallbrook Tennis Club and Del Cerro Tennis Club, are in the process of revamping their courts. Fallbrook has converted three of its 10 tennis courts to pickleball, and Del Cerro has converted two of four.

Some clubs with long tennis traditions have been slower to embrace the new sport — but not all. Even the San Diego Tennis & Racquet Club in Bay Park and the La Jolla Beach and Tennis Club have added pickleball courts.

The trend has also spread to high-end resorts, with the Coronado Marriott, the Mission Bay Resort, Omni La Costa Resort & Spa and two resorts near Rancho Santa Fe — Rancho Valencia and Morgan Run — adding pickleball courts.

Many other private clubs have either converted tennis courts to pickleball, dual-striped tennis courts so they can be used for both or simply added pickleball courts on vacant land.

They include clubs in Rancho Bernardo, Fairbanks Ranch, Lomas Santa Fe, San Dieguito, Santaluz, Ramona, Scripps Ranch, Oceanside, Vista and Eastlake.



People play pickleball at Bobby Riggs Racquet & Paddle in Encinitas. Steve Dawson, the club's owner, calls the sport the "great equalizer" for how it accommodates people of varying skill levels. (Nelvin C. Cepeda/The San Diego Union-Tribune)

Pickleball courts are also popping up in other places on private property. Westfield UTC has built three pickleball courts on one of the mall's roofs, and the basement of the former Sears at Plaza El Camino Real in Carlsbad was converted to six indoor pickleball courts.

And the Lawrence Family Jewish Community Center in La Jolla has re-striped some of its tennis courts for pickleball.

Many people credit Steve Dawson, owner of the Bobby Riggs club in Encinitas, with starting the current local trend when he began converting his club's seven tennis courts about four years ago.

"We just followed the traffic and the demand, and the sport blew up — we got lucky," Dawson said last week. "We are 10 times more full than we ever were with tennis."

Dawson, a longtime tennis teacher, said he initially tried pickleball because he is too good at tennis to play with his kids. He calls pickleball the “great equalizer” as a sport — allowing people of widely varying skill levels to enjoy playing together.

Ted Angelo, owner of The Hub in Spring Valley, opened his all-pickleball club in January after revamping the defunct Astiz Tennis Center and its seven courts along state Route 94 near Campo Road.

“This is a real trend,” Angelo said last week. “There is enough demand to support many more pickleball courts.”

According to surveys by pickleball organizations, roughly 8 million people play the sport regularly, and more than 20 million have tried it at least once. Pickleball supporters predict there will be 30 million people playing regularly by 2030.

While the sport is popular with older people who can no longer handle the physical demands of sports like tennis, Del Cerro Tennis Club owner Alan Ferguson said his courts also draw many families who enjoy playing pickleball together.

“It’s been a really good mix for us,” said Ferguson, predicting pickleball is here to stay as a popular American pastime. “I had yogurt shops in the 1980s, so I know what a fad is. This is not a fad.”

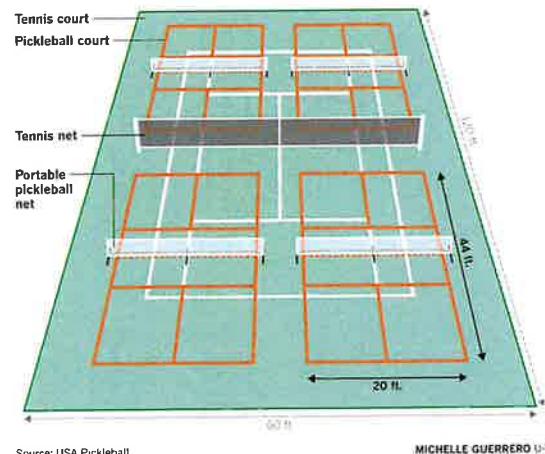
But tennis supporters stress that pickleball’s popularity isn’t coming at the expense of their sport. Tennis is also actually rising in popularity, particularly after the pandemic prompted many people to take up outdoor activities like tennis and golf.

John Broderick, president of the San Diego District Tennis Association, said the rash of court conversions is more about money than about pickleball becoming dramatically more popular than tennis.

“It’s a financial decision,” said Broderick, who plays both sports. “If you can squeeze more people in, you make more money.”

Making room for pickleball

Private racquet clubs across San Diego County are converting tennis courts to accommodate the increasingly popular sport of pickleball. This diagram shows how four pickleball courts fit on one tennis court.



Broderick estimates San Diego has lost about 120 tennis courts in the last 20 years, but that most of those were lost to real estate development long before the recent pickleball surge.



Corey Arnold of San Diego, center, hits as he and others play pickleball at The Hub on Wednesday in Spring Valley. "There is enough demand to support many more pickleball courts," the all-pickleball club's owner Ted Angelo said. (Meg McLaughlin/The San Diego Union-Tribune)

There aren't reliable national statistics on how many tennis courts have been converted to pickleball in recent years, but some pickleball groups have estimated that it's more than 150,000.

Carl Schmits, managing director of equipment standards and facilities development for nonprofit USA Pickleball, said the trend is accelerating.

"There are no signs of it slowing down, and the demographic appeal is widening," said Schmits, referring to pickleball's growing popularity with people under 50. "It's continued to grow organically (since) the pandemic."

USA Pickleball, the governing body for the sport, encourages partial or full conversions of tennis clubs by offering free advice and evaluations to clubs considering such a move. Schmits said his group also wants to cooperate with tennis organizations, not compete with them.

USA Pickleball has been lobbying for dual certification to allow one instructor to teach both pickleball and tennis, which would allow smaller clubs to offer lessons in both sports with only one staff professional.

While Schmits agrees that economics plays a role in the rash of court conversions, he said many private clubs are simply doing the right thing — reacting to floods of requests from members eager to try pickleball.

That kind of persistence is how some members of the San Diego Racquet and Tennis Club got the club to convert two of its 23 tennis courts to pickleball.



Recently on a Wednesday morning, most of the courts were in use at the Bobby Riggs club in Encinitas. (Nelvin C. Cepeda/The San Diego Union-Tribune)

“We used to bring our little net and mark up some space for pickleball on one of the tennis courts,” said Barbara Greiert, a longtime member of San Diego Tennis and Racquet. “It caught on, more people started playing, and they allowed us to convert a court.”

Greiert said the club’s pickleball players were grateful to get a second court eventually. But she notes that the two converted tennis courts were previously the least popular at the club, partly because their orientation forced players to stare into the sun more than on the other 21 courts.

She also said there isn’t a lot of mixing at the club between tennis and pickleball.

“We’re second-class citizens,” she said.



POLITICS

FOR SUBSCRIBERS

‘We’ve been sandbagged’: In its bitter turf war with tennis, pickleball looks like it just won a battle. Or did it?

Mike Shinzaki, a pickleball teacher who has lobbied for a central playing facility in Point Loma, said all the private conversions don't absolve the city of San Diego from an obligation to provide more public courts.

The Barnes Tennis Center, a public facility on city land, announced last month that it will soon have 19 pickleball courts. Pickleball supporters called that surprise announcement an effort to stifle momentum for a pickleball-only facility on city land.

Dawson, owner of the Bobby Riggs club, said the campaign for more pickleball courts on city land should be looked at in context.

He said it took tennis roughly 30 years to go from a country club-only sport to one where most cities had public courts. Pickleball supporters, he said, are having much more success much more quickly.

Rex Nielson, owner of the Fallbrook Tennis Club, said the pickleball momentum seems likely to keep reducing the number of private tennis courts in San Diego and across the nation.

"Pickleball is just going ballistic — the change is happening so fast," he said. "A lot of people still play tennis, but not like they did in its heyday."



David Garrick

ATTACHMENT

2

**Parking Analysis for
Oakmont Pickleball Complex
6633 Oakmont Drive
File number MNP 14-014**

Prepared by Oakmont Ad Hoc Pickleball Committee

Noel Lyons & Anita Easland, co-chairs

Prepared: July 31, 2015

Contents:

Study Description and Results	Page 1
Parking Availability by Day	Page 3
Parking Lot Photos	Pages 4 through 23

Parking study for Proposed Pickleball Courts

Public comments about the proposed project have raised concerns about parking. A study conducted by Oakmont volunteers during the first week of July reveals that there is more than sufficient parking for the expected usage.

Expected Usage: Four pickleball courts accommodate 16 players. Spectators are not normally anticipated, but during the most popular times there can be additional players waiting to play. A realistic maximum attendance would be 24 people -- 16 playing and eight waiting. Since we always have some players who arrive by golf cart, bicycle, or on foot, we should anticipate needing parking for 20 cars. The primary times for play are weekdays between 9:00 am and noon; with negligible play in the afternoons.

Counting: During the first week of July, volunteers counted the number of cars using the Berger/CAC parking lot at the times that are most popular for pickleball play. Car counts were conducted in the parking lot three times each day (at 9:30, 11, and 1:30) for six days. In addition, spot checks were performed during Sunday morning services (July 26, 10:45 am) and line dancing in the Berger (July 27, 6:30 pm).

Results: There were always at least 40 empty standard parking spaces available, in addition to one ADA space. At 12 of the 18 counts, there were 80 or more empty standard parking places, and 3 or more ADA spaces.

Larger Events: Occasional large attendance events (music concerts and life-long learning classes) were not represented in this study. These events are not scheduled during the summer months, so none occurred during this study. However, these events occur in the afternoon when pickleball courts are lightly used. Thus the proposed courts will not burden the parking lots during those times.

The attached spreadsheet shows the number of available standard and handicap parking spaces during the three daily counts, as well as whether or not events were going on in the Berger, CAC, or Central Pool areas. Photographs of the lot were taken by the volunteer counters and these are also included in the project packet.

			Available	Available	Berger	Pool	CAC
Date	Day	Time	Std. Spaces	H'Cap Spaces	Event	Event	Event
6-Jul	Monday	9:30 AM	58	4	✓	✓	✓
	Monday	11:00 AM	97	4		✓	✓
	Monday	1:30 PM	106	4	✓	✓	✓
7-Jul	Tuesday	9:30 AM	80	4		✓	✓
	Tuesday	11:00 AM	65	5	✓		✓
	Tuesday	1:30 PM	97	5	✓		✓
8-Jul	Wednesday	9:30 AM	45	5	✓	✓	✓
	Wednesday	11:00 AM	81	4	✓	✓	✓
	Wednesday	1:30 PM	40	1	✓		✓
9-Jul	Thursday	9:30 AM	89	5	✓	✓	✓
	Thursday	11:00 AM	65	4	✓		✓
	Thursday	1:30 PM	109	5			✓
10-Jul	Friday	9:30 AM	68	6	✓	✓	✓
	Friday	11:00 AM	106	4			✓
	Friday	1:30 PM	100	5			✓
11-Jul	Saturday	9:30 AM	109	3			✓
	Saturday	11:00 AM	104	3			✓
	Saturday	1:30 PM	130	5			
26-Jul	Sunday	10:30 AM	100	5	✓		
27-Jul	Monday	6:45 PM	120	5	✓		



July 6, 2015 at 9:31:32 AM



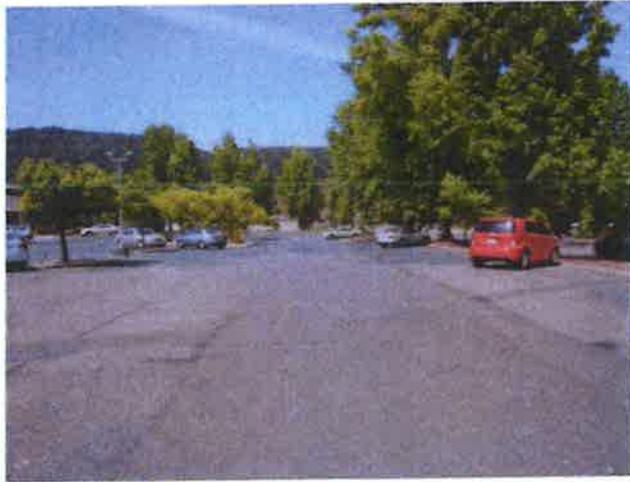
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July 6, 2015 at 9:32:10 AM



July 6, 2015 at 9:32:15 AM



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July 6, 2015 at 11:14:11 AM



July 6, 2015 at 11:14:27 AM



July 6, 2015 at 1:32:53 PM



July 6, 2015 at 1:33:00 PM



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July 6, 2015 at 1:33:35 PM



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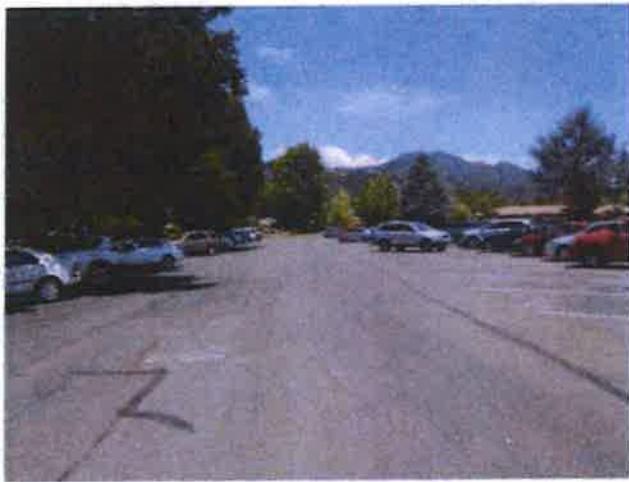
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July 7, 2015 at 1:27:08 PM



July 8, 2015 at 9:27:24 AM



July 8, 2015 at 9:27:34 AM



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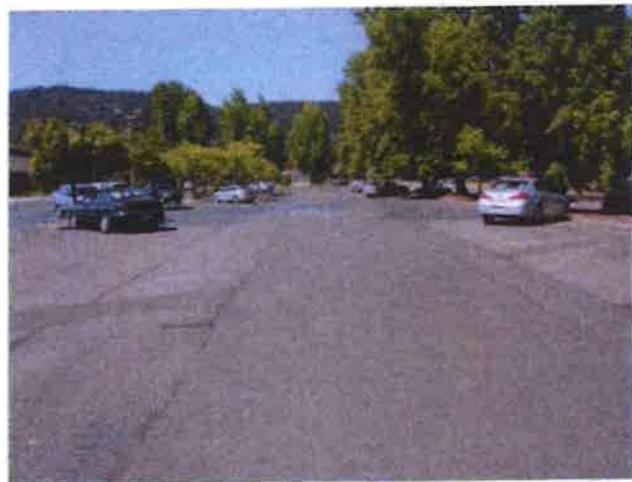
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only 3 views available



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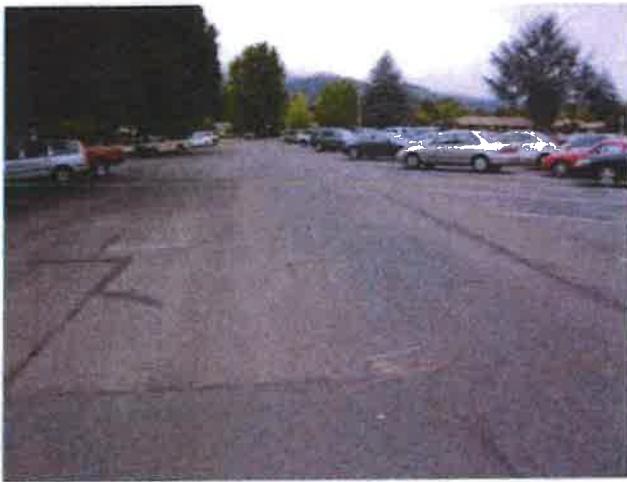
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July 8, 2015 at 1:30:13 PM



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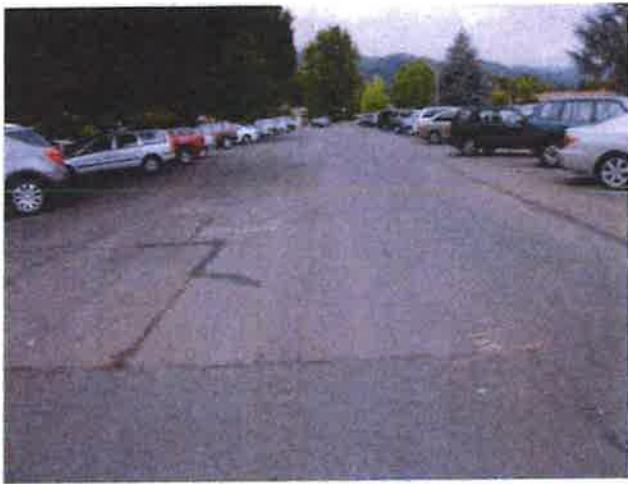
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July 9, 2015 at 1:25:10 PM



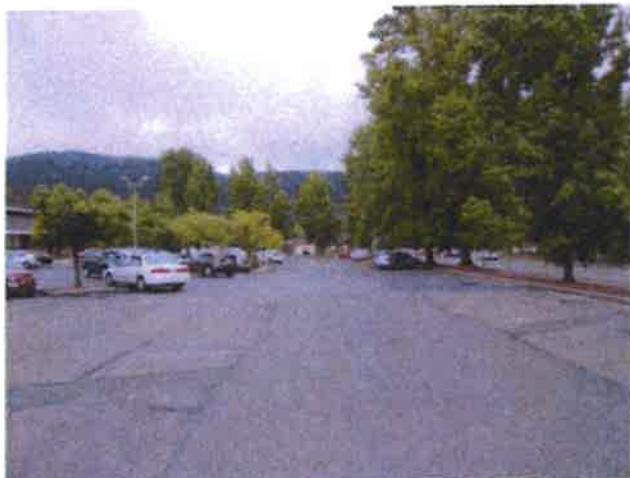
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July 10, 2015 at 11:03:56 AM



July 10, 2015 at 11:04:13 AM



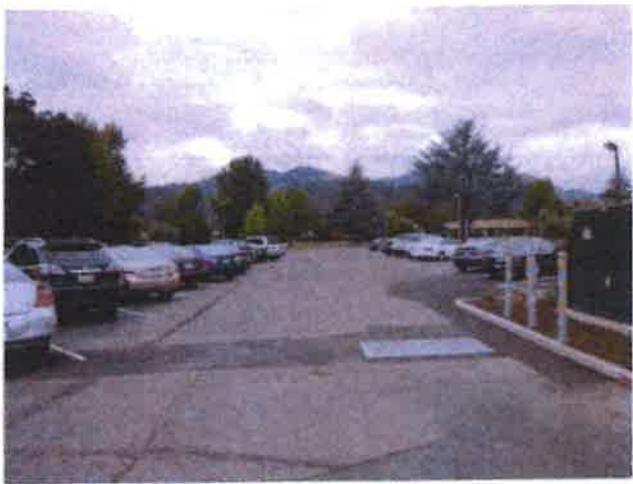
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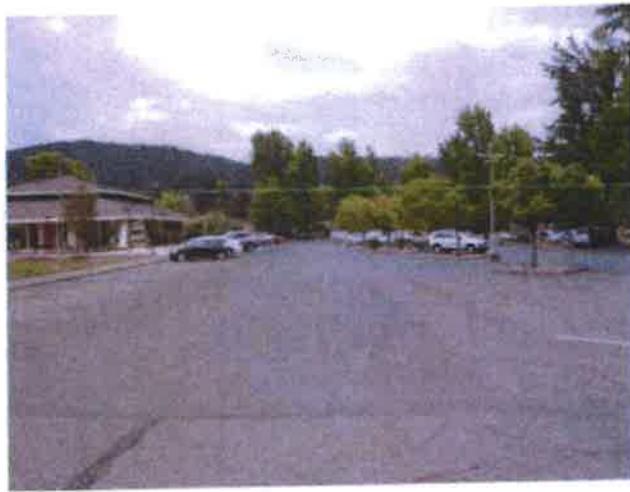
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July 10, 2015 at 1:38:21 PM



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malfunction; only one
view available**

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July 11, 2015 at 11:02:22 AM



July 11, 2015 at 11:02:26 AM



July 11, 2015 at 11:02:43 AM



July 11, 2015 at 11:02:47 AM



July 11, 2015 at 1:30:41 PM



July 11, 2015 at 1:30:47 PM



July 11, 2015 at 1:31:04 PM



July 26, 2015 at 10:44:36 AM



July 26, 2015 at 10:44:53 AM



July 26, 2015 at 10:45:26 AM



July 26, 2015 at 10:45:40 AM



July 27, 2015 at 6:35:20 PM



July 27, 2015 at 6:35:47 PM



July 27, 2015 at 6:36:13 PM



July 27, 2015 at 6:36:43 PM

Hours of Play and Events

Information for

Oakmont Pickleball Complex

6633 Oakmont Drive

File number MNP 14-014

Prepared by Oakmont Ad Hoc Pickleball Committee

Anita Easland, co-chair

Submitted: July 28, 2015

Contents:

Description of plans for play and events	Page 1
Description of Pickleball events at Finley park	Page 2
Description of Tennis events in Oakmont	Page 3

Hours of Play and Events

Public comments have raised concerns about pickleball hours and average number of players during those hours. Also, there are concerns about "tournaments" and numbers of guests. And, there has been the concern raised about what restrooms will be used by players and guests.

Hours of play: 8:00 a.m. to 7:00 p.m. is somewhat consistent with the play hours for Oakmont tennis except they can play until dusk. None of the Oakmont Tennis courts have lights. The only lights in our plan are path lights. Play times will vary between winter usage due to shorter hours of daylight and summer hours due to midday heat.

Expected usage: Four pickleball courts accommodate 16 players. Spectators are not normally anticipated, but during the most popular times there can be additional players waiting to play. A realistic maximum attendance would be 24 people—16 playing and eight waiting.

Interclub visits and Round Robin play: 14 players from our club and 14 player visitors would be a high number based on the information from Ken Kerst, (see page 2) who manages play at Finley park. He states in the attached e-mail, "we generally have 3 or 4 "Interclub visits" wherein 8-12 individuals from another club (Sacramento, Martinez, Walnut Creek) come to participate in a round robin. Usually they do car pool." The only "tournaments" Finley does host are the Wine Country Senior Games and they are able to make temporary use of adjacent tennis courts to accommodate the increased number of players since their 4 pickleball courts would not be adequate. Oakmont will not have adjacent tennis courts and will not be hosting "tournaments". President of the Oakmont Tennis Club, Neil Linneball, describes matches they have with visiting clubs as "typically 6 players from another team competing with 6 players from our team. These players always car pool..." (see page 3).

Restroom usage: Access is available in the Central pool bathrooms and the Central Activities Center patio restrooms. Also, there are restrooms available in the Berger Center. Only the Central pool bathrooms require an electronic access card.

From: "Ken Kerst" <kakerst@gmail.com>
To: "Anita or Diane" <dianita@mcn.org>
Cc: "Frank Batchelor" <ova.bod.batchelor@sonic.net>; <cassie@oakmontvillage.com>; "tom Kendrick" <tomkendrick57@gmail.com>; "Noel Lyons" <NoelLyons@comcast.net>; <arleneknu@aol.com>
Sent: Monday, June 22, 2015 9:34 AM
Subject: RE: Gathering info for our Public Hearing

Hello everyone,

I wish you luck in your quest. Now to your questions. Apart from the Wine Country Games in May/June every year we generally have 3 or 4 "Interclub visits," wherein 8-12 individuals from another club (Sacramento, Martinez, Walnut Creek) come and participate in a round robin. Usually they do car pool. We also have ladder matches amongst ourselves 2-3 times a week involving groups of 4. Last fall we did have a second tournament for the Senior Games, but that was a one-off and won't happen again.

I hope that answers your questions. On a different note, we are seeing a boomlet in new people wanting to play pickleball at Finley recently. As pickleball becomes more mainstream, I'm certain Oakmont will also feel pressure to provide the membership with the facilities that contribute to their health and wellbeing. Again, keep fighting the good fight and let us know if you need anything.

Ken Kerst

-----Original Message-----

From: Anita or Diane [mailto:dianita@mcn.org]
Sent: Saturday, June 20, 2015 12:01 PM
To: ken kersi
Cc: Frank Batchelor, cassie@oakmontvillage.com; tom Kendrick; Noel Lyons
Subject: Gathering info for our Public Hearing

Hi Ken,

The City Planner for our project, Susie Murray, wants us to gather info for our presentation packet. Pickleball is new in Santa Rosa and they don't have anything in their codes for outdoor Pickleball. There are some of our Oakmont opponents who are concerned that we are going to have "Tournaments" and bring too many people to Oakmont and use too much parking, etc, etc. Susie asked what does the word "Tournament" mean to us? She suggested we communicate with you. I know you host the Senior Games, but how often do you have other clubs come and compete? Do you call them "fun matches" or social matches or Tournaments? Do you have ladder matches or Round Robin matches among members of your group? If you have out of town players (No. Calif.) like Sacto or Del Webb or East Bay how many players usually come?

From: Neil Linneball <Neil.Linneball@oakmonttennis.com>
Subject: Re: BACKGROUND INFO REGARDING TENNIS "TOURNAMENTS"
Date: July 15, 2015 at 4:18 PM
To: Anita Eastland <Anita.Eastland@oakmonttennis.com>

page 3 of 3

Anita,

I spoke with Terri Somers who has all the info on number of matches using Oakmont courts(ie, home matches) etc since March 2014. I think her write-up is difficult to read and could easily be misinterpreted by those who like to do that sort of thing. Even then there is no way that anyone's interpretation can show that the impact is anything but insignificant. I will forward her email to you for your perusal.

Instead, here is what I would say:

To whom it may concern:

My name is Neil Linneball and I am the president of the Oakmont Tennis Club. With respect to usage of the Oakmont tennis courts for USTA home(Oakmont) matches we have averaged about two matches a month over the last fifteen months since USTA started at Oakmont. These matches involve typically six players from the other team competing with six from our team. . These players almost always carpool and typically arrive in two cars. The number of supporters or fans is typically zero, but at most is 2 to 3 people(typically one car).

The matches utilize two courts for about 2 hours. Also, we have never held a National competition here and it is highly unlikely that we ever will considering the fierce competition nationally.

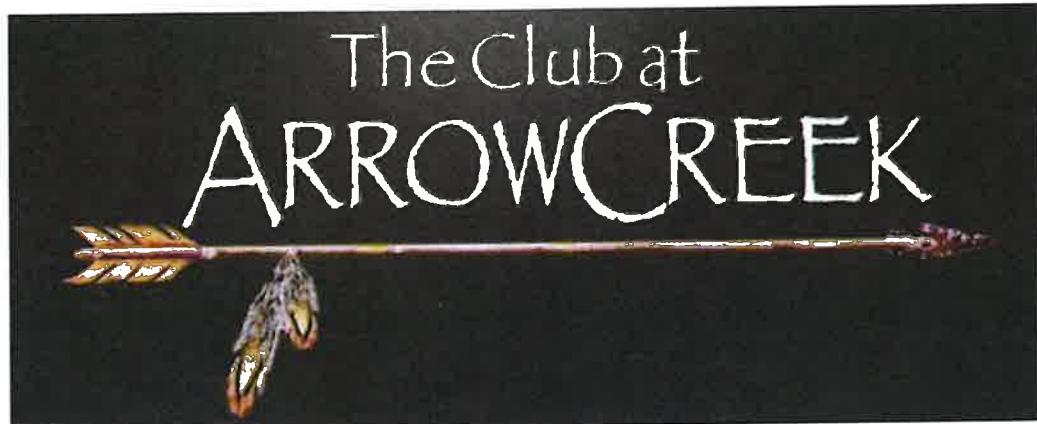
Thus it should be apparent that the impact or load on the Oakmont courts is very low(and at least half of the players are Oakmonters). Similarly the impact on parking at the courts is insignificant.

We have further data and statistics to back up these statements if needed. Thank you.

Neil Linneball

ATTACHMENT

3

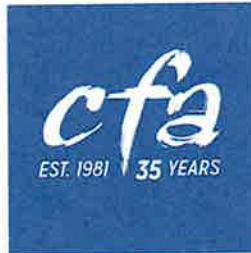


PICKLEBALL FACILITY ADMINISTRATIVE PERMIT

PREPARED FOR

LUCKY STAR GOLF, LLC

PREPARED BY:



WITH:



OCTOBER 8, 2020

PROJECT: 88-004.89

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: The Club at Arrowcreek Indoor Pickleball Facility			
Project Description: Proposed is a 9,000+/- s.f. indoor pickle ball facility with necessary parking and landscape improvements located approximately 2,400 feet NW of the existing clubhouse.			
Project Address: 2905 E. Arrowcreek Parkway			
Project Area (acres or square feet): 149.06+/- AC (subject parcel) and 1.68+/- AC (Development Site Area)			
Project Location (with point of reference to major cross streets AND area locator): Approximately 650 feet South of W. Arrowcreek Pkwy. and Alpine Frost Court			
Assessor's Parcel No.(s): 152-021-03	Parcel Acreage: 149.06+/- AC	Assessor's Parcel No.(s):	Parcel Acreage:
Indicate any previous Washoe County approvals associated with this application: Case No.(s). DA9-1-93,SPW9-13-93,WSUP18-00016,WSUP18-0020,WADMIN18-0015			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Lucky Star Golf, LLC		Name: CFA, Inc.	
Address: 2905 E. Arrowcreek Pkwy Reno, Nevada		Address: 1150 Corporate Blvd. Reno, Nevada Zip: 89502	
Phone:	Fax:	Phone: 775-856-7073	Fax:
Email: rconrad@raycoassociates.com		Email: dsnelgrove@cfareno.com	
Cell:	Other:	Cell: 775-737-8910	Other:
Contact Person: Raymond Conrad		Contact Person: R. David Snelgrove, AICP	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Lucky Star Golf, LLC		Name: Tony Ciorciari	
Address: Same as Above		Address: 5905 Flowering Sage Court	
Zip:	Reno, Nevada	Zip: 89511	
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell: 775-771-4544	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Administrative Permit Application

Supplemental Information

(All required information may be separately attached)

1. What is the type of project or use being requested?

A 9,000+- s.f. Indoor pickleball facility containing 4 courts and associated parking and landscaping.

2. What section of the Washoe County code requires the Administrative permit required?

Article 302 - allowance of indoor sports and rec. use in PR Zone and some aspects of Article 438.

3. What currently developed portions of the property or existing structures are going to be used with this permit?

The Development Site Area had previously been graded, but no existing structures are located in the development area.

4. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

All shown site improvements will need to be constructed. Completion in late 2021 to early 2022 is expected.

5. Is there a phasing schedule for the construction and completion of the project?

No phasing schedule is needed for this facility.

6. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

Good separation from residential uses, site is suitable for development per grades and facility is indoor use only.

7. What are the anticipated beneficial aspects or effect your project will have on adjacent properties and the community?

Distributes some of the recreational opportunities to other area of Arrowcreek community.

8. What will you do to minimize the anticipated negative impacts or effect your project will have on adjacent properties?

Dark Skies Lighting techniques, all indoor facility for play and landscaping.

9. Please describe any operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

Hours of operation are proposed to be from 7:00 am to 9:00 pm. All play will be indoor.

10. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

46 on-site parking spaces, which meets code requirement for indoor sports and recreation use.

11. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

Please see preliminary landscape plan provided with application.

12. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

Please see project narrative for description of signage and lighting, proposed.

13. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

14. Utilities:

a. Sewer Service	Washeoe County
b. Water Service	TMWA for Domestic and Washoe County Reclaimed for Landscaping

For most uses, the Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required:

c. Permit #		acre-feet per year	
d. Certificate #		acre-feet per year	
e. Surface Claim #		acre-feet per year	
f. Other, #		acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):

A TMWA Discovery Report that was prepared for the overall expansion on the subject property is provided in the application package.

Appendix A

- Project Narrative

Project Narrative - Table of Contents

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Project Narrative

Property Location/Site Area

The Club at ArrowCreek (TCAC) clubhouse is located at 2905 E. Arrowcreek Parkway, approximately 3,000 feet north of the ArrowCreek Guard House entry to the gated community. The subject property is a 149.06+/- acre parcel (APN 152-021-03) that houses the clubhouse, golf practice facilities, a pool, and some of the golf holes associated with the two 18-hole golf courses offered by TCAC. The proposed site for the pickleball facility is on a portion of the primary club parcel (APN 152-021-03), but only includes 73,300+/- s.f. (1.68+/- acres) of the 149.06+/- acre subject parcel. The proposed pickleball Development Site Area is located approximately 2,400 feet northwest of the existing clubhouse building and 650 +/- feet south of the intersection of Alpine Frost Court and W. Arrowcreek Parkway. A vicinity map is provided in the following page that shows the site area location associated with this application.

Project Overview

TCAC is located within the ArrowCreek Master Planned Community at the western end of ArrowCreek Parkway in Southwest Reno. The Arrowcreek master planned community was originally approved under the name Southwest Pointe in 1999 and was initially designed and approved to have 1,090 single family lots, two 18-hole golf courses with a and other amenities.

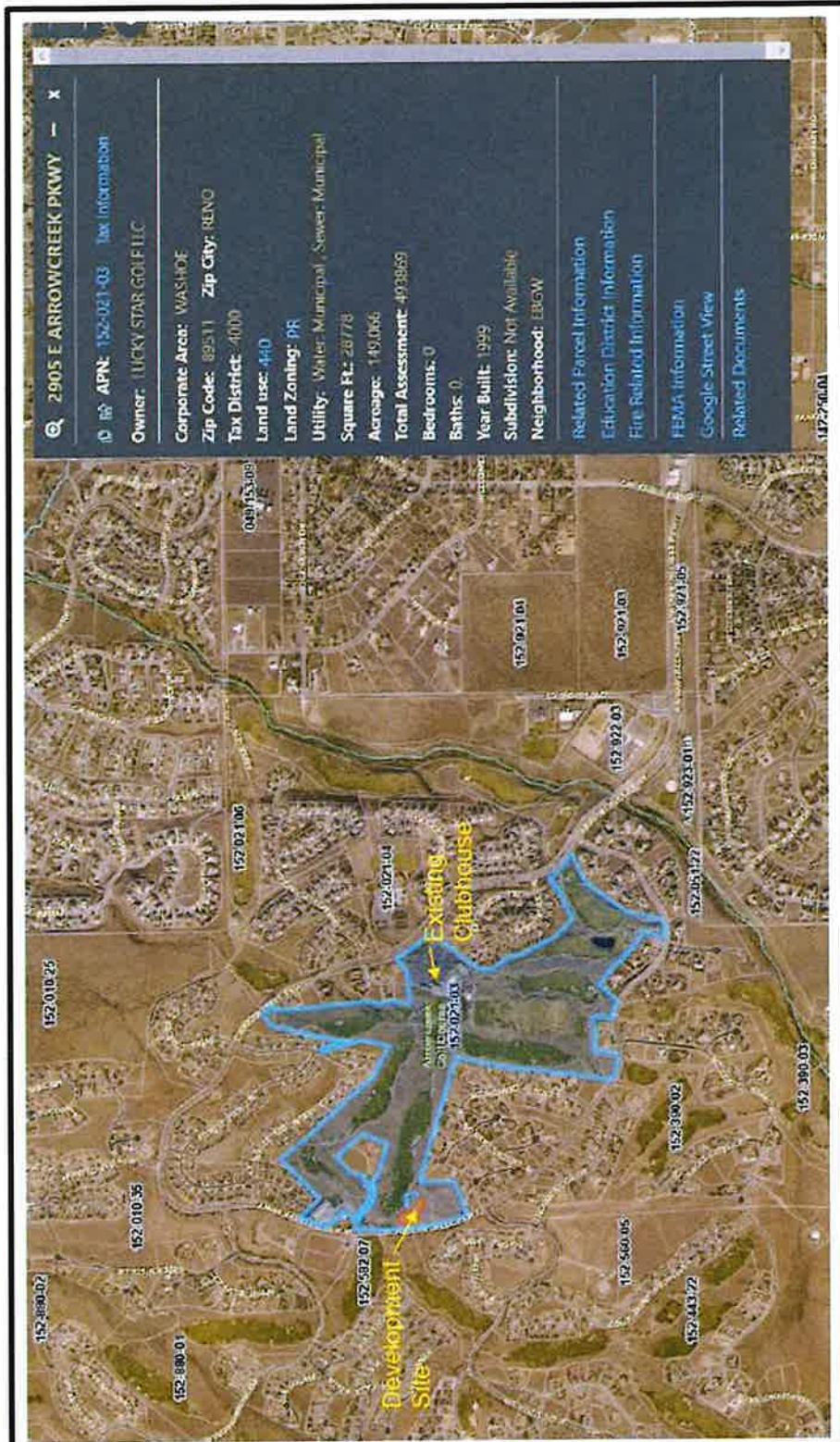
In 2018, TCAC embarked on an expansion and improvement plan to the clubhouse and golf course facilities with improvements to the golf practice areas behind the clubhouse building, expansion of the clubhouse, addition of a pool building and deck with improved cooking facilities near the pool and a pickleball facility. These approvals were granted through a series of special use permit, administrative permits and a zone change (changing the subject parcel to PR zoning) to allow for the varied uses that the club offers and wished for expansion and better service to their members. The approvals for all these improvements and additions were granted under the following Washoe County cases: WSUP18-0016; WSUP18-0020; WADMIN18-0015; and WRZA18-0009.

The Pickleball Facility was approved as part of the application that contained WSUP18-0020 and WADMIN18-0015 that allowed for expansion of the clubhouse facilities and offerings within and around the clubhouse. This included a 7,000 s.f. pickleball building to be located near the southeastern corner of the clubhouse, within the existing parking lot. After approval of the application, the location of the pickleball facility was questioned by the property owner in that it would have some view impact to some of the neighbors to the south, and it would take away some of the preferred member parking spaces. As such, an alternative location was sought for consideration. The site that was ultimately chosen is provided within this application package. It is necessary to revisit part of the Administrative Permit that had previously been decided for this facility as the location has changed. Indoor Sports and Recreation uses are allowed with the approval of an Administrative Permit.

THE CLUB AT ARROWCREEK - PICKLEBALL FACILITY

ADMINISTRATIVE PERMIT

Figure 1 – Vicinity Map



Project Request

This Administrative Permit request is for a 9,000+/- s.f. pickleball building, associated parking, and landscaping. There are a couple areas of grading that need to be covered under this permit and the grading aspects were discussed with county staff prior to submittal of the application and it was identified that these grading aspects could be covered under the Administrative Permit process since a permit

Grading – the preliminary grading plan provided with this application identifies that there 4,983+/- CY of net cut to finish grade that will be necessary for the site preparation for the project. Through review of the cut and fill map, it was not identified that any of the volume of depth thresholds in Article 438 would be exceeded with the plan. However, there are a few, man-made 30% or steeper slopes that will be impacted with the grading and improvements for the parking lot and drop-off area. As such, this aspect of the plan would need consideration and review through this administrative permit process. The areas of 30%+ slope that will be impacted can be seen in the Slope Analysis Map provided in Appendix C with this application.

The section of Article 438 that needs consideration and review as part of this application is 110.438.35(a)(3) – Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper). There are small areas of 30% plus sloped and within the parking lot and drop-off area that technically meet this threshold for review. They are very minor in overall size as there is only 669+/- s.f. of 30%+ slopes on the entire development site area.

Signage

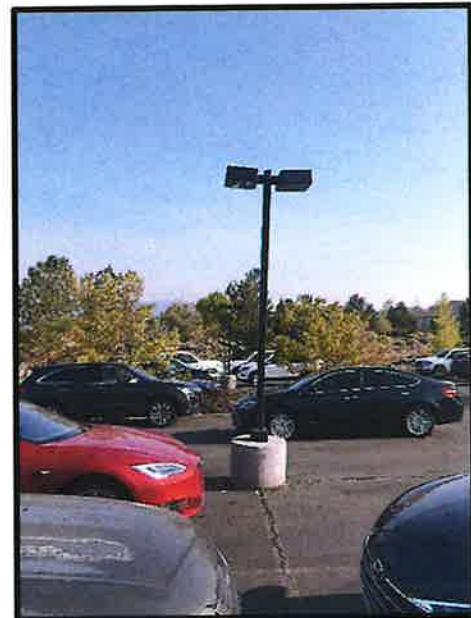
Part of the proposed improvements will include a monument sign to provide appropriate directional guidance to the facility. Signage for the project has not yet been designed but will meet the requirements contained in Article 505 (Sign Regulations) of the Washoe County Development Code. Below are two photographic examples of signage that is currently used at TCAC for project entry and directional signage. Final signage design for this project is anticipated to closely follow this style or be complementary.



Lighting

Lighting will be provided to meet safety requirements for users of the facility, and for public safety and policing. Lighting will be provided as wall lighting on the pickleball building to help to illuminate project entries, walkway and to provide nighttime shadowing and architectural highlighting of the building.

Additionally, site and parking lot lighting will be provided with modest height light standards to meet the requirements for safety and policing in the parking lot and walkways to and from the building. Site lighting will include light standards that will have a maximum height of between 15 and 20 feet and will provide downlighting to minimize light spillover or glare. Additionally, bollard lighting may also be used to light pedestrian path areas to and from the building, similar to the lighting package that is included in the clubhouse. Some of the lighting (not necessary for policing visibility) could be placed on motion sensors such that lighting is kept to a minimum during non-operational hours.



Parking

The Washoe County development Code Article 410 identifies that the parking requirement/ratio for Indoor Sports and Recreation uses is 5 spaces per 1,000 s.f. and 1 space per each employee on the largest shift. The 9,000+- s.f. pickleball facility requires 45 spaces and it is anticipated that the typical peak shift employees needed to assist pickleball playing members would be 1. The total parking requirement for this facility is 46. Two of the parking spaces must be provided as accessible parking. These overall parking requirements are met as is the requirement for accessible parking.

TCAC offers golf cart access and parking of carts at the clubhouse and will also provide cart parking at this facility. There is a defined cart parking area north of the pickleball building, on the north side of the driveway. Some members that live within the Arrowcreek community drive their private golf carts to and from the clubhouse for their golf rounds, social activities, dining, or other events. This opportunity will also exist with the pickleball facility.

Landscaping

A preliminary landscape plan is provided with this application. The total amount of landscape area provided on the Development Site Area is 30,576+- s.f. (+/-41% of the site). This amount of landscape provided significantly exceeds the code minimum requirement for the Development Site Area. Additionally, it should be understood that the preponderance of the project parcel (149.06+- acres) is provided as a golf course, with natural landscape or ornamental landscaping (around the clubhouse facility, pool facility and golf

practice areas) and this overall parcel greatly exceeds the requirements for landscaping set for in the Washoe County Development Code.

Solid Waste Disposal

All solid waste will be transported from the pickleball facility to the clubhouse where trash facilities for pickup exist. This is similar to what is done with garbage from cans and collection buckets at golf holes and on-course bathrooms. It is specifically requested that a trash enclosure and trash collection not be required at this facility as garbage can be handled at the appropriate central location of the clubhouse, as already occurs for the other uses on the subject parcel.

Traffic

A 7,000 s.f. indoor pickleball facility with 4 courts was previously reviewed as part of the clubhouse expansion project in 2018 (WSUP18-0020/WADMIN18-0015) by Solaegui Engineers. The Traffic Letter (provided in Appendix C) that was prepared for this previous project, inclusive of the 4 court indoor pickleball facility, concluded that the net peak hour traffic volume increase was not large enough to trigger the need for a full traffic study, per Washoe County policy. Given that the currently proposed facility was previously included in a review of traffic for TCAC Clubhouse Expansion and Pickleball Facility project and this currently proposed facility is only a relocation from the previously approved site (near the clubhouse), the applicant believes that traffic for this facility has already been reviewed and accepted with the previous application approval.

Existing Utilities Facilities and Easements

The Development Site Area possesses a few utility easements that include an overhead powerline easement for the benefit of NV Energy (Doc No. 1607389), two TMWA easements for waterlines, access to a pump station, and for the location and access to a monitoring well (Doc No's.2151624 and 4862776), and a common area maintenance easement to the Arrowcreek HOA for a detention basin (Doc No. 2342737). Each of these easements and the facilities that are existing or allowed under the easement language has been considered and accommodations made with the preliminary site planning and grading or if the site plan and grading does not impact the uses provided for in the easement. A copy of each of the above-noted easement documents are provided in Appendix D of this application.

Overhead Powerline Easement (NV Energy) - Discussions with NV Energy have commenced and it is recognized by the application that the establishment of a Transmission Use Agreement will be necessary to ultimately allow for the proposed parking lot and drop-off lane that are part of the site. The applicant will continue to work with NV Energy to get an appropriate, acceptable agreement in place. It is understood that verification of such an agreement may become a condition of approval for this project through the administrative permit process.

TMWA Easements – The site plan has been designed to work with the facilities and access requirements that are in place per the two easements that TMWA holds on the property. The applicant's representative has made initial contact with TMWA and provided a conceptual plan for TMWA staff review and initial

comments, and a follow-up meeting has been scheduled for shortly after submittal of this application to Washoe County. The applicant remains committed to working with TMWA to make sure that their allowed facility and access rights established under these easement documents remains either protected and open or improved.

Master Plan and Zoning

Master Plan – The subject parcel is master planned Rural Residential (RR), and the Southwest Truckee Meadows Area Plan identifies properties to be within the ArrowCreek Wildland Transition Suburban Character Management Area (AWTSCMA).

Zoning – The subject parcel was recently rezoned to Parks and Recreation (PR) and that zoning designation is allowed under both the master plan designation of RR and the SWTMAP designation of AWTSCMA.

An Existing Master Plan and Zoning Exhibit is provided on the following two pages.

THE CLUB AT ARROWCREEK - PICKLEBALL FACILITY

ADMINISTRATIVE PERMIT

Figure 2 – Master Plan Exhibit

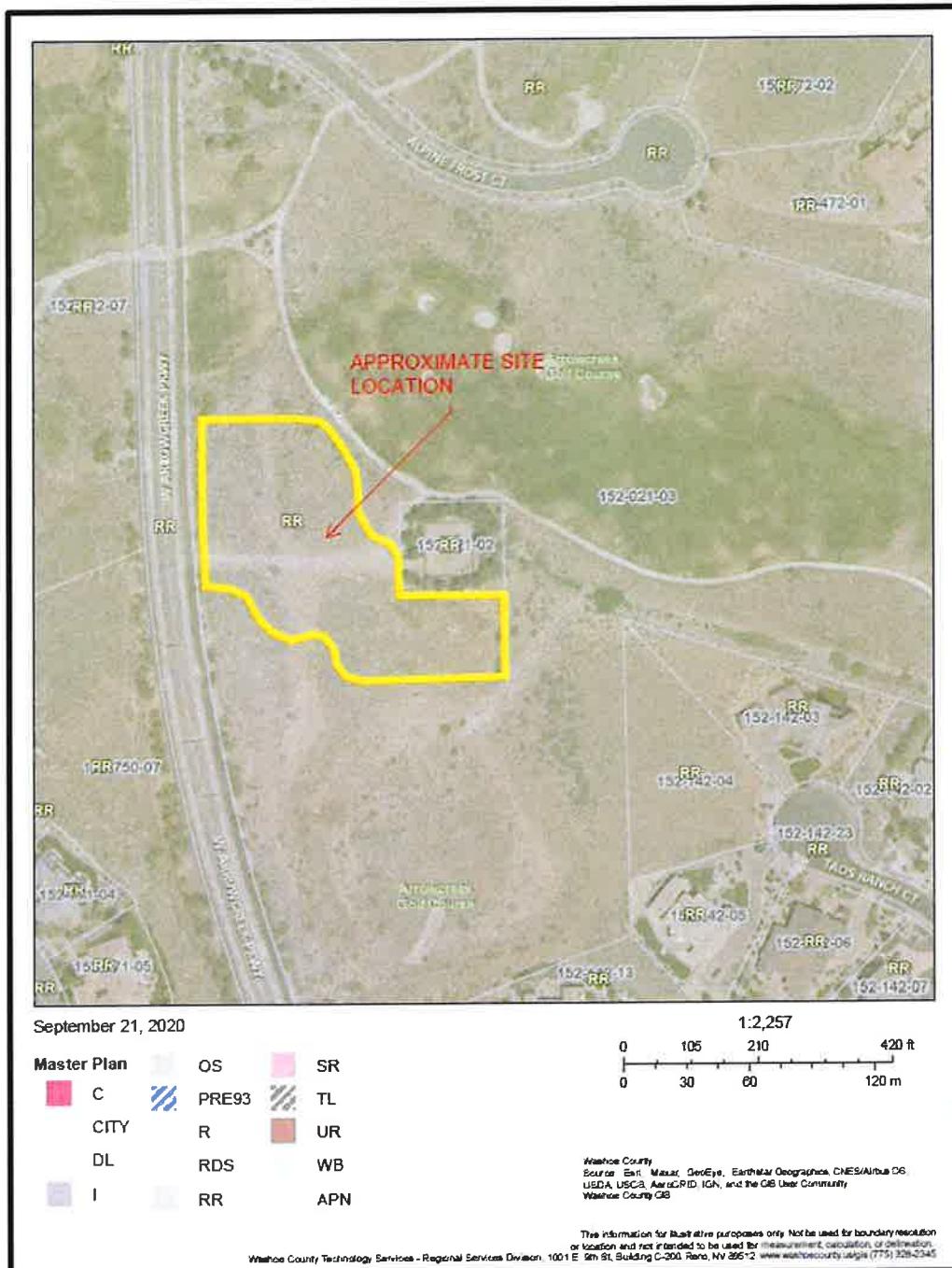
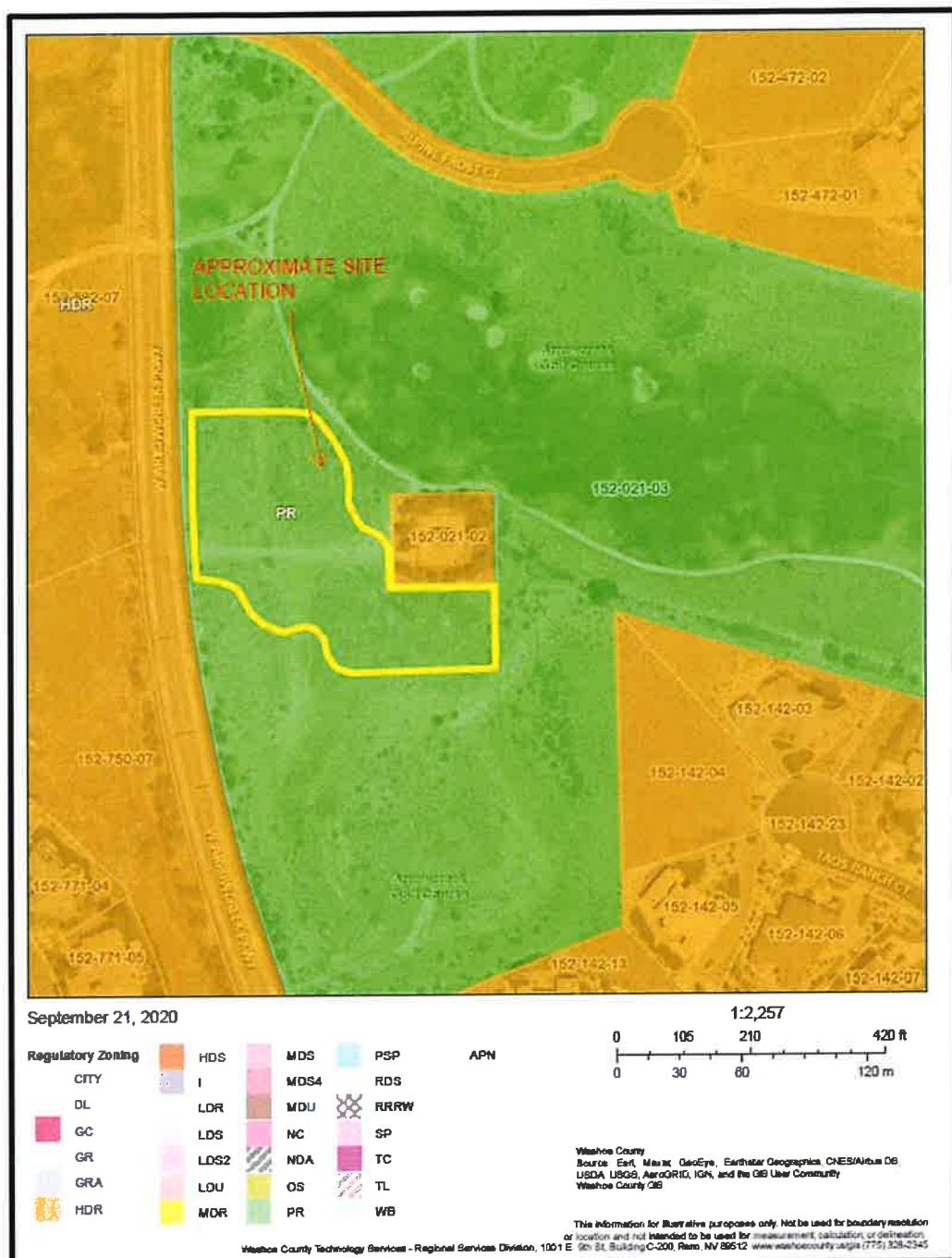


Figure 3 – Zoning Exhibit

THE CLUB AT ARROWCREEK - PICKLEBALL FACILITY

ADMINISTRATIVE PERMIT



Existing Site Conditions

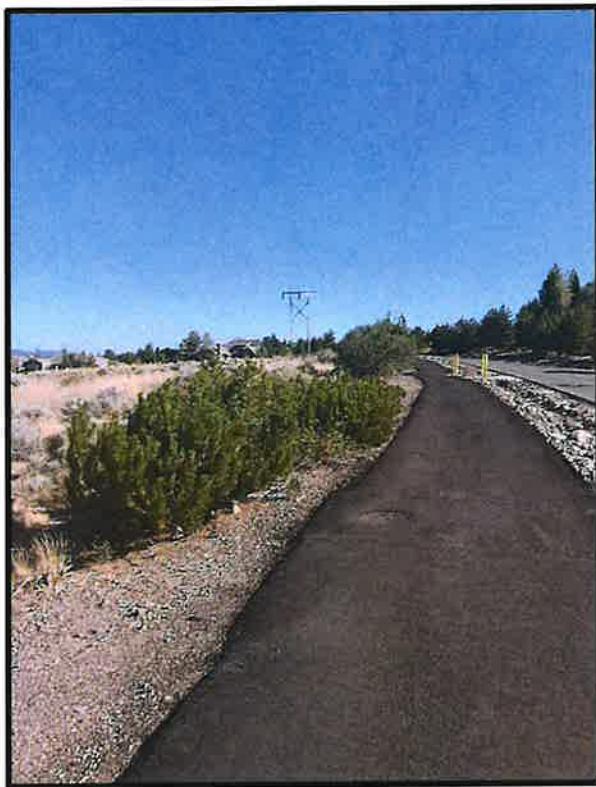
Following are photos of the existing site conditions of the Development Site Area.



View from the southern end of the site toward the north. The existing graded access that serves the TMWA pump station can be seen in the foreground.



View to the east of the existing access into the site. The TMWA pump station can be seen at the end of the existing graded access.



View of the existing pedestrian path that fronts the project development site.

Development Statistics

Parcel Number	152-021-03
Total Parcel Area	149.06+/- Acres
Development Site Area	73,300+/- SF (1.68+/- AC)
Disturbed Area	1.68+/- AC
Parking Required	46 Spaces
Parking Provided	46 Spaces
Accessible Parking Required	2 Spaces
Accessible Parking Provided	2 Spaces
Landscape Area Provided (Enhanced and Native/Reveg areas)	30,576+/- SF

Administrative Permit Findings

Article 808 of the Washoe County Development Code identifies findings that must be made in order to approve an administrative permit. Following is an identification of each finding and the applicant's response as to how or why this finding is met with this request.

(a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

The proposed uses and grading proposed with this special use permit are consistent with the Rural Residential master plan designation and the Parks and Recreation zoning designations on the subject parcel.

The proposed development is consistent with the following policies of the SWTMAP:

SW 1.4 – the zoning of the property is PR, which is conformant with the ArrowCreek Wildland Transition Suburban Character Management Area

SW 2.5 – As is the current case with TCAC facility, all lighting will conform to “dark sky” lighting standards and be provided at low or pedestrian level.

SW 2.13 – The proposed pickleball facility will utilize “dark sky” lighting standards, and be provided on a pedestrian scale. Traffic was previously reviewed and approved as part of the clubhouse expansion and pickleball facility application (WSUP18-0020/WADMIN18-0015). The overall traffic increase with the clubhouse and pickleball facility was not foreseen to exceed the original approved traffic volumes from the original approval for the Arrowcreek Community (AKA Southwest Pointe).

(b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

All necessary utilities and facilities defined in finding (b) are adjacent to the development site. No new roadways are necessary to serve the proposed pickleball facility. The site is currently served by private streets that were appropriately sized and approved with the original community approval in the late 1990's.

(c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

Approximately 78% of the site consists of slopes in the 0% to 15% range, which is identified to be "most developable." The site consists of less than 1% of steep slopes (greater than 30%) and those areas that are steep and moderately sloped were largely man-made with the creation of an access road to provide access to the overhead power line that runs across the site from north to south. The proposed site is easily accessible to residents/members within the community with access of the main loop road serving Arrowcreek Parkway. This roadway is designed with no homes fronting directly on it and serves as the main artery for all travel into and out of the Arrowcreek Community. The location of the site provides access to the site using golf carts and the cart paths of the ArrowCreek Golf Course. As such, pickleball players could use a club or private golf cart to access the site and not have to use the private streets within the Arrowcreek development, and access from the existing clubhouse would not necessitate a crossing of Arrowcreek Parkway at any point to reach the pickleball facility site.

(d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

The ArrowCreek Community has benefitted by the sports and recreational opportunities, whether offered at TCAC or at the Resident's Center. Both facilities are located on the eastern side of the community and the location of this indoor facility containing four pickleball courts helps to distribute one of the recreational opportunities toward the western part of the community. The proposed use includes four (4) pickleball courts that are fully enclosed within a building that will keep noises associated with the play of pickleball minimized to non-audible.

(e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

There are no military installations located in proximity to the proposed site area. As such, this finding is not applicable.

Appendix B

- Reduced Colored Landscape Plan
- Civil Engineering Plan Sheets
- Colored Architectural Footprint Elevations and Perspectives



PRELIMINARY LANDSCAPE LEGEND



**EXISTING
GOLF
COURSE**

**PROPOSED
PARKING**

**EXISTING
NATIVE
LANDSCAPE**

ARROWCREEK PARKWAY

GENERAL NOTES

LANDSCAPE DATA



Goals in East

THE CLUB AT ARROWCREEK PICKLEBALL FACILITY

ADMINISTRATIVE PERMIT

RENO, NV 89511
APN: 152-021-03

OWNER/DEVELOPER:

RAYMOND W. CONRAD
LUCK STAR GOLF, LLC
2805 E. ARROWCREEK PARKWAY
RENO, NV 89511
ronnare@raicbbsciences.com
CELL: (603) 960-1224

OWNER'S REPRESENTATIVE:

TONY CIORCIARI
AMC DEVELOPMENT, LLC
tonyciorciari@gmail.com
CELL: (603) 960-1224

CIVIL ENGINEER AND PLANNING:

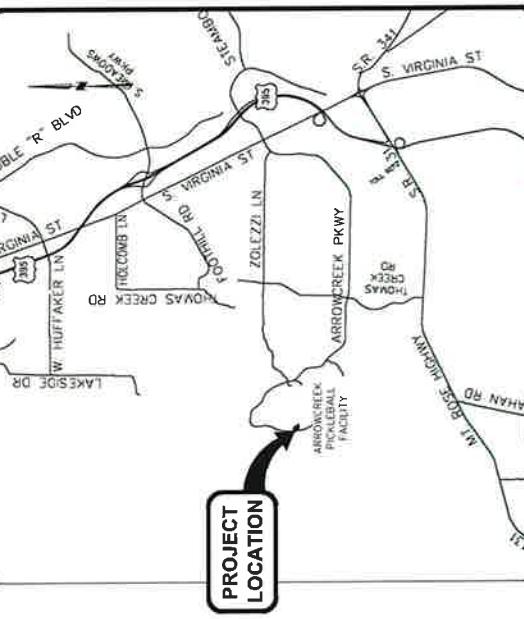
AT&T, INC.
CIVIL ENGINEER
Landscape Architect
Project Manager
770-940-7400 ext. 77400 • 770-940-7400 ext. 77400
770-940-7400 ext. 77400 • 770-940-7400 ext. 77400

LANDSCAPE ARCHITECT - COMMUNITY DESIGN

LA STUDIOS
1552 E STREET
SPARKS, NV 89431
lindsey@lastudiosnevada.com
PHONE: (775) 323-2223

ARCHITECT:

PHX ARCHITECTURE
15890 N GREENWAY-HAYDEN LOOP
SCOTTSDALE, AZ 85260
davidp@phxarch.com
PHONE: (480) 477-1111



VICINITY MAP

SCALE: NTS



RENO, NV 89511

ENGINEERS STATEMENT:

"TO THE BEST OF MY KNOWLEDGE, THE PLANS PREPARED ARE IN COMPLIANCE WITH APPLICABLE PROVISIONS OF THE WASHOE COUNTY DEVELOPMENT CODE

[Handwritten signature]
WATSON & SCHAFFNER, INC.
CHAC

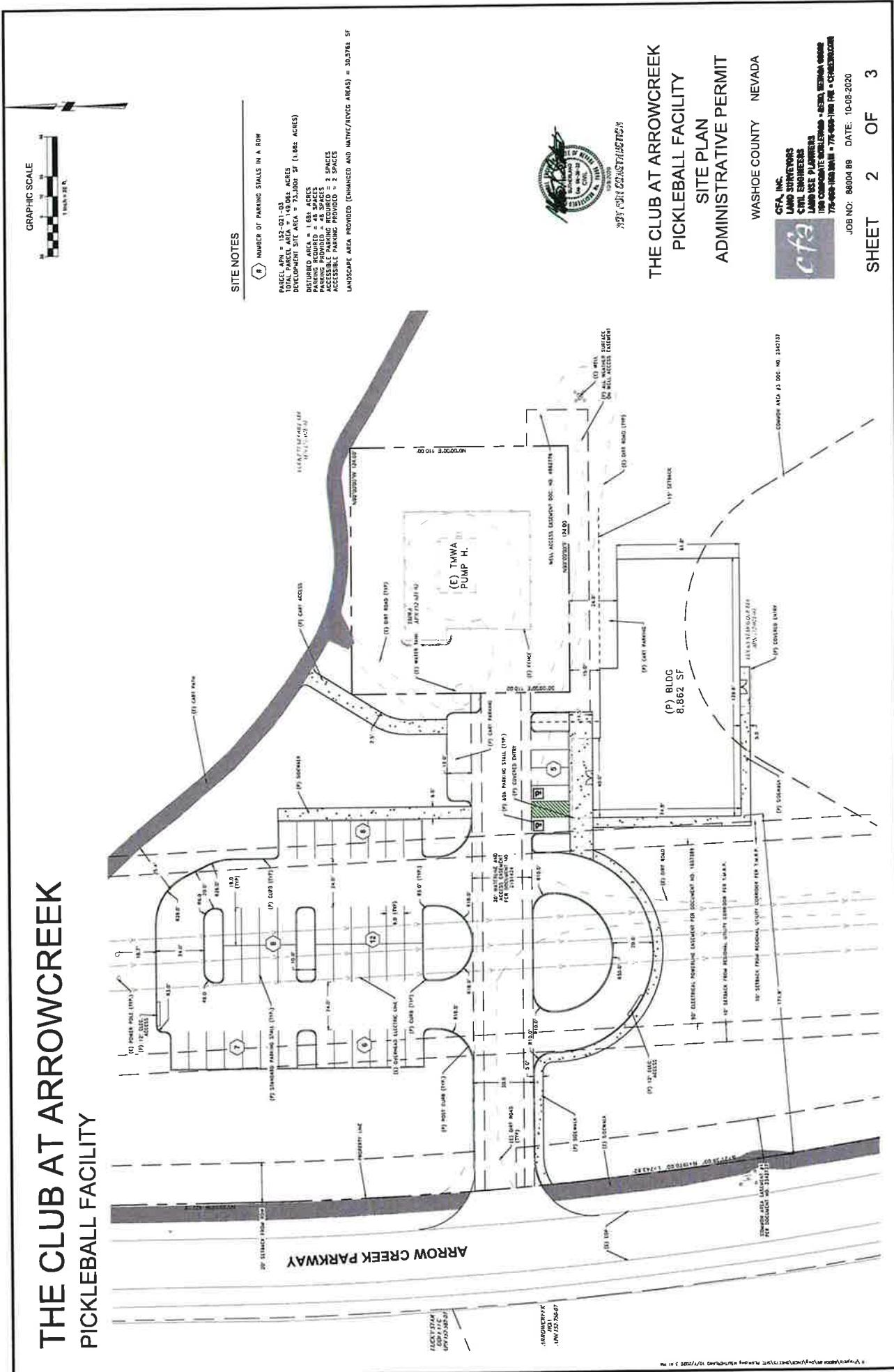
BASIS OF BEARINGS AND COORDINATES:

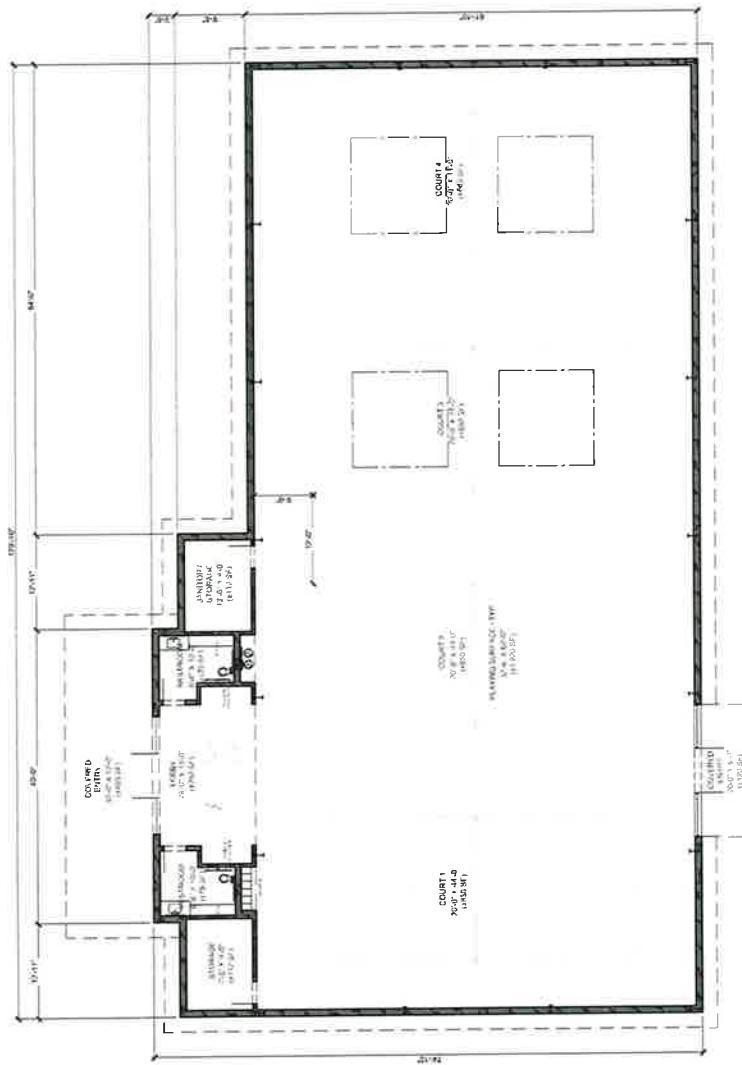
THE BASIS OF ELEVATIONS FOR THIS SURVEY IS THE NORTHERN AMERICAN VERTICAL DATUM. THE BASIS OF COORDINATES IS THE 1983 STATE PLANE COORDINATES FOR THE STATE OF NEVADA. COORDINATES ARE IN FEET. THE NETWORK COORDINATES AND DISTANCE HERON ARE AT GRID LEVEL. GRID COORDINATES AND DISTANCE ARE AT GRID LEVEL. GRID COORDINATES AND DISTANCE ARE AT GRID LEVEL.

BASIS OF ELEVATIONS:

THE BASIS OF ELEVATIONS FOR THIS SURVEY IS THE NORTHERN AMERICAN VERTICAL DATUM. THE BASIS OF COORDINATES IS THE 1983 STATE PLANE COORDINATES FOR THE STATE OF NEVADA. COORDINATES ARE IN FEET. THE NETWORK COORDINATES AND DISTANCE HERON ARE AT GRID LEVEL. GRID COORDINATES AND DISTANCE ARE AT GRID LEVEL. GRID COORDINATES AND DISTANCE ARE AT GRID LEVEL.

THE CLUB AT ARROWCREEK pickleball facility





FLOOR PLAN

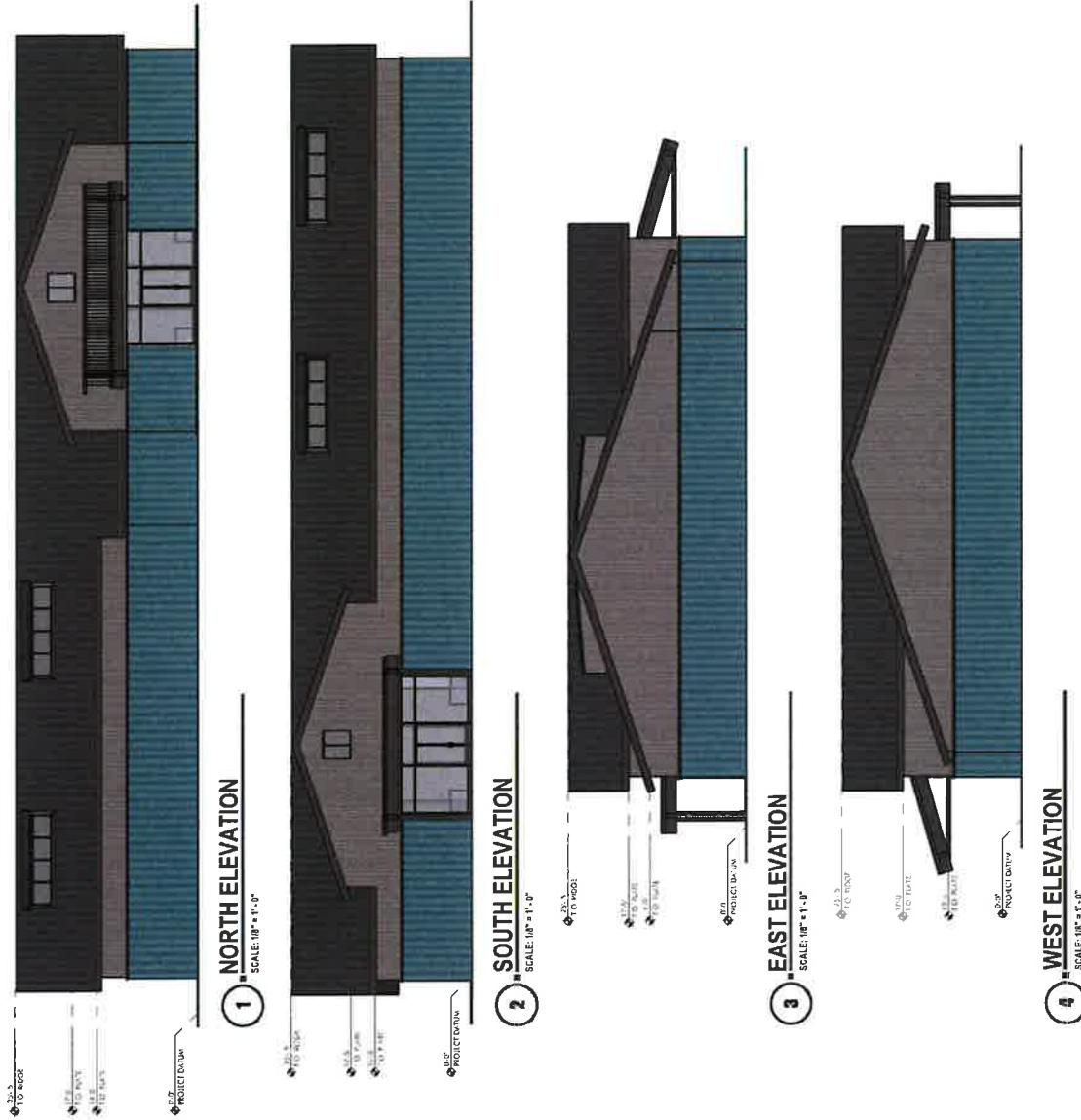
1 SCALE: 1IN. = 1'-0"
BUILDING 600 SF
UNDER ROOF 10,140 SF

The Club at
ARROWCREEK

The Club at ArrowCreek - Pickleball Building

Schematic Elevations
SU# Submittal

October 6, 2020





1. FRONT PERSPECTIVE
NOT TO SCALE



2. BACK PERSPECTIVE
NOT TO SCALE

The Club at
ARROWCREEK
←

Appendix C

Project Exhibits and Reports

- Slope Analysis Map with Site Layout Overlay
 - Cut and Fill Map
 - TMWA Discovery Report
 - Traffic Letter

CFB, INC.
LAND SURVEYORS
CIVIL ENGINEERS
LAND PLANNERS



NEVADA

WASHOE COUNTY

RENO

1150 CORPORATE BOULEVARD • RENO, NEVADA 89502
775-856-1160 MAIN • 775-856-1160 FAX • CFBENDO.COM

NEVADA

EXISTING SLOPE MAP
FOR
PICKLEBALL FACILITY
LAND USE PLANNERS
APN 152-021-03
THE CLUB AT ARROWCREEK

Slopes Table

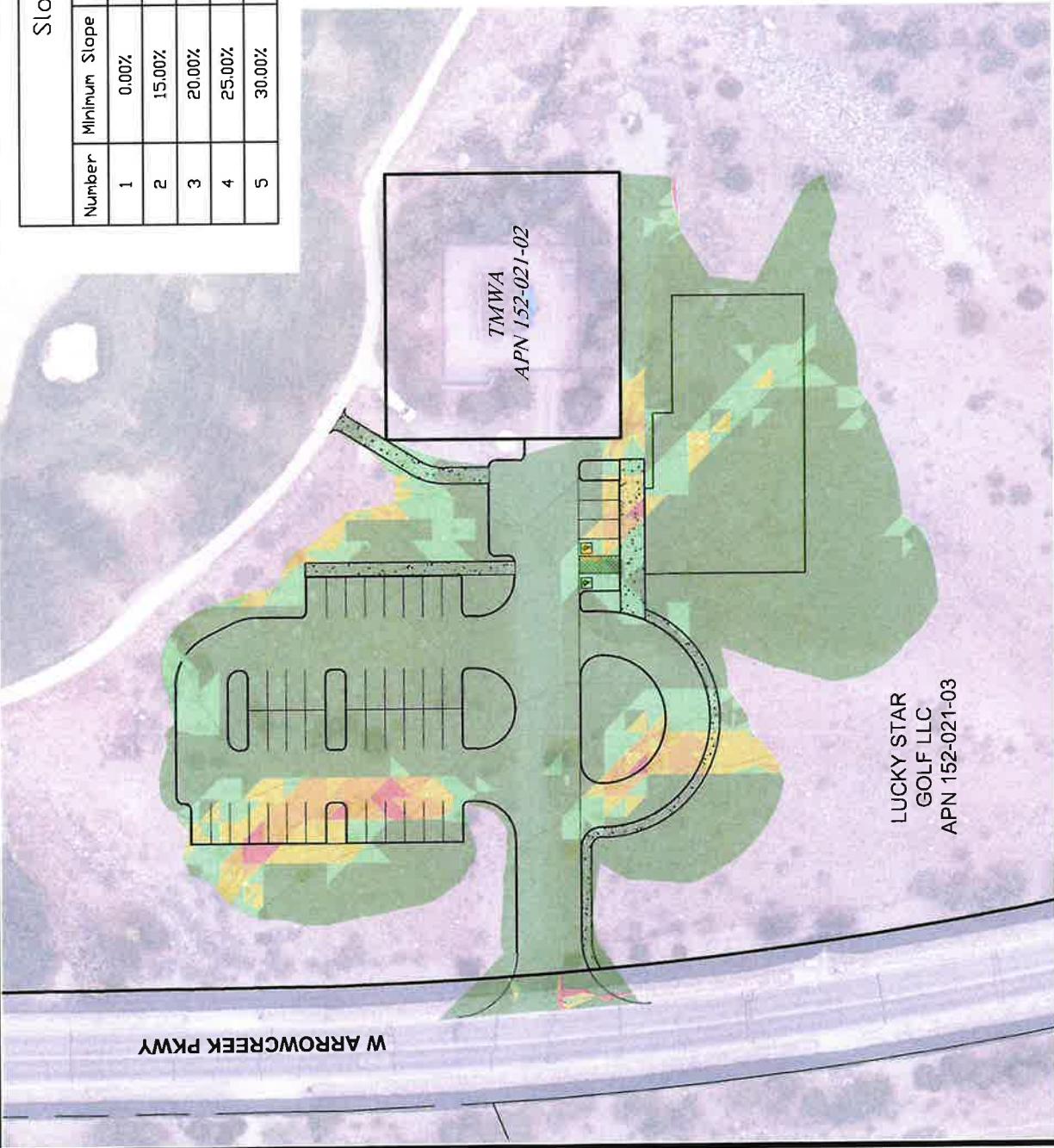
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	15.00%	57217.16	
2	15.00%	20.00%	8799.27	
3	20.00%	25.00%	4273.50	
4	25.00%	30.00%	2335.94	
5	30.00%	2194.75%	669.85	



GRAPHIC SCALE



1 inch = 50 ft.



 <p>CFA LAND SURVEYORS CIVIL ENGINEERS LAND PLANNERS</p>		<p>1150 CORPORATE BOULEVARD • RENO, NEVADA 89502 775-856-1160 MAIN • 775-856-1160 FAX • CFAENRDO.COM</p> <p>APN 152-021-03 PICKLEBALL FACILITY WASHOE COUNTY NEVADA</p>		<p>PROPOSED CUT/FILL MAP FOR THE CLUB AT ARROWCREEK</p>	
<p>1 OF 1</p>					

Elevations Table

Number	Minimum Elevation	Maximum Elevation	Area	Color
1	-12.00	-9.00	1138.08	
2	-9.00	-6.00	4946.11	
3	-6.00	-3.00	16720.95	
4	-3.00	0.00	28245.04	
5	0.00	3.00	21532.38	
6	3.00	6.00	563.88	





September 19, 2018

Mr. Raymond Conrad
LUCKY STAR GOLF, LLC
2905 E Arrowcreek Pkwy
Reno, NV. 89511

**RE: Discovery: Arrowcreek Clubhouse _DISC; TMWA PLL 18-6411
APN: 152-021-03**

Dear Mr. Conrad

Pursuant to your request, Truckee Meadows Water Authority (TMWA) has completed its Discovery for the above referenced project, also referred to as **Arrowcreek Clubhouse _DISC; TMWA PLL 18-6411**, for APN 152-021-03.

Enclosed please find two internal memoranda from TMWA's Engineering and Water Rights Departments detailing their findings. Should you have any questions after reviewing the enclosures, please feel free to contact me at (775) 834-8012 or my email at kmeyer@tmwa.com .

Thank you for the opportunity to serve your discovery and future project development needs.

Sincerely,

Karen Meyer

Karen L. Meyer
New Business Project Coordinator

Enclosure

cc: BJ Walkiewicz, CFA Inc.



TO: Karen Meyer DATE: September 13, 2018

THRU: Scott Estes *SGE*

FROM: Keith Ristinen *KR*

RE: ARROWCREEK CLUBHOUSE_DISC, TMWA WO# 18-6411

SUMMARY:

The Owner proposes pool, pool house, and landscape improvements in Washoe County, Nevada (Figure 1). TMWA has adequate capacity to serve the project. Reclaimed wastewater will be provided for all irrigation needs. No additional facilities are required to provide the estimated potable water demand increase. Because the estimated demand increase is covered by previous capacity dedications on the parcel, no additional facility fees will be required.

Review of conceptual site plans or tentative maps by TMWA and/or agents of TMWA shall not constitute an application for service, nor implies a commitment by TMWA for planning, design or construction of the water facilities necessary for service. The extent of required off-site and on-site water infrastructure improvements will be determined by TMWA upon receiving a specific development proposal or complete application for service and upon review and approval of a water facilities plan by the local Health Authority. Because the NAC 445A Water System regulations are subject to interpretation, TMWA and/or agents of TMWA cannot guarantee that a subsequent water facility plan will be approved by the Health Authority or that a timely review and approval of the Project will be made. The Applicant should carefully consider the financial risk associated with committing resources to their Project prior to receiving all required approvals. After submittal of a complete Application for Service, the required facilities, the cost of these facilities, which could be significant, and associated fees will be estimated and will be included as part of the Water Service Agreement necessary for the Project. All fees must be paid to TMWA prior to water being delivered to the Project.

Please contact me at (775) 834-8292 with any questions or comments.

PURPOSE:

Determine the service plan and off-site improvements for development of "Pool and Backyard Gardens" at The Club at Arrowcreek, "project."

LOCATION:

The project is in Washoe County on APN 152-021-03. The project is within TMWA's service territory, and TMWA's Area 15. The project will be served by TMWA's Arrowcreek system and lies in the Arrowcreek 1 Regulated Zone. The project parcel covers approximately 149 acres.

ASSUMPTIONS:

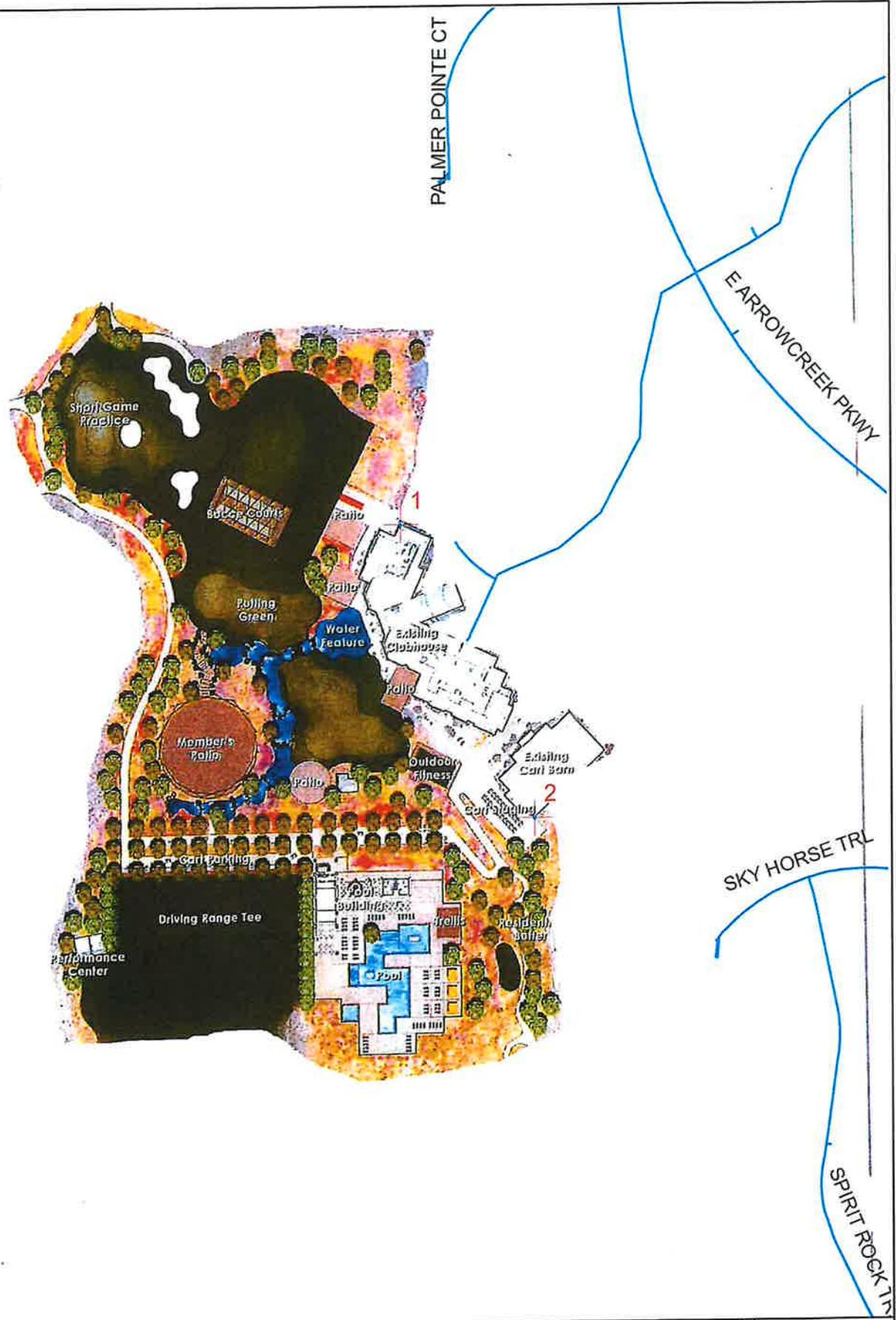
1. The applicant shall be responsible for all application, review, inspection, storage, treatment, permit, easements, and other fees pertinent to the Project as adopted by the TMWA at the time of execution of water service agreement.
2. The cost opinions contained herein do not include new business fees, cost of water rights and related fees, or contribution to the water meter retrofit fund.
3. Fire flow demands are estimated at 2,500 gpm for 2 hours. The local Fire Marshal is responsible for establishing final fire flow requirements.
4. Domestic demands are estimated from TMWA's historic demand factors. Based on water rights requirements determined by TMWA's Natural Resources Department, the project maximum day demand has been estimated at 6.8 gpm. This demand is within the capacity originally dedicated for the property, and is not subject to facility fees. TMWA plans to reevaluate the maximum day demand equations for all customer usage types within the next 12 months, as part of a Water Facility Plan Update.
5. Project pressure criteria are:
 - a. Maximum day pressure of at least 45 pounds per square inch (psi) at building pad elevation with tank level at top of fire storage,
 - b. Peak hour pressure of at least 40 psi at building pad elevation with tank level at top of emergency storage,
 - c. Maximum day plus fire flow pressure of at least 20 psi at center of street elevation with tank level at bottom of fire storage, and
 - d. Wintertime minimum demand pressure of at most 100 psi at service elevation with the tank nearly full and filling.
 - e. TMWA does not calculate pressures for multi-story buildings. Confirmation that pressure will be adequate for upper stories is the responsibility of the Applicant.
6. Site elevations were taken from existing topography provided by the Washoe County.
7. Facility requirements for the Project are based on the assumed elevations, maximum day demand, and fire flow requirements. Changes in these may affect facility requirements.
8. Easements, permits and all pertinent Agency approvals are obtained for the design and construction of the water infrastructure necessary to serve the proposed Project.
9. All cost opinions are preliminary and subject to change. The costs presented in this study are planning level estimates based on the information available. Actual costs will be determined at the time of application for service. Cost opinions do not include on-site improvements made by the applicant.
10. This discovery is based on the current status of TMWA's system. Future development may alter the conclusions of this discovery. Capacity in TMWA's system is available on a first-come, first-served basis, and commitment to provide service is not established until a contract for service is executed and all fees are paid.

DISCUSSION:

The Owner proposes construction of a pool, pool building, and landscaping improvements at the Arrowcreek Golf Course. Provision of water for irrigation is not considered in this discovery because reclaimed wastewater will be used for all irrigation.

The proposed improvements will result in an estimated increase in potable water of 6.8 gpm during maximum day demands. This estimated increase, when added to existing potable water demands, are within the capacity previously dedicated for the parcel.

No additional facilities will be required to serve the proposed project, and no additional facility fees are owed for the estimated demand increase.





Date: September 12, 2018

To: Karen Meyer

From: David Nelson *DN*

RE: 18-6411, Arrowcreek Clubhouse, Pool-house and Amenities Discovery, (APN 152-021-03)

The New Business/Water Resource team will answer the following assumptions on each new discovery:

- Is the property within Truckee Meadows Water Authority's water service territory?
- Does the property have Truckee River water rights appurtenant to the property, groundwater or resource credits associated with the property?
 - If yes, what is the status of the water right: Agricultural or Municipal and Domestic use?
- Estimated water demand for residential and or commercial projects.
- Any special conditions, or issues, that are a concern to TMWA or the customer.

The following information is provided to complete the Discovery as requested:

- This subject parcel (APN 152-021-03) is within Truckee Meadows Water Authority's (TMWA's) service territory. An annexation is not required.
- There are resource credits appurtenant to this property, which will be applied to the new demand. Per records from the Nevada Division of Water Resources there are no Truckee River decreed water rights appurtenant. The developer will be required to follow TMWA's current rules, specifically Rule 7, and pay all fees for water rights needed in order to obtain a will serve commitment letter.
- Based on the information provided by the applicant this project "Arrowcreek Clubhouse and Amenities Discovery" is estimated to require a domestic demand of **9.19 acre-feet (AF)**. Landscaping plans were not provided to TMWA and are proposed to be reclaim; therefore, a landscaping demand was not determined. Please see the attached demand calculation sheet for the **estimated** domestic demand. Once final plans are submitted a more accurate demand will be calculated. *Note: Water rights held or banked by the applicant must be dedicated to the project before any purchase of Rule 7 water resources. At this time TMWA does not have any Rule 7 water resources for purchase in this area. Area groundwater will need to be dedicated to new demand if deemed acceptable by TMWA.*
- Any existing right of ways and public easements would need to be reviewed, and if needed the property owner will need to grant TMWA the proper easements and/or land dedications to provide water service to the subject properties. Property owner will be required, at its sole expense, to provide TMWA with a current preliminary title report for all subject properties. Owner will represent and warrant such property offered for dedication or easements to TMWA shall be free and clear of all liens and encumbrances. Owner is solely responsible for obtaining all appropriate permits, licenses, construction easements, subordination agreements, consents from lenders, and other necessary rights from all necessary parties to dedicate property or easements with title acceptable to TMWA.



**WATER RIGHTS AND METER FUND CONTRIBUTION
CALCULATION WORKSHEET FOR MULTI-TENANT APPLICATIONS**

		Demand (Acre Feet)
1	Existing demand (current usage) at Service Property	3.35
2	Pool-house and Amenities-Ph.1	Comps 1.32
3	Clubhouse Addition-Ph. 2	19,000 x 0.00011 per sq.ft. 2.09
4	Fixture units:	x 15x 365x 3.07/ 1 mil 0.00
5	Landscaping: Reclaim	sq ft x 3.41/ 43,560 0.00 TBD
6	Drip: Reclaim	0.00 TBD
7	Other calculated demand: Pools	<u>2.43</u>
8	New or additional demand at Service Property (lines 2+3+4+5+6)	<u>5.84</u>
9	Total Demand at Service Property (lines 1+8)	9.19
10	Less: Prior demand commitments at service property	9.24
11	Less: Other resource credits	<u>0.00</u>
12	Total Credits (lines 10+11)	<u>9.24</u>
13	Resource credit - no water rights required	<u>(0.05)</u>
14	Factor amount (0.11 x Line 13)	0.00
15	No return flow required	<u>0.00</u>
16	TOTAL RESOURCES REQUIRED (lines 13+14+15)	<u>(0.05)</u>
17	Price of Water Rights per AF	\$ 7,600
18	Will Serve Commitment Letter Preparation Fee (\$100.00 per letter)	\$ 100
19	Due Diligence Fee (\$150.00 per parcel)	\$ 0
20	Document Preparation Fees (\$100.00 per document)	\$ 0
21	Meter Contribution (\$1,830 x -0.05 acre feet of demand)	\$ 0
22	TOTAL FEES DUE (lines 17+18+19+20)	<u>100</u>
Project:	Arrowcreek Clubhouse, Pool-house and Amenities Discovery - Ph.1 & 2 - Irrigation Reclaim	
Applicant:	Lucky Star Golf, LLC	Quote date: 9/10/2018
Phone:	Raymond Conrad - 851/5464	Tech contact: David 834-8021
APN:	152-021-03	Project No: 18-6411
Remarks:	Storage, Treatment, Supply and Feeder Main fees calculated on new acre feet of demand.	
	Fees quotes are valid only within 15 calendar days of Quote Date. This discovery proposes water feature and irrigation to be on reclaim water; therefore, no potable irrigation demand associated.	
	TMWA has no rule 7 water resources for sale in this area at this time.	

December 27, 2018

Mr. Mitchell Fink
Washoe County Community Development
1001 East Ninth Street
Reno, Nevada 89520

Re: Arrowcreek Clubhouse Expansion Traffic Letter

Dear Mitch:

This letter is provided to document the trip generation totals for the Arrowcreek Clubhouse Expansion. Most of the functions planned in the expansion are typical to a golf course clubhouse are not considered to generate new trips but are simply serving the existing golf membership. Detailed information regarding the various functions offered in the clubhouse are summarized on the attached use list associated with the developer provided parking data. Five uses within the facility are non-typical to a golf clubhouse. These uses include a 2,369 square feet fitness area, a 486 spin area, a 483 square feet yoga area, a 7,000 square feet Pickleball facility and a 672 square feet kids area. These five areas total 11,010 square feet.

Trip generation calculations for the proposed non-typical golf uses are based on the Tenth Edition of *ITE Trip Generation* (2017). The calculation sheets are attached for ITE land use #492: Health / Fitness Club. Table 1 shows the trip generation summary for the proposed use.

TABLE 1
TRIP GENERATION

<u>LAND USE</u>	<u>ADT</u>	<u>AM PEAK HOUR TOTAL</u>	<u>PM PEAK HOUR TOTAL</u>
Health / Fitness Club 11,010 Square Feet	n/a	14	57

As indicated in Table 1, the proposed non-typical golf uses which are assumed to function as a health / fitness club generate 14 AM peak hour trips and 57 PM peak hour trips. ITE does not provide average daily volume data for this use. The peak hour volumes are not large enough to trigger the need for a full traffic study per Washoe County policy.

We trust that this information will be adequate for your project review. Please contact us if you have questions or comments.



Enclosures

Letters/Arrowcreek Clubhouse Expansion Trip Letter

Use Assigned	Indicated Use	SF	Number of Spaces per 1,000 SF	Building Space	Column 1	Notes	Per 1,000	Per Employee During Peak Employment Shift
							Per 1,000 Square Feet	Column 1
5	kitchen	3250	10	32.5	1		1	1
	Dining 2	3707	10	37.07				
	Covered Patio	1126	10	11.26				
	Covered Patio	398	10	3.98				
	Covered Patio	692	10	6.92				
5	beer wine storage	166	10	1.66	1		1	1
8	employee break room	235	10	2.35	1		1	1
5	freezer	119	10	1.19	1		1	1
5	walk-in	173	10	1.73	1		1	1
5	Private dining	303	10	3.03	1		1	1
5	Private dining	303	10	3.03	1		1	1
5	Dining	2335	10	23.35	1		1	1
5	display kitchen	309	10	3.09	1		1	1
6	Wine tasting	477	10	4.77	1		1	1
6	bar	1832	10	18.32	1		1	1
8	vestibule	77	10	0.77	1		1	1
8	foyer	660	10	6.6	1		1	1
8	living room	408	10	4.08	1		1	1
5	cafe	1848	10	18.48	1		1	1
3	fitness	2369	5	11.845	1		2	2
3	spin	486	5	2.43	1		2	2
3	yoga	483	5	2.415	1		2	2
	Pickleball Facility	7000	5	35	1		2	2
1	board room	480	4	1.92	1		3	3
1	office suite	1152	4	4.608	1		3	3
1	office	147	4	0.588	1		3	3
1	office	147	4	0.588	1		3	3
1	offices	327	4	1.308	1		3	3
8	pro shop	1095	3	3.285	1		4	4
8	club fitting	828	3	2.484	1		4	4
8	putting lab	878	3	2.634	1		4	4
8	Prefunction	1676	3	5.028	1		5	5
8	mens RR	180	3	0.54	1		5	5
8	womens RR	180	3	0.54	1		5	5
8	Electrical/IT	134	3	0.402	1		5	5
8	coat check	135	3	0.405	1		5	5
	Staging Area	188	3	0.564	1		5	5
8	storage	195	3	0.585	1		5	5
5	maintenance room	270	3	0.81	1		5	5
8	employee RR	67	3	0.201	1		5	5

5	storage	119	3	0.357	1	5
8	corridor	289	3	0.867		5
8	mens RR	298	3	0.894		5
8	womens RR	298	3	0.894		5
8	RR	62	3	0.186		5
8	RR	67	3	0.201		5
8	mechanical room	62	3	0.186	1	5
8	corridor	162	3	0.486	1	5
3	mens lounge	1061	5	5.305	1	5
3	vanities	135	3	0.405	1	5
	Storage/Mechanical Room	101	3	0.303		5
3	shoes/towels	395	3	1.185	1	5
3	womens lockers	1397	3	4.191	1	5
8	corridor	2417	3	7.251		5
3	womens lounge	754	3	2.262	1	5
3	kids	672	3	2.016	1	5
3	RR	67	3	0.201	1	5
3	men's lockers	2576	3	7.728	1	5
	Totals	47,767		298		

1	Administrative Offices Commercial Recreation	4	1	As specified by use permit
2	Outdoor Sports and Recreation	0		
3	Indoor Sports and Recreation	5		1 per seat if not associated with lodging facilities; 5 per seat otherwise
4	Convention and Meeting Facilities	0		
5	Eating and Drinking Establishments Full Service	10	1	
6	Liquor Sales On-Premise	10	1	
7	Personal Services Retail Sales	4	0	
8	Speciality Store	3	1	

Table 110.410 15.1

HANDICAPPED ACCESSIBLE SPACES

Spaces in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of Total
1,001 and over	20 plus 1 per 100 above 1,000

Source: Washoe County Department of Community Development

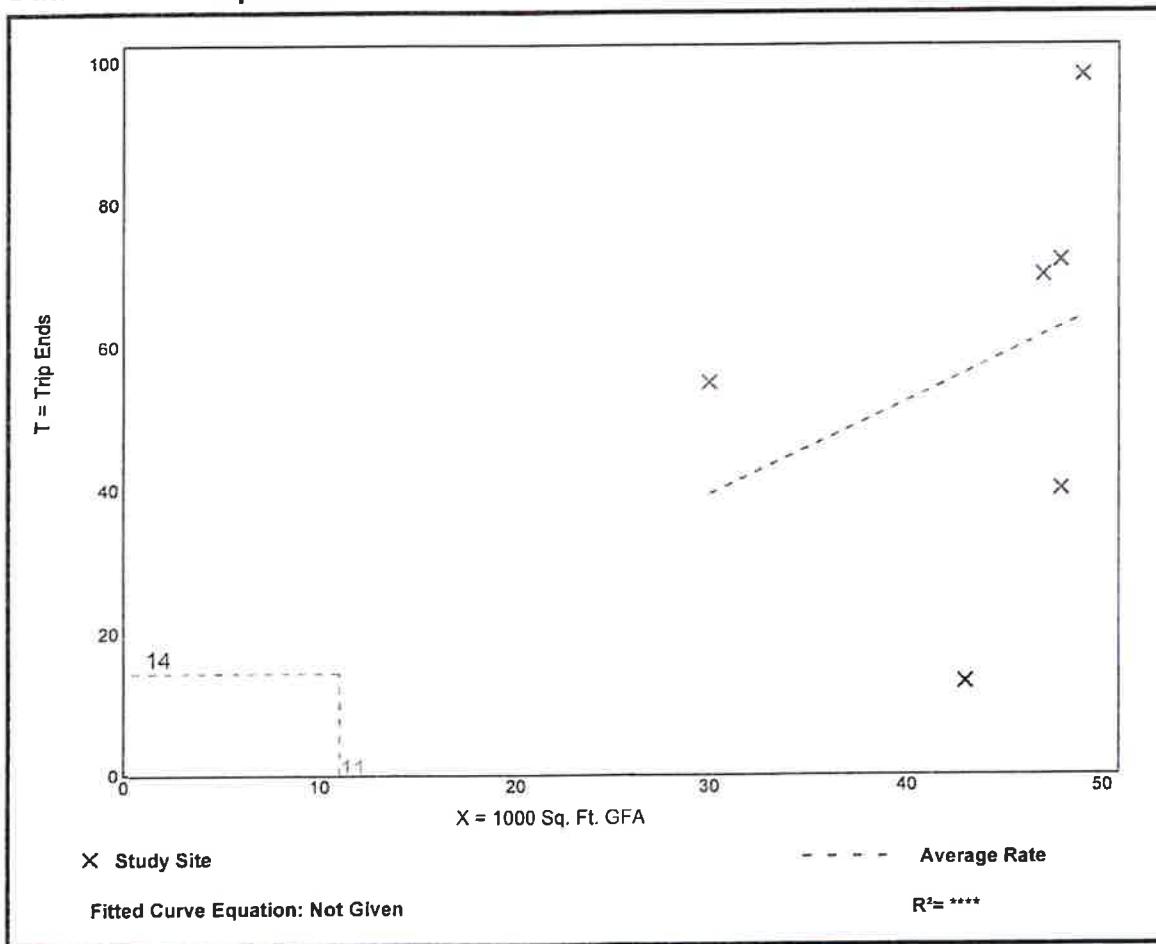
Health/Fitness Club (492)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GFA: 44
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.31	0.30 - 2.00	0.64

Data Plot and Equation



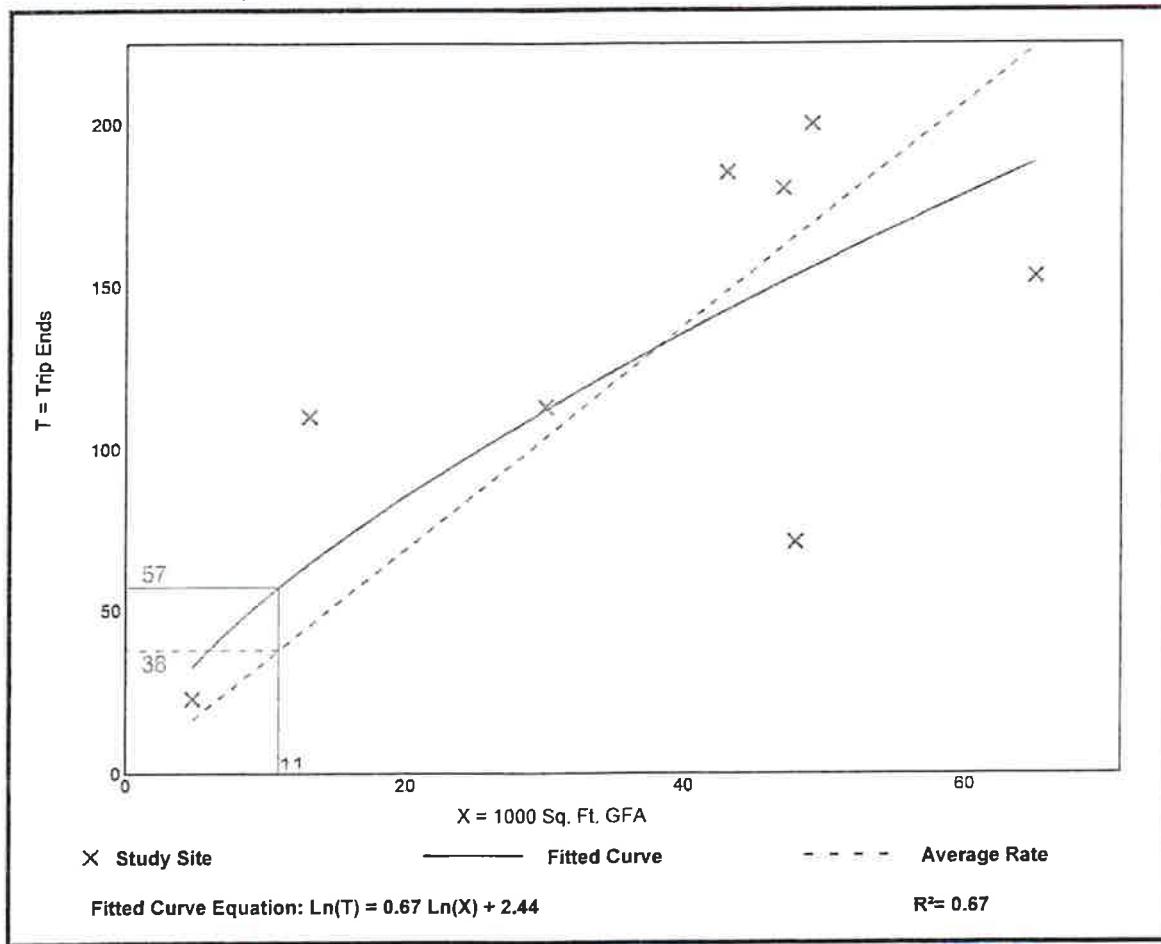
Health/Fitness Club (492)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 8
 Avg 1000 Sq. Ft. GFA: 37
 Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.45	1.45 - 8.37	1.57

Data Plot and Equation



Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

Appendix D

Supporting Information

- Assessor's Parcel Map Sheet
- Assessors Information for 152-021-03
- Vesting Deed with Legal Description
 - Proof of Property Tax Payment
 - Recorded Map of subject parcel
 - Easement Documents

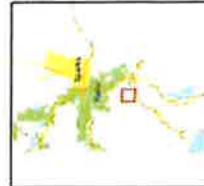
Assessor's Map Number

152-02

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Joshua G. Wilson, Assessor
1001 East Ninth Street
Building D
Nevada City, Nevada 89501
(775) 786-2201



Scale
0 200 400 600
1 inch = 800 feet

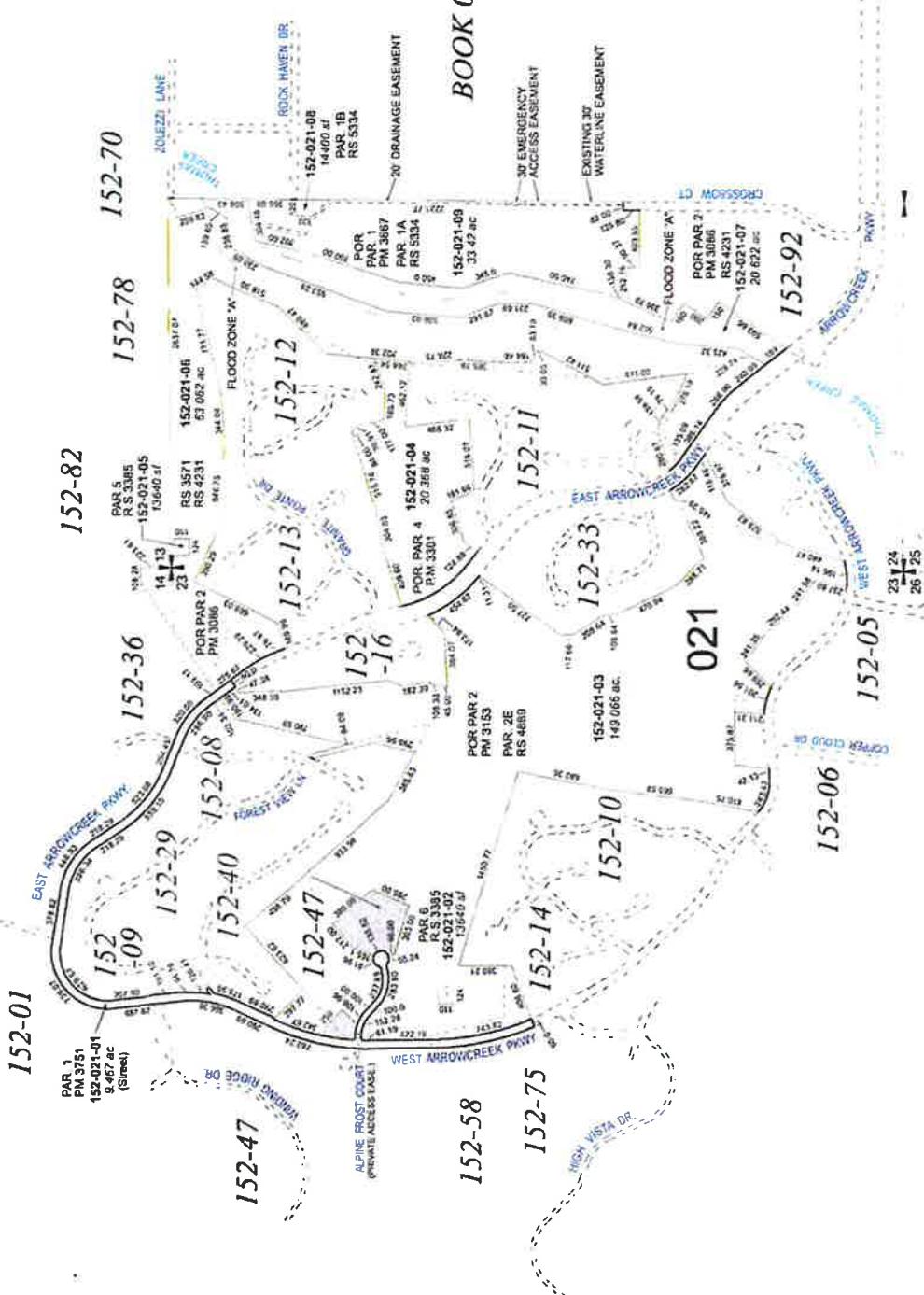


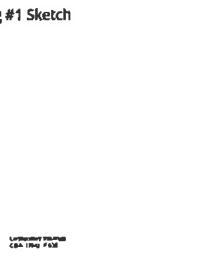
Created by: KSB 6/23/11

Previously shown on map(s): 152-01

NOTE: This map was prepared for the use of the Washoe County Assessor. It is not a survey and is not to be used for any other purpose. It is not a survey of a permanent nature. No liability is assumed in respect to the sufficiency or accuracy of the data contained herein.

**PORTIONS OF SECTIONS 14, 23 & 24
T18N - R19E**



WASHOE COUNTY ASSESSOR PROPERTY DATA										07/16/2018					
APN: 152-021-03		Card 1 of 4													
Owner Information & Legal Description															
(add'l) Strt		2905 E ARROWCREEK PKWY, WASHOE COUNTY 89511			Quality		C35 Abv Avg/High		Occupancy		Country Club				
Owner 1		LUCKY STAR GOLF LLC			Stories		1.00		Sec Occupancy		11,842				
Mail Address		1588 N CASEY KEY RD OSPREY FL 34229			Year Built		1999		Square Feet does not include Basement or Garage Conversion Area						
Rec Doc No		4328727			Rec Date		07/03/2018		W.A.Y.		1999				
Prior Owner		FRIENDS OF ARROWCREEK LLC			Bedrooms		0		Finished Bsmt		0				
Prior Doc		4518226			Full Baths		0		Unfin Bsmt		0				
Keyline Desc		RS 4889 LT 2E			Half Baths		0		Bsmt Type		Gar Conv Sq Foot				
Subdivision		UNSPECIFIED			Fixtures		0		Gar Type		0				
Lot: 2E		Block:		Sub Map#		Fireplaces		0		Det Garage		0			
Record of Survey Map:		4889		Parcel Map#		Heat Type		WARM/COOL		Bsmt Gar Door		0			
Section:		Township: 18		Range: 19		Sec Heat Type		0		Sub Floor		WD/STL FRAME			
Tax Dist:		4000		Add'l Tax Info		Prior APN		Multiple		Sec Ext Walls		STUD-ASHLAR			
Tax Cap Status		Use does not qualify for Low Cap, High Cap Applied										Roof Cover			
Land Use		440		Zoning		LDS 6% / HDR 94%		Sewer		Municipal		NBC			
Size		149,066 Acre or ~6,493,315 SqFt		Water		Muni		Street		Paved		EBGW			
Valuation Information												Sales/Transfer Information/Recorded Document			
Valuation History		2017/18 FV		2018/19 FV		V-Code		DOR		Doc Date		Value/Sale Price			
Taxable Land Value		548,712		562,724		4MV		450		07-03-2018		4,972,759 FRIENDS OF ARROWCREEK LLC			
Taxable Improvement Value		0		0		3NTT		440		09-29-2015		0 FRIENDS OF ARROWCREEK LLC			
Taxable Total		548,712		562,724		3NTT		440		10-16-2014		0 ASPEN SIERRA LEASING CO LTD			
Assessed Land Value		192,049		196,953		3NTT		450		06-18-2013		0 ASPEN SIERRA LEASING CO LTD,			
Assessed Improvement Value		0		0		3MB		440		06-06-2011		0 ASPEN SIERRA LEASING CO LTD,			
Total Assessed		192,049		196,953								7,000,000 ARROWCREEK GOLF HOLDINGS LLC,			
Building #1 Sketch												Property Photo			
															
Copyright 2016 CBA 1540-FOI															

If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to emptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. Zoning information should be verified with the appropriate planning agency. Summary data may not be a complete representation of the parcel. All Parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 07/15/2018.

Bill Detail

[Back to Account Detail](#) [Change of Address](#) [Print this Page](#)

Washoe County Parcel Information

Parcel ID	Status	Last Update
15202103	Active	10/6/2020 1:40:22 AM
Current Owner: LUCKY STAR GOLF LLC 1588 N CASEY KEY RD OSPREY, FL 34229	SITUS: 2905 E ARROWCREEK PKWY WASHOE COUNTY NV	
Taxing District 4000	Geo CD:	
Legal Description Township 18 Section Lot 2E Block Range 19 SubdivisionName _UNSPECIFIED		

Installments

Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/17/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/5/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/4/2021	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 4	3/1/2021	2020	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:		\$0.00	\$0.00	\$0.00	\$0.00	

Tax Detail

	Gross Tax	Credit	Net Tax
<u>Remediation</u>	\$72.69	\$0.00	\$72.69
<u>State of Nevada</u>	\$839.58	(\$474.70)	\$364.88
<u>Truckee Meadows Fire Dist</u>	\$2,666.89	(\$1,507.86)	\$1,159.03
<u>Washoe County</u>	\$6,873.16	(\$3,886.09)	\$2,987.07
<u>Washoe County Sc</u>	\$5,622.70	(\$3,179.07)	\$2,443.63
<u>TRUCKEE MDWS/SUN VALLEY WATER BASIN</u>	\$0.03	\$0.00	\$0.03
Total Tax	\$16,075.05	(\$9,047.72)	\$7,027.33

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	2020530249	B20.48407	\$7,027.33	8/14/2020

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-3642

Address change requests may also be mailed to:
Washoe County Assessor
1001 E 9th Street
Reno, NV 89512-2845

After Recordation Return To:
SIERRA PACIFIC POWER COMPANY
Right-of-Way Department
P.O. Box 10100
Reno, Nevada 89520

1607389

A.P.N.
49-010-10

NO TAX DUE

NOTICE OF CLAIM OF EASEMENT

To the Clerk of the County of Washoe, State of Nevada,
and all others whom it may concern:

PLEASE TAKE NOTICE that Sierra Pacific Power Company has and
claims an easement over and across land, which land and easement
are described in the grant of easement set forth in Attachment A.
Sierra Pacific Power Company's address is 6100 Neil Road, Reno,
Nevada.

The owner of the property NELL J. REDFIELD TRUST, BETTY
ALYCE JONES, HELEN JEANE JONES, IRIS G. BREWERTON, KENNETH G.
WALKER and GERALD C. SMITH, Trustees, and the interest of the
owner as far as known to Sierra Pacific Power Company is a fee.

SIERRA PACIFIC POWER COMPANY
A Nevada Corporation

Date: 9/10/92

By: Margaret G. Manes
MARGARET G. MANES
General Counsel

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On September 10, 1992, personally appeared
before me, a Notary Public, MARGARET G. MANES, personally known
to me (or proved to me on the basis of satisfactory evidence) to
be the person who executed the within instrument as GENERAL
COUNSEL, of SIERRA PACIFIC POWER COMPANY, a Nevada corporation,
on behalf of said corporation therein named and acknowledged to
me that the corporation executed it.



Mary H. Moyer
NOTARY PUBLIC

BK3570PG0985

1 THIS AGREEMENT, made and entered into this 11th day of
2 September, 1952, by and between H.B.R. BUSHARD by her duly
3 appointed Attorney-in-Fact, Lavere Redfield, hereinafter
4 referred to as "Grantor", and SIERRA PACIFIC POWER COMPANY, a
5 corporation, organized and existing under the laws of the State
6 of Maine, and transacting a public utility business in the State
7 of Nevada, hereinafter referred to as "Grantee".

W I T N E S S E T H:

10 That for and in consideration of the mutual promises and
11 agreements of the parties hereto, and other valuable considera-
12 tion hereinafter mentioned, Grantor hereby grants to Grantee
13 the right, privilege and authority to construct, operate and
14 maintain an electric power line and the right to place, inspect,
15 maintain, alter and replace thereon a line of wooden poles or
16 metal structures with crossarms, wires, cables, fixtures,
17 anchors, guy wires and other appurtenances, all hereinafter
18 referred to as "facilities", and to keep the same free of
19 foliage, with the right to trim and remove limbs, brush and
20 timber, which may interfere with the operation of said line;
21 upon, over and across the following described lands and premises
22 situate in the County of Washoe, State of Nevada, to wit:

✓ Parcel #1:

24 The Southeast one-quarter (SE $\frac{1}{4}$) of
25 the Southeast one-quarter (SE $\frac{1}{4}$) of
Section 24, T. 19 N. R. 18 E. MDB&M

26 Center line of said electric power line to
27 be located approximately as follows:

Beginning at a point on the Easterly
line of the Southeast one-quarter
(SE $\frac{1}{4}$) of said Section 24, from which
point the Northeast corner of said
Section 24 bears N. 0° 07' 14" W.
4123.85 feet more or less, and running

BK3570PS0987

1 Thence, N. $64^{\circ} 19' 14''$ W. 228.90 feet to a
2 point on the Northerly line of the Southeast
3 one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter
(SE $\frac{1}{4}$) of said Section 24.

4 ✓ Parcel #2:

5 The West one-half (W $\frac{1}{2}$) of the Southwest one-quarter
6 (SW $\frac{1}{2}$) of Section 11, the Northwest one-quarter
7 (NW $\frac{1}{2}$) and the East one-half (E $\frac{1}{2}$) of the Southwest
8 one-quarter (SW $\frac{1}{2}$) of Section 14, the East one-half
(E $\frac{1}{2}$) of the West one-half (W $\frac{1}{2}$) of Section 23, the
9 East one-half (E $\frac{1}{2}$) of the Northwest one-quarter
(NW $\frac{1}{2}$) of Section 26, T. 18N. R. 19E. MDB&M.

10 Center line of said electric power line to be located
11 approximately as follows:

12 Beginning at a point on the Northerly line of
13 the Southwest one-quarter (SW $\frac{1}{2}$) of said Section
14 11, from which point the West one-quarter (W $\frac{1}{4}$)
15 corner of said Section 11 bears West 178.87
16 feet and running

17 Thence, S. $0^{\circ} 07' 44''$ E. 407.77 feet
18 Thence, S. $21^{\circ} 19' 04''$ E. 4396.46 feet
19 Thence, S. $3^{\circ} 18' 24''$ E. 10,908.78 feet
20 Thence, S. $12^{\circ} 56' 04''$ E. 339.64 feet
21 more or less, to a point on the southerly line of
22 the Northwest one-quarter (NW $\frac{1}{2}$) of said Section
23 26, from which point the center of said Section 26
24 bears East 205 feet more or less.

25 ✓ Parcel #3:

26 The East one-half (E $\frac{1}{2}$) of Section 35, T. 18 N.
27 R. 19E. MDB&M

28 Center line of said electric power line to be located
29 approximately as follows:

30 Beginning at a point on the Northerly line of
31 the Northeast one-quarter (NE $\frac{1}{2}$) of said Section
32 35, from which point the North one-quarter
33 (N $\frac{1}{2}$) corner of said Section 35 bears West 339.48
34 feet more or less, and running

35 Thence, S. $12^{\circ} 56' 04''$ E. 5428.45 feet to a
36 point on the Southerly line of said Section 35,
37 from which point the Southeast corner of said
38 Section 35 bears East 1014.94 feet more or less.

39 ✓ Parcel #4:

40 The Southwest one-quarter (SW $\frac{1}{2}$) of the South-
41 west one-quarter (SW $\frac{1}{2}$) of Section 1, T. 17N.
42 R. 19E. MDB&M

43

1 Center line of said electric power line to be located
2 approximately as follows:

3 Beginning at a point on the Southerly line
4 of the Southwest one-quarter (SW $\frac{1}{4}$) of said
5 Section 1, from which point the Southwest corner
6 of said Section 1 bears N. 88° 09' 29" W. 223.23
7 feet and running

8 Thence, N. 12° 56' 04" W. 965.85 feet to a point
9 on the Westerly line of the Southwest one-quarter
10 (SW $\frac{1}{4}$) of said Section 1.

11 Parcel #5

12 The East one-half (E $\frac{1}{2}$) of the Northwest one-
13 quarter (NW $\frac{1}{4}$) of Section 13, T. 17 N. R.19E.
14 MDB&M

15 Center line of said electric power line to be located
16 approximately as follows:

17 Beginning at a point on the Northerly line of
18 the Northwest one-quarter (NW $\frac{1}{4}$) of said Section
19 13, from which point the North one-quarter
20 (N $\frac{1}{4}$) corner of said Section 13 bears East
21 937.97 feet more or less and running

22 Thence, S. 24° 03' 24" E. 2251.36 feet more or
23 less, to a point on the Easterly line of the
24 Northwest one-quarter (NW $\frac{1}{4}$) of said Section 13.

25 IT IS FURTHER AGREED that the Grantee may construct a
26 roadway for line construction and maintenance along the general
27 route of the proposed electric power line, and Grantee in that
28 respect agrees to place two gates along said road at points
29 shown on the map attached hereto and made a part hereof, with
30 a fence connecting with said gates on each side thereof to a
distance not exceeding -100- feet.

31 Grantee, its contractors, agents and employees, shall
32 have the right of ingress to and egress from the said right-of-
33 way and the electric power line and facilities thereon at all
34 times, with the specific understanding that Grantee shall be
35 responsible for any damage to buildings, structures, fences,
36 crops, animals or other personal property suffered by Grantor by

BK3570FG0989

1 reason of the construction, maintenance, alteration or repair
2 of said line.

3 IT IS FURTHER UNDERSTOOD AND AGREED between the parties
4 hereto that the compensation be paid by Grantee to Grantor for
5 the rights and privileges herein granted shall be settled by
6 mutual agreement of the parties but if said parties are unable
7 to agree upon such compensation within six (6) months from the
8 date hereof, then Grantee shall institute in the Second
9 Judicial District Court of the State of Nevada, in and for the
10 County of Washoe, a suit for condemnation, and the compensation
11 for the privileges herein granted shall be determined in said
12 action.

13
14 IN WITNESS WHEREOF, the parties hereto have executed this
15 agreement the day and year first above written.

16
17 H. B. R. BUSHARD

18 By W. Redfield
19 Attorney-in-Fact

20
21 Grantor

22 SIERRA PACIFIC POWER COMPANY

23
24 By F. A. Tracy
25 President

26
27 Grantee

28
29
30
POSTED

OFFICIAL RECORDS
WASHOE CO., NEVADA
RECORD REQUESTED BY
SIERRA PACIFIC POWER CO.

92 SEP 23 P2:50 4.

WOODBURN, FORMAN
& WOODBURN
ATTORNEYS
808 NO. VIRGINIA ST.
RENO, NEVADA

JOE MELCHER
COUNTY RECORDER
FEE 900 DEP 8

2151424

When Recorded, Return To:

Washoe County Utility Services Division
P.O. Box 11130
Reno, NV 89520

APNs: 152-020-06, 152-020-11 and 152-020-19

GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 28th day of October, 1997, by and between **SOUTHWEST POINTE ASSOCIATES, L.L.C.**, a Delaware limited liability company, hereinafter referred to as "Grantor", and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, herein referred to as "Grantee".

WITNESSETH:

That the Grantor, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to it in hand paid by Grantee, and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant and convey unto Grantee, its successors and assigns forever, a nonexclusive easement and right-of-way for the construction, maintenance, repair and replacement of water transmission mains and appurtenances thereto, over, across and through a parcel of land situate in the County of Washoe, State of Nevada, as described on the attached Exhibit "A".

This is a nonexclusive Grant of Easement and to the extent that other uses do not interfere with the use of said easement by Grantee as permitted herein, Grantor, Grantor's successors and assigns, shall be permitted to use the same for any purpose they may desire.

The covenants and agreements herein contained shall inure to the benefit of and shall be binding upon the executors, administrators, heirs, successors and assigns of the parties and shall be, and are, covenants running with the land binding upon said property of Grantor and for the benefit of Grantee.

IN WITNESS WHEREOF, the Grantor has executed this indenture the day and year first above written.

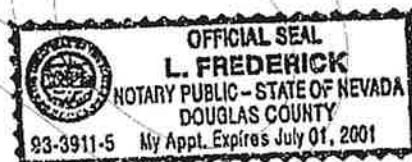
SOUTHWEST POINTE ASSOCIATES, L.L.C.
a Delaware limited liability company

Ely: Jeff Dugan
JEFFERY DINGMAN, President

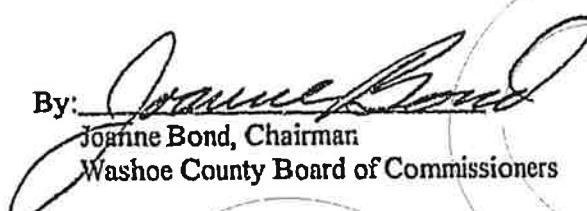
STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

This instrument was acknowledged before me on October 22, 1997 by JEFFERY DINGMAN as President of SOUTHWEST POINTE ASSOCIATES, L.L.C., a Delaware limited liability company.

NOTARY: 



Accepted For The County Of Washoe

By: 
Joanne Bond, Chairman
Washoe County Board of Commissioners

ATTEST:


Judi Bailey, County Clerk

EXHIBIT "A"

DESCRIPTION
ASSESSMENT DISTRICT FACILITY EASEMENT 4

A parcel of land situate within Sections 14, 23, 24 and 26, T18N, R19E, MDM, and being portions of Parcel 2A of Survey Map 3150, recorded November 27, 1996, as Document No. 2051794, and portions of Parcels 1A, 2A and 3A of Survey Map 3294, recorded August 26, 1997, as Document No. 2128435, Official Records of Washoe County, Nevada; more particularly described as follows:

Commencing at the south one-quarter corner of said Section 24; thence along the north-south centerline of said Section 24, N 00°37'20" E, 249.07 feet to a point on the centerline of Arrowcreek Parkway; thence along the centerline of Arrowcreek Parkway the following courses and distances: N 89°45'53" W, 247.49 feet; along the arc of a tangent 820.00 foot radius curve to the right through a central angle of 52°04'10" a distance of 745.20 feet; N 37°41'43" W, 251.70 feet to the TRUE POINT OF BEGINNING; thence N 52°18'17" E, 60.00 feet; thence N 37°41'43" W, 484.23 feet; thence along the arc of a tangent 910.00 foot radius curve to the left through a central angle of 16°48'17" a distance of 266.90 feet; thence N 54°30'00" W, 386.14 feet; thence along the arc of a tangent 490.00 foot radius curve to the right through a central angle of 50°49'12" a distance of 434.62 feet; thence N 03°40'48" W, 455.56 feet; thence along the arc of a tangent 710.00 foot radius curve to the left through a central angle of 46°40'18" a distance of 578.35 feet; thence N 50°21'06" W, 375.49 feet; thence along the arc of a tangent 840.00 foot radius curve to the right through a central angle of 42°21'06" a distance of 620.91 feet; thence N 13°20'51" W, 106.66 feet; thence along the arc of a non-tangent 950.50 foot radius curve to the left from a tangent bearing N 09°44'40" W through a central angle of 16°14'23" a distance of 269.40 feet; thence N 25°59'02" W, 152.94 feet; thence N 21°49'39" W, 376.09 feet; thence along the arc of a tangent 930.00 foot radius curve to the left through a central angle of 14°07'33" a distance of 229.28 feet; thence N 35°57'12" W, 184.00 feet; thence N 52°54'42" E, 603.96 feet; thence S 58°17'31" E, 174.72 feet; thence N 84°52'50" E, 284.40 feet; thence N 00°00'00" E, 30.12 feet;

DK 5036 PG 0670

thence S 84°52'50" W, 277.10 feet;
thence N 58°17'31" W, 185.28 feet;
thence S 52°54'42" W, 623.91 feet;
thence N 35°57'12" W, 164.83 feet;
therice along the arc of a tangent 580.00 foot radius curve to the left through a central angle of 31°36'43" a distance of 320.00 feet;
thence N 67°33'55" W, 254.45 feet;
thence along the arc of a tangent 870.00 foot radius curve to the right through a central angle of 34°26'54" a distance of 523.08 feet;
thence N 33°07'01" W, 218.29 feet;
thence along the arc of a tangent 530.00 foot radius curve to the left through a central angle of 48°18'57" a distance of 446.93 feet;
thence N 81°25'58" W, 378.82 feet;
thence along the arc of a tangent 405.00 foot radius curve to the left through a central angle of 104°33'23" a distance of 739.07 feet;
thence S 05°59'21" E, 487.67 feet;
thence along the arc of a tangent 720.00 foot radius curve to the right through a central angle of 30°44'45" a distance of 386.36 feet;
thence S 24°45'24" W, 290.69 feet;
thence along the arc of a tangent 1730.00 foot radius curve to the left through a central angle of 25°14'41" a distance of 762.24 feet;
thence S 00°29'17" E, 422.19 feet;
thence along the arc of a tangent 2030.00 foot radius curve to the left through a central angle of 24°28'51" a distance of 867.36 feet;
thence S 22°30'58" E, 58.20 feet;
thence S 11°49'32" W, 63.99 feet;
thence along the arc of a non-tangent 330.00 foot radius curve to the left from a tangent bearing S 53°18'17" W through a central angle of 56°29'42" a distance of 325.39 feet;
thence S 03°11'24" E, 50.00 feet;
thence along the arc of a tangent 470.00 foot radius curve to the right through a central angle of 28°17'24" a distance of 232.06 feet;
thence S 64°54'01" E, 60.00 feet;
thence along the arc of a non-tangent 530.00 foot radius curve to the left from a tangent bearing N 25°05'59" E, through a central angle of 28°17'24" a distance of 261.69 feet;
thence N 03°11'24" W, 50.00 feet;
thence along the arc of a tangent 270.00 foot radius curve to the right through a central angle of 58°07'52" a distance of 273.94 feet to a point of compound curvature;
thence along the arc of a tangent 20.00 foot radius curve to the right through a central angle of 94°39'57" a distance of 33.04 feet;
thence S 30°23'36" E, 117.81 feet;
thence S 34°12'26" E, 90.20 feet;
thence S 30°23'36" E, 50.94 feet;
thence along the arc of a tangent 1530.00 foot radius curve to the left through a central angle of 10°28'30" a distance of 279.72 feet;

thence S $40^{\circ}52'06''$ E, 529.93 feet;
thence along the arc of a tangent 780.00 foot radius curve to the left through a central angle of $20^{\circ}05'36''$ a distance of 273.54 feet;
thence S $60^{\circ}57'42''$ L, 133.47 feet;
thence along the arc of a tangent 1320.00 foot radius curve to the right through a central angle of $15^{\circ}59'36''$ a distance of 368.46 feet;
thence S $44^{\circ}58'06''$ E, 102.05 feet;
thence along the arc of a tangent 410.00 foot radius curve to the left through a central angle of $51^{\circ}28'34''$ a distance of 368.36 feet;
thence N $83^{\circ}33'20''$ E, 44.31 feet;
thence N $87^{\circ}22'11''$ E, 90.20 feet;
thence N $83^{\circ}33'20''$ E, 7.60 feet;
thence S $06^{\circ}26'40''$ E, 36.11 feet;
thence along the arc of a tangent 377.00 foot radius curve to the right through a central angle of $13^{\circ}57'56''$ a distance of 91.89 feet;
thence S $07^{\circ}31'16''$ W, 658.19 feet;
thence along the arc of a tangent 377.00 foot radius curve to the right through a central angle of $56^{\circ}36'50''$ a distance of 372.51 feet;
thence S $64^{\circ}08'05''$ W, 82.24 feet;
thence along the arc of a tangent 323.00 foot radius curve to the left through a central angle of $52^{\circ}41'25''$ a distance of 297.04 feet;
thence S $11^{\circ}26'41''$ W, 100.41 feet;
thence along the arc of a tangent 277.00 foot radius curve to the right through a central angle of $105^{\circ}39'07''$ a distance of 510.78 feet;
thence N $62^{\circ}54'12''$ W, 149.75 feet;
thence along the arc of a tangent 463.00 foot radius curve to the left through a central angle of $26^{\circ}33'34''$ a distance of 214.62 feet;
thence N $89^{\circ}27'46''$ W, 34.06 feet;
thence along the arc of a tangent 277.00 foot radius curve to the right through a central angle of $43^{\circ}02'22''$ a distance of 208.08 feet;
thence S $46^{\circ}08'12''$ W, 480.33 feet;
thence S $02^{\circ}15'30''$ W, 43.28 feet;
thence N $46^{\circ}08'12''$ E, 484.19 feet;
thence along the arc of a non-tangent 307.00 foot radius curve to the left from a tangent bearing S $51^{\circ}47'47''$ E through a central angle of $37^{\circ}39'58''$ a distance of 201.82 feet;
thence S $89^{\circ}27'46''$ E, 34.06 feet;
thence along the arc of a tangent 433.00 foot radius curve to the right through a central angle of $26^{\circ}33'34''$ a distance of 200.72 feet;
thence S $62^{\circ}54'12''$ E, 149.75 feet;
thence along the arc of a tangent 307.00 foot radius curve to the left through a central angle of $105^{\circ}39'07''$ a distance of 566.10 feet;
thence N $11^{\circ}26'41''$ E, 100.41 feet;
thence along the arc of a tangent 293.00 foot radius curve to the right through a central angle of $52^{\circ}41'25''$ a distance of 269.45 feet;

BK 5036 PG 0673

thence N 64°08'05" E, 82.24 feet;
thence along the arc of a tangent 407.00 foot radius curve to the left through a central angle of 56°36'50" a distance of 402.16 feet;
thence N 07°31'16" E, 658.19 feet;
thence along the arc of a tangent 407.00 foot radius curve to the left through a central angle of 13°57'56" a distance of 99.20 feet;
thence N 06°26'40" W, 36.11 feet;
thence N 83°33'20" E, 164.48 feet;
thence N 85°03'41" E, 88.31 feet;
thence along the arc of a non-tangent 470.00 foot radius curve to the right from a tangent bearing S 85°38'50" E through a central angle of 23°08'15" a distance of 189.80 feet;
thence S 28°57'30" W, 10.90 feet;
thence S 61°02'30" E, 18.00 feet;
thence N 28°57'30" E, 11.01 feet;
thence along the arc of a non-tangent 470.00 foot radius curve to the right from a tangent bearing S 60°18'55" E through a central angle of 20°58'53" a distance of 172.11 feet;
thence S 39°20'02" E, 277.70 feet;
thence along the arc of a tangent 580.00 foot radius curve to the left through a central angle of 85°31'40" a distance of 865.79 feet;
thence N 55°08'18" E, 163.79 feet;
thence along the arc of a tangent 470.00 foot radius curve to the right through a central angle of 07°49'56" a distance of 64.25 feet;
thence N 62°58'14" E, 226.91 feet;
thence along the arc of a tangent 380.00 foot radius curve to the left through a central angle of 52°39'43" a distance of 349.27 feet;
thence N 10°18'31" E, 55.63 feet;
thence S 79°41'29" E, 11.00 feet;
thence N 10°18'31" E, 18.00 feet;
thence N 79°41'29" W, 10.94 feet;
thence along the arc of a non-tangent 650.00 foot radius curve to the right from a tangent bearing N 11°03'51" E through a central angle of 24°26'09" a distance of 277.21 feet;
thence N 35°30'00" E, 19.87 feet;
thence along the arc of a tangent 30.00 foot radius curve to the right through a central angle of 90°00'00" a distance of 47.12 feet;
thence S 54°30'00" E, 44.66 feet;
thence along the arc of a tangent 790.00 foot radius curve to the right through a central angle of 16°48'17" a distance of 231.70 feet;
thence S 37°41'43" E, 220.38 feet;
thence S 07°18'17" W, 56.57 feet;
thence S 37°41'43" E, 104.13 feet;
thence S 82°41'43" E, 56.57 feet;

thence S 37°41'43" E, 79.72 feet;
thence N 52°18'17" E, 60.00 feet to the point of beginning.

Excepting therefrom the following described parcel of land:

Commencing at the south one-quarter corner of said Section 24;
thence along the north-south centerline of said Section 24, N 00°37'20" E, 249.07 feet to a
point on the centerline of Arrowcreek Parkway;
thence along the centerline of Arrowcreek Parkway the following courses and distances:
N 89°45'53" W, 247.49 feet;
along the arc of a tangent 820.00 foot radius curve to the right through a central angle of
52°04'10" a distance of 745.20 feet;
N 37°41'43" W, 735.93 feet;
along the arc of a tangent 850.00 foot radius curve to the left through a central angle of
16°48'17" a distance of 249.30 feet;
thence N 54°30'00" W, 176.66 feet;
thence S 35°30'00" W, 60.00 feet to the TRUE POINT OF BEGINNING;
thence N 54°30'00" W, 209.48 feet;
thence along the arc of a tangent 610.00 foot radius curve to the right through a central
angle of 50°49'12" a distance of 541.06 feet;
thence N 03°40'48" W, 455.56 feet;
thence along the arc of a tangent 590.00 foot radius curve to the left through a central
angle of 46°40'18" a distance of 480.60 feet;
thence N 50°21'06" W, 375.49 feet;
thence along the arc of a tangent 960.00 foot radius curve to the right through a central
angle of 42°21'06" a distance of 709.61 feet;
thence N 03°05'07" W, 106.59 feet;
thence along the arc of a non-tangent 849.50 foot radius curve to the left from a tangent
bearing N 06°18'47" W through a central angle of 11°21'31" a distance of 168.41 feet;
thence N 17°40'18" W, 231.22 feet;
thence N 21°49'39" W, 376.09 feet;
thence along the arc of a tangent 870.00 foot radius curve to the left through a central
angle of 14°07'33" a distance of 214.49 feet;
thence N 35°57'12" W, 118.00 feet;
thence S 54°02'48" W, 11.00 feet;
thence N 35°57'12" W, 18.00 feet;
thence N 54°02'48" E, 11.00 feet;
thence N 35°57'12" W, 242.84 feet;
thence along the arc of a tangent 520.00 foot radius curve to the left through a central
angle of 31°36'43" a distance of 286.90 feet;
thence N 67°33'55" W, 254.45 feet;
thence along the arc of a tangent 930.00 foot radius curve to the right through a central
angle of 34°26'54" a distance of 559.15 feet;
thence N 33°07'01" W, 218.29 feet;

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thence along the arc of a tangent 470.00 foot radius curve to the left through a central angle of $48^{\circ}18'57''$ a distance of 396.34 feet;
thence N $81^{\circ}25'58''$ W, 378.82 feet;
thence along the arc of a tangent 345.00 foot radius curve to the left through a central angle of $104^{\circ}33'23''$ a distance of 629.57 feet;
thence S $05^{\circ}59'21''$ E, 487.67 feet;
thence along the arc of a tangent 780.00 foot radius curve to the right through a central angle of $30^{\circ}44'45''$ a distance of 418.56 feet;
thence S $24^{\circ}45'24''$ W, 290.69 feet;
thence along the arc of a tangent 1670.00 foot radius curve to the left through a central angle of $25^{\circ}14'41''$ a distance of 735.81 feet;
thence S $00^{\circ}29'17''$ E, 422.19 feet;
thence along the arc of a tangent 1970.00 foot radius curve to the left through a central angle of $03^{\circ}32'10''$ a distance of 121.58 feet;
thence N $90^{\circ}00'00''$ E, 250.24 feet;
thence S $00^{\circ}00'00''$ W, 20.00 feet;
thence S $90^{\circ}00'00''$ W, 248.73 feet;
thence along the arc of a non-tangent 1970.00 foot radius curve to the left from a tangent bearing S $04^{\circ}36'27''$ E through a central angle of $25^{\circ}47'09''$ a distance of 886.59 feet;
thence S $30^{\circ}23'36''$ E, 250.73 feet;
thence along the arc of a tangent 1470.00 foot radius curve to the left through a central angle of $10^{\circ}28'30''$ a distance of 268.75 feet;
thence S $40^{\circ}52'06''$ E, 529.93 feet;
thence along the arc of a tangent 720.00 foot radius curve to the left through a central angle of $20^{\circ}05'36''$ a distance of 252.50 feet;
thence S $60^{\circ}57'42''$ E, 133.47 feet;
thence along the arc of a tangent 1380.00 foot radius curve to the right through a central angle of $15^{\circ}59'36''$ a distance of 385.21 feet;
thence S $44^{\circ}58'06''$ E, 102.05 feet;
thence along the arc of a tangent 350.00 foot radius curve to the left through a central angle of $51^{\circ}28'34''$ a distance of 314.45 feet;
thence N $83^{\circ}33'20''$ E, 44.31 feet;
thence N $79^{\circ}44'29''$ E, 90.20 feet;
thence N $83^{\circ}33'20''$ E, 203.79 feet;
thence S $87^{\circ}32'15''$ E, 97.35 feet;
thence along the arc of a non-tangent 530.00 foot radius curve to the right from a tangent bearing S $85^{\circ}49'40''$ E through a central angle of $46^{\circ}29'38''$ a distance of 430.08 feet;
thence S $39^{\circ}20'02''$ E, 277.70 feet;
thence along the arc of a tangent 520.00 foot radius curve to the left through a central angle of $85^{\circ}31'40''$ a distance of 776.23 feet;
thence N $55^{\circ}08'18''$ E, 163.79 feet;
thence along the arc of a tangent 530.00 foot radius curve to the right through a central angle of $07^{\circ}49'56''$ a distance of 72.45 feet;

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thence N 62°58'14" E, 226.91 feet;
thence along the arc of a tangent 320.00 foot radius curve to the left through a central angle of 52°39'43" a distance of 294.12 feet;
thence N 10°18'31" E, 133.47 feet;
thence along the arc of a tangent 530.00 foot radius curve to the right through a central angle of 25°11'29" a distance of 233.03 feet;
thence N 35°30'00" E, 34.58 feet;
thence along the arc of a tangent 30.00 foot radius curve to the left through a central angle of 90°00'00" a distance of 47.12 feet to the point of beginning.

Containing 32.73 acres, more or less.

Basis of bearings is Parcel Map 3086.



2151424

OFFICIAL RECORDS
WASHOE CO., NEVADA
RECORD DECEMBER BY
Washoe Co. Water P.W.
97 NOV-6 AM 11:28

JOE MELLINGER
COUNTY CLERK

FEE A DEP A

295



A.P.N: 152-021-03

After Recordation Return To:

Truckee Meadows Water Authority
Attn: Heather Edmunson, Land Agent
P.O. Box 30013
Reno, Nevada 89520-3013

The undersigned hereby affirms that this document submitted for recording does not contain the personal information of any person or persons per N.R.S. 239B.030.

**GRANT OF EASEMENT FOR
ARROWCREEK 2 MONITORING WELL**

OCTOBER

This Grant of Easement dated August 3, 2018 is between LUCKY STAR GOLF, LLC, A Delaware limited liability company (Grantor), and TRUCKEE MEADOWS WATER AUTHORITY, a Joint Powers Authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada and Washoe County, Nevada, pursuant to NRS Chapter 277 (Grantee).

RECITALS:

- A. Grantor owns the real property located in Washoe County, Nevada, more particularly described as APN: 152-021-03 (Grantor Property);
- B. Grantee operates a municipal water system in Washoe County;
- C. Grantor desires to grant an easement to Grantee over a portion of the Grantor Property, for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

GRANT OF EASEMENT

1. Grant of Easement. Grantor hereby grants to Grantee, its successors, assigns, agents, and licensees a permanent and non-exclusive easement and right of way to construct, alter, maintain, inspect, repair, reconstruct, and operate

a monitoring well, together with the appropriate mains, markers, conduits, pipes, fixtures, and any other facilities or appurtenances deemed necessary or convenient by Grantee to operate the well (Water Facilities), over, across, upon, under, and through that portion of the Grantor Property more fully described on **Exhibit "A"** and shown on **Exhibit "A-1"** attached hereto (Easement Area).

2. Access. Grantee shall have at all times ingress and egress to the Easement Area, including over the Grantor Property to the extent necessary, for the purposes set forth above.

3. Hold Harmless. Subject to the limitation of NRS Chapter 41 and Paragraph 4 below, Grantee shall be responsible for any loss, damage or injury suffered or sustained by Grantor for any damage to the personal property or improvements located on the Grantor Property, to the extent directly caused by any negligent act or omission of Grantee in constructing, maintaining, and operating the Water Facilities in the Easement Area.

4. No Interference. Grantor shall not, without Grantee's prior written consent (which consent shall not be unreasonably withheld), plant, erect or construct, nor permit to be planted, erected or constructed, within the Easement Area, any shrubs, trees, buildings, fences, structures, or any other improvement or obstruction which in the reasonable judgment of Grantee interferes with Grantee's access to and use of the Easement Area for the intended purposes, nor shall Grantor engage in or permit any activity to occur within the Easement Area which in the reasonable judgment of Grantee is inconsistent with Grantee's use of the Easement Area.

Notwithstanding the foregoing, Grantor may install or construct asphalt paving or standard concrete for purposes of providing parking within the Easement Area with Grantee's consent, which shall not be unreasonably withheld. Except as to landscaping, pavement or concrete otherwise permitted by Grantee pursuant to this Section, Grantee shall have the right, without payment, liability or notice to Grantor, to remove or clear any and all buildings, fences, structures, paving, combustible materials, trees, brush, debris, or any other obstruction from the Easement Area, which in the reasonable judgment of Grantee may interfere with or endanger Grantee's access to or use of the Easement Property or the constructing, altering, maintaining, inspecting, repairing, reconstructing and operating of the Water Facilities.

5. Reimbursement for Grantor Breach. Grantor shall reimburse Grantee for the reasonable costs incurred by Grantee as a result of Grantor's breach of any covenant of Grantor set forth herein.

6. Relocation of Easement Area and Water Facilities. Grantor may, at any time, request the relocation of the Easement Area and Water Facilities to a new location on the Grantor Property, and Grantee agrees to perform such relocation provided (i) such new location is suitable to Grantee for Grantee's intended purposes; (ii) Grantor convey to Grantee an equivalent easement in the new location; and (iii) Grantor pay for all reasonable out-of-pocket costs and expenses incurred by Grantee arising from or related to the relocation of the Water Facilities, whether on or off the Grantor Property, including design costs and retirement of existing facilities.

7. Grantor Warranties. Grantor warrants and represents to Grantee as follows:

a. Title to Grantor's Property. Grantor owns fee title to Grantor's Property and the Easement Area and there are no prior encumbrances, liens, restrictions, covenants or conditions applicable to the Easement Area which will frustrate or make impossible the purposes of the easements granted herein.

b. Authority. The person signing this Easement on behalf of Grantor is duly authorized to so sign and has the full power and authority to bind Grantor, to sell and convey the Easement Area to Grantee, and to enter into and perform the obligations hereunder.

c. Defects. Grantor has no knowledge of any defects or conditions of the Easement Area or Grantor's Property which would impair Grantee's ability to enjoy the use and purpose of this Easement.

d. Legal Access. Legal and sufficient access to this Grant of Easement exists through either the access easement granted hereunder, another easement transferred to Grantee or from a public road.

e. Contracts or Leases. There are no leases, licenses, permits or other contracts with third parties which affect any portion of the Easement Area.

f. Pending Litigation. Grantor is not aware of any pending or threatened litigation or regulatory actions regarding the Easement Area and the Easement Area is not subject to any foreclosure or deed in lieu of foreclosure.

THIS GRANT OF EASEMENT and the terms contained herein are granted in gross for the benefit of Grantee and shall run with the land and shall be binding upon and shall inure to the benefit of Grantor and Grantee and the successors, agents and assigns of Grantor and Grantee, and all rights herein granted may be assigned.

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto said Grantee, its successors, agents and assigns forever.

IN WITNESS WHEREOF, Grantor has caused these presents duly to be executed the day and year first above written.

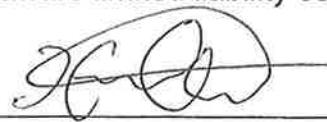
GRANTOR:

LUCKY STAR GOLF, LLC,
A Delaware limited liability company

By: 
Raymond W. Conrad, Manager

STATE OF Nevada)
) ss.
COUNTY OF Washoe)

This instrument was acknowledged before me this 3 day of October 2018, 2018, by Raymond W. Conrad, as Manager of Lucky Star Golf LLC, on behalf of said Delaware limited liability company.



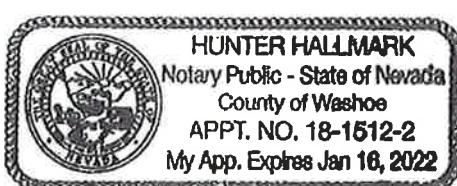
Notary Public

Exhibit A

Legal Description

All that certain real property situate in the Northeast One-Quarter of Section 23, Township 18 North, Range 19 East, M.D.M, Washoe County Nevada, more particularly described as follows:

BEGINNING at the southeast corner of that parcel defined as "Arrowcreek Well #2", as described in that deed with Washoe County, a political subdivision of the State of Nevada, as grantor, and Truckee Meadows Water Authority, a joint powers authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada and Sparks, Nevada, and the County of Washoe, pursuant to NRS Chapter 277, as grantee, recorded December 31, 2014, as Document No. 4422982, Official Records, Washoe County, Nevada; Said POINT OF BEGINNING being further described as bearing North 42°16'18" West, 4376.48 feet from the Southeast corner of Section 23, Township 18 North, Range 19 East, M.D.M., as shown on Record of Survey Map No. 3385, recorded February 27, 1998, Official Records, Washoe County, Nevada.

THENCE from said POINT OF BEGINNING, North 0°00'00" West, along the east line of said parcel, 20.98 feet;

THENCE departing said east line, South 90°00'00" East, 18.00 feet;

THENCE South 00°00'00" East, 30.98 feet;

THENCE South 90°00'00" West, 152.00 feet;

THENCE North 00°00'00" West, 24.81 feet;

THENCE North 90°00'00" East, 10.00 feet to a point lying on the west line of said parcel;

THENCE South 00°00'00" East, along the west line of said parcel, 14.81 feet, to the southwest corner of said parcel;

THENCE South 90°00'00" East, along the south line of said parcel, 124.00 feet to said POINT OF BEGINNING, containing 2,046 square feet, more or less.

The basis of bearings for this description are identical with those bearings shown on said Record of Survey Map No. 3385.

Michael J. Miller, P.L.S.



EXHIBIT A-1



LEGEND
 P.M. PARCEL MAP
 POB POINT OF BEGINNING
 APN ASSESSOR PARCEL NO.
 R/S RECORD OF SURVEY

LUCKY STAR GOLF LLC
 APN: 152-021-03

0 100 200 300

SCALE 1"=100'

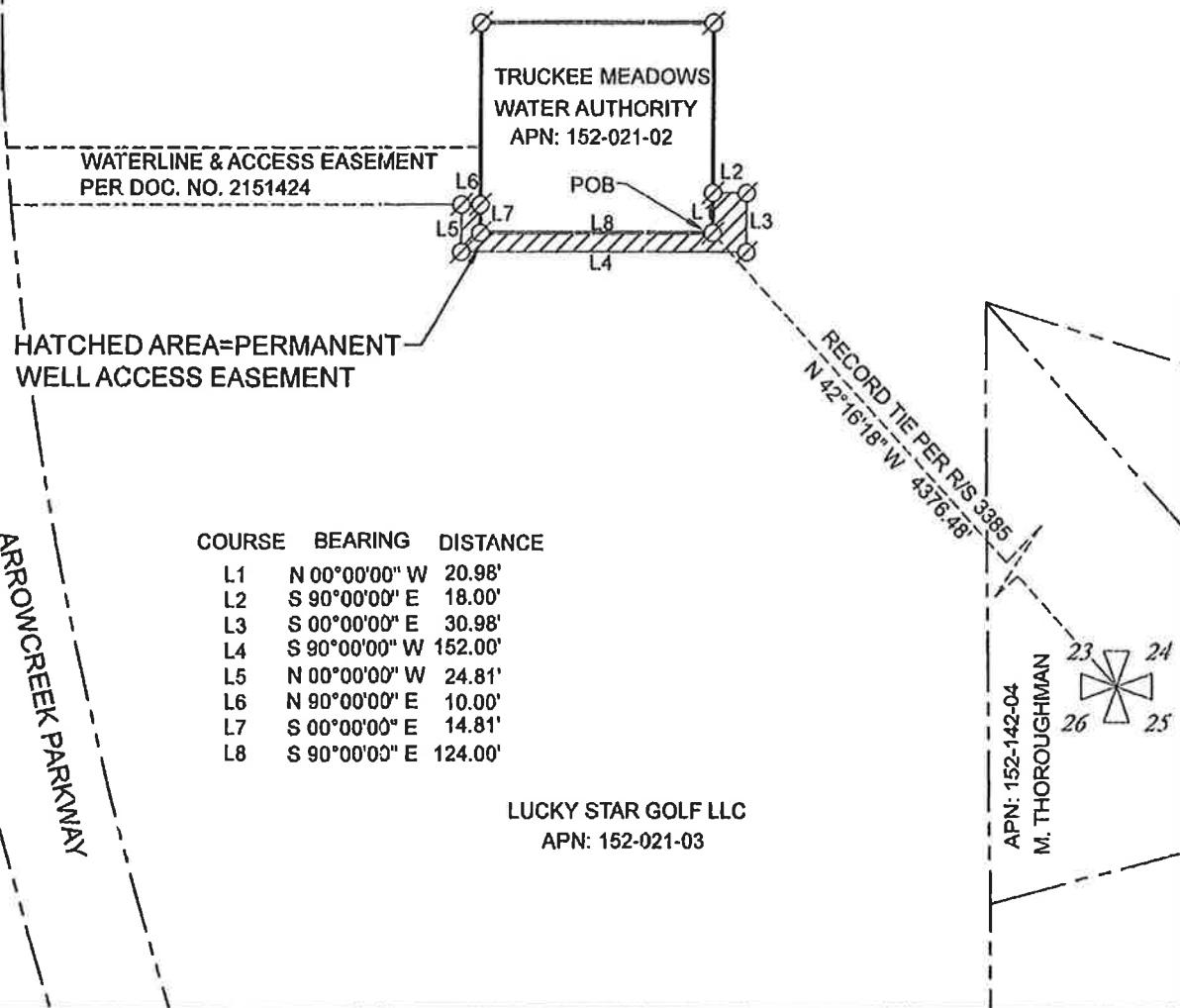


EXHIBIT MAP TO ACCOMPANY LEGAL DESCRIPTION

FOR
 PERMANENT WELL ACCESS EASEMENT

LYING WITHIN A PORTION OF THE NE $\frac{1}{4}$ SEC.23, T.18N., R.19E., M.D.M.

WASHOE COUNTY

NEVADA

ALPINE LAND SURVEYORS

7395 GRAVEL CT., RENO, NV 89502
 PH. 775-638-8550

EMAIL: m3a@alpineandsurveyors.com

SHEET 1 OF 1



WASHOE COUNTY RECORDER

OFFICE OF THE COUNTY RECORDER
LAWRENCE R. BURTNES, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.



Signature

10-30-18

Date

Heather Edmiston
Printed Name



1 WHEN RECORDED, RETURN TO:

2342737

2 ArrowCreek Homeowners Association
c/o Robert M. Sader, Esq.
3 462 Court Street
Reno, NV 89501
4 APN: 152-020-62
5
6

7 **COMMON AREA MAINTENANCE EASEMENT**

8 THIS GRANT OF EASEMENT, made and entered into this 30th day of April,
9 1999, by and between **ARROWCREEK GOLF HOLDINGS, L.L.C.**, a Delaware limited liability
10 company, hereinafter referred to as "Grantor"; and **ARROWCREEK HOMEOWNERS**
11 **ASSOCIATION**, a Nevada nonprofit corporation, hereinafter referred to as "Grantee".

12 **WITNESSETH:**

13 For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable
14 consideration, receipt is hereby acknowledged, Grantor hereby grants to Grantee a permanent
15 maintenance and landscaping easement as common area (as defined in that certain Declaration Of
16 Covenants, Conditions And Restrictions recorded on October 17, 1997 as Document No. 2145699
17 in the office of the Recorder of Washoe County, Nevada) upon, over, across and through the land
18 herein described, together with the perpetual right to enter upon said land to construct, reconstruct,
19 maintain and repair said common area.

20 The easement granted hereby is located in the County of Washoe, State of Nevada, more
21 particularly described in Exhibit "A", attached hereto and by this reference made a part hereof.

22 This is a nonexclusive grant of easement and to the extent that other uses do not interfere with
23 the use of said easement by Grantee as permitted herein, Grantor, its successors and assigns, shall be
24 permitted to use the same for any purpose it may desire.

25 The covenants and agreement herein contained shall inure to the benefit of and shall be
26 binding upon the executors, administrators, heirs, successors and assigns of the parties and shall be,
27
28

1 and are, covenants running with the land binding upon said property of Grantor and for the benefit
2 of Grantee.

3 IN WITNESS WHEREOF, Grantor hereto has executed this Grant of Easement the day and
4 year first above written.

5 TO HAVE AND TO HOLD, said easement and right-of-way unto the Grantee and unto its
6 successors and assigns forever.

7

8 **GRANTOR:**

9
10 ARROWCREEK GOLF HOLDINGS,
11 L.L.C., a Delaware limited liability
12 company

13 By: 

14 Title: Vice President/General Manager
15 CLAUDIA TROISI

16 **ACCEPTED:**

17 ARROWCREEK HOMEOWNERS
18 ASSOCIATION, a Nevada nonprofit
19 corporation

20 By: 

21 Title: Vice President/General Manager
22 CLAUDIA TROISI

1 STATE OF NEVADA }
2 COUNTY OF WASHOE } ss.

3 This instrument was acknowledged before me on April 30th, 1999 by
4 Claudia Troisi as Vice President/General Manager of ARROWCREEK GOLF
HOLDINGS, L.L.C., a Delaware limited liability company.



NOTARY 

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

This instrument was acknowledged before me on April 30th, 1999 by
Claudia Troisi as Vice President/General Manager of the ARROWCREEK
HOMEOWNERS ASSOCIATION, a Nevada nonprofit corporation.



NOTARY 

BK5690P60460

EXHIBIT "A"

DESCRIPTION

Parcels of land situate within Section 23, T18N, R19E, MDM, being a portion of Parcel 2B of Survey Map 3472, recorded on July 21, 1998, as Document No. 2233310, Official Records of Washoe County, Nevada; more particularly described as follows:

Easement 1:

Beginning at a point on the westerly boundary of said Parcel 2B, said point being on the easterly line of Arrowcreek Parkway and being the most westerly corner of Lot 428 of Arrowcreek Subdivision Unit 4B, as shown on the plat thereof, recorded July 9, 1998, as Tract Map 3567, Document No. 2229275, Official Records of Washoe County, Nevada, thence along said easterly line on the arc of a 1970.00 foot radius curve to the right from a tangent bearing N 22°07'17" W through a central angle of 17°37'50" a distance of 606.20 feet; thence N 89°59'53" E, 20.06 feet; thence along the arc of a non-tangent 1950.00 foot radius curve to the left from a tangent bearing S 04°32'13" E through a central angle of 17°36'06" a distance of 599.05 feet to a point on the northerly line of said Lot 428; thence along said northerly line S 69°32'57" W, 20.01 feet to the point of beginning.

Containing 12,052 square feet, more or less.

Easement 2:

Commencing at a point on the westerly boundary of said Parcel 2B, said point being on the easterly line of Arrowcreek Parkway and being the most westerly corner of Lot 428 of Arrowcreek Subdivision Unit 4B, as shown on the plat thereof, recorded July 9, 1998, as Tract Map 3567, Document No. 2229275, Official Records of Washoe County, Nevada, thence along said easterly line the following three (3) courses and distances: on the arc of a 1970.00 foot radius curve to the right from a tangent bearing N 22°07'17" W through a central angle of 21°38'00" a distance of 743.82 feet; N 00°29'17" W, 422.19 feet; on the arc of a 1670.00 foot radius curve to the right through a central angle of 01°26'03" a distance of 41.80 feet to the Point of Beginning; thence continuing along said 1670.00 foot radius curve to the right through a central angle of 00°39'55" a distance of 19.39 feet to a point of compound curvature; thence along the arc of a 20.00 foot radius curve to the right through a central angle of 9°27'31" a distance of 31.93 feet; thence S 86°55'49" E, 17.00 feet;

BX5690PG0461

thence along the arc of a 218.00 foot radius curve to the right through a central angle of 00°39'13" a distance of 2.49 feet;
thence S 47°20'26" W, 55.69 feet to the point of beginning.

Containing 708 square feet, more or less.

Easement 3:

Commencing at a point on the westerly boundary of said Parcel 2B, said point being on the easterly line of Arrowcreek Parkway and being the most westerly corner of Lot 428 of Arrowcreek Subdivision Unit 4B, as shown on the plat thereof, recorded July 9, 1998, as Tract Map 3567, Document No. 2229275, Official Records of Washoe County, Nevada, thence N 14°16'29" E, 145.47 feet to the Point of Beginning;
thence N 29°12'32" W, 91.69 feet;
thence along the arc of a 100.00 foot radius curve to the right through a central angle of 59°25'47" a distance of 103.72 feet;
thence N 30°13'15" E, 162.46 feet;
thence along the arc of a 80.00 foot radius curve to the right through a central angle of 119°07'39" a distance of 166.33 feet;
thence S 30°39'06" E, 233.62 feet;
thence along the arc of a 100.00 foot radius curve to the right through a central angle of 111°38'12" a distance of 194.84 feet;
thence S 80°59'06" W, 123.16 feet;
thence along the arc of a 100.00 foot radius curve to the right through a central angle of 69°48'22" a distance of 121.83 feet to the point of beginning.

Containing 2.40 acres, more or less.

Easement 4:

Commencing at a point on the westerly boundary of said Parcel 2B, said point being on the easterly line of Arrowcreek Parkway and being the most westerly corner of Lot 225 of Arrowcreek Village 4, Unit 2, as shown on the plat thereof, recorded April 27, 1998, as Tract Map 3523, Document No. 2203887, Official Records of Washoe County, Nevada, thence along said easterly line of Arrowcreek Parkway on the arc of a 1670.00 foot radius curve to the left from a tangent bearing S 24°45'24" W through a central angle of 17°30'58" a distance of 510.55 feet to the Point of Beginning;
thence continuing along said easterly line of Arrowcreek Parkway on the arc of said 1670.00 foot radius curve to the left through a central angle of 02°42'43" a distance of 79.05 feet to a point of compound curvature;

thence along the arc of a 20.00 foot radius curve to the left through a central angle of 91°27'31" a distance of 31.93 feet;
thence S 86°55'49" E, 17.00 feet;
thence along the arc of a 262.00 foot radius curve to the right through a central angle of 04°07'22" a distance of 18.85 feet;
thence N 14°10'13" W, 96.27 feet;
thence N 67°39'41" W, 24.80 feet to the point of beginning.

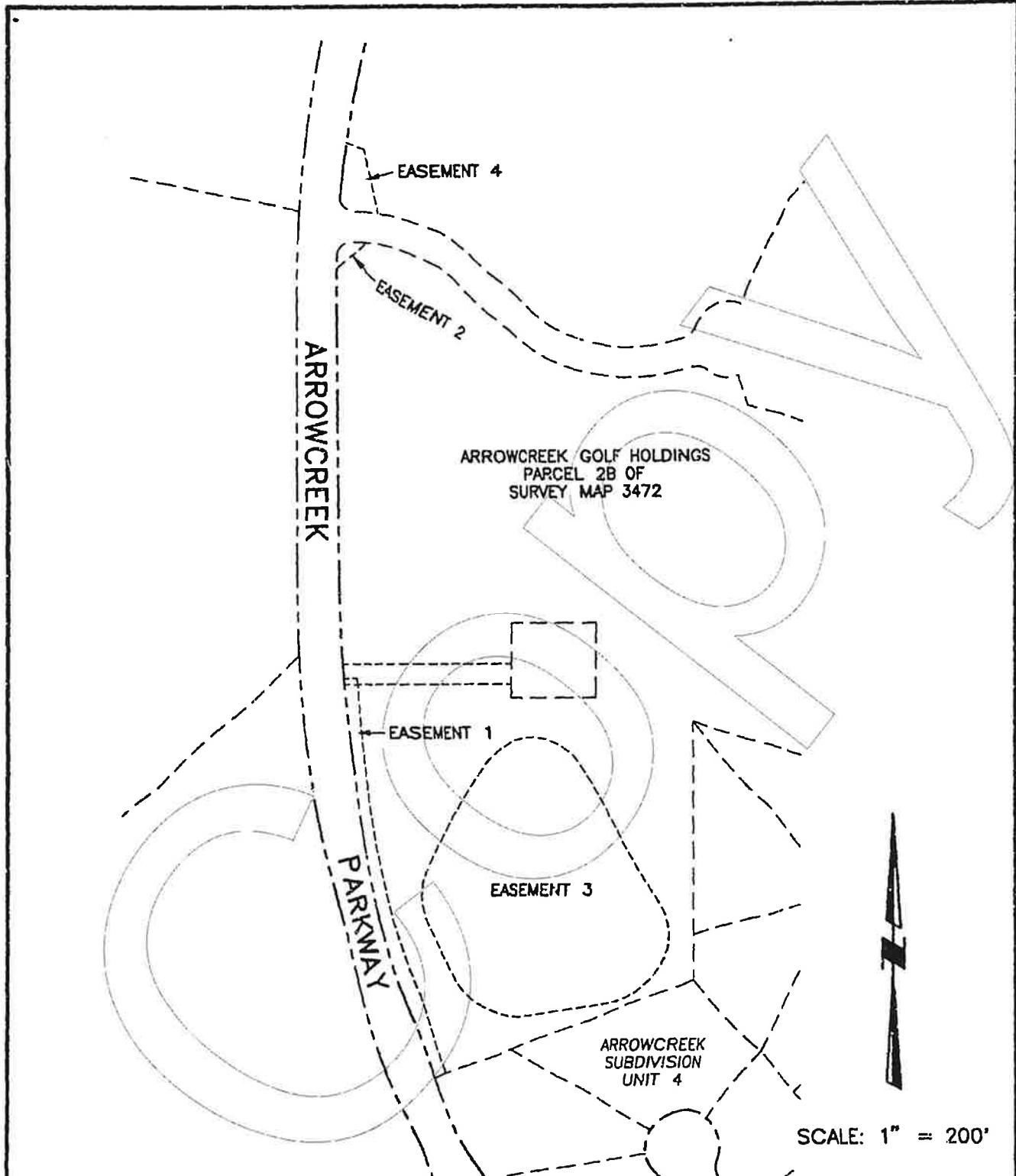
Containing 3,701 square feet, more or less.

Basis of bearings is Nevada State Plane Coordinate System, West Zone Grid, NAD83,
per Survey Map 3572.



BK5690PG0463

8K5690PG0464



PLANNERS • ENGINEERS • SURVEYORS
LANDSCAPE ARCHITECTS
1150 CORPORATE BLVD. RENO, NV 89502
(775) 856-1150 FAX: (775) 856-1160

EXHIBIT MAP
COMMON AREA MAINTENANCE EASEMENT
ARROWCREEK GOLF HOLDINGS

JOB NO.: 88003.25
DATE: 4/27/99
SHEET 1 OF 1

8K5690P0465

100

2342737

OFFICIAL RECORDS
WASHOE CO., NEVADA
RECORD REQUESTED BY

CFA
99 MAY 21 PM 1:24

KATHRYN L. BURKE
COUNTY RECORDER

FEE 14 - DEP ML

CM14 -

ATTACHMENT

4

PICKLEBALL

Pickleball Courts in residential areas are a type of Private Recreation Facility that require a Conditional Use Permit. On April 28, 2022, the City Council adopted [amendments to the Land Management Code](#) to address the unique noise produced as part of pickleball play.

The amendments for private outdoor pickleball courts on residential lots to require compliance with the Municipal Code of Park City Noise Ordinance, including requiring a Conditional Use Permit, minimum setbacks from adjacent residential properties, Homeowner Association notification, limiting hours of play, prohibiting outdoor lighting of residential courts, and requiring parking to be provided on-site.

Outdoor Pickleball Courts in residential areas:

- Require a Conditional Use Permit
 - Public notice will be sent to property owners within 300 feet of the proposed site
 - The Planning Commission will conduct a public hearing
 - The Planning Commission may condition the approval to address site-specific impacts
- Require a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation
- May have reduced setbacks that are no less than 150 feet from adjacent residential property lines when a property owner demonstrates the outdoor pickleball court will comply with the noise ordinance
 - Property owners will be required to submit a site-specific noise study completed by a certified acoustical professional
 - Property owners must demonstrate that mitigating features, including noise-mitigating barriers, will be effective
- Require Homeowner Association notification for properties that are part of a Homeowner Association registered with the City
- Are limited to hours of play from 8 AM - 8 PM
 - The Planning Commission may establish more restrictive hours of operations upon findings that corroborate the appropriateness of alternative times of use
- Prohibit outdoor lighting of residential courts
- Require guest parking to be provided on-site
- Require additional landscaping for noise and visual mitigation measures

Once the amendments have been incorporated into the Land Management Code, please see Section 15-4-22 for more information. For questions or to provide public input, please email planning@parkcity.org or call 435-615-5063.