

Art Rangel AICP
255 N Sierra St., Unit 2301
Reno, NV 89501
213-300-5171
arangel@rangelmc.net

May 1, 2022

VIA E-MAIL (CITYCLERK@RENO.GOV)

Mayor Hillary Schieve and Honorable City Council Members
City of Reno
1 East First Street
Reno, NV 89505

RE: Appeal of LDC22-00038 (Jacobs Glow Plaza and Festival Area)

Dear Mayor Schieve and Honorable City Council Members:

I respectfully submit the following document in support of my appeal of the Reno Planning Commission's approval of a Conditional Use Permit for the Jacobs Glow Plaza and Festival Area at their March 16, 2022, meeting.

I look forward to presenting my arguments at the Council meeting on May 11, 2022.

This appeal is a complex matter which, as you will read, I contend was not sufficiently scrutinized by the Planning Commission and among whom there was clearly disagreement on the Applicant's arguments for a Conditional Use Permit, resulting in a narrow, 4 to 3 vote to approve. I can confidently make these arguments given my background as a certified city planner with forty-five years of experience. My areas of expertise include Redevelopment, Economic Development and preparation of Comprehensive General Plans, which in Nevada are called Master plans.

During my PowerPoint presentation at the May 11 City Council public hearing, I will refer to the Nevada Revised Statute (NRS), Reno Master Plan and the Reno Land Development Code. For purposes of saving time, I will not include the statute and Land Development Code sections but they are provided herein, which I want to become another part of the public record.

Sincerely,

Art Rangel AICP
cc: Appellant File – LDC22-00038 (Jacobs Glow Plaza and Festival Area)

DOCUMENT OUTLINE

What is reasonable for Downtown residents and the Applicant?

- 1) The Central Argument of this Appeal**
- 2) Background Perspective**
- 3) Flawed Glow Plaza Parking and Traffic Analysis**
- 4) Applicant's Master Plan and resulting inconsistencies to the Glow Plaza CUP application**
- 5) Noise Assessment : Limited Model Used**
- 6) Density and Intensity relative to Tax Increment and Redevelopment Plan**
- 7) Inconsistency with Reno Master Plan and Land Development Code**
 - a. None of the six required findings from Reno's Land Development Code are met
 - i. Relationship to Master Plan
 - ii. Housing Options and Residential Adjacency
 - iii. Not consistent with applicable development standards
 - iv. Unable to determine if public services and facilities are adequate
 - v. Incompatibility with types of use permitted in the surrounding area
 - vi. Inadequate support to assess whether public health, safety, or welfare is compromised
- 8) Uncertain Impacts on Downtown Residents' Lives Adjacent to the Neon Line District**
 - a. No comparable licensed outdoor event centers exist in Reno
 - b. Traffic
 - c. Public Safety
 - d. Sound and Property Values

Appendix A: Collage of Current and Future High-Density Residences in Downtown Reno

Appendix B: Links to Articles referring to Sound issues from Outdoor Amphitheaters in Five US Cities

Some downtown Reno residents have become very engaged because we want to improve the quality of life in our neighborhood, and we believe the city has a golden opportunity to make downtown Reno a showcase. We believe that entertainment and residential uses, along with the right mix of other uses, can not only co-exist but complement one another. The beauty of it all is that most of the ingredients are in place to substantially improve downtown when one considers the policies within the Reno Master plan, vacant and assembled properties, high-paying jobs coming to the region, potential for tax increment and more stakeholders providing input.

What is reasonable for Downtown residents and the Applicant?

The Appellant respectfully asks the Reno City Council to overturn the Planning Commission's approval and deny the Conditional use Permit at this time.

In its place, and so that the Applicant can continue to operate the Glow Plaza, the Appellant further respectfully asks the Reno City Council to stay with the existing Special Event/Activity Permit process for the Glow Plaza events for a time period to be determined but to continue for at least one season of outdoor entertainment events.

At the end of this time period, the City will perform a complete review of the actual performance of the Glow Plaza using metrics collected during the review period. The specific metrics and methods of measurement to be agreed upon between the Appellant, the Applicant, and the City. To the degree possible, expected standards of performance on these metrics should also be agreed between the Appellant, the Applicant, and the City. All of these metrics will be presented on the record, and a noticed public hearing will be held to present the results. At the end of the to-be-determined time period, the actual performance to standards will be the basis for a decision whether to award the Applicant a CUP.

The remainder of this document will explain, in detail, how the Appellant arrived at this conclusion.

1) The Central Argument of this Appeal

Downtown Reno is currently zoned as Mixed-Use Districts. The Applicant's Glow Plaza Conditional Use Permit project is entirely dedicated to only one outdoor entertainment function. However, it is worthy of note that Downtown is also home to thousands of permanent residents, dwelling in high-rise buildings that, because of their living densities, are tightly grouped together within a few City blocks.¹

¹ See Appendix A. Collage of Current and Future High-Density Residences in Downtown Reno

The residents of these buildings made their decisions to reside there before the Glow Plaza CUP application was applied for. Yet, as this document will lay out, the substantial environmental impacts of the Glow Plaza will likely change their lives for the worse. Moreover, there are numerous residential low-rises currently under construction, and many more in the pipeline. The Applicants themselves have identified 2nd. Street as a future major area for residential growth, as well as proposed and documented locations for future workforce residences within one block of the Glow Plaza.

It is undeniable that Downtown residents are at least equal partners with Entertainment; it is arguable that residents are a more significant contributor to the Downtown area than Entertainment, as evidenced by the numerous former casino/hotels that have been refurbished into residential high-rises in the last ten years. I reside in one of them, the Montage, that currently has an assessed value of \$230M. In addition, the Montage, along with the other high-rise residents, pay assessments into the Downtown Reno Partnership BID.

Considering the importance of current residential uses in Downtown, as well as the planned residential growth soon to come, it is ironic that the Applicant claims their project substantially meets the requirements of Reno’s Master Plan and Land Development Code. While this document highlights many factors that I contend were not given enough weight by the Planning Commission when they narrowly (4 votes to 3) approved the Glow Plaza CUP. At the heart of my arguments is my contention, based on over forty-five years of experience in writing Comprehensive General Plans (called Master Plans in Nevada), and working as a director and consultant in Redevelopment and Economic Development, that the Applicant’s CUP request does *not* meet any of the six Findings as required by Reno’s Land Development Code (pages 8-49).

As a backdrop, consider that the Applicant entered into a Development Agreement (DA) with the City of Reno in the fall of 2021. This DA was the subject of considerable pressure from both within the Reno City Council and among the hundreds of residents who filed public comments, totaling 300+ pages, who objected to the City proceeding to make a legal commitment with scant opportunities for the Public to have input.

The Appellant believes this lack of transparency was in violation of **Master Plan Policy 8.2.b: Transparency** “Ensure City planning and investment decision-making processes are clear, open, and well-documented”, and **Policy 8.4C: Input Methods** “Provide a range of opportunities for the public to provide feedback to decision-makers, including focus groups, community workshops, stakeholder interviews, surveys, and web- or social media-based forums to meet the needs of different populations and comfort levels”.

After a large public outcry, the City finally held a “Community Meeting” in January, 2022 ...but many months after the DA had been executed. Despite protestations from City staff to the contrary, many public commenters at that meeting heavily criticized the DA as lacking

measurable targets and being too general in its approach. Commenters also expressed their opinions that the value of the DA to Jacobs Entertainment far exceeded the value to the City.

2) Background Perspective

The purpose of a Redevelopment Agency is to eliminate blight, but Mr. Jacobs did it instead. The difference is that NRS 342.045 requires a redevelopment agency to provide relocation assistance and make relocation payments to every unit displaced.

The City of Reno and Jacobs Entertainment then entered into an extremely abbreviated development agreement (DA). By contrast, the DA between the City and the Expansion of Meadowood Mall in October of 2000 is comprehensive and includes an assessment of Cumulative Plus Project conditions as well as long range cumulative impacts. Consider the Meadowood Mall project was an expansion of an existing mall on 76 acres while the Jacobs Neon Line Project is new development on twenty square blocks; yet the Meadowood Mall DA is 301 pages long while the twenty square block Neon Line DA is 36 pages long. In my experience working with city and redevelopment attorneys over the decades, the Neon Line agreement should have been a Disposition and Development agreement because the city sold Jacobs Entertainment two parcels. It appears one of those parcels will be consolidated with others and sold off by Jacobs Entertainment to a third party. The other parcel purchased from the city would be in a block that would be consolidated with others and possibly become an outdoor amphitheater according to Mr. Jacobs. This amphitheater would be right in the middle of hundreds of residential dwelling units where typical noise standards do not currently apply.

A typical Disposition and Development agreement for a 20 sq. block development would be hundreds of pages long. Such an agreement would include, among other things: indemnifications, restrictions of transferring property, specific performance standards and a schedule of performance for the development of the entire twenty square blocks, environmental clean-up, development of the entire site consistent with plans and codes, conflicts of interest language, assurances to act in good faith, and more.

3) Flawed Glow Plaza Parking and Traffic Analysis

The Parking and Traffic Analysis originally presented with the application to the city was dated March 4, 2020; almost two years prior to the application. In this version, the basis for the study was 2,000 attendees.

On March 8, 2022, just one week prior to the Planning Commission meeting, the Applicant sent a new Traffic Study to the City. This study now used 3,700 non-ticketed attendees as its basis.

However, given the short period in which to review the study, it is doubtful the Staff Planner had sufficient time to adequately review the study before the Planning Commission meeting on March 16. The minutes of that meeting will show that the Staff Planner made no substantive criticisms of the study. Yet, there are certainly several issues that should have been noted that dilute the validity of the study released just before the meeting:

- The guide referenced by Headway Transportation is the **2003** Federal Highway Administration publication “Managing Travel for Planned Special Events”. I would contend that a twenty-year old document containing advice on vehicle occupancy is substantially out-of-date and as the only source, is inadequate basis for the Parking and Traffic Analysis. Additional sources that should have been referenced are the Traffic Engineering Handbook 7th Edition published by the Institute of Transportation Engineers and the NDOT Traffic Forecasting Guidelines.
- Any refereed study seeking to make an inference from limited representative data must control the variables from which inferences are made. As such, it is usual to present a range to the major variables in what is called a “Sensitivity Analysis”. For example, in the Applicant’s Traffic Study, there should have been a presentation of both the parking demand and transportation impacts with the results for a range of the number of persons per vehicle attending Glow Plaza events. However, Headway Transportation picks 3.0 persons per vehicle. The study gives the reader no way of answering the question: “How would the parking demand and transportation impacts be changed if there end up being an average of 2.0 persons per vehicle”. The lack of a sensitivity analysis is a significant flaw in a study which seeks to explore the transportation effects on Downtown of the large events at the Glow Plaza.
- Mr. Jacobs in a March 4, 2022 “Face the State” interview on Reno Station KTVN stated that his planned location for a future outdoor amphitheater was south of the train tracks. He said “south of the Sands is a big piece of land. And we are looking at that for a variety of entertainment uses including something that could be perhaps one of the top ten urban amphitheaters in the country”. Currently this location is a parking lot and shown as parking lot C in the Glow Plaza CUP application. Parking lot C is included as being available for the Glow Plaza in the Parking and Traffic Analysis. These spaces should not have been counted in the number of available parking spaces and throws into doubt the study’s conclusion that there is adequate parking for all the Glow Plaza events.

The Development Agreement approved by the City of Reno allows Jacobs Entertainment to complete piecemeal development within the 20 square block Neon Line District. In so doing the public will not see the true impacts of the transformation of downtown Reno. In the Face the

State interview on March 4, 2022², the link to which is provided herein, Mr. Jacobs publicly stated he thinks the new entry to downtown Reno will be Keystone Blvd. It is reasonable to ask whether the City of Reno is aware of this and, if so, are RTC and Tahoe Meadows Regional Planning also aware? This change, along with a proper assessment of the Master Plan Mr. Jacobs admitted he has for the Neon Line District, clearly makes the changes to those 20 square blocks a Project of Regional Significance as defined in NRS 278.02542 and Section 18.08.601 of the Reno Land Development Code. This means the RTC, Tahoe Meadows Regional Planning and NDOT would have to scrutinize Mr. Jacobs’s Master Plan, not just the City of Reno.

4) Mr. Jacob’s Master Plan appears Inconsistencies with the Glow Plaza CUP Application

During the March 4 interview with Mr. Jacobs, he was asked “what’s your timeline for the whole thing?” Mr. Jacobs answered: “within five years”. It is well past time we all see Mr. Jacobs’s Master Plan so that all decision makers and the public get a better picture of what is planned for downtown Reno. We should all be asking the following question: Is Mr. Jacobs’s Master Plan consistent with the goals and policies of the City’s Master Plan, as required by law?

Mr. Jacobs publicly stated he is planning “what could be one of the top 10 urban Amphitheatres in the country” which, by the way, is located on parking lot C in the application for the Glow Plaza shown by Mr. Gordon at the Planning Commission hearing on March 16. How can this 157-space parking lot be counted as parking for the Glow Plaza when Mr. Jacobs described this area as a site for a potential future outdoor amphitheater?

Consider the following: Page 7 of The Development Agreement reads as follows, along with Exhibit “G”:

“d. Pedestrian Walkway. RMC Title 18 and RMC Appendix B – Skyway Design Guidelines outline a framework for the review of pedestrian walkway proposals in Reno.

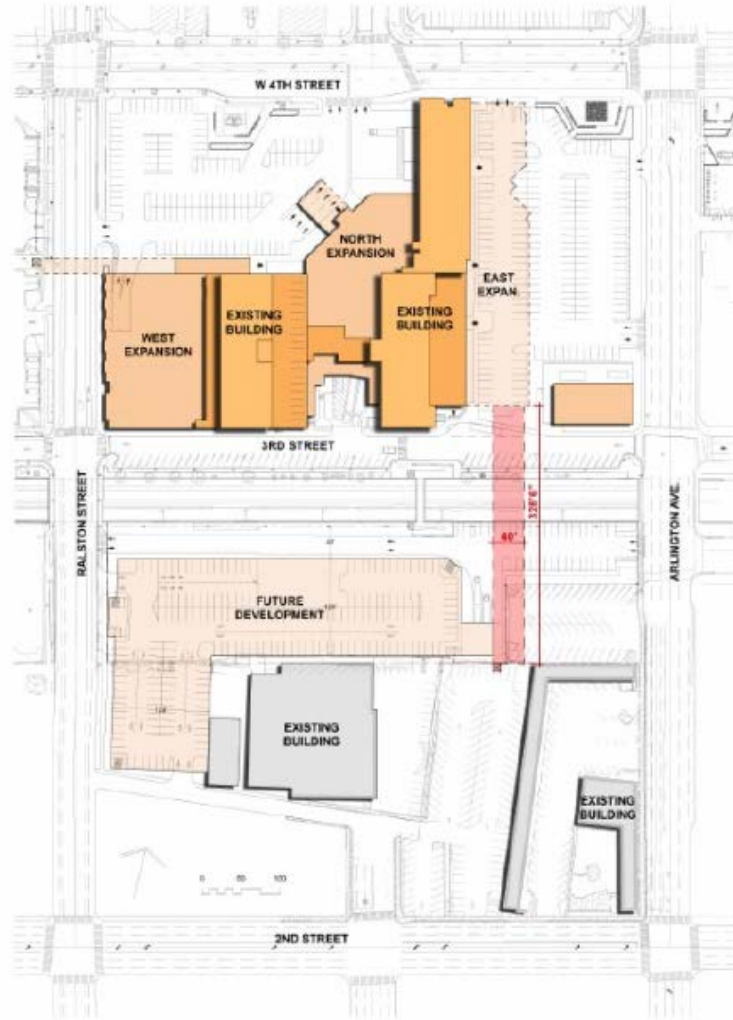
*The Master Developer’s large scale Project concept anticipates construction of a pedestrian walkway (the “**Pedestrian Walkway**”) to connect the Sands with the proposed buildings located on the block south of the ReTRAC bounded by Arlington to the east, West Second Street to the south and Ralston Street to the west. The approximate location of the Pedestrian Walkway is located on **Exhibit “G”**. The Master Developer acknowledges that the Pedestrian Walkway will require the approval of a discretionary conditional use permit by the City Council. Review of a skyway application shall be subject to applicable standards in place at the time of application.”*

² See interview here: ² https://www.2news.com/video/face-the-state-jacobs-entertainment-part-1/video_d0b7b179-c72d-5d01-ac41-5c2ac27b397a.html, and https://www.2news.com/video/face-the-state-jacobs-entertainment-part-2/video_ca615d11-78eb-5ec9-9bd3-4fa461657356.html

DEVELOPMENT AGREEMENT
(Reno's Neon Line District)

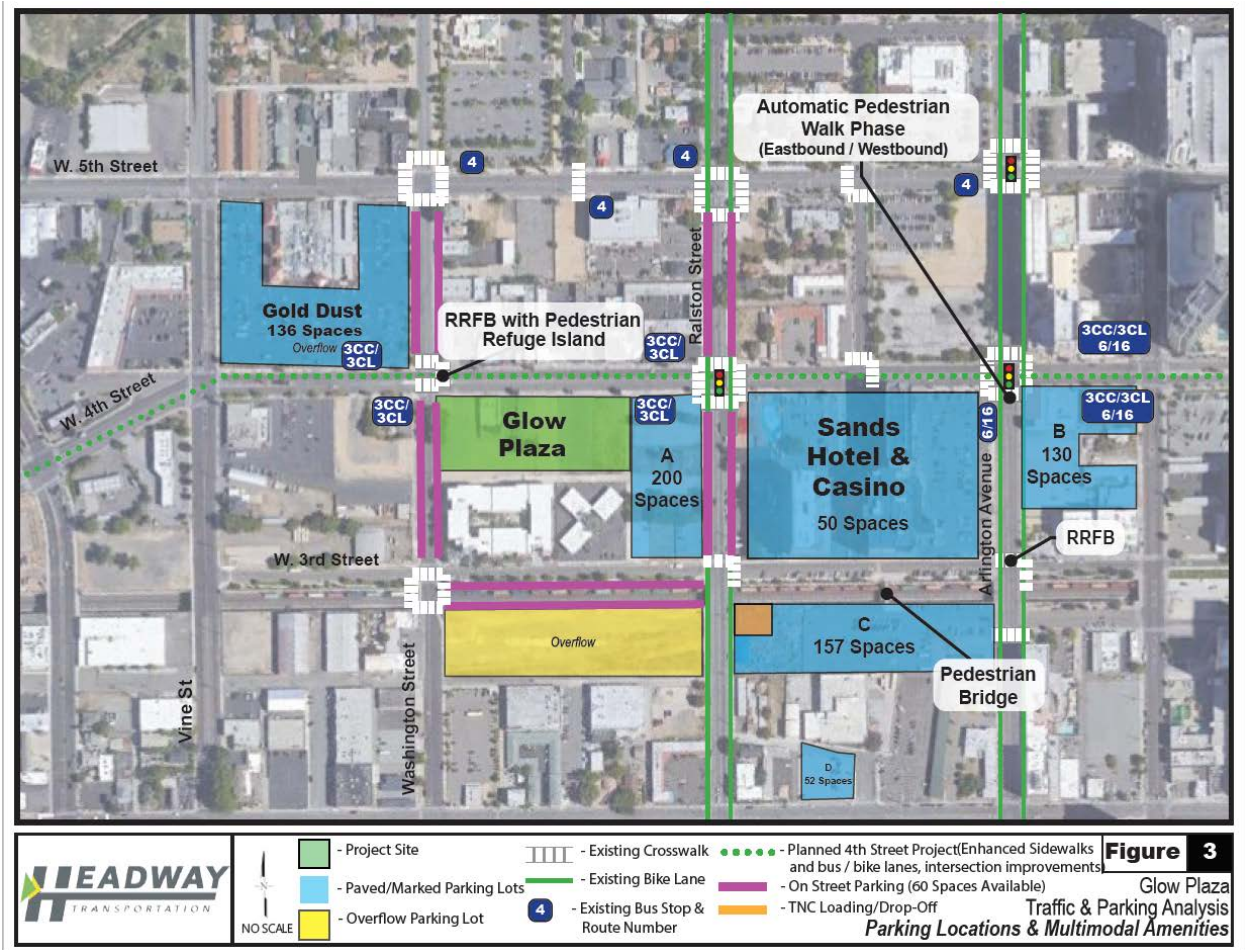
EXHIBIT "G"

[SKYWAY CONCEPT PLAN]



This skyway leads directly to Lot C in the Glow Plaza CUP application, which is shown as Future Development on the DA Exhibit "G". How can this 157-space parking lot be counted as parking for the Glow Plaza when Mr. Jacobs described this area for a future outdoor amphitheater? If Mr. Jacobs's master plan were revealed to the public now this question would be answered. The question to be asked is "Is Mr. Jacobs Master Plan consistent with the City of Reno Master Plan as required by law? The relevant law is NRS 278.150 through 278.260 and

NRS 278.0284, where cities in Nevada have authority and responsibility for land use, not the developer.



The initial traffic analysis was prepared in 2020. That traffic study only assessed the potential impact for the Glow Plaza. That type of assessment is highly unusual because, for decades, traffic and transportation engineers have included **cumulative impacts** (development related) from nearby or planned projects as part of the assessment. As an example, projects currently under construction, such as the West End 45,000 sq. ft. commercial complex at Keystone and 5th Street, as well as the nearby apartment complexes currently being built and projects in the pipeline, should be considered in a **comprehensive traffic impact analysis**.

In his March 4, 2022, Face the State interview, Mr. Jacobs stated there are probably eight projects in development or construction. Why are those projects not included as part of the traffic study? A last-minute revised Parking and Traffic Analysis was submitted on March 8 and provided to the Planning Commission on March 11 for the March 16 Planning Commission agenda. Revisions note that an increase from 2,000 to 3,700 attendees (an 85% increase) would increase the number of inbound/outbound vehicle trips within the project area from 400 to 746. However, the parking analysis still includes the 157-space parking lot C which was previously mentioned as parking available to the Glow Plaza. This report was submitted 4 days after Mr.

Jacobs said that area could become an outdoor amphitheater. The revised traffic study also does not include traffic generated from other current or planned projects as **cumulative impacts**.

The traffic study only assessed the potential impact for the Glow Plaza. Again, that type of assessment is highly unusual because, for decades, traffic and transportation engineers have included cumulative impacts from nearby or planned projects as part of the assessment.

So, in short, the traffic study cannot be relied upon to make an informed decision.

5) Noise Assessment: Limited Model Used

The Environment Noise Assessment is based on a model (Noise contours were prepared using the SoundPLAN noise prediction model) and not from actual events. While a model is better than no assessment at all (the City Planner had to request this), for such a significant change as the Glow Plaza events planned for weeks on end, using a model alone as one basis for a CUP Entitlement is insufficient.

Rather, the City's "Special Activity Permit" procedures currently in place allows the Applicant to conduct his outdoor entertainment activities while providing an opportunity to monitor the actual sound and other impacts to surrounding properties. To accomplish a more accurate and realistic assessment, readings should be taken during actual outdoor live entertainment events at different sensitive receptor locations, for example, at the Montage and other downtown residences.

It is also important to note that, even this model pointed out that likely Glow Plaza decibel readings for downtown properties would greatly exceed the City of Reno's own residential daytime and nighttime sound limits. And yet, **for the larger (>3,700 attendees) events, the CUP as conditioned has no upper limit on sound at all!**

6) Density and Intensity relative to Tax Increment and Redevelopment Plan

One of the Planning Commissioners raised the issue of density and intensity relative to minimum floor area ratio in the downtown area. This is a fair question given that the only property considered in the Planning Commission application was the Glow Plaza property and not the entire twenty sq. block area.

Mr. Gordon's answer was that the master plan refers to substantial compliance. However, his assessment could only have been valid if the application had looked at more than just the Glow Plaza property. Again, this speaks for the need to include an assessment of the entire 20 square block Neon Line District and not piecemealing approvals one at a time.

One reason to have higher densities and intensities on these properties is that this area is within the Reno Redevelopment Project Area One and high densities and intensities generate much more tax increment for the benefit of the community than very low intense uses, such as an outdoor amphitheater and the outdoor Glow Plaza. I presume the main reason this Council, at its August 25, 2021, meeting extended what appeared to be an expired redevelopment plan was so that new development could generate much needed tax increment. The Redevelopment Plan extension issue is in need of further discussion.

7) Incompatibility with Master Plan and Land Use Development Code

Approval of a Conditional Use permit would be a permanent entitlement which would allow live outdoor entertainment to run with the property in perpetuity. Even if Mr. Jacobs sells the Glow Plaza property or future amphitheater property to someone else, that party gets to keep that permanent entitlement and the land uses that come with it.

The City of Reno has not only allowed residential uses in the downtown area, but policies in the Master Plan, specifically **Master Plan policy 3.1B: HOUSING OPTIONS in GP 3: Thriving Downtown and University District** “Encourage a variety of housing options at diverse price points to support a more diversified workforce and composition of residents in Downtown—including professionals, service workers, entrepreneurs, students, and retirees among others.”

I would contend that a loud outdoor live entertainment venue, running well into the night, is not consistent with that policy.

There are currently over 1,000 permanent housing units in downtown with about 3,000 to 5,000 more projected, according to Mr. Jacobs. Yet these residents are not provided the same level of protection as other multi-family areas throughout Reno. Noise standards applicable in other multi-family areas of Reno do not apply to residential use properties in the downtown area. It is time to amend the Land Development Code to provide some level of protection for downtown residents. Hours of operation and noise standards for entertainment uses are needed. Most entertainment uses inside the existing casinos appear to contain noise to within the structure without it spilling out into the community.

As a point of reference, I draw your attention to the following page 164 of the city’s Land Development Code Table 3.1 Table of Allowable Uses:

(1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;

18.01.304 Relationship to Master Plan

The adoption of this Title is consistent with, compatible with, and furthers the goals, policies, objectives, and programs of the Master Plan. No regulatory decision by an appointed or elected official or any city employee shall be made with respect to any zoning action or use of property under this Title that is not in substantial compliance with the Master Plan as officially adopted or amended.

Commentary: Portions of the Land Development code as currently written do not meet the goals, policies, objectives, and programs of the Master Plan as required by NRS 278.0284 which provides for consistency between the master plan and local ordinances. The Land Use Code as written treats high density residential uses in different zoning districts differently.

(2) The proposed land use and project design is compatible with surrounding development;

Reno Master Plan policy 3.1B: HOUSING OPTIONS in GP 3: Thriving Downtown and University District

“Encourage a variety of housing options at diverse price points to support a more diversified workforce and composition of residents in Downtown—including professionals, service workers, entrepreneurs, students, and retirees among others.”

Article 14 Residential Adjacency

18.04.1401 Purpose

The purpose of this article is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when mixed-use and non-residential development is located near residential zoning districts.

Commentary: The purpose of this article is clearly to help protect residential uses. High-rise condos and new apartment buildings allowed and encouraged to be built in the downtown area are clearly residential uses. As a result, residential adjacency standards meet the purpose and intent of this Article. Therefore, the Glow Plaza, as conditioned by the Planning Commission, does not meet these standards.

(3) The proposed land use and project design is consistent with applicable development standards;

18.02.303 MD-NW: Downtown - Northwest Quadrant

(a) Purpose

The MD-NW district is intended to support the expansion of services and housing in downtown. Primary uses include a mix of employment uses, service-oriented, and residential uses. Gaming is also permitted in a limited portion of the MD-NW district, generally north of 5th Street, South of 1-80, east of Keystone Avenue, and west of Vine.

Commentary: An outdoor live entertainment use with limited conditions imposed by the Planning Commission does not support residential use (housing) downtown.

(4) Public services and facilities are available to serve the project, or will be provided with development;

Commentary: Because the Applicant has not provided a Master Plan and/or a traffic and parking analysis which provides cumulative impacts (other and planned development in the vicinity) from other projects in the development phase or in the pipeline, this finding cannot be made to determine if public facilities are adequate. The Jacobs projects are being brought forth in a piecemeal manner. There should be a comprehensive analysis of the entire 20 sq. block Neon Line District to assess its true impacts.

(5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area;

Commentary: Approval of this application for an outdoor live music venue will be an entitlement running with the property in perpetuity. This use is so incompatible with residential proximity that no conditions can probably be imposed to make it a viable use while still making it compatible with surrounding residential uses. The City's current license procedures for special activity outdoor events seem to work well in controlling noise after certain hours. The council should delay any approval of this Conditional Use Permit and stay with the Special Activity Permit until we can all evaluate with hard data whether the Glow Plaza is a good neighbor to downtown residents.

(6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:

- a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
- b. Any hazard to persons and property.

Commentary: The Environment Noise Assessment is based on a model (Noise contours were prepared using the SoundPLAN noise prediction model). To accomplish a more accurate assessment, many readings should be taken during actual outdoor live entertainment events at different sensitive receptor locations including the Montage. The council should deny any approval of this Conditional Use Permit and stay with the Special Activity Permit until quantitative, actual hard data is compiled. In addition, a thorough traffic and parking analysis should be required, as previously stated, to properly assess the level of service on surrounding streets.

8) Uncertain Impacts of the Glow Plaza on Downtown Residents' Lives

With a Special Use/Activity permit, the Glow Plaza held some Friday night outdoor events during the summer of 2021. These were sparsely attended (per the Applicant's representative, some events had 50 attendees, other somewhat more, maybe 150) compared to the upwards of 3,700 now referenced in the Applicant's submissions to the City.

Despite this disparity between actual past event attendance and that contemplated now, the Planning Commission narrowly approved a CUP that, largely, obviates the need for any review of events under 3,700 attendees. I would contend that approving the CUP is premature because there is no actual data to use as a base for forecasting what the impacts of the new significantly larger outdoor events will have on Downtown residents.

Thousands of these residents will, essentially, be "guinea pigs" in an experiment that could significantly affect the quality of their everyday lives. I offer the following as support for this contention:

- a) In terms of **attendance, frequency, and duration** of events, there are no comparable licensed outdoor event centers in Downtown Reno with which to compare to the Glow Plaza

Wingfield Park Amphitheater – hundreds not thousands of attendees; more limited operating hours; sporadic use

The Eddy – significantly smaller attendance; fewer residents affected

West Street Market – surrounded by brick walls; small attendance

The Row Events – periodic and much fewer hours of operation (and Special Event/Activity Permitted)

Glow Plaza – thousands of attendees; surrounded by existing residences with thousands of permanent residents; very limited actual experience with last year's Friday night concerts, which were sparsely attended; sound reverberations affecting all of downtown; week-after-week-after week.....

- b) As referenced earlier, there are significant weaknesses in the Parking and Traffic Analysis submitted by the Applicant. In addition, there is a case to be made that, looking at the traffic impacts of the Glow Plaza *in isolation* from the **cumulative** impacts of other Downtown development understates what level of traffic impacts residents will experience.

The Applicant's Traffic "Study" only assessed the potential impact for the Glow Plaza. That type of assessment is highly limited; traffic and transportation engineers customarily include *cumulative impacts from nearby or planned projects as part of their assessments*.

- c) As previously described, the Planning Commission allowed the threshold for special activity/event permits to increase from 2,000 to 3,700 attendees. In addition, it is important to note that, in addition to the scale of events, it is the duration of these events and their frequency³ that sets them apart from, for example, the public events hosted by the Row.

From a Public Safety perspective, this raises several questions:

- i) Will RPD have sufficient resources to cover events, week-after-week, year round?
- ii) When RPD re-allocates resources to cover Glow Plaza events, what will this mean to coverage in parts of Reno other than the Neon Line District?
- iii) When Glow Plaza attendees leave the site at midnight, some will go home, some will enter the Sands Regency Casino, and some will enter the non-Neon Line part of Downtown. They will walk past the 17 bars/nightclubs within one block of many of the buildings shown in Appendix A. Some of these bars/nightclubs already have a history of being magnets for crime; what will be the impact of extra numbers of inebriated Glow Plaza attendees seeking admission in the early hours of the morning?⁴
- iv) In commentary he made at the March 16 Planning Commission meeting, **RPD Lieutenant Ryan Connolly** highlighted the visibility he loses when Special Activity/Event permits are only mandated for events with 3,700+ attendees. He used a very effective example comparing his level of public safety concern for a motorcycle rally of 500 attendees (very high risk), versus a Christmas Caroler gathering of 5,000 (very low risk). Among Downtown residents, this has to raise the concern of what public safety risks will the RPD now not have knowledge of and, thus, not be able to prepare for adequately.
- d) The most obvious uncertain impact of the Glow Plaza CUP is that of **excessively loud music**, played over many hours of the day, for week-after week.

As previously highlighted, the Glow Plaza CUP can hold large, 3,700+ unticketed attendee events, with absolutely no upper limit on sound.

³ Glow Plaza Weekend events last for 18 hours; Jacobs Entertainment plans weekly events all summer and, eventually, year-round,

⁴ For example, data supplied by RPD shows 66 crimes committed in the vicinity of the Fusion Lounge on the corner of 2nd. and West Streets in only 9 months of 2021. Crimes included: discharge of weapons, stabbings, and severe bodily harm.

While admittedly a sample of one, these words from a Mesa, Arizona resident who lives more than one mile from the outdoor Mesa Amphitheater must be of concern to Downtown Reno residents and should also be of concern to the City of Reno.⁵

Amphitheater not music to all neighbors' ears

Art Martori , East Valley.com

Updated Oct 7, 2011

Some residents of the neighborhood north of downtown Mesa said they're tired of hearing concert noise that floats out of the Mesa Amphitheatre.

Residents complained to neighborhood groups and even the police last week after a concert by alternative-rock band Death Cab for Cutie. They said the music was clearly audible inside their homes, at least one of which was about a mile away from the amphitheater.

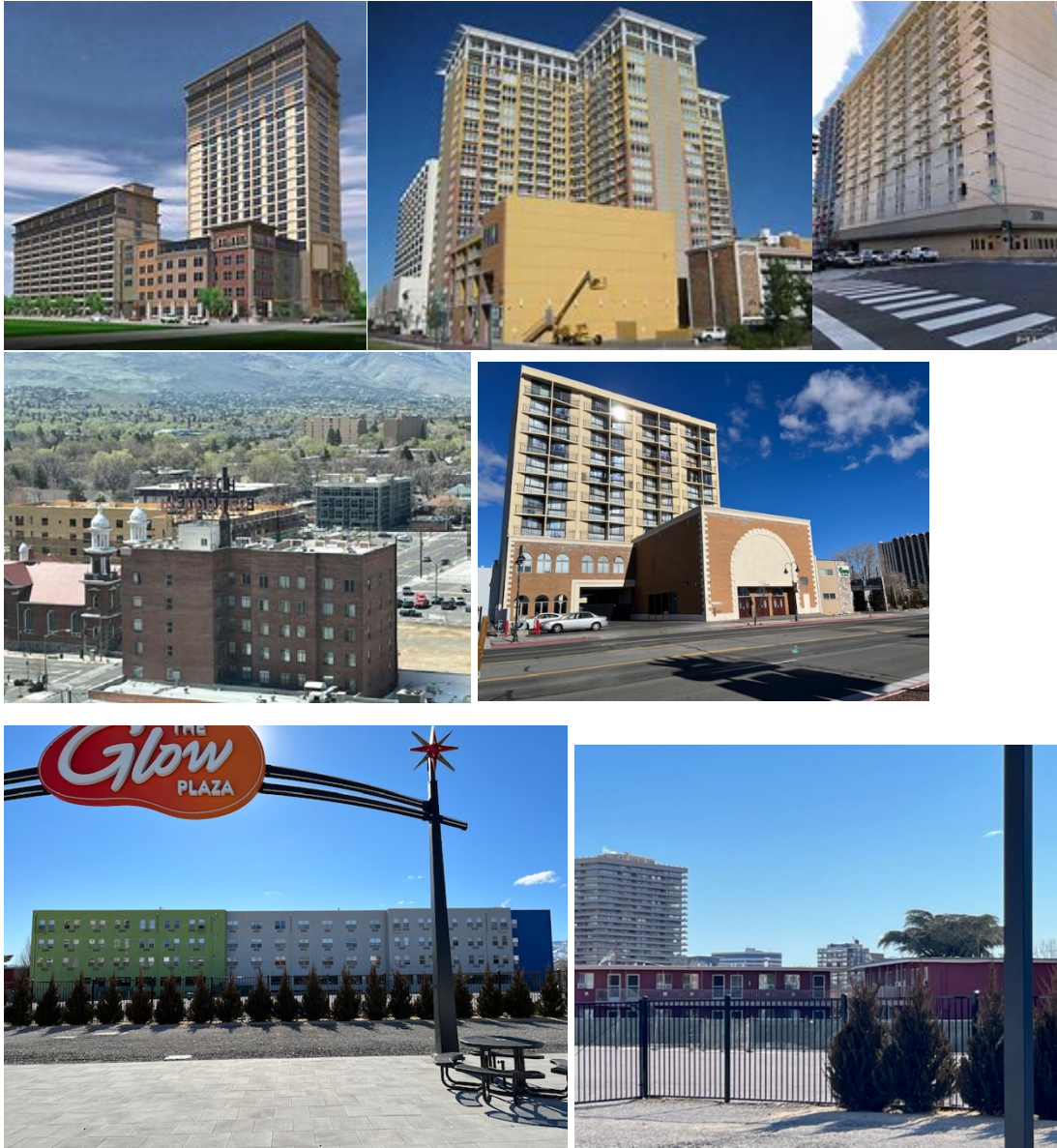
Janet Brandon, a 65-year old who lives in a condominium on Date Street west of Country Club Drive, said she's often bothered by concert noise.

"The noise is so loud from one mile away that it carries over the TV," she said. "The noise has been going on for years."

One has to wonder what effect this kind of noise has had on property values for the dwellings within a one mile radius. Such noise would surely have to be disclosed by owners wanting to sell their properties and it's very common for such "negative" disclosures to be used by buyers as strong arguments to negotiate lower prices. Who can honestly say that Downtown Reno residents will not face similar conditions due to the Glow Plaza and, also, the future-planned outdoor amphitheater?

⁵ See Appendix B for links to similar comments in Five US cities with outdoor events centers.

APPENDIX A: Collage of Current and Under Construction High-Density Residences in Downtown Reno



All these buildings are in direct “line-of-sight” of sound waves coming from the Glow Plaza and which will reverberate throughout Downtown.

Residents of these buildings will all be affected by the changing traffic patterns around events, and they will all be impacted by Glow Plaza attendees leaving events to continue their entertainment in the immediately adjacent, non-Neon Line District parts of Downtown.

APPENDIX B: Links to Articles referring to Sound issues from Outdoor Amphitheaters in Five US Cities

Mesa Amphitheatre, Gainesville, Red Rocks Amphitheatre, Verizon Amphitheater, and Chastain Park.