



# City Manager's Office

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## MEMORANDUM

**DATE:** May 1, 2024

**TO:** Mayor and City Council

**THROUGH:** Doug Thornley, City Manager Approved Electronically

**FROM:** Angela Fuss, Assistant Director Development Services

**SUBJECT:** **Community Meeting Scheduled with City Staff and Cliffs Development Home Owners**

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This memo has been prepared to provide Council with an update regarding the public comments presented at the April 10, 2024 City Council meeting related to the Cliffs Development located in the Somerset PUD.

At the April 10, 2024 City Council meeting, several home owners from the Cliffs development spoke under public comment. The main comments were related to building construction defects and the common open space areas being turned over to the HOA prior to the landscaping and revegetation being completed. Attached are the previous Council memos that detail the status of the revegetation bonds.

Development Services staff has reached out to the homeowners association (HOA) board and offered to attend a future meeting to answer any questions or concerns specific to these topics. **A separate meeting has been scheduled for Tuesday, May 14<sup>th</sup> at 5:30 p.m. at the Somerset Town Center building.** The Cliffs HOA will share this information with their membership and invite anyone that is interested.

In addition, Development Services staff has scheduled an on-site meeting with the Toll Brothers development team to discuss the remaining revegetation bonds and staff's expectations of what will need to be done to finalize the bonds prior to the common open space being turned over to the HOA.



# City Manager's Office

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## MEMORANDUM

**DATE:** April 8, 2024

**TO:** Mayor and City Council

**THROUGH:** Doug Thornley, City Manager Approved Electronically

**FROM:** Angela Fuss, Assistant Director Development Services 

**SUBJECT:** **Somerset Cliffs Development – Neighborhood Concerns on the Landscaping**

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This memo has been prepared to provide Council with an update regarding the neighborhood concerns expressed by the Cliffs development in Somerset. The neighbors have expressed concerns that the developer, Toll Brothers, is not meeting the minimum requirements for revegetating the portion of land that has been mass graded. The Cliffs is located in Somerset PUD Village 6, which is in the northwestern most corner of the PUD and one of the last areas to be significantly developed. The Cliffs development was approved for a 165 lot single family subdivision in December of 2016.

As construction of the project has moved forward in multiple phases, a total of three different revegetation bonds have been assigned. The City requires a revegetation bond anytime there is mass grading of a site and the soil and planting materials need to be replaced back to their natural vegetative state. A licensed Landscape Architect is required to submit a reveg plan that includes a seed mix and typically some form of temporary irrigation. The reveg seed mix type is selected based on a number of unique conditions including native plant materials, slopes, soil conditions, anticipated precipitation, temperatures, soil textures, elevation, etc.

Due to the large acreage and amount of steep slopes needed to mass grade the Cliffs, the three revegetation bonds covered different geographic areas. As the Cliffs houses are constructed and the area is returned to its natural vegetative condition, the revegetation bonds are released. This means the plant material has grown back and the bond is released and no longer required. Below is a summary of the status of each of the revegetation bonds:

- A \$72,720 bond associated with revegetation of the street, trail head, parking lot area and fire station property was issued in 2005 and released in 2015.
- A \$345,817 bond associated with common areas immediately adjacent to the roads and adjacent to the residential parcels was issued in 2018 and released in 2020.

- A \$104,544 bond associated with the broader Village 6 mass grading was issued in 2017. The bond includes 100 acres of land comprised of approximately 56 acres of parcels and the remaining 43 acres of common area. The bond was issued in 2017 and has been partially released (\$45,926 was released in 2023).

There is still a partial bond remaining for the broader mass grading of the 43 acres of common open space, including the erosion and hydroseeding on the steeper slopes. Once Toll Brothers is ready to move forward with the full bond release, they will be required to submit a letter from a licensed Landscape Architect confirming the area has been revegetated. City staff will then go out and do a site inspection to verify the revegetation has been achieved. Specific to revegetation bonds, the City does not require an engineering review. For revegetation or landscape bonds, the City does require that a licensed Landscape Architect perform a site inspection and provide a stamped letter that verifies the landscape/revegetation improvements are in substantial conformance with the approved plans.

The City recently hired an Associate Planner Specialist, who is tasked with doing an additional field inspection on all landscape/revegetation bonds. This field inspection is utilized to double check that the landscaping/revegetation conforms to the approved landscape plans. This is a new process that the City had not previously done. The City previously relied on the letter from a licensed Landscape Architect to verify the revegetation is complete, whereas we now also do a separate additional field inspection.

Staff has been in contact with both Toll Brothers and with the Cliffs homeowners. We have committed to all parties involved that the final remaining revegetation bond will not be released until such time as staff is comfortable that the revegetation has grown in accordance with the approved landscape plan. If the landscape/revegetation dies at a future time, we utilize Code Enforcement to address replacing the dead landscaping.



# City Manager's Office

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## MEMORANDUM

**DATE:** April 10, 2024

**TO:** Mayor and City Council

**THROUGH:** Doug Thornley, City Manager Approved Electronically

**FROM:** Chris Pingree, Director Development Services

**SUBJECT:** **Follow Up from City Council Public Comment Concerns on Somerset Cliffs Development**

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This memo has been prepared to provide Council with an update regarding the public comments presented at the April 10, 2024 City Council hearing related to the Cliffs development located in the Somerset PUD.

The Cliffs is located in Somerset PUD Village 6, which is in the northwestern most corner of the PUD and one of the last areas to be significantly developed. The Cliffs development was approved for a 165-lot single family subdivision in December of 2016.

**Topic of Concern #1 – The City should not release any landscape/revegetation bonds until Toll Brothers has adequately revegetated the steep slopes.**

Due to the large acreage and number of steep slopes needed to mass grade the Cliffs, the three revegetation bonds covered different geographic areas. As the Cliffs houses are constructed and the area is returned to its natural vegetative condition, the revegetation bonds are released. This means the plant material has grown back and the bond is released and no longer required. Below is a summary of the status of each of the revegetation bonds:

- A \$72,720 bond associated with revegetation of the street, trail head, parking lot area and fire station property was issued in 2005 and released in 2015.
- A \$345,817 bond associated with common areas immediately adjacent to the roads and adjacent to the residential parcels was issued in 2018 and released in 2020.
- A \$104,544 bond associated with the broader Village 6 mass grading was issued in 2017. The bond includes 100 acres of land comprised of approximately 56 acres of parcels and the remaining 43 acres of common area. The bond was issued in 2017 and has been partially released (\$45,926 was released in 2023). This bond still has \$58,618 remaining, which will not be released until the steep hillsides have been revegetated in accordance with the approved landscape/revegetation plan.

Development Services staff has been in contact with both Toll Brothers and with the Cliffs homeowners. We have committed to all parties involved that the final remaining revegetation bond will not be released until such time as staff is comfortable that the revegetation has been planted and grown in accordance with the approved landscape plan.

**Topic of Concern #2 – Toll Brothers has made changes to the previously approved landscape/revegetation and those changes should not be allowed.**

The Cliffs landscaping/revegetation plans were originally approved several years ago, prior to any construction activity taking place. Since that time, Toll Brothers has made some changes to the design of the landscaping, but did not get approval through the City of Reno nor through the Somerset or Cliffs HOA's. Development Services staff has had a follow up conversation with Toll Brothers and they have committed to tearing up and removing any improvements (i.e. landscaping, rocks, etc.) that were not shown on the original approved landscaping/revegetation plans and will return the site to the required landscape/revegetation conditions. No remaining revegetation bonds will be released until such time as staff is comfortable that the revegetation has been planted and grown in accordance with the approved landscape plan.

**Topic of Concern #3 – Residents have concerns that Toll Brothers has constructed single-family homes with defects.**

City of Reno's Building & Safety Division is responsible for reviewing plans submitted by a State of Nevada licensed design professional for compliance with minimum building code requirements. City of Reno inspections are conducted to verify general compliance with the approved plans. On average, 25 inspections are performed on each single-family residence.

A general contractor, in this case, Toll Brothers, has the ultimate responsibility to ensure that the project is built in accordance with the approved design as well as provide direct and continuous oversight during the multiple phases of construction. The State of Nevada Contractor's Board, in accordance with NRS, requires a builder to provide a warranty to the purchaser of a single-family residence to address any construction related concerns brought up by the owner.

Ultimately, supervision over the daily construction activities is the responsibility and duty of the general contractor to ensure construction techniques and materials meet industry standards.

Construction defects happen frequently and are a part of the development industry, and this project is no exception. At this time, life safety items have not been identified which would require further investigation from the City of Reno.