

**PLANNING COMMISSION
STAFF REPORT**

Date: February 19, 2025

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action): Case No. LDC25-00027 (214 West Commercial Row Live Entertainment) - A request has been made for a conditional use permit to allow live entertainment activities accessory to a bar use between the hours of 11:00 p.m. and 10:00 a.m. The ±0.11 acre site is located on the south side of West Commercial Row, ±87 feet west of its intersection with West Street (214 West Commercial Row). The site is within the Mixed-Use Downtown – Entertainment District (MD-ED) zone and has a Master Plan land use designation of Downtown Mixed-Used (DT-MU).

From: Carter Williams, Associate Planner

Ward #: 1

Case No.: LDC25-00027 (214 West Commercial Row Live Entertainment)

Applicant: Fady Mehanna

APN: 011-031-03

Request: **Conditional Use Permit:** to allow live entertainment activities accessory to a bar use between the hours of 11:00 p.m. and 10:00 a.m.

Location: See Case Maps (**Exhibit A**)

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to conditions.

Summary: The ±0.11-acre project site is located on the south side of West Commercial Row, ±87 feet west of its intersection with West Street. The conditional use permit (CUP) request seeks to allow the establishment of a live entertainment use with operation between the hours of 11:00 p.m. and 5:00 a.m., Thursday through Saturday. Staff has recommended a condition to reduce the requested operating hours to not extend beyond 3:00 a.m. to provide consistency with other approved live entertainment uses in the area. Although live entertainment is allowed as an accessory use by-right, a CUP is required for operation after 11:00 p.m. and before 10:00 a.m. The bar use proposed for this building is allowed to operate for 24-hours by-right within the Mixed-

Use Downtown – Entertainment District (MD-ED). Key issues include: 1) compatibility with surrounding uses and 2) public safety.

Background: The existing building (DeGiacoma Building) was constructed in 1931 as a grocery store. Per historic building records, the first bar and live entertainment use was approved in 1971 before returning to a grocery and liquor store use in 2000. In 2008, a new bar use was established known as Red Martini, or more recently known as 1Up. In 2009, a special use permit (SUP) for a nightclub was approved (LDC09-00053) with limited conditions to allow for live entertainment. The nightclub operation continued until it went out of business in 2022. The building has since remained vacant. The SUP approved in 2009 required the continuous operation of the business; if operations ceased, the approval would become null and void. Standard policy allows for a one-year timeframe where a business can continue a use before it is considered abandoned. In this case, a business license for the live entertainment operation was not submitted within a year of the business' closure. Thus, the property was required to resubmit a CUP under current requirements to reestablish the previous live entertainment use.

Analysis:

Compatibility with Surrounding Uses: The existing building is a single-story structure attached to a motel on the west side (**Exhibit B**). The immediate area is characterized by a mix of hotel, motel, and extended-stay lodging uses; multi-family apartments, residential condominiums, and other residential uses; as well as restaurants, bars and nightclubs clustered along West Second Street to the south. The area includes several properties used as open lot parking that may be identified for infill development in the future. Properties to the north are separated from the site by the Reno Transportation Rail Access Corridor (ReTRAC).

The primary entrance of the building is located on West Commercial Row. Bar operations are permitted to operate 24-hours by-right in the MD-ED zone. The applicant has requested to have live entertainment from 10:00 a.m. to 5:00 a.m. Staff's recommendation is to restrict the hours of operation for accessory live or amplified entertainment be allowed as follows (**Condition No. 5**):

DAYS OF THE WEEK	HOURS OF OPERATION
SUNDAY - WEDNESDAY	10:00 a.m. to 11:00 p.m. (No change)
THURSDAY - SATURDAY	10:00 a.m. to 3:00 a.m.

This recommendation is based on restrictions placed on other live entertainment uses by the Planning Commission. Staff seeks to implement a fair and consistent regulatory environment for all live entertainment businesses downtown. This is further supported by a high number of code

enforcement complaints tied to the previous business at this location related to noise after 3:00 a.m.

A key component of compatibility with the transient lodging and residential uses in this area relates to noise. A sound study was performed and is attached to this report (**Exhibit C**). The study was conducted by simulating operating sound levels, using standard equipment within the building, and measuring sound at locations near the business, with specific preference for major residential uses in the area. The study found that between the hours of 10:00 p.m. and 7:00 a.m. the specific points measured around the business have a median ambient noise level of 65 dBC. It further showed that at an indoor operating noise level between 109 and 113 dBC would result in minimal noise impacts to surrounding property (**Figures 4 and 5 of Exhibit C**). To further mitigate noise from the operation of the nightclub, the following conditions are recommended by the sound consultant:

- a) The entry vestibule to the single-entry shall have the interior door relocated to the west wall to create an acoustically baffled entry (**Condition No. 6**).
- b) The vestibule shall be lined with 2" fiberglass board (**Condition No. 7**).
- c) An acoustically rated (STC 40 or higher) door shall be installed in place of the existing emergency exit door on the north building façade (**Condition No. 8**).
- d) All south facing doors shall be sealed with perimeter gaskets. Any ventilation openings on the south side of the building shall be closed or sealed airtight to prevent sound leakage from the building (**Condition No. 9**).

The sound modeling, done with noise control measures implemented (**Figures 7 and 8 of Exhibit C**), demonstrates that the additional noise from this business operation would not noticeably contribute to an increase in nighttime noise levels. The improvements to the entry vestibule support in reducing intermittent sound impacts that result from the opening of the establishment doors. Although staff is reasonably confident in the proposed improvements reducing sound impacts to the area, **Condition No. 10** enables the Administrator to implement further mitigation in the event of future noise compliance issues. To ensure consistency with the results of the sound study, **Condition No. 11** limits operation noise levels to 80 dBC as measured from the exterior of the building.

Public Safety and Live Entertainment Operations: Prior to the issuance of a cabaret license, a security plan shall be approved to support public safety and welfare in the operation of the business (**Condition No. 12**). The applicant has submitted a security plan that has been reviewed by the Reno Police Department, Code Enforcement Department, and Business License Compliance (**Exhibit D**). The security plan details operating standards relating to personnel deployment and

training, risk mitigation strategies, emergency response, closed-caption television system procedures, and other security measures.

In addition to the measures discussed in the security plan, **Condition Nos. 13-15** require additional operational standards for entry, orderly queuing of patrons, and end-of-operation maintenance requirements of adjacent sidewalks, curbs, and gutters.

In review of the request, the Reno Police Department and Code Enforcement Department provided comments that included past code enforcement issues, calls for service, and crime prevention through environmental design (CPTED) recommendations (**Exhibit E**). A principal recommendation is to improve lighting on the north, east, and south sides of the building (**Condition No. 16**).

Master Plan Conformance: The subject site has a Master Plan land use designation of Downtown Mixed-Use (DT-MU) and is located near a Suburban Corridor within the Downtown Reno Regional Center per the Structure Plan Framework of the Reno Master Plan. As proposed the project is in conformance with the DT-MU Master Plan land use designation, and the following applicable Master Plan goals and policies:

- 1.2C: Existing Businesses
- 3.1C: Tourism and Entertainment
- 3.2A: Public Safety
- C-UC.5: Activity Generating Uses

Public and Stakeholder Engagement: Agency comments received were integrated into this staff report. The applicant gave a presentation to the Ward 1 Neighborhood Advisory Board (NAB) meeting on February 10, 2025, and concerns were raised regarding security operations and noise impacts related to upper floors of high-rise residential buildings in the area (**Exhibit F**). With the implementation of noise control measures considered in the sound study, the rate of spread of the modeled noise intervals is reduced so that the impact is anticipated to be reasonably mitigated. A courtesy notice was sent to surrounding property owners upon initial submission of the project. A total of 21 comments were received at the time of writing this staff report: eight in support, four expressing concerns, and nine in opposition (**Exhibit G**). Any future comments will be forwarded to the Planning Commission as they are received.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials

and City codes, City codes in effect at the time the application is submitted, shall prevail.

2. The owner or developer shall apply for all building permits and acquire a cabaret business license for the entire project within 18 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit or license addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Hours of operation for accessory live entertainment shall be as follows:

Days of the Week	Live Entertainment
Sunday – Wednesday	10:00 a.m. to 11:00 p.m.
Thursday – Saturday	10:00 a.m. to 3:00 a.m.

6. Prior to the issuance of a cabaret license, the entry vestibule shall have the interior door relocated to the west wall to create an acoustically baffled entry.
7. Prior to the issuance of a cabaret license, the entry vestibule shall be lined with 2” fiberglass board.
8. Prior to the issuance of a cabaret license, an acoustically rated (STC 40 or higher) door shall be installed in place of the existing emergency exit door on the north building façade
9. Prior to the issuance of a cabaret license, all south facing doors shall be sealed with perimeter gaskets. Any ventilation openings on the south side of the building shall be closed or sealed airtight to prevent sound leakage from the building
10. Future noise compliance issues, after implementation of these conditions, shall constitute grounds for the Administrator to require additional noise mitigation. If any such additional noise mitigation is not successful in addressing noise compliance issues, this shall be considered cause for revocation of this permit.
11. Operational noise levels shall not exceed 80 decibels (dBC) as measured from the exterior of the building.
12. Prior to the issuance of a cabaret license, a security plan shall be submitted and approved by the Zoning Administrator, Code Enforcement Department, and Reno

Police Department. At a minimum, the security plan shall address; 1) security staffing and procedures; 2) queuing of patrons; 3) hours of operation; 4) exterior lighting; and 5) procedures to prevent loitering outside of the business. The business proprietor shall continuously maintain and enforce the security plan for the life of the license. At the Administrator's discretion, a new security plan and/or amendments may be required.

13. Except for emergency situations, all patron queuing in and out of the business shall be through a single primary entrance.
14. Patrons awaiting entrance, as well as those leaving the establishment, shall be monitored to not create a nuisance by obstructing the sidewalk in the area of the business or adjacent businesses. Security personnel shall be stationed outside of the building to enforce order.
15. The operator shall ensure that all adjacent sidewalks, curbs, and gutters are cleaned prior to closing and all litter and debris removed at closing.
16. Prior to the issuance of a cabaret license, security lighting shall be added to the north, east, and south sides of the exterior building that is adequate to consistently illuminate these areas to the satisfaction of the Administrator.

Findings:

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

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

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

Conditional Use Permit: In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- (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;
- (2) The proposed land use and project design is compatible with surrounding development;
- (3) The proposed land use and project design is consistent with applicable development standards;
- (4) Public services and facilities are available to serve the project, or will be provided with development;
- (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; and
- (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.

Attachments:

Exhibit A – Case Maps

Exhibit B – Building Photos and Floor Plan

Exhibit C – Environmental Noise Assessment

Exhibit D – Security Plan

Exhibit E – Code Enforcement and Police Comment

Exhibit F – Ward 1 NAB Staff Memo
Exhibit G – Public Comment