

**PLANNING COMMISSION
STAFF REPORT**

Date: July 17, 2024

To: Reno City Planning Commission

Subject: **Staff Report (For Possible Action): Case No. LDC24-00057 (Ortiz Residence)**
- A request has been made for an alternative equivalent compliance to allow:
1) deviation from the required front yard setback; and 2) locating a new principal structure to the rear of an existing accessory structure. The ±3.62 acre site is located on the north side of West Huffaker Lane ±940 feet west of its intersection with Panorama Drive. The subject property is located in the Sphere of Influence and is zoned Large-Lot Residential – 2.5 acres (LLR-2.5) and has a Master Plan land use designation of Large-Lot Neighborhood (LL).

From: Jeff Foster, Associate Planner

Ward #: Sphere of Influence - Adjacent to Ward 2

Case No.: LDC24-00057 (Ortiz Residence)

Applicant: Tom & Carrie Ortiz

APN: 040-601-08

Request: **Alternative Equivalent Compliance:** To allow: 1) deviation from the required front yard setback; and 2) locating a new principal structure to the rear of an existing accessory structure.

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

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the request for alternative equivalent compliance, subject to conditions.

Summary: The subject property is a ±3.62 acre parcel located on the north side of West Huffaker Lane ±940 feet west of its intersection with Panorama Drive. The applicant proposes construction of a new ±5,100 square foot principal single-family dwelling on the rear half of the subject site (**Exhibit D**) with associated conversion of an existing single-family dwelling into a detached accessory guest quarter. To facilitate the design, the applicant has requested alternative equivalent compliance (AEC) to allow: 1) deviation from the required front yard setback; and 2) locating a new principal structure to the rear of an existing accessory structure. Key project issues consist of

1) code compliance and 2) compatibility with the surrounding development pattern. Staff recommends approval, subject to the conditions listed in this staff report.

Background: The subject parcel is located within unincorporated Washoe County and is in the City of Reno's sphere of influence (SOI). Per Reno Municipal Code (RMC) 18.02.107(a), the City shall exercise all land use authority, which includes applicable Title 18 zoning regulations, for properties within the SOI. Although not currently annexed into the City, the parcel has an assigned zoning designation of Large-Lot Residential – 2.5 acres (LLR-2.5).

The property is developed with a single-family residence built in approximately 1942 (based on Assessor's records) and multiple accessory structures (**Exhibit B**). The Planning Commission approved a variance (LDC21-00022) on December 16, 2020, to deviate from the required front yard setback and to allow a new principal structure (single-family dwelling) to be located to the rear of an existing accessory structure (**Exhibit C**). The building permit (BLD22-05883E) was approved but never issued and subsequently expired. The owner recently applied for a new building permit (BLD24-10725E), which was flagged due to the expired variance.

Discussion: RMC 18.04.903(a)(5)(a)(1) requires the front yard setback of any new principal structure to be generally consistent with the front yard setback of existing structures on either side of the site. Per RMC 18.04.903(a)(5)(b) on lots with a principal single-family use, accessory structures are prohibited in the area between a front property line and the principal structure. An accessory structure is any subordinate building on the same lot with a principal building or use, the use of which is customarily incidental to the principal building or use.

As defined in Title 18, a guest quarters are “an accessory use consisting of one or more rooms contained within the primary building or a detached accessory building located on the same parcel as a single-family detached dwelling (e.g. a casita), intended for guest occupancies only and not leased or rented for commercial gain. Guest quarters are not ‘accessory dwelling units’ because guest quarters do not contain separate and independent cooking (kitchen) facilities and may not be rented, and therefore, are not ‘dwelling units’ as defined in this Chapter.”

Since the original variance approval, Title 18 has been updated, including the addition of the AEC flexibility and relief process (RMC 18.08.803). The AEC encourages creative and unique design and allows development to occur in a manner that meets the intent of Title 18, yet through an alternative design that does not strictly adhere to specific design standards. The AEC is not a general waiver of regulations. Rather, it authorizes a site-specific plan that is equal to or better than the strict application of the standard. The AEC shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests. If the current AEC request is approved, all other applicable code requirements not specifically included in the AEC request will need to be met for any new development activities and/or building permits.

Analysis:

Code Compliance and AEC: The applicant proposes construction of a new ±5,100 square foot principal single-family dwelling on the rear half of the subject site (**Exhibit D**). They plan to retain and restore the existing single-family dwelling in its current location and convert it to a detached accessory guest quarters. Consequently, the guest quarters and other detached accessory structures will be located within the front yard of the new principal dwelling. The applicant has stated that to meet code, the buildable area for the new principal structure will not suffice without first demolishing the existing dwelling which, due to its historic and intrinsic family value, is undesirable.

Although the applicant is not meeting the code prohibition of accessory structures between a front property line and a principal structure [RMC 18.04.903(a)(5)(b)], approval of the AEC will facilitate maintaining neighborhood character and consistency by preserving the existing structures and strategically screening the new structure to the rear (**Exhibit E**). By retaining and restoring the existing historic family dwelling, the proposed project maintains the character and charm of the area by preserving and restoring a historically significant structure that has helped add to the rural aesthetic of the neighborhood for many years.

The LLR-2.5 zoning district allows for one dwelling unit per 2.5 acres of lot area. Since the subject site is ±3.62 acres in size and tLLR-2.5 does not allow multi-family (a building used or designed as two or more dwelling units, or at least two detached single-family structures on one lot) or accessory dwelling units, **Condition 5** will ensure that the existing dwelling is converted to an accessory guest quarters. On June 19, 2024, the applicant provided an acknowledgement that the existing single-family home will be converted into a guest quarters and that they will comply with the accessory guest quarters use specific standards at RMC 18.03.405(i)(1) through (5).

Compatibility with the Surrounding Development Pattern and AEC: Surrounding land uses include single-family residential, vacant and agricultural land. The land uses surrounding the site are summarized in the table below.

Adjacent Properties		
	Zoning	Use
North	LLR-2.5	Single-family residential
East	LLR-2.5	Single-family residential
South	LLR-2.5	Single-family residential, agricultural land
West	LLR-2.5	Single-family residential, vacant land

Many of the surrounding LLR-2.5 parcels have large single-family residences and detached accessory structures, including two parcels across the street that have a detached accessory structure that are effectively in the front yard.

The applicant has provided an infill display map (**Exhibit F**) demonstrating that in order to meet the infill setback requirements of RMC 18.04.903(a)(5)(a)(1), there would effectively be a ±33 foot wide buildable area in which the new primary residence could be located without demolishing the existing historic family dwelling and other structures. Due to conflicting regulations, the applicant faces an unusual situation where the narrowness of the allowable building area will not accommodate the proposed home. Since the intent of the residential infill standards is to maintain the setback and architectural pattern of the neighborhood, requiring the existing residence to be demolished is counterintuitive, and the strict application of the code creates a practical difficulty and undue hardship on the applicant.

Although the project does not meet the infill setback requirement, approval of the AEC will allow the applicant to place the new structure at the rear of the property so that they can maintain the current appearance of the structures along the front. This maintains the large setback that is characteristic of larger rural properties in the area. Additionally, conserving historic structures aligns with broader community values of heritage and cultural preservation. This is supported by several comments submitted in support of the previous variance application (**Exhibit G**).

Public Safety: The Reno Police Department previously evaluated the proposal under the Crime Prevention Through Environmental Design standards and no concerns were noted (**Exhibit C**). The Reno Fire Department noted that fire sprinklers will be required (for structures over 5,000 square feet or response times greater than six minutes) and that all future development shall comply with the adopted edition of the International Fire Code, as amended and adopted by the City of Reno, in force at the time of development.

Master Plan Conformance: The subject site has a Master Plan land use designation of Large-Lot Neighborhood (LL) and is located within the Outer Neighborhoods per the Structure Plan Framework of the Master Plan. The LL land use designation is primarily intended to have single-family detached homes, with common open space, agricultural uses, and accessory dwelling units as secondary uses. As proposed and with the recommended conditions, the project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

- 2.2C: Historic and Cultural Resources
- N-ON.4 – Transitions to Unincorporated County/Open Space
- SD.18: Historic and Cultural Resources

Public and Stakeholder Engagement: The proposed project was reviewed by various City divisions and partner agencies. No comments of concern were received. A courtesy notice was sent out to surrounding property owners upon initial submittal of the project. The applicant is scheduled to present their project at the July 16, 2024, Ward 2 Neighborhood Advisory Board (NAB) meeting. Two comments in support have been received (**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 a building permit for the entire project within 18 months of the date of approval of the alternative equivalent compliance application and maintain the validity of that permit, or the application approval shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, or property owner, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction of the project. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Prior to the issuance of a certificate of occupancy for the new primary single-family dwelling associated with this request, the applicant shall have plans approved to convert the existing single-family dwelling to a detached accessory guest quarters, which may not contain separate and independent cooking (kitchen) facilities and may not be rented.

Findings:

General Review Criteria: 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 and application that provides a public benefit even if the development is contrary to some of the foals, 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.

Alternative Equivalent Compliance: Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

- 1) Achieves the intent of the subject standard to the same or better degree than the subject standard;
- 2) Advances the goals and policies of this Title to the same or better degree than the subject standard;
- 3) Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard;
- 4) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Title; and
- 5) Will not be materially detrimental to the public health, safety, or welfare.

Attachments:

- Exhibit A – Case Maps
- Exhibit B – Existing Structures
- Exhibit C – 2020 Planning Commission Variance Approval
- Exhibit D – Site Plan
- Exhibit E – Massing Study
- Exhibit F – Infill Setback Display
- Exhibit G – Support Comments