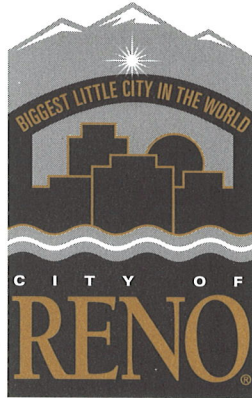


Jason Garcia-LoBue, MPA  
Planning Manager  
Development Services Department  
P. O. Box 1900  
Reno, NV 89505  
(775) 334-4267



September 23, 2022

Annette Schmit  
100 N Arlington Ave STE 102  
Reno, NV 89501

Re: Minor Conditional Use Permit Case No. MUP23-00003 (Arlington Saloon)  
APN: 011-611-03  
Ward: 5

Dear Applicant:

The Development Services Department has completed the review of your request for a minor conditional use permit to allow a live entertainment venue within an existing bar in the Mixed-Use Downtown - Riverwalk District (MD-RD). The subject site has a Master Plan land use designation of Downtown Mixed-Use (DT-MU). Based on the materials you have submitted as modified in the conditions of approval, the project conforms to the findings as required by the Reno Municipal Code (RMC) 18.08.604(e), and is not expected to have an adverse impact on the area. The administrator hereby approves the requested Minor Conditional Use Permit (MUP), Case No. MUP23-00003, subject to the following conditions:

All conditions shall be met to the satisfaction of Development Services staff, unless otherwise noted.

1. All work involved in constructing and operating a project approved pursuant to Title 18 of Reno Municipal Code shall comply with all plans, reports, renderings, and materials that were submitted or presented as a part of this application. City Codes shall prevail in the event of a conflict between the approved plans and the City Codes in effect when the business license and/or building permit is reviewed.
2. The owner or developer shall apply for a cabaret business license within 18 months of the date of approval of the minor conditional use permit application and maintain the validity of that permit, or the minor conditional use permit approval shall be null and void.
3. Prior to the issuance of the cabaret license, the applicant shall attach a copy of this approval letter. The approval letter shall accompany a narrative provided by the

applicant that describes how the requested permit addresses each of the conditions of approval herein.

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/operations of the project/business. This approval letter shall be posted or made readily available upon demand by City staff.
5. Prior to the issuance of a cabaret license, an acoustical study including vibrational analysis performed by a qualified acoustical engineer shall be provided, subject to staff approval with recommended acoustical treatments to ensure compliance with **Condition 6**. Mitigations recommended in the approved report shall be installed on site prior to issuance of a cabaret license.
6. Operational noise levels, including intermittent noise, shall not exceed sixty-five (65) decibels at the exterior of the building.
7. During the hours of live entertainment, the permittee shall employ one security officer for every fifty (50) patrons of the live entertainment venue. The security officers shall wear clothing that identifies them as security officers and shall be on duty from the time live entertainment begins until one-half hour after the live entertainment ceases. Their primary duty shall be to patrol the interior and exterior of the premises in order to alleviate police problems, excessive noise, abusive behavior, disturbances, and any other violations of law that occur on or about the licensed premises.
8. Patrons awaiting entrance, as well as those leaving the establishment, shall be monitored so as to not create a nuisance by obstructing the sidewalk in the area of the business or adjacent businesses.
9. Any queue line extending outside shall be orderly and maintained using stanchion control devices. One hour prior to live entertainment, stanchions shall be placed sufficient to control the queue line from blocking the public right of way.
10. The Permittee shall ensure that all litter and debris on adjacent sidewalks, curbs, and gutters shall be removed at closing time.
11. Indoor live entertainment activities shall require doors and windows to be kept closed after 9:00 p.m.

12. There shall be no live entertainment activities between the hours of 12:00 a.m. to 10:00 a.m. Sunday through Thursday and 2:00 a.m. to 10:00 a.m. Friday and Saturday.
13. All live entertainment events shall be restricted to patrons 21 and over.

**Summary:** The subject ±0.12 acre site is located ±100 feet north of West First Street in between North Arlington Avenue and Roff Way on the northern portion of the ground floor of the Arlington Towers (**Exhibit A**). Approval of this request will allow for the establishment of a live entertainment venue and the issuance of a cabaret license within the MD-RD zone. Key issues identified with this request are compatibility with surrounding residential uses, and safety outside of the establishment. With the included Conditions of Approval the key issues will be properly mitigated.

**Background:** Prior to the Arlington Saloon opening in 2019, the subject site has operated as a number of different bars since 2006. Under the previous zoning code, the only live entertainment use was a “night club” use. Per the previous definition of night club, not all live entertainment fell within that category. Although the bars in operation prior to the Arlington Saloon had limited live entertainment, they did not meet the threshold of a night club. The pending cabaret license would legally establish live entertainment at this location.

**Analysis:**

**Compatibility with Surrounding Uses:** The proposed use of the parcel as a live entertainment venue is consistent with surrounding uses including bars, restaurants, motels and retail. This project is part of the Arlington Towers which includes offices, personal services, a coffee shop, bars, and a hookah lounge. The upper-levels are comprised of 125 residential condominiums. Floors one through three are commercial uses separated by concrete floors and the fourth floor contains the residence laundry room, gym, and swimming pool. This provides three floors of separation between the subject site and the existing residences.

Uses surrounding the Arlington Towers includes a bar with live entertainment to the north, a church and parking lot to the west, a park to the south, and a bar to the east. These uses are all within the Mixed-Use Downtown (MD-) districts which allows for 24-hour operation of permitted land uses. **Conditions 5-13** will help mitigate any potential impacts that the addition of live entertainment could have on the nearby residences. The Arlington Towers is a mixed-use building that is compatible and encouraged in the downtown districts. As conditioned, the proposed live entertainment venue will be compatible with the area and the mixed-use nature of the building.

**General Code Compliance:** A live entertainment venue is permitted within the MD-RD zone with the approval of a MUP. The Arlington Saloon is an existing bar and the subject site has operated as a bar since 2006. Indoor uses located in the Mixed-Use Downtown (MD-) districts,

greater than 300 feet from residentially zoned property, allow for 24 hour operation. Playfield 76 is a bar adjacent to the subject site that has recently been granted a MUP to allow live entertainment with the hours of operation from 4:00 p.m. to 12:00 a.m. Sunday through Thursday and 4:00 p.m. to 2:00 a.m. Friday and Saturday (subject to implementation of conditions of approval). **Condition 12** requires all live entertainment to cease at 2:00 a.m. on Friday and Saturday, and 12:00 a.m. Sunday through Thursday, which is consistent with surrounding bars, and will help mitigate any potential impacts on the adjoining residences.

**Public Safety:** Public safety is a concern for this establishment. Arlington Towers Homeowners Association expressed concerns regarding public safety and the safety of their homeowners. **Conditions 8 & 9** require any queue line extending outside be maintained in an orderly way to maintain adequate pedestrian access and reduce conflict. Additionally, **Condition 7** requires security guards onsite to ensure the safety of the patrons and passersby and address nuisance behavior. With these conditions implemented the addition of live entertainment is not anticipated to have any increase in harm to the public safety.

**Public and Stakeholder Engagement:** The proposed project was reviewed by various City divisions and partner agencies where there were concerns regarding public safety, noise, and residential proximity. Their comments have been incorporated into this analysis.

A public notice was sent out to all property owners within 750 feet of the project. Two comments were received from neighboring property owners with concerns regarding safety and operational issues (**Exhibit B**). No other comments were received.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Downtown Mixed-Use (DT-MU) and is within the Mixed-Use Area per the Structure Plan Framework of the Reno Master Plan. The site has a sub land use designation of Mixed-Use Downtown – Riverwalk District (MD-RD). As conditioned, the project is in conformance with the following applicable Master Plan goals and policies.

- City Wide Policy 1.2C: Existing Businesses
- City Wide Policy 1.2G: Business Retention and Attraction
- City Wide Policy 3.1C: Tourism and Entertainment
- City Wide Policy 3.1G: Arts and Culture
- City Wide Policy 3.2B: Public Spaces
- City Wide Policy 4.4D: Mix of Uses

**Legal Requirements:**

|                  |  |
|------------------|--|
| RMC 18.08.304(e) | Approval Criteria Applicable to all Applications |
| RMC 18.08.604(e) | Minor Conditional Use Permit - Findings          |



**General Review Criteria and Considerations:**

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 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.

Minor 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 minor 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 minor 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.

**Appeal of Administrative Decision:** This administrative decision may be appealed to the City Council by the applicant, the Mayor or a City Council Member, or any person who is "aggrieved" by the action or inaction. An appeal (together with fees) must be filed with the City Clerk within ten business days starting on the day after written notice of the action is filed with

Re: MUP23-00003 (Arlington Saloon)  
Page 6

the City Clerk. The City Clerk's Office is located on the 2<sup>nd</sup> floor of Reno City Hall located at One East First Street, Reno, NV.

This approval letter has not been issued in lieu of a permit. You are responsible for obtaining the appropriate permits associated with this project and a copy of this letter must be attached to the application.

Sincerely,



Jason Garcia-LoBue, MPA, Planning Manager  
Development Services Department

MUP23-00003 (Arlington Saloon) – GAW

xc: Hunger Fueled LLC  
100 N Arlington Ste 102  
Reno, NV 89501

Mikki Huntsman, City Clerk  
Bob Flores, Building and Safety Manager  
Michael Mischel, P.E., Engineering Manager



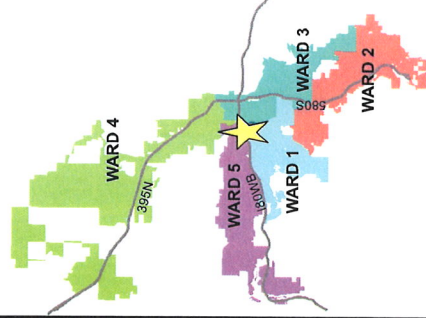
# Exhibit A - Case Maps

## AREA MAP

MUP23-00003

(Arlington Saloon)

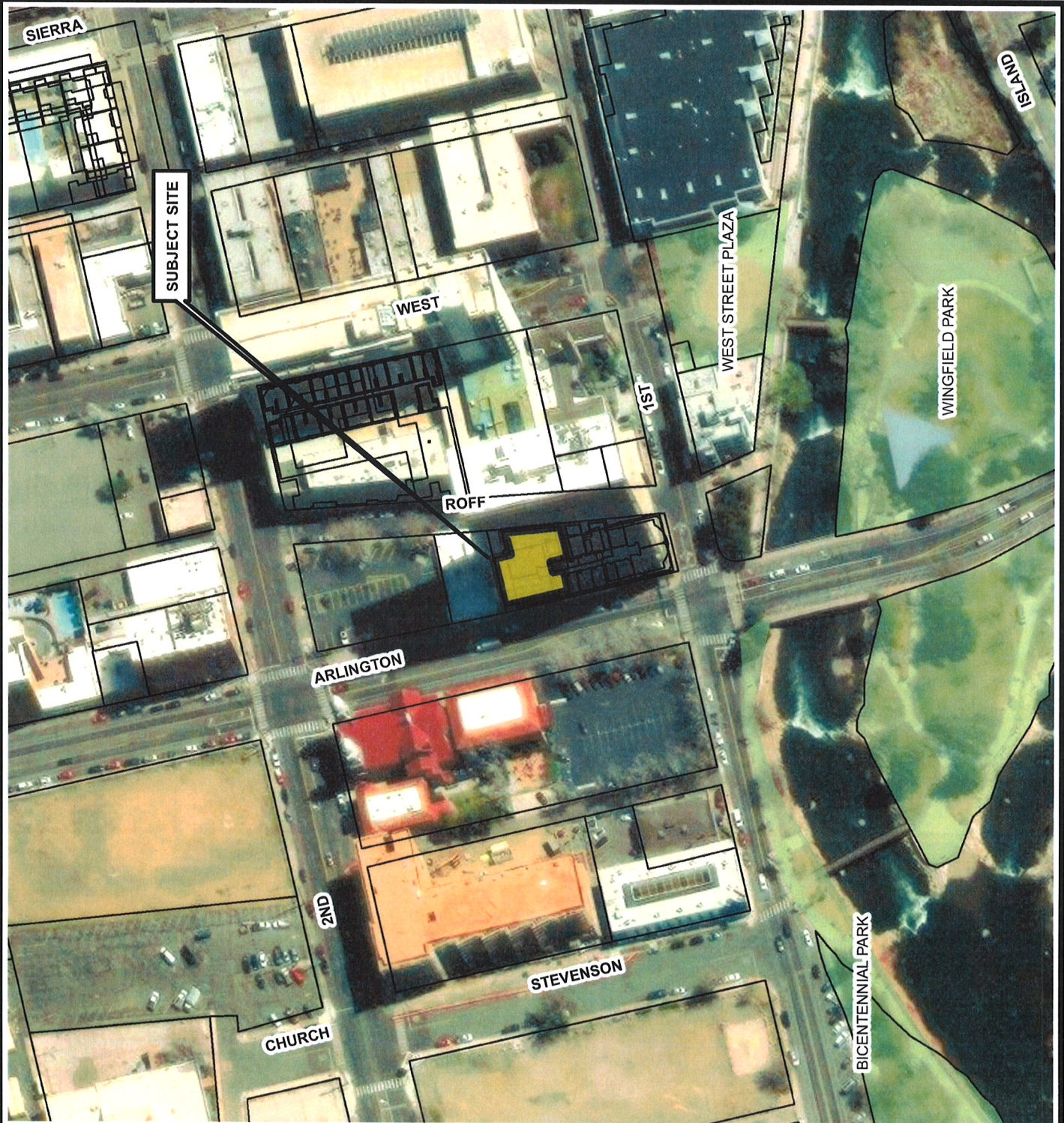
Subject Site ► 



WARD 5



The information herein is approximate and is intended for display purposes only.  
Date: September 2022  
Scale: 1 inch = 150 feet



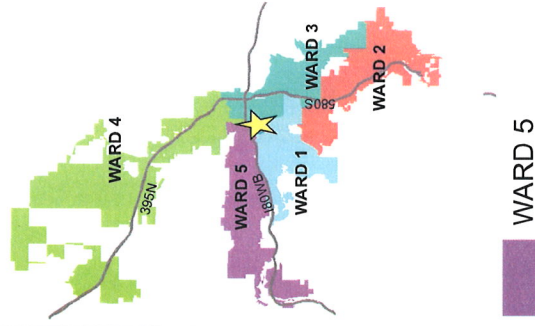


# VICINITY MAP

MUP23-00003

(Arlington Saloon)

Subject Site ► 

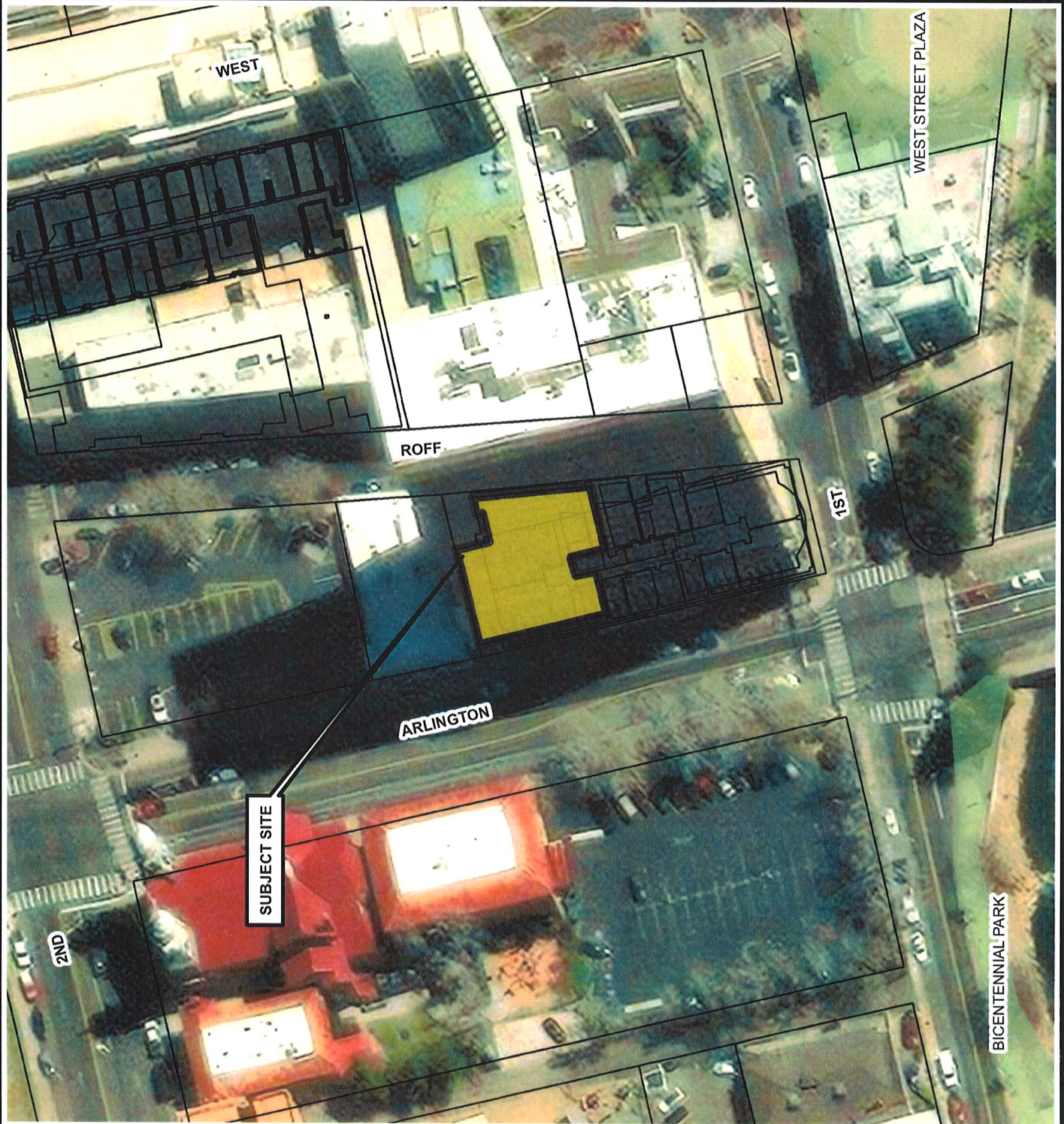


Development  
Services  
Department



The information herein  
is approximate and  
is intended for display  
purposes only.

Date: September 2022  
Scale: 1 inch = 75 feet





# ZONING MAP




MUP23-00003

(Arlington Saloon)

ZONING = MD-RD

Subject Site ► 

## Zoning Designations

-  MD-ED
-  MD-RD
-  MD-PD

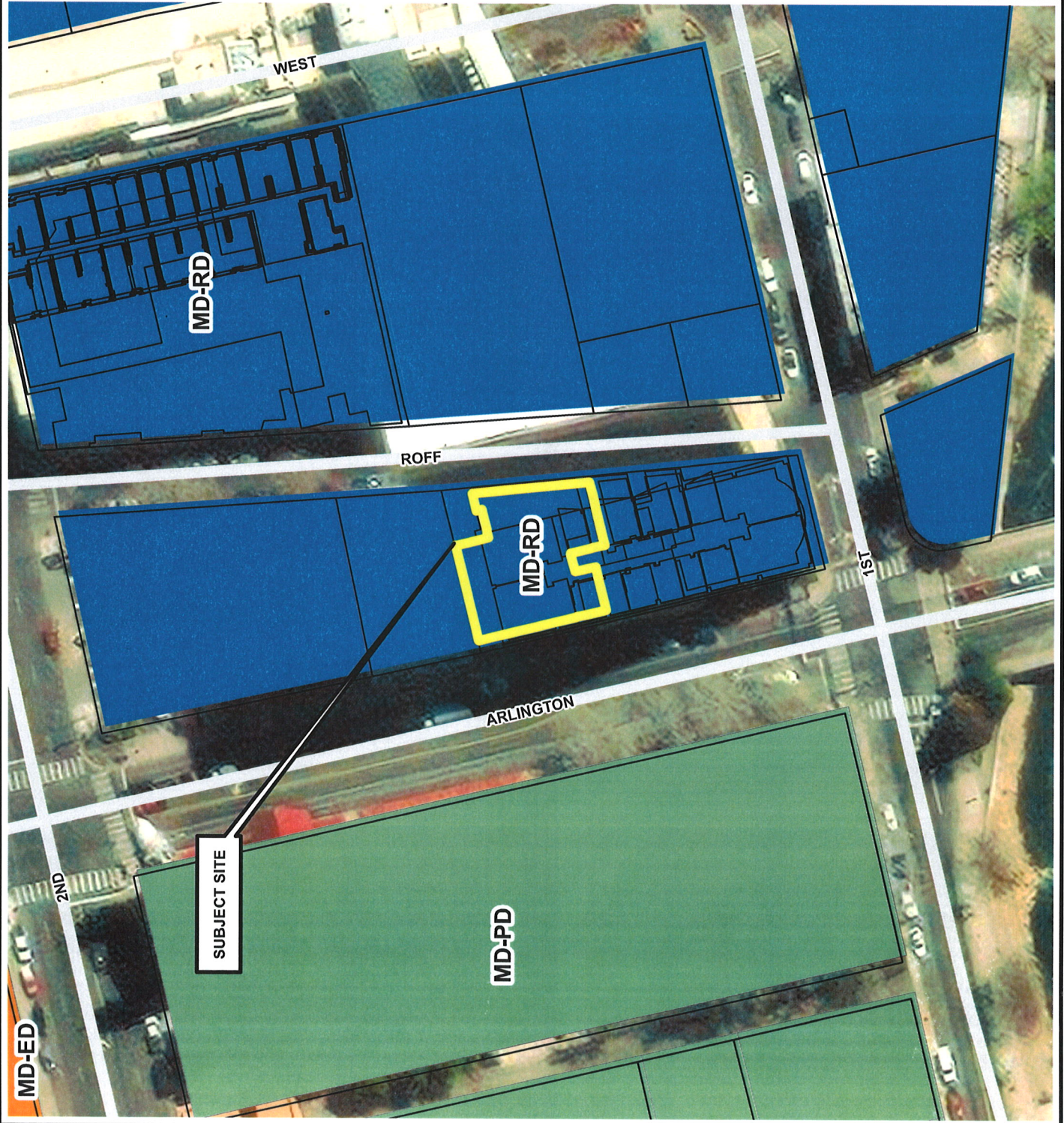


Development  
Services  
Department



The information herein  
is approximate and  
is intended for display  
purposes only.

DATE: September 2022  
SCALE: 1 inch = 75 feet



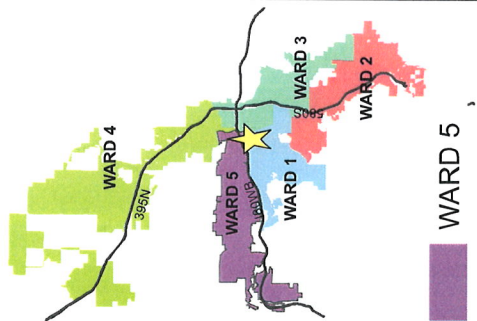


# MASTER PLAN MAP

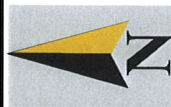
MUP23-00003

(Arlington Saloon)

Subject Site ► 

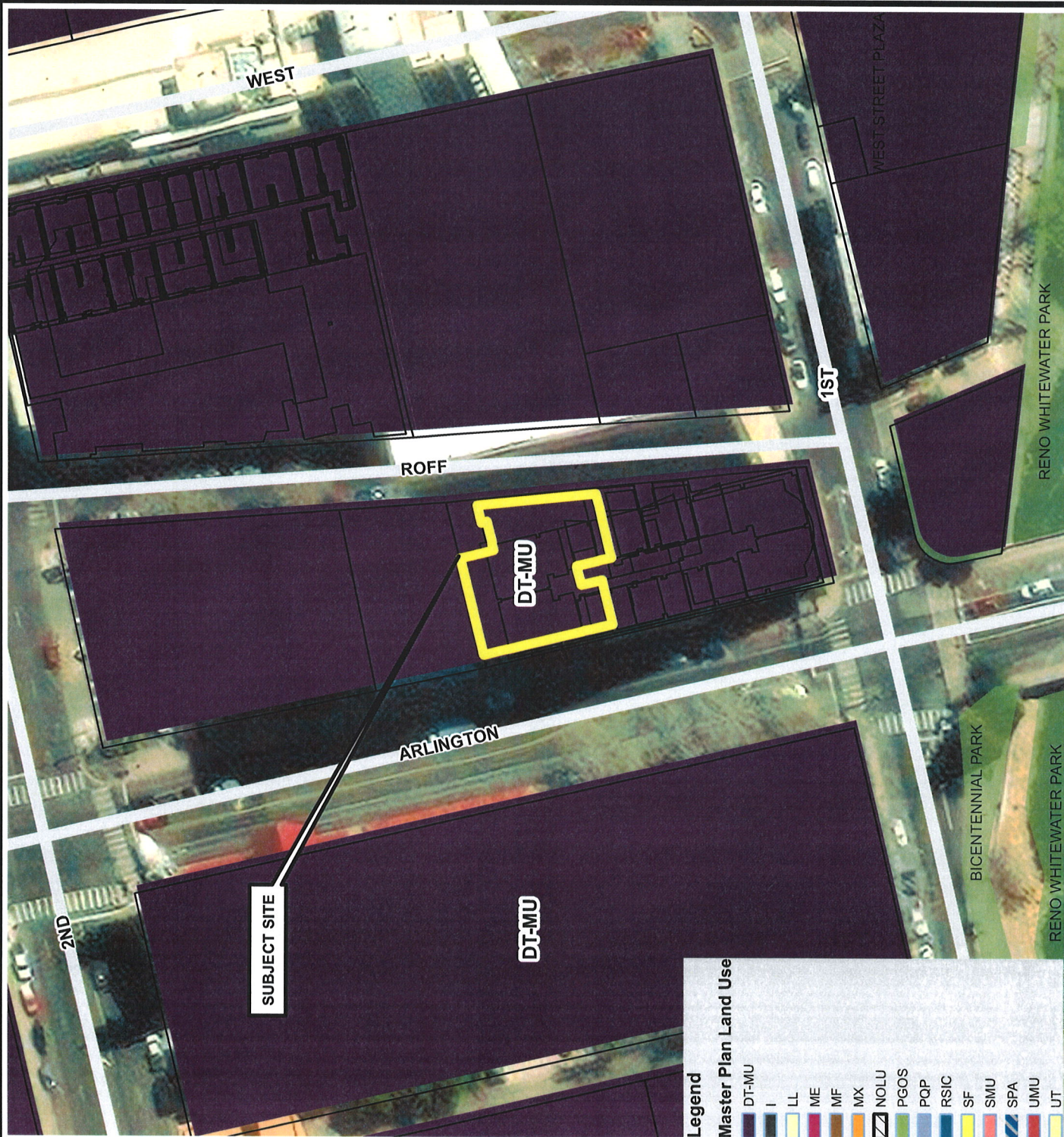


Development  
Services  
Department



The information hereon  
is approximate and  
is intended for display  
purposes only.

Date: September 2022  
Scale: 1 inch = 75 feet



| Legend  |       | Master Plan Land Use |
|---|-------|----------------------|
|  | DT-MU |                      |
|  | I     |                      |
|  | LL    |                      |
|  | ME    |                      |
|  | MF    |                      |
|  | MX    |                      |
|  | NOLU  |                      |
|  | PGOS  |                      |
|  | PQP   |                      |
|  | RSIC  |                      |
|  | SF    |                      |
|  | SMU   |                      |
|  | SPA   |                      |
|  | UMU   |                      |
|  | UT    |                      |



# Exhibit B - Public Comment



Grace Whited &lt;whitedg@reno.gov&gt;

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**FW: MUP23-00002 (Playfield 76) Comment NOW RE: MUP23-00003 (Arlington Saloon)**

5 messages

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**Marie Murgolo** <mariemurgolo@yahoo.com>  
To: "whitedg@reno.gov" <whitedg@reno.gov>

Sat, Sep 17, 2022 at 9:50 AM

Dear Ms. Whited,

Please see the letter and attachments I sent to Ms Leah Brock regarding MUP23-00002, I resubmit to you in regards to MUP23-00003. Please confirm receipt of this email via return email. Thank you in advance for your kind consideration of these serious concerns.

Sincerely,

Marie Murgolo, Ph.D.

Sent from [Mail](#) for Windows

---

**From:** Marie Murgolo  
**Sent:** Monday, August 1, 2022 12:08 PM  
**To:** [brockl@reno.gov](mailto:brockl@reno.gov)  
**Subject:** MUP23-00002 (Playfield 76) Comment

Dear Ms. Brock,

I am writing in response to the Property Owner notification I received regarding the request for live entertainment in an existing restaurant. I have grave concerns about this request. I am an owner and resident of The Riverwalk Towers. Our condo is located on the top floor (16th floor) at the corner of West 2nd Street and West Street. Even though we live on the top floor, the noise from the existing nightclubs is unacceptable (see attached videos). You can imagine what it is like for those living on lower floors.

This disturbance issue was discussed at our board of directors meeting and the issues goes well beyond me with the majority of the 125 units being impacted. One of the main issues is that the nightclub patrons spend a great deal of time on the sidewalks, streets, and parking lots playing loud music, yelling, revving motorcycle and car engines, and riding motorcycles down the sidewalks. These activities continue until about 5:00 am.

I believe that adding a live music venue within walking distance to Tonic and Fusion will multiply and exacerbate these problems. It has gotten to the point that I must rent hotel rooms when I have visitors as our guest room is on the side of the building near Fusion (the greatest contributor to the problem) and the noise makes it impossible to sleep.

Please, I implore you, do not approve the request for live music and please have the city work on the existing disturbance issues relating to the existing venues. I understand this is a complex problem and requires multiple departments working in concert to achieve the desired results of a livable neighborhood. I can see this issue undermining the city's plans for integrating more residential units into downtown. Please do not approve the request and add to the problem before the existing intolerable situation is addressed and resolved.

I attach two videos (taken on different dates) of what we downtown residents must contend with on a regular basis. Make sure your sound volume is turned on so you can fully appreciate our world.

Please let me know if you require further information. I can be reached via return email or at 775-335-9147. Thank you.

Yours sincerely,


Marie Murgolo, PhD.

Sent from [Mail](#) for Windows

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**2 attachments**

 **June 4 Fusion.MOV**  
3784K

 **June 26 after 4 am.MOV**  
7785K

---

**Grace Whited** <whitedg@reno.gov>  
To: Marie Murgolo <mariemurgolo@yahoo.com>

Mon, Sep 19, 2022 at 8:06 AM

This has been received and uploaded into the record. Thank you for your comments. Please let me know if you have any questions.

[Quoted text hidden]

--

**Grace Whited**  
(She/Her/Hers)

Associate Planner  
Development Services  
775-657-4691 (o) or 775-741-3004(c)  
[WhitedG@Reno.Gov](mailto:WhitedG@Reno.Gov)  
1 E. First St., Reno, NV 89505

**Reno.Gov** | Connect with us:     



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**Marie Murgolo** <mariemurgolo@yahoo.com>  
To: Grace Whited <whitedg@reno.gov>

Mon, Sep 19, 2022 at 8:13 AM

Thank you for the confirmation of receipt. How and when do we find out what the decision is on this request?

Kind regards,  
Marie

Sent from Yahoo Mail for iPhone

[Quoted text hidden]

[Quoted text hidden]

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is also legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is prohibited. If you have received this transmission in error, please immediately notify the sender and immediately destroy the original transmission and its attachments without reading or saving in any manner. Thank you.

---

**Grace Whited** <whitedg@reno.gov>  
To: Marie Murgolo <mariemurgolo@yahoo.com>

Mon, Sep 19, 2022 at 8:19 AM

The decision date is this Friday. If you would like, you could reach out Monday for a copy of the decision letter.

[Quoted text hidden]

---

**Marie Murgolo** <mariemurgolo@yahoo.com>  
To: Grace Whited <whitedg@reno.gov>

Mon, Sep 19, 2022 at 9:00 AM

Thank you so much.

Marie

Sent from Yahoo Mail for iPhone

[Quoted text hidden]

# Arlington Towers Homeowners Association

September 8, 2022

Grace Whited  
City Manager's Office – Business License Division

Via Email: [whitedg@reno.gov](mailto:whitedg@reno.gov)

Dear Ms. Whited,

On behalf of the Board of Directors for Arlington Towers HOA, we are writing today regarding the Arlington Saloon and their current application for a liquor license with the City of Reno.

The Arlington Saloon is located at 100 N. Arlington, sharing a close physical proximity with our Association as it is in the same building with the homeowner association's 194 residential units. Our residential lobby is within 50 feet of the entrance to the Saloon and events that occur inside or outside of the Bar as described below strongly affect the residents and their right to safety and security.

Due to the numerous incidents of violence this year at the bar, as well as other safety concerns that have impacted the Association and its Members and residents, the Board is firmly against granting this application. A brief description of the major incidents this year include the following:

01/16/22 Shooting outside of bar in close proximity to residential lobby. Rival biker gangs at the bar were shooting at each other. RPD Gang unit and FBI have both made contact with us about this incident.

01/21/22 A bar fight spilled out onto Roff Way. The Bar owner Mazz and the bartender were involved in fight.

05/07/22 Bikers and bikes would not move off the sidewalk, so the Association had to call RPD to get them to move. The Bar owner Mazz told them to move because of eggs being thrown at them.

05/14/22 Motorcycles doing donuts in the street in front of bar and residential lobby.

08/12/22 Asked the Bar owner Mazz to clear back hallway of the commercial area in the Arlington Towers building per Mark Wright, Fire Department Inspector. The Bar owner Mazz said he would move the items but on 8/15/22 nothing was moved. Advised 24hr notice to move. Mazz said he would move it. 8/16/22 nothing was moved. HOA went in and moved the hazard, and charged back owner.

08/27/22 Fight outside of bar. 2 men and 1 woman, woman was hit several times then men went at it. Multiple vomit marks on sidewalk from over-serving.

C/O Western Nevada Management, Inc. 255 W. Peckham Lane, Suite 2, Reno, NV 89509  
Phone: 775-284-4434, fax: 775-284-4465, Email: [Sue@westernnv.com](mailto:Sue@westernnv.com)



In summary, the Association, through its Board of Directors, would like to file its objections to this application with the City of Reno, and we ask that these incidents be considered, and there is low confidence that future incidents will be prevented by the Bar owner.

Sincerely,

*Susan King*

Sue King,  
Supervising Community Manager  
On behalf of the Board of Directors  
Direct: 775-624-3925  
Email: [Sue@westernnv.com](mailto:Sue@westernnv.com)

Cc: Loren Beccard, Facilities Manager