



CITY OF RENO

Board of Adjustment

November 9, 2004

Staff Report

Agenda #

Ward #

1

CASE No.: LDC04-00550 (Four Four Five/445 California Avenue)

APPLICANT: Dario Passalalpi

REQUEST: This is a request for a: (1) special use permit to allow: (a) a bar use (b) business operation between 11 p.m. and 6 a.m.; and (2) variance to reduce required on-site parking spaces from 15 to 0 spaces.

LOCATION: The \pm 0.089 acre parcel is located on the north side of California Avenue (445 California Avenue), \pm 280 feet east of Arlington Avenue in a CC (Community Commercial) zone.

PROPOSED MOTION: Based upon compliance with the applicable findings, I move to approve the special use permit and variance, subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL:

All conditions shall be met to the satisfaction of Community Development 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 building permit is applied for, shall prevail.
2. The applicant shall apply for a building permit for the project within eighteen (18) months of the date of Board of Adjustment approval, and continuously maintain the validity of that permit, or this approval shall be null and void.
3. Prior to the issuance of a business license the applicant shall demonstrate that reciprocal Parking and Access Agreements have been recorded and notarized between the subject site and all sites offering reciprocal Parking and Access Agreements.

BACKGROUND:

The site was originally constructed in the mid 1900's with no on-site parking and has most recently been used as a print shop. With no existing parking on the site, the applicant is required to obtain a variance to allow a more intense land use. In addition, a special use permit is required to operate a bar in the CC (Community Commercial) zone and for any business that plans to be open past 11 p.m. and before 6 a.m.

There have been many documents received on this case which are attached to this report. The document received on August 4, 2004 on reciprocal parking agreement between Falling Waters Healing Spa and the applicant has since been found void due to the business owner of the Falling Waters Healing Spa not verifying first with the landlord of his intent.

At the September 14, 2004 Board of Adjustment meeting this item was postponed to the October 12, 2004 meeting due to a lack of quorum. On September 30, 2004, the applicant requested that the item be postponed to the November 9, 2004 meeting.

ANALYSIS:

Key Issues: Bar use
Business operation between 11 p.m. and 6 a.m.
Parking Variance

Land Use Compatibility: The site is surrounded by an office to the west, a salon to the east, and a vacant building to the north. Located to the south of the site are a vacant lot and an office. There are no residential land uses adjoining the parcel, although there is a rental unit ± 50 feet to the northeast of the property.

The applicant has proposed hours of operation from 4:00 p.m. to 4:00 a.m. The majority of the surrounding businesses do not operate during the same business hours of the proposed use. These varied hours of operation will limit the parking and traffic impact in the area. The hours of operation will also limit the conflict that may arise between a bar and some of the businesses in the area. The neighborhood is a mix of residential and commercial/office uses. The bar, with the proposed hours of operation, makes it a compatible land use in this area. The applicant is proposing to employ a door staff to prevent any adverse impacts to the area, such as noise, pollution, and loitering.

Variance Discussion: The proposed business building is $\pm 2,700$ enclosed square feet and $\pm 3,200$ square feet including the rooftop, which will have outdoor dining during the summer months. The use of a bar requires 1 parking space for every 110 square feet. The site is located within an infill area, which allows for 50% of the parking spaces to be

provided on the street. Using this mathematical calculation with the total square footage, the location is required to have 15 parking spaces on-site. The applicant is requesting a parking variance to waive these 15 required spaces due to the fact that the building encompasses the entire parcel, except the driveway to the adjoining parcel to the north. A parking study has also been conducted for the on-street parking in the California Avenue area and has been attached to this report (Exhibit B).

The parcel located to the north has 5 on site parking spaces. The owner of this property also owns the project property and has agreed to share parking spaces with the proposed bar. The business to the east, which operates during the day, has 7 parking space and has agreed to share these as well. The applicant shall be required to provide recorded reciprocal parking and access agreements with the adjacent property to the north and east before approval of the business license (Condition 3).

The site is located ± 100 feet from the Transit Corridor. The Transit Corridor would allow for a 25% parking reduction, which would result in 11 required on-site parking spaces. In the Downtown area, which is ± 280 feet north of the project site, the parking requirement for a bar is 1 space per 275 square feet. In this case only 10 on-site parking spaces would be required for this business. These areas of the City have reduced parking standards due to the area being a more pedestrian-oriented environment than the rest of the City. Due to the proximity of the proposed project to these areas, pedestrian use is further encouraged by this project.

In order to approve a variance all four findings must be made.

Variance finding a requires that the property be characterized by an extraordinary or exceptional situation. The site is located within an older neighborhood that has very little on-site parking. Many of the businesses use the on-street parking during regular business hours. Since several of these surrounding businesses close at 5:00 p.m., the majority of the on-street parking is available during the bar's proposed hours of operation.

Variance finding b requires that the strict application of the regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property. Any business more intense than a print shop would require the approval of a variance. An active land use can be more beneficial to a neighborhood than a vacant building.

Variance finding c requires that the granting of a variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity. The majority of businesses in the area are open during daytime hours and share similar parking restraints. The applicant proposes to begin operations at 4 p.m. so that on-street parking spaces can be shared and the surrounding businesses should not be affected. The applicant will also be recording reciprocal parking agreements to allow its clientele to park in adjoining parking lots.

Variance finding d requires that the proposed variance be consistent with the intent and purpose of the Chapter. The intent of the Code is to ensure that adequate parking is provided. The businesses in the surrounding area are primarily open during standard business hours (8 a.m.-5 p.m.). The applicant has proposed to operate between the hours of 4 p.m. and 4 a.m. Therefore, adequate on-street parking should be available for the proposed project.

Urban Design: The proposed use will occupy an existing building in a developed area where services and infrastructure are already provided. The building is composed of grey cinder block, which does not complement the neighborhood, if the use is approved for the project the applicant plans to remodel the structure. The proposed signage will meet Code requirements and will be compatible with surrounding land uses (Exhibit C).

Public Improvements: Since the site has been developed, there are no engineering comments associated with this proposal.

Public Safety: Reno Fire and Police Departments had no comments regarding this proposal.

Master Plan: The proposed land use is in conformance with the Urban Residential/Commercial Master Plan Land Use designation. As proposed and with recommended conditions, the project appears to be consistent with the following applicable Master Plan policies; Adaptive reuse of properties shall be encouraged through regulations and incentives to promote a vital city center and protect neighborhood character (CD-27); Encourage new developments with intense activities to locate in existing areas (CD-1); The hours of operation and general activity level of development should be sensitive to surrounding land uses (CD-6); Mixed and multiple uses are encouraged throughout Reno (CD-50); Signs must be designed as an element of the building they advertise, and be of appropriate scale to the building and surrounding neighborhood (SD-3).

Neighborhood Advisory Board: This request was reviewed by Ward 1-Downtown on September 1, 2004. A copy of their comments is attached to this report (Exhibit A).

AREA DESCRIPTION			
	LAND USE	MASTER PLAN DESIGNATION	ZONING
NORTH	Vacant	Mixed Residential (3-21 units/acre)	NC
SOUTH	Vacant/Office	Plumas Neighborhood Plan	CC
EAST	Salon	Urban Residential/Commercial (≥21 units/acre)	CC

WEST	Office	Urban Residential/Commercial (≥21 units/acre)	CC
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LEGAL REQUIREMENTS:

RMC 18.06.1110 Special Use Permit Procedures.
RMC 18.06.1112 Variance Procedures.

FINDINGS:

Special Use Permit: In order to approve a Special Use Permit, the recommending or deciding body shall make the following findings as applicable:

- a. The proposed use is compatible with existing surrounding land uses and development.
- b. The project is in substantial conformance with the Master Plan.
- c. There are or will be adequate services and infrastructure to support the proposed development.
- d. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.
- e. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

Variances: In order to approve a Variance, the recommending or deciding body shall make the following findings:

- a. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it

has exceptional topographic conditions at the time of enactment of the regulations.

- b. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.
 - c. Granting of the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity;
 - d. The proposed Variance is consistent with the intent and purpose of this Chapter.
- 2. In granting Variances, the Board of Adjustment or Planning Commission and City Council shall have no power to take action which has the effect of allowing a use of land in contravention of the applicable zoning district or which in any other way changes the applicable zoning district. Any action that has in effect changed the zoning district shall be deemed a violation of powers of this Section and be of no force and effect.
 - 3. The fact that a building exists or was constructed or expanded in a manner which does not conform with this Chapter prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.