

PLANNING COMMISSION STAFF REPORT

Date: August 16, 2023

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action): Case No. LDC23-00065 (306 East Taylor Street Multi-Family) - A request has been made for a variance to increase the allowable number of dwelling units from seven to eight units in an existing multi-family complex. The ±0.16 acre site is located on the southeast corner of the intersection of East Taylor Street and Wheeler Avenue. The site is zoned Multi-Family Residential – 30 units per acre/Wells Avenue Neighborhood Plan Overlay (MF-30/WANP) and has a Master Plan land use designation of Multi-Family Neighborhood/Wells Avenue Neighborhood Plan/Mixed-Residential - 30 (MF/WANP/MR-30).

From: Carter Williams, Assistant Planner

Ward #: 3

Case No.: LDC23-00065 (306 East Taylor Street Multi-Family)

Applicant: James MacDougall

APN: 013-163-01

Request: **Variance:** to increase the allowable number of dwelling units from seven to eight units in an existing multi-family complex.

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

Proposed Motion: Based upon noncompliance with the applicable findings, I move to deny the variance.

Summary: The project is located on a ±0.16-acre site on the southeast corner of the intersection of East Taylor Street and Wheeler Avenue. The proposed variance seeks to expand an existing seven-unit apartment complex by adding an additional unit. The property is zoned Multi-Family Residential – 30 units per acre (MF-30), which allows for up to seven units with the application of the density bonus for smaller unit sizes. Since the building's construction in 1984, the complex has only been known to have seven units based on building permit, business license, and tax assessment records. At one point in time, a laundry room and management office associated with the apartment complex was converted without permits or zoning approval. A variance appears to

allow for an increase in density for a particular project, but variance findings require an extraordinary and exceptional hardship to approve such a request. No hardship has been identified. Staff contends that if there is any hardship in this case, it would have been self-imposed, or otherwise is an inherited issue from the previous property owner.

Background: Building records show that the original structure had a permit (Permit No. 118223) submitted for seven units in 1984 (**Exhibit B**). The zoning at the time of construction (R-3) allowed for a maximum of seven units. The structure received a certificate of occupancy for seven units (**Exhibit C**) and has not received additional permits or certificates of occupancy to account for an additional unit. The Business License Department has provided a memorandum noting that the license history for this property has always been for seven units (**Exhibit D**). The applicant has not been able to provide documentation that the illegally established eighth unit was previously permitted. The burden of demonstrating the lawful establishment of a nonconformity is solely on the owner of property per Reno Municipal Code (RMC) Section 18.01.402(d).

Analysis:

Variance Findings: There are four findings that must be made by the Planning Commission, along with five general review criteria and considerations. **Variance finding 1a** requires that property be 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. Staff is unable to identify that any such condition exists.

Variance finding 1b requires that there be evidence of peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property with the strict application of the code. The code establishes a maximum density that is consistent with properties in the vicinity and this property was successful in maximizing its unit count based on the property size. Any hardship would have been self-imposed, by either a previous owner who installed the illegal improvements, or subsequent owners who did not perform adequate due diligence to identify the discrepancy with city records and the built condition of the complex.

Granting of the variance cannot be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity per **variance finding 1c**. The proposed increase in units is nominal and is not increasing the size of the building. If approved, applicable building permit review would ensure that public health and life safety issues are addressed.

A variance must be consistent with the intent and purpose of the Land Development Code per **variance finding 1d**. The Reno Municipal Code establishes a zoning framework which considers limitations on residential density. Increases in density or changes to other zoning standards should be analyzed through a Master Plan land use and zoning map amendment to demonstrate

consistency with the Master Plan and to show logical reasoning how such density changes fits into the fabric of the zoning framework established for the area. The absence of a more comprehensive analysis of the area evaluating how this increase in density fits goes against the intent of the zoning framework. The limitations on approving a variance also state that the decision-making body 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.

It should also be noted that the fact that a building exists or was constructed or expanded in a manner which does not conform with RMC Title 18 prior to the consideration of a variance application may not be used as a basis for the granting of a variance.

Lastly, **general review criteria 1** seeks to align projects with the Reno Master Plan. The primary issue in Master Plan conformance is that the Multi-Family Neighborhood (MF) designation only allows multi-family zoning districts with a range of densities between 14 and 30 dwelling units per acre. The proposed request seeks a residential density of about 35 units per acre.

In summary, staff is unable to meet variance findings 1a, 1b, & 1d and general review criteria 1.

Master Plan Conformance: The subject site has a Master Plan land use designation of Multi-Family Neighborhood (MF) and is located in a Central Neighborhood per the Structure Plan Framework of the Reno Master Plan. As proposed the project is not in conformance with the MF Master Plan land use designation.

Public and Stakeholder Engagement: No concerns were identified from the external agency comments that were received for this application. The applicant gave a presentation to the Ward 3 Neighborhood Advisory Board (NAB) meeting on August 1, 2023. A courtesy notice was sent out to surrounding property owners upon initial submission of the project. One comment was received in support of the request (**Exhibit E**). Any future comments will be forwarded to the Planning Commission as they are received.

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.

Variance: In addition to meeting the approval criteria in Section 18.08.304(e), Approval Criteria Applicable to all Applications, the following findings shall be made prior to granting a variance:

- (1) 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;
- (2) 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;
- (3) 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; and
- (4) The proposed variance is consistent with the intent and purpose of this Title per Chapter 18.01 Article 2, Purpose.

Attachments:

Exhibit A – Case Maps

Exhibit B – Permit Documents


Exhibit C – Certificate of Occupancy

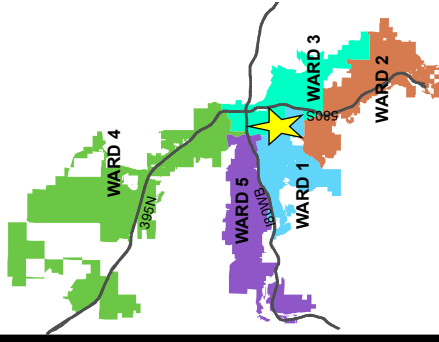
Exhibit D – Business License Memorandum
Exhibit E – Public Comment

AREA MAP

LDC23-00065

(306 E Taylor)

Subject Site ► 



WARD 3



Development
Services
Department

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

Date: July 2023

Scale: 1 inch = 200 feet




EXHIBIT A

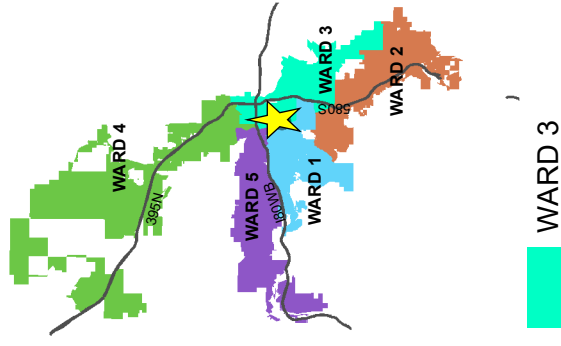


VICINITY MAP

LDC23-00065

(306 E Taylor)

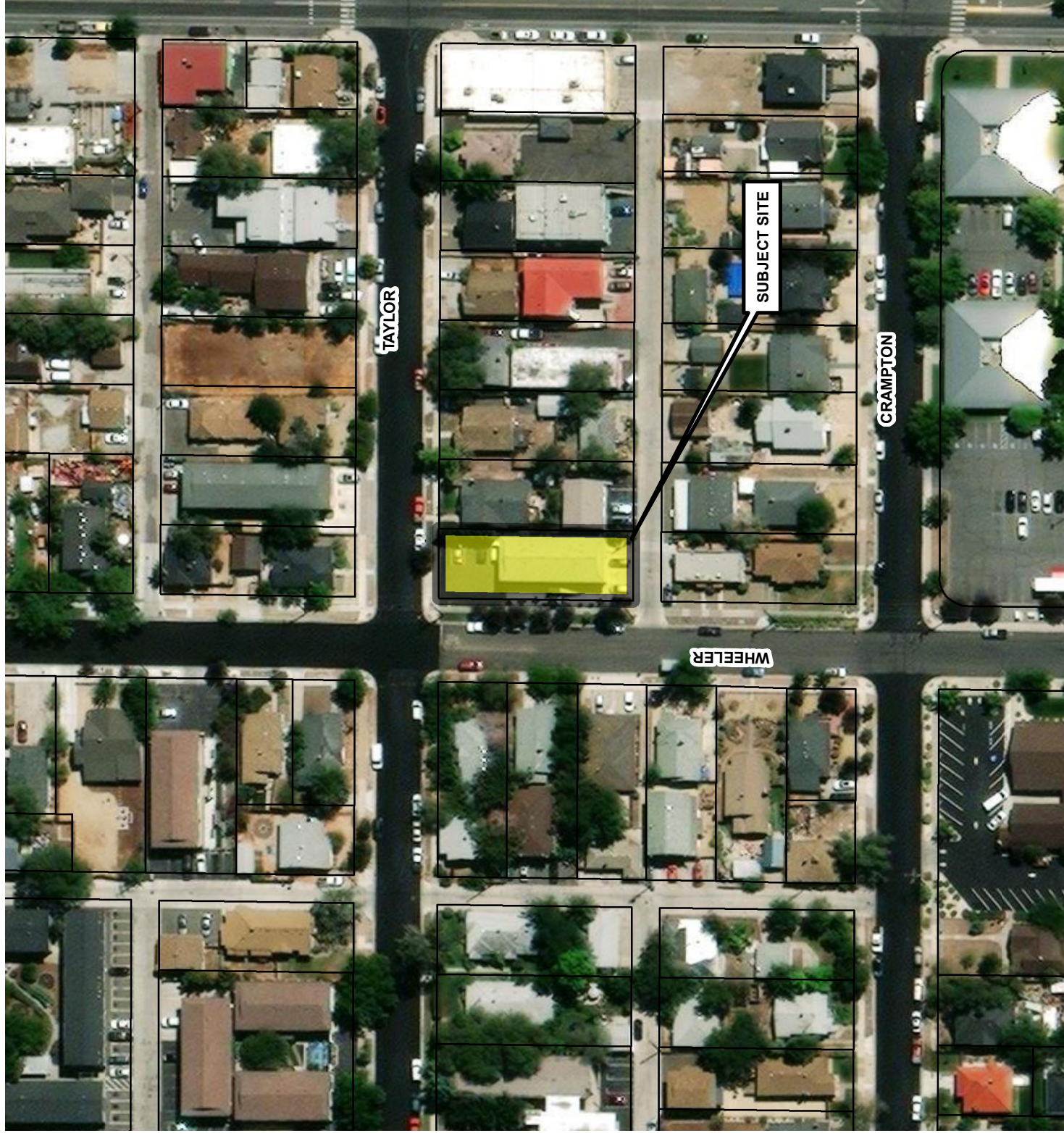
Subject Site ► 



Development
Services
Department



The information herein is approximate and is intended for display purposes only.
Date: July 2023
Scale: 1 Inch = 100 feet




ZONING MAP





LDC23-00065

(306 E Taylor)

ZONING = MF-30

Subject Site ► 

Zoning Designations

	MF-30
	NC
	GC
	PO



Development
Services
Department

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DATE: July 2023
SCALE: 1 inch = 100 feet

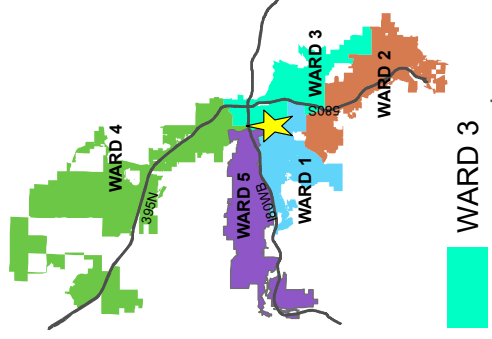


MASTER PLAN MAP

LDC23-00065

(306 E Taylor)

Subject Site ► 



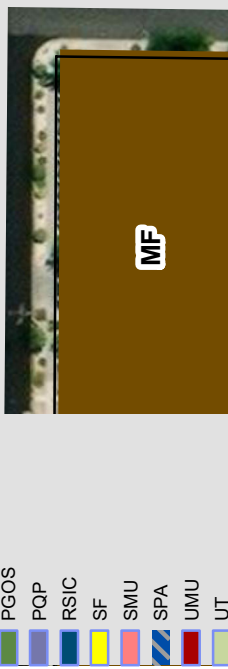
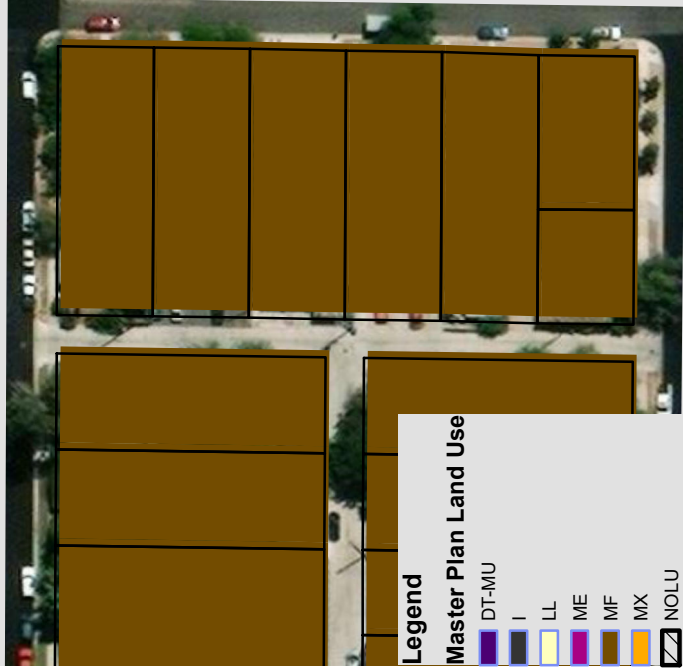
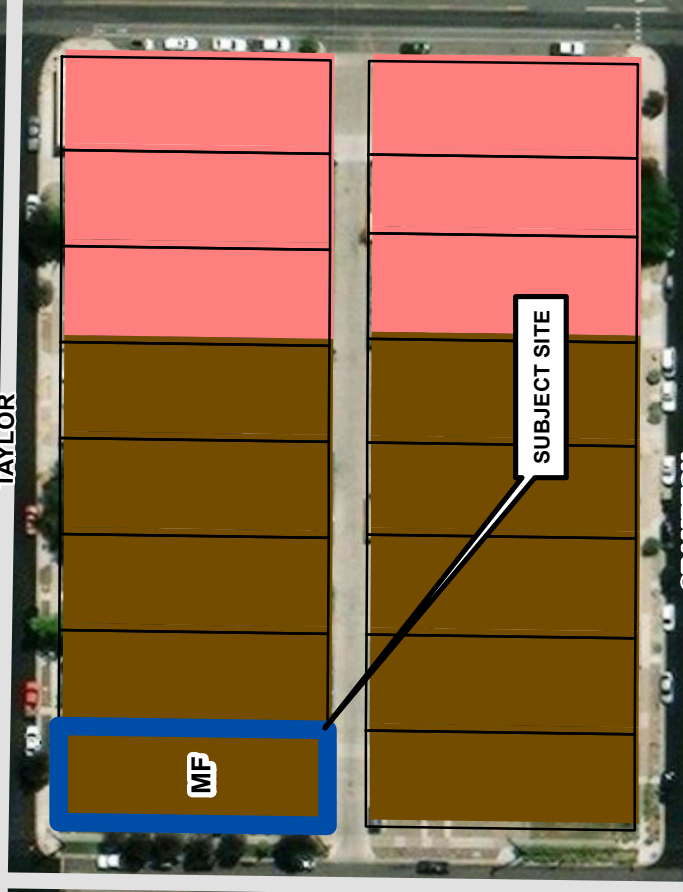
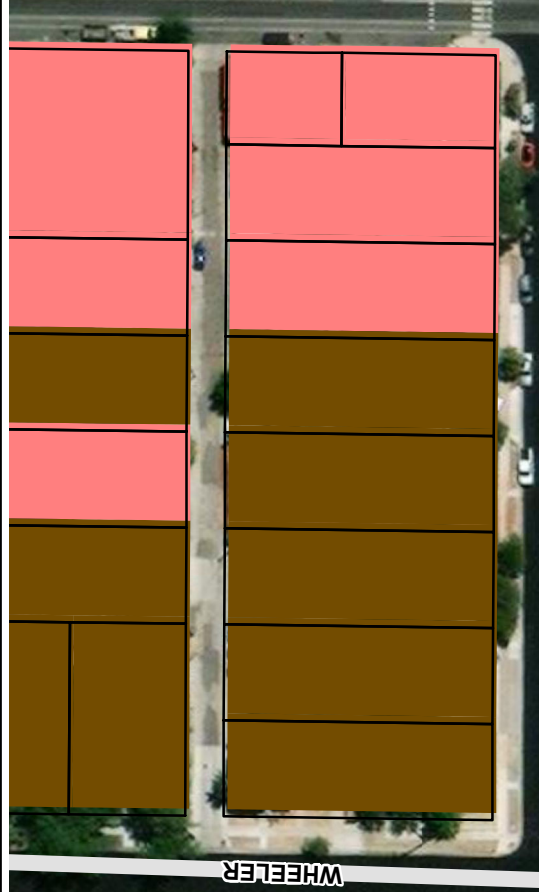
Development
Services
Department



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Date: July 2023

Scale: 1 inch = 100 feet



Legend

Master Plan Land Use

	DT-MU		I		LL		ME		MF		MX		NOLU		PGOS		PQP		RSIC		SF		SMU		SPA		UMU		UT
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CONTROL NO. 612-1 THIS SECTION TO BE FILLED IN BY APPLICANT

PERMIT NO. 118223

APPLICATION FOR PERMIT(S)

☒ New Structure ☐ Addition, Alteration, Repair, Demolition
☐ New Sign ☐ Renovation
Job location 306 E Taylor
lot 1 Block 2 Subdivision ~~MANUFACTURING ADD.~~
Parcel No. ~~ASAC-13-163-01~~ Zoning R-3
Occupancy ~~MANUFACTURE~~ Type VN Group R-1
Dwelling Units 1 Sprinklers ☐ Yes ☐ No
Fuel Tank Capacity 445.000 Gals. (Notify Fire Department)
Valuation 145,000.00
Owner/Lessee Tony Magbide
Address 20. Bay Blvd
Applicant's Signature ~~Tony Magbide~~
Phone 670-2849

Rec. No. For Office Use Only
Plan Rev. Fee \$ 354.58
Building Permit Fee \$ 545.00
Ficture Units 1 Fee \$ 250.00
Park District Fee \$ 900.00
Total \$ 9050.08

I hereby agree to save, indemnify and keep harmless the City of Reno, and its officers, employees, and agents against all liabilities, judgments, costs and expenses which may in any wise occur against the City of Reno in consequence of the granting of this permit or from the use in accordance with the Rules, Regulations and Ordinances of the City of Reno.

By ~~Tony Magbide~~ Date 6/12/84
Builder's Signature

BUILDING PERMIT

APPROVED 1984

PERMISSION IS HEREBY GRANTED TO SECURE THE WORK DESCRIBED IN THIS APPLICATION IN ACCORDANCE WITH THE RULES, REGULATIONS AND ORDINANCES OF THE CITY OF RENO.

CITY OF RENO
BUILDING & SAFETY DEPARTMENT

WORK DESCRIPTION

NEW STRUCTURE OR ADDITION

MPR SUP. VAR. _____
Use Change _____
Stories 2 Height 21 Area 3040 SF
NEW SIGN OR RENOVATION
Sign Face Used _____ Thickness _____
Electric Power ☐ New ☐ Existing
(Show location on plans)

DESCRIBE WORK TO BE DONE:

1 Alex Apartments

PLEASE DO NOT WRITE IN THIS SECTION

When properly validated, this document constitutes a building permit. It has specific time limitations. Refer to the adopted edition of Uniform Building Code and "Administrative procedures for Sewer allocation."

APPLICATION FOR PLUMBING PERMIT

	FEES	FEES
Closets	7	14
Bath Tub	7	14
Showers		
Laundries	7	14
Urinal		
Sink	7	14
Dishwasher		
Wash Machine	4	4
Diposal		
Slop Sink		
Drinking Fountain		
Gas Piping	16	16
Gas Appl.		18
Floor Drain		
Floor-Sink		
Roof-Drains		
Water Heater		16
Sewer		5
Water Ditt.		2
W.O.		7
H.B.		40
Sprinkler System		
Swim. Pools, Spas		
Permit		3
TOTAL \$127.50		

APPLICATION FOR MECHANICAL PERMIT

MECHANICAL:	
Permit	10
Furnace	42
Boiler/Compr'sr	BTU HP
Air Handling Units	CFM
Evaporative Coolers	
Vent Fans - Single Duct	21
Local Fans	
Exhaust Hoods	31
Other	50
SOLAR:	
Permit	
Collectors	Sq.Ft.
Storage Tanks	Gals.
Rock Storage	Cu.Ft.
Other	2 Pagers
TOTAL \$113.25	

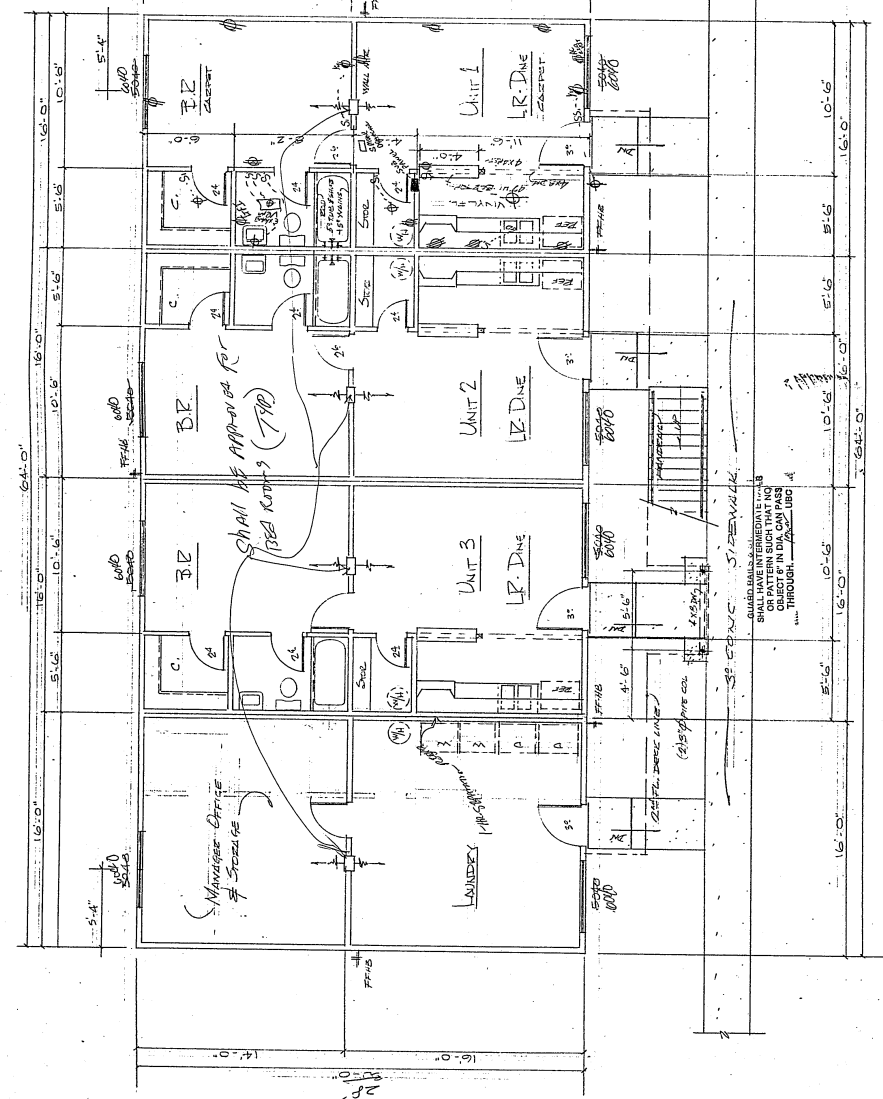
EXHIBIT B

APPLICATION FOR ELECTRICAL PERMIT

New Construction	77
Service Change	
Swim Pools, Spas, Hot Tubs	
Power Pole (TPP/Mobile Home)	
Fire Alarm (No. Outlets)	
Permit	2
TOTAL \$79	

White Copy - Office Record

Fold's Reg'd. in All Toilet Rooms
& Laundry Areas



First Floor Plan
1/4" = 1'-0"

Sur #3
7/60

Please Note
PROVIDE SMOKE DETECTORS
PER UBC SEC. 1204

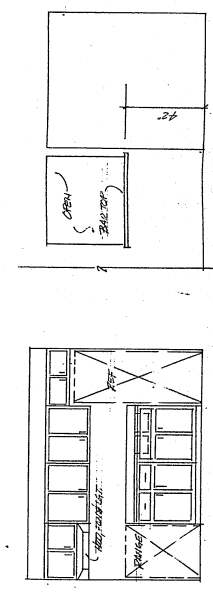
PROVIDE EXTERIOR DOOR OR WINDOW
APPROVED FOR EMERGENCY EGRESS OR
RESCUE AS PER SECTION 1204 U.B.C.

Glass & Glazing
Shall Conform With
Requirements Chap. 54 U.B.C.

PLUMBING INSTALLATION SHALL CONFORM
WITH U.B.C. PLUMBING CODE
AND CITY OF RENO ORDINANCES

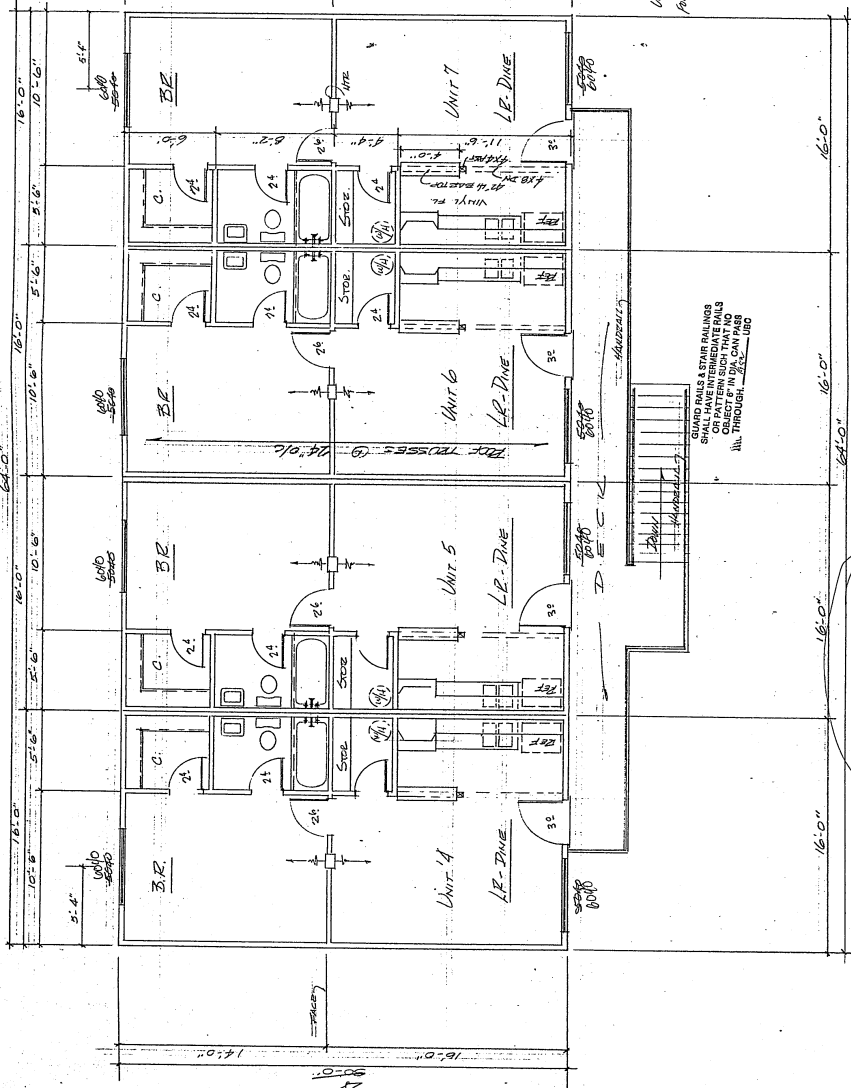
MECHANICAL INSTALLATION SHALL CONFORM
WITH U.B.C. MECHANICAL CODE
AND CITY OF RENO ORDINANCES

CDX PLYWOOD IS NOT
FOR DIRECT APPLICATION OF
WEIGHTS OR FLOOR
COVERING UNDERLAMENT REQUIRED.



BRUNNEN CABINETS

ATTIC ACCESS REPD.



PROVIDE EXTERIOR DOOR OR WINDOW APPROVED FOR EMERGENCY EGRESS OR RESCUE, AS PER SECTION 1204 U.B.C.

STAIR RAILS & STAIR RAILINGS SHALL BE INSTALLED AT ALL TIMES OR PATTERNED RAILS OR PATTERNED RAILINGS SHALL BE INSTALLED THROUGHOUT THE STAIRS

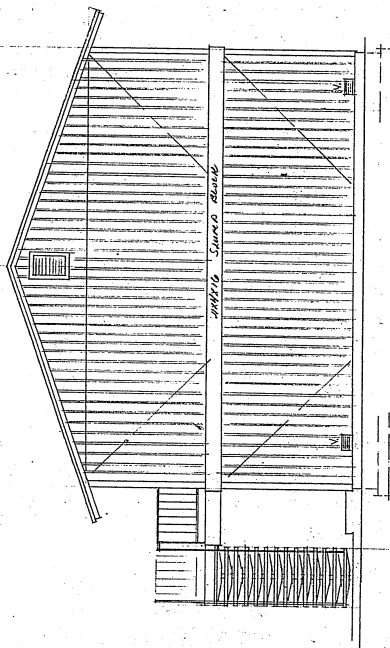
Class & Glazing Shall Conform With Requirements Chap. 54 U.B.C.

SECOND FLOOR PLAN

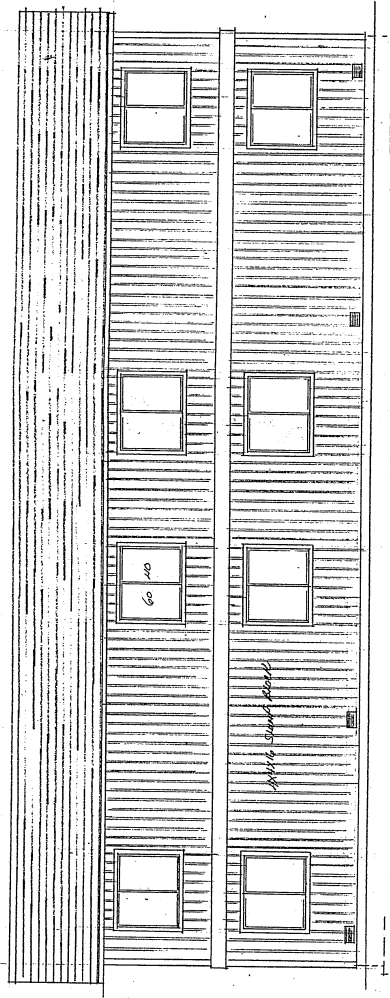
1/4" = 1'-0"

Sheet 4

7.2.00

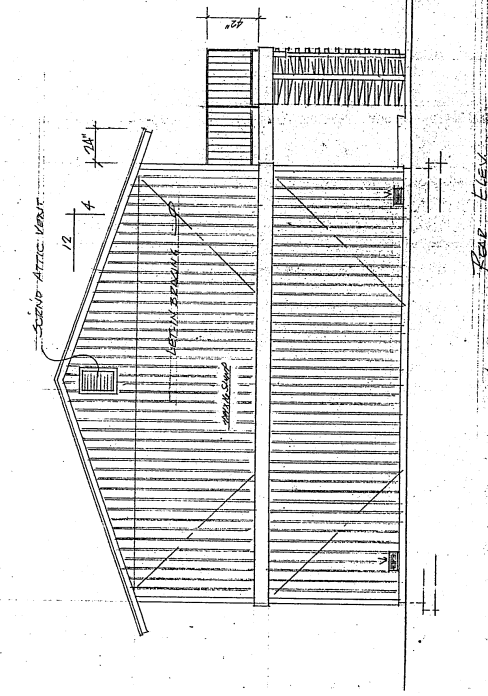


FRONT ELEV.

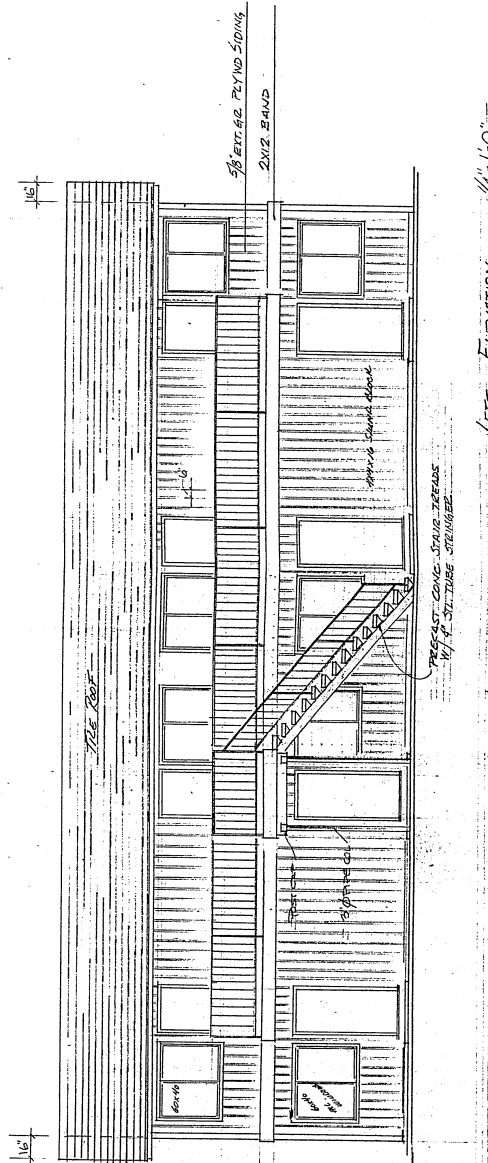


RIGHT ELEV.

GUARD RAILS & STAIR RAILINGS
SHALL HAVE INTERMEDIATE RAILS
AND BE LOCATED SUCH THAT NO
OBJECT 4" IN DIA. CAN PASS
THROUGH. UBO



REAR ELEV.



LEFT ELEVATION

1/4" = 1'-0"

Sht #6
7/8x

District_____

Location

Lot

13-163-01

Meadowcroft Add.

105

Type

Sprinklers

Height

DATE	CONTRACTOR
11-14-84	J. Bugica
11-14-84	K. Bugica

EXHIBIT

• • • • •

CERTIFICATE OF OCCUPANCY

CITY OF RENO
DEPARTMENT OF BUILDING & SAFETY

No 11365 C

Land Use Zone R-3

Bldg. Permit 118223

Type of Construction V-N

Date 1/3/85

THIS IS TO CERTIFY THAT THE BUILDING, located at and known as No. 306 E. Taylor this city, has been inspected and found to comply with section 307, of the Uniform Building Code, and may be occupied as stated below, in accordance with the provisions of said section(s). The permission hereby granted to occupy said building is based on the premise that said building will be constantly maintained by the owner in accordance with applicable sections of the Reno Municipal Code and may be revoked for any violation thereof.

Occupancy or Use: 7 Unit Apartments

Group: R-1

Owner of Building: Tom Yturbe

Address: P. O. Box 869, Reno NV

Contractor: Ken Bugica

PHILLIP M. HERRINGTON
Director

By: Evelyn

POST IN A CONSPICUOUS PLACE



EXHIBIT D

BUSINESS LICENSE DEPARTMENT

MEMORANDUM

DATE: August 3, 2023
TO: Carter D. Williams, Assistant Planner
FROM: Lucila Ramos, Compliance Officer
SUBJECT: 306 E. Taylor Street – R7670A-LIC Yturbide Apartments

On December 4, 1984, Tom Yturbide submitted an application for seven residential units at 306 E. Taylor Street under the name, Yturbide Apartments. The application was reviewed and approved as seven residential rentals. The license account was billed as such until the time of closure.

Which Category Describes You Citizen

Case Number LDC23-00065

Do you wish to opt-in to receive Reno Connect Development Project email newsletters? Yes

Citizen General Public Comment Form

Full Name Griff Durham

Contact Email renogriff@aol.com

Contact Phone Number 775 323 5063

Position In Support

Leave comments on this case here.

I feel it would be unfair to deny the applicant's request to be allowed to occupy all eight units in his building. It was constructed with the knowledge and approval of the city of Reno building department. With few exceptions all the apartment buildings in this neighborhood have more units than the zoning in effect when they were built allowed. At the time, 70s and 80s, the zoning allowed for one unit per thousand square feet. Most lots in the area are 7,000 square feet. Therefore the maximum density is seven units. The city regularly allowed developers to over build. On my block of Thoma Street. there are three such structures, one of which has nine units. I fought these developments unsuccessfully at the time. I was told by representatives of the city that the obvious extra units were non residential, laundries, recreation facilities, temporary office space for the managers, etc. I'm certain the current owner of this building bought it believing it was legitimately an eight unit apartment and should not be penalized for the dishonest act of developers and city officials in the past.

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These messages are not added in the [premium version](#).