

**PLANNING COMMISSION
STAFF REPORT**

Date: February 1, 2023

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action): Case No. LDC23-00032 (Jacobs Glow Plaza and Festival Area Amendment) – A request has been made for an amendment to conditional use permit LDC22-00038 to expand the permit boundary to include an additional parcel for the purpose of promoting Glow Plaza on the additional parcel. The ±8.373 acre site is located on seven parcels generally located south of West 4th Street, east of Washington Street, and ±200 feet west of Ralston Street. The site is zoned Mixed-Use Downtown – Northwest Quadrant (MD-NWQ) and Mixed-Use Downtown Entertainment District (MD-ED) and has the Downtown Mixed-Use (DT-MU) Master Plan land use designation.

From: Leah Brock, Assistant Planner

Ward #: 1

Case No.: LDC23-00032 (Jacobs Glow Plaza and Festival Area Amendment)

Applicant: Reno Real Estate Development LLC

APN: 007-274-01, 03, 007-274-39 through 42, and 007-542-15

Request: **Conditional Use Permit Amendment:** To expand the permit boundary to include an additional parcel for the purpose of promoting Glow Plaza on the additional parcel.

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

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

Summary:

The applicant is requesting an amendment to the conditional use permit for the Jacobs Glow Plaza and Festival Area (“Glow Plaza”) to add the parcel with the Sands Regency Casino Hotel (the “Sands”) to the “site” of the Glow Plaza. Approval of the amendment will allow the Sands to advertise events held at the Glow Plaza. The key issue related to this request is general code compliance. Staff recommends approval, subject to the conditions listed in the staff report.

Background: In March of 2022, the Planning Commission approved a conditional use permit (CUP) (LDC22-00038) to allow “Amusement or Recreation, Outside” and “Live Entertainment” land uses to facilitate outdoor festivals, concerts, recreation, and events on a ±2.32 acre site. The approval was appealed and on May 11, 2022 the Reno City Council upheld the Planning Commission approval with modifications (**Exhibit B**). The applicant is currently coordinating with City staff to satisfy the conditions of approval. Building permits have been issued and sound monitoring equipment has been installed. Issuance of a business license for the Glow Plaza site is pending staff review of operational conditions of approval.

Analysis:

General Code Compliance: Per Reno Municipal Code (RMC) 18.09.204(a)(6), the term “site” is defined as: *All of the lots, parcels, and land area proposed for annexation or development according to the provisions of this Title, and which is in a single ownership or has multiple owners, all of whom join in an application for annexation or development. The term "site" does not include portions of a parcel not included in an annexation or development request.* The definition does not require all parcels in a site to be connected, have common boundary lines, or be adjacent. The subject request to add the parcel with the Sands to the existing site entitlement for Glow Plaza is permitted per RMC.

As of 2001, the City of Reno does not allow for off-premises advertising. Per RMC 18.09.307 the definition of “on-premises sign” is defined as: *Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is principally sold, available or otherwise provided on the premises on which the display is located.* If the parcel with the Sands is added to the Glow Plaza site, advertising for events at the Glow Plaza will be allowed on the Sands parcel because it will be considered on-premises signage.

The Sands site has a zoning designation of Mixed-Use Downtown Entertainment District (MD-ED) within the Gaming Overlay District (which allows licensed nonrestricted gaming). Within the

Gaming Overlay District, there is no maximum area limit for freestanding signs or wall signs. All types of sign illumination are allowed and there is no limit to flashing or animation signage. The maximum height for a free-standing sign is 100 feet. A conditional use permit is required to exceed

100 feet. Approval of this amendment would allow Glow Plaza to advertise events using the unlimited signage permitted in the Gaming Overlay on the Sands Regency Casino Hotel parcel.

The Glow Plaza site is located in the Mixed-Use Downtown Northwest Quadrant District, where signage is limited for freestanding and wall signs. Also, flashing and animation are not allowed. **Exhibit C** is a comparison of allowed signage in both districts.

The sole purpose of this CUP amendment is to allow on-premises Glow Plaza signage on the Sands parcel (**Condition No. 24**). All nonrestricted gaming uses are strictly limited to the Sands parcel. Approval does not permit the Glow Plaza site to the current permitted uses on the Sands parcel. Additionally, the approval of this conditional use permit amendment does not permit the Sands parcel to the permitted uses on the Glow Plaza site (**Condition No. 25**).

Public Services: No noted concerns were received from either the Reno Fire Department or Reno Police Department in regards to this request. The closest fire station is Station 1 located at 494 E. 4th Street. The current response time from Station 1 is three minutes.

Master Plan Conformance: The subject site has a Master Plan land use designation of Downtown Mixed-Use (DT-MU) and is located adjacent to an Urban Corridor and within a Mixed-Use area per the Structure Plan Framework of the Reno Master Plan. As proposed and with the recommended conditions, the project is substantially in conformance with the Master Plan, land use, and the following applicable Master Plan goals and policies:

- Policy 1.2A: Arts and Outdoor Recreation Tourism
- Policy 1.4E: Arts and Culture
- Policy 3.1C: Tourism and Entertainment
- Policy 3.1G: Arts and Culture
- Policy 3.2C: Pedestrian Realm
- Policy 6.6A: Community Events and Activities
- DTRC-NWQ.4: Streetscape Character

Public and Stakeholder Engagement: The project was reviewed by various City divisions and partner agencies. Courtesy notices were sent out to surrounding property owners and four comments have been received from the public with three in opposition and one neutral (**Exhibit D**). Concerns cited by the public include unlimited signage, appropriateness of utilizing the unlimited Gaming Overlay signs standards, and the changing character of the Fourth Street

corridor. The project was presented to the Ward 1 Neighborhood Advisory Board (NAB) and no comments were received. Any future comments will be forwarded to the Planning Commission.

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 applicant shall apply for all building permits and any required business license within 18 months from the date of original May 11, 2022 approval, and continuously maintain the validity of those permits, or this approval shall be null and void.
3. The applicant, developer, builder, property or business owner, 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 readily available upon demand by City staff.
4. A special event permit shall be required for activities requiring the closure of any public right-of-way. A special activity or event permit shall be required for site occupancy over 3,700. Additional requirements may be necessitated with special event or activity permit review. Onsite security shall monitor and record on-site attendance for all activities to ensure that occupancy is not exceeded. Records shall be made available to City staff upon request.
5. The applicant shall provide the Business License Division a list of planned activities, including vendors, that are not subject to special activity or event permits at least 30 days in advance.
6. Lighting shall be consistent with the photometric plan submitted in application materials. Specialty lighting (e.g. lasers, additional stage lighting, spotlights, etc.) associated with events shall not shine on any off-site structures or public right-of-way. Additional restrictions may be imposed through special activity and events permitting.
7. Portable restrooms shall be screened from view from the public right-of-way.

8. Prior to site activity associated with this request, the applicant shall install code compliant refuse containers and appropriate screening.
9. Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday.
10. Amplified sound is restricted to 8:00 a.m. to 11:00 p.m. Total onsite noise levels shall not exceed 85 decibels, as measured from the outer property line of the subject site.
11. Prior to site activity associated with this request, sound monitoring equipment shall be placed on project perimeters so that (i) the decibel levels are monitored during all hours of operation, (ii) in the event noise levels are exceeding 85 dB during hours of operation, the onsite manager shall be notified electronically via email, text, or some other automated method, (iii) the monitoring equipment has data logging capability for reporting requirements, (iv) the information shall be forwarded to the Code Enforcement division on a weekly basis. Decibel measurements shall be (a) "A" weighted; (b) slow response (based on American National Standards Institute (ANSI) recommendations); (c) average based on one hour periods.
12. Permitted special events and/or activities may exceed the decibel threshold (Condition No. 10) with amplified sound ceasing at 11:00 p.m. The number of these events shall be limited to twenty per year, subject to approval of special event or activity permits.
13. Prior to site activity associated with this request, the applicant shall provide a plan demonstrating that an on-site security location is provided. The security area shall be operational during all outdoor activities associated with this request.
14. Prior to site activity associated with this request, the applicant shall provide a detailed operations and security plan to the satisfaction of the City Manager or designee with review and comment by Reno Police Department and Code Enforcement personnel. The operations and security plan shall: a) include a process for staff to review events of any size at the site; b) address reimbursement for all City services required related to the event (public safety, fire inspections, traffic mitigations, etc.); c) be reviewed and updated annually following the annual report to the City Council (per Condition No. 23) to address any ongoing and/or new security issues that may arise as a result of outdoor activities, subject to approval of the City Manager; and d) be posted in the security area location and presented to City of Reno staff upon demand. Additional

requirements and/or modifications may be required for special event and activity permits.

15. Prior to site activity associated with this request, the applicant shall demonstrate that permanent signage has been placed at public entrances and exists to the facility. The signage shall reflect that "no open containers of alcohol are allowed beyond this point" for patrons exiting the facility and that "no alcohol brought from outside the facility is allowed" for patrons entering the facility. These protocols shall be enforced by onsite security/management personnel and shall be reflected in the operations and security plan reflected in Condition No. 13.
16. As required by RMC Section 105.6.36 of the adopted International Fire Code, as amended, a separate Outdoor Assembly Event operational permit will be issued by the Reno Fire Department. Each event will be reviewed by the Reno Fire Department for Fire Code compliance.
17. Prior to the issuance of the first special activity or event permit with occupancy over 3,700, the applicant shall provide a traffic study providing: a) a 24 hour seven day count of the existing traffic patterns on 4th Street, b) impacts of approved development in the area within the last five years, c) expected facility traffic generation at maximum capacity, d) peak hour and off-peak hour impacts of facility operations on levels of service, and e) proposed mitigations to limit impacts for special activities and events.
18. Prior to site activity associated with this request, the applicant shall provide plans demonstrating installation of bicycle parking compliant with RMC 18.04.705 (c) "Bicycle Parking."
19. Parking of tour buses, vans, and vehicles shall be prohibited in the private alley south of the subject site.
20. Prior to site activity associated with this request, the applicant shall provide a detailed revised queuing and pedestrian access and exiting plan to the satisfaction of Development Services staff with review and comment by Reno Police, Fire, and Code Enforcement personnel. If a line is required to extend outside of the primary entrance, the proprietor shall maintain an orderly queue line using stanchion control devices and managed by onsite security. This line must be sufficient to ensure clear pedestrian access and adequately illuminated. Plans shall significantly limit site entering and exiting away from the southern portion of the site and must address trespass concerns

onto the portion of the private alley that is not part of the subject site. Appropriate queuing for special activity and events shall be determined through the corresponding process.

21. Prior to site activity associated with this request, the applicant shall provide a management plan requiring sweeping and pickup of any trash around site perimeter at the close of onsite activities.
22. Prior to site activity, the applicant shall demonstrate that the required signage includes a website address which provides a schedule of upcoming events.
23. The applicant shall present an annual report of the project's operations to the City Council, with the first report to be completed within one year of this conditional use permit approval.
24. The extension of this conditional use permit on parcel 007-542-15 is solely to allow for the inclusion of the Sands Regency Casino Hotel parcel within the Glow Plaza Festival site area for the purpose of allowing on-premises Glow Plaza Festival signage on the Sand Regency Casino Hotel parcel.
25. All nonrestricted gaming uses are strictly limited to the Sands Regency Casino Hotel property. Approval of this conditional use permit amendment does not extend the Glow Plaza "Amusement or Recreation, Outside" and "Live Entertainment" land uses to the Sands Regency Casino Hotel parcel (APN 007-542-15).

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.

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.

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 pursuant to RMC 18.08.605(e):

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 – City Council Decision Letter

Exhibit C – Signage Comparison

Exhibit D - Public Comments