

**PLANNING COMMISSION
STAFF REPORT**

Date: January 3, 2018

To: Reno City Planning Commission

Subject: **7.5. Staff Report (For Possible Action): Case No. LDC18-00021 (Sizzle Pie/The Black Crystal) - A request has been made for a special use permit to extend hours of operation beyond 11:00 p.m. for a restaurant and bar. The ±0.16 acre site is located on the northeast corner of South Center Street and Pine Street in the Mixed Use/Downtown Reno Regional Center/California Avenue (MU/DRRC/CALI) overlay zone. The site has a Master Plan land use designation of Special Planning Area/Downtown Reno Regional Center/California Avenue District. bjo**

From: Brook Oswald, Associate Planner

Ward #: 3

Case No.: LDC18-00021 (Sizzle Pie/The Black Crystal)

Applicant: Bob Peyton

APN Number: 011-178-01

Request: A request has been made for a special use permit to extend hours of operation beyond 11:00 p.m. for a restaurant and bar.

Location: The ±0.16 acre site is located on the northeast corner of South Center Street and Pine Street in the Mixed Use/Downtown Reno Regional Center/California Avenue (MU/DRRC/CALI) overlay zone. The site has a Master Plan land use designation of Special Planning Area/Downtown Reno Regional Center/California Avenue District.

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the special use permit, 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 application is submitted, shall prevail.

2. The applicant shall apply for all building permits for the project within 18 months from the date of final 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. The project approval letter shall be posted or readily available upon demand by City staff.
4. Prior to issuance of any building permit and/or a business license, as applicable, the applicant shall demonstrate, via a sound study prepared by a licensed acoustical consultant, that noise generated by the west side outdoor patio area will not exceed 49 decibels within 50 feet of the southern property line. If not, the use of the outdoor patio area shall cease at 10:00 pm.
5. Prior to the issuance of a building permit, the applicant shall provide plans that illustrate that the entrance to the bar area on the south side of the building is limited to emergency exit only or is designed to have a vestibule to limit noise to the outside.
6. Hours of operations shall be limited to 11:00 a.m. to 3:00 a.m. on Sunday through Thursday and 11:00 a.m. to 4:00 a.m. on Friday and Saturday. Outdoor dining and activities shall be limited to 10:00 p.m. on Sunday through Thursday and 12:00 a.m. on Friday and Saturday.
7. Prior to a certificate of occupancy being issued, the applicant shall verify a trash and dumpster area maintenance plan. This plan shall include, at a minimum, pick up schedules, disposal routines and a maintenance/clean up schedule. This manual shall also include a graffiti removal plan for the project site.
8. Prior to the issuance of a building permit, the applicant shall have plans approved demonstrating the provision of one onsite Americans with Disabilities Act (ADA) parking stall, associated signage/stripping and an accessible route to the outdoor patio and building entrance. Access to the site shall be limited to the Pine Street driveway.
9. Prior to issuance of a building permit or business license, as applicable, the applicant shall have an onsite security plan approved demonstrating how project security staff will monitor the patio area and ensure loitering does not occur.

10. Prior to a building permit being issued, the applicant shall provide plans that demonstrate that the outdoor patio area has lighting that provides a safe and secure environment. All site lighting shall be modern LED fixtures. Lighting shall be designed to provide down lighting and be shielded to prevent spill over lighting onto adjacent properties.
11. Prior to approval of any permit, the applicant shall have plans approved for the removal and replacement of the curb, gutter and sidewalk on the Pine Street frontage, which includes the removal and replacement of the Center Street / Pine Street corner pedestrian ramp.

Background: The building has operated as a convenience and liquor store in the past and is currently vacant. The existing building is ±3,000 square feet and is located on the northeastern corner of Center Street and Pine Street. Approximately 3,200 square feet of surface parking is located on the western portion of the site with access to the adjacent streets. The footprint of the building and paving cover the entire site with no existing landscape on the site. The adjacent public sidewalks are in disrepair (**Exhibit A**).

Two advertising murals were painted on the building prior to the Special Use Permit application. The murals are considered signage and are subject to Reno Municipal Code 18.16 (Signs). A permit was submitted for the signs and is currently under review.

The proposed project is located in the Mixed Use (MU) zone in the Downtown Reno Regional Center /California Avenue District. A bar and restaurant with alcohol service are allowed by right between the hours of 6:00 a.m. and 11:00 p.m. The project is proposed to operate between the hours of 11:00 p.m. and 4:00 a.m., which requires approval of an Special Use Permit (SUP) [RMC.8.06.405(a)(4)].

Key Issues:

- Noise
- Light glare
- Odors

Analysis:

Land Use Compatibility: As proposed, the bar and restaurant will operate seven days a week with typical hours of operation between 11:00 a.m. and 3:00 a.m., Sunday through Thursday and extending to 4:00 a.m. Friday and Saturday. The primary impacts associated with this request would be potential noise generated: 1) in and around the western entrance and patio; 2) by intermittent sound generated from the use when customers enter/leave the building; 3) from the

use of an outdoor patio area on the west side of the building; 4) by odors and other nuisance related to the dumpster area; and 5) the potential for light glare on surrounding residential uses.

Land uses surrounding the site consist of mixed use, residential, retail, restaurant and office. There is an existing retail development located to the north of the site. To the south is a redeveloped building with residential units on the second floor and a commercial shell on the bottom floor. The commercial shell is currently vacant but there are tentative plans for retail and a restaurant. Located directly to the east and adjacent to the building is a parking lot with residential units that are currently vacant and being remodeled. These residential units front onto State Street. The nearest residential unit is ±100 feet from the entrance of the proposed project entrance and patio area. Across Center Street to the west and southwest are multi-story commercial office buildings with surface parking lots on the corner of Pine Street and Center Street. In order to reduce impact on surrounding residential uses a sound study will be conducted to verify that the noise levels of the proposed business are within an acceptable level. Project building access on the south side will need to be limited to emergency door only or a double door installed to minimize noise from the bar (**Condition 4 and 5**) (**SUP finding a, e and f**).

Urban/Environmental Design: The applicant proposes to use the one story, existing, cement block building located at the eastern end of the project site for a restaurant and bar and to convert a portion of existing onsite parking to outdoor dining, landscaping and access for business operations (**Exhibit A**). The original plan proposed a rooftop patio area. The outdoor patio seating has been relocated to the front of the business. There will be no stairs to the rooftop. Windows on the building are limited to the western elevation. Small windows will be installed on the south side of the building along Pine Street. The adjacent residential units located to the south are on the second story. The height difference, window locations and required landscape will provide adequate privacy to the residential units (**Exhibit B**) (**SUP finding h**).

The applicant intends to utilize the existing freestanding sign on the corner of Center Street and Pine Street by replacing the current sign inserts with new project identification and replacing the neon portion of the sign. The existing illuminated cabinet located on the west elevation of the building will be reused. The existing cabinet lights will be retrofitted with LED bulbs and new project signs installed. The south elevation of the building will be signed with the project identification for the bar use (**Exhibit C Signage**). The number, size, type and location of all signs will be reviewed for compliance with the MU/DRRC/CALI zone during the sign permit process (**SUP finding g**). The building has been recently painted and no major changes to the exterior of the building are proposed.

Per RMC 18.12.1102 (Off Street Parking Requirements), no parking is required in the DRRC overlay for the bar, food and beverage service uses. It is predicted that the proposed project will

have peak hours of use between 6:00 p.m. and 1:00 a.m. The surrounding businesses are mainly daytime uses and are supportive of shared parking standards. One Americans with Disabilities Act (ADA) stall and associated striping will be required on the project site (**Condition 8**).

RMC 18.12.08 (Screening of Outdoor Service Areas, Utilities and Equipment) requires that the dumpster be enclosed and located to the side or rear of the building. Site constraints limit the ability to locate the dumpster in the required location. The applicant has proposed to enclose the existing dumpster area outside of the front setback and away from the business entrance. A landscape buffer is provided between the enclosure and the public right of way on Center Street. Due to the proximity of the dumpster to the public right of way and business entrance, the applicant will be required to provide a dumpster maintenance manual and schedule log (**Condition 7**). Equipment related to the restaurant and kitchen use will be located on the roof of the building and screened to RMC requirements.

The patio area and parking will be required to have security lighting. To ensure adequate lighting is provided the applicant must demonstrate that patio area and parking lot lighting meets minimum code standards. The minimum lighting requirement consists of at least 0.1 foot candle throughout the patio dining area at pavement level). Lights will be diode LED, dark skies compliant and shielded to prevent light glare on residential units (**Condition 10**).

The site is located in the DRRC overlay district and is subject to RMC 18.08.405 (Regional Center and Transit Corridor Overlay Districts) streetscape standards. The streetscape and pedestrian amenity improvements will be installed in accordance with the Redevelopment District Streetscape Master Plan. Per RMC 18.12.1202(b) (Major Improvement to Existing Use), the landscaping will be brought up to current code standards as specified in RMC Article XII. With this requirement, 20% of the site will need to be landscaped per RMC section 18.12.1205 (Required Landscaping).

Public Safety: Landscaping should be maintained to Crime Prevention through Environmental Design (CPTED) standards with trees trimmed up at least six feet and bushes/shrubs trimmed below the window lines. Multi Diode LED lighting that are less prone to defeat on exterior lighting and should be installed. The block/brick walls on the project should have a graffiti removal plan or use graffiti resistant paint (**Exhibit D**) (**Condition 7 and 9**).

Reno Fire Station 1 is ±0.7 miles away with an approximate response time of three minutes. A "Change of Use" process will be required prior to any final approval of the occupancy. All future development shall comply with the International Fire Code, in force at the time of development. Such compliance shall include: fire department access, fire sprinkler systems required, fire alarm systems required and fire hydrant placement.

Public Improvements: The proposed use will not have adverse effect/impact to City infrastructure facilities **(SUP finding c)**.

Circulation: Traffic generated by this project can be adequately accommodated by the existing roadway network. The curb, gutter and sidewalk, including corner pedestrian ramp on the Pine Street frontages are damaged and will need to be replaced. The applicant will be required to remove and replace the concrete as part of the project. Pedestrians will be able to access the site from the public sidewalk along both Pine Street and Center Street **(Condition 11) (SUP finding d)**.

The site should not be accessed from Center Street or that access should be limited to exit only onto Center Street. A one way drive through the site will be provided and site access for trash collection, deliveries and ADA parking will be required to enter from the Pine Street driveway **(Condition 8)**.

Master Plan: As proposed and with recommended conditions, the project appears to be consistent with the following applicable Master Plan policies and objectives: The City should support private efforts to improve the Downtown (UC-6), City should support sidewalk cafes with the intent to promote pedestrian activity (UC-3) hours of operation and activity level sensitive to surrounding development, especially residential (CD-6); design the circulation system to minimize traffic impacts (P-8); landscaping appropriate to related environment (CD-30); site access safe, convenient and logical while minimizing impacts on adjacent properties (P-1); development density, building mass and details sensitive to surrounding development (BD-1); Objective #19: Access **(SUP finding b)**.

General Code Compliance: As proposed and with recommended conditions this project is consistent with code

Other Reviewing Bodies: Washoe County Health District commented that all construction for a food facility is required to meet Washoe County District Board of Health Regulations Governing Food Facilities **(Exhibit D)**.

Neighborhood Advisory Board: This project was reviewed by the Ward 3 Neighborhood Advisory Board on November 7, 2017. No written comments were submitted for the project. Meeting discussions were minimal, positive and generally related to the bar use and outdoor patio.

AREA DESCRIPTION			
	LAND USE	MASTER PLAN DESIGNATION	ZONING
NORTH	Retail/ Parking Lot	Downtown Reno Regional Center California Avenue District	Mixed Use
SOUTH	Mixed Use/ Vacant Retail- Restaurant/ Residential.	Downtown Reno Regional Center California Avenue District	Mixed Use
EAST	Parking lot/ Residential. Coffee Shop	Downtown Reno Regional Center California Avenue District	Mixed Use
WEST	Parking Lot/ Office	Downtown Reno Regional Center California Avenue District	Mixed Use

Legal Requirements:

RMC 18.06.405(e)(1) Special Use Permit

FINDINGS:

Special Use Permit: General special use permit findings. Except where specifically noted, all special use permit applications shall require that all of the following general findings be met, 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.

Attachments:

- Display Maps (PDF)
- Exhibit A - Site Plan(PDF)
- Exhibit B - Elevations (PDF)
- Exhibit C - Signage (PDF)
- Exhibit D - Agency Comments (PDF)