

STAFF REPORT FOR PLANNING COMMISSION MEETING OF SEPTEMBER 25, 2019

FILE: SUP-19-138

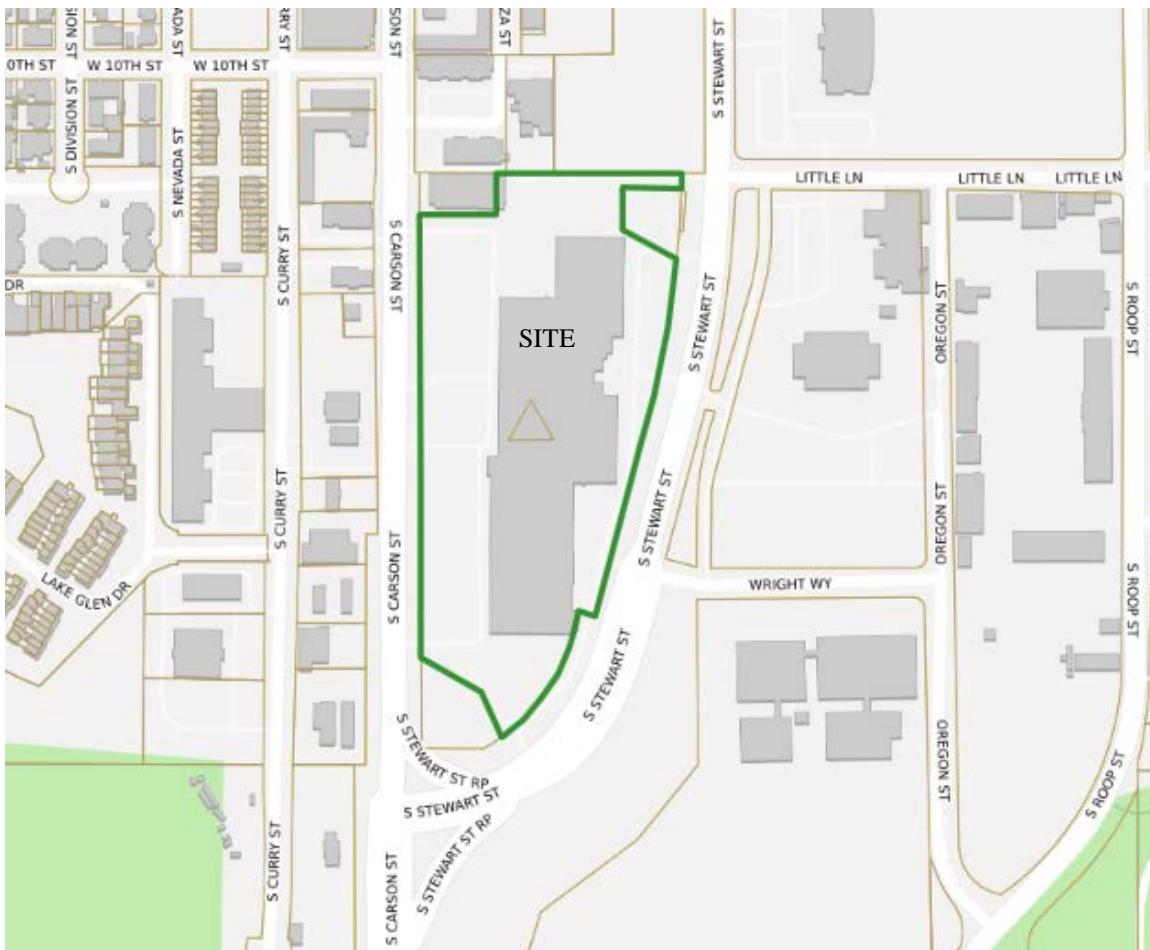
AGENDA ITEM: E.1

STAFF CONTACT: Hope Sullivan, Planning Manager

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request for a Special Use Permit to establish a bar use (serving alcohol) on property zoned Retail Commercial, located within the Carson Mall Shopping center at 1313 South Carson Street, APN 004-011-01. (Hope Sullivan, hsullivan@carson.org)

STAFF SUMMARY: The proposed use would utilize up to 5,717 square feet, including space that is allocated to back of house operations. A bar use may only establish in the Retail Commercial zoning district upon approval of a Special Use Permit by the Planning Commission.

RECOMMENDED MOTION: I move to approve SUP-19-138 based on the findings and subject to the conditions of approval contained in the staff report.



RECOMMENDED CONDITIONS OF APPROVAL:

1. All development shall be substantially in accordance with the attached site development plan.
2. All on and off-site improvements shall conform to City standards and requirements.
3. The use for which this permit is approved shall commence within twelve (12) months of the date of final approval. A single, one (1) year extension of time must be requested in writing to the Planning and Community Development Department thirty (30) days prior to the one (1) year expiration date. Should this permit not be initiated within one (1) year and no extension granted, the permit shall become null and void.
4. The applicant must sign and return the Notice of Decision for conditions of approval within ten (10) days of receipt of notification. If the Notice of Decision is not signed and returned within ten (10) days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
5. Any site construction work must be to Carson City Development Standards and meet the requirements of the Carson City Standard Details.
6. Carson City Development Standard 11.12.081 requires remodels to install new sidewalk and curb and gutter along their street frontage when existing sidewalk and curb and gutter are deemed inadequate by the Public Works Director. Areas where the concrete is severely deteriorated and where slopes do not meet ADA standards are deemed inadequate. The International Building Code gives an exemption that ADA improvements do not need to exceed 20% of the cost of the remodel. Since the applicant is responsible to improve the sidewalks, curbs, and gutters with this permit, and since Carson City will be improving the frontage with the South Carson Street Project, the accessible route in the parking lot must be improved to meet ADA standards, and the City must be given funds equal to 20% of the cost of the remodel, minus the cost of the improvements to the parking lot accessible route.
7. The project is in a FEMA AO flood zone. An appraisal of the building and an estimate of the cost of tenant improvements must be provided with the construction drawings. If the cost of the improvements is equal to or greater than 50 percent of the market value of the structure, the improved area must be upgraded to meet current flood damage prevention standards.
8. Water and sewer connection fees must be paid with the tenant improvement permit based on the difference between the water and sewer usage of the previous tenants and the proposed use.
9. If the domestic water line does not currently have a backflow preventer, one will be required to be installed with this project. If fire sprinklers are required a backflow preventer will be required to be installed on the fire water line.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.080 (Special Use Permit); 18.04.130 (Retail Commercial)

MASTER PLAN DESIGNATION: Downtown Mixed Use

ZONING DESIGNATION: Retail Commercial

KEY ISSUES: Will the establishment of a bar at the Carson Mall meet the findings for a Special Use Permit?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Retail Commercial and Downtown Mixed Use / Restaurant, Office, and Vacant

EAST: Retail Commercial / Office and Commercial

WEST: Public / State Office Buildings

SOUTH: Public / State Office Buildings

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: Zone X shaded and AO

EARTHQUAKE FAULT: Within 500 feet; Severe earthquake potential, Zone I

SLOPE/DRAINAGE: Site is flat

SITE DEVELOPMENT INFORMATION:

LOT SIZE: 11.82 acres

BUILDING SIZE: Total: 166,919 square feet

LEASE SPACE: maximum 5,717 square feet

PREVIOUS REVIEW:

SUP-10-043: Freestanding sign

MPR-07-100: Remodel mall

V-94/95: Sign

U-86-17: Print shop

V-83-13: Sign

U-80-23: Sign

BACKGROUND:

The subject property is the location of the Carson Mall, a multi-tenant shopping center. The applicant is seeking to locate a bar in an existing tenant space located in the northwest corner of the existing building.

Per the provisions of CCMC 18.04.130, a bar is a conditional use in the Retail Commercial zoning district. Therefore, the use may only establish upon the approval of a Special Use Permit by the Planning Commission.

PUBLIC COMMENTS: Public notices were mailed to 73 property owners within 600 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045 on September 4, 2019. As of the writing of this report, no written comments have been received. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS

Engineering Division:

The Engineering Division has no preference or objection to the special use request provided that the following conditions are met:

- Carson City Development Standard 11.12.081 requires remodels to install new sidewalk and curb and gutter along their street frontage when existing sidewalk and curb and gutter are deemed inadequate by the Public Works Director. Areas where the concrete is severely deteriorated and where slopes do not meet ADA standards are deemed inadequate. The International Building Code gives an exemption that ADA improvements do not need to exceed 20% of the cost of the remodel. Since the applicant is responsible to improve the sidewalks, curbs, and gutters with this permit, and since Carson City will be improving the frontage with the South Carson Street Project, the accessible route in the parking lot must be improved to meet ADA standards, and the City must be given funds equal to 20% of the cost of the remodel, minus the cost of the improvements to the parking lot accessible route.
- The project is in a FEMA AO flood zone. An appraisal of the building and an estimate of the cost of tenant improvements must be provided with the construction drawings. If the cost of the improvements is equal to or greater than 50 percent of the market value of the structure, the improved area must be upgraded to meet current flood damage prevention standards.
- Water and sewer connection fees must be paid with the tenant improvement permit based on the difference between the water and sewer usage of the previous tenants and the proposed use.
- If the domestic water line does not currently have a backflow preventer, one will be required to be installed with this project. If fire sprinklers are required a backflow preventer will be required to be installed on the fire water line.

The Engineering Division has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. The Engineering Division offers the following discussion:

C.C.M.C. 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans.

C.C.M.C. 18.02.080 (5b) – Use, Peaceful Enjoyment, Economic Value, Compatibility

Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5c) - Traffic/Pedestrians

The sidewalks and parking lot will be sufficient to provide safe access and circulation if the above conditions are met.

C.C.M.C. 18.02.080 (5d) - Public Services

The existing sewer, water, and storm drain infrastructure are sufficient to provide service to the project.

C.C.M.C. 18.02.080 (5e) – Title 18 Standards

Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5f) – Public health, Safety, Convenience, and Welfare

The project meets engineering standards for health and safety.

C.C.M.C. 18.02.080 (5g) – Material Damage or Prejudice to Other Property

Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5h) – Adequate Information

The plans and reports provided were adequate for this analysis.

Fire Department:

1. Project must comply with currently adopted edition of the International Fire Code and northern Nevada fire code amendments.
2. Sprinkler system and fire alarm may need modifications. Permits are required for any modifications.

Health Department: No concerns

SPECIAL USE PERMIT FINDINGS:

Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. Will be consistent with the objectives of the Master Plan elements.

The subject property is designated as Downtown Mixed Use. Consistent with Goal 1.2 and Policy 1.2a, this is a priority infill area.

Goal 1.2 is to promote infill and redevelopment in targeted areas.

Policy 1.2a talks about Priority Infill and Redevelopment Areas. This policy states "Two levels of priority have been identified for potential infill and redevelopment on the Land Use Map. Areas targeted for infill and redevelopment can be distinguished by their mixed-use land use categories, and include downtown, mixed use activity centers, and major gateway corridors, among others. Levels of priority are intended to help guide the future allocation of staffing and other resources are generally defined as follows:

- High Priority Areas – Implementation Strategies should be occurring concurrent with the adoption of the Master Plan or soon after. The City will take an active role encouraging infill and redevelopment activity in these locations in the short to mid-term (6 months to 3 year timeframe) by conducting targeted infrastructure improvements, streamlining zoning tools, pursuing public/private partnerships, or offering incentives. Downtown is considered a High Priority Area.

Staff finds that the proposed use at the Carson Mall will be consistent with promoting infill and redevelopment in targeted areas.

2. ***Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.***

The subject property is surrounded by non-residential properties, including restaurants and offices. The use is proposed to be established entirely within the existing building, and no outside use is proposed. Staff finds that the proposed use will add vitality to the mall and the general area. Also, the use will not result in offsite noise, vibrations, fumes, odors, dust, or glare. Staff believes this finding can be made in the affirmative.

3. ***Will have little or no detrimental effect on vehicular or pedestrian traffic.***

The mall has various points of vehicular and pedestrian access on South Carson Street and on Stewart Street. These access points will not change with the addition of the bar. Staff does not find that the proposed use will have a detrimental effect on vehicular or pedestrian traffic.

Of note, consistent with Carson City Development Standards, as part of the tenant improvement, the applicant is required to install new sidewalk, curb, and gutter along the street frontage when existing sidewalk, curb, and gutter are deemed inadequate by the Public Works Director. Areas where the concrete is severely deteriorated and where slopes do not meet ADA standards are deemed inadequate. Rather than installing these required improvements, the City will collect funds prior to issuance of a building permit, and execute on the improvements at the time of the South Carson Street construction. Per the building code, up to 20 percent of the cost of the remodel must be allocated to ADA improvements. The accessibility route in the parking lot will need to be improved prior to occupancy. The amount of funds required for sidewalk, curb and gutter will be 20 percent of the renovation cost minus the cost of the construction of the on-site accessibility route, payable prior to issuance of building permits for the tenant improvement.

4. ***Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.***

The site is currently served with water and sewer, existing site improvements address storm drainage, and the site is already served by the police and fire. Staff finds that the proposed use will not overburden the existing public services and facilities.

5. ***Meets the definition and specific standards set forth elsewhere in this Title for such particular use and meets the purpose statement of that district.***

Standard conditions of approval have been incorporated requiring the development to be in compliance with the Carson City Municipal Code and Carson City Development Standards. Additionally, at the time of building permit, the project will be reviewed for

compliance with current building and fire codes. For example, the plans must be in compliance with the currently adopted edition of the International Fire Code and northern Nevada fire code amendments. The applicant will be required to obtain a liquor license.

6. *Will not be detrimental to the public health, safety, convenience and welfare.*

Staff finds that the proposed project will not be detrimental to public health, safety, convenience and welfare. The proposed bar will be located in an existing mall, surrounded by non-residential uses.

7. *Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.*

The proposed use will not result in material damage or prejudice to other property in the vicinity. The site is surrounded by non-residential uses including restaurants and offices. The proposed use will not result in material damage to other property.

Attachments:

Application SUP-19-138

Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FILE # SUP - -

APPLICANT **PHONE #**
Carson Mall Shopping Center 800-291-1454
MAILING ADDRESS, CITY, STATE, ZIP
1313 S. Carson Street, Carson City, Nevada

EMAIL ADDRESS
chad@thecarrco.com

PROPERTY OWNER **PHONE #**
The Carrington Company 707-444-7719
MAILING ADDRESS, CITY, STATE, ZIP
P.O. Box 1328, Eureka, CA 95502

EMAIL ADDRESS
chad@thecarrco.com

APPLICANT AGENT/REPRESENTATIVE **PHONE #**
Chad Christensen 707-444-7719
MAILING ADDRESS, CITY STATE, ZIP
P.O. Box 1328, Eureka, CA 95502

EMAIL ADDRESS
chad@thecarrco.com

Project's Assessor Parcel Number(s): **Street Address**
004-011-01 1313 S. Carson Street, Suite 1217

Project's Master Plan Designation Downtown Mixed Use	Project's Current Zoning Retail Commercial (RC)	Nearest Major Cross Street(s) S. Stewart Street
----------------------------------------------------------------	-----------------------------------------------------------	-----------------------------------------------------------

Please provide a brief description of your proposed project and/or proposed use below. Provide additional pages to describe your request in more detail.

See enclosed written Project Description

PROPERTY OWNER'S AFFIDAVIT

I, _____, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Signature

Address

Date

Use additional page(s) if necessary for additional owners.

STATE OF ~~NEVADA~~ **CALIFORNIA**)
COUNTY)

On _____, 2_____, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public

See Attachment

NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.

FOR OFFICE USE ONLY:

CCMC 18.02.080

SPECIAL USE PERMIT

FEE*: **\$2,450.00 MAJOR**
\$2,200.00 MINOR (Residential
zoning districts)

+ noticing fee

***Due after application is deemed complete by staff**

SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) including:

- Application Form
- Detailed Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Special Use Permit Findings
- Master Plan Policy Checklist
- Applicant's Acknowledgment Statement
- Documentation of Taxes Paid-to-Date
- Project Impact Reports (Engineering)

CD or USB DRIVE with complete application in PDF

Application Received and Reviewed By:

Submittal Deadline: Refer to the Planning Commission application submittal **schedule**.

Note: Submittals must be of sufficient clarity and detail for all departments to adequately review the request. Additional information may be required.

ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California

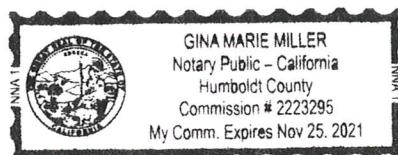
County of Humboldt

On August 7, 2019 before me, Gina Marie Miller (here insert name and title of the officer), personally appeared Chad Christensen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Gina Marie Miller (Seal)



If there is any additional information that would provide a clearer picture of your proposal that you would like to add for presentation to the Planning Commission, please be sure to include it in your detailed description.

Please type and sign the statement on the following page at the end of your findings response.

ACKNOWLEDGMENT OF APPLICANT

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.



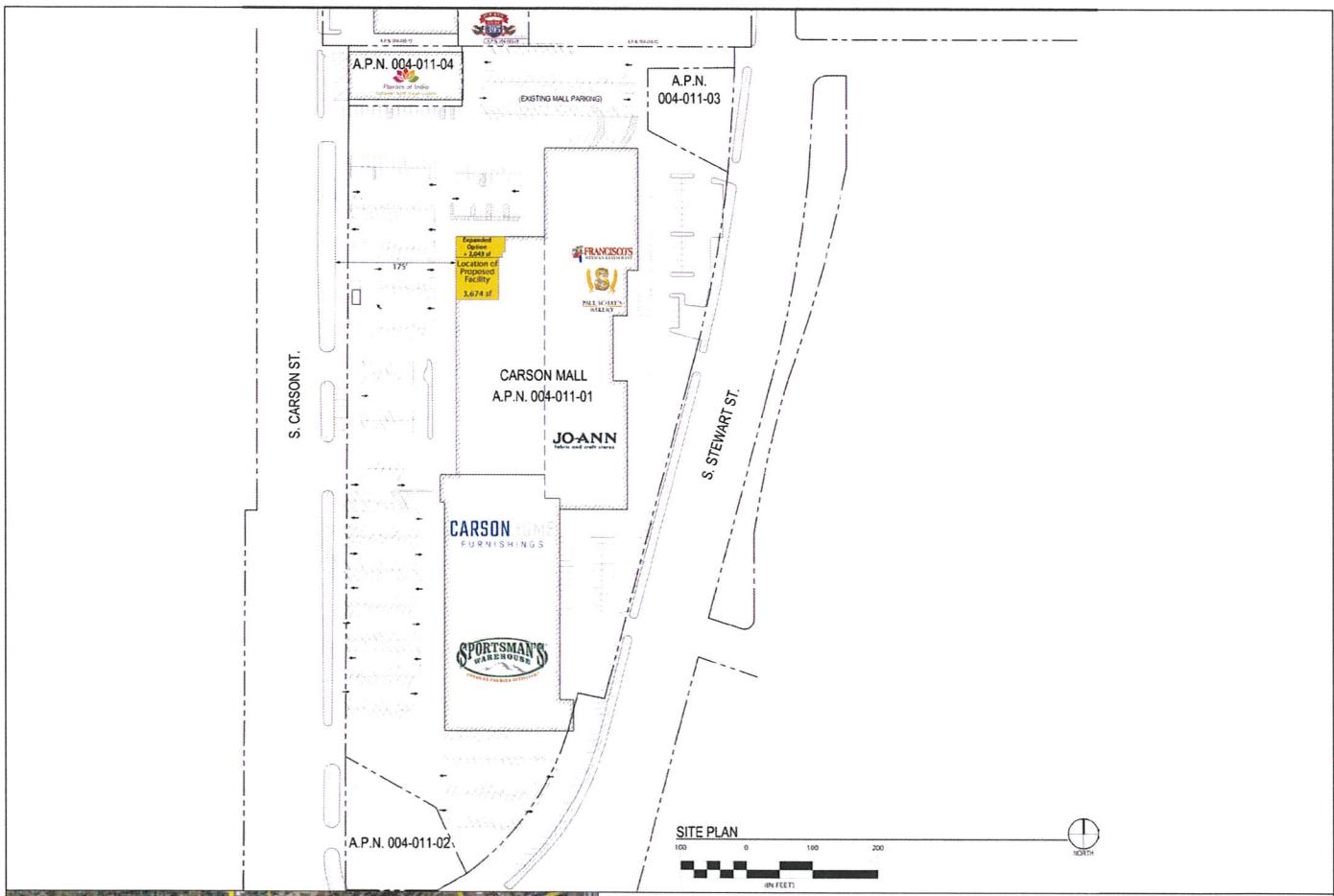
Applicant's Signature



Print Name



Date



OWNER:

The Carrington Company
PO Box 1328
Eureka, CA 95502

APPLICANT:

Carson Mall Shopping Center
1313 S Carson Street
Carson City, NV 89701

REQUEST: Special Use Permit to allow a bar for Nevada Restaurant Services, Inc. with restricted gaming (15 or fewer slot machines)

ZONING: Retail Commercial (RC)

MASTER PLAN LAND USE DESIGNATION:
Downtown Mixed-Use

APN: 004-011-01

Site Plan prepared by The Carrington Company using work created by Collaborative Design Studio of Reno

WRITTEN PROJECT DESCRIPTION
SPECIAL USE PERMIT APPLICATION
CARSON MALL SHOPPING CENTER
FILE # SUP - 19 - _____

The Carson Mall Shopping Center (the “Shopping Center” or the “Applicant”) is seeking a special use permit to operate a bar serving alcohol, including beer, wine, and liquor by the drink, to be located within a portion of an existing building within the Carson Mall Shopping Center located at 1313 S. Carson Street, Suite 1217 (potentially combining contiguous Suites 1213, 1217 and 1219) (the “Project” or “Bar”). The Project is located in the City’s Retail Commercial Zoning District (“RC”). The Bar will be operated by the Shopping Center’s tenant, Nevada Restaurant Services, Inc. (“NRSI”). A bar use in the RC Zone requires a special use permit under the Carson City Municipal Code. CCMC 18.04.130(3). Restricted or limited gaming (15 or fewer slot machines) is allowed as a matter of right. CCMC 18.04.130; CCMC 18.04.120(1). NRSI will obtain all necessary business licenses, including licenses to operate a bar and restricted gaming. The Bar will consist of a minimum 3,674 square feet, and at maximum 5,717 square feet of space, including back of house facilities. Since the Project will be located within an existing building within an existing retail commercial center, the Project provides further viability to the Shopping Center as well as furthers and keeps in line with the goals of the Master Plan by furthering new development within the City’s existing footprint and within an existing activity center within the City.

The only construction associated with the Project will be tenant improvements to Suite 1217 (potentially combining contiguous Suites 1213, 1217 and 1219), including signage consistent with Carson City Municipal Code. There will be no changes to existing buildings, parking lots, ingress and egress, or landscaping at the Shopping Center associated with this Project.

SPECIAL USE PERMIT FINDINGS PURSUANT TO CCMC 18.02.080(5)
CARSON MALL SHOPPING CENTER
FILE # SUP - 19 - _____

1. Will be consistent with the objectives of the Master Plan Elements.

The Carson Mall Shopping Center (the “Carson Mall” or the “Applicant”) is seeking a special use permit to operate a bar serving alcohol, including beer, wine, and liquor by the drink, to be located within a portion of an existing building within the Carson Mall Shopping Center located at 1313 S. Carson Street, Suite 1217 (potentially combining contiguous Suites 1213, 1217 and 1219) (the “Project”). The bar will be operated by Nevada Restaurant Services, Inc., which will obtain all necessary business licenses, including licenses to operate as a restricted gaming establishment. The Project will consist of a minimum 3,674 square feet, and at maximum 5,717 square feet of space, including back of house facilities. Since the Project will be located within an existing building within an existing retail commercial center, the project provides further viability to the Shopping Center as well as furthers and keeps in line with the goals of the Master Plan by furthering new development within the City’s existing footprint and within an existing activity center within the City.

2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.

The effect of the Project will not be detrimental to the immediate vicinity or the general neighborhood, but will enhance and improve the immediate vicinity and general neighborhood by allowing currently vacant space within the Shopping Center to be occupied. The Project is generally located in the Carson Mall Shopping Center between S. Carson and S. Stewart Streets in Downtown Carson City.

A. Describe the general types of land uses and zoning designations adjoining your property.

The Project has a Master Plan Designation of Downtown Mixed-Use which spans throughout the Shopping Center, as well as to the west and north of the Project. The land to the east and south of the Project has a Master Plant Designation of Public/Quasi-Public.

The Project is within the Retail Commercial Zoning District, which spans throughout the Shopping Center, as well as to the west and north of the Project. Further north of the Project exists the Downtown Mixed-Use Zoning District. To the east, and further south of

the Project, exists the Public Zoning District.

The Shopping Center is home to a variety of businesses, including various retail establishments, as well as restaurants, some of which serve alcohol, such as Francisco's Mexican Restaurant.

To the north, there are a variety of businesses, including Flavors of India restaurant and Red's Old 395 Grill.

To the northwest exists a non-restricted gaming establishment, the Carson City Max Casino.

To the west, there are other businesses, including fast food restaurants (Arby's), other restaurants such as China Bistro, and retailers including Tile Outlet and Batteries Plus, as well as Shell gas station (which sells packaged alcohol).

To the east are numerous office buildings owned by the State of Nevada, housing the Nevada Department of Transportation and the Department of Motor Vehicles.

B. Explain why your project is similar to existing development in the neighborhood, and why it will not hurt property values or cause problems, such as noise, dust, odors, vibration, fumes, glare or physical activity, etc. with neighboring property owners. Have other properties in your area obtained approval of a similar request? How will your project differ in appearance from your neighbors? Your response should consider the proposed physical appearance of your proposal, as well as comparing your use to others in the area.

The Carson Mall Shopping Center previously had tenants operating bars, as well as gaming operators. Providing bar and gaming entertainment in Carson City's Downtown is consistent with existing development in the neighborhood and will not hurt property values, as it is consistent with the Master Plan Designation of Downtown Mixed-Use. The tenant for the Project operates bars with restricted gaming throughout the State of Nevada and its operations do not create noise, dust, odor, vibration, fume, glare or physical activity problems that are not already existent at the Shopping Center and that are consistent with Retail Commercial uses. With the Project being contained in an existing Shopping Center building the potential for those issues coming up is practically non-existent. Furthermore, this Project will be contained in an existing building and therefore, its appearance will blend in with the other businesses operating at the Shopping Center, outside of signage for the business that will be compliant with City Code.

Construction generated dust will be minimal as the Project is being housed in an existing building. Construction will be limited to tenant improvements inside the building and placement of signage outside the building consistent with City Code.

The neighborhood offers some similar uses to the Project, albeit slightly different. The

nearest other existing bar uses include: (1) Red's Old 395 Grill at 1055 S. Carson St., (2) Timbers at E. 8th St. and S. Plaza St., and (3) bars associated with the Carson City Max Casino at 900 S. Carson St.

C. Provide a statement explaining how your project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood.

The Project will be located inside an existing building within the Shopping Center. No other changes are being made to the layout or design of the Shopping Center as it exists today. The Shopping Center offers a variety of retail commercial uses presently. The surrounding area also has a mix of retail commercial uses. The Applicant is simply seeking a special use permit so that a prospective tenant can conduct its business in space that is currently vacant. The Bar use is consistent with surrounding uses in the area.

At the time the Shopping Center was planned, developed, and constructed, sufficient consideration was given to ensure that the project would meet retail commercial zoning so as to not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood. The Project's proposed Bar use within the Shopping Center is compatible with other existing uses within the Shopping Center and the surrounding area.

D. If outdoor lighting is to be a part of the project, please indicate how it will be shielded from adjoining property and the type of lighting (wattage/height/placement) provided.

No changes are being made with respect to outdoor lighting at the Shopping Center as a result of this Project, which is simply establishing a Bar use within existing space in an existing building of the Shopping Center.

E. Describe the proposed landscaping, including screening and arterial landscape areas (if required by the zoning code). Include a site plan with existing and proposed landscape shown on the plan which complies with City ordinance requirements.

No landscaping is being proposed, as the Application simply seeks to establish a Bar use within an existing building in the existing Shopping Center.

F. Explain any short-range and long-range benefit to the people of Carson City that will occur if your project is approved.

Short-range benefits offered to the people of Carson City include the Shopping Center acquiring a new tenant that will occupy a minimum 3,674 square feet, and at maximum 5,717 square feet of space that is currently vacant, creating temporary construction jobs and generating permitting fees associated with tenant improvements for the Project.

Short-range and long-range benefits include permanent jobs related to the operation of

the Bar, collection of tax revenue as a result of the Bar operating in Carson City, as well as providing additional bar and gaming options to citizens of Carson City, as well as visitors to the City.

3. Will have little or no detrimental effect on vehicular or pedestrian traffic.

The Project will be located in an existing building within the Shopping Center. At the time the Carson Mall Shopping Center was planned, developed and constructed, pedestrian and vehicular traffic was considered with full buildout and occupancy of the Shopping Center. The Bar use will not detrimentally effect vehicular or pedestrian traffic since full occupancy of the Shopping Center has been previously considered.

4. Will not overburden existing public services and facilities, including schools, police or fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.

Since the Project is going into already constructed vacant space within the Shopping Center, the demand for public services and facilities has already been taken into account to serve the Shopping Center and its mixed use of retail commercial tenants. The Project, consisting of a minimum 3,674 square feet, and at maximum 5,717 square feet, will therefore not overburden existing public services and facilities.

A. How will your project affect the school district? Will your project add to the student population or will it provide a service to the student population?

The Project will not have any impact on the school district in that it will not add to the student population. The Project will provide residents and visitors who are 21 years of age or older a new bar and gaming option, however.

B. How will your project affect police and fire protection?

Based on Applicant's experience as the operator of the Shopping Center, a Bar use will not result in any abnormal affect on police and fire protection. Although there is a potential for police calls related to gaming operations, serving of alcoholic beverages, and the 24-hour operation of the Project, such calls to similar types of businesses do not happen with any great frequency. Local law enforcement also works with these types of businesses to educate them on issues that come up with serving alcohol and conducting gaming.

C. Is the water supply serving your project adequate to meet your needs without degrading supply and quality to others in the area? Is there adequate water pressure? Are the lines in need of replacement? Is your project served by a well? Contact the Development Engineer Division at (775) 887-2300 for assistance with this item, if applicable.

The Project is going to be located in an existing building that has existing water infrastructure. Based on ongoing operations of the Shopping Center with changes in tenancy and the types of businesses that operate in the Shopping Center, water supply will be adequate for the Project without degrading supply and quality to others in the area.

D. If your project will result in the covering of land area with paving or a compacted surface, how will drainage be accommodated? Contact the Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

The Project is going to be located in an existing building in the existing Carson Mall Shopping Center. Drainage has already been taken into account for the entire Shopping Center. The Project will not alter the physical layout of the Shopping Center, its parking lot, etc., as only tenant improvements will be made to house the Project in a portion of an existing building.

E. Is there adequate capacity in the sewage disposal trunk line that you will connect to in order to serve your project, or is your site on a septic system? Contact the Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

The Project is going to be located in an existing building that has existing sewer infrastructure. Based on ongoing operations of the Shopping Center with changes in tenancy and the types of businesses that operate in the Shopping Center, sewage disposal will be adequate for the Project.

F. What kind of road improvements are proposed or needed to accommodate your project? Contact the Development Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

Since the Project is going to be located in an existing building of Shopping Center, no road improvements are proposed or needed to accommodate the Project.

G. Indicate the source of the information that you are providing to support your conclusions and statements made in this application (private engineer, Development Engineering, Public Works, Transportation, title report or other sources).

The source of the information to support conclusions and statements made in this application come from the property owner, The Carrington Company, Carson Mall Shopping Center management, and the tenant.

5. Meets the definition and specific standards set forth in Carson City Municipal Code, Title 18 for such particular use and meets the purpose statement of that district.

Pursuant to CCMC 18.04.130, the Retail Commercial (RC) Zoning District has a purpose to preserve a commercial district limited primarily to offices and retail sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some services which are compatible within the zone. The Carson Mall Shopping Center primarily houses businesses that sell new merchandise or provide various services, including dry cleaning and other personal care facilities, as well as a variety of restaurants and coffee shops. A Bar use is consistent with these types of offerings, and other bars exist in proximity to the location of the Project. As such, the Bar use is compatible within the zone and should be permitted.

6. Will not be detrimental to the public health, safety, convenience and welfare.

A Bar use with restricted gaming is a use that exists in the surrounding area and is appropriate for patrons who are 21 years of age or older. The Nevada Legislature has declared that the public policy of the State includes that the gaming industry is vitally important to the economy of the State and the general welfare of its inhabitants. NRS 463.0129(1)(a). The tenant occupying the Project will be subject to obtaining all necessary local and state licenses to operate the Bar as well as the restricted gaming within the Bar. That licensure process will provide further assurances that the Project will not be detrimental to the public health, safety, convenience and welfare of Carson City.

7. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.

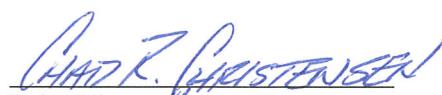
The Bar use is consistent with other retail commercial uses in the Shopping Center and surrounding area. The Project is fully contained within an existing building that houses a variety of retail commercial uses. Therefore, the Project will not result in any damage or prejudice to other property in the vicinity.

ACKNOWLEDGEMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.



Applicant's Signature



Print Name



Date

SPECIAL USE PERMIT MASTER PLAN POLICY CHECKLIST ITEMS
CARSON MALL SHOPPING CENTER
FILE # SUP - 19 -

Chapter 3: A Balanced Land Use Pattern

Is or does the proposed development:

- **Meet the provision of the Growth Management Ordinance (1.1d, Municipal Code 18.12)**
 - The Project does not propose any residential development, nor is the Project in a residential zoning district. Therefore, the 1988 Growth Management Ordinance, as contained in Chapter 18.12 of the City's Municipal Code, does not apply.
- **Use sustainable building materials and construction techniques to promote water and energy conservation (1.1e, f)**
 - Although the Project is located in a portion of an existing building at the Carson Mall Shopping Center, the intended tenant improvements will consist of building materials and construction techniques which promote energy efficiency, as well as water and energy conservation commensurate for a bar business that operating 24 hours per day.
- **Located in a priority infill development area (1.2a)**
 - Yes, the Project is located in a High Priority Area, as it will be located in a vacant portion of an existing building within the Carson Mall Shopping Center. The Shopping Center is located in Downtown, as well as Carson City's Redevelopment Area #1. Reducing vacancy in the Shopping Center, while also expanding the types of uses, is consistent with the Downtown Mixed-Use Master Plan Designation and the Retail Commercial zoning district.
- **Provide pathway connections and easements consistent with the adopted Unified Pathways Master Plan and maintain access to adjacent public lands (1.4a)**
 - Although there are no public lands adjacent to the Project, the Carson Mall Shopping Center has pedestrian pathways, including sidewalks to adjacent parcels, in addition to traditional vehicular ingress and egress.
- **Protect existing site features, as appropriate, including mature trees or other character-defining features (1.4c)**
 - The Project is located on a site that has already been developed – the Carson

Mall Shopping Center. As such, disturbances to existing native stands of mature trees or distinctive topographic features, and other character-defining features, will be non-existent since the Project will be located within an existing building. Tenant improvements will be made inside of a portion of an existing building. New signage will be placed on the building consistent with City Code.

- **At adjacent county boundaries or adjacent to public lands, coordinated with the applicable agency with regards to compatibility, access and amenities (1.5a, b)**
 - The Project is not located adjacent to county boundaries or adjacent to public lands and therefore does not require coordination with the applicable agency regarding compatibility, access, and amenities.
- **In identified Mixed-Use areas, promote mixed-use development patterns as appropriate for the surrounding context consistent with the land use descriptions of the applicable Mixed-Use designation, and meet the intent of the Mixed-Use Evaluation Criteria (2.1b, 2.2b, 2.3b, Land Use Districts, Appendix C)**
 - The Project will be located in an existing building within the Carson Mall Shopping Center, which is located within built within the Downtown Mixed-Use Master Plan Designation and is currently zoned Retail Commercial.
- **Meet adopted standards (e.g. setbacks) for transitions between non-residential and residential zoning districts (2.1d)**
 - The Applicant is not seeking any change in existing zoning. The Project is going to be located in an existing building within the Carson Mall Shopping Center, which has no undeveloped adjacent land next to it and has existing buffers between it and adjacent parcels, including existing landscaping, drive aisles and walkways.
- **Protect environmentally sensitive areas through proper setbacks, dedication, or other mechanisms (3.1b)**
 - The Project is not located in proximity to any Environmentally Sensitive Areas. The Project is going to be located in an existing building within the Carson Mall Shopping Center. The majority of the adjacent parcels surrounding the Carson Mall Shopping Center have been fully developed, although not all of the developed parcels are being fully utilized at this time.
- **Sited outside the primary floodplain and away from geologic hazard areas or follows the required setbacks or other mitigation measures (3.3d, e)**
 - The Project is going to be located in an existing building within the Carson

Mall Shopping Center, which has been previously sited with required setbacks or other mitigation measures.

- **Provide for levels of services (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development (Land Use table descriptions)**
 - The Project is going to be located in an existing building within the Carson Mall Shopping Center. At the time the Shopping Center was planned and developed, and as its existence has changed over time, traffic flow in and out of the Carson Mall Shopping Center was designed to be appropriate at the time of full build out with changes in tenancy throughout the center. Furthermore, facilities for water and sewer usage were planned, designed and built for full buildout. The Project being located within an existing building does not increase the requirements for water, sewer, road improvements, or sidewalks, etc. The Applicant has confirmed as much with Carson City's Development Engineering Department that there are no anticipated capacity issues for sewer, water, or traffic at the site.
- **If located within an identified Specific Plan Area (SPA), meet the applicable policies of that SPA (Land Use Map, Chapter 8)**
 - The Project is not located within a Specific Plan Area.

Chapter 4: Equitable Distributions of Recreational Opportunities

Is or does the proposed development:

- **Provide park facilities commensurate with the demand created and consistent with the City's adopted standards (4.1b)**
 - The Project is located within an existing retail commercial center, the Carson Mall Shopping Center, which has been fully developed and constructed, although it does contain vacant space available for new tenants such as the space at issue for the Project. The Project will be located in a portion of an existing vacant building. The Project does not create a demand for park facilities and since the Carson Mall Shopping Center is fully developed, there is no vacant land within the subject parcel to provide for park facilities.
- **Consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)**
 - The Project is located within an existing retail commercial center, the Carson Mall Shopping Center, which has been fully developed and built out, although it does contain vacant space available for new tenants. The Project will be located in an existing vacant building within the Carson Mall Shopping

Center. The Project, being located within the existing Carson Mall Shopping Center is consistent with the Open Space Master Plan and Carson River Master Plan and does not impact or reduce any open space as it is located within an existing building within the Carson Mall Shopping Center.

Chapter 5: Economic Vitality

Is or does the proposed development:

- **Encourage a citywide housing mix consistent with the labor force and non-labor force populations (5.1j)**
 - The Project is not a housing project. The Project offers bar and gaming options, as a form of entertainment, along with bar food options for patrons, expanding options to Carson City's labor force and non-labor force populations, subject to age restrictions (21+).
- **Encourage the development of regional retail centers (5.2a)**
 - The Project fills vacant space within an existing building of a retail center. The presence of a new business will invigorate activity at the Carson Mall Shopping Center.
- **Encourage reuse or redevelopment of underused retail spaces (5.2b)**
 - The space intended for the Project is currently vacant and therefore underutilized retail space within Carson City. The Project will put a minimum 3,674 square feet, and at maximum 5,717 square feet of space to use, further invigorating the Carson Mall Shopping Center with a new tenant.
- **Support heritage tourism activities, particularly those associated with historic resources, cultural institutions and the State Capitol (5.4a)**
 - The Project is not located in or around any historic resources, cultural institutions or the State Capitol, so as to support heritage tourism activities. The Project, however, does offer entertainment, gaming, bar dining and bar options to both residents and visitors of Carson City, subject to age restrictions.
- **Promote revitalization of the Downtown core (5.6a)**
 - The Project being located within the Downtown core reduces vacancy in the Shopping Center while also offering patrons yet another entertainment use, promoting the Downtown core.

- **Incorporate additional housing in and around Downtown, including lofts, condominiums, duplexes, live-work units (5.6c)**
 - Although the Project is located in Downtown, it is not a housing project and is going to be located within an existing fully developed building.

Chapter 6: Livable Neighborhoods and Activity Centers

Is or does the proposed development:

- **Use durable, long-lasting building materials (6.1a)**
 - The Project will be located within an existing building within the Carson Mall Shopping Center. Tenant improvements within the existing building will use durable, long-lasting building materials commensurate with creating a comfortable and inviting bar with gaming environment for patrons.
- **Promote variety and visual interest through the incorporation of varied building styles and colors, garage orientation and other features (6.1b)**
 - The Project will be located within an existing building within the Carson Mall Shopping Center. The existing building style is not being changed; however, the tenant improvements within the existing building will promote a variety and visual interest within the bar.
- **Provide variety and visual interest through the incorporation of well-articulated building facades, clearly identified entrances and pedestrian connections, landscaping and other features consistent with the Development Standards (6.1c)**
 - The Project does not contemplate the construction of any new buildings, as the Project will be located inside an existing building within the Carson Mall Shopping Center. The Shopping Center provides existing well-articulated building facades, clearly identified entrances, pedestrian connections, and landscaping and other features. The Project will have one entrance for customers on the west side of the building.
- **Provide appropriate height, density and setback transitions and connectivity to surrounding development to ensure compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b, 9.4a)**
 - The Project is located inside a building within the existing Carson Mall Shopping Center and does not include the construction of any new buildings or development on vacant land. The Shopping Center maintains setbacks and transitions relative to surrounding development.

- If located in an identified Mixed-Use Activity Center area, contain the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a, b)
 - The Project is located within the Carson Mall Shopping Center which is within a Mixed-Use Activity Center located between South Carson Street and South Stewart Street, which is a major gateway corridor. The Shopping Center offers a convenient place for the community to shop, work, and gather, in close proximity to government offices, other businesses, as well as residential neighborhoods and includes pedestrian access from those neighborhoods. The Project will enhance the offerings of the Shopping Center for the community to shop and gather by providing additional bar and gaming options.
- If located Downtown:
 - Integrate an appropriate mix and density of uses (8.1a, e)
 - Including buildings at the appropriate scale for the applicable Downtown Character Area (8.1b)
 - Incorporate appropriate public spaces, plazas and other amenities (8.1d)
 - The Project is located Downtown, however, it is located in an existing building of the fully built out Carson Mall Shopping Center.
- Incorporate a mix of housing models and densities appropriate for the project location and size (9.1a)
 - The Project is not residential in nature.

Chapter 7: A Connected City

Is or does the proposed development:

- Promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)
 - The Project is going to be located inside an existing building within the Carson Mall Shopping Center. The Carson Mall Shopping Center was planned, designed, and constructed with traffic flow in and out of the center as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces being fully occupied, as well as tenant types changing from time to time as is common with this type of shopping center.

- **Maintain or enhance roadway connections and networks consistent with the Transportation Master Plan (11.2c)**
 - The Project is going to be located inside an existing building within the Carson Mall Shopping Center. The Shopping Center was planned, designed, and constructed with traffic flow in and out of the project as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces being fully occupied, as well as tenant types changing from time to time, as is common with this type of shopping center.
- **Provide appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan (12.1a, c)**
 - The Project is going to be located inside an existing building within the Carson Mall Shopping Center. The Shopping Center was planned, designed, and constructed with traffic flow in and out of the project as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces at full occupancy. The Shopping Center has existing pedestrian pathways with landscaping.