

STAFF REPORT

Date: June 11, 2014

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: F.2. Staff Report (For Possible Action): Case No. ABN14-00004 (West Pueblo Alley Abandonment) - Request for an abandonment of a ±15 foot wide by ±100 foot long (±1,513 square feet) portion of the alley south of West Pueblo Street, located ±160 feet east of the intersection of West Pueblo Street and Tonopah Street, being all that portion of right-of-way adjacent to APN 014-133-02.

From: William Gall, Senior Civil Engineer

Summary: This is a request for an abandonment of a ±15 foot wide by ±100 foot long (±1,513 square feet) portion of the alley south of West Pueblo Street, located ±160 feet east of the intersection of West Pueblo Street and Tonopah Street, being all that portion of right-of-way adjacent to APN 014-133-02 (Heritage Bank Building).

Discussion: The subject property is bounded on the north by West Pueblo Street and the applicant's parcels to the east and west. The alley requested for abandonment provides access to the applicant's property as well as four properties abutting the alley south of the area requested for abandonment. With the approval of the abandonment, the applicant plans to incorporate this section of the alley into the adjacent parcels and develop the property in a manner that is consistent with the goals of the South Virginia Transit Corridor ("SVTC"), Midtown District. The Community Development Director provided a letter to the developer in support of the redevelopment project and associated on-street parking (Exhibit 1). However, approval of this abandonment does not guarantee this project will be built nor is it any approval of the project.

The existing alley width of 15 feet does not support two-way traffic. The alley is in poor condition and is poorly marked/signed, with only a single one-way arrow in the alley at the north end adjacent to West Pueblo Street. With the abandonment of the north portion of the alley, staff recommends the applicant provide appropriate one-way signs and striping to limit the remaining alley to one-way access from Mount Rose Street as well as require a public use easement from the north end of the remaining alley to either West Pueblo Street or Tonopah Street to allow vehicles entering the alley from Mount Rose Street to exit the alley (Conditions 5 & 6). The

alley is severely deteriorated and abandonment of a portion of the alley would reduce the maintenance burden on the City of Reno Public Works Department.

This abandonment proposal is not in conformance with the City of Reno Master Plan policy P-4. This policy states that, "The existing grid pattern of streets should be preserved; public streets, alleys and ways located in the city center or traditional neighborhoods should not be abandoned." The current portion of the alley proposed to be abandoned is adjacent to two vacant parcels which are owned by the applicant. However, the one-way alley provides access to four other parcels and the associated businesses located on the southern half of the block. Recommended condition of approval 5 includes the requirement to provide a public use easement which will, in a sense, replace the alley for all other public use. Public use easements can be difficult to enforce as development occurs. Another option would be to relocate the alley rather than abandonment.

Although this abandonment does not guarantee any redevelopment of the adjacent parcels, redevelopment of the surrounding property could support the goals of the SVTC/Midtown District which is to encourage interesting and attractive new development that promotes pedestrian activity. Building orientations throughout the district are required to be oriented to promote the pedestrian and bicycle experience and define neighborhood character. However, in general abandoning alleys does not improve pedestrian environments.

The City of Reno Public Works Department and all local utility purveyors have reviewed the abandonment application. Only AT&T Nevada has identified existing utilities. The order of abandonment should reserve access easements to continue to operate and maintain all utilities in the abandoned area. The applicant would have to relocate all existing utilities prior to any development that would preclude continued maintenance access (Condition 4).

A portion of the area requested for abandonment was obtained by the City of Reno through dedication on Tract Map No. 113 (Sierra Vista Tract) and the remainder was obtained per Document No. 173437 (Exhibit 2). No value was exchanged for the land area requested for abandonment.

Engineering Division Staff recommends approval of the abandonment, subject to the following conditions:

1. The order of abandonment shall reserve to the City all water rights, whether surface or groundwater, appurtenant to the area to be abandoned.
2. Prior to the recordation of the order of abandonment, the applicant shall deposit with the City a check made payable to the Washoe County Recorder for the recording fee.

3. The abandonment order shall be recorded with the Washoe County Recorder within twelve (12) months of the date of Council approval, or said approval shall be null and void.
4. The order of abandonment shall provide for public utility easements for existing utilities, unless the utilities are relocated to the approval of the servicing Utility Company prior to issuing the order of abandonment.
5. Prior to the order of abandonment, the applicant shall provide a public access easement from the north end of the public alleyway to West Pueblo Street or Tonopah Street to the satisfaction of City of Reno Community Development Department. All improvements or signage required for the public access easement shall be completed and operational. The access easement must remain open to vehicular and pedestrian use at all times.
6. Prior to the order of abandonment, the applicant shall install appropriate signage and striping to limit the remaining south portion of the alley to one-way access from Mt. Rose Street.

This particular case has been processed in accordance with Section 18.06.603 of the revised Reno Municipal Code, which allows a proposed abandonment, other than such involving a sewer or storm drain easement, to be heard before City Council within 65 days from acceptance of the application.

Financial Implications: Excluding current maintenance requirements for the public right-of-way by the Public Works Department, staff is not aware of any financial impact associated with this abandonment.

Legal Implications: NRS 278.480(5) states that: except as provided in Subsection 6 [dealing with continuation of a utility easement], if, upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated.

NRS 278.480(7) provides that the order of abandonment must be filed in the office of the county recorder if all the conditions of the order have been fulfilled. Accordingly, the order of abandonment shall not be filed until the conditions have been satisfied.

Recommendation: Staff recommends Council determination that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the staff report.

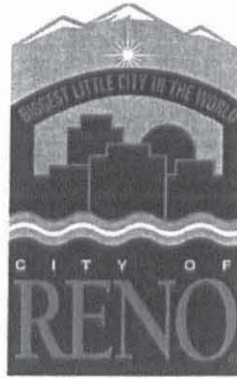
Proposed Motion: I move to approve the staff recommendation.

Attachments:

- ABN14-00004 (West Pueblo Alley Abandonment) - Exhibits (PDF)
- ABN14-00004 (West Pueblo Alley Abandonment) - Order of Abandonment (PDF)

EXHIBIT 1

Fred Turnier, AICP
 Community Development Director
 775.321.8302
turnierf@reno.gov

**Division & Program Managers**

Claudia Hanson, AICP
Planning & Engineering Manager
 Eric Simonson, CBO
Building & Safety Manager
 Alex Woodley
Code Enforcement Manager
 Vacant
Housing & Neighborhood Development Mgr.

April 24, 2014

GBS 1401 S. Virginia, LLC
 G. Blake Smith
 170 South Virginia Street, Suite 204
 Reno, NV 89501

RE: Heritage Bank Building, 1401 South Virginia, APN's 014-133-01 and 02


Dear Mr. Smith,

The City of Reno understands you are looking to develop two parcels at 1401 South Virginia also known as the Heritage Bank Building (two parcel project). You have proposed creating pedestrian friendly activity along the South Virginia and West Pueblo Street with a food/beverage uses such as a coffee shop. The City supports this effort to increase the floor area ratio, increase the activity along the street and meeting the goals of the City's South Virginia Transit Corridor, Midtown District. The cornerstone of the Midtown District is street level activity, pedestrian orientation and access. You have submitted some concepts that we are excited about and look forward to working with you to energize this site.

The City understands that redevelopment is difficult and remaking an area takes vision and flexibility from all parties. The existing bank has three drive thrus and one ATM machine. The zoning district, South Virginia Transit Corridor, Midtown Commercial, does not allow for drive thrus. You are proposing to reduce the drive thrus from three to two and maintain the ATM machine. With the elimination of the one drive thru you are bringing the site closer into code conformance with City regulations and we support the move towards conformance on this site. In addition, you are looking to combine the two parcels and abandon the alleyway that separates the two parcels bring this into one project.

You are proposing an additional 10,000± square foot of retail/food/beverage including options for roof top dining. This brings the total building area to approximately 20,000± square feet. The increased floor area ratio (FAR) brings this project at or closer into conformance with the .50 FAR required under code. Because the existing building does not meet the .50 FAR, increasing the square footage brings this project closer into conformance. Parking requirements for general retail/food/beverage is zero. Residential parking requirements are 1 space per unit. Additional on-street parking along West Pueblo Street is proposed to be diagonal and similar to what was recently completed in the area on Thoma Street. The Public Works Department is amenable to this proposal and they look forward to working with you also.

We hope to see construction plans soon and if you need any further assistance, please let us know.

Best Regards,

 Fred R. Turnier, AICP
 Community Development Director



DISPLAY MAP		RENO, NEVADA		ALLEY ABANDONMENT	
PROJ. NO. <u>JDJ</u> DRAWN BY. <u>DAB</u> DATE. <u>4/3/14</u> SCALE. <u>1"=20'</u>	 Manhard CONSULTING LTD Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers Environmental Scientists • Landscape Architects • Planners • Construction Managers 9850 Double R Blvd, Suite 101 • Reno, NV 89521 • 775.746.3500 • 775.746.3520 FX • www.manhard.com			© 2007 ALL RIGHTS RESERVED SHEET 1 of 1 SDRENV	

Attachment: ABN14-00004 (West Pueblo Alley Abandonment) - Exhibits (3682 : ABN14-00004 (West Pueblo Alley Abandonment) - Public

ABN14-00004 WEST PUEBLO ALLEY ABANDONMENT

F.2.a



APN: none

After Recording Return To:
City of Reno
P.O. Box 1900
Reno, NV. 89505

**ORDER OF ABANDONMENT
ABN14-00004**

**Portion of the alley south of West Pueblo Street, located ±160 feet east
of the intersection of West Pueblo Street and Tonopah Street**

WHEREAS, a petition to vacate or abandon portions of public street right-of-way was filed with the City Clerk of the City of Reno by the owner of real property abutting the street further described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, a Notice of Public Hearing was published according to law; and

WHEREAS, a public hearing was held for the purposes of considering the proposed vacation and abandonment; and

WHEREAS, on June 11, 2014, it was duly moved, seconded and passed by the City Council of the City of Reno that the herein described public street right-of-way be vacated and abandoned.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Reno that the herein described public street right-of-way be, and the same hereby is, vacated and abandoned pursuant to the Statutes of the State of Nevada, and title to said property shall revert and vest in the abutting property owner(s). Reserving, however, to the City of Reno any and all appurtenant water rights. Also reserving therefrom, over, under, across and through the abandoned area, a blanket public utilities and access easement for the benefit of all public utilities for the operation, maintenance, repair and reconstruction and upgrade of existing public utility facilities, and access thereto. Such easements are relocatable and resizable with future development and approval of the impacted utility and the City Engineer.

IT IS FURTHER ORDERED, by the City Council of the City of Reno, that this Order be recorded in the County Recorder's office, Washoe County, Nevada.

DATED: This _____ day of _____, _____ .

Robert A. Cashell, Sr.
Mayor

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

This instrument was acknowledged before me on _____, by Robert A. Cashell, Sr., as Mayor of the City of Reno.

Notary Public

EXHIBIT "A"

DESCRIPTION OF ALLEY ABANDONMENT

All that portion of an alley situate within the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 19 North, Range 19 East, Mount Diablo Meridian, being more particularly described as follows:

All that portion of the alley situate North of the South lines of Lot 8 and Lot 5, Block 4 of Subdivision Tract Map No. 113, SIERRA VISTA TRACT, recorded February 7, 1907 in the Official Records of Washoe County, Nevada.

TOGETHER WITH all that portion of land conveyed to the City of Reno by instrument recorded May 12, 1949, in Book 234, Page 527, as Document No. 173437 of Deed Records.

EXCEPTING THEREFROM that portion of said alley abandoned per Document No. 176727, recorded September 1, 1949 in Book V, Page 68 of Liens and Miscellaneous Records of Washoe County, Nevada and quitclaimed per Document No. 297642, recorded January 22, 1959, in Book 500, Page 436 of Deed Records of Washoe County, Nevada.

See EXHIBIT "A-1" attached hereto and made a part hereof.



Daniel A. Bigrigg P.L.S.
Nevada Certificate No. 19716

