

**PLANNING COMMISSION
STAFF REPORT**

Date: April 21, 2021

To: Reno City Planning Commission

Subject: **6.1. Staff Report (For Possible Action): Case No. LDC20-00070 (The Hytch Tea House) – A request has been made for a special use permit to allow: a) nonresidential development adjacent to residentially zoned property; and b) an outdoor commercial amusement use (public event venue) in the Community Commercial (CC) zone. The ±0.32 acre site is generally located on the south side of Dickerson Road, 0.2 miles west of its intersection with Chism Street. The site is within the Community Commercial (CC) zone and has Suburban Mixed Use (SMU) Master Plan land use designation. This project was submitted prior to the comprehensive update to the zoning code (Zoning Code RENOvation) and will be reviewed, analyzed, and heard using the Title 18 standards in existence immediately prior to January 13, 2021.**

From: Nathan Gilbert, Associate Planner

Ward #: Ward 1

Case No.: LDC20-00070 (The Hytch Tea House)

Applicant: Yelez Berg

Request: **Special Use Permit:** To allow for
a) nonresidential development adjacent to residentially zoned property;
and b) an outdoor commercial amusement use (public event venue).

APN: 006-290-23

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

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

Summary: This request seeks to entitle an indoor/outdoor event venue for private gatherings with limited bar service only in conjunction with scheduled events. The ±0.32 acre site is located on a commercially zoned parcel adjacent to a townhome subdivision with residential zoning. As proposed, the existing single family home would be converted to commercial occupancy to facilitate the private event venue with indoor and outdoor operations. Key project issues consist of: 1) land use compatibility and 2) site design. These issues have all been mitigated through the project design, code compliance, and/or conditions of approval, as further discussed in the analysis below. Staff recommends approval subject to all proposed conditions.

Background: In 2019, the City Council adopted a zone change on the site from Neighborhood Commercial (NC) to Community Commercial (CC) through LDC19-00033 (Dickerson Road Zone Change). This action included two additional adjacent parcels, which were changed from Multifamily – 21 units per acre (MF21) to CC. While the zone change was originally contemplated to facilitate a larger outdoor event venue, this special use permit (SUP) request is limited to the single ±0.32 acre site at 2110 Dickerson Road (APN 006-290-03).

This item was previously scheduled for the December 16, 2020 Planning Commission hearing and continued at the applicant's request to allow for additional time to work with the site property owner. Accordingly, the applicant has requested that the project be reviewed, analyzed, and heard using the Title 18 standards in existence immediately prior to January 13, 2021. As such, development approved by this request will need to meet the former Title 18 code requirements with plans noting the applicable Title 18 provisions at time of permit (**Condition Nos. 1 & 2**). This request was submitted prior to the RENOvation Code Update adoption on January 13, 2021 and was reviewed under the previous Title 18 Land Development Code. Staff's analysis concluded that all of the findings could be made with the conditions as written and recommends approval of the project.

Discussion:

Site Design and Architecture: The parcel frontage features an existing trellises entryway structure with extensive landscaped screening. Mature trees provide canopy coverage over the entire site and visual screening from all adjacent properties. The project anticipates converting the current ±567 square foot single family home and ±550 foot garage into a commercial occupancy to facilitate indoor gatherings (**Exhibit B**). The majority of facility activity is anticipated to occur outdoors with congregation primarily occurring towards the rear of the house and will utilize an existing ±80 square foot bar area for alcohol service in addition to food and drink service inside the main building. No new structures or facilities are proposed on the site. **Conditions No. 6-7** are recommended to ensure that the building and site area are properly reviewed and permitted for the change of occupancy, including adequate ingress/egress, ADA accessibility, and restrooms for the proposed use with a prohibition on portable restrooms.

Application materials note that signage will be limited to the existing freestanding sign installed on premise (**Exhibit B**). Because the CC zoning allows for signs that may be out of character for the area, **Condition No. 8** is recommended to limit signage to the NC zone standards.

Compatibility with Surrounding Uses: Land uses surrounding the site consist of various industrial, arts, and commercial uses to the north, the Truckee River and Idlewild Park to the south, a residentially zoned townhome subdivision to the east, and single-family residences and an auto repair garage to the west. The private event venue (commercial amusement/recreation -

outside) use is allowed in the CC zone, subject to an approved special use permit and any associated conditions of approval.

The subject site abuts the Toscano Townhome subdivision to the east with the nearest residential lot five feet from the property line. Application materials outline a boutique event operation to facilitate limited weddings, catered events, and other celebrations utilizing indoor and outdoor space with maximum total on-site occupancy of 50 persons. Events and food/bar service are not open to the general public and no amplified sound or live entertainment is proposed. Allowable hours of operation are listed seven days per week from 11:00 a.m. to 10:00 p.m., with all guests off-site by 9:00 p.m. Materials also list that smoking and vaping will be prohibited and that food trucks will not be utilized in conjunction with facility operations. Given the immediate proximity to residential uses, **Conditions No. 9-14** are recommended to ensure that business operations are in line with the mitigations outlined in the application material to further compatibility.

Access and Circulation: The project is not anticipated to create any adverse impact to the adjacent street network or Level of Service (LOS). Traffic generated from the project will be minimal and will not trigger a traffic study per the RMC thresholds. Access to the site will be provided from Dickerson Road, an existing roadway which operates within an acceptable LOS and has the capacity to handle the additional traffic as generated by the project.

The project proposes to utilize the parking lot across the street at 1125 Dickerson to accommodate facility parking needs and has demonstrated appropriate “Consent to Sublease” documentation from Union Pacific Railroad Company to use the site. The final parking lot layout and site circulation shall be completed to the approval of the Community Development Director and will be required to provide an ADA compliant parking space, accessible route to the front of the primary building, and a loading/unloading zone in front of the facility with the remainder of the frontage signed and striped for no parking (**Condition No. 15**).

Public Services: This is an infill site with all necessary utilities in place. There are no public/private sewer or drainage improvements associated with this request. Based on the application materials, there is no indication that this request will have any negative impact to City of Reno infrastructure facilities beyond existing use.

The Reno Police Department (RPD) provided Crime Prevention Through Environmental Design (CPTED) and calls for service reports for the site (**Exhibit C**). With conditions of approval, the proposed operation takes into consideration recommended CPTED principles such as neighbor notification of the facility, crosswalk from parking area, and screening from adjacent uses. The RPD calls for service report identifies three previous police responses to the address related to party and/or disturbance calls from onsite events. Staff anticipates the recommended conditions of approval will be sufficient to address future operational concerns.

Comments received from Reno Fire Department indicate that the closest fire stations to this project are Station 5 located at 1500 Mayberry Drive and Station 4 located at 1096 Ralston Street. Response times are five and six minutes, respectively, to the site. All future development and change of use permits will be evaluated for compliance with the International Fire Code.

Master Plan Conformance: The subject site has a Suburban Mixed-Use (SMU) Master Plan land use designation and is located within a Central Neighborhood and Greenway Corridor per the Structure Plan Framework. The requested business operation conforms to the Suburban Mixed-Use land use designation and is consistent with the following applicable Master Plan policies:

- Goal 2.2: Encourage Infill and Redevelopment
- Policy 2.2B: Underutilized Properties
- C-GC.1: Protection of Natural Features
- C-GC.2: Orientation to Greenway Corridors
- C-GC.4: Relationship to the Truckee River

Public and Stakeholder Engagement: Agency comments were received and incorporated into the analysis (**Exhibit C**). Neighborhood Advisory Board meetings are still on temporary hiatus due to COVID-19 policy directives. Public comments were received with the initial noticing for this request and no additional public comments were received at time of publication. Any future comments will be forwarded to the Planning Commission as they are received.

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. This request was submitted and analyzed prior to the January 13, 2021 adoption of the comprehensive update to Title 18 of the Reno Municipal Code (RMC). In the event of a conflict between said plans, reports and materials and City codes, City codes in effect at the time the building permit is applied for shall prevail, excluding Title 18 standards. The development shall be constructed utilizing the formerly adopted Title 18 code standards adopted immediately prior to January 13, 2021. Upon completion of the project constructed under LDC20-00070 (The Hytch Tea House), any future request shall meet the current Title 18 code standards in effect at the time of application.

2. The applicant shall apply for all building permits associated with the request within 18 months from the date of final approval. The applicant shall continuously maintain the validity of those permits, or this approval shall be null and void. All permit application and plan sheets shall clearly note that the permit plans shall be reviewed under the Title 18 standards adopted immediately prior to January 13, 2021.
3. Prior to the issuance of each building permit, the applicant shall attach a copy of the final approval letter and include a narrative that describes how the requested permit addresses each of the applicable conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, 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 made readily available upon demand by City staff.
5. Prior to the issuance of any building permit or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit/license addresses each of the approved conditions of approval. The final approval letter shall be maintained on-site during business operations and available for review by City staff.
6. Prior to issuance of associated business license applications, building plans shall be approved to facilitate the necessary change of occupancy and change of use on the site with appropriate code compliance.
7. Portable restrooms are prohibited on the site.
8. Signs shall be restricted to sign standards for the Neighborhood Commercial (NC) zone.
9. All events and food/bar operations shall be private (i.e. not open to the general public) and employees of the facility shall be present during all events to provide appropriate levels of security and compliance with adopted conditions of approval.
10. On-site occupancy shall be limited to 50 people, including employees and contractors.

11. Facility hours of operation shall be limited to 11:00 a.m. to 10:00 p.m. and restricted to scheduled events. Events shall conclude by 9:00 p.m. and all persons, including staff, shall be off the premise by 10:00 p.m.
12. Amplified sound (amplifiers, speakers, microphones, etc.), percussive instruments, and portable lighting are prohibited on site.
13. Food trucks are prohibited on-site or in conjunction with facility operations.
14. Outdoor smoking and vaping are prohibited. Signs shall be posted noting this prohibition.
15. Prior to issuance of associated business license applications, building plans illustrating final design of the adjacent parking lot shall be approved to the satisfaction of the Community Development Director. At a minimum, plans shall demonstrate an ADA compliant parking space, an accessible route from the parking lot to the front of the primary building, and a loading/unloading zone in front of the facility with the remainder of the frontage signed and striped for no parking.

Findings:

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:

- Exhibit A - Vicinity Maps (PDF)
- Exhibit B - Site Plans (PDF)
- Exhibit C - Agency Comments (PDF)
- Public Comment Received (PDF)