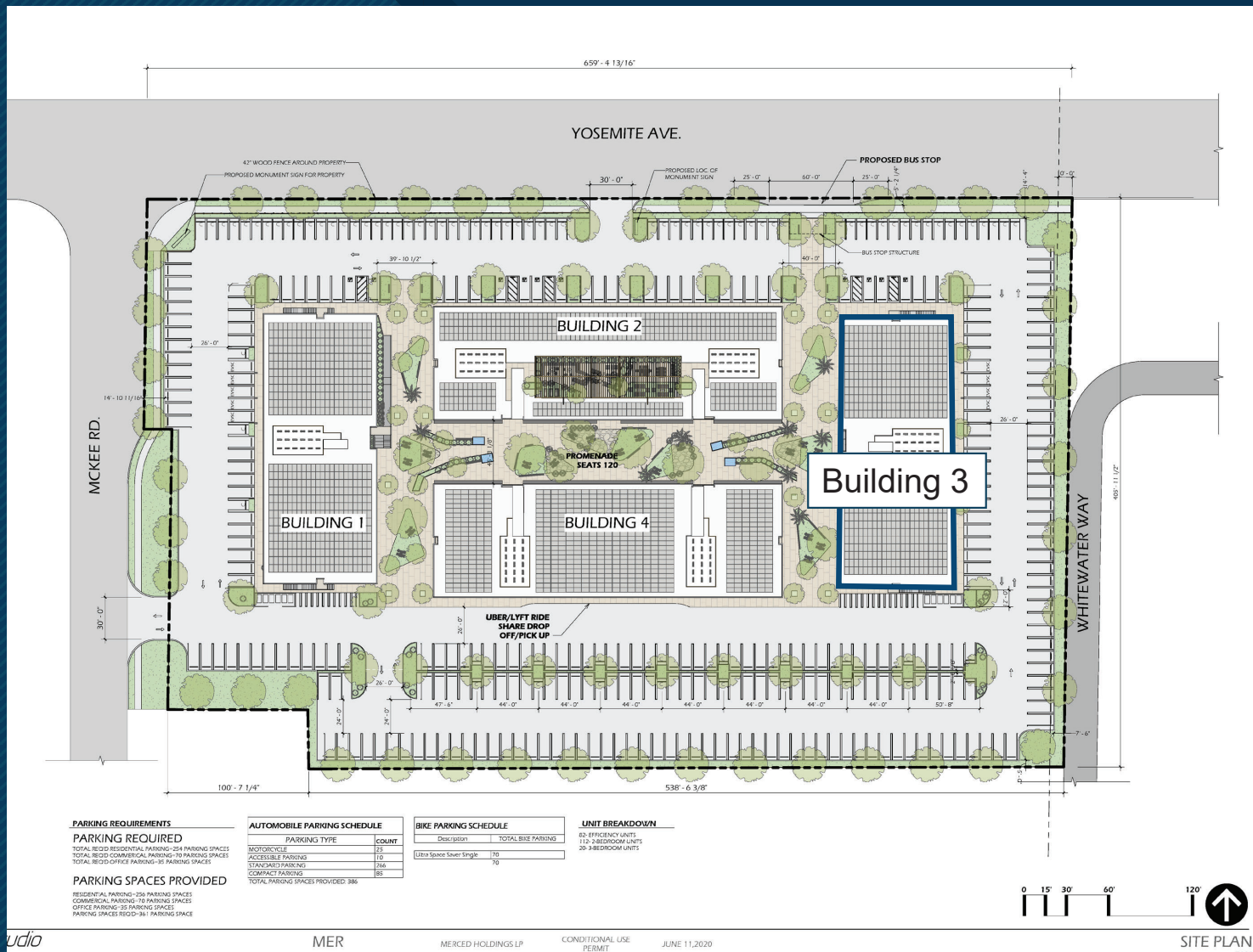


Conditional Use Permit #1273

The Wet Whistle
2272 E Yosemite Ave

ATTACHMENT K





Background

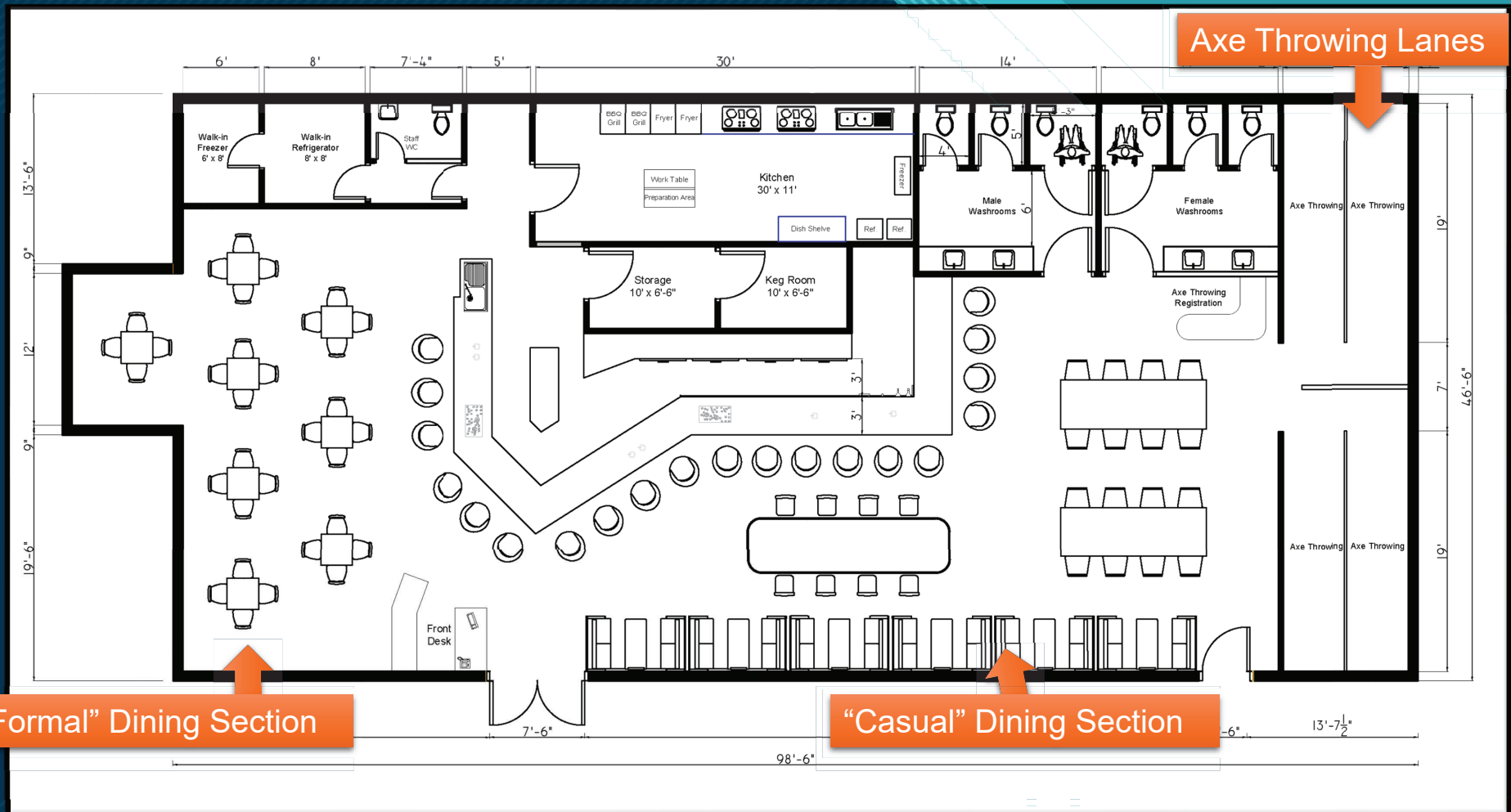
In 2019, a mixed-use development to include a 200-unit apartment complex, retail, and commercial uses was approved by the City Council on appeal.

Permits were issued to start construction in 2022.



Wet Whistle Restaurant

- British-themed restaurant serving British fare in tradition of a British Public House.
- Serving lunch and dinner Monday through Friday and brunch on Saturday and Sunday.
- Hours: Monday through Thursday 10:30 a.m. to 11:00 p.m., Friday 10:30 a.m. to 12:00 a.m., Saturday, 9:00 a.m. to 12:00 a.m., and Sunday 9:00 a.m. to 11:00 p.m.
- Restaurant has a formal section for a sit-down dining experience and a section for more casual dining.
- Approximately 80 seats throughout both sections of the restaurant.
- A bar is integrated into the dining area with about 20 barstools.
- Four axe-throwing lanes.
- The alcohol sales is an ancillary use to the restaurant.
- The applicant has applied for a Type 47 alcohol license to allow the sale of beer, wine, and spirits for on-site consumption.



Zoning Requirements

The Site is Zoned Neighborhood Commercial (C-N).

Restaurants are a permitted use in the C-N zone.

Current Zoning Ordinance allows alcohol sales with approval of a Site Plan Review Permit.

Conditions of CUP #1238 for the Hub project requires CUP approval for alcohol sales.

Specific Findings required for CUP approval are found at Finding B of Draft Planning Commission Resolution #4116.

Sensitive Uses

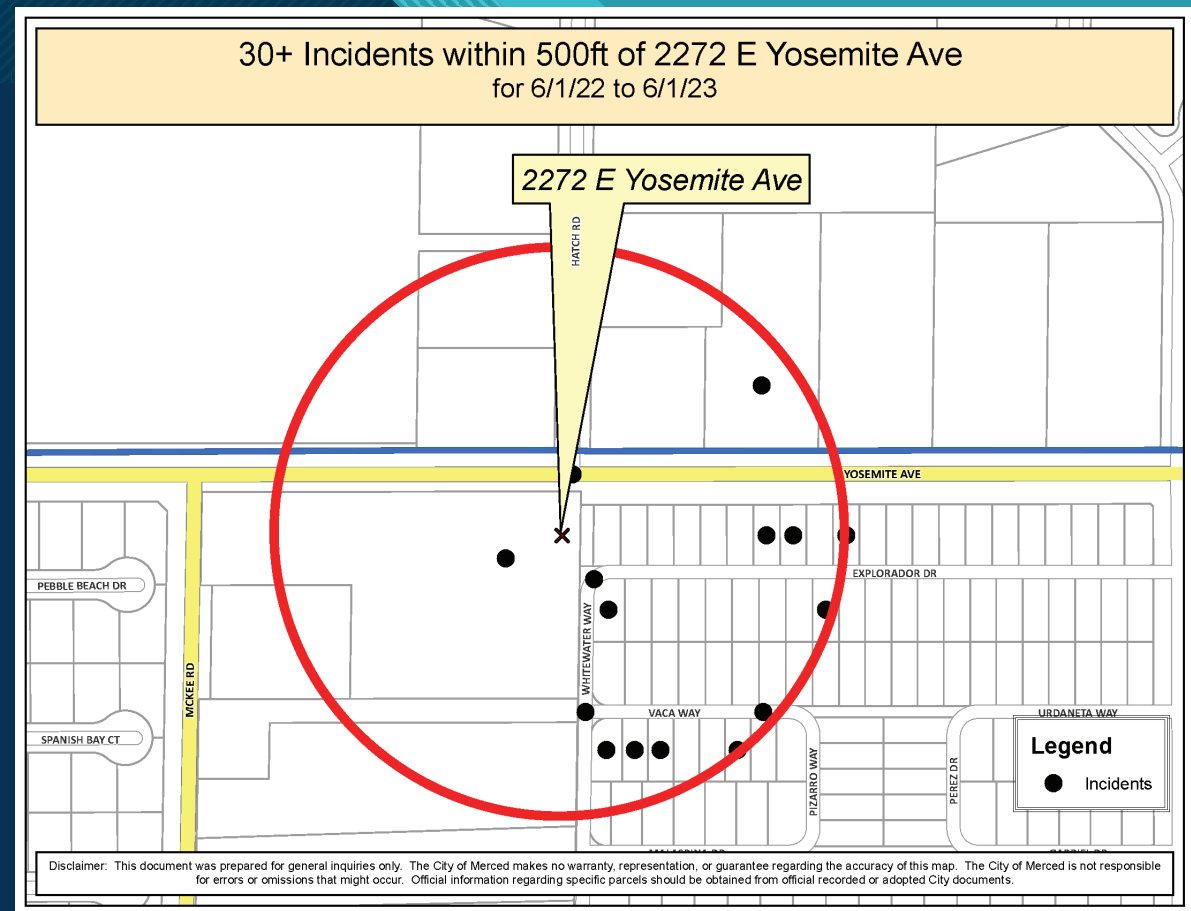
Residential uses surround the site.

Yosemite Church and Providence School are across Yosemite Avenue.



Police Calls

- ❑ From 6/1/22 to 6/1/23 there were 34 incidents within a 500-foot radius of the project site.
- ❑ No incidents involving DUI, Public Intoxication, or Assaults.
- ❑ One incident involving a Merced Municipal Code Violation and one theft on the project site.
- ❑ Calls for service for service to this area was approximately .04% of the total calls for the period of 6/1/22 to 6/1/23.
- ❑ The crime rate in this area is considered low.



Neighborhood Impact

- The restaurant is a permitted use in the C-N Zone.
- Alcohol sales requires CUP approval per the conditions of the approval for the Hub project.
- This is a mixed-use site, so there will be apartments on the site.
- There are single-family residential uses surrounding the site.
- Conditions added to minimize the impact from the sale of alcohol at the restaurant.



Conditions of Approval

8. The restaurant shall meet all applicable Alcoholic Beverage Control requirements.
9. Alcoholic beverages shall not be allowed outside the building, unless otherwise approved by the California Department of Alcoholic Beverage Control and the City of Merced Site Plan Review Committee.
10. This approval is for alcohol sales as an ancillary use to the primary restaurant only.
11. A nightclub, bar, or similar use is expressly prohibited by the Conditions of approval for CUP #1238.
12. The City reserves the right to periodically review the area for potential problems. Should excessive calls for service or violation of these conditions of approval occur, the City may consider revocation of the Conditional Use Permit (CUP) after a public hearing and following the procedures outlined in the Merced Municipal Code.
13. Alcohol sales shall cease at 11:00 p.m. Monday through Thursday and Sunday, and at 1:00 a.m. on Friday and Saturdays, regardless of the business hours for the restaurant.
14. All employees serving alcoholic beverages shall be a minimum of 21 years old.

Environmental Review

Categorical Exemption based on CEQA Section 15162 Findings.



Planning Commission Action

Approve/Disapprove/Modify

- Environmental Review #23-20
- Conditional Use Permit #1273

Questions...