ZONING ADMINISTRATOR AGENDA

March 19, 2014
City Council Chambers
3:00 PM

1. **604 Price Avenue (First Congregational Church of Redwood City)**
   An application for a **Use Permit** to establish a church use within an existing commercial building. Commercial Office (CO) zoning district; Commercial – Office Professional/Technology (O) General Plan land use designation.

   CEQA Section 15332 Class 32 Categorical Exemption for in-fill development projects.

   **Project Planner: Karen Vaughn, AICP 780.7239**

2. **1020 Hansen Way (Udemex)**
   An application for a **Use Permit** to allow sale of beer and wine, expansion of business hours, and use of the facility for corporate events at an existing indoor recreational facility.

   CEQA Section 153301 Class 1 Categorical Exemption for existing facilities.

   **Project Planner: Diana O’Dell, AICP 780.7236**
March 19, 2014

**SUBJECT**
Application by First Congregational Church of Redwood City for a Use Permit to establish a church use within an existing commercial building located at 604 Price Avenue.

**BACKGROUND**
The project involves an application for a Use Permit to establish a church use in an existing building located in the Commercial Office (CO) zoning district. Public and quasi-public uses are conditionally allowed in this district. The application was reviewed by the Plan Review Committee on January 23, 2014.

The subject lot is approximately 50,000 square feet and contains a single commercial building and surface parking area. The building contains separate commercial units with Office City and Cal Steam already established on the site. The proposed church will occupy a small unit that was previously a commercial office space. No exterior modifications to the building are proposed.

First Congregational Church is a longstanding established church in Redwood City. The congregation currently rents office space at 160 Birch Street and holds worship services in various locations, including members’ homes. The church seeks to reunite its office and worship services at a single site. Currently, the congregation membership stands at 65, of which 10 are housebound, 27 are inactive and 28 are active. In addition to informal worship on Sunday afternoons (average attendance of 10 members), the church will host weekly light aerobics classes (Monday mornings; average attendance of 8 members) and fellowship meetings with the Chaplain (Wednesday mornings; average attendance of 7 members). The church will also host monthly potluck luncheons (average attendance of 15 members) and a bi-monthly speaker series (attendance up to 25 members). As part of their normal activities, the church collects food donations for Second Harvest and distributes to needy families on an as needed basis.

Based on the proposed square footage of the interior chapel area and a calculation of 1 space per 50 square feet, the proposed church use will require a total of 13 parking spaces (623 s.f. chapel). The applicant has provided a letter from the property owner indicating that church will be allocated access to 13 of the existing parking spaces on-site. The proposed church use will reduce on-site vehicles parked as well as trips generated from that of the previous office use in the same space.

Pursuant to Zoning Code Section 42.3 – Zoning Administrator Action (Use Permits), a Use Permit shall be granted only if the Zoning Administrator makes the following findings:
1. That the proposed use will be consistent with the various elements and objectives of the general plan and any applicable Specific and Precise Plans, and Zoning regulations for the subject location.
2. That the proposed use is compatible with surrounding uses.
3. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
4. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
5. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.
6. Other findings required to be made in specific zoning districts as set forth in the Zoning Code.

CEQA
The proposed project is considered categorically exempt from the requirements of the California Environmental Quality Act Guidelines pursuant to Section 15332 Class 32, In-Fill Development Projects, as the proposed use will occupy an existing commercial building that is fully served by municipal utilities and infrastructure.

STAFF RECOMMENDATION:
It is staff's opinion that the required Use Permit findings can be made as the site is an existing commercial space which is served by existing infrastructure and utilities, and the proposed use is compatible with surrounding properties. Staff recommends approval of the Use Permit application.

Karen Vaughn, AICP
Senior Planner
DRAFT CONDITIONS:

1. Applicant shall indemnify, defend, and hold harmless the City, its officers, employees and agents, including but not limited to the Zoning Administrator, Planning Commission and the City Council and the Planning Commission’s and City Council’s officers, employees and agents, from any and all claims, lawsuits, actions, or proceedings from third party(ies) involving or related to the City’s consideration and/or approval of Use Permit Application Number UP2014-01, First Congregational Church of Redwood City. The City shall promptly notify Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. This Use Permit allows the establishment of a church use at 604 Price Avenue.

3. The subject use shall substantially conform to the plans and related information submitted by First Congregational Church of Redwood City on January 10, 2014, on file with Planning Services, except as modified by the conditions contained herein.

4. Any modifications to said approved plans and related information must be submitted to Planning Services for review and approval prior to any construction or change in operational characteristics.

5. Any increase to the 623 square foot chapel area shall require Zoning Administrator approval and a review of the parking requirements at that time.

6. The church shall have access to 13 parking spaces located on-site, as per the parking agreement dated February 21, 2014 and signed by the property owner.

7. Congregants and guests shall utilize the designated parking spaces.

8. The applicant shall obtain an Architectural Permit for any exterior modifications to the building.

9. The applicant shall obtain a Building Permit for all improvements, prior to construction of tenant improvements.

10. The applicant shall comply with all applicable Fire and Building codes.

11. The proposed use shall comply with City noise regulations at all times.

12. The applicant shall apply for a Sign Permit prior to installation of any signage on the site.

13. The church is not permitted to allow any persons to occupy the property for residential living purposes.

14. Events and activities held at the church shall not exceed the maximum occupancy for the space, as determined by the Fire Marshal.
15. Outdoor activities are allowed as long as they do not create an adverse impact on the other businesses located on the site or on the immediate surrounding neighbors.

16. Distribution of food and other supplies to the public may only occur on weekends and shall not adversely impact the other businesses located on the site or the neighborhood in general. This applies to planned/scheduled distributions only; not to the occasional distribution of food or supplies to individuals that approach the church seeking aid.

17. The applicant and/or property owner shall ensure that existing trash facilities are adequate for all uses on the property and shall ensure that the property is kept free of debris and litter.

18. The use is subject to water and wastewater fees, as determined by the Engineering Division.

19. Non-compliance with the above conditions may result in the revocation of this Use Permit. Furthermore, in the event that the approved Use Permit generates detrimental impacts to the neighborhood, including parking, circulation and noise, or any other issue of concern as determined by the City, this Use Permit shall be subject to review and may be modified or revoked by the Zoning Administrator following a public hearing.

20. Where a Use Permit has not been used within one (1) year from the date of granting, either by beginning of construction of the improvements or by the initiation of the activity which is the subject of the Use Permit, said Permit shall automatically terminate and be of no further effect.
## Fee Summary

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<td>2</td>
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<td>3</td>
<td>Water Fees:</td>
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<td>4</td>
<td>Transportation Impact Fee:</td>
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**Fee Total** $ 1,322.39
March 19, 2014

SUBJECT
Application for a Use Permit at 1020 Hansen Way to allow sale of beer and wine, expansion of business hours, and use of the facility for corporate events at an existing indoor recreational facility.

BACKGROUND
In 2010, a Use Permit was issued for operation of an indoor recreational facility (Udemex). As part of that application, the applicant also proposed the sale of beer and wine. The sale of beer and wine was denied due to concerns with compatibility of the use (see Attachment 1, Notice of Official Action for UP2009-28 (July 23, 2010).

The subject property is located within the Industrial Park (IP) Zoning District in an area with a variety of uses, including the Wag Hotel (animal kennel) and various industrial uses. Udemex shares the property with a RV repair business and other industrial businesses.

PROJECT DESCRIPTION
After almost four years of operation, Udemex is reapplying for the sale of beer and wine, as well as expanding business hours from midnight to 1:30 a.m., seven days a week. The applicant is also requesting the ability to use the facility to host corporate social events of up to 50 people. No new exterior improvements are proposed as part of this application. Minor interior building modifications are proposed, including upgrades to the restroom and sink area. Cooking facilities are not proposed and the facility serves pre-packaged snacks in a “bistro” format. Parking on-site is limited, but the business has a parking agreement with the DPR Corporation at 1450 Veterans Boulevard to provide up to 60 additional spaces. No parking complaints or concerns have been received for this property.

DISCUSSION
Sale of Beer and Wine - Udemex would be applying for a Type 41 alcohol license, which “authorizes sale of beer and wine for consumption on or off the premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.” (See Attachment 2, Alcohol Beverage Control Requirements). ABC also states that a bona fide public eating place is used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. While the applicant has contacted ABC and states that they are satisfied with the project as proposed, staff maintains some concern about the adequacy of the sink area and prepackaged food as a “bona fide eating place.”

Public Safety – In late 2012 Public Safety was called out to the business and observed large cans filled with ice and beer. Code enforcement followed up and resolved the issue.

Compliance with City Requirements – There remain some outstanding issues regarding seismic upgrades to the building per the July 23, 2010 NOA. In addition, no business license was found on file for the site.
FINDINGS
A Use Permit shall be granted if the Zoning Administrator makes all of the following findings per Zoning Code Section 42.3:

1. That the proposed use will be consistent with the various elements and objectives of the general plan and any applicable Specific and Precise Plans, and Zoning regulations for the subject location.
2. That the proposed use is compatible with surrounding uses.
3. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
4. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
5. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.
6. Other findings required to be made in specific zoning districts as set forth in the Zoning Code.

CEQA
As proposed, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines per Section 15301 Class 1(e) (2) (Existing Facilities). The project involves minor alterations to an existing structure and no expansion of building footprint or floor area is proposed as part of this project.

STAFF RECOMMENDATION
Staff is unable to make the required findings and recommends denial of the Use Permit.

The bistro, as proposed, does not appear to operate as a bona fide eating place per ABC definitions and City practice. City staff has documented that other recreational uses do not serve alcohol unless a restaurant is an accessory use (NOA July 23, 2010). Staff’s continues to find that sale of beer and wine is only appropriate with a true kitchen facility and a snack “bistro” serving prepackaged food is not sufficient as a true restaurant. In addition, the late hours and limited food service has similarities to a bar use, which is not permitted in the IP Zoning District. Lastly, staff does not recommend expanding the use due to concerns with compliance with City regulations.

Diana O’Dell, Senior Planner

ATTACHMENTS
2. Alcohol Beverage Control Requirements
NOTICE OF OFFICIAL ACTION

July 23, 2010

Udemex
Attn: Ulises Casarez
1020 Hansen Way
Redwood City, CA 94063

Subject: Issuance of Use Permit
Project No: UP2009-28
Property Address: 1020 Hansen Way
Assessor’s Parcel Number: 052-431-140

Dear Mr. Casarez:

Your application for a Use Permit pursuant to section 18.4 of the Zoning Ordinance to allow the operation of an indoor recreational facility was reviewed by the Zoning Administrator at a public hearing June 30, 2010. The proposed use is located within the Downtown neighborhood on the northeast corner of Hansen Way and Veterans Boulevard. The site is located in the Industrial Park (IP) Zoning District and contains approximately 78,220 square feet with multiple buildings as described below.

The proposed application is for Ulices Cazarez DBA Udemex, to convert one of three existing tenant spaces which is a warehouse building with 5,894 square feet on the ground floor and a 1,038 square foot mezzanine that was previously used for automotive repair (California Concepts) with 19 employees, into an indoor recreational facility open to the general public. The application also includes pool tables, foosball,
table tennis, and an indoor volleyball court, and free wi-fi to customers, as well as the sale of beer and wine on the premises. Udemex proposes to operate seven days a week during the hours of 2PM to 12AM with 4 employees. A total of 28 parking spaces are provided for the entire site. Because the maximum allowable occupancy for the proposed exercise center is 435 people and due to the limited number of parking spaces available, Udemex proposes to utilize the unused parking spaces located off site at the DPR Corporation located at 1450 Veterans Boulevard in order to reduce potential parking impacts to the neighborhood.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Square Footage</th>
<th>Parking Ratio</th>
<th>Existing Parking Demand</th>
<th>New Parking Demand</th>
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<tr>
<td>Paint shop</td>
<td>5,562</td>
<td>*</td>
<td>14</td>
<td>14</td>
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<tr>
<td>Proposed warehouse</td>
<td>5,238</td>
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<td>7</td>
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<tr>
<td>Existing warehouse and office</td>
<td>12,042</td>
<td>1 per 250 sq. ft.</td>
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<td>California Concepts</td>
<td>6,932</td>
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<td>70</td>
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<td>5,894</td>
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<td>Mezzanine</td>
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<td><strong>Subtotal</strong></td>
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<td>-</td>
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<td>-</td>
<td>84</td>
<td>208.64</td>
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* One (1) space for every two (2) employees on the maximum working shift, plus one (1) space for each one thousand (1,000) square feet of floor area. (Four (4) employees)

** One (1) space for every two (2) employees on the maximum working shift, plus one (1) space for each one thousand (1,000) square feet of floor area. (Vacant)

The Zoning Administrator was able to make the following findings and the application for Use Permit was approved in part, subject to the conditions of approval listed below:

**USE PERMIT FINDINGS APPROVING A PORTION OF THE USE PERMIT:**

1. The establishment, maintenance, and operation of the proposed use will not, under the circumstances of this case, be detrimental to the public health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood. The primary use of the tenant space for an indoor recreational facility use is compatible with the Industrial Park Zoning District. Section 18.4.B of the Zoning Ordinance requires a use permit for “Public or Quasi-Public uses.” Section 18.4.D allows “Privately Owned Recreation or Educational Facilities.” Consequently, the proposed indoor recreation facility corresponds to the conditionally permitted uses in the Zoning Ordinance. Moreover, because of the size requirements, anticipated low occupancy and nature of the proposed use, an indoor recreational facility could be accommodated within an industrial warehouse building. However, in order to ensure compatibility with the senior residential apartments located across the street on Veterans Boulevard, and other adjoining uses, the indoor recreational facility will be restricted to a six (6) month term. Renewal of this use will be based on full compliance with the Use Permit to ensure that the use remains compatible with the purpose of the Zoning Ordinance and uses in the immediate vicinity. The strict application of the conditions of approval as related to hours of operation, noise, parking, deliveries, trash service, and other types of operational criteria associated with this use are expected to insure that this use will not adversely impact persons residing or working in the neighborhood.
2. The establishment and operation of the proposed use will not be detrimental or injurious to property or improvements in the neighborhood because the indoor recreational facility activities will be conducted inside of the building and not expected to generate exterior nuisances such as noise, outdoor loitering and littering. Additionally, all of the operations associated with the proposed use have been found to be consistent with and supportive of the purpose of the Industrial Park Zoning District. Such uses can be allowed in the Industrial Park zone in order to minimize land use impacts to residential or commercial uses.

3. The establishment and operation of the proposed use will not be detrimental or injurious to the general welfare of the City because the use is located within the City's Industrial Park Zoning District and because such uses “are permitted subject to first securing a use permit.” The City can allow these types of uses in order to provide opportunities for recreational activities in a safe and controlled environment within the community. Moreover, as stated in the subject application, the proposed use is expected to be proactive in promoting a facility that offers youth a place to go when the elements of weather may not permit outdoor activities in the City and Region.

USE PERMIT FINDINGS DENYING THE REQUEST FOR THE SALE OF ALCOHOL:

1. The applicants request for the on-site sale of alcohol has been determined to be incompatible with the proposed exercise center. The City finds that the sale of alcohol from a public recreational facility without a restaurant has the potential to be detrimental or injurious to the general welfare of the City. The subject business is located in the Industrial Park Zoning District with adjacent industrial uses and a residential facility located across the street. Based on article 18.4 of the zoning ordinance, the sale of alcohol could be permitted with “restaurants and dance halls but not separate cocktail lounges.” Consequently, selling alcohol within the proposed sports facility is determined to be incompatible with the proposed recreational facility.

2. The sale of alcohol component of this application is expected to be detrimental or injurious to property or improvements in the neighborhood. The subject business is located on the corner of Hansen Way and Veterans Boulevard in a light industrial area with no food establishments in the immediate vicinity (Applebee’s is located over 1,300 feet away). If the sale of beer and wine is provided in existing indoor recreational facilities (within the City as well in the region), it is in conjunction with a restaurant which is typically separated from the subject recreational facility. The subject operation shows a “snack” area which opens directly into the public recreational area which could include a mix of age groups. Therefore, the sale of alcohol would be considered incompatible with the proposed primary use as a recreational facility because the subject operation does not have a restaurant incorporated within the facility. Moreover, dispensing alcohol from the proposed facility which is located across the street from a senior multi-unit residential apartment complex on Veterans is also determined to be an incompatible use.

3. When reviewing use permits, it is the City’s responsibility to ensure “that the establishment, maintenance, and operation of the facility will not under the
circumstances of this case, be detrimental to the public health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or would not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.”

City staff has reviewed other establishments such as “Silver Creek Sportsplex” – San Jose, “Off The Wall Soccer” – Santa Clara, “City Beach” – Santa Clara & Fremont, which are of the same general use and located in light industrial areas, and determined that indoor recreational facilities that served alcohol were always associated with a restaurant use that was an accessory to the sports facility. Moreover, indoor recreational facilities within the City such as “Ice Oasis”, and “Redwood Roller Rink”, do not sell alcohol or have a full service bar in the recreational facility, unless a restaurant is an accessory use to the facility. Additionally, all of the sports facilities researched that served alcohol did not allow its customers to use the recreation facilities i.e. play volleyball or soccer. Offering beer and wine with a meal could be combined; however, dispensing alcohol (only) in a sports facility is a conflicting land use.

CEQA STATUS:
The proposed project is considered categorically exempt from the requirements of the California Environmental Quality Act Guidelines pursuant to section 15301 Class 1, for minor interior tenant improvements within an existing industrial building.

CONDITIONS OF APPROVAL:  It is the responsibility of the property owner, project applicant, tenant, and/or any other party identified in this document to adhere to and perform the following conditions of approvals in the time specified. If no time is specified then the condition is considered to be an ongoing obligation.

General Conditions:
1. This Use Permit is valid for six months starting from the date of the initiation of the subject operations. This permit shall be reviewed by the Zoning Administrator at the end of this period in order to determine whether the subject operation has performed compatibility with the adjoining land uses. In addition, the maximum occupancy for the facility is 60 patrons during the hours of 2-6PM, and a maximum of 100 patrons during the hours of 6PM to midnight.

2. The subject use shall substantially conform to the plans and related information submitted to the City dated March 23, 2010, and any other relevant information on file with Planning Services, except as modified by the conditions contained herein.

3. This Use Permit is issued to Udemex. The applicant, Ulises Casarez, as owner and operator of said business, shall be required to notify in writing the Zoning Administrator in the event of any transfer of ownership/sale of business and/or change in scope of operations as approved under this Use Permit. Any change to the scope of operations as approved herein including, but not limited to, proposed uses, hours of operation, intensification of use, deliveries, and the management of trash/debris, noise, etc. shall require review and approval by the Zoning Administrator prior to commencement of said change.
4. The request for the on-premises sale of alcohol, has been denied. Consequently, per Article 42 section 42.7 of the Redwood City Zoning Ordinance, no application for a Use Permit (amendment) shall be considered within one (1) year after final actions taken in denying a previous application to the same subject matter. However, the sale of non-alcoholic beverages, snacks, candy, or other pre-package foods is approved.

   Should the applicant wish to submit a new request after one year, consideration of such an application would be based on the evaluation of the existing operations including, but not limited to, compliance with all of the conditions of approval as set forth herein, and recommendations by the Police Department.

5. Any minor modifications to said approved plans and related information must be submitted to Planning Services for review and approval by the Zoning Administrator, and may be subject to review at a subsequent public hearing. Any substantial modifications to the plans or the proposed use, as determined by Planning, Housing and Economic Development, may require the submittal of a new application.

6. The City reserves the right to modify the subject business operations, as approved in the event of any negative impacts associated with said business as determined by the Zoning Administrator and/or Police Department including, but not limited to, a reduction of hours of operation, occupancy levels, and additional limitations imposed with this permit.

7. Strict adherence to the conditions contained herein is required in order to maintain the Use Permit in good standing. Any non compliance with conditions, administrative citations associated with the use and/or criminal activity associated with the operation of the business, including the activity of its patrons, will jeopardize the standing of this Use Permit and may be cause for initiation of revocation proceedings by staff.

8. Any changes to the exterior to the building including, but not limited to, façade treatments, changes in paint color, signage, etc. shall require approval of an Architectural Permit/Sign Permit prior to said changes.

9. The applicant shall apply for a Temporary Sign Permit for any “Grand Opening” or “Special Event” banners, or other temporary banners prior to installation.

10. The applicant shall contact Allied Waste (trash services) to determine container sizes and shall submit this information on plans submitted as part of the Building Permit for interior tenant improvements. Other than during pick-up by Allied Waste, the containers shall be kept inside the building.

11. Trash and recycling facilities shall be accommodated inside the building. The applicant shall schedule the trash and recycling pick-up to ensure a clean and well maintained trash enclosure area that is free from odors and trash overflow, at all times.

12. The trash enclosure shall include recycling facilities pursuant to State law.

13. The applicant shall maintain a copy of the Use Permit on the premises at all times.
14. The applicant shall comply with all applicable local, state, and federal rules and regulations at all times. Which includes applicable Fire and Building and Zoning codes.

**Operational Conditions:**

15. The operators shall monitor the adjoining premises (parking lot for 1445 Veterans Blvd., parking lot at 1472 Oddstad St. and the “Veterans Square” parking lot at 1205 Veterans Blvd.) to ensure that patrons do not trespass, loiter, or litter on adjoining properties. Such monitoring shall include regular communication with the above businesses as well as frequent walk-through's to ensure that the area is kept clean.

16. The hours of operation are between 2PM-12AM seven (7) days a week. In the event that deviations from the approved hours of operation are reported and verified, the Zoning Administrator may hold an additional public hearing to review schedule amendments, and/or may enact Code Enforcement as a remedy.

17. During evening hours (10:00 PM to 7:00 AM), no trash cans or recyclables shall be emptied outside into dumpsters. All trash and recyclables shall be emptied during daytime hours.

18. The operators of the indoor recreational facility shall be responsible for conducting regular “walk-throughs” in the vicinity of the subject facility (within a one (1) block radius) and at the DPR parking lot.

19. Per Article 27 of the Municipal Code, No sexually explicit activities or entertainment, shall be allowed on the premises at all times.

20. No gambling or illegal activities defined in the Municipal, State, and Federal Codes shall not be allowed on the premises at any given time.

21. Sound levels such as amplified music associated with the business shall not exceed the ambient sound level by more than 5dBA at the nearest property lines on any side of the business. This condition necessitates that the interior side door remain closed in the evening hours after 8:00 PM to ensure that the residential uses across the street on Veterans Boulevard are not adversely impacted by noise. The Hansen Way facing roll-up door shall not be open during hours of operation.

22. No live broadcast radio shows shall take place on the premises unless Planning Housing and Economic Development Department has reviewed an application and granted such approval for the event.

**Parking:**

23. The project plans show a total of 28 parking stalls on site: this parking provision is for the entire site, which includes a paint shop (which currently parks its vehicles on-site in an additional un-striped parking area), a proposed warehouse (vacant), an existing warehouse and office (vacant), and the subject recreational facility. Therefore, as the vacant sites become occupied, the property owner shall be responsible for ensuring that these new tenants do not detrimentally impact the parking conditions associated with this use permit. The City hereby reserves the right to
require an additional use permit application to evaluate the parking conditions on site for new tenants.

24. The DPR Corporation located at 1450 Veterans Blvd. has provided a written agreement whereby Udemex employees and patrons can utilize unused parking spaces on the DPR facilities for the purposes of overflow parking for the subject recreational facility. This provision of additional parking is based on the documented availability of unused parking at DPR. The agreement on file with the Planning, Housing and Economic Development Department provides Udemex with a total of 40 parking spaces during the hours of 2PM to 6PM and a total of 60 parking spaces from the hours of 6PM to midnight.

25. The occupancy (number of patrons) of the subject recreational facility is hereby limited to its on-site parking capacity in order to avoid over-flow on to adjacent properties. This implies that patrons of the subject facility shall park in the designated parking spaces on-site and at the DPR parking facilities. The parking-to-occupancy ratio is therefore determined by the number of cars which can be accommodated on site (and DPR parking lot); on-street parking does not apply to the parking calculations for the site.

26. In the event that the parking spaces involved in the subject DPR/Udemex parking agreement are no longer available, the applicant shall notify the City immediately and the occupancy of Udemex shall be reduced accordingly, as determined by the City.

27. Employees of the recreational facility shall park at the DPR parking lot in order to facilitate on-site parking by patrons (28 parking spaces available).

28. The business operator of the recreation facility shall provide a shuttle service to patrons parking across the street in the DPR parking lot. The operator of the subject facility shall also be responsible for communicating to patrons of the subject facility (via emails, advertisement, brochures, information maps, etc.) instructions designed to prevent Jay-walking across Veterans Boulevard and information regarding the available designated pedestrian crossings.

**Police Department Conditions:**

29. The applicant shall provide a private security guard(s) to monitor the area (outside the premises) as determined by the Police Department,

30. The applicant shall compensate the Redwood City Police Department for any extraordinary use of police resources deemed necessary by the Redwood City Police Department. The rate of compensation shall be per the Police Department fee schedule for a minimum of two officers, for the amount of time needed to deal with the situation.

31. Any violations of the law or threatened violations shall be immediately reported to the Police Department and full cooperation shall be given by employees and management of the business to the Police Department.
**Building Department Conditions:**

32. The occupancy of the building for the proposed use is classified as assembly group A3 with an occupant load of 435 as per Sections 303 and 1004 of California Building Code (CBC), edition 2007. And as a result of change of occupancy from the previous use, the new occupancy category is bumped up from category II to category III as per Section 1604.5 of CBC 2007.

33. When a change of occupancy results in a structure to be reclassified to a higher category, the structure shall conform to the seismic requirement for a new building as per Section 3406 of CBC 2007.

34. The building must be seismically retrofitted to current CBC 2007 requirements. Submit structural calculations, plan and details prepared by a licensed professional civil engineer and a site specific geotechnical report for building permit submittal.

35. The building must be entirely accessible and conform to the provisions of California disabled access regulations, Chapter 11B of CBC 2007. This includes but not limited to the onsite parking stalls, accessible route to the building entrance and required exit doors, entry doors, exit doors, sanitary facilities etc.

36. The number of sanitary facilities must conform to the requirements set forth by Table 4-1 of California Plumbing Code 2007.

37. The building life safety, electrical, plumbing, mechanical and energy use and consumption must comply with the current standards.

**Fire Department Conditions:**

38. In accordance with the 2007 California Building Code, the proposed use is classified as a Group A-3 Occupancy.

39. An approved automatic fire sprinkler system shall be installed in all buildings and structures when there is a change in occupancy group or use from a less hazardous to a more hazardous occupancy group or use. (City Ordinance 2326)

40. A fire hydrant shall be located within 50 feet of the fire department connection (FDC) of the fire sprinkler system. (Redwood City Engineering Standards)

41. The number of occupants shall be computed at the rate of one occupant per unit of area prescribed in California Building Code Table 1004.1.1. (CBC 1004.1.1)

   a. The occupant load of the main floor is 366.
   b. The occupant load of the mezzanine is 69.

   **Note:** The occupancy numbers above are a codified maximum but do not constitute the allowable occupancy granted with this use permit.

42. The occupant load of a mezzanine level with egress onto a room or area below shall be added to that room or area’s occupant load and the capacity of the exits shall be designed for the total occupant load thus established. (CBC 1004.6)
43. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place near the main exit or exit access doorway from the room or space. (CBC 1004.3)

44. A manual fire alarm system shall be installed in Group A occupancies having an occupant load of 300 or more. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler and the alarm notification appliances will activate upon sprinkler water flow. (CFC 907.2.1)

45. One exterior approved audible device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system. (CFC 903.4.2)

46. All valves controlling the water supply for automatic fire sprinkler systems and water flow switches shall be electronically supervised. (IFC 903.4)

47. All rooms and spaces within each story shall be provided with and have access to the minimum number of approved independent exits required by California Building Code Table 1019.1 except as modified by Section 1015.1 or 1019.2.

   a. **Two exits are required from the mezzanine.**
   b. **Two exits are required from the main floor to the exterior.**

48. Where a building is equipped throughout with an automatic fire sprinkler system, the separation distance of the exit doors or exit access doorways shall not be less than one-third of the length of the maximum overall diagonal dimension of the area served. (CBC 1015.2.1)

49. Egress doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons. (CBC 1008.1.2)

50. **This includes the existing gate, which swings inward. The maximum width of a swinging door leaf shall be 48 inches nominal.**

51. Each door in a means of egress from a Group A occupancy having an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware. (CBC 1008.1.9)

52. **This includes the hardware on the existing gate. The actuation portion of the release device shall extend at least one half of the door leaf.**

53. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. (CBC 1011.1)

54. Tactile exit signs shall be required at each grade-level exterior door. (CBC 1011.3)
55. Exterior exit doors shall lead directly to the exit discharge or the public way. (CBC 1018.2.2)

56. The power supply for means of egress illumination shall normally be provided by the premises’ electrical supply. In the event of power failure, an emergency electrical system shall automatically illuminate interior exit discharge elements in buildings required to have two or more exits. (CBC 1006.3)

57. Guards shall be located along open sided mezzanines and stairs that are located more than 30 inches above the floor or grade below. Guards shall form a protective barrier not less than 42 inches high, measured vertically above the leading edge of the tread, adjacent walking surface, adjacent seatboard. Open guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From a height of 34 inches to 42 inches above the adjacent walking surfaces, a sphere 8 inches in diameter shall not pass. (CBC) 1013)

58. Stairways shall have handrails on each side. (CBC 1009.10)

59. Handrails height, measured above stair tread nosing, shall be uniform, not less than 34 inches and not more than 38 inches. The handgrip portion of handrails shall not be less than 1-1/4 inches or more than 1-1/2 inches in cross-sectional nominal dimension or the shape shall provide an equivalent gripping surface. (CBC 1012 and 1133B.4.2.6)

60. Handrails shall extend a minimum of 12 inches beyond the top nosing and 12 inches, plus the tread width, beyond the bottom nosing. (CBC 1133B.4.2.2)

61. Stair treads shall be no less than 11 inches deep, measured from riser to riser. Stair riser heights shall be 7 inches maximum and 4 inches minimum. (CBC 1133B.4.5)

62. Open stair risers are not permitted. (CBC 1133B.4.5.2)

63. Interior stairs shall have the upper approach and the lower tread marked by a stripe providing clear visual contrast. The stripe shall be a minimum of 2 inches wide to a maximum 4 inches wide placed parallel to, and not more than 1 inch from the nose of the step or upper approach. (CBC 1133B.4.4)

64. A complement of fire extinguishers with a minimum classification of 2A:10BC shall be mounted and placed so that the maximum travel distance to an extinguisher on a floor by floor basis is 50 feet. (CFC 906.3)

65. A key box of sufficient size shall be installed at all entrances to the building. These key boxes shall contain sufficient numbers of keys to allow access to all parts of the building as well as the fire protection equipment and systems. (IFC 506.1)

66. Remove the existing combustible awnings between the buildings.
67. The construction of the existing restroom facilities located within the permanently affixed trailer does not meet the fire-resistive construction based upon its fire separation distance. (CBC 602)

68. All upholstered furniture shall comply with Technical Bulletin 117. (Title 4, CCR, Article 13, Section 1374)

**Follow Up Conditions:**

69. The City reserves the right to monitor all activities at the establishment and to impose additional conditions to this Use Permit at any time.

70. Violation of any of the above conditions, as determined by the City, may result in revocation procedures for the subject operation, as outlined in the Zoning Ordinance. Changes in any of the basic operations, building design, and or site layout and access as presented to the City in application materials or at public hearing may result in termination of this Use Permit.

71. Any future revisions of this Use Permit, such as the extension of the approved hours of operation and the provision of on-site outside seating, will require a complete application for a new Use Permit, including plans as described in City handouts, associated permit fees, and any other materials deemed necessary by the Zoning Administrator.

Where a Use Permit have not been used within one (1) year from the date of granting, either by beginning of construction of the improvements or by the initiation of the activity, which is the subject of the Use Permit, said Permit shall automatically terminate and be of no further effect.

If approved, no building or zoning permit shall be issued, and no use shall be established except in accordance with and subject to the terms and conditions outlined above, and in no case shall such permit be issued or use established prior to the final action on any appeals that may be filed within the appeal period. Any appeal made in accordance with the provisions of Article 48, Section 48.2, of the Zoning Ordinance, must be received by the City Clerk no later than seven calendar days after the date of this Notice of Official Action by 5:00 p.m. on July 28, 2010. As such, this Use Permit and Sidewalk Café Permit shall become effective on the eighth (8th) day following the date of approval by the Zoning Administrator, on July 29, 2010, unless an appeal to said decision has been filed in accordance with the provisions stated above.

__________________________   __________________________
Christopher Rogers     Charles Jany
Assistant Planner     Zoning Administrator

cc: John LaTorra, Chief Building Official, City of Redwood City
Sergeant Steven Blanc, Redwood City Police Department
Jamie Lee, Fire Prevention Officer, Redwood City Fire Department
Steven Solorio, Code Enforcement Officer, City of Redwood City
Mke Schonenberg, 2101 Woodside Rd., Woodside, CA 94062
Robert Watson Jr., 1269 Veterans Blvd. Redwood City, CA 94063
Tom Haid, 1445 Veterans Blvd., Redwood City, CA 94063
Gordon Robertson (property owner), 1483 Perez Dr. Pacifica, CA 94044
Carol Baccaro, carolb1210@att.net
<table>
<thead>
<tr>
<th>LICENSE TYPE</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>01</td>
<td>BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer’s licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer’s licensed premises or at a bona fide eating place contiguous to the manufacturer’s licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.</td>
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<tr>
<td>02</td>
<td>WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.</td>
</tr>
<tr>
<td>20</td>
<td>OFF SALE BEER &amp; WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.</td>
</tr>
<tr>
<td>21</td>
<td>OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.</td>
</tr>
<tr>
<td>23</td>
<td>SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.</td>
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<tr>
<td>40</td>
<td>ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.</td>
</tr>
<tr>
<td>41</td>
<td>ON SALE BEER &amp; WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.</td>
</tr>
<tr>
<td>42</td>
<td>ON SALE BEER &amp; WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.</td>
</tr>
<tr>
<td>47</td>
<td>ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.</td>
</tr>
<tr>
<td>48</td>
<td>ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.</td>
</tr>
<tr>
<td>49</td>
<td>ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.</td>
</tr>
</tbody>
</table>
Frequently Asked Questions

These are ABC's most frequently asked questions about:

LICENSES

Q. 4. What is an alcoholic beverage license?

A. A license issued under the Act is a permit to do that which would otherwise be unlawful. A license is not a right, but is a privilege, which can be suspended or revoked by administrative action because of violation of the Act or departmental rule. (Sections 23300 and 23355)

Q. 5. What are the types of retail licenses?

A.

- On-Sale General-authorizes the sale of all types of alcoholic beverages: namely, beer, wine and distilled spirits, for consumption on the premises, and the sale of beer and wine for consumption off the premises.
- Off-Sale General-authorizes the sale of all types of alcoholic beverages for consumption off the premises in original, sealed containers.
- On-Sale Beer and Wine-authorizes the sale of all types of wine and malt beverages (e.g., beer, porter, ale, stout and malt liquor) for consumption on and off the premises.
- Off-Sale Beer and Wine-authorizes the sale of all types of wine and malt beverages for consumption off the premises in original, sealed containers.
- On-Sale Beer-authorizes the sale of malt beverages for consumption on and off the premises. (Sections 23393, 23394, 23396 and 23399)

Q. 6. What is a "bona fide public eating place"?

A. Licensed premises that are maintained in good faith and used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. (Sections 23038 and 23787)