



Legislation Details (With Text)

**File #:** 23-0046      **Version:** 1      **Name:** UP No. 22-00010 Restaurant 3 The Rhythm Room  
**Type:** Use Permits      **Status:** Passed  
**File created:** 2/14/2023      **In control:** City Council Legislative Session  
**On agenda:** 5/10/2023      **Final action:** 5/10/2023  
**Title:** Use Permit by Gregory Braxton, to Permit a Restaurant 3 at 1471 Merchant Lane [LRSN: 13002022]  
**Sponsors:**  
**Indexes:** , DO NOT USE - 21 - Placemaking  
**Code sections:**  
**Attachments:** 1. Conditions, 2. Application, 3. Staff Report, 4. Presentation - Updated, 5. Addendum to Staff Report

Date	Ver.	Action By	Action	Result
5/10/2023	1	City Council Legislative Session	approved	Pass

Use Permit by Gregory Braxton, to Permit a Restaurant 3 at 1471 Merchant Lane [LRSN: 13002022]

**Background Statement:**

Use Permit Application No. 22-00010 is a request to operate a restaurant 3 including one-hundred eighty (180) square feet of indoor live entertainment performance area, hours as late as 2:00AM, and serving alcohol. The subject property is located at 1471 Merchant Lane [LRSN: 13002022]. The property is currently zoned Limited Commercial (C-2) District. C-2 allows for restaurant 3, subject to an approved use permit.

If the use permit is to be granted, staff recommends attaching thirteen (13) conditions based upon the proposed use’s operational and land use characteristics. Among the conditions are limitations on hours of operation for the restaurant. The hours proposed in the conditions are longer than what is proposed by the applicant, which would allow the operator flexibility in when they choose to operate in the future. Given the location within Peninsula Town Center and other surrounding uses, these conditioned hours proposed by staff are appropriate. The conditioned hours are also consistent with other live entertainment and restaurant use permits granted in this district.

**Recommendations:**

Staff Recommendation:

Staff Recommends Approval of Use Permit Application No. 22-00010 with thirteen (13) conditions.

Planning Commission Recommendation:

Staff Recommends Approval of Use Permit Application No. 22-00010 with thirteen (13) conditions.