



CITY OF CHICO OFFICIAL PLANNING DIRECTOR INTERPRETATION

Authority: Chico Municipal Code Sections 19.02.020.E. (Allowable Uses of Land) and 19.02.030 (Procedures for interpretations)

Applicable Code Sections: Sections 19.04.020.C. (Definitions, "C"), and 19.44.020 (Commercial/office zone land uses and permit requirements)

Discussion: A proposal has been submitted to the City to open a new type of business, the Winchester Goose, a beer and wine cafe specializing in rare and premium craft beverages and unique food offerings, on property located at 800 Broadway Street. The site is located within the DS (Downtown South) zoning district.

Based upon the information contained in a letter provided by the business owner, I have determined that this business is unique and does not clearly fit into any of the listed land use classifications in Table 4-6 "Allowed Uses and Permit Requirements for Commercial Zoning Districts." Further, pursuant to Section 19.02.020.E.1 of the Municipal Code, I have determined that this unlisted use has characteristics that are equivalent to a restaurant use, which is permitted in the Downtown South zoning district, and that therefore this unlisted use is allowable as a permitted use.

Facts supporting this determination include:

1. The limited hours of operation (always closing by 11 p.m.) that are similar to a restaurant;
2. The business model's unique relationship between food and beer, including a changing, seasonal menu offered during all operating hours, as well as regular, special dinners that include complementary pairings of fine food and craft beers; and
3. The fact that the type 42 ABC license is for beer and wine only, and that the license is needed not due to a disparity in the volume of alcohol sales compared to food sales, but rather the high cost of the rare and premium craft beers and wine being served (\$5 to \$50) in relation to the food prices.

I hereby make the following findings in support of this interpretation:

- a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district or TND designation as*

allowable, and will not involve a higher level of activity or density and/or intensity than the uses listed in the district or TND designation.

The limited hours of operation, substantial volume of food sales, and unique nature of the Winchester Goose make the business equivalent to a restaurant use, a use allowed by right in the DS zoning district.

- b. The proposed use will meet the purpose/intent of the zoning district or TND designation that is applied to the site.*

The DS zoning district is intended for a wide range of retail and a limited range of commercial services, including restaurants.

- c. The proposed use will be consistent with the goals, objectives, and policies of the Chico General Plan.*

The proposed use will result in the revitalization and reuse of an historic building in the "Junction" portion of Chico's Downtown South area. The following General Plan goals, objectives, and policies are applicable to this determination:

- DT-1.1 Maintain and enhance the vitality and economic well-being of Downtown to support its status as the City's center.
- DT-3.2 Ensure a lively streetscape environment.
- DT-7.2 Increase the use of the existing Downtown parking supply.
- DT-8.1 Encourage the preservation, enhancement, and adaptive reuse of buildings of special historic or architectural interest.
- ED-1.5.2 Support the development and enhancement of "Third Places" (places people go after work or when not at home), including open space, recreation, art and entertainment venues.

Interpretation:

Pursuant to Section 19.02.020.E.1 of the Municipal Code, I have determined that the unlisted use of a Craft Beer and Wine Café as described in the attached letter has operating characteristics and activities that are equivalent to a restaurant use, which is permitted in the Downtown South zoning district, and that therefore this unlisted use is allowable as a permitted use.

This Official Interpretation is effective immediately.



Mark Wolfe, Community Development Director

Date: August 5, 2013