



DATE: September 1, 2017

TO: ZONING ADMINISTRATOR

FROM: David Young, Senior Planner, 879-6535 or david.young@chicoca.gov

RE: Use Permit 17-14 (The Commons) – 2412 Park Avenue; APN 039-430-046
Alcoholic Beverage Establishment

File: UP 17-14

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 17-14 (The Commons), based on the findings and subject to the recommended conditions of approval in this report.

BACKGROUND

This is a request to operate an alcoholic beverage establishment in an existing building. The taproom would be approximately 2,524 square feet and the outdoor patio and seating area is approximately 1,128 square feet. The remaining portion of the building is used for warehouse space and is not part of the proposed project. The business model is a self-serve beer taproom where patrons purchase beer cards, giving them the opportunity to choose the type and amount of beer of each pour, which is then subtracted from the card amount.

The site is located at 2412 Park Avenue, at the intersection of Park Avenue and Meyers Street (see **Attachment A, Location/Notification Map**). The site is designated Commercial Services (CS) on the General Plan Land Use Diagram and is located in the CS (Commercial Services) zoning district.

Pursuant to Chico Municipal Code (CMC) Section 19.44.020, Table 4-6 – *Commercial and Office Zone General Development Standards*, alcoholic beverage establishments are allowed in the CS district subject to use permit authorization.

The project site is currently developed with two buildings. One building that would support the proposed taproom/patio area and the other is operated as a sandwich shop (see **Attachment B, Plat to Accompany Use Permit 17-14**). Access to the site is provided via entrances off of Park Avenue and Meyers Street. Parking would be provided on- and off-site on an adjacent parcel (APN 039-430-047) through a Reciprocal Parking Agreement (see **Attachment C – Reciprocal Parking Agreement**).

DISCUSSION

The proposal is to operate a self-serving taproom with outdoor patio seating in an existing vacant building. The proposed infill space is 2,524 square feet with an outdoor patio area of approximately 1,128 square feet for a total of 3,652 square feet. The taproom will operate seven days a week from 12:00 pm to 2:00 am.

The proposed project would include interior renovations for the taproom and construction of an outdoor patio space located adjacent to the public right-of-way on Park Avenue. The

interior space would be remodeled to include a taproom, a serving bar, and customer seating and tables. The patio area would be improved with landscaping, tables and seating, and new fencing to provide separation between the public right-of-way and patrons.

As indicated, parking would be provided on- and off-site on an adjacent parcel (APN 039-430-047) through a Reciprocal Parking Agreement. CMC Section 19.70 Parking and Loading Standards, Table 5-4 sets forth parking requirements for establishments for a drinking establishment which require one parking space for each 5 seats or 1 parking space for each 94 square feet of customer floor area, including outside dining, whichever is greater. Warehouse uses require one space per 1,875 square feet of floor area.

The taproom and patio area would total of 3,652 square feet. The warehouse space is 1,708 square feet. The taproom and patio area would require 39 spaces and the warehouse space would require one additional space for a total of 40 vehicle spaces. Per CMC requirements, four bicycle spaces would also need to be provided.

The applicant has requested a parking reduction in accordance with CMC 19.70.050 and would provide both on- and off-site shared parking through a Reciprocal Parking Agreement. Non-residential parking facilities may be shared if multiple uses on the same site cooperatively operate the facilities and if uses generate parking demands primarily when other uses are not in operation. Shared parking may be approved if:

1. The number of spaces provided will meet the greatest parking demand of any participating use;
2. Evidence, as deemed satisfactory by the Zoning Administrator, has been submitted by the parties operating the shared parking facility. The evidence shall describe the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
3. Additional documents, covenants, deed restrictions, or other agreements may be deemed necessary by the Zoning Administrator to ensure that the parking spaces provided are maintained and uses as approved for the life of the non-residential development.

CMC 19.70.060 H. Off-Site Parking Location Requirements. The following shall apply to providing off-street parking at an off-site location:

1. A portion or all of the required off-street spaces, including required access, may be located on any parcel within 500 feet of the site;
2. The approval shall be based on accessibility to the main use or structure, and the use of the neighboring parcel(s);
3. The applicant shall provide evidence, as deemed satisfactory by the Zoning Administrator, that a suitable long-term lease or other binding agreement can be

executed and recorded which would guarantee that the parcel containing the main use or structure has an irrevocable right to utilize the identified parcel for parking; and

4. The provision shall not apply where joint use parking and/or access are included as part of a subdivision approval.

The applicant has provided a Parking Analysis and Reciprocal Parking Agreement which establishes an irrevocable right to utilize off-street on the adjacent parcel (APN 039-430-047) (see **Attachment C – Parking Analysis and Reciprocal Parking Agreement**).

As indicated in the Parking Analysis, the amount of spaces provided will meet the greatest demand of any of the uses on both parcels. In addition, there are public transit stops on Park Avenue and bicycle lanes and pedestrian walkways adjacent to the site to encourage non-vehicular transportation. The off-site parking is within 500 feet of the taproom and patio area and would provide safe vehicle and pedestrian access. Additionally, the Reciprocal Parking Agreement ensures adequate parking spaces would be provided to meet the peak demands of the proposed project, other uses on the sites, and that the project will not overburden public parking supplies in the area.

Businesses Which Sell Alcohol

Where allowed, all bars, liquor stores, and restaurants with full bar are subject to compliance with the operational standards set forth under CMC 19.76.200 (Businesses which sell alcohol), which include but are not limited to:

- Responsible beverage service (RBS) training for staff selling alcohol;
- Requirements to limit nuisance activities associated with the sale of alcohol;
- Limitations on noise;
- Standards for maintaining the exterior appearance of the business;
- Standards requiring staff to control any queue forming outside the business; and
- Limits on the timing of alcohol sales during specific holiday and special event times

Adopted by the City Council in 2015, these standards set forth practices to ensure compatibility with surrounding business and are included in conditions of approval below. They also become conditions of licenses for alcohol sales issued by the California Department of Alcoholic Beverage Control. Staff recommends approval of the use permit.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). Consistent with this exemption, the project involves the conversion of existing

structure where only minor modifications are made to the exterior of the structure. The project is consistent with the applicable General Plan designation and zoning regulations.

FINDINGS

Following a public hearing, the Zoning Administrator may approve a use permit application, with or without conditions, only if all of the following findings can be made:

Use Permit Findings

- A. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Alcoholic establishments are allowed in the CS zoning district with an approved use permit, according to Chico Municipal Code Section 19.44.020, Table 4-6. This use permit has been processed in accordance with the requirements of Chapter 19.24.

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

The proposed project request is to operate a taproom and outdoor patio area in an existing vacant building on a currently developed site. The project is subject to all City of Chico Municipal Code and California Department of Alcohol and Beverage Control (ABC) requirements for alcoholic beverage establishments. No impacts to the health, safety, or welfare of neighborhood residents have been identified.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The project would include minor interior and exterior improvements to an existing structure. Existing regulations require that public improvements be repaired and/or replaced as needed if damaged during construction. The proposed use and improvements are not associated with heavy truck traffic or other similar equipment which could damage public roads or adjacent properties. No other impacts to property or improvements have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed taproom and outdoor patio area is consistent with allowed uses with an approved Use Permit in the Community Services. The project is also consistent with General Plan goals and policies that encourage compatible infill development (LU-4 and LU-4.2).

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

The proposed use and improvements are in an existing vacant building and in a Commercial Services zoning district. As such, the project is substantially compatible with other existing development and future land uses in the area.

RECOMMENDED CONDITIONS OF APPROVAL

1. The permittee is authorized to operate an alcoholic beverage establishment at 2412 Park Avenue (APN 039-430-046), in substantial accord with the "Plat to Accompany Use Permit 17-14 (The Commons)" except as modified by any other condition of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the California Department of Alcohol and Beverage Control (ABC), Butte County Environmental Health Division, and City Building and Development Services Department, Police Department, and Fire Department. The applicant is responsible for contacting these offices to verify the need for permits.
3. Final details of the patio area shall be subject to administrative site design and architectural review.
4. The permittee shall maintain the business frontage and other exterior areas associated with the use free of litter.
5. The permittee shall install and maintain adequate exterior lighting, such that the appearance and conduct of all persons in or about the area are easily discernable.
6. The permittee shall regularly police the business frontage area in an effort to prevent loitering.
7. The permittee shall keep a copy of the approved use permit on the premises and make these conditions available upon the demand of any peace officer at all times.
8. All servers shall complete responsible beverage service (RBS) training no later than 60 days after the date of hire.
9. The business shall provide sufficient staff to control any queue which forms outside the businesses. The queue shall be managed to allow free passage on sidewalks adjacent to the business at all times.
10. The business shall take action to prevent nuisance activities associated with the sale of alcohol, including: disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
11. The exterior of the business, including the adjacent right-of-way, shall be kept clean. Any litter, detritus, or other mess outside the business shall be cleaned promptly by the business, in no case later than 9 a.m. the following morning.
12. Any music being played outside the business shall comply with the City's noise ordinance.
13. The business shall comply with all applicable federal, state, and local laws.
14. The business shall not sell or serve alcohol earlier than 11 a.m. nor later than 12 a.m. (midnight) on the following days each year:

- A. St. Patrick's Day, March 17;
 - B. Cesar Chavez Day, March 31;
 - C. The Friday and Saturday of CSU, Chico graduation weekend in May;
 - D. Thursday through Saturday of Labor Day weekend;
 - E. Halloween, October 31.
15. Alcoholic beverages to be consumed on-site shall be served in standard sizes that are consistent with the industry.

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed to all property owners and tenants within 500 feet of the project site. At the time of this report being published, staff has not received any public comments.

DISTRIBUTION:

Internal (2)

Brendan Vieg, Zoning Administrator

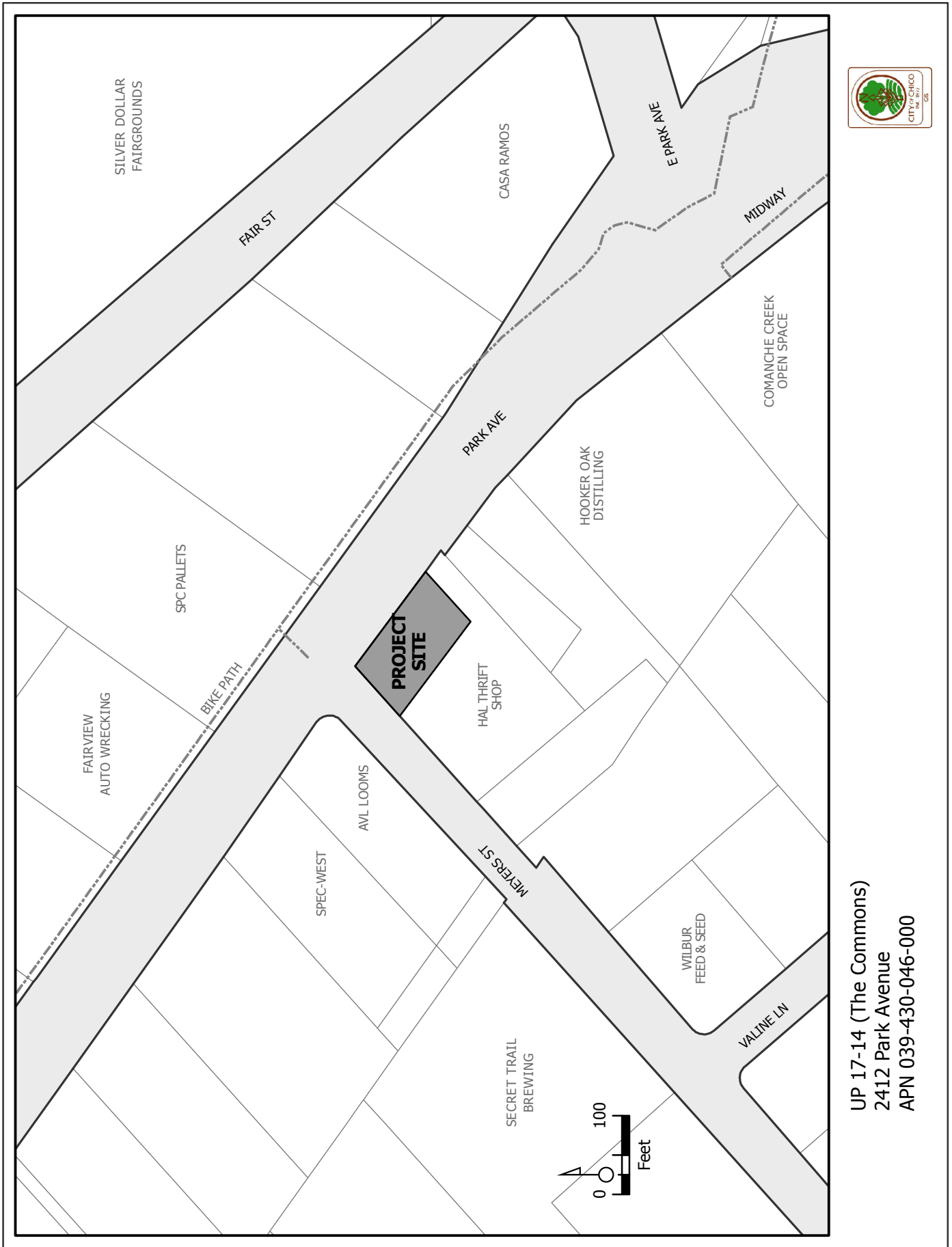
David Young, Senior Planner

External (1)

Russell Gallaway and Associates, 115 Meyers Street, Suite 110, Chico, CA 95928

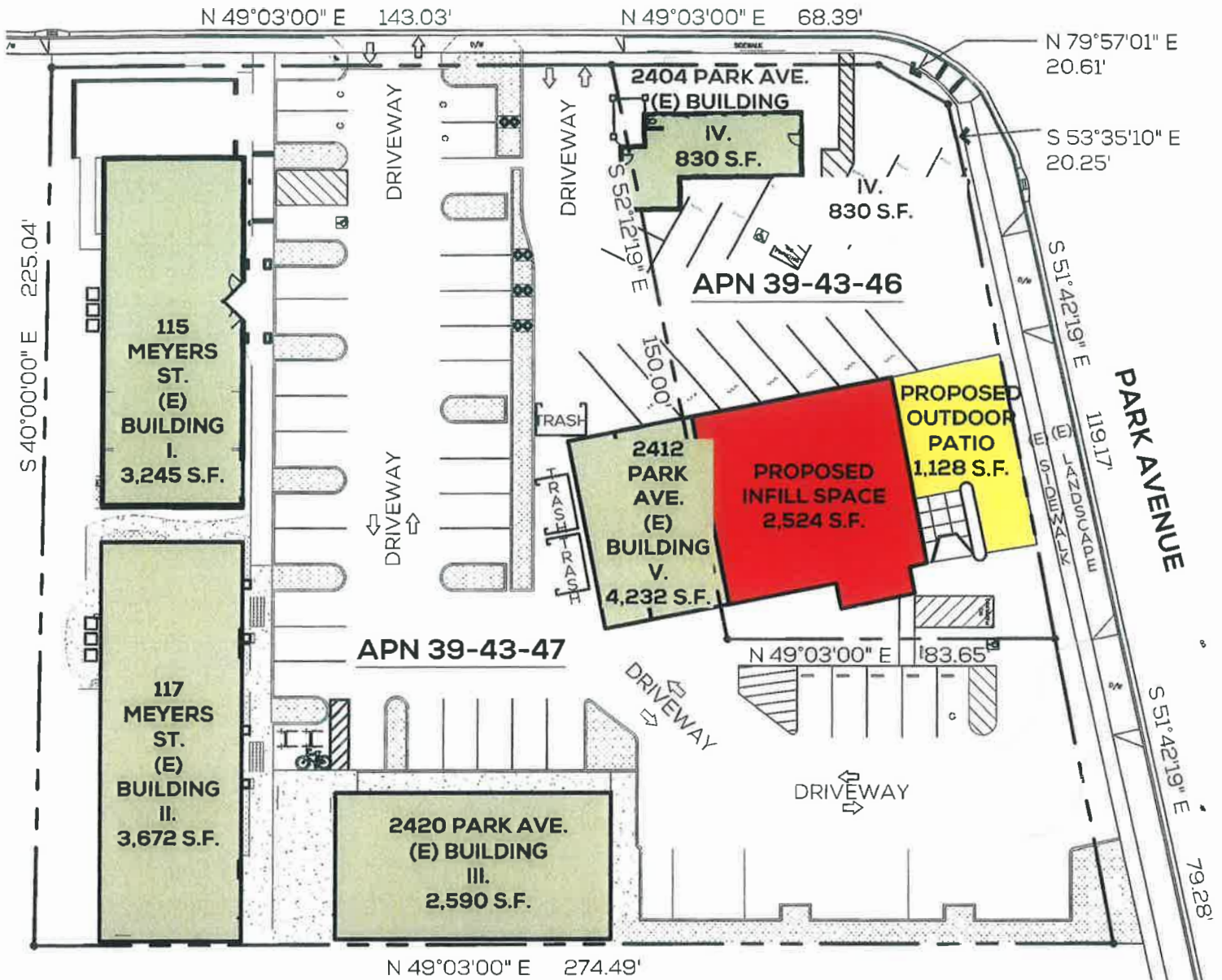
ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 17-12 (The Commons)
- C. Reciprocal Parking Agreement

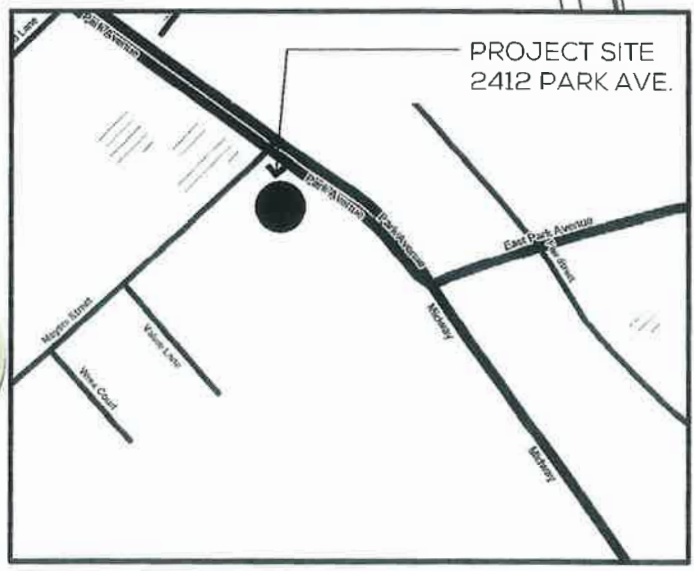
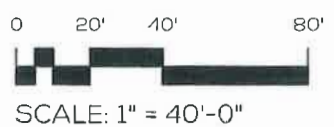


UP 17-14 (The Commons)
 2412 Park Avenue
 APN 039-430-046-000

MEYERS STREET



- PROPERTY LINE
- (E) BUILDING
- PROPOSED INFILL SPACE
- PROPOSED OUTDOOR PATIO



RECEIVED

AUG 09 2017

CITY OF CHICO
BUILDING DIVISION

Meyers Properties, LLC
115 Meyers Street, Suite 110
Chico, Ca. 95928
(530) 342-0302

RECIPROCAL PARKING AGREEMENT BETWEEN LOTS MEYERS
PROPERTIES
LOTS 039-430-046 AND 039-430-047

This agreement is set forth to describe the specific terms upon issuance of Use Permit 17-15 (The Commons Taproom) and prior issuance of a Certificate of Occupancy for the use, Meyers Properties LLC will execute and record a deed restriction on the property located at 115 Meyers Street/2420 Park Avenue (APN 039-430-047) for the benefit of property located at 2412 Park Avenue (APN 039-430-046). The deed restriction will guarantee that the alcoholic beverage establishment use located on APN 039-430-046 has an irrevocable right to utilize off-street parking located on APN 039-430-047, to the extent that Chico Municipal Code requirements for off-street parking require more spaces than contained on APN 039-430-046. Only the specific terms outlined in this agreement will be honored. Any alterations, variance or amendment to the agreement must be in writing and signed by the owners of both parcels.

As long as this reciprocating parking agreement remains intact, the agreement will be valid.

TERMS AND CONDITIONS:

1. As both parcels are owned by the same entity, the authorizing agent for Meyer's Properties LLC will act on behalf of both properties.
2. Hours of operation and parking use shall be in compliance with Tenant leases as issued by Meyers Properties, LLC. Said leases shall address peak parking uses and attempt to homogenize the hourly and daily ebs and flows associated with each tenant on the two parcels.
3. It is recognized that parking is a commodity associated with each of the properties and lack of parking results in a lack of marketability. No tenant on either of the properties shall be deprived of parking during their peak use.

4. A parking use study shall be provided prior to the engagement of any lease. This study shall illustrate compliance with the City of Chico Title 19 parking requirements at peak use for the combined properties.

Signature of this agreement indicates that you have read, completely understand and fully agree to all of the aforementioned terms and conditions of this agreement.



Don Russell, Managing Partner
Meyers Properties, LLC
115 Meyers Street, Suite 110
Chico, Ca. 95928
530-342-0302

Date: August 9, 2017

| <i>Time</i> | <i>rga</i> | <i>GCI</i> | <i>Lawers</i> | <i>Hooker Oak</i> | <i>Sub Station</i> | <i>Commons (anticipated)</i> | <i>TOTAL</i> |
|-------------|------------|------------|---------------|-------------------|--------------------|------------------------------|--------------|
| 6am | 2 | 2 | 0 | 0 | 0 | 0 | 4 |
| 7am | 12 | 10 | 0 | 0 | 0 | 0 | 22 |
| 8am | 14 | 12 | 1 | 0 | 0 | 0 | 27 |
| 9am | 14 | 12 | 1 | 0 | 2 | 0 | 29 |
| 10am | 14 | 12 | 1 | 2 | 2 | 0 | 31 |
| 11am | 14 | 12 | 1 | 4 | 10 | 2 | 43 |
| 12pm | 14 | 12 | 1 | 6 | 20 | 2 | 55 |
| 1pm | 14 | 12 | 1 | 6 | 16 | 2 | 51 |
| 2pm | 14 | 12 | 1 | 6 | 10 | 8 | 51 |
| 3pm | 14 | 12 | 1 | 4 | 8 | 6 | 45 |
| 4pm | 12 | 12 | 1 | 6 | 2 | 14 | 47 |
| 5pm | 4 | 2 | 0 | 6 | 0 | 20 | 32 |
| 6pm | 2 | 0 | 0 | 4 | 0 | 16 | 22 |
| 7pm | 0 | 0 | 0 | 0 | 0 | 16 | 16 |
| 8pm | 0 | 0 | 0 | 0 | 0 | 18 | 18 |
| 9pm | 0 | 0 | 0 | 0 | 0 | 20 | 20 |
| 10pm | 0 | 0 | 0 | 0 | 0 | 20 | 20 |
| 11pm | 0 | 0 | 0 | 0 | 0 | 24 | 24 |
| 12pm | 0 | 0 | 0 | 0 | 0 | 16 | 16 |
| 1am | 0 | 0 | 0 | 0 | 0 | 10 | 10 |
| 2am | 0 | 0 | 0 | 0 | 0 | 4 | 4 |

RECEIVED
JUL 28 2017
CITY OF CHICO
PLANNING SERVICES

Parking Space Use For Each Business Relative To Time Of Day

