



DATE: April 10, 2018

File: UP 17-20

TO: ZONING ADMINISTRATOR

FROM: Kimber Gutierrez, Associate Planner, 530-879-6810, kimber.gutierrez@chicoca.gov

RE: Use Permit 17-20 (Park Avenue Pub), 2010 Park Avenue, APN 005-264-031

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 17-20 (Park Avenue Pub), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

The approximately 4,800-square foot site is located at 2010 Park Avenue at the south corner of Park Avenue and West 20th Street (APN 005-264-031) (See **Attachment A**, Location-Notification Map, and **Attachment B**, Plat to Accompany Use Permit 17-20). The site is designated Commercial Mixed Use on the City of Chico General Plan Land Use Diagram and is zoned CC-COS-SD8 (Community Commercial with Corridor Opportunity Site (Park Avenue) and Special Design-8 (Southwest Chico Neighborhood) overlays).

The site currently contains an operating bar/restaurant, Park Avenue Pub. The existing site layout includes the existing pub building, covered side patio, and four established parking spaces with direct access (front in/back out) from Park Avenue (**Attachment C**, Existing Site Plan).

The proposed project involves eliminating the four existing parking spaces along Park Avenue to create a new outdoor patio area. Parking for the existing business and new patio expansion is proposed to be provided off-site by the adjacent Arc Store parking area. In addition, a total net reduction of four spaces is being requested for the shared parking lot. Exterior architectural and site design improvements associated with the proposal include new siding material, new paint colors, signage, lighting, window canopies, and landscaping, which will be subject to separate site design and architectural review approval.

DISCUSSION AND ANALYSIS

Pursuant to Chico Municipal Code (CMC) 19.70.040 (*Number of parking spaces required*), bars must provide one space for each five seats or one space for each 94 square feet of customer floor area, including outside dining, whichever is greater. Additionally, 10 percent of required vehicle spaces shall constitute the number of required bicycle spaces.

It was determined that the four existing non-conforming parking spaces would need to be relocated in addition to the required number of parking generated by the new patio expansion. The new patio would create a code-equivalent total of 1,001 square feet of customer floor area resulting in 10 required on-site parking spaces and one required bicycle space. The relocation of the existing four spaces plus the 10 spaces generated from the

patio expansion result in a total of 14 required on-site parking spaces (**Parking Summary Table**, see below).

Since the new patio would be eliminating the site's only designated off-street parking area, the applicant is proposing a reduction and relocation of the required number of parking spaces. The applicant is proposing to share off-street parking at the adjacent parking area owned by the Arc. The Arc is a non-profit community organization that helps individuals with developmental disabilities. The parking area serves all of the Arc's facilities including a thrift store, administrative offices and an event pavilion. Since the pub's peak business hours would directly align with the Arc's event pavilion the amount of parking spaces required was determined on the square footage of the pavilion space and the pub. The combined total of spaces to accommodate Park Avenue Pub (14 spaces) and the Arc Pavilion (85 spaces) is 99 required spaces. The existing Arc parking area contains 95 parking spaces, which results in a code calculated parking shortage of four additional spaces. Since this is the maximum capacity of parking spaces available, Park Avenue Pub is seeking a four space parking reduction (**Attachment D**, Existing Parking Plan).

Parking Summary Table

Park Avenue Pub	14 spaces
Arc	85 spaces
Total Spaces Required	99 spaces
Proposed Reduction	4 spaces
Total Provided	95 spaces

Vehicle Parking

CMC Section 19.70.050(A) establishes the City's parking reduction requirements.

A. The minimum number of off-street parking spaces may be reduced as part of an entitlement approval or through subsequent approval of a use permit. Applicants proposing a parking reduction shall provide documentation, including quantitative analysis, that justifies the proposed number of parking spaces based on the site and proposed land use(s). A reduction of off-street parking pursuant to this section may be allowed only if both of the following findings can be made:

- 1. The project site meets one of the following:*
 - a. The site is zoned RMU or has a –COS overlay zone;*
 - b. The site is located within an area of mixed-use development;*
 - c. The project will implement sufficient vehicle trip reduction measures (such as vehicles loan programs and transit passes) to offset the reduction; or*
 - d. The area is served by public transit, bicycle facilities, or has other features which encourage pedestrian access.*

2. *The proposed parking reduction is not likely to overburden public parking supplies in the project vicinity.*

The project site is within the Park Avenue Corridor Opportunity Site overlay zone; therefore, meeting the first parking reduction requirement. The proposed parking reduction would not likely overburden public parking supplies in the project vicinity as the applicant is proposing to provide parking off-site at the adjacent Arc parking area (see discussion below). Furthermore, there is ample vacant and underutilized on-street parking available adjacent to the site on West 20th Street.

CMC Section 19.70.060(H) establishes the City's off-site parking location requirements.

H. Off-site Location Requirements. The following requirements 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 existing conditions site plan (**Attachment C**) shows the location of the Arc Store parking area, which is located on the south-adjacent parcel (APN 005-264-041) less than 500 feet from the Park Avenue Pub and can be accessed via the existing sidewalk along Park Avenue. The applicant has provided a Parking Agreement which establishes that the Arc will be providing Park Avenue Pub parking privileges from their adjacent building parking lot (see **Attachment E** – Parking Agreement). Staff has included a condition that the proposed Parking Agreement be recorded prior to the issuance of building permits. The proposed project is not a part of a subdivision approval, which enables Finding 4 above to be made in the negative.

The Park Avenue Pub currently publicizes the available parking at the Arc on their menus. In order to provide additional clarity for patrons, staff is proposing a condition for the applicant to post wayfinding signage as part of the new patio installation and exterior improvements to direct customers to utilize the parking area at the Arc Store. Additionally, the Park Avenue Pub's peak business hours differ from the Arc Store's peak business hours. Park Avenue

Pub is open from 11 am to 11:59 pm and the Arc Store is open from 10 am to 6 pm. The pub receives a majority of its business in the late evening when the Arc Store is closed. Therefore, the corresponding peak/off-peak hours for both businesses results in more efficient parking usage.

Bicycle Parking and Transit

The proposed project includes the installation of bike racks near the bar's front entry (**Attachment B**). The amount of proposed bicycle parking would exceed the CMC requirement of 10 percent of required vehicle parking spaces. Access to convenient transit routes is available on both Park Avenue and East 20th Street.

OTHER ENTITLEMENTS

All proposed improvements, including the building renovation, landscaping, and other improvements will be subject to site design and architectural review pursuant to CMC 19.18 (*Site Design and Architectural Review*), as well as review and approval by other City departments.

ENVIRONMENTAL REVIEW

The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures). Consistent with this exemption, the project involves minor construction modification to the exterior of the structures. 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 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).*

A restaurant with a full bar is a permitted use within the CC (Community Commercial) zoning district pursuant to Chico Municipal Code Section 19.44.020 (*Commercial/office zone land uses and permit requirements*). This use permit has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

- 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 project is an existing use and would not pose additional impact on neighboring businesses and residences than what is already established. The use is within the Park Avenue Corridor Opportunity Site overlay zone, which has established development standards that encourage a safe and pleasant pedestrian environment with an attractive streetscape, and limits conflicts between vehicles and pedestrians. The proposed patio expansion and elimination of the parking spaces from the Park Avenue frontage would not only assist in creating a more active pedestrian environment, but would eliminate an existing hazard of vehicles backing onto Park Avenue. Currently, the Park Avenue Pub's parking spaces force drivers to reverse onto the Park Avenue thru lane with oncoming traffic. This problem is more acute due to the close proximity to the W 20th Street and Park Avenue intersection where turning movements also interfere with the travel path of cars backing out from the driveway. The proposed project would eliminate negative impacts related to health, safety, and/or general welfare of persons residing or working in the surrounding neighborhood.

- 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.*

As discussed, the proposed project would be promoting a more pedestrian-oriented environment at the south corner of Park Avenue and W 20th Street by eliminating a parking hazard and potential point of conflict with cars backing into oncoming traffic along the pub's Park Avenue frontage. The existing driveway is proposed to be eliminated and in its place a new patio with sidewalk, landscaping and lighting improvements. Existing regulations require that any public improvements damaged during the course of construction be repaired or reconstructed by the applicant.

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

The proposed project is consistent with the Commercial Mixed Use designation for the site and several General Plan goals. The project encourages revitalization of the designated Park Avenue Opportunity Site (LU-5.1), provides a convenient and continuous pedestrian travel free from major impediments (CIRC-4.2), and endorses the rehabilitation and revitalization of existing neighborhoods (H.5). The proposed outdoor patio adjacent to the sidewalk strengthens the pedestrian scale and activates the storefront.

- 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 project is an existing use and would not pose additional impact on neighboring businesses and residences than what is already established. The pub would continue to operate as a restaurant/bar and is consistent with other uses in the vicinity. The proposed development, combined with the listed conditions, will ensure compatibility with existing and future land uses in the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 17-20 authorizes Park Avenue Pub to provide off-street parking at an off-site location, in substantial accord with the "Plat to Accompany Use Permit 17-20 (Park Avenue Pub)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
3. All new construction, site improvements and landscaping shall be subject to site design and architectural review by staff, prior to issuance of building permits. Staff may modify and condition the site as deemed necessary.
4. Prior to issuance of building permits, the permittee shall record the parking agreement and provide a recorded copy to Planning staff.
5. Prior to final building inspection, the permittee shall coordinate with Planning staff to conduct a site visit to ensure all elements of the site plan have been executed, including, but not limited to installation of parking wayfinding signage and shielded exterior lighting consistent with CMC 19.60.050 (*Exterior lighting*).

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date and notices were mailed out to all property owners and tenants within 500 feet of the project site.

Neighborhood Meeting

On November 14, 2017, a neighborhood meeting was held at the project site. The project applicants and City staff were present, however, no tenants or owners from the area attended the meeting.

DISTRIBUTION

Internal (2)

Brendan Vieg, Zoning Administrator
Kimber Gutierrez, Associate Planner

External (3)

Steve Gibson, Email: sgib@jps.net
Dave Moore, Email: davemoore220@gmail.com
Park Avenue Pub, Attn: Kenny Moore, 2010 Park Avenue, Chico, CA 95928

ATTACHMENTS

- A. Location Map
- B. Plat to Accompany Use Permit 17-20 (Park Avenue Pub)
- C. Existing Conditions Site Plan
- D. Existing Parking Plan
- E. Parking Agreement

X:\Current Planning\Use Permits\2017\20 Park Avenue Pub\ZA Meeting 4-24-18\ZA Report UP 17-20 (Park Ave Pub).doc



UP 17-20 (Park Avenue Pub)
 2010 Park Avenue
 APN 005-264-031-000

SITE COVERAGE %
95% EXITING DEVELOPED SITE
03% EXISING LANDSCAPING
2% NEW LANDSCAPING
TOTAL 100%
EASEMENTS
NO CHANGE TO EXISTING EASEMENTS

EXISTING BUILDING - THE ARC

EXISTING BUILDING
 PARK AVE. PUB
 2010 PARK AVE
 CHICO, CA
 APN #005-264-031



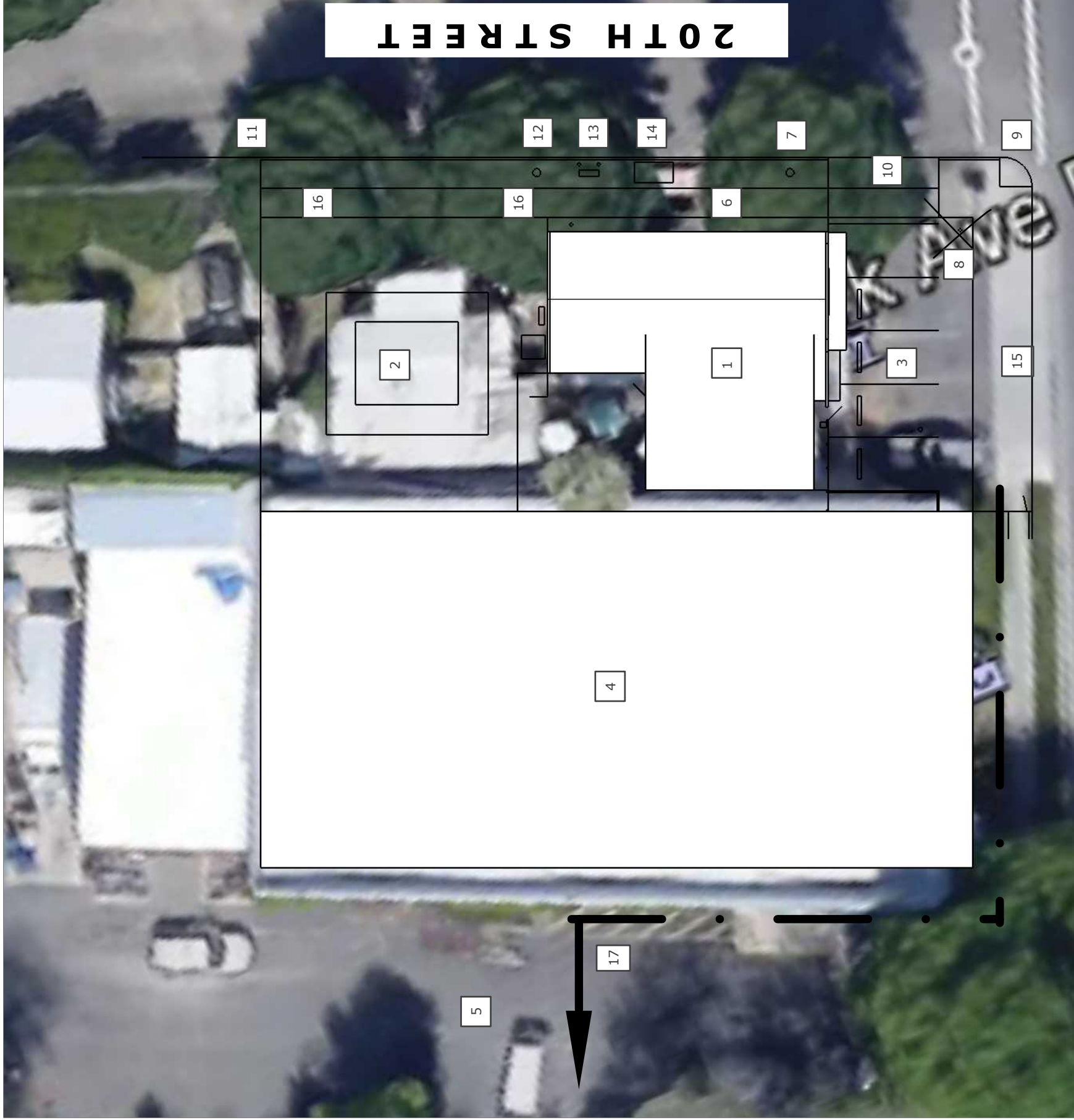
WEST 20TH STREET

PARK AVENUE

- 1 (E) ROOF MOUNTED EXHAUST HOOD
- 2 (E) COVERED PATIO
- 3 (E) TELEPHONE CABINET
- 4 NEW SIDEWALK, CURB & GUTTER
- 5 EXSTING TREE
- 6 NEW BIKE RACK, 7'-0"
- 7 REPLACE SIDE WALK
- 8 REMOVE (E) DRIVE ISLE, REPLACE W/NEW CONCRETE WALKWAY
- 9 NEW MAIN ENTRY/EXIT
- 10 NEW ENTRY GATE 4'-0" CLEAR
- 11 NEW 26'-0" X 38'-6" CONC PATIO
- 12 NEW PATIO WALL - 4'-0" TALL
- 13 NEW WOOD & GALV. MTL. SCREEN - 7'-0" TALL, TYP. OF 4.
- 14 EXISTING RAMP
- 15 NEW DROUGHT REISITANT LANDSCAPING
- 16 NEW EMERGENCY EXIT
- 17 NEW SHADE CANOPY, 24'-4" X 30'-6"
- 18 RELOCATE N/G METER
- 19 NEW SIDEWALK

PARK AVE PUB
 KENNY MOORE AND DAVE MOORE - OWNERS
 2010 PARK AVENUE
 CHICO , CA 95928

PATIO EXPANSION



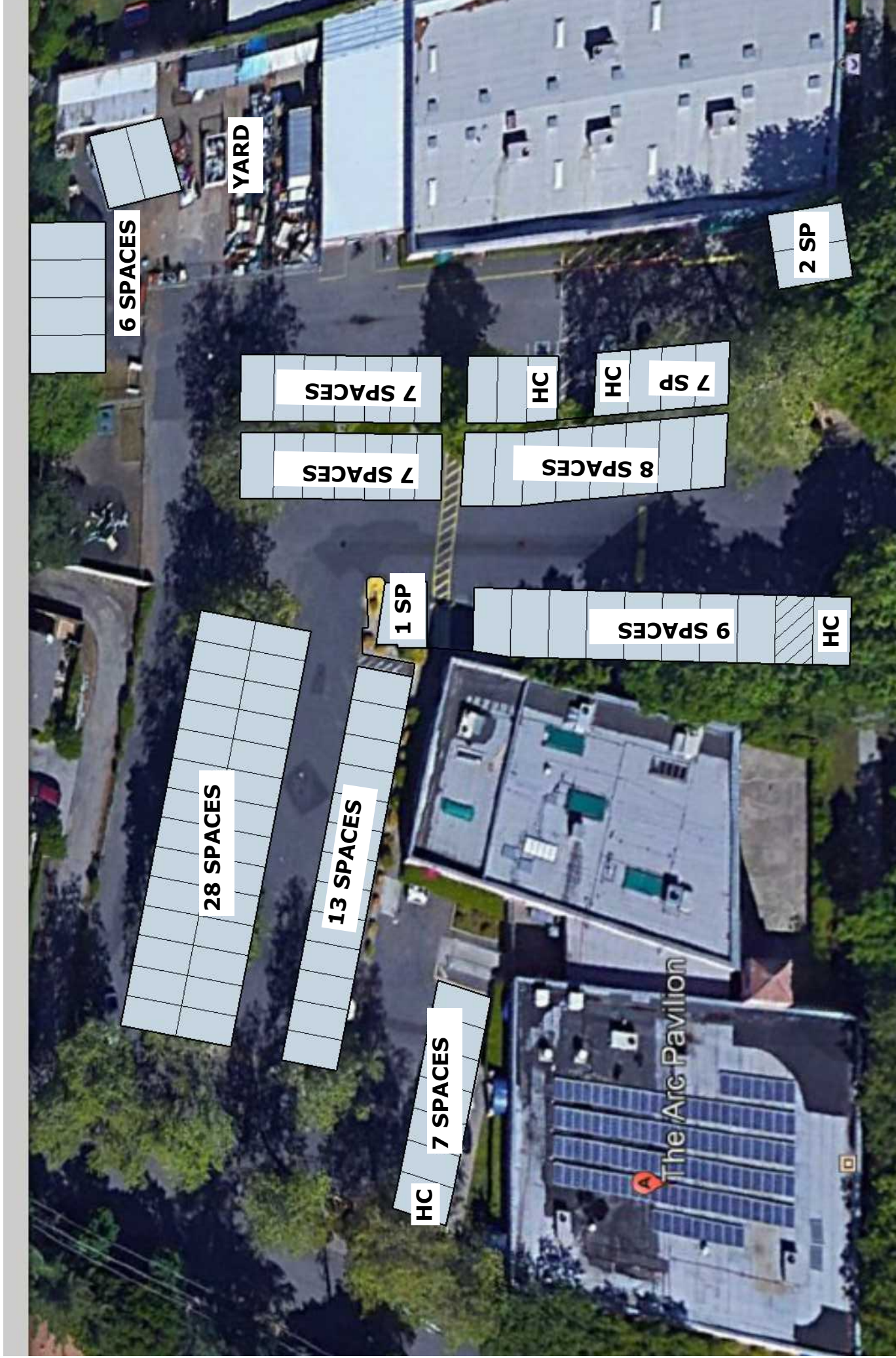
PARK AVE.

EXISTING SITE PLAN
 scale: 1"=240'



- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | EXISTING PARK AVE PUB |
| 2 | EXISTING RESIDENCE - NOT A PART |
| 3 | EXISTING PARKING TO BE RELOCATED-4 TOTAL |
| 4 | EXISTING ARC OF BUTTE COUNTY - NOT A PART |
| 5 | EXISTING ARC OF BUTTE CO. PARKING LOT - 2020 PARK AVE. SEE A09
APN # 005-264-041
SHARED PARKING AGREEMENT |
| 6 | ARC PAVILION - 3600 S.F./94 S.F.
SPACES REQUIRED - 85
TOTAL REQUIRED - 99
TOTAL W/PARKING REDUCTION - 93
TOTAL PROVIDED - 93 |
| 7 | EXISTING PUBLIC WAY TO BE REPLACED |
| 8 | EXISTING TREE TO REMAIN |
| 9 | EXISTING SIGN TO BE REMOVED |
| 10 | EXISTING RAMP |
| 11 | EXISTING NON-COMPLIANT CURB CUT |
| 12 | EXISTING PROPERTY LINES - NO CHANGE |
| 13 | EXISTING UTILITY - TO REMAIN |
| 14 | EXISTING ABOVE GROUND COMMUNICATION BOX AND BOLLARDS - TO REMAIN |
| 15 | EXISTING U.G. VAULT - TO REMAIN |
| 16 | EXISTING CONCRETE APRON TO BE REPLACED WITH CITY STANDARD CURB AND PUBLIC SIDE WALK |
| 17 | EXISTING TREE TO REMAIN |

Steve Gibson & Associates



21ST STREET

PARK AVE.

EXISTING ARC OF BUTTE CO. PARKING LOT - 2020
 PARK AVE. SEE A09
 APN # 005-264-041
 SHARED PARKING AGREEMENT

ARC PAVILION - 3600 S.F./94 S.F.
 SPACES REQUIRED - 85
 TOTAL REQUIRED - 99
 TOTAL W/PARKING REDUCTION - 95
 TOTAL - 95 = TOTAL PROVIDED 95

EXISTING PARKING PLAN

scale: N.T.S.

A
09

Parking Agreement Between
The Arc of Butte County and Park Avenue Pub LLC


This agreement is set forth to describe the specific terms under which THE ARC OF BUTTE COUNTY (THE ARC) will provide PARK AVENUE PUB LLC (PARK AVE PUB) with parking privileges from their adjacent building parking lot. Only specific terms outlined in this agreement will be honored. Any alterations, variance or amendment to this agreement must be in writing and signed by both parties.

As long as this parking agreement remains intact between David Moore of PARK AVE PUB and the Board of Directors of THE ARC, this agreement will be valid.

TERMS AND CONDITIONS:

1. In the event of an accident, loss or claim that may occur at THE ARC from a person doing business with PARK AVE PUB, PARK AVE PUB will assume all obligations and liabilities. THE ARC shall be made harmless from and against all such liabilities and costs.
2. The PARK AVE PUB names THE ARC as an Additional Insured and will provide THE ARC with proof of general liability, a certificate of insurance on an Annual basis.
3. This agreement is in effect for a ten (10) year term from the date signed below. This agreement will automatically renew for another ten (10) year term unless one or both parties request cancellation of this agreement in writing before the end of the first ten (10) year term.

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



David Moore
Owner, PARK AVE PUB LLC

3/27/18
Date



Courtney Casey
President, Board of Directors
THE ARC OF BUTTE COUNTY

March 26, 2018
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

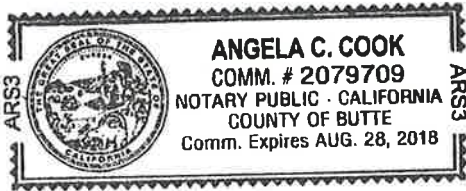
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Butte)
On 3.27.2018 before me, Angela C. Cook, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared David Moore and
Name(s) of Signer(s)
Cartney Casey

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Angela C. Cook
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Parking Agreement Document Date: 3.27.18
Number of Pages: 1 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____ Signer's Name: _____
 Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____
Signer Is Representing: _____ Signer Is Representing: _____

Arc of Butte County
Board of Directors Meeting, Chico, CA
Minutes for March 26, 2018

Present: Courtney Casey (President), Cheryl Benjamin (Vice President), Scott Laursen (Treasurer), Ed Caldwell (Secretary), Michael McGinnis, Colleen Kendall, Jackie Benjamin, Ken Colgan, Janet Carroll, Elena Eisenlauer, Isabel Bunch, Lisa Gunn.

Absent: Erik Lyon, Linda Wilson, Lucretia Greminger.

Staff Present: Tom Leonardi (Exec. Dir.) Patti Thomas (Assoc. Dir.), Nelson Corwin (Assoc. Dir.), Ruth Beibers (Assoc. Dir.), Kathy McCreary (Resource Dev.) Karen Wildman (Acct.), Constance O'Connor (Store Manager).

1. Call to Order: 5:30 p.m.
2. Minutes for February BOD Meeting: **m/Cheryl to approve. 2/Jackie. Approved unanimously.**
3. **Committee Reports:**
 - a. **Executive Committee:** Didn't meet.
 - b. **Fundraising Committee:**
 - a. Arc Winetasting event was discussed.
 - b. See Kathy's attached report.
 - c. Kathy met with Ken and his daughter Mary to discuss a fundraising event on July 17, 2018 at Tres Hombres from 5:30-7:30. More information to come.

4. **Executive Directors/Financial Report:**

Our financials look positive at this point with a net of \$32K in February and services are up \$80K from February 2017. We are hiring 5-10 employees a week in Respite Program due to the increase of hours by FNRC.

Credit line was approved for \$250K. Our payroll is growing due to large amounts of hours in Respite.

Paradise Store will close April 1, 2018 and property inspection will take place on Thursday.


Tom has submitted 2 grant proposals for the playground. We still have the grant monies from North Valley Community Foundation that is earmarked for the playground.

Tom will be meeting with the FNRC job developer and Diana Anderson (Dir. Community Services) to discuss job opportunities and funding for clients. Meeting is in Chico on April 11.

We continue to be in negotiations with SEIU for new contract. Their NLRB complaints were withdrawn.

Arc California conferences were attended by Tom, Michael, Lisa and Cheryl. Cheryl and Lisa spoke about some of the content of those meetings.

5. **Old Business:**

- a. We are on the list for roof repair on the west side of the Admin building. This 1st phase will cost about \$12K. The 2nd phase which is for the rest of the admin building is about \$30K.
- b.  Park Avenue Pub Parking Agreement: Our insurance broker at Interwest made some recommendations regarding the Agreement and the Certificate of Liability. These changes were added to the documents. **m/Ed to approve the Agreement. 2/Cheryl. Approved unanimously.**

6. **New Business:**

- a. **Committee Formations:** Ken presented the idea of forming board committees to address and assist with specific issues that affect Arc's budget. He suggests three committees and encouraged all board members to contribute ideas for other committees.
 1. Assist stores in generating more sales.
 2. Reduce cost and work with Accts. Payable to go out and research non-profit breaks that can help us.

3. Streamline field work for instructors with use of laptops and emails.

Board members will identify the areas that they think need to be addressed or areas that they each think they can contribute to. Everyone will bring their ideas to the April Board meeting to

- b. Lisa announced the Kids Carnival will be on May 5th at Durham Park. She needs donations of cupcakes and sugar cookies to decorate.

Meeting adjourned: 7:10 p.

April Meeting: Oroville, Monday, April 23, 2018 at 6:00 p.m. Arc Van leaves Chico at 5:30. Please call Kathy to confirm that you are riding in the van.

May Meeting: Paradise, Monday, May 28, 2018 at 5:30 p.m. Please call Kathy to confirm that you are riding in the van.