



DATE: June 15, 2018

File: UP 18-08

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Assistant Planner 879-6807 shannon.costa@chicoca.gov

RE: Use Permit 18-08 (Subway Nord Avenue)
959 Nord Avenue, APN 043-290-114

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 18-08 (Subway Nord Avenue) based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to authorize drive-through sales for an existing commercial building to accommodate a new Subway restaurant and to allow a rear yard privacy wall to reach eight-feet in height at 959 Nord Avenue. The site is located on west side of Nord Avenue, at the junction of W. Sacramento Avenue and Nord Avenue. The site is currently developed with a commercial building (formally Star Liquors) that would be remodeled (see **Attachment A**, Location Map and **Attachment B**, Site Plan to Accompany Use Permit 18-08).

The site is zoned CC-AOD (Community Commercial with Aircraft Operations Zone D overlay), and is designated Commercial Mixed Use in the City's General Plan Land Use Diagram. A use permit is required to authorize a new drive-through sales use in the CC zoning district, pursuant to Chico Municipal Code (CMC) Section 19.44.020, Table 4-6. New drive-through uses must comply with City standards set forth under Chico Municipal Code (CMC) Section 19.76.070 (Drive-in and drive-through facilities). Furthermore, a use permit is required to allow fencing to exceed the allowable six-feet in height, pursuant to CMC 19.60.060 (Fencing and screening).

In addition to the proposed drive-through service, the applicant is proposing exterior improvements to the building and additional landscaping. Detailed site improvements and architecture associated with the new building will be reviewed by Planning staff under a separate application.

DISCUSSION

As depicted on the site plan, the new drive-through window would be located on the northwest side of the building. The drive-through lane has queuing room for approximately four vehicles. CMC 19.76.070 requires that all new drive through aisles provide sufficient stacking area for six vehicles, unless an interior traffic study modeling vehicular queuing is provided. The applicant (Subway Restaurants) has provided an analysis of typical usage of drive-through facilities for three existing Subway restaurants in the region (see **Attachment C**, Historical Drive-thru Location Usage). The analysis indicates that average vehicles per hour during peak hours (lunch rush and dinner rush) for the site most like Chico (Yuba City) ranges from 10-14 cars with an average order time of five to seven minutes per vehicle. Given this historical data and the limited number of cars expected to utilize the drive-through window, it is not anticipated that the proposed drive-through facility would generate vehicle

queuing numbers that would result in the disruption of on-site circulation. This shopping center, and the West Sacramento/Nord Avenue intersection in general, has high levels of bicycle and pedestrian traffic due to its proximity to student housing and the CSUC campus. Staff supports the reduction in queuing space with the recommended condition of approval (see Condition of Approval #4) that should cars begin to queue in a manner that interferes with on-site circulation and parking facilities (greater than four vehicles), restaurant staff shall communicate verbally to the customer at the service window to move forward and park in a designated parking space(s) and staff will hand-deliver the order to the customer in the parking space(s). Further, staff recommends a condition of approval (see Condition of Approval #5) that any subsequent use of the drive-through facilities other than Subway shall provide staff with an interior traffic model so that staff can determine if additional queuing or traffic control is necessary.

An eight-foot CMU wall is proposed along the rear property line, which is required when a new drive-through facility is adjacent to a residentially zoned property. The wall will act to prevent headlight glare and reduce visibility of vehicles from impacting adjacent residential neighbors. Subway's drive-through model features a touch-screen menu board, so noise commonly associated with loud speakers would be infrequent, if at all. A one-foot landscape buffer is provided in front of the wall and staff recommends a condition of approval (see Condition of Approval #6) that creeping vines be planted to soften the appearance of the eight-foot wall. All other CMC requirements in regard to drive-through facilities have been achieved.

The proposed project would maintain compatibility with the surrounding commercial uses that include other restaurants and grocery stores. The rehabilitation of an existing, vacant commercial building implements General Plan goals and policies that encourage and promote compatible infill development (LU-4.1, LU-4.2, LU-4.3 and CD-5) and encourage neighborhood serving elements (LU-3.2) The use is also consistent with the City's desire for intensification and revitalization of commercial uses. 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 consists of the conversion of a new commercial pad building less than 10,000 square feet in size, including drive-through food sales, not involving the use of significant amounts of hazardous substances, where all necessary public services are available, and the surrounding area is not environmentally sensitive habitat.

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).*

Chico Municipal Code Section 19.44.020 allows drive-through sales in the CC zoning district, subject to use permit approval. A use permit is required to allow fencing to exceed the allowable six-feet in height, pursuant to CMC 19.60.060. 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 use consists of the addition of drive-through sales to an existing commercial building. All drive-through improvements including the eight-foot masonry privacy wall will be constructed to City standards, which are intended to promote the health, safety, and general welfare of the public. No new access points will be created, so there will be no new sight distance hazards, and there is adequate vehicle stacking for the proposed use. 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 proposed use consists of the addition of drive-through sales for an existing commercial building with the addition of an eight-foot privacy wall. No new heavy truck traffic which could damage existing public roads is proposed, and existing regulations require that any public improvements damaged during the course of construction be repaired or reconstructed by the applicant. 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 drive-through sales use is consistent with the Commercial Mixed-Use designation for the site, which accommodates a wide variety of retail uses, including those which are auto-oriented (such as drive-through uses). Approval of the project is also consistent with General Plan goals and policies to enhance Chico's long-term prosperity (ED-1), ensure that regulations and permitting processes for the conduct of commerce do not unreasonably inhibit local business activity (ED-1.3), and promote land use compatibility through use restrictions and development standards (LU-2.4). No specific, area, or neighborhood plans apply to the project.

- 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 consists of the addition of drive-through sales for an existing commercial building. The use is located at the junction of West Sacramento Avenue

and Hwy 32 (principal arterial) and is compatible with existing retail development within the shopping center and on nearby properties. Compliance with the City's drive-through regulations will ensure compatibility with surrounding land uses. The new structure, landscaping, and site improvements are subject to architectural review, and must be found consistent with the City's adopted Design Guidelines Manual.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 18-08 authorizes drive-through sales for and existing commercial building located at 959 Nord Avenue, in substantial accord with the "Site Plan to Accompany Use Permit 18-08 (Subway Nord Avenue)" 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, as established in CMC 19.18.
4. Should cars begin to queue in a manner that interferes with on-site circulation and parking facilities (greater than four vehicles), restaurant staff shall communicate verbally to the customer at the service window to move forward and park in a designated parking space and staff will hand-deliver the order to the customer in the parking space(s).
5. Any subsequent use of the drive-through facility other than Subway shall provide staff with an interior traffic model so that staff can determine if additional queuing or traffic control is necessary.
6. Creeping/climbing vines shall be planted and maintained within the one-foot landscape strip in front of the eight-foot wall.

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. At the time of the staff report being published, no comments have been received from the public.

DISTRIBUTION:

Internal (2)

Bruce Ambo, Principle Planner

Shannon Costa, Assistant Planner

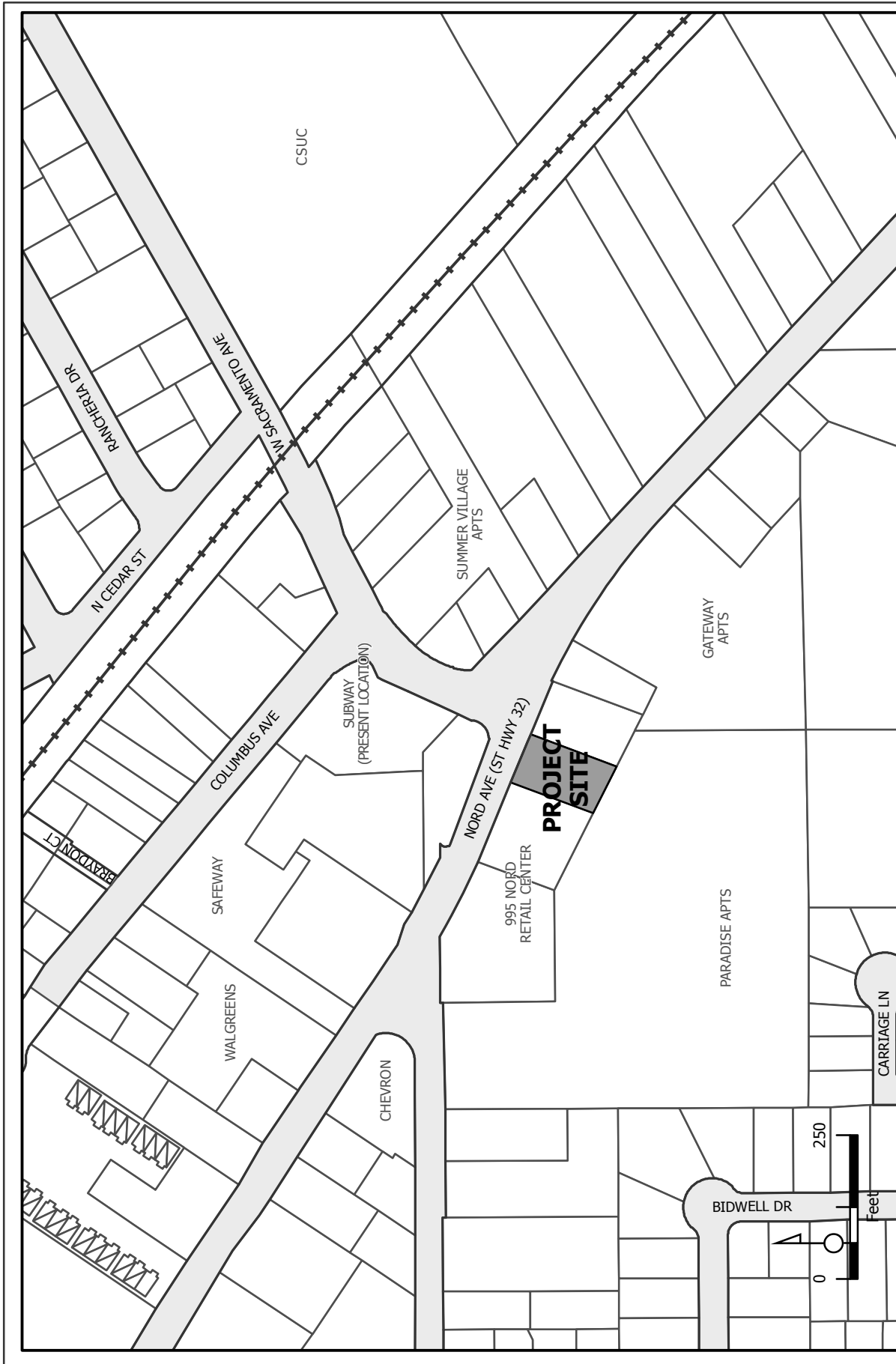
External (2)

Ravi Gundimeda, 2485 Notre Dame Blvd, Suite 370-269, Chico, CA 95928
Eric Ausmus <ericausmus@gmail.com>

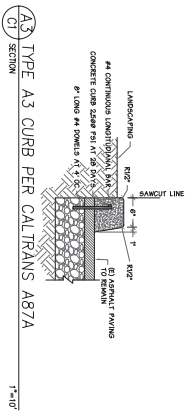
ATTACHMENTS:

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 18-08 (Subway Nord Avenue)
- C. Historical Drive-thru Location Usage

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UP 18-08 (Subway Nord Avenue)
 959 Nord Avenue
 APN 043-290-114-000

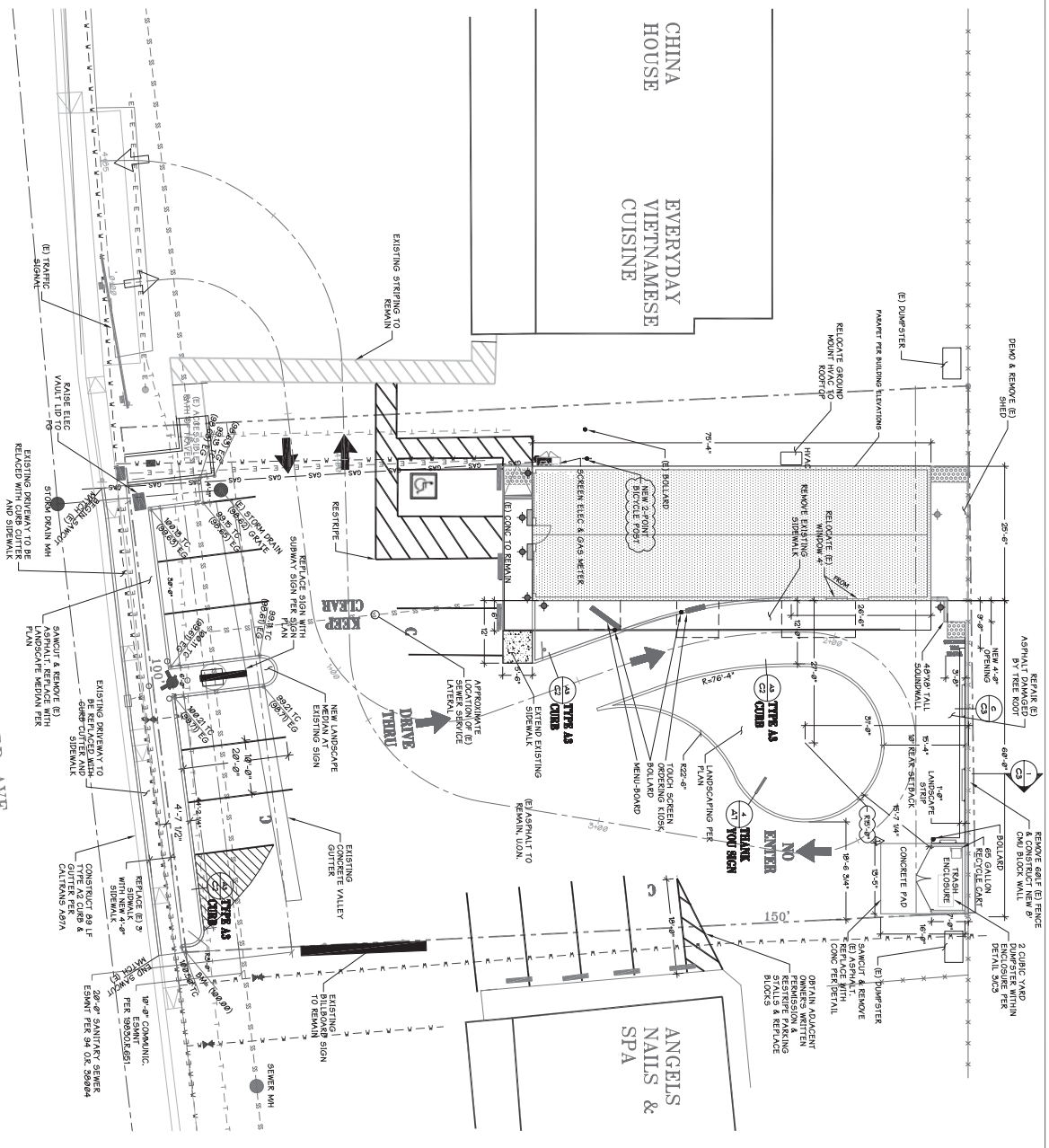


PRELIMINARY
NOT FOR CONSTRUCTION

1 CIVIL SITE PLAN



1" = 20'



DATE	DESCRIPTION
05/20/20	USE PERM REVIEW #5040



DATE	DESCRIPTION
05/20/20	USE PERM REVIEW #5040

SUBWAY REMODEL
959 NORD AVE
CHICO, CA 95926

IMPROVEMENT PLANS
PRELIMINARY
CIVIL SITE PLAN





Subway Development Office Sacramento/Reno
950 Reserve Dr. Suite 110, Roseville, CA – 95678
Phone (916) 797-2000 • Fax (916) 773-0319

Date: 09/05/2017

Subject: Historical Drive-Thru Location Usage

City of Chico, Planning Department

This letter is intended to show the typical usage of Subway Drive-Thru Locations and Traffic Counts. This data is compiled from 3 different Drive-Thru Subways in the area, Paradise, Yuba City, and Linda, CA.

Subway expects to see a Traffic Counts of around 5-15 customers per hour in the proposed Chico location off Hwy 32 in the area of West Sacramento Street, with each order expected to take 3-4 minutes at the window. This is based on the data from the Yuba City Location (the busiest of the 3 locations with drive-thru). Here is the break down on these locations.

Yuba City (located on Colusa Ave)

Average Orders for the shop per day – 175 of these 50-55 are using the drive-thru per day with an average of 4-6 vehicles per hour, and at the busiest 10-14 per hour (lunch & dinner). Each customer spends an average time at window of 3-4 minutes with an average time from order to exit 6-7 minutes.

Paradise (located on Pearson Dr)

Average Orders for the shop per day – 150 of these 25-30 are using the drive-thru per day with the average of 3-4 vehicles per hour, and at the busiest 5-7 per hour (lunch & dinner). Each customer spends an average time at window of 3 minutes with an average time from order to exit 5-7 minutes.

Linda (located on N Beale Rd)

Average Orders for the shop per day – 70 of these 10-12 are using the drive-thru per day with the average of 1-2 vehicles per hour, and at the busiest 2-3 per hour (lunch & dinner). Each customer spends an average time at window of 5 minutes with an average time from order to exit 6-7 minutes.

Respectfully submitted,

Brett Stewart

Brett Stewart
Senior Field Consultant