



**DATE:** October 5, 2020

File: UP 20-04

**TO:** ZONING ADMINISTRATOR

**FROM:** Kelly Murphy, Planner 879-6535 [kelly.murphy@chicoca.gov](mailto:kelly.murphy@chicoca.gov)

**RE:** Use Permit 20-04 for Drive-Through Restaurant at 2422 Cohasset Road, APN 015-310-076

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator adopt the required findings contained in the agenda report and approve the proposed project, subject to the recommended conditions.

### Proposed Motion

I move that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 20-04 (New Restaurant with Drive Through) based on the findings and subject to the recommended conditions of approval.

## BACKGROUND

This is a request to authorize a drive-through quick service restaurant at 2422 Cohasset Road. The 0.91 acre site is located on the east side of Cohasset Road across from the North Valley Plaza, just south of the intersection at Cohasset Road and East Avenue. The site is currently developed with a restaurant (Peter Chu's Mandarin Cuisine) and video rental store (All the Best Video) that would be demolished to allow for the construction of a new 3,100 square foot quick service restaurant with a single drive through lane (see **Attachment A**, Location Map and **Attachment B**, Site Plan to Accompany Use Permit 20-04).

The site is zoned CR-AOD (Regional Commercial with Airport Overflight Zone D overlay) and is designated Regional Commercial on the City's General Plan Land Use Diagram. It is also located within an area identified as the "North Valley Plaza Opportunity Site" by the General Plan. A use permit is required to authorize a new drive-through sales use in the CR 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).

The architectural review application associated with the project (AR 20-17) is scheduled for review by the Architectural Review and Historic Preservation Board (ARHPB) at its meeting on October 7, 2020.

## DISCUSSION

The project proposes to construct a new 3,100 square foot quick service restaurant with a single drive through lane. In addition, a 300 square foot patio would offer an outdoor seating and dining area. The site currently has minimal landscaping which would be removed and replaced with an enhanced landscaping design. The parking area would be well landscaped and provide a total of 38 off-street vehicle parking spaces. Parking lot shading is calculated to meet 54 percent, satisfying the shade requirements established in CMC Section 19.70.060

(see **Attachment C**, Landscaping Plan). Additionally, new landscaping would be planted along the street frontage and drive through lane. Two bicycle racks would be located at the front of the restaurant at the building entrance and two bike lockers would be provided at the southeast corner of the building interior to the site. The proposed hours of operation are from 10:00AM to 11:00PM, daily.

Pedestrian and vehicle access would be taken primarily from Cohasset Road. The southerly driveway access to Cohasset Road would be removed as part of required site improvements. Pursuant to CMC Section 19.76.070, all new drive through aisles shall provide sufficient stacking area for at least six vehicles in advance of the service windows and maneuvering areas, unless an interior traffic study modeling vehicular queuing is provided. As depicted on the site plan, the new restaurant building would front Cohasset Road. A single driveway located on the north side of the building would direct traffic to the parking area located interior to the site, or to the drive through lane which would loop around the parking area and provide enough stacking capacity for at least 15 vehicles, consistent with the City's requirements. 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.

The project site is located in an area characterized by intense commercial retail and service uses. Cohasset Road is a well trafficked arterial road well equipped to accommodate drive through businesses and vehicle-oriented uses. The intersection of Cohasset Road and East Avenue is a prominent commercial hub serving the residential neighborhoods in the northeast area of town. As such, the project's location would be compatible with surrounding land uses and enhance the commercial services available at this junction, consistent with General Plan goals and policies to promote compatible infill development (LU-2.4, 4.2, 4.4) and provide missing neighborhood elements to enhance existing neighborhoods (LU 3.1, 3.3). Redeveloping the older commercial structure and adding landscaping is consistent with the General Plan's vision for the North Valley Plaza Opportunity Site. The use is also consistent with the City's goals for intensification and revitalization of commercial uses.

The proposed project complies with all the development standards for the CR zoning district set forth in CMC Section 19.44.030 including setbacks, site coverage and height limits. The number of parking spaces required for cafe and restaurant uses is calculated at one space per every five seats or one space for each 94 square feet of customer floor area, whichever is greater (CMC Section 19.70.040). The project has a building area of 3,100 square feet with a 300 square foot patio area, requiring a minimum of 36 vehicle parking spaces. A total of 38 off-street parking spaces would be provided, which meets the parking standard. Pursuant to CMC Section 19.68.040, parcels in the CR zoning district have a minimum landscaping requirement of 5-percent the area of the site. The project proposes to landscape approximately 30-percent of the site, more than satisfying these requirements and providing an abundance of landscaped area that will vastly improve the site from its current condition.

Subject to the above, and standard conditions, 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 15332 (In-fill Development Projects). Consistent with this exemption, the project site is less than five acres, surrounded by urban uses and can be

adequately served by all required utilities and public services. The proposal is consistent with the General Plan policies and regulations for the CR zoning district.

## **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 CR zoning district, subject to use permit approval. 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 a restaurant with drive-through sales. The project site is located across the street from the North Valley Plaza, just south of the intersection of Cohasset Road and East Avenue. The proposed project is compatible with other surrounding commercial uses. Development of the project would result in improved onsite circulation due to the elimination of the second driveway access point, as well as significant improvements to onsite landscaping and parking. 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 restaurant with drive-through service and associated site improvements. All drive-through improvements will be constructed to City standards, which are intended to promote the health, safety, and general welfare of the public. Development of the project would result in the elimination of one of the existing driveway access points to Cohasset Road, reducing site distance hazards, and there is adequate vehicle stacking for the proposed use. Existing regulations require that any public improvements damaged during 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 Regional Commercial designation for the site, which is applied to sites appropriate for larger retail and service businesses that serve residents from the City and the region, including those which are auto-oriented (such as drive-through uses). Redeveloping the older

commercial structure and adding landscaping at the site is consistent with the General Plan's vision for the North Valley Plaza Opportunity Site. The project site is located in an area characterized by intense commercial retail and service uses. The intersection of Cohasset Road and East Avenue is a prominent commercial hub serving the residential neighborhoods in the northeast area of town. As such, the project's location would be compatible with surrounding land uses and enhance the commercial services available at this junction, consistent with General Plan goals and policies to promote compatible infill development (LU-2.4, 4.2, 4.4) and provide missing neighborhood elements to enhance existing neighborhoods (LU 3.1, 3.3). 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 drive-through sales for a new quick service restaurant. The use is located on the east side of Cohasset Road across from the North Valley Plaza and is compatible with existing commercial and office uses on nearby properties. Compliance with the City's drive-through regulations and commercial development standards will ensure compatibility with surrounding land uses. The project is consistent with the City's adopted Design Guidelines Manual.

#### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 20-04 authorizes drive-through sales for a new restaurant building located at 2422 Cohasset Road, in substantial accord with the "Site Plan to Accompany Use Permit 20-04 (New Restaurant with Drive Through)" 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, 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. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all

of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

## **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, Principal Planner  
Kelly Murphy, Project Planner

#### External (2)

Applicant – Brian Williams, 3320 Data Drive, Suite 200, Rancho Cordova, CA 95670

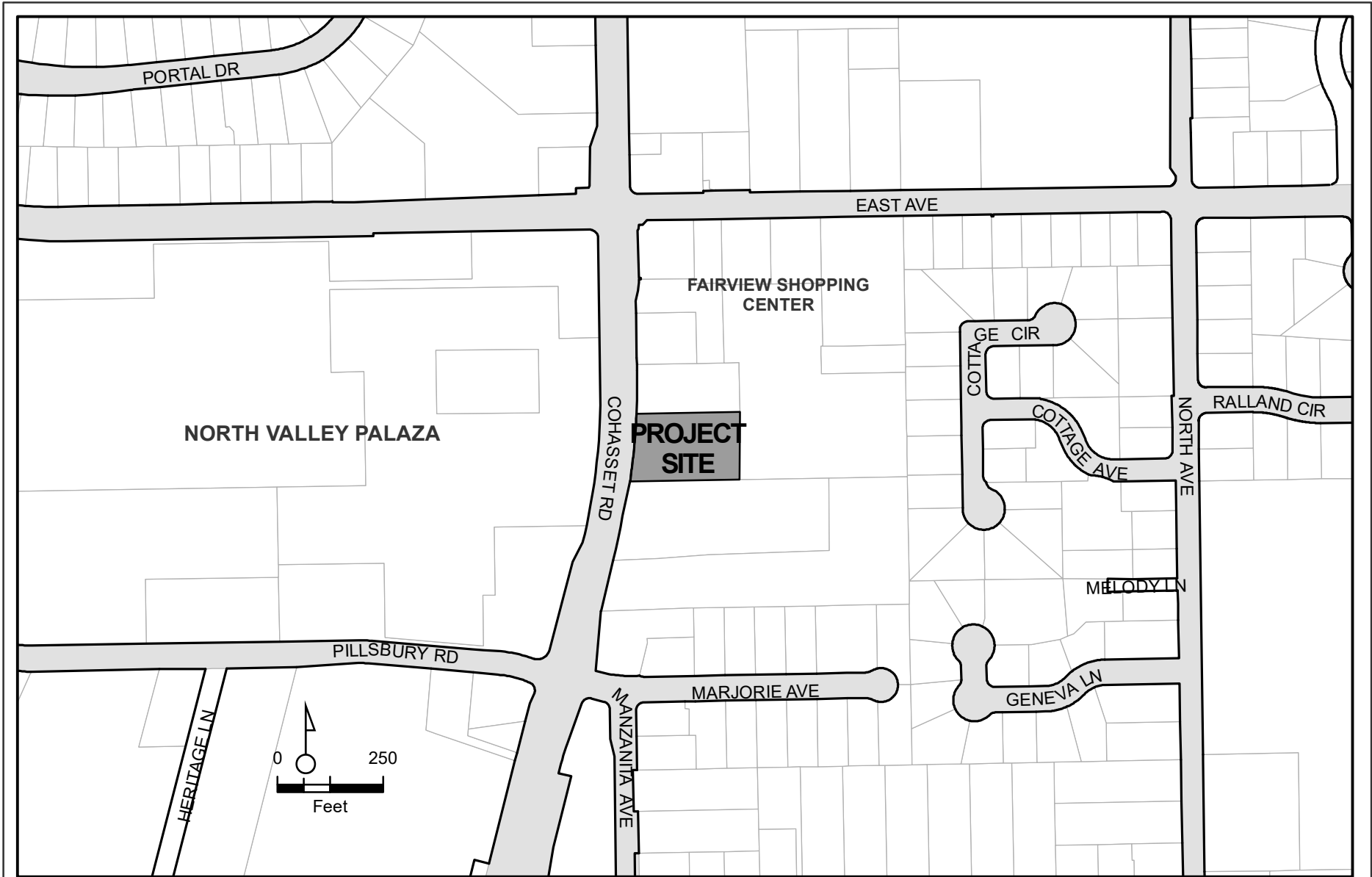
email: [brianw@pwcarchitects.com](mailto:brianw@pwcarchitects.com)

Property owner – LRG Investors, LLC., 477 9th Avenue, Suite 100, San Mateo, CA 94402

email: [scutter@lockehouse.com](mailto:scutter@lockehouse.com)

### **ATTACHMENTS:**

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 20-04 (New Restaurant with Drive Through)
- C. Landscaping Plan



AR 20-17 (Restaurant)  
 2422 Cohasset Road  
 APN 015-310-076-000

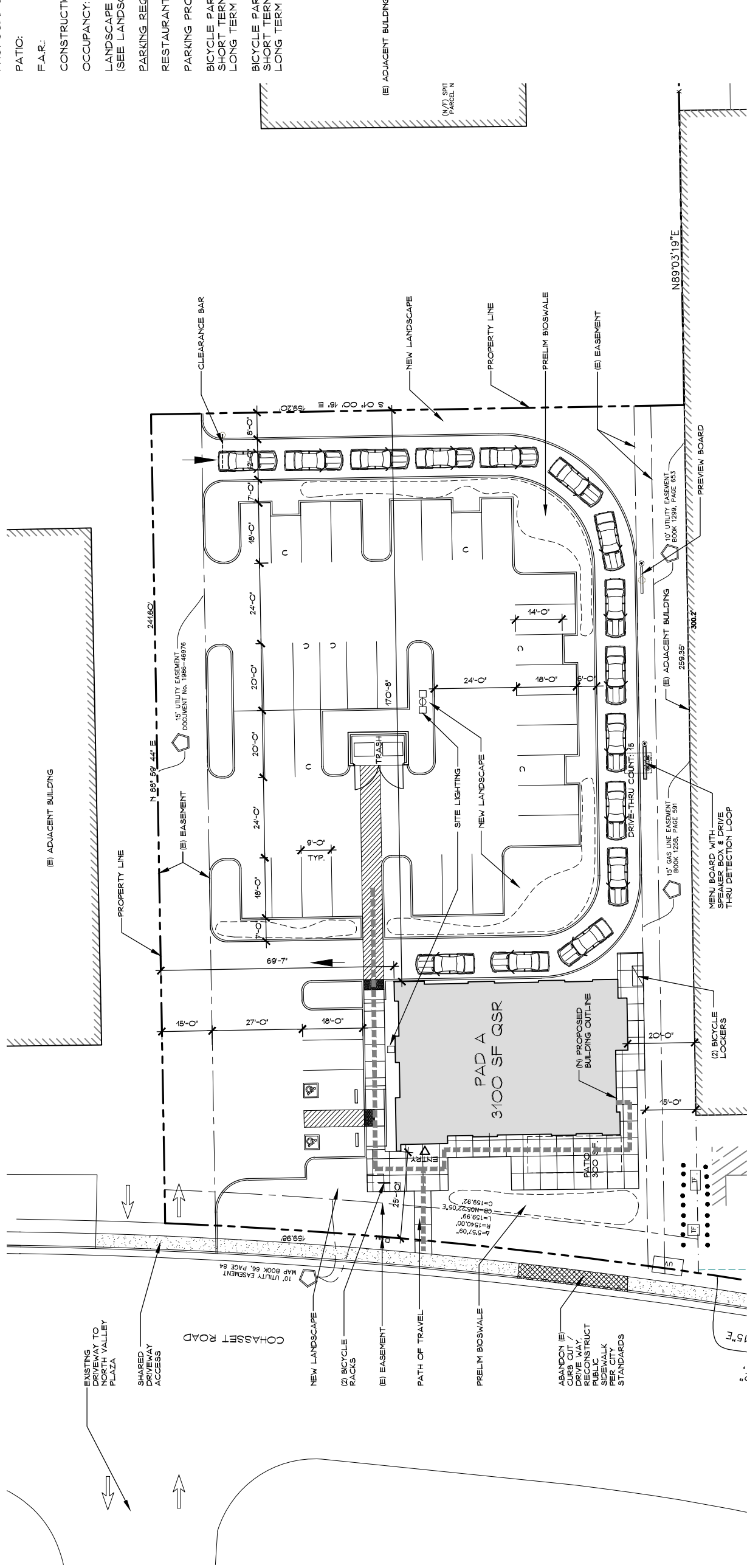


**SHEET INDEX**

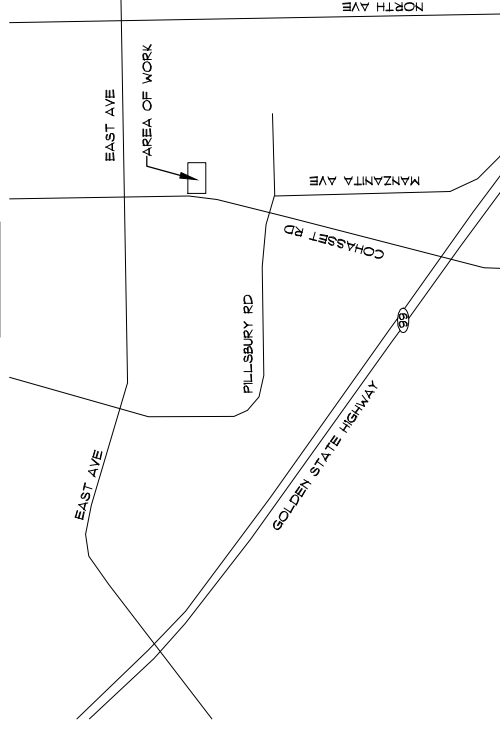
- A1 SITE PLAN
- A1.1 SITE DETAILS
- A2 FLOOR PLAN
- A3 ELEVATIONS
- E1.0 PHOTOMETRIC
- LA LANDSCAPE PLAN

**SITE SUMMARY**

- APN: 015-310-076
- ADDRESS: 2422 COHASSET RD.
- ZONING: CR - (REGIONAL COMMERCIAL)
- SITE AREA: .91 AC (39816 SF.)
- PROPOSED BUILDING AREA: 3,100 SF.
- PATIO: 300 SF.
- F.A.R.: 7.8%
- CONSTRUCTION TYPE: V-B
- OCCUPANCY: A-2
- LANDSCAPE AREA PROVIDED: 30.7% (12,156 S.F. (SEE LANDSCAPE PLAN))
- PARKING REQUIRED
- RESTAURANT 1/94: 36 STALLS
- PARKING PROVIDED: 36 STALLS
- BICYCLE PARKING REQUIRED: 2 SHORT TERM, 2 LONG TERM
- BICYCLE PARKING PROVIDED: 2 SHORT TERM, 2 LONG TERM



**VICINITY MAP**



**Proposed Site Plan**

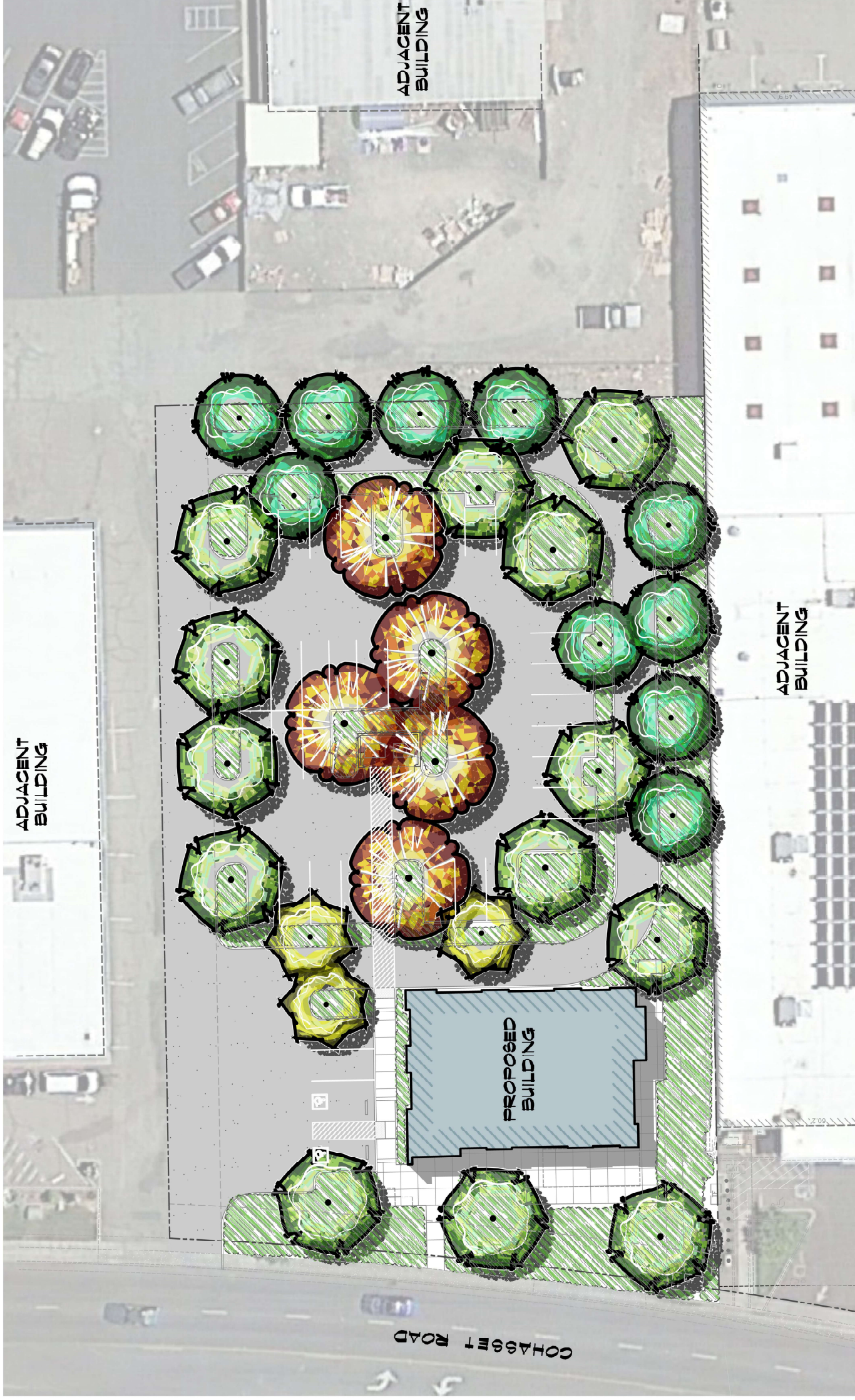
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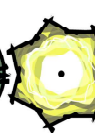


**Proposed Site Plan**

Project:	2422 COHASSET RD - RETAIL PAD
Job No.	20-315
Date:	8-6-2020
Scale:	1/16" = 1'-0"

**Cohasset Road - Retail Pad**  
2422 Cohasset Rd, Chico, CA 95926



**PLANT LIST & LEGEND**  
SYMBOL BOTANIC NAME/COMMON NAME

-  OLEA EUROPEA MAJESTIC BEAUTY/FRUITLESS OLIVE 15 GALLON
-  PARKINSONIA X DESERT MUSEUM/PALD VERDE 15 GALLON
-  PISTACIA CHINENSIS/CHINESE PISTACHE 15 GALLON
-  ULMUS WILSONIANA PROSPECTOR/PROSPECTOR ELM 15 GALLON

**SHRUB & GROUND COVER AREA:**

- BULBINE FRUTESCENS (YELLOW)/CAPE BAISAM 1 GALLON
- CHONDROPETALUM TECTORIUM/DWF. CAPE BUSH 5 GALLON
- CALLISTEMON V. LITTLE JOHN/DWF. BOTTLE BRUSH 5 GALLON
- COTONEASTER D. LOWFAST/PROSTRATE COTONEASTER 1 GALLON
- CAREX DIVISAFURUSIAN GRAY SEEGE 1 GALLON
- DIETES BICOLOR 1 GALLON
- DIANELLA REVOLUTA LITTLE REV/BLACK FLAX LILY 1 GALLON
- HESPERALOE X BRAKE LIGHTS/HYBRID RED YUCCA 2 GALLON
- JUNIPERUS C. SAN JOSE/SAN JOSE JUNIPER 1 GALLON
- LOMANDA LONGIFOLIA BREEZE/DWF. NAT RUSH 1 GALLON
- LANTANA MONTEVIDENSIS/LANTANA 5 GALLON
- NERIUM O. DWARF RED/PETITE RED OLEANDER 5 GALLON
- NANDINA DOMESTICA GULF STREAM/DWF. HEAVENLY BAMBOO 5 GALLON
- ROSA CALIFORNICA/WILD ROSE 5 GALLON
- SALVIA MICROPHYLLA HOT LIPS/AUTUMN SAGE 5 GALLON
- TEUCRIUM CHAMAEDRIS/DWARF GERMANDER 1 GALLON
- TULBAGHIA VULGARIS/SOCIETY GARLIC 1 GALLON
- VERBENA PERUVIANA HOMESTEAD PURPLE/HYBRID VERBENA 1 GALLON

NOTE: ALL PROPOSED PLANTS ARE LISTED AS LOW OR VARY LOW IN THE STATE'S WUCOLS IV DATABASE.

**Preliminary Landscape Plan**

SCALE: 1/16" = 1'-0"



**PARKING LOT SHADE CALCULATIONS:**

TREE TYPE	AREA/	QUANTITY				SUBTOTAL	TOTAL
		FULL	3/4	1/2	1/4		
25 DIA TREES							
OLEA EUROPEA	490 S.F.	0	2	0	8	1715 S.F.	
PARKINSONIA X	490 S.F.	0	3	0	0	1103 S.F.	
						25 TOTAL	2818 S.F.
30 DIA TREES							
ULMUS WILSONIANA	706 S.F.	0	2	4	3	3707 S.F.	
						30 TOTAL	3707 S.F.
35 DIA TREES							
PISTACHIA CHINENSIS	962 S.F.	0	3	1	0	3127 S.F.	
						35 TOTAL	3127 S.F.
						PARKING AREA	1778 S.F.
						SHADE REQUIRED: 50%	889 S.F.
						SHADE PROVIDED: 54%	981 S.F.

**LANDSCAPE AREA CALCULATION:**

TOTAL SITE AREA: 39,618 S.F.  
 LANDSCAPE AREA REQUIRED (OR ZONE 5%): 1,980 S.F.  
 LANDSCAPE AREA PROVIDED (30.1%): 12,156 S.F.

**Proposed Site Plan**  
2422 Cohasset Rd, Chico, CA 95926

PERKINS, WILLIAMS & COTTELL  
**ARCHITECTS**  
 3320 Date Drive, Suite 200, Rancho Cordova, California 95670  
 T (916) 851-4400 F (916) 851-4403 E pwcarch@pwcarchitects.com

**Landscape Plan**

Project: 2422 COHASSET RD  
 Job No. 20-315 (4-COOS) Date: 6-6-2020  
 Scale: 1/16" = 1'-0"

LA