



## Zoning Administrator Agenda Report Meeting Date 12/13/2022

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**DATE:** December 5, 2022

File: UP 22-04

**TO:** ZONING ADMINISTRATOR

**FROM:** Tina Wilson, Associate Planner, 879-6807 [tina.wilson@chico.gov](mailto:tina.wilson@chico.gov)

**RE:** Use Permit 22-04 (Panda Express Restaurant with Drive-Through)  
2350 Forest Avenue, APN 002-230-028

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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 pursuant to California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures) and approve Use Permit 22-04 (Panda Express Restaurant with Drive-Through) based on the findings and subject to the recommended conditions of approval.

### **BACKGROUND**

This is a request to authorize a new drive-through use associated with the construction of a free-standing Panda Express Restaurant and associated site improvements to the existing parking lot including landscaping on approximately one acre of a 17.91-acre parcel currently developed with the Lowe's Home Improvement Warehouse store, located at 2350 Forest Avenue. The proposed restaurant with drive-through would be located on the northeast portion of the parcel east of the most eastern accessway along Forest Avenue into the existing parking lot for Lowe's, south of Forest Avenue (see **Attachment A**, Location/Notification Map). The project site is within an existing overflow parking area that would be reconfigured between an existing point of ingress/egress to the Lowe's Home Improvement Warehouse shopping center parking lot and Notre Dame Boulevard. The proposal includes a new 2,600 square foot building with a single drive-through lane (see **Attachment B**, Site Plan to Accompany Use Permit 22-04).

The site is designated Regional Commercial (RC) on the City's General Plan Land Use Diagram and zoned CR (Regional Commercial). 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 CMC Section 19.76.070 (Drive-in and drive-through facilities).

The architectural review application associated with the project (AR 22-11) was reviewed and recommended for approval by the Architectural Review and Historic Preservation Board (ARHPB) at its meeting on November 16, 2022.

As depicted on the site plan, the new drive-through window would be located on the north side of the building, along Forest Avenue. The drive-through lane provides sufficient room to accommodate at least six vehicles in advance of the service window, consistent with City

requirements. The proposed landscape plan depicts the screening proposed for the drive-through lane and is provided as **Attachment C**. All vehicle circulation associated within the new use would be internal to the existing shopping center and no new access points with the public right-of-way are proposed. Ample parking would be provided within the shopping center to serve the proposed project.

## **DISCUSSION**

The drive-through complies with all City standards, including sufficient room to queue at least six vehicles in the drive-through lane. As shown on the site plan, the drive-through lane has room for approximately 12 vehicles total. 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. Proposed screening for the drive-through lane includes layers of existing trees and proposed hedges between the drive-through lane and adjacent property. New landscaping is proposed onsite, and additional shade trees and landscaping would be provided in the parking lot. No trees are proposed for removal as part of this project.

The proposed project would maintain compatibility with the surrounding commercial uses. Located in the same shopping center is Lowe's Home Improvement Warehouse. The proposed use is consistent with the site's General Plan land use designation and several goals found in the General Plan's Economic Development Element. The use is also consistent with the City's desire for intensification and revitalization of commercial uses.

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 15303 (New Construction or Conversion of Small Structures). Consistent with this exemption, the project consists of the construction of a new commercial pad and 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 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 the addition of drive-through sales for a new commercial building in the Lowe's Home Improvement Warehouse shopping center. All drive-through improvements 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 so that emergency access to the site remains unobstructed. 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 a new commercial building in the Lowe's Home Improvement Warehouse shopping center. All drive-through improvements will be constructed to City standards, which are intended to promote the health, safety, and general welfare of the public. 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 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). Approval of the project is also consistent with General Plan policies, including those that encourage compatible infill redevelopment and revitalization of existing commercial centers (LU-4.2, LU-4.4, CD-5 and ED-3) and those that call for minimizing driveways on larger streets (CIRC-1.1 and Table CIRC-1). Approval of the project is consistent with General Plan goals and policies to enhance Chico's long-term prosperity (ED-1) and ensure that regulations and permitting processes for the conduct of commerce do not unreasonably inhibit local business activity (ED-1.3). 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 in the Lowe's Home Improvement Warehouse shopping center. The use is located south of Forest Avenue and west of Notre Dame Boulevard 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 operating

characteristics are compatible with the surrounding land uses. The project is consistent with the City's adopted Design Guidelines Manual.

### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 22-04 authorizes drive-through sales for a new restaurant building at the Lowe's Home Improvement Center, in substantial accord with the "Site Plan to Accompany Use Permit 22-04 (Panda Express 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)

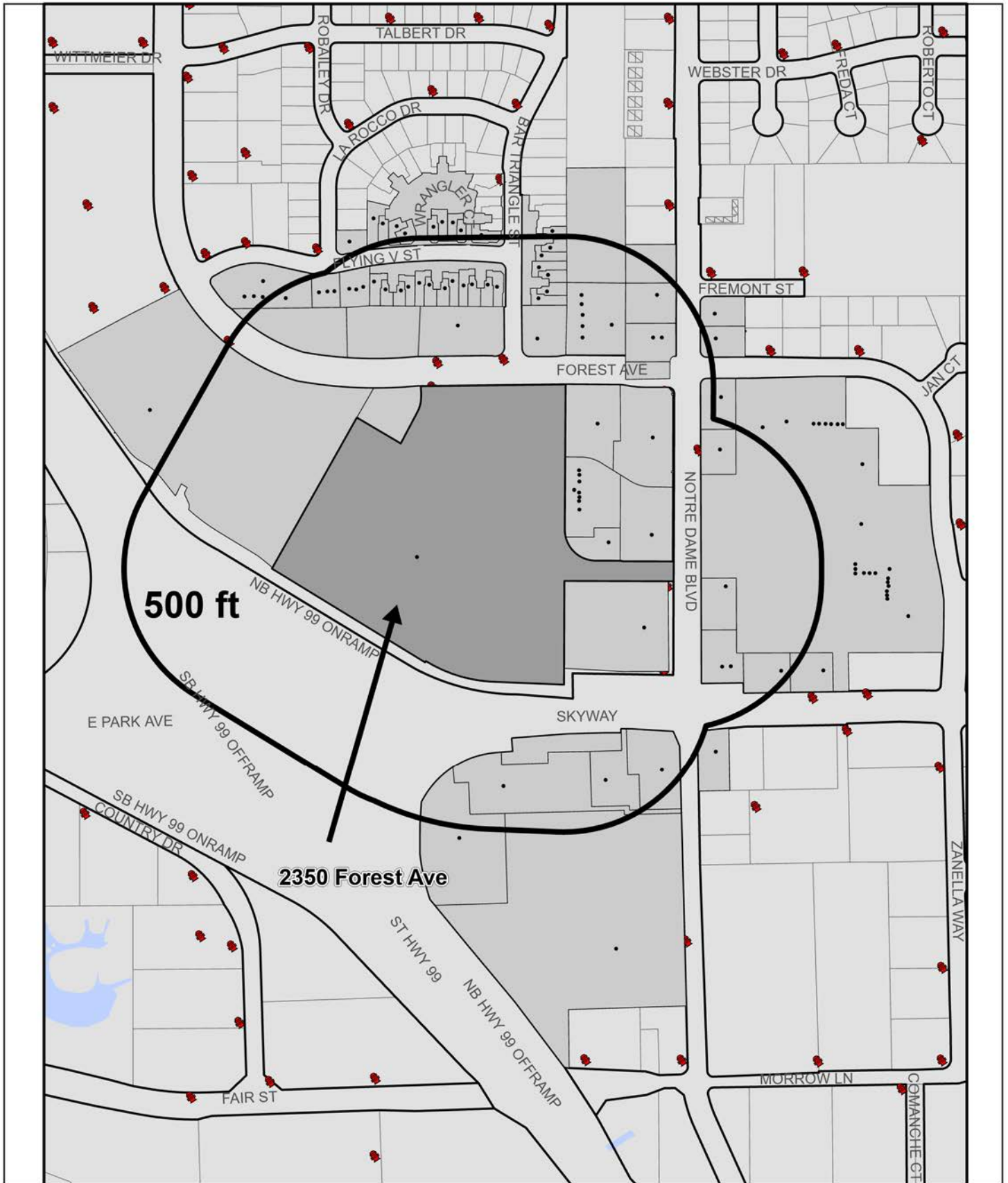
Bruce Ambo, Principal Planner  
Tina Wilson, Associate Planner

External (4)

Gary Wang & Associates, Inc., Attention: Ruben Rodela, Senior Project Manager, 1000 Corporate Center Drive, Suite 550, Monterey Park, CA 91754, Email: [ruben@garywang.com](mailto:ruben@garywang.com)  
Gary Wang & Associates, Inc., Attention: Gary Wang, Architect, 1000 Corporate Center Drive, Suite 550, Monterey Park, CA 91754, Email: [gary@garywang.com](mailto:gary@garywang.com)  
Lowe's Home Centers, Attention: Karen Condon, Construction Manager, 1000 Lowes Blvd, Mooresville, NC 28117, Email: [karen.condon@lowes.com](mailto:karen.condon@lowes.com)  
Lowe's Home Centers, Attention: Richard Keller, Senior Real Estate Manager, 1000 Lowes Blvd, Mooresville, NC 28117, Email: [richard.keller@lowes.com](mailto:richard.keller@lowes.com)

**ATTACHMENTS:**

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 22-04 (Panda Express Restaurant with Drive-Through)
- C. Landscape Plan

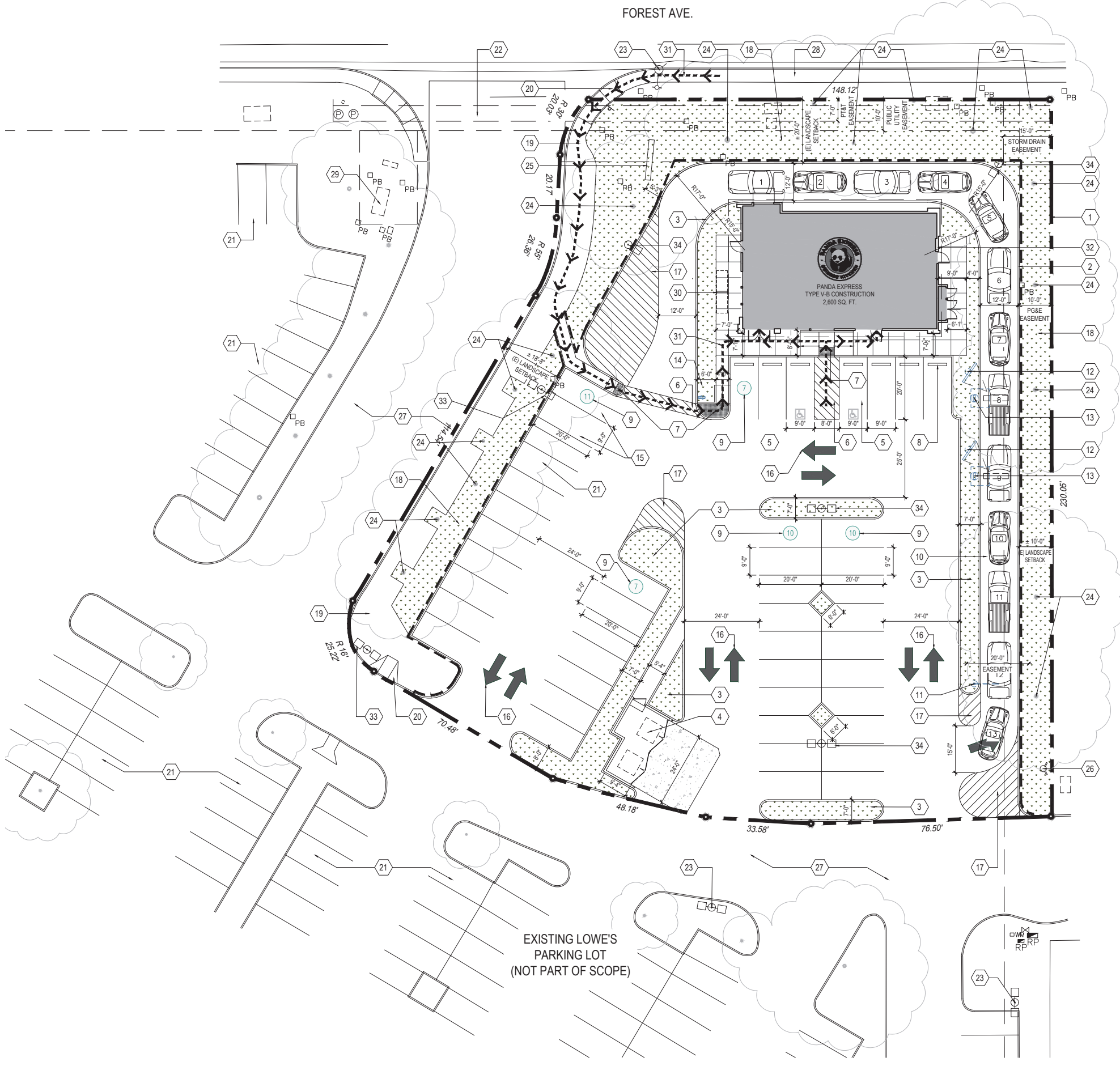


UP 22-04 (Panda Express Restaurant  
with Drive-Through)  
2350 Forest Avenue  
APN 002-230-028

- Noticed Parcels
- Noticed Addresses



Date Saved:



| SITE INFORMATION                       |   |
|--|---|
| LOT AREA                               | 42,074 SQ. FT. (0.96 ACRES)   |
| BUILDING SIZE                          | 2,600 SQ. FT.   |
| NEW LANDSCAPE AREA                     | 2,346 SQ. FT.   |
| EXISTING LANDSCAPE AREA                | 6,987 SQ. FT.   |
| LOT COVERAGE (FLOOR AREA RATIO)        | 2600 / 42074 = 6.18%  |
| PROPERTY ZONE / CLASSIFICATION         | CR (REGIONAL COMMERCIAL DISTRICT)   |
| ADJACENT ZONING DISTRICTS              | NORTH: CC (COMMUNITY COMMERCIAL)<br>SOUTH, EAST, & WEST: CR (REGIONAL COMMERCIAL) |
| PROPERTY TYPE / UNIQUE CHARACTERISTICS | 1 NEW CONSTRUCTION: FREESTANDING BUILDING WITH DRIVE-THRU                         |
| APN #                                  | 002-230-028-000   |

| PARKING REQUIREMENTS: |               |  |                  |
|-----------------------|---------------|--|------------------|
|                       | SQ. FT.       | PARKING RATIO  | PARKING PROVIDED |
| PANDA EXPRESS         | 2,600 SQ. FT. | 1/5 SEATS OR 1/84 SQ. FT. CUSTOMER AREA WHICHEVER IS GREATER | 12               |
| ADA                   |               | 1 FOR EVERY 25 STALLS  | 2                |
| TOTAL                 |               |  | 14               |

**PROJECT INFO** D  
Scale= NTS A-100

**DEVELOPER**  
MICHAEL CADELL, PROJECT MANAGER  
PANDA EXPRESS, INC.  
1683 WALNUT GROVE AVE.  
ROSEMEAD, CA 91770  
T: 626 799 9898  
F: 626 372 8288

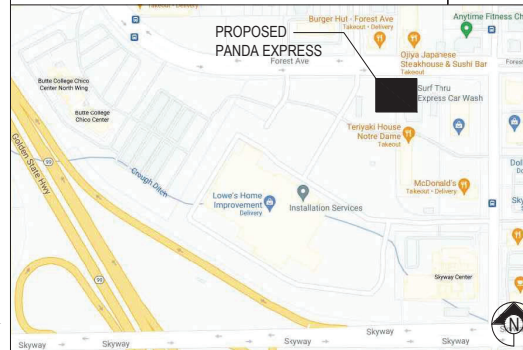
**APPLICANT**  
RUBEN RODELA, PROJECT MANAGER  
GARY WANG, AIA  
GARY WANG & ASSOCIATES, INC.  
1000 CORPORATE CENTER DR., SUITE #550,  
MONTEREY PARK, CA 91754  
T: 626 288 6898  
F: 626 768 7101

**PROPERTY OWNER**  
LOWE'S COMPANIES, INC.  
RICHARD KELLER  
SR. REAL ESTATE MANAGER  
1000 LOWE'S BLVD.  
MOORESVILLE, NC 28117  
T: 216.538.7128

**TEAM DIRECTORY** C  
Scale= NTS A-100

- 1 PROPOSED PARCEL LINE
- 2 PROPOSED LIMIT OF CONSTRUCTION / SCOPE OF WORK
- 3 LANDSCAPE AREA
- 4 TRASH ENCLOSURE
- 5 DESIGNATED ACCESSIBLE PARKING SPACE
- 6 ACCESSIBLE STRIPED PATH OF TRAVEL
- 7 ACCESSIBLE CURB RAMP
- 8 WHEEL STOP
- 9 NUMBER OF STALLS
- 10 DRIVE-THRU LANE
- 11 CLEARANCE BAR
- 12 DRIVE-THRU MENU BOARD (2)
- 13 DRIVE-THRU SPEAKER BOX (2)
- 14 THANK YOU / DO NOT ENTER SIGN
- 15 DRIVE-THRU WAITING PARKING (2)
- 16 DIRECTIONAL ARROW
- 17 STRIPING
- 18 EXISTING LANDSCAPE AREA (NOT PART OF SCOPE)
- 19 EXISTING SIDEWALK
- 20 EXISTING ACCESSIBLE CURB RAMP
- 21 EXISTING PARKING - NOT PART OF SCOPE
- 22 EXISTING DRIVEWAY ENTRANCE / EXIT
- 23 EXISTING LIGHT POLE
- 24 EXISTING TREE TO REMAIN AND PROTECT IN PLACE
- 25 EXISTING LOWE'S MONUMENT SIGN
- 26 EXISTING FIRE HYDRANT
- 27 EXISTING DRIVE AISLE
- 28 EXISTING RIGHT OF WAY
- 29 EXISTING TRANSFORMER
- 30 BICYCLE RACK / 5 BIKES DUMOR - MODEL # 125-20
- 31 PATH OF TRAVEL
- 32 ELECTRICAL CABINET
- 33 EXISTING LIGHT POLE, UPDATE FIXTURE TO L.E.D.
- 34 NEW PROPOSED LIGHT POLE, SEE PHOTOMETRIC SITE PLAN.

**KEY NOTES** B  
Scale= NTS A-100



**SITE PLAN** 1  
Scale= 1/16" = 1'-0" A-100

**VICINITY MAP** A  
Scale= NTS A-100



PANDA EXPRESS, INC.  
1683 Walnut Grove Ave.  
Rosemead, California  
91770  
Telephone: 626.799.9898  
Facsimile: 626.372.8288

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ISSUE DATE:

| NO. | DESCRIPTION        | DATE     |
|-----|--------------------|----------|
| 1ST | PRE-APP. SUBMITTAL | 07-16-21 |
| 2ND | DRB SUBMITTAL      | 01-18-22 |
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DRAWN BY: - RR / PT

PANDA PROJECT #: S8-22-D8621

ARCH PROJECT #: 21-048

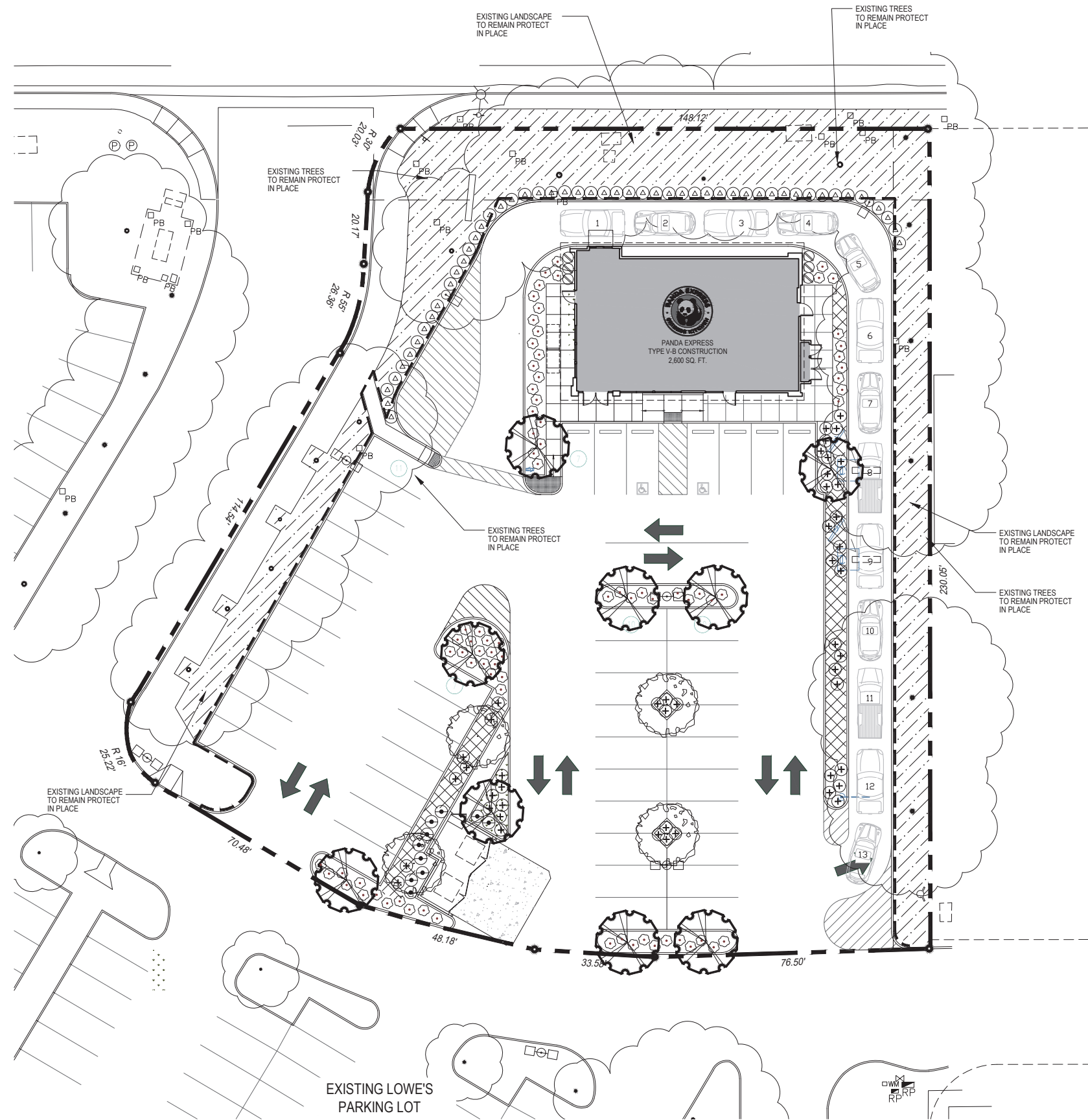


1000 Corporate Center Dr., Suite 550  
Monterey Park, CA 91754  
TEL: (626) 288-6898 FAX: (626) 768-7101  
<http://www.garywang.com>

**PANDA EXPRESS**  
(LOWE'S PARKING LOT)  
FOREST AVE & HWY 99  
CHICO, CA 95928

**A-100**  
SITE PLAN  
ARCHITECTURAL

Attachment B



**PLANT LEGEND**

SYMBOL BOTANICAL NAME / COMMON NAME / SIZE



**TREES**

QUERCUS SUBER - CORK OAK TREE  
24" BOX



PLATANUS SPECIES - SYCAMORE  
SPECIE TO MATCH THOSE  
EXISTING AT SHOPPING CENTER



EXISTING TREES WITH SHADE CANOPY SHOWN ON SURVEY



**SHRUBS**

RAPHIOLEPIS INDICA - ELEANOR TABER  
5 GALLON WUCOLS RATING LOW



BUXUS VAR. JAPONICA 'WINTER GEM' - BOXWOOD  
5 GALLON WUCOLS RATING LOW



NANDINA DOMESTICA - 'GULF STREAM' HEAVENLY BAMBOO  
5 GALLON WUCOLS RATING LOW



JUNIPERUS X. P 'ARMSTRONGII' - ARMSTRONG JUNIPER  
5 GAL. WUCOLS RATING LOW



HEMEROCALLIS SPECIES 'DOUBLE YELLOW' - DAY LILY  
5 GALLON WUCOLS RATING LOW



**GROUND COVER**

TRACHELOSPERMUM JASMINOIDES - STAR JASMINE  
1 GALLON  
TRIANGULAR SPACING  
18" O.C.



EXISTING LANDSCAPE TO REMAIN - PROTECT IN PLACE

GENERAL GROUND COVER NOTE:  
PROVIDE 3" LAYER OF RIVER ROCK MULCH AS  
TOP DRESSING FOR ALL NEW PLANTER AREAS



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Rosemead, California  
91770  
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Facsimile: 626.372.8288

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| 1ST | PRE-APP. SUBMITTAL | 07-16-21 |
| 2ND | DRB SUBMITTAL      | 01-18-22 |
| 3RD | 2ND DRB SUBMITTAL  | 10-13-22 |

DRAWN BY: RR / NL

PANDA PROJECT #: S8-22-D8621

ARCH PROJECT #: 21-048



1000 Corporate Center Dr., Suite 550  
Monterey Park, CA 91754  
TEL: (626) 288-6885 FAX: (626) 768-7101  
http://www.garywang.com

**PANDA EXPRESS**

(LOWE'S PARKING LOT)  
FOREST AVE & HWY 99  
CHICO, CA 95928

**PL-1**

PRELIMINARY LANDSCAPE  
PLAN

LANDSCAPE PLAN PREPARED BY:

GENE HIRAO

15 POSADA  
IRVINE, CALIFORNIA 92614  
TEL (714) 296-9811  
GHJ@COX.NET



PRELIMINARY LANDSCAPE PLAN 1

Scale= 1/16" = 1'-0" PL-1