



**DATE:** May 4, 2020

File: UP 19-24

**TO:** ZONING ADMINISTRATOR

**FROM:** Kelly Murphy, Planner 879-6800 [kelly.murphy@chicoca.gov](mailto:kelly.murphy@chicoca.gov)

**RE:** Use Permit 19-24 for Drive-Through Coffee Service “The Human Bean”;  
2805 Esplanade, APN 006-350-029

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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 19-24 (The Human Bean) based on the findings and subject to the recommended conditions of approval.

## BACKGROUND

This is a request to authorize a drive-through coffee service branded “The Human Bean” at 2805 Esplanade. The 0.77 acre site is located on the northwest corner of West Lassen Avenue and Esplanade. The site is currently developed with an office building that would be demolished to allow for the installation of a 450 square foot prefabricated structure (see **Attachment A**, Location Map and **Attachment B**, Site Plan to Accompany Use Permit 19-24).

The site is zoned CC-AOD-COS (Community Commercial with Airport Overflight Zone D and Corridor Opportunity Site overlays) and is designated Commercial Mixed Use on 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).

Detailed site improvements and architecture associated with the new building has been reviewed by the Architectural Review and Historic Preservation Board (ARHPB) under a separate application (AR 19-25).

## DISCUSSION

Pursuant to CMC Section 19.76.070, all new drive through aisles shall provide sufficient stacking area for at least six vehicles, unless an interior traffic study modeling vehicular queuing is provided. As depicted on the site plan, the new structure would be centered between two drive-through lanes providing enough stacking area for at least 10 vehicles in advance of the service windows and maneuvering areas, 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 on an inactive corner of the intersection of West Lassen Avenue and Esplanade. 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). The use is also consistent with the City's desire for intensification and revitalization of commercial uses. Therefore, 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 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. 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 coffee shop drive-through service. The project site is located on an inactive corner of the intersection of West Lassen Avenue and Esplanade. The proposed project is not only compatible with other surrounding commercial uses but would also provide a neighborhood-serving retail element benefitting the residential areas in the vicinity. 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 coffee shop 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 the existing driveway access to Esplanade, reducing site distance hazards, and there is adequate vehicle stacking for the proposed use. 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). Currently, three of the four corner parcels at the intersection of Lassen Avenue and Esplanade have been activated with commercial land uses including the Rice Bowl restaurant on the northeast corner, CVS on the southeast corner and Chico Power Equipment on the southwest corner. 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 coffee shop. The use is located on the northwest corner of West Lassen Avenue and Esplanade 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 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 19-24 authorizes drive-through sales for and new commercial building located at 2805 Esplanade, in substantial accord with the "Site Plan to Accompany Use Permit 19-24 (The Human Bean)" 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), 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

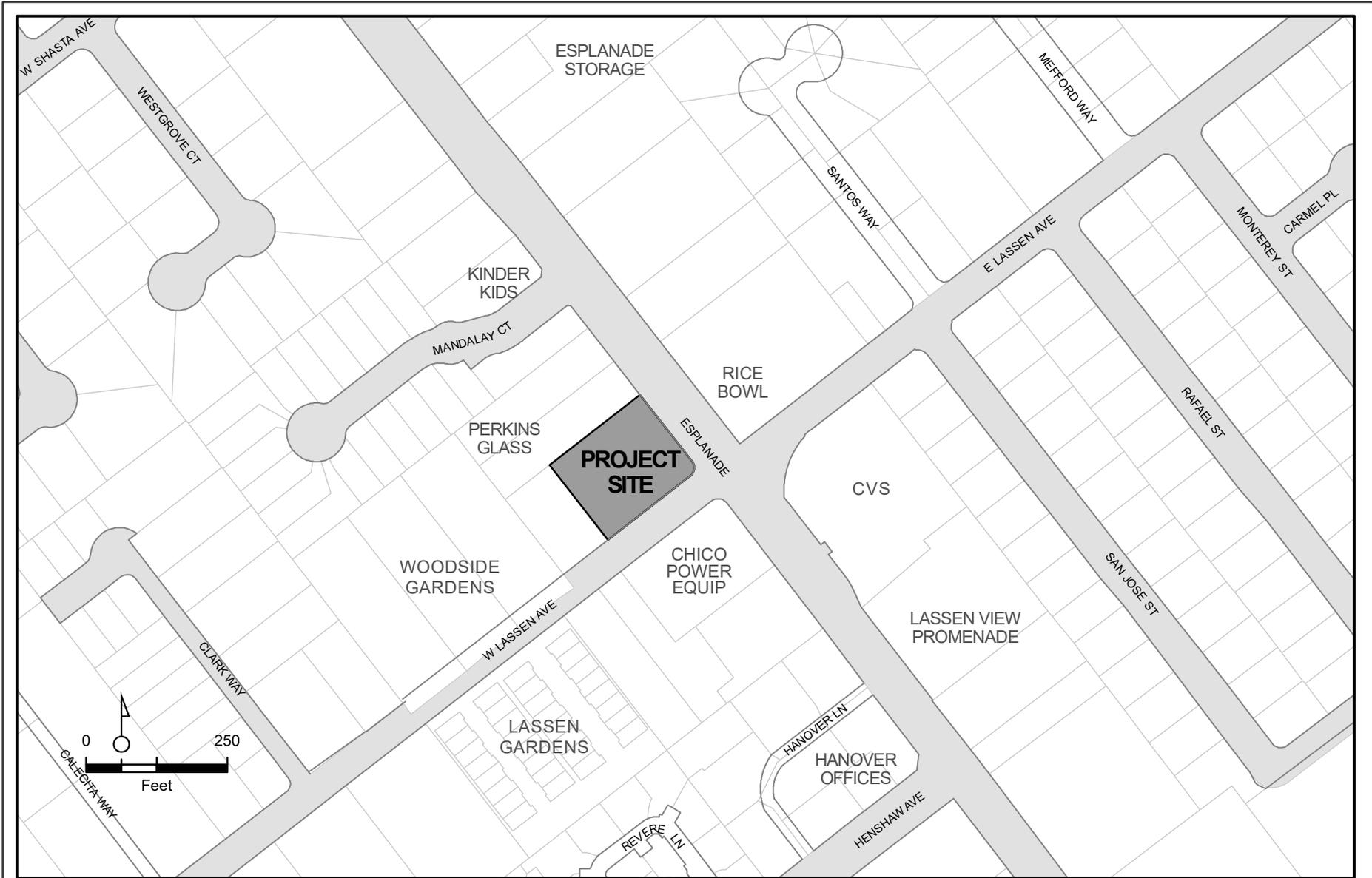
##### External (2)

Edward Booth, 2558 White Avenue, Chico, CA 95973

John Nock, 1060 Mildred Avenue, Chico, CA 95926

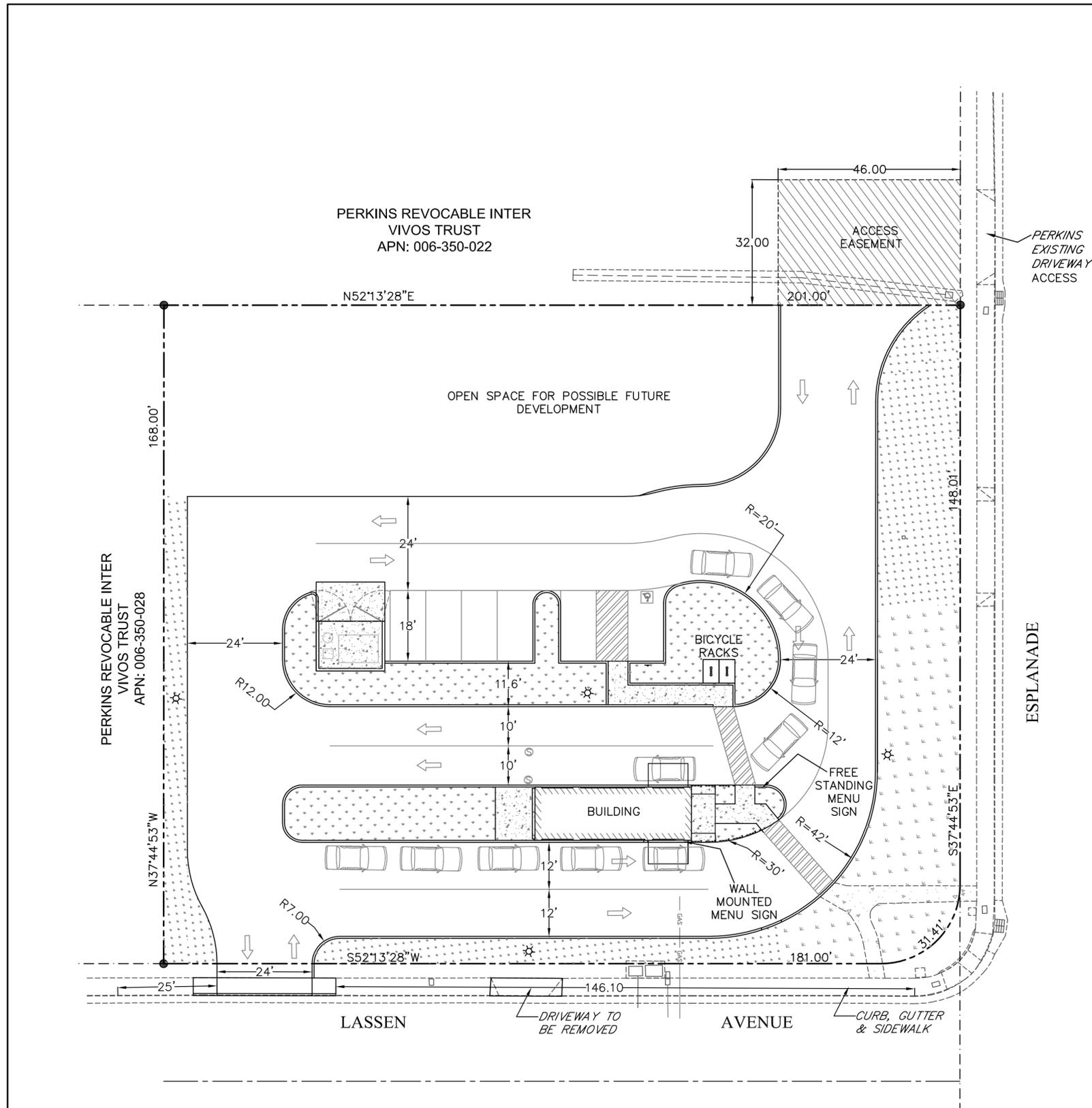
#### **ATTACHMENTS:**

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 19-24 (The Human Bean)



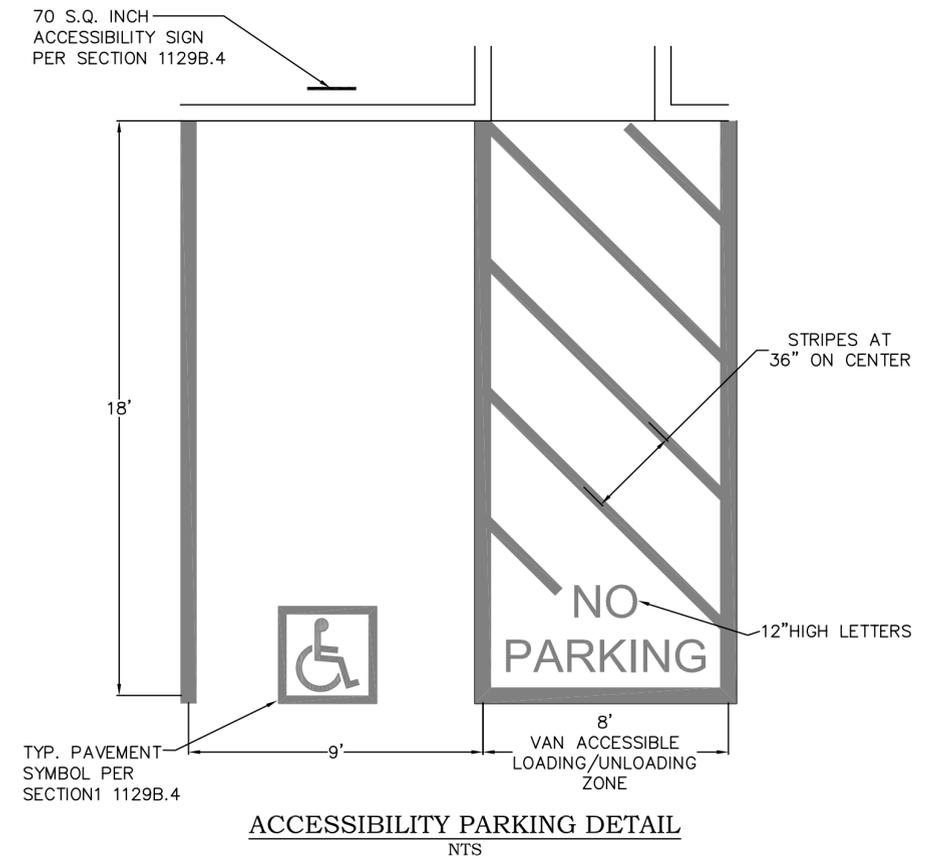
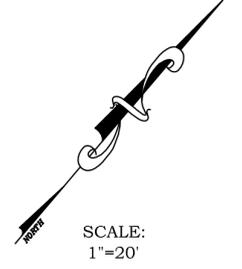
UP 19-24 (The Human Bean)  
 2805 Esplanade  
 APN 006-350-029-000





**LEGEND:**

BOUNDARY	---
ADJACENT BOUNDARY	- - - -
CONCRETE	▨
PROPOSED LANDSCAPE	▧
EXISTING LANDSCAPE	▩
PARKING LOT LIGHT	☆
PROPOSED EASEMENT	▨



**SITE PLAN**  
**HUMAN BEAN**  
 2805 ESPLANADE  
 CHICO, CA 95973  
 APN: 006-350-029  
 MARCH 19, 2020