



**DATE:** May 25, 2016

File: UP 16-03

**TO:** ZONING ADMINISTRATOR

**FROM:** Efren Sanchez, Planning Technician 879-6506

**RE:** Use Permit 16-03 (Del Taco) 1957 East 20<sup>th</sup> Street; APN 002-370-013

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### RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 16-03 (Del Taco), based on the findings and subject to the recommended conditions of approval.

### BACKGROUND

This is a request to authorize a drive-through restaurant at the southwest intersection of East 20<sup>th</sup> Street and Forest Avenue, inside a shopping center (see Location Map, **Attachment A**). The site is zoned CR (Regional Commercial) and is designated Regional Commercial by the General Plan Diagram. A Use Permit is required to authorize a drive-through in the Regional Commercial zoning district, pursuant to Chico Municipal Code (CMC) Section 19.44.020, Table 4-6.

The proposed new building would be approximately 2,400 sq. ft. in size (see Site Plan, **Attachment B**). The restaurant will operate 24 hours a day. The building would modify existing vehicle circulation on this parcel. All vehicle circulation associated with the new use would be internal to the existing shopping center; no new access points to the public right of way are proposed.

An existing 2,832 square foot structure, which was utilized as a drive through vehicle lube and oil change center, will be removed. A *Phase 1 Environmental Site Assessment Report*, was prepared and concluded that the soil samples did not contain detectable concentrations of any known contaminants (See Executive Summary, **Attachment C**). Any future development of the site will be subject to design review approval.

The proposed project would maintain compatibility with the surrounding commercial uses. In the same shopping center, directly south from the proposed project there is a large retail store (Target). West from the proposed project is an existing drive-through restaurant in the same shopping center. Across the street and North from the proposed project, there is a large shopping mall. East from the proposed project there are additional commercial uses.

### DISCUSSION

The proposed drive-through complies with all the standards established in Chico Municipal Code Standards Section 19.76.070 - *Drive-in and drive-through facilities*, including sufficient room to queue at least six vehicles. Screening for the drive-through lane includes a combination of terraced retaining wall and landscape vegetation along East 20<sup>th</sup> Street. The proposal also provides sufficient onsite parking.

The final design of the landscaping buffer will be determined through review of the project by the Architectural Review and Historic Preservation Board (ARHPB). Recommended

conditions of approval allow flexibility in the design of the site plan in order to incorporate any change that might occur through the design review process.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures). Consistent with this exemption, the project consists of the construction of a new commercial building not exceeding 2,500 square feet in floor area, 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.

## **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 Regional Commercial 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 to a commercial corridor within an existing shopping center. All drive-through improvements will be constructed to Chico Municipal Code Standards, which are intended to promote the health, safety, and general welfare of the public. No new access points will be created to the public right of way, so there will be no new sight distance hazards.

- 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 at a stand-alone commercial building in an existing shopping center. 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 use is consistent with the Regional Commercial designation for the site, which accommodates a wide variety of retail 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). The project is also consistent with the General Plan's vision of intensifying and revitalizing commercial uses within the shopping center opportunity site. 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 use is located on a major arterial roadway and is compatible with existing retail development within the shopping center and along the corridor. Compliance with the City's Municipal requirements 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 of Chico's adopted Design Guidelines Manual.

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.

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

1. Use Permit 16-03 authorizes drive-through sales 1957 East 20<sup>th</sup> Street, in general accord with the "Site Plan to Accompany Use Permit 16-03 (Del Taco)" and in compliance with all other conditions of approval. This Use Permit does not authorize development of the site as depicted on the Site Plan.
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 the Architectural Review and Historic Preservation Board, prior to issuance of building permits. The Board may modify and condition the site as deemed necessary.

## **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.

### **DISTRIBUTION:**

Internal (2)

Mark Wolfe, Zoning Administrator

Efren Sanchez, Planning Technician

External (4)

John Hildebrand, 1078 Harter Road, Yuba City, CA. 95993

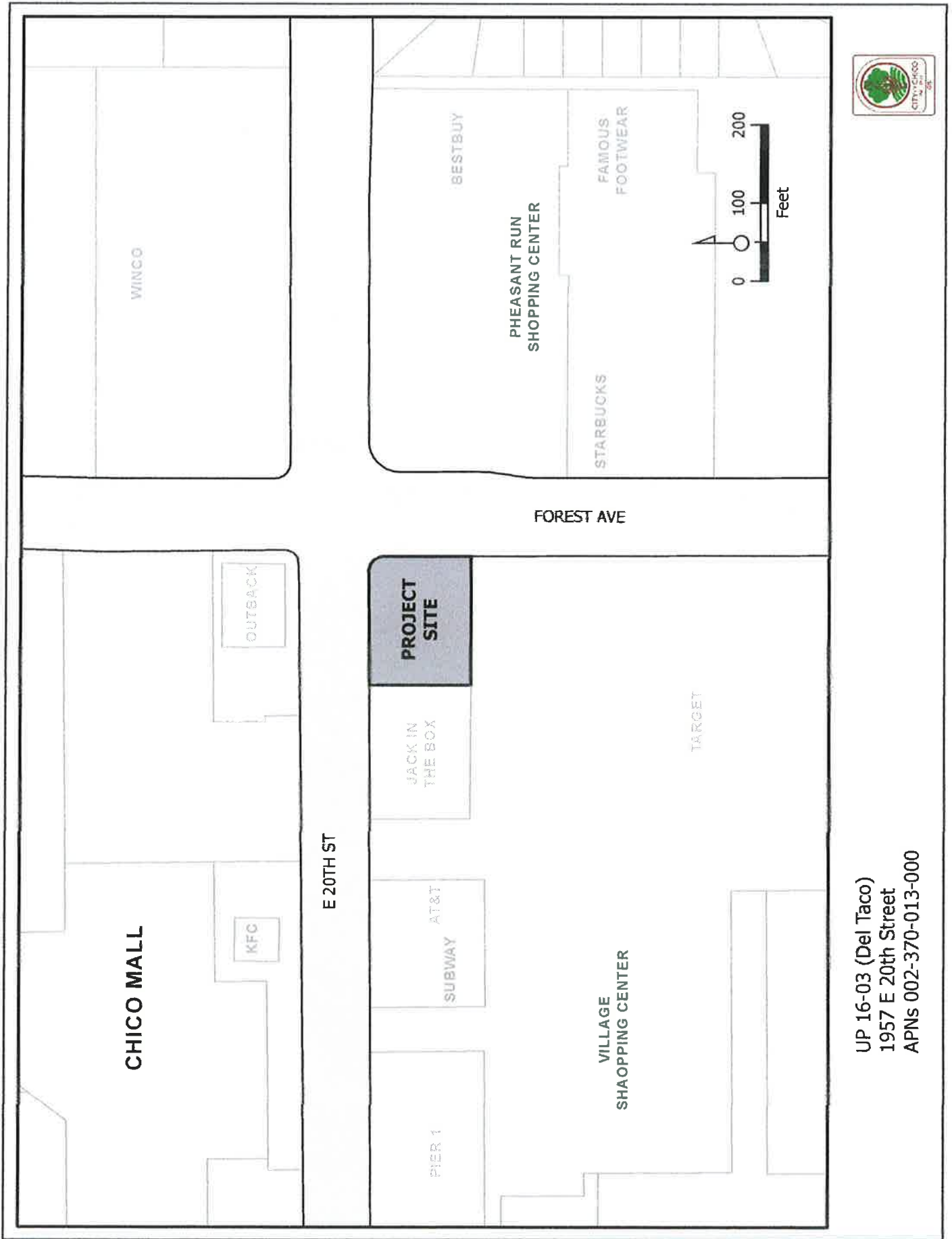
Rick Bastianelli, 1078 Harter Road, Yuba City, CA 95993

Thomas J. Owens, P.E., PO Box 965, Ripon, CA 95366

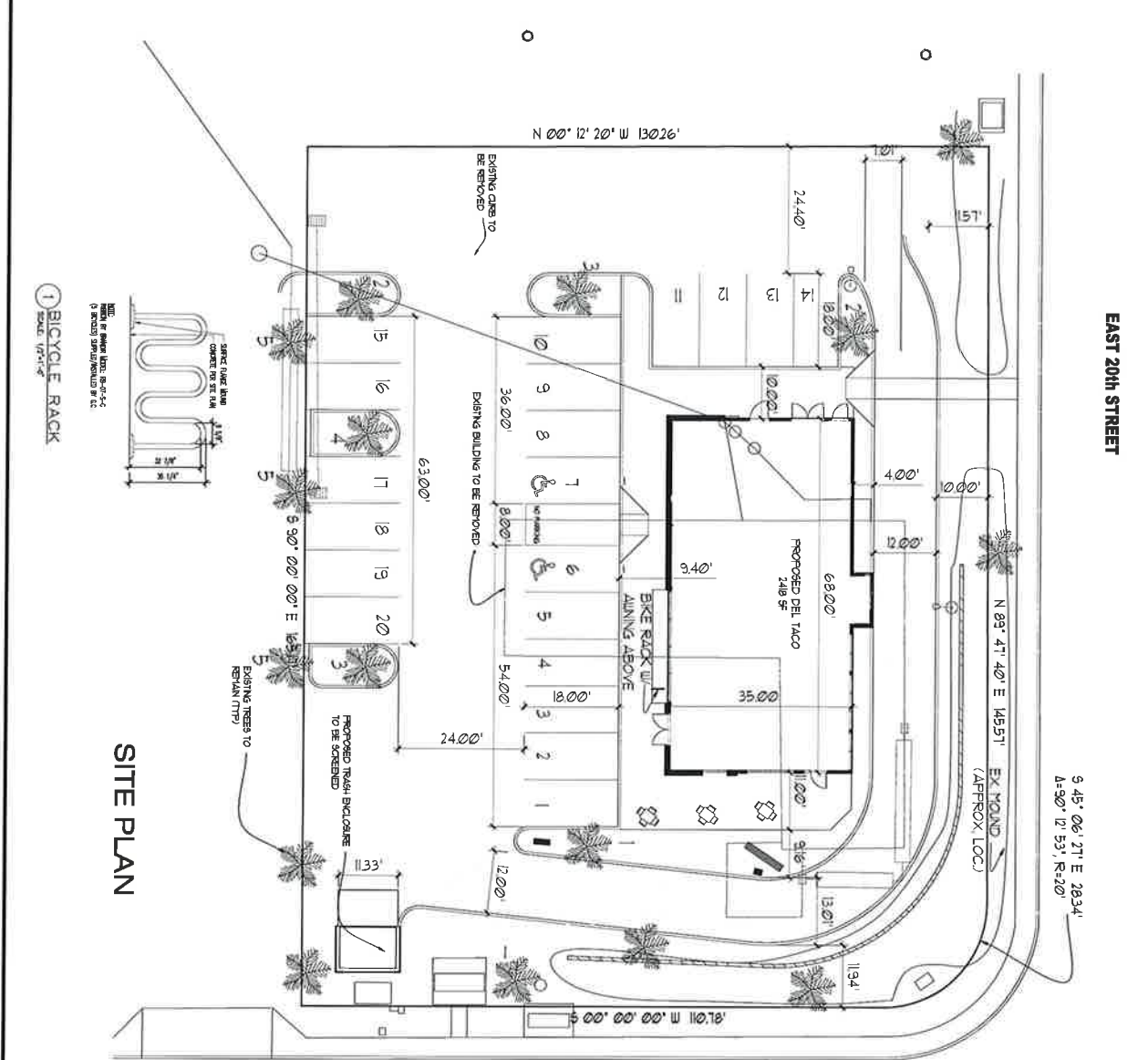
Howard and Aileen Fong, 11 Santos Way, Chico, CA. 95926

### **ATTACHMENTS:**

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 16-03 (Del Taco)
- C. Executive Summary- Phase 1 Environmental Site Assessment Report



UP 16-03 (Del Taco)  
 1957 E 20th Street  
 APNs 002-370-013-000



**EAST 20TH STREET**

N 00° 12' 20" W 13026'

24.40'

15.7'

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

36.00'

63.00'

9.90° 00' 00" E 165.91'

24.00'

5.40° 00' 00" E 120.00'

33.00'

5.00° 00' 00" W 110.18'

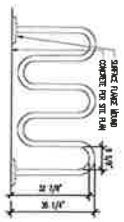
N 89° 47' 40" E 165.51' (APPROX. LOC.)

9.45° 06' 21" E 26.34'

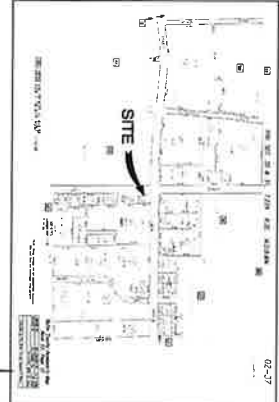
4.90° 12' 53" R=20'

**SITE PLAN**

**1 BICYCLE RACK**  
 Model: V151 4"



**FOREST DRIVE**



**PROJECT DATA**  
 CHICO, CALIFORNIA  
 1951 EAST 20TH AVENUE  
 CHICO, CALIFORNIA  
 APN# 001-310-015

**OWNER:** CHICO RESTAURANT, THE VILLAGE DEVELOPERS  
**LOT SIZE:** 5.35 ACRES (231,411 SF) (SMA # 193)

**PROPOSED AREA:** 248 SF (NEW 248 SF, EXISTING 0 SF)  
**EXISTING AREA:** 355 SF  
**TOTAL AREA:** 603 SF

**ACTUAL AREA:** 603 SF  
**BUILDING AREA:** 248 SF  
**OCCUPANT:** DEL TACO  
**ESTIMATED COST:** \$1,200,000  
**TOTAL OCCUPANT LOAD:** 64 OCCUPANTS

**PARKING:**  
 TOTAL: 2 SPACES  
 HANDICAPPED: 2 SPACES

A RECOMMENDATION FOR THE SHOPPING CENTER



**RECEIVED**  
 MAY 11 2016

CITY OF CHICO  
 PLANNING SERVICES

		<p><b>OWENS DESIGN CONSULTANTS</b>          P.O. Box 965          Ripon, CA 95366          (209) 522-8031 - fax: (209) 522-4738 - www.odcengr.com</p>		PROJECTED DEL TACO	FOR: PCK&I, INC
				1951 EAST 20TH AVENUE CHICO, CA	TITLE <b>SITE PLAN</b>
DRAWN BY: TJO CHECKED BY: TJO SCALE: AS NOTED JOB NO: 2015017 DATE: MAR. 2016 CAD FILE NAME: 2015017.dwg SHEET NO.	<b>C1</b>				

A *controlled recognized environmental condition (CREC)* refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The following was identified during the course of this assessment:

- Partner did not identify any controlled recognized environmental conditions during the course of this assessment.

A *historical recognized environmental condition (HREC)* refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. The following was identified during the course of this assessment:

- Partner did not identify any historical recognized environmental conditions during the course of this assessment.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, warrant further discussion. The following was identified during the course of this assessment:

- Partner did not identify any environmental issues during the course of this assessment.

### **Conclusions, Opinions and Recommendations**

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of 1957 East 20th Street in the City of Chico, Butte County, California (the "subject property"). Any exceptions to, or deletions from, this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property; however, environmental issues were identified. Based on the conclusions of this assessment, Partner recommends the following:

- A limited subsurface investigation should be conducted in order to determine the presence or absence of soil and/or groundwater contamination due to the historical use of the subject property.