



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Adoption of Ordinance Amending Title 30 of the Glendale Municipal Code, 1995, (Case No. PZC-0010-2024) Relating Generally to Standards and Processes for Drive-through Establishments, and Miscellaneous Zoning Code Clean-Ups.

1. Ordinance Amending Title 30 Relating Generally to Standards and Processes for Drive-through Establishments, and Miscellaneous Zoning Code Clean-Ups

COUNCIL ACTION

Item Type: Adoption of Ordinances

Approved for August 20, 2024 **calendar**

EXECUTIVE SUMMARY

On September 27, 2022, Council enacted a citywide moratorium on drive-through waiting lanes in response to a growing number of applications for drive-through establishments (modifications to existing and new construction) and concerns regarding the safety, aesthetics, and environmental impacts of this activity. Extensions to the moratorium concerning drive-through lanes were adopted to allow staff time to review existing requirements and develop an approval process and design standards, access, and circulation analyses. The moratorium will expire on September 26, 2024.

On August 13, 2024, Council introduced an ordinance relating to standards and processes for drive-through establishments and miscellaneous zoning code clean ups. The ordinance includes establishing definitions for drive-through establishments, both for restaurant and non-restaurant uses, establishing a conditional use permit (CUP) requirement for new drive-throughs, and prohibiting new drive-throughs in certain zones. The proposed amendments also include miscellaneous code clean-ups related to outdated Title 5 references and minor grammar and formatting, which do not change the substance or meaning of the text. During the August 13, 2024, hearing, Council directed staff to amend the proposed ordinance to omit the CUP requirement for existing drive-throughs. The ordinance for adoption has been amended to address Council comments from the hearing.

RECOMMENDATION

That the City Council review and adopt the ordinance amending Title 30 of the Glendale Municipal Code, 1995, related generally to standards and processes for drive-through establishments, and miscellaneous zoning code cleanups.

ANALYSIS

On August 13, 2024, Council introduced an ordinance relating to standards and processes for drive-through establishments and miscellaneous zoning code clean ups. The ordinance includes establishing definitions for drive-through establishments, both for restaurant and non-restaurant uses, establishing a conditional use permit (CUP) requirement for new drive-throughs, and prohibiting new drive-throughs in certain zones. The proposed amendments also include miscellaneous code clean-ups related to outdated Title 5 references and minor grammar and formatting, which do not change the substance or meaning of the text. During the August 13, 2024, hearing, Council directed staff to amend the proposed ordinance to omit the CUP requirement for existing drive-throughs. The ordinance for adoption has been amended to address Council comments from the hearing.

DISCUSSION OF PROPOSED AMENDMENTS

There are three components to the proposed Zoning Code amendments for drive-through establishments:

- Establishing definitions of drive-through establishments for restaurant and non-restaurant uses. Common examples of drive-through establishments for non-restaurant uses include banks and pharmacies.
- Limiting the zones where new drive-through establishments could be proposed to focus future development of drive-throughs on the more intensive commercial zones – C2, C3 and CH (Foothill Blvd). New drive-throughs would not be allowed in industrial and transit zones, mixed use zones and transit-oriented zones, or in all districts of the Downtown Specific Plan zone, where drive-throughs are already prohibited.
- Establishing a conditional use permit (CUP) requirement for new drive-through establishments that would help mitigate any potential negative impacts.

Adding definitions for drive-through establishments and implementing a CUP requirement allows the city to focus on drive through waiting lanes and their potential impacts, where today there are limited standards in the Zoning Code that could be applied. This is the first phase of proposed amendments to the Zoning Code to be implemented while staff continues to work with the City's consultant to finalize zoning standards, (that may include minimum lot size requirements, queuing length minimums,

signage requirements, landscape buffers, etc.) associated with drive-through establishments. As part of the second phase, staff will explore implementing standards that would apply to new drive-through establishments.

City Council Meeting on August 13, 2024

This ordinance was introduced for adoption during the August 13, 2024, City Council meeting. During that hearing, Council provided direction to staff regarding the proposed amendments which has been incorporated into the final version of the ordinance.

In an effort to address the concerns regarding the impacts of existing drive-through establishments the original ordinance included provisions that would require them to go through the CUP process and established a five-year timeframe for those businesses to do so. During Council deliberations at the August 13, 2024 hearing, there were concerns from the majority of the Council members regarding this requirement. The primary concerns were that it seemed unfair to require an established business to go through a CUP process to continue operating, that it could result in an existing business being required to cease operations if they could not meet the CUP requirements, and that it imposed a burden on existing businesses that could also result in financial impacts. Based on this discussion, council directed staff to omit the requirement for existing drive-through establishments to be required to obtain a CUP, and to only require it for new establishments.

In response to Council's expressed concern and direction regarding existing drive-through establishments at the August 13, 2024 hearing, the ordinance was introduced with the following changes which have been incorporated into the final version of the ordinance:

- Section 30.42.020 (B)(2) – This section discusses submittal requirements for different types of applications. It has been amended to clarify that only new drive-through establishments would be required to include the trip generation and queuing analysis with their CUP application. This study would be reviewed by the City's Traffic Engineer.
- Section 30.42.030 (J) – This section outlines the additional required findings of facts for drive-through establishments associated with a restaurant use. It has been amended to clarify that only new establishments would be subject to the findings.
- Section 30.60.040 (Q) – This section discusses non-conforming uses. It has been amended to omit the requirement for existing drive-throughs to obtain a CUP within five years. It also clarifies that they may continue to operate, with reference to the standard exception for all non-conforming uses which terminates

a use that has ceased operation for one year.

STAKEHOLDERS/OUTREACH

The Code requires public notice when the Council considers adoption of amendments to the Zoning Code. Staff has published all required notices for this hearing. Public notice was also provided for the Planning Commission hearing of July 17, 2024. Staff did not receive any written comments for that hearing, and there was no public testimony, as discussed above. For both the Planning Commission and City Council hearing on August 13, 2024 public notices were also mailed out to all the property owners and business owners of the existing drive-through facilities inventoried.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA)

Community Development Department staff analyzed the environmental effects of adoption of this ordinance ("Project"), and concluded that the Project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Sections 15061(b)(3) and 15305 because the Project involves minor changes to land use regulations which do not result in any changes in land use or density, and because there is no possibility that the Project may have a significant effect on the environment. The Project adds a new requirement for review and approval of drive-through facilities through a conditional use permit (CUP) application. The review will include a study of queuing lines and trip generation, with the aim of ensuring faster service when using drive-through facilities. Any new drive-through facility would be specifically individually reviewed under CEQA once an application is submitted to the Community Development Department for review.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

1. Decline to adopt the proposed amendments to Title 30 of the GMC, 1995 which relate generally to standards and processes for drive-through establishments, and miscellaneous Zoning Code clean-ups.
2. Choose any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

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Prepared by:

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Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

None