



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Consideration of Development Standards and Conditional Use Permit for Drive Through Restaurant Facilities

1. Provide Direction to Staff as it Pertains to Potential Development Standards or Conditional Use Permit Process for Drive Through Facilities

COUNCIL ACTION

Item Type: Action Item

Approved for March 11, 2025 **calendar**

EXECUTIVE SUMMARY

At the March 4, 2025 City Council meeting, Council expressed interest in discussing and comparing the previously proposed Conditional Use Permit and the potential development standards that could be applied to new drive through restaurant developments. The consideration of new standards or a new process is in response to the impacts that drive throughs have had on surrounding neighborhoods, such as overflow onto city streets and noise. The information put forth is to provide a comparison of the two different potential solutions, and to request direction from Council on which alternative will provide the desired outcome to mitigate these impacts.

RECOMMENDATION

To provide direction to staff as it pertains to the potential creation of new development standards or Conditional Use Permit process for drive through restaurant facilities.

ANALYSIS

On August 13, 2024, CDD staff introduced an ordinance to amend the zoning code requirements for drive-through establishments to include creating definitions for drive-throughs and implementing a conditional use permit (CUP) process. On August 20, 2024, adoption of the ordinance failed with 3 in favor and 2 opposed, where a 4/5th vote is required. On November 19, 2024, Councilmember Brotman requested this topic be brought back as an informational item regarding development standards specific to new drive-through establishments. Staff returned to Council on March 4, 2024 with alternatives for development standards. Council expressed an interest in returning with more information regarding the standards, as well as the difference between the development standards and the previously proposed CUP.

The March 4, 2025 discussion focused on standards that related to minimum lot size, minimum queuing length, and distance from residential developments. Other standards would also be considered in the process, but the aforementioned standards represent the best alternatives to mitigate the concerned impacts of drive through facilities. The original consideration for development standards would create four tiers based on the estimated trip generation of each facility, and were defined as such:

Tier 1: Fast-food restaurants that generate *significantly fewer trips* than the average rates estimated in the Institute of Transportation Engineers Trip Generation Manual.

Tier 2: Fast-food restaurants that generate *trip rates comparable to the averages* in the Institute of Transportation Engineers Trip Generation Manual.

Tier 3: Fast-food restaurants that generate *significantly more trips* than the rates estimated in the Institute of Transportation Engineers Trip Generation Manual.

Tier 4: Coffee shops with a drive-through operation.

Council also noted a desire to eliminate the use of public alleys to serve as queuing space for any drive through. This could be accomplished by prohibiting access from alleys to drive through facilities, or prohibiting the use of alleys only for queueing. During the Council meeting it was suggested to consider a minimum queuing length of 1000' for Tier 3 restaurants and a minimum of 250' from residential uses, schools, hospitals, parks, police stations, and fire stations. An estimated minimum lot size would need to be

in relationship to the minimum queuing length to ensure that the queuing area would fit within the lot.

The benefit of development standards is that they would provide clear and objective standards that are predictable and known to applicants. This allows for proposals that can be checked against these objective standards with a clear compliance or failure to comply determination, utilizing standards that are based upon the Institute of Transportation Engineers Trip Generation Manual. The challenge with the Institute of Transportation Engineers Trip Generation Manual is that it severely underestimates trip generation for restaurants that are extremely popular or accounting for the shifting popularity that drive throughs have experienced since the pandemic. As such, a standard was developed by measuring existing drive throughs in Glendale. As acknowledged during the prior Council meeting, even this standard falls short of accommodating some of the current conditions that Glendale has experienced with drive throughs, which will ultimately require even larger requirements for queuing and lot size.

Part of the challenge of development standards are the rigidity. As seen during different significant events like the pandemic, demand can change leading to increased usage of drive through facilities that may no longer be able to accommodate with negative impacts that could spill off site. The rigidity of the development standards would also make it more challenging to make changes if conditions are impacted shifting market and utilization conditions. Inadvertently, if standards are set too high, it may make some drive throughs prohibitive and inversely if they are set too low may not effectively mitigate negative impacts. The limited flexibility in standards such as queuing length or lot size, even when assigned to tiers may not allow for standards to address unique and local conditions per location. Additionally, a project can always apply for a variance to deviate from the standards, but a variance runs with the land and would be granted to any subsequent businesses with no expiration.

Another challenge with development standards is the ability to retroactively address challenges. As seen with existing drive throughs, development standards have not maintained pace with the demand of some locations. The rigidity of the development standards does not allow for modifications or increases in certain requirements. As such, the existing facility may be in compliance with the development standards, but the demand far exceeds. This creates conditions such as queuing lengths that are too short, rendering the City with limited to no options to require modifications that may be mitigate the negative impacts, as the development is in full compliance with the code.

The benefit of a CUP is that it still incorporates development standards or baseline requirements while providing flexibility for staff to condition the project based on unique

circumstances or contextual sensitives. This is particularly effective as it relates to the required queuing length as any application would need to submit a trip generation and queuing analysis study that would be evaluated by Community Development and Public Works. The CUP will require existing standard findings regarding consistency with the General Plan, impacts to public health or safety, and potential conflicts with uses within 500 feet of the proposed project, as follows:

- That the proposed use will be consistent with the various elements and objectives of the general plan.
- That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
- That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
- That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The proposed ordinance requires three additional CUP findings specific to drive through restaurants, as follows:

- That the proposed drive-through establishment has adequate vehicle queuing distance, including due consideration for menu board location(s), clear of any adjacent public right-of-way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the Director of Public Works.
- That the proposed location of the drive-through establishment will not result in adverse impacts on the surrounding neighborhood after considering a litter clean-up plan and the hours of operation, site plan, and includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris.
- That the location and design of the facility is compatible with the existing surrounding uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities in the street lot frontage, and interior floor area.

As part of the original CUP proposal, drive throughs would be allowed only in C2, C3 and CH zones, limiting their impact on other uses such as residential.

Concerns were raised that since the CUP does have the flexibility to condition a project in response to its location and traffic and queuing analysis, it could lead to inconsistent requirements or treatment of applicants. The CUP is a process that the City has in place for other types of applications, such as banquet halls, and has not encountered challenges of this nature to date. When conditions are applied, they are then presented to the reviewing authority where the conditions are further assessed and may be modified, eliminated, or added. Additionally, Conditional Use Permits can be appealed if

an applicant believes that conditions have been unfairly applied or inappropriate for a project.

As previously stated, development standards do not allow staff to go back and request modifications if the conditions of a development prove to have negative impacts. Conditional Use Permits require renewals, allowing staff to continue to monitor and evaluate a development, and applying new conditions at points of renewal if necessary.

Next Steps

Pending Council direction, each alternative presents different timelines. If Council directs staff to create development standards, the estimated timeline would be approximately 6 months with current workload. Research and alternatives will need to be developed and presented to Council, Planning Commission, and potentially other boards and commissions for feedback. If Council directs staff to proceed with the Conditional Use Permit, staff projects a completion timeframe of 60 days or less. As the ordinance has already been written, it will require less review and can be returned to Council in a short period of time. If Council chooses either of the alternatives, staff will also be seeking direction on pipeline status. Typically, Council has established a threshold of receiving a Design Review approval or building permit approval in order to be exempt from land use code changes. For reference purposes, there is currently one pre-application for a drive through restaurant facility (a pre-application approval is required to move onto a Design Review application), and a handful of inquiries regarding various existing drive-throughs to be converted to new businesses.

STAKEHOLDERS/OUTREACH

No outreach has been conducted as part of this analysis. Additional outreach and public meetings would be a part of either alternative

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

Staff is seeking direction only. CEQA review will be completed prior to any Zoning Code amendment.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

1. Direct staff to proceed with establishing the Conditional Use Permit process for

- drive through facilities.
2. Direct staff to proceed with drafting alternatives for development standards for drive through facilities.
 3. Any other alternative not provided 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

1. Council report from the March 4, 2025 meeting
2. Council report from the August 20, 2024 meeting
3. Draft ordinance establishing a Conditional Use Permit process for drive throughs from the August 20, 2024 meeting.