



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Public Hearing Re: 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. Introduction of Ordinance Amending Title 30 Relating Generally to Standards and Processes for Drive-through Establishments, and Miscellaneous Zoning Code Clean-Ups

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** August 13, 2024 **calendar**

### EXECUTIVE SUMMARY

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This report discusses proposed amendments to Title 30 of the Glendale Municipal Code, 1995, specifically as it relates to requirements for drive-through establishments, as directed by City Council on September 27, 2022, when a citywide moratorium on drive-through waiting lanes was first established. The moratorium was originally enacted in response to a growing number of applications for drive-through establishments (modifications to existing and new construction) and concerns regarding the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.

The proposed amendments to the Zoning Code include definitions for a drive-through establishment as well as implementing a conditional use permit (CUP) process for existing and new drive-through establishment. The second phase, which will be presented to Planning Commission and City Council at a later time, will include the establishment of design standards for drive-through establishments in the zoning code (e.g., standards for minimum lot size, queueing lengths, menu and order board separations, landscape buffers, etc.). The proposed amendments also include miscellaneous code clean-ups related to outdated Title 5 references and minor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. These amendments were reviewed by the Planning Commission and recommended that the City Council adopt the amendments as presented, with one modification to change the deadline for existing non-conforming drive throughs uses to obtain a required CUP from three years to five years from the effective date of the Ordinance.

## **RECOMMENDATION**

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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, following a public hearing.

## **ANALYSIS**

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### **BACKGROUND**

In recent years, the Planning Division has received a growing number of applications for drive-through establishments that included modification to existing facilities and new construction. As a result, concerns regarding the safety, aesthetics, and environmental impacts of this activity have become more evident. Title 30 (Zoning) of the Glendale Municipal Code contains standards for the approval of drive-through waiting lanes and establishes the desired physical development requirements. The current zoning standards are limited, establishing a minimum 60-foot queuing length from the beginning of the waiting lane to the order board, with a total range of queuing length between 100 and 200 feet for fast-food and full-service restaurants. Currently, there are also prohibitions on new drive-through facilities in the Downtown Specific Plan (DSP), as well as prohibitions in the IMU-R and SFMU mixed use zones. Residents, Councilmembers, and other stakeholders and individuals have expressed concerns that current zoning regulations may not fully address the impacts that drive-through waiting lanes may have in the community, including queuing spillover into the streets and blocking traffic lanes, and impacting pedestrians by blocking sidewalks or impeding pedestrian circulation on-site.

Facing several then-current and future uses that were eligible and seemed likely to propose new or converted drive-through waiting lanes citywide, the City Council imposed a moratorium in order to examine existing development standards and review and approval processes for drive-through establishments. On September 27, 2022, the City Council adopted Interim Ordinance No. 5994 imposing a 45-day moratorium prohibiting the issuance of entitlements and/or permits for developments with new or converted drive-through waiting lanes. On November 1, 2022, the City Council adopted Interim Ordinance No. 5996 extending the existing 45-day moratorium by 10 months

and 15 days, and on September 26, 2023, the City Council adopted Interim Ordinance No. 6010 extending the moratorium until September 26, 2024.

During the moratorium, staff reviewed the existing standards and approval processes for drive-throughs, examined approaches and regulations used by other cities in reviewing drive-through proposals, and prepared an inventory of all existing drive-through establishments. In addition, CDD's Mobility staff jointly with Public Works Traffic Engineering staff engaged a consultant to examine trip generation rates and queuing lines at various fast-food restaurant and drive-through coffee shops although the results of this study are not at this time proposed to be part of the Zoning Code and will be discussed at length in the second phase of code modifications. Staff prepared an inventory of all existing drive-through establishments in order to understand how many are associated with the different types of uses which primarily include restaurants, pharmacies and banks. The Zoning Code currently has three definitions of restaurants including full-service, fast-food, and counter service which operates similar to a fast-food establishment but with limited seating. There is no Zoning Code definition specific to a coffee shop and depending on the number of seats associated with the operation, this use is either classified as fast-food or counter service. The table below provides a breakdown of the total number of existing drive-through establishments by land use, with fast-food restaurant being the most common use.

Existing Land Use	Number of Establishments
Fast-food Restaurant	26
Counter Service Restaurant	1
Pharmacy	4
Banks and Financial Institutions	6
Other (Retail, Service Use)	2
Total	39

Based on the inventory, the highest concentration of fast-food establishments are located in the C2 and C3 commercial zones. Additionally, current zoning regulations prohibit drive-through establishments in the DSP, IMU-R, SFMU, and TOD zones. All existing establishments in these zones can maintain their existing legal non-conforming condition but could not expand their operation or modify the drive-through facilities in place. The table below provides a breakdown of the total number of existing drive-through establishments by zone and types of uses.

Zone	Quantity	Uses
C1	2	Bank, Fast-Food Restaurant
C2	11	Fast-Food Restaurant, Counter Service Restaurant, Pharmacy, Retail, Drycleaner
C3	10	Fast-Food Restaurant, Pharmacy, Bank,
CA	1	Fast-Food Restaurant
CH	2	Fast-Food Restaurant
CR	1	Bank
DSP	6	Bank, Pharmacy, Fast-Food Restaurant
IND	1	Fast-Food Restaurant
TOD	4	Fast-Food Restaurant
SFMU	1	Fast-Food Restaurant

## **DISCUSSION OF PROPOSED AMENDMENTS**

As it relates to drive-through establishments, staff is proposing a series of amendments to the Zoning Code that would establish definitions of drive-through establishments, limit the zones where new drive-through establishments could be proposed, and establish a conditional use permit (CUP) requirement for all existing and 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 drive-through establishments, and the potential impacts those standards could have on existing establishments. The City Council may choose to provide some direction or recommendations at this time regarding the second phase, specifically as it relates to existing legal non-conforming establishments where newly developed standards may be difficult to meet.

### **Definitions for Drive-Through Establishments**

Current Zoning Code standards do not have a definition for a drive-through establishment, and they are considered an ancillary feature to the primary use, which is typically a fast-food restaurant, bank, or pharmacy. The proposed amendments add definitions for "Drive-through Establishments, Restaurant" and "Drive-Through Establishment, Non-restaurant". The zones where new drive-throughs will be allowed

are added to the land use charts in the Zoning Code as an accessory use and establishes a CUP requirement for them. This is similar to the requirement for an administrative use permit for alcoholic beverage sales in conjunction with a restaurant, retail store, or similar primary use. The definition for Drive-Through Establishment, Non-Restaurant includes pharmacies and banks, as well as a variety of other uses which conceivably could have pick-up windows for cars, such as supermarkets, dry cleaners or shoe repair. A summary of the data analyzed by the consultant that discusses the different traffic impacts of restaurant and non-restaurant drive through establishments is attached to this report as Exhibit 1.

Currently, the Zoning Code groups restaurants into three categories – counter service with fewer than eight seats; fast-food with eight or more seats; and full service. Of these, it is only for ‘fast food’ for which the Code definition mentions drive-through facilities, although drive through windows are not precluded from any type of restaurant. This is why the Code amendments also include an alteration of the definition of “Restaurant, Fast Food”.

#### Where New Drive-Throughs Are Allowed

The proposed amendments 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.

Drive-through facilities would remain permitted (with CUP) on many of the city’s major commercial streets which includes much of East Broadway, East Colorado, South Glendale, West Glenoaks, North Brand, the commercial areas surrounding (but not in) Montrose Shopping Park, and Foothill Boulevard. The areas where new drive through facilities would not be permitted include CA Auto zone (South Brand), CR (Montrose Shopping Park), C1 zones such as Adams Hill, and along much of San Fernando Road in the TOD and mixed-use zones. The table below shows where drive-throughs are permitted under today’s code versus where they will be permitted under the amended ordinance.

<b>Zone</b>	<b>Existing Ordinance</b>	<b>Amended Ordinance</b>
C1	Yes	No
C2	Yes	Yes
C3	Yes	Yes
CR	Yes	No
CPD	No	No

CH	Yes	Yes
CA	Yes	No
IND	Yes	No
T	No	No
IMU	Yes	No
IMU-R	No	No
SFMU	No	No
DSP	No	No
TOD	No	No

#### Conditional Use Permit (CUP) Required

The proposed amendments include establishing a CUP requirement for all existing and new drive-through facilities located in the City. The purpose of a CUP is to allow discretionary review for certain uses because their particular characteristics, including traffic problems incidental to the operation and/or their effect on adjoining land uses has the potential to be detrimental to the peace, health, safety, and general welfare. (See Exhibit 1- restaurant and non-restaurant drive through impacts are different). Through a CUP, an analysis of the site, proposed use, business operations and surrounding neighborhood is done, and if all of the required findings can be made in favor of the proposal, conditions of approval are placed on the project to mitigate any potential negative impacts. As with all CUPs, there are findings which must be made for both restaurant and non-restaurant uses. Additional findings shall be required specifically for drive-through restaurant establishments that will investigate whether there is adequate queuing onsite to prevent impacts to pedestrians and adjacent traffic flow; that there exist plans for litter clean-up and that noise and light impacts are contained; and that the use is compatible with surrounding businesses. Furthermore, applications for a CUP for a drive-through establishment will be required to submit a trip generation study and queuing analysis with recommendations for improvement in form and methodology satisfactory to the Director of Public works. It is through this study and the CUP process that staff expects improvements to the existing drive-throughs located throughout the city. As proposed in this zoning code amendment, and based on Planning Commission's recommendation, all drive-throughs will require a conditional use permit by September 26, 2029. In addition, the CUP process will provide the City an avenue to consider the hours of operation of the drive-through along with conditions that address performance which can include revisiting the operation of the drive-through establishments after a year or more, and/or requiring attendants on-site to facilitate order taking and traffic circulation.

### Regulations for legal, non-conforming drive-throughs

Any time regulations change such that a use permitted in the zone is no longer allowed, the use becomes legal non-conforming. These legal non-conforming uses often continue to operate for decades as-is and businesses and property owners forfeit their nonconforming rights upon expansion and/or if the previously permitted use ceases operations for one year. As it relates to existing drive-through establishments that would be considered legal non-conforming, the proposed amendments require these establishments to obtain a CUP within five years (as recommended by Planning Commission), and no later than December 31, 2029. Through the CUP process, staff can analyze the existing conditions of the site, including the queuing analysis, and impose conditions of approval as needed to mitigate potential impacts.

### Next Steps

Staff along with the City's consultant team will continue working on Phase 2 of the ordinance that will include drive-through design standards to be presented to Planning Commission and later City Council, that will also enhance the CUP process included in the current code amendment. The finalized zoning standards for Phase 2 may include minimum lot size requirements, queuing length minimums, signage requirements and landscape buffers associated with drive-through establishments. Phase 2 will also review the potential impacts the proposed standards could have on existing establishments. At this time, the City Council may choose to provide direction or recommendations to staff regarding the second phase, specifically as it relates to existing legal non-conforming establishments where newly developed standards may be difficult to meet. Phase 2 will be completed prior to any existing drive-throughs will be obligated to apply for a CUP.

### **PLANNING COMMISSION REVIEW**

The proposed amendments were reviewed by the Planning Commission at a regularly scheduled meeting and hearing on July 17, 2024. Three commission members were present, and two were absent. There was no testimony during the public comment portion of the hearing and no written comments were provided to staff for the commission's consideration. During the deliberation portion of the hearing, the commissioners had questions mainly regarding the proposed CUP requirement for existing drive-through establishments and both Commissioner Chraghchian and Commissioner Fuentes commented that the requirement should not impose a hardship for existing operators. After some discussion, the Planning Commission voted unanimously to recommend adoption of the proposed ordinance, to the City Council with one recommended modification to change the deadline by which existing non-conforming drive-

through uses must obtain a CUP from three years to five years. This change has been incorporated into the draft ordinance before the Council.

## **STAKEHOLDERS/OUTREACH**

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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 hearings public notices were also mailed out to all the property owners and business owners of the existing drive-through facilities inventoried.

## **FISCAL IMPACT**

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There is no fiscal impact associated with this report.

## **ENVIRONMENTAL REVIEW (CEQA)**

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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. Requiring existing drive-through facilities to apply for a CUP would not result in new impacts since vehicle trips are already occurring. Any new drive-through facility would be specifically individually reviewed under CEQA once a new application is submitted to the Community Development Department for review.

## **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

## **ALTERNATIVES TO STAFF RECOMMENDATION**

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1. Do not introduce and subsequently 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**

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**Submitted by:**

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**Prepared by:**

Vista Ezzati, Principal Planner

**Approved by:**

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

#### **EXHIBITS/ATTACHMENTS**

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- Exhibit 1:** Drive-Through Operations – Staff Summary of Analysis from Jano  
Baghdanian & Associates
- Exhibit 2:** Planning Commission Motion, dated July 17, 2024
- Exhibit 3:** Drive-through Moratorium Ordinances