

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, EXTENDING, BY 10 MONTHS AND 15 DAYS, INTERIM URGENCY ORDINANCE NO. 5994 PROHIBITING ISSUANCE OF ENTITLEMENTS AND/OR PERMITS FOR DEVELOPMENTS WITH NEW OR CONVERTED DRIVE-THROUGH WAITING LANES IN THE CITY AND DECLARING THE URGENCY THEREOF**

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:**

**WHEREAS**, the California Constitution, the Glendale City Charter, and the State Planning and Zoning Law (California Government Code Sections 6500, *et seq.*) broadly empower the City of Glendale (“City”) to plan for and regulate the use of land in order to provide for orderly development, the public health, safety and welfare and a balancing of property rights and desires of the community; and

**WHEREAS**, concerns have been raised over the number of developments with uses and/or standards that include new and converted drive-through waiting lanes in all parts of the City; and

**WHEREAS**, 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, and the effects of drive-through waiting lanes on the City's major streets; and

**WHEREAS**, when drive-through waiting lines extend significantly on private property, the lines can create parking and circulation conflicts within the shopping centers where they are located and those lines can extend across sidewalks and into drive-way aprons, and even onto City streets, which can result in significant traffic hazards, including, but not limited to, unexpected stopping of vehicles, blind spots, unsafe lane changes to avoid lines on City streets, and hazards to pedestrians attempting to cross driveway aprons and streets impacted by lines of cars; and

**WHEREAS**, the goal of any new drive-through waiting lane zoning standards, allowable uses and regulations is to develop comprehensive regulations which recognize and balance the various interests related to drive-through waiting lanes in a manner tailored to the City's unique needs and community vision, and which are supportive of more walkable and pedestrian friendly environments, and which reflect the land use and zoning policy choices of the City; and

**WHEREAS**, the Glendale Municipal Code contains the standards for the approval of drive-through waiting lanes and establishes the desired physical development requirements; and

**WHEREAS**, the development standards established for drive-through waiting lines are meant to allow development with drive-through waiting lanes in a logical and safe manner by accommodating patrons of drive-through waiting lanes on-site, thereby minimizing conflicts with multi-modal forms of transportation (walking, cycling, vehicular) in the use of City streets, alleys, bike lanes and sidewalks; and

**WHEREAS**, the drive-through waiting lane development standards contained in Section 30.32.090 and accompanying Chart IX (Section 30.32.180) of the Glendale Municipal Code (“Parking and Loading – Parking Area Design and Layout Standards”) allows development projects that propose a drive-through waiting lane with the minimum dimensions and layout standards for an onsite vehicular waiting lane, including start of lane distances from service windows for restaurant uses and other uses, and from ordering devices, as well as a requirement for a separation lane from the onsite circulation to off-street parking spaces. These standards are intended to eliminate encounters of vehicles using the waiting lane versus vehicular access to off-street parking as well as, eliminate the spillover of waiting vehicles onto adjacent public-r-o-w’s or neighboring properties; and

**WHEREAS**, there are several current and future uses that are eligible and may propose new or converted drive-through waiting lanes Citywide, and there is one current development proposing a drive-through waiting lane using the drive-through waiting lane development standards that has received some level of discretionary review, Starbucks – 216-222 S Glendale and 611 Orange Grove (Return for Redesign); if developed, this would allow a 1,414 square-foot counter service restaurant with a drive-through waiting lane; and

**WHEREAS**, the City Council has adopted an ordinance amending the Downtown Specific Plan (DSP) to prohibit developments with drive-through waiting lanes in the DSP because such developments are contrary to the City’s goal of creating a pedestrian-friendly environment and encouraging residents to walk and bike in the DSP, and the City wishes to comprehensively study the benefits of such a prohibition Citywide; and

**WHEREAS**, drive-through waiting lane developments utilizing current development standards are a permitted use in most all Commercial, Mixed-Use and Industrial Zones (currently prohibited in the DSP, and in the IMU-R and SFMU Zones for fast food restaurants only) and do not require any special conditional or other use permit; and

**WHEREAS**, the City is considering revising or eliminating the drive-through waiting lane development standards or amending the Glendale Municipal Code to require uses proposing drive-through waiting lanes to obtain a conditional use permit, or prohibit such use entirely; and

**WHEREAS**, maintaining the status quo with respect to drive-through waiting lanes in the City by assuring that no applications for developments that contain uses or standards with new or converted drive-through waiting lanes are accepted, processed or

approved, and no building permits for new or converted drive-through waiting lanes are issued while the City conducts a study on drive-through waiting lanes, is consistent with good planning; and

**WHEREAS**, until the drive-through waiting lane policy study is complete, and any new regulations are adopted, there is a significant risk that some individuals or entities may make investments in and/or obtain approval to develop new drive-through lanes that would soon thereafter be illegal, nonconforming, or subject to an amortization program; and

**WHEREAS**, during this process, the City will be thoroughly studying and examining the potential physical, social and environmental impacts of new and existing drive-through waiting lane developments in the City, the impact of the current design, development and other land use standards and requirements on such development, including, but not limited to, whether there is a need for additional drive-through waiting lane development in the City; and

**WHEREAS**, the potential exists that proposed or converted drive-through waiting lane development project applications are inconsistent and in conflict with any new or eliminated drive-through waiting lane development policies, zoning, or revised standards of property development may be filed during the term that the City is studying potential revisions to drive-through waiting lane development standards and/or uses; and

**WHEREAS**, any approval of new or conversion of drive-through waiting lane development in the City has the potential to contravene future revised drive-through waiting lane design, development and entitlement standards and requirements, while such revisions are being studied, which will result in a threat to the health, safety and general welfare of residents in the City; and

**WHEREAS**, on September 20 and 27, 2022, the City evaluated the potential environmental effects of adoption of Interim Ordinance No. 5994 temporarily prohibiting approval of new or conversion of drive-through waiting lane development in the City within the meaning of the California Environmental Quality Act (“CEQA”), and the Council found that the adoption of Interim Ordinance No. 5994 was consistent with classes of projects that do not have a significant effect on the environment and thereby approved a Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3), 15307, and 15308, and certified that Interim Ordinance No. 5994 was exempt from additional environmental review, including from the preparation of an environmental impact report; and

**WHEREAS**, on September 27, 2022, the City Council, by a fourth-fifths vote, adopted Interim Ordinance No. 5994 imposing a 45-day moratorium on the approval of any new or conversion of drive-through waiting lane development in the City; and

**WHEREAS**, on October 25, 2022, the City issued a “10-day report” describing the measures taken to alleviate the conditions that led to the adoption of Interim Ordinance

No. 5994 which date was at least 10 days prior to the adoption of this extension, as required by Government Code Section 65858(d); and

**WHEREAS**, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the Glendale Municipal Code in order to provide for the reexamination within a reasonable time, of drive-through waiting lane design, development and entitlement standards and requirements in the City; and

**WHEREAS**, Government Code Section 65858 provides that a city council may adopt by a four-fifths vote as an urgency measure an interim ordinance prohibiting any uses or development standards that may be in conflict with a general plan or zoning measure that the city is considering or studying, or intends to study within a reasonable time, for 45 days, and may extend such moratorium following notice and public hearing for an additional 10 months and 15 days; and

**WHEREAS**, the moratorium and extension of Interim Ordinance No. 5994 on new or conversion of existing drive-through waiting lane development for any project will prevent changes to the existing physical environment within the city, and therefore, will not result in significant environmental impacts under CEQA, which are made in comparison to existing physical conditions (CEQA Guidelines Sections 15125(a) and 15126.2(a)); and

**WHEREAS**, notice of the date, time and place of the public hearing for this Ordinance to extend Interim Ordinance No. 5994 for 10 months and 15 days was given pursuant to Government Code Sections 65090 and 65858, by publication in Glendale Independent on October 10, 2022, and by posting and making available the written report referenced herein, which notified the public the City would be considering a 10 month and 15 day extension of the adopted Interim Ordinance No. 5994 imposing a moratorium on all new or conversion of existing drive-through waiting lane development for any project, together with issuance of a written report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 5994.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.**

The City Council finds, determines, and declares that:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.
2. The City's Community Development Department staff have fully evaluated the potential environmental effects of adoption of this Interim Ordinance temporarily barring development projects with drive-through waiting lanes and conversion of exiting

drive-through waiting lanes from changing establishments within the City of Glendale within the meaning of and pursuant to CEQA, and the City Council finds that this action is consistent with classes of projects that do not have a significant effect on the environment and thereby approves a Categorical Exemption pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308, and certifies that this Interim Ordinance is exempt from the requirement of further environmental review or the preparation of an environmental document.

3. The City has an overriding interest in planning and regulating development projects within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods.

4. Without stable, well-planned neighborhoods, areas of the City can quickly deteriorate, with negative consequences to social, environmental, and economic values.

5. The City has adopted a General Plan and various specific plans, to ensure a well-planned and safe community.

6. The City Council has amended the DSP to prohibit developments that contain drive-through waiting lanes in the DSP because such developments are contrary to the City's goal of encouraging pedestrian activity and alternative modes of transportation such as bicycle riding and public transportation, and wishes to comprehensively study whether such a prohibition should also be enacted Citywide.

7. The City finds that the potential exists that drive-through waiting lane project applications inconsistent and in conflict with any new or eliminated drive-through waiting lane and development policies, zoning, incentives, impact fees or revised standards of property development may be filed during the term that the City is studying potential revisions to drive-through waiting lane, development standards, and conditional use permit requirements, and that any approval of development uses that include new or converted drive-through waiting lanes have the potential to contravene future revised or eliminated drive-through waiting lanes and development standards while such standards are being studied, which will result in a threat to the public health, safety and general welfare of residents in the City.

## **SECTION 2. Moratorium.**

1. There is hereby imposed a 10 month and 15 day extension of Interim Ordinance No. 5994 on the approval of any land use entitlement(s) and/or permits under the Glendale Municipal Code for development projects which contain new, or conversion of existing, drive-through waiting lanes, defined as any project that proposes the development of a "drive-through waiting lane", as defined in Glendale Municipal Code section 30.32.090 ("Drive-through Waiting Lane Project") within the City of Glendale.

2. It is the intent of the City Council that any proposal for a Drive-through Waiting Lane Project within the City during the period of the moratorium shall be

considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such development.

3. City staff is directed to undertake a comprehensive study, as described above, and recommend new or amended policies, zoning or development standards, with respect to drive-through waiting lane developments in the City for consideration by the City Council.

4. Violations of this interim moratorium may be charged as a misdemeanor as set forth in Glendale Municipal Code Section 1.20.010, may be the subject of administrative code enforcement remedies as set forth in Chapter 1.24 of the Glendale Municipal Code, or may be deemed a public nuisance and may be enforced by an action for injunction or civil penalties as provided in the Glendale Municipal Code, or by any other remedy authorized by law.

5. The Glendale City Manager is hereby authorized to direct all City Departments, including the Community Development Department, the Police Department, and City Attorney, to facilitate compliance with the purpose and intent of this Interim Ordinance using the enforcement powers described in the preceding paragraph.

### **SECTION 3. Urgency.**

By the City Council's making the findings and determinations of fact which the Council declares to constitute an urgency for the immediate preservation of the public health, safety or welfare, the City Council hereby declares that this Ordinance is an urgency measure pursuant to City of Glendale Charter Article 6, Section 7 and Government Code Section 65858, which becomes effective immediately upon adoption by an affirmative vote of at least four-fifths (4/5<sup>ths</sup>) of the members of the City Council.

### **SECTION 4. Severability.**

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

### **SECTION 5. Adoption and Incorporation.**

The findings and information contained in the City Council staff reports dated September 20 and 27 2022, and October 25, 2022, are hereby adopted and incorporated by reference as though fully set forth herein.

**SECTION 6. Effectiveness.**

This Ordinance shall go into effect upon the expiration of Interim Ordinance No. 5994 and shall be of no further force and effect 10 months and 15 days from the expiration date of Interim Ordinance No. 5994, unless timely extended by further action of the City Council.

**SECTION 7. Certification.**

The City Clerk shall certify this Ordinance’s adoption and cause the Ordinance to be published in a manner consistent with the requirements of applicable state and local law.

Adopted by the Council of the City of Glendale on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )     SS.  
CITY OF GLENDALE            )

I, Suzie Abajian, Ph.D., City Clerk of the City of Glendale, certify that the foregoing Urgency Ordinance No. \_\_\_\_\_ was passed by a 4/5<sup>th</sup>s vote of the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
City Clerk