



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Adoption of a Moratorium on New and Conversion of Existing Drive-through Waiting Lanes

1. Interim Urgency Ordinance Prohibiting Developments with New and Conversion of Existing Drive-through Waiting Lanes Citywide Without Pipeline Project Exemption;
2. Interim Urgency Ordinance Prohibiting Developments with New and Conversion of Existing Drive-through Waiting Lanes Citywide With Pipeline Project Exemption.

COUNCIL ACTION

Item Type: Adoption of Ordinances

Approved for September 27, 2022 **calendar**

EXECUTIVE SUMMARY

Council requested the consideration of a moratorium on the development of new and conversion of existing drive-through waiting lanes citywide. This is based on the need to conduct a study of the impacts created by new drive-through lanes throughout Glendale's commercial areas and to study the manner of which they are permitted, and determine if the current code should be amended to better reflect current development trends involving new and conversion of existing drive-through lanes throughout the City.

Council also requested a report to consider a moratorium on potential developments proposing new and conversion of existing drive-through waiting lanes, to include all proposals that have not received approval at this time (pipeline).

On September 20, 2022, Council introduced two different versions of the interim urgency ordinance (one without a pipeline provision and one with a pipeline provision exempting projects with a return for redesign determination). If adopted (either version), the ordinance will be effective for 45 days (until November 11, 2022) unless extended for an additional 10 months and 15 days following a noticed public hearing. As such, if adopted, staff will notice a public hearing for November 1, 2022, for Council to consider extending the ordinance for an additional 10 months and 15 days, with adoption to occur on November 8, 2022, but the effective date to commence upon expiration of the first 45-day ordinance.

COUNCIL PRIORITIES

Economic Vibrancy: The moratorium is consistent with the Council's desire to ensure that the growth and economic vibrancy of Glendale is befitting of the Council and community's vision of a vibrant city, and to better understand the need and demand for drive-through waiting lanes.

Infrastructure and Mobility: The moratorium is consistent Council's desire to have a well-planned and comprehensive transportation system that is a safe, efficient and well-coordinated multi-modal circulation system that focuses on enhancing roadway safety through effective engineering, enforcement and education to the public.

RECOMMENDATION

Staff recommends that the City Council adopt either version of the interim urgency ordinance.

BACKGROUND

The City Council requested a report regarding developments with drive-through waiting lanes and to consider introducing a moratorium on developments proposing new or conversion of existing drive-through waiting lanes while studying the demand for such developments, and considerations for requiring a conditional use permit (CUP) or other regulations regarding drive-through development.

The Planning Division has received a growing number of applications for drive-through establishments (modifications to existing and new) even as concerns regarding the safety, aesthetics, and environmental impacts of this activity continue to become more evident. The effects of drive-through lanes on the City's major streets are difficult to align with adopted policies to support creating more walkable and pedestrian friendly environments.

Over the last five years, five (5) drive-through applications associated with restaurants have been submitted for review. Of these, four (4) were modifications of existing fast food style restaurants with new operators, and one (1) new fast food style restaurant is pending with a return for redesign from the Design Review Board. Also within this time period, staff has been contacted by various restaurant operators to preliminarily discuss potential locations for new drive-through waiting lane locations throughout the City. Other drive-through waiting lanes have been developed during this time and were generally associated with banks and pharmacies.

ANALYSIS

Section 30.32.090 of the Glendale Municipal Code contains standards for the approval of any drive-up or drive-through associated with a business (i.e. restaurants, drug stores). Those standards currently require enough space for the stacking of approximately three (3) cars or minimum of 60 feet between the beginning of the waiting lane to the order board, with a total range of queuing length between 100 and 200 feet [an additional two (2) to seven (7) cars] for fast food and full-service restaurants. With approximately 20 feet per car, recent installations of fast food style drive-through waiting lanes in the City have

experienced significantly longer lines than the maximum required length of 200 feet. When drive-through lines extend significantly on private property, the lines can create parking and circulation conflicts in the shopping centers where they are located. The line of vehicles can extend across sidewalks and into drive-way aprons, and even onto City streets, which can result in traffic hazards, including 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 vehicles.

The Council has already adopted amendments to the DSP to prohibit developments containing drive-through waiting lanes because, among other reasons, such developments in the DSP are not consistent with a walkable and pedestrian-friendly environment. A similar such prohibition that applies Citywide can be studied and considered for the same reasons.

In response to Council's expressed concern and direction regarding the impacts of existing and new drive-through waiting lanes in the City, staff intends to review the existing standards to ensure that future drive-through waiting lane installations minimize any conflicts and impacts, and are consistent with the City's long-term policies, as well as studying the impacts of drive through waiting lane modifications on disabled persons. Staff will also study the impacts of an option to prohibit drive-through waiting lanes Citywide for some or all uses (i.e., fast food restaurants, banks, pharmacies, etc.).

Moratorium Discussion

Under California Government Code section 65858, a city may adopt an interim ordinance to temporarily prohibit certain land uses and/or development standards that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council is considering or intends to study within a reasonable time. The purpose of such an interim ordinance is to give the City time to maintain the status quo and prohibit the issuance of entitlements or permits that would be in conflict with new contemplated standards. The rationale for an urgency ordinance that takes immediate effect is to prevent a "rush to the counter" of applications to establish new uses or development under old standards before new standards can be put in place. The delay in issuing permits allows the city to subject all new uses to the new standards.

Urgency interim ordinances under Government Code Section 65858 require adoption by 4/5 vote of the Council and expire within 45 days, unless extended in the manner described below. An urgency ordinance may only be adopted if the Council finds that there is a current and immediate threat to the public health, safety and welfare, and that the approval of additional entitlements, permits, and other approvals would result in a threat to that public health, safety, or welfare. In this case, the findings in the attached ordinance identify the consideration of proposed changes to drive-through waiting lane standards, or modifying how drive-through waiting lanes are permitted within the city. These findings would be legislative in nature, and would be entitled to a presumption of conclusiveness if adopted by Council.

After notice and public hearing, an interim ordinance may thereafter be extended for a

period not to exceed ten (10) months and fifteen (15) days, and then it may be extended once more for one year. An extension of an interim ordinance also required 4/5 vote of the Council.

Though the Council may utilize the moratorium mechanism while the City reviews potential changes to standards for drive-through waiting lanes, consideration should be given to “pipeline” status for projects that have some level of approval. While the recent number of drive-through waiting lane proposals has recently increased, it should be noted that the concerns have generally been at existing locations that were a result of turnover from perhaps less frequented fast food restaurants with drive-through waiting lanes to more popular establishments, many of which do not comply with current zoning standards.

Urgency Ordinance Procedures

The Council can adopt an urgency ordinance without following the typical procedures to amend the zoning code, which typically requires notice, public hearings before the Planning Commission and Council, introduction and adoption by the City Council, and a 30-day delay between the adoption and the effective date of the new law. An urgency ordinance can be passed consistent with the Charter and state law by introduction at one Council meeting and adoption at a subsequent regular meeting and can become immediately effective. At least ten (10) days prior to the expiration of the urgency ordinance, the Council must receive and approve a report outlining the actions the City has taken to alleviate the conditions which led to the adoption of the ordinance. In other words, the City must provide a status report on the action it has undertaken with respect to any potential changes to the use/development standards for drive-through waiting lanes in this report.

Urgency Options

If Council desires to adopt an urgency interim ordinance, staff has prepared the two versions of the draft ordinances that were both introduced on September 20, 2022, for consideration. Council would need a 4/5 vote on either one of the two versions of the ordinance (one without a pipeline exemption and one with a pipeline exemption) which would determine if any projects would be exempt from the proposed interim ordinance.

Non-Urgency Options

Council could hold off on adoption of a moratorium until a policy analysis can be executed. This study would seek to understand 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.

STAKEHOLDERS/OUTREACH

Stakeholder and public outreach would be conducted during any policy studies regarding the demand and effect of new or conversion of existing drive-through waiting lane standards and/or processes. This includes any businesses that would be impacted by this change, as well as residents and adjacent neighborhoods to understand impacts to quality of life.

FISCAL IMPACT

The action of placing a moratorium on future drive-through waiting lanes has no direct costs or financial benefits associated with it. Indirectly, the City would not gain the sales tax and associated permit fees that would flow from future drive-through waiting lane developments.

ENVIRONMENTAL REVIEW

Community Development Department staff have evaluated the potential environmental effects of adoption of the proposed Interim Ordinance temporarily barring new or conversion of existing drive-through waiting lanes within the City of Glendale within the meaning of and pursuant to CEQA, and have concluded that this action is consistent with classes of projects that do not have a significant effect on the environment, and thereby qualify for a Categorical Exemption pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308; the action is therefore exempt from further environmental review or the preparation of an environmental document.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES

1. Adopt one of two versions of the interim urgency ordinance imposing a 45-day moratorium on all development projects containing a new or conversion of existing drive-through waiting lane with or without exemption for development projects with a certain level of approval ("pipeline status") as of the date of adoption.
2. Decline to adopt either version of the urgency ordinance.
3. Choose any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

Bradley Calvert, Director of Community Development

Prepared by:

Kristen Asp, AICP, Principal Planner

Reviewed by:

Michael J. Garcia, City Attorney

Approved by:

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

EXHIBITS / ATTACHMENTS

None.