



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

July 16, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration 03-19;

Declare an Ordinance amending Title 21, Zoning, of the Long Beach Municipal Code to: (1) create a definition for "drive-through facilities;" (2) update the commercial and industrial zones permitted use tables with the new "drive-through facility" use; (3) require a Conditional Use Permit for new drive-throughs and expansions of existing drive-throughs in all industrial, commercial, and planned development zones; and, (4) provide new required findings specific to the drive-through use, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

Currently drive-through establishments are permitted throughout the City, by Conditional Use Permit (CUP), in most commercial zones and by-right in limited industrial zones (Light Industrial) (IL), Medium Industrial (IM), General Industrial (IG), and Port-Related Industrial (IP), if the drive-through establishment is located more than 300 feet from the nearest residential district. Citywide, the number of existing fast food drive-through establishments totals 116. Using the City's log of entitlement applications and past Planning Commission actions, the number of fast food drive-throughs per zip code is shown in Table 1.

The focus of the proposed Zoning Code amendment is to better regulate drive-through establishments. The data provided herein is on fast food drive-throughs, as the operational characteristics of fast food drive-through establishments have been found to be more impactful compared to the operations of drive-through banks, dry cleaners, and pharmacies. The latter types of drive-through establishments tend to experience less queuing, waiting, and noise impacts (due to either the absence of, or typically, fewer menu boards with speakers). Additionally, citywide, there are fewer bank, dry cleaner, and pharmacy drive-through establishments compared to fast food drive-through establishments. The number of existing fast food drive-through establishments in Long Beach, coupled with the influx of applications received specifically for fast food drive-through establishments in recent years and the concerns expressed by the community, compelled the City to evaluate the existing drive-through regulations.

Table 1:

Existing Drive-Through Establishments by Zip Code

As of December 2018

Zip Code	Drive-Throughs	Percentage per Zip Code
90802	4	3%
90803	2	2%
90804	15	13%
90805	26	22%
90806	12	10%
90807	9	8%
90808	12	10%
90810	11	9%
90813	12	10%
90814	1	1%
90815	12	10%
Total	116	100%

Source: Business Licensing System and Staff Research and Analysis

Within the last five years, 17 drive-through applications have been approved; four are pending (awaiting Planning Commission action); and one has been denied. Of the 17 approved projects, six involved multiple drive-through lanes, resulting in a total of 25 new drive-through facilities. The above table includes existing fast food drive-through establishments permitted by-right in industrial zones, as well as fast food drive-through establishments that predate the City’s existing drive-through regulations that require approval of a CUP.

The number of recent fast food drive-through applications has prompted concerns from the public and the Planning Commission. The concerns include potential pedestrian safety; traffic and queuing; noise, light, air pollution; and, aesthetics impacts.

Guiding Policy Framework

Existing regulations governing drive-through facilities, last amended in 1999, are not in alignment with best practices for drive-through design or the City’s recent policy documents that address quality of life issues, sustainability, and site design. Current Zoning Code lacks sufficient design standards for drive-throughs to minimize impacts on pedestrians, safety, and welfare of the community. Furthermore, when such establishments are constructed in areas offering a variety of transit opportunities, they may impede the City’s ability to meet its housing and economic development goals over time.

The City’s existing General Plan, including the Mobility Element, draft Land Use Element, draft Urban Design Element, draft Noise Element, draft Climate Action and Adaptation Plan (CAAP), its Vision Zero program, and Economic Blueprint all guided the development of the draft drive-through regulations. The relevant sections of each document are summarized below:

Mobility Element

In October 2013, the City Council adopted the Mobility Element and with it, a marked change in transportation policy for the City. The Mobility Element stresses a multimodal approach to mobility in the City, in contrast with a more-exclusively auto-centric focus prior to 2013. It is not possible to achieve Goal #1 of the Mobility Element, to create an efficient, balanced and Multimodal Mobility Network, without appropriate regulations. Multiple, closely-spaced, driveways associated with drive-through facilities actually do inhibit efficient vehicle movement, but most of all they create pedestrian hazards and interrupt the multimodal street experience for pedestrians, cyclists, and transit riders. This issue will now be addressed in the specific findings for granting a CUP to any drive-through facility. Specific strategies in the Mobility Element emphasize the use of urban design features to support active living (MOP IM-5), ensuring that all planning processes identify where pedestrian, bike, and transit improvements can be made (MOP IM-30), and continuing to implement pedestrian streetscape designs (MOP IM-33).

Land Use and Urban Design Element (LUE and UDE 2040)

In 2018, the City Council adopted the Place Types and Heights maps for the City's updated Land Use Element, which is currently undergoing a re-circulated environmental review. Among other provisions, the LUE seeks to accommodate the City's jobs and housing needs through the year 2040 by carefully managed transformation of auto-centric commercial corridors into mixed-use environments with new jobs and housing located proximate to transit, bicycle, and pedestrian amenities. With finite amounts of land within the City, the majority of which is not available for new mixed-use development, the opportunity costs of new drive-through uses, where denser job and housing uses could otherwise develop, compounds the safety and mobility concerns with such facilities. The LUE includes Policy 11-7 to diminish the impact of drive-through facilities on the pedestrian environment, implementation measure LU M-40 to discourage drive-through facilities, Policy 11-4 to reduce disproportionate concentrations of unhealthy food sources within neighborhoods, especially near schools and sensitive uses, and LU M-41 to discourage overconcentration of drive-through facilities in areas of the City. The UDE also includes Policy UD 13-1 to "incentivize neighborhood improvements to increase walkable/bikeable access to daily needs, goods/services, and healthy foods...;" Policy UD 13-3 to encourage new development projects to provide safe pedestrian access to public sidewalks, bus and rail transit facilities, and the bicycle network; and Policy UD 14-5 to promote commercial center and corridor development compatibility with adjacent residential uses, including ensuring that project design and function minimizes the potential adverse impacts of vehicle access, parking and loading facilities, building massing, signage, lighting, trash enclosures, and noise generating uses and areas.

Noise Element

As part of updating the General Plan Noise Element, the draft Noise Element was released for public review in May 2019. The updated Noise Element will contain a set of goals, policies, and implementation measures to limit noise exposure, particularly in areas with nearby housing, hospital, school, or day care center uses. Specific policies that support the drive-through use Zoning Code amendment include: Policy N 1-1 to integrate noise consideration into the land use planning process to prevent new land use noise conflicts; Policy N 1-4 to encourage developers or landowners to incorporate noise reduction features in the site planning process; Policy N 1-6 to ensure that project site planning, design, and function minimize the potential adverse impacts

of noise; Policy N 4-1 to encourage developers to utilize noise absorbing building materials; and, Policy N 4-7 to consider use of decorative walls and/or dense landscaping to further buffer noise between uses.

Climate Action and Adaptation Plan (CAAP)

The City is developing its first-ever CAAP to help reduce greenhouse gas (GHG) emissions, prepare the community for the impacts of climate change, improve the quality of life, and enhance economic vitality in Long Beach. The CAAP will provide a framework for creating or updating policies, programs, practices, and incentives for Long Beach residents and businesses to reduce the City's GHG footprint and ensure the community and physical assets are better protected from the impacts of climate change. The draft drive-through facility regulations are consistent with the goals of the CAAP and support policies to improve air quality in the City.

Vision Zero Program

In 2018, the City embarked on its Vision Zero Program aimed to dramatically reduce the rates of pedestrian collisions and resulting deaths occurring within Long Beach. While this program is still in development, the safety provisions of the proposed drive-through facility regulations share the goal and intent of reducing deaths caused by vehicle and pedestrian collisions.

Economic Blueprint

Adopted in 2017, the Economic Blueprint focuses on creating jobs and economic activity in an equitable fashion that allows all Long Beach residents to share in the City's economic success. There is employment associated with drive-through facilities; however, they are not fully consistent with the Blueprint goal of ensuring, through action, that Long Beach is recognized as one of the world's most livable, inventive, and inclusive cities. Rather than drive-through facilities, the Blueprint focuses on technology, tourism, and high-paying jobs as engines for the City's employment growth.

In meeting housing and economic development goals, new drive-through establishments are prohibited in the City's more-recent specific planning efforts including: Downtown (PD-30), Midtown (SP-1), and SEASP (SP-2) areas. The proposed Ordinance is not a ban but rather allows carefully designed drive-through facilities with pedestrian features in locations where they may be suitable.

Positive and Negative Impacts from Drive-Through Facilities

Development Services staff collaborated with the City's Department of Health and Human Services on producing scientific research regarding health impacts of drive-through facilities with the help of California State University of Long Beach, Master of Social Work students (Attachment B – Literature Review). The literature review found that while drive-through facilities enable businesses such as banks, pharmacies, dry cleaners, and coffee shops to provide a fast and convenient method for purchasing goods or services, drive-through facilities also result in air quality, health, and pedestrian safety (traffic collision) impacts.

Several studies have reported higher concentrations of carbon monoxide and other gases from idling cars in locations with drive-through facilities. There is also a correlation between higher levels of carbon monoxide and the number of drive-through lanes and window stops at a drive-through facility. Health impacts from vehicular emissions include a susceptibility to asthma, particularly childhood asthma. The literature review cites a study from the American Journal of Public Health that attributes approximately 1,600 cases of childhood asthma (9 percent of all cases of asthma) to living near major roads. In addition to health impacts associated with vehicular emissions, pedestrian-vehicular conflicts arising from the nature of drive-throughs also present a safety concern. The full extent of the literature review can be found in Attachment B – Literature Review.

Notwithstanding those impacts, staff finds that drive-through facilities are not only convenient, but they are also desired by portions of the City's residents and general public. Many drive-through facilities are franchise in nature and provide an entry-point for entrepreneurs to own their own business and create employment within Long Beach. The additional restrictions found within the proposed Ordinance, balance this fact with the existing availability and concentration of such facilities in the City, the impacts, and tradeoffs associated with creating more drive-through facilities.

Public and Planning Commission Deliberations

The proposed Zoning Code amendment consists of the modifications listed below. The findings for the Zoning Code amendment can be found in Attachment A – Findings.

- Create a definition for drive-through facilities. The Zoning Code currently does not define drive-through facilities, but references “fast-food restaurant” in place of “drive-in restaurant.” Staff proposes adding a new comprehensive, clear definition for drive-through facilities to classify the various drive-through uses and to strengthen the link between the use and the proposed regulations;
- Update the commercial and industrial zones permitted use tables to reflect the clarified drive-through facility use;
- Require a CUP for all new drive-through establishments and expansions in both the commercial and industrial zones that allow this use. Currently, a CUP, which is reviewed by the Planning Commission and conditioned to mitigate potential negative impacts and ensure compatibility with surrounding uses, is only required for fast food drive-through facilities in the commercial zones that allow this use¹. In the industrial zones, this use is currently allowed by-right—without Planning Commission review—unless the facility is within 300 feet of the nearest residential district, in which case a CUP is required²; and,
- Provide new required findings specific to the drive-through use. The required findings that staff proposes relate to consideration of the potential negative impacts associated with drive-throughs, including design, suitability of the location; opportunity cost of the

¹ Fast food drive-throughs are allowed in all commercial zones except for in the CNP, CNR, and CS zones.

² The rules vary in some Planned Development districts.

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drive-through use in lieu of housing or other commercial uses; buffering from sensitive uses; compatibility of a proposed drive-through facility with surrounding existing land uses; as well as overconcentration in an area.

The proposed "red-lined" changes to the Zoning Code are included in Attachment C - Redlined Zoning Code Amendment.

The new required findings reference conformance to design guidelines, which staff is working with a consultant to develop over the next few months. In situations where the proposed findings can be made for approval of a drive-through facility, the design guidelines would be used to help applicants design drive-through facilities that further minimize impacts on pedestrians, safety, and the welfare of the community.

As part of the Zoning Code amendment process for drive-through establishments, the City employed extensive outreach efforts. On January 23, 2019, the City met with representatives from the Coalition for Clean Air (CCA) and the South Coast Air Quality Management District (SCAQMD) for a discussion on impacts associated with drive-through facilities, as well as tools to regulate and mitigate the impacts associated with the use.

On February 7, 2019, the Planning Commission conducted a study session on the drive-through use code amendment. At the study session, staff presented the existing and proposed drive-through regulatory framework, as well as a timeline of stakeholder meetings and the Zoning Code amendment process.

On February 19, 2019, staff conducted a stakeholder meeting with industry representatives, during which the participants provided information on their experience with drive-through projects in different cities and how lighting, air quality, and noise regulations have been addressed.

On February 25, 2019, the City met with approximately 20 members of the public and community organizations. During that meeting, the community members expressed concerns on a range of matters regarding the drive-through use, including air quality, availability of healthy food options, safety, trash and traffic impacts, and displacement of local businesses.

On March 21, 2019, the Planning Commission held a public hearing on a Zoning Code amendment pertaining to drive-through establishments (Attachment D – Planning Commission Staff Report). The Planning Commission received a staff presentation and heard the following public testimony:

- Consider increased evaluation of drive-through establishments proposed along minor neighborhood connector streets;
- Cap the total number of drive-through establishments and implement a cap and trade system;
- Require that walk-up windows stay open to offer services to bicyclists and pedestrians, rather than exclude them;
- Take a closer look at areas with a high concentration of drive-throughs, as well as the areas with a high concentration of health risks when determining if a location is appropriate for this use;

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- Expand the opportunity cost finding (finding #8) to capture the opportunity cost of a potential healthy food's outlet or full-service market at a proposed drive-through facility location;
- Increase the 500-foot radius buffer to a school or park to 1,200 feet; and,
- Members of the public recounted traffic and safety impacts observed in neighborhoods close to drive-through facilities.

Public comment letters received on this matter to date have been included in Attachment E – Public Comments.

The Planning Commission then closed the public hearing, deliberated, and unanimously voted to recommend the City Council adopt the amendments. In the deliberations for this item, some members of the Commission questioned whether a citywide ban or more-restrictive approach than was proposed by staff might be appropriate; ultimately, however, consensus was found among members of the Commission to move forward with the staff proposal and monitor implementation with the possibility of more restrictive regulations in the future. To further that goal, the Commission requested that staff provide a report on the implementation of this Zoning Code amendment six months after the Ordinance effective date.

Relationship to the Moratorium

On April 9, 2019, the City Council adopted a minute order that initiated a moratorium on the issuance of building permits, CUPs, or other entitlements for new drive-through facilities in the City. On May 14, 2019, the City Council adopted an Urgency Ordinance establishing a six-month moratorium for drive-through facilities until regulations could be considered. The moratorium applies to any application for permits received after April 9, 2019. Nine pending drive-through applications are exempt from the moratorium. Upon the effective date of the proposed Ordinance, if adopted, the moratorium would be automatically lifted. If no Ordinance is adopted by the City Council, the moratorium would lapse on October 8, 2019.

Response to Concerns Raised by the City Council

On April 9, 2019, during consideration of the minute order for a moratorium, the City Council requested further information and clarification on 17 different issues of concern. To the degree these concerns related to Land Use, they were considered and are reflected in the draft Ordinance. A summary of the concerns and requests raised by the City Council and staff responses are found below:

1. Jobs, sales tax, and other revenues:

Drive-through facilities do result in employment, sales tax, as well as limited property and utility tax revenue to the City. A revenue-centered approach was not the staff focus for addressing safety and other impacts of such facilities. When compared to a vacant site, having a drive-through facility results in more revenue than having no use. When compared to other uses however, the drive-through facility may result in less revenue and further the City's economic and employment goals to a lesser extent than other uses. In Long Beach, drive-through facilities are typically constructed at a very low-intensity rate due to the space needs for queuing and parking. The Floor Area Ratio (FAR) describes

the relationship of how much building is on a given site compared to the total lot area. The FAR on a typical drive-through facility development is 0.10 whereas a retail center without drive-through would be built at 0.25, potentially resulting in greater property tax revenue and similar sales tax revenue to the City. In locations where more intensive development is allowed, mixed-use or office development would occur at a FAR of 2.0 or greater, resulting in orders-of-magnitude greater investment, employment and tax revenues accretive to the City. The proposed regulations allow drive-through facilities to apply for locations throughout the City but require specific findings regarding the opportunity cost of other allowed development on the subject site.

2. Customer convenience, infirmed, and disabled:

Staff concurs that drive-through facilities do provide convenience to motorists, including the infirmed or disabled. The City Council may wish to balance this convenience against negative impacts of these facilities on other residents, such as the safety of pedestrians. The existing 116 drive-through restaurants plus other existing drive-through pharmacies, banks, and other facilities may be sufficient to provide for the convenience of Long Beach residents. New facilities may apply under the proposed Ordinance and will need to demonstrate an appropriate design and location, in addition to providing a business operation convenient to motorists.

3. Restaurant model depends on drive-through model:

Some businesses are dependent, either primarily or exclusively, on the drive-through model for their economic success. The proposed Ordinance does not impact the existing drive-through businesses within the City and does not prohibit new facilities if they comply with the required findings for approval.

4. Costs to consumers, prioritizing restaurants that have the ability to feed a family of four for \$20:

Cost impacts to the consumer are typically beyond the scope of analysis for land-use regulations. While affordability may be a feature of drive-through restaurants, there is no requirement that they be affordable. Non-drive-through restaurants are free to set prices and serve their choice of food just as drive-through restaurants. The City lacks the regulatory authority to control restaurant prices through its land use control authority.

5. Artificial intelligence (AI) and mobile ordering –reduction in emissions and wait times:

Implementation of artificial intelligence and mobile orders will result in changes, over time, to drive-through operations and their associated emissions profile. The exact nature and timeline of these changes cannot be predicted at this time as large multi-national firms test the technology, it may not be implemented by smaller operators for a decade or more. Regardless of the speed of the queue, the physical design of drive-through facilities results in land-use and safety impacts that the proposed Ordinance seeks to address.

6. Residents can already stop drive-through restaurants with the City process in place for review of drive-throughs:

Staff investigated this statement based on five-years of data for drive-through applications. The single denial of a drive-through facility during that time period, out of 22 applications

received, involved a proposed Del Taco restaurant on Bellflower Boulevard within Council District Four. Based on the findings required by the LBMC, staff recommended approval of the application; however, the Planning Commission denied the application.

7. Goal of number of cars per hour (160 cars/hour); the faster, the better to reduce idling time and queue lengths:

Reduced vehicle idling time would result in lesser air pollutant emissions and shorten queue lengths. Similar to the use of AI technology (see #5 above) the rollout and impact of faster service is speculative and would actually increase the physical conflict between vehicles and pedestrians at drive-through facility driveway entrances and exits.

8. Impact of limiting supply on existing drive-throughs – queuing lines are already too long; concern that without an opportunity for additional drive-throughs to enter the market, the lines of other existing drive-throughs will continue to be too long. The lengths of time to go through drive-throughs will also be longer, which in turn, creates greater pollution:

A total of 116 drive-through restaurants, in addition to drive-through pharmacies and banks, already serve Long Beach residents and visitors. It is not anticipated that the proposed Ordinance, which refines the process for obtaining a drive-through facility CUP and does not ban such facilities, would exacerbate any existing facility queue lengths. The goal of the proposed Ordinance relates to public safety, multimodal mobility, and creating equitable and productive land-use patterns.

9. Possible pollution reduction in bringing more drive-throughs to equitably spread demand across more facilities:

Staff found no evidence to support the statement that Long Beach is under-served by drive-through facilities, and no public comments indicated this concern. Drive-through facilities exist in all areas of the City with fewer facilities downtown and near the coastline where higher land-costs and regulatory barriers taper the concentration of these facilities.

10. Impacts on fast casual restaurants at Long Beach Towne Center:

The proposed Ordinance (as opposed to the temporary moratorium that will be lifted with adoption of this Ordinance) does not ban drive-through facilities. The Long Beach Towne Center is physically isolated from residential uses, is not contemplated for mixed-use or dense development, and can physically accommodate an appropriate drive-through design. While each application is evaluated on its own merits, further drive-through and/or fast-casual development at the Long Beach Towne Center would be allowed and encouraged under the proposed Ordinance.

11. Economic development implications:

Development of drive-through facilities compared to a vacant site provides economic advantages to the City; however, other more-intensive development of that same site may fulfill the City's economic goals to a greater extent. The proposed Ordinance will allow for this analysis on an application-by-application basis.

12. Number of non-food drive-throughs; geographic distribution of existing and new drive-throughs, impacts on disadvantaged communities—some areas are more adversely impacted than others:

The majority of the drive-through CUP applications received within the last five years were for fast food restaurants, which served as an impetus for staff to inventory the universe of existing fast food restaurants with drive-throughs citywide. Unfortunately, the City's permitting and business licensing system does not track or differentiate between the various drive-through uses other than restaurants; consequently, the number of existing pharmacies, banks, and dry cleaners with drive-through lanes is more difficult to obtain. Nevertheless, pharmacies, banks, and dry cleaners with drive-throughs have similar impacts on health, the environmental, and urban design as fast food drive-through facilities.

The geographic distribution of drive-through restaurants is included on Page 2 of this report. Limits in the City's permit software did not allow for the mapping and tabulation of pharmacy, bank and other drive-through facilities that exist today. The data shows a limited skew in the distribution of drive-through restaurants in North Long Beach, which contains both disadvantage and non-disadvantaged census tracts. A concentration of drive-through facilities also exists at the traffic circle, which is not a disadvantaged area. While drive-through facilities do exist downtown, west and central Long Beach, including in disadvantaged communities, they are not over-concentrated relative to the remainder of the City. The proposed Ordinance seeks to improve the design and siting of drive-through facilities throughout Long Beach, resulting in land-use and mobility improvements in both disadvantage and non-disadvantaged communities.

13. Map of existing fast food drive-through restaurants:

Staff encountered technological and systems issues graphically depicting the 116 drive-through facilities; however, the geographic depiction is found on Page 2 of this report.

14. Related Sustainability and Mobility Element goals and conflicts drive-throughs present to City goals:

The regulatory framework for the proposed Ordinance is discussed on Page 2 and 3 of this report. Staff has concluded the proposed Ordinance is consistent with the Mobility and Land Use elements of the General Plan, as well as the City's Economic Blueprint.

15. Why some drive-throughs were denied, and others were not:

As discussed in Question #6, only one instance of a CUP denial for a drive-through facility was found during the previous five-years. The current LBMC provision only allows for denial in circumstances where vehicle queuing is inadequate, or the menu board location is inappropriate.

16. Drive-throughs by zip code:

This information can be found on Table 1, Page 2 of this report.

The comments and concerns raised by the City Council have been incorporated in the drive-through policy framework to the extent that they are land-use related, and within the regulatory authority of the Zoning Code.

Proposed Regulations and Next Steps

Currently, the LBMC does not require findings related to the negative impacts that drive-through establishments may have. In contrast, the proposed findings provide a comprehensive set of criteria that can be used to evaluate drive-through uses. The required findings that staff proposes relate to consideration of the potential negative impacts associated with drive-throughs, design, suitability of the location, opportunity cost, buffers for sensitive uses, compatibility of a proposed drive-through facility to surrounding existing land uses, as well as overconcentration in an area.

The proposed set of criteria will prevent new drive-through establishments on major mixed-use corridors better suited for uses that further the City's housing and economic development goals; provide the Planning Commission with more tools to deny such establishments proposed in inappropriate locations; guide drive-through establishments to locations that are appropriate, such as in shopping centers and freeway-adjacent lots; and ultimately, will result in better future drive-through establishments because new drive-through establishments or expansions would be held to a more stringent set of standards than currently exist. A drive-through establishment would need to meet the set of criteria outlined in the findings for the Planning Commission to grant the CUP. When the new CUP findings can affirmatively be made, it will ensure that the use is appropriate to both the site and surroundings.

Lastly, the findings reference conformance to design guidelines, which staff will be developing over the next few months for review and concurrence by the Planning Commission. In situations where the proposed findings can be made for approval of a drive-through establishment, the design guidelines would be used to help applicants design drive-through facilities that further minimize impacts on pedestrians, safety, and the welfare of the community.

Public Notice and Environmental Compliance

Notice of this public hearing was published in the Long Beach Press-Telegram on July 2, 2019, in accordance with Section 21.21.302.C of the Zoning Code Ordinance. Additionally, written notices were sent to the California Coastal Commission and all City libraries except for the Main Library, which is currently closed for construction, and three public hearing notices were posted in public places throughout the City. Notice of the public hearing was also sent to stakeholder focus groups. Lastly, an email blast regarding the proposed Zoning Code amendments was sent through the City's LinkLB system to interested parties who subscribe to LinkLB. No responses were received in response to the City Council public hearing notice as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Negative Declaration ND 03-19 was prepared for the proposed amendments (Attachment F – Negative Declaration). The Negative Declaration was made available for a 30-day public review and comment period that began on February 19, 2019 and ended on March 21, 2019.

A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program has been prepared.

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This matter was reviewed by Assistant City Attorney Michael J. Mais on June 24, 2019 and by Budget Analysis Officer Julissa José-Murray on June 25, 2019.

TIMING CONSIDERATIONS

City Council action is requested on July 16, 2019. Pursuant to Section 21.25.103 of the Zoning Code, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on March 21, 2019. The July 16, 2019 public hearing date was the first available opportunity for the item to be reviewed by the City Council. On May 14, 2019, the City Council adopted a six-month moratorium while these requested regulations were completed.

FISCAL IMPACT

This recommendation will not impact staff hours beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

LFT:CK:AO:PAD:cdll
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- Attachments:
- City Council Ordinance
 - City Council Resolution
 - Attachment A – Findings
 - Attachment B – Literature Review
 - Attachment C – Redlined Zoning Code Amendment
 - Attachment D – Planning Commission Agenda Report
 - Attachment E – Public Comments
 - Attachment F – Negative Declaration

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.870; TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, AND SECTION 21.45.130; AND BY ADDING SECTION 21.15.875, ALL RELATING TO DRIVE-THROUGH FACILITIES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15. 870 of the Long Beach Municipal Code is amended to read as follows:

21.15.870 Drive-in restaurant.

See "Drive-through facilities."

Section 2. Table 32-1 of Chapter 21.32, "Automobile (Vehicle) Uses," is amended to add "Drive-through facilities" to read as follows:

	Neighborhood			Community				Regional	Other	
Automobile (Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

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1 Section 3. Table 32-1 of Chapter 21.32, "Financial Services," is amended
 2 by amending "3. Drive-through facilities" to read as follows:

	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
3. Drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

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Section 4. Table 32-1 of Chapter 21.32, "Restaurants and Ready-To-Eat

Foods," is amended to read as follows:

	Neighborhood			Community				Regional	Other	
Restaurants and Ready-To-Eat Foods	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Outdoor dining	A	A	A	A	A	A	A	A	N	A Coastal Permit and encroachment permit are required for all outdoor dining located on public right-of-way within the City's Coastal Zone.
Restaurants and ready-to-eat foods with drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).
Restaurant and ready-to-eat foods without drive-through facilities	Y	Y	Y	Y	Y	Y	Y	Y	N	
Vending Carts	AP	AP	AP	AP	AP	AP	AP	AP	N	Special Standards apply (see Section 21.45.170)

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1 Section 5. Table 33-2 of Chapter 21.33, "7.0 Retail Trade," is amended
 2 and restated to read as follows:

Use	IL	IM	IG	IP	*Notes and Exceptions
7. Retail Trade					a. Primarily, these uses are intended to serve nearby industries and employees, and the retail's proximity will provide convenience with minimal impact on the retail operations.
7.1 Eating places without drive-through facilities (SIC code 5812*)	Y	Y	Y	See item 10 in this table.	
7.2 Drive-through facilities (SIC code 5812*)	C	C	C		b. Any business involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in Section 21.52.201.
7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)	Y	Y	Y		The following exceptions do not require a conditional use permit:
7.4 All other retail trade (SIC codes 52 through 57, 59)	Y	C	C		Restaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.
See item 13 in this table for "drinking places." (SIC code 5813)					
					<ul style="list-style-type: none"> Any use located more than 500 ft. from a zone district which allows residential use.

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Section 6. Table 33-2 of Chapter 21.33, "9. Professional Office and Institutional Uses," is amended and restated to read as follows:

Use	IL	IM	IG	IP	*Notes and Exceptions
9.0 Professional Office and Institutional Uses (SIC codes 60, 61, 62, 63, 64, 65, 66, 73 [except 7353 and 7359], 861, 862, 863, 864, 878* Division J (Public Administration))	Y	AP	AP	See item 10 in this table	a. Prohibited in all industrial districts: <ul style="list-style-type: none"> • 6099 (Functions related to depository banking, not elsewhere classified) • 9223 (Correctional Institutions) • 8744 (Jails, privately operated-correctional facilities, adult privately operated), except a "Community Correctional Re-entry Center," as defined in Section 21.15.602, may be permitted in the IL, IM and IG zone districts pursuant to a conditional use permit as set forth in Chapter 21.52 b. Offices are intended to serve nearby industries and employees. c. Emergency shelters (8322) shall be subject to the special development standards specified in Section 21.45.132. d. Adult-Use Cannabis Businesses subject to Chapter 5.92. e. Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).

Section 7. Table 33-2 of Chapter 21.33, "10. Port-Dependent And Support Businesses," is amended and restated to read as follows:

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Use	IL	IM	IG	IP	*Notes and Exceptions
10. Port-Dependent And Support Businesses	See Items 1-9 and 11-14 in this table	See Items 1-9 and 11-14 in this table.	See Items 1-9 and 11-14 in this table.	Y	<ul style="list-style-type: none"> • <u>Ancillary Port Facilities</u> - ship building and repair, towboat and salvage operations, bunker barge loading, sportfishing launching, marine research, Coast Guard operations, marine-oriented fire protection, equipment storage for dredging and waterfront construction, oil spill cleanup • <u>Commercial/Recreational Facilities</u> - water-oriented parks, sightseeing, sportfishing, water skiing, restaurants, hotels, curio shops, marinas, boat sales and manufacturing, charter boat operations, tackle shops, tourist attractions (e.g., Queen Mary), vessel storage • <u>Federal Use</u> - shipyard and drydock operations, Navy Base and support • <u>Oil And Gas Production</u> - including tankage, processing, drilling, and water injection • <u>Utilities</u> - Installations and rights-of-way, including SCE station on Terminal Island • <u>Adult-Use Cannabis Businesses</u> (all categories) are prohibited • Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).

1 Section 8. Section 21.45.130 of the Long Beach Municipal Code is
2 amended to delete Figure 45-1 and amended and restated to read as follows:

3 21.45.130 Drive-through facilities.

4 Findings required. A decision-maker shall not grant a conditional use
5 permit or other approval for a drive-through facility without finding:

6 A. Said facility has adequate vehicle queuing distance,
7 including with due consideration for menu board location, clear of any
8 adjacent public right-of-way, and shall not create any vehicular or pedestrian
9 travel hazards as demonstrated in a traffic study prepared to the satisfaction
10 of the Director of Development Services.

11 B. That the project substantially conforms with the purpose,
12 intent and provisions of the General Plan, any applicable Specific Plan or
13 Planned Development District, overlay, design guidelines, or other applicable
14 regulation.

15 C. That the location and design of the facility is compatible
16 with surrounding existing uses, includes a prominent main entrance at street
17 or lot frontage, attractive landscaping, and includes sufficient pedestrian
18 amenities, and interior floor area.

19 D. The said facility includes sufficient emissions controls to
20 prevent idling vehicles, tunneling of emissions, and associated impacts on
21 employees, visitors, and nearby sensitive receptors.

22 E. That said facility includes buffering sufficient to control
23 any spillover impacts, including but not limited to noise, light, and debris that
24 may impact surrounding sensitive receptors.

25 F. That said facility, if located within 150-feet of a residential
26 zone, includes appropriate limits on hours of operation of the drive-through.
27 Hours of operation for dine-in or take-out customers shall not be limited.

28 G. That said facility is not located in an area of existing

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overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.

H. That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that would advance the City’s housing and economic goals, as described in the General Plan and Economic Blueprint.

Section 9. Section 21.15.875 is added to the Long Beach Municipal Code to read as follows:

21.15.875 Drive-through facilities.

Drive-through or Drive-up facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Drive-through facilities do not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

Section 10. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF LONG BEACH
AUTHORIZING THE DIRECTOR OF DEVELOPMENT
SERVICES TO SUBMIT AMENDMENTS TO THE LONG
BEACH ZONING REGULATIONS TO THE CALIFORNIA
COASTAL COMMISSION FOR APPROVAL

WHEREAS, on _____, 2019, the City Council of the City of
Long Beach amended certain provisions of the Long Beach Zoning Regulations of the
City of Long Beach related to Drive-Through Facilities; and

WHEREAS, it is the desire of the City Council to submit the above
referenced zoning regulation amendments to the California Coastal Commission for its
review as implementing ordinances of the Long Beach Local Coastal Program (LCP); and

WHEREAS, the Planning Commission and City Council gave full
consideration to all facts and the proposals respecting the amendments to the zoning
regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed changes to the LCP by
adopting the amendments to the zoning regulations. The proposed zoning regulation
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in the Coastal Zone immediately upon Coastal Commission
certification; and

WHEREAS, environmental documentation has been prepared, certified,
received and considered as required by law, and the City Council hereby finds that the
proposed amendments will not adversely affect the character, livability or appropriate
development of the surrounding properties and that the amendments are consistent with
the goals, objectives and provisions of the general plan;

//

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1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
2 follows:

3 Section 1. The amendment to the Long Beach Zoning Regulations of the
4 City of Long Beach adopted on _____, 2019, by Ordinance No.
5 ORD-19-_____, a copy of which is attached to and incorporated in this
6 resolution as Exhibit "A" and is hereby submitted to the California Coastal Commission
7 for its earliest review as to that part of the ordinance that directly affects land use matters
8 in that portion of the California Coastal Zone within the City of Long Beach.

9 Section. 2. The Director of Development Services of the City of Long
10 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
11 with appropriate supporting materials, to the California Coastal Commission with a
12 request for its earliest action, as an amendment to the Local Coastal program that will
13 take effect automatically upon Commission approval pursuant to the Public Resources
14 Code or as an amendment that will require formal City Council adoption after Coastal
15 Commission approval.

16 Section. 3. This resolution shall take effect immediately upon its adoption
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

18 I certify that this resolution was adopted by the City Council of the City of
19 Long Beach at its meeting of _____, 2019, by the following vote:

20 Ayes: Councilmembers: _____
21 _____
22 _____

23 Noes: Councilmembers: _____
24 _____

25 Absent: Councilmembers: _____
26 _____

27 _____
28 _____
City Clerk

FINDINGS
Drive-Through Use
Zoning Code Amendment
Application No. 1902-09
July 16, 2019

The Long Beach Municipal Code does not have specific findings for the adoption of a zoning code amendment codified. Pursuant to California Government Code §65860, a zoning ordinance shall be consistent with the adopted General Plan. The City of Long Beach makes the following finding in support of its adoption of the Drive-Through Use zoning code amendment.

The Drive-Through Use zoning code amendment is consistent with objectives, principles, and standards of the General Plan. Citywide, the number of existing fast food drive-through establishments totals 116. In addition to the existing number of fast food drive-throughs in the City, within the last five years, there has been an uptick in applications received. The number of recent fast food drive-through applications has prompted concerns by members of the public and the Planning Commission due to potential impacts associated with the use on pedestrian safety; traffic and queuing; noise, light, and air pollution; and aesthetics.

Existing regulations governing drive-through facilities, last amended in 1999, are not in alignment with the City's more recent planning initiatives and documents. The current regulations lack sufficient design standards for drive-throughs to minimize impacts on pedestrians, safety, and welfare of the community. Furthermore, when such establishments are constructed in areas offering a variety of transit opportunities, they may impede the City's ability to meet its housing and economic development goals over time. The Drive-Through Use zoning code amendment (ZCA) seeks to bridge the gap between larger policy goals and objectives and the existing substandard regulatory framework governing the drive-through use. The proposed set of criteria will prevent new drive-through establishments on major mixed-use corridors better suited for uses that further the City's housing and economic development goals; provide the Planning Commission with more tools to deny drive-through establishments proposed in inappropriate locations; guide drive-through establishments to locations that are appropriate, such as in shopping centers and freeway-adjacent lots; and ultimately, will result in better future drive-through establishments because new drive-through establishments or expansions would be held to a more stringent set of standards than what currently exists. A drive-through establishment would need to meet the set of criteria outlined in the findings in order for the Planning Commission to grant the Conditional Use Permit (CUP). When the new CUP findings can affirmatively be made, it will ensure that the use is appropriate to both the site and surroundings.

The ZCA generally consists of the following modifications:

- Create a definition for drive-through facilities. The zoning code currently does not define drive-through facilities, but references 'fast-food restaurant' in place

of 'drive-in restaurant'. Staff proposes adding a new comprehensive, clear definition for drive-through facilities to classify the various drive-through uses and to strengthen the link between the use and the proposed regulations;

- Update the commercial and industrial zones permitted use tables to reflect the clarified drive-through facility use;
- Require a Conditional Use Permit (CUP) for all new drive-through establishments and expansions in both the commercial and industrial zones that allow this use. Currently, a Conditional Use Permit (CUP), which is reviewed by the Planning Commission and conditioned to mitigate potential negative impacts and ensure compatibility with surrounding uses, is only required for fast food drive-through facilities in the commercial zones that allow this use¹. In the industrial zones (and in Planned Development District 7²), this use is currently allowed by-right—without Planning Commission review—unless the facility is within 300' of the nearest residential district, in which case a CUP is required.
- Provide new required findings specific to the drive-through use. The required findings that staff proposes relate to consideration of the potential negative impacts associated with drive-throughs, including: design, suitability of the location; opportunity cost of the drive-through use in lieu of housing or other commercial uses; buffering from sensitive uses; compatibility of a proposed drive-through facility to surrounding existing land uses; as well as overconcentration in an area.

The City's existing General Plan, its Vision Zero program, and Economic Blueprint all guided the development of the draft regulations. The ZCA is consistent with goals and objectives in the existing Land Use Element of the General Plan, such as Functional Transportation goals to improve on the City's current ability to move people and goods to and from development centers while preserving and protecting residential neighborhoods and, specifically, the Mobility Element of the General Plan.

In October of 2013, the City Council adopted the Mobility Element and with it, a marked change in transportation policy for the City. The Element stresses a multimodal approach to mobility in the City, in contrast with a more-exclusively auto-centric focus prior to 2013. It is not possible to achieve Goal #1 of the Mobility Element, to create an Efficient, Balanced and Multimodal Mobility Network, without appropriate regulations. Multiple, closely spaced, driveways associated with drive-through facilities actually do inhibit efficient vehicle movement but, most of all, they create pedestrian hazards and interrupt the multimodal street experience for pedestrians, cyclists and transit riders. This issue will now be addressed in the specific findings for granting a CUP to any drive-through facility. Additionally, the ZCA includes provisions that take into account pedestrian and bicycle accessibility and amenities, for example, in accordance with the City's Land Use

¹ Fast food drive-throughs are allowed in all commercial zones except for in the CNP, CNR, and CS zones.

² Drive-through facilities are also allowed in PD-25, but with approval of a CUP.

strategies/policies and the 2013 Mobility Element. Such strategies in the Mobility Element, for example, that emphasize the use of urban design features to support active living (MOP IM-5); ensuring that all planning processes identify where pedestrian, bike, and transit improvements can be made (MOP IM-30); and continuing to implement pedestrian streetscape designs (MOP IM-33).

Lastly, when drive-through establishments are constructed in areas offering a variety of transit opportunities, they impede the City's ability to meet its housing and economic development goals over time. In 2018, the City Council adopted the PlaceTypes and Heights maps for the City's updated Land Use Element and that plan is currently undergoing a re-circulated environmental review. Among other provisions, the LUE seeks to accommodate the City's jobs and housing needs through the year 2040 through the carefully managed transformation of auto-centric commercial corridors into mixed-use environments with new jobs and housing located proximate to transit, bicycle and pedestrian amenities. With finite amounts of land within the City, the majority of which is not available for new mixed-use development, the opportunity costs of new drive-through uses where denser job and housing uses could otherwise develop compounds the safety and mobility concerns with such facilities. The LUE includes Policy 11-7 to diminish the impact of drive-through facilities on the pedestrian environment, implementation measure LU M-40 to discourage drive-through facilities, and LU M-41 to impose overconcentration restrictions on drive-through facilities. In meeting housing and economic development goals, new drive-through establishments are prohibited in the City's more-recent specific planning efforts including: (PD-30), Midtown (SP-1) and SEASP (SP-2) areas. The proposed ordinance is not a ban but rather allows carefully designed drive-through facilities with pedestrian features in locations where they may be suitable.

Literature Review on Drive-Throughs

Basilisa Zambrano

Breznev Figueroa

Celeste Ruiz

Eleanor Wada

Enrique Ortiz

Ismael Ortiz Iniguez

Matthew Baker

California State University Long Beach

Abstract

This literature review brings to light many key themes that are associated with drive-throughs. The first theme is that many communities are taking an initiative in developing guidelines on controlling drive-throughs before it becomes a serious problem in the community. For instance, some community agencies are developing zoning codes for safe and walkable neighborhoods for individuals. Furthermore, community agencies are analyzing how to effectively use aesthetics and landscaping in drive-throughs to improve the community image. A second key theme is that there is a correlation between drive-throughs and the amount of pollution surrounding them. A third key finding is a high danger for pedestrians who are walking or passing through highly populated commercial areas.

Literature review on drive-throughs

Fast food restaurants with drive-throughs have been increasing at substantial rates. In the city of Long Beach, there have been 15 approved applications for fast food drive-throughs between 2013 and 2018, bringing the number of existing fast food drive-throughs to a total of 116 citywide (City of Long Beach, Development Services Department, 2019). Drive-throughs can also be found at other businesses such as banks, pharmacies, dry cleaners, coffee shops, and other businesses whose goal is to provide their customers with quick, convenient ways to purchase products or receive a service while staying in the comfort of their vehicle. While consumer behavior of wanting quick and convenient service is driving the demand of drive-throughs, there have been a variety of health impacts associated related to drive-through facilities.

Taking Initiative

Over the years there has been an initiative for fast food restaurants to incorporate drive-throughs into their facilities (Nixon et al., 2015). As a result, there is a growing concern on the impact it might have on the communities that surround these restaurants that put more focus on drive-throughs than walk-ins (Nykiforuk et al., 2018; Nixon et al., 2015). There has been a movement by different city officials to incorporate city ordinance or banning drive-throughs altogether (Nykiforuk, et al., 2018; Nixon et al., 2015). One of the main reasons behind this movement is that they want to take the initiative on improving the quality-of-life for their communities (Nykiforuk et al., 2018; Nixon et al., 2015). Improving the quality of life means taking on issues of littering, decreasing traffic, vehicle idling and boosting physical activity (Nykiforuk et al., 2018; Nixon et al., 2015). Most cities want to tackle these issues before it becomes a greater problem.

Pollution/Health

With the increase of fast food drive-throughs, there has been a large concern about the air quality surrounding fast food drive-throughs (Keziah, Fengxiang, Mehdi, & Lei, y, 2014). There have been numerous studies that found a higher concentration of Carbon Monoxide and other gases from cars are idling in the drive-throughs (Keziah, Fengxiang, Mehdi, & Lei, 2014; Hill, & Qiao, 2016; Pavelchak, Franko, Zhu, & DePersis, 2009). Furthermore, depending how many lanes the drive-through have the higher the concentration of carbon monoxide and carbon dioxide are released to the atmosphere by cars (Keziah, Fengxiang, Mehdi, & Lei, y, 2014). Another factor that contributes to the high concentration of carbon monoxide and other poisonous gases are the number of stops in Windows that a fast food restaurant has (Keziah, Fengxiang, Mehdi, & Lei, y, 2014).

According to the U.S. Department of Energy (2015), 30 million tons of carbon dioxide is generated annually as a result of personal idling vehicles. Idling vehicles can be commonly found at drive-through facilities. Research has demonstrated that idling for more than 10 seconds uses more fuel and creates more Carbon Dioxide than stopping and restarting your vehicle (Gaines, Rask, and Keller, 2012). Carbon Dioxide has been recognized as the main contributor to greenhouse gas emissions (United States Environmental Protection Agency [EPA], 2019). In 2017, carbon dioxide emissions were 81.6% of all U.S. greenhouse emissions from human activities (EPA, 2019). After examining human activities, transportation has accounted for 36.5% of all U.S. CO₂ emissions, which is the largest sector producing these emissions (EPA, 2019). There are various sources of transportation contributing to these emissions, however, data reveals that passenger cars accounted for 41.4% of these emissions (EPA, 2019). Greenhouse gas

emissions are the cause of global warming and have brought about changes in the earth's climate, sea levels, and ecosystems (EPA, n.d.).

In addition to greenhouse emissions, light duty vehicles (cars, SUVs, light-duty trucks) contribute smog forming emissions that pollute the air. Smog forming emissions include nitrogen oxide, non-methane organic gases, carbon monoxide, particulate matter, and formaldehyde that concentrate near the ground (EPA, n.d.). The Occupational Safety and Health Administration (n.d.) cites carbon monoxide as the chief pollutant from automobile exhaust as a potential hazard for those working in a drive-thru area. When carbon monoxide is inhaled at high concentrations, it can lead to poisoning. One study assessed the levels of carbon monoxide (CO) that staff were exposed to during a 2 hour, drive-through vaccination clinic where patients receiving their vaccine remained in their idling vehicle. For a majority of the vaccinations, the CO levels were undetectable, however, with visibly, poorly maintained vehicles there were short-term, high CO levels (Pavelchak, Franko, Zhu, & DePersis, 2009).

While there has been no official studies on the effects these exhaust fumes have on drive-through workers, there is evidence demonstrating the damaging effects of emissions on a person's health from living near major roads (Barnett, 2012). A study from the American Journal of Public Health assessed the number of asthma cases that were attributed from the port of Long Beach ship emissions and the proximity of homes to major roads (Perez et al., 2009). Approximately 1,600 cases of childhood asthma were attributed from living near major roads, which is 9% of all cases of asthma. There has been strong epidemiological and toxicological evidence demonstrating that traffic-related pollution can cause asthma and can trigger asthma symptoms in children (Perez et al., 2009). Ship emissions were responsible for 1,400 (21%) asthma-related bronchitis episodes, and health care visits (Perez et al., 2009). The economic

impact of childhood asthma as a result of traffic-related pollution from the city of Long Beach is \$6,110,400 annually (Brandt, Perez, Künzli, Lurmann, & McConnell, 2012).

While there is currently no research on how much drive-throughs contribute to air pollution for one particular city, there is relevant data showing health disparities between zip codes (City of Long Beach Department of Health and Human Services, 2013). In the city of Long Beach, the areas with the highest concentrations of drive-through locations also had the lowest life expectancy rates. There are various factors that impact life expectancy rate, however there is a need to continue investigating the causes of health inequity. A new study was released that examined how Whites are contributing more to air pollution through their consumption of goods and services yet Hispanics and Black are exposed to more of the harms. With population sizes taken into consideration, the data revealed that Whites experience 17% less air pollution than they produce through consumption while Hispanics and Blacks are exposed to 53% and 63% excess population that they cause by consumption (Tessum et al., 2019).

Traffic Circulation

Traffic does not only affect the air quality surrounding the individuals but it poses other physical dangers. According to the U.S Department of Transportation (2016) in 2016, there were 5987 pedestrians killed in traffic crashes. 10 % Out of the 5987 occurred outside of the intersections. For instance, pedestrian collisions occurred in sidewalks, bicycle lanes, crossing islands, parking lanes, shoulders and driveway, and shared-use paths (U.S Department of Transportation, 2016). With the increasing traffic caused by drive-throughs, there is a growing concern on how it will affect pedestrians that walk through those areas (Nixon et al., 2015; Grodach & Loukaitou-Sideris, 2007). A study done by Grodach & Loukaitou-Sideris, (2007) found that pedestrian collisions are more likely to happen in neighborhoods that have a high

concentration of commercial retailers and residential areas close together. For example, having multiple food restaurants close to high populated neighborhoods.

Some cities are taking the initiative on controlling the traffic impact that drive-throughs cause in the community (Nykiforuk et al., 2018; Nixon et al., 2015). For example, some cities have created a city ordinance that requires drive-throughs to be physically separated from other traffic circulation at their site (Nixon et al., 2015). In addition, city ordinances have put a maximum of how many people can be served at each drive-in window (Nixon et al., 2015). These design measures are to prevent excessive overflow of traffic into public streets and protect pedestrians walking through those areas (Nixon et al., 2015).

Safety and Accessibility

In Louisville, Kentucky, a zoning code was developed to support a safe, walkable neighborhood. The primary store entrance must be positioned towards the street instead of the parking lot in order to provide safe, easy access to the store for those on traveling on foot. Other strategies included setting a maximum for car spaces, along with allocated bicycle spaces with the overall goal of providing comfort and safety for pedestrians and bicyclists (Wooten et al., 2012).

Other safety concerns related to drive-through restaurants are that they contribute to drivers eating or drinking while driving (Irwin, Monement, & Desbrow, 2014). One study found that approximately 70% of people eat or drive while driving (Irwin, Monement, & Desbrow, 2014). This behavior significantly increases the chances of traffic collisions and poor driving performance (Irwin, Monement, & Desbrow, 2014). The National Highway Traffic Safety Administration revealed in a study that 3,450 died in 2016 due to distracted driving activities, which included eating and drinking (n.d.)

Additionally, a similar study found a correlation between hot drinks served at drive-through restaurants and burn injuries (Roberts, Whitaker, & Drew, 2017). The study examined three patients who sustained severe burns in their groin areas after purchasing hot drinks at a drive-through, which resulted in severe injuries, hospitalizations, and missed days from work (Roberts, Whitaker, & Drew, 2017). There were several significant risk factors observed in the study that posed a safety threat to customers, such as distributing hot drinks to customers in the car at the drive-throughs (Roberts, Whitaker, & Drew, 2017). Moreover, there is that there is a lack of safety measures in regards to providing sturdy drink trays and secured lids (Roberts, Whitaker, & Drew, 2017). Hot drinks have a higher chance of spilling and burning customers when the height of drive-through windows is higher than the car itself since customers have to reach for the cups (Roberts, Whitaker, & Drew, 2017). The study went on to explain how drive-through facilities not only lack first-aid kits for burn-related injuries, but also have employees without proper training on first-aid measures to assist injured customers (Roberts, Whitaker, & Drew, 2017). The limited accessibility of drive-throughs also prevents customers from being able to quickly get out of their cars or open their doors to seek help when burned from a spilled hot drink (Roberts, Whitaker, & Drew, 2017).

Aesthetics and Landscape

Select cities have also taken into consideration the impact that chain businesses, chain restaurants, and drive-through businesses have on community aesthetics. For instance, Port Townsend, Washington's city council enforced a land-use policy that would uphold the aesthetic appeal and integrity of their small town by limiting formula retail businesses and restaurants (Nixon et al., 2015). This policy sought to protect their city's historic town that was

characterized for its appearance and charm. Other communities such as Concord, Massachusetts banned both fast food restaurants and drive-in service, and have framed their argument in a similar fashion with their purpose being “to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community” (Mair, Pierce, & Teret, 2005). If a city were to solely ban drive-through service through a zoning bylaw, it has the intended consequence of an outright ban on fast-food restaurants since these businesses make sixty percent or more of their profits from the drive-through service. This zoning bylaw would be successful deterrent for new fast food restaurants opening for business since it will be unprofitable (Mair, Pierce, & Teret, 2005).

Other impacts of drive-through facilities are lost profits to local businesses that inhabit the community. Stakeholders and local businesses who oppose formula restaurants have made the argument in favor of fast-food land policies in order to protect the local economy and businesses. One local business owner explained that formula restaurants threatens their business by becoming competition for other restaurants in the community and for the local suppliers (Nixon et al., 2015). The city and county of San Francisco examined how an increase in formula retail businesses could affect their “goal of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of businesses” (Mair, Pierce, & Teret, 2005). With this awareness, the city placed a ban on all formula retail uses including fast food outlets in order to “protect its vibrant small business sector and create a supportive environment for new small business innovations” (Mair, Pierce, & Teret, 2005). They also recognized that formula retail threatens the establishment of nontraditional and unique businesses and by regulating these businesses it will ensure residents and visitors will have diverse merchandise available (Mair, Pierce, & Teret, 2005)

Gap in the Literature

There have been few studies that have been conducted on drive-throughs that focus on taking the initiative of controlling them before it becomes a problem. As a result, it is evident that there is a gap in the literature on the effects of drive-throughs have on the community. For example, there is no mention or discussion on noise or light pollution that drive through cause in the city. Furthermore, there is no mention of the potential violence at late night drive throughs can cause.

Conclusion

Given that fast food restaurants and drive-throughs continue to increase, it is imperative that the city of Long Beach, California take urgent efforts to distinguish the impact of drive-throughs in the community. Existing research confirms that drive-throughs have a negative effect on pollution, health, traffic circulation, safety and accessibility and, aesthetics and landscapes. Advocate groups in Long Beach, such as City Fabrick, Coalition for a Healthy North Long Beach, Long Beach Alliance of Food and Fitness, Long Beach Fresh, Long Beach Forward, Long Beach Time Exchange, Walk Long Beach, and the United Cambodian Community unanimously agree to defer all drive-through developments until further review on the impact of drive-throughs (Addison, 2019). Identifying research gaps in drive-through developments will ensure city-planners allocate resources appropriately, which can mitigate more serious social problems and trends in Long Beach such as homelessness and housing. Certainly, the benefits of reducing drive-through development will outweigh the costs of deteriorating the quality of life among the community members of Long Beach.

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Drive-Through Use Proposed Code Amendments

Red text indicates new text; **strikethrough red text** indicates text to be deleted

Proposed changes to Chapter 21.15 Definitions

21.15.870 - Drive-in restaurant.

See " Drive-through facilities ~~Restaurant, fast food.~~"

(Ord. C-6533 § 1 (part), 1988)

21.15.875 - Drive-through facilities.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Drive-through facilities do not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

Proposed changes to Chapter 21.32 – Commercial Districts

	Neighborhood			Community				Regional	Other	
Automobile (Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
3. Drive-through facilities thru machine	N	APC	N	APC	C	APC	APC	APC		3. For drive-thru machine see

Drive-Through Use Proposed Code Amendments

										N	standards for drive-thru lane in Section 21.45.130 Special standards apply (see Section 21.45.130).
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	Neighborhood			Community				Regional	Other	
Restaurants and Ready-To-Eat Foods	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Restaurants and ready-to-eat foods with drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).
Restaurant and ready-to-eat foods without drive-through facilities	Y	Y	Y	Y	Y	Y	Y	Y	N	

Drive-Through Use Proposed Code Amendments

Proposed changes to Chapter 21.33 – Industrial Districts

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
<p>7.1 Eating places without drive-through facilities thru service (SIC code 5812*)</p>	Y	Y	Y	See item 10 in this table.	<p>a. Primarily, these uses are intended to serve nearby industries and employees, and the retail's proximity will provide convenience with minimal impact on the retail operations.</p> <p>b. Any business involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in Section 21.52.201.</p> <p>The following exceptions do not require a conditional use permit:</p> <p>Restaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A</p>

Drive-Through Use Proposed Code Amendments

					<p>service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.</p> <ul style="list-style-type: none"> • Any use located more than 500 ft. from a zone district which allows residential use. • Department store or florist shop with accessory sales of alcoholic beverages. <ul style="list-style-type: none"> • A grocery store of 20,000 sq. ft. or more with accessory sales of alcoholic beverages. • Existing legal, nonconforming uses. <p>c. Pawnshops (included within SIC code 5932) shall require a conditional use permit in all zones.</p> <p>d. Gasoline Service Stations (SIC code 5541) and Fuel Dealers (SIC code 598) shall be permitted in the IG district.</p>
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Drive-Through Use Proposed Code Amendments

					e. Sales of firearms in the IL zone shall require a conditional use permit.
7.2 Drive-through facilities Eating with drive thru service (SIC code 5812*)	Y/C	Y/C	Y/C	See item 10 in this table.	f. Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).

Use	IL	IM	IG	IP	*Notes and Exceptions
<p>9. Professional Office and Institutional Uses</p> <p>(SIC codes 60, 61, 62, 63, 64, 65, 66, 73 [except 7353 and 7359], 861, 862, 863, 864, 878* Division J (Public Administration))</p>	Y	AP	AP	See item 10 in this table.	<p>a. Prohibited in all industrial districts:</p> <ul style="list-style-type: none"> • 6099 (Functions related to depository banking, not elsewhere classified) • 9223 (Correctional Institutions) • 8744 (Jails, privately operated-correctional facilities, adult privately operated), except a "Community Correctional Re-entry Center," as defined in Section 21.15.602, may be permitted in the IL, IM and IG zone districts pursuant to a conditional use permit as set forth in Chapter 21.52.

Drive-Through Use Proposed Code Amendments

					<p>b. Offices are intended to serve nearby industries and employees.</p> <p>c. Emergency shelters (8322) shall be subject to the special development standards specified in Section 21.45.132.</p> <p>d. Adult-Use Cannabis Businesses subject to Chapter 5.92.</p> <p>e. Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).</p>
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Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. For special conditions, see Chapter 21.52.

AP = Administrative use permit required. For special conditions, see Chapter 21.52.

21.45.130 - Drive-through facilities.

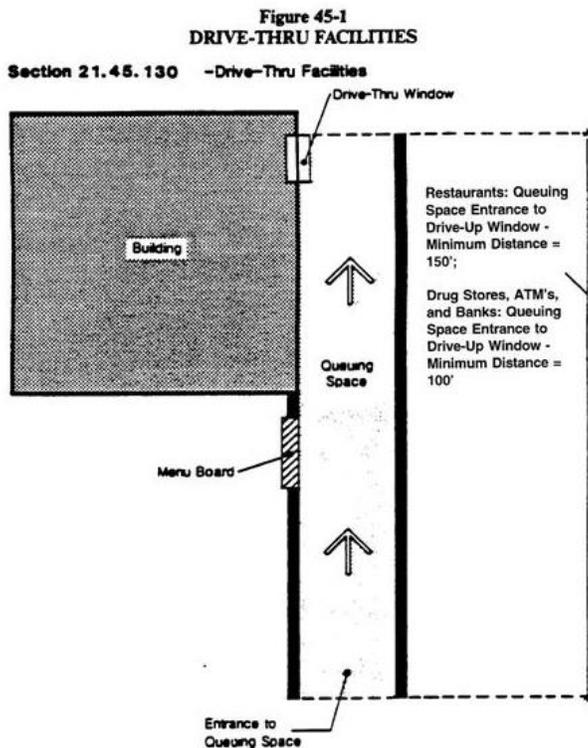
A. Queuing Space Length.

~~1. Restaurants. A minimum queuing distance of one hundred fifty feet (150') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.~~

~~2. Drug Stores, ATM's, and Banks. A minimum queuing distance of one hundred feet (100') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any~~

Drive-Through Use Proposed Code Amendments

adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.



(this image would be deleted in the new regulations)

~~**B. Menu Board Location.** Each menu board shall be located to provide adequate distance from the menu board to the entrance to the queuing space.~~

~~**C. Menu Board Size.** The size of a menu board shall be regulated by the provisions of Chapter 21.44 (On-Premises Signs).~~

~~(Ord. C 7607 §§ 4, 8, 1999; Ord. C 6533 § 1 (part), 1988)~~

A. Findings required. A decision-maker shall not grant a conditional use permit or other approval for a drive-through facility without finding:

1. Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, 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 Development Services.

Drive-Through Use Proposed Code Amendments

2. That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan or Planned Development District, overlay, design guidelines, or other applicable regulation.
3. That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.
4. The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.
5. That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.
6. That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.
7. That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.
8. That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that would advance the City's housing and economic goals, as described in the General Plan and Economic Blueprint.



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

March 21, 2019

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council:

Accept Negative Declaration ND 03-19 and approve Zoning Code Amendment (ZCA19-001) to amend Title 21 of the Long Beach Municipal Code (Zoning Ordinance) to: 1) create a definition for drive-through facilities; 2) update the commercial and industrial zones permitted use tables with the new drive-through facility use; 3) require a Conditional Use Permit (CUP) for new fast food drive-throughs and expansions in industrial zones and in all Planned Development districts where they are permitted for consistency with the existing review process in the commercial zones that allow this use; and 4) provide new required findings specific to the drive-through use. (Citywide)

APPLICANT: City of Long Beach, Development Services Department
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(Application No. 1902-09)

BACKGROUND

Currently drive-through establishments are permitted throughout the City, by Conditional Use Permit in most commercial zones and as a matter of right in limited industrial zones (IL, IM, IG, and IP), if the drive-through establishment is located more than 300' from the nearest residential district. Citywide, the number of existing fast food drive-through establishments totals 116. Within the last five years, a total of 16 drive-through applications have been approved; two are pending; and one has been denied. The number of recent fast food drive-through applications have prompted concerns by members of the public and the Planning Commission due to potential impacts on pedestrian safety, traffic and queuing, noise, light, and air pollution, and aesthetics associated with the use. In addition to impacts associated with fast food drive-throughs, the City has seen an uptick in fast food drive-through applications.

Existing regulations governing drive-through facilities, last amended in 1999, lack sufficient design standards for drive-throughs to minimize impacts on pedestrians, safety, and welfare of the community. Furthermore, when such establishments are constructed in areas offering a variety of transit opportunities, they may impede the City's ability to meet its housing and economic development goals over time. In meeting housing and

economic development goals, new drive-through establishments are prohibited in the Downtown (PD-30), Midtown (SP-1) and SEASP (SP-2) area, and the draft Land Use Element approved by City Council in 2018 includes expanded rail, bus, and other mixed-use corridors to further meet the City's jobs and housing needs. Lastly, the code amendments support specific strategies in the 2013 Mobility Element that emphasize the creation of features to support active living (MOP IM-5); ensuring that all planning processes identify where pedestrian, bike, and transit improvements can be made (MOP IM-30); and continuing to implement pedestrian streetscape designs (MOP IM-33).

In response to concerns raised, staff has been directed to improve the design review process, develop design guidelines, and update the City's regulations to reflect community feedback and General Plan policy direction. New development standards and policies will enable the City to assist developers, architects, landscape architects, urban designers and professional planners in making informed decisions when developing site plans. Additionally, by establishing clear criteria and development standards, City staff can provide consistent review and address development impacts, operational elements, site and built design elements, and safety. The goal is to ensure the health, safety and welfare of residents and visitors by requiring drive-through designs that can be beneficial additions to everyone, not just automobile users.

DISCUSSION

While fast food drive-through applications have been the source of concerns in the City recently, the proposed Zoning Code Amendments would apply to all drive-through facilities because the negative impacts associated with this use are linked to the drive-through nature of the use.

The proposed Zoning Code Amendment generally consists of the following:

- 1) create a definition for drive-through facilities;
- 2) update the commercial and industrial zones permitted use tables with the new drive-through facility definition;
- 3) require a Conditional Use Permit (CUP) for new fast food drive-throughs and expansions in industrial zones and in all Planned Development districts for consistency with the existing review process in the commercial zones that allow this use;
- 4) make reference to the design guidelines that will be developed at a later time and will supplement the drive-through regulations in the zoning code;
- 5) include a provision to address the demolition and/or rebuilding of a drive-through facility approved under a previous CUP and subsequently, made legally nonconforming with the Project; and
- 6) provide new required findings specific to the drive-through use.

Because these proposed changes are within the Zoning Ordinance, the Planning Commission must review and act upon this matter. The Planning Commission's action will be forwarded to the City Council as a recommendation.

Definitions

Currently, the zoning code does not specifically define fast food drive-through facilities, but references 'fast-food restaurant' instead. To classify the various drive-through uses, staff proposes adding a new comprehensive definition for drive-through facilities. Creating a robust definition for drive-through facilities would help strengthen the link between the use and the proposed regulations and provide standards to address drive-through facilities not related to fast food i.e. banks, pharmacies, dry cleaners, mortuaries. The commercial and industrial permitted use tables would be updated to reflect the addition of drive-through facilities.

Zoning and Review Processes for Drive-Through Facilities

Zoning districts allow a certain intensity of development, at a certain scale for the physical characteristics of the area. These characteristics are described in the purpose and intent of each zone. Currently, a conditional use permit (CUP), which is reviewed by the Planning Commission and conditioned to mitigate potential negative impacts, is required for fast food drive-through facilities in the commercial zones that allow this use¹. In the industrial zones (and in Planned Development District 7²), this use is currently allowed by-right—without Planning Commission review—unless the facility is within 300' of the nearest residential district, in which case a CUP is required. Lastly, the City does not have design standards or required findings related to the negative impacts associated with drive-throughs.

To be consistent with the CUP review process in the commercial zones that allow drive-through facilities, staff proposes that CUPs also be required for drive-throughs in the industrial zones and in PD-7. This change would result in requiring CUPs for all new drive-through facilities and expansions.

Findings

Currently, the Municipal Code does not contain required findings related to the negative impacts that drive-through establishments can have. In contrast, the proposed findings provide a comprehensive set of criteria which can be used to evaluate drive-through uses. The required findings that staff proposes relate to consideration of the potential negative impacts associated with drive-throughs, design, suitability, opportunity cost, buffers for sensitive uses, compatibility of a proposed drive-through facility to surrounding existing land uses, as well as overconcentration in an area.

The proposed set of criteria will prevent new drive-through establishments on major mixed-use corridors better suited for uses that further the City's housing and economic development goals; provide the Planning Commission with more tools to deny drive-through establishments proposed in inappropriate locations; guide drive-through establishments to locations that are appropriate, such as in shopping centers and

¹ Fast food drive-throughs are allowed in all commercial zones except for in the CNP, CNR, and CS zones.

² Drive-through facilities are also allowed in PD-25, but with approval of a CUP.

CHAIR AND PLANNING COMMISSIONERS

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freeway-adjacent lots; and ultimately, will result in better future drive-through establishments because new drive-through establishments or expansions would be held to a more stringent set of standards than what currently exists. A drive-through establishment would need to meet the set of criteria outlined in the findings in order for the Planning Commission to grant the CUP necessary for the drive-through establishment to be built. When the new CUP findings can affirmatively be made, it will ensure that the use is appropriate to both the site and surroundings. Staff proposes that the findings be located in the Special Standards Section of the code (Section 21.45.130), which is referenced in the commercial and industrial use tables.

Lastly, the findings reference conformance to design guidelines, which staff will be developing over the next few months. In situations where the proposed findings can be made for approval of a drive-through establishment, the design guidelines would be used to help applicants design drive-through facilities that further minimize impacts on pedestrians, safety, and the welfare of the community.

A complete set of the proposed changes to the Zoning Code are included in a "red-lined" format as Exhibit A to this report.

PUBLIC HEARING NOTICE

Notice of this public hearing was published in the Long Beach Press-Telegram on March 7, 2019, in accordance with provisions of the Zoning Ordinance. Additionally, written notices were sent to the California Coastal Commission and all City libraries except for the Main Library, which is currently closed for construction, and three public hearing notices were posted in public places throughout the City. Lastly, an email blast regarding the proposed zoning code amendments was sent through the City's LinkLB system to interested parties subscribed to LinkLB. Public comments received by staff are included in Exhibit B.

STAKEHOLDER MEETINGS

Despite the quick turnaround in producing changes to the existing drive-through regulations to address community concerns, the City employed extensive outreach efforts. The City contacted individuals who have either expressed an interest in drive-through establishments or have provided public comment regarding a fast food drive-through applicant, as well as previous fast food drive-through applicants and individuals who have worked in the capacity of an architect or agent associated with a drive-through application. The City also met with representatives from the Coalition for Clean Air (CCA) and the South Coast Air Quality Management District (SCAQMD) for a discussion on impacts associated with drive-through facilities, as well as tools to regulate and mitigate the impacts associated with the use. Lastly, the City sent an email blast to interested parties subscribed to the City's notification system (LinkLB).

Collectively, these individuals formed the stakeholder focus groups. The City conducted two stakeholder meetings to discuss the proposed zoning code amendments. At the February 19 stakeholder meeting with industry representatives, the participants provided

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information on their past experience with drive-through projects in different cities and how lighting, air quality, and noise regulations were met. The industry representatives also emphasized the importance of having a clear regulatory process that provides a certain level of certainty for developers. On February 25, the City met with approximately 20 members of the public and community organizations. During that meeting, the community members expressed the following concerns regarding the drive-through use:

- Air quality issues associated with drive-throughs and specific impacts to people with asthma;
- Making the City safer for pedestrians and wheelchair accessible;
- Prioritization and equitable distribution of healthy food;
- “Food swamps”: areas with a concentration of unhealthy food choices exist in parts of Long Beach and more drive-throughs are not desired;
- Concerns about displacement of small businesses due to a drive-through use;
- Existing concentration of fast food drive-throughs, such as around Willow Street and Long Beach Boulevard and impacts specifically in that area associated with trash, sound, high traffic, and circulation issues;
- Not enough trash receptacles serving the drive-throughs in the area leads to customers throwing trash in nearby apartment complexes, backing up trash collection;
- The drive-through facilities should never be exempt from the California Environmental Quality Act (CEQA); and
- Impacts to students and children of fast food drive-throughs near schools.

Staff presented the proposed code amendments to the community members and received the following feedback:

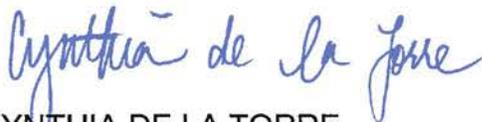
- Consider amortization of existing drive-through facilities;
- Consider air quality impacts from particulate matter emissions associated with fast food operations;
- Consider increasing the 500’ radius for prohibition of a drive-through located within 500’ of a school or park to ¼ a mile (1,320 feet) due to a study that shows increased child obesity near fast food facilities;
- In evaluating if there is an existing overconcentration of drive-throughs, consider the City’s Health Needs Assessment or CalEnviroScreen to determine if a high concentration of health issues exist in an area;
- Define ‘sensitive receptor’;
- In the finding related to suitability of a new drive-through at a location, define suitable. Would this finding consider displacement of a local, neighborhood use?; and
- In terms of the design guidelines staff will be producing, consider walk-up windows instead of open store at night to address employee safety concerns, as well as wheelchair accessibility when creating raised pedestrian walkways.

Staff is also coordinating with the City’s Department of Health and Human Services on producing scientific research regarding health impacts of drive-through facilities.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration was prepared for the Zoning Code Amendment for Drive-Through Use Regulations. The Negative Declaration was posted on the City's website and has been circulated for a 30-day review period, between February 19 and March 21, 2019. As of the date of preparation of this report, no comments have been received. The Negative Declaration is available as an attachment to this report (Exhibit C – Negative Declaration ND 03-19).

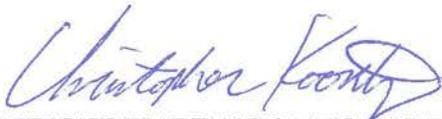
Respectfully submitted,



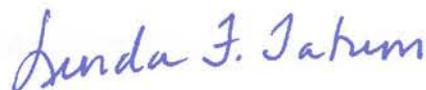
CYNTHIA DE LA TORRE
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

LFT:CK:AO:CDLT

- Attachments:
- Exhibit A – Draft Code Amendment with Redlines
 - Exhibit B – Public Comments
 - Exhibit C – Negative Declaration ND 03-19

FEBURARY 19, 2019

LETTER TO: Mayor and City Council

CC: Planning Commission

Christopher Koontz, AICP, Planning Manager

Cynthia De La Torre, Planner IV

REQUEST FOR A MORATORIUM ON DRIVE-THROUGH CUPs

Honorable Mayor and Council Council,

In the past three years (2015 to 2018), according to Development Services, there have been 12 Conditional Use Permit (CUPs) requests approved for drive-through lanes at new convenience or fast food restaurants in all parts of the City. Six more applications are pending, and only one has been denied during that period.

Drive-throughs represent the worst kind of new development-auto-oriented, low-density, unhealthy, and generic--exactly the kind of development we should be avoiding. This is especially troubling in underserved communities that already struggle with an over-abundance of unhealthy, usually fast food, options (food swamps) and/or a dearth of healthy food choices (food deserts).

The City has adopted policies, including Health in All Policies, to create healthier and more walkable communities, support more local businesses, and enhance unique local flavor, including our many unique ethnic communities. Drive-throughs fly in the face of these important efforts. Typically, drive-throughs offer few healthy choices, are operated by national corporate chains that contribute to ubiquitous and bland suburban corridors, and extract money from our community as opposed to local businesses that keep profits local. Each new drive-through represents a missed opportunity for something better to be built. Therefore, the approval or placement of any new drive-throughs should be carefully considered.

Development Services is beginning a policy study on drive-throughs, including community meetings and study session with the Planning Commission to discuss amendments to the regulations and required findings for new drive-throughs. While this effort is underway, it's worth taking a "time out" to figure out what's best for Long Beach going forward.

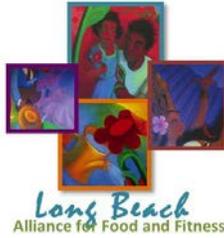
While a moratorium will not affect those drive-throughs already approved or in the approval pipeline, now is the time to act to avoid any future damage to our urban fabric. We do not support drive-through lanes, especially in pedestrian-oriented corridors and near sensitive land uses, and think that they should only be allowed in very specific and limited circumstances. We need to use this time to craft sensible regulations for drive-throughs.

The City plans no ban on future drive-throughs while the policy is being contemplated. Our hope is that a moratorium can be put in place by the City Council now on any new drive-throughs until the new regulations are put in place.

If you have any questions about our request for a moratorium or would like to discuss the issue further, please contact Steve Gerhardt from Walk Long Beach at [562-912-6004](tel:562-912-6004) or Steve@WalkLongBeach.org.

Thank you for your consideration.





February 26, 2019

Cynthia De La Torre, Planner IV
Dept. of Development Services- Planning Bureau
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

RE: Negative Declaration for Drive-Through Use Zoning Code Amendment

Dear Ms. De La Torre,

Thank you for hosting the forum on February 25th to allow community input into the design of our neighborhoods. The Long Beach Alliance on Food and Fitness is a community collaboration of residents, healthy food advocates, food providers, and health providers. We aim to encourage policies that “make the healthy choice the easy choice,” in order to reduce the epidemic of diabetes, obesity and related illnesses.

Drive-through restaurants contribute to poor health and should be curbed in Long Beach. They are especially unwelcome in neighborhoods that already have a density of fast food drive throughs and lack of healthy food options. By definition, they attract cars and encourage driving, contributing to air pollution and detracting from the walkability of communities. This update to the Zoning Code is urgent and overdue. Our specific comments:

1. Before approving any new or expanded drive throughs, the health impact on the community must be carefully assessed. We appreciate that the Department of Health and Human Services has been added to the review team for new drive through proposals. While it is beyond the scope of this project, we would very much like to see the DHHS supported by the City to provide health impact reviews for all major development projects. This assessment should include attention to food swamps/deserts, concentration of fast food, obesity rates, and asthma rates in the given neighborhood
2. The distance from schools should be more than the proposed 500 feet. Research has shown increased obesity when fast food is located near schools.
3. Inclusion of consideration of the opportunity cost of placing a drive through where other, more productive land use might be put in place is a wise choice. This consideration should include the potential for healthy food options or fresh food markets in food deserts/swamps and well as potential for local businesses, health providers and housing.

We applaud this effort to gather community input and the study session that the Planning Commission held on this topic. The speedy timeline and thorough research is much appreciated.

Sincerely,

Jennifer Ponce, MPH | Chief Health Education and Promotion Officer
The Children’s Clinic, “Serving Children and Their Families”
Coordinator, Long Beach Alliance for Food and Fitness

“Growing Healthier Communities”
www.thechildrensclinic.org
2790 Atlantic Avenue · Long Beach · California · 90806

From: [Christopher Koontz](#)
To: [Cynthia de la Torre](#)
Subject: FW: (Application No. 1902-09) drive-through establishments
Date: Wednesday, March 27, 2019 8:48:28 AM

Late comment received

From: Elizabeth Lambe <elizabeth@lcwlandtrust.org>
Sent: Thursday, March 21, 2019 3:29 PM
To: Christopher Koontz <Christopher.Koontz@longbeach.gov>
Subject: (Application No. 1902-09) drive-through establishments

Hi Christopher,

I was looking over the Planning Commission meeting agenda for later this afternoon, specifically agenda item #5, (Application No. 1902-09) and was pleased to be reminded that the updated SEASP prohibits new fast food drive-through establishments in that area.

That makes a lot of sense since the industrial lands near Los Cerritos Wetlands border wetlands habitat that is home to sensitive species. Therefore it is vital that drive-through establishments, that bring with them noise, pollution and increased traffic be prohibited. The Los Cerritos Wetlands Land Trust encourages the City to adhere to that SEASP regulation now and through this interim period prior to Coastal Commission review.

We respectfully request that you share our view with the Planning Commission members.

My best to you.

Elizabeth Lambe
Los Cerritos Wetlands Land Trust

From: [Christopher Koontz](#)
To: [kirk davis](#)
Cc: [Alison Spindler](#); [Cynthia De La Torre](#)
Subject: RE: 6600 Atlantic
Date: Monday, December 24, 2018 8:22:49 AM

Mr. Davis,

Thank you for the email and question. As you may be aware all of the Land Use Element materials are available at www.longbeach.gov/LUUDE2040 . A number of changes were made by City Council to the plan in the spring of 2018 resulting in a need to recirculate the environmental document. I expect the revised Environmental Impact Report (EIR) in the April to May timeframe which would mean the overall plan would be effective in December of 2019 barring any litigation or delays.

Separately the City is working on modifications to the Conditional Use Permit (CUP) process for drive-through restaurants. I hope to have a draft to Planning Commission in late February and be through City Council and effective in late summer.

Lastly, specific to North Long Beach we are almost half way through a comprehensive zoning study, please see <http://www.longbeach.gov/uplanlb> , most of this work will be complete in 2020 for zoning and street changes north of Del Amo.

We would be glad to include you in the public process for all of the above efforts.

Merry Christmas,

Christopher Koontz, AICP

Planning Manager

Long Beach Development Services | Planning Bureau

T 562.570.6288 **F** 562.570.6068

333 West Ocean Blvd., 5th Floor | Long Beach, CA 90802

christopher.koontz@longbeach.gov | www.lbds.info

From: kirk davis <lionkirkd@gmail.com>
Sent: Friday, December 21, 2018 9:50 PM
To: Christopher Koontz <Christopher.Koontz@longbeach.gov>
Subject: 6600 Atlantic

Dear Mr Koontz,

It is unfortunate the 1989 General Plan allows for the layout of a development such as 6600 Atlantic Ave to take place. Though I am opposed to the three drive-through design and addition of fast food,

Julie M. Spacht
4216 RUTGERS Av
Long Beach, CA 90808

Dear Ms. Tatum;
Long Beach Development Services

January 14, 2019

I have been interested in the Walk Long Beach program for some time having been offered a position on the advocacy board. I chose not to participate on the board; I was not familiar enough with the program to know how balanced the organization viewed the needs of the City as a whole. In this same vein, I am writing with concern for the review of drive- thru facilities.

I certainly agree that good design is important- providing safety to all involved including the smooth flow of traffic. Lines of site, adequate turning radii and appropriate locations with respect to busy intersections are all necessary for safety. I am heartened to know there is no plan for across the board stopping drive thru facilities- they have a use and purpose in many situations and markets. Minimizing drive- thru facilities will not necessarily, one-for- one improve walkable Long Beach. In some situations it will mean more parking place will be required, or otherwise- successful ventures may not succeed. Some members of our community find drive- up pharmacies extremely convenient if they are ill or have limited mobility. I have frequented a drive- thru cleaners in a neighboring community when I did not want to park, take two toddlers out of their car seats, go into the business come out and load everyone up again. And then there is our beloved local drive-thru dairy!

I enjoy and recognize the need for a walkable Long Beach- but it must make sense in the situation. A broad brush should not be used.

Best regards and much success,


Julie M. Spacht

I understand why the Planning Commission had their hands tied in the recent ruling (Dec 20). How long will it take for the General Plan update to be approved? The current one is beyond archaic compared to today's building and green standards. The update provides the new guidelines to limit drive-throughs and the overabundance of fast foods. It is too bad even the spirit and goals of the 2040 plan can not be applied in any way currently. I hope developers will not be rushing for project approvals to use the current plan to their advantage, to the detriment of public health and the exploitation of at risk communities for profit. I look forward to continue working with the UPLAN advisory committee, my councilman, and future developers for a vibrant, healthy North Long Beach and City.

Best Regards,
Kirk Davis



City of Long Beach
Drive-Through Use
Zoning Code Amendment

NEGATIVE DECLARATION

ND 03-19

Prepared by:

City of Long Beach
Department of Development Services
Planning Bureau

INITIAL STUDY

Project Title:

City of Long Beach Drive-Through Use Zoning Code Amendment

Lead Agency name and address:

City of Long Beach
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Contact person and phone number:

Cynthia de la Torre, Planner IV
(562) 570-6559

Project Location:

Citywide, City of Long Beach, County of Los Angeles, California.

Project Sponsor's name and contact information:

City of Long Beach, Long Beach Development Services Department
c/o Cynthia de la Torre
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(562) 570-6559

General Plan:

The proposed Zoning Code Amendment would cover all General Plan Land Use Districts that apply to any zoning district, Specific Plan area, or Planned Development (PD) district in the City of Long Beach.

Zoning:

The proposed Zoning Code Amendment would cover all zoning districts and all Planned Development districts in the City of Long Beach.

Project Description:

The proposed Drive-Through Use Zoning Code Amendment (Project) would consist of the following changes to Title 21 of the Long Beach Municipal Code (Zoning Ordinance) collectively referred to as the "Project":

- 1) create a zoning code definition for drive-through facilities;
- 2) update the commercial and industrial zones permitted use tables with the new drive-through facility definition;
- 3) require a Conditional Use Permit (CUP) for new fast food drive-throughs and expansions in industrial zones and in all Planned Development districts for consistency with the existing review process in the commercial zones that allow this use;
- 4) make reference to the design guidelines that will be developed at a later time and will supplement the drive-through regulations in the zoning code;

- 5) include a provision to address the demolition and/or rebuilding of a drive-through facility approved under a previous CUP and subsequently, made legally nonconforming with the Project; and
- 6) provide new required findings specific to the drive-through use.

Surrounding land uses and settings:

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach. Long Beach and its surrounding cities are fully urbanized and characterized by moderate to dense commercial, industrial, and residential development.

Public agencies whose approval is required:

Long Beach Planning Commission (recommend City Council adopt Negative Declaration 03-19 and approve the Zoning Code Amendment for the Drive-Through Use Regulations Update Ordinance)

Long Beach City Council (adopt Negative Declaration 03-19 and approve the Zoning Code Amendment for the Drive-Through Use Regulations Update Ordinance)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

Negative Declaration ND 03-19
 City of Long Beach Drive-Through Use Zoning Code Amendment

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Transportation
		<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities/Service Systems
<input type="checkbox"/> Energy		<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.



Cynthia de la Torre
Planner IV

2/13/19

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a Lead Agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect was addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold. If any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:

a. Have a substantial adverse effect on a scenic vista?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed Drive-Through Use Zoning Code Amendment (Project) would not result in significant adverse effects to any scenic vistas or public views of scenic vistas. The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of the San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility (primarily during the winter months).

The Project involves amendments to Title 21 of the City's Municipal Code (Zoning Ordinance) regarding the drive-through use and the processing of drive-through uses in industrial zones, where they are allowed by-right if they are not located within 300' of the nearest residential district. While every future development scenario cannot be anticipated at this time, any future development would be subject to more restrictive requirements and findings as a result of the proposed code amendment. As a result, future development would be more restricted and less impactful than the baseline of anticipated development under the current zoning code. The proposed Project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of this environmental issue is necessary.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no State scenic highways located within the City. No scenic resources, trees or rock outcroppings would be damaged due to Project implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

c. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area,

would the project conflict with applicable zoning and other regulations governing scenic quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section I.a. and b. above for discussion.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All future developments and land use activities would be required to comply with all applicable regulations, including Long Beach Municipal Title 21 (Long Beach Zoning Ordinance). Since Project implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections II. a., b. and c. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century. The Project would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona, and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen,

and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with the growth forecasts for the subregion in which it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. The purpose of the proposed code amendment is to better analyze, prevent and if necessary, mitigate, impacts from drive-through facilities. It is anticipated that this code amendment will change the character of drive-through facilities and reduce future development of such facilities. The total amount of future development was contemplated in the General Plan, SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the resulting AQMP which was based on the RTP/SCS. Build-out within the projections within the AQMP does not create impacts beyond those already cleared in the RTP/SCS and AQMP. Since this Project does not propose any specific developments or growth-inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no further analysis is required.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the proposed Project would not significantly lower air quality standards or contribute to an air quality violation. The purpose of the proposed code amendment is to better analyze, prevent and if necessary, mitigate, impacts from drive-through facilities. It is anticipated that this code amendment will change the character of drive-through facilities and reduce future development of such facilities. Therefore, Project impacts on air quality would be less than significant and no further environmental analysis is required.

c. Would the project expose sensitive receptors to substantial pollutant concentration?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including, schools, hospitals, and senior care centers, are located throughout the City. The Project involves changes to the regulatory framework associated with the drive-through use in commercial and commercial zones, and in Planned Development districts. Among other features, the project will restrict the design and hours of drive-through facilities near residences, resulting in an improvement from the baseline of theoretical future projects built-out under the existing zoning code. Please see Sections III.a. and b. above for further discussion.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction include use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The Project would not allow operations that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

IV. BIOLOGICAL RESOURCES

- a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The Project would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses subject to this proposed Project would occur in established urbanized areas and would not remove or impact any riparian habitat or other sensitive natural communities. No further environmental analysis is required.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future implementation of the proposed Project would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Project implementation would occur in established urbanized areas and would not alter or adversely impact any native resident or migratory fish or wildlife species, corridors or nursery sites. No further environmental analysis is required.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Project implementation would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV.a. through e. above for further discussion.

V. CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (except for areas such as protected park lands) have been previously disturbed and/or developed. The proposed Project would not promote, encourage or enable activities that could remove, degrade or in any

way adversely impact local historic resources. No further environmental analysis is required.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the Project would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to affect or destroy any archaeological resources due its geographic location. Please see Section V.a. above for further discussion.

c. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project does not propose any activities that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment. Please see Sections V.a. through b. above for further discussion.

VI. ENERGY.

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project involves amendments to the existing regulations pertaining to drive-through facilities. Among other regulatory changes, the proposed project would limit operations and hours within a proximity to residential zones, resulting in fewer hours of operations and energy use than would be permitted under the baseline of the existing municipal code. Future drive-through facilities subject to

the regulations of the Project would be required to comply with all applicable regulations, including Long Beach Municipal Title 21 (Long Beach Zoning Ordinance) and Part 6 (California Energy Code) of Title 24 (California Building Standards Code). Since Project implementation would not directly or indirectly result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, no further analysis is required.

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency—see Section VI.a. above.

VII. GEOLOGY AND SOILS

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, the most significant fault system in the City is the Newport-Inglewood fault zone. This fault zone runs in a northwest to southeast angle across the southern half of the City.

All land uses subject to the provisions of this proposed Project would be required to comply with applicable building codes that account for the possibility of seismic events. No further environmental analysis is necessary.

- ii) **Strong seismic ground shaking?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VII.a.i. above for further discussion.

iii) Seismic-related ground failure, including liquefaction?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VII.a.i. above for further discussion.

iv) Landslides?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than 1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VII.a.i. above for further discussion.

b. Would the project result in substantial soil erosion or the loss of topsoil?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All land uses subject to the regulations of the Project would be required to adhere to all applicable construction standards regarding erosion control, including best management practices to minimize runoff and erosion impacts from earth-moving activities such as excavation, recontouring and compaction. No further environmental analysis is necessary.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VII.b. above for discussion. All land uses subject to the regulations of the Project would be constructed in compliance with all applicable building code requirements regarding soil stability.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections VII.b. and c. above for explanation.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The entire City is served by an existing sewer system and therefore, has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project does not propose any projects that would be anticipated to result in extensive excavation that could adversely impact any paleontological resources or geologic features.

VIII. GREENHOUSE GAS EMISSIONS

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The Project would not result in direct or indirect significant GHG impacts, but rather would establish changes to the City's Zoning Ordinance related to the regulatory framework associated with drive-through facilities. These changes are anticipated to result in changes to the operation of future drive-through facilities and reduce the number and hours of such facilities. This change may result in decreased automobile idling, Vehicle Miles Traveled (VMT), and associated emissions, including criteria pollutants and greenhouse gases. No further environmental analysis is needed.

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII.a. above for discussion. The proposed Project would not permit any land use operations that would conflict with any plans, policies or regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

IX. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Any future land uses or activities that would be subject to the provisions of this Project that involve the handling and disposal of hazardous or potentially hazardous materials would be required to fully comply with Long Beach Municipal Code Sections 8.86 through 8.88, as well as all existing State safety regulations. No further environmental analysis is required.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.a. above for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.a. above for discussion. Furthermore, the Project would impose additional requirements for drive-through facilities located in close proximity to sensitive uses, such as schools.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Any future land uses that would be regulated by the provisions of this Project would not be permitted to create any significant hazards to the public or the environment by operating at a location included in the Cortese List. Please see Section IX.a. above for further discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The Project would not alter air traffic patterns or encourage future developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. All future development near the Long Beach Airport would be in compliance with all applicable local and FAA requirements. Please see Section IX.a. above for further discussion.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City is a highly-urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wildland fires. No further environmental analysis is required.

X. HYDROLOGY AND WATER QUALITY

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits, as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would be consistent with all chapters of the General Plan, including the Conservation Element. All activities subject to the provisions of this Project would be required to be in full compliance with all applicable federal, State and

local water quality standards and regulations. No further environmental analysis is required.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section X.a. above for discussion. The City is a highly-urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(i) result in substantial erosion or siltation on- or off-site;

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project does not encourage or enable any alterations to existing draining patterns or to the course of streams or rivers. Please see Section X.a. above for discussion.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections X.a. and c. above for discussion.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections X.a. and c. above for discussion. The City's existing storm water drainage system is adequate to accommodate runoff from any future land uses subject to the provisions of this Project. The Project would not adversely affect provisions for retention and infiltration of stormwater consistent with the City's Low Impact Development (LID) policies.

(iv) Impede or redirect flood flows?

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section X.a. and c. above for discussion.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to Plate 11 of the Seismic Safety Element, most of Long Beach is not within a zone influenced by the inundation of seiche, tsunami, or mudflow. Potential tsunami hazards would be limited to properties and public improvements near the coastline. The proposed Project would not result in any increased risk of inundation to any properties.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not directly or indirectly conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan—see Section X.a. above.

XI. LAND USE AND PLANNING

a. Would the project physically divide an established community?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project consists of the following changes to Title 21 of the Long Beach Municipal Code (Zoning Ordinance):

- 1) create a zoning code definition for drive-through facilities;
- 2) update the commercial and industrial zones permitted use tables with the new drive-through facility definition;
- 3) require a Conditional Use Permit (CUP) for new fast food drive-throughs and expansions in industrial zones and in all Planned Development districts for consistency with the existing review process in the commercial zones that allow this use;
- 4) make reference to the design guidelines that will be developed at a later time and will supplement the drive-through regulations in the zoning code;
- 5) include a provision to address the demolition and/or rebuilding of a drive-through facility approved under a previous CUP and subsequently, made legally nonconforming with the Project; and
- 6) provide new required findings specific to the drive-through use.

The Project would not directly or indirectly divide any established community as a result of regulating drive-through uses. No further environmental analysis is required.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XI.a. above for discussion. The Project would not conflict with the City's General Plan, the 2010 Strategic Plan, local coastal program, or any other applicable land use plans and policies. Rather, the Project is consistent with goals and objectives in the existing Land Use Element of the General Plan, such as Functional Transportation goals to improve on the City's current ability to move people and goods to and from development centers while preserving and protecting residential neighborhoods. Impacts to existing local regulations would, therefore, be less than significant.

XII. MINERAL RESOURCES

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by Project implementation. No further discussion is required.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XII.a. above for discussion.

XIII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than commercial and industrial land uses.

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future construction activities related to land uses subject to the provisions of this Project could involve various types of short-term noise impacts from trucks, earth-moving equipment, and paving equipment. However, all construction activities and land use operations must be performed in compliance with the City's Noise Ordinance (Long Beach Municipal Code Section 8.80). Project implementation would not alter the Noise Ordinance provisions or exempt any future land uses or improvements from local noise controls. The local Noise Ordinance would continue to regulate all future land use construction and operational noise levels. Furthermore, the proposed zoning code amendments would limit facilities and operational hours proximate to residential zones, thus further reducing any impacts to sensitive receptors. No further environmental analysis of this issue is necessary.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XIII.a. above for discussion. Project implementation would occur in compliance with local noise and vibration controls.

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. All future development near the Long Beach Airport would be in compliance with all applicable local and FAA requirements. The Project would not alter air traffic patterns or encourage developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. No further environmental analysis is necessary.

XIV. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

- a. Would the project induce substantial unplanned population growth in an area, either directly or indirectly (for example, by proposing new homes and businesses) or directly (for example, through extension of roads or other infrastructure)?**

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project involves various changes to Title 21 of the Long Beach Municipal Code (Zoning Ordinance) to amend the regulations pertaining to drive-through facilities. It is not intended or expected to directly or indirectly induce population growth. No further environmental analysis is required.

- b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project does not set forth or encourage any policies, activities or implementation measures that would directly or indirectly displace existing residential units in the City. No further environmental analysis is required.

XIV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project involves changes to the City's Zoning Ordinance regarding drive-through uses and is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. New drive-through facilities will continue to be subject to fire code review during the building plan check process as well as subject to fire facilities impact fees. No further environmental analysis is required.

b. Police protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, since the Project is not intended to directly or indirectly induce population growth, the Project would not significantly increase demands for police protection service, nor require provision of new police facilities. New drive-through facilities will continue to be subject to Crime Prevention Through Environmental Design (CPTED) review during the entitlement review process and subject to police facilities impact fees.

c. Schools?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Since the Project is not intended to directly or indirectly induce population growth, the Project would not result in any significant increased demand for public school

services or facilities. New drive-through facilities will continue to be subject to school impact fees.

d. Parks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Since the Project is not intended to directly or indirectly induce population growth, the Project would not generate any significant additional demand for provision of park services or facilities by the City.

e. Other public facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

No other impacts have been identified that would require the provision of new or physically-altered governmental facilities. New drive-through facilities will continue to be subject to sewer, transportation, and storm water impact fees.

XVI. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project sets forth a regulatory framework for drive-through uses and is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVI.a. above. No further environmental analysis is required.

XVII. TRANSPORTATION

a. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project involves amending the drive-through use regulations and is not intended to conflict with a program plan, ordinance or policy addressing the circulation system. Instead, the Project includes provisions that take into account pedestrian and bicycle accessibility and amenities, for example, in accordance with the City's Land Use strategies/policies and the Mobility Element. Such strategies in the Mobility Element, for example, call for supportive features to support active living (MOP IM-5); ensuring that all planning processes identify where pedestrian, bike, and transit improvements can be made (MOP IM-30); and continuing to implement pedestrian streetscape designs (MOP IM-33). No further environmental analysis is required.

b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVII.a. for discussion. Since the Project would not encourage or plan for significant traffic growth, there would be no significant impacts on Vehicle Miles Traveled (VMT). The proposed zoning code amendment is anticipated to reduce the number of and hours of potential future drive-through facilities as compared to the baseline of future construction under the existing zoning code.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not create or encourage any hazardous transportation-related design features or incompatible uses. The proposed zoning code amendment will require consideration of pedestrian safety and transportation that is not required in the baseline of the existing zoning code. No further environmental analysis is required.

d. Would the project result in inadequate emergency access?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project would not propose or encourage any specific land uses or developments or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. New drive-through facilities will continue to be subject to fire code review during the building plan check process, as well as subject to fire and police facilities impact fees. The proposed changes to the zoning code are anticipated to improve pedestrian and vehicular safety. No further environmental analysis is required.

XVIII. TRIBAL CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:

i. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section V. above. Project implementation would not result in any specific construction activities involving extensive excavation, and therefore

would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. Construction of fast-food restaurants with drive-through facilities is typically characterized by shallow footings to support one-story buildings. While the probability of encountering a tribal cultural resource or human remains is low, any occurrence or discovery is subject to existing protections under California law. No further environmental analysis is required.

- ii. A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVIII.a. above. The City has no substantial evidence of any significant resource impacted by this change to the zoning code. During the discretionary review of any future drive-through facilities the City will provide locational information to potentially impacted tribal officials and will conduct formal consultation, as may be requested. No further environmental analysis is required at this time.

XIX. UTILITIES AND SERVICE SYSTEMS

- a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections XIX.a. through e.: The Project involves amending the drive-through use regulations and would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies and programs for future growth. The City's Urban Water Management Plan (UWMP) anticipates a level of population growth in excess of the General Plan, therefore the buildout of the General Plan, including any future drive-through facilities, will result in water demand equal to or less than that already anticipated in the UWMP. No further environmental analysis is necessary.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections XX.a. through d.: The City of Long Beach has not been identified as a Very High Fire Hazard Severity Zone Project by CAL Fire¹ nor is the City in or near a State Responsibility Area². The Project involves amending the drive-through use regulations and would not be expected to impair emergency plans, exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire place. The Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Lastly, as discussed in Section VII.iv. above, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than 1-1/2:1, horizontal to

¹ http://fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps_citylist

² http://www.fire.ca.gov/firepreventionfee/srviewer_launch

vertical). The Project would not be expected to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. No further environmental analysis is necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the Project would have no significant adverse impacts on biological or cultural resources. The proposed Project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Project regulatory provisions for drive-through uses would not contribute to any cumulative growth effects beyond what is anticipated for the City’s future in the General Plan.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The land use requirements of this Project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that this Project can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.

