



City Council Public Hearing

**Zoning Code Amendment
Drive-Through Regulations**

July 16, 2019

Zoning Code Amendment for Drive-Through Regulations

Timeline and Public Outreach

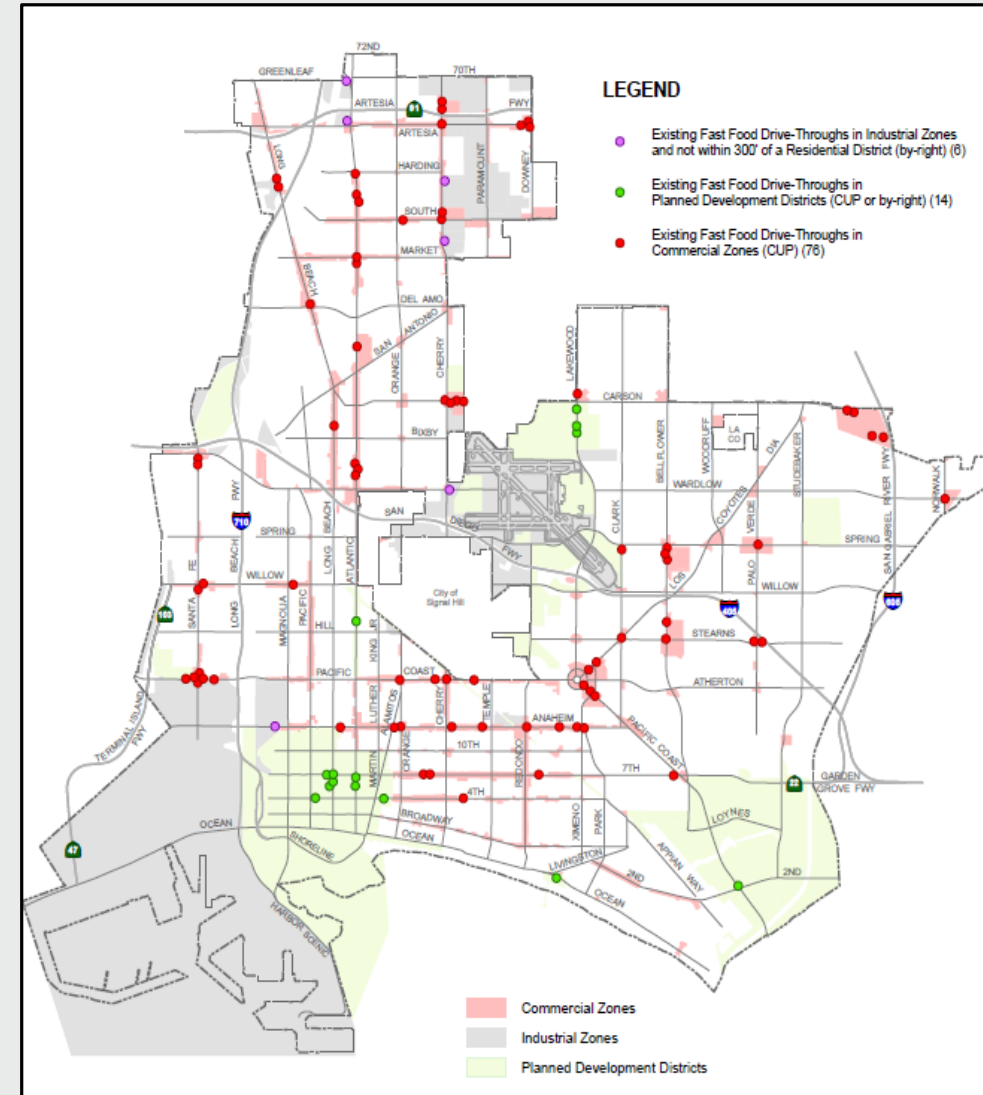
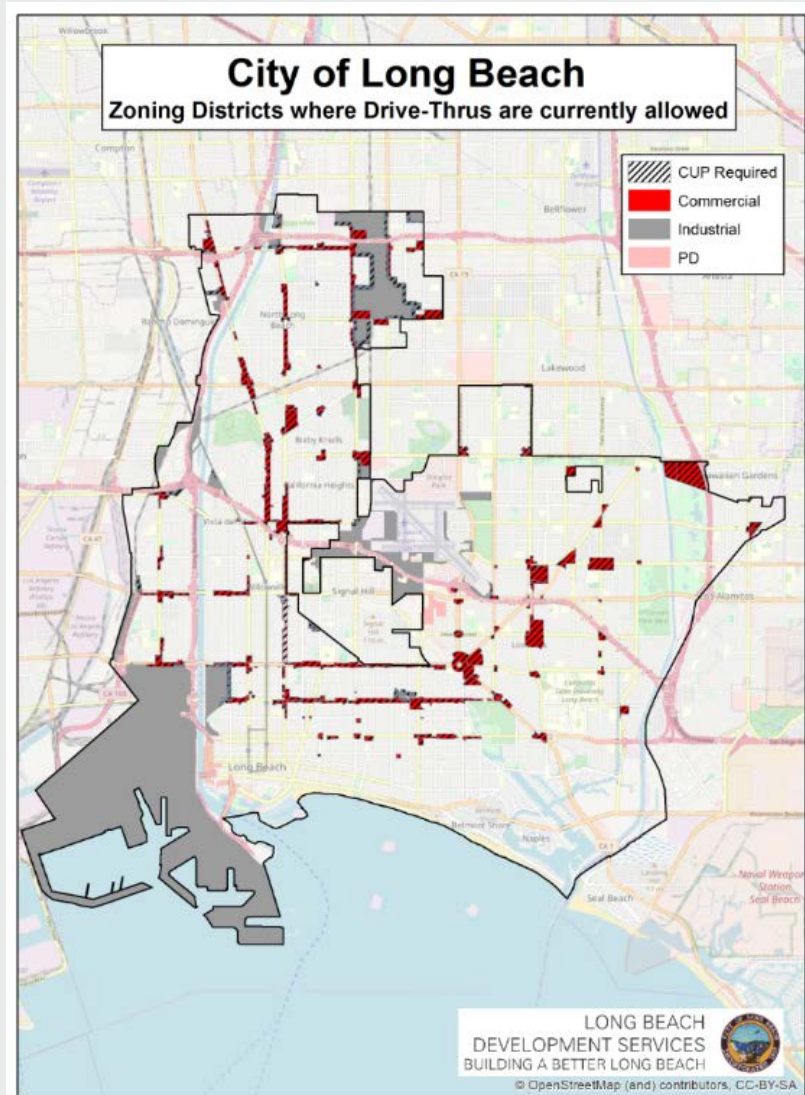
- **July 9, 2018:** Department initiated study
- **January – February 2019:** Stakeholder focus group meetings
- **February 7, 2019:** Planning Commission study session
- **March 21, 2019:** Planning Commission hearing
- **April 9, 2019:** City Council adopts minute order for preparation of moratorium
- **May 14, 2019:** City Council adopts urgency ordinance for six-month moratorium

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Existing Regulations

Zoning Districts	Review Process
Commercial (CNA, CCA, CCP, CCR, CCN, and CHW)	Conditional Use Permit (CUP) approval
Industrial (IL, IM, IG, and IP)	By-right, if located more than 300 feet from nearest residential district Or CUP, if within 300 feet of residential district

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Basis for the Proposed Code Amendment

- 116 fast food drive-throughs dispersed throughout the City
- Recent increase in drive-through applications
- Impacts on pedestrian safety; traffic and queuing; noise, light, and air pollution; and aesthetics
- Concerns about consistency with Land Use Element and Mobility Element policies

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Considerations in Revising Drive-Through Regulations

Current and proposed policy documents guided development of the draft drive-through regulations

- Current regulations do not align with design best practices or the City's policy documents that address quality of life, sustainability, and design
- Drive-throughs located in pedestrian-oriented areas or mixed-use/housing areas can impede housing and economic development goals, over time
 - Updated General Plan Land Use Element and Urban Design Element goals encourage mixed-use on corridors to accommodate housing need

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Drive Through Impacts

Positive Impacts

- Fast
- Convenient
- Affordable Options

Negative Impacts

- Air quality impacts
- Health impacts
- Vehicular/pedestrian conflicts
- Noise
- Idling
- Compatibility with surrounding uses
- Lost opportunity for mixed-use and/or housing



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Existing Regulations	Proposed Regulations
Drive-through is not defined; reference to 'restaurant, fast-food' instead	Define drive-through facilities
Commercial zones: CUP required for fast food drive-throughs in zones that allow the use Industrial zones: allowed by-right unless within 300 feet of a residential district (requires a CUP)	Require a CUP for all drive-through facilities in commercial zones, industrial zones, and planned development districts that allow a drive-through
Current CUP findings don't provide tools to deny drive-throughs in unsuitable locations: <ul style="list-style-type: none">- Evaluate only menu board and queuing space length- No findings related to negative impacts	Expand findings to ensure applications can be denied if location is unsuitable: <ul style="list-style-type: none">- Findings address negative impacts- Reference design guidelines
No design guidelines to improve site planning and design when findings can be made for a drive-through	Require compliance to design guidelines (under development)

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Proposed Findings

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

1. Adequate vehicle queuing distance/shall not create any vehicular or pedestrian travel hazards
2. Substantially conforms to General Plan and other applicable regulation
3. Location and design is compatible with surrounding uses/sufficient pedestrian amenities
4. Includes sufficient emissions controls
5. Includes buffering sufficient to control any spillover impacts
6. Includes appropriate limits on hours of operation of the drive-through, if located within 150 feet of residential zone
7. Is not located in an area of existing overconcentration and not located within a 500-foot radius of a school or park
8. Property is not otherwise suitable or necessary for more-intensive development

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Proposed Findings

The new findings will:

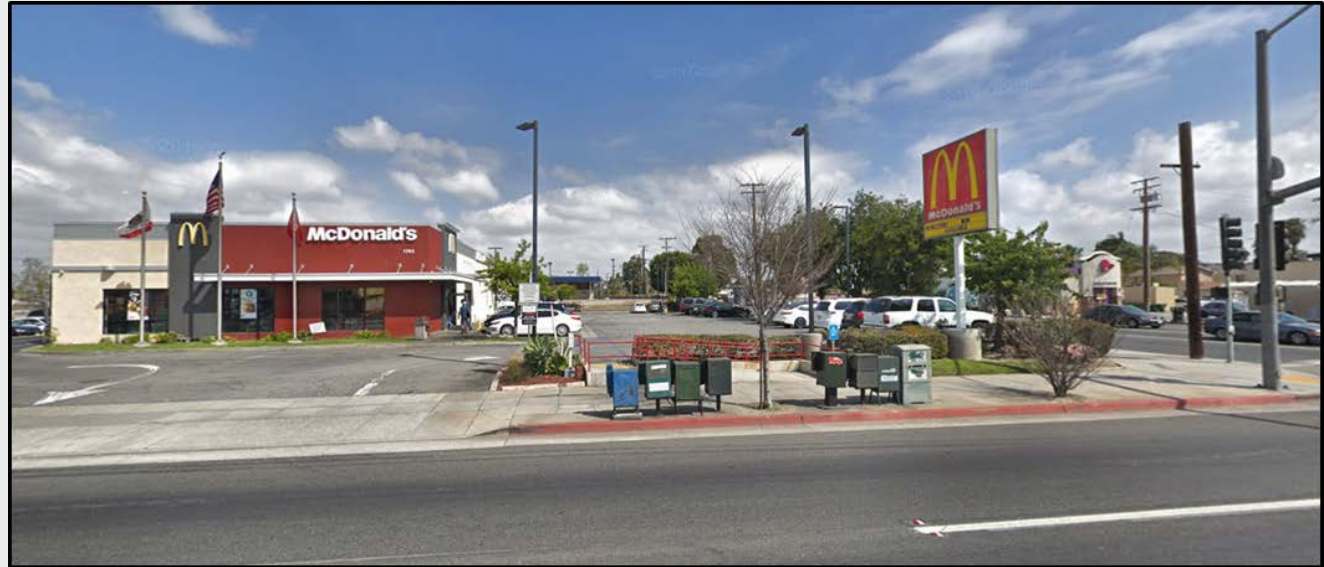
- Require consideration of trade-offs;
- Weigh drive-through proposal against housing and economic development goals;
- Provide the Planning Commission with more tools to deny drive-throughs in inappropriate locations; and
- Guide drive-throughs to appropriate locations, e.g. shopping centers, freeway-adjacent lots.

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Opportunity Cost of Drive-Through Facilities



- CCN commercial/R-4-N multi-family
- Site area: 29,935 SF
- 4,000 SF floor area; 0.13 FAR
- Height: one-story
- Allowable height : 38'; 3 stories
- Parking: 25 parking spaces

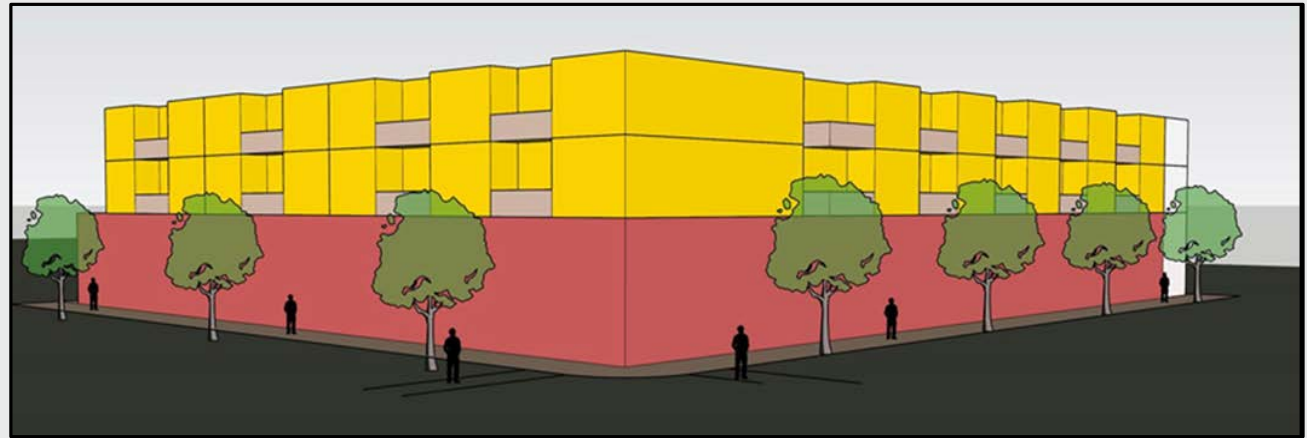


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Opportunity Cost of Drive-Through Facilities

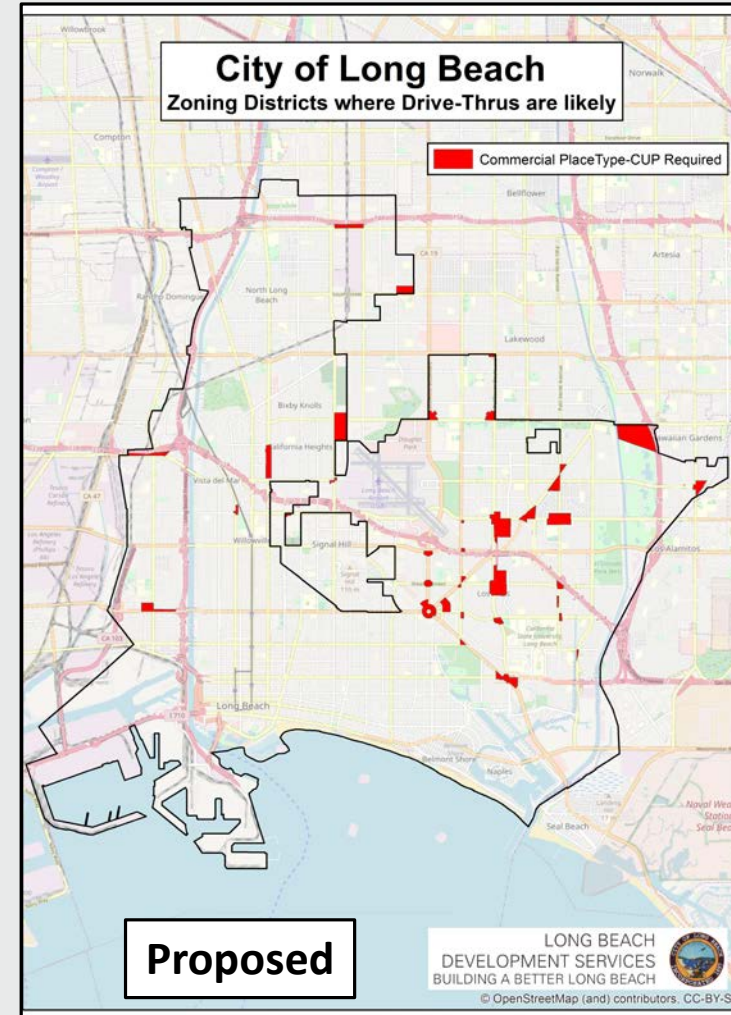
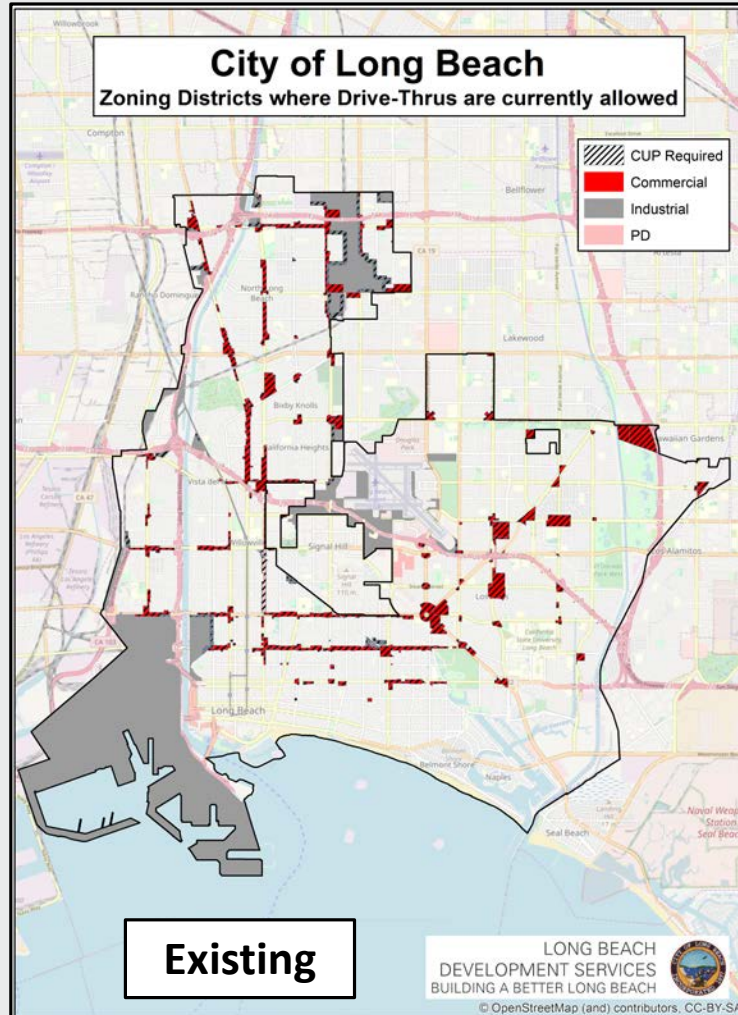


- CCN/R-4-N
- Mixed-Use Project
- FAR: N/A
- Density: 1 unit/975 SF = up to 30 units
- Height: 38'; 3 stories
- Max lot coverage: N/A
- Minimum usable open space: 150 SF/unit
 - 50% private; 50% common
- Parking: 2 spaces/unit max + 1 space/4 units for guest parking
 - 4 spaces/1000 SF for retail



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Regulatory Framework



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Staff Recommendation:

- Adopt Negative Declaration 03-19;
- Declare an Ordinance amending Title 21, Zoning Regulations, of the Long Beach Municipal Code (LBMC) to:
 - 1) Create a definition for drive-through facilities;
 - 2) Update the commercial and industrial zones use tables with the new drive-through facility use;
 - 3) Require a Conditional Use Permit (CUP) 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 ZCA to the California Coastal Commission.

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Next Steps:

- If the recommended Code Amendment is adopted, the moratorium will end upon the effective date of the ordinance, which is 30 days after the second reading.
- Staff recommends that the list of exempt drive-through establishments identified by City Council upon adoption of the Moratorium be exempt from the proposed drive-through regulations.



Thank you