



## Legislation Details (With Text)

<b>File #:</b>	19-0646	<b>Version:</b>	2	<b>Name:</b>	DS - Zone Code Amendments – Drive Throughs
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Adopted
<b>File created:</b>	6/20/2019	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	7/16/2019	<b>Final action:</b>		<b>Final action:</b>	7/23/2019
<b>Title:</b>	Recommendation to declare ordinance 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, read and adopted as read. (Citywide)				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 071619-H-2sr&att.pdf, 2. 071619-H-2 PowerPoint.pdf, 3. 072319-ORD-7att.pdf, 4. 071619-H-2 Corresp.Davis.pdf, 5. 071619-H-2 Corresp.Gaytan.pdf, 6. 071619-H-2 Corresp.Shilling.pdf, 7. ORD-19-0016.pdf				

Date	Ver.	Action By	Action	Result
7/23/2019	2	City Council	approve recommendation and adopt	Pass
7/16/2019	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance 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, read and adopted as read. (Citywide)

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%
<b>Total</b>	<b>116</b>	<b>100%</b>

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 use. 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 required; 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 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;
- 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
- 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;
  - 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;
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### **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.

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.

Approve recommendation.

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.

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.

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

LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER