

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

April 28, 2015 Public Hearing

### Applicant:

City of La Cañada Flintridge  
1327 Foothill Boulevard  
La Cañada Flintridge, CA 91011

### Case Type/No.:

Zone Change 12-02

### Project Locations:

City-wide within the Mixed Use-2 (MU-2) Zone in the Downtown Village Specific Plan (DVSP) area, and within the Community Planned Development (CPD) Zone [outside the DVSP].

### Project Planner:

Fred Buss, Senior Planner

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- Request:** Consideration of an amendment to the Downtown Village Specific Plan (DVSP) (Ordinance No. 312) and Chapter 11.14 of the Municipal Code pertaining to drive-through facilities for commercial facilities. More specifically, the amendments would amend Chapter 6 of the DVSP and Chapter 11.14 of the Municipal code to allow such facilities with approval of a Conditional Use Permit and establish standards and findings for approval of such facilities in Chapter 7 of the DVSP and in Chapter 11.14 of the Municipal Code.
  - General Plan/Zoning/Existing Land Use:** The General Plan land use designation for the Downtown Village Specific Plan area is Downtown Village Specific Plan (DVSP). Outside the DVSP, the designation for commercial areas is Commercial/Office. The zoning designations in question are potentially the Mixed Use 1 and Mixed Use 2 zones for the DVSP and Community Planned Development (CPD) for the Commercial/Office. The existing land uses applicable to this ordinance amendment are potentially restaurants (usually fast food), banks and other retail.
  - Environmental Review:** Staff has determined that the project is Categorical Exempt under Section 15183 of the Guidelines for Implementation of the California Environmental Quality Act - *Projects Consistent with a Community Plan or Zoning*. CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This legislative action to create regulations to allow drive-through facilities is consistent with the City's recently adopted General Plan and EIR: "LUE Policy 3.1.13 Prohibit drive-through commercial businesses within the City to mitigate unacceptable levels of noise, odors, and vehicle-related emissions only where proximate to sensitive receptors."
  - Update:** At the previous meeting (February 24, 2015), the Planning Commission directed staff to make additional changes to the draft ordinance and bring the result back for further discussion. The following comments represent what staff heard from the Planning Commission; some of which are *conflicting*.

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### *Ordinance (non-) Support*

- Not supportive of having the ordinance; it is hypocritical when compared to the City stance on the 710 freeway
- This is not a service for the community
- Too limiting in terms of location
- Research and regulations indicate not much opportunity for actual use
- Why so much work for little gain

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### *Physical Impacts*

- Technology will reduce future impacts from vehicles (so drive-throughs will not be as impactful as in the past):
  - idling car engines go away
  - federal emission standards reduce vehicle-produced air pollution
- Some current operations are not good (impactful to the community)
- The City is not demonstrably working toward a walkable community (the City is not being aggressive enough to make it more walkable)

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### *Standards (conflicting views)*

- Set high standards
- The standards are not absolute
- Section 7.4.15.3.1. (entry/exits 50' from intersections) – don't allow reduction modification by PC
- Require 50' radius between residential and queuing lanes in MU-2 zone
- Keep the 100' buffer between residential and queuing lanes
- Section 7.4.15.3.2. (queue lanes 100' from residential) – don't allow reduction modification by PC
- Specificity is good, without options for reductions
- If there is no choice (discretion), then take out the findings section
- Use number of vehicles for queue lane length (16'), not just a queue length from a manual
- Consider differences between ATM and actual teller queue lengths
- Standards for interior dimensions are good and important
- Requirements are stringent
- Guidelines are clear and good
- Having the Design Commission look at the landscaping, lighting and design is good, but the criteria are not spelled out
- Address lighting issues in the ordinance
- Need to be clear on definition of accessory use – area/ownership/product served?
- Use runs with the land, not the business
- Traffic impact analysis by City, not the applicant

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*Staff did not receive any written comments from any Commissioners after the last meeting, so this report is based on what staff heard at the last meeting. From these comments, staff has distilled the following thoughts and changes as reflected in the attached draft ordinance:*

1. The Planning Commission is not supportive of the creation of this ordinance. Such an ordinance would be contrary to a central tenant of the Downtown Village Specific Plan. The ordinance, with the reasonable development restrictions that it imposes, proffers little

opportunity for its use (very small benefits for very great potential risks). The City needs to be more assertive overall regarding walkability. The Planning Commission would pass this opinion on to the City Council.

2. Eliminate the small discretionary modifications to the standards and just set strict standards.
3. Use 50' radii in the Mixed Use 2 zone and 100' in the CPD zone.
4. The Planning Commission was concerned about the criteria for design within the drive-through ordinance. The Design Commission has the ability and authority to utilize existing City tools for guidance on design issues. This includes the use of the City's Design Options Manual. Staff has included reference to the DOM in the ordinance.
5. Lighting was a concern and can be addressed through the design review process. Some additional standards have been included.
6. Concern regarding the definition of accessory use. Generally, accessory uses must satisfy three basic questions:
  - a. Is the accessory use to be conducted on the same lot as the principal permitted use?
  - b. Is the proposed accessory use customarily found in connection with the principal permitted use?
  - c. Is there unity of ownership between the principal and accessory uses?

The City's current definition of Accessory Use is:

"Accessory use" means a use customarily incidental, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use.

The current definition satisfies these core questions. The Director of Community Development is charged with interpreting the Zoning Ordinance, and he has a general sense of what the difference is between accessory and principal uses.

For the definition of accessory use, the (mentioned) issues of area, revenue, ownership, and/or product served are too broad to be tackled at this time. This issue is being addressed in the new Zoning Ordinance. *Staff would request that the issue be deferred to that future discussion.*

**5. Recommendation:** Staff recommends that the Planning Commission consider with the attached ordinance and make a recommendation to the City Council regarding changes to the Downtown Village Specific Plan (Ordinance No. 312) and the Zoning Ordinance as contained in the attached Draft City Council Ordinance.

#### **Attachments:**

1. Planning Commission Resolution
2. Draft City Council Ordinance
3. 02-24-15 Planning Commission Staff Report

**RESOLUTION NO. 15-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
RECOMMENDING THAT THE CITY COUNCIL  
APPROVE ZONE CHANGE 12-02  
ADOPTING TEXT ADDITIONS AND DELETIONS TO CHAPTERS 6 AND 7  
OF THE DOWNTOWN VILLAGE SPECIFIC PLAN AND  
AMENDING CHAPTER 11.14 OF THE MUNICIPAL CODE TO ALLOW "DRIVE-THROUGH  
FACILITIES"**

**WHEREAS**, the Planning Commission on January 27, February 24, 2015, and April 28, 2015 after notification in the prescribed manner, held a Public Hearing on this amendment to the Downtown Village Specific Plan (Ordinance No. 312) and Chapter 11.14 of the Municipal Code with regards to drive-through facilities; and

**WHEREAS**, based on review of the Initial Study Questionnaire and related materials, the Planning Commission determined that the project is Categorically Exempt under Section 15183 of the Guidelines for Implementation of the California Environmental Quality Act - Projects Consistent with a Community Plan or Zoning; and

**WHEREAS**, the Planning Commission finds that all the facts contained in the staff reports dated February 24, 2015 and April 28, 2015 regarding the proposed changes to the Downtown Village Specific Plan and Chapter 11.14 of the Municipal Code are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of fact; and

**NOW, THEREFORE**, the Planning Commission of the City of La Canada Flintridge does hereby recommend that the City Council adopt the attached ordinance pertaining to drive-through facilities in the Downtown Village Specific Plan and the Municipal Code.

PASSED, APPROVED, AND ADOPTED this 28<sup>th</sup> day of April 2015.

Attest:

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Secretary to the Planning Commission

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING ZONE CHANGE 12-02 BY GENERALLY  
ADDING DRIVE-THROUGH FACILITIES TO TABLE 6.1 OF THE DOWNTOWN VILLAGE  
SPECIFIC PLAN; ADDING SECTION 7.4.15 [DRIVE-THROUGH FACILITIES]  
STANDARDS TO THE DOWNTOWN VILLAGE SPECIFIC PLAN; ADDING DEFINITIONS  
TO THE ZONING ORDINANCE; AMENDING SECTION 11.14.020.D.3. TO ADD DRIVE-  
THROUGH FACILITIES AS AN ACCESSORY USE; AND ADDING SUBSECTION  
11.14.030.E. "DRIVE-THROUGH FACILITIES" TO THE MUNICIPAL CODE**

**WHEREAS**, the City Council on \_\_\_\_\_, 2015, after notification in the prescribed manner, held a Public Hearing on changes to the Downtown Village Specific Plan (Ordinance No. 312) regarding drive-through facilities for eating establishments, and based on review of the Initial Study Questionnaire and related materials, the City Council determined that no significant environmental impacts would result from the project; and

**WHEREAS**, the City Council finds that all the facts contained in the staff report dated \_\_\_\_\_ regarding the proposed changes to the Specific Plan are true and correct, and the City Council hereby adopts said staff report as its own findings of fact; and

**NOW, THEREFORE**, the City Council of the City of La Cañada Flintridge hereby ordains as follows:

**Section 1.** Chapter 6 of the Downtown Village Specific Plan (Ordinance No. 312) is hereby amended as follows:

A new use shall be added to Table 6.1 in Section 6.2: "Drive-through Facilities as an Accessory use to coffee/tea/juice sales; food restaurants; financial institutions; or pharmacies;" Mixed Use 1: NP; Mixed Use 2: CUP.

**Section 2.** Section 7.4.1.9 of Downtown Village Specific Plan (Ordinance 312) shall be amended as follows:

Drive-through service lanes: Drive-through service lanes ~~are not~~ shall be permitted in the Downtown Village Specific Plan area in accordance with Section 6.2 (Table 6.1) of Chapter 6. Standards for development are in Section 7.4.15.

**Section 3.** Chapter 7 of the Downtown Village Specific Plan (Ordinance No. 312) is hereby amended as follows:

New Section 7.4.15 (herein below) shall be added to Chapter 7:

## 7.4.15 Drive-through Facilities

Drive-through facilities are intended to supplement a limited number of uses in the Mixed Use 2 zone. Drive-through facilities shall be developed in harmony with the pedestrian-oriented character of the Downtown Village Specific Plan. They are intended to be low-key and inconspicuous, blending with the architecture of the principal buildings they serve.

7.4.15.1 Traffic Impact Analysis. Drive-through facilities shall be subject to an ~~applicant~~ City-prepared traffic impact analysis. The traffic impact analysis shall be reviewed by the City Traffic Engineer and the Public Works and Traffic Commission prior to Planning Commission review. The comments from the City Traffic Engineer and the Public Works and Traffic Commission shall be forwarded to the Planning Commission for their consideration.

7.4.15.2 Parking and Access. The provision of drive-through service facilities shall not reduce the number of required off-street parking spaces unless otherwise approved pursuant to other provisions in this Code.

7.4.15.3. Drive-through Aisles

7.4.15.3.1 Entries and/or exits to drive-through facilities shall be a minimum of fifty feet from any intersection right-of-way, or from another drive-through facility on the same side of the street, except within a shopping center. ~~Shorter distances from road intersections may be approved if the Public Works Director determines that public health, safety and/or welfare will not be adversely impacted.~~

7.4.15.3.2 Drive-through queuing lanes shall be a minimum of ~~one hundred fifty~~ feet from any residential lot. ~~The Planning Commission may modify or waive this requirement if it determines that potential impacts to nearby residences will be minimal, and/or if the hours of operation are restricted.~~

7.4.15.3.3 Drive-through aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections. Drive-through aisles shall have a minimum twenty-eight foot outside turning radius.

7.4.15.3.4 Drive-through aisles shall provide the following minimum required queuing area behind the front service window:

- A. Coffee Houses/shops – ~~260 feet~~ (13 vehicles)
- B. Food restaurants – ~~240 feet~~ (12 vehicles)
- C. Financial Institutions - ~~160 feet~~ (8 vehicles) for ATMs and 12 vehicles for live tellers
- D. Full Service Car Washes – ~~140 feet~~ (7 vehicles)
- E. Self-Serve Car Washes – ~~100 feet~~ (5 vehicles)
- F. Pharmacies – ~~100 feet~~ (5 vehicles)
- G. Other undefined uses – ~~100 feet~~ (5 vehicles) or as determined by the City Traffic Engineer

- 7.4.15.3.5 Drive-through aisles shall be integrated with the on-site circulation and shall not conflict with parking or driveway access. Drive-through aisles shall be placed in the rear of a property to preserve the streetscape.
- 7.4.15.4 Noise levels shall be no more than fifty decibels at four feet away from the drive-through speaker, and shall not be audible above daytime ambient noise levels beyond property boundaries. Further, a drive-through facility shall not increase the existing ambient noise levels above the standards contained in the Noise Element of the General Plan and this code. A sound level analysis shall be submitted to the Community Development Director with all development proposals which include outdoor speakers to determine maximum speaker sound levels. All speakers shall be directed away from any Residential zone.
- 7.4.15.5 All drive-through facilities shall be subject to review and approval by the Design Commission. The Design Commission shall review the project for the following criteria with guidance through the City's Design Options Manual.
- 7.4.15.5.1 Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City approval.
- 7.4.15.5.2 Landscaping shall screen drive-through aisles, all service areas, and ground mounted mechanical equipment from the public right-of-way. Landscaping shall minimize the visual impacts of menu signs and drive-through windows while providing adequate lighting which is shielded from adjacent properties.
- 7.4.15.5.3 Each drive-through aisle shall be appropriately screened with a combination of decorative walls and/or landscape to prevent headlight glare onto adjacent streets and parking lots, and to buffer adjacent uses.
- 7.4.15.5.4 Menu boards shall be a maximum of thirty square feet, with a maximum height of six feet, and shall face away from public streets. Menu boards shall not obstruct driver sight distance.
- 7.4.15.5.5 Drive-through facilities shall be architecturally compatible with nearby structures and complement existing or planned streetscape elements such as light poles and fixtures, sidewalk pavers, street trees and benches.
- 7.4.15.5.6 Lighting shall be directed onto the driveways, walkways, and parking areas within the development and away from adjacent properties and public rights-of-way. Outdoor light fixtures shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property.

**Section 4.** Amend Table 1. - Section 11.14.020.D. (Accessory Uses) - by adding new subsection 3. "Drive-through Facilities as an Accessory use" with a "CUP" under Permit Required.

**Section 5.** Chapter 11.14 of the Municipal Code is hereby amended as follows:

New subsection 11.14.030.E. (herein below) shall be added:

11.14.030.E. Drive-through Facilities

1. Traffic Impact Analysis. Drive-through facilities shall be subject to an ~~applicant~~ City-prepared traffic impact analysis. The traffic impact analysis shall be reviewed by the City Traffic Engineer and the Public Works and Traffic Commission prior to Planning Commission review. The comments from the City Traffic Engineer and the Public Works and Traffic Commission shall be forwarded to the Planning Commission for their consideration.
2. Parking and Access. The provision of drive-through service facilities shall not reduce the number of required off-street parking spaces unless otherwise approved pursuant to other provisions in this Code.
3. Drive-through Aisles
  - A. Entries and/or exits to drive-through facilities shall be a minimum of fifty feet from any intersection right-of-way, or from another drive-through facility on the same side of the street, except within a shopping center. ~~Shorter distances from road intersections may be approved if the Public Works Director determines that public health, safety and/or welfare will not be adversely impacted.~~
  - B. Drive-through queuing lanes shall be a minimum of one hundred feet from any residential lot. ~~The Planning Commission may modify or waive this requirement if it determines that potential impacts to nearby residences will be minimal, and/or if the hours of operation are restricted.~~
  - C. Drive-through aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections. Drive-through aisles shall have a minimum twenty-eight foot outside turning radius.
  - D. Drive-through aisles shall provide the following minimum required queuing area behind the front service window:
    1. Coffee Houses/shops –~~260 feet~~ (13 vehicles)
    2. Food restaurants –~~240 feet~~ (12 vehicles)
    3. Financial Institutions - ~~160 feet~~ (8 vehicles) for ATMs and 12 vehicles for live tellers
    4. Full Service Car Washes –~~140 feet~~ (7 vehicles)
    5. Self-Serve Car Washes –~~100 feet~~ (5 vehicles)
    6. Pharmacies –~~100 feet~~ (5 vehicles)
    7. Other undefined uses –~~100 feet~~ (5 vehicles) or as determined by the City Traffic Engineer

- E. Drive-through aisles shall be integrated with the on-site circulation and shall not conflict with parking or driveway access. Drive-through aisles shall be placed in the rear of a property to preserve the streetscape.
4. Noise levels shall be no more than fifty decibels at four feet away from the drive-through speaker, and shall not be audible above daytime ambient noise levels beyond property boundaries. Further, a drive-through facility shall not increase the existing ambient noise levels above the standards contained in the Noise Element of the General Plan and this code. A sound level analysis shall be submitted to the Community Development Director with all development proposals which include outdoor speakers to determine maximum speaker sound levels. All speakers shall be directed away from any Residential zone.
5. All drive-through facilities shall be subject to review and approval by the Design Commission. The Design Commission shall review the project for the following criteria with guidance through the City's Design Options Manual.
- A. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City approval.
  - B. Landscaping shall screen drive-through aisles, all service areas, and ground mounted mechanical equipment from the public right-of-way. Landscaping shall minimize the visual impacts of menu signs and drive-through windows while providing adequate lighting which is shielded from adjacent properties.
  - C. Each drive-through aisle shall be appropriately screened with a combination of decorative walls and/or landscape to prevent headlight glare onto adjacent streets and parking lots, and to buffer adjacent uses.
  - D. Menu boards shall be a maximum of thirty square feet, with a maximum height of six feet, and shall face away from public streets. Menu boards shall not obstruct driver sight distance.
  - E. Drive-through facilities shall be architecturally compatible with nearby structures and complement existing or planned streetscape elements such as light poles and fixtures, sidewalk pavers, street trees and benches.
  - F. Lighting shall be directed onto the driveways, walkways, and parking areas within the development and away from adjacent properties and public rights-of-way. Outdoor light fixtures shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property.

**Section 6.** ~~Add new Section 11.43.081 [Drive-through Facilities Findings] as follows:~~

~~The Planning Commission may approve an application for a Conditional Use Permit for a drive-through facility where the information submitted by the applicant and/or presented at public hearing substantiates the findings contained in Section 11.43.080 and the following additional findings:~~

- ~~A. That the Planning Commission has determined [if applicable] that public health, safety and/or welfare will not be adversely impacted by a reduced distance between a drive-through facility entry/exit and a road intersection.~~
- ~~B. That the Planning Commission has determined [if applicable] that public health, safety and/or welfare will not be adversely impacted by a reduced buffer distance between a drive-through facility and residential uses.~~

**Section 7.** Add the following definition of "Drive-through facilities" to Section 11.01.030 [Definitions]. "Drive-through facilities" means any establishment, building or structure where service is provided to the customer from an automobile service window with access provided by a drive through lane incorporated into the site design; but not including gas stations, service stations, car washes, and auto repair garages.

**Section 8.** This ordinance shall take effect 30 days after its final passage and within 15 days after its passage, the City Clerk shall cause it to be published in the La Cañada Valley Sun, a newspaper of general circulation in the City of La Cañada Flintridge, and hereby designated for that purpose.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015.

AYES:            COUNCILMEMBERS:  
NOES:            COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Mayor

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

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

February 24, 2015 Public Hearing

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1327 Foothill Boulevard  
La Cañada Flintridge, CA 91011

### Case Type/No.:

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### Project Planner:

Fred Buss, Senior Planner

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- Request:** Consideration of an amendment to the Downtown Village Specific Plan (DVSP) (Ordinance No. 312) and Chapter 11.14 of the Municipal Code pertaining to drive-through facilities for commercial facilities. More specifically, the amendments would amend Chapter 6 of the DVSP and Chapter 11.14 of the Municipal code to allow such facilities with approval of a Conditional Use Permit and establish standards and findings for approval of such facilities in Chapter 7 of the DVSP and in Chapter 11.14 of the Municipal Code.
  - General Plan/Zoning/Existing Land Use:** The General Plan land use designation for the Downtown Village Specific Plan area is Downtown Village Specific Plan (DVSP). Outside the DVSP, the designation for commercial areas is Commercial/Office. The zoning designations in question are potentially the Mixed Use 1 and Mixed Use 2 zones for the DVSP and Community Planned Development (CPD) for the Commercial/Office. The existing land uses applicable to this ordinance amendment are potentially restaurants (usually fast food), banks and other retail.
  - Environmental Review:** Staff has determined that the project is Categorical Exempt under Section 15183 of the Guidelines for Implementation of the California Environmental Quality Act - *Projects Consistent with a Community Plan or Zoning*. CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This legislative action to create regulations to allow drive-through facilities is consistent with the City's recently adopted General Plan and EIR: "LUE Policy 3.1.13 Prohibit drive-through commercial businesses within the City to mitigate unacceptable levels of noise, odors, and vehicle-related emissions only where proximate to sensitive receptors."
  - Background:** [History] Staff was first directed to review the issue of drive-through facilities late in 2012. At the time, the review was in the narrower context of eating facilities only and geographically constrained to the Downtown Village Specific Plan area. A draft ordinance was prepared and public hearings were held by the Planning Commission (December 11, 2012) and

City Council (February 19, 2013). This resulted in the City Council directing staff to schedule a joint meeting with the Planning Commission.

The Joint Study Session was held on June 3, 2013. Much of the focus was on one particular property within the DVSP. The two bodies addressed the pros and cons of allowing drive-throughs, each member bringing up different points. In the end, the City Council directed staff to: 1) Request preparation of particular design work from the potential applicant; 2) Work with the DVSP subcommittee to develop ideas on drive-through facilities; and 3) Bring the item back to another joint meeting.

An expanded DVSP subcommittee was formed (two original Council members plus one Planning Commissioner and one Design Commissioner) to help develop ideas on drive-throughs. The ad hoc committee's first meeting was in October 2013. The committee felt that it was premature to discuss drive-through facilities until after a separately commissioned traffic study was completed for a small area within the Downtown Village Specific Plan. The committee wanted any information the traffic study might yield before reporting back to the City Council. The traffic study was subsequently completed and presented to the City Council on two occasions: the Existing Conditions Report [April 21, 2014] and the Final Recommendations Report [June 2, 2014].

The study concluded that the volume and number of trips generated from a given square footage of a coffee shop would have no impact on the Foothill/ACH intersection area. But since a coffee shop use would add more than 50 new trips to the AM peak [traffic] hour, such a project would require a traffic impact study. (Also, a site plan would need to be prepared for any such project showing adequate parking supply and internal circulation on the site.)

The Drive-Through Facilities Ad Hoc Committee returned to the City Council on August 4, 2014 with their recommendation. The Committee had met and concluded that there was no overwhelming desire one way or the other for drive-through facilities; but identified a menu of potential options. During the City Council's discussion, various members voiced conflicting thoughts on the issue, including: continued maintenance of a walkable downtown versus allowing auto-centric locations to take on additional auto-related uses. The City Council's determination paralleled that of the Ad Hoc Committee with three Council members supporting further investigation of the allowance of drive-through facilities and two Council members opposing. In their direction, the City Council:

- Wanted a highly selective process with clear standards in place to limit drive-through facilities
- Wanted the requirement of a Conditional Use Permit
- Wanted the Commissions to define the appropriate and inappropriate areas for potential drive-through facilities
- Wanted to make sure any drive-through facility would be ancillary to the primary business
- Wanted to maintain the character of the downtown area
- Wanted to expand the applicable area of the ordinance outside the DVSP
- Wanted to address all types of drive-through facilities

The City Council directed that the ordinance be presented to the Public Works and Traffic Commission and the Planning Commission before returning to the City Council for consideration.

It would be left to the City Council to decide if a drive-through facilities ordinance amendment would be adopted.

The Public Works and Traffic Commission heard the matter at their November 19, 2014 meeting. The Commission discussed the traffic study that occurred for the Angeles Crest Highway/Foothill Boulevard area. At least one member of the Commission disagreed with the study's conclusion that a drive-through in that area would not have an impact on the Angeles Crest Highway intersection, based on the reported increase of 600 cars on average to that facility. He stated his desire to include in the ordinance the requirement that each new drive-through perform a traffic study which must be brought to the Public Works and Traffic Commission for review, and that the traffic study requirement should not be limited based on the square footage of the project. The full Commission endorsed that recommendation. The Commission voiced concerns regarding the proximity of driveways to crosswalks and schools and their desire for such development to be reviewed by the Public Works and Traffic Commission.

[Current Ordinances] The current list of allowable uses in the DVSP (Chapter 6 - Table 6.1) specifically excludes drive-through facilities for restaurants and other eating establishments. The CPD zone does not permit drive-through facilities (Section 11.14.020), however, the Zoning Ordinance does have development standards for drive-through service lanes (Section 11.14.030.D.2.)

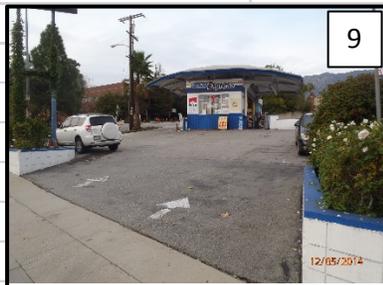
[Existing Uses] There are a number of existing drive-through facilities throughout the City. Many of these pre-date the creation of the City. They are listed and pictured in the table (Inventory) on the next page (excludes car washes). In the past, there has been at least one instance where a drive-through facility became a nuisance to the surrounding neighbors. That was a noise issue related to an outdoor speaker used for ordering and its proximity to residential neighbors (see location #7). The situation was aggravated by 24 hour a day operations. This was one reason that Table 6.1 of the DVSP excluded such facilities. Other uses pictured below have not created nuisance situations. This is probably for three reasons, they don't have outdoor speakers, they are well removed from any surrounding residences, and their traffic volume is very low.

**5. Definition of Drive-Through Facilities:** The term "drive-through facilities" is generally used to identify a broad class of "auto-oriented" uses. A drive-through facility or structure is designed to allow drivers to remain in their vehicles before or during an activity on the site. Drive-through facilities may include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows or kiosks; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

When the subject of drive-through facilities was brought forth for discussion, there appeared to be a narrower definition inherent in the request. Staff understood the focus to be more on retail sales and service through a drive-up window. Therefore, to better focus the direction of the regulations under consideration, staff would recommend creating a narrow definition of drive-through facilities. Staff has several candidate definitions:

## La Cañada Flintridge Drive-Thru Inventory

	Business	Address	Drive-Thru Type	Photos
1	McDonald's	449 Foothill Blvd.	Fast Food	1
2	Bank of America	537 Foothill Blvd.	ATM	2
3	Wells Fargo	555 Foothill Blvd.	ATM	3
4	USPS	607 Foothill Blvd.	Mail Drop-off	4
5	Goldstein's Bagel Bakery	1939 Verdugo Blvd.	Bagels/Coffee	5
6	Taco Bell	2151 Foothill Blvd.	Fast Food	6
7	Jack in the Box	2225 Foothill Blvd.	Fast Food	7
8	El Pollo Loco	2230 Foothill Blvd.	Fast Food	8
9	Altadena Express	2271 Foothill Blvd.	Drive-thru Dairy, etc..	9



- a) A type of service provided by a business that allows customers to purchase products or carry out transactions without leaving their cars.
- b) An automobile-oriented facility designed primarily for drive-through trade, and which provides service and caters to patrons while in their motor vehicles; but not including gas stations, service stations, and auto repair garages.
- c) Any establishment, building or structure where service is provided to the customer from an automobile service window with access provided by a drive through lane incorporated into the site design.

Staff would recommend definition "c)" above, adding the exclusionary statement from "b)," and also excluding car washes.

Staff would recommend the definition of "Drive-through facilities" be: "Any establishment, building or structure where service is provided to the customer from an automobile service window with access provided by a drive through lane incorporated into the site design; but not including gas stations, service stations, car washes, and auto repair garages."

**6. City Council Direction:** If drive-through (auto-oriented) facilities are to be allowed, the City Council has directed that there should be limits or standards applied to avoid the nuisance impacts. Since noise from speaker communications systems, idling engines, and high volume traffic movements are the primary sources of problems with drive-through facilities, potential standards should address these issues.

As suggested by the City Council and Public Works Commission, such facilities should:

- Only be permitted through the Conditional Use Permit process, thereby affording the opportunity for adjacent land users to comment on the proposal, and allow for additional conditions to be placed upon the operation.
- Only be permitted in association with related principally permitted uses.
- Have minimum distances from "sensitive receptors" (residential uses). Allowance of the use should ensure that commercial operations do not negatively impact residential settings.
- Be addressed with an appropriate traffic safety and traffic movement study as requested by the Public Works and Traffic Commission.

**7. Additional Planning Commission Direction:** During the previous hearing, the Planning Commission made note of several concerns/issues. Staff has divided these concerns into groups.

#### CHARACTER

- The ordinance is an exercise in automotive access, not city character, and that further criteria should be added.
- In the retail area, the City has prohibited some uses due to character, but this ordinance doesn't do that, contrary to 20 years of City efforts. Abandonment of a policy that is working well to suit one property.
- Concern about a walkable area (downtown).
- Maximizing efficiency should not be the primary goal, that inefficiency can be good in creating a park-and-walk environment. [potential conflict]

- Recommends further work, particularly relating the regulations to zones.

#### CODE STANDARDS

- Time at the drive-through window is another important variable noting that queuing can be adjusted accordingly.
- Queuing in the rear of a property can preserve the walkable feeling of the front.
- A “shopping center” involves multiple businesses on a property with reciprocal parking and access.
- The noise section should deal with nighttime ambient levels, since that would be a more sensitive time period.

#### FINDING

- Suggestion that a finding that the drive-through would not detract from pedestrian qualities be added.

**Character:** Most notable among the above issues is area character and the relationship between “auto-oriented” uses and “pedestrian-oriented” uses. In the past, the Planning Commission and City Council have briefly discussed (in the context of the DVSP) the issue of “auto-oriented” uses; uses that are either essential to support the automobile (fuel stations, mechanic services, etc.) or sales uses with direct access from automobiles (fast food, drug stores, banks, etc.). Staff earlier recommended narrowing the definition of “drive-through facilities” to drive-up windows for the purposes of this amendment. The DVSP’s Village Center was intended as pedestrian-oriented, not auto-oriented. In general, the Village Center is composed of the Mixed Use 1 zone. The Mixed Use 2 zone generally *surrounds* the Village Center. Section 6.1.2 of the DVSP describes Mixed Use 2 as follows:

The Mixed Use 2 district is established to provide opportunities for mixtures of retail, office and residential uses in the same building, on the same parcel of land, or side by side within the same area. Multi-family residential development is allowed at densities up to 15 units per acre without a requirement for retail or other commercial uses. Retail or other commercial development is allowed pursuant to the development standards and design guidelines in Chapter 7 of this Specific Plan without a requirement for accompanying residential uses.

There is no direct mention of “auto-oriented” uses in this purpose statement. However, when the DVSP was adopted in December 2000, there were already several auto-oriented businesses in existence within the area. These businesses are still in existence today in the Mixed Use 2 *and Mixed Use 1* zones (gas stations, auto sales, tire sales and installation, and auto repair). Under the current DVSP, these uses are still allowed within the Mixed Use 2 zone with a Conditional Use Permit.

The CPD zone is intended to be more broadly commercial. The purpose statement (selected excerpts) includes:

- A. To protect properties designated as residential in the general plan which are adjacent to properties designated as commercial from noise, unsightliness and other nonresidential environmental impacts associated with commercial operation;

- B. To provide appropriately located areas for office use, retail stores, service establishments and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;
- D. To minimize traffic congestion and to avoid overloading of utilities by preventing construction of buildings of excessive size in relation to the amount of land around them;
- E. To promote high standards of site planning, architecture and landscape design for office and general commercial developments within the city;

There is no direct mention of "auto-oriented" uses in this purpose statement, either. However the broad nature of the CPD zone has allowed for these uses in the past, and could again with the appropriate standards and controls. Therefore staff would recommend that the Planning Commission consider recommending drive-through facilities be restricted to the Mixed Use 2 zone of the DVSP and the CPD zone outside the DVSP as an accessory use to a limited list of principal uses with a Conditional Use Permit.

**Code Standards:** Staff prepared draft standards previously (see the attached CC Ordinance) in the form of a new section to be added to Chapter 7 of the Downtown Village Specific Plan: "7.4.15 Drive-Through Facilities" and a new subsection 11.14.030.E. Drive-through Facilities to be added to Chapter 11.14 (CPD) of the Zoning Ordinance.

Uses: The new Mixed Use (*no number*) zone (Ross, Big Lots, etc.) is not included for consideration under the current direction to staff, although some drive-through facilities are currently located in this zone. When the Mixed Use zone was created in February 2014, allowances for drive-throughs were purposely left out. If the Planning Commission is so inclined to direct that this zone be included, then the pool of potential sites could increase.

In addition to standards, Table 6.1 of the DVSP and Section 11.14.020.D. (Accessory Uses) of the Zoning Ordinance would require amendments to the use tables to allow drive-through facilities as an accessory use with a Conditional Use Permit. As mentioned earlier, staff would recommend that the CUP be restricted as accessory to a limited list of principle uses. That list could be limited to:

- Coffee/tea/juice sales
- Food restaurants
- Financial institutions
- Pharmacies

Queuing and Traffic Design: One of the principal limiting development standards in the proposed ordinance is the queuing length behind the drive-up window. When "drive-throughs" were first considered by the Planning Commission in December 2012, staff had prepared a range of queue lengths for different uses (including car washes) based on the ITE Manual and the City Traffic Engineer's professional assessment. Those were recommended as:

Drive-through aisles shall provide the following minimum required queuing area behind the front service window:

- A. Coffee Houses/shops – 260 feet (13 vehicles)

- B. Food restaurants – 240 feet (12 vehicles)
- C. Financial Institutions - 160 feet (8 vehicles)
- D. Pharmacies – 100 feet (5 vehicles)
- E. Full Service Car Washes – 140 feet (7 vehicles)
- F. Self-Serve Car Washes – 100 feet (5 vehicles)

Below is an inventory of the current queuing lengths for existing sites (excluding car washes) and an estimate for the Shell station:

Existing Measurements		
Facility	Current Zoning	Stacking Length (ft)
1 McDonald's	MU-2	160
2 Bank of America	MU-2	70
3 Wells Fargo	MU-2	110
4 USPS	Inst	115
5 Goldstein's	MU	220
6 Taco Bell	MU	180
7 Jack in the Box	CPD	190
8 El Pollo Loco	CPD	160
9 Altadena Express	MU	80
Shell Station (estimate)	MU-2	160

The current inventory of drive-through facilities does not meet the proposed minimum standards. Therefore, these uses would become non-conforming. Alternatives would be to require approval of a traffic impact analysis to determine the necessary queuing length for each requested drive-through; or use the traffic impact analysis to “vary” from the established standards. The standards could also be reduced (changed) from those originally recommended by the Traffic Engineer. This would require further discussion and direction. Staff has requested the attendance of the City’s Traffic Engineer at this meeting. Other traffic related issues include:

- Queuing lanes shall be a minimum of one hundred feet from any residential lot.
- Queuing lanes shall not conflict with parking or driveway access.
- Entries or exits to drive-through - minimum of fifty feet from any intersection right-of-way, or from another drive-through facility on the same side of the street, except within a shopping center.

An additional standard was added to the ordinance to ensure that queuing is placed in the rear of a property to preserve the walkable feeling of the front of the site (the streetscape).

Geography: To address a directive from the City Council, staff prepared a set of exhibits that identify the effect of a one hundred foot (100’) residential (sensitive receptor) buffer on the potential placement of accessory drive-through facilities on *currently developed sites*. This exercise was to assume that the existing development would remain as-is, and a drive-through facility would be an addition to the existing main use. For this exercise, most commercial lots would be eliminated from contention based on their inability to meet the one hundred foot distance requirement between a residential zone and the automobile queuing lane.

## Potential Lots/Sites



As a result, staff found only four sites (all CPD zoned) meeting the buffer requirement with the potential to meet extended queuing lane criteria (260 feet):

- 2309 Foothill - NW corner of Foothill and Ocean View Boulevard (Garden Grill Restaurant)
- 2388 Foothill - Briggs Road at Foothill (Union 76 station)
- Verdugo at Hilldale - portion of the Park n Ride lot (Caltrans property)
- 1346 Foothill (currently offices) – this site would require re-configuration for queuing and retaining parking (across the street from City Hall)

**Buffer Radius:** The Planning Commission could address the issue of distance from sensitive receptors with hours of operation. The Planning Commission could impose restricted “hours of operation” when a drive-through facility is located on a site within one hundred (100’) feet of any residential property, and/or allow no time restrictions if the use is located greater than one hundred feet from a residential use.

**Noise:** The “order” speaker sound standard proposed in the draft ordinance (“...no more than fifty decibels at four feet away from the drive-through speaker...”) is intended to address day-time and night-time noise levels. According to the Noise Element of the General Plan, exterior noise level guidelines for residential areas for daytime should not exceed 65 dBA. Night-time noise levels are usually set 10 dBA lower at 55 dBA. The ordinance proposal at 50 dBA maximum within four feet of the speaker would mean the volume would be much lower than 55 dBA at the property line. The directionality of the speaker would also affect noise levels on surrounding uses. This would be a product of the design. The proposed ordinance requires an acoustic analysis for speaker placement and volume.

**Shopping Center definition:** The International Council of Shopping Centers (ICSC) defines a shopping center as a group of retail and other commercial establishments that is planned, developed, and often owned and managed, as a single property, typically with on-site parking provided. In the case of La Cañada Flintridge, there may be multiple properties side by side that are separately owned, but integrated by their reciprocal parking and access arrangements. The

result is the same; staff considers these to be shopping centers. The City's Zoning Ordinance does not contain a definition of shopping center, therefore the definition defaults to the typical dictionary definition. Such a definition could be added to the Zoning Ordinance if the Planning Commission determines that a very specific understanding of what a shopping center is or is not, is necessary. *Staff does not believe that a special definition is warranted.*

**Supplemental Findings:** The Planning Commission suggested that drive-through facilities might best be approved with either a separate set of findings, or findings that are supplemental to the standard CUP findings. The current CUP findings are:

11.43.080 Findings and decision. The zoning board may recommend approval and the commission may approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

- A. That the proposed use will not be in substantial conflict with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;
- B. That the requested use at the location proposed will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required;
- E. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood.

It is staff's opinion that the standard CUP findings relate well to the proposed standards for drive-through facilities and these should continue to be used. Staff would note that there are *supplemental determinations* that are called out in the draft standards that should be addressed with *supplemental findings*. [Staff has referenced the CPD sections here, but these additions should be mirrored in the DVSP sections if applicable.]

Proposed Section 11.14.030.E.3.A. [Drive-through Facilities] allows entries/exits at shorter distances from road intersections if the Public Works Director determines that public health, safety and/or welfare will not be adversely impacted. *Therefore a finding should be included that would support such a determination.*

- A. That the Planning Commission has determined [if applicable] that public health, safety and/or welfare will not be adversely impacted by a reduced distance between a drive-through facility entry/exit and a road intersection.

Proposed Section 11.14.030.E.3.B. [Drive-through Facilities] allows the Planning Commission to modify or waive the one hundred foot buffer requirement from residential uses if it determines that potential impacts to nearby residences will be minimal, and/or if the hours of operation are restricted. *Therefore a finding should be included that would support such a determination.*

- B. That the Planning Commission has determined [if applicable] that public health, safety and/or welfare will not be adversely impacted by a reduced buffer distance between a drive-through facility and residential uses.

If the Planning Commission recommends that there be a general rule to allow deviations from the stated queuing lengths (see Section 11.14.030.E.3.D.), or that the queuing length be determined individually for each project, this subsection would have to be rewritten and *a finding to support this type of decision would be needed.*

The Planning Commission also suggested that a finding be added that the drive-through facility not detract from the pedestrian qualities of the site. This suggestion could be accommodated by finding "E." of the CUP findings. Not all locations where the drive-through facilities have the potential to be located will be pedestrian-oriented.

**10. Recommendation:** For Zone Changes, the Planning Commission is responsible for holding a public hearing and providing a recommendation to the City Council. Zone Changes can include any change to the text of the zoning ordinance. Section 11.42.080 – Zone Change – of the Zoning Code requires the Commission to make the following findings regarding its recommendation relative to a proposed Zone Change. Staff has provided the following support for the findings, if the Planning Commission intends to support approval of the amendments:

- A. *That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.*

The proposed text changes to the Downtown Village Specific Plan (Ordinance No. 312) and Zoning Ordinance would create development standards for accessory drive-through facilities, and add a discretionary review process. As a legislative change, the City Council has the discretion to allow such changes to the regulations if found to be appropriate and necessary.

- B. *That a need for the proposed zone classification exists within such area or districts.*

The change in the regulations has been requested by a sector of the business community.

- C. *That the particular property under consideration is a proper location for said zone classification within such area or district.*

This proposal is not for a change in zoning designation for a particular property. However, the proposed regulation changes could accommodate an accessory use in specified areas

of the City. The regulations that apply to the allowance of this use ensure that the location will not impact non-commercial uses in the surrounding area and confine impacts within the commercial use districts.

- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.*

Although this is not a change in zoning designation for a particular parcel, these amendments to the Downtown Village Specific Plan (Ordinance No. 312) and the Zoning Ordinance would strengthen the development standards and review processes for accessory drive-through facilities. The regulations proposed specifically address the general welfare of any nearby residential neighborhoods as described by General Plan policy.

Staff recommends that the Planning Commission consider with the above Findings and make a recommendation to the City Council regarding changes to the Downtown Village Specific Plan (Ordinance No. 312) and the Zoning Ordinance as contained in the attached Draft City Council Ordinance.

**Attachments:**

1. Planning Commission Resolution
2. Draft City Council Ordinance
3. Public Comment Letter (Strapazon – February 13, 2015)