

WJG 5469
City Manager**MEMORANDUM**

DATE: August 8, 2000

TO: Carlos J. Palacios, City Manager

FROM: JW John Doughty, Community Development Director

SUBJECT: Consider ordinance amendment to chapter 14-40 developed to clarify permit requirements for new drive through uses in specific commercial zoning districts that also establish design and location criteria.

AGENDA ITEM: August 22, 2000 City Council

RECOMMENDATION

The Planning Commission recommends that the City Council deny the attached Ordinance and not introduce it for publication.

BASIC PROJECT DATA

APPLICATION NO. TA-2-00

LOCATION: City wide commercial/industrial districts **APN:** City Wide

PROJECT DESCRIPTION: Ordinance developed to clarify permit requirements for new drive through uses in specific commercial zoning districts that also establishes design and location criteria.

GENERAL PLAN: Various commercial designations
ZONING: Various commercial designations.

EXISTING USE: Commercial properties requesting Drive Through Uses
ADJACENT USES: N/A

ADJACENT GENERAL PLAN/ZONING: N/A

CEQA REVIEW: A Categorical exemption was prepared for this project per Section 15300.4 of the CEQA guidelines.

PROPERTY OWNER: Various **APPLICANT/REPRESENTATIVE:** City of Watsonville

BACKGROUND/DISCUSSION

On July 10, 2000, the Watsonville Planning Commission first considered the draft text of the Drive Through Facilities Limitation Ordinance at a public hearing. The Planning Commission was concerned that the proposed ordinance would discourage prospective fast food businesses from

requesting permits. Due to the limited amount of Commissioners present (including Commissioners Castillo, Brunetti, G. Gonzalez, and Nacua) and the importance of the issue, the Commission chose to continue their deliberation until the August 7th meeting.

At the August 7, 2000, Planning Commission meeting, the same four members were in attendance. They were still concerned about not having full representation of the membership, but followed Staff's recommendation to forward an action to the City Council. There was a general consensus that the proposed drive through ordinance was too restrictive for potential businesses. Commissioner G. Gonzalez indicated he would prefer an ordinance limiting drive through uses in a more specific area, such as the downtown. There was a general consensus among the members that fast food uses and their related drive through components were not proliferating, and that the proposed regulations would be too restrictive for future businesses that may want to move into the City of Watsonville. The Planning Commission recommended, by a 4-0 vote, that the City Council not pursue the proposed drive through ordinance.

PLANNING ANALYSIS

A copy of the original Planning Commission Staff Report is included for your information. The proposed ordinance was drafted at the direction of the City Council with the intent to develop location and design criteria that the City could use to help design drive through facilities that were more compatible with the surrounding uses. The regulations do not prohibit drive through facilities but require limitations to specific commercial zoning districts, which preclude new drive through facilities in the Downtown area.

TECHNICAL ANALYSIS

As proposed, the ordinance would limit drive through facilities in the following commercial zoning districts if a Special Use Permit is obtained:

1. CT, (Thorough Fare Commercial)
2. CNS (Neighborhood Shopping Center)
3. CN (Neighborhood Commercial)
4. CV (Visitor Commercial)

Within these districts the following location criteria are recommended:

1. Drive through facilities must be located 150 feet from residentially zoned property
2. No more than one drive through use may be located within 200 feet of a signalized intersection.
3. Drive through facilities shall not be located within 300 feet of designated gateway intersections.

The GIS department prepared a color map (see attachment 1) identifying where additional drive through facilities could be placed. Additionally, the ordinance recommends 12 specific design standards that must be followed when preparing a plan for new drive through facilities. Finally, the ordinance recognizes the City's existing drive through facilities by not classifying them as non-conforming uses.

FINANCIAL IMPACTS

Adoption of the proposed ordinance will not have specific financial impacts to the City of Watsonville. Adoption of the ordinance will limit the location of new drive through facilities but not eliminate them. The ordinance is drafted to allow businesses to find locations that are suitable for new drive through development.

ALTERNATIVES

1. Follow the Planning Commission recommendation and table the ordinance for no further action, which will effectively deny implementation of the ordinance.
2. Introduce the ordinance for publication subject to findings listed in the Staff Report, as recommended by Staff to the Planning Commission.

SUMMARY/RECOMMENDATION

The Planning Commission recommends that the City Council deny the proposed ordinance. Staff has included a draft ordinance and findings should the Council choose to introduce the ordinance for publication and adoption.

ATTACHMENT(S)

1. Drive Thru Business Location Criteria Map.
2. August 7, 2000, Planning Commission Staff Report without resolution
3. July 10th and August 7, 2000, Planning Commission Minutes
4. Findings for denial and adoption

cc: City Attorney

CITY OF WATSONVILLE
City Council

Zoning Text Amendment: TA-02-00

APN: City Wide

Applicant: City of Watsonville

Hearing Date: August 22, 2000

Effective Date: October 12, 2000

ZONING TEXT AMENDMENT FINDINGS:

1. A public necessity and the general community welfare warrant the adoption of the proposed amendment.

Supportive Evidence

The proposed drive through facilities restriction ordinance supports the City's General Plan policy 4.B.1 to help protect existing neighborhood quality by establishing design and location criteria for drive through facilities that help limit traffic, noise, odor, and aesthetic impacts to surrounding uses by establishing reasonable criteria.

2. The proposed amendment represents good zoning practices.

Supportive Evidence

The location and design criteria represent good zoning practices by establishing reasonable distances to existing signalized and gateway intersections to limit traffic conflicts at these critical intersections.

Additionally, the design criteria also establishes appropriate limits relating to design that ensure that the drive through use is:

- a. adequately spaced from residential properties;
- b. provides adequate screening from commercial streets;
- c. includes criteria to limit light glare and noise by proper spacing and screening;
- d. establishes adequate stacking area to limit internal circulation impacts;
- e. limits access to the drive through lane to internal areas to prevent circulation impacts with public streets.

CITY OF WATSONVILLE
City Council

Zoning Text Amendment: TA-02-00

APN: City Wide

Applicant: City of Watsonville

Hearing Date: August 22, 2000

ZONING TEXT AMENDMENT DENIAL FINDINGS:

1. A public necessity and the general community welfare do not warrant the adoption of the proposed amendment.

Supportive Evidence

The concentration of fast food restaurants appears to occur along Freedom Boulevard where fast food uses are appropriate. There is not a proliferation of drive thru facilities in the remainder of town and the ordinance would create restrictions that would be discouraging to new businesses.

2. The proposed amendment does not represent good zoning practices.

Supportive Evidence

The location and design criteria do not represent good zoning practices because the proposed location criteria are too restrictive and will be too limiting on the development of new businesses in the City of Watsonville.

ORDINANCE NO. 1095-00 (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AMENDING TITLE 14 (ZONING) OF THE WATSONVILLE MUNICIPAL CODE REGARDING DRIVE-THROUGH FACILITIES

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

Title 14 (Zoning) of the Watsonville Municipal Code is hereby amended to read as follows:

Chapter 14-16. District Regulations

DLU 581 of Subsection (b) of Section 14-16.503 (Conditional uses) is hereby amended to read as follows:

"DLU 581 Restaurants and coffee shops (drive-through facilities not allowed)"

DLU 5813 Section 14-16.603 (Conditional uses) is hereby amended to read as follows:

"DLU 5813 Eating and drinking places, on-sale liquor licenses (drive-through facilities not allowed)"

GLU 58 of Section 14-16.1001 (Principal Permitted Uses) is hereby amended

to read as follows:

"GLU 58 Eating places only, no on-site liquor
Exclusions:
5811 Drive-through facilities
582 Drinking places

GLU 581 of Section 14-16.1102 (Principal Permitted Uses) is hereby amended

to read as follows:

"GLU 581 Eating place only, no on-sale liquor (drive-through facilities
not allowed"

GLU 58 of Section 14-16.1104 (Conditional Uses) is hereby amended to read

as follows:

"GLU 58 Eating and drinking places offering live entertainment or
dancing, on-sale liquor license (drive-through facilities not
allowed"

GLU 581 of Section 14-16.1201 (Principal Permitted Uses) is hereby amended

to read as follows:

"GLU 581 Eating no liquor
Exclusion: All eating and drinking places offering live
entertainment or dancing, 582 uses, and drive-through
facilities"

GLU of Section 14-16.1203 (Conditional Uses) is hereby amended to read as follows:

"GLU 581 Eating places offering live entertainment and dance, on-sale liquor license or drive through facilities"

GLU 581 of Section 14-16.1301 (Principal Permitted Uses) is hereby amended to read as follows:

"GLU 581 Eating places, no on sale liquor or drive-through facilities"

GLU 581 of Section 14-16.1303 (Conditional Uses) is hereby amended to read as follows:

"GLU 581 Eating places, beer and wine on-sale license or drive-through facilities
581 Restaurants, on-sale liquor license or drive-through facilities"

GLU 58 Exclusions of Section 14-16.1401 (Principal permitted uses) is hereby amended to read as follows:

"GLU 58 Exclusions: 582
Drive through facilities"

Subsection (c) of Section 14-16.1403(Conditional Uses) is hereby amended by adding DLU 581 to read as follows:

"DLU 581 Eating and drinking places with drive-through facilities - not allowed"

Chapter 14-18. Definitions

Chapter 18 (Definitions) of Title 14 (Zoning) is hereby amended by adding Section 14-18.279 (Drive-Through Facility) to read as follows:

"Sec. 14-18.279. Drive-Through Facility.

"Drive-Through Facility" shall mean any commercial use that conducts business in whole or part with a person or persons who enters a commercial property in a motor vehicle and transacts business from said motor vehicle from any location on such property that is not a designated parking space. Drive-Through Facility does not, however, include Service Stations as defined in Sec. 14-18.682 of this Code."

Section 14-40.020 (General Provisions) of Chapter 40 (General Provisions, Exceptions, and Modifications) of Title 14 (Zoning) is hereby amended by adding Subsection (n) to read as follows:

"(n) Drive-Through Facility"

Title 14 (Zoning) is hereby amended by adding Chapter 41 (Drive-Through Facility Restrictions).

"Chapter 14-41

Drive-Through Facility Restrictions

Sec. 14-41.100. Purpose of Chapter.

The purpose of this chapter is to regulate the design and location of Drive-Through Facilities in the City of Watsonville. Notwithstanding any other provision in this Code, Drive-Through Facilities shall be permitted only on property located in commercial zones that also meet the following conditions:

(a) Location.

(1) No drive-through lane, speakers, menu boards and or take out windows shall be located within one hundred-fifty (150) feet from any property boundary line of a parcel zoned for residential purposes.

(2) No more than one (1) Drive-Through Facility shall be located within two-hundred (200) feet of the nearest point of a signalized intersection except as set forth in (3) below.

(3) No Drive-Through Facility shall be located within three-hundred (300) feet of any of the following "gateway" intersections:

- (i) Main Street at Front Street
- (ii) Main Street at Freedom Boulevard
- (iii) Main Street at Green Valley Road
- (iv) Riverside Drive at Rodriguez Street
- (v) Riverside Drive at Blackburn Street
- (vi) Freedom Boulevard at Airport Boulevard
- (vii) East Lake Avenue at Martinelli Street

Sec. 14-41.101. Use Permit Required.

(a) No drive-through facility shall be allowed in the following commercial districts, without a special use permit issued by the Planning Commission:

- (1) CT, Thoroughfare Commercial
- (2) CNS, Neighborhood Shopping Center
- (3) CN, Neighborhood Commercial
- (4) CV, Visitor Commercial

Sec. 14.41.102. Design Standards.

Drive Through Facilities shall be designed and situated in such a manner so that:

(a) Trash facilities are located to accommodate patrons using the drive through facilities in an area away from residential uses;

(b) Lighting, noise, fumes, rodents, pests and odors can either be eliminated, mitigated or reduced so as to not adversely affect neighboring properties or uses;

(c) The impact on neighboring properties or uses due to activities associated with the proposed facility and its hours of operation do not unreasonably interfere with adjoining residential uses;

(d) Traffic generated by the Drive-Through Facility can be reasonably accommodated by the property and neighborhood streets, without creating a

materially adverse traffic impact, or a material traffic or safety hazard to vehicles or pedestrians;

(e) On-site pedestrian walkways shall not intersect the drive-through vehicle lanes, except visibility is clear, and the pedestrian walkway is emphasized by enriched paving and striping;

(f) Drive-through lanes include a minimum 14-foot width on curves and a minimum 11-foot width on straight sections;

(g) Drive-through lanes provide sufficient vehicle stacking area behind the menu board to accommodate a minimum of four cars;

(h) No drive-through lanes shall exit directly onto a public right-of-way;

(i) Landscaping shall screen drive-through and drive-in lanes from the public right-of-way and shall minimize the visual impact of the menu board and directional signs;

(j) Drive-through lanes shall be constructed with (PCC) concrete;

(k) Drive-through lanes shall be set back from the face of the curb of any street frontage a minimum of 20 feet;

(l) Only one menu board may be permitted and shall be a maximum of 30 square feet in the area of the sign face, with a maximum height of seven feet and shall face away from the street.

Sec. 14-41. 104. Non Conforming Uses.

No Drive-Through Facility, which otherwise complies with this Code, shall hereafter be considered non-conforming except as provided herein. If an existing Drive-Through Facility requests a zoning change or modification to its use permit, it shall comply with this Chapter."

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. CERTIFICATION.


This ordinance shall be transmitted to the California Coastal Commission to obtain approval and certification.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.

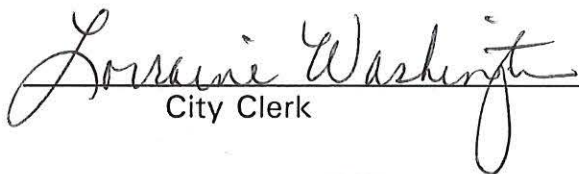
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Watsonville, held on the 22nd day of August, 2000, by Council Member Phares, who moved its introduction and passage to print, which motion being duly seconded by Council Member Bobeda, was upon roll call carried and ordered printed and published by the following vote:

AYES:	COUNCIL MEMBERS:	Bobeda, Doering-Nielsen, Gomez, Lopez, Phares, Carter, Rios
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None



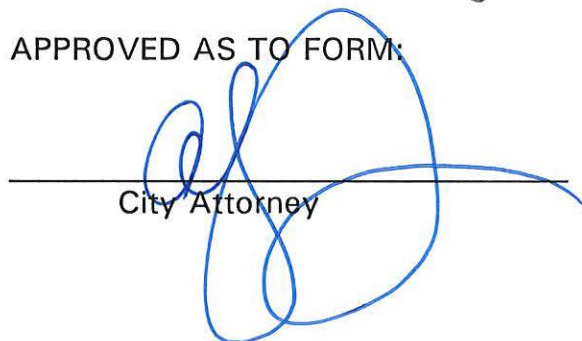
Oscar Rios, Mayor

ATTEST:



Lorraine Washington
City Clerk

APPROVED AS TO FORM:



City Attorney

ORDINANCE NO. 1095-00 (CM)

The foregoing ordinance, having been printed and published as required by the Charter of the City of Watsonville, and coming on for final consideration at the regular meeting of the Council of the City of Watsonville, held on the 12th day of September, 2000, by Council Member Bobeda, who moved its final adoption, which motion being duly seconded by Council Member Phares, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Bobeda, Gomez, Phares, Carter, Rios
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Doering-Nielsen, Lopez



Oscar Rios, Mayor

ATTEST:



City Clerk

EFFECTIVE DATE:

October 12, 2000