MOTION BY SUPERVISOR HILDA L. SOLIS

Green Zones District Communities Interim Ordinance Regulating Drive-Through Establishments

In the postwar era, freeways and car-oriented developments were built through urban areas across the country, disproportionately affecting communities of color with adverse environmental and traffic safety impacts that remain to this day. Unincorporated area communities such as East Los Angeles, Florence-Firestone, Walnut Park, West-Athens-Westmont, West Rancho-Dominguez-Victoria, West Carson, East Rancho Dominguez, West Whittier-Los Nietos, Avocado Heights, and South San Jose Hills, all recently designated as Green Zones Districts, are some of the most affected in Los Angeles County.

Drive-through establishments are located throughout these Green Zones communities, with concentrations near the on-and-off ramps of these major freeways and along well-traveled highways in the County. Some of these on-and-off ramps and highways have antiquated designs that funnel traffic onto local streets and into residential neighborhoods. As the County seeks to establish more pedestrian, bike, and transit-friendly multi-modal environments to reverse the environmental injustices of the past, the physical impacts of drive-throughs on local communities must be better regulated.

Without more environmental review, new drive-through establishments pose an immediate threat to public health, safety, and welfare for several reasons, such as public health concerns;
increased traffic, noise, and light trespass impacts; and pedestrian and bicyclist hazards. Our
Zoning Code does not have specific regulations for these land uses in Green Zones
communities. Passage of an interim ordinance requiring a Conditional Use Permit for these land
uses would ensure proper regulation of drive-through establishments. An interim ordinance is
necessary to address an immediate threat to public health, safety, and welfare, and its provisions
also support our County’s anti-racist policy agenda and other goals related to environmental
justice, pedestrian, bicyclist and traffic safety, social justice, and sustainability, including reducing
greenhouse gas emissions.

I, THEREFORE, MOVE that the Board of Supervisors

1. Find that adoption of the attached interim urgency ordinance pursuant to
   Government Code section 65858, is exempt from CEQA under Sections 15061(b)
   (3), 15308, and 15183 of the State CEQA Guidelines;

2. Adopt the attached interim urgency ordinance pursuant to Government Code
   section 65858, temporarily requiring a Conditional Use Permit for new drive-through
   establishments within the boundaries of the Green Zones District communities, as
   defined in the ordinance, and subject to the standards therein, declaring the urgency
   thereof and establishing that this ordinance shall take immediate effect;

3. Instruct the Director of Regional Planning to develop a permanent ordinance that
   would require a Conditional Use Permit for drive-through establishments and provide
   specific permanent regulations to address all these adverse impacts; and
4. Direct the Executive Office/Clerk of the Board of Supervisors to set a public hearing to consider an extension of this interim urgency ordinance on January 31, 2023.

# # #

HLS: gdm
Amy J. Bodek, Director
Department of Regional Planning
1390 Hall of Records
320 West Temple Street
Los Angeles, California 90012-3225

Re: Interim Ordinance Amending Title 22 to Require a Conditional Use Permit to Establish a Drive-Through Establishment in Green Zones District Communities

Dear Ms. Bodek:

As requested, this office has prepared the above-referenced analysis and interim urgency ordinance to temporarily require a conditional use permit ("CUP") for the establishment of new drive-through establishments on all properties located within the designated Green Zones Districts in the unincorporated areas in the County of Los Angeles, and to require completion of a zoning study for consideration, which may include the possible development of a permanent ordinance that would require a CUP for drive-through establishments, and provide additional standards, to regulate this land use. This interim ordinance will require a four-fifths vote by the Board of Supervisors.

The enclosed analysis and ordinance may be presented to the Board of Supervisors for its consideration.

Very truly yours,

DAWYN R. HARRISON
Interim County Counsel

By

STARR COLEMAN
Assistant County Counsel
Property Division

APPROVED AND RELEASED:

THOMAS J. FAUGHNAN
Senior Assistant County Counsel

SC:ss
Enclosures
ANALYSIS

This interim ordinance temporarily requires a conditional use permit ("CUP") for the establishment of new drive-through establishments on all properties within the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Rancho Dominguez-Victoria, West Whittier-Los Nietos, West Carson, and Willowbrook, which are subject to the Green Zones Ordinance, and to require completion of a zoning study for consideration, which may include the possible development of a permanent ordinance that would require a CUP for drive-through establishments, and provide additional standards, to regulate this land use.

This ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors for adoption.

This ordinance expires 45 days after its adoption, unless extended pursuant to Government Code section 65858.

DAWYN R. HARRISON
Interim County Counsel

By

STARR COLEMAN
Assistant County Counsel
Property Division

SC:ss

Requested: 11-03-22
Revised: 11-08-22
ORDINANCE NO. _____________________

An interim ordinance to temporarily require a conditional use permit ("CUP") for the establishment of new drive-through establishments on all properties within the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Rancho Dominguez-Victoria, West Whittier-Los Nietos, West Carson, and Willowbrook, and to require completion of a zoning study for consideration, which may include the possible development of a permanent ordinance that would require a CUP for drive-through establishments, and provide additional standards, to regulate this land use.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Regulations.

A. No new drive-through establishment, as defined in this ordinance, shall be established within the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Rancho Dominguez-Victoria, West Whittier-Los Nietos, West Carson, and Willowbrook, without a Conditional Use Permit ("CUP"), pursuant to Chapter 22.158 (Conditional Use Permits).

B. The following standards shall apply to new drive-through establishments that require a CUP, pursuant to this ordinance, although the Review Authority may modify standards 2, 3, 4, and 5 as part of the CUP, provided the Review Authority finds
that such modification is not contrary to the determination of immediate threat described in Section 5, below:

1. General.
   a. A maintenance plan shall be submitted as part of the CUP application, to the satisfaction of the Director of Regional Planning, and the drive-through establishment shall comply with the maintenance plan;
   b. Hours of operation for the drive-through area shall be no earlier than 6:00 a.m. and no later than 12:00 a.m.; and
   c. The required trash bin shall be enclosed by a decorative wall measuring at least five feet tall, but not more than six feet tall, and shall have solid doors.

2. Additional Standards for New Drive-Through Establishments Adjacent to or Adjoining Sensitive Uses.
   a. A minimum of a 10-foot setback shall be provided along the property lines adjacent to or adjoining sensitive uses.
   b. The location of the drive-through area, including cashier microphone, speakers, and drive-through lane, shall be located at least 20 feet from the property line of any adjoining residentially-zoned lot, and speakers and lighted menus shall be oriented away from such lots; and
   c. A buffer, which may include a six-foot solid wall, as depicted on the site plan, shall be provided to reduce noise trespass from the drive-through area to any adjoining residentially-zoned lot.
SECTION 2. Authority.

Section 65858 of the California Government Code provides that an urgency measure in the form of an initial interim ordinance may be adopted without prior public notice by a four-fifths vote of the Board of Supervisors, which shall be effective for only 45 days following its adoption. Government Code section 65858 further provides that such an interim ordinance may be extended, following compliance with that section, for up to an additional 10 months and 15 days, beyond the original 45-day period, and subsequently for an additional year.

SECTION 3. Definitions and Penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the County Code shall apply to the interpretation and violations of the provisions of this interim ordinance.

For purposes of this ordinance, the following definition shall apply:

"Drive-through establishment" shall mean a retail or service business where services may be obtained by motorists without leaving their vehicles. Examples include automated teller machines, banks, pharmacies, and food service establishments.

SECTION 4. Zoning Study to be Initiated, Updates to the Planning and Zoning Code Underway.

The Los Angeles County ("County") Department of Regional Planning ("Regional Planning") is in the process of conducting a comprehensive zoning study to determine the effects and appropriate regulation of drive-through establishments, which include
increased traffic, trash, site design, pedestrian hazards, and noise and lighting, especially in the context of adjacent residences.

SECTION 5. Determination of Immediate Threat.

The County’s existing regulations may not satisfactorily address the safety impacts that these establishments have on the unincorporated communities, particularly those communities listed above, which are subject to the Green Zones Ordinance, where the health of residents have historically been disproportionately affected by surrounding land uses. The Green Zones Ordinance was adopted to promote environmental justice and improve the health and quality of life for residents living near incompatible land uses by mitigating the impacts of those uses. Drive-through establishments pose specific traffic and pedestrian hazards, including lines of vehicles that often extend across sidewalks and drive-ways onto public streets, which can result in significant traffic hazards, including unexpected stopping of vehicles, blind spots, unsafe lane changes to avoid lines of vehicles, hazards to pedestrians on sidewalks attempting to cross driveways, increased traffic on the streets impacted by the aforementioned lines of vehicles, as well as increased green-house gas emissions caused by vehicle idling. Additional concerns include increased trash at and around the surrounding establishments, site design with respect to how the streets interface with the pedestrian environment, as well as noise and lighting, and the consideration of the adjacent residences. As Regional Planning further studies and considers changes to the current drive-through establishment regulations, the possibility of establishing new drive-through establishments during this interim period, which could ultimately be
incompatible with any new regulations, constitutes a current and immediate threat to the public health, safety, and/or welfare, which can only be alleviated by the requirement of a CUP.

Unless this interim ordinance takes immediate effect, as provided for herein, an irreversible incompatibility of land uses might reasonably occur, as a result of the establishment of new drive-through establishments in those communities subject to the Green Zones Ordinance, all to the detriment of the public health, safety, and/or welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, and/or welfare, and that establishment of new drive-through establishments without an approved CUP would result in that threat to the public health, safety, or welfare, absent implementation of the restrictions contained in this ordinance. If this interim ordinance does not take immediate effect, uses may be established that may be in conflict with public health, and incompatible with current land uses in those communities subject to the Green Zones Ordinance, and these uses may continue after any permanent re-designation of land uses or establishment of regulations that may occur.


If any provision of this interim ordinance or the application thereof to any person, property, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.
SECTION 7.  Area of Applicability.

This ordinance applies to the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Rancho Dominguez-Victoria, West Whittier-Los Nietos, West Carson, and Willowbrook.

SECTION 8.  Urgent Need.

This interim ordinance is urgently needed for the immediate preservation of public health, safety, and welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect 45 days following the date of its adoption, unless extended in accordance with the provisions set forth in California Government Code section 65858.

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