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To: Community-Development <CommunityDevelopment@hermosabeach.gov>

Cc: Josh Krasnegor <josh@mavarx.com>

Subject: E comments in advance for Feb 2 Planning Commission Special Meeting Agenda Item # 6:
REPORT 22-0053 Special Meeting to Review and Discuss the Comprehensive Zoning Code Update: Land
Use Regulations

Greetings!

I am submitting my eComments for the Feb 2 Planning Commission Special Meeting Agenda
Item # 6: REPORT 22-0053 Special Meeting to Review and Discuss the Comprehensive Zoning
Code Update: Land Use Regulations

My name: Josh Krasnegor

My eComments:

I'd like to know how the purpose and applicability of the proposed Starbucks drive-thru is in line
with HB Draft Zoning Ordinance Update 17.02.010 C.

(construction of a new 1,300 square foot commercial building with a drive-thru and a 550
square foot patio area/outdoor seating area for a proposed coffee shop (Starbucks) located at
204-210 Pacific Coast Highway)

C. Maintain and strengthen the City's economic resources, and also protect small businesses
that serve City residents and F. Promote pedestrian-oriented, mixed-use centers at appropriate
locations and where in Draft Zoning Ordinance Update Limited Hours of Operation for a drive-
up/drive-through service is addressed when located on a site within one hundred (100' 0") feet
of any residential property (measured from the nearest property
lines)?

And

Where in Draft Zoning Ordinance Update are established Guidelines for Drive-thrus Immediate
Adjacent to Single Family Residences and Ordinance language that addresses noise levels from
outdoor electronic ordering stations and Ordinance language that addresses light pollution on
Immediate Adjacent Single Family
Residences?

And

Where in Draft Zoning Ordinance Update is "Sustainable Development" as it relates to Drive-thrus addressed?

Common concern surrounding drive-thrus is how they negatively affect pedestrian safety. Drivers are less likely to be alert at drive-thrus, which is dangerous for bicyclists and pedestrians in urban areas.^[2] The Minnesota Department of Transportation observed alarming associations between the density of "urban driveways" (such as drive-thrus) and pedestrian crash rates.^[3] Another study notes an increase of pedestrian accidents in low-income areas with a higher density of fast food restaurants.^[4] Research also suggests children are at greater risk of being involved in a vehicle collision because of proximity to drive-throughs.^[5]

Studies centered around drive-thrus show that idling vehicles waiting in queue lines waste fuel, lessen the quality of air, and contribute to greenhouse emissions.^[6] Idling vehicles produce carbon dioxide at rates higher than those in motion.^[7] Volatile organic compounds (VOCs) and nitrogen oxides (NOx) are another byproduct of still vehicles, both of which are toxic to humans.^[8] VOCs and NOx combine with heat and sunlight to form ground-level ozone, a byproduct of the burning of fossil fuels which can lead to respiratory disorders.^[9] The National Weather Service recommends that individuals should avoid using drive-thrus to reduce the effects of ground-level ozone.^[10]

There is sparse research demonstrating how zoning regulations which prohibit drive-thrus impact the health of residents. However, in the mid-1980s, cities in California passed zoning regulations restricting the density and location of alcohol retailers, thus limiting its availability.^[13] There is support showing that zoning regulations which reduce the availability of alcohol give rise to a reduction in alcohol-related health problems.^[14] Researchers suggest that similar zoning regulations limiting where and how fast food outlets operate can be used to address the public health issues caused by fast food.^[15]

Drive-thrus may also cause traffic problems on roadways in densely populated areas. Some problems arise in the short term, such as when a new establishment opens, causing many vehicles to converge on a road not designed to cope with the volume.^[16] When businesses maintain a high level of popularity, the problem is long term, requiring local authorities to take more drastic action such as revoking business permits.^[17] Conflicts can also arise on private property by disturbing the traffic flow of parking lots in shopping centers or outlets.^[18]

EXAMPLES

Carrboro, NC

Restaurant drive-thrus are permitted in only one of 22 local districts.^[19] Drive-thrus associated with banks are permitted in only three of the 22 districts.^[20] In districts where use is allowed, both banks and restaurants must receive a conditional use permit in order to operate drive-throughs.^[21] Conditional use applications must be submitted to the board of alderman and will not be approved if the development endangers public health, injures the value of adjacent property, is not "in harmony" with its location, or does not conform with official plans adopted by the board.^[22]

Where permitted, drive-thrus must be placed so that pedestrians entering and exiting the building are not required to cross the driving lane.[23] When it is necessary for individuals to have to cross drive-through lanes, crosswalks have to be clearly demarcated from the parking area to the building entrance.[24] Lanes must be situated so that other vehicles leaving or entering the parking lot won't be hindered by others using the drive-through.[25] Entrances and exits to drive-thrus must be placed so they do not come within 300 feet of the centerlines of intersecting streets.[26] Buildings of businesses that use drive-thrus to serve food primarily for off site consumption may not be located within 1,000 feet of one another.[27]

To view the provision, see Town of Carrboro, NC, Land Use Ordinance §§ 15-146 3.230, 8.300-8.4000, 15-54(c)(4), 15-176.1(1-6) (2019).

Ridgefield, CT

Ridgefield passed an ordinance banning the use of drive-thrus for food services in its Commercial Business, Business B-1, and Business B-2 districts.[28] The code states that the Central Business District's purpose is to enhance Ridgefield's historic character, preserve Ridgefield Center as a focal point of the community, promote a pedestrian friendly environment, and restore and maintain its architectural assets.[29] Though the regulations do not allow drive-thrus for food services, developers may apply for a special use permit if they desire to include a drive-thru for another purpose.[30] Issuance of a special permit is at the discretion of the zoning commission.[31] The commission grants or denies a permit after giving consideration to a list of criteria, such as: public health and safety, civic design, property values, and Ridgefield's natural, historic, and scenic qualities.[32] An application for a special permit must also further a goal, policy, or objective as set forth in the Town's Plan of Conservation and Development.[33]

To view the provision, see Ridgefield, CT, Zoning Regulations §§ 5.1(A), 5.1(D)(5), 5.2(D)(3), 5.3(D)(8) (2007), Ridgefield, CT, Zoning Regulations § 9.02(A)(5)(a-i), (2007).

ADDITIONAL EXAMPLES

Concord, MA, Zoning Bylaw § 4.7.1 (2018) (banning the establishment of drive-in and fast food restaurants. The Town defines these entities as "as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or other disposable containers; or (2) service of food and beverages directly to a customer in a motor vehicle").

Toronto, ON, Zoning By-Law No. 569-2013 § 150.80.20.1 (2019) (prohibiting or limiting the use of drive-thrus in some residential and mixed use zones).

San Luis Obispo, CA, Municipal Code §§ 17.10.20(F), 17.156.010 (2018) (banning the use of drive-thrus in all zones).