

ORDINANCE NO. 781

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA REPEALING ORDINANCE 712, WHICH WILL REMOVE CHAPTER 17.105 FORMULA-BASED FAST FOOD RESTAURANTS OF THE LOMA LINDA MUNICIPAL CODE IN ITS ENTIRETY, AND AMENDING CHAPTER 17.40 COMMERCIAL AND INDUSTRIAL ZONES (BP, CO, C-1, C-2, AND CM) TO ALLOW FAST FOOD RESTAURANT WITH DRIVE-THROUGH IN THE BP, C-1, C-2, AND CM ZONES SUBJECT TO A CONDITIONAL USE PERMIT AND SPECIFIC USE REGULATIONS, AND AMENDING APPLICABLE DEFINITIONS IN CHAPTER 17.02 INTRODUCTION AND DEFINITIONS FOR CONSISTENCY PURPOSES THROUGHOUT THE DEVELOPMENT CODE

WHEREAS, the City of Loma Linda aspires to enhance the public welfare and economic growth of the city by revising land use regulations; and,

WHEREAS, allowing fast food drive-through restaurants can increase revenue, job opportunities, and dining amenities in Loma Linda; and,

WHEREAS, the City Council initiated the repeal process of Chapter 17.105 Formula-Based Fast Food Restaurants to remove the prohibition of drive-through restaurants on April 23, 2024; and

WHEREAS, the City intends to repeal Chapter 17.105 in its entirety and amend Chapter 17.40 of the Loma Linda Municipal Code to allow a Fast Food Restaurant with Drive-through in most commercial zones, subject to a Conditional Use Permit and specific use regulations, in addition to allowing a Drive-in and Drive-through Business within the Business Park Zone, as set forth in Exhibit A; and,

WHEREAS, the City also intends to amend Chapter 17.02 Introduction and Definitions to create a single unified definition for consistency purposes throughout the Development Code, as set forth in Exhibit A; and

WHEREAS, on June, 5, 2024, the Planning Commission held a duly noticed public hearing on the development code amendment and Ordinance, at which an oral and written presentation was made and comments received, and the Planning Commission made a recommendation to City Council to adopt the ordinance; and,

WHEREAS, on June 11, 2024, the City Council conducted the first reading of the Ordinance development code amendment; at the second reading on July 9, 2024, City Council continued the item to August 13, 2024 for further evaluation; and on a third reading on August 13, 2024, the Ordinance was adopted, approving Development Code Amendment No. 2024-0002; and

WHEREAS, the Planning Commission and City Council have reviewed the proposed amendments and find that Development Code Amendment No. 2024-0002 is consistent with the Loma Linda General Plan, is not detrimental to the public health, safety, and general welfare, and is in conformity with good land use practice.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City Council hereby finds that all of the facts set forth in the recitals of this

ordinance are true and correct.

Section 2. Environmental Exemption. The Planning Commission recommends that the City Council determines that the Development Code Amendment is exempt from the requirements of the State of California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines where CEQA only applies to projects that have the potential for causing a significant effect on the environment, and there is no possibility that the proposed Development Code Amendment may have a significant effect on the environment.

Section 3. Approval. The Planning Commission recommended adoption and City Council hereby adopts the Ordinance approving Development Code Amendment No. 2024-0002, which amends Title 17 (Zoning) of the Loma Linda Municipal Code as indicated in "Exhibit A" and as referenced herein.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect this validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be posted within fifteen (15) days from its passage pursuant to Government Code section 36933.

Section 6. Effective Date. This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

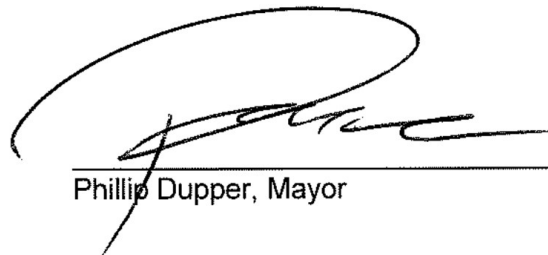
This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 11th day of June, 2024 and was adopted on the 13th Day of August, 2024 by the following vote to wit:

Ayes: Dailey, Dupper, Spencer-Hwang

Noes: Popescu, Rigsby

Absent: None

Abstain: None



Phillip Dupper, Mayor

Attest:



Lynette Arreola, City Clerk

Exhibit A
Development Code Amendment No. 2024-0002
Modifications to Title 17 Zoning

Municipal Code Title 17 Zoning
Chapter 17.105 FORMULA-BASED FAST FOOD RESTAURANTS

Repeal ordinance (ordinance 712) in its entirety.

Chapter 17.40 COMMERCIAL AND INDUSTRIAL ZONES (BP, CO, C-1, C-1, AND CM)
§ 17.40.020 Land use regulations and allowable uses.

Table 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zones		P	CUP	MUP	—	B-P	CO	C-1	C-2	CM	Specific Use Regulations
		Permitted by Right	Conditional Use Permit	Minor Use Permit	Not Allowed	Business Park	Office Commercial	Neighborhood Commercial	General Commercial	Commercial Manufacturing	
Land Use		B-P	CO	C-1	C-2	CM					
Retail Trade Uses											
Drive-In and Drive-Through Businesses		<u>CUP</u>	CUP	CUP	CUP	CUP					
Eating and Drinking Establishments											
Bars, Lounges, Nightclubs, and Taverns		—	—	—	CUP	—					
Catering Services		—	—	P	P	P					
Fast Food Restaurant with No Drive-Through (no late-night hours)		P	P	P	P	P					
Fast Food Restaurant with No Drive-Through (with late-night hours)		CUP	CUP	CUP	CUP	CUP					
Fast Food Restaurant with Drive-Through		<u>CUP</u>	—	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	See 17.40.030 Specific Use Regulations				
Restaurant – Outdoor Dining		MUP	MUP	MUP	MUP	MUP	See note 1				
Restaurant – Sit-Down (no late hours)		P	P	P	P	P	See note 1				

§ 17.40.030 Specific use regulations.

C. Fast Food Restaurant with Drive-Through. A Fast Food Restaurants with Drive-Through is subject to a conditional use permit, provided that it complies with the following standards:

1. Findings. Prior to approval of a request for a conditional use permit for a drive-through restaurant, the decision-maker, in addition to the findings required by Chapter 17.30, shall make the following additional findings:
 - a. The design and location of the drive-through restaurant will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property or drive aisles.
 - b. The design and location of the drive-through restaurant will not impede access to or from the parking lot serving the business, impair normal circulation within the parking lot, or impede pedestrian pathways to the building.
2. Development standards. The drive-through restaurant shall comply with the following development standards:
 - a. The drive-through lane shall be long enough to accommodate the necessary stacking of vehicles and address queuing. The stacking distance and requirements shall be determined through a parking/queuing study.
 - b. In the event that the number of vehicles waiting at the service window exceeds the length of the stacking lane(s), personnel from the drive-through establishment shall manage the queue to ensure that all vehicles do not block or interfere with on-site vehicular and pedestrian circulation and parking areas.
 - c. No drive-through aisles shall exit directly onto a public right-of-way.
 - d. Entrances to drive-through lanes shall be at least 25 feet from driveways entering a public or private street or alley.
 - e. Drive-through aisles shall have a minimum 11-foot width on curves and a minimum 11-foot width on straight sections. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curb.
 - f. A drive-through restaurant shall be subject to all parking requirements applicable to the use and not be considered as justification for reducing the number of required parking spaces. The drive-through restaurant shall comply with the eating and drinking places requirement in the parking regulations: for all floor area; one parking space for each two hundred fifty square feet of floor area.
 - g. Landscaping is required on all street frontages and adjacent to customer entrances to the building. Interior landscaping must also be incorporated to effectively screen the drive through aisle and menu board signs from street view.
 - h. Menu boards shall be a maximum of 30 square feet, with a maximum height of seven feet, and shall face away from the street and be screened from public view.

- i. All service areas, restrooms, and ground and roof mounted mechanical equipment shall be screened from public view.
 - j. The decision-maker may impose restrictions on the permitted hours of operation if deemed necessary or desirable to protect nearby properties or ensure public safety and welfare. These restrictions can be established as a condition at the time of original approval or at any time thereafter.
 - k. Operation of the drive-through restaurant service facility is restricted to the hours between 7:00 a.m. and 10:00 p.m. when the site is contiguous to residentially zoned or used property, unless the decision-maker approves different hours of operation as a condition of approval of the conditional use permit.
3. Guidelines. The guidelines in this subsection shall be used in analyzing the adequacy of the design of the drive-through restaurant. The decision-maker may require redesign of a drive-through restaurant to comply with these guidelines.
- a. Public address speakers, on-site lighting, and drive-through lanes shall be designed and located such that noise, exhaust fumes, and vehicle headlights shall not unreasonably impact adjacent properties.
 - b. Placement of a canopy over the pick-up window is desirable to protect the customer from inclement weather.
 - c. It is suggested that drive-through restaurants within an integrated shopping center have an architectural style consistent with the theme established in the center. The architecture of any drive-through restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have a variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface should be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances should be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.
 - d. Building must be integrated by site plan with the center to encourage pedestrian use (e.g. additional hardscape features, traffic or pedestrian flow, or orientation of buildings).
 - e. Intersection of pedestrian walkways drive-through drive aisles should be avoided, but where they cannot be avoided, they shall have clear visibility, and they must be emphasized by enriched paving or striping.
 - f. To promote public health and wellness, developers are encouraged to include a variety of healthy food options on the menu, including but not limited to salads, grilled meat selections, whole grain products, and reduced sugar or low-fat alternatives. Emphasis should be placed on making these healthy choices readily available and promoting them alongside traditional menu items.

Chapter 17.02 INTRODUCTION AND DEFINITIONS

§ 17.40.202 Land use definitions.

F. "F" Definitions.

Fast Food Restaurant. A restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.

- 1. Fast Food Restaurant with No Drive-In or Drive-Through (no late-night hours).** A fast food restaurant as defined above, that does not provide drive-in or drive-through or late-night hour services. See "Late-Night Hour Services."
- 2. Fast Food Restaurant with No Drive-In or Drive-Through (with late-night hours).** A fast food restaurant as defined above, that does provide late-night hour services, but does not provide drive-in or drive-through services. See "Late-Night Hour Services."
- 3. Fast Food Restaurant with Drive-In or Drive-Through (no late-night hours).** A fast food restaurant as defined above, that does provide drive-in or drive-through services, ~~but does not provide late-night hour services. See "Late-Night Hour Services."~~
- 4. Outdoor Dining.** A dining area with seats and/or tables located outdoors of a fast food, sit-down restaurant, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.
 - a. Limited.** Outdoor dining area encompassing up to eight hundred square feet of area, inclusive.
 - b. General.** Outdoor dining area encompassing more than eight hundred square feet of area.

~~**5. Fast Food Restaurant—Formula-Based—**~~

~~A food service establishment that uses a trademark, logo, service mark or other mutually identifying name or symbol, which maintains any standardized array of merchandise, or standard services, decor, color scheme, business methods, architecture, layout, uniform apparel, signage or similar, standardized features; and is dedicated to food service where food is consumed on or off the site and that exhibits three or more of the following characteristics:~~

- ~~▪ Standardized menus, ingredients, and food preparation methods are dictated by a franchise agreement or other contractual controls that prohibit the restaurant owner/entrepreneur from deviating from the "formula," to ensure a uniform "product" that will meet the expectations of consumers at other formula-based fast food restaurants under the same trademark or logo, (regardless of location or ownership), for such uniformity;~~
- ~~▪ Food orders are typically served in seven minutes or less from time of order to delivery;~~
- ~~▪ Food is often pre-made and wrapped before the customers place their orders;~~
- ~~▪ Food is served in disposable containers and wrappers, with disposable tableware;~~
- ~~▪ Food consumed on the premises is ordered from a wall menu while customers are standing at a service counter;~~
- ~~▪ Payment is made by customers before food is consumed; and/or~~
- ~~▪ The service counter is closer to an entry/exit than is the seating/dining area.~~