

FOCUSED ZONING CODE UPDATE

3. Drive-Through Uses

Background

- A. Drive-through Restaurants: Drive-through restaurants first appeared in California in the 1950s. The “eat-in-your-car” model then expanded across the U.S. during the following decades as highways were built, suburbs spread, and new fast-food chains like Jack in the Box, McDonald’s, and Wendy’s popped up. More recently, drive-throughs became critical for chains during the COVID-19 pandemic, as restaurants shut down indoor seating areas. Drive-through sales reached \$133 billion in 2022, an increase of 30% from 2019 pre-pandemic levels, according to Technomic, a restaurant industry consulting firm.

Companies are switching to drive-through models because they are more profitable – smaller than sit-down restaurants, requiring less staff and maintenance. For example, Shake Shack opened its first drive-through locations during the pandemic, while Taco Bell, Chipotle, and other chains opened stores that serve drive-through customers exclusively.

Drive-throughs, however, are often placed along higher-speed arterial roads to capture the greatest amount of vehicle traffic, which means that they can be hot spots for rear-end collisions and “T-bone” accidents from cars turning left out of driveways. Furthermore, if there is a pedestrian or biker on the sidewalk crossing the drive-through entrance, drivers may have less time to brake, increasing the chances of an accident. Drivers moving along arterial roads also typically focus on the road and the cars around them, and are less likely to be on the lookout for pedestrians.

Companies in the fast-food industry are changing their drive-throughs by adding more car lanes to speed up orders and reduce potential problems. Starbucks is also testing different store models in different areas, such as pickup-only stores, curbside pickup from cars, and drive-throughs. But chains trying to address congestion by adding more lanes may just be encouraging more cars to patronize those establishments.

Drive-through restaurants also do not support neighboring businesses, as people typically simply purchase their food and leave. A better, safer fast-food model may be restaurants with sit-down options that contribute to walkable neighborhoods and that promote pedestrian safety.

- B. Other Drive-through Uses: Although less frequent and perhaps with fewer impacts on streets and residential neighborhoods, drive-through uses can also consist of banks, pharmacies, payment windows for utility companies, etc.

Analysis

- A. General – Drive-through Uses: The anticipated continued demand for drive-through sites on major arterials has the potential for negative effects throughout the City. These effects may be particularly acute for drive-throughs located adjacent to single-family residential neighborhoods and along major commercial corridors already impacted by high commuter traffic during peak hours.

Sites with proximity to existing residential neighborhoods on the City’s major commercial corridors could result in extended vehicle queueing lines, spillover traffic, and other neighborhood compatibility issues with any new or replacement businesses with drive-throughs.

Locations for drive-through establishments that may be more appropriate include shopping centers and freeway-adjacent lots. Best practices for drive-through design should be incorporated to ensure projects address quality of life issues, sustainability, site design, and avoid negatively affecting pedestrians, safety, and the welfare of the community. New drive-throughs and expansions of existing drive-through facilities should be designed to ensure compatibility with adjacent uses, enhance the streetscape frontage, provide adequate buffers, ensure safe pedestrian accessibility, and include outdoor amenities to service patrons.

- B. Existing Regulations: Drive-through uses are permitted in various commercial zones and Planned Development zones across Brentwood following the approval of a conditional use permit (CUP), which provides the City with discretionary review ability to consider each drive-through use application on a case-by-case basis and to apply specific conditions to a project to ensure land use compatibility with the surrounding area. The CUP process also provides opportunities for public participation and input. In many cases, the Brentwood Municipal Code (BMC) allows a drive-through use with a CUP if it is related to a permitted land use in a specific zone. For example, [BMC § 17.220.003\(B\)](#) reads:

“The following uses are permitted only on the granting of a conditional use permit pursuant to Chapter 17.830:...

- B. Restaurant, on-sale or off-sale liquor, laundromat, laundry or dry cleaning facility, **drive-in or drive-thru establishment associated with a permitted use in the zone;**”

Note that other sections of the BMC expressly prohibit drive-through uses, particularly drive-through restaurants, in certain Planned Development zones. Nonetheless, what the Municipal Code does not provide are any regulations for drive-through facilities that address development impacts, operational elements, site and built design elements, and/or safety.

- C. Locations: Drive-through uses are allowed in six commercial zoning districts and in certain Planned Development zones as further described below:

Zoning	Requirement
CO (Administrative/Professional Commercial Office)	CUP
COB (Commercial Office/Business)	CUP
CR (Commercial Residential)	CUP
C-1 (Neighborhood Commercial)	CUP
C-2 (General Commercial)	CUP
C-3 (Thoroughfare Commercial)	CUP
Downtown Specific Plan	Prohibited in all Downtown Zones
Brentwood Boulevard Specific Plan (COIR, COI, and General Commercial Zones)	CUP
Innovation Center/PA-1 (ECLI, TV/MU, and RC Zones)	CUP
PD 5 (Subarea B)	CUP
PD 6 (RC)	CUP
PD-10 (Subareas A-C)	CUP
PD-12 (Subarea A)	CUP
PD-21 (Subarea B)	CUP
PD-36 (Subarea B)	CUP
PD-38 (Subareas A and F)	CUP
PD-41 (Subarea A-D)	CUP
PD-42 (Subarea C)	CUP
PD-47 (Subareas B and D)	CUP
PD-49 (Subareas A)	CUP
PD-55 – Subareas A1 and 2	CUP
PD-67 – Subareas A-D	CUP

In evaluating the suitability of the land use districts in which drive-through uses are permitted, an argument can be made that the Neighborhood Commercial (C-1) zone may not be the most suitable for allowing drive-through facilities and

perhaps should be reconsidered. Although residential zones abut much of the commercial land in the City, the Neighborhood Commercial zone is intended for smaller scale, less intensive uses that serve the needs of the immediate neighborhood. Given that development pressure will continue throughout the City for land that will become increasingly scarce, preserving the Neighborhood Commercial zone for higher and better uses may be an economically strategic option. Furthermore, removing drive-through facilities as a conditionally permitted use in the Neighborhood Commercial zone will minimize, if not eliminate, any potential conflict between drive-through use operations and sensitive residential receptors. It should be noted that any existing drive-through establishment in this district would be allowed to continue operations as a legal, nonconforming use.

D. Potential Development Standards: The application of development and operational standards for drive-through uses will ensure greater consistency of regulations for new drive-through uses and for the expansion of existing drive-through uses. Of principal concern is the impact of drive-throughs on traffic safety and residential neighborhoods. The development standards identified below will mitigate against the negative impacts that could result from new and remodeled drive-through establishments.

- **Conditional Use Permit.** A Conditional Use Permit (CUP) shall be required to operate a drive-through establishment. Changes to operations for existing drive-through establishments, including but not limited to hours of operation and expansion of the drive-through facility, shall require an amendment to the CUP.
- **Residential Setback.** The drive-through use structure and ordering board shall be located a minimum of one hundred (100) feet from the boundary of any residential zone or PD subarea (excluding mixed-use districts), unless separated by a masonry wall.
- **Queuing Analysis.** An on-site queuing plan shall be provided to the City for review and approval. Traffic circulation shall be designed to ensure efficient circulation on and off the subject site. Furthermore, vehicles shall not queue onto a public street, alley, driveway, or onto adjacent properties/parcels (without a cross access agreement) not associated with the drive-through use.
- **Separate Waiting Lane.** For new drive-throughs, the drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.
- **Vehicle Stacking.** Drive-through ordering menus should be located to allow a minimum of four cars to queue behind the ordering vehicle to prevent vehicles from stacking in the drive aisle of the parking lot.
- **Pedestrian Access and Circulation.** Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four (4) foot-wide minimum sidewalk or delineated walkway. Pedestrian walkways

should not intersect the drive-through lane when feasible, but where this cannot be avoided, the walkways shall have clear visibility and shall be delineated by textured and colored paving.

E. Potential Operational Requirements:

- **Hours of Operation.** The hours of operation for a drive-through are limited to 6:00 am to 10:00 pm, unless otherwise approved as part of a Conditional Use Permit.
- **Ordering Board.** The ordering board speaker for the drive-through should be oriented and directed to face away from adjacent residential uses.
- **Noise.** Noise levels from speakers shall comply with the City’s noise ordinance outlined in Chapter 9.32 (‘Noise Regulations’) of the Brentwood Municipal Code.

LUD Summary and Further Discussion

Overall, LUD agreed that the Code needed to be updated in order to better address drive-through operations; however, there was not a consensus on how to best address current concerns and whether prohibiting all future drive-throughs was appropriate. LUD directed the item be brought before the entire City Council for further discussion.

Council Direction

In order to move forward with a focused update related to drive-through facilities, staff needs direction on the above recommended development standards and operational requirements for future drive-through establishments. Overall, staff recommends that the City Council consider requiring a Conditional Use Permit for all future drive-through establishments. In addition to requiring a CUP, staff recommends that new development standards be drafted and implemented that include the following items that were previously described:

- Residential Setbacks.
- Queuing Analysis.
- Separate Waiting Lane.
- Vehicle Stacking.
- Pedestrian Access and Circulation.
- Building Design.

Staff does not recommend prohibiting future drive-through uses at this time or modifying zones where drive-throughs are currently conditionally permitted, beyond imposing the standards identified above. Staff believes that with incorporation of the development standards related to the above mentioned items, as well as vetting through the CUP process (including increased public hearing notice requirements of a 1,000 foot radius being brought forward for City Council approval separately) for

all future drive-thru facilities, that potential negative impacts of future drive-through uses would be mitigated and adequately addressed during the entitlement process.

City Council Options

The following outlines the options for Council when considering the options:

1. Support Staff Recommendation. If the City Council supports staff's recommendations, staff will draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.
2. Modify Staff Recommendation. If the City Council supports modifying staff's recommendations, such as adjusting the required residential setbacks or prohibiting all future drive-throughs, the City Council would need to provide clear and concise direction on the proposed changes. Staff would then draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.

Potential Economic Development Impacts

There are very few parcels available in the City that can support infill drive-through establishments. The Brentwood Boulevard Corridor, which historically functioned as a portion of Highway 4 before the bypass was constructed, served as the primary arterial between Pittsburg and the Delta. Despite the bypass coming on line in phases between 1998 and 2009, Brentwood Boulevard continues to serve as a major north-south arterial between the communities of Antioch, Oakley, Brentwood and beyond. While many of the infill sites from Downtown to the City's border just north of Lone Tree Way, have been set aside for residential development, there remain many smaller parcels fronting the roadway which can support commercial development. However, due to the limited size of such parcels, it is unlikely that a larger integrated commercial center similar to Sciortino Ranch will be developed south of Lone Tree Way. In addition, many of the remaining parcels lack the depth to offer opportunities to support retail centers. However, there are a few parcels near the City's southern border (next to Dutch Brothers just south of Balfour Avenue) that could lend themselves to support a drive-through restaurant. In addition, parcels located at the three corners of Brentwood Boulevard and Lone Tree Way could support similar uses. Other than the Brentwood Boulevard Corridor, there remain very few infill parcels available. Potential infill areas remaining include parcels on the north side of Lone Tree Way between O'Hara Street and Fairview Avenue that could take advantage of the high volume of traffic in the area.

If drive-through establishments were to be prohibited, the development potential for smaller parcels of two acres or less would be greatly diminished and would most likely

go undeveloped for the foreseeable future and could potentially become blighted. Development of these infill parcels would benefit the City, which would gain a mix of property and sales tax revenues as well as employment, both full time and part time, for young adults and residents of the City.

Overall, establishing new development standards and operational restrictions through the Conditional Use Permit process will ensure that design and site layout issues are adequately fulfilled. For example, requiring residential separation requirements for new uses, unless separated by a masonry wall, will help to buffer and reduce potential impacts for adjacent residential uses while allowing direct economic improvements throughout the City. In addition, while the City is always looking for a diverse variety of restaurants or cafe options, allowing additional restaurants to establish second or third such establishment in the city, i.e. Chipotle or Dutch Bros, ultimately serves to reduce vehicle trips across town.