City of Culver City

Staff Report Details (With Text)

File #:	27-35	**Version:**	1	**Name:**	
Type:	Presentation			**Status:**	Public Hearing
				In control:	City Council Meeting Agenda
On agenda:	7/13/2026			**Final action:**	
Title:	CC - PUBLIC HEARING ITEM/FOUR-FIFTHS VOTE REQUIREMENT: Adoption of an Interim Urgency Ordinance Extending a Moratorium on the Issuance of any New Building Permits or Entitlements for New Drive Through Uses for an Additional 10 Months and 15 Days.				
Indexes:					
Code sections:					
Attachments:	1. 2026-07-13 - ATT Interim Urgency Ordinance.pdf				

Date	Ver.	Action By	Action	Result

CC - PUBLIC HEARING ITEM/FOUR-FIFTHS VOTE REQUIREMENT: Adoption of an Interim Urgency Ordinance Extending a Moratorium on the Issuance of any New Building Permits or Entitlements for New Drive Through Uses for an Additional 10 Months and 15 Days.

Meeting Date: July 13, 2026

Contact Person/Dept.: Peer Chacko, Senior Planner

Phone Number: (310) 253-5755

Fiscal Impact: Yes [ ] No [x] **General Fund:** Yes [ ] No [x]

Attachments: Yes [x] No [ ]

Public Notification: (Newspaper) Published notice (07/02/2026); (E-Mail) Meetings and Agendas - City Council (07/08/2026)

Department Approval Name, Title Date: Emily Stadnicki, Planning & Development Director (06/22/2026)

RECOMMENDATION

Staff recommends the City Council adopt an Interim Urgency Ordinance extending a moratorium on the issuance of any new building permits or entitlements for new Drive Through uses for an additional 10 months and 15 days.

BACKGROUND

On March 2, 2026, the City received a Preliminary Project Review Request Application for a new In-and-Out Burger drive-thru restaurant. This would be the first new drive through restaurant in Culver City since 1997. On January 6, 2026 and February 3, 2026, the applicant conducted the required community meetings. At the community meetings members of the public raised concerns about traffic, automobile queueing and idling, air quality, odors, trash, pests/vermin, pedestrian safety, hours of operation and late-night activity/incidents, and impacts on the adjacent school and park.

At the February 23, 2026 Council meeting, Vice Mayor Fish requested to remand a discussion on the banning of drive throughs to the Mobility Subcommittee; this received consensus.

On May 12, 2026, staff presented an item on a potential drive through ban to the Mobility Subcommittee. Staff provided a summary of existing drive throughs and current regulations in Culver City, an overview of drive through market trends, and a summary of ban rationales and status of other California City bans. Staff offered three regulatory approaches to consider:

- Establish stronger objective design/operational standards as part of the existing CUP approval process, with special consideration for residential/school adjacency.
- Consider a drive through ban only in special areas such as Hayden Tract or Fox Hills.
- Consider a citywide drive through ban.

After discussion and public comment, the Mobility Subcommittee recommended that staff prepare an ordinance establishing a citywide ban of new drive throughs that would not affect existing drive throughs. The Subcommittee recommendation was based on the public comments that drive throughs are a product of car-centric design which has sweeping impacts on public health and safety because of car-idling and smog creation, dangerous zones for pedestrians (particularly children), and increased obesity rates. Further, drive throughs do not match Culver City's General Plan 2045 goals related to addressing climate change, reducing emissions, promoting safety, and creating a walkable and accessible city.

After the Mobility Subcommittee meeting, the new drive through applicant informed staff that they anticipated submitting their application by June 15, 2026. Staff would then have 30 days to determine whether the application is complete.

On June 8, 2026, City Council adopted an interim urgency ordinance establishing a 45-day ban on the issuance of any new building permits or entitlements for new Drive Through uses, and directed staff to take a regular ordinance for a citywide Drive Through ban to the Planning Commission for recommendation prior to bringing it forward for City Council consideration.

DISCUSSION

Government Code section 65858 allows the City Council, in order to protect the public safety, health, and welfare, to extend an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the Planning & Development Department is considering or studying or intends to study within a reasonable time. The City Council shall not extend any interim ordinance unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances,

building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

Ten days prior to the expiration of an interim ordinance or any extension, the City Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance. This staff report satisfies the written report requirement.

Staff has initiated work on a regular ordinance banning new Drive Through uses. However, the necessary work and process will not be completed prior to the expiration of the 45-day moratorium. Additional time is needed and therefore an extension of the moratorium is necessary to protect the public health, safety and welfare.

The extension of the interim urgency ordinance requires a 4/5 vote of the City Council for adoption. The proposed interim urgency ordinance would extend the moratorium on new Drive Through uses for 10 months and 15 days. It may be subsequently extended again for a year, for a total amount of time not to exceed two years.

FISCAL ANALYSIS

An extension to the citywide ban on new drive throughs would impact potential future city revenue that would otherwise be received from new drive through businesses. The significance of this impact would depend on future market conditions that are outside the City's control.

ATTACHMENTS

1. 2026-07-13 - ATT Interim Urgency Ordinance

MOTION(S)

That the City Council:

> Adopt an Interim Urgency Ordinance extending a moratorium on the issuance of any new building permits or entitlements for new Drive Through uses for an additional 10 months and 15 days.