SUBJECT: Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide)

RECOMMENDATION:

a) That Report PED09082 respecting Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton be received for information.

b) That Council direct staff to develop zoning regulations and revisions to the site plan guidelines, to better regulate drive-through design, reduce conflicts with pedestrians and adjacent residential and institutional uses, provide adequate on-site parking and avoid stacking of vehicles onto City roads.

c) That Council direct staff to bring forward zoning regulations and design guidelines related to Recommendation (b) outlined above, in the Fall of 2009, as part of the new Comprehensive Zoning By-law Commercial Zones currently being developed.

d) That Item “E” be identified as complete and be removed from the Economic Development and Planning Committee Outstanding Business list.
EXECUTIVE SUMMARY:

On November 12, 2008, Council requested Planning and Economic Development staff, the Medical Officer of Health and Manager, Traffic Engineering and Operations, to report back on the issue of the potential prohibition or restriction of drive-through facilities within the City. Drive-throughs are currently used throughout the City associated with principle uses of restaurants, banks, variety stores, pharmacies and beer stores. The issue of drive-throughs and prohibition has predominantly related to accessory drive-throughs to restaurants.

From discussion with the Legal Services Division, the prohibition of drive-throughs if defined as a use, must be permitted somewhere within the City. However, drive-throughs can be regulated in design and prohibited by specific locations which have different visions for development. Current draft Official Plan policies being proposed for inclusion within the new Official Plan are recommending prohibition of drive-throughs within the Pedestrian Prominent Streets, such as the Downtown Business Improvement Areas Mixed-Use areas where there is a design preference for more pedestrian oriented environments.

The Public Health Services – Healthy Living Division has been involved in this review and expressed concerns that any use which supports a car culture does have negative impacts on providing for healthy living. To further reduce the dependence of people on vehicles, Public Works – Capital Planning and Implementation Division has provided comments and reinforces the information provided from Public Health. The City is undertaking many initiatives to create other opportunities for alternative modes of transportation. Having more opportunities for the public to use alternative modes of transportation, the less demand there will be for drive-throughs.

The Health Protection Division of the Public Health Services Department commented that it would be extremely difficult to attribute a human health impact related to the burden of air pollution specifically from idling vehicles at drive-through facilities.

Discussions have been held with the Traffic Engineering and Operations Section of Public Works regarding drive-throughs. Safety concerns were raised related to stacking of vehicles, from restaurants onto City roads and on-site circulation of drive-throughs that are in conflict with pedestrian movements. Traffic has recommended, through comment on development applications, approximately 20 on site stacking spaces be provided for specific types of restaurants to avoid spill over onto the abutting City streets. It was also suggested that drive-throughs only be permitted where the restaurant provides seating.

Prior to recommending or implementing changes, it is suggested that there is a need for further meetings with the “Quick Service” industry and the public to discuss the details of potential zoning regulations as well as urban design principles based on varying locations. Through the implementation of the new Commercial Zoning in the Comprehensive Zoning By-law, specific recommendations will be brought forward at that time. It is the intent of staff to bring forward the new Commercial zoning in the Fall of 2009.
BACKGROUND:

1.0 Council Direction

City Council, at their meeting of November 12, 2008, endorsed the following resolution from the Economic Development and Planning Committee:

“That the General Manager of Economic Development and Planning, Medical Officer of Health, and the Director of Traffic be directed to report back on the potential prohibition or restriction of drive-through facilities by March 30, 2009 and that the report addresses any planning issues, traffic concerns, and health risks.”

2.0 Legal Services Division - Drive-Through – Use versus Regulation

2.1 Principle Use

Should a drive-through be defined as a use, various zones could permit or prohibit any use. However, as a principle use the City must permit that use somewhere within the City and cannot be prohibited outright across the entire City. The consideration of a full ban on drive-throughs would likely be appealed to the Ontario Municipal Board (OMB) and unlikely to be successful.

2.2 Accessory Use

Through the new Commercial Zones being developed for the Comprehensive Zoning By-law, drive-throughs are being considered as an accessory use. A drive-through would only be located as part of a permitted main use on the site, e.g. restaurant drive-through, where if the principle use was not on site the drive-through would not be on site. Through zoning regulation, drive-throughs can be regulated by location, noise attenuation, stacking spaces, setbacks and other design measures.

Based on review of some Ontario Municipal Board hearings, the OMB has supported limited prohibition of drive-throughs based on specific locational criteria, and has supported the regulating of drive-throughs through zoning regulations. There has also been support for Urban Design Guidelines to provide direction through the site plan approval process to provide specific site design criteria. However, total prohibition has not been supported.

The City does not have the ability to mandate changes to existing legal drive-throughs unless there is a proposed redevelopment subject to a development application. However, the City can undertake discussions with the operator in an attempt to alleviate issues.
3.0 Drive-Through Research

Staff has undertaken research and met with various internal departments to review the issues related to drive-throughs.

3.1 City of Hamilton

Within the City of Hamilton, under former municipal Zoning By-laws, there are no zoning regulations related to drive-throughs. The design of drive-throughs is dealt with at the site planning stage through direction from the “City of Hamilton – Site Plan Guidelines” within which Section 6.3 Drive-through Restaurants and Other Facilities provides design parameters. The guidelines provide direction for the on-site design, design elements in proximity to residential and institutional uses, landscaping, noise attenuation and minimum stacking spaces.

3.2 Other Municipalities

A summary of the initiatives of other municipalities regarding drive-throughs is attached as Appendix “A” to Report PED09082. The consideration of prohibition or regulation of drive-throughs is not unique to Hamilton and has had significant review by many other municipalities. In many cases, the initial direction from Council was to review the full prohibition of drive-throughs. However, most municipalities, including Mississauga, London, Toronto, have adopted some of the following approaches:

i) Determine appropriate locations within the City where drive-throughs should be prohibited.

ii) Develop zoning regulations to regulate as well as to prohibit drive-through where appropriate.

a) Minimum number of stacking spaces – restaurants (donut/coffee shop versus fast food) versus other uses.

b) Locational specific regulations:
   1. does not conflict with required parking,
   2. does not obstruct or cross access to main entrance doors
   3. does not cross between building and street.

c) Require solid board/noise attenuation fencing where drive-through abuts a residential or institutional property line.

d) Require Planting Strip where drive-through abuts a residential or institutional property line.

e) Prohibition of drive-throughs within 30-90 m of a residential neighbourhood unless noise study completed.
iii) Provide for enhanced Site Plan Guidelines to guide design in situations where drive-throughs are located abutting residential and institutional uses/zones.

The City of St. John’s, Newfoundland has most recently been in the media regarding drive-through issues at a Tim Horton’s restaurant. City of St. John’s staff research, from a traffic perspective, is attached as Appendix “B” to Report PED09082. Council imposed a moratorium on new drive-throughs, based on congestion from one restaurant, until staff had the opportunity to review the issue. In the end, Council rescinded its moratorium based on discussions with Tim Horton’s who are also concerned about safety, are looking at staffing levels, and acquiring additional land to reorganize parking lot layouts. Recently, the operator has reviewed staffing to determine if additional staffing would allow for quicker vehicle movements through the drive-through as well as looking at acquisition of additional lands to redesign the parking layout to increase stacking spaces.

3.3 Summary

All municipalities with restaurant drive-throughs appear to have experienced similar issues and impacts. These municipalities are taking a proactive approach on reviewing each new site at the development approval stage to address the various concerns. No one approach or set of regulations are consistently applied. Due to varying locations, shapes and sizes of properties, and the different characteristics of each municipality, different solutions are appropriate at different locations.

4.0 Public Health Services Department

4.1 Healthy Living Division

Drive-through facilities support a car culture and discourage healthy active transportation. The widespread use of motorized vehicles negatively impacts public health by contributing to obesity, physical inactivity, and safety concerns. Some of the health impacts of motorized vehicles include:

- Every additional 60 minutes spent in a car per day translates into a 6% increase in the likelihood of obesity (Frank, 2004);
- Each additional kilometre walked per day is associated with a 4.8% reduction in the risk of obesity (Frank et al., 2004);
- A 5% increase in walkability of a neighbourhood is associated with a 0.23 point reduction in body mass index and 6.5% reduction in vehicle miles travelled (Frank, 2006);
- Overweight and obese individuals have a higher risk of developing type 2 diabetes, coronary heart disease and stroke, hypertension, osteoarthritis, some types of cancer and gallbladder disease (Basrur, 2004);
- Health risks of physical inactivity are premature death, heart disease, obesity, high blood pressure, type 2 diabetes, osteoporosis, stroke, depression, colon cancer (Health Canada, 1998);
A review of the literature found that the urban built environment was positively related to both physical activity and healthy body weights (Raine, 2008);

Individuals will choose active transportation if there are destinations close by to get to without a motor vehicle and if the environment is safe and enjoyable for walking (CDPAC, 2006);

Since drive-through facilities are designed for motor vehicles only, these facilities are often poorly designed for pedestrians and can be hazardous to non-vehicular traffic; vehicles may be stopped on the sidewalk forcing the pedestrian to find another route (Region of Waterloo, 2008); and,

Sightlines may be compromised for both drivers and those using active transportation as vehicle stack and turn. Children, older adults, and people with special needs may be overwhelmed and unable to safely navigate around the area.

The International Charter for Walking was approved by Council on April 1, 2008. Its vision is “to create a world where people choose and are able to walk as a way to travel, to be healthy and to relax, a world where authorities, organizations and individuals have:

- Recognized the value of walking;
- Made a commitment to healthy, efficient and sustainable communities; and,
- Worked together to overcome the physical, social and institutional barriers which often limit people’s choice to walk.

Strategic principles include increased inclusive mobility, well designed and managed spaces and places for people, improved integration of networks, supportive land-use and spatial planning, reduced road danger, more supportive authorities, and a culture of walking.

4.2 Health Protection Division

In the Clean Air Hamilton 2005-2006 Progress Report, sampling was conducted downwind at a number of coffee shop and fast food/hamburger drive-through facilities. Preliminary data of this mobile monitoring survey indicated that there did not appear to be large impacts downwind of the drive-through restaurants. Concentrations were equivalent to or less than those measured along roads.

It would be extremely difficult to attribute a human health impact related to the burden of air pollution specifically from idling vehicles at drive-through facilities. Simply from a total air shed contribution theory, any reduction of vehicle exhaust by limiting the amount of idling that may occur at drive-throughs would be a positive step. However, caution must be exhibited in trying to attribute a decrease in health risks related to a decrease in vehicle exhaust by limiting the amount of idling at drive-throughs. The evidence is not currently present.
5.0 Public Works Department

5.1 Traffic Engineering and Operations Section

Public Works - Traffic Engineering and Operations Section, has expressed concerns with the current supply of adequate on-site stacking where insufficient on-site stacking results in overflow onto the sidewalk and/or road. This issue becomes one of public safety. It is the opinion of the Traffic Engineering and Operations Section that by providing appropriate zoning regulations, e.g. mandated on-site stacking spaces, avoid stacking lanes being in conflict with people trying to access building entrances, and parking spaces and encouraging sit down dining etc. will assist in addressing safety issues. Currently, drive-through design is regulated through the implementation of the site plan guidelines. Traffic has consistently required approximately a minimum 20 stacking spaces where a drive-through is related to Tim Horton’s restaurants.

5.2 Capital Planning and Implementation Division

Through the Transportation Master Plan, specific programs and initiatives, the City has been trying to get people out of their cars and using alternate modes of transportation. While we can provide regulations for drive-throughs to ensure they function properly, are located in the right areas and on size of lots that can properly accommodate the drive-through, if people are not in their cars, there is no need for drive-throughs.

The City continues to undertake substantial proactive work to provide opportunities to get people out of their cars. Some of these efforts are as follows:

- Public Works Strategic Plan Priority – “To be a leader in the “greening” of the City”
- Hamilton Transportation Master Plan (TMP)
  - Hamilton Transportation Plan advocates adding 120 km of bike lanes, 140 km of trails and providing “high-order” (now rapid) transit.
  - The TMP is focussing on getting people out of their cars by recognizing that unless options are developed, 180,000 auto trips per day will be added to our road network by 2031.
  - A strategy is to reduce vehicle-km travelled by 20% over current trends based on a transportation demand management program, aggressive transit improvements and strategic road improvements.
  - Goals: By 2031 (versus 2006) - Increase transit modal split to 12% or 100 trips per capita per year (at about 46 now); Increase City walking/cycling modal split to 15% (from 6%).
- Rapid Transit – Through significant work with Public Works, the City has put itself in good position with the Metrolinx’s Regional Transportation Plan to secure funding for Rapid Transit in Hamilton:
  - B-Line named a priority project by Metrolinx and the plan is provide LRT in dedicated lanes on Main/King corridor (short term) and 4 additional rapid transit routes in the longer term.
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- Buses removed from Main/King corridor could be used to expand feeder system to LRT to attract more riders.
- LRT will be designed to be fast, frequent, reliable, and comfortable, in order to compete with private auto.
- A-Line – Route of James/Upper James being provided with peak period, limited stop service to begin September 2009 which is the pre-cursor to full rapid transit.

- New Conventional Transit Routes include:
  - Transit Operation Review – review of ridership and performance on all routes to determine if/where adjustments and improvements are required.
  - Waterdown Route – connects Waterdown with Aldershot GO station at peak period service aimed at commuters has been in operation since September 2008.
  - A new Centennial/Rymal/Garner route (2009) which also connects transit to the Ancaster Industrial Park for employees. This route is envisioned for rapid transit in the future.

- Transportation Demand Management initiatives include Commuter Challenge, Clean Air Commute, Bike to Work Day, Car-free Day, Car-pool Week, Employee Trip Reduction Program and Secure Bike Parking. Each of these initiatives show people that there are other feasible ways of moving around the City.
  - Smart Commute Hamilton (Transportation Management Association) – in 2009, the City will be targeting Hamilton Employers with 100 employees or more and will work with them to offer Transportation Demand Management alternatives such as carpooling, vanpooling, transit passes, cycling facilities (secure bike parking), alternative work hours/arrangements. Hamilton was named 2008 Employer of the Year by Smart Commute Hamilton for offering Transportation Demand Management Alternatives.

- Car Pool Zones

- Cycling Master Plan – in 2009, “Shifting Gears” will be updated to increase opportunities for cycling within the City.

- Pedestrian Initiatives – Mayor has signed the charter to recognize the City of Hamilton as a Walkable City. Participation in Canadian Walking Masters Class Initiative.

- Area Specific Transportation Master Plans – the City is looking at various areas of the City to review the transportation needs including Ancaster, Downtown Dundas and Strathcona Neighbourhood.

6.0 Clean Air Hamilton

In April 2007, RWDI Inc. attended a meeting of Clean Air Hamilton to present their 2003 modeling work on drive-thrughs and air quality. It should be noted that staff is not aware of no other similar research related to the comparison of idling traffic in drive-thrughs has more impact on air quality compared to existing road traffic or other pollutions. In 2007, Clean Air Hamilton had undertaken their own sampling of local drive-thrughs through the Mobile Monitoring Study. RWDI concluded that the focus
should be on idling at intersections because their model shows that air quality there is much worse than in drive-through areas. The Mobile Monitoring Study data sampling on drive-throughs supports the RWDI results, as the study demonstrated that the impacts on air quality on roadways are significantly higher than drive-throughs. From a transportation perspective, Clean Air Hamilton has chosen to focus their efforts on air particulate on major roadways rather than drive-throughs. However, any additional idling of vehicles does contribute to air quality issues.

ANALYSIS/RATIONALE:

1.0 What are the issues?

1.1 Traffic – Related to Specific Restaurant Drive-Throughs

While most drive-throughs do not have traffic issues, certain fast food restaurants, due to their popularity and expanded menu, have attracted more customers which have developed negative impacts related to stacking for drive-throughs. In some cases, the retro-fit of drive-throughs at older facilities, on smaller lots, has created problems with a lack of stacking spaces and the result is the overflow extends onto abutting City streets. The sites are too small to accommodate the drive-through design parameters. Other locations have stacking lanes extending across sidewalks preventing the flow of pedestrians. The issue of stopped traffic creates added congestion and potential safety issues.

On-site circulation of traffic has also been raised as an issue. There is the perception that many site plans are designed with the preference of movements given to the vehicle over the pedestrian. In many cases, people who choose to park and enter a facility must cross a drive-through lane. In some cases, the building is completely encircled by the drive-through lane. A design which provides easier access to the entrance doors, without conflict with the drive-through lane may encourage more people to not use the drive-through.

1.2 Health

There are two components to the issue of health related to drive-throughs. The Air Quality issue has been argued by many as a significant issue based on supporting a car culture, as well as, the idling on-site waiting in a drive-through lane having negative impacts. There is also the health issue related to drive-throughs supporting a car culture and physical inactivity. As Public Health Services has commented, the inactivity of people has potential negative impacts on obesity, physical inactivity and safety concerns. Any additional idling of cars does contribute to a decrease in air quality but no significant research has been undertaken to conclude the magnitude of the impact or a comparison to other pollution sources.

1.3 Impact on Adjacent Uses

There have been many cases related to the issue of drive-through lanes directly abutting residential and institutional properties. Issues arise over idling cars next to
back yards and noise from speaker boxes. Many municipalities have regulated the proximity of drive-through lanes from residential and institutional property lines, require noise studies or noise walls be constructed and increase in landscaping to buffer the uses.

1.4 Convenience and Accessibility

Research has shown that there have been the arguments in support of drive-throughs from parents with young children, where accessing the use requires crossing drive-through lane is a safety issue and access to services for those with disabilities is improved.

2.0 How have other municipalities dealt with the issues?

Other municipalities with similar concerns regarding drive-throughs, are trying to reduce car dependence and have taken different approaches to deal with the issues of drive-throughs. No municipalities have prohibited drive-throughs. Municipalities have chosen to address drive-throughs in a variety of ways including new zoning regulations, locational criteria in Official Plans and design guidelines. From a zoning regulation perspective, many municipalities have regulated the following:

- Number of stacking spaces
- Proximity to Residential or Institutional
- Landscaping
- Setbacks from Streets, Lot lines
- Required Parking – maintained and not reduced

3.0 What is the City of Hamilton doing now?

3.1 Health

The issue of air quality has been argued before the Ontario Municipal Board and the only study known to have been completed to evaluate drive-through air quality concluded that there is increase in negative impacts on air quality but not a significant increase. However, any decrease in air quality does contribute to the bigger picture of improving our air quality. A continued approach by the City to encourage people to get of their cars and providing for the opportunities to use alternative modes of transportation will reduce the demand for drive-throughs.

3.2 New Official Plan

Within the new Official Plan draft Commercial policies, policies are proposed related to drive-throughs. These policies are currently available for comment and include locational restrictions for drive-throughs. Specific policies regulated by the new Official Plan can be found in the following sections:

a) Commercial/Mixed Use Policies - Pedestrian Predominant Streets – Areas within the City have been proposed to be designated as Pedestrian
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Prominent Streets. These locations relate to areas where the focus is on pedestrian movements in conjunction with commercial areas, e.g. Business Improvement Areas. The focus is to develop vibrant commercial areas with buildings developed at the street line, parking being at the rear or sides of buildings and where a drive-through lane will interrupt the pedestrian flows along the street.

b) Secondary Plans – As previously approved and to be maintained within the new Official Plan are the policies of the “Putting People First: The New Land Use Plan for Downtown Hamilton” and “Setting Sail – Secondary Plan for West Harbour”. Within both of these Secondary Plans there are specific policies regulating the restriction of drive-thru within their plan area.

c) Urban Design Comments – Policies have been included that provide for direction related to buildings being built to the street line, no drive-throughs shall be located between the building and the street line and drive-throughs should not conflict with on-site pedestrian movements.

4.0 Next Steps

4.1 New Comprehensive Zoning By-law

Legal Services have provided the opinion that any attempt to totally prohibit drive-throughs would not be successful at the Ontario Municipal Board. As long as people continue to utilize their vehicles, drive-throughs will continue to be used for convenience or for practical reasons. It is the opinion of staff that the introduction of drive-throughs into Pedestrian Prominent streets, created under Official Plan policy, would be in conflict with pedestrian movements and the atmosphere being created.

It is proposed that staff continue consultation with the “quick service” industry regarding permitted locations, site designs, zoning regulations and revisions to the site plan guidelines, which could include:

a) creating different use definitions for restaurants and donut/coffee shops;

b) minimum number of stacking spaces from the service window

i) restaurants - 12-20 spaces
ii) all other uses - 3 spaces;

c) locational specific regulations:

i) required stacking spaces shall not be obstructed, i.e. not located in a parking lot aisle giving access to parking spaces;

ii) shall not be located between the required parking and the entrance door; and,
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iii) a drive-through lane, whether entrance or exit, shall not be located between the street and the building;

d) require a solid board fence where drive-through lane abuts or is in proximity to residential or institutional property line;

e) require a planting strip where a drive-through abuts a residential or institutional property line;

f) minimum lot size or lands dedicated to a drive-through (i.e. within a commercial plaza/development) to ensure the site is capable of meeting all the requirements of the zoning by-law; and,

g) minimum setbacks from residential or institutional uses.

h) only permitting drive-throughs, related to restaurants, where seating is provided within the restaurant.

4.2 consultation

Further discussions shall be held with the ‘quick service’ industry regarding drive-throughs. We have only been able to meet with Tim Horton’s. Other drive-through operators need to be consulted. There is also a need to undertake future open houses on commercial zoning and at that time give the public the opportunity to review the proposal. We intend to bring the new commercial zoning forward in the fall of 2009 and at that time bring forward recommendations for regulating and designing drive-throughs.

alternatives for consideration:

1.0 total prohibition

in this option, council could direct staff to prohibit drive-throughs throughout the city. it is expected that this decision would be appealed to the ontario municipal board (OMB) and the city’s case would be unsuccessful.

2.0 status quo

in this option, the development of drive-throughs will be dealt with at the site plan approval process where staff would evaluate the design of a drive-through based on the site plan guidelines. there would be no change in the current development of drive-throughs as they are being built today. drive-throughs would still be prohibited within the downtown and setting sail secondary plan areas.
3.0 Modify Zoning and Site Plan Design Guidelines

The new draft Official Plan policies being proposed provide for a prohibition of drive-throughs within Pedestrian Prominent Streets as well as maintaining the prohibition within the Downtown and Setting Sail Secondary Plan Areas.

As the current Zoning By-laws have no regulations related to drive-throughs, new zoning regulations would be developed that regulate the site design and location of uses with accessory drive-throughs. In many cases of developments which may become controversial, developers will build as per the zoning regulations to avoid the requirement to submit development applications that might be appealed. Potential exists to create regulations and site design guidelines that the industry would find acceptable and address the concerns of the City.

To implement this option, further consultation is necessary with the industry, internal departments as well as the public.

Staff recommends this option.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: N/A

**POLICIES AFFECTING PROPOSAL:**

The draft Official Plan policy will include policies prohibiting drive-throughs on Pedestrian Prominent Streets, e.g. Business Improvement Areas (BIAs).

**RELEVANT CONSULTATION:**

1.0 Advisory Committee for People with Disabilities

The following issues arose regarding drive-throughs and accessibility for people with disabilities:

a. The issue of drive-throughs do provide for convenience for some people with disabilities whereby it is easier from them to access services not easily accessible to them in the past.

b. Many drive-throughs are designed where the stacking lane entrance and exit are located between the entrance doors and the parking lot. Any person trying to access the entrance door must cross the path of vehicles entering the drive-through versus the drive-through being designed to the exterior of the property conflicting less with the pedestrian movements.
On February 10, 2009, staff attended the Advisory Committee for People with Disabilities (ACPĐ) to have a discussion about the issue of drive-throughs. Staff discussed the issues as well as thoughts as to potential zoning regulations as well as design considerations related to conflicts between pedestrians and drive-through lanes. The ACPĐ felt the approach staff is suggesting in this report was “fair and reasonable” for further consideration.

2.0 Tim Horton’s

In discussion with Tim Horton’s representatives, the following topics were discussed:

- The first understanding Tim Horton’s provided was that many of the older existing restaurants were originally designed and based on restaurants primarily focussed products of coffee and donuts.
- As with most businesses, the business has evolved as well the products they sell have evolved including breakfast foods, as well as lunch sandwiches. The additional products have had two effects on the restaurants; bringing new customers to the restaurants and slightly longer wait times to prepare the breakfast and lunches.
- Drive-through wait times vary based on the types of products ordered.
- We had the opportunity to review many of the new design options for the various restaurant types. Within the new designs, Tim Horton’s is being proactive to many concerns expressed through complaints regarding drive-throughs. They have designed facilities which are focussed to the street line, separated buildings from the street line by a drive-through exit lane, separate conflicts between parking and entrance doors.
- It was interesting to note, many of the better designs that brought the buildings to the street lines, did compromise the issue of conflicts between the customers and the drive-through lanes. Conversely, when buildings are setback from the street line, conflicts between the pedestrians can be better avoided but the “built-to” urban design is compromised.
- A unique design feature Tim Horton’s has been working on is that of where the customer crosses the path of the drive-through. Where crossing cannot be avoided, they focus all pedestrian movement at either the order station or the pick up window. In both of these locations, these are the only locations where it is ensured that the vehicles have to stop and therefore is a safe location for pedestrian crossing to occur.
- Design has a direct relationship to the property size, shape and configuration.

Staff felt the discussions were helpful in better understanding the proactive approach Tim Horton’s is undertaking in new store designs to address many of the concerns that have arisen from older store designs. Tim Horton’s staff were most agreeable to working with the City regarding designs in specific commercial locations whether in Pedestrian Prominent Streets (new Official Plan policy) or in suburban locations.

Staff attempted to meet with the Ontario Hotel Motel and Restaurant Association and specifically their “quick service” group to discuss drive-throughs. Staff feels there is a
need to discuss drive-throughs further with Tim Hortons as well as with the other “quick service” industry representatives.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
No changes are proposed at this time however staff are working towards better design and reduced pedestrian conflicts to improve accessibility and relationship to surrounding uses.

Environmental Well-Being is enhanced. ☐ Yes ☑ No
No changes are proposed at this time however with the final recommendations with the Commercial zoning there may be improved environmental impacts. Drive-throughs do create opportunities for increased idling.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Staff recognizes that drive-throughs are part of normal business operations and do not support a total prohibition but also feel through locational restrictions this could assist in providing an improved commercial atmosphere within Business Improvement Areas.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
While there are no recommendations for change within this report however, after further study and consultation there is potential to create value across the three bottom lines.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
Potential new zoning regulations and increase design guidelines can provide more tools for staff to use to better design sites with drive-throughs.

AF/dkm
Attachs. (2)

References related to Public Health – Healthy Living Division Comments


CDPAC. May 2006. Background Paper: National Scan of Actions to Address the Relationship between Built Environments, Physical Activity and Obesity. 1-36.

Region of Waterloo May 2008. Drive-through facilities and health impacts (retrieved on February 13, 2009 from www.region.waterloo.on.ca/web/region.nsf/8ef02c0fded0c82a85256e590071a3ce/.../$file/PH-08-023.pdf

RWDI Consulting Engineers and Scientists, April 2007. Air Emissions at Quick-Service Facilities.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Definition</th>
<th>Permitted Zones</th>
<th>Regulations</th>
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| Burlington   | Drive Through Facilities: The uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose. | CC1/CC2 CN1/CN2 MXG/MXR/ MXE MCC/UC Zones | Restaurant Drive Thru Facilities:  
  i) Where drive through facilities are located in or adjacent to building elevations facing a street, landscaping shall be provided to screen the building from the street. 
  ii) External conveyor pick-up systems are not permitted in a yard abutting a street and shall be setback 15m from a residential zone 
  iii) Intercom ordering stations shall be setback 15 m from a residential zone. | Not listed as a separate permitted or prohibited use in any zone – **footnote in Downtown Zones states that drive thrus not permitted** – in other zones they are simply referenced in the regulations |
| Oshawa       | No definition  
  Fast Food Restaurant includes reference to consumption in motor vehicle (*permits drive thru?*)  
  Restaurant – includes Fast Food Restaurant? | Restaurants (doesn’t refer to drive thrus) permitted in: PCC/PSC/SPC/CC/H C | | |
| Sarnia       | Drive Through Service Facility: shall mean an element of a restaurant use associated with the ordering and serving of food and beverages to patrons where they remain within a motor vehicle, and includes any associated speaker system and order board | Restaurants (doesn’t refer to drive thrus): D1/CC1/ GC1-3/ COC1/ HC1 | Nothing in regs – just General Provisions | **From General Provisions**  
  (1) No drive-through service facility defined herein shall be permitted in any yard adjacent to a Residential Zone.  
  (2) Any stacking lane associated with a drive-through service facility defined herein shall be set back a minimum distance of **11.5m** from any Residential Zone.  
  (3) A drive-through service facility shall be permitted in any yard adjacent to a residential |
use which is located within a Non-residential Zone subject to the following:

(a) the stacking lane shall be setback a minimum of **3m** from the property line of the residential use;
(b) a minimum **3m** wide landscaped strip shall be provided along the boundary between the drive-through service facility and the adjacent residential use; and
(c) noise attenuation, which may be located within the landscaped strip, shall be provided between the drive-through service facility and the adjacent residential use to the satisfaction of the City.

(4) A restaurant with a drive-through service shall have on the same lot therewith a minimum of **6** stacking spaces in advance of the drive-through window or any other structure which is designed to serve patrons within a motor vehicle.

**Drive thru service facilities not permitted in Local Commercial (LC) Zone (in regs)**

| Ajax | **Drive-thru Facility**: shall mean a building or structure or part thereof where goods or services are offered to the public within a parked or stationary vehicle by way of a service window, or offered in a similar fashion where goods, money or materials are exchanged  
**Restaurant, Drive Thru**: Shall mean a commercial establishment in which the | **Restaurant, Drive Thru** – LC/GC/DC/UC  
**Other Drive Thru**: LC/GC/DC/UC/AC | No queuing lane shall be located closer than 10 metres from any residential zone (from Section 5.11 – General Provisions)  
Parking requirement for drive-thru restaurant – 1 space per 15 sq. m gfa  
Parking requirement for all other drive thrus – 1 space per 20 sq m gfa  
Section 5.11 General Provisions – Queuing Space Requirements (15 ingress spaces for restaurant, 1 egress space for restaurant) |
principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or patio, or by means of an order or window service which motor vehicles access from the parking area by using designated lanes, and which may include home delivery, catering or food pick-up/take-out services.

Also has definition for Queuing Lane

<table>
<thead>
<tr>
<th>Ottawa</th>
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<tbody>
<tr>
<td>Not permitted in LC (Local), CC (Community), or TM (Traditional Mainstreet), Village Mixed-Use Zone</td>
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</tbody>
</table>

<p>| Milton | Drive Through Service Facility: Means a building or structure or part thereof accessed by a designated queuing lane, where goods or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk. For the purposes of this definition, motor vehicle related uses and kiosks within parking structures or parking areas are not considered to be a drive through service facility. | Queuing lanes and order boxes to be setback min. 7.5 m from residential zone and street line. Buildings containing a drive thru service facility are required to be located an additional 2.0 m from the front lot line or exterior side lot line | General Provisions Section 5.14 – Queuing Lane Requirements: 10 ingress spaces for restaurant, 2 egress spaces for restaurant |
|--------|---|---|
|        | Drive-Thru Service Facility: C1-C/C1-E C1-F C2/C3/C5 C6 |  |  |</p>
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Regulations</th>
<th>Provisions: Minimum Separation Distance</th>
<th>Stacking Lane Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guelph</td>
<td>No reference to drive thru</td>
<td>No regulations for drive thurs</td>
<td>General Provisions: Minimum Separation Distance – all buildings or structures containing a restaurant, take out restaurant or convenience restaurant use must be located a minimum 60 m from a residential zone</td>
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<tr>
<td>Mississauga</td>
<td>Restaurant and Take-out Restaurant state that “drive-thru window not included”</td>
<td>Convenience Restaurant: means a building or structure or part thereof, where food is prepared and offered for sale to the public for consumption within the building or structure or part thereof, or off the premises, and shall include a drive through window</td>
<td>Section 3.15 Stacking Lane Regulations – (i) stacking lane must be setback min 30 m from residential; (ii) not permitted in front or exterior side yard (iii) in C2 zone, stacking lane not permitted in yard abutting residential zone; (iv) required stacking spaces for convenience restaurant - 12</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls</td>
<td>Restaurant, Drive Through: means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking up food from a vehicle (Note: This is separate from a Drive Through Facility which is separately defined and does NOT include restaurants) - Note – a Restaurant may include a Drive Through</td>
<td>TC3/TC4 RZT/SC/HC</td>
<td>General Provisions: Drive Throughs and Car Washes shall be separated from any boundary of a Residential Zone by a minimum distance of 10 m (measured from stacking lane to zone boundary) Parking requirement for Drive Through Restaurant: 1 per 16 sq m plus 7 spaces in advance of a drive through</td>
<td></td>
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<tr>
<td>Location</td>
<td>Description</td>
<td>Regulations</td>
<td>Notes</td>
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<tr>
<td>Kitchener</td>
<td>Drive-Through Facility: means a place, with or without an intercom order station, where a product or service is available at a service window for delivery to a vehicle as a component of the main use, and shall include an automated bank machine but not an automatic carwash</td>
<td>Not listed in any commercial zone</td>
<td>General Provisions: Drive Through Facilities Containing Intercom Order Stations – All commercial uses having a drive-through facility which contains an intercom order station shall comply with the MOE noise levels for stationary sources of noise. Where a drive-through facility contains an intercom order station and is situated within 60 m of a Residential Zone, or an Institutional Zone (with exceptions), the drive-through facility shall not be permitted unless: (a, b, c) 3 conditions relating to noise study or noise walls.</td>
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</tr>
<tr>
<td>London</td>
<td>OR, OC, RO, OF, DA, BDC, CC, SS, OB, RRC</td>
<td>Regs being considered (May 2008): - 15 m setback from residential where a 2.4 m noise wall is provided otherwise 30 m setback - 3.0 m setback from a street line - new stacking space requirements of 15 spaces for Coffee/Donut Shop, 12 for other fast food restaurants, 9 for drive-through/service station, automated teller 4 spaces - 16 m setback from the end of drive-through lanes to street line</td>
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<tr>
<td>Toronto</td>
<td>Both Drive-Through and Stacking Lane are defined Industrial and Commercial Zones</td>
<td>- 30 m setback from Residential Zones</td>
<td>- Specifically prohibited in a Local Commercial/Residential or Main Street Commercial/Residential Zone</td>
<td></td>
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<tr>
<td>Ancaster</td>
<td>Restaurant, Fast Food: means a building with or without seating and table C2/C3</td>
<td>No regs</td>
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<tr>
<td>Location</td>
<td>Definition</td>
<td>Code</td>
<td>Regulation Status</td>
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<tr>
<td>Dundas</td>
<td>Restaurant, including drive-in – not defined (though it is in the list of uses in Commercial table)</td>
<td>CH</td>
<td>No regs</td>
<td></td>
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<tr>
<td>Glanbrook</td>
<td>Doesn’t define or mention a drive through restaurant</td>
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<td>No regs</td>
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<tr>
<td>Hamilton</td>
<td>Doesn’t define or mention a drive through restaurant</td>
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<td>Prohibited in Setting Sail and Downtown</td>
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<tr>
<td>Stoney Creek</td>
<td>Restaurant Fast Food: means any establishment located in a building or part thereof having a floor area in excess of 100 sq m, with or without seating accommodation, where food or refreshments are sold primarily by counter service in a ready to consume state for consumption on or off premises, whereby: (d) A customer may order and take delivery of food or refreshments in his vehicle to be consumed on the site or elsewhere</td>
<td>GC/HC/SC1/SC2</td>
<td>No regs</td>
<td></td>
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City of St. John’s, Newfoundland
Tim Horton Drive-Throughs

Wednesday, January 14, 2009

The following is a summary of the comments that received to date from various TOMSC Committee members regarding their issues/solutions in reference to the question posed on January 7, 2009, concerning the problems of spill over’s from Tim Horton’s Drive Thrus onto public roadways.

*Does your municipality/jurisdiction have any problems with spill overs from the Tim Horton’s Drive Thrus? If so what, if anything, has been done to correct the problems or is it just tolerated? We are having problems at many of our locations here in St. John’s; even the newer locations with fairly lengthy stacking lanes and I have been asked to see what is happening in other parts of the Country.*

*Thank you for your help and I will summarize the responses if you would like to see the results.*

- **Town of Milton**
  - Experiencing similar issues, in some instances the queue completely blocks the through lane.
  - Currently, there is no solution for existing locations. Any new proposed development is thoroughly reviewed at the development stage to prevent similar issues from occurring.

- **Ontario Ministry of Transportation**
  - Experienced similar issues.
  - Recently developed traffic impact study guidelines for consultants submitting proposed new developments. Additionally, a P.Eng. is required to sign off and stamp the impact studies to achieve a better/more consistent QC.

- **Dillon Consulting Limited**
  - Experienced similar issues when working for the City of London.
  - Concluded a stacking length of 15 – 18 vehicles is required to accommodate a Tim Horton’s Drive Thru.
  - In problem areas, spoke with Tim Horton’s representatives concerning the addition of staff at the drive thru window to reduce waiting times. Some improvements have been noted.

- **City of Edmonton**
  - No specific restrictions regarding Time Horton’s Drive Thrus.
  - Any access issues are addressed at the development review stages.
• **City of Cambridge**
  - Experienced similar issues in various locations.
    - Additional issues created with reference to large trucks parking illegally while they go inside for a coffee, thus impacting both the thru traffic and drive thru traffic.
    - Noted that Tim Horton's generate traffic volumes not in agreement with the Trip Generation Manual and suggest developing specific trip generation rates for new developments.

• **City of Chilliwack**
  - Experiencing similar issues.
    - All new development is restricted to the layout. The queue volume is set to approximately 20 vehicles. The building/parking lot arrangement is designed so that the overflow falls into the parking lot and not onto the roadway.
    - In older developments, the police force (RCMP) handle the roadway conditions.

• **City of Calgary**
  - Experienced similar issues.
    - At existing problem locations have requested the franchise holder to increase staff to process the customers more quickly. Have noted in a number of cases that by increasing staff they have been able to address a significant portion of the issue.
    - At certain locations signs were installed indicating that backup onto the roadway is prohibited. This can cause traffic circulation on the surrounding streets, however provides a better option than to block a through lane.
    - For new development, the queue storage is checked. A minimum of 11 - 15 vehicles is preferred. Extensive work with the Planning Department, when the queuing requirement can not be met, to ensure that the site provides ample storage first before landscaping and other items are addressed.

• **Boulevard Transportation Group**
  - Informed of similar issues across Canada.
    - Various actions have been taken to rectify these types of situations including working with the owners to increase staffing to quickly process customers. Provide better signage and pavement marking to remediate lot congestion.
    - Work with road authorities to address safety concerns by adding turn restrictions, medians and signage.
- **Halifax Regional Municipality**
  - Experiencing similar issues.
  - Currently a Traffic Impact Study is required as part of the development process.

- **Department of Transportation, New Brunswick**
  - Issues are dependant on location, very serious queuing concerns can be created at certain times of the day.
  - Requests are made to the Department for auxiliary turning lanes. If the situation warrants the additional lane, arrangements are made between the applicable community and business with the approval of the Province.
  - In some situations left turning traffic is prohibited at peak hours.

- **City of Kitchener**
  - Developed a queue length for drive thurs of 13 vehicles, 10 before the order board and 3 between the order board and the pickup window. This requirement was established based on observed conditions at Tim Horton’s locations. Consistent in requiring all drive thurs to meet this standard regardless of the business.
  - No authority for older developments constructed before this requirement.
  - Recent submissions are including a parallel stacking system in which there are two lanes with two order boards.

- **City of Red Deer**
  - Stipulate longer internal queue lengths on all new Tim Horton’s development.
  - Work with existing locations to redesign the internal channelization to reduce spill over on to public roadways. The city will make minor geometric changes to the roadway in front of Tim Horton’s and major modifications along arterials to reduce congestion.

- **City of Hamilton**
  - Experiencing similar problems with drive thru spill overs.
  - Working with Tim Horton’s on a site by site basis to see if improvements can be made.
  - Focus is on new applications, 17-22 cars storage for new drive thurs. Impact Study may be required.
  - Full policy review underway of drive thurs – environmental issues the focus. Full ban is being considered as an option.