The Boise City Council at their January 13, 2004 Council Meeting reviewed an ordinance amendment to allow drive-up windows in the C-5 district. At that hearing, Council directed Staff to investigate the overall affects of drive-up windows in the downtown area including air quality criteria. Staff’s research indicates that neither the Federal Government nor the State have air quality standards for carbon monoxide emissions related to idling vehicles and drive-up windows. The emission standards required by Ada County are for the vehicle emissions testing program.

In the late 1970’s and 1980’s, Northern Ada County hit the EPA’s radar screen regarding carbon monoxide and PM-10 emission problems. Northern Ada County was categorized as a “nonattainment” area for these two pollutants. To correct the problem and meet “attainment” requirements the Ada County vehicle emissions testing program was adopted along with other mitigation measures to regulate PM-10 which will be addressed later in this document. The Department of Environmental Quality (DEQ) indicated that these programs have been successful and Ada County no longer has a carbon monoxide or PM-10 problem.

As previously mentioned, Northern Ada County was categorized by the EPA as a “nonattainment area” for PM-10 and CO. The County and DEQ took action by developing an emission testing program along with other pollution control measures such as dust control and wood stove regulations. Since the adoption of these controls Northern Ada County has been reclassified as a “maintenance area” for CO and PM-10 and an attainment area for all other pollutants. Therefore, Boise doesn’t have a carbon monoxide or PM-10 ambient air quality problem as related to national and state standards as these pollutants are controlled as a maintenance area and there are no recorded CO “Hot Spots” anywhere in the state. “Hot Spot” criteria and testing have been utilized in other municipalities in ordinances to regulate growth, traffic, air quality and drive-up windows.
When discussing the possible air quality issues associated with drive-up windows with an Airshed Coordinator from the Department of Environmental Quality, (DEQ) it was indicated that air pollution levels can change as vehicles move about the city. Explaining carbon monoxide issues and standards related to drive-up facilities is difficult as there are many variables and no standardized tests or references available. Variables include environmental variations, time and duration of test, and the varied nationally adopted testing methods. In the overall scope of air quality, Ada County and Boise City meet the Clean Air Act and the State’s SIP (state implementation plans) standards. It is during inversions that Ada County may experience elevated pollution levels.

If the City takes an ambient air quality approach there may be warranted resistance from the public because from an NAAQS approach CO is not a problem for Boise. According to the DEQ, Ada County’s air quality meets the State standards and is in compliance with the Clean Air Act. It is Staff’s perception that the Mayor and Council are concerned with episodic air quality. Staff would like to assure Council that this matter was considered by Staff in great detail prior to submitting the proposed amendment to the Commission. Staff felt the current building regulations regarding air quality in parking garages is sufficient to mitigate any potential air quality issues. For this reason, Staff did not include air quality guidelines. Staff will explore various testing and standards in the next section.

Any impacts associated with drive-up windows would be no greater than those associated with vehicles waiting at a downtown intersection or pulling into a parking garage. Episodic air quality such as concentrated CO emissions from the tail pipes of 20 vehicles in a drive-up window lane would not likely exceed the States SIP standards. Consider the large auto dealerships, of which some have over 30 maintenance bays that frequently vent auto emission through a pipe that vents to a single emission source on the roof. The DEQ has confirmed that even in this scenario test results would not likely exceed the State standards and therefore auto dealerships are not required by the DEQ to mitigate these concentrated emissions. Idling vehicles produce less pollution than accelerating vehicles. This is the main reason Staff has not been able to find specific data on air quality relating to drive-up window vehicle emissions or similar uses because idling vehicles have a minimal impact on ambient air quality.

Neither the Federal government nor Idaho DEQ has current regulations or standards for idling vehicles. Staff believes an ordinance that speaks to reduction of CO at drive-up windows is admirable, but in reality would provide relatively no overall benefit to ambient air quality. Experts at the DEQ are in agreement with Staff. In the larger picture even restricting vehicle use in the downtown area would have relatively no benefit on regulating air quality, as ambient air quality cannot be controlled solely by one municipality; it has to be controlled regionally with other options that would remove vast amounts of pollutants or vehicles from the roadways on a daily basis.

Staff is supportive of mitigating pollution whenever possible and strongly believes that every degree of mitigation reduces the bottom line. However, mitigation is expensive and at what cost threshold would it justify mitigating vehicle emissions at drive-up windows? It is improbable that requiring applicants that are proposing drive-up facilities in parking garages to provide
analysis of impacts would achieve the air quality goals the Council is seeking. If Staff were to incorporate the State’s limits into test criteria the applicant would likely pass with high marks. Also, testing variables would differ greatly from one structure to another due to design considerations. Variables such as, ambient air, static air pressure, drive-up location and structure design would skew the results from a standard test from one structure to other. The end result would be meaningless data that would not be comparable to one standard which would create the need to develop specific testing for each conditional use drive-up window application based on the variable mentioned.

Idling vehicles using the drive-up windows do emit pollutants but at a lesser rate than moving and accelerating vehicles. Staff believes the best possible approach to deal with episodic air quality is to require mitigation rather than testing, as discussed in the next section. The rational for direct mitigation is based on testing variables. Ada County and Boise are currently compliant with the States CO emission standards. It should be considered that there are no known “hot spots” which is what is generally used as an air quality standard in developing ordinances, especially those municipalities in “nonattainment areas”, such as Davis, California. Davis uses “hot spot” criteria for air quality impacts related to development. These criteria and the Davis ordinance relating to “hot spots” will be discussed in the next section.

To conclude, Staff believes the Councils concerns related to air quality and the addition of standards were targeted at episodic air quality. Councilman Eberle’s requested that Staff amend the proposed drive-up ordinance to address air quality, specifically that every Conditional Use application quantify impacts on air quality related to that project. To address these concerns Staff added Section 11-06-06.05 (O) which specifically addresses air quality, required testing, associated impacts and required mitigation.

Councilman Eberle also requested a circuit breaker clause in the Ordinance indicating that when “x” number of day that Boise/Ada County were in violation the Federal Air Quality Standards for “x” number of days that there would be a prohibition on new drive-through applications during at that time. Staff added Section 11-06-06.05 (P) which indicates that at any time the air quality in ADA County exceeds the Federal Air Quality Standard for Carbon Monoxide new Conditional Use applications for drive-up facilities in the C-5 zone shall be prohibited and that the prohibition shall remain in force until the air quality in Ada County for Carbon Monoxide meets the Federal Air Quality Standard for thirty (30) continuous days.

Councilman Shealy requested Staff to address pedestrian feasibility. Staff has found that circulation and pedestrian impacts associated with a drive-up facility located in parking structures would have the same circulation and pedestrian impacts as those associated with parking structures. The ordinance amendment as previously presented to the Council addresses pedestrian safety and vehicular traffic. Vehicular and pedestrian safety is addressed in Section 11-06-04.13 G Criteria and Findings. This section indicates that the Commission, following the procedures outlined below, may approve a Conditional Use Permit when evidence presented at the hearing establishes that the drive-up windows will not adversely affect pedestrian traffic or create an unsafe pedestrian environment and that the location and design of the drive-up window provides proper on-site vehicle stacking based on peak hours, minimizing potential circulation
issues or other negative impacts to pedestrians or traffic. In addition to the section mentioned above, Section 11-06-06.05 A, B, C, and D also addresses pedestrian and traffic safety and circulation issues in the design phase.

To mitigate and potential pedestrian impacts Staff added Section 11-06-06.05 (Q). This section strengthens the ordinance and proposes additional circulation and pedestrian safety requirements specifically targeted at safety.

**PROPOSED AMENDMENT PREVIOUSLY REVIEWED BY COUNCIL WITH REVISIONS**

Revisions are shown underlined and highlighted in red.

Planning Staff is recommending the following amendments; Table 3 in Section 11-04-06.09, Use Standards and Section 11-06-04.13 Criteria and Findings.

**Section 11-04-06.09 Use Standards**

Table 3 sets forth the requirements for specific uses in the Limited Office, and Commercial zones.

<table>
<thead>
<tr>
<th>TABLE 3</th>
<th>COMMERCIAL (C-1, C-2, C-3, C-4 &amp; C-5) DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed, Conditional and Prohibited Uses</td>
<td>(Uses not listed are prohibited)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>USE</th>
<th>DISTRICT:</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>C-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-up Window *</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td>P CC</td>
</tr>
</tbody>
</table>

**KEY:**

A - Uses are allowed.

AA - Uses are allowed but require administrative review of approval criteria.

CC - Uses require conditional use approval by the Commission.

P - Uses are prohibited.

* In the C-1 District, a 200' setback from any residential use or zone is required for the drive-through window or lane where the primary use of the window is food service. The 200' setback shall be measured from any part of the window or drive-through lane to the nearest lot or parcel used or zoned residentially.

***

**Section 11-06-04.13 Criteria and Findings**

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and

C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title; and

D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

F. Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

G. Drive-up Windows in a C-5 District; that the proposed use, if it complies with all conditions imposed, will not adversely affect pedestrian traffic or create an unsafe pedestrian environment and that the location and design of the drive-up window provides proper on-site vehicle stacking based on peak hours, and minimizes potential circulation issues or other negative impacts to pedestrians or traffic.

The additional finding 11-06-04.13 (G ) shall only apply to drive-up windows in a C-5 District. General conditional use criteria and findings in Section 11-06-04.13 of this code shall not be applied to a Sexually Oriented Business or Bikini Bar, but rather all sexually oriented businesses shall be subject to a conditional use permit that is objective, narrowly tailored, reasonable, uniform and content neutral.

Section 11-06-06.05 Drive-up windows: Purpose and Regulations

No drive-up window establishment shall be permitted unless the Planning and Zoning Commission finds that the design and operation of the establishment is substantially in compliance with the following requirements and conditions, which shall be in addition to those required in Section 11-06-04.13.

A. That the location of the establishment shall not cause an increase of commercial traffic in nearby residential neighborhoods, increase general traffic congestion where serious congestion problems already exist, or cause other significant adverse impacts on public or private property in the vicinity of the site. The advice of the appropriate transportation
authority shall be solicited for the purpose of evaluating existing and projected levels of service and the effects of projected turning movements on highway safety; and

B. That the internal circulation on the site provides for pedestrians to walk from parking lots to the lobby entrance(s) without traversing the waiting lane(s) for the drive-up window; and

C. That the waiting lane(s) be of sufficient length to provide for anticipated average monthly peak volumes; and

D. That design, signage or operational characteristics of the establishment prevent or discourage vehicles from waiting for service on public sidewalks or streets; and

E. That drive-in waiting lanes be designed so that curbs, gates or other devices do not prevent a vehicle from leaving a waiting lane; and

F. That all lights and other illuminated materials shall be designed, positioned, shielded, directed and located to prevent glare from falling on adjoining properties. Screening of lights may be required as a secondary measure of mitigation. Illumination levels shall not exceed 2 foot-candles as measured one foot above the ground at property lines shared with residentially zoned or used parcels; and

G. That the drive-up window service does not constitute the entire establishment. This finding may be waived upon showing that the public interest would be better served if the drive-up window service does constitute the entire establishment; and

H. That the design, operation and sign characteristics of the project will attempt to minimize air pollution and wasteful consumption of fuel.

I. Landscaping shall screen drive-up aisles from the public right-of-way and shall be used to minimize the visual impact of vehicular lights, reader board signs and directional signs; and

J. Drive-through lanes shall be setback at least 10 feet from adjacent residentially zoned or used property. This buffer shall include both coniferous trees and sound abatement walls.

K. Any drive-up window establishment that is within three-hundred feet (300’) of a residential use or zone, as measured along the shortest distance between the nearest residential property line and any part of the drive-up portion of the land use, shall not be permitted to utilized outdoor order speakers; Use of a hand-held phone or an order window shall be required; and

L. In accordance with section 11-06-04.14 (Conditional Use; Limitations), the Planning and Zoning Commission has the authority to limit the hours of operation, and may impose such restrictions on drive-up window establishments.
M. In accordance with Section 11-0406.10 (Use Standards), in C-1 districts a 200' setback from and residential use or zone is required for the drive-through window or lane where the primary use of the window is food service. The 200' setback shall be measured from any part of the window or drive-through lane to the nearest lot or parcel used or zoned residentially.

N. Drive-up windows in the C-5 district shall be subject to the following standards and provisions.

1. The drive-up window and all stacking and escape lanes shall be located within a structure. The drive-up window facility shall be secondary to the principal uses of the structure in which the drive-up facility is located.

2. If the drive-up facility is within a parking garage then the following shall apply:
   a. All lanes used for ingress, stacking, service, and egress shall be integrated safely and effectively with circulation and parking within the parking garage.
   b. Traffic associated with the drive-up facility shall not inhibit safe access and exiting from parking spaces or parking garage entrances or exits.

3. Where it is essential that the drive-up facility have its own ingress to and/or egress from the structure, said ingress and egress shall be limited to a single lane where it intersects a public street and sidewalk.

4. The location and design of the drive-up facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.

5. Drive-up windows in the C-5 district are not subject to paragraphs E and K of this section.

6. No more than one (1) drive-up facility shall be located within any single parking structure.

O. Drive-up windows in the C-5 district shall be subject to the following air quality standards and provisions.

1. Prior to submitting an application for a drive-up window the applicant shall provide a base line air quality analysis prepared by a licensed Industrial Hygienists or licensed Environmental Engineer for review and preliminary approval by Boise City Planning and Development Services.
2. The base line air quality analysis shall include reasoned analysis gathered from visual observations and a traffic analysis that details current or potential air quality impacts within a one block radius of the subject site. The analysis shall include the following minimums:

a. A site plan, drawn to scale, indicating the subject site and location drive-up facility, entrance and exit points.

b. Identification of all streets, alleys, major intersections and major structures within a one block radius of the subject site and associated impacts of the proposed use relating to air quality and health concerns.

c. Identification of all potentially congested intersections as determined by the traffic study report.

d. The recommended location and number of sampling receptors needed to establish a base line air quality measurement for the subject site and rational used to make decision. The base line sample and analysis shall include CO emissions and/or any other identified pollutants normally generated by auto emissions. The minimum number of acceptable sampling receptors shall be four (4) and the minimum distance between sampling receptors shall be 100 yards or as otherwise approved by the Planning Director.

e. The proposed test days and times and rational used to make decision. The required traffic study should be used in the rational.

f. Base line samples shall be collected twice using the same methodology, locations, number of receptors, equipment, personnel and calibration methods. All sampling shall be conducted on a weekday and collected over an eight hour period with consistent monitoring during peak traffic times as indicated in the traffic study report. The tests shall be conducted on days where the average temperature and weather condition prevail with normal prevailing winds. All testing and sampling shall be separated by a minimum of a (3) three days.

g. Base line test results shall be submitted with copies of all test results, calculations, type of equipment used, medium used, date and time of all tests, weather conditions, calibration method used, calibration results, and comparison of the base line results with the current National Ambient Air Quality Standards for all identified auto emission pollutants and receptors. The results between receptors and days shall not be averaged for this comparison.
3. All test equipment shall be calibrated no more that 1 half hour prior to testing. All calibration tests shall be signed, dated and submitted with the air quality analysis report.

4. All samples collected shall be analyzed by a licensed third party facility as approved by the Planning Director. A copy of the test results shall be mailed directly to Boise City, with prior notification from the applicant, from the licensed testing facility. A copy of the test results shall also be submitted with the air quality analysis report.

5. Prior to submitting an application for a drive-up window the applicant shall provide Boise City a traffic study analysis prepared by a licensed Engineer for review and preliminary approval by Boise City Planning and Development Services which shall contain the following:
   
   a. Potential traffic impacts associated with the proposed drive-up facility.
   
   b. Potential safety concerns related to the entrance and exit points of the drive-up facility using the locations identified in the air quality analysis.
   
   c. Current and project traffic counts and number of estimated trips generated by the additional vehicle trips projected for the drive-up facility and peak hours.
   
   d. Current and project traffic counts at all major intersection within a one block radius of the subject site.

6. Upon preliminary approval from Boise City, the applicant shall submit a Conditional Use application for the proposed drive-up facility. Within 30 days, Boise City shall review the applicant’s findings and material and either grant preliminary approval, require retesting or deny preliminary approval. Preliminary approval shall be granted if the ambient base line test indicates that the average CO level from each sample did not exceed 9 ppm by volume over the 8-hour period and no other auto emission pollutants identified exceed the NAAQS Primary Standards for that pollutant or as determined by the Boise City Planning Director. At no time shall the CO primary standard be reduced or modified. Retesting shall be required if the applicant fails to meet the testing guidelines contained in this report. Preliminary approval shall be denied if the CO level of any sample exceeds 9 ppm by volume over the 8-hour period or other identified pollutants identified exceed the National Ambient Air Quality Standards (NAAQS) Primary Standards for that pollutant or as Determined by the Boise City Planning Director in which case the
applicant would not be allowed to apply for the drive-up facility until the applicant can demonstrate that all identified pollutants can be mitigated or due to environmental changes no longer exceed City standards.

7. Upon obtaining Conditional Use Approval, the applicant shall within 60 days following final occupancy for the structure in which the drive-up facility is located provide Boise City with the following:

a. A final air quality analysis which shall include reasoned analysis gathered from prescribed testing and visual observations.

b. A site plan, drawn to scale, that indicates the subject site and location drive-up facility as constructed with all entrance and exit points illustrated.

c. Identification of all streets, alleys, major intersections and major structures within a one block radius of the subject site and associated impacts related to air quality and health concerns as identified in the base line air quality analysis.

d. The final test days and times proposed and rational used. The same rational as used in the base line air quality analysis should be used. The applicant shall obtain written approval of the final test days and times from the Boise City Planning and Development Services Department prior to testing.

e. The final test samples shall be conduct using the same methodology, locations, number of receptors, equipment, personnel and calibration methods as the base line test. The final tests shall be conducted on days where the average temperature and weather condition prevail and are similar to that of the base line test. Additional testing shall be required. A minimum of two additional receptors shall be placed in the structure where the drive-up facility is located. The locations, number of receptors used and tests conducted shall be determined by Boise City Planning and Development Services Department and the applicant shall obtain written approval prior to testing.

f. Upon completion of all testing, the applicant shall provide Boise City a detailed analysis comparing the base line results with the final test results. Copies of all test results, calculations, and type of equipment, medium used, date and time of all tests, weather conditions, and calibration method used, calibration results, and comparisons shall be finalized.
8. No further testing shall be required if the final test indicates that there was no significant increase in CO or other identified pollutants. A significant increase shall be defined as any pollutant exceeding the NAAQS Primary Standards for that pollutant or an increase in any pollutant levels greater than 25 percent between the base line test and the final test. A condition of approval shall require the applicant to provide mitigation to decrease all pollutants levels identified which show an increase greater than 25 percent of the base line test. All mitigation efforts and/or additional testing shall be approved by the Boise City Planning and Development Services Department prior to any action. If no mitigation options are available, the applicant shall pay an air quality impact fee. The amount of the air quality impact fee shall be based on the air quality impacts created by the drive-up facility and as determined by the Boise City Planning and Development Services Department. The minimum air quality impact fee shall be $15,000 but shall not exceed $50,000.

9. Drive-up facilities with air quality impacts that cannot be mitigated or satisfied by impact fees shall cease operation until an appropriate City approved mitigation program can be identified.

P At any time the air quality in ADA County exceeds the Federal Air Quality Standard for Carbon Monoxide new Conditional Use applications for drive-up facilities in the C-5 zone shall be prohibited. This prohibition shall remain in force until the air quality in Ada County for Carbon Monoxide meets the Federal Air Quality Standard for thirty (30) continuous days.

Q A travel safety study and plan shall be submitted with the application, prepared by a licensed Safety Engineer for all entrance and exit points that may be utilized for the drive-up facility. The study and plan at minimum should incorporate the following or as otherwise directed or specified by the Boise City Planning and Development Services Department:

1. A travel safety study and plan shall be completed by a licensed Safety Engineer and submitted at the time of application. The plan shall demonstrate how the proposed entrance and exit points will not increase impacts to vehicular circulation within a one block radius of the structure housing the drive-up facility and the drive-up facility itself. This analysis shall also include all identified pedestrian impacts related to the drive-up facility, waiting, stacking and escape lanes. The study shall recommend mitigation of all identified impacts. Additional safety and mitigation measures may be imposed by Boise City Planning and Development Services Department as deemed necessary.

2. All entrance and exit points that may be utilized for the drive-up facility shall incorporate the following minimum safety features:
a. Yellow Caution Safety striping shall be applied to the full width of all pedestrian walkways intersecting entrance and exit points. This requirement may be modified by Boise City Design Review provided this safety measure is replaced with another safety measure.

b. An approved auditory warning device and an approved non-auditory device shall be installed on both sides of all exit points. The devices may be combined into one device and shall flash and produce an auditory sound to warn against exiting vehicles. The device shall be automatically activated to allow sufficient warning. The prescribed warning start and duration times shall be determined by the safety study and as approved by Boise City Planning and Development Services Department.
GENERAL BACKGROUND INFORMATION

Identified Council Concerns:

1. The possible impacts drive-up window and idling vehicles may have on air quality.
2. The addition of an air quality standard added to Section 11-06-06.05.
3. The possible impacts drive-up window may have on the flow of vehicular and pedestrian traffic.

COUNCIL CONCERNS ADDRESSED

Council Concern 1:
The Possible Impacts Drive-Up Window and Idling Vehicles May Have On Air Quality

Staff’s research indicates that neither the Federal Government nor the State have air quality standards for carbon monoxide emissions related to idling vehicles and drive-up windows. The emission standards required by Ada County are for idling vehicle emissions testing program. Staff has provided some general air quality background information for your review.

Before discussing the specifics related to air quality it is important to understand what smog is and how it is formed. Many pollutants and sources contribute to smog. As the wind moves these pollutants from one area to another a chemical reaction takes place, and can be intensified by heat and sunlight. (VOC’s, NOx and heat from sunlight can create smog.) This is one reason smog occurs and why it is more noticeable in the hotter summer months. The chemical reactions of the pollutants along with ground-level ozone makeup smog. Ozone in the stratosphere protects human health and the environment, but ground-level ozone is harmful. Internal combustion from gasoline releases exhaust fumes or smog-forming pollutants into the environment. The wind generally blows these smog-forming pollutants away from their sources. The smog-forming reactions discussed earlier take place while the pollutants are being blown about by the wind. These pollutants literally cook in the sky, and on hot and sunny days these pollutants form more easily. Weather and prevailing wind determine where the smog goes and how bad it will be. In the Treasure Valley, we have inversions which allow the smog to stay in place for days as traffic and other sources add more pollutants compounding the issue.

In the late 1970’s and 1980’s, Northern Ada County hit the EPA’s radar screen regarding carbon monoxide and PM-10 emission problems. Northern Ada County was categorized as a “nonattainment” area for these two pollutants. To correct the problem and meet “attainment” requirements the Ada County vehicle emissions testing program was adopted along with other mitigation measures to regulate PM-10. The Department of Environmental Quality, (DEQ) indicated that these programs have been successful and Ada County no longer has a carbon monoxide or PM-10 problem.
How the Clean Air Act works and its relationship to the State, Ada County and Boise

The 1990 Clean Air Act Amendments were adopted by the Federal government to create additional laws to protect the entire country, with the states doing much of the work in carrying out the Act using centralized and locally developed rules and standards. The Clean Air Act covers an array of pollutants such as carbon monoxide and ozone. The Clean Air Act sets minimum requirements and ambient standards that need to be met. These standards are called the National Ambient Air Quality Standards (NAAQS) and limits are set on how much carbon monoxide can be emitted from vehicles using the prescribed testing methods. The intent is to ensure that all Americans and states would have the same basic air quality standards, and to protect health and other environmental protections. The Act does provide the ability for each individual state to develop stronger standards based on their specific needs, demographics and physical requirements, but States are not allowed to have lesser standards than those adopted by CAA. The Federal government recognized that pollution control issues and detailed standards often required the expertise of local state agencies as air quality directly relates to specific industries, geography, housing patterns, etc.

The details of the act require air pollution agencies (DEQ in Idaho) to hold public hearings, perform specific studies related to each identified pollutant and then help develop local control plans. To address and identify these specific needs, detailed local SIPs, (state implementation plans) are required. The SIPs give specific details on the pollutants identified and how the state will mitigate air quality issues and meet the “attainment” requirements as outlined in the Clean Air Act. The EPA must approve each SIP, and if a SIP doesn’t meet EPA standards, the EPA they can take over the states air quality enforcement and management duties. The Federal government via the EPA assists the state by providing scientific research, expert studies, engineering designs and funding to support clean air programs.

The Clean Air Act covers seven “criteria” pollutants that are known to cause health problems, harm the environment and damage property and are listed in the NAAQS Chart. Some pollutants have multiple ambient limits or standards. For the purposes of this document Staff will only discuss those related to carbon monoxide and other related vehicle pollutants. One of these limits is known as “primary standards” which protects our health. The second limit is called a “secondary standard” which is intended to prevent environmental and property damage. Most “criteria air pollutants” have no “secondary standard” or the “secondary standard” is the same as the “primary standard”.

When a geographic area, such as Ada County and Boise, meets the ambient air standards it is called an “attainment area”. Those areas that don't meet the ambient air standards are called “nonattainment areas”. The EPA has been regulating “criteria air pollutants” since the 1970’s. The adoption of the Clean Air Act Amendment of 1990, left many urban areas classified as “nonattainment areas” for at least one criteria air pollutant. The EPA estimates that about 90 million Americans live in “nonattainment areas”.
The National Ambient Air Quality Standards

The EPA Office of Air Quality Planning and Standards (OAQPS) has set National Ambient Air Quality Standards for seven pollutants, which are called "criteria" pollutants. They are listed below. Units of measure for the standards are parts per million (ppm) by volume, milligrams per cubic meter of air (mg/m³), and micrograms per cubic meter of air (µg/m³).

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Primary Standards</th>
<th>Averaging Times</th>
<th>Secondary Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon Monoxide</td>
<td>9 ppm (10 mg/m³)</td>
<td>8-hour¹</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>35 ppm (40 mg/m³)</td>
<td>1-hour¹</td>
<td>None</td>
</tr>
<tr>
<td>Lead</td>
<td>1.5 µg/m³</td>
<td>Quarterly Average</td>
<td>Same as Primary</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>0.053 ppm (100 µg/m³)</td>
<td>Annual (Arithmetic Mean)</td>
<td>Same as Primary</td>
</tr>
<tr>
<td>Particulate Matter (PM₁₀)</td>
<td>50 µg/m³</td>
<td>Annual² (Arith. Mean)</td>
<td>Same as Primary</td>
</tr>
<tr>
<td></td>
<td>150 µg/m³</td>
<td>24-hour²</td>
<td></td>
</tr>
<tr>
<td>Particulate Matter (PM₂.₅)</td>
<td>15 µg/m³</td>
<td>Annual² (Arith. Mean)</td>
<td>Same as Primary</td>
</tr>
<tr>
<td></td>
<td>65 µg/m³</td>
<td>24-hour²</td>
<td></td>
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<tr>
<td>Ozone</td>
<td>0.08 ppm</td>
<td>8-hour²</td>
<td>Same as Primary</td>
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<tr>
<td></td>
<td>0.12 ppm</td>
<td>1-hour²</td>
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</tr>
<tr>
<td>Sulfur Oxides</td>
<td>0.03 ppm</td>
<td>Annual (Arith. Mean)</td>
<td>------</td>
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<tr>
<td></td>
<td>0.14 ppm</td>
<td>24-hour²</td>
<td>------</td>
</tr>
<tr>
<td></td>
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<td>3-hour²</td>
<td>0.5 ppm (1300 µg/m³)</td>
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</tbody>
</table>

1. Not to be exceeded more than once per year.
2. To attain this standard, the expected annual arithmetic mean PM10 concentration at each monitor within an area must not exceed 50 µg/m³.
3. To attain this standard, the 3-year average of the annual arithmetic mean PM2.5 concentrations from single or multiple community-oriented monitors must not exceed 15 µg/m³.
4. To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 65 µg/m³.
5. To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm.
6. (a) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is <= 1, as determined by appendix H in CFR 40.
(b) The 1-hour standard is applicable to all areas notwithstanding the promulgation of 8-hour ozone standards under Sec. 50.10. On June 2, 2003, (68 FR 32802) EPA proposed several options for when the 1-hour standard would no longer apply to an area.

Carbon Monoxide and Particulates

Now that Staff has provided some essential background information on smog and the Clean Air Act this information can be applied to carbon monoxide and vehicle emissions, how air quality
may be impacted by drive-up window and idling vehicle emissions, and the earlier statement that indicated the Northern Ada County has no carbon monoxide problem.

As mentioned earlier, Northern Ada County was categorized by the EPA as a “nonattainment area” for PM-10 and CO. The County and DEQ took action by developing an emission testing program along with other pollution control measures such as dust control and wood stove regulations. Since the adoption of these controls, Northern Ada County has been reclassified as a “maintenance area” for CO and PM-10 attainment area for all other pollutants. Maintenance areas are defined as previous “nonattainment areas” which have developed mitigation programs that have been successful in meeting “attainment” standards. Several years of testing and data are required to document “attainment” prior to the EPA granting “attainment” status. Therefore, Boise doesn’t have a carbon monoxide or PM-10 ambient air quality problem as related to national and state standards as these pollutants are controlled as a maintenance area”. It is also important to note that there are no recorded “Hot Spots” anywhere in the state. Hot Spots are areas of isolated or concentrated levels of pollutants that continuously exceed the “primary standard” for that given pollutant. “Hot Spot” criteria and testing have been utilized in other municipalities in ordinances to regulate growth, traffic, air quality and drive-up windows.

When discussing the possible air quality issues associated with drive-up windows with an Airshed Coordinator from the Department of Environmental Quality (DEQ) it was indicated that air pollution levels can change as vehicles move about the city. Explaining carbon monoxide issues and standards related to drive-up facilities is difficult as there are many variables and no standardized tests or references available. Variables include environmental variations, time and duration of test, and the varied nationally adopted testing methods. In the overall scope of air quality, Ada County and Boise City meet the Clean Air Act and the State’s SIP standards. It is during inversions that Ada County may experience elevated pollution levels.

Staff would like to incorporate one final thought before summarizing this section. When reviewing or developing air quality standards or air quality ordinances the following question should be asked; is the City concerned with NAAQS or episodic/localized air pollution problems?

**Air Quality Summary**

If the City takes an ambient air quality approach there may be warranted resistance from the public because from an NAAQS approach CO is not a problem for Boise. According to the DEQ, Ada County’s air quality meets the State standards and is in compliance with the Clean Air Act. It is Staff’s perception that the Mayor and Council are concerned with episodic air quality. Staff would like to assure Council that this matter was considered by Staff in great detail prior to submitting the proposed amendment to the Commission. Staff felt the current building regulations regarding air quality in parking garages are sufficient to mitigate any potential air quality issues. For this reason, Staff did not include air quality guidelines.

To conclude this section on air quality and the possible impacts drive-up window and idling vehicles may have on air quality Staff would like to offer these final comments. Any impacts
associated with drive-up windows would be no greater than those associated with vehicles waiting at a downtown intersection or pulling into a parking garage. Episodic air quality such as concentrated CO emissions from the tail pipes of 20 vehicles in a drive-up window lane would not exceed the States SIP standards. Consider the large auto dealerships some of which have over 30 maintenance bays that frequently vent auto emission through a pipe that vents to a single emission source on the roof. The DEQ has confirmed even in this scenario test results would not exceed the State standards and therefore auto dealerships are not required by the DEQ to mitigate these concentrated emissions. Idling vehicles produce less pollution than accelerating vehicles. This is the main reason Staff has not been able to find data on air quality relating to drive-up window and vehicle emissions or similar uses because idling vehicles have a minimal impact on ambient air quality.

Neither the Federal government nor Idaho DEQ have any current regulations or standards for idling vehicles. Staff believes an ordinance that speaks to reduction of CO at drive-up windows is admirable, but in reality would provide relatively no overall benefit to ambient air quality. Experts at the DEQ are in agreement with Staff. In the larger picture even restricting vehicle use in the downtown area would have relatively no benefit on regulating air quality, as ambient air quality cannot be controlled solely by one municipality; it has to be controlled regionally with other options that would remove vast amounts of pollutants or vehicles from the roadways on a daily basis.

Staff is supportive of mitigating pollution whenever possible and strongly believes that every little bit of mitigation reduces the bottom line. However, mitigation is expensive and at what cost threshold would it justify mitigating vehicle emissions at drive-up windows? Requiring applicants that are proposing drive-up facilities in parking garages to provide analysis of impacts would not achieve the air quality goals the Council is seeking. If Staff were to incorporate the State’s limits into test criteria the applicant would likely pass with high marks. Also, testing variables would differ greatly from one structure to another due to design considerations. Variables such as, ambient air, static air pressure, drive-up location and structure design would skew the results from a standard test from one structure to other. The end result would be meaningless data that would not be comparable to one standard which would create the need to develop specific testing for each conditional use drive-up window application based on the variable mentioned.

Idling vehicles using the drive-up windows do emit pollutants but at a lesser rate than moving and accelerating vehicles. Staff believes the best possible approach to deal with episodic air quality is to require mitigation rather than testing. The rational for direct mitigation is based on testing variables, and the fact that Ada County and Boise are currently compliant with the States CO emission standards. Also it should be considered that there are no known “hot spots” which is what is generally used as an air quality standard in developing ordinances, especially those municipalities in “nonattainment areas”, such as Davis, California. Davis uses “hot spot” criteria for air quality impacts related to development. These criteria and the Davis ordinance relating to “hot spots” will be discussed in the next section.
Council Concern 2:
The addition of an air quality standard added to Section 11-06-0.05.

Staff believes the Council’s concerns related to air quality and the addition of standards were targeted at episodic air quality. Based on this belief, Staff would like to provide some background information. Ventilation requirements are specified for commercial type parking garages in 2000 IBC. If the parking garage is classified as an "open parking garage" as defined in 2000 IBC in Section 406.3.3.1, then there are no ventilation requirements other than the presence of ambient air. If the structure is not classified as an "open parking garage," which would probably be the norm for drive-up windows, then mechanical ventilation would be required in accordance with the 2000 International Mechanical Code. This requirement includes the design and installation of appropriate ventilation by an Idaho licensed mechanical engineer. Again we are only talking about ventilation, the dispersing of vehicular emissions by venting them to the ambient air/atmosphere. Exhibit A, contained within this document is a copy of the 2000 IBC parking garage code; those sections related to air quality are 406.2 through 406.3.3.1. Also included is a copy of the 2000 IMC code for enclosed parking garages related to air quality in sections 404.1 through 406.1.

The residents of Davis, California have worked vigorously to limit commercial development and residential growth in Davis and the city has supported these ideals through the adoption of various ordinances, most notably those requiring testing to ensure development will not increase known “hot spots.” Fortunately, they have developed one for drive-through windows we can review. The entire ordinance is provided in Exhibit B, but the air quality portion is shown below. It states:

"Locations (referring to a drive-through) at or near major intersections with traffic congestion may be approved only if it is demonstrated that the drive-through will not significantly contribute to carbon monoxide "hot spots." For the purposes of this document, "hot spots" are defined as areas having relatively high concentrations of carbon monoxide as indicated by the most recent data from the Yolo-Solano air pollution control district or other sources determined by the community development director."

This “hot spot” standard works provided you have “hot spots,” large vehicle counts and very poor ambient air quality. The areas surrounding Davis have exploded with commercial, manufacturing and residential development in the last ten years. Davis has been able to curb growth, but supports an ever expanding state university which has been switched from the semester system to the quarter system. This system maintains consistent year round student populations which in turn help support the local economy. But they have not been successful in escaping the regional air quality issues through the use of “hot spot” ordinances as they share the same ambient air with the crowded outlining areas and the Sacramento Valley. Their ordinances have only served to limit growth; these facts are based on first hand experience and from conservations with the Yolo-Solano Air Pollution Control District and the California Air Resources Board (ARB). Their Ordinance indicates the “hot spot” criteria for carbon monoxide (CO) shall be less than 9 ppm in an 8-hour time span or an average of less than 20 ppm in a 24
hour time span taken at or near major intersections with traffic congestion in proximity to a drive-through facility.

I have included this “hot spot” standard to show how these types of standards have little value other than limiting growth. First, traffic and test conditions vary from day to day. The numerous variables associated with this type of test such as a prevailing wind, special events or special circumstances or events in the surrounding area that may increase traffic at the test intersection the day of the test, the time of day and so on. Given these facts it is impossible to conduct an unbiased or skewed scientific study of any relevance. I have personal knowledge of air quality consultants performing such test on “positive days” those days with strong prevailing winds with anticipated low traffic volumes and so on. Lastly, this test provides insignificant data on the possible impacts of the drive-through as only the nearest major intersections with traffic congestion in proximity to a drive-through facility proposed is tested.

The State and the DEQ does require air quality screening and analysis under certain circumstances. One example is large transportation construction projects, those generally funded and managed by the Idaho Department of Transportation (IDT). The Project Level Air Quality Screening Analysis and Documentation for Roadway Projects in Idaho was adopted and enacted on September 4, 2001. This program requires the IDT to complete this test and analysis for transportation projects that may create localized impacts on air quality through the changes they introduce to the volume, location and character of motor vehicle traffic. The sole responsibility of this test relies on the ITD to identify and assess all potential impacts related to federally funded highway transportation projects in the State of Idaho. A copy of the Project Level Air Quality Screening Analysis and Documentation for Roadway Projects in Idaho is has been provided for your reviews and identified as Exhibit C.

This document contains a section of concerns that lists seven Federal criteria pollutants identified in the Clean Air Act (CAA). Two of the identified pollutants that are currently applicable to Idaho transportation projects are carbon monoxide (CO) and particulate matter with an aerodynamic diameter equal to or less than 10microns (PM 10). The document also indicates that within the State of Idaho there are currently five federally designated air quality “nonattainment areas” for CO and/or PM10. Ada County is not listed as one of these “nonattainment areas.” The actual Pollutants of Concern and classification areas have been inserted below for you’re review.

**POLLUTANTS OF CONCERN**

**CO Classification**

*Northern Ada County Attainment, Maintenance Area*

Note: Staff indicated earlier that we are in attainment due to our efforts and success in the adoption of the Ada County emissions testing program and other adopted programs. Maintenance areas are generally defined as previous “nonattainment areas” which have developed successful mitigation programs but require testing and data to document this success.

**PM 10 Classification**
Portneuf Valley PM10 Nonattainment Area (Pocatello); Moderate
Fort Hall PM10 Nonattainment Area (Tribal Lands); Moderate
City of Pinehurst Nonattainment Area; Moderate
City of Sandpoint Nonattainment Area; Moderate

In addition to the above listed areas, the IDEQ has identified the following locations as being air quality areas of concern due to potential health effects and the characteristics of these health effects. Staff would like to note that there is no official or formal EPA or IDEQ category “Area of Concern” as listed by the IDT in the attached document. It is Staff's understand that the category “Area of Concern” was developed in the late 1970’s and 1980’s when Ada County was categorized as a “nonattainment” area for CO and PM-10 as previously discussed. At this time the IDT using their own standard identified several areas including Northern Ada County as an “Area of Concern”.

AREAS OF CONCERN
Coeur d’Alene/Post Falls Urban Area, Lewiston Urban Area, Canyon County, Pocatello Urban Area, and Northern Ada County.

Characteristics and health effects of CO and PM10 are as follows:

CO
CO is an odorless, colorless gas produced from incomplete combustion of carbon fuels and is commonly found in the emissions of smoke stacks and automotive tailpipes. Health effects of CO include reducing the flow of oxygen in the bloodstream, thus making it particularly dangerous to persons with heart disease. Exposure to CO impairs visual perception, manual dexterity, learning ability, and performance of complex tasks.

PM 10
PM10 is comprised of suspended particles originating from smoke stack and automotive tailpipe emissions as well as from migration and re-entrainment of dust due to wind, automobiles, and other sources of disturbance. Health effects of PM10 include irritation and damage to the respiratory system. This can result in difficulty breathing, induce bronchitis and aggravate existing respiratory disease. Exposure to particulates impacts individuals with chronic pulmonary or cardiovascular disease, people with influenza or asthma, children and elderly persons. Particulates aggravate breathing difficulties, damage lung tissue, alter the body’s defense against foreign materials, and can lead to premature mortality.

This test is similar in nature to that used by the City of Davis as these testing methods are recognized nationally and frequently utilized to evaluate the impacts of air quality and for the detection and identification of “hot spots” within a nonattainment area. For example the sequence of testing and assessment for CO is as follows:

1. Identify the most congested intersection within or directly affected by the project. Determine whether CO concentrations for this intersection are forecast
to stay within the NAAQS for all analysis years (current year and design year). If this test is satisfied no further analysis is necessary.

2. If CO concentrations in the initial analysis are forecast to exceed the NAAQS for any of the analysis years in the project area, additional sites of high traffic congestion (and exceeding the previously discussed screening criteria) should also be assessed to establish the extent of the project’s air quality impacts to the immediate area.

3. For those locations in which the analysis forecasts CO concentrations in excess of the NAAQS, an analysis of the No-Build alternative should be conducted for the same analysis years. The specific sites analyzed for emissions are referred to as receptors.

If the City were to adopt this test it is both Staff’s and the IDEQ’s opinion that the drive-up window applicants providing test data would not find significant concentrations of pollutants to warrant specific analysis or mitigation assessment. As shown above in line 1, if CO emissions are forecast to stay within the NAAQS for all analysis years, the test is satisfied and no further analysis is necessary.

The test methods are detailed and require receptors for CO sampling, (sampling /collection equipment) to be located where the maximum concentrations are likely to occur, (episodic event). In our scenario, the receptors would be located near the stacking lanes and the drive-up window, but failure of the test with normal stacking and waiting times would be rare. Given the right circumstances or bias a test could fail. For example, if the buildings ventilations system (the ventilation system required buy the IBC for enclosed parking garages) was down then yes, it may be possible for the test to fail.

The last item for review is what the Occupational Safety and Health Administration (OSHA) established for maximum safe working levels for carbon monoxide. The maximum working level for carbon monoxide (CO) in the work place and in commercial buildings is 35 ppm over an eight hour period. The U.S. Environmental Protection Agency (EPA) as established residential levels not to exceed 9 ppm over an 8-hour average.

Air Quality Standard Summary

Staff has provided various scenarios related to testing and the likelihood of any potential impacts linked to drive-up windows and air quality relating to NAAQS. Staff would like to affirm that although Staff did not provide the Council with a detailed analysis of their rational used to develop and recommend the proposed drive-up window Ordinance Amendment, that the issues and facts discussed in this document were thoroughly reviewed and investigated by Staff prior to making a recommendation. This document and it’s summaries of laws and of the Clean Air Act in no way represents the full scope of these multifaceted laws. Staff’s intent was to provide the Council with brief summations of pertinent information and terms to better enable the Council to review the attached documents.
In the event Council wishes to add language to the Ordinance Amendment related to air quality, Staff has drafted Ordinance recommendations that require testing with maximum limits proposed prior to a need for mitigation.

**Council Concern 3:**

**The possible impacts drive-up window may have on the flow of vehicular and pedestrian traffic.**

Staff has found that circulation and pedestrian impacts associated with a drive-up facility located in parking structures would have the same circulation and pedestrian impacts as those associated with parking structures. The ordinance amendment as previously presented to the Council addresses pedestrian safety and vehicular traffic. Vehicular and pedestrian safety is addressed in Section 11-06-04.13 G Criteria and Findings. This section indicates that the Commission, following the procedures outlined below, may approve a Conditional Use Permit when evidence presented at the hearing establishes that the drive-up windows will not adversely affect pedestrian traffic or create an unsafe pedestrian environment and that the location and design of the drive-up window provides proper on-site vehicle stacking based on peak hours, minimizing potential circulation issues or other negative impacts to pedestrians or traffic. In addition to the section mentioned above, Section 11-06-06.05 A, B, C, and D also addresses pedestrian and traffic safety and circulation issues in the design phase. To further strengthen the ordinance and address Council concerns, Staff has proposed additional circulation and pedestrian requirements that specifically address safety issues.
EXHIBIT A

See Attached

Minutes of the January 13, 2004 Council Meeting.

Shealy – As much as I am pro-business and pro-development, I think the mantra that we are dealing with here is we’re trying to increase the pedestrian feasibility in the Downtown area. I think this militates against that. We’re trying to install a more user friendly environment in the Downtown, free flow of traffic, biker friendly, pedestrian friendly environment. I think this is just at cross purposes with that and I can’t support the proposed amendment.

Mapp – I’m looking at various drive-up windows that we have now in regards to banking and restaurants. I looked at page 41 of the staff report. There’s three that are dealing with restaurants, seven which are banks. Low-and-behold as I look at the various different banks Downtown, in my mind’s eye the issue is design. It’s all about design. To give you an example, Key Bank, which is on the corner of Capitol and Bannock, has a 1-way entrance, but has 4 exits. One who drives through that one and walked it, it’s hazardous. But, you go to Wells Fargo which is located within the Eastman Garage, you have one exit out and it’s the same exit you use coming out of the garage so there’s really not a conflict. The issue regarding pollutants is a building code issue because we could, and I’m sure there’s something in the Building Code that deals with idling vehicles in enclosed areas. As a matter of fact if you go to those areas they usually tell you to turn off your cars. I think it’s going to be tweaked through the process. I think that under the conditions that are stated in the staff report, anyone who has a drive-up window has to meet certain criteria. Traditionally drive-up restaurants have a long cueing line that goes out into the street in some cases. Banks in general only have a long cueing line on the 31st and the 15th. I probably have more experience talking about this through CCDC and I am changing my original concern about this because I think we can work out the details. I WILL MOVE TO APPROVE CAR03-22 BASED UPON THE STAFF REPORT AND FINDINGS AS SUBMITTED.

JORDAN SECONDED THE MOTION.

Eberle – In order for this amendment to meet my approval, in Section 11-06-06.05, there will need to be an additional criteria added. At this point I don’t have the specific requirements needed for that amendment, but it should state something to the effect that for every conditional use application that the impact on air quality will be quantified for that project. I understand that venting buildings will perhaps clear the air at ground level, but the monitoring stations do happen to be on top of the buildings and we continue to have a problem with air quality. In addition, I think there needs to be circuit breaker clause in there that when we hit ‘x’ number of days in violation of the Federal Air Quality Standards that there’s a prohibition on any new drive-through applications at that time. I think as you work through these issues with air quality, that if we can bring ourselves back into attainment through reduction of air quality emissions and other avenues, you can reopen it. But, I believe that we need to be looking at our Downtown and insuring that that air quality is maintained. I think this is a good place for a first step.
Mapp – We have a motion on the floor. I think Mr. Eberle’s concerns are something that we need to look at in the entire Downtown. I think this particular one … into effect as you say. I would rather move on this one today and then bring that back as another issue. I won’t amend my motion with that caveat.

Bisterfeldt – The way the ordinance reads now, no one, not even banks can have a drive-up facility in the C-5 zone?

Gibbs – That’s correct. There’s an outright prohibition on drive-thrus in the C-5 zone.

Bisterfeldt – I guess I could support the motion but only if it was brought back with the things that Dave and Allen brought up. We need to define it better.

Jordan – The section that Councilmember Eberle was citing is a zoning code section that was included in the packet for definition. That is clearly where these new criteria would need to be added, but we don’t have the ability to add those through the application. We’d have to do a Zoning Code change to do that. Those are find ideas and I think we need to look at. I WOULD MAKE A SUBSTITUTE MOTION THAT WE DEFER THIS ITEM UNTIL SUCH TIME THAT THOSE ISSUES CAN BE ADDRESSED IN A ZONING CODE APPLICATION CHANGE. THAT WILL ALLOW US THE ABILITY TO FACILITATE THIS REQUEST, BUT HAVE THOSE CONCERNS MET AND NOT HAVE THAT INBETWEEN TIME WHERE THERE WOULD BE A MAD RUSH OF APPLICATIONS BEFORE THOSE CRITERIA ARE ESTABLISHED.

CLEGG SECONDED THE MOTION.

Clegg – I supposed the substitute motion although my concerns are alleviated somewhat by the testimony by CCDC’s Staff. I’d still like to investigate, just a little bit more, about the overall affects of drive-thrus on downtown areas and I very much support the idea that we need to have some air quality criteria in place before we made this decision and not try to add it afterward.

Shealy – I don’t think any of this is going to be moot as far as where I ultimately come out on this. Again, this whole concept of having drive-thrus and what I consider to be a core section where we are trying to create a template of design of new urbanist design where we are more biker and pedestrian friendly. We’re trying to expedite the flow of traffic. I just think it makes very little sense to me for the probable minimal benefits that we are going to get out of this. I probably won’t change my mind on this.
THE REFERENCE DOCUMENTS LISTED BELOW CAN BE MADE AVAILABLE TO COUNCIL UPON REQUEST

- City of Davis Zoning Ordinances related to drive-through facilities
- The IDT, Project Level Air Quality Screening Analysis, and Documentation for Roadway Projects in Idaho
- Emissions and Traffic Control: An Empirical Approach
- 40 CFR- Chapter 1- Part 52 Implementation Plan for the Control of Air Pollution in the State of Idaho
- 2000 International Mechanical Code, Section 404 Enclosed Parking Garages
- McDonald’s average drive-through statistics dated June 26, 2000
- Community Planning Association Carbon Monoxide Air Quality Conformity Demonstration of FY 2004-2008 Transportation Improvement Program
- Appendix 4: Air Quality Conformity Determination, Destination 2025-Long Range Transportation Plan for Ada County Community Planning Association
- California Exhaust Emission Standards and Test Procedures