

Planning Commission Minutes

April 10, 2023

CALL TO ORDER 6:00 p.m.

INVOCATION Ms. Wick gave the invocation.

FLAG SALUTE Mr. Rizzotti led the flag salute.

ROLL CALL

Present- - - - Planning Board Members: Chair, Christopher Rizzotti; Vice-Chair, Apraham Atteukenian; Members, Michael Elric, Samantha Wick; and Robert Monaco.

Absent- - - - None.

Also Present- City Attorney, Joseph H. McDougall; Assistant Community Development Director, Fred Ramirez; Planning Manager, Scott Plambaeck; Principal Planner, Leonard Bechet; Senior Planner, Amanda Landry; Associate Planner, Joseph Onyebuchi; Principal Planning Clerk, Griselda Sandoval; and Intermediate Clerk, Diana Arias.

ANNOUNCEMENTS None.

HEARINGS

1. Project No.23-0001387 | Zone Text Amendment (ZTA) to amend Burbank Municipal Code Sections 10—

PROJECT DESCRIPTION:

A Proposed Zone Text Amendment (ZTA) to amend the City's zoning regulations, to Burbank Municipal Code Sections 10-1-502, 10-1-1608 and 10-1-1609, related to the zoning regulations for the conversion of existing businesses with drive-throughs, the prohibition of residentially adjacent restaurants with drive-through, requirement of a Conditional Use Permit to operate an establishment with drive through, change the minimum stacking distance requirements, and the establishment of hours of operation.

1-502, 10-1-1608 and 10-1-1609 related to drive-through establishments.

ENVIRONMENTAL REVIEW:

The proposed Zoning Text Amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA). The proposed ZTA is exempt from review under CEQA, pursuant to California Code of Regulations Section 15061(b)(3). The activity is covered by the commonsense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There are no pending applications for restaurants with drive-throughs that would be affected by this ZTA or that would otherwise be forced to relocate to other locations. Furthermore, pursuant to Section 15378(a)(1), this ZTA is not considered a “project” subject to the requirements of CEQA. Therefore, it is the City’s determination that this Zoning Text Amendment will not have a significant effect on the environment and is not subject to CEQA.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed that notices were given.

Written Communication:

Mr. Ramirez confirmed that there was no written communication.

Staff Report:

Joseph Onyebuchi presented this item to the Commission.

Public Comment:

None.

Commission/ Staff Q&A

Mr. Atteukenian asked staff what the positive impacts of having drive-throughs are. He expressed concern that the presentation should have provided a balanced approach by providing the pros and cons of drive-through establishments and the proposed zone text amendment deliberation.

Commissioners and staff clarified the overlapping of the Zone Text Amendment request and the provision for future Conditional Use Permit requests.

Mr. Atteukenian voiced concern with the possible fiscal impact to business because of the proposed zone text amendment and the reason for this proposed zone text amendment.

Mr. Ramirez clarified that there are businesses with drive-through locations, which are also part of the prior urgency ordinance that were identified as potential sites that could convert into restaurants with drive-throughs. He noted that the intent of the proposed code amendment would be to provide a process to look at the potential impacts of these businesses on adjacent neighborhoods. Moreover, he noted that the proposed regulations create an opportunity for community input on the conversion of existing businesses with drive-throughs to restaurants with drive-throughs (which are not residentially adjacent) and the development and conversion of non-restaurant establishments with drive-throughs to other drive-through uses via a CUP process.

Mr. Monaco inquired about what recourse can be taken to protect the community when popularity of the restaurant affects the traffic.

Mr. Onyebuchi stated that the zone text amendment would expand upon the city's current queuing requirements and noted that the proposed code amendment would require a queuing lane analysis before the approval of any future request. If the analysis results in increased demand, then it would require the preparation of a transportation analysis as part of the project review and consideration for a CUP request.

Discussion ensued regarding the purpose of the Zone Text Amendment and the applicability of the proposed CUP process to existing and future drive-through business and restaurants.

Mr. Atteukenian conveyed to staff his concern for more discussion and deliberation by the Commission that should include amongst other things more outreach to potentially affected businesses and property owners as well as some discussion as to the benefit of these types of businesses to the community.

Mr. Rizzotti asked if the businesses on the report were notified directly of the Planning Commission Hearing.

Mr. Onyebuchi clarified staff did not notify those businesses.

Mr. Rizzotti expressed concern of the affected businesses not being notified directly and asked that they be contacted to have an opportunity to comment on the proposed zone text amendment.

Also, he would be more comfortable consideration of the zone text amendment if they were noticed and given a chance to participate in the proposed code amendment review process at the commission meeting.

Deliberation:

Mr. Monaco agreed with Chair Rizzotti about noticing the establishments or anyone that will be impacted by this zone text amendment.

Mr. Atteukenian expressed interest for additional information and input from the affected businesses and property owners so that he could be more informed as he considers the proposed zone text amendment.

Mr. Monaco stated the notice period is important to learn from the users how they can correct the issues.

Ms. Wick supports the amendment.

Mr. Rizzotti inquired how to make the process fair and asked staff how to rectify it.

Mr. Ramirez suggested that the Commission could consider tabling the item to a date specific after May 3rd. The staff will present the ZTA at a Community Meeting on May 3rd in which all affected business would be notified so they can attend. Staff will also notify affected businesses about the additional Planning Commission Hearing held for the Commission’s consideration of the zone text amendment so they can attend, if they wish.

Rizzotti made the motion to table the Project No. 23-0001387 | Zone Text Amendment (ZTA) to amend Burbank Municipal Code Sections 10-1-502, 10-1-1608 and 10-1-1609 related to drive-through establishments to the May 22, 2023 Planning Commission meeting. Seconded by Mr. Monaco, carried by a vote 5-0, the motion passes.

ORAL COMMUNICATIONS

None.

REPORTS

- 2. Report on the Downtown Burbank

PROJECT DESCRIPTION:

Consideration of the Report on the Downtown Burbank TOD Specific Plan and associated General Plan Amendment.

Transit
Oriented
Development
(TOD) Specific
Plan and
associated
General Plan
Amendment

RECOMMENDATION:

Note and File report on the Downtown Burbank TOD Specific Plan and associated General Plan Amendment.

Staff Report:

Leonard Bechet, Principal Planner, presented this item to the Commission.

Commission/Applicant Q&A:

Mr. Elric asked for clarification if with this plan will meet the Burbank's Regional Housing Needs Assessment (RHNA) numbers.

Mr. Ramirez explained the development potential being analyzed would be aligned with current RHNA numbers for the current 6th cycle planning period, which encompasses the period from October 2021 through October 2029. Further, he noted that the anticipated development potential under the specific plan for downtown does not in and of itself account for the potential RHNA allocation that the City may be tasked with addressing over two housing cycles (i.e., 6th and 7th planning cycles) that would occur during the proposed 15-year planning period of this specific plan.

ORAL
COMMUNICATIONS

None.

APPROVAL OF
MINUTES

Mr. Elric made a motion to approve the minutes as amended on the Planning Commission meeting of February 27, 2023. Seconded by, Ms. Wick, carried by a vote of 5-0, (Chair Mr. Rizzotti, Vice-Chair Mr. Atteukenian and Member Mr. Monaco) the motion passes.

INTRODUCTION
OF ADDITIONAL
AGENDA ITEMS

None.

CITY PLANNER
COMMENTS

None.

Respectfully Submitted,

Secretary of the Planning Commission

ADJOURNMENT
TO THE PLANNING
COMMISSION
MEETING OF
APRIL 24, 2023.