

# Planning Commission Minutes

May 22, 2023

CALL TO ORDER 6:01 p.m.

INVOCATION Mr. Monaco 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- Senior Assistant City Attorney, Iain MacMillan; Assistant Community Development Director, Fred Ramirez; Planning Manager, Scott Plambaeck; Principal Planner, Leonard Bechet; Senior Planner, Amanda Landry; Associate Planner, Joseph Onyebuchi; Associate Planner Fatima Benitez; Principal Planning Clerk, Griselda Sandoval; and Intermediate Clerk, Diana Arias.

ANNOUNCEMENTS None.

## HEARINGS

1. Project No.22-0004082 | A Request for a Conditional Use Permit (CUP) to Allow the Incidental Sale of Beer, Wine, &

### **PROJECT DESCRIPTION:**

The Applicant is requesting a CUP to modify their alcohol license to enable on-site sale and consumption of distilled spirits in addition to beer & wine in conjunction with a Type 47 license. The Project site is improved with an existing restaurant that allows on-site sale and consumption of beer and wine under a Type 41 alcohol license.

### **ENVIRONMENTAL REVIEW:**

The Project qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15051(b)(3), common sense exemption, which states that CEQA

Distilled Spirits  
for on-site  
consumption at  
an existing  
restaurant (The  
Young Fella)  
located at 4007  
Riverside Drive

applies only to projects which have the potential for causing a significant effect on the environment and Section 15301(a) of the CEQA Guidelines pertaining to minor alternation of an existing structure. It is staff's assessment that the proposed Project will not result in a significant adverse impact on the environment under CEQA.

**Meeting Disclosures:**

None.

**Notices Given:**

Mr. Ramirez confirmed for the Commission that notices were given.

**Written Communication:**

Mr. Ramirez confirmed that there was no written communication.

**Staff Report:**

Fatima Benitez presented this item to the Commission.

**Applicant Presentation:**

Ms. Beccera, representative for the applicant, explained the owner has been located there for several years and has noticed a shift in business making dinner time busy. A Type 47 Alcohol License is being requested to create specialty drinks that will help the applicant stay competitive.

**Public Comment:**

Kyle Hart introduced himself to the Planning Commission; he is seeking to join the commission and hopes he will be picked to serve the community.

**Commission/Applicant Q&A**

Ms. Wick inquired about the reason for the name change of the establishment.

Ms. Beccera answered that due to the COVID pandemic, business has been slow and the applicant want to rebrand to help gain business.

Mr. Rizzotti asked if the applicant decided not to attend.

Ms. Beccera explained the applicant had personal matters and was going to try to attend.

Mr. Atteukenian inquired if there was a second bathroom added; wanted to know if it was contingent on getting approval.

Ms. Beccera clarified the applicant has already added the bathroom.

**Commission/ Staff Q&A:**

Mr. Atteukenian inquired if the hours being proposed are consistent with the other restaurants in the area.

Ms. Benitez responded it is consistent with the neighboring restaurants hours that are located on Riverside Drive.

Mr. Rizzotti asked for clarification on where the residential area is located from the establishment.

Ms. Benitez explained the neighborhood zoned as MDR4 zone is on top adjacent to the restaurant.

**Deliberation:**

Ms. Wick made a motion to approve Project No. 22-0004082 | A Request for a Conditional Use Permit (CUP) to Allow the Incidental Sale of Beer, Wine, & Distilled Spirits for on-site consumption at an existing restaurant (The Young Fella) located at 4007 Riverside Drive, seconded by Mr. Monaco.

Motion carried by a 5-0 vote. Motion passes.

2. Project No. 23-0001387 | Continuation of the April 10, 2023 Public Hearing for 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.

**PROJECT DESCRIPTION:**

Continuation of the April 10, 2023 Public Hearing for 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.

**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 for the Commission that notices were given.

**Written Communication:**

Mr. Ramirez confirmed that there was no written communication.

**Staff Report:**

Mr. Onyebuchi presented this item to the Commission.

**Public Comment:**

None.

**Commission/ Staff Q&A:**

Ms. Wick inquired if any established drive through would be converted to a legal non-conforming and if all the property owners and tenants were notified.

Mr. Onyebuchi confirmed that under the proposed regulations any established drive through that did not comply with the new zoning requirements would be considered legal non-conforming and all property owners and tenants were notified by mail and email.

Mr. Monaco asked how will designated pick-up spots affect the queuing lane length or parking.

Mr. Onyebuchi explained that in the code the required parking spaces are correlated with the gross floor area of the structure; research has shown there has been a decrease in floor area due to the change in use of the new drive-through facility with less general floor area for things like seating space and more demand for queuing lanes.

Mr. Monaco inquired what recourse could be taken to correct queuing lanes that are too long and will there be signage directing traffic not block the intersection.

Mr. Onyebuchi explained that part of the Conditional Use Permit process there will require a queuing lane analysis to assess potential project traffic impacts on the surrounding neighborhood. With the Zone Text Amendment proposing Conditional Use Permit requirements the signage could be a condition of approval for any future project request.

Mr. Atteukenian asked the following: the reason of the amendment being proposed, was it due to the neighborhood complaints near Raising Canes located on Olive Avenue, and if staff went out to the location to observe the situation.

Mr. Onyebuchi confirmed neighborhood complaints near Raising Canes are one of the main reasons for the proposed Zone Text Amendment.

Mr. Ramirez elaborated the Transportation Division has been conducting surveys and the development of a Neighborhood Protection Program around the Raisin Cane site has been initiated and that traffic and loitering problems still persist in the surrounding neighborhood.

Mr. Atteukenian inquired when transportation staff conducted their research and is there a current report on the findings.

Mr. Ramirez explained that the Transportation Division has been conducting research for about a year; the current report was given to City Council; there will be an update in the upcoming weeks to talk about existing conditions in the streets adjacent to the business in question.

Mr. Atteukenian stated he inquired about when the research was conducted because the volume of business has changed since first opened.

Mr. Ramirez elaborated the peak hours are later in the evening where a problem of stacking occurs; transportation staff has communicated that to City Council.

Mr. Rizzotti asked for the duration a new business must open and take over a drive through restaurant.

Mr. Onyebuchi gave an overview of the different types of scenarios of when a new business is taking over a drive through.

Mr. Atteukenian asked why a Conditional Use Permit will required for drive throughs not residentially adjacent.

Mr. Onyebuchi explained staff's goal is to update the code to include more public input and address traffic concerns that is currently limited under the current regulations.

Mr. Atteukenian inquired when the 90-day period for any non-conforming uses would start to be counted.

Mr. Plambaeck responded the 90-day period starts when the previous business ceases operation, which means the establishment is no longer open for business.

Mr. Rizzotti inquired if there is any drive through establishment now that meets the proposed Zone Text Amendment.

Mr. Onyebuchi answered staff have not done that analysis but can provide a future update to the Commission.

Mr. Ramirez elaborated the proposed set of regulations are intended to insure there is sufficient onsite queuing to accommodate restaurants with drive throughs; specifically concentrating on responding to restaurants residentially adjacent.

**Deliberation:**

Mr. Atteukenian believes the City should be focus on creative solutions to address potential community impacts instead of regulations that could potentially discourage businesses to open in Burbank.

Mr. Monaco accepted the changes being proposed; explaining it provides the City with the ability to change the vision of drive-in restaurants and creates more options when approving future development.

Ms. Wick feels the City owes it to the community to create higher standards for Burbank to prevent the types of impacts that have occurred to the neighborhood near Raising Canes and expressed support for the purposed Zone Text Amendment.

Mr. Elric expresses support to approve to help serve the residents of neighborhoods being affected by drive through establishments.

Mr. Rizzotti disagrees with approving a broad strict regulation to fix specific problems; there should be a different way of handling concerns of the community.

Mr. Monaco expressed his support and stated the importance of providing the City with flexibility to progress with time due to the dramatic change in business models in a short period of time.

Mr. Elric made a motion to approve Project No. 23-0001387 recommending the City Council adopt an Ordinance of the City of Burbank amending Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code to update the Development Standards for the conversion of existing businesses with drive-through and new and existing restaurants with drive-through, the prohibition of residentially adjacent restaurant with drive-through, requirement to obtain a conditional use permit to operate a drive through establishment, changes to the minimum stacking distance requirements, and limiting the hours of operation, seconded by Mr. Monaco.

Motion resulted in a 3-2 vote. Motion passes.

[ORAL COMMUNICATIONS](#)

Deborah, caller 1, suggested that when planning the development of housing to consider grocery stores closer to reduce car use.

[REPORTS](#)

None.

[APPROVAL OF MINUTES](#)

Mr. Elric made a motion to approve the minutes from the Planning Commission meeting of May 8<sup>th</sup>, 2023. Seconded by Mr. Rizzotti, carried by a vote of 5-0.

[INTRODUCTION OF ADDITIONAL AGENDA ITEMS](#)

None.

[CITY PLANNER COMMENTS](#)

Mr. Ramirez updated the Planning Commissioners that on May 23<sup>rd</sup> there will be a City Council meeting discussing AB 2011 standards as well as emergency ordinances that deal with SB 35 and AB 2011.

ADJOURNMENT  
TO THE PLANNING  
COMMISSION  
MEETING OF  
JUNE 12, 2023

Respectfully Submitted,  
Secretary of the Planning Commission