

Planning Board Minutes

April 12th 2021

[CALL TO ORDER](#)

6:02 p.m.

[INVOCATION](#)

Ms. Hadian gave the invocation.

[FLAG SALUTE](#)

Mr. Rizzotti led the flag salute.

[ROLL CALL](#)

Present- - - -

Planning Board Members: Vice Chair, Nazafarian Hadian; and Board Members, Christopher Rizzotti; Matt Gamboa and Apraham Atteukenian

Absent- - - -

Chair Grayce Liu

Also Present-

Assistant City Attorney, Joe McDougall; Assistant Community Development Director, Fred Ramirez; Deputy City Planner, Scott Plambaeck; Associate Planner, Maciel Medina, Associate Planner, Shipra Rajesh, Senior Planner, Lisa Frank; and Planning Clerk, Natalie Amela.

[ANNOUNCEMENTS](#)

None.

[HEARINGS](#)

1. Project No.
19-0003137 | 1634
N San Fernando |
Resolution

PROJECT DESCRIPTION:

The Applicant has request a Conditional Use Permit (CUP) to allow the operation of an Adult Daycare Facility and Off-Street Parking Lot at an existing 5,789 square foot commercial building.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed that the notices as required by law have been given.

Staff Report:

Maciel Medina, Associate Planner, presented this item to the Board.

Applicant Presentation:

Josh Dyer, on behalf of the Applicant, Venus Adult Day Health Care Center, mentioned the following: background information of Venus Adult Day Health Care Center; the applicant has been operating at another location in the City of Burbank for twenty years; the applicant wishes to relocate their business to 1634 N. San Fernando; current zoning information surrounding the proposed project site; and potential benefits that the proposed project will bring to the surrounding neighborhood.

Public Comments:

None.

Staff Response to Public Comment:

None.

Applicant Response to Public Comment:

None.

Board/Staff Q&A:

Mr. Rizzotti inquired the following: has there been any prior issues with the applicant's current location on Magnolia Blvd.

Staff clarified that they have not received complaints regarding that site.

Ms. Hadian inquired the following: clarification on the occupant load; and what is the State's regulation on maximum occupancy for this location.

Mr. Dyer clarified the following: the occupancy count in Exhibit D is the building code equation for that area, not the proposed count; the State will regulate how many occupants can be on site; and due to COVID – 19 the State's regulations vary but they can expect more than 50-60 occupants at the location.

Mr. Gamboa inquired the following: when does trip generation analysis get used for conditional use permits.

Staff clarified the following: the analysis is conducted upfront when the submittal is made with follow up verification within two years of operation.

Ms. Hadian inquired the following: when does Staff anticipate the re-opening of the Burbank bridge; and are the drawings that were presented to the Board preliminary drawings.

Staff clarified the following: staff does not have an exact date on the re-opening on Burbank Blvd; and yes, they are preliminary, and the applicant would need to complete construction drawings before a building permit can be pulled.

Mr. Atteukenian inquired the following: did the Post Office that occupied that location prior have a traffic study done.

Staff clarified that there was not a traffic study done for the prior Post Office.

Deliberation:

Mr. Atteukenian expressed the following: the proposed project is a good use for that location and can support the project based on the findings.

Mr. Rizzotti could support the project based on the findings.

Mr. Gamboa could support the project based on the findings.

Mr. Rizzotti made a motion to approve a resolution of the Planning Board of the City of Burbank to approve a request for a Conditional Use Permit to allow for the operation of an adult daycare facility and an off-street parking lot at 1634 N San Fernando Blvd. Project No. 19-0003137 based on the findings of fact and subject to the recommended conditions of approval. Seconded by Mr. Gamboa, carried by a vote 4-0.

2. Project No.
21-0000043 | Zone
Text Amendment for
Supportive Housing,
Transitional
Housing, and
Emergency Shelters
| Resolution

PROJECT DESCRIPTION:

Proposed Zone Text Amendment to the Burbank Municipal Code (BMC) that includes an update to definitions for Supportive Housing, Transitional Housing, and target population. In addition, the proposed code updates would increase the number of zoning districts in which Supportive Housing and Transitional Housing may operate as permitted and conditional uses pursuant to State law. The proposed Zone

Text Amendment would also modify the development standards for Emergency Shelters.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed that the notices as required by law have been given.

Staff Report:

Shipra Rajesh, Associate Planner, presented the item to the Board.

Public Comments:

None.

Staff Response to Public Comment:

None.

Board/Staff Q&A:

Mr. Rizzotti inquired the following: who can own these Transitional and Supportive Housing homes in R-1 neighborhoods; how many people can live on the property; how many bedrooms can a single-family home have; how much are developers charging for Transitional and Supportive Housing and how are they getting paid; was the effects of COVID-19 considered for this type of housing; and can a registered sex offender or recovering addicts live in these homes.

Staff clarified the following: there are no restrictions related to homeowner/property ownership including properties that may consider Transitional and Supportive Housing; the number of people that can live in a home would be determined by the building occupancy code; the number of bedrooms depends upon the lot area and floor area ratios applicable to a similarly zoned property; the operators of Transitional and Supportive Housing are overseen by several different State agencies; this Zone Text Amendment is a follow up to the City's Housing Element program adopted in 2014 to implement Transitional and Supportive Housing regulations consistent with applicable State law; these facilities have to comply with City code standards and public health requirements; and any individual that is in need of housing can use Transitional and Supportive Housing as noted in the proposed definitions.

Mr. Atteukenian inquired the following: how does this Zone Text Amendment further the community's interest; what is the percentage of Burbank residents utilizing this type of housing; can only Burbank residents utilize this housing; and what happens if the City does not comply with the State's requirement.

Staff clarified the following: noted that allowing Transitional and Supportive Housing in the City's as proposed was in compliance with the State housing regulations and the previously adopted City Housing Element; staff also clarified that Emergency Shelters will not be allowed in R-1 or R-1-H zones.

Mr. McDougall clarified the following: Transitional and Supportive Housing ordinance is a requirement per State law; if the proposed Zone Text Amendment is not made the City's ordinance will not comply with State law; the City's experience with Transitional and Supportive Housing are the projects that are operated under Burbank Housing Corporation; the City will not have a certified Housing Element if it did not comply with the State's requirement; he also discussed potential legal issues with resulting from noncompliance with applicable State housing law.

Mr. Ramirez clarified the following: staff does not have an exact percentage of residents utilizing Transitional and Supportive housing; and any person falling under the category of target population, irrespective of being a Burbank resident, will qualify for Transitional and Supportive housing.

Mr. Gamboa inquired the following: further clarification on background checks.

Staff clarified the following: the City can't impose background checks as a requirement.

Ms. Hadian inquired the following: when is the City's deadline to implement the State's regulation; why did the City not comply to regulation from 2017 to the present; how can modifications be made to the proposed ordinance; does the City have any zone that is exempt from this ordinance; are gated communities with HOAs exempt from Transitional and Supportive Housing; and which of the neighboring cities have implemented this State law.

Staff clarified the following: the regulations were originally projected to be implemented in 2017; the City was not able to complete the proposed Zone Text Amendment by the anticipated completion date due to low staffing; the proposed ordinance is an amendment to the City's zoning code to implement required changes consistent with State law; discussion ensued regarding how best to advocate for change of noted regulations both locally and at the State level; in addition there was discussion regarding the proposed changes to the land uses tables and what effect if any it would have on gated communities that are also zoned R-1.

Deliberation:

Mr. Rizzotti expressed the following: would not be able to support the proposed changes to the zoning regulations related to Transitional and Supportive Housing but would be able to support the Emergency Shelters aspect of the proposed Zone Text Amendment.

Mr. Atteukenian expressed the following: would not be able to support the Zone Text Amendment based on the findings.

Mr. Gamboa could support the Zone Text Amendment based off Staff's findings.

Ms. Hadian expressed the following: the proposed Zone Text Amendment needs more modification when it comes to implementation and safety concerns; in support of Emergency Shelters but wishes to see more studies on Transitional Housing in R-1 neighborhoods; and is unable to support the Zone Text Amendment.

Mr. Rizzotti made a motion to adopt the resolution of the Planning Board recommending to the City Council to adopt the ordinance of the City of Burbank amending Title 10 in order to update the regulations for Emergency Shelters and striking the provisions to Transitional and Supportive Housing. The Planning Board's recommendation would only be in regard to the changes to emergency shelters. Seconded by, Mr. Atteukenian carried by a vote 2-2. Motion failed.

Mr. Rizzotti made a motion to decline staff's recommendation for the Supportive and Transitional Housing and Emergency Shelter resolution. Seconded by Mr. Atteukenian, carried by a vote 2-2. Motion failed.

Mr. Gamboa made a motion to approve staff's recommendation to approve the proposed resolution. Seconded by Ms. Hadian, carried by a vote 1-3. Motion failed.

Mr. Rizzotti made a motion to declines staff's recommendation for Supportive and Transitional Housing and support staff's resolution for Emergency Shelters. Seconded by Mr. Atteukenian, carried by a vote 3-1. Motion passed.

ORAL COMMUNICATIONS

Helen, Resident, expressed the following: appreciates that the Board turned the recommended resolution down; wants to preserve the integrity of the single-family neighborhoods; worried that the proposed State regulations would destroy the single-family neighborhoods; concerned about the number of people that can live at these facilities; and thanked the Board for their time.

Claudia, Resident, expressed the following: agrees with the previous callers concerns/comments; safety concerns in their single-family neighborhood; and appreciates the Board's denial of the recommendation.

REPORTS

None.

APPROVAL OF MINUTES

Mr. Rizzotti made a motion to approve the minutes of February 8th, 2021 meeting. Seconded by, Mr. Gamboa and carried by a vote 4-0.

ITEMS FROM THE PLANNING BOARD

Mr. Atteukenian expressed the following: wishes to have more data on certain items that are presented to the Board for future meetings.

Mr. Ramirez clarified the following: staff will schedule this concern as an agenda item to discuss the Board's expectation of what information will be provided at a future meeting.

CITY PLANNER
COMMENTS

Mr. Ramirez expressed the following: thanked the Board for their input; and in the future will provide the Board with an update to the R-1 standards.

ADJOURNMENT
TO THE
PLANNING
BOARD MEETING
OF MAY 3RD, 2021

Respectfully Submitted,

Secretary of the Planning Board