

TUESDAY, APRIL 15, 2003

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:00 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borcht and Laurell.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Mayor Laurell called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment was Howard Rothenbach, on the Lease of Airport Authority Property, inquiring whether the item pertained to Sunrise Ford.

5:05 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 - 1. **Name of Case:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.
Case No.: BC259852
Brief description and nature of case: Declaratory Relief.

- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

- d. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan Georgino.
Property: 10 West Magnolia Boulevard.

Party With Whom City is Negotiating: AmeriCold Logistics – Jonathan Daiker.

Terms Under Negotiation: Acquisition of property.

- e. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/
Susan Georgino.
Property: 2736-2760 North Hollywood Way and the
Burbank/Glendale/Pasadena Airport "B-6" property.
Party With Whom City is Negotiating: Redevelopment
Agency, City of Burbank and the Burbank/Glendale/
Pasadena Airport Authority.
Terms Under Negotiation: Lease of Agency and Airport
Authority property.
- f. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services
Director/John Nicoll.
Name of Organization Representing Employee:
Represented: Burbank City Employees Association,
Burbank Management Association, International
Brotherhood of Electrical Workers, Burbank Firefighters
Association, Burbank Firefighters Chief Officers Unit, and
Burbank Police Officers Association; Unrepresented, and
Appointed Officials.
Summary of Labor Issues to be Negotiated: Current
Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mr. Laurell, Mayor.

Invocation The invocation was given by Carmen Blair, Intern, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Congressman Brad Sherman.

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borgh and Laurell.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
 Presentation by
 Congressman
 Sherman
 Regarding
 Runaway
 Production

Mrs. Ulloa, Economic Development Manager, stated this presentation was in response to the Council's request for a status report on runaway production, noting runaway production largely impacts California and specifically the Los Angeles area. She added Burbank was home to over 700 entertainment-related businesses who might be potentially impacted by the trend, and introduced Congressman Sherman.

Congressman Sherman stated international runaway production costs the United States economy \$10 billion per year in terms of jobs taken out of the country. He stated in a joint effort with Congressmen Dryer, Berman, and Schiff the United States Independent Film and Television Production Incentive Act had been introduced, which is designed to provide incentives to keep production-related jobs in the United States and to partially offset the effect of tax incentives offered by Canada and other nations. He stated the Act was focused on productions that were the most likely to flee Southern California by offering a tax credit to the employers. He added similar legislation was introduced in the last Congressional Session and noted 58 co-sponsors had already been attained in the present Congress, stating the Bill had been designated House of Representatives' (HR) 715 and was referred to the Ways and Means Committee, pending a hearing.

He also addressed other issues relevant to Burbank, including: the six-year bill dealing with highway transportation to add a High Occupancy Vehicle (HOV) lane in each direction on Interstate 5 from State Route 170 to State Route 134 and the reconfiguration of the Empire Avenue on and off-ramps. He stated the Metropolitan Transportation Authority (MTA) would provide 20 percent of the funds, with \$161 million to be provided at the Federal level for this project. He added the second project was the inter-modal transit facility at the Burbank Airport that allowed passengers easier transit between the Metrolink, Armtrak, Air Transportation, MTA buses and shuttle service, and added \$1.7 million was required for this project, including a 20-25 percent local match.

Congressman Sherman recognized the need for the Airport Authority and the Federal Aviation Administration to consider the Burbank community's needs regarding the airport, and expressed support for retaining the B-6 property while waiting for the completion of the Part 161 Study. He informed the Council and the public that several Federal grants were available, and asked that his office be contacted by any individuals seeking grants.

4/15/03

301-1
Art in Public
Places Brochure

Mr. Hansen, Deputy Director, Senior and Human Services, explained the process by which the Art in Public Places Brochure was produced, noting the endeavor has taken approximately six years to complete. He explained the purpose of the brochure and the criteria used to present the project to student teams at Woodbury University. He added the brochure featured over 30 installations which were created as a result of the Art in Public Places Ordinances, as well as other works created prior to the Ordinance with historical significance, or architectural features of interest to the community. He called Woodbury University students Christopher Kiefer and Jessi Leech, and Bert Johnson, Instructor, to the podium to accept certificates of recognition from Mayor Laurell and recognized Art in Public Places Committee Members: Alice Asmar, Todd Layfer, Carolyn Berlin and Dink O'Neil.

301-1
Poetry Contest
Winners

Mrs. Cohen, Interim Library Services Director, stated in recognition of poetry, the Library Services Department annually sponsored a Team Poetry Contest and introduced Holly Ziman, Library Coordinator, to describe the contest and present the awards to the winning teams. Ms. Ziman thanked all the participants and introduced the middle school winners as follows: first prize, Vahan Hartooni for Chain Reaction, Toll Middle School; second prize, Aneasha Lawrence for No Other, Village Christian School; and third prize, Sara Haakana for Love Sonnet, John Muir Middle School. Honorable mentions included: Katrina Moen for Lonely Girl, John Muir Middle School; Carolina Estrada for Meeting Mom, John Muir Middle School; and Amelia Merwin for Music Only I Can Hear, Luther Burbank Middle School.

High School winners were: first prize, Jennifer Kyung-Jin Lee for A City at Night Seen by an Airplane, Burbank High School; second prize, Liz Seward for Three Angles, One Heart, John Burroughs High School; and third prize, Gayk Arutyayan for The Rock in Kansas City, Burbank High School. Honorable mentions included: Steve Wysocky for Price of Infamy, Burbank High School; Carlos Molina for ABCs of Love, John Burroughs High School; and Jessica Robinson Hurt for Pain Sad, Morningside High School.

She then invited the first prize winners in both categories to read their poems. Mayor Laurell thanked the students and awarded certificates of recognition to the winners.

301-1
Proclamation to

Mayor Laurell presented a proclamation to former Burbank Leader columnist Will Rogers, recognizing Mr. Rogers for his

- Will Rogers work during the past 13 years.
- 406
Airport
Authority
Report
- Commissioner Lombardo reported on the Airport Authority meeting of April 7, 2003 and stated the Authority awarded a non-signatory operating agreement to Sky West Airlines, noted United Airline was in bankruptcy, and that Sky West Airlines would operate 110 regional jet flights a week under the United Express name. He also mentioned regional jets were very quiet as opposed to the 737's used by United Airlines.
- Commissioner Lombardo also stated the Authority awarded a contract to Freedom Airlines to operate the America West Express flights from Burbank to Phoenix and that Sky West Airlines would add flights to Denver and San Francisco from the Burbank-Glendale-Pasadena Airport resulting in an additional 35 passengers a week. He also informed the Council that South West Airlines moved a departure from 10:00 p.m. to 9:55 p.m. falling within the Airport's operating hours.
- 7:19 P.M.
Hearing
1702
PD No. 2000-5
(Platt Project)
- Mayor Laurell stated that "this is the time and place for the public hearing on Planned Development No. 2000-5 and the related Development Agreement. The site of the proposed project is the property bounded by Alameda Street, Lima Street, Olive Avenue, and property adjacent to the 134 Freeway offramp. The applicant is PW, LLC. Specifically, this hearing encompasses the following:
1. Certification of an Environmental Impact Report;
 2. Consideration of Planned Development No. 2000-5 with Development Review No. 2000-19; and,
 3. Consideration of a proposed Development Agreement between the City and PW, LLC."
- Notice
Given
- The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that several copies of written communications had been received via the Council office, and that written communications received in the City Clerk's office included 30 pieces of correspondence in opposition to the project and 19 pieces of correspondence in support of the project. She added Mrs. Forbes provided one more piece of correspondence received that evening in opposition to the project, noting that all correspondence copies had been provided to the Council and were made available for public viewing.
- Ms. Murphy stated in researching the project, she found that

out of the 467 cards provided by the developer, 204 cards were from a mass mailing sent in August 2001, with comments in favor of projects like the Krispy Crème, Costco Wholesale Corporation, Target and a movie theatre which were not part of the proposed Platt Project and that the remaining cards, though inclusive of Burbank residents, also included cards from residents in Studio City, Toluca Lake, North Hollywood, Fontana, and Gardenville, Nevada. She added after placing several phone calls, she found many numbers were disconnected, with some residents stating they were opposed to the project. She stated, in a letter to the Council, Mr. Platt represented there were at least 500 residents in support of the project and added she wanted to discuss her research before any presentations for the project were made.

Mr. Golonski disclosed he met with Ms. Lee, a representative of the developer; Mrs. Murphy disclosed she had met with Ms. Lee and Mr. McDermott, representatives of the applicant; Mrs. Ramos disclosed she held several meetings with Mr. Platt, the applicant and Mr. McDermott, the applicant's representative; Mr. Vander Borcht disclosed two meetings with Mr. McDermott and one meeting with Ms. Lee; and Mr. Laurell disclosed he met numerous times with the developer and their representatives during the past three of years.

Staff
Report

Mrs. Forbes, Principal Planner, presented the proposal from PW, LLC for a Planned Development (PD) for a project referred to as the Platt Project. She noted the project had undergone several changes and outlined the project submittal timelines. She stated PW, LLC's first submittal was in October 2000, with over 900,000 square feet (sf) of development including a 384 room hotel and a second development scenario which replaced the hotel with 191 residential units. She added after an Environmental Impact Report (EIR), scoping, community meeting and planning comments on the draft EIR, the applicant revised the proposal in October 2001 to eliminate the hotel and reduce the density, with a second development scenario which would replace one of the office towers with residential units for a total of 330 residential units. In 2002, the project was again amended to replace general office space with all media office space, remove the second development scenario, reduce the Development Opportunity Reserve (DOR) request by 33,000 sf by offering to obtain that from Transfer of Development Rights (TDR) and to adjust the phasing by removing some surface parking proposed for the first phase. She added in early 2003, the project was once again modified in an effort to address concerns raised by the Planning Board at their public hearing on October 7, 2002, changing the phasing to put all phase one parking within the project and

below grade to address the off-site parking issues noted by the Planning Board, reducing the DOR request to that proportionally equivalent to the Bob Hope project, doubling the size of the childcare facility and increasing the amount contributed to the neighborhood protection program to \$250,000.

Mrs. Forbes reported the currently proposed project comprised of approximately 692,000 sf of development including: 411,000 sf of media office space; 181 residential units; 21,800 sf of retail restaurant space; a 17,600 sf church with choir area and a multi-purpose room; and a childcare facility for 144 children. She stated all uses were proposed on the approximately 3.8 acre site and with a visual aid she identified the location of the site, presented the footprints of the five proposed buildings on the site, the site plan, the conceptual landscape plan, and noted the proposed set-backs. She added the applicant proposed a two-phase project schedule with the first phase including all uses and buildings with the exception of the 12-story office building and its associated parking and a childcare facility for 72 children, with the remaining 72 children to be accommodated after the second phase was completed. She also displayed a cross-section of the buildings after the completion of phase one showing the rendering and elevations as well.

Mrs. Forbes stated the City hired a consultant, Impact Sciences, to prepare the EIR for the proposed projects, and although the applicant reimbursed the cost of the EIR, the analysis was performed under the direction of City staff. She then introduced the consultant's representative to review the California Environmental Quality Act (CEQA) process and the analysis performed for this project proposal.

Mr. Loccaciato, Principal with Impact Sciences, discussed the EIR and CEQA requirements for the project, the topics of study, the methods of analysis used, and the conclusions of the analysis regarding the significance of the impacts resulting from the proposed project.

With the aid of a PowerPoint presentation, Mr. Loccaciato presented an overview of the study and the timeframes of the major steps of the EIR process including: scope of study in December 2000; the draft EIR; a revised notice of preparation in May 2001; the release of the draft EIR in September 2001; Planning Board public hearing in October 2001 resulting in recommendation to extend the comment period beyond the legally required 45 days to close in November 2001; drafting the final EIR including a written response to all written

comments received from public agencies, surrounding property owners, the Gas Company, individual Burbank residents, and added all comments in the transcript of the Planning Board's hearing were addressed. He also stated the Planning Board, at the October 2001 public hearing, recommended an additional alternative be developed in analyzing the EIR and noted the draft EIR analyzed the originally-proposed project, with a Floor to Area Ratio (FAR) of 3.9 and provided a range of alternatives to the project as required by CEQA. He added the first alternative was a 1.1, 2.0 and 2.1 FAR and that the Planning Board recommended another alternative be developed in terms of size and intensity of the development proposed in-between the 3.9 and 2.1 FAR alternatives, resulting in the development of a 3.15 FAR alternative with an option to substitute some office uses with additional residential uses thereby changing the FAR to 2.7. He noted the original and revised alternative sections were both included in the final EIR to make the information more useful and that an evaluation of the final proposed project was also prepared comparing the impacts of the final project as proposed with those identified in the final EIR, including updated traffic, parking and air quality calculations and new shade and shadow exhibits.

Regarding the topics studied and the methods of analysis used, Mr. Locciato stated the following were considered: geology and soils; air quality analysis; noise from the construction of the project, use of the project and potential freeway noise impact; consistency of the project with applicable land-use plans both local and regional; consistency of the growth and employment population and housing that would result from the project with adopted local and regional growth forecasts; traffic circulation and parking; public services and utility impacts on water sewer, drainage, electrical and gas services as well as impacts on schools; changes in views and potential new shade and shadow patterns; and cultural resources to determine the impact on historical resources. He concluded with the analysis of the above topics as related to the proposed project and stated the identified noise, schools and traffic impacts could be mitigated with the exception of air quality impacts.

Mrs. Forbes, stated while staff and the Planning Board have received some positive comments on how the project would provide needed amenities in the area, there was general community concern in the following areas: the height and mass of the proposed project, traffic and parking, the high DOR noting the developer reduced the DOR from 500,000 sf to 110,000 sf; too much development in the particular area of the media district, with residents suggesting that already approved projects be completed before approving any new projects. She

also stated while some Planning Board members expressed satisfaction over specific elements of the projects, concern was still expressed over the density of the project being too high; the request to use DOR credit pool was too high; and the phasing requiring over 300 spaces for the church use being offsite and shared with another use. She noted the developer has reduced the FAR from 2.59 to 2.36 by lowering the building by three commercial stories; reduced the DOR request by half and requested more TDR be obtained; and proposed to construct the six-story building and the related parking in phase one in a subterranean garage.

She added staff believed the project met the ten goals identified in the Media District Specific Plan (MDSP) including conformance to the density limits and height restrictions as well as the additional 20 objectives and development standards required for the Media Center North. She stated staff also believed the project provided a comprehensive development with adequate off-site parking and open spaces and met the nine criteria required to approve a PD. She requested Council certification of the EIR and added although the project had significant unmitigated air quality impacts during construction, staff believed it was a worthy project because of its comprehensive development of the site, provision of mixed-uses and benefits such as open space and childcare, and contribution of funds towards neighborhood protection.

Applicant

Ms. Lee, representing PW, LLC, stated significant modifications had been made to the project from the time the project was first submitted. She commended staff with whom the applicant has worked for the past few years and recognized the applicant's team consisting of representatives from the Platt Company, project architects, land use attorneys, community affairs/communications experts and landscape architects.

She stated the MDSP was used as guiding principle for the design of the project, noting the specific goals and objectives articulated in the MDSP used in the design of the Platt Project. She discussed the different aspects of the MDSP and the compatibility of the proposed Platt project to those aspects. She noted the neighborhood protection program, the mixed-uses of the project, the timeliness of the development in light of the State of the economy, noting the promotion of economic well-being, creation of jobs and other fiscal benefits. She acknowledged the challenge and the great economic investment by the applicant in assembling the site and cited a number of buildings in the area which are multi-story buildings

15 stories or more and noted the proposed 15-story buildings have been reduced to 12 stories and would be located along the freeway. She highlighted some of the site plan amenities which addressed the Planning Board's concerns including: providing all phase one parking in phase one, in a subterranean garage; the 181 dwelling units to provide a jobs/housing balance; and, that 35 percent of the 3.8 acre site is dedicated for open space, and pedestrian linkages.

She noted a request submitted by the applicant to add a condition on the Conditions of Approval to allow for a two-phase project, with the first phase comprising of a three-story development along Alameda Avenue, the six-story office building, the church, childcare facility and the 15-story residential building, and the second phase, the 12-story office building, to be built via a Conditional Use Permit (CUP) process. The building would therefore be built only if the Platt Company was able to identify and obtain the necessary TDR and noted the difference with staff's recommendation.

Ms. Lee then summarized the changes made to the project from the time it was presented to the Planning Board including: the reduction in stories from 15 to 12, height reduction from 209 feet to 179 feet; FAR from 2.59 to 2.36, noting the Pinnacle project's FAR of 3.07 and the phase one FAR being 1.5; DOR from 213,000 sf to none; TDR from 33,000 sf to 94,000 sf; childcare facility from 72 children to 144 children; neighborhood protection plan amount from \$150,000 to \$250,000; contribution to the Barham-Cahuenga improvements in the amount of \$500,000; decrease from a three-phase project to a two-phase project; surface parking to become subterranean parking; the second phase 12-story office building to be built under a CUP process with TDRs; the Alameda Avenue frontage glass and steel architectural design was modified to give a more residential look with stucco, stone and glass; LEEDS elements would now be incorporated; and noted the difference in opinion with staff over whether or not the application of the Office Equivalent Growth Square Feet (OEGSF) factor to the residential density was appropriate. She provided the Council with a handout outlining the benefits of the project.

Citizen
Comment

Appearing to comment were Robert S. Brown, 50-year resident, in support of the project, commenting on the changes made by the Media Center in an effort to mitigate concerns, the economic benefit to the City and Burbank Unified School District, amenities provided such as childcare, subterranean parking, etc; Jerry Griffith, 28-year resident, in support of the project, commenting that the project meets the

goals set forth in the MDSP, building and landscape have been designed by recognized architects, the project will replace a poorly developed and rundown site, and bring millions of dollars to the City and businesses, will pay the Burbank Unified School District (BUSD) approximately \$750,000, will provide many jobs to the City, the project has hundreds of supporters, provides for ample subterranean parking, mitigates all its significant traffic impacts, and has been reduced to half of its original proposal without sacrificing amenities and contributes a quarter million dollars to local neighborhood protection measures, commending staff and the developer for the improvements made to the project over the past two years.

Jack Stern, 40-year resident, stating while not normally a proponent of large-scale developments, he strongly supported the project for three major reasons: childcare facility, school impact fees and neighborhood protection program afforded to local residents, noting the need for childcare, the dire economic plight of the BUSD, minimal impact to number of students at local schools, traffic mitigation measures; Steven Mobley, in support of the project, noting the \$4 million budget shortfall in the BUSD, housing shortage, childcare shortage, and outlining how the project can help address those needs; Terrence Klein, 20-year resident, in opposition to the project, noting building heights, the developer's request for an option with regard to Phase Two, noting the EIR has not addressed Phase Two, expressing traffic concerns and the problems which will be caused by adding 2,000 more cars in the area, adding he considers Dimples to be a historical building, on the development obscuring the view of the mountains, on assistance to existing businesses and employees who will be displaced by the project, noting that the housing proposed to be built is not for blue-collar workers and on DOR requirements; Meg Stahl, complimenting staff on a thorough staff report, in opposition to the project because it is too large and not in compliance with the MDSP, addressing the conditions of approval, specifically the condition to construct for 12 hours 7 days a week, impacts of the previously-approved projects in the area, impact on the character of the community and requesting the height of the buildings be decreased; Mary Ann Christ, 30-year resident, commenting on current traffic congestion in the Media District, stating the development would compound the problem, urging the Council to disapprove the project, and submitting petitions of surrounding neighborhoods; Patrika Darbo, in opposition to the project, noting Avon Street was not included in the EIR Study, the proximity of Stevenson Elementary School to the project and the impact to the school of any additional students, and the project's negative impacts on productions in the area.

Steve Hulett, in opposition to the project, citing traffic congestion in the area, decreased quality of life, increase of air pollution and requesting the project be scaled back further; David Christ, in opposition to the project, requesting the Council consider the comments of residents of the surrounding neighborhood, citing traffic congestion in the area, in opposition to the large scale of the project, impact of noise, pollution and excess traffic; Ken Hoaglund, in opposition to the project, expressing appreciation to Ms. Murphy for disclosing the results of her research of the project with regard to community supporters not being Burbank residents, noting the fees given to schools cannot be used to address the current budget shortfall as it can only be used to mitigate growth, commenting that the soil is of the least stable kind and is in proximity to an earthquake fault, requesting that the Council weigh the comments of residents in the neighborhood heavily, and commenting on MDSP requirements.

Rolf Darbo, in opposition to the project due to its large scale, stating the traffic study was flawed as it did not include impacts on Avon Street, commenting on the past Metrolink Study commissioned by the City, addressing a condition of approval regarding the Construction Relations Officer; Lauren Lacher, in opposition to the project due to the magnitude of the project, stating the MDSP does not call for the construction of 15-story apartment buildings, unknown impacts of other developments in the area; Trudy O'Connell, resident of Avon Street, in opposition to the project due to current traffic congestion; Kathleen Svetlik, resident of Ontario Street, in opposition to the project due to its large scale, traffic congestion and urging the Council to wait until the impacts of other projects in the area can be measured; Jean Myers, in opposition due to air quality impacts, the request for reduced setbacks, the location of a childcare outdoor play area located adjacent to a new freeway ramp; Dan Humfreville, in support of the project, addressing financial impacts of the project, noting cities will need to become more financially independent in the future, stating the project is vital to the economic health of the area, complies with the MDSP, utilizes existing space in a manner consistent with surrounding developments, creates jobs and opportunities and ensures a continued revenue stream to the City, noting the project has been revised thoroughly.

Pamela Baer, speaking on behalf of Lela Moore, in support of the project, as it will help to assist the BUSD, will provide childcare, area is in a state of disrepair and needs to be revitalized; Pamela Baer, in support of the project due to the need for childcare, noting improved traffic mitigation measures

in the area, benefits of the project will far outweigh its detriments; Lawrence Gilreath, in support of the project because growth will prevent the City from becoming stagnant; Miriam Schoengarth, 24-year resident, in support of the project, noting the project is a mixed-use project and comparing it to the Pinnacle Project across the street, stating the project offers housing and childcare to alleviate community needs; Stella Rodgers, 10-year resident, in support of the project as it will beautify the City, noting development is inevitable, citing the jobs which will be brought to the community, increased tax revenues, and stating traffic congestion exists everywhere.

Josephine Orcutt, 33-year resident, in support of the project as currently proposed, basing her support on three principles: project is appropriate for the Media District as the taller buildings front on a busy street, the project reflects a significantly scaled-back project, and the project brings strong amenities and economic vitality to the community, noting the recommendation by City staff; Bob Easterwood, 41-year resident, in support of the project, as the project follows the land use requirements of the MDSP, provides significant economic benefits to the area, needed office space, needed housing, noting the lack of City subsidy for the project, and stating the project was designed by a world-class architect and contains many amenities, including greenspace; Glenn Bubba Stewart, in support of the project due to its economic benefits for the area; David Heisy, in opposition to the project as it will displace him, and noting the project's environmental impacts; Chris Vose, in opposition to the project because he will be displaced if the project is built, commenting on the large scale of the project, stating projects of this size should be placed close to mass transportation centers and not on streets to encourage more traffic congestion, and it detrimentally affects the environment; Lisa Baer, representing her sister Allyson Cabot, in support of the project, as it will be a focal point in the City, provides childcare, contains many amenities for residents of all ages, revenues generated will help the City maintain its high level of service; Drew O'Connell, speaking on behalf of John Callamars, his client L.A. Fitness, in support of the project.

Christopher Baer, commenting on the arguments presented both in support of and in opposition to the project, noting the project does not require any financial assistance from the City, and stating the project will help to attract and retain business in Burbank, the mixed-use nature of the project will actually reduce traffic and encourage people to live where they work, rid the area of blight, provide childcare, health club, provide revenues to the School District and City, fund traffic

mitigation measures, provide green space in the area, help to keep service levels high and taxes low; Laurie Kay, on behalf of Claire Harbo, in support of the project due to the fact that it's a mixed-used development, provides tax revenues, child care services, and a health club; Todd Campbell, noting the neighborhood residents were opposed to the magnitude of the project in general, stating he is an advocate for mixed-used development but does not believe the project met the goals of the MDSP, the project will impact the skyline and has a potential to create a traffic problem, that he appreciates world-class architecture being brought to the area, but still opposes the large size of the project, and requesting the Council either reject or delay the proposed project in order to

provide more time to address mitigation measures and the construction phase of the project.

Citizen
Comment
Continued

Margaret Taylor, affirming the Planning Board denied the application, concerned about DOR being allocated to residential units and recommending the OEGSF be used as an informational tool to gauge the appropriate amount of density for the site, concerned about the amount of traffic that will be generated; Esther Espinoza, in opposition to the project due to the negative impacts, inquiring if prevailing wages will be paid to the workers, and whether minority subcontractors will be used; Garen Yegparian, suggesting the residential component be built in such a way as residents will agree to not own an automobile; Bob Etter, inquiring whether a childcare facility can be established in close proximity to an establishment where alcohol will be served, requesting the mountain view be protected as it has been protected in the hillside, citing traffic congestion; Mark Friedman, in opposition to the project, stating the revenue to the school will not remedy the School District's financial crisis, nor will it make the City financially independent, stating the project will ruin the adjacent neighborhood, stating traffic is already severely impacted, and noting the developer may never build the commercial building on the site.

Joseph Ricciardella, in opposition to the project and disagreeing with the developer's comment that nine out of ten residents support the project, stating the project is not in compliance with the MDSP, commenting on the proposed FAR for the site; Richard Gillis, in opposition to the project, submitting photographs of the site; Scott Schiffbauer and Robert Silva turned in cards to register their opposition to the project; Alice Howell, in opposition to the project, stating the project will have detrimental effects on the City due to increased demands for City services, stating its impossible to

mitigate the traffic impacts of the project, commenting on the rising water table, stating the project is too large and is not in compliance with the MDSP; Ron Vanderford, inquiring about Ms. Murphy's comments at the beginning of the meeting, stating Glendale has more development than Burbank and greater economic problems, questioning the number of jobs which will be created if the office tower is never built, stating the total amount of sales taxes generated by the development will not exceed those generated by Costco on any given day and whatever taxes are received will be used to provide the additional City services required, noting the parking problems in the area and that the project will obscure the views of the mountains.

Noreen Rearden, 37-year resident, in opposition to the project due to its large size and increased traffic problems, requesting the Council listen to the neighborhood residents; Joan Sherman, in opposition to the project, stating her concerns are mainly with regard to traffic congestion since public transportation is not feasible; Debra Scarlatta, in opposition to the project due to traffic congestion, stating the childcare will not make a dent in the community's need; Dr. Theresa Karam, in opposition to the project due to its environmental impacts, including noise and air quality, stating the project will destroy the quality of life for residents of the area, commenting that the project is an economic and social nightmare, and noting the liquefaction possibility at the proposed site; David Piroli, in opposition to the project, noting the state of the economy, inquiring whether the housing will be apartments or townhomes and whether affordable housing would be included, stating not a dime of the school fees can go to meet the needs of the schools' current budget crisis because they are restricted funds, inquiring who will run the daycare center, and concluding that the project is too big for the neighborhood; Kevin Muldoon, expressing concern with traffic congestion in the area, and inquiring how traffic mitigation measures will be implemented, stating the project is too large for the City, and citing diminished neighborhood value.

Joe Terranova, in support of the project, stating the area's need for development for many years and noting the failure by other developers to develop the site, stating this site is the center of the Media District and that the project is of an appropriate size for the site, noting the mixed-use is very beneficial to the City, that the project calls for many traffic mitigation measures, citing the benefits of the housing component of the project, and that the area will remain blighted if the project is not approved; Terry O'Day, President and Co-Founder of EV Rental Cars, in support of the project stating the project was an example of mixed-use urban infill,

would provide almost 35 percent open space, adhered to LEEDS Standards and demonstrated smart-growth development and which the environmental community supported; Howard Rothenbach, in opposition to the project because of its size, suggesting the Council not rush into this decision but rather wait until the new Council is seated, that budget restrictions at the State level may impact the Caltrans budget to complete the freeway ramps, inquiring whether there is a market to justify building the office tower, asking that the height be lowered another 20 percent, stating this development will create too large of an impact on the community; Roobik Ovanesian, real estate broker, in support of the project as it provides an excellent mix of uses.

Michael Hastings, noting it took six years to develop the MDSP to preserve the integrity of the Media District, suggesting the Council not rush into this decision as it may not be the right mix for the area, stating if the office tower is not built, then the employment base is not there, that the revenues for the School District cannot be used for teachers' salaries, that the City's costs will increase substantially if only residential uses are built, and that if the MDSP is to be amended it should be done after due process; Carolyn Berlin, Chairperson of the Planning Board, stating the project, although slightly reduced, still has significant impacts for the community, does not believe it is compatible with surrounding development, stating a large amount of glare will be generated by such a tremendous amount of glass which also created a feeling of being intrusive, noting the effects of traffic mitigation on displaced on-street parking, stating the project will further choke the Barham Pass, citing view loss to the neighborhoods, the reduced setbacks, stating the project should not be phased and requesting the Council consider the property values for everyone in the neighborhood; Mike Nolan, in opposition to the project, citing the reduced setbacks; Eden Rosen, inquiring how affordable the housing will be, noting retail businesses pay minimum wages to workers, stating the project will bring more traffic and noise, the project's close proximity to a major hospital, liquefaction issues, and urging the Council not rush to judgment but scale the project down for the area; and Phil Berlin, in opposition to the project and noting property tax dollars from this project would go to the Redevelopment Agency and not be used to provide services.

Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Mr. Golonski requested the Council continue the remainder of the agenda to next week, and the Council concurred.

Rebuttal

Mr. Goldsmith, representative of the land use attorney for the Platt Project, addressed public concerns and stated the traffic study was a conservative analysis, representing the worst case scenario of the project's traffic impacts; the 12-story building would entirely consist of TDRs which must be approved by the Council presenting a check and balance noting the six-story office building which is part of phase one; noted the project would generate only one third of the traffic generated by the Pinnacle project, and that the mixed-use development would limit the use of cars; noted the project's proximity to the on and off freeway ramps would keep traffic off City streets and the contribution to the neighborhood protection program and the Barham-Cahuenga Pass to mitigate traffic; provision of validated parking; reduction in project's height; no significant shade and shadow impacts and view blockages; and noted the EIR findings that the project will not cause any significant impacts to the neighborhood.

Mr. Locacciato addressed the concerns raised with the scope of the traffic study that Avon Street was not studied and stated the scope of study was determined by the transportation planning and traffic staff, considering on-going improvements in the area and turn restrictions and noted there were proposed turn restrictions which were not a result of this project. Regarding liquefaction concerns he stated the site geotech study showed ground water at about 80 feet confirming there was no potential for liquefaction.

Mrs. Forbes clarified the Economic Development Team would assist any businesses that had to be relocated to another site through the business retention program; affirmed the MDSP specified high rise buildings could be constructed; construction hours would be limited 7:00 p.m. to 7:00 p.m. from Monday to Friday and 8:00 a.m. to 5:00 p.m. on Saturday as a Code requirement; the PD would take care of the set-back requirements; the traffic consultant missed one community meeting but staff was able to respond to public questions and contact information was provided for further questions; the MDSP did not list residential uses as one of the mixed uses for the area noting that was at Council's discretion and that the site is currently zoned R-4 thereby permitting residential uses; the childcare facility would allow for half of the childcare spaces to be available to the residents onsite and the other half open to the community in the immediate vicinity; the Bob Hope Project would not be affected by this project; the project would provide funds to place speed humps or other traffic calming techniques in the immediate neighborhood; and that the MDSP allows for, but does not mandate, projects of this height subject to Council approval. She noted some corrections in the proposed motions by the

applicant and the differences in recommendations between the applicant and staff.

Mrs. Ramos, inquired of the glare consideration, the City's reflective glass policy, the number of jobs created if only phase one was constructed, the recipient of the tax property revenues from the project and if any of the housing units were affordable. Mrs. Forbes stated the City's policy required less than 20 percent glare allowing for some reflective glass to be used noting Phase One would be subject to all infrastructure requirements; property tax revenues would go to the Redevelopment Agency since the site was in a redevelopment area; none of the units on the proposed project were affordable and deferred the job creation response to the applicant.

Mr. Vander Borcht commended everyone who participated in the process but expressed concerns that the project in its design has never truly embraced the community in which it is located, noting the Olive Avenue setbacks, height and massing, that the project would block the mountain views and suggested a maximum six-story height for any new building in the area.

Mr. Golonski referenced the MDSP but noted this particular mixed-use project was not contemplated in the MDSP. He stated the fundamental mechanisms of the MDSP to consider the size and density of a project was an FAR designation and that residential projects calculated density based on units per square footage and the dilemma in combining those calculations. He indicated support for the mix of uses but believed there was too much density on the site and stated he would consider certifying the EIR.

Mrs. Ramos commended all the participants and stated she was always supportive of the mixed-use concept of the project but noted the possible impacts on infrastructure and the neighborhood. She acknowledged the applicant's vision of that site as a focal point in the area but did not believe the project was compatible with the MDSP.

Ms. Murphy also thanked everyone for participating in this lengthy process. She expressed concern with the setbacks, no DOR being applied to the development, too many uses on one site, unlike the Master Plans for Warner Bros, Disney and NBC projects, noting the MDSP did not provide for residential uses in the area and added there was a need to review the MDSP to incorporate residential components in the area if there was support for it.

Mr. Laurell acknowledged the developer's efforts, and the

positive elements in the proposed project as the site was a signature gateway to Burbank but expressed concern regarding the impact on traffic, the unknown impact from the already-approved projects that have not been completed and added the architecture was incompatible with the neighborhood.

Mr. Golonski disagreed with the proposal to amend the MDSP in order to approve the project and affirmed the particular project, with the combination and scope, was too massive for the area.

After additional Council deliberations, Mayor Laurell requested Council action on certifying the EIR.

Mr. Garcia explained that certifying the EIR would mean approval that the report has been prepared in compliance with CEQA, it represents the independent judgment analysis of the Council and that it was considered prior to approving the project.

Motion It was moved by Mr. Golonski and seconded by Ms. Murphy that "the hearing be continued to next week to consider a resolution certifying the final EIR."

Carried The motion carried by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander Borcht and Laurell.

Noes: Council Members None.

Absent: Council Members None.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 12:51 a.m.

Margarita Campos, City Clerk

APPROVED JUNE 17, 2003

Mayor of the Council
of the City of Burbank