



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JUNE 22, 2004
5:00 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48 hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

- a. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
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.
- 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

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

RECOGNITION: AVALON HOTEL FIRE.

PRESENTATION: FIRE SCIENCE ROP.

PRESENTATION: NATIONAL POLICE WEEK.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. PUBLIC HEARING:

1. APPEAL OF VARIANCE NO. 2004-34 – 1062 EAST MAGNOLIA BOULEVARD:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to deny a variance application. The request by Gevorg Pirmazyan, applicant, appellant and homeowner, was to approve a reduced side yard setback for a single-family home at 1062 East Magnolia Boulevard. The request is also to approve a two-car garage with smaller dimensions than required.

The project was originally approved by staff for an addition to and remodel of an existing single-family home. These plans were approved in accordance with the Burbank Municipal Code which states that "where a developed lot has a substandard side yard that was lawful when created, such side yard may be maintained along the entire depth of said lot as long as the structure which created the substandard side yard remains." However, during construction, all portions of the structure, including walls and foundations, were removed. The Code, therefore, requires that the new structure be built in conformance, including five-foot side yard setbacks and a garage with interior dimensions of 19' x 19'.

The subject property is presently developed with a two-story single-family dwelling which is partially constructed (framing near complete). It was at this stage that development was halted in order for the applicant to apply for the variance.

The Planning Board, at their regular meeting of May 10, 2004, voted 5-0 to deny the variance application based on their inability to meet the required findings. The applicant filed an appeal to this decision on May 12, 2004.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE DECISION OF THE PLANNING BOARD AND DENYING PROJECT NO. 2004-34, A VARIANCE (1062 East Magnolia Boulevard).

REPORTING ON CLOSED SESSION:

AIRPORT AUTHORITY MEETING REPORT:

2. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of June 21, 2004. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:

3. ADOPTION OF FISCAL YEAR 2004-05 ANNUAL BUDGET, CITYWIDE FEE SCHEDULE AND APPROPRIATIONS LIMIT AS WELL AS AN INCREASE IN THE TRANSIENT PARKING TAX:

The purpose of this report is for the Council, Redevelopment Agency Board, Housing Authority, Parking Authority and Youth Endowment Services (YES) Fund Board to adopt the Fiscal Year (FY) 2004-05 Annual Budget, Citywide Fee Schedule and Appropriations Limit. Pursuant to the City Charter, a public hearing was properly noticed and conducted on June 8, 2004, at which time the Council received public comment and provided direction to staff as to what should be incorporated into the Adopted Annual Budget. The Council is also requested to approve the increase in the Transient Parking Tax (TPT) rate from 10 percent to 11 percent.

At the inception of the budget process, it was determined that each department would attempt to identify reductions and reasonable increases in fees that would not necessarily achieve any quantifiable target, but instead, be intuitive in nature. However, in order to have some benchmark for discussion, departments were

requested to provide two percent and/or four percent reduction scenarios. For the most part, each General Fund department achieved or came close to achieving at least the two percent reduction through actual reductions in personnel, Materials, Supplies and Services Accounts (MS&S), and programs, as well as fee increases. The total proposed General Fund reduction was \$2,731,926, or an average of 2.97 percent of each department's discretionary budget. The breakdown was: \$1,463,448 from salaries/benefits/overtime; \$696,535 from MS&S; and, \$571,943 from an increase in fees/revenue. Making these reductions was challenging, considering last year's 10 percent reduction.

An initial Budget Study Session was held on April 13, 2004. The Council was presented with the Proposed Budget during the first week of May and subsequent Budget Study Sessions were held on May 11, May 25, and May 27, 2004. Per the Council's direction at the May 27, 2004 Budget Study Session, funds in the amount of \$274,457 from the Burbank Water and Power (BWP) Utilities Users Tax (UUT) In-Lieu Set-Aside Account were utilized to close the City's FY 2004-05 non-recurring budget gap. The Council was also in favor of combining the BWP UUT In-Lieu Set-Aside and Budget Stabilization Reserve Funds. In addition, staff was directed to: defer the funding of reserves to the close of FY 2003-04; consider increasing the TPT rate from 10 percent to 12 percent which generates an additional \$330,000 per year (subsequently changed at the June 8, 2004 Public Hearing), plus recognizing an additional \$1,104,000 in UUT and In-Lieu tax reserves; and, fund additional positions within the Police Department (subsequently changed at the June 8, 2004 Public Hearing).

ANALYSIS:

The following charts show items as presented at the Public Hearing, and subsequent Council direction.

Revenue Adjustments

Description	Public Hearing Presentation	Council Direction
Revenues Lost in State Budget	\$(730,461)	\$(730,461)
Transient Parking Tax (TPT) Increase to 11 percent	330,000	165,000
Transient Parking Tax Revenue Adjustment due to Airport Raising Parking Rates	-0-	178,742
Use of In-Lieu Utility Users Tax Set-Aside	1,104,000	1,104,000
Other Net Changes to Revenues	22,252	22,252
TOTAL	\$725,791	\$739,533

Appropriation Adjustments

Description	Public Hearing Presentation	Council Direction
Reduce PRCS by 2.6 FTE's (correction)	\$(143,081)	\$(143,081)
Various Position Related Changes	(2,472)	(2,472)
Rental Rate Adjustments	10,592	10,592
Police: Restore Kennel Attendant	46,258	-0-
Police: Restore Probation (GAAP) Officer at Outreach Center (total cost partially offset by LA County)	-0-	60,000
TOTAL	\$(88,703)	\$(74,961)

In addition to the foregoing changes, the Council directed that the Public Information Office (PIO) commence video streaming of Council meetings. The first year's cost is expected to be approximately \$14,000 with a \$2,000 recurring impact. This cost may increase depending on the number of license fees (25 users initially would be licensed), as well as whether the decision is made to archive or replay, but the cost is nominal. The annual \$25,000 contributed by Charter Cable would be earmarked for this use.

Recommendation:

Adoption of proposed City Council resolutions entitled:

1. (4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005, AND MAKING APPROPRIATIONS FOR AMOUNTS BUDGETED.

2. (4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING AND ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2004-2005.

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE INCREASE OF THE TRANSIENT PARKING TAX FROM 10% TO 11%.

4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BURBANK FEE RESOLUTION.

5. (4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET FOR FISCAL YEAR 2003-2004 PROVIDING FOR THE PURPOSE OF MAKING APPROPRIATIONS FOR AMOUNTS DELINEATED.

Adoption of proposed Redevelopment Agency resolution entitled:
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005.

Adoption of proposed Housing Authority resolution entitled:
A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005.

Adoption of proposed Parking Authority resolution entitled:
A RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005.

Adoption of proposed Youth Endowment Services Fund resolution entitled:
A RESOLUTION OF THE YOUTH ENDOWMENT SERVICES FUND OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005.

CONSENT CALENDAR: (Items 4 through 6)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

4. MINUTES:

Approval of minutes for the regular meeting of May 25, 2004, the adjourned meeting of May 27, 2004 and the regular meeting of June 1, 2004.

Recommendation:

Approve as submitted.

5. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHRISTOPHER A. JOSEPH AND ASSOCIATES FOR SUBSEQUENT ENVIRONMENTAL IMPACT REPORT – MEDIA STUDIOS NORTH:

The purpose of this report is to request Council authorization for the City Manager to amend the Professional Services Agreement (PSA) with Christopher A. Joseph and Associates (CAJA) to prepare a subsequent Environmental Impact Report for a proposed amendment to Planned Development No. 89-7 (Media Studios North).

On January 13, 2004, the Council authorized the City Manager to enter into a PSA with CAJA for the preparation of a Subsequent Environmental Impact Report for a proposed Amendment to Planned Development No. 89-7 (Media Studios North). At the time of this approval, the estimated cost of document preparation was \$78,505.

Based upon a more detailed project proposal provided by the applicant, CAJA has requested to increase the contract by \$17,000. This increase is predominantly the result of additional costs associated with the preparation of a traffic study for the project. Council approval is required to amend the PSA because the increase exceeds 10 percent of the original contract cost.

No costs will be incurred by the City by entering into a PSA with CAJA. The applicant will be required to deposit to the City the cost of the contract plus 10 percent as required by the City's fee resolution.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND CHRISTOPHER A. JOSEPH AND ASSOCIATES.

6. ACCEPTING A DONATION TO THE BURBANK POLICE AND FIRE MUSEUM AND AMENDING THE FISCAL YEAR 2003-04 BUDGET FOR THE PURPOSE OF APPROPRIATING THESE MONIES:

Staff is requesting Council approval of a proposed resolution that authorizes the City Manager to accept a donation to the Burbank Police and Fire Museum and to appropriate the monies accordingly. For the past several years, the Road Kings Car Club has been giving generous donations to the Fire Department for use in the Police and Fire Museum. In March, the Road Kings gave a donation in the amount of \$1,000 to help defray costs associated with improvements in the museum.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF ACCEPTING ROAD KINGS CAR CLUB'S DONATION TO THE BURBANK POLICE AND FIRE MUSEUM OF \$1,000.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

7. DISCUSSION ITEM FOR DEVELOPMENT IMPACT FEE NEXUS STUDY:

The purpose of this report is to update the Council on the status of the Development Impact Fee Nexus Study and to initiate Council discussion on the completion of the study and adoption of the updated fees.

In 1989, the California Mitigation Fee Act, Assembly Bill (AB) 1600, was adopted by the California State Legislature, giving cities and counties the authority to implement development impact fees. Development impact fees are fees charged to new development projects whose proceeds are used to offset the impacts from new development. In April 1993, the City took advantage of this legislation and adopted its first development impact fees. Proceeds have been used to partially fund such projects as the Police/Fire Headquarters, relocation of the Emergency Operations Center (EOC), Buena Vista Branch Library, South San Fernando Park Improvements, Burbank Unified School District (BUSD) Soccer Field, McCambridge Park Improvements and Earthwalk Park.

In early 2003, staff began looking at the City's development impact fees and determined that an update of the City's development impact fees may better reflect the existing and future responsibilities of the City as it prepares for the management of its growth. At the September 16, 2003 Council meeting, staff presented its findings to the Council and was directed to conduct a nexus study for the purpose of updating the City's community facility (non-transportation) development impact fees. Staff is proposing to update all existing fee categories and to implement new fees for the Information Technology and Public Works Departments, and a fee for the provision of child care facilities.

The goal of the study was to identify the existing and future needs of the City and to develop a comprehensive list of capital projects designed to offset the impacts that new development has on City facilities and services. In order to meet this goal, staff looked at the long-term impacts of new development by assessing how much development would occur by land use. A service standard or methodology was then established as a way of measuring the level of service that is currently provided, and of identifying what will be needed to maintain the existing level of services. This effort culminated in the development of a Capital Improvement Program – a thorough list of projects representing the City's plan for managing the growth that is envisioned in the City. In addition, a fee survey was conducted, comparing Burbank's existing and proposed fees with the existing fees of the cities of Pasadena, Glendale, Santa Monica, Los Angeles, Ventura and Culver City. The results of the survey suggested that the City had considerably higher non-residential fees than other cities, and lower residential fees than other cities. As a result, the fees were adjusted accordingly.

The revenues generated by development impact fees are dependent on the level of new construction. If growth occurs at the anticipated rate, the maximum amount that the City could receive is \$71,573,987 through 2025. If the City Council is supportive

of the administrative fee reduction in the non-residential categories, the maximum that the City could receive would be \$58,448,421 through 2025. Since revenues are entirely dependant on actual development, if growth does not occur as projected, actual revenues received will be less.

Staff suggests that the non-residential fees be maintained at their existing levels and that single family fees be increased from \$2,035 per unit to \$5,639 per unit, and multi-family fees from \$1,506 per unit to \$4,766 per unit.

Recommendation:

This item is a discussion item providing the Council with the opportunity to discuss the matter prior to final consideration; therefore, staff recommends that Council discuss the item and, if appropriate, direct staff to proceed with the final consideration processes.

8. GREEN BUILDING AND SUSTAINABLE ARCHITECTURE ORDINANCE, CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION ORDINANCE:

The purpose of this report is to introduce and discuss the proposed Green Building and Sustainable Architecture Ordinance and the Construction and Demolition Debris Diversion Ordinance.

As local jurisdictions become increasingly involved in environmental regulations and, at the same time, as the design community increases its emphasis on sustainable building practices, the Building Division, in association with the Public Works Department has developed the Green Building and Construction Debris Ordinances. Within the City, the Blue Ribbon Task Force for Affordable Housing has also noted sustainability as a goal for its future programs. Both the Green Building Ordinance and the Construction Waste Ordinance are being proposed as voluntary measures, and are designed to increase energy efficiency, indoor air quality and the recycling of building materials.

Recommendation:

Note and file.

ADOPTION OF PROPOSED ORDINANCE:

9. ZONE TEXT AMENDMENT REGARDING EXPANSIONS AND ADDITIONS TO NON-CONFORMING STRUCTURES; STANDARDS FOR REBUILDING OF PARTIALLY DAMAGED OR DEMOLISHED STRUCTURES; AND PROVISIONS FOR MINOR EXCEPTIONS TO SIDE-YARD SETBACK STANDARDS FOR SINGLE-FAMILY RESIDENTIAL STRUCTURES:

On March 23, 2004, the Council directed staff to bring back a Zone Text Amendment to delete or amend provisions in the zoning Code that allow non-conforming residential structures to be added to, expanded or substantially rebuilt at existing

substandard setback lines. The Council has also directed a more general review of single-family residential development standards in response to numerous complaints regarding mansionization, but requested this particular revision be introduced as soon as practical.

The proposed Zone Text Amendment will remove the zoning Code provision that allows structures built at non-conforming setbacks to be expanded along the existing substandard setback line. It will require that henceforth, all enlargements and additions to non-conforming structures must meet current Code standards. The proposed amendments also clarify standards for when a structure that is partially destroyed or demolished may be rebuilt to its previous configuration, and when it must be rebuilt to current Code standards. Finally, the proposed amendments provide a method for allowing the City Planner or Building Official to allow minor exceptions to the side yard setback standards for single-family residences in situations where rigidly enforcing current zoning standards would: cause health or safety problems; be structurally or architecturally unviable; or, cause unreasonable financial hardship. The amended section provides specific guidance to the officials for allowing such exceptions, and emphasizes that such exceptions should be allowed only to the minimum extent necessary to alleviate the situation.

This ordinance was introduced at the June 15, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO ENLARGEMENTS AND RESTORATIONS OF NON-CONFORMING STRUCTURES, EXCEPTIONS FOR SIDE YARD SETBACKS.

10. ZONE TEXT AMENDMENT NO. 2004-75 – DOWNTOWN RESTAURANTS:

The purpose of this report is for the Council to consider a proposed Zone Text Amendment regarding the requirement for an Administrative Use Permit (AUP) for new restaurants in the Downtown area. Downtown Burbank is an eight-block area bounded by Angeleno Avenue on the south, First Street on the west, Magnolia Boulevard on the north and Third Street on the east.

The AUP process would allow the City to carefully consider new restaurants in order to promote a diverse and vibrant downtown economy and to also determine if the parking demand for the restaurant would impact and/or contribute to the shared parking concept of the Downtown Parking District. The proposed ordinance would allow new restaurants to occupy a space of the previously existing restaurant without the AUP requirement if the new restaurant provided the same or improved type of service as the existing restaurant.

The intent of the ordinance is to provide an additional level of scrutiny in situations when retail space is being converted to restaurant space which may affect the balance of uses that are important to the shared parking concept in the Downtown.

The Planning Board voted unanimously to recommend approval of the ordinance at their special meeting of May 17, 2004. The Downtown Burbank Partnership, Inc. (Property-based Business Improvement District) Board of Directors voted 9-0 to recommend approval of the ordinance at their special meeting of June 2, 2004.

This ordinance was introduced at the June 15, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS TO CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE CENTRAL BUSINESS DISTRICT DOWNTOWN PARKING AREA AND PERMITTING DOWNTOWN RESTAURANT USES WITH AN ADMINISTRATIVE USE PERMIT.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**