

TUESDAY, JUNE 22, 2004

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 5:06 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Murphy, Vander Borght and Ramos.

Absent - - - - Council Member Golonski.

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

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:07 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 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, 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

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mrs. Ramos, Mayor.

Invocation The invocation was given by Mr. Kramer, Community Assistance Coordinator.

6/22/04

- Flag Salute The pledge of allegiance to the flag was led by Ed Fox and James Cisneros, Arroyo Seco Fire Academy Cadets.
- ROLL CALL
- Present- - - - Council Members Campbell, Murphy, Vander Borgh and Ramos.
- Absent - - - - Council Member Golonski.
- Also Present - Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant City Attorney; and, Mrs. Campos, City Clerk.
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- 301-1
Avalon Hotel
Fire Chief Davis commended Arroyo Seco Fire Academy Cadets Ed Fox and James Cisneros for their heroic actions by rescuing a victim from a third floor apartment unit during the recent Avalon Hotel fire. He noted that the Cadets passed along valuable information to the first-arriving Fire Companies.
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- 301-1
Fire Science
ROP Chief Davis gave a brief background on the Fire Science Regional Occupational Program (ROP) which was started in 2000 as a service to the community youth. He introduced Fire Marshall Dave Starr, Captain Jess Talamantes, Captain Ron Bell and Fire Fighter Kelly Chulick, who were instrumental in the adoption and success of the program to date. He also noted the presence of Burbank Unified School District representatives, Marlie Edge and Barbara Leaman; and, Los Angeles County ROP representative, Diane Enoch. Mayor Ramos presented certificates to the following graduates of the sixth graduating class of the Fire Science ROP: Jon Van Wagenen; Mike Chacon; Riley Patenaude; Jake Kennedy; Cody Latzer; Colin Bennett; Ricky Sayers; Ryan Martin; Jose Vaca; Vivian Garcia; Matthew Willison; Ashley Frazier; Mikal Swanson; Chris Antaplyan; Amy Servillo; Claudia Vasquez; Jonathan Curtin; Julian Korsch; and, Bill Kerry.
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- 301-1
National Police
Week Chief Hoefel commented on the activities of the Burbank Police Color Guard during a recent trip to Washington, D.C. to participate in the National Law Enforcement Memorial services. He noted that this event had a special significance because of the death of Burbank Police Officer Matthew Pavelka. He invited Officer Joe Dean to make a presentation on behalf of the National Law Enforcement Memorial. A video was aired depicting the activities which took place during National Police Week in Washington, D.C. Officer Dean presented plaques to Burbank Police Honor Guard members Sergeant Kevin Grandalski and Lieutenant Dave Gabriel, and recognized Honor Guard members Sergeant Ron Miller and Officers Cindy Guillen, Cameron Brown and Celia Barber, who were not

present.

Mayor Ramos presented Mayor's Commendations to Lieutenant Dave Gabriel and Sergeant Kevin Grandalski, and expressed appreciation to Officer Dean for his untiring efforts. Officer Dean presented plaques to Mayor Ramos and Council Members Murphy and Campbell, and City Manager Alvord, who participated in the ceremonies in Washington, D.C. He also presented plaques to Officer Parrinello, President of the Burbank Police Officers Association, which funded the trip for the Honor Guard, and to Chief Tom Hoefel, Deputy Chief Larry Koch and Captain Tim Stehr, for their support.

Reporting on
Closed Session

Mr. Stevenson, Senior Assistant City Attorney, reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings. Peter Kirsch, Special Counsel, reported on the anticipated litigation items on the Council Closed Session agenda and discussed a proposal for a Development Agreement for the Bob Hope Airport.

406
Airport
Authority
Meeting

Commissioner Wiggins commended the Council for directing staff to negotiate the Development Agreement, as it would be beneficial to the community and the Airport, noting the importance of having the Airport and City working together to achieve a meaningful nighttime curfew solution. Reporting on the Airport Authority meeting of June 21, 2004, he stated that the Authority: awarded a contract for Bid Schedule 2004-11 for Buildings 9 and 11 roofing repairs; awarded a contract for Bid Schedule 2004-14 for Building 9 hallway roof repairs; amended the Self Parking Agreement with Central Parking System; awarded a contract for Bid Schedule 2004-12 in the amount of \$3 million for an in-line baggage inspection system; approved the purchase of six low-floor buses from El Dorado with low-polluting diesel engines; awarded residential acoustical treatment module 7.6 in the amount of \$1.2 million; and, approved the first amendment to the Sunrise Ford lease, subject to City approval.

Mr. Campbell requested clarification on the purchase of diesel engine buses, recalling that an earlier proposal had indicated that the buses would be hybrid electric. Commissioner Wiggins stated that the Authority is working on a demonstration project with a smaller hybrid bus and that more information will be provided on the matter.

The Council noted and filed the report.

6/22/04

7:49 P.M.
Hearing
1704-5
Appeal of VAR
No. 2004-34
(1062 E.
Magnolia Blvd.)

Mayor Ramos stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision regarding Project No. 2004-34. The Applicant and Appellant, Gevorg Piramzyan has applied for a variance to allow reduced side yard setbacks and a garage with smaller dimensions than required by the Burbank Municipal Code for a single family home located at 1062 East Magnolia Boulevard. The variance was denied by the Planning Board at its regular meeting of May 10, 2004."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk's Office was in receipt of 11 pieces of correspondence, nine of which were against the appeal and two in support. She also noted that copies of all correspondence have been provided to the Council and the public.

Staff
Report

Mrs. Forbes, Principal Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny a variance application. She stated that the request by Gevorg Piramzyan, applicant, appellant and homeowner, was to approve a reduced side yard setback for a single-family home at 1062 East Magnolia Boulevard and to approve a two-car garage with smaller dimensions than required. She noted that the home is partially constructed with rough framing nearly complete.

She recounted that in October 2003, plans were approved for an addition to and remodel of an existing single-family home in accordance with the Burbank Municipal Code (Code) which allows to continue the substandard side yard setbacks and maintain the existing substandard two-car garage. She noted that this is permitted with remodeling projects but all new construction must conform to current Code which requires five-foot setbacks. She added that the applicant began hand demolition in an effort to salvage certain portions of the building; however, the applicant's engineer noted cracks and the lack of reinforcing steel in the existing foundations and determined that the existing foundations were not safe and unsuitable for further use. She noted that the foundations and walls which the original plan indicated would remain were removed and construction continued without proper inspections which might have caught the discrepancies. She added that the applicant was informed of his options including applying for a variance and commented on the correspondence and phone calls she has received on the project.

Mrs. Forbes informed the Council that since the Planning Board hearing, the applicant has offered a compromise which will allow him to maintain the substandard side yard setback on the first floor but have a five-foot setback on the second story. She noted that staff was unable to meet the required findings for recommending approval of the variance, noting that: there are no exceptional circumstances applicable to this property that do not apply to other properties; other properties are able to maintain a substandard side yard if the structure remains otherwise a five-foot setback would be required; and, while half of the homes on the block have approximately three-foot setbacks, there are many homes with greater than five-foot setbacks and many include driveways which extend to the rear with approximately ten-foot setbacks. She also added that two newly-constructed homes on the block have five-foot setbacks.

Mrs. Forbes also noted the conditions suggested by staff should the Council approve the variance and concluded with staff's recommendation that the Council uphold the Planning Board's decision and deny the appeal thereby requiring that the new home be built in accordance with current Code.

Representative
of Applicant

Janelle Williams, representing the applicant, cited a series of findings that can be made to approve the variance. She stated that the situation is exceptional and extraordinary in circumstance and in application to the property or the intended use that does not generally apply to other property or classes of uses in the same vicinity or zone. She noted that there are no other properties in the area that have experienced the unfortunate situation in which the applicant finds himself. She explained that the extraordinary condition on the lot occurred with the discovery of unsafe footings, inadequate to even partially support the work that was being done and that allowing the existing foundation to remain may have eventually resulted in a disaster. She noted that the focus at the time was not to skirt the approval process but to construct a safe quality home for the family. She also noted that the subject property is situated on a lot that is similar in size to the surrounding homes and has maintained similar setbacks, and that the fact that there is a new foundation has no bearing on the finished product. She added that the hardship exists because of the lateness of the stage of construction at which the project was stopped and that the new Code provisions should not be retroactively applied to this case.

Ms. Williams also stated that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant to save the ground floor area and not cause the

neighborhood more disruption and blight. She added that no jurisdiction would prefer a two-story structure built over a crumbling foundation. She also noted that the applicant received City approval to advance the project to the full framing of the second level and that if any discrepancies existed, the project would have been halted at the time the footings were formed and inspected. She also noted that a City inspector agreed with the engineer of record that the old foundation was unsafe and had to be replaced and that if new setback dimensions were required, the project should have been stopped at that time.

With regard to public welfare, Ms. Williams stated that granting the variance with the mitigation measures will: increase light and air with the suggested second floor setback; aid the speedy abatement on an on-going eyesore to the neighborhood; result in a more aesthetic project; and, an anxious family will be able to begin their lives as new Burbank residents sooner than later. She noted that the condition which determined that the new foundation was necessary was discovered by the applicant and changed per the City's standards for foundations, that the new foundation was properly reviewed and approved, and that the originally-approved foundation plan was maintained with all changes properly noted. She added that no setback dimension was noted on the revised foundation plan because there was no change being proposed to the setback. She also noted that Building Note 11 on the same plan, both original and revised, stated that "for dimensions and elevations not shown see architectural drawings." She reiterated that all required approvals were obtained and that setback lines are customarily shown on the site plan as in this case.

Ms. Williams further noted that at the time, the Code was not clear as to the need to relocate to a new setback line if existing foundations previously thought to be sound were subsequently found to be substandard. She stated that the new forms and foundations were approved and a stop work order was not issued until the second story was completely framed. She added that had the construction been stopped at the time the building inspector was initially at the site, the new foundation was formed or when conversations between the inspector and the engineer of record were conducted on-site, the applicant would have had the opportunity to revise the plan to create the necessary five-foot setback. She noted that since the City's Code was not clear enough for two of the three City inspectors, it was unrealistic to expect an inexperienced builder, who has relied on the plan check and inspection process to know enough about the Code to red tag his own project. She referenced previous comments made at

the Planning Board hearing regarding signing off on a partial foundation and noted that all forms were in place and signed off. She also challenged the reason as to why the inspector authorized the project to proceed with partial inspection.

Ms. Williams also stated that granting the variance will not be contrary to the General Plan objectives since the projects is consistent with the Land Use, Housing and Safety Elements with regard to encouraging single-family development where appropriate and ensuring the safety of Burbank residents. She urged the Council to approve the variance and stated that the applicant will agree to all conditions imposed on the project including reducing the size of the second floor to increase the setback but requested that the first floor be allowed to remain as built and the garage be either exempt from the additional one and a half feet required, or that a minor encroachment be approved into the front yard setback to create a Code-compliant two-car garage. She noted that the driveway is long enough to fit four to six cars. She also stated that staff imposed several other conditions which the applicant is willing to comply with.

Ms. Williams noted that any applicant should expect that their case be reviewed and considered on its own merit and not out of fear of setting a precedent. She stated that now that the Code has been changed to remove the ambiguity which caught this project unaware, there will be no more questions as to setbacks where the second floor is proposed and therefore this case is unique and no precedent will be set. She urged that the Council approve the project with all the recommended conditions.

Mr. Piramzyan, applicant, thanked the Council for their consideration and stated that his family purchased the property a year ago with plans to remodel. He noted that even with hand demolition in an effort to save the existing foundation, changes were necessary for safety reasons. He urged the Council to approve the variance and stated that he is a victim of the old Code provisions. He noted that he had no plans to expand the project beyond the approved plans and reiterated that changes were necessary for safety reasons.

Citizen
Comment

Appearing to comment in opposition to the variance was Don Busik, representing his father who owns the property east of the subject property. Also, the following individuals commented in support of the variance: Vahe Dilamian; Anna Nersesyan; Aram Isaiants; Martiros Varltyan; William Rasche; Ron Vanderford; and, Mike Nolan.

6/22/04

Rebuttal by
Applicant

Mr. Piramzyan commented on the chronology of inspections and stated that he is currently facing financial and emotional hardship. He noted his willingness to have a five-foot setback on the second floor and reiterated that the original plans were maintained and the foundation was reinforced. He also noted an encroachment from a neighboring property onto his lot.

Rebuttal by
Staff

Mrs. Forbes clarified the chronology of inspections and referenced the staff report with regard to the foundation inspections.

Hearing
Closed

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

Council
Deliberation

Mr. Vander Borgh stated that the record of information provided by staff differs from that provided by the applicant but noted the lapse of time between an inspection on November 26, 2003 and the red tag on January 6, 2004, during which time the applicant proceeded with construction. He also noted a set of plans which indicate walls which were to remain specifically to take advantage of the substandard setbacks and therefore, if the walls were to be removed, the applicant would lose the vested rights for non-conforming setbacks. He added that the property is on a typical Burbank lot, and is not an exceptional circumstance. He noted the need for inspections after pouring new foundations and commended the applicant's willingness to have further setbacks on the second floor; however, he noted the need to address the substandard garage as well.

Ms. Murphy agreed with Mr. Vander Borgh and stated that approving the variance would set a precedent. She also noted the lapse of time in-between inspections while construction continued and stated that she could not make the findings to approve the variance. She also clarified that it is not the City's responsibility to police construction projects but rather it is up to the property owners or contractors to call for inspections.

Mr. Campbell noted that the project's engineer or contractor should have notified the owner of a potential problem and that an inexperienced contractor is not a reason to grant a variance. However, he noted the need for a strong foundation and reiterated that the City cannot police every construction project. He added that this project is not a special circumstance and expressed concern with setting a bad precedent.

Mr. Vander Borgh requested clarification on a letter from the

engineer of record and Mrs. Forbes responded.

Mrs. Ramos noted that she did not support the Zone Text Amendment on increasing side yard setbacks at a prior Council meeting and stated that if the existing foundations had remained, three findings could easily be made: for the unsafe foundation as an extraordinary condition; that the project conforms to the General Plan; and, that the variance was not detrimental to public welfare. However, she noted the failure to make the finding of hardship due the lateness of the red tag since it is evident that construction proceeded without the necessary inspections.

Motion It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

1704-5 RESOLUTION NO. 26,734:
Appeal of VAR A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
No. 2004-34 AFFIRMING THE DECISION OF THE PLANNING BOARD AND
(1062 E. DENYING PROJECT NO. 2004-34, A VARIANCE (1062 East
Magnolia Blvd.) Magnolia Boulevard).

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Murphy, Vander Borcht
and Ramos.

Noes: Council Members None.

Absent: Council Member Golonski.

Initial Open Mrs. Ramos called for speakers for the initial open public
Public Comment comment period of oral communications at this time.
Period of Oral
Communications

Citizen Appearing to comment were Don Elsmore, on the proposed
Comment Airport Development Agreement; Howard Rothenbach,
announcing an upcoming Friends of the Public Library meeting
and commenting on the meetings being conducted on the
proposed merger of the three redevelopment project areas; Ron
Vanderford, on the proposed Airport Development Agreement;
Eden Rosen, on traffic concerns at the intersection of Olive
Avenue and Victory Boulevard; Dr. Theresa Karam, on the case
of Karam v. City of Burbank; and, Mark Barton, on the design
of the Civic Center Plaza and corporate identity.

6/22/04

Staff Response Members of the Council and staff responded to questions raised.

Agenda Item Oral Communications Mrs. Ramos called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were Janelle Williams, requesting copies of all material provided to the Council on the appeal of Variance No. 2004-34; Don Elsmore, on Airport-related issues; Mark Barton, on the Bob Hope Airport logo; Theresa Karam, in opposition to the Council's denial of the appeal of Variance No. 2004-34; Ron Vanderford, in opposition to the Council's denial of the appeal of Variance No. 2004-34, and inquiring as to the specifics of the Closed Session item on the Media City Center Mall; Mike Nolan, on parking restrictions in the Burbank Village area and on the Council's decision with regard to Variance No. 2004-34; Howard Rothenbach, on the proposed Airport Development Agreement; and, David Piroli, on the Airport Escrow Agreement and the proposed Airport Development Agreement.

Staff Response Members of the Council and staff responded to questions raised.

10:01 P.M. Recess The Council recessed at this time. The Council reconvened at 10:17 p.m. with the same members present.

801-2
804-2
804-5
Jt. Mtg. w/
Redev. Agency,
Housing
Authority,
Parking
Authority and
YES Fund Board
Transient
Parking Tax

Mr. Hanway, Financial Services Director, requested that 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. He stated that 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 annual budget. He also added that the Council is being requested to approve the increase in the Transient Parking Tax (TPT) rate from 10 percent to 11 percent.

Mr. Hanway noted that the Probation Officer position was

reinstated in the place of the Kennel Attendant position; and, the Public Information Office would pursue video streaming Council meetings with funds from the existing annual appropriation from Charter Communications.

Mrs. Ramos requested to postpone the resolution regarding increasing the Transient Parking Tax from 10 percent to 11 percent to the June 29, 2004 Council meeting.

Motion It was moved by Mr. Vander Borght and seconded by Ms. Murphy that "the following resolutions be passed and adopted:"

801-2 RESOLUTION NO. 26,735:
Adopt 2004-05 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Budget ADOPTING THE BUDGET FOR FISCAL YEAR 2004-2005, AND
MAKING APPROPRIATIONS FOR AMOUNTS DELINEATED.

801-2 RESOLUTION NO. 26,736:
Establish A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Appropriations DETERMINING AND ESTABLISHING THE CITY'S
Limit for FY APPROPRIATIONS LIMIT FOR FISCAL YEAR 2004-2005.
2004-05

804-2 RESOLUTION NO. 26,737:
Adopt Fee A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Reso. ADOPTING THE BURBANK FEE RESOLUTION.

801-2 RESOLUTION NO. 26,738:
Appropriations A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
For Amounts AMENDING THE BUDGET FOR FISCAL YEAR 2003-2004
Delineated PROVIDING FOR THE PURPOSE OF MAKING APPROPRIATIONS
FOR AMOUNTS DELINEATED.

Redev. Agency Redevelopment Agency Resolution No. R-2110 Adopting the
Reso. Adopted Budget for Fiscal Year 2004-2005 was adopted.

Housing Housing Authority Resolution No. H-184 Adopting the Budget
Authority Reso. for Fiscal Year 2004-2005 was adopted.
Adopted

6/22/04

Parking Authority Reso. Adopted Parking Authority Resolution No. P-64 Adopting the Budget for Fiscal Year 2004-2005 was adopted.

YES Reso. Adopted Youth Endowment Services Fund Board Resolution No. Y-38 Adopting the Budget for Fiscal Year 2004-2005 was adopted.

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Murphy, Vander Borgh and Ramos.

Noes: Council Members None.

Absent: Council Member Golonski.

Motion It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended."

Minutes Approved The minutes for the regular meeting of May 25, 2004, the adjourned meeting of May 27, 2004 and the regular meeting of June 1, 2004 were approved as submitted.

1702 Amend PSA with Christopher A. Joseph for Media Studios North EIR RESOLUTION NO. 26,739:
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.

304-1 Accept Donation From Road Kings Car Club for Police/Fire Museum RESOLUTION NO. 26,740:
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.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Murphy, Vander Borgh and Ramos.

Noes: Council Members None.

Absent: Council Member Golonski.

804-1
Development
Impact Fee
Nexus Study

Mr. Young, Administrative Analyst, Community Development Department, stated that the purpose of the report was 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.

Mr. Young reported that in early 2003, staff began looking at the City's development impact fees and determined that an update was necessary to better reflect the existing and future responsibilities of the City as it prepares for the management of its growth. He added that at the September 16, 2003 Council meeting, staff presented 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. He noted that 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.

Mr. Young informed the Council that staff established a service standard as a way of measuring the level of service that is currently provided and identifying what will be needed to maintain the existing level of service. He noted that this effort culminated in the development of a Capital Improvement Program consisting of projects representing the City's plan for managing the envisioned growth. Also, he added that staff established a baseline to project the additional residential units that would be added through 2025 utilizing the forecast for residential units as projected by the Southern California Association of Governments (SCAG). He discussed several items in the Capital Improvement Program, including: fire rescue ambulance; Police Department vehicles and facility space; park development acres; Library services; Public Works vehicle shop facility space; Information Technology services; child care facilities fee; and, an administrative fee proposed at two percent. He stated that based on the projected growth and projects included in the Capital Improvement Program, the City could receive a maximum of \$71,573,987 through 2025, noting that the revenue would depend on the level of new construction.

Mr. Young then discussed the fee comparison survey with the cities of Pasadena, Glendale, Santa Monica, Los Angeles, Ventura and Culver City, which revealed that the City had considerably higher non-residential fees and lower residential fees and noted that staff adjusted the fees accordingly. He concluded with staff's recommendation 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.

Mr. Vander Borcht expressed concern with using the SCAG projections and inquired as to how realistic the numbers were. Mr. Young responded that SCAG numbers are the best information available and would be consisted with the Land Use and Transportation Element updates. He added that the actual development numbers for the City may be a fifth of the projected numbers. Mr. Herrmann, Assistant Community Development Director/Transportation, elaborated on the application of SCAG's projections with regard to transportation and stated that SCAG's forecast numbers were close to the City's current transportation forecast.

Mrs. Ramos recounted a growth visioning workshop she attended with Mr. Campbell at which SCAG projections were presented and noted that there was no significant difference between SCAG and staff's projections.

Ms. Murphy noted that SCAG projections are revised on an annual basis.

Discussion ensued on the financial and density impacts, fee comparisons and exemptions.

The Council directed staff to proceed with the final consideration processes.

902
Green Building
and Sustainable
Architecture
Ord.,
Construction
and
Demolition
Debris Diversion
Ord.

Mr. Sloan, Principal Plan Check Engineer, Community Development Department, presented the proposed Green Building and Sustainable Architecture Ordinance and the Construction and Demolition Debris Diversion Ordinance for Council discussion. He noted an increase in the environmental requirements from the State and stated that as the design community increases its emphasis on sustainable building practices, the Building Division, in association with the Public Works Department, developed the Green Building and Construction Debris Ordinances. Initially proposed as mandatory, he stated that both ordinances are being the proposed as voluntary measures following substantial public input. He noted that a survey of other cities revealed that the majority of the ordinances are voluntary and those that have adopted the ordinances as a mandatory policy have focused primarily on public projects and public buildings.

Mr. Sloan discussed the components of the sustainable building program, including: State-mandated stormwater and

pollution prevention requirements; the Integrated Waste Management Board's landfill diversion requirements; and, the California Leadership in Energy and Environmental Design (LEED) requirements. He reported that the following three tiers have been established in the program to encourage compliance: Level One exceeds minimum stormwater requirements and complies with the debris diversion requirements; Level Two meets fifty percent of the stormwater, debris diversion and LEED requirements; and, Level Three achieves a LEED certification. He then discussed the public comment process which included input from the Building and Fire Code Appeals Board; City departments; local developers, builders and contractors; and, the Sustainable Building Task Force in Sacramento, and noted that all comments have been incorporated in the drafts provided to the Council.

Mr. Sloan also discussed the public education efforts and the incentives provided by other departments and jurisdiction for compliance, including rebates, grants, process-based incentives such as expedited plan checks, and zoning incentives. He stated that staff proposed a five percent, 10 percent and 15 percent fee waiver for Levels One, Two and Three, respectively. He noted that the Building and Fire Code Appeals Board suggested additional incentives such as achieving a LEED certification in lieu of the Arts in Public Places Fee or Development Impact Fees. He also discussed possible components that would qualify for the fee waiver in residential and commercial projects.

The Council noted and filed the report.

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Campbell that "Ordinance No. 3463 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1701 Non-Conforming Structures for Side Yard Setbacks ORDINANCE NO. 3463:
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.

Adopted The ordinance was adopted by the following vote:

6/22/04

Ayes: Council Members Campbell, Murphy, and Vander Borght.
Noes: Council Member Ramos.
Absent: Council Member Golonski.

Ordinance Submitted It was moved by Mr. Vander Borght and seconded by Mr. Campbell that "Ordinance No. 3464 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1701
ZTA 2004-75
Downtown
Restaurants

ORDINANCE NO. 3644:
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.

Adopted

Ayes: Council Members Campbell, Murphy, Vander Borght and Ramos.
Noes: Council Members None.
Absent: Council Member Golonski.

11:24 P.M.
Reconvene
Redev. Agency,
Housing
Authority,
Parking
Authority and
YES Fund Board
Meetings

The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were Mike Nolan, on the Media City Center Mall Closed Session item; and, David Piroli, on the proposed Airport Development Agreement.

Staff Response Members of the Council and staff responded to questions raised.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:33 p.m.

Margarita Campos, City Clerk