

TUESDAY, APRIL 5, 2005

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 4:36 p.m. by Mr. Vander Borght, Vice Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, and Vander Borght.
Absent - - - - Council Member Murphy and Ramos.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

4:37 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)
Name of Case: City of Burbank v. Kajima Construction Services, Inc., a California Corporation; WLC Architects; and Does 1 through 100, inclusive.
Case No.: 04CC12506.
Brief description and nature of case: Construction Defect of Police/Fire Building.
- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan M. Georgino.
Property: 934 Lima Street – Parking lot located behind 3310 Magnolia Boulevard, between Lima Street and California Street.
Parties with Whom Agency is Negotiating: Burbank Community Church.
Name of Contact Person: Jack Lynch, Senior Redevelopment Project Manager.
Terms Under Negotiation: Long term lease.

5:28 P.M. Proposed Dev. Standards for R-1, R-1-E and R-1-H Single-Family Residential Mr. Forbes, Senior Planner, Community Development Department, reported that on September 14, 2004, the Council adopted an Interim Development Control Ordinance (IDCO) that established interim height and floor area ratio standards for the single-family residential zones. He noted that the IDCO was adopted in response to increasing concerns that many new and remodeled homes in Burbank were out of

Zones Study
Session

character with their surrounding neighborhoods. He added that on October 26, 2004, the Council extended the IDCO through June 30, 2005 to provide staff with additional time to solicit community input and prepare a proposed set of new single-family development standards.

Mr. Forbes stated that two additional community meetings were held, on January 27, 2005 and February 9, 2005, with a separate meeting held on February 16, 2005 with residents of the hillside area specifically regarding proposed development standards for single-family properties in the hillside area. He added that most of the proposed revisions to the existing standards seek to address "mansionization" concerns by revising standards that directly affect the massing of a house and the potential impacts on neighboring properties. He noted that other revisions are also proposed to standards that may not be directly related to mansionization but which staff believes should also be addressed as part of a package of new standards.

Mr. Forbes discussed the most notable proposed changes in: height; Floor Area Ratio (FAR); lot coverage; front and side yards; rear yards; accessory structures; parking; garages; and, front yards. He also discussed the proposed Administrative Use Permit (AUP) process which would be used for unique circumstances such as substandard lots and existing built-up areas, to provide exceptions for the FAR on small lots and height where existing development does not comply with the Burbank Municipal Code.

Mr. Forbes informed the Council that the standards would also address view protection in the hillside area. He stated that although the proposed standards do not explicitly protect views and are not considered a true view protection ordinance, they are directed towards protecting views to the extent possible with a ministerial review process, and would be more restrictive than standards in other parts of the City. He noted that the hillside standards would restrict height through a height plane that follows the terrain, with a maximum height of 30 feet and an AUP would be required for any height over 24 feet as measured to the top of the roof and would also take into consideration view impacts. He also added that staff proposed that an AUP be required for homes over 3,000 sf. With regard to setbacks, he stated that staff proposed to maintain the current setbacks but regardless of the primary view of the home, structures could not be allowed beyond homes on either side to protect their views. He noted that despite public concern, the design and privacy issues cannot be addressed with conventional standards without the implementation of a design review process which staff

recommends against.

Mr. Forbes concluded with staff's recommendation for Council direction to proceed with a Zone Text Amendment that would implement new development standards for the single-family residential zones, including special standards for the hillside area. He stated that staff recommended that the process be expedited such that new standards are in place prior to the expiration of the IDCO on June 30, 2005.

Council deliberation generally focused on:

- 1) Retaining carports as an alternative to enclosed garages for required off-street parking. Staff had proposed allowing garages only and not carports;
- 2) Using the number of bedrooms as a basis for the off-street parking requirement rather than square footage, and addressing concerns regarding the ability to fit three parking spaces on smaller lots;
- 3) Increasing rear yard setbacks from staff-proposed 10' to 15' or 20'; or, percentage of lot depth;
- 4) Allowing zero rear yard setback for accessory structures along alleys;
- 5) Providing a 45-degree setback plane for accessory structures rather than a fixed second story setback for side and rear yard setbacks;
- 6) Changing side yard setbacks to 10 percent of lot width for all lots, with minimum 3' and maximum 10' rather than fixed 5' as proposed by staff;
- 7) Retaining the lot coverage limitation but making it lower than the current 60 percent requirement. Staff had proposed to eliminating the lot coverage requirement; and,
- 8) Reducing FAR below 0.45 and creating an incentive program to get back up to 0.45 FAR through providing additional setbacks and other such incentives.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:48 p.m. by Mrs. Ramos, Mayor.

Invocation

The invocation was given by Mr. Kramer, Community

Flag Salute	Assistance Coordinator. The pledge of allegiance to the flag was led by Raymond Salem.
ROLL CALL	
Present- - - -	Council Members Campbell, Golonski, Murphy, Vander Borgh and Ramos.
Absent - - - -	Council Members None.
Also Present -	Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 Fall 2004 Crest Program Participants	Mrs. Barwick, Administrative Analyst, Management Services Department, briefly described the Crest Program. Mayor Ramos joined Mrs. Barwick in recognizing the following students for their participation in the Fall 2004 Crest Program: Elmas Avedisian; Kevork Babayan; Carlos Becke; Melissa Castro; Sarkis Kotelyan; Jamie Morales; Noe Patlan; James Payad; and, Raymond Salem.
301-1 Student Design Competition	John Cheng, Building Official, Community Development Department, described the student design competition. Tom Lim, Principal Plan Check Engineer, outlined the criteria of the competition. Margaret Taylor, judge and Planning Board Chair, commended staff and the students. Certificates of recognition were presented to the following winners: Adam Nizich and Jesse Soto of Burbank High School with Irene Harley as the advisor, for the Best Overall category; Tim Castillo of John Burroughs High School with Dena Williams as the advisor, for the Most Creative category; Jason Martinez, Jonathan Ontiveros and Hakon Engvig of John Burroughs High School with Dena Williams as the advisor, for the Honorable Mention category; and, Vahe Haroutounian of Burbank High School with Irene Harley as the advisor, for the Special Recognition category.
301-1 National Library Week	Mayor Ramos presented a proclamation in honor of National Library Week to Dorie Beaumont, Chair of the Board of Library Trustees.
406 Airport Authority Meeting Report	Commissioner Lombardo reported on the Airport Authority meeting of April 4, 2005. He stated that the Authority approved: a Signatory Airport Use Agreement, month-to-month office lease, Equipment Maintenance Agreement and electronic kiosk permit for JetBlue Airways Corporation; termination of a non-exclusive limited automobile rental lease and concession agreement with Thrifty Rent-A-Car System; a

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first amendment to the non-exclusive license agreement with SBC Communications, Inc. for wireless internet services; and, Resolution No. 402 authorizing the distribution of a preliminary official statement in connection with the offering and sale of Airport revenue bonds and authorizing certain other matters related thereto.

The Council received the report.

7:23 P.M.
Hearing
1702
Appeal of DR
2004-67 – 2503
N. Ontario St.

Mayor Ramos stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision affirming Project No. 2004-67 Development Review. The Applicant, Armin Gharai, applied for Development Review requesting authorization to add 4,332 square feet to an existing warehouse building located at 2503 North Ontario Street. The approval by the Community Development Director on October 4, 2004 was appealed to the Planning Board on November 10, 2003. The Planning Board upheld the Director's decision. Now the matter has been appealed to the Council by Denise McLaughlin."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Dawn Robinson, Contract Planner, Community Development Department, requested that the Council consider an appeal of the Planning Board's decision to conditionally approve Project No. 2004-67 Development Review, a request by Mr. Armin Gharai to add 4,332 square feet to an existing warehouse building located at 2503 North Ontario Street. She stated that the Planning Board's decision to approve the project is being appealed by Ms. Sandra Bowman, Ms. Denise McLaughlin and Ms. Sharyn Schrick, owners of the property directly to the north of the subject site at 2509 North Ontario Street.

Mrs. Robinson informed the Council that the appellants state that the project will impact access, valuation and leasing of their property. She noted that the construction will create a 9-foot 11-inch driveway on the neighbors' property, one inch less than Burbank Municipal Code-required 10-foot driveway. She discussed documentation provided by the applicant and concluded that staff recommended upholding the Planning Board's decision to approve the project.

Appellant	Robert Hess, Attorney for property owners of 2509 North Ontario Street, gave a background on the property and expressed several concerns with the proposed project.
Applicant	John Avanesian, applicant, made clarifications with regard to the existing chain link fence, accessibility, easement issues and urged the Council to approve the project to avoid further delays.
Oral Comment	There was no response to the Mayor's invitation for oral comment.
Appellant's Rebuttal	Mr. Hess made rebuttal comments with regard to the easement issues and urged the Council not to approve the project pending Court ruling on the easement issues.
Applicant's Rebuttal	Mr. Avanesian, Applicant, made rebuttal comments with regard to easement issues and the pending Court ruling.
Staff's Rebuttal	Mrs. Robinson clarified the comments from the Public Works Department, commented on the easement issues and noted that the project was subject to ministerial review and would be approved if it meets the Burbank Municipal Code requirements. She also noted that the project was not subject to the necessary findings and that easement issues were a civil matter.
Hearing Closed	The hearing was declared closed.
Motion	It was moved by Ms. Murphy and seconded by Mr. Golonski that "the following resolution be passed and adopted:"
1702 Appeal of DR 2004-67 – 2503 N. Ontario St.	<u>RESOLUTION NO. 26,945:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2004-67 DEVELOPMENT REVIEW (Applicant: Armin Gharai, 2503 North Ontario Street).

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Adopted The resolution was adopted by the following vote:

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

 Noes: Council Members None.

 Absent: Council Members None.

8:00 P.M.
Hearing
1704-5
Appeal of VAR
2004-181 – 125
N. Valley St.

 Mayor Ramos stated that “this is the time and place for consideration of the appeal of Project No. 2004-181, a request for a fence height variance which was denied by the Planning Board. The subject property is 125 North Valley Street. The Applicant and Appellant is Michael Williams.”

Notice
Given

 The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

 Dawn Robinson, Contract Planner, Community Development Department, requested that the Council consider an appeal of the Planning Board’s decision to deny a request by Mr. Michael Williams for Project No. 2004-181 Variance, to legalize an existing partially-constructed wall at 125 North Valley Street. She explained that approval of a variance is required to construct a wall or fence higher than three feet within the required 25-foot front yard setback of the R-1 Single-Family Residential Zone.

 Mrs. Robinson stated that the applicant indicated that the wall is necessary for security and privacy since his home has been burglarized three times and that other properties on the block have similar walls. She discussed the existing fences in the neighborhood and the Planning Board’s deliberation. She concluded that since three of the four findings cannot be made to approve the variance, staff recommended denying the project.

Applicant

 Michael Williams, Applicant, commented on the existing wall fences in his neighborhood and noted that he has taken the Planning Board and neighbors’ concerns into consideration and made several revisions to his plan. He stated that the wall fence on his property is currently reduced to three feet but provides no security and privacy, considering that his home has been broken into three times and burglarized once in 2003 prior to building the wall in 2004. He urged the Council to

Hearing Closed	<p>approve the project.</p> <p>There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.</p>
Deliberation	<p>Mr. Vander Borcht clarified that the applicant has already reduced the wall to three feet and is requesting reconsideration at four-feet six-inches in height.</p> <p>Mr. Golonski noted the presence of non-conforming and perhaps illegal fences in the area and supported approving the request at four feet including the pilasters.</p> <p>Ms. Murphy suggested that the wall adjacent to the driveway be maintained at three feet for visibility purposes. The Council concurred.</p>
Motion	<p>It was moved by Ms. Murphy, seconded by Mr. Campbell and carried that "that staff bring back an appropriate resolution denying the Planning Board's request and approving Project No. 2004-181."</p>
Reporting on Closed Session	<p>Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings.</p>
Initial Open Public Comment Period of Oral Communications	<p>Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.</p>
Citizen Comment	<p>Appearing to comment were: Garen Yegparian, on misrepresentation of campaign contributions; Donald Elsmore, on Airport matters; David Gordon, on the proposed development adjacent to the A-1 North property; R.C. Chappy Chapiewski and Rose Prouser, on Airport matters; Fred Prouser, on the Charter Review Committee; Theresa Karam, on the upcoming General Municipal Election; Eden Rosen, on affordable housing; Mark Barton, on signage at Bob Hope Airport; Lee Paysinger, on abuse of oral communications; and, David Piroli, on the speed limit on Scott Road between Glenoaks Boulevard and San Fernando Road.</p>
Staff Response	<p>Members of the Council and staff responded to questions raised.</p>

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

Citizen Comment Appearing to comment were: Don Elsmore, on Airport matters; David Gordon, on the California Environmental Quality Act as it pertains to Bob Hope Airport; R.C. Chappy Chapiewski, Rose Prouser and Theresa Karam, on Airport matters; Eden Rosen, on public art and Airport matters; Mark Barton, in support of the Burbank Water and Power public art pieces and on signage at Bob Hope Airport; Bob Olson, on the Burbank Water and Power public art pieces; and, David Piroli, on the Burbank Water and Power public art pieces, and Airport matters.

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

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

404
LA County Flood Control District Transfer of Storm Drain Imp.
RESOLUTION NO. 26,946:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REQUESTING THE BOARD OF SUPERVISORS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID DISTRICT THE TRANSFER AND CONVEYANCE OF THE STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1653 IN THE CITY OF BURBANK FOR FUTURE OPERATION, MAINTENANCE, REPAIR, AND IMPROVEMENT, AND AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF.

Adopted The consent calendar was adopted by the following vote:
Ayes: Council Members Campbell, Golonski, Murphy, Vander Borcht and Ramos.
Noes: Council Members None.
Absent: Council Members None.

1705-2
 Agmt's with
 Kathleen Caricof
 and Dale Claude
 Lamphere for Art
 in Public Places
 Projects

Mrs. Davis, Administrative Officer, Burbank Water and Power, requested Council approval to enter into agreements with the National Sculptors' Guild, Kathleen Caricof and Dale Claude Lamphere for two Art in Public Places projects at Burbank Water and Power (BWP). She reported that a Site Specific Selection Committee was formed in May 2004 for the purpose of selecting two significant Art in Public Places projects which focus on water and light elements, to be located in the view corridors of Magnolia Boulevard/Lake Street and Olive Avenue/Lake Street. She added that after attending an art festival in Loveland, Colorado, the home of many large-piece artist shops and displays, and touring a variety of fountains and sculptures in the cities of Cerritos and Brea, the Committee selected the following artists based upon their experience, ability and talent with large sculptures. She noted that the Committee has been working with John Kinkade, Executive Director of the National Sculptors' Guild, for facilitation with the artists.

Mrs. Davis discussed the details of the sculpture proposed for the corner of Olive Avenue/Lake Street by Dale Claude Lamphere, which is entitled "Water and Light." She noted that the sculpture would take approximately six months to complete and would cost \$50,000. She then described the details of the sculpture by Kathleen Caricof entitled "Community," proposed for the corner of Magnolia Boulevard/Lake Street at a cost of \$294,144. She noted that this project would also take approximately six months to complete.

Katie Sprague, Vice President of RTKL Architects, commented on the Burbank Water and Power facility renovation and on the process of selecting the artists and pieces.

Kathleen Caricof, Architect, also addressed the Council with regard to the inspiration for the proposed art piece and the materials that will be used.

Motion

It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following resolutions be passed and adopted with authorization to the Burbank Water and Power General Manager with concurrence with the City Attorney to make non-substantial amendments to the agreements:"

Motion It was moved by Ms. Murphy, seconded by Mr. Vander Borcht and carried with Mr. Campbell voting no that "Mr. Dyson and Mr. Brewster be appointed to the Transportation Commission and that a coin toss by the City Clerk determine the applicant who gets the longer term of four years and two months."

1503 Mr. Davis, General Manager, Burbank Water and Power, presented the monthly Water and Power Operating Report for 1504 March 2005. He commented on the low water sales; on-going BWP Monthly improvements to the Burbank Operable Unit; electric outages; Operating electric retail and wholesale revenues; renewable energy Report generating capacity; and gave an update on the Magnolia Power Project and the automated meter reading process.

The report was noted and filed.

Final Open There was no response to the Mayor's invitation for speakers Public Comment for the final open public comment period of oral Period of Oral communications at this time. Communications

301-2 There being no further business to come before the Council, Memorial the meeting was adjourned at 10:34 p.m. in memory of Pope Adjournment John Paul II and to Tuesday, April 19, 2005 at 5:00 p.m. in the Council Chamber for a Study Session on the Initial Overview of the Fiscal Year 2005-06 Budget and Five-Year Forecast.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 23, 2005

Mayor of the Council
of the City of Burbank