

TUESDAY, AUGUST 9, 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 5:16 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

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

5:16 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. State Water Resources Control Board.  
**Case No.:** Court of Appeal No. B150912/Superior Court Case No. BS060960  
**Brief description and nature of case:** A challenge to State and Regional Water Quality Control Board's ability to impose wastewater limits on NPDES Permits without considering the economic impact on cities and a possible petition to U.S. Supreme Court.
- b. 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:** Contracts and Retirement Issues.
- 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 M. Georgino.  
**Property:** Approximately two acres of land adjacent to  
 Empire Avenue, which is part of the Burbank Empire  
 Center.  
**Party with Whom Agency is Negotiating:** Ben Reiling,  
 Zelman Retail Partners, Inc.  
**Name of Contact Person:** Susan Georgino, Community  
 Development Director/Greg Herrmann, Assistant  
 Community Development Director – Transportation and  
 Planning.  
**Terms Under Negotiation:** Environmental Conditions.

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:44 p.m. by Mr. Vander Borght, Mayor.

Invocation      The invocation was given by Reverend Cherrye Cunnigan, Magnolia Park United Methodist Church.

Flag Salute      The pledge of allegiance to the flag was led by Natasha Christoffersen.

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

301-1 Burbank Sister City Exchange Students      Tim Brehm, Chaperone for the 11 students who participated in the Burbank Sister City Exchange Program in Ota, Japan, gave a brief overview of the program and introduced four students who described their experiences from visits to Ota schools and expressed appreciation to the Council for their support.

301-1 Tomoko Serizawa      Ms. Cohen, Library Services Director, commended Tomoko Serizawa, a Sister City Exchange Program volunteer, who provided a tremendous amount of assistance to the students. Mayor Vander Borght presented a Mayor’s Commendation to Ms. Serizawa in appreciation of her efforts.

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Police Dept. Rex  
Andrews  
Scholar,  
Commendations  
And Professional  
Esteem Awards

Mayor Vander Borcht was joined by Captain Craig Varner and Katherine Richards, representing the Burbank Rotary Foundation, in presenting the 2005 Rex Andrews Police Scholar Award to Lieutenant Ron Caruso. Ms. Richards noted this award is a highlight in the Rotary year, and presented a plaque to Lieutenant Caruso.

Captain Varner presented commendations to Dennis Gibbons, Communications Systems Manager, Burbank Water and Power (BWP) and Jim Floyd, Senior Communications Technician, BWP; and a Professional Esteem Award to Lieutenant Bruce Speirs, Task Force Chair, for their outstanding achievement in implementing the Police Department radio communications system.

406  
Airport  
Authority  
Meeting

Commissioner Lombardo reported on the Airport Authority meeting of August 1, 2005. He stated that the Authority: elected him Auditor to replace Retired Commissioner Carl Messeck; approved Resolution 405 adopting a second amendment to the Fiscal Year 2004-05 Annual Budget to receive \$70,503,089 in Airport revenue bond proceeds, and approving several Operations and Maintenance Account line items; and, awarded a contract in the amount of \$74,000 to Esco for the required repairs to the Engineered Materials Arresting System at the end of Runway 8.

7:20 P.M.  
Hearing  
1702  
PD No. 2004-97  
(2128 N.  
Glenoaks Blvd.,  
Former Unocal  
76 Site)

Mayor Vander Borcht stated that "this is the time and place for the hearing on Planned Development No. 2004-97, a related Development Agreement, Development Review, and a Negative Declaration for the project located at 2128 North Glenoaks Boulevard. Project No. 2004-97 is a mixed-use residential/commercial project."

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that three pieces of written correspondence had been received.

Staff  
Report

Mr. Ochsenbein, Senior Planner, Community Development Department, requested the Council consider Planned Development No. 2004-97, a proposal to construct a mixed-use project on the site of a former Unocal 76 Station, located at 2128 North Glenoaks Boulevard. He stated that the proposed project will have 34 residential units above 2,632 square feet of retail/office space and one fully-subterranean

parking level. He explained that the site was used as a gas station until 2003 and is currently developed with a cashier building, canopies and pumps, and approximately 34 parking spaces.

With a visual aid, Mr. Ochsenbein described the subject site and identified the surrounding streets and uses. He added that the property is currently located within three zones; C-2, R-4, and R-1, and is surrounded by a variety of zones including R-1, R-2, R-4 and C-2. He noted that while there are multiple zoning designations, the entire area on the project side of Glenoaks Boulevard is located within the Limited Commercial land use designation of the General Plan.

Mr. Ochsenbein further described that the project is designed as a stairstep from a height perspective, with the taller portions of the project located along Glenoaks Boulevard at a maximum height of 29 feet. He added that the project steps down on the residential facing elevations, to two levels of residential units above the parking with a maximum height of 19 feet, which is less than the multi-family residential height standards within 500 feet of R-1 properties. He stated that the project is proposed with no setbacks along the commercial frontage; however, the architecture incorporates recesses which will be utilized for three-foot-deep planter areas. He noted that the majority of the residential units will be set back five feet from the property line, with the exception of the residential units along Glenoaks Boulevard which will share the same setback as the commercial frontage. He also reported that the project is proposed to have one level of subterranean parking and will meet the City's residential and commercial parking standards requirement of 83 spaces. He added that the project will have two vehicular access points with ingress to the garage from Glenoaks Boulevard using an existing curb cut and egress to Keeler Street at an existing curb cut location.

Mr. Ochsenbein then explained the site plan and noted that one important finding for approving a Planned Development is consistency with the General Plan. He stated that the entire site and the surrounding properties are located within a Limited Commercial land use designation which permits the establishment of mixed use and residential-only projects through the Planned Development process. He explained that the residential densities in commercial zones are considered to be consistent with the City's Medium Density multi-family designation, which has a maximum of 58 units per acre. He also noted that the project is proposed to be constructed at 38 units per acre, below the current and newly-adopted R-4 standards. He added that the proposal is consistent with the

current Land Use Element as well as the current proposals in the Land Use Element update.

Mr. Ochsenbein informed the Council that in accordance with the California Environmental Quality Act, a Negative Declaration was prepared for the project, indicating that the project will not create a significant environmental impact. He added that the project did not meet the City's thresholds for requiring a traffic study since it will not generate 50 or more peak hour trips. He also noted that the project's circulation and design was reviewed by the Public Works Traffic Engineering Division, which determined that the project was consistent with City guidelines.

Mr. Ochsenbein then elaborated on the public comment received at several public hearings conducted for the project at which several concerns were raised, including the overall size of the project, traffic and parking impacts, and school overcrowding issues. Additionally, he stated that two petitions, one in opposition to the project and one in support, were provided to the Planning Board and have been forwarded to the Council. He added that following the hearings, the developer modified the project, eliminating compact and tandem parking spaces and modifying the project architecture to improve the project's relationship with the surrounding uses. Also, he stated that after the first Planning Board hearing, the applicant further reduced the project density and height but the Planning Board still expressed concerns about the size and circulation of the project at this location, and voted 2-1 to recommend that the Council deny the request.

Mr. Ochsenbein reported that since the Planning Board decision, the applicant has worked with staff to further address some of the concerns that were raised by the Board and members of the community. As a result, he stated that the applicant has further modified the project to consist of 34 units and has reduced the height to a maximum of 29 feet to the top plate. He added that this height reduction was accomplished through the elimination of the third level of residential units above the commercial level and modifying the garage to be fully subterranean. He noted that based upon a review of the application and project plans, the project is consistent with the City's General Plan and will not create a negative impact on surrounding properties. He also stated that the most recent changes to the project are consistent with the comments expressed by the Planning Board, and as such, recommended approval of Planned Development No. 2004-97.

Applicant	<p>Gary Yamada, representing the applicant, identified the subject site and the surrounding uses and driveway; noted that although the project is not subject to the City's new R-4 development standards, it is in compliance with the new standards; and, responded to concerns expressed with regard to traffic, off-street parking spaces, the 38 residential units being too many, height and massing not being compatible with the neighborhood and loss of existing driveway between Keeler Street and Scott Road. He stated that: residential projects generate less peak hour trips than commercial projects; noted that the proposed project will generate only 28 peak hour trips as opposed to the former use which generated 55 vehicle peak hours trips; stated that the project will provide Code required parking; added that the overall building height has been reduced and additional setbacks have been incorporated to reduce massing; and, noted that the driveway will still be accessible although reduced from 24 to 23 feet. He added that the project will improve the area with a new development; stated that the current proposal is more compatible with the neighborhood; noted that a commercial by-right project may have more severe impacts; and, mentioned that moderate-income housing would be provided. He also highlighted that the project is Code compliant and consistent with the General Plan, and urged the Council to approve the project as recommended by staff.</p>
Citizen Comment	<p>Appearing to comment in opposition to the project were: Monica Lewis; Steve Lewis; Frank Kaden; Robert Rush; Joan Gonzalez; Emilio Gonzalez; Sogomunyan Yegiya; Amber White; Esther Espinoza; Theresa Karam; David Piroli; Eden Rosen; Camille Bruner; Mike Nolan; and, Howard Rothenbach.</p> <p>Commenting in support of the project was John Caven, who also requested a traffic study. Also, James Roop and Eloise Roop, expressed concern with air circulation; and, Steven Falchini, expressed concern with traffic and parking impacts.</p>
Applicant Rebuttal	<p>Mr. Yamada made rebuttal comments with regard to the project's density and height; site contamination; traffic, parking and circulation issues; by-right development options; the submitted petitions; consideration of public and staff input; Code compliance; and, compatibility with the surrounding neighborhood.</p>
Council	<p>Mrs. Ramos requested clarification on the land use designation</p>

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Comments and multiple zoning densities. She also disclosed that she met with the applicant.  
Mr. Vander Borgh also disclosed that he previously met with the developer.

Mr. Golonski requested clarification with regard to the Council's discretion over such a project. Mr. Barlow and Mr. Ochsenbein responded.

Mr. Campbell requested clarification with the site contamination report, vehicle trip generation, permitted densities, setbacks and open space requirements.

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

Council Deliberations Mr. Golonski expressed concern with the project's setbacks, density, size and massing, disagreed that the proposed site is an urbanized area where an urban mixed-use development is appropriate and stated that the project is not compatible with the neighborhood.

Mr. Vander Borgh supported a mixed-use development at the proposed site, but expressed concern with the project's density, scale, intensity and massing. He added that he would support a mixed-use project with reduced residential units, and a maximum of two stories.

Mr. Campbell disclosed that he met with the developer and his representative. He expressed support for the mixed-use nature of the project but expressed concern with the project's density, the site's soil analysis report, setbacks, traffic impacts and the California Environmental Quality Act process.

Mrs. Ramos noted her support for mixed-use development along major arterials, but noted she would not support the project based on the failure to make the finding for efficient and safe flow of vehicles, pedestrians and bicycles. She suggested closing access to the private alley, noted the neighborhood's concern with regard to traffic circulation and parking problems and suggested that the City consider acting as the liaison with the Masonic Lodge and the Argentinian Cultural Center, towards achieving a shared parking use agreement.

Motion It was moved by Mr. Golonski, seconded by Mr. Campbell and carried with Ms. Murphy absent that "the project be denied."

Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.
Initial Open Public Comment Period of Oral Communications	Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Evelyn Griffin, on the proposed re-use of the former Buena Vista Library site; Dr. David Gordon, requesting a police report regarding two incidents which occurred at his business; Michael Scandiffio, on the proposed fence ordinance and providing photographs for Council consideration; Phil Berlin, on the fence ordinance public hearing notice; Esther Espinoza, on criminal allegations against a Council Member; Mark Barton, showing a videotape depicting signage at the Burbank Civic Plaza; Theresa Karam, on the criminal allegations against a Council Member and on the proposed fence ordinance; Eden Rosen, on family caregiver issues; and, David Piroli and Mike Nolan, on the proposed fence ordinance.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borght called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Esther Espinoza, on Section 8 housing issues; Eden Rosen, on performance indicators; Mike Nolan, on Bob Hope Airport operations; Mark Barton, on Bob Hope Airport and the Burbank Civic Plaza signage; and, Robert Rush, expressing appreciation to the Council for denying Planned Development No. 2004-97 and commenting on the fence ordinance public hearing notice.
Staff Response	Members of the Council and staff responded to questions raised.



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10:33 P.M.  
Recess                    The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:36 p.m. with the same members present.

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

Minutes  
Approved                The minutes for the regular meetings of February 1, February 8, February 15 and February 22, 2005 were approved as submitted.

1503  
PSA with ORSA  
Consulting                RESOLUTION NO. 27,040:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ORSA CONSULTING ENGINEERS, INC. FOR THE SR-134 WESTBOUND ONRAMP UTILITY RELOCATION.

801-2  
Request for  
Continuing  
Appropriations  
From FY 2004-  
05 to FY 2005-  
06                         RESOLUTION NO. 27,041:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2004-2005.

1504  
Amend PSA  
With United  
Water Services  
For Water Rec.  
Plant                      RESOLUTION NO. 27,042:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH UNITED WATER SERVICES FOR THE OPERATION OF THE BURBANK WATER RECLAMATION PLANT, IMPLEMENTATION OF THE INDUSTRIAL PRETREATMENT PROGRAM AND IMPLEMENTATION OF THE ILLICIT STORMWATER PROGRAM.

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

201-2  
FY 2005-06                Ms. Cohen, Library Services Director, presented the Work Program Highlights and Performance Indicators for the Library

Work Program  
(Library, Fire and  
Park and Rec.)

Services Department.

Interim Fire Chief Pansini presented the Work Program Highlights and Performance Indicators for the Fire Department.

Mr. Hansen, Park, Recreation and Community Services Director, presented the Work Program Highlights and Performance Indicators for the Park, Recreation and Community Services Department.

11:33 P.M.  
Reconvene  
Redev. Agency  
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Final Open  
Public Comment  
Period of Oral  
Communications

There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:33 p.m. in memory of Bruce Berichon and to Tuesday, August 16, 2005 at 5:00 p.m. in the Council Chamber, to conduct Charter Review Committee applicant interviews.

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Margarita Campos, CMC  
City Clerk

APPROVED SEPTEMBER 27, 2005

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Mayor of the Council  
of the City of Burbank