



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 21, 2006
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:

Public Employee Performance Evaluation:

Pursuant to Govt. Code §54957 and 54957.6

Title of Employee's Position: City Manager and City Attorney.

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:

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).

AIRPORT AUTHORITY MEETING REPORT:

1. 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 February 21, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

REPORTING ON CLOSED SESSION:

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 action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. MAGNOLIA PARK BUSINESS IMPROVEMENT DISTRICT UPDATE:

In September 2004, the Council approved an Action Plan for the Magnolia Park area. The Action Plan was prepared after conducting five focus group meetings, analyzing the results of a residential survey and receiving input from the Magnolia Park Citizen Advisory Committee. The Action Plan calls for many improvements, including: parking improvements; marketing; promotions and events; and, additional street maintenance. Many of these improvements were proposed to be funded by establishing a Property-Based Business Improvement District (District).

Over 30 property owner meetings were conducted to develop a draft Management Plan (Plan) for the proposed District, including three large group meetings, as well as small group and one-on-one meetings. Similar to the Downtown Burbank Business Improvement District strategy, a networking committee of property owners was also established to facilitate meeting other property owners, which was particularly helpful considering there are over 270 properties within the proposed District.

The Plan outlines the proposed District boundary, which includes the commercial properties along Magnolia Boulevard and Hollywood Way bounded by Chandler Boulevard to the north, Clark Avenue to the south, the City limits to the west, and Buena Vista Street to the east. The Plan proposes a budget of \$250,000 per year with a maximum three percent increase per year; an assessment of \$0.12 per lot square footage plus \$0.05 per building square footage in Zone 1; and, an assessment of \$0.06 per lot square footage and \$0.025 per building square footage in Zone 2, which is located along Magnolia Boulevard between Pass Avenue and the North Hollywood border, due to less services and reduced benefits to this area. The Plan is

proposed for a five-year period, which cumulatively will generate \$1,250,000 over the life of the plan.

Parking improvements were the greatest concern cited by property owners. The District proposes to assess \$67,500 per year for parking to aid in entering leases and shared parking agreements to create and better manage parking. Staff plans to return with a parking plan for the area.

One parking solution that staff is exploring is the construction of a new public parking lot on the north side of Magnolia Boulevard between Maple Street and Kenwood Street, which is owned by the Los Angeles Department of Water and Power, at an estimated construction cost of \$775,000. Like the Downtown Business Improvement District where the City and Agency agreed to pay assessments and provide matching funding for certain improvements, it is also proposed that the City and Agency provide the matching funding to construct this parking lot.

The first requirement for the formation of the District is that at least 50 percent of the property owners, based on assessment, sign a petition supporting the creation of the District. This is followed by a vote of the property owners, and then approval of the District by the Council. The petition process is scheduled to begin by the end of the month and last approximately two months, which will then be followed by a ballot process before final Council consideration in July 2006.

Recommendation:

It is recommended that the Council direct staff to proceed with the Property-Based Business Improvement District formation process and to proceed with the Los Angeles Department of Water and Power parking lease as a proposed matching fund investment for the Magnolia Park area.

RECESS for the Parking Authority meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 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.

3. CONTRIBUTION TO BURBANK, BURROUGHS, PROVIDENCE AND BELLARMINE-JEFFERSON HIGH SCHOOL STUDENTS FOR THE ANNUAL CLOSE-UP PROGRAM:

Each year, the Council includes as part of its budget \$20,000 to sponsor the participation of local high school students in the Close-Up Program in Washington, D.C. The funds are divided equally among the participating students. Only participants who are both Burbank residents and attend a high school located in Burbank are eligible to receive the City's contribution.

This year, Burbank High School expects to send nine Burbank resident students to the Close-Up Program from March 26 to April 1, 2006 at an estimated cost of \$1,634 per student. Burroughs High School expects to send 12 Burbank resident students from March 26 to April 1, 2006 at an estimated cost of \$1,634 per student. Providence expects to send eight Burbank resident students from February 19-25, 2006 at an estimated cost of \$1,549 per student. Bellarmine-Jefferson expects to send ten Burbank resident students from February 19-25 at an estimated cost of \$1,404 per student.

With an expected total of 39 Burbank resident students attending the Close-Up Program, the City's \$20,000 contribution will provide approximately \$512 per participant.

Recommendation:

Staff recommends that the Council approve a contribution totaling \$20,000 (approximately \$512 per student) to eligible students from Burbank, Burroughs, Providence and Bellarmine-Jefferson High Schools to partially offset the cost of the Close-Up Program.

4. APPROVAL OF FINAL TRACT MAP NO. 62657 – 300 EAST PROVIDENCIA AVENUE:

Staff is requesting Council approval of Final Tract Map No. 62657, a three-lot subdivision totaling 26,931 square feet located at 300 East Providencia Avenue. The property is in the R-4 Residential Multiple Medium Density Zone and is owned by Villa Court, LLC, A California Limited Liability Company.

On May 17, 2005, through Administrative Use Permit No. 2005-25, the property owner requested City approval to convert its existing 32-unit apartment structure over three lots, to a one-lot, 32-unit residential condominium with a subterranean parking garage. Final Map No. 62657 finalizes the condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 62657:

1. The tentative tract map was approved by the Community Development Director on April 18, 2005 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map);
2. The Final Map contains 32 condominium units at 300 East Providencia Avenue, which is located in the R-4 Residential Multiple Medium Density Zone;
3. This project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b) (3) pertaining to approval of final subdivision maps; and,
4. Conditions of Approval for Tentative Tract Map No. 62657 have been cleared by the Planning Division for the purpose of Final Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant cannot record the CC&Rs until this tract map is approved by the Council and recorded at the Los Angeles County Recorder's Office).

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Map No. 62657 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of the proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 62657 (300 East Providencia Avenue).

5. APPROVAL OF AN EMPLOYER PARTICIPATION AGREEMENT BETWEEN THE CITY AND NATIONWIDE RETIREMENT SOLUTIONS FOR THE POST EMPLOYMENT HEALTH PLAN FOR THE BURBANK FIRE FIGHTERS LOCAL NO. 778:

The purpose of this report is to request Council adoption of a proposed resolution establishing a Post Employment Health Plan (PEHP) for the Burbank Fire Fighters (BFF) Local No. 778, which includes the BFF and BFF Chief Officers Unit (BFF-COU).

As part of the labor negotiations process with the BFF and the BFF-COU, the City agreed to work with these unions to establish a retiree health savings program for their membership. The BFF and BFF-COU have been reviewing the various plans available and have requested Council approval of a PEHP from Nationwide Retirement Solutions (Nationwide).

The PEHP is a unique benefit plan authorized by Internal Revenue Code Section 501(c) (9) which is designed to give employees the ability to set aside money for the payment of post employment qualified medical expenses.

With the rising cost of health-related expenses, this type of program is a tremendous benefit to the City's BFF and BFF-COU members, their spouses and qualified dependents. In addition to providing a vehicle to assist with retiree medical expenses, the PEHP's main advantage is that all contributions, investments and amounts distributed to the member for the reimbursement of qualified medical expenses, are free from Federal and FICA taxes.

The PEHP will be sponsored by the City and administered by Nationwide. The Trustee for this plan will be the LaSalle National Bank. The Trust is a multi-employer trust comprised of over 800 public sector entities across the United States. As the sponsor, the City has the authority to appoint and remove the Trustee and the Administrator; as well as amend the provisions of the Plan, subject to the terms of the BFF and BFF-COU Memoranda of Understanding (MOUs).

The PEHP will be effective December 1, 2005 and the City will begin depositing the balance of each employee's accumulated leave balance upon retirement or separation into their individual accounts with Nationwide. The BFF and BFF-COU have determined that annually in October they will take a vote of the membership to ascertain the dollar amount to be deposited into the PEHP by the members who are retiring/separating from service during the next fiscal year. The proposed resolution provides administrative authority for the contribution amounts to be changed annually if necessary, as determined by the unions.

There is no fiscal impact to the City to establish this PEHP as the monies to be deposited into the PEHP already belong to the employee pursuant to the BFF and BFF-COU MOUs. Furthermore, all administrative costs and asset fees will be charged to the individual employee's account. The only responsibility the City has is to wire transfer the established contribution amount to Nationwide when BFF and/or BFF-COU members retire/separate their service from the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN EMPLOYER PARTICIPATION AGREEMENT BETWEEN THE CITY OF BURBANK AND NATIONWIDE RETIREMENT SOLUTIONS FOR THE POST EMPLOYMENT HEALTH PLAN (PEHP) FOR THE BURBANK FIRE FIGHTERS (BFF) LOCAL 778.

6. APPROVAL OF MAYOR'S YOUTH TASK FORCE RECOMMENDED PROGRAM – HIGH SCHOOL GRANT:

Staff, supported by a recommendation from the Mayor's Youth Task Force, requests Council authorization to provide additional funding to the High School Counseling Program. It is conducted at two Burbank Unified School District (BUSD) high schools. If approved, the Family Service Agency of Burbank (FSA) will receive up to \$25,000 from the Youth Services Holding Account to fund an expansion of services on the two campuses, as proposed.

During Fiscal Year 2002-03, the Council directed staff to set aside \$500,000 of one-time funding to be utilized for teen services and programming. On February 15, 2005, the Council approved \$250,000 of one-time funding to replenish the account. With direction from the Council, the BUSD Board of Education, the Mayor's Youth Task Force, the Youth Board and the Teens In Action teams, staff continues to implement programs reflecting the solutions developed by youth. There is currently \$40,550 in this account.

Following the successful model of the Middle School Counseling Program, the Mayor's Youth Task Force recommended, and the Council approved, funding in the amount of \$50,000 on July 12, 2005 to provide services to include high school students. The High School Counseling Program began in September 2005 with a focus on 9th graders to allow for continuance of care for students in need as they graduated from middle school and transitioned into high school. Working cooperatively with the BUSD, FSA is the provider. Due to insufficient resources, FSA is limited in its response to the growing requests for services for the 10th, 11th and 12th grade students on the two BUSD high school campuses. FSA has provided a proposal to expand its services to better meet the counseling needs for older students on the campuses.

At its January meeting, the Mayor's Youth Task Force recommended the expenditure of \$25,000 from the Youth Programs Holding Account to expand high school counseling on the two campuses. It is anticipated that up to an additional 50 students will be served with this additional funding through August 31, 2006.

If approved, the remaining balance in the holding account will be \$15,550.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MAYOR'S YOUTH TASK FORCE RECOMMENDATION TO APPROPRIATE \$25,000 FROM THE YOUTH SERVICES HOLDING ACCOUNT TO THE HIGH SCHOOL COUNSELING PROGRAM TO FUND HIGH SCHOOL COUNSELING PROGRAMS.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

7. DENSITY BONUS AFFORDABLE HOUSING AGREEMENT – 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY:

The purpose of this report is to consider a request by Dan Moore, Trustee for Cheyenne Mission Trust, property owner, to enter into a density bonus affordable housing agreement with the City.

In May 2005, a Development Review application was submitted to construct a 35-unit, three-story, multi-family project at 1241, 1245, 1301, and 1305 North Hollywood Way. The application was deemed complete on June 15, 2005 and, therefore, the development was subject to the old multi-family development standards. The property is zoned R-4 and a maximum of 29 units may be built on this 22,000 square foot property. However, the applicant also requested a density bonus in accordance with the State of California density bonus law. The Community Development Director conditionally approved the Development Review project on October 3, 2005, contingent upon the developer complying with all multi-family regulations and upon the Council entering into a density bonus agreement with the property owner. Approval of the Development Review project is final and is not a subject of this report or agreement.

The developer has requested a 20 percent increase in the number of units in exchange for making 10 percent of the base units available for low-income tenants. The applicant has also requested to reduce the parking required by six spaces. In accordance with State density bonus law, the developer may receive a reduction in parking requirement without any findings being made.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE RESTRICTIVE COVENANT AND DENSITY BONUS AGREEMENT BETWEEN THE CITY OF BURBANK AND CHEYENNE MISSION TRUST FOR THE PROPERTIES LOCATED AT 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY.

8. REGULATION OF ELECTRONIC SIGNAGE:

At the Council meeting of March 1, 2005, a brief summary was presented regarding the City's regulation of blinking and flashing signage. At that time, staff was directed by the Council to prepare a detailed report on issues related to the regulation of electronic signage.

The Burbank Municipal Code (BMC) generally prohibits signs that blink, flash, move or regularly change. While the Sign Ordinance regulates these operational characteristics of signs, it does not generally address the materials used for signs. As such, the City would permit the installation of electronic message or light emitting diode (LED) signs that could be programmed to have blinking or flashing elements, contrary to BMC provisions.

The majority of information available regarding the regulation of electronic message and LED signs is in reference to their use in conjunction with billboards. Such is not applicable in this case since billboards are prohibited in the City. Neighboring cities either specifically address electronic message and LED signs in their sign regulations or, similar to the City, utilize regulations to prohibit blinking, flashing or moving signs.

Future regulation of electronic message and LED signs depends upon the Council's concerns. Electronic message and LED signs can result in code enforcement issues. The City prohibits signs from blinking, flashing or regularly changing in luminescent intensity. However, all electronic message and LED signs have the technological capability to blink, flash or move, and it is the responsibility of the business to ensure that the sign remain static. As the number of electronic signs in the City increases, so could the number of enforcement issues. While this concern can be addressed in the BMC, the Council may wish to prohibit electronic signs entirely to avoid potential enforcement problems.

Even without blinking or flashing, electronic message and LED signs are considered by some to have a negative aesthetic impact and may be considered a distraction to drivers. The signs typically have a wide array of colors, are very bright, and could be directed onto adjacent properties and public rights-of-way, potentially distracting drivers. Prohibiting electronic message and LED signs entirely would not only address the code enforcement issues detailed above, but eliminate negative aesthetic impacts and concerns about driver safety.

Whichever direction the Council wishes to pursue, staff recommends that the Sign Ordinance be amended to remove any ambiguity about electronic signs and the manner in which they are permitted.

Recommendation:

Staff recommends that the Council provide staff with further direction regarding the regulation of electronic signage.

9. STATUS REPORT OF CHANDLER BOULEVARD ONE-WAY PAIR OPERATION:

The Council directed staff to investigate the potential for modifying the existing traffic operation on Chandler Boulevard from two bi-directional streets to a one-way pair operation between Mariposa Street and Pass Avenue. Staff is providing information collected to date regarding technical issues associated with a one-way operation and initial public reaction.

A significant amount of the preliminary work has been completed on the technical issues associated with a one-way pair operation. Staff has studied traffic demand data and analyzed the potential impacts of the proposed modification. The public outreach component began by meeting with the Friends of Chandler Bikeway. In addition, public reaction has been garnered from the news media, telephone calls and E-mails. Although some expressions of support were offered, the public sentiment was overwhelmingly against the change to a one-way operation.

Recommendation:

Staff requests further direction from the Council on the scope and content of the Chandler Boulevard Operations Study.

10. ART INSTALLATION AT INTERSECTION FORMERLY KNOWN AS FIVE POINTS:

At the October 18, 2005 Council meeting, Mayor Vander Borcht requested that staff bring back a discussion of developing a gateway public art installation at the intersection of Burbank and Victory Boulevards and Victory Place, formerly known as Five Points. As a result of the two-step agenda process, staff was directed to institute an artist search with the assistance of an appointed Site Specific Art Committee, in lieu of the services of an art consultant, to select the piece.

The area of land available for an art installation is approximately one acre. It is not easily accessible to pedestrian traffic, however, it is very visible to motorists. Given the appropriate size of the potential art installation and the stated desire that it should be a gateway project, staff recommends that the Council consider \$150,000 be appropriated from the Public Art Fund. Staff also recommends that an additional \$150,000 be allocated from the Golden State Bond Proceeds. Staff will request the additional \$150,000 at a later time. The total appropriation for this major installation, once fully funded, would be \$300,000.

To move forward, a Site Specific Art Committee needs to be appointed. Since this project will have a close relationship to the Burbank Boulevard Beautification Streetscape Project, staff recommends that the Council consider appointing members of the existing Oversight Committee, representatives from the City Manager's Office, Community Development Department, Public Works Department, Parks, Recreation and Community Services Department and Landscape Architect. In addition, staff recommends appointing a representative each from the Heritage Commission and Art in Public Places Committee, and two representatives from the Burbank Boulevard business district. This is a large committee, but will afford continuity between the art installation and the beautification of the streetscape.

It is also staff's desire to obtain the Council's thoughts on general concepts which should be taken into consideration when selecting a proposal which would be brought back to the Council for approval.

The Public Art fund has a balance of \$583,125. If approved, \$150,000 will be appropriated from the Public Art Fund. In addition \$150,000 would be appropriated at a later time from the Golden State Bond Proceeds.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$150,000 TO THE ART IN PUBLIC PLACES ART FUND FOR THE ART INSTALLATION AT THE INTERSECTION FORMERLY KNOWN AS "FIVE POINTS".

11. PILOT LAND USE ENTITLEMENT VERIFICATION PROGRAM STATUS REPORT:

During the Fiscal Year (FY) 2005-06 Budget Hearings, the Council appropriated \$100,000 in funding to conduct a Pilot Land Use Entitlement Verification and Tracking Program. At that time, the Council also directed staff to report back at mid-year with a status report concerning the development and implementation of this program. The purpose of this presentation is to provide the pertinent information and a recommendation concerning the status of this pilot program.

The principal purpose of this pilot program is to provide follow-up inspections on land use entitlement conditions of approval primarily for Conditional Use Permits, Planned Developments, Variances and Administrative Use Permits. It has been both the Council's and Planning Board's opinion that since there has never been a formal inspection program for following through on land use conditions of approval, there exists an unknown, yet substantial, number of land use entitlements that are not in compliance with their conditions of approval.

Since the beginning of the program in August 2005, 100 different cases (addresses), which represent 120 entitlements from the years 2002, 2001 and a portion of 2000, have been reviewed. Of the 100 cases and 120 entitlements reviewed, 67 have eventually passed inspection, 18 previously-opened cases remain active, and 15 cases remain under observation. The 120 entitlements include: 83 Conditional Use Permits; 12 Variances; 9 Planned Developments; 14 Development Reviews; 1 Administrative Use Permit; and, 1 Zone Text Amendment.

Currently, staff has found 19 percent of the entitlements non-compliant with one or more of their conditions of approval. However, the entitlements currently being investigated are newer entitlements which have not been in existence long enough for there to be significant opportunity for business proprietorship or property ownership to change. Staff believes that as businesses and properties change ownership there will be more opportunity for entitlement conditions to fall by the wayside. Consequently, staff theorized that as the program moves into the entitlements from the 1990's, 1980's, 1970's and so on, the number of non-compliant land use entitlements will increase.

Recommendation:

Staff is currently making preliminary budgetary plans for continued funding of this program for Fiscal Year 2006-07. It is recommended that the Council direct staff to continue the program as designed, or make modifications. Staff further recommends changing the focus from inspecting current land use entitlements to inspecting previous land use entitlements.

12. FUNDING OPTIONS FOR QUIET ZONES:

The Council directed staff to investigate the potential options for the funding of Quiet Zones in Burbank, including the use of Redevelopment Agency funds. Staff is providing information on the probable costs and possible funding sources for a Quiet Zone.

The facilities and equipment needed for a Quiet Zone can be quite costly; and the approval process can require more than a year to complete, including project design, plan review and approval by the governing agencies. There are on-going studies or improvements scheduled for each of the at-grade crossings in Burbank. In addition, staff is in discussions with the railroad operators (Union Pacific {UP}, Southern California Regional Rail Authority{SCRRA}) and California Public Utilities Commission (CPUC) staff about our planned improvements to several of the grade crossings. These meetings may result in more detailed information about the applicability of Quiet Zones to our track system.

The estimated costs of Quiet Zones on each track in Burbank are based on expected improvements and costs provided by SCRRA and design consultants. Identified improvements to each crossing are as follows:

Buena Vista Street at San Fernando Blvd. – This at-grade crossing will become grade separated in the near future. Programmed improvements are minimal. They include blank-out turn prohibition signs, pre-signals in the southbound direction, median improvements and pavement markings. The improvements for this location are included in current projects. Estimated cost of the improvements is \$35,000.

Buena Vista Street near Vanowen Street – Improvements planned for this location include additional crossing protection gates for a quad gate system, new railroad crossing control system, a railroad cantilever signal system, medians, vehicle detection and widening of the Vanowen Street left-turn lane. SCRRA estimated costs are \$420,000, and other costs are \$65,000, for a total project cost of \$485,000.

Empire Avenue at Vanowen Street – The Federal Railroad Administration (FRA) safety calculation indicates that this crossing is currently below the national safety risk threshold (NSRT); however, it is likely that some improvements will be required by CPUC or the railroad through the diagnostic team meeting. Minimum improvements include an upgrade of the traffic signal, median improvements blank-out turn

prohibition signs, pavement widening, and sidewalk. Estimated costs for these improvements are \$200,000. Since this location is partially within the City of Los Angeles, they must approve all modifications to the crossing.

Pedestrian Crossings – The pedestrian crossings are not included in the FRA Quiet Zone evaluation, but it is likely that some improvements will be required to mitigate the sounding of the train horn. Although a diagnostic meeting with all involved parties will determine the specific modifications to these crossings, staff expects some type of pedestrian crossing protection similar to that used on the Gold Line in Pasadena to be required. The pedestrian crossing protection includes gates and signage, at an estimated cost of \$130,000 per location, or a total cost of \$520,000.

The total maximum cost of the proposed improvements is \$1.24 million. Actual costs, determined through a diagnostic team meeting, may be substantially lower. Approximately half of this cost is currently available in the Hazard Elimination Safety grant and current projects. An additional \$680,000 is needed to complete improvements to apply for a Quiet Zone. Potential funding sources include Federal-Aid At-Grade Highway-Rail Crossing Program, special Federal appropriations and Redevelopment Agency funds.

Recommendation:

Staff requests Council direction on the establishment of Quiet Zones in Burbank.

ADOPTION OF PROPOSED ORDINANCE:

13. SECOND READING OF AN ORDINANCE FOR THE FIRST AMENDMENT TO PLANNED DEVELOPMENT NO. 99-4 AND THE DEVELOPMENT AGREEMENT FOR THE MARRIOTT RESIDENCE INN, NORTHWEST CORNER OF FIRST STREET AND VERDUGO AVENUE:

The applicant requested an amendment to Planned Development No. 99-4 that was approved on January 25, 2000 for a 12-story full service Marriott Residence Inn hotel with 253 rooms and a five-story parking structure with 413 parking spaces. The amendment accommodated a reduction of: hotel rooms from 253 rooms to 166 rooms; hotel building height from 12-stories to four-stories; food preparation and eating area; meeting/conference rooms; parking to reflect the modifications to the project; and, the height of the parking structure from five-stories to a semi-subterranean garage located under the proposed four-story hotel. The applicant also requested that the Redevelopment Agency Board approve modification of the use restriction in the Modified Grant Deed recorded on August 28, 1998 to reflect the proposed project.

The purpose of this report is to confirm incorporation of the additional criteria required by the Council as part of a conditional approval of the First Amendment to Planned Development No. 99-4 for the Marriott Residence Inn on February 7, 2006, and also to provide the Council with copies of revised building plans submitted by the applicant.

This ordinance was introduced at the February 7, 2006 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING PLANNED DEVELOPMENT NO. 99-4 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 99-4 (MARRIOTT RESIDENCE INN -- APPLICANT: OLSON REAL ESTATE GROUP, INC., DBA R. D. OLSON DEVELOPMENT COMPANY).

RECONVENE the Redevelopment Agency and Parking Authority 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.

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City of Burbank's Web Site:
www.ci.burbank.ca.us**