

TUESDAY, APRIL 18, 2006

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 5:03 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Gordon.

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.

5:04 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:

Public Employee Performance Evaluation:

Pursuant to Govt. Code §54957 and 54957.6

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

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:40 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Father Khoren Habeshian.

Flag Salute The pledge of allegiance to the flag was led by Sharis Ghazarian.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Gordon, Ramos and Vander Borght.

Absent - - - - Council Members None.

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

301-1 Earth Day Mayor Vander Borght presented a proclamation in honor of Earth Day to Kreigh Hampel, representing the Burbank Recycle Center.

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301-1
Armenian
Genocide
Remembrance

Mayor Vander Borcht presented a proclamation in honor of Armenian Genocide Remembrance Day to Tamar Krekorian, Chair of the Genocide Remembrance Committee, Armenian National Committee (ANC) Burbank Chapter. Mrs. Krekorian introduced Dalar Abolian, a Burbank High School student, who recited the poem entitled "A Handful of Ash," by Armenian poet Siamanto. Mrs. Krekorian then announced the winners of the ANC-sponsored Arshile Gorky Art Award contest: Tatev Oganyan, Burbank High School, First Place; John Gutierrez, John Burroughs High School, Second Place, and, Alexander Goschin, John Burroughs High School, Third Place. Next, Mrs. Krekorian recognized the following winners of the Siamanto Literary Award: Erin Markaryan, John Burroughs High School, First Place; Adrian Butler, John Burroughs High School, Second Place; and, Nancy Chayaprasert, John Burroughs High School, Third Place. Mr. Butler read his winning essay. Mrs. Krekorian recognized Mathew Lutt, a John Burroughs High School teacher, for his support of the contests and made closing remarks.

Reporting on
Council Liaison
Committees

Mr. Campbell reported on the Environmental Oversight Committee meeting he attended.

Mr. Vander Borcht reported that together with Mr. Golonski they attended a meeting with Los Angeles Council Member LaBonge regarding the hybrid alignment of the Glendale-Burbank Interceptor Sewer Project. He also reported on attending a Metropolitan Transportation Authority (MTA) nomination meeting for a representative from the North Valley Sector to the MTA Board.

406
Airport Authority
Meeting Report

Commissioner Wiggins reported on the Airport Authority meeting of April 17, 2006. He reported that the Authority approved: the selection of a consultant for the design and construction document preparation for the Terminal B new in-line baggage inspection system; a contract for the HVAC duct cleaning for Buildings 9 and 10, and Terminals A and B; a helicopter flight instructor operating agreement with Helinet Aviation Services; and, a second lease extension with Million Air-Burbank. He also commented on a letter from the Airport Authority regarding withdrawal of the request to amend the Development Agreement.

Commissioner Wiggins also informed the Council that the Authority received notice that Southwest Airlines would add six operations a week to and from Oakland, Phoenix and Las Vegas, and starting May 3, 2006, Jet Blue would add an additional daily flight from Burbank to New York.

7:38 P.M.
Hearing
1702
Appeal of DR
2005-84 – Omer
Lane

Mayor Vander Borcht stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision to approve Project No. 2005-84 Development Review, as applied for by Mr. Varoozh Saroian, to construct a 15-unit, three-story, multi-family project at 1014 and 1018 Omer Lane. Project No. 2005-84 Development Review was approved by the Planning Board at its regular meeting of December 13, 2004. Council Member David Gordon appealed that decision."

There was Council deliberation on whether Dr. Gordon would participate in the hearing as an appellant or an unbiased decision maker. Pursuant to legal counsel recommendation and additional Council deliberation, Dr. Gordon decided to participate as an unbiased decision maker.

Meeting
Disclosures

Mrs. Ramos, Mr. Campbell, Mr. Golonski and Mr. Vander Borcht disclosed their meetings with the applicant and/or the applicant's representative.

Dr. Gordon indicated that he declined a request to meet with the applicant and his representative.

Notice Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that two pieces of correspondence in support of the project and a packet from the applicant were received.

Staff
Report

Mrs. Robinson, Contract Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to approve Project No. 2005-84 Development Review. She reported that the project is a 15-unit three-story multi-family project at 1014 and 1018 Omer Lane in an R-4 Zone. She added that the application was deemed complete on July 27, 2005 prior to the August 15, 2005 effective date of the new multi-family standards. She described the project which includes a 33-parking space semi-subterranean garage with access from Omer Lane, a landscape

interior, courtyard and building facades with architectural interest. She added that no Tract Map application has been filed to request that the project be considered for condominium purposes, although this could occur in the future. She also stated that the project meets all Code requirements.

Mrs. Robinson informed the Council that Omer Lane is dominated by one-story duplexes with one other property on the block having a second story. She added that properties across Spazier Avenue to the south are two and three floors above grade. She noted that the property was zoned for up to 22 units prior to August 15, 2005 and the current R-4 high density regulations would allow 12 units. She also stated that the current Code allows a three-story building and 70 percent lot coverage.

Mrs. Robinson reported that the Planning Board deliberated on the matter and following a traffic count analysis and review of alternatives to the garage design, the members voted 3-0 to deny the appeal. She then commented on the correspondence received and on the withdrawal of the appeals by Ms. Laura Dietz and Mr. Joseph Brown.

Mrs. Robinson added that Development Review approval requires the support of 10 findings including neighborhood compatibility, on-site landscape screening, and that the project characteristics are designed to preserve the character and integrity of the neighborhood. She also mentioned that the General Plan encourages and the Zoning Code allows for development that may not have yet occurred in an area but is intended to occur over time. She noted that this project may encourage additional redevelopment in an area where higher densities are encouraged by the General Plan and Zoning Code. She added that although 22 units and 70 percent lot coverage is permitted, the project proposed 15 units and 59 percent lot coverage. In contrast, she noted that the current Code allows 12 units and 70 percent lot coverage, with the same height and number of stories as proposed. In addition, she reported that the project is required to have 15 percent landscape coverage and 24 percent is provided, and whereas 14 trees are required, 46 are proposed. She noted that the proposed landscape provides an adequate buffer for neighboring properties. She further stated that the project is located at the head of the cul-de-sac near other multi-level multi-family buildings along Spazier Avenue and would have the least impact on the neighborhood's character. She

summarized that it is staff's assessment that the project meets Code requirements and that approval of the Development Review application can be made.

- Applicant Mr. Bowne, representing Bob Kunert, property owner and Varoozh Saroian, project architect, stated that the applicant has owned the property since 1991 and has been a Burbank resident for 50 years. He noted that the project was deemed complete prior to the adoption of the new multi-family development standards, and compared the Code's density, lot coverage and landscaping requirements to the proposed project. He mentioned that the subject site is in dire need of redevelopment and stated that neighborhood compatibility should be based on the development envisioned by the General Plan and Land Use Element. He requested the Council deny the appeal.
- Citizen Comment Appearing to comment in support of the project were: Rene Calderon; Jill Yeager; Patti Lake; Leslie Avery; and, Eddie Rubio.
- Commenting in opposition were: Mike DeJohn; La Verne Thomas; Rose Prouser; David Piroli; and, Denise Huffman, who commented in opposition to allowing traffic through to Spazier Avenue.
- Rebuttal by Appellant Mr. Bowne made rebuttal comments with regard to providing traffic access to Spazier Avenue and the traffic count analysis, and noted that several Omer Lane residents are in favor of the project.
- Rebuttal by staff Mrs. Robinson responded to public comment with regard to: the length of Omer Lane; release of the Draft Transportation Element; and, consideration of the project for apartment use at this time.
- Mr. Golonski requested clarification with regard to construction hours and construction mitigation measures.
- Dr. Gordon requested the Council consider the project from a land use perspective. He noted that this is the first project on Omer Lane with an R-4 density, with an additional eight lots on the street all zoned R-4. With aid of an aerial photograph,

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he illustrated the potential traffic impact of the proposed project, noting that the area is already inundated with traffic impacts. He noted that if the lots on Omer Lane were assembled, they would be eligible for 68 dwelling units with approximately 457 daily vehicle trips. He noted that the traffic and access impacts would pose public safety issues and stated that the project is not compatible with the existing neighborhood.

Mrs. Ramos inquired as to how many units would be permitted under the current R-3 standards with a density bonus. She suggested downzoning the area to an R-3 Zone considering the parking and circulation issues.

Mr. Golonski noted that although the project's application was deemed complete prior to the effective date of the current density standards, the project is still subject to the compatibility finding. He noted that the project is out of character with the neighborhood and suggested scaling the project back.

Mr. Campbell requested clarification with circulation issues and stated that while he encourages revitalization of the area, the project as proposed is too dense for the area.

Mr. Vander Borcht recognized density, compatibility and circulation issues and stated he would only consider the project for condominium uses. He also supported downzoning the area to R-3 and noted that while he would have preferred a less dense project, the proposal is Code compliant.

Mr. Golonski noted the challenge of approving this project at an R-4 density and then downzoning the rest of the properties. He suggested coming up with a solution that works for all property owners on Omer Lane and one that is compatible with the long-term needs of the community. He suggested the project be denied without prejudice to provide the applicant with an opportunity to return with a revision without submitting a new Development Review application.

Hearing
Closed

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

Motion

It was moved by Dr. Gordon and seconded by Mr. Golonski and

carried that "the City Attorney be directed to prepare a resolution approving the appeal and denying the Planning Board's decision to approve the project, without prejudice."

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 Borcht called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Cynthia Cavanaugh, representing the Animal Shelter Volunteers, in support of hiring an additional Kennel Attendant at the Shelter; Paul Stump, on a request for a second dwelling unit permit at 1513 North Catalina Street; Mark Barton, on Code enforcement issues; Bill Nelson, announcing a monthly screening of a documentary at McCambridge Park; Theresa Karam, on a development in her North Hollywood neighborhood; Paul Dyson, on Airport parking issues, the lack of City representation at the Metropolitan Transportation Authority's Sector meeting and distributing a proposal to extend the Orange Line; LaVerne Thomas, in support of the Council's decision on the Omer Lane appeal hearing, the demolition on the NBC Catalina property and oral communications criteria; and, Esther Espinoza, on minority issues.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borcht called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Don Elsmore, on Airport closed session issues; Esther Espinoza, on the Omer Lane appeal hearing; and, David Piroli, on the Airport Authority letter regarding amending the Development Agreement and on the Noise Working Group.
Staff	Members of the Council and staff responded to questions

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Response raised.

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

102-1 RESOLUTION NO. 27,217:
Microsoft A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Enterprise APPROVING THE MICROSOFT ENTERPRISE AGREEMENT
Licensing Agmt. BETWEEN THE CITY OF BURBANK AND MICROSOFT
LICENSING, GP.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos and Vander Borght.

Noes: Council Members None.

Absent: Council Members None.

Abstain: Council Member Campbell.

1202-6 Ms. Stewart, Downtown Manager, Community Development
Downtown Department, reported that as part of the Redevelopment
Burbank Agency's efforts to improve the Downtown, the Agency
Partnership initiated the formation of a Property-Based Business
Landscape Improvement District (P-BID), which is now formally called the
Program Downtown Burbank Partnership, Inc., to fund a variety of
improvements in partnership with the downtown property
owners. She stated that in addition to marketing, events and
maintenance, specific capital improvements that are proposed
for Downtown include: smart parking; wayfinding signage;
street/paseo upgrades; and, holiday decorations.

Ms. Stewart reported that the P-BID Board and staff have worked with the landscape architectural firm Bennitt and Mitchell to develop an updated streetscape/landscape plan. The plan will upgrade the north and south areas of Downtown known as the Mall and Village Districts. She added that the P-BID Board has approved the plan and \$417,000 for project funding. She noted that the goal of the proposed landscape plan is to update the area, add color and eliminate some of the heavy concrete look that is throughout Downtown. She further explained that the new landscape proposal includes eliminating the concrete seating walls in the middle of the blocks and adding other benches and landscaping.

Ms. Stewart informed the Council that since this work will be

paid for by the P-BID, but performed on City property, it is proposed that the City manage the bidding process and the actual project. Furthermore, since the streetscape program will be on City right-of-way, prevailing wages will be required to be paid to contractors for this project. She also stated that staff would return to the Council for the award of the contract and consideration of an agreement with the Downtown Partnership to fund the project, which has an estimated completion date of fall 2006.

Motion It was moved by Mr. Golonski, seconded by Mrs. Ramos as carried that "the Council approve the proposed Downtown Burbank Streetscape Plan and direct staff to proceed with obtaining bids."

911
Waiving
Confidential
Memo Regarding
The GBIS

Mr. Barlow, City Attorney, reported that at the April 4, 2006 meeting, Council Member Gordon requested that a legal memorandum confidentially provided by the City Attorney's Office to the Council regarding the City of Los Angeles' proposed Glendale-Burbank Interceptor Sewer (GBIS) Project be made public. He noted that pursuant to the Council's policy, no additional work has been done on this issue and if the Council decides to consider making this memorandum public, the matter will be placed on a future agenda for final action. He stated that due to the nature of the correspondence, staff does not recommend making the memorandum public.

There was no Council consensus to waive the confidentiality of the memorandum. The report was noted and filed.

Final Open
Public Comment
Period of Oral
Communications

Mr. Vander Borght called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were Don Elsmore, on Airport closed session issues and Rose Prouser on the Charter Review Committee public hearings.

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 10:59 p.m. in memory of all victims

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of genocide.

Margarita Campos, CMC
City Clerk

APPROVED MAY 30, 2006

Mayor of the Council
of the City of Burbank