

Community Development Department

October 24, 2005

A regular meeting of the Planning Board of the City of Burbank was held at the City Council Chambers on the above date. Chair Thomas called the meeting to order at 6:00 p.m.

INVOCATION Mr. Humfreville gave the invocation.

FLAG SALUTE Mr. Jackson led the flag salute.

ROLL CALL

Members Present

Mitchell Thomas, Chair
Dan Humfreville, Vice-Chair
Greg Jackson
Emily Gabel-Luddy
Margaret Taylor

Also Present

Mary Riley, Sr. Asst. City Attorney
Greg Herrmann, City Planner
Ruth Davidson-Guerra, Asst. Community Dev.
Director-Housing & Redevelopment
Joy Forbes, Deputy City Planner
Roger Baker, Deputy City Planner
Tom Lim, Principal Plan Check Engineer
Rabie Rahmani, Principal Civil Engineer
David Starr, Fire Marshal
Jeremy Ochsben, Senior Planner

APPROVAL OF MINUTES Ms. Taylor moved to approve the minutes of September 12, 2005, seconded by Ms. Gabel-Luddy, carried by a vote 5-0.

September 12, 2005 & September 26, 2005 Ms. Gabel-Luddy moved to approve the minutes of September 26, 2005, as amended by the Board, seconded by Ms. Taylor, carried by a vote 5-0.

EXPLANATION OF PROCEDURES Chair Thomas reviewed the Planning Board procedures to the audience.

ADOPTION OF RESOLUTIONS

1. Project 2005-116 Conditional Use Permit (211 S. Lake Street) The purpose of this report is to consider a request by Community Chevrolet for a conditional use permit for the establishment of an indoor automobile display area in an existing industrial building at 211 South Lake Street in the BCCM zone.

The project has been determined to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines pertaining to modifications to existing facilities with negligible or no expansion of use.

Staff Report
Jeremy Ochsben Mr. Ochsben presented this item to the Board.

Board/Staff Q&A Mr. Ochsben confirmed for Mr. Jackson that auto repair is not proposed for the facility.

Applicant Mr. Hastings stated that Community Chevrolet has been in Burbank for over 45

- Presentation** years and have over 100 employees. He said the proposed expansion will help accommodate the company's growth and allow for the consolidation of vehicle storage into one location.
- Michael Hastings
- Board/Applicant Q&A** Mr. Hastings told Ms. Taylor that they have not received any calls or correspondence about the project from adjacent or nearby neighbors. He explained to Chair Thomas that there will be no PA systems installed on the site.
- Public Testimony** None
- Board Deliberations** Mr. Jackson suggested possibly adding conditions of approval that prohibit auto repair and the installation of PA systems.
- Mr. Jackson moved to add Condition of Approval No. 16 restricting auto repair from the site and prohibiting the use of PA systems, seconded by Ms. Taylor.
- In terms of the auto repair restriction, Ms. Taylor suggested amending COA No. 1. to include auto repair as a restricted use and amend COA No. 16 to prohibit the use of PA systems. Mr. Jackson approved the amendment, seconded by Ms. Taylor, carried by a vote 5-0.
- Mr. Jackson thought it was an appropriate use of land and was supportive of the project.
- Ms. Taylor thought it was a respectful and reasonable request. She supported the findings proposed by Staff.
- Ms. Gabel-Luddy and Mr. Humfreville concurred with their colleagues.
- Motion** Ms. Taylor moved to approve Project 2005-116 subject to conditions of approval as amended by the Board and adopt the relevant resolution, seconded by Mr. Jackson, carried by a vote of 5-0.
2. Marriott Residence Inn (First Amendment to Planned Development No. 99-4 & Development Agreement The purpose of this report is to consider a request by R.D. Olson Company to amend Planned Development 99-4 and the Development Agreement for construction of a smaller Marriott Residence Inn. Approval of this amendment of PD 99-4 would allow the total number of hotel rooms to be reduced from 253 rooms to 162 rooms, the height of the hotel structure to be reduced from twelve stories to four stories, and the five and one-half level garage structure that contained 413 spaces to one level of semi-subterranean garage with 160 parking spaces.
- The proposed project is significantly smaller than the original project, however, new air quality standards have been developed during the five (5) years since the original Negative Declaration was prepared and approved, therefore a Mitigated Negative Declaration (MND) was prepared pursuant with the California Environmental Quality Act (CEQA), State Guidelines Section 15164, for the proposed amendment to PD 99-4. The new MND prepared for the proposed project

indicates that the project will not have any significant effects on the environment.

Staff Report
Roger Baker

Mr. Baker presented the item to the Board.

Board/Staff Q&A

Mr. Baker confirmed for Ms. Taylor that the striping requirement for the original project was retained. Mr. Rahmani further described the projects original mitigation measure as including the installation of left-turn phasing at Verdugo Ave. and S. First Street, confirming it has also been retained.

Applicant Presentation

Robert Olson,
President, RD Olson
Development

Clare Look-Jaeger,
Linscott, Law &
Greenspan

Mr. Olson provided a slide show presentation for the Board. He described the hotel's average room size and amenities. In terms of the parking study, he stated the demand for the subject site is 139 spaces and the hotel will be providing 160 spaces. He compared the original plan with the proposed revisions noting the new plan is less impacted by the freeway due to the height of the building and placement of rooms. He commented that the exterior has a boutique look and in reviewing the landscape plans pointed out the center courtyard area, swimming pool and sport court area. Mr. Olson reviewed pedestrian and traffic circulation in and around the site. He then provided descriptions of the hotel room layouts and décor.

Board/Applicant Q&A

The Board raised questions regarding hotel operations, guest services and parking:

Mr. Olson told Mr. Humfreville that RD Olson Development is a franchised owner and that Marriott operates the hotel. He explained to Ms. Gabel-Luddy that a van will be located on-site for guest transportation to airports and Burbank locations. Mr. Olson explained to Chair Thomas that PKF conducted research that confirmed the Burbank market would not support the development costs required for a full-service hotel at the subject site. He then reviewed the hotel's ingress and egress for Chair Thomas.

Ms. Look-Jaeger reviewed the revised parking study for the Board. She mentioned that similar uses were surveyed during the study as well as peak demands. It was noted that the restaurant was ancillary to the hotel and therefore no additional parking would be required. It was concluded that the weekday and weekend peak parking demand for the project was determined at 139 spaces.

Ms. Look-Jaeger confirmed for Mr. Jackson that 139 spaces were derived by incorporating the calculation of 0.86 spaces per room for 162 rooms. She noted that employee parking was included in the calculation. She explained to Chair Thomas that with a longer length of stay, there are fewer inbound/outbound trips thus reducing the parking demand. She confirmed for Ms. Taylor that the extended stay uses surveyed overall had a reduced parking demand and the proposed project would result in lower trip generation compared to the prior project.

Public Testimony
Mike Nolan

Mr. Nolan stated that Burbank hotels are highway oriented. He said most people who stay at extended stay hotels rent a vehicle and noted that parking should dictate future activities.

Roobik Ovanesian Mr. Ovanesian said he has brokered extended stay hotels for his development business. He said Burbank and Glendale are sites that have a large demand for the use. He noted that people who use extended stay hotels come in groups for work or educational purposes and tend to use shuttles so parking demand is less. He was supportive of the project.

Response to Public Testimony Mr. Olson reiterated that studies consistently reveal that people staying at the hotel come in groups and carpool.

Board/Staff Q&A The Board raised questions/concerns regarding the project's original entitlements, deed restrictions, parking and the I-5 freeway expansion:

Mr. Baker reviewed for Ms. Taylor the project's original entitlements and the applicant's current request. In terms of the restaurant limitations, Mr. Baker told Ms. Taylor that the condition could be reworded to limit service to breakfast only.

Mr. Baker confirmed for Mr. Jackson that the site was a redevelopment project area with a deed restriction for the development of a full service hotel with amenities. He noted that before the City Council hearing, the applicant will need to ask the Redevelopment Agency for modifications to the deed restrictions. Ms. Davidson-Guerra told Mr. Jackson that the proposed project is a productive use that generates revenue for the City and is acceptable with Redevelopment's vision for the downtown area. In terms of parking, Ms. Look-Jaeger explained for Mr. Jackson that the Holiday Inn Hotel across the street from the subject site was not included in the parking study analysis. Discussion then revolved around the future expansion of the Golden State Freeway near the subject site. Mr. Herrmann noted that Caltrans has not identified any need for acquisition of additional right-of-way in the subject site proximity.

In terms of parking, Chair Thomas suggested the project might utilize valet parking as a mitigation measure.

Board Deliberation Ms. Taylor stated that the project has reduced dramatically in size while still retaining the original mitigation measures and thought the parking provided will be adequate. She said the extended stay use diversifies the type of hotel uses in the City and is appropriate for the urban downtown area. She thought the reduction in height ensures the use is less likely to become a freeway oriented use. Ms. Taylor recommended adding a condition of approval stating the restaurant buffet should be limited to the serving of breakfast only. She then suggested Staff contact the City of Glendale to conduct research on their extended stay hotels in terms of meeting facilities, restaurants uses and parking. Overall, Ms. Taylor supported the request.

Ms. Gabel-Luddy said the reconstituted project makes sense. She noted the surrounding uses are commercial, it is not in a residential area and is not analogous to Graciela. She said the parking study is reasonable, the shuttle service is important and the location is appropriate. She was supportive of the project.

Mr. Humfreville concurred with Ms. Gabel-Luddy. He said the project redevelops a challenging site that has been left vacant for many years. He believed the parking supported the use and the rendition to the project was architecturally attractive. He was supportive of the request.

Mr. Herrmann pointed out that the shuttle service was not currently listed as a condition of approval. He then described the shuttle service that is run by the City noting it runs past the subject site and circles the downtown area.

Mr. Jackson thought the request reasonable. He said adding a condition for the shuttle service might be a good idea and helps mitigate the parking. He was supportive of the modification to the project.

Chair Thomas thought the project's proximity to the freeway was an asset. He reiterated the site has been vacant for many years and thought the proposed use consistent with land use in the area. He noted the extended stay located at the Empire Center could be included in Staff's continuing research on extended stay hotels. Mr. Baker noted the hotel located at the Empire Center has one parking space for every room and contains some of the amenities of the proposed project. Chair Thomas suggested adding a condition of approval that states the operator of the hotel shall offer a complimentary shuttle during reasonable business hours to guests. He was supportive of the project.

In terms of parking requirements, Ms. Taylor noted there isn't a lot of evidence to show the parking is inadequate. Mr. Humfreville reiterated the restaurant use will be limited to breakfast and for guests only and therefore will not be adding to the parking demand. Ms. Gabel-Luddy suggested these points be included in the findings.

Mr. Baker noted the applicant was comfortable adding a condition of approval requiring a shuttle service as well as modifying the food restriction to breakfast only.

Motions

Ms. Taylor moved to amend COA F1 to read "... breakfast only buffet style food service...", seconded by Ms. Gabel-Luddy, carried by a vote 5-0.

Ms. Taylor moved to add a COA stating the hotel shall provide complimentary shuttle service to guests, seconded by Mr. Humfreville, carried by a vote 5-0.

Ms. Taylor moved to recommend that the City Council approve the First Amendment to Planned Development No. 99-4 and relevant Development Agreement and Mitigated Negative Declaration subject to conditions of approval as proposed by Staff and amended by the Board and adopt the relevant resolution, seconded by Ms. Gabel-Luddy, carried by a vote of 5-0.

3. Project 2003-4
(Inclusionary Housing
Ordinance) Zone Text

The purpose of this report is to consider a zone text amendment regarding the requirement to provide affordable housing within new residential development projects and for the Planning Board to make a recommendation to the City Council

Amendment & Project
2005-157 (Density
Bonus Ordinance)
Zone Text Amendment

on the proposed ordinance. A second ordinance will also be considered which codifies existing state law which allows a density bonus for affordable housing projects. Because of the similarity between the ordinances, they are being presented together. However, the Board may take separate actions on each ordinance.

A Negative Declaration was prepared for these two ordinances. Adopting the ordinances and projects which meet the requirements of the ordinances will not have a significant adverse impact on the environment. Each project will also be subject to environmental review as appropriate.

Staff Report

Joy Forbes

Ms. Forbes presented the item to the Board.

Public Testimony

Roobik Ovanesian

Mr. Ovanesian stated his company, Crown Brook Realty Corp, specializes in development projects. In terms of the in-lieu fee, he said that the City of Glendale cut their fee's in half to encourage development in their redevelopment project area. He noted that when calculating the fees, the developer's profit margin should be excluded. In terms of the review period, he suggested a two or three year time frame should be used. Mr. Ovanesian stated that the goal of inclusionary is to produce units and that objective would be better served if the developer had the option to buy an existing building with lower financing and use the rest of the money to rehab it.

Board/Staff Q&A

Ms. Forbes reviewed for Ms. Gabel-Luddy the various representatives in the focus "stakeholders" group meetings and the Blue Ribbon Task Force. She then listed ordinance changes that resulted from the focus group meetings. Ms. Forbes confirmed that Staff would initially hire a consultant to analyze ProFormas submitted by developers. She then described the data analyzed as the basis for developing the tiering system.

Ms. Kathe Head, Consultant, Kayser Marston stated she prepared the in-lieu fee analysis. She reviewed for Ms. Gabel-Luddy the fees that Santa Monica and Pasadena have implemented and then described how the in-lieu fee was calculated for Burbank noting it is based on the affordability gap.

Ms. Forbes told Mr. Humfreville that the Inclusionary Housing Ordinance applies to new construction only. She concurred that the ordinance should allow for the covenant to change from renter to owner and suggested that be added to the ordinance.

Ms. Head explained to Ms. Taylor that the density bonus law is now coupled with a law that states local jurisdictions cannot reduce densities. She noted that Burbank densities were reduced prior to the new law. Ms. Forbes commented that Staff believes the affordable units should be built at the same time as the market rate units. Ms. Forbes then reviewed the different affordable housing options developers have. She noted the easiest and quickest option is a mixed income project that qualifies for Development Review. Another option is the substantial rehabilitation option. She noted that the land donation option and the in-lieu fee

option are the most difficult and time consuming because the City would rather see affordable housing integrated with market rate units. Discussion then revolved around neighborhood compatibility and Ms. Forbes noted current code now enables Staff to address more specific design standards. Ms. Forbes then reviewed the recent density reductions for Mr. Jackson.

Ms. Forbes reviewed for Chair Thomas the family low and moderate income rate requirements and summarized the public noticing procedure that took place in regards to the subject hearing. She then confirmed that Glendale adopted a similar ordinance for their South San Fernando redevelopment project area. Ms. Head summarized Santa Monica's rent control and inclusionary housing ordinances noting that their inclusionary ordinance is a fee based program and their units are all provided off-site. She then described Pasadena's tiered system and the impacts it has to various communities there especially in the downtown area.

Ms. Forbes stated to Mr. Humfreville that affordable units can be redesignated in a housing complex should an occupant's income rise above the requirement. In terms of ownership, she noted the benefit is preserved and when the owner sells, he is required to sell the unit at the affordable housing rate as mandated by the covenant.

Discussion then revolved around Los Angeles in terms of their current position regarding the Density Bonus Law and Inclusionary Housing Ordinance.

In terms of city-wide implementation of inclusionary housing, Ms. Davidson-Guerra noted to Chair Thomas that the Redevelopment Agency is assisting in mixed-income focus neighborhoods in terms of rehabilitation projects and achievement centers. She then reviewed the agency's rehabilitation program noting financial assistance is provided in exchange for a covenant to provide affordable housing.

Board Deliberation

Ms. Gabel-Luddy stated she was supportive of Staff's proposal. She thought the square footage fee should go forward in order to meet the objective to fund the gap and produce affordable housing. She noted reservation with Staff's allowance of the option to rehabilitate existing residential rental properties and said reuse of commercial/light manufacturing properties better reaches the goal of expanding the number of dwelling units. In terms of public testimony, she stated that should City Council receive public opposition to the proposal, she would like Council to remand the matter back to the Board for consideration of the objections.

Ms. Taylor suggested that language in the ordinance be very clear in terms of stating that through the goal of increasing the number of affordable units in Burbank, density will increase and as a result some communities will change in character. In terms of public opposition, Ms. Taylor concurred with Ms. Gabel-Luddy's suggestion to allow the Board consideration of objections received by Council.

Mr. Humfreville thought it interesting that Burbank would be the first to have city-wide inclusionary zoning. He noted concern with the possibility of the ordinance setting up a preference for people to maintain income levels that qualify them for assistance noting that free market forces will often propel people forward in pursuance of higher educations and advancements in employment.

Mr. Jackson stated developers should not have to shoulder the burden of providing affordable housing in addition to the many charges and mitigations that are already placed on them. He thought the Redevelopment's allocation of resources should be reanalyzed. Additionally, Mr. Jackson suggested that a tax be imposed to assist with the City's need for affordable housing and the people would then be able to vote on the matter.

Chair Thomas stated that by adding the cost of affordable units to developers, it will result in an increase to the cost of the remaining units. He raised concern that this will displace those of a particular income, such as nurses, because they will be just above the qualifying amount for affordable units but unable to buy in Burbank at market rate. He suggested implementation of a scale that allows a particular amount of credit for different amounts of income as a better solution. He also thought the rehabilitation of existing units was important.

Ms. Gabel-Luddy stated that the people who would be benefiting are from the service sector. She noted that the value of land and the market has outstripped the income level of the people who are trying to get a foot on the ladder of economic advancement. She said that developers will not shoulder the cost because it will be passed onto the consumer of the housing.

Ms. Taylor stated that Burbank is at risk of losing its middle class. She noted that the service sector of the Bay area cannot afford to live in the region of San Jose. She said she was glad that modifications were made to the ordinance based on the feasibility studies. She supported the ordinance as is.

Ms. Forbes confirmed for Mr. Humfreville that Staff is prepared to have the Inclusionary Housing Ordinance revoked should housing prices become in line with moderate income levels. Ms. Head noted that the county median income has not changed since the year 2000 while the cost of housing has risen by several hundred percent. She stated the gap is too large and it is not likely housing prices will come down to affordable levels for a moderate income base. She told Chair Thomas that economics are stronger for development of ownership housing and as sales prices level and fall, rental development will become a more viable option.

Motions

Ms. Taylor moved that ZTA 2003-4 and Project 2005-157 ZTA be recommended for approval by the City Council as proposed by Staff and the relevant resolutions be recommended for adoption, seconded by Ms. Gabel-Luddy, motion denied 3-2.

In terms of density bonus, Ms. Forbes stated the ordinance confirms that Burbank is adopting the state law and it defines the implementation regulations and specifies

the tiering of concessions.

Ms. Gabel-Luddy moved to reconsider the motion insofar as it addresses the Density Bonus Ordinance, seconded by Ms. Taylor, carried by a vote 5-0.

Mr. Humfreville moved to consider the Project 2005-157 ZTA be recommended for approval by the City Council as proposed by Staff and the relevant resolution be recommended for adoption, seconded by Ms. Taylor

In terms of the Density Bonus Ordinance, Ms. Forbes told Mr. Jackson that the determinations granting concessions, as required under state law, would be executed at the Staff level. Ms. Riley noted that because the density bonus concessions are required by law, the public would not be able to appeal the concessions.

Chair Thomas called for the question, motion carried 5-0.

**ORAL
COMMUNICATIONS**

Mike Nolan

Mr. Nolan said he was upset that the Board had an opportunity to split the question and chose not to. He then discussed the topic of freeway orientation and said the Holiday Inn was successful because it allowed people to avoid the congestion of the 134 Freeway. He said people don't come to hotels for conferences, they come to sell things. He then raised concern regarding parking at extended stay hotels.

**ITEMS FROM
THE BOARD**

Ms. Gabel-Luddy stated she attended an excellent conference called Latino New Urbanism, A Project Of The Transportation/Land Use Collaborative. She volunteered to provide information to Staff and the Board should they be interested.

Mr. Humfreville noted that he will be attending the inaugural RACI meeting on October 26, 2005.

Mr. Jackson commented on the completion of the Burbank bridge widening project and noted it was a dramatic improvement.

**ITEMS FROM THE
CITY PLANNER**

Mr. Herrmann noted that Staff would soon bring to the Board a report regarding a ZTA on establishing a CUP process for parking.

ADJOURNMENT

10:35 p.m.

Respectfully Submitted,

Greg Herrmann