

TUESDAY, FEBRUARY 20, 2007

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 6:36 p.m. by Mr. Campbell, Mayor.

- Invocation The invocation was given by Pastoral Intern Dave Cameron, First Presbyterian Church.
- Flag Salute The pledge of allegiance to the flag was led by Boy Scout Troop 104.
- ROLL CALL
- Present- - - - Council Members Golonski, Gordon, Vander Borght, Ramos and Campbell.
- Absent - - - - Council Members None.
- Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
- Council
Comments Mr. Campbell reported on attending the Environmental Oversight Committee meeting with Dr. Gordon.
- Mr. Vander Borght reported on attending the Audit Committee meeting with Mrs. Ramos.
- Dr. Gordon also reported on the Environmental Oversight Committee meeting.
- 406
Airport Authority
Report The Airport Authority Report was postponed to a future date.
- 6:53 P.M.
403
Public Hearing
Shopping Cart
Containment
Ordinance Mayor Campbell stated that "this is the time and place for the hearing on the shopping cart containment ordinance. Staff has requested that this hearing be continued to March 20, 2007."
- Motion It was moved by Mr. Golonski, seconded by Mrs. Ramos and carried that "the hearing be continued to March 20, 2007."
- 6:54 P.M.
602
Cont. of
Public Hearing
Project No. 2006-
105,
Whole Foods Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision denying Project No. 2006-105, a Variance request for the front, side and rear setbacks and a Conditional Use Permit for type 21, 41, and 42 alcohol licenses. The Variance was denied by the Planning Board on October 23, 2006. This public hearing was opened on February 6, 2007 with presentations by staff and the applicant and comments from the public. The public comment portion of the hearing was

closed and the City Council deliberated the merits of the proposed project and necessary findings for the Variance, Conditional Use Permit and Development Review and the benefits of having a smaller footprint. The matter was continued to February 20, 2007 and staff was directed to work with the applicant to develop reduced footprint alternatives that would be more compatible with the neighborhood.”

Meeting
Disclosures

Mrs. Ramos stated that she met with the project applicant and his representatives together with Mr. Vander Borght.

Mr. Campbell stated that he met with the project applicant and his representatives.

Mr. Golonski stated that he had a brief phone conversation with the project representative but declined to meet.

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that since the last hearing on February 6, 2007, the City Clerk’s Office received 57 pieces of correspondence in opposition to the project; 73 in favor, seven pieces of correspondence of a general nature and a DVD of a KCET program.

Staff Report

Mrs. Forbes, Deputy City Planner, Community Development Department, reported that on February 6, 2007, the Council requested the applicant reduce the size of the project and respond to several comments made by the Council. She reported that the applicant has reduced the size of the project by 7,200 square feet to a 52,340-square foot Whole Foods Project. She added that the applicant is now proposing to meet Code-required setbacks for the Rancho Commercial Zone which are 25 feet on Main Street and Alameda Avenue, 10 feet on the interior side yard and five feet on the rear yard. She added that the applicant is also proposing to implement a neighborhood protection device on Valencia Avenue to help prevent cut-through traffic. She noted that the previous proposal had the neighborhood protection device as a requirement if warranted, but the revised Conditions of Approval require it to be implemented prior to the store opening. She also stated that the condition for the neighborhood protection program for the other residential streets was changed to allow the neighborhood up to four years rather than two, to determine what measures they want to implement and require the developer to pay. She also added that the driveway widths were increased as well as the ramp widths and stacking distance inside the parking garage. Also, the number of parking spaces was reduced, but a five-per-thousand Code-required parking ratio was maintained.

Mrs. Forbes informed the Council that a California Environmental Quality Act (CEQA) analysis performed on the previous project is still valid. She noted that the changes do not create any new significant impacts and likely reduce impacts, yet all conditions and mitigation measures are proposed to remain the same. She noted that the net new daily trips are reduced from 4,854 to 4,170 and the peak hour trips are also reduced. She added that a revised resolution with revised Conditions of Approval has been provided to the Council and public and a redlined version has been provided as well. She stated that staff was able to make the findings for approval of the Conditional Use Permit for alcohol sales and the Development Review for the project and continues to recommend Council approval of the project.

Public Hearing
Re-opened

The Council concurred with re-opening the public hearing with a time limit of two minutes per speaker.

Applicant

Mr. Hastings, Principal of Direct Point Advisors, representing the applicant, presented the revised Whole Foods Project with considerations of the Council's suggestions. He informed the Council that the size of the store has been reduced to 52,340 square feet; substantial changes were made to the garage such as widening all ramps, main drive aisles and ramp widths and in addition, a 30-foot wide driveway on Alameda Street and 20-foot wide driveway on Main Street were provided; the height of the entire deck has been lowered to bring the project closer to ground level for a much more pedestrian-friendly project; traffic calming measures for Main Street and Valencia Avenue will be funded and operational by the time the store opens; other traffic calming devices funding has been extended from two to four years; and, the request for variances has been eliminated for all site setbacks.

Mr. Davies, applicant, elaborated on the changes and clarified that the sales area of a Whole Foods is much lower than its competition due to the requirement for a larger preparation area. He anticipated that the proposed store would be approximately 34,000 square feet of sales area as opposed to approximately 45,000 for the Pavilions across the street. He also noted the reduction in trips by 684 cars per day based on a 20 percent pass-by rate or 1,466 cars per day based on a 35 percent pass-by rate. He also clarified that the Alameda Avenue ramp will be 30 feet wide and the Main Street ramp will be 28 feet and commented on the drive aisles, stacking distance and customer-friendly parking design with a single-loaded drive aisle off of Alameda Avenue. He also reiterated the provision of funding for a traffic calming device on Valencia Avenue and Main Street as a strong deterrent for cut-through traffic and stated that egress from the Main Street driveway will be

restricted to right or left turns only. He added that the project has been brought into compliance with the City's Zoning Codes for the property. He stated that Whole Foods management estimates that over 5,000 customers leave Burbank and shop in other locations and the tax revenues from this store will provide additional funds for the City. He also stated that the store will result in the reduction of traffic traversing the City to reach the Glendale or Sherman Oaks store and requested the Council consider the revisions submitted.

Citizen
Comment

Appearing to comment in support of the project were: Nicholas Moran; Cheri Didear-Loomis; Ray Loomis; Bobby Banks; Linda Rosoff; Lew Stude; John Penney; India Penney; Alexandra Helfrich; Leslie Smith; Brian McGovern; Beverly M. Coleman; Linda Bass; Gail Just; Al Leifer; Denise Forlizzi; Susan Wolfson; Russell Brown; and, Kate Cannon.

Commenting in opposition to the project were: Allan Franklin; Gael MacGregor-Walsh; Marva-Lea Kornblatt; Bart Giovannetti; Esther Barr; Noreen Reardon; Nancy Sherwood; John Chipman; James Sherwood; Janice Mokhefi; Lois Westphal; Rev James Hunter; Darlene Anam; Sam Anam; Ileana Miller; Patrick McHugh; Hilde Hakl; Anne Peralta; Tase Evans; Davida Oberman; William Luddy; Emily Gabel-Luddy; Roman Gora; Bill Smith; Mary Schindler; Michelle Feather; Susan O'Carroll; Cathy Christel; Rose Prouser; Leah Brandon; John Bresee; Eden Rosen; Rosalie Salvato; David Piroli; Jon Salomon; Esther Espinoza; and, Kandace Soderstrom.

Rebuttal
Comments

Mr. Hastings made clarification with regard to: providing on-site employee parking; pending approval of the revised plans by the Whole Foods Corporate Office; stated that the traffic study peer review and staff review have not changed; elaborated on the proposed restaurant use inside the store; stated that the budget for the traffic calming measures is being maintained as originally proposed; mentioned that the proposed building is only 6,000 square feet larger than the current building on the site; stated that the project cannot be effectively compared to Costco or Porto's; apologized for a previous e-mail sent by the applicant to the City Council; noted the number of people who have written to the Council in support of the project; and, commented on the reduction in the number of parking spaces but stated that the five-per-thousand parking ratio has been maintained.

Mr. Davies made clarification on the pending Whole Foods chain commitment; stated that employee parking will be provided at the lowest level; commented on the oversight of the site plan date and the patio size; noted that store plans are not done until much later in the process; stated that this location and parcel size is the most ideal; commented on the Whole Foods project denial in San Rafael and on the Beverly Hills store study; and, stated that there is an

adequate customer base within three miles of the proposed project to serve this store.

9:02 P.M.
Hearing
Closed

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

Council
Deliberations

Mr. Vander Borcht commended the speakers for their input and stated that the added Condition of Approval referencing an organic/specialty gourmet food market addresses a major concern of usage expressed by the public. He stated that he watched the Planning Board deliberations and that he lives in close proximity and walks the neighborhood. He noted that there is traffic everywhere in the City as in any other place and that whether the project is approved or not, traffic will continue to be there. He noted the fact that the parcel is zoned for this particular use, although there is controversy as to why this use was changed in 1998 and stated that an office building will generate more traffic in the a.m. peak hour than a market. He noted that the Council has received equally adamant pleas for and against the project and highlighted the need to protect the neighborhood and address the concerns that can be mitigated. He acknowledged the quality market that the project represents, noted the project now meets all Code standards and that he would not want to miss this opportunity. He added that the developer has addressed his concerns by eliminating the need for a Variance, reducing the size of the project, widening the driveways, lowering the deck height, prohibiting an exit on Main Street to prevent cut-through traffic on Valencia Avenue and stated that the project translates to a quality of life issue, and is a market that represents what he envisions for the neighborhood and City. He acknowledged that there will be impacts to those who live closest to the project and he was prepared to add more conditions such as providing employee parking on-site and adequate cart storage, among others.

Dr. Gordon stated his policy that when in doubt follow the zoning ordinances, precedent that has been set in the City and what makes common sense for the community. He referenced a letter received from Mr. Davies which commented on the number of customers and traffic generated. He stated that before a vote is taken, certain findings required by CEQA law must be made regarding the Mitigated Negative Declaration (MND) which has been flawed and is not accurate. He noted the changes to the project's size and stated that as currently proposed at 52,340 square feet, it will be the second largest grocery store in the City and would generate between 17,000 and 18,000 trips per week. He stated that Mr. Davies' letter indicates that 5,000 customers were estimated to be local Burbank residents and as such, 12,000

would be drawn from elsewhere making it a regional market. He also noted the conflicting information with regard to the projects considered in cumulative impacts in the MND; the error in zoning designation; the intended definition of food specialty store in the Rancho Masterplan; and, stated that the Council should not facilitate skirting the intended zoning laws.

Mr. Golonski strongly disagreed with the use issue and stated that the use is a legally-adopted Zone Text Amendment which was noticed and considered by the Planning Board and adopted by the Council. He added that the proposed project is a specialty food store although he has concerns with regard to the size and intensity driven by the size. He clarified that the intent of the Rancho Masterplan was to limit the intensity of use on that site, but even before it was amended, it did not contain a definition of what a specialty food store was or a restriction on the size. He noted that it all comes down to the traffic impacts to the neighborhood. He added that at previous joint study sessions with the Planning Board, there was unanimous agreement to go forward with plans to limit commercial development and staff came back with a proposal on a mechanism to limit development based on the traffic generated. He stated that the Council and Planning Board recognized that traffic was one of the biggest impacts affecting quality of life in the City. He noted the overwhelming support for a Whole Foods store in the City but only if it can be limited to a size that will not overwhelm the neighborhood. He added that if the Traffic Intensity Measurement Standard was adopted, the project would be restricted to 23,000 square feet based on the traffic it generates. He was willing to make concessions as it is a very desirable use but was still looking for a considerably smaller project than proposed.

Mrs. Ramos noted that she reviewed all the correspondence from the neighborhoods and the sentiment was split. She agreed that a Whole Foods store can be considered a specialty food store and that the use was deliberately permitted by the Planning Board. She however noted that the intent was for a smaller project that would generate less traffic. She noted that the proposed project is too intense for the neighborhood and stated her preference for a mixed use project for the site, a use not allowed by the Rancho Masterplan. She noted that a Whole Foods store is the right store at the right time but the proposed location was not the right place.

Mr. Campbell noted the need to preserve the equestrian nature and identity of the neighborhood but noted that the proposed project is better than potential alternative projects such as office buildings. He also noted the need for additional Conditions of Approval to minimize the impacts of the project and agreed that a Whole Foods store can be categorized as a specialty food store.

Motion It was moved by Dr. Gordon seconded by Mrs. Ramos to “deny the appeal and direct staff to bring back the appropriate resolution.”

Deliberations Continued Mr. Golonski recognized the tremendous efforts that the applicant has put in the project and expressed his support for a smaller store. Mr. Davies responded that a 40,000-square foot store will not work economically.

Mrs. Ramos noted that she would not support a 40,000-square foot project as it would be worse than the proposed project, providing less parking while maintaining the intensity of use. She added that the project’s benefits do not outweigh the adverse impacts.

Mr. Vander Borght stated that there are 21 properties that are zoned R-1-H and have always negotiated Alameda Avenue and the project does not translate to not having horses. He also noted that he has yet to see one horse in the more than 30 years he has been in the area. He added that individuals who would walk their horses down Main Street towards the Griffith Park area are aware there is traffic, and with or without the project there will always be traffic and this project will in no way make it any more dangerous. He added that residents on the other side of Alameda Avenue are also impacted by ambulances at senior housing, Pavillions, a church, commercial development and gas station and although R-1-H property is very valuable, the 21-property area should not dictate the future of the area’s vision. He noted the need for a project that has value for everyone in the City in the long run.

Mr. Campbell noted the mutual concerns to protect the Rancho area and stated that the portion on the Rancho he grew up in was partially sacrificed for economic development for the betterment of the City, including a cancer center and studios. He stated that the proposed project would not negatively impact the property values of the adjacent properties while adding value to the community as a whole.

Mr. Hastings stated that the applicant would be more than willing to substantially increase his fund for neighborhood protections, if this is the issue, and would be more than happy to work with the Council to enhance the neighborhood protections.

Mr. Campbell suggested a better right-of-way for horses.

Mr. Golonski stated that he will be supporting the motion on the floor, stating that he cannot make the required findings for granting the Development Review, particularly the finding that the project will not have an adverse effect on traffic flow or circulation, or that any traffic impacts are deemed acceptable due to the benefits of the project to the community outweighing any potential adverse traffic

impacts. He also requested that the motion be amended to direct staff to assist the applicant to find an alternative location.

Dr. Gordon stated he would be willing to make the suggestion a separate motion. He also stated that he cannot make findings to approve the MND, specifically associated with Development findings B (CEQA requirements), C (traffic adverse effects) and D (circulation).

Motion Carries The motion to direct staff to bring back the appropriate resolution denying the appeal carried with Mr. Vander Borgh and Mr. Campbell voting no.

Motion It was moved by Dr. Gordon, seconded by Mr. Golonski "to direct staff to assist the applicant find an alternative location."

Mr. Vander Borgh expressed his disappointed that the project could not be made to work on a major thoroughfare with a street with Level of Service A and B traffic conditions. He stated that the proposed site was the ideal site from his perspective.

Mrs. Ramos expressed hope that the alternative location would not be close to senior services, daycare services and elementary schools.

Mr. Campbell cautioned that we live in a built-out City.

Motion Carries The motion to direct staff to assist the applicant find an alternative location carried with all members voting yes.

Initial Open Public Comment Period of Oral Communications Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were: Robert Phipps, in opposition to political campaigning during Council meetings; Art Azakian, on a previous arrest of a resident during a City Council meeting; Don Elsmore, on Airport issues; Rose Prouser, on campaign issues; Eden Rosen, on crime in residential neighborhood and requesting more police officers; Dink O'Neal, Esther Espinoza and David Piroli, on campaign issues.

Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Patrick Bradley, on the shopping cart ordinance; Don Elsmore, on Airport issues; Esther Espinoza, on the City's 10-year sidewalk repair program; Eden Rosen, on the Whole Foods project; Rose Prouser, on Airport issues; and, Mark Barton, on the shopping cart ordinance.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mrs. Ramos and seconded by Dr. Gordon that "the following item on the consent calendar be approved as recommended."
1301-3 Award of Bid Sch. 1219 to CJ Concrete Construction Inc.	<u>RESOLUTION NO. 27,423:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR SIDEWALK REPAIR PROJECT, BID SCHEDULE NO. 1219 TO CJ CONCRETE CONSTRUCTION INC.
Adopted	The consent calendar was adopted by the following vote: Ayes: Council Members Golonski, Gordon and Ramos. Noes: Council Members None. Absent: Council Members None. Abstain: Council Member Vander Borgh and Campbell.
Ordinance Submitted	It was moved by Dr. Gordon and seconded by Mr. Golonski that "Ordinance No. 3715 be read for the second time by title only and be passed and adopted." The title to the following ordinance was

2/20/07

read:

1006-1
Conflict Of
Interest
Code Revisions

ORDINANCE NO. 3715:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
AMENDING SECTIONS 2-1601, 2-1602, AND 2-1603 OF THE
BURBANK MUNICIPAL CODE, RELATING TO THE CONFLICT
OF INTEREST CODE.

Adopted

The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borght,
Ramos and Campbell.
Noes: Council Members None.
Absent: Council Members None.

Final Open
Public Comment
Period of Oral
Communications

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

Citizen
Comment

Appearing to comment were: Mark Barton, on married couples
running for Council; and, Jan Maurer, on the Whole Foods
development and the South San Fernando Beautification Project.

Staff
Response

Members of the Council and staff responded to questions raised.

11:37 P.M.
Adjournment

There being no further business to come before the Council, the
meeting was adjourned at 11:37 P.M. to Wednesday, February 28,
2007 at 8:00 a.m. at the Buena Vista Library for a meeting with
Supervisor Michael Antonovich.

Margarita Campos, CMC
City Clerk

APPROVED SEPTEMBER 18, 2007

Mayor of the Council
of the City of Burbank