

TUESDAY, MARCH 13, 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 5:04 p.m. by Vice Mayor Ramos.

CLOSED SESSION

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

Absent - - - - Council Member Campbell.

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

Oral Communications There was no response to the Vice 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:

Pursuant to Govt. Code §54956.9(a)

**Name of Case:** In the Matter of the Application of the Burbank-Glendale-Pasadena Airport Authority.

**Case No.:** OAH No. L2001-110412

**Brief description and nature of case:** Application of Burbank-Glendale-Pasadena Airport Authority made to Department of Transportation, State of California for Noise Variance.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mrs. Ramos, Vice Mayor.

Invocation The invocation was given by Rick Durrance, Emmanuel Church.

Flag Salute The pledge of allegiance to the flag was led by Mary Ciciero.

ROLL CALL

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

Absent - - - - Council Member Campbell.

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

301-1 Red Cross Month Proclamation Vice Mayor Ramos presented a proclamation in honor of Red Cross Month to Patrick Dougherty, Disaster Volunteer Chair for the Burbank District, and Linda Wright, Lead Volunteer Caseworker for the Burbank District.

301-1 Vice Mayor Ramos presented a proclamation in honor of Adult

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Adult Education Week Education Week to Dr. Cherise Moore, Director of Adult Education at the Burbank Adult School.

Reporting on Council Liaison Committees Mr. Vander Borgh reported on attending a neighborhood meeting on the proposed field improvements at Jordan Middle School with Mrs. Ramos.

Mrs. Ramos also reported on the neighborhood meeting and on a presentation by the California High Speed Rail Authority personnel which she received with Mr. Vander Borgh. She requested that the Public Information Office provide information to the public regarding an upcoming meeting. She also reported on attending the San Fernando Valley Governance Council of the Metropolitan Transportation Authority and Domestic Violence Task Force meetings.

7:10 P.M.  
906  
Joint Public Hearing with the Housing Authority Agency Annual Plan (Plan) for Fiscal Year 2007-08 Vice Mayor Ramos stated that "this is the time and place for the public hearing of the Burbank Housing Authority to consider the Public Housing Agency Annual Plan for Fiscal Year 2007-08 as well as certain amendments to the Section 8 Administrative Plan."

Meeting Disclosures Mr. Barlow reported that there is a question as to whether Mayor Campbell, who is absent, may have a conflict of interest on this item and that staff is still looking into the issue.

Notice Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no correspondence was received by the City Clerk's Office.

Staff Report Ms. Carter, Housing Administrator, Community Development Department, requested the Housing Authority (Authority) Board: consider the Public Housing Agency Annual Plan (Plan) for Fiscal Year 2007-08; amend the Section 8 Program payment standard; and, authorize the Executive Director to execute the certifications required by the United States Department of Housing and Urban Development (HUD). She reported that the Section 8 Rental Assistance Program is funded by HUD for the purpose of providing rent subsidies on behalf of very low-income tenants throughout the City. She added that the primary goal of the Housing Authority is to assist the greatest number of families or households within the

HUD-allotted budget, utilizing all 1,014 vouchers available to Burbank. She added that the Plan covers the time period from July 1, 2007 through June 30, 2008 and describes how the Authority will administer the Section 8 Program.

Ms. Carter noted that Federal regulations dictate the implementation of the Section 8 Program; however, there are some areas where local discretion is allowed. She explained that the Section 8 Program Administrative Plan is a policy and procedure manual that Authority staff uses to ensure that all applicants and participants are treated in a fair and equitable manner. She noted that the local policy decisions are included in the revised Administrative Plan and the only proposed amendments recommended pertain to the subsidy standard.

Ms. Carter added that due to HUD's funding changes in December 2006 and recent changes to program regulations, staff is recommending an increase in the subsidy standard from 90 to 100 percent. She stated that Federal regulations allow housing authorities to establish the subsidy standard amount at any level between 90 percent and 110 percent of the published fair market rent while staying within the budget authority. She explained that in 2005, the Authority Board voted to adjust the subsidy standard from 110 to 90 percent in order to fund all 1,014 vouchers. At that time, the Authority spent approximately \$104,000 more each month than the HUD-allotted monthly budget in order to keep the high payment standard.

Ms. Carter informed the Council that the proposed change to the payment standard equates to an average of \$127 more in monthly assistance for those tenants with the greatest need. She added that with this increase, the Authority will be able to continue serving the maximum number of households while staying within the current available resources.

Ms. Carter also reported that the Housing Authority Administrative Plan calls for the Section 8 Program Waiting List to re-open when it reaches 100 residents. She added that currently, there are 297 Burbank residents on the Waiting List and staff anticipated accepting new applications in early spring. She also noted that the Resident Advisory Board reviewed the proposed Annual Plan.

Citizen  
Comment  
7:21 P.M.  
Hearing  
Closed

Appearing to comment was Loray B. White in support of staff's recommendations.  
There being no response to the Vice Mayor's invitation for oral comment, the hearing was declared closed.

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Motion It was moved by Mr. Vander Borgh, seconded by Dr. Gordon that "the following resolution be passed and adopted."

906 RESOLUTION NO. H-194:  
Joint Public A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY  
Hearing with the OF BURBANK APPROVING THE PUBLIC HOUSING AGENCY  
Housing Authority ANNUAL PLAN FOR FISCAL YEAR 2007-08; AUTHORIZING THE  
Agency Annual EXECUTIVE DIRECTOR TO EXECUTE THE CERTIFICATIONS  
Plan (Plan) for REQUIRED BY THE UNITED STATES DEPARTMENT OF  
Fiscal Year 2007- HOUSING AND URBAN DEVELOPMENT; AND AMENDING THE  
08 SECTION 8 PROGRAM ADMINISTRATIVE PLAN.

Adopted The resolution was adopted by the following vote:

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

1704-3 Vice Mayor Ramos stated that "this is the time and place for the  
602 hearing on the appeal of the Planning Board's decision denying  
Public Hearing Project No. 2005-103, a Conditional Use Permit and Development  
Project No. 2005- Review, requested by New World Development. The project was  
103 denied by the Planning Board on November 27, 2006."  
4001 and 4007-  
17 Riversd Dr.

Meeting Mr. Vander Borgh reported on meeting with the applicant prior to  
Disclosures the Council meeting.

Mrs. Ramos reported on meeting with the applicant and his  
representative.

Notice The City Clerk was asked if notices had been given as required by  
Given law. She replied in the affirmative and advised that the City Clerk's  
Office received one piece of correspondence from Mr. William  
Barthen.

Staff Mr. Velasco, Assistant Planner, Community Development  
Report Department, requested the Council consider an appeal of the  
Planning Board's decision to deny Project No. 2005-103, a  
Conditional Use Permit (CUP) and Development Review to  
construct a five-story commercial building with restaurant/retail and  
coffee shop use on the first floor and office space on the four floors

above. He explained that the Planning Board had expressed concerns that the proposed building was not compatible with the neighborhood in terms of size and design and in response, the applicant reduced the size of the building to three stories with retail only on the first floor and office use on the two floors above. He added that the applicant also redesigned the building's façade and eliminated the request for compact parking spaces. He elaborated that the project includes a four-level subterranean parking garage with 97 spaces, a 12-space surface parking lot, four surface-parking spaces and loading space at the rear of the lot. He stated that the project requires Development Review for the construction of a commercial building and a CUP for the height of the structure to exceed 35 feet to the proposed height of 40 feet and nine inches, the Floor Area Ratio limit to be exceeded by 7,395 square feet, and the parking requirement for the retail portion of the project to be reduced from 10 spaces-per thousand square feet to five spaces-per thousand square feet. He noted that the original proposal included a request for a CUP for restaurant with incidental alcohol use which is no longer needed.

Mr. Velasco informed the Council that the parking lot will be located at 4001 Riverside Drive and the commercial building at 4007-17 Riverside Drive. He added that the site is zoned MDC-3, Media District General Business, and is located in the Riverside Corridor of the Media District Specific Plan (MDSP). He added that the nearest R-1-zoned property is approximately 265 feet away. He reported that the site currently contains six commercial buildings with restaurant and retail uses, and 18 on-site parking spaces. He noted that the property is also legal non-conforming with regard to parking as the site is deficient 81 parking spaces. He added that the existing buildings would be removed except for the building that separates the surface parking lot from the proposed building that is not owned by the applicant. He summarized that staff believes the required CUP findings can be made for the requested parking requirement reduction which includes only the retail, mini-shopping center portion of the project, due to the large amount of walk-in traffic expected from the large pool of office occupants in the area. Also, he added that the proposed three-story building is compatible with the buildings in the area in terms of size and appearance; and, meets the goals of the MDSP with retail on the first floor, landscaping on the front set-back and appealing architectural features. He also noted that the Public Works Department has requested that egress and ingress be right-turn only. He informed the Council that the traffic study concluded that the proposed project is expected to generate fewer a.m. and p.m. peak-hour trips than the current uses on the site and added that a Negative Declaration was prepared, stating that the project would not have significant impacts on the environment.

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Applicant Mr. Bowne, representing the applicant, requested the Council approve the project and stated that the project has been in process for over two years, and that the applicant's family has owned the majority of the property since 1988. He added that the applicant has responded to the Planning Board's and residents' concerns and has reduced the size of the project from 50,674 square feet to 31,165 square feet, thereby dropping the density and the mass of the building from five to three stories. He commented on the current uses on site and highlighted the fact that the proposed project would generate less traffic and provide more parking.

Daniel Chegnoski, project architect, DCA Architects, elaborated on the project design changes, and commented on the project's intent to encourage pedestrian traffic, building materials and landscaping elements.

Citizen Comment Appearing to comment on the project were: Dan Gray, Robert Beer, Dona Mananilli, David Blumberg, Steve Patrick, Pat Aldrich, Mark Covell and Joy Bristol, expressing concerns about traffic, alley accessibility during construction, parking, height of the building, compatibility with the character of the neighborhood and the building's construction coinciding with other projects already in process.

Rebuttal Comments Mr. Bowne and Mr. Chegnoski responded to public comment with regard to: parking issues; the challenges that would be associated with renovations or maintaining the existing properties which do not meet current Code standards; the improvements to the alleyway which will be coordinated with the neighborhood; the anticipated construction timeline of the project; and, comments that Riverside Drive be made a residential use which is contrary to the zoning. They also mentioned the preponderance of comments on the lack of desire for restaurant uses at the Planning Board hearing, but stated that the applicant would be willing to consider the idea if it was the Council's desire.

8:17 P.M. Hearing Closed There being no further response to the Vice Mayor's invitation for oral comment, the hearing was declared closed.

Council deliberation Mr. Vander Borcht noted that the proposed project does not generate any additional traffic than currently exists. He stated that the project requires a CUP because it exceeds 35 feet in height but it is reasonable to assume that the three stories fit better than five stories. He also mentioned that the parking being provided is substantial as opposed to the current 16 parking spaces available. He was amenable to the deviation of the five-per thousand versus

10-per thousand parking requirement if the restaurants are eliminated but expressed preference not to eliminate the restaurant use as it would enhance the quality of life for the people who live and work in the area. He also noted that the design is a reasonable transition from the fairly large buildings immediately adjoining the site while providing some retail uses. He added that the project is consistent with the area and was inclined to approve it, subject to the Conditions of Approval with a possibility of a restaurant use.

Dr. Gordon requested clarification on the noticing procedure conducted for the hearing. He also commented on the MDSP section addressing parking requirements for mini shopping centers and expressed concerns with the parking, and the egress and ingress even with the restricted right-turn in and right-turn out options. He was disinclined to reduce parking regardless of the use. He added that while the project does not meet the MDSP intent of maintaining Riverside Drive as a village feel, the parking will be of benefit to the area.

Mr. Golonski was inclined to support the project but wanted to make sure that the parking was adequate. He noted that the project would be a significant improvement in parking for the area. He also expressed preference for allowing the restaurant use to serve the neighborhood and office uses and suggested an additional parking level. He also suggested adding to the Conditions of Approval, the traffic consultant's suggestions of reserving the top two parking levels for the retail uses and the lower floor for office use, and installing a device warning at the exit driveway to the parking structure to alert pedestrians of vehicles coming up the ramp.

Mrs. Ramos was inclined to support the project and noted that office and restaurant/retail uses will be a good combination. She noted that the project would be of benefit to the area. She also requested the applicant's opinion with regard to the requirement of an additional subterranean parking level. Mr. Chegnoski responded that the applicant is very flexible and would build an additional parking level if it was the Council's direction.

#### Motion

It was moved by Mr. Golonski and seconded by Mr. Vander Borcht that "the following resolution be passed and adopted, with the following changes to the Conditions of Approval: the prohibition of a restaurant use be deleted from Condition of Approval No. 28; the project be required to provide 137 parking spaces; the surface lot and upper parking levels of the parking structure be reserved for the retail/restaurant uses; office and retail tenants parking be restricted to the lower level; and, a device be installed to notify pedestrians of cars coming up the ramp."

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1704-3  
602  
Project No. 2005-  
103  
4001 and 4007-  
17 Riversd Dr.

RESOLUTION NO. 27,431:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 2005-103, A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW (4001, 4007-4017 Riverside Drive).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Vander Borcht and Ramos.  
Noes: Council Members Gordon.  
Absent: Council Members Campbell.

1703  
Cont. of Hearing  
Project No. 2005-  
103  
4201-4207 W.  
Magnolia Ave.  
Motion

Vice Mayor Ramos stated that "staff requested that the hearing regarding the Continuation of Appeal of Project No. 2006-47, Development Review – 4201-4207 West Magnolia Avenue be continued to April 24, 2007."

Motion

It was moved by Mr. Golonski, seconded by Dr. Gordon and carried with Mr. Campbell absent that the hearing be continued to April 24, 2007."

Reporting on  
Closed Session

Mr. Barlow reported on the item considered by the City Council during the Closed Session meeting.

Initial Open  
Public Comment  
Period of Oral  
Communications

Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.

Citizen  
Comment

Appearing to comment were: Gary Garrison, on the Joslyn Center karaoke program; Nancy Sherwood, urging the Council to reinstate the Rancho Masterplan; Paul Dyson, on the Metropolitan Transportation Authority bus service reduction; Eric Rosoff, in support of removing Commissioner Brown from the Airport Authority; Robert Phipps, requesting a response from Council Member Gordon regarding alliances with Council candidates; Marva Lea Kornblatt, on restoring protections of the Rancho Masterplan; Howard Rothenbach, on the Whole Foods matter; Brett

Loutensock, in opposition to married couples serving on the City Council and citing problems in the City of Vernon; Rose Prouser, on election issues and in opposition to all proposed Charter amendments; Fred Prouser, on Mr. Phipps' comments, on campaign issues and in opposition to the proposed Charter amendments; Esther Espinoza, in support of Council candidates; Bill Smith, urging the Council reinstate the original Rancho Masterplan; and, James Schad, in appreciation of Dr. Gordon's service on the Council.

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 on the Whole Foods Market matter were: Ileana Miller; Rod Guilmette; Emily Gabel-Luddy; Bart Giovannetti; Noreen Reardon; B. C. Cameron; Allan Franklin; Esther Barr; Jim Sherwood; Nancy Sherwood; John Chipman; Paul Dyson; Michelle Feather; Mara Baygulova; Bill Luddy; Reverend James Hunter; Susan O'Carroll; Marva Lea Kornblatt; Roman Gora; Lynn Brown; Lois Westfall; Sam Anam; Floran Frank; Bill Smith; Eden Rosen; Hilde Hakl, showing a video; Leah Brandon; and, David Piroli.

Also appearing to comment were: Richard Keefe on a parkway tree problem; Rose Prouser, commending the City Clerk for the electoral process and urging opposition to all Charter amendments; and, Esther Espinoza, on the election results and in support of Council candidates.

Staff  
Response

Members of the Council and staff responded to questions raised.

Item Removed  
from Consent

The item regarding, "Denying Conditional Use Permit No. 2006-105, Variance And Development Review No. 2006-105 (Whole Foods Market)." was removed from the consent calendar for the purpose of discussion.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

1503  
Design-Build  
Agmt with ABB

RESOLUTION NO. 27.432:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
AUTHORIZING THE GENERAL MANAGER OF BURBANK

3/13/07

for BWP  
Distributing  
Station

WATER AND POWER TO NEGOTIATE PRICE, TERMS, AND CONDITIONS OF A DESIGN-BUILD AGREEMENT WITH ABB, INC. FOR THE GOLDEN STATE DISTRIBUTING STATION IN AN AMOUNT NOT-TO-EXCEED \$1,045,000 AND FURTHER AUTHORIZING EXECUTION OF SAID AGREEMENT.

1504-1  
1401  
Water Utility Agmt  
7UA-11409  
134 Freeway  
Ramp Project

RESOLUTION NO. 27,433:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 ANNUAL BUDGET AND APPROVING AND AUTHORIZING EXECUTION OF WATER UTILITY AGREEMENT NO. 7UA-11409 BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA FOR THE STATE ROUTE 134 FREEWAY RAMP PROJECT.

1503  
1401  
1301-1  
Electric Utility  
Agmt 7UA- 11432  
134 Freeway  
Ramp Project

RESOLUTION NO. 27,434:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 ANNUAL BUDGET AND APPROVING AND AUTHORIZING EXECUTION OF ELECTRIC UTILITY AGREEMENT NO. 7UA-11432 BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA FOR THE STATE ROUTE 134 FREEWAY RAMP PROJECT.

1503  
1401  
1301-1  
BS 1137-  
Bock Co.  
Underground  
Conduits system

RESOLUTION NO. 27,435:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN EXTENSION OF THE CONTRACT WITH BOCK COMPANY FOR ONE YEAR FOR THE CONSTRUCTION OF UNDERGROUND CONDUITS SYSTEMS AND RELATED IMPROVEMENTS UNDER BID SCHEDULE NO. 1137 IN AN AMOUNT NOT-TO-EXCEED \$1,730,000 AND AUTHORIZING EXECUTION OF SAID CONTRACT EXTENSION.

204-2  
2007 Primary  
Election Results

RESOLUTION NO. 27,436:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE PRIMARY NOMINATING ELECTION HELD ON FEBRUARY 27, 2007.

1202-6  
Downtown  
Burbank PBID  
Annual Report FY

RESOLUTION NO. 27,437:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ANNUAL REPORT AND LEVYING THE FISCAL YEAR 2007-2008 ASSESSMENT FOR THE

2007-08 DOWNTOWN BURBANK PROPERTY AND BUSINESS IMPROVEMENT DISTRICT.

Adopted The consent calendar was adopted by the following vote:

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

1704-5  
602  
Denial of Project  
No. 2006-105,  
CUP Variance  
and DR  
Whole Foods  
Market proposed  
for 901 W.  
Alameda Ave.

Mr. Barlow, City Attorney, stated that before the Council was a resolution confirming the preliminary action taken at the last hearing on the Whole Foods Market project.

Mr. Golonski responded to a request from the public regarding how and when the Council found out about the request for a continuation of the public hearing and stated that the email was received on this day from Mr. Davies. He was in favor of waiting to see the applicant's proposal.

Dr. Gordon requested clarification regarding the process and stated his understanding that once action is taken regarding an appeal it has to come back before the Council in two weeks or two Council meetings. Mr. Barlow responded.

Mr. Vander Borgh expressed interest in receiving additional information on the modified proposal.

Motion It was moved by Mrs. Ramos and seconded by Dr. Gordon that "the following resolution be passed and adopted."

1704-5  
602  
Project No. 2005-  
103  
4001 and 4007-  
17 Riversd Dr.

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET).

Motion Failed The motion failed by the following vote:

Ayes: Council Members Gordon and Ramos.  
Noes: Council Members Golonski and Vander Borgh.  
Absent: Council Members Campbell.

Mr. Barlow clarified that the Council has conducted a hearing on

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the Whole Foods matter and has made a preliminary decision and must adopt some findings for a formal decision. He added that in the event there is a 2-2 vote, the appropriate action would be to wait for a full Council.

Motion Failed It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and failed with Dr. Gordon and Mrs. Ramos voting no "to postpone consideration of the item to March 20, 2007."

Motion Carries It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried with Dr. Gordon voting no "to postpone consideration of the item to March 20, 2007."

Items Postponed The items regarding "Tree Roots and Sewer Laterals" and "Street Tree Report" were continued to a future date.

11:16 P.M. Reconvene Housing Authority The Housing Authority meeting was reconvened at this time for public comment.

Final Open Public Comment Period of Oral Communications Citizen Comment Vice Mayor Ramos called for speakers for the final open public comment period of oral communications at this time. Appearing to comment was Eden Rosen, on unsafe drivers.

11:18 P.M. Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:18 p.m. in memory of Father Lawrence Signey and Margaret Sorthun.

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Margarita Campos, CMC  
City Clerk

APPROVED OCTOBER 9, 2007

Mayor of the Council  
of the City of Burbank