

TUESDAY, SEPTEMBER 11, 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 4:34 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Bric, Golonski, Reinke and Ramos.
Absent - - - - Council Member Gordon.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

Public Comment There was no response to the Mayor's invitation for public comment on Closed Session matters at this time.

4:34 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:

Anticipated Litigation (City as possible plaintiff):

Pursuant to Govt. Code §54956.9(c)

Number of potential case(s): 2

Threat to Public Services or Facilities:

Pursuant to Govt. Code §54957

Consultation with: Dennis Barlow, City Attorney

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:05 p.m. by Mayor Ramos.

Invocation The invocation was given by Reverend Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Father John Collins, St. Robert Bellarmine Catholic Church.

ROLL CALL

Present- - - - Council Members Bric, Golonski, Gordon, Reinke and Ramos.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Moment of Silence in Memory of September 11, 2001 Mayor Ramos called for a Moment of Silence in memory of all who perished at the World Trade Center in New York, the Pentagon in Washington DC and near Shanksville, Pennsylvania on September 11, 2001.

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301-1
St. Robert
Bellarmine
Catholic
Church 100th
Anniversary
Celebration

Mayor Ramos presented a proclamation to Father John Collins in recognition of the 100th Anniversary Celebration of St. Robert Bellarmine Catholic Church. Father Collins presented the City with a \$10,000 check for the benefit of the Park, Recreation and Community Services Department.

301-1
Library Card
Sign Up Month

Mayor Ramos presented a proclamation in recognition of Library Card Sign Up Month to Cathleen Bowley, Supervising Librarian for Children Services.

301-1
Disaster
Preparedness
Awareness
Month

Mayor Ramos presented a proclamation in honor of Disaster Preparedness Awareness Month to Fire Captain Steven Briggs.

301-1
Patriot Day
Proclamation

Mayor Ramos presented a proclamation in honor of Patriot Day to Police Chief Stehr and Fire Chief Pansini, and members of the Police and Fire Departments who were in attendance.

Reporting on
Council Liaison
Committees

Dr. Gordon reported on attending the League of California Cities (League) Council Members' Conference in Sacramento with Mrs. Ramos.

Mr. Golonski expressed appreciation to Assembly Member Krekorian for hosting a Block Party in Burbank.

Mr. Bric invited the community to attend the Chamber of Commerce Golf Tournament at the DeBell Golf Course.

Mrs. Ramos invited the community to attend a fundraising event for the Kids Community Dental Clinic and reported on attending the League Conference.

406
Airport
Authority
Report

Commissioner Brown reported on the Airport Authority meeting of September 4, 2007. He stated that the Authority approved a license agreement with the Transportation Security Administration and awarded a contract for the Taxiway D Extension Project.

7:10 P.M.

Mayor Ramos stated that "this is the time and place for the hearing

1701 1704 Rancho Comm. Zone	on adding Section 31-501 of Chapter 31 of the Burbank Municipal Code modifying the land use table related to grocery/market uses in the Rancho Commercial Zones.”
Meeting Disclosures	There were no meeting disclosures.
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. Mrs. Ramos stated that the Council received one email in support of the Zone Text Amendment.
Staff Report	<p>Mr. Forbes, Principal Planner, Community Development Department, requested Council consideration of a Zone Text Amendment (ZTA) that would amend the zoning use list to require a Conditional Use Permit (CUP) for grocery/market uses in the Rancho Commercial Zones. He noted that currently, grocery/markets are permitted by right. He added that the proposed ZTA is in response to concerns raised by the Council, Planning Board and public that allowing grocery/markets as permitted uses in the Rancho zones is not consistent with the intent of the 1993 Rancho Masterplan. With the aid of an overhead map, he identified the Rancho zones which are located in the area bounded by Mariposa Street, Oak Street, Main Street and Riverside Drive. He explained that the proposed ZTA would provide the City with discretionary authority to determine through the public hearing process on a case-by-case basis, whether a proposed project would be consistent with the intent of the Masterplan.</p> <p>Mr. Forbes informed the Council that the Planning Board considered the proposed ZTA at a public hearing on August 13, 2007 and voted 5-0 to recommend its approval. He stated that the Planning Board further requested that staff return with a schedule for a public outreach process to revisit the Rancho Masterplan, including a focus on providing more certainty about the types of permitted food store uses. He added that this is contrary to Council direction given on June 26, 2007 to revisit the Rancho Masterplan in conjunction with the ongoing update to the General Plan Land Use Element. He requested Council direction on the issue. He noted staff’s recommendation that the Council adopt the proposed ZTA and that a public process to revisit the Rancho Masterplan be conducted in conjunction with the Land Use Element update.</p>
Citizen Comment	Appearing to comment were: Patrick McHugh; Ti Evans; Anne Peralta; Bill Smith; Marva-Lea Kornblatt; Paul Dyson; Michelle Feather; Susan O'Carroll; Roman Gora; John Bresee; Bart

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Giovannetti; Nancy Sherwood; John Chipman; Eden Rosen; Esther Barr; and, Noreen Reardon.

Staff Response Mr. Forbes responded to public comment regarding the limitations of the Conditional Use Permit protection.

7:50 P.M.
Hearing
Closed There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Motion Following deliberation, it was moved by Dr. Gordon, seconded by Mrs. Ramos and carried with Mr. Bric and Mr. Golonski voting no that "staff be directed to return with a Zone Text Amendment to eliminate grocery store uses in the Rancho area."

Motion It was moved by Dr. Gordon, seconded by Mrs. Reinke and carried with Mr. Bric and Mr. Golonski voting no that "staff be directed to return to the Planning Board with an additional Zone Text Amendment to reinstitute a substitute food use for the Rancho area."

Request to
continue hearing Dr. Gordon requested that the Omer Lane appeal hearing be continued to a future date to allow the Council to consider his prior request for enacting an Interim Development Control Ordinance. There was no Council concurrence.

8:53 P.M.
1702
Project No.
07-000-0882 DR
1014 and 1018
Omer Lane Mayor Ramos stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision affirming Project No. 07-000-0882, Development Review. The applicant, Varoozh Saroian, applied for a Development Review requesting authorization to construct a 12-unit, two-story, multi-family project at 1014 and 1018 Omer Lane in the R-4 High Density Residential Zone. The approval by the Planning Board on July 9, 2007 was appealed to the Council on July 19, 2007 by Ms. Patricia Lake."

Meeting
Disclosures Mrs. Ramos disclosed a phone conversation with Mr. Kunert and also stated that she reviewed the project plans approximately two months ago.

Dr. Gordon disclosed that he had extensive discussion with staff and the City Attorney on the matter.

Mr. Golonski disclosed a previous meeting with Mr. Kunert and his representative.

Mr. Bric disclosed a meeting with Mr. Kunert together with Mrs. Reinke, and a subsequent conversation with Mr. Kunert.

Mrs. Reinke disclosed a meeting with Mr. Kunert and stated that she previously owned two units at 250 Spazier Avenue three or four years ago but had since sold the property.

Notice
Given

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

Staff Report

Mrs. Forbes, Deputy City Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to uphold the Community Development Director's decision to conditionally approve a Development Review. She stated that the request is for a 12-unit, two-story, multi-family project at 1014 and 1018 Omer Lane in an R-4 Zone. She elaborated on the project's features and stated that the applicant has submitted revised garage plans which include an additional guest parking space beyond Code requirements. She mentioned that Omer Lane is dominated by single-story duplexes with one other property having a second floor, and that properties across Spazier Avenue are two and three stories above grade. She added that prior to August 15, 2005, the property was zoned for up to 22 units and that in April 2006, the Council denied a proposal for a 15-unit three-story project. She noted that the new R-4 high density regulations which were effective after August 15, 2005 allow 12 units; however, the new Code continues to allow three stories.

Mrs. Forbes stated that the Planning Board considered an appeal of the project by Ms. Lake on July 9, 2007 and voted 5-0 to deny the appeal. She added that a subsequent appeal was filed on July 19, 2007, stating that the 12-unit project is too large for Omer Lane and expressing preference for project to have eight or ten units. In addition, she reported that the appeal cited too much traffic in the area, insufficient street parking and a major safety concern with the increase of units on Omer Lane. She stated that the project as proposed meets Code requirements and that approval of the Development Review Application by the Planning Board was appropriate.

Appellant

Ms. Patricia Lake, appellant, requested the Council uphold the appeal stating that the project is too dense for the neighborhood and will exacerbate the already-crowded traffic conditions in the area. She also stated that approval of the project will set a precedent for the area.

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Applicant Mr. Varoozh Soroian, project architect, elaborated on the garage access, commented on the project's proposed height and highlighted the provision of an additional parking space beyond Code requirements.

Mr. Kunert stated that his project is Code compliant and that the project has been scaled down from the allowable 22 units to 15 units, and further to the current 12-unit proposal. He also noted that the area is in need of upgrade. He then elaborated on his interaction with the neighborhood and highlighted the comments made by the Planning Board.

Citizen Comment Appearing to comment were: Eddie Rubio, Leslie Avery, Laura Dietz; and, John Kenworthy.

Appellant Rebuttal Ms. Lake responded to public comment with regard to individuals living in garages and multiple families living in homes. She reiterated the traffic and safety issues.

Applicant Rebuttal Mr. Kunert commented on the assertion that multiple families are living in homes and highlighted the negative impacts of the City's down zoning laws on residential projects. He noted that the project will greatly improve the neighborhood.

Motion Following Council deliberation, it was moved by Mr. Golonski and seconded by Mr. Bric that "the following resolution be passed and adopted."

1702
Project No.
07-000-0882 DR
- 1014 and 1018
Omer Lane

RESOLUTION NO. 27,544:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 07-000-0882, DEVELOPMENT REVIEW (Applicant: Varoozh Saroian; Property Owner: Bob Kunert; 1014 & 1018 Omer Lane).

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Bric, Golonski, Reinke and Ramos.
Noes: Council Member Gordon.
Absent: Council Members None.

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

Public Comment Mrs. Ramos called for speakers for public comment at this time.

Appearing to comment were: Paul Dyson; Gary Garrison; and, Eden Rosen.

Staff Response Members of the Council and staff responded to questions raised.

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

1503 The Water and Electric Monthly Report regarding water quality and
1504 power issues for September 2007 was received from Burbank
Water and Electric Monthly Report Water and Power.

The report was noted and filed.

804-3 RESOLUTION NO. 27,545:
702-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Older Americans Act Grant AUTHORIZING APPLYING FOR A GRANT UNDER TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED, FOR SUPPLEMENTAL NUTRITION PROGRAMS AND SUPPORTIVE SERVICES.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Bric, Golonski, Gordon, Reinke and Ramos.
Noes: Council Members None.
Absent: Council Members None.

Final Public Comment There was no response to the Mayor's invitation for speakers for final public comment.

10:28 P.M. There being no further business to come before the Council, the
Adjournment meeting was adjourned at 10:28 p.m. in memory of all who perished at the World Trade Center in New York, the Pentagon in

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Washington, DC and near Shanksville, Pennsylvania on September 11, 2001.

Margarita Campos
City Clerk