

RESOLUTION NO. 3060

A RESOLUTION OF THE PLANNING BOARD OF  
THE CITY OF BURBANK DENYING  
PROJECT NO. 2006-105, A CONDITIONAL USE PERMIT, VARIANCE,  
DEVELOPMENT REVIEW  
(Whole Foods Market)

(901 West Alameda Avenue—Applicant, 901 West Alameda Investors LLC)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

- A. The Planning Board of the City of Burbank at its regular meeting of October 23, 2006 held a public hearing on Project No. 2006-105, to consider allowing a request to construct an approximate 60,000 square foot Whole Foods market with two levels of subterranean parking which includes a 5/100 parking ratio. The request includes a Variance for the front, side and rear setbacks and a Conditional Use Permit (CUP) for type 21, 41, and 42 alcohol licenses.
- B. Said hearing was properly noticed in accordance with the provisions of Section 31-1909, 31-1921, and 31-1942, of the Burbank Municipal Code.
- C. The Planning Board considered the report, and recommendations of the City Planner and the evidence presented at such hearing.
- D. The Planning Board reviewed the Mitigated Negative Declaration prepared for this project under the requirements of CEQA.

THE PLANNING BOARD OF THE CITY OF BURBANK RESOLVES:

1. The Mitigated Negative Declaration prepared for this project is hereby not adopted. This is based upon the inability of the Planning Board to make the findings, on the basis of the whole record before it, that the project will not have a significant impact.
2. Project No. 2006-105 is hereby denied. The denial is based on the inability of the Planning Board to make each of the following findings:

Requirements for Granting of a Development Review

- a. *All provisions of this Code will be satisfied.*  
The project does not comply with the setback requirements of the Rancho Commercial Zone. A Variance was requested with the application, however the Variance is denied, and therefore the project does not meet code.

b. *The environmental document prepared for this project was considered prior to project approval and satisfies the requirements of the California Environmental Quality Act ("CEQA") or the project is exempt from CEQA.*

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for the project. The Planning Board did not adopt the MND; therefore the project does satisfy this finding.

c. *The project will not conflict with, or will not have an adverse impact on, the existing or intended neighborhood character*

The project is incompatible with the existing neighborhood character. The project does not adequately account for the equestrian element in the neighborhood and therefore does not satisfy this condition.

*Requirements for Granting of a Conditional Use Permit (Alcohol Sales)*

a. *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

It is the Planning Board's assessment that the existing transportation infrastructure is inadequate to support the type and quantity of traffic generated at the subject site.

*Requirements for Granting of a Variance (Setbacks)*

a. *There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity and zone.*

There are no exceptional or extraordinary circumstances applicable to the subject property that do not apply to other properties in the vicinity and zone in terms of providing code required setbacks. Other similar commercial property in the vicinity provides the code required setbacks. The Planning Board has determined that this setback requirement is not exceptional nor does it cause extraordinary impact on the potential development of the site.


b. *The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property owners under like conditions in the same vicinity and zone but which is denied to the property owners in question.*

The property is a corner lot in the Rancho Commercial zone. There are other properties in the zone that are corner lots and comply with the Rancho Commercial. There is not a substantial property right which is possessed by other property owners and denied to the applicant with regard to setbacks.

2. The Secretary of the Planning Board shall mail a copy of this Resolution to the applicant and report this decision to the City Council in accordance with Section 31-1946(b), and Section 31-1925 of the Burbank Municipal Code.

PASSED AND ADOPTED this 23<sup>th</sup> day of October, 2006.

CITY PLANNING BOARD

  
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Chairperson

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF BURBANK

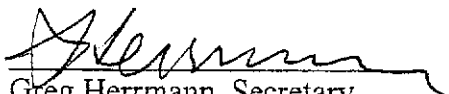
I, Greg Herrmann, Secretary of the Planning Board of the City of Burbank, certify that this Resolution was adopted by the City Planning Board at its regular meeting held on the 23rd day of October, 2006 by the following vote:

AYES: GABEL-LUDDY, PETRULIS, JACKSON, LAWRENCE

NOS: THOMAS

ABSENT: NONE

ABSTAINED: NONE

  
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Greg Herrmann, Secretary