

# Community Development Department

October 23, 2006

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

INVOCATION Mr. Thomas gave the invocation.

FLAG SALUTE Ms. Lawrence led the flag salute.

ROLL CALL

Members Present

Greg Jackson, Chair  
Emily Gabel-Luddy, Vice-Chair  
Undine Petruilis  
Mitchell Thomas  
Amy Lawrence

Also Present

Joseph McDougall, Asst. City Attorney  
Greg Herrmann, Chief Asst. CD Director/  
City Planner, Secretary to Planning Board  
Dave Starr, Fire Marshal  
Joy Forbes, Deputy City Planner  
Patrick Prescott, Senior Planner  
Michael Forbes, Senior Planner  
Avital Shavit, Assistant Planner  
Tracy Steinkruger, Assistant Planner  
Laurie Yelton, Assistant Planner  
Tom Lim, Principal Plan Check Engineer

APPROVAL OF MINUTES

Ms. Gabel-Luddy moved to approve the minutes of September 25, 2006, seconded by Mr. Thomas, carried by a vote 5-0.

September 25, 2006

EXPLANATION OF PROCEDURES

Chair Jackson reviewed the Planning Board procedures to the audience.

Chair Jackson announced that item No. 1 was originally heard on October 9, 2006, the Board had voted 2-2 and the item was back for reconsideration.

HEARINGS

1. Project No. 2006-111 Variance (718 Roselli Street)

The purpose of this report is to consider a request by Ami Havivi, to approve a variance for the construction of a fireplace and two (2) front entry columns that encroach 3' and 3'-10" respectively, into the 25' front yard setback. The property is located within the R-1 zone.

The project has been determined to be Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (a) pertaining to minor setback variances.

Staff Report  
Laurie Yelton

Ms. Yelton presented this item to the Board.

Applicant  
Presentation

Mr. Havivi explained that the applicant wanted the addition in order to better accommodate the needs of his family. He said the addition would not have any

EXHIBIT 3

because of its height and massing. She was opposed to the project.

Ms. Gabel-Luddy was very concerned with the environmental clearance. She thought the project would be impacted by mitigation measures with regards to construction. She then stated that the Board should see proposals that are reconciled in every way so that the Board does not have to second guess what it is they are deliberating. She also suggested that Staff have drawings available to the community in PDF file format so that they know what is being proposed. She was not supportive of the project.

Chair Jackson shared the concerns of the community. He stated that the Staff report reviewed and analyzed a different set of plans than what was before the Board. He had questions regarding the parking requirements. He concurred with his colleagues and was not supportive of the project.

**Motions**

Mr. Thomas moved to deny the appeal of Project 2006-047 and adopt the relevant resolution, seconded by Ms. Gabel-Luddy, carried by a vote of 5-0.

3. Project No. 2006-105 CUP, DR and VAR (901 W Alameda Ave)

The purpose of this report is to consider a request by 901 Alameda Investors, LLC to construct a 60,000 square foot Whole Foods market with two levels of subterranean parking which includes 5/1000 parking ratio. The applicant is requesting a variance for the front, side and rear setbacks to provide less than is required by code. The applicant is also requesting a Conditional Use Permit for type 21, 41 and 42 alcohol licenses. This property is located within the Rancho Commercial zone.

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for the project which indicates that, with the incorporation of the proposed mitigation measures, the project will not have a significant impact on the environment.

**Staff Report**  
Avital Shavit

Ms. Gabel-Luddy disclosed that she lived more than 500 feet from the subject site but less than 1000 feet. She stated she had reviewed the documents and was prepared to listen to the testimony.

Ms. Shavit presented this item to the Board.

**Board/Staff Q&A**

Ms. Shavit reviewed for Ms. Gabel-Luddy the documents that were available to people attending the Whole Foods community meeting.

Ms. Shavit stated that the applicant will be required to provide a four foot dedication in order to widen the street and provide for a two way left turning lane. The widening that is proposed would be on the west side of the street and would continue approximately 200 feet up the street.

**Staff Report**  
David Kriske

Mr. Kriske provided a summary of the project's traffic study.

**Board/Staff Q&A**

Mr. Kriske summarized for the Board the methodology used to analyze traffic and determine whether impacts are significant. He explained that the project will not trigger a level of service beyond a "D" for the intersection located at Alameda Ave. and Main Street. He then reviewed the project's driveway analysis for Ms. Gabel-Luddy.

In response to Ms. Gabel-Luddy's question, Mr. Kriske explained that Staff had not conducted a comparable study of another Whole Foods facility with regards to traffic analysis. He noted that Staff surveyed other municipalities and they use the same ITE rate that was used in the traffic study.

Mr. Kriske then explained to Ms. Lawrence the plans to install a two-way center left turn lane on Main Street. He confirmed for Mr. Thomas that there are currently no dedicated horse lanes north of Alameda.

Mr. Kriske confirmed for Ms. Petruilis that under the proposed TIMS methodology, and looking at the general TIMS numbers that were presented as part of the draft, the project would not be permitted.

**Applicant Presentation**

Michael Hastings,  
Direct Point  
Advisors

Mr. Hastings provided a video presentation of an existing Whole Foods store that would be very similar to the proposed facility. He then described to the Board the various methods of public outreach the applicant used regarding the project.

Mr. Hastings highlighted some the project's revisions and mitigation measures. He mentioned that the adjacent building was purchased to allow better access to the facility, the loading dock was revised to accommodate more efficient traffic flow and the applicant agreed to post additional equestrian warning signage in the area. He also noted that the parking area was revised to include security measures and employee parking on the lower level of the structure and that street dedication will be provided to allow for the widening of Main Street.

He concluded by stating the project will provide economic vitality to Burbank, provide more jobs, and provide a unique shopping opportunity for residents.

**Public Testimony**

Gary Olson  
3252 N Frederic St.

Mr. Olson spoke in favor of the project. He noted that Whole Foods is very successful and has been ranked by Fortune Magazine as the fifteenth best company to work for in the country. He concluded by stating the project will be a quality development and an asset to the city.

Butler Shaffer  
249 S Lomita

Mr. Shaffer said he lives five minutes walking distance from the site and was in favor of the project. He spoke about the value that competing businesses bring to a community and about the convenience of having the project close to his home.

Cesar Milch  
1216 Chavez St.

Mr. Milch said that Whole Foods would jeopardize the safety of neighborhood children and the equestrian nature of the neighborhood due to the traffic it will

generate. He also was concerned with the project's alcohol license.

Denise Gutches  
1407 W Valleyheart

Ms. Gutches said that Whole Foods would be a compatible use with the neighborhood and that it represents what children and the elderly need. She raised concern regarding by-right uses that could be built on the site.

James Hunter  
325 S Glenwood Pl

Mr. Hunter spoke about existing traffic circulation problems and said the project would dramatically increase already existing traffic problems in his neighborhood. He was very concerned regarding the safety of school children in the area.

Kandace Soderstrom  
354 W Spazier

Ms. Soderstrom said the Rancho area is for people who want to live a slower paced life. She said adding a Whole Foods would be too much for the Rancho area and suggested that Whole Foods move to a location near the Empire Center.

Nancy Sherwood  
313 W Elm Ave.

Ms. Sherwood was against the subject location for a Whole Foods. She said the project will create frustration for people because of traffic impacts.

John Chipman  
525 Shelton

Mr. Chipman said the project will add more traffic to an already very dangerous situation. He said he already cannot turn left onto Alameda because of existing traffic there. Mr. Chipman stated an 18 month excavation period will be unsafe for nearby preschools and eldercare facilities.

Patrick McHugh  
1021 S Chavez St.

Mr. McHugh asked how many places in the city have a shared bike/horse lane. He said shared lanes can cause accidents. He then asked for clarification on the traffic study and the project's ingress/egress.

Jay Geisenheimer  
1505 W Parkside Ave

Ms. Geisenheimer provided a list of mitigation measures for the project. She suggested the following: two entrances on Alameda, a horse lane on the west side of the street and a bike lane on the east side, and truck deliveries only from 7:00 am. to 1:00 pm. Ms. Geisenheimer then suggested that Whole Foods install large triangular dividers to denote neighborhood streets in the Rancho Area.

Rod Guilmette  
520 S Griffith Park

Mr. Guilmette said the location was not right for the Whole Foods store. He stated that there are no mitigation measures that will be able to fix the traffic problems that will arise from approving the project.

Tase Evans  
1310 Chavez St

Ms. Evans stated the project will create too much traffic. She said her neighborhood is already negatively impacted and she has seen accidents with cars and horses there.

Roman Gora  
310 W Elm Ave

Mr. Gora said the applicant was not willing to negotiate to make the project more compatible with the area. He said the location is not right for the project and pointed out that the Rancho area is unique in Los Angeles county.

Anne Peralta  
310 W Elm Ave

Ms. Peralta said she turns left onto Main Street when she is accessing the horse trails at the Equestrian Center. She said everybody but the residents will have

something to gain from Whole Foods at the subject location.

Davida Oberman  
321 W Elm Ave

Ms. Oberman's main concern was with regards to increased traffic generated by the project. She said that it is already difficult to safely ride her horse on the streets.

Cheri Loomis  
1500 W Alameda Ave

Ms. Loomis said she was very supportive of the Whole Foods project .

Lorraine Hargrave  
330 W Elm Ave

Ms. Hargrave said she was opposed to the project. She said she crosses the subject intersection three times a day to pick up her kids and it is already a very congested, dangerous intersection.

Brian McGovern  
530 S Reese Plance

Mr. McGovern said he had horse property in the neighborhood and his children were in preschool. He said he used to live in Brentwood and the Whole Foods there was a great experience for that neighborhood. He was fully supportive of the project and believed the concerns raised by residents were speculative.

Marva Lea Kornblatt  
435 W Valencia

Ms. Kornblatt asked Staff to provide her with information regarding how and when the grocery use became a permitted use for the Rancho area. She said she would rather have a by-right office building because it would be quiet in the evenings and on weekends. She concluded by saying she disagreed with the traffic study with regards to cut-through traffic.

Howard Rothenbach

Mr. Rothenbach said the location was wrong for that area of the city. He thought the by-right use of an office building was a better fit. He said the setback requirements were important to maintain the line of sight when turning into traffic. He then talked about the cumulative effects that large projects along Alameda will have on traffic in the area.

India Penney  
540 S Reese Place

Ms. Penney said she was a Rancho resident and was fully supportive of the project. She stated that Whole Foods would care about their horse community and has been known to get very involved in the communities where they are located. She asked that the Board ensure mitigations to keep the horses safe.

Elaine Franklin  
430 W Elm Ave

Ms. Franklin stated the traffic study does not reflect the true impact to the area because it was not conducted during the high shopping hours and it did not take into account the traffic coming from the Equestrian Center.

Paul Dyson  
623 S Orchard St

Mr. Dyson spoke against the project and asked the Board to consider the Rancho Master Plan. He said that Alameda currently has six or seven large projects in development, all with their own traffic studies. He believed that the studies therefore could not be accurate and that the cumulative traffic impacts from those projects will result in too much traffic for the area.

Noreen Reardon  
360 W Elm Ave.

Ms. Reardon was against the project because it was too big and it will create too much traffic.

Janice Mokhefi

Ms. Mokhefi stated the project will cause too many problems for the horse owners

- 329 W Elm Ave. and horse safety when accessing the Equestrian Center from Main Street. She suggested the applicants find another location for the store.
- Susan O'Carroll  
1411 W Clark Ave. Ms. O'Carroll told the Board that the CEQA guidelines state that an EIR is required for a project if substantial evidence in the record supports a fair argument that the project may have one or more significant effects. She then provided a summary of why she disagreed with the traffic study analysis. She then stated that the excavation required to develop the project would negatively impact the area with regards to air quality and should therefore trigger an EIR requirement.
- Bill Smith  
1210 Dincara Rd. Mr. Smith said the Rancho Master Plan had no provision for grocery store use and asked for supporting documentation confirming that it is a permitted use. He then told the Board that in the Rancho Maser Plan the setbacks were established in order to prevent large projects such as Whole Foods.
- Bill Luddy  
440 W Elm Avenue Mr. Luddy raised concern regarding setbacks. He said that when a developer purchases a property with knowledge of what the conditions are, including the setbacks, he creates a self-imposed hardship. He asked the Board to consider the public testimony and not harm the neighborhood.
- Ms. Gabel-Luddy disclosed that Mr. Luddy is her spouse and said his opinions are his own.
- Jim Macris  
920 N Niagara Street Mr. Macris said the proposal is ridiculous and should be denied. He then said the City needs to stop growing because the infrastructure can no longer handle the growth. He stated the traffic study trip generation numbers were inaccurate.
- George Heffley  
359 W Spazier Ave Mr. Heffley said that traffic and speeding were existing problems in the City and that a woman was killed by a speeding driver on Alameda Ave. He raised concern regarding the safety of children in the Rancho area due to the increased traffic the project will generate.
- Applicant Response to Public Testimony** Mr. Hastings responded to the public testimony regarding traffic, public notification, community input, and the traffic study.
- Mr. Hastings remarked that any project going into the site will generate traffic and will not necessarily benefit the community the way a Whole Foods grocery store can. He pointed out that the project has become more pedestrian friendly due to comments received by the community. Regarding traffic, he mentioned that a choking/calming device would be placed at the corner of Valencia and Main St. to deflect traffic. He then noted that the traffic study took into account the cumulative effects of the Platt project, the cancer center and the NBC project.
- Mr. Davies, applicant, listed the location and building size requirements necessary for Whole Foods when they are considering a new project. He said the site needs to be located near a signalized corner and be surrounded by housing. He then reviewed the sales area of the project.

**Board/Staff Q&A**

The Board raised questions/concerns regarding trip generation, the shared horse/bike lane and lane revisions on Main Street; the project's ingress/egress, the local bus stop, and parking; the traffic study, community meetings, and the Rancho Master Plan.

Mr. Kriske reviewed the am/pm trip generation peak hours for a grocery store versus for schools and daycare centers. Regarding the street widening, he explained that the west side of the street was chosen because of available right of way there. He said the low number of bikes and horses should minimize the impacts of sharing the lane that will be created there.

Mr. Kriske then reviewed for Chair Jackson the plans for traffic lane revisions on Main Street.

Regarding the possible relocation of the bus stop, Mr. Kriske mentioned that MTA was not very responsive to that suggestion. Chair Jackson then raised a question regarding the traffic counts. Mr. Kriske confirmed that the counts had been taken during mid week on a Tuesday, Wednesday or Thursday.

Mr. Kriske confirmed for Mr. Thomas that the preschool will not be losing their pick up/drop off parking spaces. He explained that the street widening would extend North of the project and taper back to the existing configuration to accommodate the left turning lane and existing parking.

He then confirmed for Ms. Petrulic that the traffic study took into account the cumulative effects of all potential projects in the area as well as a 2% per year growth factor.

Ms. Gabel-Luddy asked if any studies had been conducted regarding pedestrian paths and/or pedestrian auto conflict. Mr. Kriske informed her there was no such study. Ms. Shavit said that no particular pedestrian study was done, however the traffic study did address pedestrian, equestrian and vehicle access issues. Ms. Shavit then confirmed for Ms. Gabel-Luddy that the traffic study and Staff report were not available as handouts for the second community meeting held by the applicant as it was still prior to their release. She confirmed that the documents were available on the website by that evening, and that she had shared the website address with attendees.

Mr. Kriske then confirmed that a second traffic count for the project was conducted because the results of the first one were uncommonly low for the subject area.

Mr. Thomas asked how many parking spaces are located at the Pavilions shopping center. Ms. Shavit confirmed it is likely parked at a 5/1000 ratio.

Ms. Shavit told Chair Jackson that in 1993 the Rancho Master Plan was adopted through City Council Resolution No. 23,927. She explained that in 1997 Ordinance No. 3465, a citywide ordinance, was adopted. The ordinance placed the

“specialty market” use as a subheading under “grocery store/market” use and the change did affect the Rancho Master Plan. Mr. McDougall confirmed for Ms. Lawrence that the 1997 ordinance superseded resolution No. 23,927.

Ms. Forbes explained to Ms. Gabel-Luddy that after the grocery store use was established in 1997, the Use List matrix was created in 1998 and that is the governing document used today with regards to determining permitted uses.

**Board Deliberation**

Ms. Gabel-Luddy thought further evaluation was needed to determine if sufficient stacking space inside the parking garage and sufficient circulation within the facility itself was being provided. She suggested that a comparable study be conducted with a similar Whole Foods facility. Ms. Gabel-Luddy also thought a micro circulation study should be conducted during the high shopping hours of the weekend. She said the study should include the six driveways along Alameda, beginning at the traffic light located at Pavilions and should also take into account the school routes in the area and also the big rigs coming in and out of the Equestrian Center.

Ms. Gabel-Luddy concluded by stating the traffic study and Staff report should have been available for the community to read prior to and during the community meeting.

Ms. Lawrence concurred with Ms. Gabel-Luddy’s comments. She suggested the possibility of reducing the project to minimize severe impacts. She pointed out that Main Street is very narrow and raised concern with regards to a preschool located directly across from the subject site. Ms. Lawrence said her main concern was with regards to traffic circulation and said she would like to see results of more studies.

Mr. Thomas stated the site will be extremely well parked. He thought the on-site circulation will function well and said he had not experienced any traffic congestion located at the intersection of Main St. and Alameda Ave. He pointed out that the delivery circulation did not pass through any residential areas. He agreed that something more could be done to accommodate pedestrian and horse traffic and suggested revisiting the topic of street widening. He thought the project would result in a landmark business that would anchor that corner and was leaning toward support of the project.

Ms. Petrulis said traffic was her reason for not supporting the project. She pointed out that there are a lot of horses, bikes, and children crossing the streets in the area. She stated she wanted to see a Whole Foods in Burbank, but not at the subject site and did not want to see the increased traffic jeopardize the equestrian neighborhood.

Chair Jackson pointed out that the Whole Foods will have significantly more parking than the Trader Joe’s parking lot. He commented that he has never seen a horse on the north side of Alameda and did not think the project would impact the



horse community in that area. He said he was leaning towards supporting the project but had misgivings over the request for the variance from the setback. He also agreed that more traffic analysis needed to be done and was therefore not ready to support or deny the project.

**Motion**

Ms. Lawrence moved to place the motion on hold pending certain evaluations regarding traffic, circulation studies, school pedestrian impacts and an evaluation of a comparable Whole Foods facility.

At Mr. Herrmann's suggestion, Chair Jackson asked the applicant if he wanted to wait for further evaluations to be completed before their decision on the project. The applicant stated he did not want to wait and preferred the Board to deny the project.

Mr. McDougall confirmed for the Board that they could choose to take no action on the mitigated negative declaration and deny the project or they could deny both the mitigated negative declaration and the project.

Ms. Shavit and Ms. Forbes explained some of the criteria that Staff takes into account when recommending approval or denial of setback variance requests.

Ms. Gabel-Luddy seconded the motion.

Chair Jackson called for the question, motion failed by a vote of 2-3. (Mr. Thomas, Ms. Petrulis and Chair Jackson voting no.)

Mr. Thomas moved to approve Project 2006-105 subject to conditions of approval and adopt the relevant resolution, seconded by Chair Jackson, failed by a vote 2-3. (Ms. Petrulis, Ms. Gabel-Luddy and Ms. Lawrence voting no.)

Ms. Lawrence moved to deny Project 2006-105 and adopt the relevant resolution, seconded by Ms. Petrulis, carried by a vote of 4-1. (Mr. Thomas voting no.)

4. Project No. 2006-107 Variance (1723 W Verdugo Ave)

The purpose of this report is to consider a request by [redacted] Café and Bakery to approve a parking variance to allow 1,695 square feet of restaurant tenant space at 1723 W. Verdugo Ave. The tenant space would be converted from retail to restaurant use, requiring the provision of [redacted] additional parking spaces. A variance is required due to insufficient off-street parking for the proposed restaurant use. This property is located within the [redacted] zone.

This item has been determined to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (c) of the State CEQA Guidelines pertaining to the conversion of existing small structures from one use to another where only minor modifications are made.

**Staff Report**  
Tracy Steinkruger

Ms. Steinkruger presented this item to the Board.

**Applicant**

Mr. Stevens told the Board his dream was to open a neighborhood café. He