Weekly Management Report
September 20, 2019

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CITY OF BURBANK

CITY MANAGER'S OFFICE

MEMORANDUM

DATE: September 20, 2019

TO: City Council

FROM: Justin Hess, Acting City Manager
Amy Albano, City Attorney

SUBJECT: 325 North Lincoln Street

This memorandum is intended to bring to light the facts of the situation at 325 North Lincoln Street. In neighbor disputes emotions can run high, which sometimes causes the underlying facts to be overlooked. While Mr. Casey and Mr. Chang have characterized this situation as a code enforcement issue during their presentation at the City Council meeting on September 10, the fact of the matter is this is ultimately about Mr. Chang wanting to use a portion of his neighbor's property to access his unpermitted garage at the rear of his property, which triggered code enforcement complaints, a variance application, and public hearings. Images of the home and side yard are Attachment 1 to this memo.

For the benefit of the public, we wanted to clearly state up front, contrary to what has been posted on social media and other online outlets, discussion of this item is not on the September 24th City Council agenda.

The facts are as follows:

The property at 325 North Lincoln Street was originally developed with a single family home in 1937. Building permits on file with the City of Burbank Building Division identify that the single-family residence was approved to be 756 square feet in size (living space), with an attached 180 square foot one-car garage. Since 1937, the following improvements have been completed on the property without any record of the issuance of City building permits:

- The originally built one-car garage that was attached to the home, was converted into living space as a bedroom; and
- A 480 square foot detached garage was constructed at the rear of the property.

City planning and code enforcement staff were unable to find any additional building records that show when these unpermitted improvements were completed. It is important to note that the City maintains extensive building permit records that are digitized The City uses this

information with the review of Sanborn Fire Insurance Maps (circa 1953 through 1969) and historical aerial photography (e.g., Google Earth/Maps) to make every effort to confirm legally constructed structures. If in the rare instance, an additional building permit surfaces via a records search of the Los Angeles County archives then the City will use this to establish legal construction.

The unpermitted work referenced above was brought to the attention of City staff on April 15, 2016, through a property complaint that was received by the City of Burbank Code Enforcement Division. These complaints can be and are many times made anonymously. Every homeowner, business owner, or member of the public preserve the right to file a complaint. The City treats every complaint the same and follow up to verify whether a violation does or does not exist. Following this complaint, City staff confirmed the existence of physical improvements on the property that could not be verified with building permits. The property owner was notified of the identified code violations in order to make him aware of his options under the City's building and zoning codes to address the unpermitted improvements that included an unpermitted conversion of an attached garage. The converted garage also resulted in a need to access the rear structure in order to comply with City parking regulations that require replacement on-site parking and a minimum 10-foot wide driveway to provide access to the rear of the property. Mr. Chang chose to submit a variance application to remedy the code violations.

During this period, Mr. Chang filed a lawsuit against the neighbor at 331 N. Lincoln to seek an access easement to use a portion of the adjacent property to access the rear structure; effectively taking a right of access to a portion of his neighbor's property. The use of his neighbor's property would have had a negative effect on his neighbors own efforts to redevelop and enjoy his property by creating a non-confirming side yard setback. The lawsuit by Mr. Chang to use a portion of his neighbor's property was subsequently dismissed by the courts.

In fact, the neighbors at 331 N. Lincoln never reached a settlement with Mr. Chang regarding the use of their property to gain access to the rear of his property and they have no intention of allowing Mr. Chang to access their property for purposes of accessing his rear structure. Furthermore, the neighbor's attorney prior to the City Council meeting in September of 2018, informed City staff via email that Mr. Chang's side yard is too-narrow in its current form and would result in a driveway that is "impractical, unsafe, and an invasion of their [the neighbor's] privacy. The combined space between Mr. Chang's house and my clients' house totals less than approximately 11 feet - - 6 feet 10 inches on the Chang property, and 4 feet on my clients' property. Accordingly, as was discussed in the Planning Board's hearing [on February 26, 2018], the sought variance as to the driveway width of 6 feet 10 inches would not allow sufficient space for most passenger cars to traverse the proposed driveway adjacent to Mr. Chang's and my clients' residences. As was also discussed at the Planning Board's hearing, Mr. Chang's unpermitted rear building presents safety issues. It was built too close to my client's property. There is insufficient space available to maintain that building on the side adjacent to my clients' property. The method of construction of the rear building, and whether or not it is safe cannot

be determined as it was built without a building permit." (See Attachment 2 of this memo for the full e-mail from the Attorney for the property owner at 331 N. Lincoln.)

Following the suit that had been filed against his neighbor at 331 N. Lincoln, Mr. Chang applied for a Variance seeking to reduce the City required driveway size from 10 feet to 6 feet, 10 inches. [It is important to note that the driveway access to the rear is necessary to allow use of the rear accessory structure as his new garage since he is seeking to keep the unpermitted conversion of the attached one car garage as required by City zoning code.] At an open, public hearing, the Planning Board denied his request for the Variance and he subsequently appealed the denial to the City Council.

Following an open public hearing, on September 25, 2018, the City Council approved a Variance permit application allowing the non-permitted garage at the rear of the property to remain. The approval was granted by Council with a condition that an 8-foot wide driveway be provided leading to the garage. To accomplish this, the property owner would need to move-in one of the sidewalls of the home 1-feet 2-inches. Specifically, Council considered the following as noted in the Staff Report to Council:

> "Subsequent to the Planning Board Public Hearing and in preparation for the City Council Public Hearing, the Applicant provided City staff a revised proposal to be included in staff's report for City Council consideration. The revised proposal modifies the plans to increase the width of the driveway to be 8-feet wide, instead of the originally proposed 6- feet 10-inches; in order to achieve this one of the walls of the existing home that is adjacent to the driveway would be pushed in. The revised proposal is attached as Exhibit G." [Exhibit G shows the Applicant's proposed modification of the existing converted garage's side elevation that would be adjacent to the existing 6' 10" driveway.]

The City Council incorporated the Applicant's proposed driveway widening to 8 feet as a condition of project approval. Specifically, Condition of Approval # 1 notes the following:

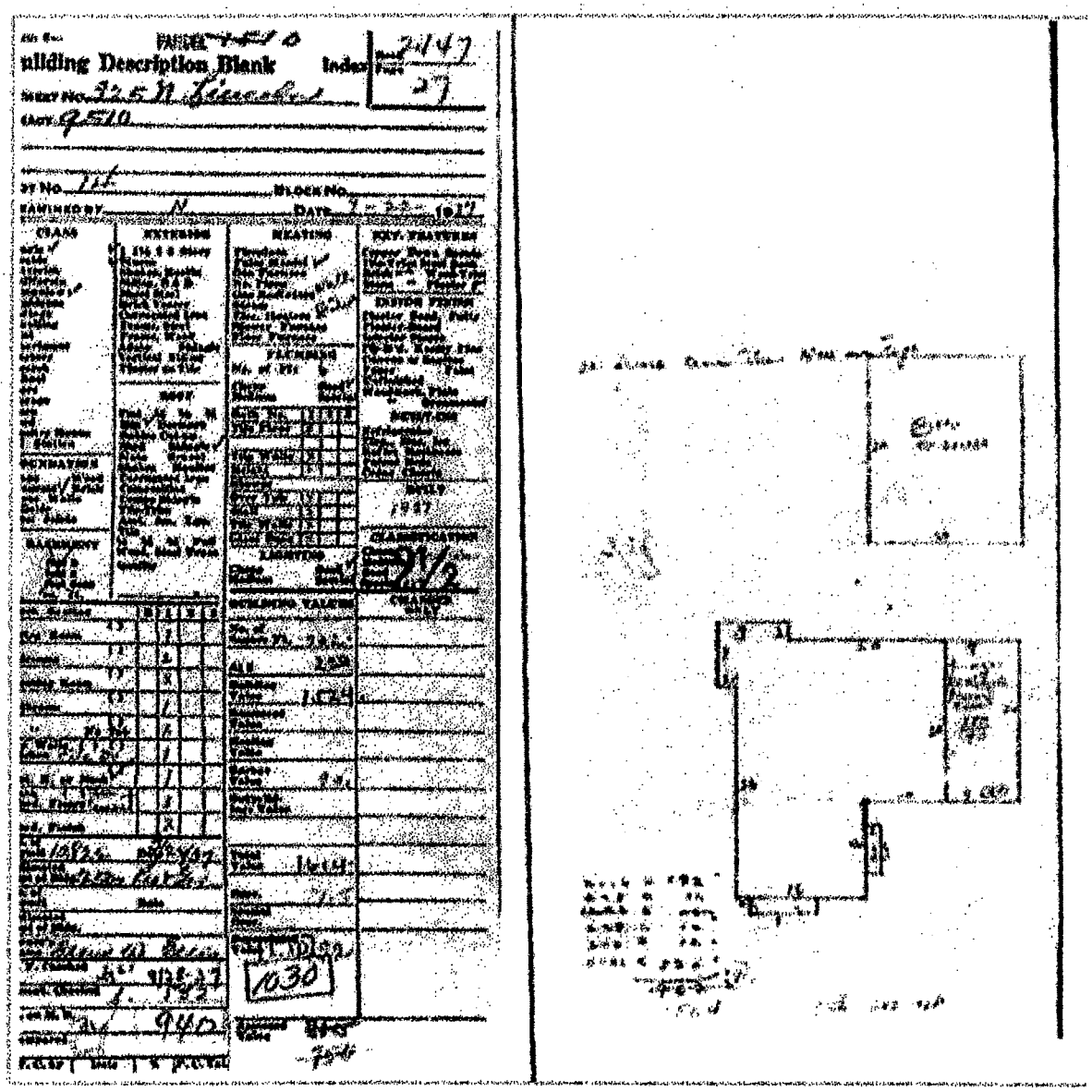
"Project No. 17-0004704 (Variance Application) approves maintaining of the existing setbacks of the detached garage located at the rear of the property, subject to obtaining the required City building permits and the allowance of an 8-foot driveway width on property located within the Single Family Residential (R-1) Zone. The driveway shall be a minimum unobstructed width of 8-feet with said driveway located completely on the subject property at 325 North Lincoln Street. The City Council staff report is Attachment 3 of this memo.

This permit shall expire if the use is not initiated within one year of the date of this approval [expires on September 25, 2019] unless Applicant has diligently moved forward with the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements." Submittal of plans consistent with Council's approval will extend the life of the Variance.

It is unfortunate that after this matter has been fully vetted through a court case and two public hearings, and an agreed upon decision rendered almost one year ago, that Mr. Casey and Mr. Chang along with others, appeared at the September 10th City Council meeting suggesting, during public comment, that it is the terrible bureaucracy of the City bullying a resident through the code enforcement process. Further, they alleged that a City employee was receiving preferential treatment in this matter. The bottom line is that the City doesn't silence people who have complaints, no matter who they are. The fact that Mr. Chang's dispute is with a neighbor who happens to be a City employee is not relevant. The City employee is a field worker who has no connection to the Community Development Department, this process or the decision making. And just because this employee is one of over 1500 City of Burbank employees and a Burbank resident doesn't mean they should be treated differently. Burbank residents who happen to be City of Burbank employees have property rights too. Being a city employee does not negate an individual's property rights. The recent email from the neighbor at 331 N. Lincoln to City Council is Attachment 4 to this memo.

It is important to clarify a few things that were presented by Mr. Casey, Mr. Chang and others at the September 10th Council meeting.

There is one slide noted in the presentation that is cutoff along the left hand side of the document and seems to be identified as a City building permit showing that all structures on-site were permitted in 1937.



This document is not a City building permit and is not on file in the City's Building Division records. It is in fact a Los Angeles County Tax Assessor form ("Form 6"), which is dated 9/22/37 and shows the tax assessment calculations for the actual City Building Permit No. 10822. The highlighted sections noted in blue and red on the next page are intended to show matching information related to house livable space square footage and 180 SF garage building valuation; the document identifies the taxable building areas related to the City Building Permit Application No. 10822. The City Building Permit Application No. 10822 is on file with the City as part of our City archiving in microfiche as included herein after the County form.

Form 6— PARCEL 7510

Building Description Blank

Index Book 2447 Page 27

STREET NO. 3251 N Lincoln

TRACT 7510

LOT NO. 14 BLOCK NO.

EXAMINED BY N DATE 9-22-1927

CLASS
Single ✓
Double
Maverick
California
Bungalow ✓
Residence
Cottage
Dwelling
Flat
Apartment
Factory
Church
School
Store
Garage
Barn
Shed
Poultry House
Oil Station

FOUNDATION
Stone / Wood
Concrete ✓ / Brick
Cross Walls
Hillside
Steel Joists

BASEMENT
feet x
feet x
feet deep
@ sq. ft.

EXTERIOR
✓ 1 1½ 2 3 Story
✓ Stucco
Shakes, Rustic
Siding, B & B
Sheet Steel
Brick Veneer
Corrugated Iron
Frame, Steel
Frame, Wood
Adobe Shingle
Vertical Siding
Plaster on Tile

ROOF
Flat ¼ ½ ¾
Hip ✓ Dormers
Gables Cut-up
Shed Shingle ✓
Slate Gravel
Shakes Mastic
Corrugated Iron
Composition
Compo Shingle
Tile-Trim
Amt. Sm. Lge. Tile
¼ ½ ¾ Full
Wood, Steel Truss
Quality

HEATING
Fireplace
False Mantel ✓
Gas Furnace
No. Pipes wall
Gas Radiators
Steam
Elec. Heaters Heater
Blower Furnace
Floor Furnace

PLUMBING
No. of Fix 6
Cheap Good ✓
Medium Special

Bath No.	1	2	3
Tile Floor	X		
Tile Walls	X		
Height	X		
Shower			
Over Tub	X		
Stall	X		
Tile Walls	X		
Glass Door	X		

LIGHTING
Cheap Good ✓
Medium Special

EXT. FEATURES
Copper Down Spouts
Tile-Trim Steel Sash
Brick ✓ Wood-Trim
Stone " Plaster ✓

INSIDE FINISH
Plaster Sand, Putty
Plaster-Board
Interior Stucco
Ply-W'd. Knotty Pine
Canvas or Sanitas
Paper Paint
Unfinished
Woodwork, Plain
" Ornamental

BUILT-INS
Refrigerator
Elec., Gas, Ice
Buffet Bookcases
Patent Beds
Cedar Closets

BUILT
1927

CLASSIFICATION
Cheap
Medium
Good
Special 2½

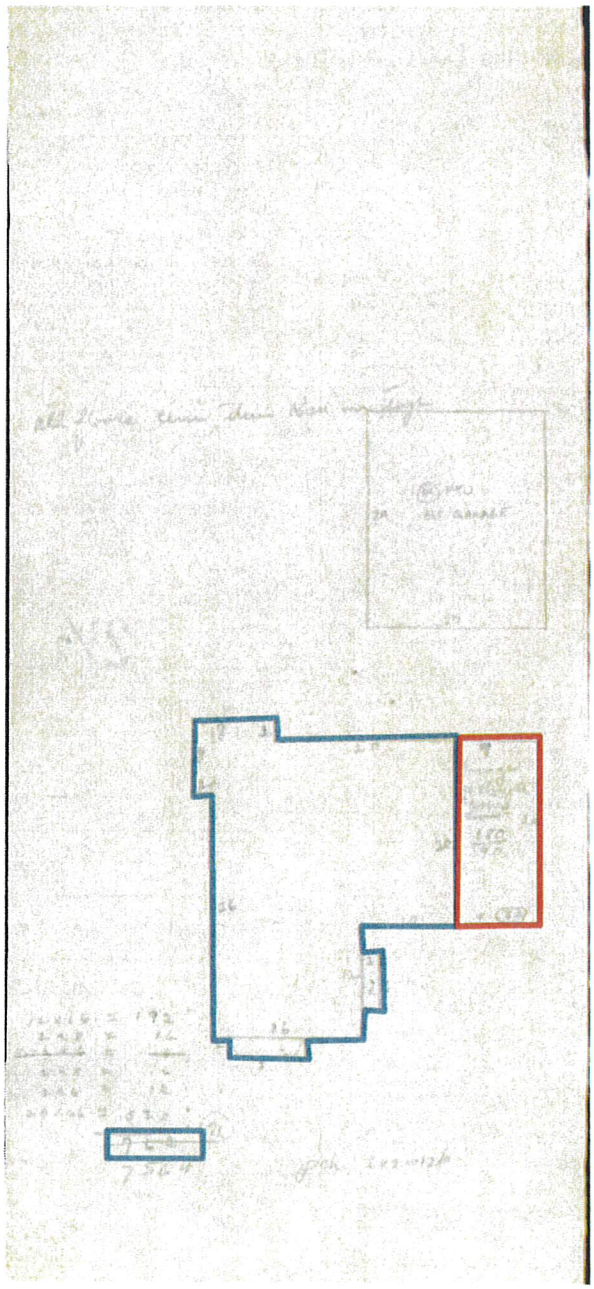
Check Sanitas		B	1	2	3
Living Room	( )		1		
Bedrooms	( )		2		
Dressing Room	( )		X		
Bathroom	( )		1		
" No Tub	( )		X		
Tile Walls Kitchen	( ) ( )		1		
Bkst. B. or Nook	✓		1		
Plank Hdwd. Floors	( )		1		
Hdwd. Finish			X		

No. of Permit 10822 Date 2/3/27
Estimated Cost of Bldg. 2500 Blt Ins
No. of Permit Date
Estimated Cost of Bldg.
Owner's Name Grace W. Sisson
C. F. Checked 9/28/27
Compt. Checked
E. on M. B. 940
Compared

P. C. by	Date	%	P. C. Val.

BUILDING VALUES
No. of Square Ft. 762
At $ 2.00
Building Value 1524
Basement Value
Heating Value
Garage Value 90
Outbuildings Value
Total Value 1614
Depr. 75
Special Depr.
Depreciated Value 1039
1030
Assessed Value 810 750

CHANGES ONLY



The City Building Permit Application No. 10822 is on the next page. It was filed with the City on 3/22/1937; six months prior to the County's tax assessment that is previously noted. The permit is for "Dwelling & Gar[age]", one story structure to be built at the front of the front of the property at 325 N Lincoln Street.

CITY OF BURBANK
DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDING

Application For
BUILDING PERMIT

TYPE 5

No. 10822

State License No. _____ Burbank, Calif. Mar 22 1937

APPLICATION IS HEREBY MADE TO THE SUPERINTENDENT OF BUILDINGS TO ERECT BUILDING IN ACCORDANCE WITH PROVISIONS OF CITY ORDINANCES AND STATE LAWS APPLICABLE THERETO.

OWNER'S NAME Frank W. Ellis
Owner's Address 129 No Bdy Los Angeles
PURPOSE OF BUILDING Dwelling & Gar
Number of Rooms 5 Floors Entire Cost of Building, $ 2500
JOB ADDRESS: No. 325 Lincoln St. Burbank (DRGR)
CONTRACTOR'S NAME Owner
Contractor's Address ✓
Lot No. _____ Block _____
Tract 9510
Size of Lot 50 x 135 Size of Building 32 x 36
Will Building be erected on front or rear of lot? Front
NUMBER OF STORIES IN HEIGHT One
Of What material will FOUNDATION and cellar walls be built? Concrete
GIVE depth of FOUNDATION below surface of ground 12"
GIVE dimensions of FOUNDATION and cellar wall FOOTINGS ✓
GIVE width of FOUNDATION and cellar wall at top ✓
NUMBER and KIND of chimneys ✓ Number of flues ✓
Number of inlets to each flue ✓ Interior size of flues ✓
Give size of following materials: MUDSILLS 3 x 4 Girders and Stringers x
EXTERIOR STUDS 2 x 4 BEARING STUDS 2 x 4 Interior Studs 2 x 4
Ceiling joist 2 x 4 Roof rafters 2 x 4 FIRST FLOOR JOIST x
SECOND FLOOR JOIST x Third floor joist x Fourth floor joist x
Specify material of roofing Shingles What means of access to attic?
What is the least area of any sleeping or living room? 12 sq ft
(Rooms used for sleeping purposes shall contain not less than 90 square feet of floor space)
What is the minimum ceiling height? 8'4½"
Will windows in each room be equal to one-eighth (⅛) of floor area? yes
What is the minimum height of floor above ground? Concrete slab
Will entire space underneath building be enclosed and be provided with ventilating screens?
Will a water closet be provided for each family? yes
Give area of water closet compartment or room, when finished
Give size of windows for toilet and bath rooms 2'6 x 3'6
Specify size of vent shafts to water closet compartments 4"
What is least size of window-courts?

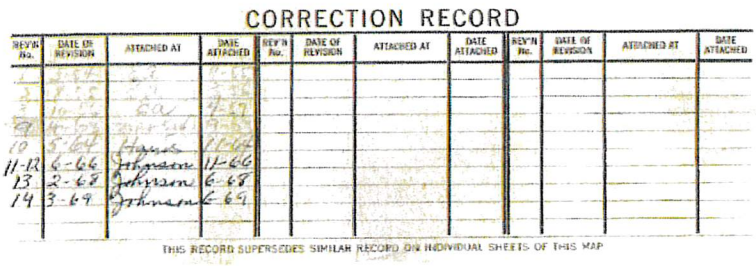
Will all provisions of State Dwelling House Act be complied with? yes

I have carefully examined and read the above application and know the same to be true and correct. All provisions of the Ordinances and Laws governing Building Construction will be complied with, whether herein specified or not.

(Sign here) Frank W. Ellis (Owner or Authorized Agent)
by Ray Johnson

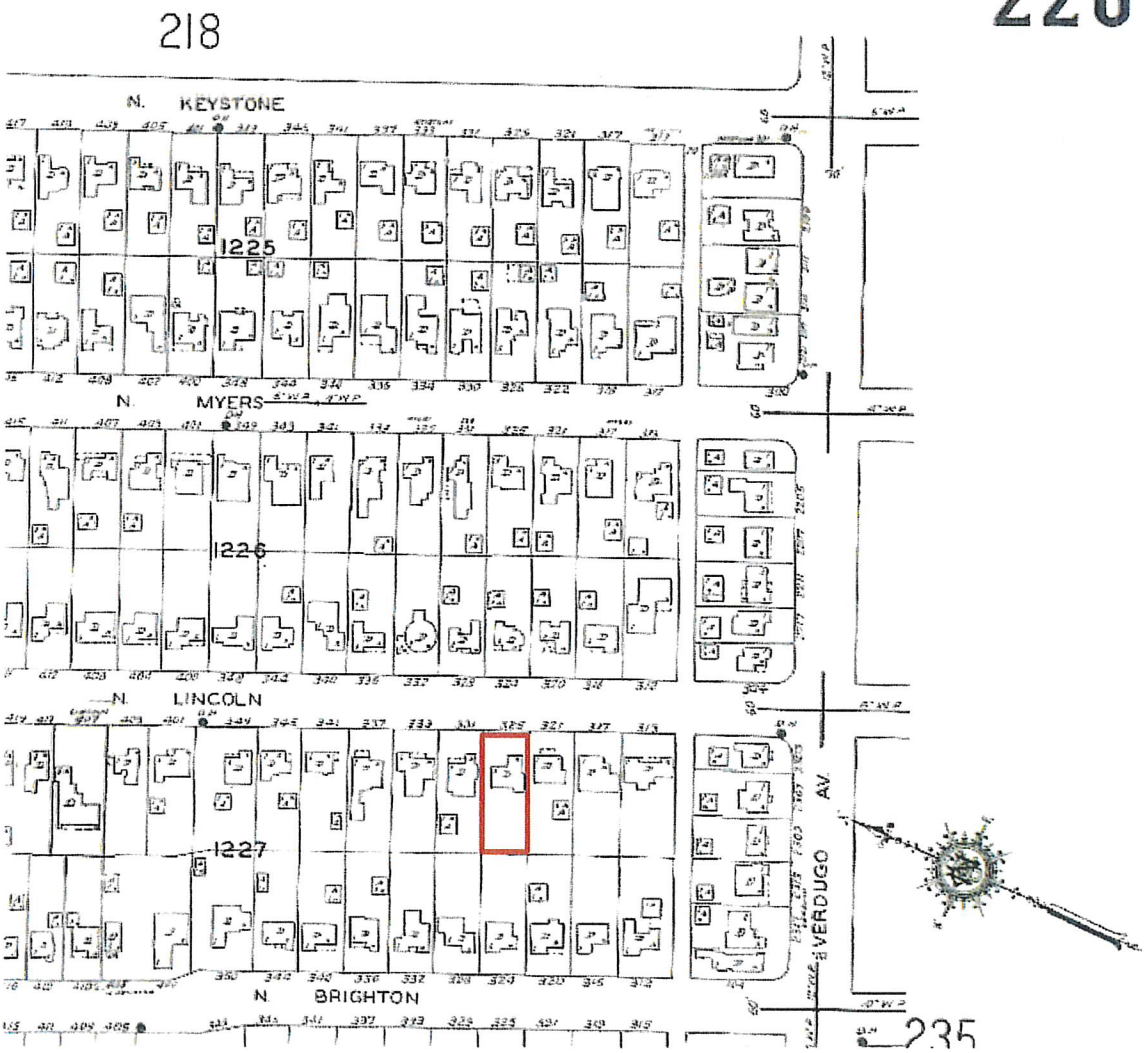
Date issued 3-22-1937

As it relates to the Staff's use of secondary information in order to assess possible on-site structures that may have previously existed on-site, staff reviewed Sanborn Fire Insurance Maps from 1953 that were updated through 1969 for parcels in the City of Burbank. The following two images show the reported map updates and the structures on-site for the property at 325 N. Lincoln Street, which includes the single-family residential structure at the front of the property. As you can see from this image, the rear structure that currently exists is not identified on the insurance maps during this 16-year period.


CORRECTION RECORD

REV'N No.	DATE OF REVISION	ATTACHED AT	DATE ATTACHED	REV'N No.	DATE OF REVISION	ATTACHED AT	DATE ATTACHED	REV'N No.	DATE OF REVISION	ATTACHED AT	DATE ATTACHED
1	[illegible]	[illegible]	[illegible]								
2	[illegible]	[illegible]	[illegible]								
3	[illegible]	Ea	4-67								
9	[illegible]	[illegible]	[illegible]								
10	5-64	Hayes	11-64								
11-12	6-66	Johnson	11-66								
13	2-68	Johnson	6-68								
14	3-69	Johnson	6-69								

THIS RECORD SUPERSEDES SIMILAR RECORD ON INDIVIDUAL SHEETS OF THIS MAP



Mr. Chang's property contains an accessory structure on the rear of his property that could function as a garage that was built without permits; an attached garage converted to a bedroom without permits and that he had been using the side yard that was only 6 feet, 10 inches wide to access the rear garage. This width was not adequate to get a car through, which required Mr. Chang to drive over his neighbor's property at 331 N. Lincoln to access the required parking for his home. When Mr. Chang's neighbor wanted to build a fence on his own property, after having his newly purchased property surveyed, Mr. Chang objected because he was using part of the neighbor's property to access his rear garage. Mr. Chang in an effort to keep the unpermitted construction intact sought a variance from the City's 10-foot driveway requirement to a 6 foot, 10 inch wide driveway. Mr. Chang at the City Council meeting presented a solution by offering to maintain an 8-foot driveway by reducing his home by 1 foot, 2 inches. The Council took him up on his offer and one can infer that he understood the ramifications of his solution. Now 15 days before his variance expires, Mr. Chang with the assistance of Mr. Casey and others wants to blame the City for this situation, when in reality Mr. Chang has been wrongly using his neighbor's property without their consent.

The tone and content of the presentation prepared by Mr. Casey implied that somehow City staff were either incompetent or willfully hiding information from Council and the public. Neither is true. The information related to the project application has been made available to the Planning Board, City Council, and the public in writing and in presentations at duly noticed public meetings. The unwarranted attacks on city staff are disconcerting and unfortunate. Council has staff's assurance that when a mistake occurs staff is will admit it, own it, and correct it. This situation is not one where staff has made a mistake or mistreated a member of the public. Staff is continuously professional and works hard at remaining consistent in their treatment of and relationships with the public. Additionally, staff is committed to consistently applying the City's regulations in an unbiased manner regardless of who files a complaint and whose property is the subject of the compliant. Not focusing on the facts of this publicly vetted matter, which are available to everyone to review, and instead mischaracterizing the actions of staff and a City employee is hurtful to the process and unfair to the citizens of Burbank as well as City employees.

Staff is also taking this opportunity to respond to another complaint from Mr. Casey. Mr. Casey sent an email dated September 12th after his City Council presentation on September 10th, concerning assumptions that Community Development Department staff may have reviewed his presentation about this property before the meeting. Mr. Casey directed the email to the City Attorney and copied all Council members. Since his complaint involves this property and his presentation, we are addressing it in this memo. We disagree with Mr. Casey's interpretation of the Council's policy on presentations at City Council meetings. The relevant section of the policy provides staff will not screen a submittal for inappropriate material, as spelled out in the policy, the presentation will be aired as turned in, and the Mayor may rule a presentation out of order if inappropriate material is shown. Further, the City Manager staff

view a presentation to make sure it is compatible and playable; and is not edited or screened so as not to conflict with First Amendment Rights. The paragraph of the policy cited by Mr. Casey does not prohibit staff from reviewing a presentation before it is shown at a City Council meeting. It seems strange that anyone would complain that staff was ready to respond to a presentation. Being prepared with a coherent response seems to be the best use of City Council's and the public's time in these matters.

Attachment 1

Attachment 2

From: Meshek, Paul [mailto:PaulMeshek@inf.com]
Sent: Friday, September 21, 2018 1:08 PM
To: Villa, Daniel <DVilla@burbankca.gov>
Cc: Trista Blomdahl [redacted]
Subject: 325 North Lincoln St. - - Appeal to City Council Variance Request required driveway width, and required side-yard setback

I am writing this email on behalf of my clients, Trista Blomdahl and Kristian Blomdahl, regarding the Appeal to the City Council by Geoff Chang of the Planning Board's denial of a Variance Application that was presented by Mr. Chang.

My clients are the owners of the property located at 331 North Lincoln Street, Burbank which is located to the north, adjacent to Mr. Chang's property.

By way of background, Mr. Chang filed a lawsuit against my clients in April, 2016. In general, that case sought to quiet title to a claimed prescriptive easement and sought injunctive relief. The parties engaged in settlement discussions which included the possible grant by my clients to Mr. Chang of a six-inch access easement over their property's side yard adjacent to the Chang/Blomdahl boundary. The access easement was proposed to run adjacent to the boundary from the front of my clients' residence to the rear of Mr. Chang's house. A settlement agreement was drafted, however, it was not signed by my clients because my clients were advised that any reduction in the 4-foot width of their side yard could affect their own submitted plans to renovate their home. The Chang lawsuit has been dismissed.

To clarify, my clients have not reached a settlement with Mr. Chang regarding any easement over their property; they do not intend to allow Mr. Chang to access their property for purposes of accessing his rear structure. My clients intend to proceed with their approved plans to renovate their home.

My clients observe the use by Mr. Chang of his side yard as a too-narrow driveway as being impractical, unsafe, and an invasion of their privacy. The combined space between Mr. Chang's house and my clients' house totals less than approximately 11 feet - - 6 feet 10 inches on the Chang property, and 4 feet on my clients' property. Accordingly, as was discussed in the Planning Board's hearing, the sought variance as to the driveway width of 6 feet 10 inches would

not allow sufficient space for most passenger cars to traverse the proposed driveway adjacent to Mr. Chang's and my clients' residences.

As was also discussed at the Planning Board's hearing, Mr. Chang's unpermitted rear building presents safety issues. It was built too close to my clients property. There is insufficient space available to maintain that building on the side adjacent to my clients' property. The method of construction of the rear building, and whether or not it is safe cannot be determined as it was built without a building permit.

I plan to attend the hearing on September 25.

Respectfully submitted,

Paul J. Meshek
Vice President, Senior Trial Counsel
Fidelity National Law Group
[redacted]

The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., and Fidelity National Title Insurance Co.

THIS ELECTRONIC MAIL MESSAGE AND ANY ATTACHMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT AN INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS E-MAIL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE OR BY TELEPHONE. THANK YOU.

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ATTACHMENT 3

city of burbank
community development department

staff report

DATE: September 25, 2018

TO: Ron Davis, City Manager

FROM: Patrick Prescott, Community Development Director
Via: Fred Ramirez, Assistant Community Development Director – Planning
By: Daniel Villa, Associate Planner

SUBJECT: **Appeal to the Planning Board's Decision Denying Project No. 17-0004704, a Variance Application – Located at 325 North Lincoln Street**

RECOMMENDATION

1. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL TO THE PLANNING BOARD'S DENIAL OF PROJECT NO. 17-0004704 FOR A VARIANCE APPLICATION (Exhibit A).

Staff is recommending that the City Council adopt the Resolution denying the appeal, therefore denying the Variance Application to deviate from the City's Single Family Residential (R-1) Zone development standards. Staff's recommendation is based on City planning staff's assessment and the Planning Board's determination that the Findings of fact as contained in the staff report and the attached Resolution cannot be made in the affirmative.

BACKGROUND

Variance Request

The Project site is located at 325 North Lincoln Street within the City's R-1 Zone (see Exhibit B, Aerial Photo). The Project is an application for a Variance requesting a deviation from the following City of Burbank R-1 Zone development standards:

1. A reduction in the required driveway width (only 6-feet 10-inches would be provided, rather than the City Code-required 10-feet); and

2. A reduction in the required side-yard setback for a detached garage (only 1-foot 2-inches would be provided, rather than the City Code-required 3-feet minimum setback). See Exhibit C for the Application and Project Plans.

The property owner Geoffrey Chang ("The Applicant"), who is being represented by Greg Jackson ("The Applicant's Representative"), is pursuing the Variance request in order to deviate from the City's development standards in an effort to legalize existing unpermitted improvements that were constructed without City issued Building Permits. The unpermitted improvements include (1) the conversion of an attached one-car garage into a bedroom; and (2) the construction of a detached two-car garage at the rear of the property; these unpermitted improvements do not comply with the City's R-1 Zone development standards. City Council denial of the Variance request would require The Applicant to comply with the current R-1 zone standards by modifying and/or removing the unpermitted improvements.

On February 26, 2018, the Planning Board held a noticed public hearing to consider the Variance request. Subsequent to the Board's review the staff report and presentation, public input, and deliberation on the Project, the Planning Board voted 5-0 to deny the requested Variance application. After the Planning Board Public Hearing, The Applicant filed an appeal to the Planning Board's Decision before the end of the 15-day appeal period as allowed under BMC Section 10-1-1907.3(C). A detailed history of the Project and associated information provided to the Board, including the Board's minutes from the meeting, are included in Exhibit D.

Applicable Variance Findings

Per Section 10-1-1917 of the Burbank Municipal Code (BMC), the Planning Board and/or City Council can grant a Variance from the development standards should it be determined that all of the required findings can be made (see Exhibit E, Required Variance Findings). Therefore, if the Planning Board and/or City Council cannot make the required findings for approval, then the Project must be denied.

The granting of a Variance is intended to provide deviations from the development standards in situations where there are exceptional circumstances associated with the physical characteristics of a property, through which a property owner is deprived of a substantial property right[1]. Variances are not intended to grant an applicant/property owner a special privilege that is inconsistent with the limitations placed on other similarly zoned properties, or provide relief from self-created hardships. Instead, a Variance approval is intended to allow a property owner the opportunity of utilizing the property in a similar manner as other similarly zoned properties.

FINDINGS/ ANALYSIS

As previously noted, the Planning Board concurred with staff's assessment that all required Variance Findings cannot be made to support approval of the Project. The Planning Board determined that: (1) the Project does not have exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other similarly zoned property; (2) the Project does not need the Variance for the preservation and enjoyment of a substantial property right that is possessed by other

[1] Exceptional circumstances typically include, but are not limited to: (1) unusually shaped properties; (2) drastic changes in a property's topography; and/or (3) an unusual site design.

similarly zoned property; (3) the granting of the Variance will be materially detrimental to the public welfare or injurious to property in the vicinity in which the property is located; and (4) the granting of the Variance will be contrary to the objectives of the Burbank2035 General Plan. See Exhibit A, Resolution, for a response to each required finding.

Analysis

In identifying whether the required findings could be made City staff and the Planning Board considered (1) whether the deviations proposed meet the intent of the development standards; and (2) whether the requested deviations from the R-1 Zone development standards were consistent with existing conditions found on similarly zoned properties in the surrounding neighborhood. The following are staff's assessment of why the Variance request should not be approved:

1. The Variance request and resulting deviations do not meet the intent of the R-1 Zone development standards. The proposed driveway width of 6-feet 10-inches would not provide adequate width for an average sized vehicle to reasonably and safely access the parking garage in the rear. Additionally, the proposed side-yard setback of 1-feet 2 inches for the detached garage would provide insufficient clearance for the maintenance of the structure potentially creating a visual nuisance as well as a potential health and safety hazard to the site and adjacent property; and

2. The Variance request and resulting deviations are not consistent with the existing conditions found on similarly zoned properties in the surrounding neighborhood. Allowing for a reduced driveway width and garage setback for this Project would result in a special privilege that is inconsistent with the allowances and limitations placed on other similarly zoned properties in the surrounding neighborhood. A more detailed analysis is provided in Exhibit F.

Proposed Modification to the Project Proposal

Subsequent to the Planning Board Public Hearing and in preparation for the City Council Public Hearing, The Applicant provided City staff a revised proposal to be included in staff's report for City Council consideration. The revised proposal modifies the plans to increase the width of the driveway to be 8-feet wide, instead of the originally proposed 6-feet 10-inches; in order to achieve this one of the walls of the existing home that is adjacent to the driveway would be pushed in. The revised proposal is attached as Exhibit G.

City staff has reviewed the revised proposal, and it is staff's assessment that the Project must still comply with the current R-1 zone development standards. Similarly zoned properties both in the neighborhood and throughout the R-1 Zone are required to comply with the applicable driveway width and building setback provisions, and must therefore design their development proposals in compliance with applicable development standards. Therefore, it is staff's assessment that the granting of the Variance request would still result in the granting of a special privilege to that subject property that is inconsistent with the limitations placed on other similarly zoned properties.

PUBLIC INPUT

Public notice for the City Council hearing has been provided as required by law, including mailing out notices to property owners and tenants within a 1,000-foot radius of the project site, publication of the notice in the local newspaper, and posting of an on-site sign. During the preparation of this report staff did not received any comments. Any additional comments received will be provided to the City Council at the noticed public hearing.

ENVIRONMENTAL REVIEW

The Project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301 (Existing Facilities) for additions to an existing residential structure.

FISCAL IMPACT

Denying this appeal will have no impact to the City's General Fund.

CONCLUSION

The Applicant seeks the City Council's approval to allow for two deviations from the City development standards for the R-1 Zone. It is City planning staff's assessment and the Planning Board's determination that the deviations requested are not consistent with the intent of the R-1 development standards, nor are they consistent with the requirements that are imposed on other similarly zoned residential properties.

Based on their review of the Project request, the Planning Board determined that all of the required Variance Findings cannot be made for the Project's approval. City planning staff has determined that the granting of the Variance request for either the original proposal or the modified proposal would result in a special privilege that is inconsistent with the limitations placed on other similarly zoned properties; the Planning Board Resolution and unanimous vote concur with staff's assessment that the Project should be denied. Therefore, City planning staff recommends that the City Council adopt the attached Resolution denying the appeal, thus denying the Project.

List of Exhibits	
A	Draft Resolution
B	Zoning and Fair Political Practices Act Compliance Map; Aerial Photo
C	Application Form and the Project Plans
D	Additional Information Regarding the History of the Variance Request
E	Findings Required for Approval of a Variance Application
F	Detailed Analysis Regarding Consideration of the Variance Request:
G	Proposed Modification to the Proposed Plans

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL TO THE PLANNING BOARD'S DENIAL OF PROJECT NO.17-0004704 FOR A VARIANCE APPLICATION (A Request for a Variance from the required driveway width and required side-yard setback for a detached garage, for property located in the Single Family Residential Zone)

THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 20, 2017, Greg Jackson ("Applicant") submitted an application for Project No. 17-0004704 (Variance), for a Project located at 325 North Lincoln Street

B. The Planning Board at its meeting of February 26, 2018, held a public hearing to consider Project No. 17-0004704 (Variance) located at 325 North Lincoln Street. The Planning Board voted 5-0 in favor of denying the Project and Variance request.

C. Applicant Greg Jackson filed an appeal to the Planning Board's Decision before the end of the 15-day appeal period as allowed under Burbank Municipal Code (BMC) Section 10-1-1907.3 (C).

D. The City Council of the City of Burbank at its regular meeting of September 25, 2018, considered the appeal to the Planning Boards decision denying Project No. 17-0004704 (Variance) located at 325 North Lincoln Street.

E. Said hearing was properly noticed in accordance with the provisions of the BMC.

F. The City Council considered the report and recommendations of the City Planner and the evidence presented at such hearing.

G. The City Council considered the testimony and evidence from the Appellant, the Applicant, and the general public presented at such hearing.

H. The Project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Existing Facilities) for additions to an existing structure.

THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The appeal to the Planning Boards decision of Project No. 17-0004704 (Variance) is hereby denied. The denial is based upon the fact that the City Council determined that all required findings for approval of the requested Variance could not be made as required under the BMC for Project No. 17-0004704:

EXHIBIT A-1

Findings: Variance

1. The 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;

The proposed Project is located at 325 North Lincoln Street, property that: (1) is approximately 50-feet wide and 135.6-feet deep, which is similar to the standard lot dimensions for properties in the surrounding neighborhood; and (2) is not affected by drastic changes in the property's topography that would otherwise create a unique physical condition. The property is similar to the other lots in the surrounding neighborhood, and there exists no exceptional or extraordinary circumstances as it relates to size, shape, topography, location, or surroundings that are applicable to the property that do not apply generally to other property in the same vicinity and R-1 zone that would warrant noncompliance with the applicable development standards. Therefore this finding cannot be made, to support (1) a Variance from the Burbank Municipal Code (BMC) Section 10-1-603(I)(9) to reduce the driveway width from the City-minimum required 10 feet to 6-feet 10-inches; and (2) a Variance from the BMC Section 10-1-603(G) to allow a reduction of the required 3-foot side-yard setback for the unpermitted detached garage to 1-foot 2-inches.

2. 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 in question;

The proposed Project is located at 325 North Lincoln Street, a property that: (1) is approximately 50-feet wide and 135.6-feet deep, which is similar to the standard lot dimensions for properties in the surrounding neighborhood; and (2) is not affected by drastic changes in the property's size, shape, location, surroundings, and topography that establish a unique condition. While there exists other driveways in the surrounding neighborhood that are less than the BMC required 10-foot driveway width (BMC Section 10-1-603(I)(9)), there exists no property in the surrounding neighborhood with a driveway width of less than 8-feet.

Approval of the Variance request is not necessary to allow 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 in question. Similarly zoned properties both in the neighborhood and throughout the R-1 Zone are required to comply with the applicable driveway width provision, and must therefore design future development proposals in compliance with applicable development standards.

Furthermore, requiring the unpermitted detached garage to meet the City code required 3-foot side-yard setback (BMC section 10-1-603(G)) would not deny the property owner the same rights as other property owners in the vicinity because there is nothing unique about the

property that would prevent the property owner from meeting the required setback as he proceeds with obtaining the required permitting to legalize the existing unpermitted structure. The requirement to obtain the proper City permits and subsequently build or modify the structure to comply with applicable setbacks in the R-1 Zone are equally applicable to the Project site as they are to similarly zoned properties in the neighborhood. The 3-foot minimum side yard setback is applicable to all R-1 zoned property and ensures that proper distance separation and minimum access provisions are kept to comply with applicable building and fire codes for building separation and continued access to ensure maintenance of the structure over time. Therefore, this finding cannot be made in order to approve Variances to allow: (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the property is located; and

The requested Variance and resulting deviations from BMC Section 10-1-603(1)(9) (10-foot driveway width) and BMC Section 10-1-603(G) (3-foot side-yard setback) do not meet the intent of the R-1 Zone development standards. The applicable development standards have been established and are enforced by the City in order to protect the public welfare and property citywide by facilitated responsible development that protects the character of the single family residential neighborhoods by allowing the orderly development of the community. The proposed driveway width of 6-feet 10-inches would not provide adequate space for an average sized vehicle to reasonably access the parking garage, which is also required to maintain a minimum width of 9.6 feet per vehicle (BMC Section 10-1-603(I)(1)). Allowing a reduction in the required driveway width could result in (1) damage to personal property as well as that of adjacent property owners; (2) the property owner driving over the adjacent neighbor's property; and/or (3) a non-functional driveway that does not provide necessary driveway access to the on-site parking and creates a non-usable garage, which results in vehicles that are unable to navigate the narrower driveway from having to park on the street. Furthermore, the proposed side-yard setback of 1-feet 2-inches (for the detached garage) would not provide adequate clearance for the maintenance of the structure. This could result in the future degradation of that structure, creating a visual nuisance as well as potential health and safety hazard created by having less separation between structures (both on-site and on neighboring properties). Therefore this finding cannot be made to support (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

4. The granting of the Variance will not be contrary to the objectives of the General Plan.

The Variance request to (1) reduce the driveway from the BMC section 10-1-603(I)(9) 10-foot width requirement to 6-feet and 10-inches; and (2) reduce the side-yard building setback from the BMC section 10-1-603(G) requirement of 3-feet to 1-foot 6-inches would be contrary to

the intent of the development standards, because the driveway would be unable to reasonably accommodate a current-day average sized vehicle and because the reduced building setback would create a potential maintenance problem for that structure in the future. Furthermore, the allowance of a reduction of building setbacks would be contrary to General Plan Policy 8.3 which "requires that building envelopes preserve access to light and air, provide adequate open space, and maintain appropriate setbacks" which are necessary to "ensure that privacy is respected to the extent feasible in an urban environment." As noted, the proposed deviations from the BMC can lead to privacy issues because minimum setbacks are not being maintained which is contrary to the goals and policies of the City's General Plan. Therefore this finding cannot be made, to support (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

2. The Secretary of the City Council shall mail a copy of this Resolution to the applicants.

PASSED AND ADOPTED this 25th day of September, 2018.

Emily Gabel-Luddy
Mayor of the City of Burbank

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: Joseph H. McDougall, Sr. Asst. City Attorney

EXHIBIT A-4

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the this 25th day of September, 2018, by the following vote:

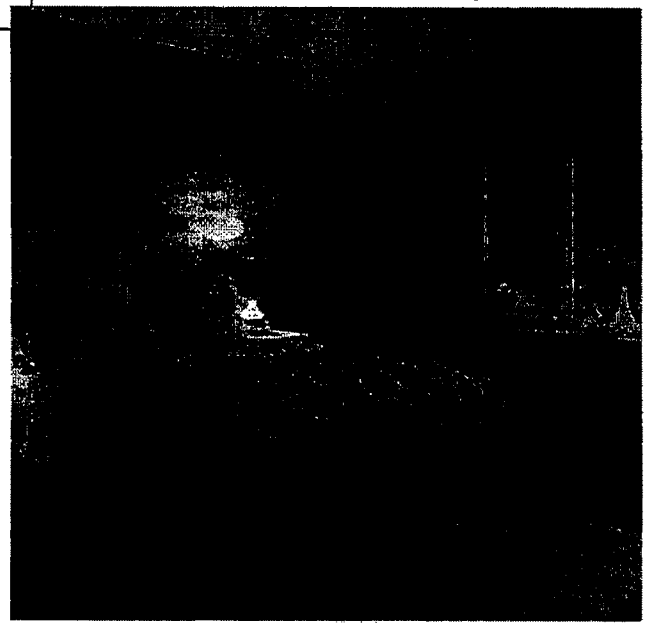
AYES:

NOES:

ABSENT:

Zizette Mullins, MMC, City Clerk

EXHIBIT A-5



HOW TO APPLY FOR A PERMIT

Applying for a short-term rental permit is easy. You can apply online electronically at www.cityofpasadena.net/shorttermrentals. In addition to completion of the online form, the following is required for online application submission:

1. Property Inspection Self-Certification
2. Copy of Neighborhood Notice and addresses of the properties notified
3. Proof of primary residency at the property.
4. Photographs of the property.
5. Payment of the permit application fee.
6. Short-term Rental Affidavit (notarized)

ENFORCEMENT

Short-term rentals are subject to compliance with the operating standards in PMC Section 17.50.296 for Short-Term Rental Regulations, Chapter 9.36 for Noise Restrictions and Chapter 8.64 for Litter Control. Three (3) violations against the same property being used for short-term rental will result in the revocation of the permit. Violations shall also be subject to administrative fines and penalties pursuant to PMC Sections 1.25.160 and 1.25.170.

PENALTIES

Penalties for violations can include:

- Revocation of the short-term rental permit
- Daily fines for every day a violation continues

CONCERNS?

Report any short-term rental related concerns to (435)STR-HELP

QUESTIONS?

For questions regarding the regulations or permitting process, call the Planner of the Day at (626)744-6777

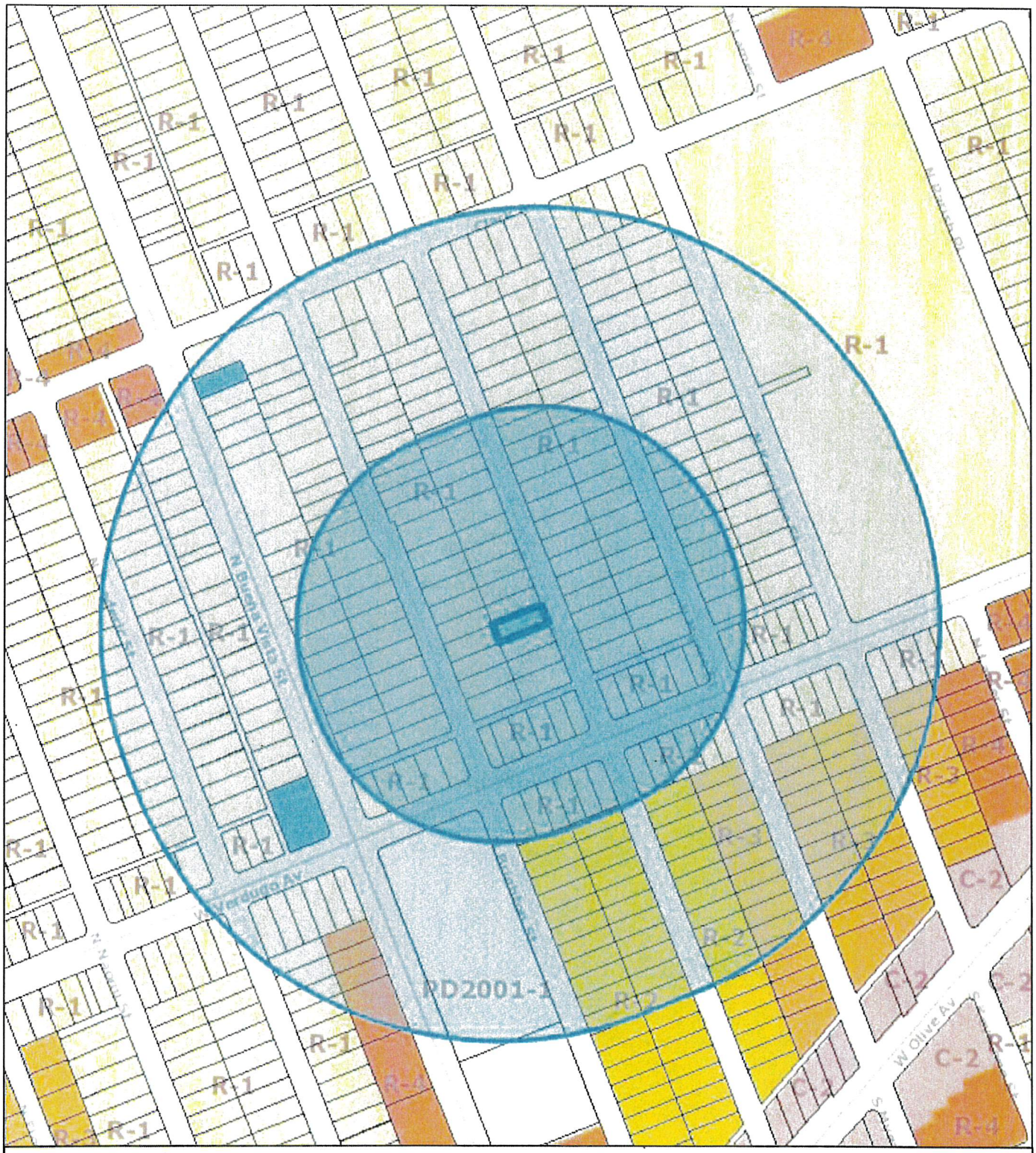
For questions regarding TOT, call (626)744-4538

City of Pasadena
Planning & Community Development Department
175 N. Garfield Avenue
www.cityofpasadena.net/shorttermrentals

PASADENA

Short-term Rentals

**Does not include all short term rental regulations. Copies of the Short-Term Rental ordinance are available at the City Clerk's Office and at www.cityofpasadena.net/shorttermrentals.*



Outer line represents the 1000 foot Fair Political Practices Act conflict area.
Inner line represents the 500 foot Fair Political Practices Act conflict area.

Zoning/Public Noticing/Fair Political Practices Act Compliance Map

EXHIBIT B-1

333.3 0 333.3 Feet

CITY OF BURBANK

Aerial Photo

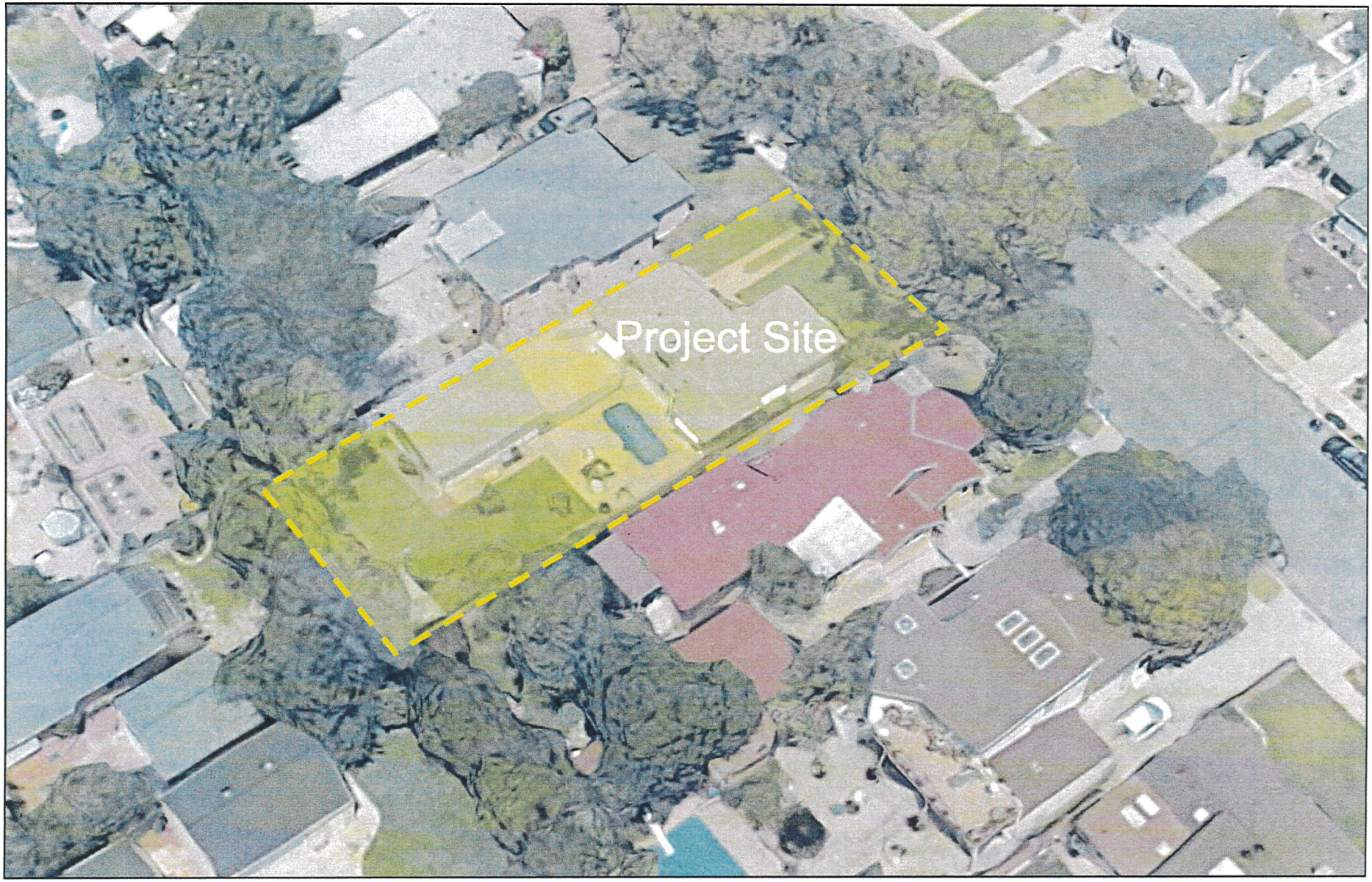


Exhibit B-2

City of Burbank
Planning and Transportation Division
SINGLE FAMILY RESIDENTIAL
Permit Application

150 North Third Street
Burbank, California 91502
www.burbankusa.com
T: 818-238-5250
F: 818-238-5150

Project address:
325 N. Lincoln Street

Assessor's parcel number(s):
2447-027-010

Legal description:
Lot 14 of Tract 9510 (MB 137-82-83)

Lot size
50-ft. x 135.7-ft.

Are there any covenants or deed restrictions that regulate the use or development of this property? ☐ Yes ■ No If yes, attach a copy.

Square footage of all structures on property except garage
Existing 936 sq. ft. Proposed No change

Square footage of garage
Existing 480 sq. ft. Proposed No change

Application type

- ☐ FAR increase from 0.40 to 0.45
- ☐ Minor exception to setback requirements
- ☐ Accessory structure covenant (up to 300 square feet)
- ☐ Accessory structure permit (301 to 1,000 square feet or garage over 1,000 square feet)
- ☐ Second dwelling unit permit
- ☐ Large family daycare home administrative use permit
- ☐ Special development permit
- ☐ Hillside development permit
- ☑ Variance

Project description: Please provide a detailed description of the project and refer to plans where appropriate. Attach additional sheets as necessary.

Property owner name
Geoffrey Chang

Mailing address
P.O. Box 824, Cobb, California 95426

Telephone
818.237-7364 (Owner) 818.220-6456 (Consultant)

Fax

Email
geoff_osd@sbcglobal.net

I hereby certify that I am the legally authorized owner of the property involved in this application or have been empowered to sign as the owner on behalf of a corporation, partnership, or business as evidenced by the documents attached hereto. I hereby grant to the applicant of this form full power to sign all documents related to this application, including any conditions or mitigation measures as may be deemed necessary. I declare under penalty of perjury that the foregoing is true and correct.

Property Owner Signature [signature]
Date 6/23/17

Applicant name (if different from owner)
Same as owner

Mailing address

Telephone

Fax

Email

I hereby certify that the information furnished in this application and the attached materials are true and correct to the best of my knowledge and belief. Further, should the stated information be found false or insufficient, I agree to revise the information as appropriate. I understand that the City of Burbank cannot process this application until all required information is provided. I understand there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully investigated and the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions. I understand that I have the burden of proof in the matter arising under this application made by me. I declare under penalty of perjury that the foregoing is true and correct.

Applicant Signature [signature]
Date 6/23/17

If someone other than the applicant is the primary contact for this application, please list contact information below.

Name
Greg Jackson / Jackson & Jackson Consulting

Relationship to project
Consultant

Address
P.O. Box 326, Burbank, California, 91503

Telephone
818.237-7364 (Owner) 818.220-6456 (Consultant)

Fax

Email
greglackson822@gmail.com

RECEIVED
JUL 20 2017
By

For Planning Use Only
Filing Fee | Date Received
Case No. | Receipt No.
Filing Date | Date Complete
Hillside Map | Lot Size
Notes
Application Type (FAR, Minor Exception, Variance, Hillside)
☐ Approved ☐ Disapproved

Exhibit C-1

FAR INCREASE FROM 0.40 TO 0.45

Incentives provided
- ☐ Top plate height 20 feet or less
- ☐ Roof pitch 6:12 or greater
- ☐ Second story within pitched roof
- ☐ Side yard setbacks 2 feet greater than minimum
- ☐ Additional 10-foot front second story setback
- ☐ Additional 5-foot side second story setback
- ☐ Second story floor area 75% or less of first story floor area
- ☐ Hipped roof or gables do not face side yards

MINOR EXCEPTION TO SETBACK REQUIREMENTS

Setback exception requested for ☐ Main dwelling ☐ Detached garage/accessory structure	Length of proposed addition along setback line
Existing setback distance to be continued	Length of existing structure along setback line
Purpose of extension (extension of existing room(s) or new room(s)?)	

ACCESSORY STRUCTURE COVENANT AND PERMIT

Square footage of accessory structure (or garage if applicable)	Plumbing facilities ☐ bathroom sink ☐ laundry or bar sink ☐ toilet ☐ shower (must include pool if shower is requested)
Proposed use of structure (recreation, office, storage, etc.)	

If accessory structure permit, you may attach additional sheets to discuss how the project will meet the required findings.

SECOND DWELLING UNIT

Square footage of second dwelling unit	☐ Attached ☐ Detached

LARGE FAMILY DAY CARE HOME ADMINISTRATIVE USE PERMIT

Number of children you will be caring for	Age range of children
Number of children who reside in the home that are 10 years of age or younger	Number of employees who do not reside in the home

Have you obtained a license from the State of California Department of Social Services?
☐ Yes (attach a copy of the license) ☐ No (attach a copy of your application if you have applied)

SPECIAL DEVELOPMENT PERMIT

Reason for application ☐ lot size under 6,000 square feet ☐ consistency with surrounding houses	Requesting to vary from ☐ height – requested height_____ ☐ lot coverage – requested lot coverage_____ ☐ floor area ratio (FAR) – requested FAR _____

You may attach additional sheets to discuss how the project will meet the required findings.

HILLSIDE DEVELOPMENT PERMIT

Reason for application ☐ Grading/cut/fill activity ☐ Encroachment beyond front or rear setback line ☐ Grade difference greater than 10 feet ☐ House height over 16 feet to top of roof ☐ House size over 3,000 square feet	Grading activity (if any) Cubic yards of cut_____ Cubic yards of fill_____ Cubic yards to be exported from site_____ Cubic yards to be imported to site_____

Are you requesting an exception from any R-1 single family residential standards? ☐ Yes ☐ No
If yes, attach additional sheet listing code section numbers and state reasons for exception request.

You may attach additional sheets to discuss how the project will meet the required findings (including for exception if applicable).

VARIANCE

Variance requested from (list code sections and standards)
Section 10-1-603G.2 (Yard Setbacks) and Section 10-1-603I.9 (Parking and Driveways)

Reason for variance request
To legalize attached garage conversion into a bedroom and bathroom and detached two-car garage both constructed without permits.

You may attach additional sheets to discuss how the project will meet the required findings. See Attachment

Exhibit C-2

ATTACHMENTS

1. Background Information and Justifications.
2. Notice of Violation dated May 5, 2016
3. Plan Check Comments dated December 8, 2016
4. Building Permit dated March 22, 1937
5. Photograph of 325 N. Lincoln Street dated "Easter 1952"
6. Aerial Photograph
7. Site Photographs
8. LA County Assessor Map

Exhibit C-3

ATTACHMENT No. 1

BACKGROUND INFORMATION,

ENTITLEMENT REQUESTS, AND JUSTIFICATIONS

325 N. LINCOLN STREET, BURBANK, CA 91506

PROJECT OVERVIEW AND BACKGROUND

The Applicant, Geoffrey Chang, is seeking to legalize an existing attached bedroom, with bathroom and detached two-car garage. The residence was built 80 years ago (Building Permit No. 10822, issued March 22, 1937). The attached single-car garage was converted into a bedroom and bathroom by a prior property owner more than 65 years ago (see photo dated "Easter 1952"). The detached two-car garage was constructed at some time after that date. The Los Angeles County Assessor's property data records first identify the detached garage in 1971; however, it is believed that the structure was built substantially before that date. Mr. Chang has owned the property since July 1998 and was unaware that the interior remodeling and detached garage were constructed without building permits.

The Applicant has submitted building plans to the Community Development Department so that he can legalize the structures and comply with the building code. No changes are proposed to the exterior of the buildings and the only interior construction to be done will be that which is required by the Building Division. Mr. Chang was notified by the Planning and Transportation Division that two variances are required before the City could approve the requested permits (see attached plan check comments); hence, this variance request.

ENTITLEMENT REQUEST

- The Applicant requests pursuant to Burbank Municipal Code (BMC) Title 10, Article 19, Division 3, Section 10-1-1916 **VARIANCES from** BMC Article 6 (Residential Uses and Standards), Division 1 (Single Family Residential Zones) **Section 10-1-603G.2 (Yard Setbacks) and Section 10-1-603I.9 (Parking and Driveways).** The Variances are requested so that the existing garage can continue to be maintained with a one-foot side yard setback and that the driveway can have a reduced width of 6' 10". The applicant is currently negotiating an agreement with the adjacent property owner at 331 N. Lincoln Street to obtain an additional 8-inch unobstructed easement which would make the driveway 7'6" in total.

RECEIVED
JUL 20 2017
By

Exhibit C-4

ENVIRONMENTAL CLEARANCE

The requested entitlement qualifies for a Categorical Exemption from CEQA pursuant to Section 15305(a), which allows minor setback variances, and Section 15305(e) of the State Guidelines pertaining to additions of less than 2,500 square feet.

SUBJECT PROPERTY

As shown in **FIGURE 1**, below, the Subject Property is a rectangular-shaped midblock lot on the west side of Lincoln Street between Clark Avenue and Verdugo Avenue. The lot is 50 feet wide and 135.57 feet deep with an area of approximately 6,779 square feet (per survey); the two structures will have a total lot coverage of approximately 20 percent. The property is legally described as Lot 14 of Tract No. 9510 (MB 137-82-83) and is in the R1 Single Family Residential Zone.

FIGURE 1

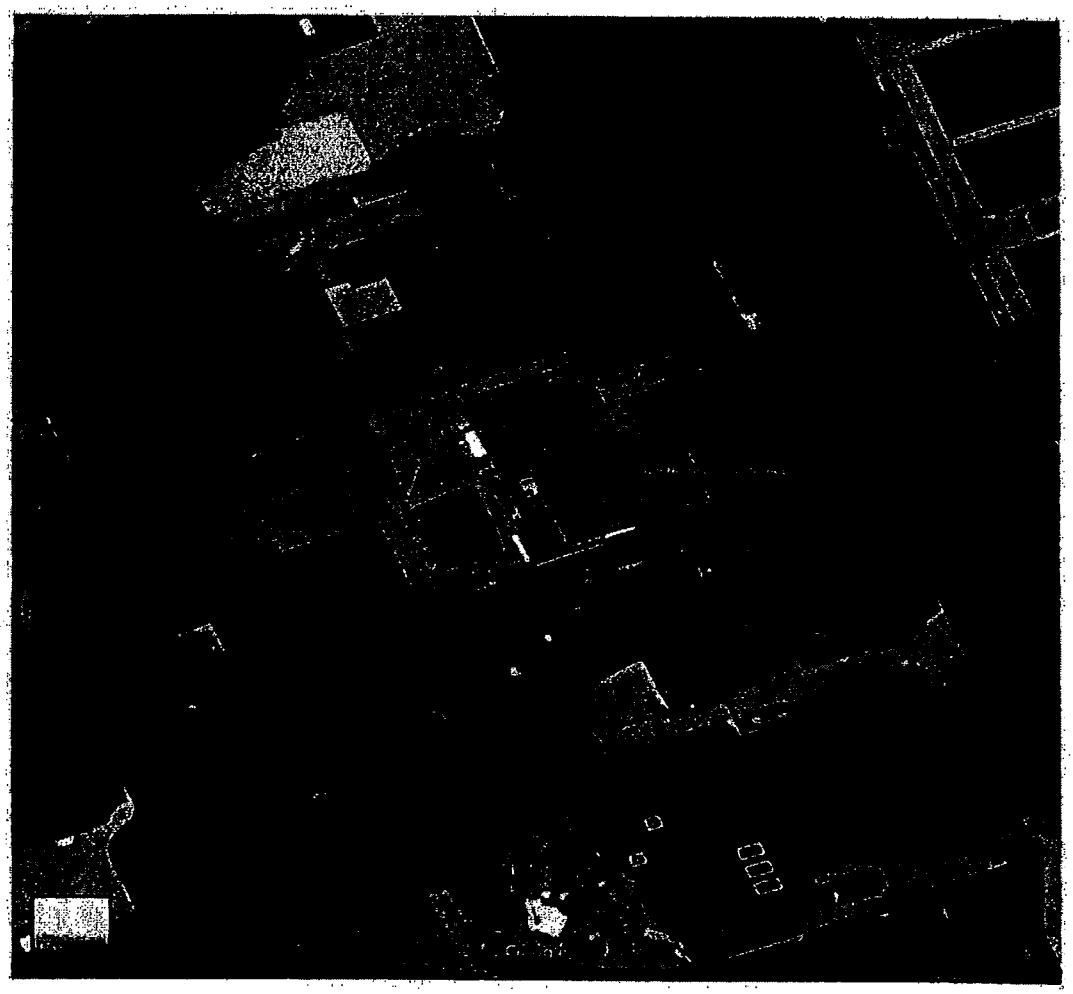


Exhibit C-5

CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT
150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
www.ci.burbank.ca.us

NOTICE OF VIOLATION

May 5, 2016

Geoffrey Chang
325 N. Lincoln Street
Burbank, CA 91506

SUBSTANDARD CONDITIONS EXISTING AT: 325 N LINCOLN STREET, BURBANK
OWNER OF RECORD: GEOFFREY CHANG

Dear Mr. Chang:
A property maintenance investigation has revealed violations at the above-described property. You are hereby notified that violations of the California Building Code were found to exist at this location and you are directed to correct the violations, which are listed below. (Reference: CBC California Building Code)

CODE SECTION/S: CBC 105.1

- Detached garage constructed without building permit.
- Existing garage converted without building permit
- Air Conditioning system installed without permit

Permits Required: any owner of authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make an application to the building official and obtain the required permit.
Please consider this letter as your official notice that your property is in violation of the above referenced California Building Code Section(s). An inspection is scheduled within 30 days or by June 4, 2016, at which time you are expected to have complied with all requirements of the California Building Code. If more than two inspections for this violation are required, a $37.00 fee will be assessed for each subsequent field inspection as provided by the Burbank Fee Resolution No. 28,350 Article VII, Section 23, (A). If you have any questions please contact me at (818) 238-5287

COMMUNITY DEVELOPMENT DEPARTMENT
Building Division

Chris Thompson

Chris Thompson
License & Code Manager

Exhibit C-7

Community Development Department
Planning and Transportation Division
150 North Third Street
Burbank, California 91502

Activity No: PL1612764
Page 1 of 1
Date Printed: 12/06/2016

Plan Check Comments

Project Address: [redacted]

Project Description: Legalize 400 sqft detached garage & conversion of (E) attached garage
Applicant:

Comments

These 'conditions of approval' are plan check comments only and do not constitute an approval of the proposed project or a permit for construction.

The comments listed herein are not intended to comprehensively address every code requirement and condition of approval that may be applicable to the project. It is the applicant's responsibility to demonstrate compliance with all applicable codes and conditions.

Applicant shall review all revised plans with the Planning and Transportation Division prior to obtaining approvals from other Departments or Divisions. Planning will not sign off on plans for Building Permits if they are not in compliance with all applicable codes, and/or conditions of approval, including the Zoning Ordinance, regardless of whether or not other Departments or Divisions have signed off on the items that they review.

I HAVE READ,UNDERSTOOD,AND AGREE TO THESE CONDITIONS:

_____
Signature of Applicant

[redacted]

Rear garage must be setback 3 feet from property line.

(N) garage must have driveway access.
(N) driveway must be 10¿ wide.

Show on plans existing garage.
Must be labeled as remodel/addition to main dwelling.

Label rear garage as new, or legalizing. Not existing.

Provide Floor-Area Ratio.

Provide Lot Coverage.

Draw Datum Line and point on garage. East Elevation.(Refer to sheet A4.0)

Additional corrections may result from future plan checks.

Resubmit with response sheet.

When resubmitting, please return red-marked set of plans.

For additional information contact:

[redacted]

Exhibit C-8

CITY OF BURBANK

DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDING

Application For
BUILDING PERMIT

TYPE 5

No. 10820

State License No. .....

Burbank, Calif., Mar 22 1937

APPLICATION IS HEREBY MADE TO THE SUPERINTENDENT OF BUILDINGS TO ERECT BUILDING IN ACCORDANCE WITH PROVISIONS OF CITY ORDINANCES AND STATE LAWS APPLICABLE THERETO.

OWNER'S NAME Frank W. Elbra

Owner's Address 129 No Bay 200 Burbank

PURPOSE OF BUILDING Dwelling & Gar

Number of Rooms 5 & Garage Entire Cost of Building, $ 2500

JOB ADDRESS: No. 325 Lincoln in Burbank District

CONTRACTOR'S NAME Owner

Contractor's Address .....

Lot No. ..... Block .....

Tract 2416

Size of Lot 50 x 135 Size of Building 32 x 38

Will Building be erected on front or rear of lot? Front

NUMBER OF STORIES IN HEIGHT One

Of What material will FOUNDATION and cellar walls be built? Concrete

GIVE depth of FOUNDATION below surface of ground 12"

GIVE dimensions of FOUNDATION and cellar wall FOOTINGS ✓

GIVE width of FOUNDATION and cellar wall at top ✓

NUMBER and KIND of chimneys ✓ Number of flues ✓

Number of inlets to each flue ✓ Interior size of flues ✓

Give size of following materials: MUDSILLS 3 x 4 Girders and Stringers ✓

EXTERIOR STUDS 2 x 4 BEARING STUDS 2 x 4 Interior Studs 2 x 4

Ceiling joist 2 x 4 Roof rafters 2 x 4 FIRST FLOOR JOIST

SECOND FLOOR JOIST x Third floor joist x Fourth floor joist

Specify material of roofing Shingles What means of access to roof?

What is the least area of any sleeping or living room? 12 by 14

(Rooms used for sleeping purposes shall contain not less than 90 square feet of floor area)

What is the minimum ceiling height? 8'-4½"

Will windows in each room be equal to one-eighth (⅛) of floor area? yes

What is the minimum height of floor above ground? Concrete slab

Will entire space underneath building be enclosed and be provided with ventilating screens? ✓

Will a water closet be provided for each family? yes

What size of water closet compartment or room when finished? 32 x 48

What size of bathroom fixtures are built room? 32 x 48

What size will water be when closet compartments? 32"

What size of water closet window sash? ✓

Will the provisions of State Dwelling House Act be complied with? yes

[illegible]

Owner [illegible]

ORIGINAL GARAGE
CONVERTED TO
LIVING SPACE
dated EASTER
1952

Easter
1952

Exhibit C-10

AERIAL SITE PHOTO
325 N. LINCOLN STREET, BURBANK

Exhibit C-11

SITE PHOTOS
325. LINCOLN STREET, BURBANK

Exhibit C-12

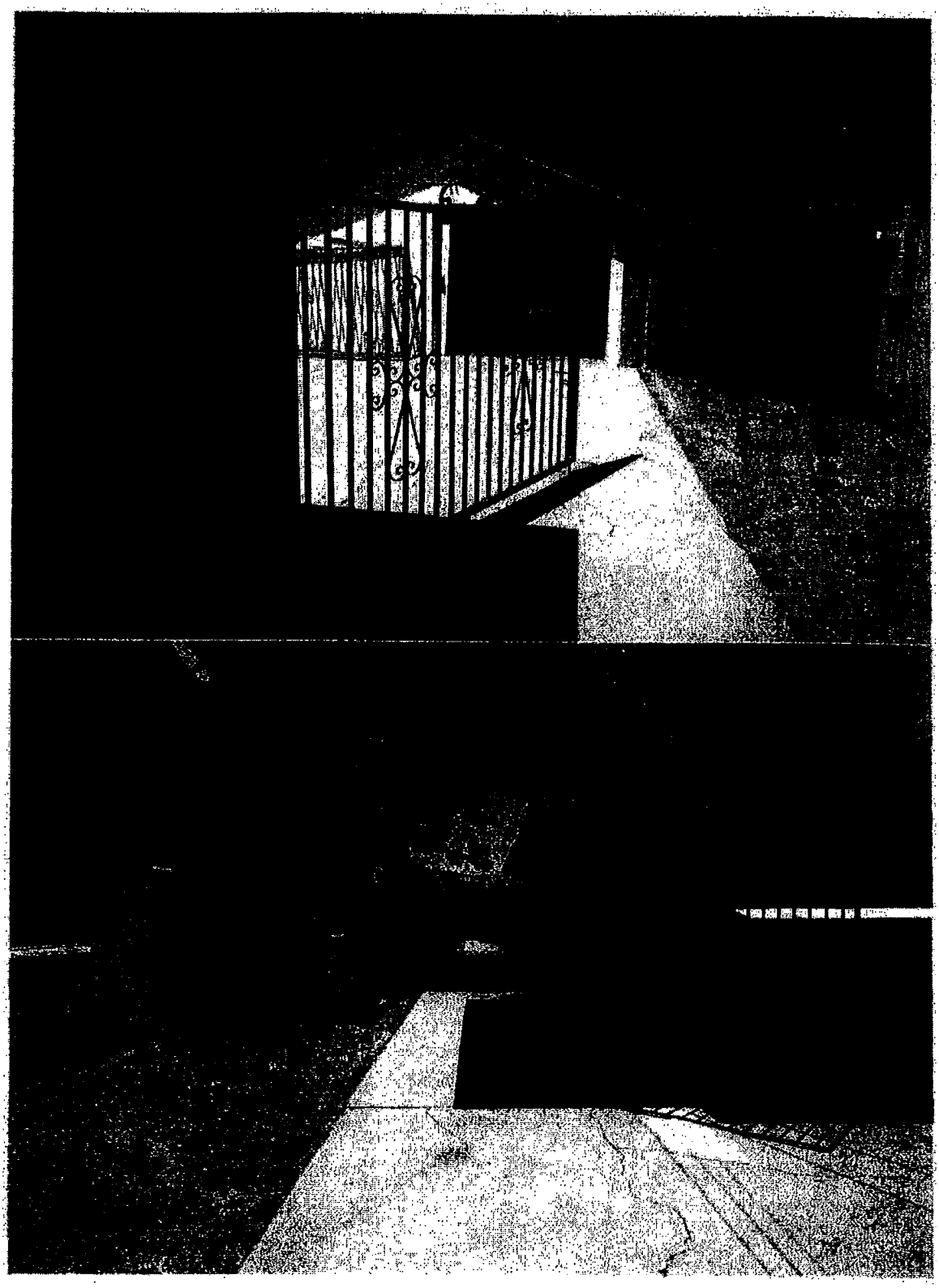


Exhibit C-13

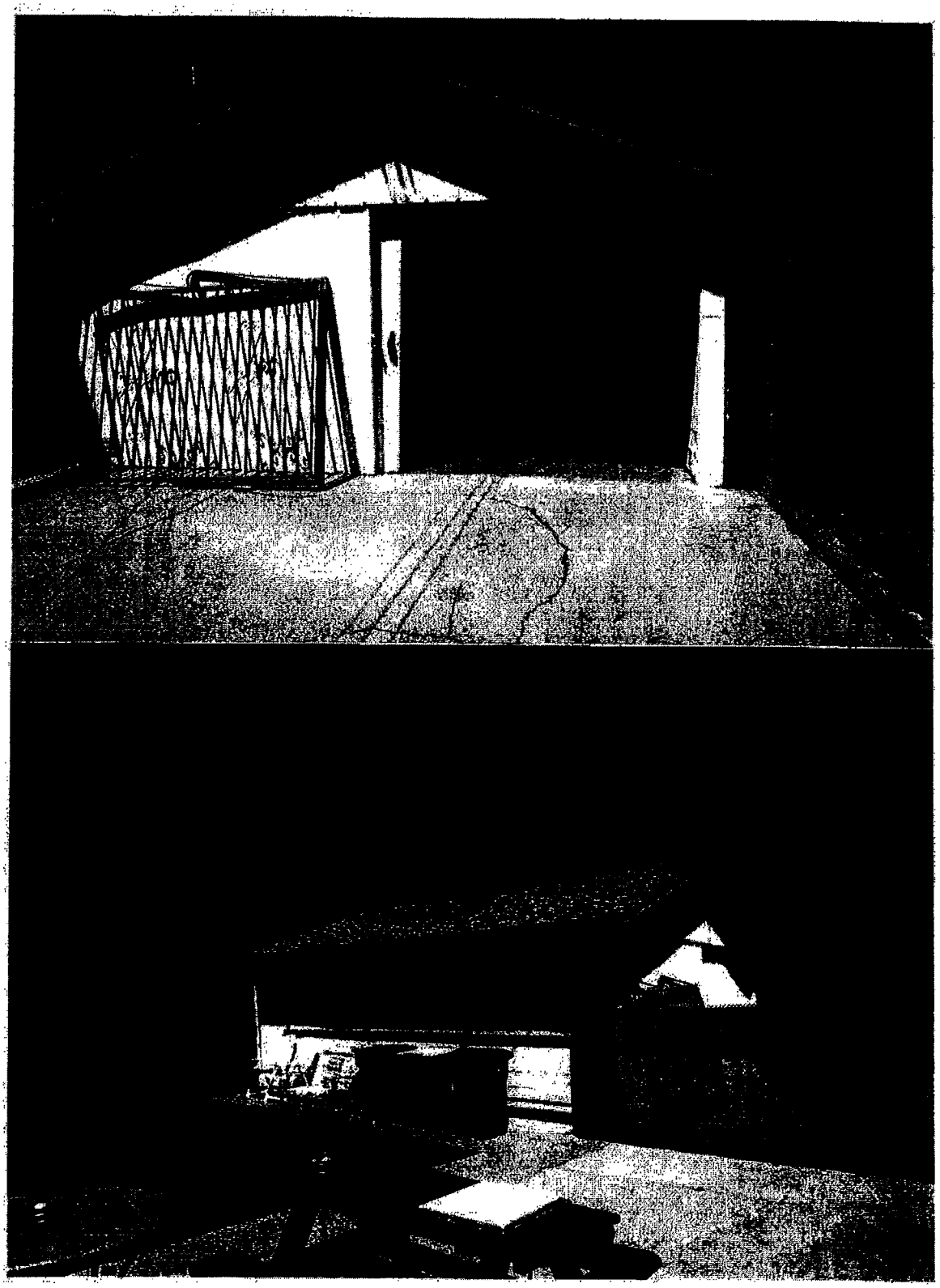


Exhibit C-14

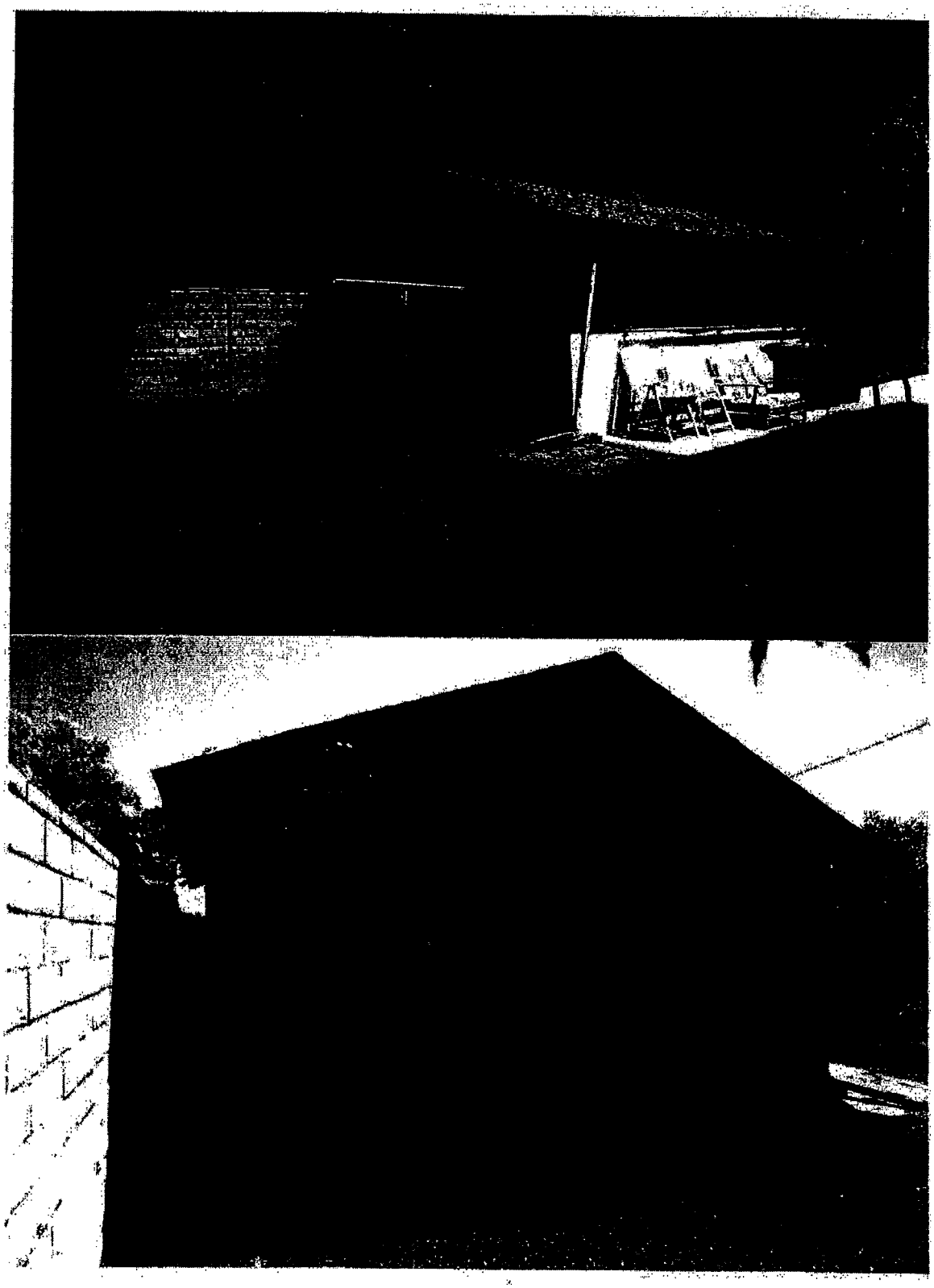


Exhibit C-15

2447	27
SCALE 1" — 60'	

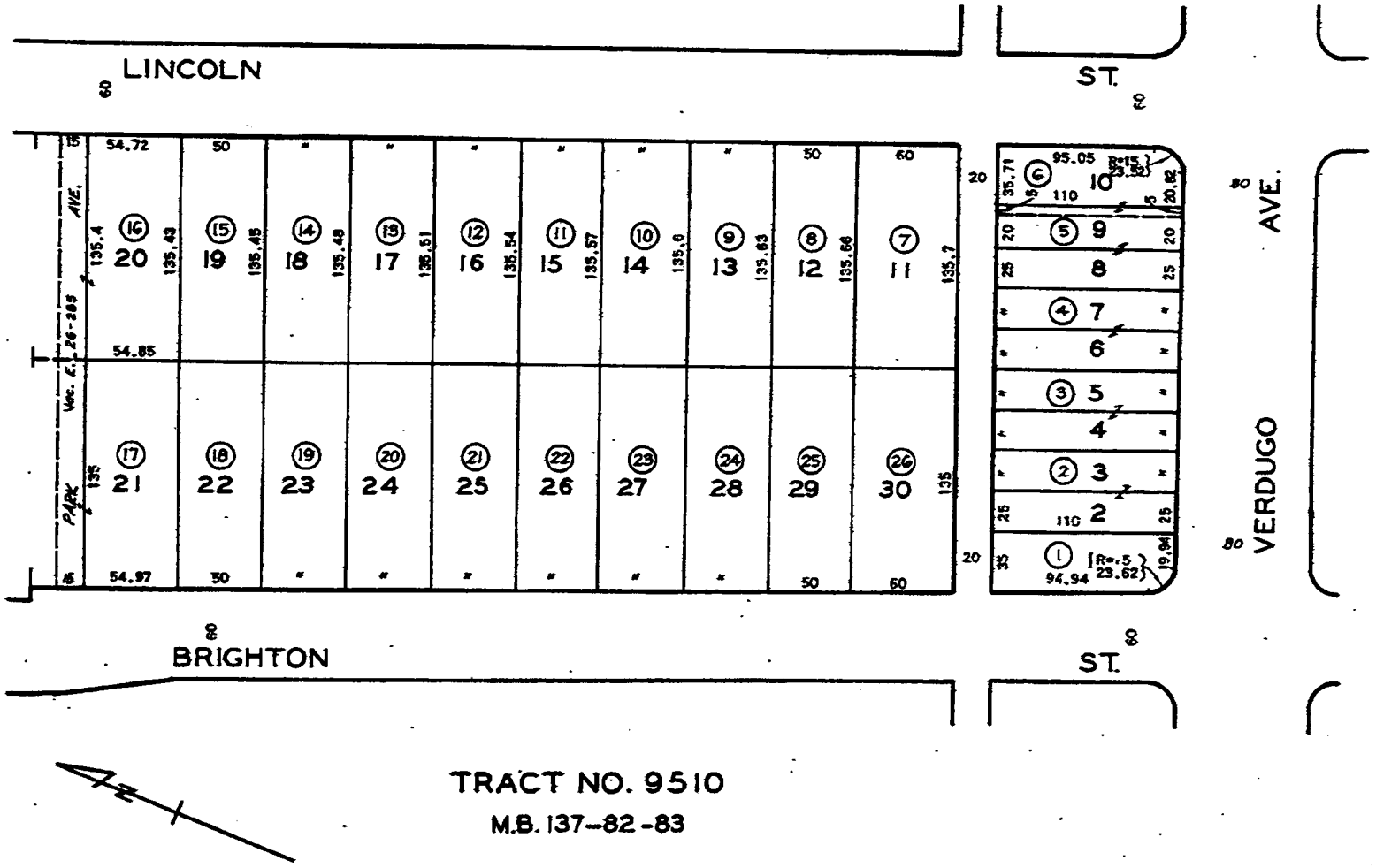


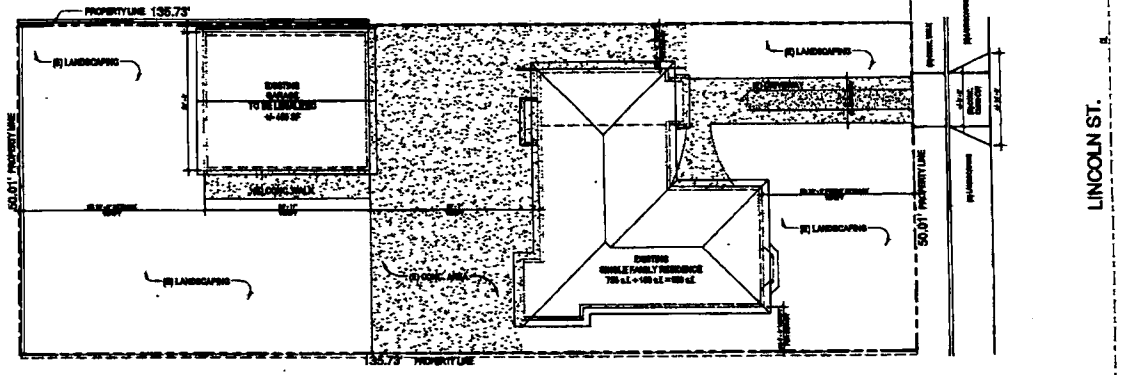
Exhibit C-16

CODE
2530

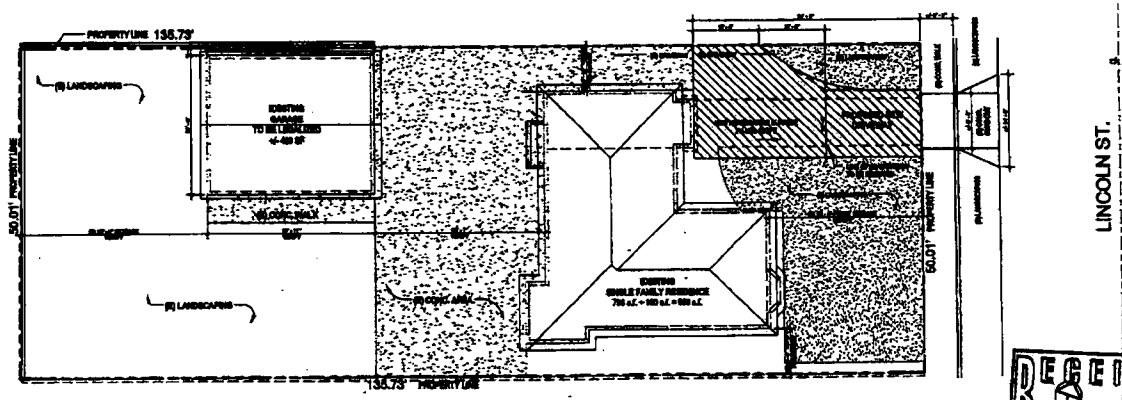
FOR PREV. ASSM'T. SEE: 1873-27

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

GEOFF CHANG RESIDENCE



① EXISTING SITE PLAN
1/8" = 1'-0"



② PROPOSED SITE PLAN
1/8" = 1'-0"

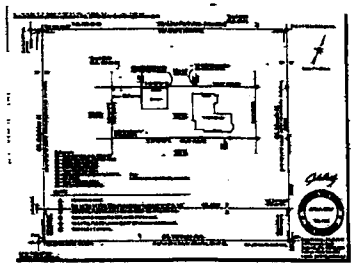
RECEIVED
JUL 20 2017
By

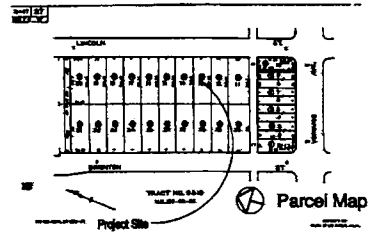
Project Description

Scope of Work:	New Driveway No New Building Construction
Assessors Parcel No.:	2447-027-010
Zone:	R
Property Type:	Residential
Construction Type:	Existing
Owner:	Geoff Chang
Address:	325 N LINCOLN ST BURBANK CA 91506
Year Built:	1937
Lot Area:	6,779 sf (Per Plot Plan)

EXISTING SQ. FOOTAGE
Existing Main Dwelling: 756 + 180 s.f. = 936 s.f.
Existing Garage: 480 s.f.
TOTAL EXISTING 1,416 s.f.
TOTAL EXISTING FAR:
Existing floor area (house + garage over 400 sf) 1,416/ 6,779 = .208

NO NEW BUILDING CONSTRUCTION.





Parcel Map

Vicinity Map

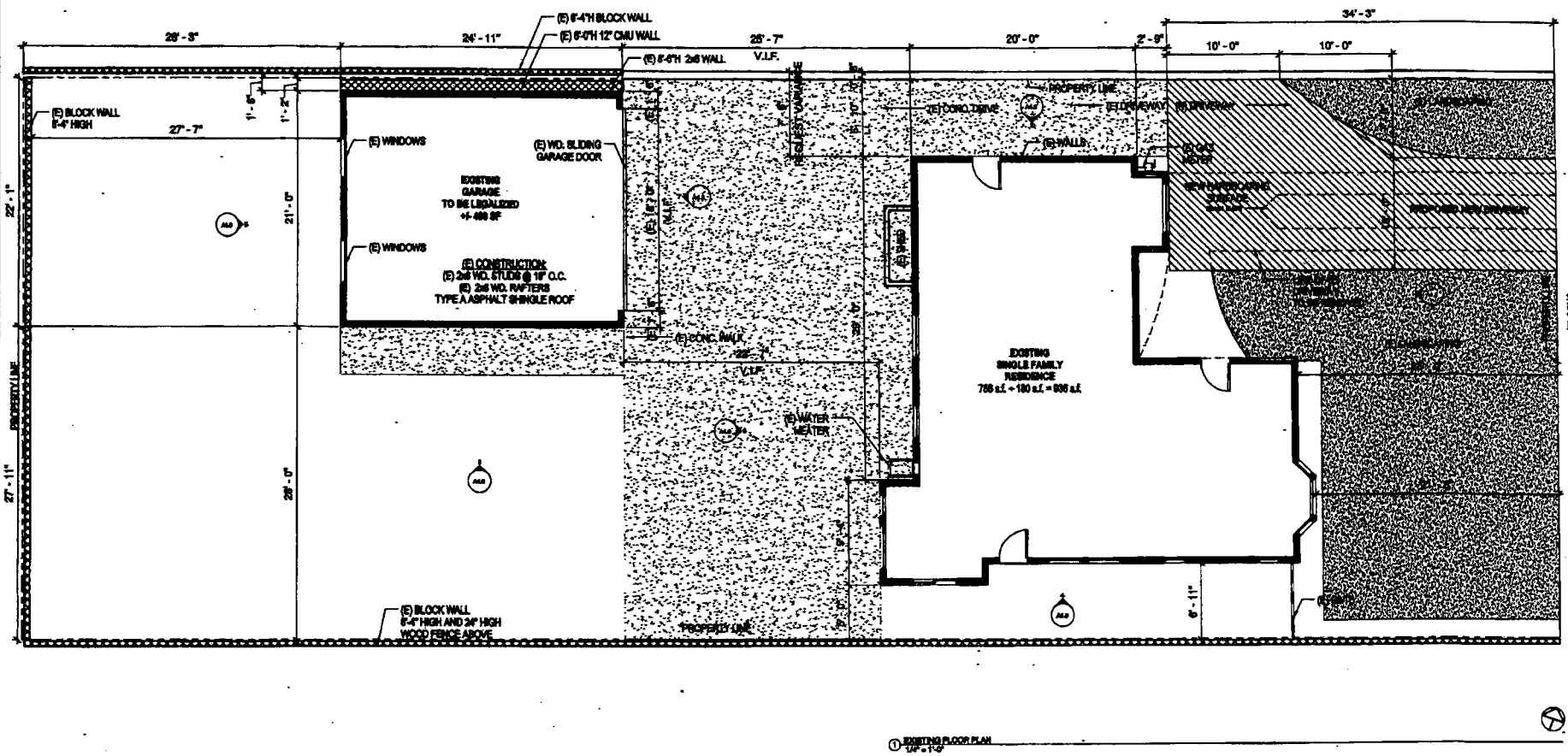
NOT FOR CONSTRUCTION - AS-BUILT DRAWINGS

AS-BUILT DRAWINGS
GEOFF CHANG
325 N LINCOLN ST BURBANK CA 91506

No.	Revisions	Date

EXISTING & PROPOSED SITE PLAN
Project number 201 01000
Date 07.19.17
Drawn by
Checked by
A1.0
Scale 1/8" = 1'-0"

Exhibit C-17



1 EXISTING FLOOR PLAN
1/4" = 1'-0"

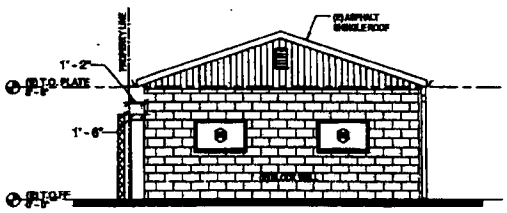
NOT FOR CONSTRUCTION - AS-BUILT DRAWINGS

AS-BUILT DRAWINGS
GEOFF CHANG
325 N LINCOLN ST BURBANK CA 91505

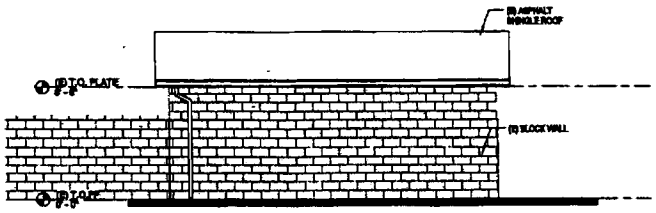
EXISTING FLOOR PLAN WITH PROPOSED DRIVEWAY

A2.0

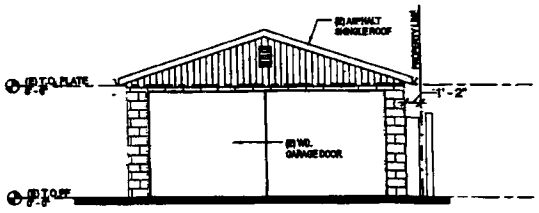
Exhibit C-18



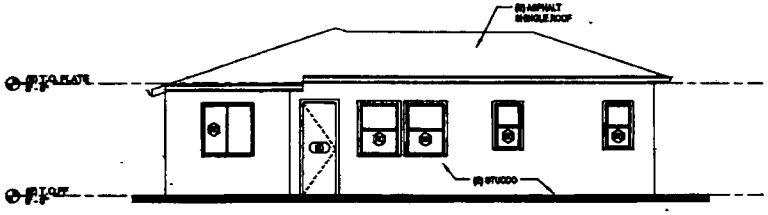
⑥ GARAGE W. ELEVATION
1/4" = 1'-0"



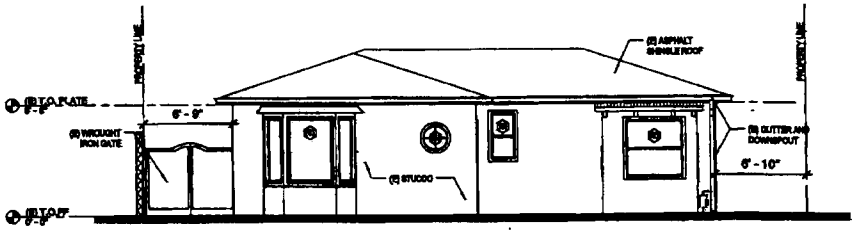
⑤ GARAGE N. ELEVATION
1/4" = 1'-0"



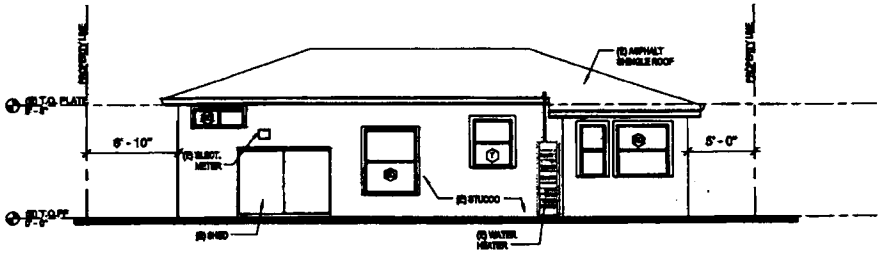
⑦ GARAGE E. ELEVATION
1/4" = 1'-0"



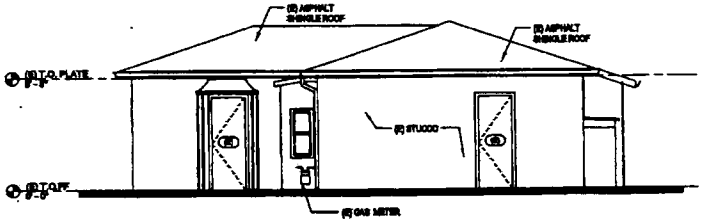
④ S. ELEVATION
1/4" = 1'-0"



① E. ELEVATIN
1/4" = 1'-0"



⑧ W. ELEVATION
1/4" = 1'-0"



② N. ELEVATION
1/4" = 1'-0"

NOT FOR CONSTRUCTION - AS-BUILT DRAWINGS

	AS-BUILT DRAWINGS GEOFF CHANG 2935 N LINCOLN ST BURBANK CA 91504	No. / Description / Date	EXISTING ELEVATIONS Project number 2014-1205 Date 07.25.17 Drawn by Author Checked by Checker A4.0 Scale 1/4" = 1'-0"

Exhibit C-19

ADDITIONAL INFORMATION REGARDING THE HISTORY OF THE VARIANCE REQUEST

Background Regarding the Active Code Enforcement Case on the Property

The property was originally developed with a single family home in 1937. Building permits on file with the City of Burbank Building Division identify that the single family residence was approved to be 756 square feet in size, with an attached 180 square foot one-car garage. Since 1937, the following improvements have been completed on the property without the issuance of City building permits:

1. The originally built attached one-car garage was converted into a bedroom; and

2. A new 480 square foot detached two-car garage was constructed at the rear of the property.

Images of the property's existing conditions can be seen in pages three through seven (3-7) of this exhibit. City planning staff was unable to identify when these unpermitted improvements were completed.

The unpermitted improvements referenced above were brought to the attention of City staff on April 15, 2016, through a property complaint that was received by the City of Burbank Code Enforcement Division. Following the complaint, City staff confirmed the existence of unpermitted improvements on the property, and notified the property owner of the identified code violations and his options under the City's building and zoning code to address the code violations. City staff provided the property owner with the following options to correct the code violations: (1) legalizing the unpermitted improvements through the issuance of building permits, however this would require that modifications be made to the unpermitted improvements so that they are compliant with the City's R-1 zoning regulations; or (2) bringing the property back into conformance with the originally issued building permits by requiring demolition of the detached 480 square foot garage, and converting the unpermitted bedroom space back to the originally permitted one-car garage.

Regardless of the options provided by City staff to correct the outstanding code violations, the property owner has chosen to move forward with the Variance application in order to obtain the City Council's approval to deviate from the applicable R-1 Zone development standards and as a result legalize the unpermitted improvements as they currently exist. Without the approval of a Variance City staff could not issue the required building permits for the unpermitted building improvements as they currently exist.

Project History

The Project was submitted to the Planning Division on July 20, 2017, following code enforcement action on the property. After City planning staff's initial review of the proposal, staff determined that the Project did not meet the findings required for approval

of a Variance. Staff informed the applicant that the Planning Division would not be able to recommend Planning Board approval of the Project, and provided him with the option of revising the proposal. The applicant chose to move forward with the Project without any revisions, and asked that City planning staff schedule the Project for Planning Board consideration.

The Planning Board held a noticed public hearing for the Project on February 26, 2018, during which the Planning Board Members considered staff's report, the applicant's comments, and comments from the general public. After Planning Board consideration and deliberation, the Planning Board voted 5-0 to deny the requested variance application; attached on pages eight through eleven (8-11) of this exhibit are the minutes and the approved Planning Board resolution from the public hearing.

Subsequent to the Planning Board Public Hearing, the Project Applicant filed an appeal to the Planning Board's Decision before the end of the 15-day appeal period as allowed under BMC Section 10-1-1907.3(C). The appeal application is on pages twelve through thirteen (12-13) of this exhibit.

Images of the Existing Structures on the Property

Image of the Façade of the Existing Home

Image 1: This shows the existing home. Outlined with a yellow circle is the location of the original attached one car garage. The garage has been illegally converted into living space, without building permits. Also visible on the image is the driveway that led into the garage.

Image of the Façade of the Existing Home

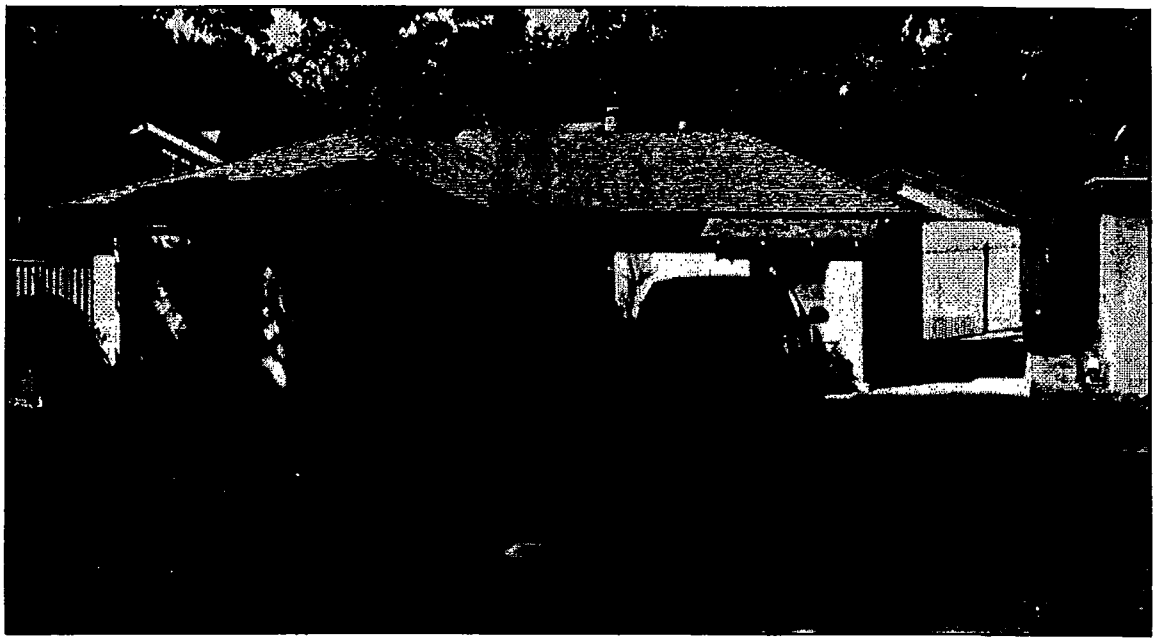


Image 2: This shows another image of the existing home. Outlined with a yellow circle is the location of the original attached one car garage. The garage has been illegally converted into living space, without building permits. Also visible on the image is the driveway that led into the garage.

Exhibit D-3

Image of the Proposed Location for the Driveway

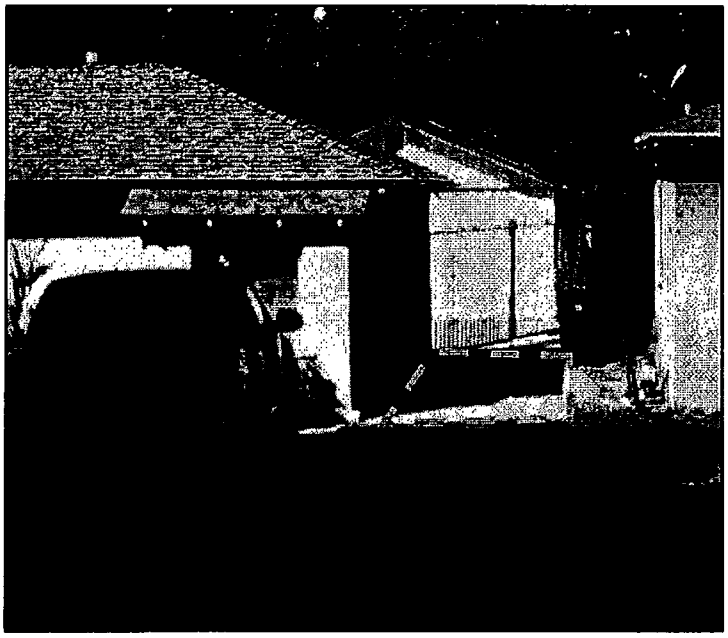


Image 3: This identifies the location of a portion of the proposed 6-foot 10-inch driveway. The portion of the proposed driveway is outlined in yellow.

Image of the Existing Home

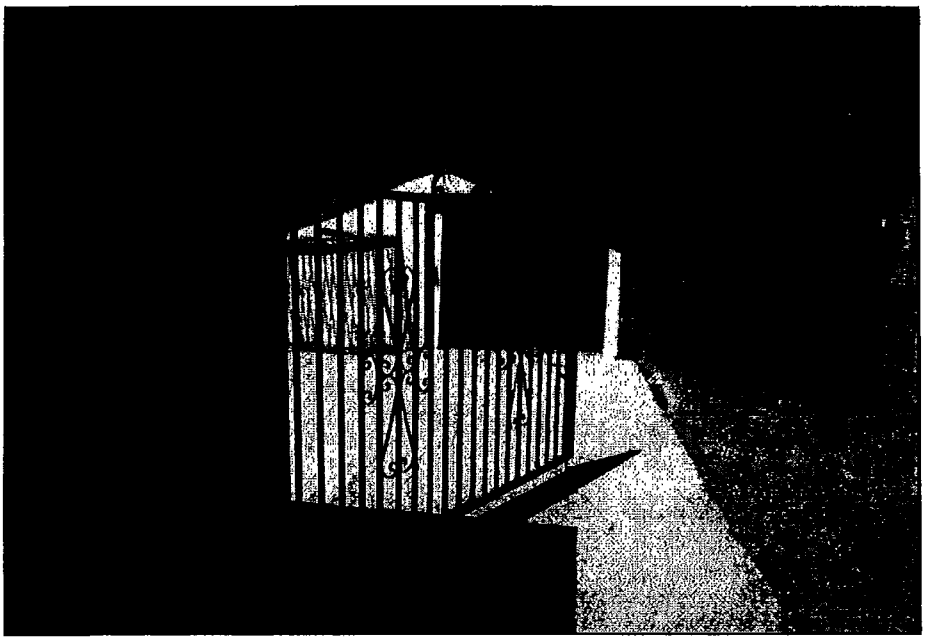


Image 4: This shows a picture taken standing on the proposed driveway, looking towards the unpermitted detached garage.

Exhibit D-4

Image of the Proposed Location for the Driveway

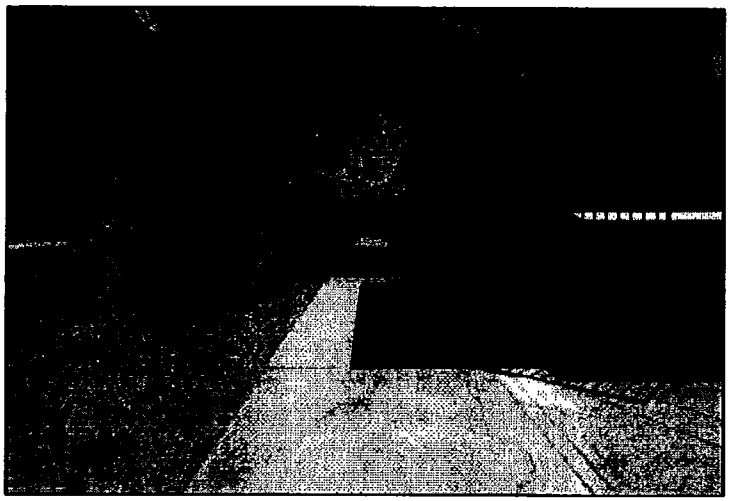


Image 5: This shows a picture taken standing on the proposed driveway, looking away from the unpermitted detached garage.

Image of the Existing Home

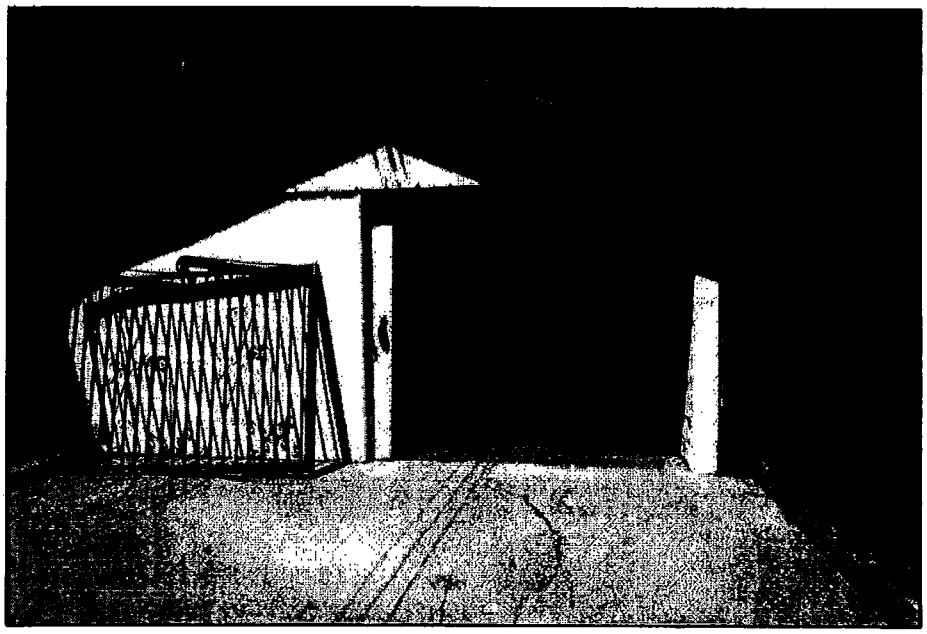


Image 6: This shows an image of the unpermitted detached garage.

Exhibit D-5

Image of the Proposed Location for the Driveway

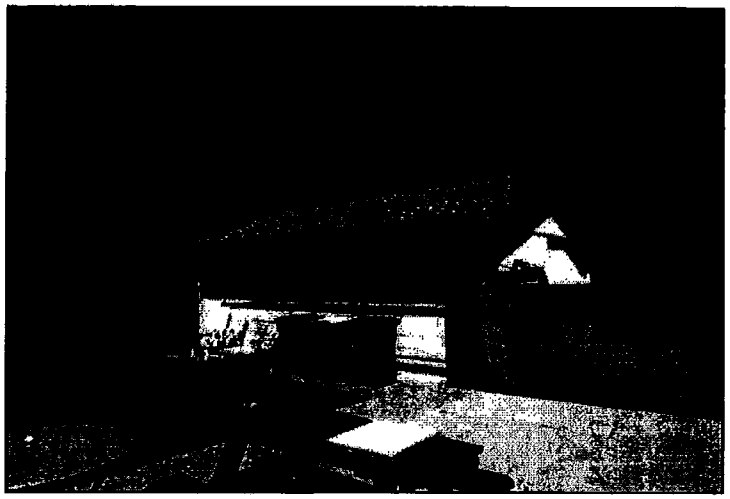


Image 7: This shows another image of the unpermitted detached garage.

Image of the Existing Home

Image 8: This shows an image of the unpermitted detached garage.

Exhibit D-6

Image of the Proposed Location for the Driveway

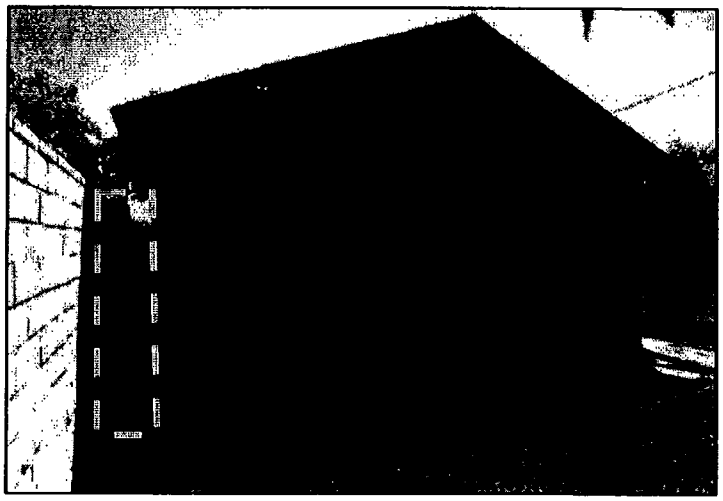


Image 9: This shows an image of the unpermitted detached garage, and it shows the distance between the structure and the side property line (highlighted in yellow). As identified in the staff report, the building has a 1-foot 2-inch setback.

Exhibit D-7

city of burbank
community development department

Planning Board Minutes

February 26, 2018

CALL TO ORDER	6:00 pm
INVOCATION	Ms. Eaton gave the Invocation.
FLAG SALUTE	Chair Rizzotti led the Flag Salute.
ROLL CALL	
Present- - - -	Planning Board Members Christopher Rizzotti, Chair; Diane Eaton, Vice-Chair; Grayce Liu, Nazafarin Hadian, Apraham Atteukenian , Lindsay Hagan, Senior Planner and Matthew Galbraith, Assistant Planner
Absent- - - -	None.
Also Present-	Joe McDougall, Asst. Senior City Attorney; Fred Ramirez, City Planner; Scott Plambaeck, Deputy City Planner and Daniel Villa, Associate Planner
ANNOUNCEMENTS	None.
HEARINGS	
1. Project No. 17-4704 (Variance) 325 N. Lincoln St.	A request for a Variance to reduce the required driveway width (only 6-feet 10-inches would be provided, rather than the City Code-required 10-feet); and a reduction of the required side-yard setback for a detached garage (only 1-foot 2-inches would be provided, rather than the City Code-required 3-feet minimum setback). The Project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301 (Existing Facilities) for additions to an existing structure.

Exhibit D-8

Meeting Disclosure
None

Notices Given
Mr. Ramirez confirmed that the required notices had been given and the Board currently had a complete file.

Staff Presentation
Mr. Villa presented this item to the Board.

Applicant Presentation
Greg Jackson, Applicant's Representative, provided the Board with his findings that show that his client could make the required findings so that the Variance could be granted. Mr. Jackson illustrated the problem that his client inherited when he purchased the house, and in order to avoid having to sell the property, his client had requested the following Variance.

Public Comments
None.

Staff Response to Public Comment
Mr. Villa restated that City Staff could not find any unique and exceptional characteristics with the existing property that would deem the Variance necessary.

Applicant Response to Public Comment
Mr. Jackson stated that his client had been in discussion with his neighbor to obtain an easement to utilize their portion of the property.

Staff/Board Q&A
Ms. Liu wanted clarification on the "exceptional characteristics" requirement for a Variance. Mr. Villa explained how that exception is determined.

Mr. Rizzotti inquired if the home owner was aware that the garage had been converted to a living space prior to him purchasing it. Mr. Jackson stated that his client purchased the property in good faith and it appeared to him at the time of purchase that everything was in order.

Mr. Atteukenian inquired about a building permit that was pulled in 1937 and if any other permits were issued since then. Mr. Villa confirmed that no additional permits had been issued since that date.

Exhibit D-9

Mr. Attuekenian asked the applicant about the court proceedings in regards to his attempt to obtain a prescriptive easement. Mr. Chen stated that the matter is before the Superior Court and his conversations with his neighbor directly have stalled.

Deliberations
Mr. Atteukenian state that he could not make the findings in favor of the Applicant and stated that he was in favor of upholding the denial.

Mr. Rizzotti stated that based on the layout of the property, awarding the Variance would be unfair to the neighbors who would lose property value. He added that he could not make the findings.

Ms. Liu stated that she was not in favor of granting the Variance because she could not make all four (4) of the finding required.

Ms. Eaton's main concern was the encroachment onto the neighbor's property if this Variance were granted, therefore, she supported Staff's recommendation of denial.

Ms. Hadian stated that she agreed with her fellow Board member in denying the Variance and upholding Staff's recommendation.

Apraham Atteukenian moved to approve Staff's recommendation that the Planning Board adopt a Resolution, denying a Project No. 17-4704 for a Variance that would allow for (1) a reduction in the required driveway width; and (2) a reduction in the required side-yard setback for a detached garage., seconded by Diane Eaton, Vice-Chair , carried by a vote 5-0.

2. Project No. 17-8470 (Conditional Use Permit) ' 633 N. San Fernando Road

A request for a Conditional Use Permit and Parking Determination to operate an automobile dealer at 633 South San Fernando Boulevard. City approval will facilitate the reuse of an existing 14,300 square foot commercial building and 27,720 square foot Project site located on South San Fernando Boulevard as a Tesla automobile dealer with the following: (1) a sales and delivery center, which includes a 5,050 square-foot sales floor with ancillary office; (2) a 9,250 square-foot indoor vehicle pick-up area; and (3) an on-site customer and

Exhibit D-10

RESOLUTION NO. 3375

A RESOLUTION OF THE PLANNING BOARD OF

THE CITY OF BURBANK DENYING
PROJECT NO. 17-0004704, A VARIANCE APPLICATION
(A Request for a Variance from the required driveway width and required side-yard setback for a detached garage, for property located in the Single Family Residential Zone)

(325 North Lincoln Street – Greg Jackson, Applicant)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

A. The Planning Board of the City of Burbank at its regular meeting of February 26, 2018, considered a request for a Variance to allow for two deviations from Title 10 of the City of Burbank Municipal Code, the deviations consists of (1) a reduction in the required driveway width (only 6-feet 10-inches would be provided) and (2) a reduction in the required side-yard setback for a detached garage (only 1-foot 2-inches would be provided). The property is located at 325 North Lincoln Street.

B. Said hearing was properly noticed as required by law.

C. The Planning Board considered the report and recommendations of the City Planner and the evidence presented at such hearing.

D. This project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301 (Existing Facilities) for additions to an existing structure.

THE PLANNING BOARD OF THE CITY OF BURBANK RESOLVES:

1. Project No. 17-0004704 is hereby denied. The denial is based on the inability of the Planning Board to make each of the following findings:

Findings for a Variance Application

1. *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.*

   The proposed Project is located at 325 North Lincoln Street, property that: (1) is approximately 50-feet wide and 135.6-feet deep, which is similar to the standard lot dimensions for properties in the surrounding neighborhood; and (2) is not affected by drastic changes in the property's topography that would otherwise create a unique physical condition. The property is similar to the other lots in the surrounding neighborhood, and there exists no exceptional or extraordinary circumstances applicable to the property that do not apply generally to other property in the same vicinity and R-1 zone that would warrant noncompliance with the applicable development standards. Therefore this finding cannot be made, to support (1) a Variance from the Burbank Municipal Code (BMC) Section 10-1-603(I)(9) to reduce the driveway width from 10 feet to 6-feet 10-inches; and (2) a Variance

Exhibit D-11

from the BMC Section 10-1-603(G) to reduce the required side-yard setback for the unpermitted detached garage from 3-feet to 1-foot 2-inches.

2. *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 in question.*

The proposed Project is located at 325 North Lincoln Street, property that: (1) is approximately 50-feet wide and 135.6-feet deep, which is similar to the standard lot dimensions for properties in the surrounding neighborhood; and (2) is not affected by drastic changes in the property's topography that establish a unique condition. While there exists other driveways in the surrounding neighborhood that are less than the BMC required 10-foot driveway width (BMC Section 10-1-603(I)(9)), there exists no property in the surrounding neighborhood with a driveway width of less than 8-feet.

Approval of the Variance request is not necessary to allow 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 in question. Similarly zoned properties both in the neighborhood and throughout the R-1 Zone are required to comply with the applicable driveway width provision, and must therefore design future development proposals in compliance with applicable development standards.

Furthermore, requiring the unpermitted detached garage to meet the City code required 3-foot side-yard setback (BMC section 10-1-603(G)) would not deny the property owner the same rights as other property owners in the vicinity because there is nothing unique about the property that would prevent the property owner from meeting the required setback. The 3-foot minimum side yard setback is applicable to all R-1 zoned property and ensures that proper distance separation and minimum access provisions are kept to comply with applicable building and fire codes for building separation and continued access to ensure maintenance of the structure over time. Therefore this finding cannot be made, to support (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

3. *The granting of the Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the property is located.*

The requested Variance and resulting deviations from BMC Section 10-1-603(1)(9) (10-foot driveway width) and BMC Section 10-1-603(G) (3-foot side-yard setback) do not meet the intent of the R-1 Zone development standards, which are in place to protect the public welfare and property citywide in order to facilitate responsible development that protects the character of the single family residential neighborhoods. The proposed driveway width of 6-feet 10-inches would not provide adequate space for an average sized vehicle to reasonably access the parking garage, which is also required to maintain a minimum width of 9.6 feet per vehicle (BMC Section 10-1-603(I)(1)). This could result in (1) damage to personal property as well as that of adjacent property owners; (2) the property owner driving over the adjacent neighbor's property; and/or (3) a non-functional driveway that does not provide necessary access to the on-site parking and creates a non-usable garage, which may result on vehicles parking on the street. In addition, the proposed side-yard setback of 1-feet 2-inches (for the

detached garage) would not provide adequate clearance for the maintenance of the structure. This could result in the future degradation of that structure, creating a visual nuisance as well as potential health and safety hazard created by having less separation between structures (both on-site and on neighboring properties). Therefore this finding cannot be made to support (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

4. *The granting of the Variance will not be contrary to the objectives of the General Plan.*

The City of Burbank Genera Plan (Burbank2035) embodies a guiding vision that is reflective of the values of the Burbank Community. One of the values reflected in Burbank2035 is the need to protect and respect the City's existing residential neighborhoods by providing for low density residential development that facilitates preservation and renovation of existing housing stock while requiring "building envelopes that preserve access to light and air, provide adequate open space, and maintain the appropriate setbacks". (Burbank 2035 Land Use Element Goal No. 8 and Policy 8.2.)

Approving this Project would allow comparable sized properties the opportunity of applying for similar requests. This has the potential to adversely impact the community design and character of Burbank's well-designed neighborhoods and buildings that contribute to the strong sense of place and 'small town' feeling. (Burbank 2035 Land Use Element Goal No. 3.) Granting the Variance request to (1) reduce the driveway from the BMC section 10-1-603(I)(9) 10-foot width requirement to 6-feet and 10-inches would be contrary to the intent of the development standards, because it is unable to reasonably accommodate a current-day average sized vehicle; and (2) reduce the side-yard building setback from the BMC section 10-1-603(G) requirement of 3-feet to 1-foot 6-inches creates a potential maintenance problem for that structure in the future. As noted, the proposed deviations from the BMC can lead to potential detrimental changes in the character of the City's existing single family residential neighborhoods and contrary to the goals and policies of the City's General Plan. Therefore this finding cannot be made, to support (1) a driveway width of 6-feet 10-inches; and (2) a side-yard setback for an accessory structure of 1-foot 2-inches.

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 10-1-1946(b) of the Burbank Municipal Code.

PASSED AND ADOPTED this 26 day of Feb, 2018.

CITY PLANNING BOARD

Chairperson

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Fred Ramirez, Secretary of the Planning Board of the City of Burbank, certify that this Resolution was adopted by the City Planning Board at its meeting held on the 26 day of Feb, 2018, by the following vote:

AYES:	Rizzotti, Eaton, Atteukenian, Hadian, Liu
NOS:	None
ABSENT:	None
ABSTAINED:	None

Fred Ramirez, Secretary

Exhibit D-14

City of Burbank
Planning and Transportation Division
APPEAL FORM

150 North Third Street
Burbank, California 91502
www.burbankusa.com
T: 818-238-5250
F: 818-238-5150

Project Address: 325 N. LINCOLN STREET

Project Number: 17-4704

Type of Application: VARIANCES

Appealing Action of: ☐ Director ☒ Planning Board

Action of the Director or Planning Board was: ☐ Approval ☒ Denial

Purpose of Appeal: Please provide applicable code sections and explain reasons for the appeal. Attach additional sheets as necessary.

SEE ATTACHMENT.

Appellant Name GEOFFREY CHANG	**Second Appellant Name (if applicable)**
Mailing address PO Box 824, COBB, CA 95426	**Mailing address**
Telephone 818. 237-7364	**Telephone**
Email geoff_oso@sbcglobal.net	**Email**
Appellant Signature [signature] Date: 3/5/18	**Appellant Signature** Date:
All appellants must sign official appeal form. Attach additional appeal forms with signatures if more than two appellants.	

Exhibit D-15

ATTACHMENT REVISED

05/16/2018

VARIANCE APPEAL PURSUANT TO BMC DIVISION 10-1-1907.3

325 N. LINCOLN STREET, BURBANK, CA 91506

PROJECT NUMBER 17-4704

APPEAL REQUEST

The Appellant, Geoffrey Chang, requested pursuant to Burbank Municipal Code (BMC) Title 10, Article 19, Division 3, Section 10-1-1916 **VARIANCES from** BMC Article 6 (Residential Uses and Standards), Division 1 (Single Family Residential Zones) **Section 10-1-603G.2 (Yard Setbacks) and Section 10-1-603I.9 (Parking and Driveways).** The Variances were requested so that the existing garage could continue to be maintained with a one-foot side yard setback and that the driveway could have a reduced width of 6' 10".

The Planning Board however denied Mr. Chang's variance requests on February 26, 2018. Mr. Chang *has decided to relocate the exterior wall of his home 1'2" inward in order to create an 8-foot wide driveway.*

Mr. Chang's appeal request is to permit an *8-foot* wide driveway in lieu of the required 10-feet and to allow the detached two-car garage to maintain the current approximately 1'2" setback in lieu of the current code 3-foot side yard setback requirement.

BACKGROUND

Mr. Chang's home was built 80 years ago (Building Permit No. 10822, issued March 22, 1937). The attached single-car garage was converted into a bedroom and bathroom by a prior property owner more than 65 years ago. The detached two-car garage was constructed at some time after that date. The Los Angeles County Assessor's property data records first identify the detached garage in 1971; however, an aerial photograph of the property dated May 1960 (58 years ago) clearly shows the detached garage. Mr. Chang has owned the property since July 1998 and was unaware that the interior remodeling and detached garage were constructed without building permits.

Mr. Chang submitted building plans to the Community Development Department so that he could legalize the structures and comply with the building code. No changes were proposed to the exterior of the buildings and the only interior construction to be done would be that required by the Building Division. Mr. Chang was however notified by the Planning Division that two variances would be required before the City could approve the requested permits.

Exhibit D-16

FINDINGS REQUIRED FOR APPROVAL OF A VARIANCE APPLICATION (BMC SECTION 10-1-1917):

Before a Variance may be granted, except as otherwise specifically provided, it shall be shown and the Planning-Board/City-Council must find that:

1. 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;

2. 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 in question;

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the property is located; and

4. The granting of the Variance will not be contrary to the objectives of the General Plan.

Exhibit E-1

DETAILED ANALYSIS REGARDING CONSIDERATION OF THE VARIANCE REQUEST:

In identifying whether the required findings could be made City staff and the Planning Board considered (1) whether the deviations proposed meet the intent of the development standards; and (2) whether the requested deviations from the R-1 Zone development standards were consistent with existing conditions found on similarly zoned properties in the surrounding neighborhood. Below is an analysis of both considerations:

(1) Project's Consistency with the Intent of the Development Standards

When reviewing the Applicant's Variance request Planning staff and the Planning Board considered whether the deviations proposed meet the intent of the development standards. The intent of the R-1 Zone development standards from which a deviation is being requested are as follows:

1. The BMC requires a minimum driveway width of 10-feet. This requirement is intended to provide sufficient width for vehicles using the driveway in order to provide reasonable and safe vehicle access to the parking garage; and

2. The BMC also requires a minimum side-yard setback of 3-feet for detached garages. This requirement is intended to: (1) provide adequate separation between structures on site and on adjacent properties); (2) provide sufficient room for a property owner to properly maintain the structure; and (3) minimize the visual encroachment of structures on adjacent properties.

It is staff's assessment that the Variance request and resulting deviations do not meet the intent of the R-1 Zone development standards. The proposed driveway width of 6-feet 10-inches would not provide adequate width for an average sized vehicle to reasonably and safely access the parking garage in the rear[1]. Not having a City code-compliant driveway width could result in (1) damage to personal property as well as that of adjacent property owners; (2) the property owner driving over the adjacent neighbor's property; and/or (3) a driveway that is non-functional and which does not provide appropriate access to the on-site parking, creating a non-usable garage.

In addition, the proposed side-yard setback of 1-feet 2 inches for the detached garage would not provide adequate clearance for the maintenance of the structure. The reduced setback and limited access to maintain that portion of the garage could result in the future degradation of that structure, creating a visual nuisance as well as a potential health and safety hazard to the site and adjacent property.

[1] City staff determined that the size of an average vehicle is 6-feet 11-inches (including a vehicle's wing mirrors). This average was identified by measuring 10 randomly selected vehicles. The vehicles measured can be found on page three (3) of this exhibit.

(2) Project's Consistency with Similarly Zoned Properties

Additionally, when reviewing the Variance application staff analyzed whether the requested deviations from the R-1 Zone development standards were consistent with existing conditions found on similarly zoned properties in the surrounding neighborhood. In order to determine consistency with other similar zoned properties, staff surveyed properties along the block face of the Project site (a total of 17 properties). As identified on page four (4) of this exhibit, the survey taken by staff shows that while 12 properties have a driveway width of less than the 10-feet required by the BMC, no property has a driveway width of less than 8-feet in width. The survey results also showed that out of the seven homes that had detached garages/structures, three of them had a side-yard setback of 1-foot 6-inches or less.

It is staff's assessment that the proposed 6-foot 10-inch driveway width would be inconsistent with the existing conditions found on similarly zoned properties in the surrounding neighborhood, and that it is too narrow to safely navigate a vehicle from the front of the property to the location of the proposed on-site garage. Furthermore, while there are examples of similarly zoned properties with a side-yard setback comparable to 1-foot 2-inches (for a detached garage), the proposed side-yard setback still does not meet the intent of the 3-foot side-yard setback requirement of the BMC and could result in the future degradation of that structure, creating a visual nuisance as well as potential health and safety hazards.

Vehicles Used in Determining the Average Vehicle Width

Vehicle Type	Vehicle Width
Honda Civic (new or model)	6'6"
Ford Escape	7'1"
Honda Civic (other model)	6'6"
Chevrolet Astro	8'1"
Chevrolet Venture	7'8"
Toyota Prius	6'10"
Chevrolet Colorado	6'10"
Mini Cooper S	6'4"
Toyota Yaris	6'4"
BMW 7 Series	7"1"

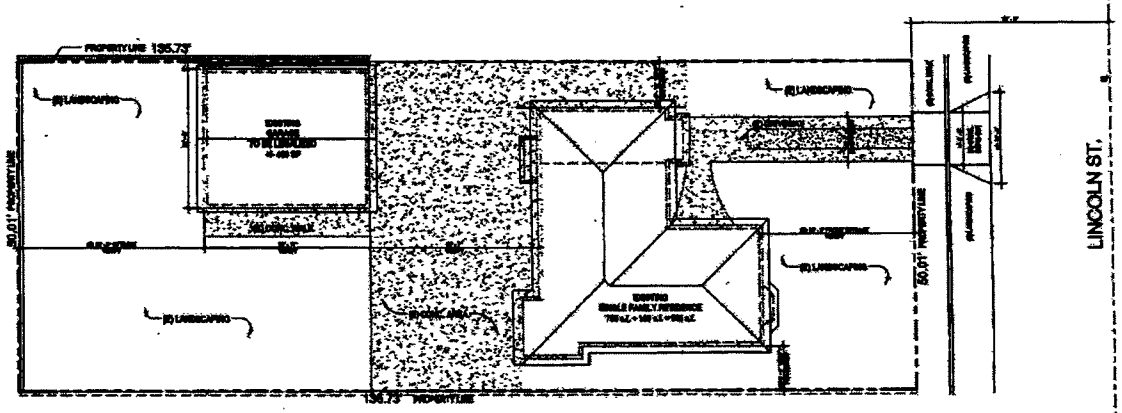
Exhibit F-3

Driveway Width's and Side-Yard Setbacks for Accessory Structures in Similarly Zoned Properties in the Surrounding Neighborhood

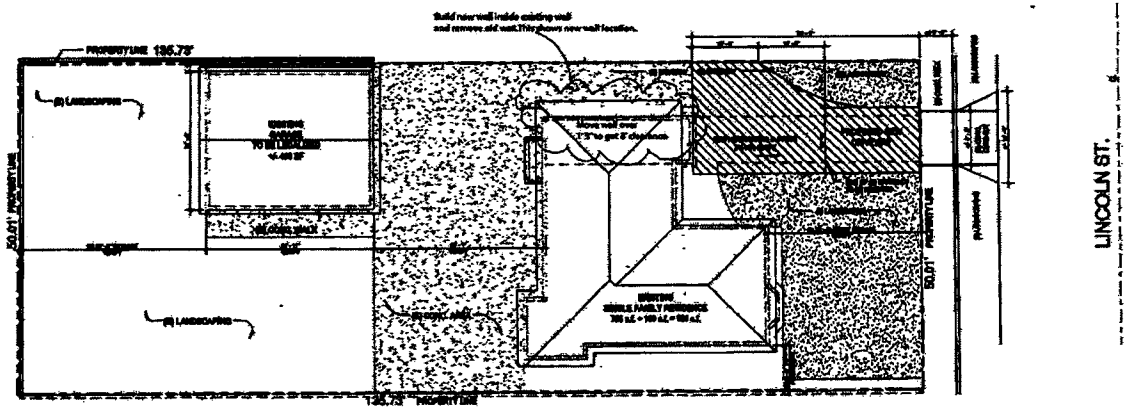
Address	Driveway Width	Side-yard Setback for Accessory Structures (if applicable)
317 North Lincoln Street	8	1-foot (approximately)
321 North Lincoln Street	8	
331 North Lincoln Street	8.6	7-feet 6-inches (approximately)
333 North Lincoln Street	12	
337 North Lincoln Street	8.5	
341 North Lincoln Street	11	
345 North Lincoln Street	9.5	7-feet 6-inches (approximately)
349 North Lincoln Street	8	
401 North Lincoln Street	8.5	3-feet (approximately)
403 North Lincoln Street	8	
407 North Lincoln Street	8	
417 North Lincoln Street	11.5	3-feet (approximately)
419 North Lincoln Street	8.5	2-feet (approximately)
423 North Lincoln Street	17	
425 North Lincoln Street	8	
427 North Lincoln Street	9	
429 North Lincoln Street	8	

Exhibit F-4

GEOFF CHANG RESIDENCE



① EXISTING SITE PLAN
1/8" = 1'-0"



② PROPOSED SITE PLAN
1/8" = 1'-0"

Project Description

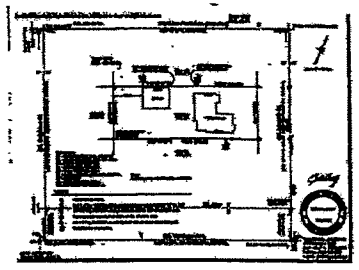
Scope of Work:	New Driveway No New Building Construction
Assessors Parcel No.:	2447-027-010
Zone:	R
Property Type:	Residential
Construction Type:	Existing
Owner:	Geoff Chang
Address:	325 N LINCOLN ST BURBANK CA 91505
Year Built:	1937
Lot Area:	6,779 sf (Per Plot Plan)

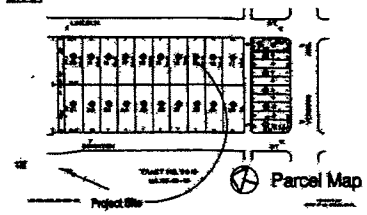
EXISTING SQ. FOOTAGE

Existing Main Dwelling:	756 + 180 s.f. = 936 s.f.
Existing Garage:	480 s.f.
TOTAL EXISTING	1,416 s.f.

TOTAL EXISTING FAR.:
Existing floor area (house + garage over 400 sf) 1,416/6,779 = .208

NO NEW BUILDING CONSTRUCTION.





Parcel Map

Vicinity Map

Revised on 03/28/18

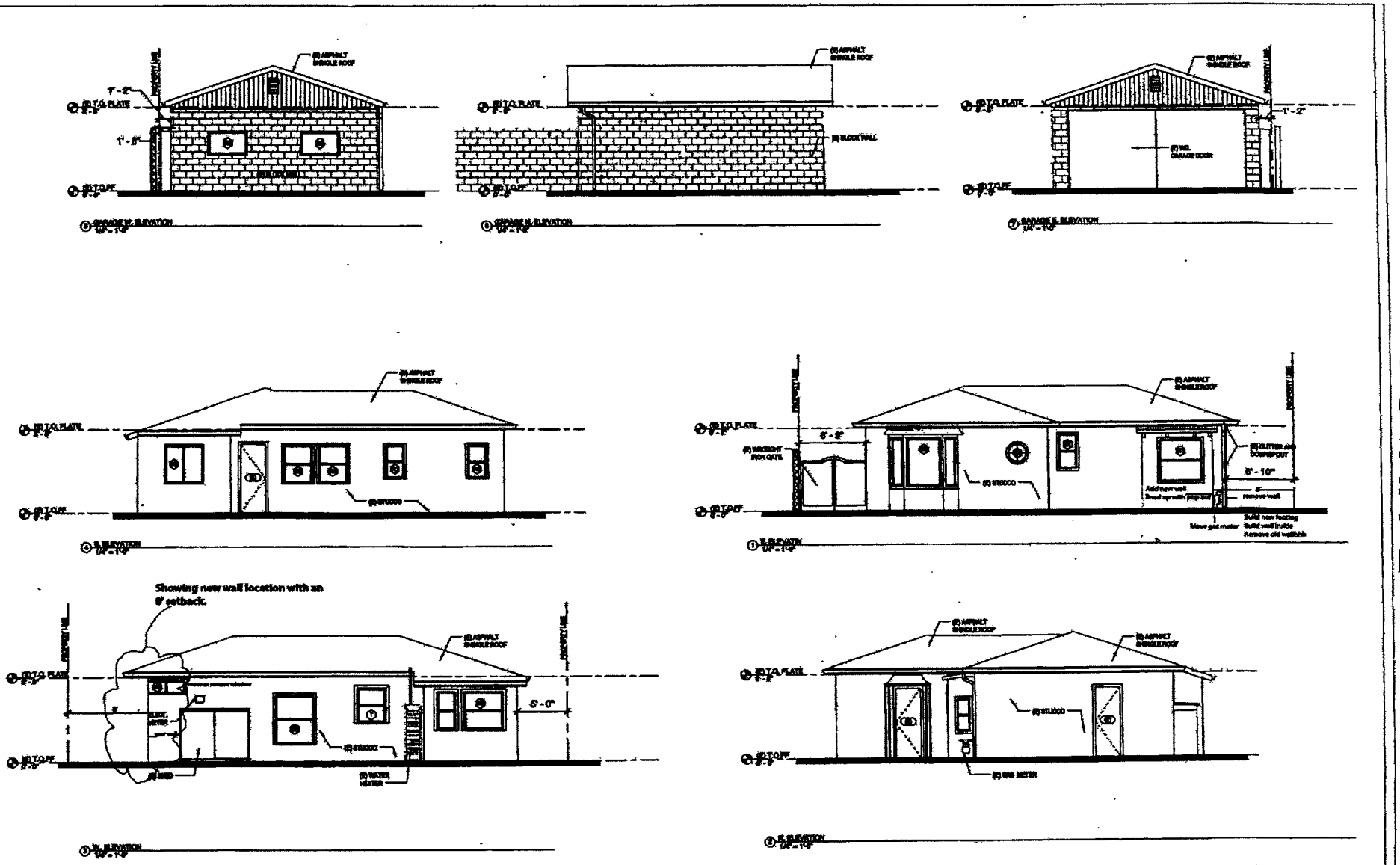
NOT FOR CONSTRUCTION - AS-BUILT DRAWINGS

AS-BUILT DRAWINGS
GEOFF CHANG
325 N LINCOLN ST BURBANK CA 91505

No.	Revision	Date

EXISTING & PROPOSED SITE PLAN
A1.0

Exhibit G-1



Revised on 03/28/18

NOT FOR CONSTRUCTION - AS-BUILT DRAWINGS

AS-BUILT DRAWINGS
GEOFF CHANG
269 N LINCOLN ST BURBANK CA 91506

No.	Description	Date

EXISTING ELEVATIONS

A4.0

Exhibit G-2

Variance Application

Single Family Home
325 North Lincoln Street

September 25, 2018 City Council

Variance Requests

The granting of a Variance is **intended to**:

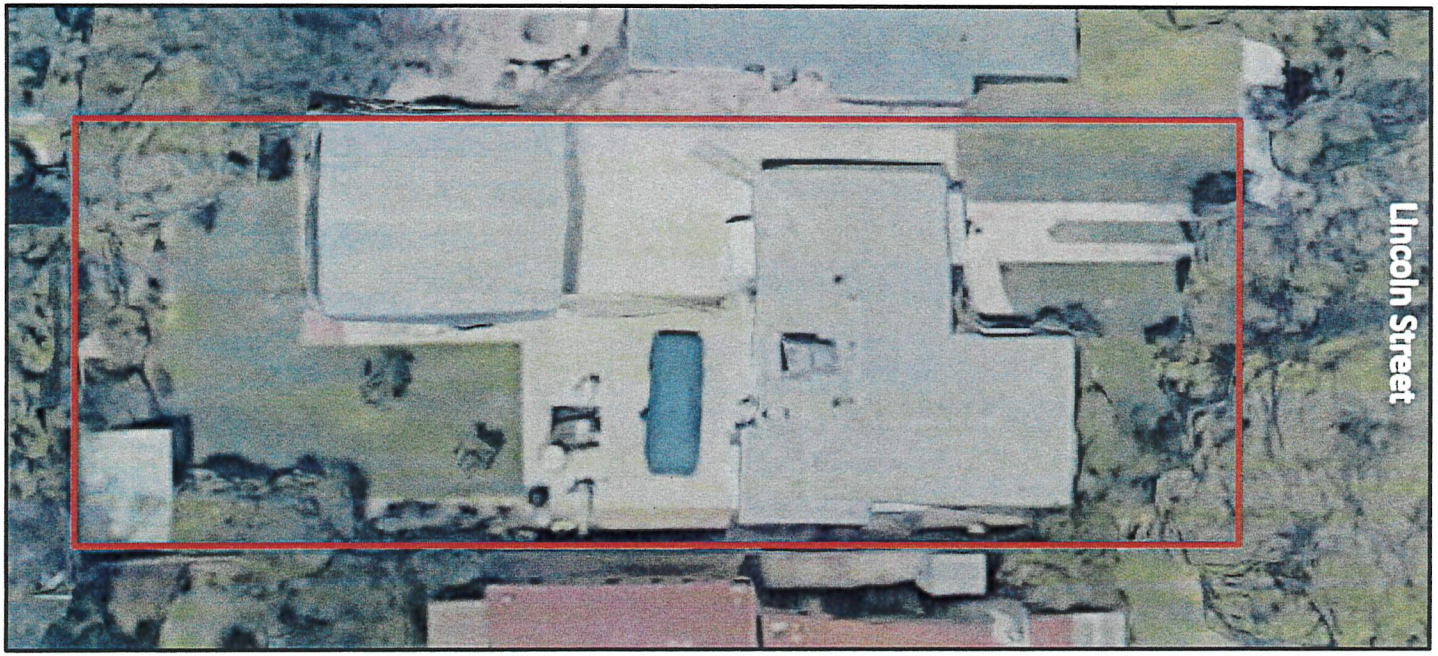
- ❑ Provide an alternative when there exists exceptional circumstances as a result of the physical characteristics of a property.

The granting of a Variance is **not intended to**:

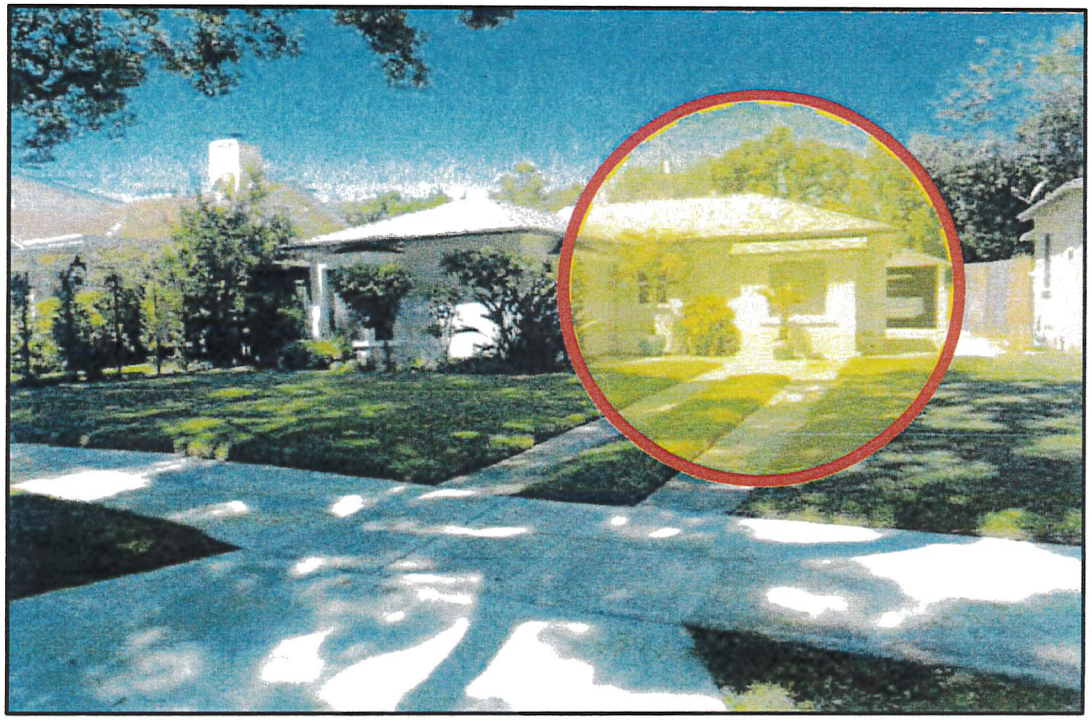
- ❑ Grant property owners a special privilege; or
- ❑ Provide relief from self-created hardships.

Project Location

Project Site



Images of the Existing Property Conditions



Images of the Existing Property Conditions

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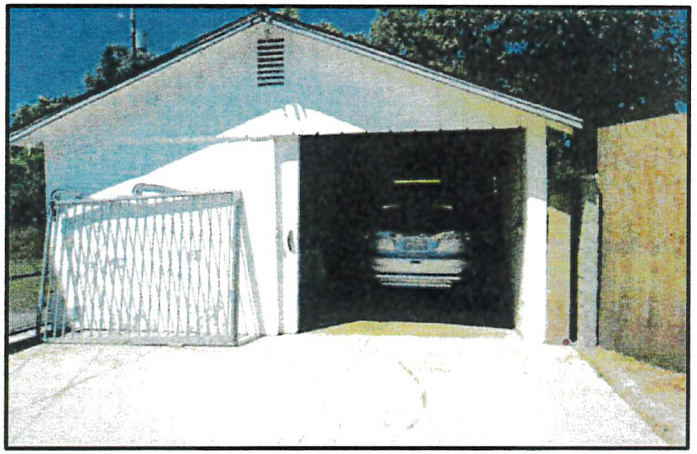
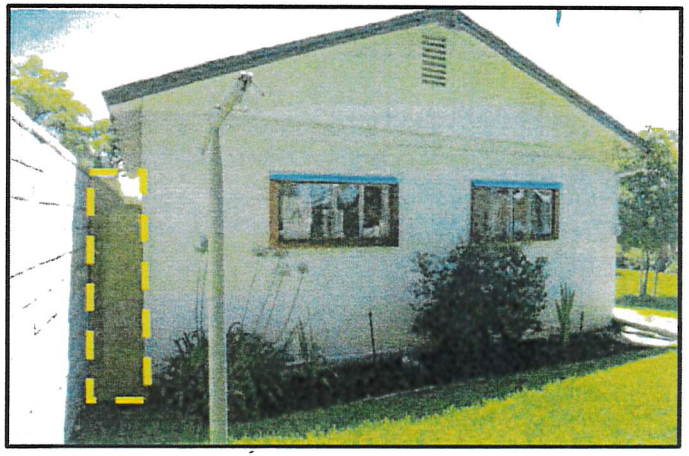
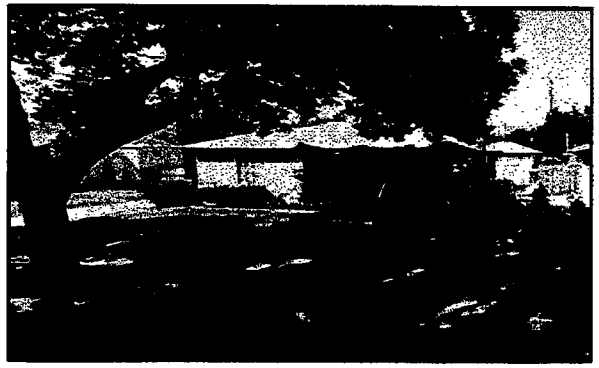


Number 1



Number 2

Staff Analysis



Staff Analysis

The Variance request is inconsistent with the intent of the development standards, which include:

- ❑ Minimum Driveways Widths are intended to:
  - Provide sufficient width for vehicles using the driveway in order to provide reasonable and safe vehicle access to the parking garage; and
- ❑ Minimum side-yard setbacks for detached garages are intended to:
  - Provide adequate separation between structures, provide sufficient room for a property owner to properly maintain the structure and minimize the visual encroachment of structures on adjacent properties.

Proposed Modifications to the Plans

Subsequent to the Planning Board Public Hearing and in preparation for the City Council Public Hearing, the applicant provided City staff a revised proposal to be included in staff's report for City Council consideration:

❑ Revised Proposal:

- Increases the width of the driveway to 8-feet in width.

Staff Recommendation

That the City Council adopt the following motion:

- **A Resolution of the City Council of the City of Burbank <u>denying the Appeal to the Planning Board's Denial of Project No. 17-0004704</u> for a Variance.**

- Thus Denying the Project.

Variance Application

Single Family Home
325 North Lincoln Street

September 25, 2018 City Council

From: Trista Blomdahl [redacted]
Date: September 16, 2019 at 10:05:54 AM PDT
To: egabel-luddy@burbankca.gov, sspringer@burbankca.gov, bfrutos@burbankca.gov, tmmurphy@burbankca.gov, jtalamantes@burbankca.gov
Subject: Re: 325 N Lincoln illegal structure public hearing

I forgot to attach the VRBO add.

https://www.vrbo.com/811356?noDates=true

Thank you.

Sent from my iPhone

On Sep 16, 2019, at 10:01 AM, Trista Blomdahl [redacted]> wrote:

Hello,

We have heard that there is a possible public hearing for 325 N Lincoln on September 24th. A property that has already been voted on almost a year ago.

We are the neighbors to Geoff Chang at 325 N Lincoln St. We reside right next to him at 331 N Lincoln. Kristian and I were raised in Burbank as well as our parents being raised in Burbank. We have built our life here with Kristian beginning to work for the city on the weekends since high school. Before we moved to this new house we were on the border of Burbank and Sun Valley and loved our home there but it was not the best neighborhood and it was getting more challenging to get our kids on permits with Burbank schools. We decided to take the plunge and move to lower Burbank. We loved Lincoln St. We have many friends that happened to live on this street and the house we choose had great bones to eventually fix up one day. It was disclosed in our real estate paperwork that the neighbors house was an Airbnb. We didn't think much of it until we saw the traffic going in and out of there every 2-3 days in both side and front unit(and we are not zoned in 2 unit area) For us, having 4 small children, that was alarming. It was being ran like a hotel with no regards to the neighborhood.

When we were looking at this property we had always had in mind that we wanted to put a fence between our home and 325 N Lincoln. All of our bedroom windows were along that side and when my girls open their blinds and 325 N Lincoln side door is open, it looks directly into a toilet area(should be a single car garage) That is a bit disturbing. We contacted all the neighbors behind and on all sides that we were going to put up a fence. We had our property properly surveyed and notified Mr Chang where the property lines were. He came back into town and things got hostile right away. We checked with the City a bunch of times to make sure we were ok to build a fence on our own property for security and safety. One of the occasions we were at the City we were informed that a claim had been turned in (this was only a few days form when Chang came back into town) stating that our girls room(the side room) was not original. Chang also had a lawyer telling us this and that we needed to demolish the side of the house where that was. I did a lot of research with Carol Coates and at the county and found original permits and documents on our property and found this claim to be untrue. In looking all this up we discovered that Changs property was not legal. We have the plat Sanborn maps from the 50's showing no rear garage etc. Once we heard that he had turned our house in and that he was suing us to drive

over our property we decided that his property needed to be investigated. In Burbank no other property should hinder a neighboring property and that is exactly what 325 N. Lincoln negligence to get proper permits etc. He had claimed he had an 4 inch easement over our property. That wasn't good enough evidently because he still sued us. The case went nowhere. We choose to not settle since this is our property and what we paid a hefty price for. We shouldn't have to be burdened by them not properly having a wide enough driveway access. From everything I've researched this is completely against Burbank codes to be a nuisance to neighboring properties.

Recently we heard that the Preserve Burbank's group came to the city to try and change the outcome of his illegal structures. It seems as if they are defaming us because Kris happens to work for the city when his position has never once been brought up to try and get ahead in this situation. We've read a piece by Jim Casey that they want to let Changs property stay as is since it has no encroachments or anything on other properties but that isn't the case here. With his original garage being turned into living space without permits and the new garage thrown up in the back it is encroaching. His too narrow side yard that he is using as a driveway causes him to have to drive on our side yard. Which is a safety issue, too close to our house, our children etc.

I wanted to write you all so you didn't only have one side. We are just a young family working hard to live in Burbank and raise our kids and send them to the schools we once went to.

I am in the next door group and this group of people trying to get this all to happen are speaking badly of Kristian and that we abused power etc which is extremely far from the truth. Chang has harassed many of our neighbors since we've lived here and I've heard of things in the past too. He is not your "friendly" neighbor. He yells at our young children if they accidentally step on his lawn. He yells at other neighborhood children. He has trespassed into other neighbors yards and houses. This is a person who was treating this property and neighborhood like a business and renting it like a hotel with no regard to how it affected neighboring properties. Mr. Chang doesn't live here most moths of the years. This isn't his primarily residence as he Vrbo's the property now.

Attach add for Vrbo

From what I understand the preserve Burbank group is to help historical homes. This is not a historical home. This is a house that was illegally converted. Mr. Chang just joined Preserve Burbank and is now taking this angle with his home which is not a historical home. His membership with the organization does not have anything to do with illegal modifications to his home. I also understand that when other properties have illegal structures they have to be fixed and bright up to code. So if this slides, it is showing the Burbank community that it is ok to have unpermitted structures and hinder neighboring properties and that is acceptable. Which is not the case.

Kris's job has never had anything to do with dealing with this neighbor and his illegal structures and shouldn't ever being something discussed. We are just trying to get the truth out to them about the situation and we are upset that chang and the Preserve Burbank people are defaming us for Changs illegal structures.

I would really like for the council members to evaluate the whole situation. Allowing people to not correct illegal structures is setting a dangerous precedent for the City. Neighboring properties should never have to carry the burden of people's wrong doings. This is against what the Burbank codes are all about.

Thank you,

Trista and Kristian Blomdahl

city of burbank
community development department

memorandum

DATE: August 20, 2019

TO: Justin Hess, Acting City Manager

FROM: Patrick Prescott, Community Development Director

SUBJECT: **August 19, 2019 Transportation Commission Meeting Synopsis**

- Chairman Mark Ehrhardt was re-elected as Chair of the Transportation Commission. Konstantine Anthony was elected as Vice Chair.
- Staff held a service change hearing to discuss the BurbankBus Golden State Circulator fixed route service. Staff recommended eliminating the Golden State Circulator, and the Transportation Commission accepted staff's recommendation.
- Staff reviewed the Commission's BurbankBus fixed route policy recommendations over the last 18 months. Staff also presented short term, medium term, and long term goals for the BurbankBus fixed route system. The Commission passed a motion with the following recommendations:
    - The BurbankBus fixed route service policies are:
        - 15 minute frequency
        - All day service
        - Point to point service
        - Connect regional transit hubs
    - The recommendations to implement these service policies are:
        - Short-Term
            - Eliminate the Golden State Circulator
        - Mid-Term
            - Extend the Metrolink-Media District Route to the Universal City Red Line Station
            - Evaluate the NoHo-Media District Route Performance
        - Long-Term
            - Conduct transit planning as part of specific plan development
            - Support Metrolink 30-minute, then 15 minute all day bi-directional service
    - The Commission asked staff to expeditiously implement the Metrolink-Media District Route extension to the Universal City Red Line Station.

CITY OF BURBANK

POLICE DEPARTMENT

MEMORANDUM

DATE: September 3, 2019

TO: Justin Hess, Acting City Manager

FROM: Scott LaChasse, Chief of Police Scott LaChasse
By: Josephine Wilson, Police Administrator
Lieutenant John Pfrommer, Traffic Bureau

SUBJECT: **CITY MANAGER TRACKING LIST NO. 2203 – MISUSE OF DISABLED PARKING PLACARDS AND PLATES**

On April 16, 2019, the Council requested a report on penalties for the misuse of disabled parking placards.

Background:
A disabled person or disabled veteran may apply for the issuance of a distinguishing placard or special license plate with the California Department of Motor Vehicles (DMV) [California Vehicle Code 22511.55(a)]. The placards may be used in lieu of the special license plates. The DMV encourages the use of distinguishing placards and special license plates because they provide law enforcement officers with a more readily recognizable symbol for distinguishing vehicles qualified for the parking privilege. The placards and special license plates bear the International Symbol of Access, commonly known as the "wheelchair symbol."

A person using a distinguishing placard or special license plate for disabled parking shall, upon request from a peace officer or person authorized to enforce parking laws, present identification and evidence of the issuance of that placard or plate to that person or vehicle [California Vehicle Code 22511.56(a)]. Failure to present the requested identification and evidence of the issuance of that placard/plate shall be an undeniable presumption that the placard/plate is being misused and that the associated vehicle has been parked in violation [California Vehicle Code 22511.56(b)].

Misusing a disabled placard or license plate is a violation of California Vehicle Code 4461, which prohibits misuse by lending a plate/placard to someone else or knowingly allowing someone else to use it, or displaying a disabled placard/plate that has been canceled or revoked. There is an exception that allows a person to use a disabled placard/plate issued to someone else while in the presence or reasonable proximity of the disabled person to whom it was issued, for the purpose of transporting the disabled person. California Vehicle Code 4461 can be punished as either a non-criminal infraction with a civil fine between $250 and $1,000, or a misdemeanor crime with potential penalties of up to six months in county jail and/or a fine between $250 and $1,000.

Peace officers or parking enforcement officers may confiscate a placard or special license plate if they are being utilized for parking purposes that benefit a person other than the person to whom the placard or plate was issued [California Vehicle Code 22511.56(c) and (d)]. Any agency that confiscates a placard/plate must verify with the DMV that the user of the placard/plate is not the registered owner of the placard/plate, and the DMV will cancel the placard/plate [California Vehicle Code 22511.56(e)]. The DMV has established an efficient method of notifying their department of confiscated placards/plates through e-mail, facsimile, and mail.

Burbank's Enforcement Practices/Policies:
The enforcement of parking violations falls under the purview of the Police Department's Traffic Bureau. The Traffic Bureau consists of 13 Motor Officer and 10 Parking Control Officer positions; however, staffing is currently below the aforementioned levels due to injuries and recent retirements. Parking violations are primarily enforced by Parking Control Officers whose primary function involves monitoring areas in the City that are zoned for street sweeping, time restrictions, and permit only parking. Their secondary duties include responding to citizen parking complaint calls, vehicle impounds, and all other parking-related violations. This includes issuing citations to vehicles parked in designated disabled parking stalls without displaying a distinguishing disabled person placard or special license plate. The Burbank Police Department also responds to citizen calls for service regarding the misuse of disabled placards and plates. A total of 54,437 citations were issued in 2018; out of which 59 (or 0.11%) were for vehicles illegally parked in disabled parking stalls or spaces. In 2017, 0.14% (80 out of 56,807 citations) of the total parking citations were for similar violations.

In March 2017, the DMV conducted an illegal use of disabled parking placards operation in Sacramento. The operation involved a group of plainclothes DMV enforcement officers patrolling the city and examining vehicles parked in disabled parking stalls. The officers checked the name registered to the license plate against the name printed on the disabled placard. If the names did not match, the enforcement officers would wait - sometimes for hours - for the driver to return to the vehicle to confirm the validity of their use of the disabled placard.

The Burbank Police Department has not conducted an operation specifically focused on the misuse of disabled placards/plates due to the infrequency of complaints from the community pertaining to disabled parking violations, and the need to redeploy resources to address an increase in overall parking complaints received. As of August 2019, a total of 1,503 parking complaints have been received, compared to 1,397 in 2018. On every parking problem call reported, either a Motor Officer or Parking Control Officer is dispatched to provide proper enforcement.

<u>City Of Los Angeles Ordinance No. 186068</u>
In March 2019, the City of Los Angeles amended Ordinance No. 186068 (Los Angeles Municipal Code Section 89.60) to increase the maximum fine amount for violations of California Vehicle Code 22511.57 (misuse of disabled placards) from $1,000 to $1,100. The foundation for the amendment is based on California Vehicle Code 40203.6(a), which states that "in addition to an assessment levied pursuant to any other law, an additional

assessment equal to 10 percent of the penalty established pursuant to 40203.5 shall be imposed by the governing body of the jurisdiction where the notice of parking violation is issued for a civil violation."

The primary intent behind the City of Los Angeles increasing the maximum penalty for the misuse of disabled parking placards is to help eliminate "some measure of placard abuse and thereby increase the availability of parking for those using legitimate placards as well as the general public." The City of Los Angeles reported high levels of the misuse of disabled placards within their jurisdiction, depriving legitimately disabled drivers of reserved parking spaces close to their destinations; essentially cheating the City out of public revenue, and allowing illegal users of disabled placards to occupy high-demand parking spots for free all day with no incentive to limit their stay. The misuse of disabled placards was deemed harmful to merchants in business districts, particularly in the Arts District, Fashion District and other Downtown business districts, because there was no turnover of needed parking spaces when people improperly park all day in front of the same store, or on the same blocks in these districts, discouraging customers from visiting and shopping in the area.

The City of Burbank has not seen the same levels of misuse of handicap placards as the City of Los Angeles. Based on the small percentage of disabled parking violations occurring in the City of Burbank (0.11% to 0.14% over the past two years), and the existing California Vehicle Code provisions that stipulate the ability to cite and enforce violations of disabled parking placard abuse and impose a fine of up to $1,000, there does not appear to be a need to adopt such an ordinance in the City of Burbank.

It should be noted that in July 2019 the Burbank Police Department initiated an educational campaign to heighten the public's awareness on the abuse of disabled parking placards. Officers have been provided with additional training on the statutes that provide the authority to enforce the misuse of disabled placards and license plates. An informational page has been included on the Police Department website (see attached) and social media platforms, addressing how to report disabled parking violations for proper enforcement. The Traffic Bureau will also conduct a quarterly review of parking violations and monitor parking complaints to identify potential increase in the misuse of disabled placards. If an increase is identified, the Traffic Bureau will deploy proactive enforcement strategies to address the problem.

Conclusion:
Conducting operations designed to identify the misuse of disabled placards require extensive personnel hours. Parking violations pertaining to the misuse of disabled placards are a minor percentage of the parking problem calls received by the Burbank Police Department. Currently, Parking Control Officers monitor the disabled parking spaces in their assigned beats, provide enforcement as appropriate for each individual violation, and respond to disabled parking complaints. Finally, the California Vehicle Code provides the City the ability to cite and enforce violations of disabled parking placard abuse and impose a fine of up to $1,000.

Attachment:
Disabled Parking Enforcement Brochure

Who qualifies for a Disabled Parking placard?

You may qualify for a Disabled Placard or Disabled license plates if you have impaired mobility due to having lost use of one or more lower extremities, or both hands, or have a diagnosed disease that substantially impairs or interferes with mobility, or one who is severely disabled to be unable to move without the aid of an assistive device. You may also qualify if you have specific, documented visual problems, including lower-vision or partial-sightedness.

How can I apply for a Disabled Parking placard?

Per California DMV, you must:

- Complete and sign an Application for Disabled Person Placard or Plates (REG 195) (PDF).
- Have a licensed physician, surgeon, chiropractor, optometrist, physician assistant, nurse practitioner, or certified nurse midwife that has knowledge of the disease and/or disability sign the Doctor's Certification section of the REG 195 (PDF).
- Submit fees when requesting a Temporary Placard.
- Mail the original completed and signed application to the address on the form.

or more information, visit:
ww.dmv.ca.gov/portal/dmv/detail/vr/disabled

What can I do if I suspect Disabled Parking abuse or a Disabled Parking violation?

Anyone who thinks a Disabled Person Placard is being misused, or observes a Disabled Parking violation, can call the Burbank Police Department non-emergency number, at (818) 238-3000.

Please be prepared to provide a description of the person(s), description of the vehicle, license plate number, and location.

Burbank Police Department
200 N. Third St.
Burbank, CA 91502
Non-emergency: (818) 238-3000
For emergencies, dial 9-1-1

Disabled Parking Enforcement

BURBANK
POLICE DEPARTMENT

www.BurbankPD.org

What is BPD's authority to check identification for Disabled Person parking?

California Vehicle Code §22511.56 states (in part):

A person using a distinguished placard... or a special license plate... for parking as permitted by Section 22511.5 shall, upon request of a peace officer or person authorized to enforce parking laws... present identification and evidence of the issuance of that placard or plate to that person...

Failure to present the requested identification and evidence of the issuance of that placard or plate shall be rebuttable presumption that the placard or plate is being misused and that the associated vehicle has been parked in violation.

To expedite this process, you are encouraged to have your registration card and photo identification readily accessible when parking. We will make every effort to complete our checks with as little delay as possible.

If you are transporting another person and they are not present during the check, we may require that you provide evidence that the person to whom the placard or special plate was issued is within a *reasonable proximity* of the parked vehicle. CVC §4461

What is Disabled Person parking abuse?

- Displaying a Disabled Person parking placard that was not issued to you or that has been canceled or revoked by the DMV. [CVC §4461(c)]
- Use of a Disabled Person license plates not issued to you in a disabled parking stall [CVC §4461(d)]
- Use of a forged, counterfeit, or falsified Disabled Person parking placard or special license plate. [CVC §4463(a) & 4463(b)]
- Sale or offer for sale, or unlawful acquisition or possession of a genuine or counterfeit Disabled Person parking placard. [CVC §4463(b)(3)]
- Lending or knowingly allowing another person to use your placard. [CVC §4461(b)]
- Knowingly making a false statement to the DMV in your application for a Disabled Person placard or special license plate. [CVC §20]

What are the penalties for Disabled Person parking abuse?

California Vehicle Code §4461 provides for the following penalties for Disabled Person parking abuse (in part):

(T)he issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000)... or is a misdemeanor punishable by a fine of not less than two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000), imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

Additionally, California Vehicle Code §22511.56, permits peace officers and parking enforcement personnel to confiscate misused placards and plates:

In addition to any other applicable penalty for the misuse of a placard, the officer or parking enforcement person may confiscate a placard being used for parking purposes that benefit a person other than the person to whom the placard was issued...

Confiscated placards are reported to the Department of Motor Vehicles for cancellation and will not be returned. CVC §22511.56(e)

Canceled placards cannot be reissued and their replacement requires a new application and medical verification to be submitted to the DMV.

Use of forged, counterfeit or falsified Disabled license plates can be a felony. CVC §4463

CITY OF BURBANK

POLICE DEPARTMENT

MEMORANDUM

DATE: August 26, 2019

TO: Justin Hess, Acting City Manager

FROM: Scott LaChasse, Chief of Police Scott LaChasse
By: Captain Cremins, Patrol Division
Josephine Wilson, Police Administrator

SUBJECT: **CITY MANAGER TRACKING LIST NO. 2208 – DOWNTOWN BURBANK POLICE OFFICER COVERAGE**

On April 30, 2019, the Council requested an update on current police coverage for Downtown Burbank.

BACKGROUND

The City of Burbank covers 17 square miles. In an effort to provide prompt, effective service, the Burbank Police Department divided the City into four geographically determined sectors (Sectors 1 through 4). Each sector contains either two or three Beats. There are a total of 11 Beats. A beat is the defined territory for which an officer is primarily responsible for during his/her shift. Within their assigned beats, Police Officers are responsible for the prevention and detection of criminal activity, enforcement of all applicable laws and ordinances, response to calls for service, and investigation of criminal activities, deaths, vehicular accidents, disturbances, and hazardous situations.

DOWNTOWN BURBANK BEAT

Out of the 11 Beats, the smallest is the Downtown Beat (Beat 14). Its boundaries are Burbank Boulevard, Glenoaks Boulevard, Verdugo Avenue and Bonnywood Place. The Downtown Beat is approximately three quarters of a mile in length by less than a half-mile in width. Contained within the Downtown Beat are numerous restaurants and retail establishments. Stretching through the heart of the Downtown Beat is a closed off length of Palm Avenue, popularly referred to as the Paseo. It extends the length of a city block between San Fernando Boulevard and First Street. Lining the Paseo are several restaurants and a large AMC theater complex.

The Paseo and Downtown area receive a great deal of pedestrian and vehicular traffic, particularly in the summer months. Historically, the Police Department has received approximately 435 calls for service a month (approximately 14 a day and 5,200 annually) from the Downtown Beat. In the month of August 2019, the most frequent calls for service were primarily due to disturbances (intoxication, loud conduct, unruly behavior), transport (transfer to hospital, mental health facility or jail) followed by a request for area checks, advisals, parking, auto burglary, found property and wellbeing checks. Part I crime was predominantly attributed to auto burglary - particular from parking garages, retail theft,

and petty theft, among others. A total of 474 calls were responded to in the following categories:

Downtown Part 1 Crime by Type for August 2019:

Auto Burglary:	**40**
Retail Theft:	**18**
Petty Theft:	**10**
Grand Theft:	**7**
Stolen Vehicle:	**3**
Aggravated Assault:	**3**
Burglary:	**2**

Most Frequent Downtown Calls for Service by Type for August 2019:

Area Check:	**76**
Disturbance:	**73**
Transport:	**54**
Advise:	**33**
Parking Problem:	**31**
Auto Burglary:	**24**
Info Only:	**23**
Found Property:	**18**
Check Wellbeing:	**14**

DEPLOYMENT:

Efficient utilization of Patrol resources is one of the primary tasks of a Watch Commander on each shift. The primary goal is to allocate resources to address the shift demands of that particular day, respond to calls for service, and plan for events/special details based on the staffing levels.

In the Downtown, officers may be deployed on foot as footbeat units. Typical situations for this type of deployment are special events such as car shows, art shows, wine or beer festivals, etc., that are held in the Downtown Beat on streets that have been closed to vehicular traffic. These special deployments are almost always conducted on an overtime basis and are not part of the normal Patrol Bureau deployment.

Bicycle patrols are deployed more frequently than footbeat patrols, and are often part of the regular Patrol Bureau deployment. Bicycle patrols are most often utilized in the Downtown area or on weekends during summer months as primary deployment levels allow. Like footbeats, bicycle patrols can be deployed for special events. The deployment typically consist of two officers who patrol the Downtown for 8 hour shifts on Fridays and Saturday evenings from 3:00 p.m. to 11:00 p.m. These officers focus on traffic and parking enforcement, vehicle burglary suppression, retail crime suppression, community outreach and business outreach. In addition to the two officers, one officer is assigned to Beat 14 for regular patrol functions. A Supervisor (Sergeant) is also available in the field for supervision and assistance as needed. These combined resources account for approximately 13% to 18% of the staffing resources available on a shift. If there is an incident that necessitates additional resources, Officers from neighboring Beats will

respond to the Downtown area as well. Annually, the Police Department responds to over 46,000 calls for service. In 2018, the Downtown Beat accounted for 11.3% of all calls for service, 11.45% of all Part I crime and 11.62% of arrests.

The overall utility of footbeat and bicycle patrols is quite limited, especially when compared to that of standard black and white police vehicles. Footbeat and bicycle patrols cover only a limited area, and officers assigned to these types of patrol cannot be dispatched to cover the normal range of situations that are assigned to officers who are deployed in vehicles. Police officers assigned to footbeats or bicycle patrol are capable of carrying only a limited amount of equipment. This limitation frequently requires the response of police units from other beat assignments to assist them. Also, because of the equipment limitations, officers assigned to foot-beat or bicycle patrol do not routinely have direct access to remote databases. Lastly, whenever officers assigned to a footbeat or to bicycle patrol make an arrest, they must request additional officers in a police vehicle to transport arrestees to jail.

Although ideal, permanent assignment of a footbeat or bicycle patrol in the Downtown Beat is unrealistic, given the daily challenges presented by calls for service and the need for citywide crime prevention. This is compounded by the fact that the Department is experiencing a significant number of vacancies (21) and other variables such as Court subpoenas, injuries, sick time, vacations, maternity leaves, training, family medical leave, military leave and restricted duty. Despite these limitations, the Police Department continues to deploy bicycle patrols on a limited basis in the Downtown Beat on weekends when sufficient deployable assets are available. Additionally, Patrol and Motor Officers are encouraged to traverse though the Downtown area when travelling to and from the Police station for routine details. This strategy provides for high law enforcement presence and visibility, and allows for enforcement opportunities and/or community engagement as needed.

CONCLUSION

It is important to note that Downtown Burbank is, and continues to be a very safe place for our community and visitors. Residents and visitors enjoy its dynamic street scene, outdoor dining, and pedestrian orientation. It also enjoys some of the fastest police response times and likewise has very low levels of crime. To the extent possible, it is always a priority for the Police Department to have officers visible on a daily basis and engage as partners with the community in proactive policing throughout the City and especially in the Downtown.

Quality of life in the Downtown has been enhanced by the Downtown Burbank Partnership contract with Street Plus, a nationwide security and hospitality service company which is providing a Hospitality and Social Service Outreach Program for Downtown seven days a week. Some of the services provided have augmented the Police Department's efforts by addressing quality of life issues in the Downtown that would have previously resulted in a Police call for service.

city of burbank
community development department

memorandum

DATE: September 12, 2019

TO: Justin Hess, Acting City Manager

FROM: Patrick Prescott, Community Development Director

SUBJECT: **City Manager Tracking List Item #1950 - Definition of a Bedroom and the Ability to Divide Rooms**

Building Code

The California Building Code (CBC) refers to bedrooms as SLEEPING ACCOMMODATION. Under the DEFINITIONS in Section 202 of the CBC sleeping accommodations are defined as "rooms intended and designed for sleeping," and also SLEEPING UNIT which is defined as "a room or space in which people sleep, which can also include permanent provisions for living, eating and either situation or kitchen facilities but not both. Such rooms and spaces are also part of a dwelling unit are not sleeping units."

The Building Code does not address bedroom sizes specifically, but does state that for room width, habitable spaces (which a bedroom would fall under) other than a kitchen, shall be not less than 7 feet in any plan dimension and that every dwelling unit shall have no fewer than one room that shall have not less than 120 sq. ft. of net floor area. Other habitable rooms shall have a net floor area of not less than 70 sq. ft.

Bedrooms are required to have egress and there must be at least one window which meets the Emergency Escape and Rescue/Exit Window requirement which must have a 20 inches minimum\ clear width; 24 inches minimum clear height; 5.7 square foot openable area; 5 square foot minimum openable area for ground floor and the bottom of the clear opening is 44 inches maximum above the floor and minimum 24 inches from the floor for operable openings, 72 inches above grade or surface below.

Bedrooms are required to have windows for egress as noted above as well as for ventilation (4% of the room floor area) unless the bedroom has a door leading directly to the outside then this would provide for egress and the required ventilation. Ventilation can also be supplied by a mechanical system that meets the code requirement stated in the California Mechanical Code.

The Building Code has no requirements for closets in a bedroom.

Bedrooms can legally be divided to create additional bedrooms as long as they meet the requirements stated above.

Zoning Code

The zoning code does define a bedroom as "any room that is designed or intended to be used or is capable of being used as a bedroom in whole or in part," but I silent on any other requirements for bedrooms such as closets, windows, or minimum size requirements. Bedrooms can be divided to create additional bedrooms as long as they are consistent with Building Code requirements noted above. On multifamily zoned properties dividing bedrooms may trigger additional parking requirements and/or Development Review approval.

August 20, 2019

A regular meeting of the Burbank Police Commission was held in the Council Chamber of City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 1811 hours by Commission Chair Vest.

CALL TO ORDER

Present: Commissioners Chapman, Cohen, Elman, Kobaissi, and Vest

Also Present: Chief LaChasse, Deputy Chief Albanese, Captain Cremins and Irving, Police Administrator Wilson, Sergeant Green, and Executive Assistant Nakamura (Liaisons Frutos and Springer)

FLAG SALUTE

The flag salute was led by Commissioner Chapman.

COMMISSION ANNOUNCEMENTS AND REPORTING OUT BY COMMISSION SUBCOMMITTEES

None

ORAL COMMUNICATIONS

None

RESPONSE TO ORAL COMMUNICATIONS

None

APPROVAL OF MINUTES FROM JULY 17, 2019

A motion was made by Commissioner Cohen, with a second by Commissioner Kobaissi, to approve the minutes of the July 17th meeting. Approved, with an abstention by Commissioner Elman.

ITEMS OF BUSINESS

1. Discussion and selection of attendees to the NACOLE Conference (September 22-26, 2019, in Detroit, MI)

Commissioners Kobaissi and Elman will be attending the conference.

2. Discussion on making a request to the City Council to provide direction to the Commission on reviewing the Body Worn Camera (BWC) policy.

Commissioner Kobaissi had agendized a discussion, however, with the approval by the City Council to purchase BWC from Axon, there was no need for further discussion.

3. Election of new officers

Commissioner Cohen made a motion, seconded by Commissioner Kobaissi, to nominate Chair Vest to serve another term as Commission Chair. Motion carried by consensus.

Commissioner Vest made a motion, seconded by Commissioner Elman, to nominate Commissioner Kobaissi to serve as Commission Vice Chair. Motion carried by consensus.

Commissioner Kobaissi made a motion, seconded by Chair Vest, to nominate Commissioner Cohen to serve as Commission Secretary. Motion carried by consensus.

4. Discussion of setting meeting dates for the quarterly meetings of the Commission

The following dates were tentatively set for the next year:

November 20, 2019
January 15, 2020
April 15, 2020
August 19, 2020
October 15, 2020

5. Discussion on conducting a Commission meeting in the community

Commissioner Cohen suggested conducting one of the quarterly meetings in the community. The Department will contact the BUSD and see if January or April will work for a school venue. Chief LaChasse also suggested considering other venues such as the library or a park.

6. Announcements by the Police Chief – brief announcements regarding upcoming events and/or items of note related

8/27 BPD Promotion party
9/17 City Council Open house
9/28 One day Spanish Community Academy
10/2 Coffee with a Cop
10/4 BPOA Golf Tournament
10/5 BPF Family Fun Day at Johnny Carson Park

FINAL PERIOD OF PUBLIC COMMENTS

None

RESPONSE TO ORAL COMMUNICATIONS

None

INTRODUCTION OF AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Cohen made a motion, seconded by Commissioner Vest, to have a presentation on trends in internet crimes. Approved by consensus.

Commissioner Kobaissi made a motion, seconded by Commissioner Vest, to provide a briefback on attendance at the NACOLE conference. Approved by consensus.

Commissioner Elman made a motion, seconded by Commissioner Cohen, to have a presentation and discussion regarding the expansion of the volunteer program in the community. (7/26 LA Times article on LAPD volunteer program)

NEXT MEETING DATE

The next scheduled meeting of the Police Commission is Wednesday, November 20, 2019, at 1800 hours.

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 6:30 pm.

s/Robert Cohen

Robert Cohen, Secretary
Burbank Police Commission

s

September 19, 2019

CALL AND NOTICE OF A SPECIAL MEETING
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that a special meeting of the Burbank-Glendale-Pasadena Airport Authority will be held Monday, September 23, 2019, at 9:00 a.m., in the Airport Skyroom of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

2627 N. Hollywood Way • Burbank, California 91505 • (818) 840-8840 • Fax: (818) 848-1173

BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

Special Meeting of Monday, September 23, 2019

9:00 A.M.

The public comment period is the opportunity for members of the public to address the Commission on agenda items and on airport-related non-agenda matters that are within the Commission's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

▼▼▼

Members of the public are requested to observe the following decorum when attending or participating in meetings of the Commission:

- ***Turn off cellular telephones and pagers.***
- ***Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.***
- ***If you desire to address the Commission during the public comment period, fill out a speaker request card and present it to the Board Secretary.***
- ***Confine remarks to agenda items or to airport-related non-agenda matters that are within the Commission's subject matter jurisdiction.***
- ***Limit comments to five minutes or to such other period of time as may be specified by the presiding officer.***

▼▼▼

The following activities are prohibited:

- ***Allocation of speaker time to another person.***
- ***Video presentations requiring use of Authority equipment.***

▼▼▼

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Commission less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. Hollywood Way, Burbank) in the administrative office during normal business hours.

▼▼▼

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

AGENDA

Monday, September 23, 2019

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. PUBLIC COMMENT

5. CONSENT CALENDAR

   a. Committee Minutes
      (For Note and File)

      1) Operations and Development Committee

         (i) July 15, 2019 ***[See page 1]***

      2) Finance and Administration Committee

         (i) July 15, 2019 ***[See page 6]***

      3) Legal, Government and Environmental Affairs Committee

         (i) June 17, 2019 ***[See page 9]***

   b. Commission Minutes
      (For Approval)

      1) August 28, 2019 ***[See page 11]***

      2) August 19, 2019 ***[See page 13]***

   c. Salary Memorandum No. 4 and Amendment No. 3 to Amended and Restated Employment Agreement With Director of Public Safety/Chief of Police ***[See page 22]***

6. ITEMS FOR COMMISSION APPROVAL

   a. Replacement Passenger Terminal Project Consultant Agreements for Financial Feasibility and Advisory Services, Technical Support, Airline Coordination Services and Outreach/Support Services ***[See page 28]***

   b. Award of Professional Services Agreement Airport Marketing Consultant Services - Anyone Collective LLC ***[See page 31]***

c. Renewal of SITA Airport Solution Line Service Agreement for the Common Use Passenger Processing System and Related Equipment ***[See page 35]***

d. Appointment of Committees ***[No Staff Report]***

7. ITEMS FOR COMMISSION DISCUSSION

a. Community Noise Concerns ***[No Staff Report]***

8. ITEMS FOR COMMISSION INFORMATION

a. Charrette Workshop Status Update ***[No Staff Report]***

b. July 2019 Parking Revenue Statistics ***[No Staff Report]***

c. July 2019 Transportation Network Companies ***[No Staff Report]***

d. July 2019 Passenger/Cargo and Regional Airport Passenger Statistics ***[See page 46]***

9. CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 1 potential case. Facts and Circumstances: United Maintenance Claim

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 1 potential case. Facts and Circumstances: FAA Southern California Metroplex Project

10. COMMISSIONER COMMENTS
(Other updates and information items, if any)

11. ADJOURNMENT

COMMISSION NEWSLETTER

Monday, September 23, 2019

[Regarding agenda items]

5. CONSENT CALENDAR

(Consent Calendar items may be enacted by one motion. There will be no separate discussion on these items unless a Commissioner so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda.)

a. COMMITTEE MINUTES. Approved minutes of the special Operations and Development Committee meeting of July 15, 2019 and approved minutes of the Finance and Administration Committee meeting of July 15, 2019; and approved minutes of the Legal, Government and Environmental Affairs Committee meeting of June 17, 2019 are included in the agenda packet for information purposes.

b. COMMISSION MINUTES. Draft minutes of the August 28, 2019, special meeting and August 19, 2019, regular meeting are attached for the Commission's review and approval.

c. SALARY MEMORANDUM NO. 4 AND AMENDMENT NO. 3 TO AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH DIRECTOR OF PUBLIC SAFETY/CHIEF OF POLICE. A staff report is included in the agenda packet. This item seeks Commission authorization to execute a salary memorandum and approval of a third amendment to the Authority's amended and restated employment agreement with the Director of Public Safety/Chief of Police. The salary memorandum will provide a 3% salary increase resulting in a base salary of $191,752.37. The third amendment will extend the term of the Agreement by three years until April 1, 2023.

6. ITEMS FOR COMMISSION APPROVAL

a. REPLACEMENT PASSENGER TERMINAL PROJECT CONSULTANT AGREEMENTS FOR FINANCIAL FEASIBILITY AND ADVISORY SERVICES, TECHNICAL SUPPORT, AIRLINE COORDINATION SERVICES AND OUTREACH/SUPPORT SERVICES. A staff report is included in the agenda packet. To continue the advancement of the Replacement Passenger Terminal project, at the August 19, 2019 meeting of the Finance and Administration Committee ("Committee"), the Committee voted unanimously (3–0) to recommend the Commission approve a second year funding with four consultants, and an award of a new Professional Services Agreement to one consultant, currently providing financial, outreach, or technical support services related to the development of the RPT project: Ricondo & Associates, Public Resources Advisory Group, Moroney & Associates, Airport & Aviation Professionals Inc., and Woodward & Associates.

b. AWARD OF PROFESSIONAL SERVICES AGREEMENT AIRPORT MARKETING CONSULTANT SERVICES - ANYONE COLLECTIVE LLC. A staff report is included in the agenda packet. At the August 19, 2019 Operations and Development Committee ("Committee") meeting, the Committee unanimously voted (3-0) to

recommend to the Commission an award of a Professional Services Agreement to Anyone Collective, LLC, to provide airport marketing consulting services and media purchases in support of the Authority's Fiscal Year 2020 Branding, Marketing and Advertising program. The total proposed expenditure for the program is not-to-exceed an amount of $870,000 to be completed within FY 2020.

c. RENEWAL OF SITA AIRPORT SOLUTION LINE SERVICE AGREEMENT FOR THE COMMON USE PASSENGER PROCESSING SYSTEM AND RELATED EQUIPMENT. A staff report is included in the agenda packet. Subject to the recommendation of the Operations and Development Committee at its meeting immediately preceding the Commission meeting, Staff seeks Commission approval of a proposed renewal of the Airport Solution Line Service Agreement ("Service Agreement") with SITA Information Networking Computing USA Inc. ("SITA") for the Common Use Passenger Processing System installed at the Airport. The term of the proposed renewal is for a three-year base period with two optional one-year extensions. The monthly cost during the base period will be $61,880 and will be $64,153 and $66,065, respectively, during the extension periods. The Authority's payments to SITA under the Service Agreement are reimbursed monthly by the Airlines serving the Airport and, if the proposed renewal is approved, will continue to be reimbursed.

d. APPOINTMENT OF COMMITTEES – No staff report is attached. This item is included in the agenda to provide the Commission President the opportunity to make any standing or ad hoc committee appointments that he may wish to make.

7. ITEMS FOR COMMISSION DISCUSSION

a. COMMUNITY NOISE CONCERNS. No staff report is attached. Staff will report to the Commission on activities undertaken regarding community noise concerns.

8. ITEMS FOR COMMISSION INFORMATION

a. CHARRETTE WORKSHOP STATUS UPDATE. No staff report is attached. Daniel Iacofano of MIG, Inc. will provide an update on the progress of the Public Design Charrette Workshops ("workshops"). MIG is the facilitator of these workshops, which are being conducted to gather information from the public to inform the design of the Replacement Passenger Terminal.

b. JULY 2019 PARKING REVENUE STATISTICS. No staff report attached. Staff will present parking revenue data for the month of July 2019.

c. JULY 2019 TRANSPORTATION NETWORK COMPANIES. No staff report attached. Staff will update the Commission on TNC activity for the month of July 2019.

d. JULY 2019 PASSENGER/CARGO AND REGIONAL AIRPORT PASSENGER STATISTICS. No staff report attached. The July 2019 passenger count of 541,942 was up 18.96% compared to last year's 455,580 passengers. Air carrier aircraft operations increased 27.69%, while cargo volume in July was up at 9.3 million pounds.

CITY OF BURBANK

PARKS AND RECREATION

ANNOTATED AGENDA/MEETING SUMMARY

Meeting: Parks and Recreation Board Date: Thursday, September 12, 2019

Staff Present: Marisa Garcia, Acting Parks and Recreation Director; Kristen Smith, Deputy Director; Mike del Campo, Landscape and Forestry Superintendent; Gwen Indermill, Recreation Manager; Meri Young, Administrative Analyst II; Cindy Yee Akuin, Administrative Analyst I; Patty Molinar, Recording Secretary.

Board Members Present: Ms. Burghdorf, Mr. Gussow, Mr. DePalo, Ms. Peguero Gamiño, and Ms. Lowers.

Board Members Absent: None

Item Discussed		Summary	Direction or Action, if any
1	Announcements	Cindy Yee Akuin announced the Department's upcoming events.	
2	Recognitions	Chair Burghdorf and Michael del Campo presented certificates of recognition to volunteers and employees of the Burbank's Fire Department Monarch 70 Crew who, since 1996, have devoted thousands of hours maintaining, repairing, and beautifying the trails of our City's foothills. The Board praised the recipients' dedication and service to the City and recognized the inspiration it brings about by encouraging others to serve.	
3	Oral Communications	None.	
4	Written Communications	None.	
5	Park Board Comments	Mr. DePalo encouraged attendance to the Walk of Fame Induction Ceremony on October 5th. Mr. Gussow commended Touchstone for the strides being made at DeBell Golf Course and the Hilltop Restaurant. Ms. Gamiño attended the Arts in Public Places Committee (Committee) meeting and shared that the Committee is very enthusiastic about and engaged in planning upcoming and pending projects.	
6	Burbank Tennis Center Annual Update	Ms. Indermill reported that Mr. Steve Starleaf, General Manager (Operator), the Burbank Tennis Center (BTC), is in substantial compliance with the Year 5, FY 18-19 goals and objectives. The Operator is compliant with the terms of the Agreement and has consistently provided a wide variety of group and individual lessons, clinics, youth and adult leagues, tournaments, special	Noted and Filed.

		events as well as merchandise and concessionaire services for the community. In addition, the Operator met the requirements for the facility, tennis court, landscape maintenance within the premises, and completed capital improvements. This year, the current Agreement is eligible for the first of three, five-year contract extensions; the Operator has submitted a written request to exercise the extension option. As part of the approval process, the Operator and Parks and Recreation staff will establish the new goals and objectives for 2020-2025.	
7	Consent Calendar	Approval of Minutes Minutes of the August 8, 2019 meeting were approved. City Council Agenda Items Update Noted and Filed. Contract Compliance Noted and Filed. August Park Patrol Report Noted and Filed. Departmental Operations Update Noted and Filed.	It was moved by Mr. Gussow seconded by Ms. Lowers and carried 5-0 "to approve the Consent Calendar with two grammatical changes."
8	Tabled Items	None.	
9	Second Period of Oral Communications	None.	
10	Additional Comments from the Board	None.	
11	Introduction of New Agenda Items	None.	
12	Adjournment	There being no further business to come before the Board, the meeting was adjourned at 7:10 p.m.	