

# MEMORANDUM



## COMMUNITY DEVELOPMENT

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**DATE:** June 13, 2025

**TO:** Burbank City Council

**FROM:** Justin Hess, City Manager  
VIA: Patrick Prescott, Community Development Director *By for P. Prescott*  
BY: Fred Ramirez, Assistant Community Development Director – Planning *FR*

**SUBJECT:** Director's Approval of Administrative Amendment Request for 777 Front Street Project

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The purpose of this memorandum is to provide the City Council with notification of the Community Development Director's approval (Attachment 1) of a request from SJ4 Burbank LLC (the Developer) for an Administrative Amendment granting additional time to construct certain conditions of approval due to unavoidable delays resulting from, among other things, delays in receiving approvals from regional and state agencies, per Article 5 (Amendment) of the current Development Agreement (DA) (Los Angeles County Recorder's Instrument No. 20200207321), for the 777 Front Street Project. The Developer through their legal counsel has requested the Administrative Amendment pursuant to Article 5, Section 5.01(a) of the DA. The Developers requested is detailed in three attachments of the Director's approval letter (Attachment 1).

In accordance with Section 5.01, subsection (a) of the DA, the Community Development Director's approval of this Administrative Amendment shall become effective after thirty (30) days' notice to the City Council and posting to the City Council in the same manner as a Council Agenda. This memorandum constitutes the Director's notification of the City Council. Furthermore, pursuant to the DA, if any member of the City Council requests consideration of such amendment within the 30-day notice period, then the administrative amendment will not be effective unless there is a final a determination approving it. In the event Council requests consideration of an administrative amendment, staff will agendize the matter for Council discussion within 30 days of such request.



## COMMUNITY DEVELOPMENT

June 12, 2025

Dale J. Goldsmith  
Armbruster Goldsmith & Delvac LLP  
12100 Wilshire Blvd., Suite 1600  
Los Angeles, California 90025

Re: SJ4 Burbank LLC/777 N. Front Street Project Development Agreement —  
Administrative Amendment Request

Dear Mr. Goldsmith:

By way of your letter dated March 31, 2025 (Attachment 1), SJ4 Burbank LLC (the Developer) has requested an Administrative Amendment to defer construction of the following improvements: 1) publicly accessible open space area ("PAOS"); 2) vertical public pedestrian access consisting of two elevators and a staircase between North Front Street and the Magnolia Boulevard overpass; and, 3) Sound Wall construction to be located on either Department of Transportation (Caltrans) right-of-way or on the Project site and City right-of-way adjacent to southbound Interstate 5 until the Developer proposed "Phase III". Furthermore, as part of the Administrative Amendment request, the Developer is seeking to defer the construction of the Citywide Signal Control System (CSCS) along the Victory Boulevard corridor between Burbank Boulevard and Alameda Avenue until December 31, 2025. Collectively, these "Improvements" are identified as Conditions of Project Approval Nos. 44, 62, 78, 81, 93, and 96 (Attachment 3). The Developer's request regarding the pending Improvements is further supplemented by the April 14, 2025, Letter from SJ4 Burbank LLC's Director of Development, Justin Fleming (Attachment 2), which identifies additional affected Conditions (i.e., 83, 95(c), and 321) and associated delays.

DA Section 4.03, subsection (e) ("Timing of Project Construction and Completion) notes the following:

"The Developer generally anticipates completing development of the project in three phases. Phase I would include site preparation and grading and construction of residential building 1, including onsite improvements; Phase II would include site preparation and grading and construction of residential building 2, including onsite improvements; and Phase III would include site preparation and grading and construction of the hotel and onsite improvements. The Developer has the right to change the order of the development as it deems appropriate within the exercise of its sole and subjective business judgement; however, offsite improvements required under this Agreement and the Conditions



of Approval (other than the sound wall) shall be completed with the first phase of work undertaken by the Developer. The developer is responsible for the development of the sound wall including the portions of the sound wall to be constructed by CalTrans and the portion of the sound wall to be constructed by Developer shall be started within a reasonable time after CalTrans completes its portion of the sound wall and thereafter diligently prosecuted to completion. The City acknowledges that above right to change the order of development is consistent with the intent, purpose and understanding of the Parties to this Agreement.”

As noted in your March 31, 2025, DA Section 4.03(e), does provide the Developer with the right “to develop the Project Site at such order and at such rate and times as the Developer deems appropriate within the exercise of its subject business judgement of the noted phases of development.” The City acknowledges that the Developer has exercised their right under DA Section 4.03(e) and is constructing Phase I and Phase II, concurrently.

In addition, the City acknowledges that Developer is working with the City Team (Building and Safety, Planning, Public Works, and Burbank Water and Power staff assigned to the Project's permitting and inspections) to complete Conditions of Approval applicable to these Phases with ongoing progress being tracked as part of a condition matrix that is being reviewed at weekly meetings between the Developer and the City Team. This collaborative effort is consistent with narrative noted in the April 14, 2025, supplemental letter that the City received from Developer's Development Director, Justin Flemming noting additional work currently underway to address the Conditions to: build a Pedestrian Crossing Signal and associated crosswalk striping and pedestrian ramps per Conditions of Approval 83, 95(c), and 321; the PAOS per Conditions 62, 78 and 93; and Soundwall per Conditions 44 and 96. As set forth in the condition matrix previously sent to the City Team, Developer is nearing completion of these Phases and has satisfied, or is in the process of satisfying, all Conditions of Approval applicable to these Phases, except for construction of the previously noted Improvements. Lastly, the City acknowledges the unavoidable delays that have affected the construction of the Improvements, which have resulted from City and Caltrans legal disputes and the current efforts of the City Team to determine a right-of-way boundaries and easement requirements with Metro to facilitate utility connections from the Project Site under the railroad right-of-way to the Magnolia Power Plant.

Considering the unavoidable delays and the ongoing collaborative work between the City Team and the Developer to complete Project Phases and associated Conditions of Approval, I am approving your Administrative Amendment pursuant to DA Section 501, subsection (a). As the Community Development Director, I have determined that the Developer's written request is both a minor request and consistent with the Development Agreement for the Project. The Administrative Amendment Request is granted subject to the following:



- 1) Developer shall provide proof of Bonds secured for all Improvements with accompanying proof to the satisfaction of the City Attorney that the Bonds are in effect now and through the completion Phase III.
- 2) Developer shall resubmit for plan check review revised Construction Drawings and Engineering Specifications for the PAOS and associated vertical public pedestrian access to the Magnolia Bridge, which can then be used to build the Improvements. The obligation to design and construct the vertical public pedestrian access shall not be contingent on resolving conflicts and receiving permit approval to construct the PAOS and Caltrans soundwall. Therefore, it should be designed so that it can be constructed and opened to the public independently of the PAOS and soundwall. Construction Drawings and Engineering Specifications must be approved for permit issuance by December 31, 2025.
- 3) All Improvements shall be constructed and finalized prior to the issuance of a Final Certificate of Occupancy for Phase II, but no later than December 31, 2027, whichever occurs first.
- 4) Developer shall install the Pedestrian Crossing Signal and associated crosswalk striping and pedestrian ramps per Conditions of Approval 83, 95(c), and 321 prior to the issuance of any Certificate of Occupancy to ensure safe ingress and egress for pedestrian and bicyclist traffic across Front Street between the Project Site and the Downtown Burbank Metrolink Station. In the absence of a permanent installation of this Improvement, the Developer shall install a temporary Pedestrian Crossing Signal and associated pedestrian crosswalk and ramp improvements prior to the issuance of any Certificate of Occupancy for Phase I, subject to written approval from the Community Development Department Transportation Division Asst. Director and the Public Works City Engineer or their designee.
- 5) Notwithstanding item 1 through 4 above, Developer shall construct Condition of Approval 95 (a), (b), (d), and (e) between Burbank Boulevard and the northernmost Metrolink Station driveway prior to the issuance of any Certificate of Occupancy for Phase I to ensure the project provides safe, ADA pedestrian connectivity to the north and south of the project. Alternatively, Developer shall construct a temporary, ADA-compliant path of travel connecting the project to Burbank Boulevard and the Downtown Burbank Metrolink Station to ensure pedestrian life-safety access is provided to the project prior to the issuance of any Certificate of Occupancy for Phase 1.
- 6) The Improvements for the Burbank Citywide Signal Control System (CSCS) along the Victory Boulevard corridor between Burbank Boulevard and Alameda Avenue shall be completed no later than December 31, 2025. These improvements are a Project condition of approval that implements a transportation mitigation measure identified in the project's Environmental Impact Report (EIR) and therefore need to be operational to mitigate the identified EIR impact. City Staff and Developer will work together to ensure the required CSCS improvements are only those improvements necessary to implement the condition of approval as written.

In accordance with Section 5.01, subsection (a) of the Development Agreement, my approval of this Administrative Amendment shall become effective after thirty (30) days' notice to the City Council and posting to the City Council. The City Council will be notified accordingly.

Sincerely,



Patrick Prescott  
Community Development Director

Cc: Justin Hess, City Manager  
Joseph McDougall, City Attorney  
Fred Ramirez, Assistant Community Development Director  
David Kriske, Assistant Community Development Director  
Mario Osuna, Assistant Community Development Director

Attachments

1. SJ4 Burbank LLC DA Administrative Amendment Request Letter dated March 31, 2025
2. SJ4 Burbank LLC DA Supplemental Letter dated April 14, 2025
3. DA Excerpt noting Conditions of Approval Nos. 44, 62, 78, 81, 83, 93, 95(c), and 96





## ATTACHMENT 1

**DALE J. GOLDSMITH**  
T: 310.254.9054  
E: Dale@AGD-Landuse.com

March 31, 2025

BY EMAIL

Fred Ramirez  
Assistant Community Development Director - Planning  
150 N. Third Street,  
Burbank, CA 91502

FRamirez@burbankca.gov

Re: SJ4 Burbank LLC/777 N. Front Street Project

Dear Fred

As you know, we represent SJ4 Burbank LLC ("Developer"), which is seeking to develop the above site (the "Site") with a transit-oriented, mixed-use project with two apartment buildings, a hotel, parking, and related improvements (the "Project"). In 2019, the City Council of the City of Burbank ("City") granted various approvals for the Project from the City of Burbank ("City"), including a Development Agreement ("DA").

Conditions of Approval 62, 78, and 93 require Developer to build out and maintain a publicly accessible open space area ("PAOS") on the adjacent City-owned property for no less than 55 years. Condition 93 requires Developer to construct, as part of the PAOS, vertical public pedestrian access consisting of two elevators and a staircase between North Front Street and the Magnolia Boulevard overpass.

Conditions of Approval 44 and 96 provide:

The developer shall construct a soundwall located on either Department of Transportation (Caltrans) right-of-way or on the Project site and City right-of-way adjacent to southbound Interstate 5. The northern limits of the soundwall shall be a point where the on-ramp to the southbound Interstate 5 is ten (10) feet above the finished grade of the mainline of Interstate 5, and the southern limit shall be a point where the Magnolia Boulevard Bridge intersects the Caltrans right-of-way boundary.

Condition of Approval 81 requires SJ4 to optimize Burbank's Citywide Signal Control System (CSCS) along the Victory Boulevard corridor between Burbank Boulevard and Alameda Avenue before the Project opening date. The City's traffic signal control hardware shall be programmed to upgrade eight traffic signals in the corridor to adaptive control, and additional

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Fred Ramirez  
March 31, 2025  
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traffic loops and traffic monitoring hardware shall be installed. (The PAOS, vertical public pedestrian access, sound wall, and CSCS optimization are referred to collectively as the “Improvements.”)

The Conditions of Approval do not specify when SJ4 must complete Improvements. However, DA Section 4.03(e) provides:

(e) Timing of Project Construction and Completion. The Developer generally anticipates completing development of the project in three phases. Phase I would include site preparation and grading and construction of residential building 1, including onsite improvements; Phase II would include site preparation and grading and construction of residential building 2, including onsite improvements; and Phase III would include site preparation and grading and construction of the hotel and onsite improvements. The Developer has the right to change the order of the development as it deems appropriate within the exercise of its sole and subjective business judgement; however, off site improvements required under this Agreement and the Conditions of Approval (other than the sound wall) shall be completed with the first phase of work undertaken by the Developer. The developer is responsible for the development of the sound wall including the portions of the sound wall to be constructed by Cal Trans and the portion of the sound wall to be constructed by Developer shall be started within a reasonable time after Cal Trans completes its portion of the sound wall and thereafter diligently prosecuted to completion.

DA Section 4.03(e) also provides that “that Developer shall have the right, without obligation, except as otherwise specifically set forth herein, to develop the Project Site in such order and at such rate and times as Developer deems appropriate within the exercise of its subjective business judgment subject to the term of this Agreement” and that the “City acknowledges that above right to change the order of development is consistent with the intent, purpose and understanding of the Parties to this Agreement.”

Developer exercised its right under DA Section 4.03(e) and is constructing Phase I (and Phase II concurrently). As set forth in the condition matrix previously sent, Developer is nearing completion of these Phases and has satisfied, or is in the process of satisfying, all Conditions of Approval applicable to these Phases, except for construction of the Improvements, which have been unavoidably delayed due to factors beyond the reasonable control of Developer.

Specifically, construction of the sound wall has been delayed by a property dispute between the City and Caltrans that has involved three separate lawsuits. Due to construction sequencing requirements, it is not feasible for Developer to construct the PAOS and associated vertical public pedestrian access until the sound wall has been completed.





Fred Ramirez  
March 31, 2025  
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Developer submitted plans for the CSCS optimization in the summer of 2024. The Department of Public Works did not approve these plans until December 2024. Developer's contractor promptly ordered the approved equipment, but it is on back order, until late June/early July due to supply chain issues. The manufacturer will directly ship the equipment to the City so that they can program the equipment before installation. Developer has no control over how long the City will take to program the equipment.

DA Section 4.03(e) does not link the completion of the Improvements to the issuance of certificates of occupancy for buildings 1 and 2 ("COs"). Nonetheless, we understand that the City has informed Developer that it will not issue the COs unless and until Developer completes the Improvements. This would delay occupancy and cause Developer to suffer severe financial hardship, and its lender could declare Developer in default under the construction loan. Moreover, withholding the certificates of occupancy is inconsistent with DA Section 7.03, Excuse Delay; Extension of Time of Performance, which excuses delay due to factors "which are not within the reasonable control of the party to be excused." The City's disputes with Caltrans and Metro, which have delayed construction of the PAOS and sound wall, are outside of Developer's reasonable control and constitute excused delay under DA Section 7.03.

DA Section 5.01(a) provides:

(a) Administrative Amendments. Upon the written request of the Developer, the Community Development Director or his or her designee (the "Community Development Director") shall determine: (1) whether the requested amendment or modification to the Project Approvals (the "Project Approval Amendment") is minor, as determined by the Community Development Director in his or her sole discretion; and (2) whether the requested Project Approval Amendment is consistent with this Agreement. If the Community Development Director finds that the Project Approval Amendment is both minor and consistent with this Agreement, the Project Approval Amendment shall be determined to be an "Administrative Amendment," and the Community Development Director shall approve the Administrative Amendment without a public hearing, and this Agreement and its pertinent exhibits shall be automatically amended without further action by the parties.

On Developer's behalf, we request that, because of the excused delay, the Community Development Director approve an Administrative Amendment to defer construction of the PAOS, vertical public pedestrian access, and sound wall until Phase III and the CSCS optimization until December 31, 2025. The City will still have adequate assurance that these improvements will be completed, as Developer has posted \$14 million in bonds guaranteeing their completion.





Fred Ramirez  
March 31, 2025  
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Please let us know if you require any additional information.

Thank you for your consideration.

Sincerely,

Dale J. Goldsmith

cc Joseph McDougall, Esq.  
SJ4 Burbank LLC

## ATTACHMENT 2

### SJ4 Burbank LLC

4553 Glencoe Avenue, Suite 225 – Marina Del Rey, CA 90292

Phone: (310) 552-0065

April 14, 2025

BY EMAIL

Mr. Fred Ramirez  
Assistant Community Development Director – Planning  
150 N. Third Street  
Burbank, CA 91502

FRamirez@burbankca.gov

RE: SJ4 Burbank LLC/777 North Front Street Project

Dear Fred

Per your request, please see the following narrative to supplement the letter submitted by Dale Goldsmith dated March 31, 2025. In addition to the Conditions of Approval (COA) addressed in the March 31, 2025, letter, this correspondence will also address the Pedestrian Crossing Signal near the Magnolia Bridge.

#### **Conditions of Approval 83, 95(c), and 321 – Pedestrian Crossing Signal near the Magnolia Bridge**

Condition 83 and 95(c) states the following:

***“South of the Magnolia Boulevard underpass, developer shall upgrade and maintain an existing crosswalk with high visibility crosswalks, pedestrian ramps, and rectangular rapid flashing beacons (RRFBs) Upgrading the existing crosswalk location will provide a transition for pedestrians from the eastern side of the North Front Street to the western side of North Front Street for access to the Downtown Burbank Metrolink Station”***

Condition 321 states the following:

#### ***“Front Street near Magnolia Boulevard:***

- a. Construct a rectangular rapid flashing beacon and marked crosswalk.***
- b. The beacon shall have a minimum of four rectangular rapid flashing beacons (two on each side), two Caltrans Type 1-A poles, 3-inch conduit, a Caltrans 332L controller cabinet, and Caltrans Type III-AP service cabinet. The design shall assume future traffic signal control and AC power.***



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***c. The signing and striping shall be accordance with 2014 California Manual on Uniform Traffic Control Devices Figure 3B-17(CA).***

The Public Works Traffic Division required the project to provide additional upgrades that were not included in the above Conditions and are listed as the following:

- Replace the two Caltrans Type 1-A poles with Caltrans Standard Plan ES-7N mast arms. The COA required poles were straight and the newly required reach over the street. The camera system is to be installed over the street which is why the change was made. This was an additional cost to ownership which included a more robust foundation for the arms than what otherwise would have been required for the COA stated Caltrans Type 1-A poles.
- Provide a Myers MEUG3A-1250 Service Cabinet in lieu of the COA stated Caltrans Type III-AF Service Cabinet. This was an additional cost to ownership.
- Provide a conduit linking the Traffic Signal located at the Burbank Blvd/Front Street Intersection to the Pedestrian Signal. This was an additional cost to ownership.

The all in cost to provide the currently designed pedestrian signal is approximately \$485,000. The cost to install per the COA's was approximately \$100,000. This should be taken into consideration as Condition 321 specifically states out the components required to meet this condition. What is currently being built, is an upgrade to what was listed and originally required.

With that said, ownership is moving forward with the upgraded design. However, the upgraded Caltrans Standard Plan ES-7N mast arms are on back order. The scheduled delivery will not occur until August 2025. Additionally, the area of the Pedestrian Signal is also the area in which the underground electrical infrastructure will cross the railroad. The railroad crossing will need to occur prior to the final installation.

Ownership is currently working with the City of Burbank's Traffic Division to agree on a temporary alternative.

### **Condition of Approval 81 – 8 Traffic Signals**

Five of the eight traffic signals are to be constructed according to the language set forth in Condition 81. Ownership's General Contractor (GC) has placed the order to the manufacturer for the required controllers. Those controllers are on back order and have a tentative delivery date for July 2025. The manufacturer will direct ship to City of Burbank's Traffic Division for programming. The Traffic Division will then notify the GC that the controllers have been programmed. The GC will then instruct the Subcontractor to install

## SJ4 Burbank LLC

4553 Glencoe Avenue, Suite 225 – Marina Del Rey, CA 90292

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the modules. The actual install time is approximately 1-2 weeks. The time needed by Burbank Traffic Division to program the modules is unknown at this time. However, the module install is not a question of "if" but rather of "when". The five traffic signals are the following:

1. Victory and Magnolia
2. Victory and Burbank
3. Victory and Verdugo/Providencia
4. Victory and Verdugo/Main
5. Victory and Alameda

The remaining three traffic signals are outside of the scope as written in the Conditions of Approval. Condition 81 states the following:

***"The City's traffic signal control hardware shall be programmed to upgrade 8 traffic signals in the corridor to adaptive control hardware, and additional traffic loops and traffic monitoring hardware shall be installed."***

However, for the above condition to be implemented, the three intersections must first be demolished and rebuilt. The cost to provide what the condition is asking for is approximately \$179,000. The cost to provide what Public Works is currently asking for is approximately \$1,215,000. That number does not include the required BWP costs to engineer and construct a new power supply to each intersection. The three intersections are the following:

1. Victory and Elmwood
2. Victory and Chandler
3. Victory and Olive

Ownership cannot move forward with these signals until City of Burbank's Traffic Division brings these signals back in line with the Conditions of Approval.

### **Conditions of Approval 62, 78, and 93 – Publicly Accessible Open Space (PAOS)**

The PAOS, along with the other COA's, were factored into the total project which included a 307 key hotel. Unfortunately, due to market conditions, the hotel is no longer viable or moving forward. Currently the apartment project phase is burdened with the cost for the entirety of the Community Benefits. Due to unprecedented cost escalation, unprecedented interest rate increases, higher than anticipated BWP infrastructure costs, and \$34,000,000 of soil remediation, the apartment project cannot directly bear the cost of the PAOS.



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However, ownership will continue with the Plan Check process. Additionally, ownership will continue working with the City of Burbank for alternative means of financing (i.e. Community Facilities District).

**Conditions of Approval 44 and 96 - Soundwall**

The soundwall is constructed between Interstate 5 and private property. The PAOS section of the soundwall has not been constructed. This is due to an ongoing dispute between the City of Burbank and Caltrans.

In closing, we appreciate the willingness of the City of Burbank to work towards the common goal of getting 573 apartment units online. Please let us know if you need any additional information.

Respectfully,



Justin Fleming  
Director of Development  
LaTerra Development, LLC

**ATTACHMENT 3: CONDITIONS OF APPROVAL**

**44, 62, 78, 81, 83, 93, 95(c), and 96**

**(Source Document: DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURBANK AND, SJ4 BURBANK, LLC; Recorded LA County Recorders Instrument No. 20200207321)**

44. The developer shall construct a soundwall located on either Department of Transportation (Caltrans) right-of-way or on the Project site and City right-of-way adjacent to southbound Interstate 5. The northern limits of the soundwall shall be a point where the on-ramp to the southbound Interstate 5 is ten (10) feet above the finished grade of the mainline of Interstate 5, and the southern limit shall be a point where the Magnolia Boulevard Bridge intersects the Caltrans right-of-way boundary. Unless otherwise required by Caltrans, the soundwall shall be built consistent with the California Department of Transportation's "soundwall 1584" specifications and shall be a minimum of overall height of not less than ten (10) feet, measured from the finished grade of the mainline of southbound Interstate 5. The final design and construction of the soundwall is subject to review and approval of Caltrans (if located on State right-of-way). If Caltrans does not approve the proposed soundwall to be placed on State right-of-way, then the developer shall construct the soundwall on private property and the adjacent City owned property with the final design of the soundwall being reviewed and approved the CDD Director or his/her designee. **NOISE PDF 2 and Community/Public Benefit**

62. The developer shall build out and maintain publicly accessible open space area on the adjacent city-owned property for a period of no less than 55 years. The open space will be open to the public on a daily basis (from 8:00 a.m. to 8:00 p.m.) unless otherwise used by the developer for special events associated with the hotel or other proposed events, which limited to after hours when the open space is closed and including up to twelve (12) times per year for specific special events as pre-approved by the City's Parks and Recreation Department. In addition, the open space area will be made available to the City for public events up to twelve (12) times per year, if requested at no cost. The number and magnitude of private and public events allowed at the open space area shall be specified in a use agreement prepared by the City Attorney, defining the parties' respective rights and obligations. The open space area shall be constructed in substantial conformance with the conceptual plans approved by the City Council.

78. Acoustical shaping shall be incorporated into the design of the public plaza to deflect or absorb freeway noise thereby creating an artificially quiet community area directly adjacent to the I-5. The plaza shall be set at a lower elevation from the I-5, reducing the amount of sound that initially reaches the plaza in conjunction with Noise PDF 2. Figure 4.9-3 shows an example of an acoustic-designed open space area. (N-4e)

*(Special Note: Any reference to 'plaza' noted herein is used interchangeably with the term 'public open space' to refer to the same publicly accessible open space that will be constructed by the Developer as part of the Project and subject to these Conditions of Approval.)*

81. Victory Boulevard and Olive Avenue and Victory Boulevard and Magnolia Avenue  
Optimize Burbank's Citywide Signal Control System (CSCS) along the Victory Boulevard corridor between Burbank Boulevard and Alameda Avenue before the Project opening date. The City's traffic signal control hardware shall be programmed to upgrade eight traffic signals in the corridor to adaptive control, and additional traffic loops and traffic monitoring hardware shall be installed.(T-1b)



**ATTACHMENT 3: CONDITIONS OF APPROVAL**  
**44, 62, 78, 81, 83, 93, 95(c), and 96**

83. ADA Access

A pedestrian crosswalk shall be installed at Front Street at the northernmost driveway of the Downtown Burbank Metrolink Station directly south of the Magnolia Boulevard overcrossing. The crosswalk shall include appropriate signage and a rectangular rapid flashing beacon (RRFB). The widened sidewalk along the eastern edge of Front Street shall be extended south of the Project site to the Downtown Burbank Metrolink Station. (T-5b)

93. Developer shall construct and maintain in good repair a vertical public pedestrian access consisting of two elevators and a staircase between North Front Street and the Magnolia Boulevard overpass for the life of the project [or for no less than 55 years]. The elevators shall incorporate the following features:

- a. Elevator Maintenance: The Developer shall enter into a top-tier maintenance agreement with an experienced reputable firm for the maintenance and repair of the two elevators in the publicly-accessible open space area. Such agreement shall provide for top-tier preventative maintenance at regular intervals and a twenty-four (24) hour maximum response time for service calls, or sooner in an emergency situation;
- b. Elevator Accessibility: At a minimum, one of the two elevators shall include enhanced accessibility features that will allow the elevator to be accessible to users at all ability levels, and shall include sensors or other design features that allow the elevator to be called and operated without the need to push buttons. Both elevators shall incorporate features for both the visual and hearing impaired (raised panel with braille buttons, audible warnings, etc.);
- c. Elevator Safety and Security: The interior of both elevator cabs shall include a camera linked to the Project's security center, as well as the Burbank Police Department, to allow for monitoring and prompt response when warranted;
- d. Elevator Call-Boxes: A call-box shall be installed adjacent to both elevators on each floor. The call-boxes shall connect users directly to the Project's hotel and/or security staff to request accommodation in the event that the elevators are out of service and the user is unable to use the stairway.

The Applicant's agreement to incorporate a second elevator into this project condition satisfied the City Council's concern for further contingency measures to ensure continued accessibility in the event of an elevator became inoperable.

95. In order to maximize pedestrian, bicycle, and transit connectivity between the Project site and the Downtown Burbank Metrolink Station, the developer shall design, construct, and maintain a 21-foot wide parkway. The 21-foot wide parkway shall consist of pedestrian sidewalks, two-way raised Class IV bicycle lanes, street trees, high-visibility crosswalks, pedestrian ramps, and rectangular rapid flashing beacons (RRFBs) along the Project frontage on the eastern side of North

Front Street between Burbank Boulevard and the northernmost driveway of the Downtown Burbank Metrolink Station, just south of the Magnolia Boulevard underpass. City staff shall provide cross-sections to the developer to be incorporated in the final plans. To accommodate the 21-foot parkway, North Front Street shall be reconstructed to provide the following general dimensions:



### ATTACHMENT 3: CONDITIONS OF APPROVAL

44, 62, 78, 81, 83, 93, 95(c), and 96

- a. On North Front Street from Burbank Boulevard to about 600 feet south of the intersection, developer shall provide 21 feet of parkway from the property line, 45 feet of roadway, and guardrail on the western side of North Front Street for a total 67 feet of right-of-way. Total right-of-way shall be 66 feet of public right-of-way from property line to Metrolink right-of-way line.
  - b. From 600 feet south of Burbank Boulevard to the southernmost project driveway, just north of the Magnolia Boulevard underpass, developer shall provide 21 feet of parkway from the property line and 43 feet of roadway for a total 64 feet of public right-of-way from property line to Metrolink right-of-way line.
  - c. South of the Magnolia Boulevard underpass, developer shall upgrade and maintain an existing crosswalk with high-visibility crosswalks, pedestrian ramps, and rectangular rapid flashing beacons (RRFBs). Upgrading this existing crosswalk location will provide a transition for pedestrians from the eastern side of North Front Street to the western side of North Front Street for access to the Downtown Burbank Metrolink Station.
  - d. On the western side of North Front Street from Magnolia Boulevard underpass to the northernmost driveway of the Downtown Burbank Metrolink Station parking lot, developer shall provide a 15-foot parkway for pedestrians and bicyclists.
  - e. At the northernmost driveway of the Downtown Burbank Metrolink Station parking lot, developer shall upgrade and maintain the pedestrian path of travel with high-visibility crosswalks and pedestrian ramps to connect to the City's future pedestrian and bicycle project.
  - f. Roadway shall generally consist of one travel lane in each direction with two-way left-turn lanes on North Front Street from Burbank Boulevard to Magnolia Boulevard.
  - g. With these improvements, developer shall relocate and/or remove any street trees, utilities, inlets, catch basins, etc.
  - h. All improvements shall be subject to the approval of the Public Works Director or his/her designee.
96. Developer shall design, construct, and maintain a minimum 10-foot high sound wall on the east side of the Project's property line boundary with Interstate 5 from just south of Burbank Boulevard to Magnolia Boulevard. The sound wall height may be reduced from 10 feet to 0 feet along the portion of the southbound Burbank Boulevard on-ramp that rises above the freeway from south to north, so long as the top of the sound wall along the on-ramp is no shorter than 10 feet above the mainline freeway elevation as measured from the edge of the southbound freeway shoulder on the southbound side. Developer shall work with Caltrans to complete this work and receive all necessary permits and approvals prior to Project opening. A site plan or diagram (see DA Exhibit E, Attachment 1) shall be attached to the final conditions of approval as adopted by the City

Council that illustrate the location of the sound wall and its height relative to the southbound freeway.