



CITY OF BURBANK
Community Development Department
STAFF REPORT

DATE: December 10, 2019

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
VIA: Fred Ramirez, Assistant Community Development Director – Planning
BY: Leonard Bechet, Senior Planner

SUBJECT: Approval of a Resolution Certifying a Final Environmental Impact Report and Adopting a Mitigation Monitoring & Reporting Program, Statement of Overriding Considerations, Findings of Fact Pursuant to the California Environmental Quality Act; and Introduction of an Ordinance Approving a Planned Development, Ten-year Development Agreement, Specific Plan Amendment, Development Review, Tentative Tract Map No. 74896, Purchase and Sale Agreement, and Related Public and Private Infrastructure Improvements for Project No. 17-0001265 at 777 N. Front Street

RECOMMENDATION

1. Adopt A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE 777 N. FRONT STREET PROJECT, PROJECT NO. 17-0001265 AND ADOPTING THE MITIGATION MONITORING & REPORTING PROGRAM (MMRP) WITH A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). (Attachment 1)
2. Introduce AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 17-0001265, WHICH INCLUDES A PLANNED DEVELOPMENT, TEN-YEAR DEVELOPMENT AGREEMENT, DEVELOPMENT REVIEW, SPECIFIC PLAN AMENDMENT, TENTATIVE TRACT MAP NO. 74896,

AND A PURCHASE AND SALE AGREEMENT FOR THE 777 N. FRONT STREET PROJECT (PLANNED DEVELOPMENT NO. 17-01). (Attachment 2)

BACKGROUND

The Project applicant proposes to construct residential, retail, and hotel buildings on a Project site that is approximately 7.08-acres and includes physical improvements to both private and public land that is located at the southeast corner of W. Burbank Boulevard and N. Front Street (Attachment 17) that would include the following:

- One, 7-story building containing a total of 252 residential units and one, 8-story building containing a total of 321 residential units (645,806 square feet);
- 1,067 square feet of commercial retail space;
- One, 7-story building containing 307 hotel rooms (212,350 square feet);
- An integrated parking facility that includes two levels of subterranean parking and up to seven levels of above grade parking that can accommodate 1,168 parking spaces;
- Dedication of approximately 10,954 square feet of private property for right-of-way improvements along Front Street;
- Acquisition of approximately 16,750 square feet of City-owned land (by the Developer);
- Development of approximately 28,000 square feet of publically accessible open space area with an elevator and staircase connection to the Magnolia Boulevard overpass on adjacent City-owned land.

In order to facilitate the Project, the applicant needs to obtain the following City entitlements and approvals:

- An amendment to the Burbank Center Specific Plan to change the current land use designations of the Project site from: primary land use designation from "Mixed Commercial/Office/Industrial" to "Mixed Commercial/Office/Residential" and to change the subarea land use designation of the Project site from "City Center West/RITC Corridor" to "City Center West/East Side (And Portions of West Side) of Victory Blvd., and South Side of Burbank Blvd". (Attachment 8)
- Rezone the entire Project site from Auto Dealership (AD) to Planned Development (PD) Zoning;
- Ten-year Development Agreement (inclusive of Conditions of Approval)
- Development Review;
- Tentative Tract Map No. 74896 (Attachment 17);
- Purchase and Sale Agreement to facilitate private land dedication and acquisition of City-owned land (Attachment 12);
- Certification of the Final Environmental Impact Report (EIR), approval of Mitigation and Monitoring Reporting Plan (MMRP) (Attachment 20) with a Statement of Overriding Consideration and Findings of Fact (Attachment 1).

DISCUSSION

The Project request seeks to develop a 7.08-acre vacant site located within Downtown Burbank that will provide a mixed-use development with 573 residential units, 1,067 square feet of commercial retail space, and 307 hotel rooms. In addition, the Project will provide physical improvements including new sidewalks, bicycle facilities, on-site parking, extensive tree plantings, landscaping, and the creation of approximately 28,000 square feet of publically accessible open-space with elevator and staircase on an adjacent City-owned property. (Attachment 15 to this report provides detailed Project information including acreage, site access, parking, and on-site and off-site amenities.)

Project's Contribution toward the Creation of a Great Downtown Neighborhood

As part of the City's analysis, one of the guiding principles used to analyze the applicant's proposal is to facilitate mixed-use projects like the one that is proposed that does not just build buildings but that results in extensive physical improvements and public benefits that help build neighborhoods that improve the quality of life of future residents while complementing the quality of life of existing residents and visitors to the City. As part of the effort to work together to build a safe, beautiful and thriving community, City staff sought to define what makes a great neighborhood and identify the types of amenities and distinct features that make a great neighborhood. Great neighborhoods are places where people want to live and visit. Great neighborhoods are easily accessible, safe, and friendly. Great neighborhoods are not just buildings, but are made up of various amenities and distinct features that collectively draw individuals to want to live, work, and visit by providing something for everybody. Great neighborhoods:

- Provide well developed and inviting sidewalks/pedestrian areas and public spaces that are compact in design and well connected to the larger transportation networks;
- Include well-designed buildings that help frame the public realm and open spaces;
- Are friendly to pedestrians and bicyclists; they provide a mix of land uses in a manner that promotes a healthier and greener development (i.e., transit oriented development that lead to "transit oriented communities");
- Provide for a variety of housing choices.

Lastly, it is staff's assessment that the Project will provide a much needed affordable housing amenity, subject to the following:

- Affordable Housing—Developer shall build-out 12% of the total Project units (69 units) as deed restricted dwelling units for a minimum period of 55-years; these units would be retained as affordable units for households making 120% or less of

the Los Angeles County Area Median Income (“County AMI”). To maintain affordability and facilitate Project development, these 69 affordable units are being proposed as studio units (approximately 499 square feet in size) and shall be reasonably dispersed throughout the Project.

Once built, the resulting deed restricted units can be used to meet the City’s Regional Housing Needs Assessment allocation, which requires the City to facilitate new dwelling units that are affordable to very-low, low-, and/or moderate-income making less than 120% of the County AMI. The proposed affordable housing units would facilitate the Project’s further compliance with the proposed amenities and distinct features of helping create a great Downtown Burbank neighborhood and have been included as part of Attachment 2 to this report (Ordinance [Including Development Agreement & Conditions of Approval]).

It is City staff’s assessment that the proposed Project is consistent with all of the amenities and distinct features found in great neighborhoods noted above. Attachment 5 provides a detailed analysis on how the Project provides amenities and distinct features that will create a great neighborhood.

Consistency with the Burbank2035 General Plan

The *Burbank2035* General Plan (“Burbank2035”) land use designation for the Project Site is “Downtown Commercial”. The General Plan states:

“Downtown Burbank is the civic, shopping, dining, and entertainment center of the City and is also a major employment center. The area has direct and convenient access to public transit including buses and trains, and the compact nature of the street grid facilitates walking and easy pedestrian access. As a community center with transit access, it is appropriate for Downtown to have a higher allowable intensity of development than other areas of the community. The area is well buffered from residential neighborhoods, so any potential effects of higher intensity development on these neighborhoods are minimized.”

The Project would implement numerous General Plan policies (see Attachment 6). Currently, the edge of the downtown entertainment district ends at I-5, and the Project presents an opportunity to expand the district boundary across the freeway and allow for commercial and residential development on a vacant site adjacent to the Downtown Metrolink Station as well as the repurposing of vacant city land as publicly accessible open space maintained by the developer for a period of no less than 55 years.

Residential Density Limits: The General Plan establishes the maximum residential density for mixed use projects in commercial zones. The maximum residential density for the Downtown Commercial land use designation is 87 dwelling units per acre (DU/acre) with discretionary approval (BMC §10-1-2508.5). The residential portion of the Project represents 81 DU/acre (573 DU / 7.08 acres = 81 DU/acre), and therefore, meets the maximum allowable density.

Floor Area Ratio: The General Plan establishes maximum Floor Area Ratio (FAR) for commercial and industrial properties in the City. The maximum for the Downtown Commercial land use designation is 2.5 FAR with discretionary approval (BMC §10-1-2508.5). The commercial portion of the Project will have an FAR of 0.70 (total of 206,367 square feet), which is well below the maximum allowed, and therefore, the proposed FAR is consistent with the General Plan.

Housing Units: The applicant is proposing 504 market-rate rental units and 69 deed restricted affordable units ranging in size from studios at 499 square feet to a three bedroom at 1,454 square feet. The Project is consistent with Burbank 2035: General Plan Housing Element Goal No. 2: Variety of Housing Sites, Policies 2.1 and 2.2, by: facilitating mixed-use developments within a city-targeted area, Downtown Burbank, and promoting new housing opportunities in a variety of housing types (i.e., affordable workforce housing in a mixed-use development) in order to accommodate the City's diverse housing needs; and facilitating adaptive re-use of underutilized commercial and industrial sites in appropriate locations to augment the supply of housing in the community, which is in close proximity to major employment and transit centers (p. 8-3). As noted in the General Plan Housing Element (p. 8-8), the City has a large and varied economy that is supported by a core of motion picture and media-related industries, coupled with the jobs-to housing ratio exceeds 3:1, the opportunity exists for the Project to provide new housing opportunities to a segment of the City's workforce population that currently commutes (mostly by car) to Burbank for work.

The provision of 69 Affordable units at this location would be consistent with several policies in Burbank2035, which encourage affordable housing in multifamily projects. Specifically, Land Use Policy 5.3 states, "Provide more diverse housing opportunities, increase home-ownership opportunities, and support affordable housing by encouraging alternative and innovative forms of housing." It is staff's assessment that incorporating the micro unit concept into the Project that had previously been proposed as a 100% market rate housing development and which will now provide affordable housing for 69 moderate-income households making less than 120% of County AMI and deed restricting these units to maintain them affordable for a period of no less than 55 years, is consistent

with the aforementioned General Plan Housing Element and Land Use Element goals and policies.

Consistency with the Greenhouse Gas Reduction Plan

The Project is also consistent with the City's current Greenhouse Gas Reduction Plan (GGRP) by incorporating Project Design Features (PDFs) that result in "pedestrian-friendly infill development, a more balanced jobs-to-housing ratio, energy-efficient construction...and continued water conservation [through the use of water efficient appliances and recycled water, which] reinforces emission reduction strategies described throughout the GGRP. (GGRP, Chapter 2, Goal 3, Policy 3.1; Concepts of Smart Growth, Pg. 2-1.) PDFs that further GGRP strategies include:

- Future construction of Project to ensure greater energy efficiency by complying with new 2019 California Building and Energy Codes including CALGreen code requirements and provide: increased number of prewired EV charging stations built into the project, cool roof and roof top solar installation, use of Energy Star appliances, water efficient washing machines/faucets/showers, high efficiency lighting and smart thermostats, use of recycled water, and installation of building shade trees adjacent to the building frontages along Front Street and within the new publicly accessible open space area. The Project will also comply with applicable City storm water management plan (e.g., Low Impact Development Ordinance and Best Management Practices) and diversion of demolished materials and future yard and landscaping materials (e.g., lumber and demolition and yard waste) from landfills. The Project will also be designed to obtain a LEED Gold certification.
- As part of adjacent public right of way improvements, the Project will provide for new street lights with LED lighting, increased pedestrian enhancements through attractive pedestrian environments (e.g., seating, shade trees, safe crosswalks and pathways, elevated and buffered bike lanes-complete streets implementation) that encourage walking and cycling as alternative modes of transportation to gasoline powered vehicles.
- The Project includes expansion of the City's bicycle infrastructure through the development of buffered bike lanes adjacent to the Project site along Front Street providing safer bike routes along Front Street, between Burbank Boulevard and the Magnolia Bridge that increase access from the Project site to the Metrolink Station. The Project will also be contributing funds to develop increased bicycle infrastructure through the expansion of sidewalks and bicycle lanes as part of a future City project that connect the Metrolink Station to Verdugo and First Street east of the Metrolink and Project site as well as funding for the ongoing maintenance of the Metrolink Station that includes a bike shop at the station.

- The Project will also join the Burbank Transportation Management Organization to provide services to future residents and employees working at the Project site that incentivizes use of public transportation, carpooling, ridesharing et cetera. Included as part of this effort, the Project will provide an 80% transit subsidy for Metrolink/Metro passes for up to 20% of the total residents and employees, with priority to the passes given to residents of the 69 moderate income households. The Project is also providing funding for the maintenance of the Metrolink Station and Burbank Bus infrastructure as well as the construction of a new elevator with staircase connecting the Project site and Metrolink Station to Downtown Burbank in order to ensure increased community access to safe and efficient public transit.
- Project will incorporate recycling efforts to divert, to the extent feasible, compostable paper and organic materials from ending up in landfills.

Collectively, these Project PDFs are consistent with GGRP strategies to reduce GHG emissions related to transportation, energy consumption, water, wastewater, and solid waste so that we can continue the collective effort of working together for a safe, beautiful and thriving community that is progressing toward its 2020 and 2035 GHG emission reduction goals as set forth in the GGRP.

Consistency with Burbank Center Plan

The Project is located within the Burbank Center Plan (BCP) area. The BCP identifies the land use designation of the Project Site as part of the Mixed Commercial/Office/Industrial and part of the City Center West subarea, which looks to “retain established industry” and encourage “the placement of the new mixed use commercial/office/industrial land” uses (BCP, pg. 35). The BCP also identifies the Project Site as “Opportunity Site No. 8” for mixed commercial/office/industrial (BCP, pg. 15).

Specific Plan Amendment: The current land use designation of the Project site does not allow residential development. However, as part of the Burbank2035 General Plan, the General Plan land use designation was changed to Downtown Commercial, which encourages the development of residential and commercial uses. In order to allow the development of residential units consistent with the City General Plan housing production goals, the Project applicant is proposing to amend the BCP by changing the following land use designations: primary land use designation from "Mixed Commercial/Office/Industrial" to "Mixed Commercial/Office/Residential" and subarea land use designation of the Project site from “City Center West/RITC Corridor” to “City Center West/East Side (And Portions of West Side) of Victory Blvd., and South Side of Burbank Blvd.”

The amendment to the BCP would allow the Project to implement numerous Burbank Center Plan policies adopted in 1997 (see Attachment 7), and envisions an expanded downtown area to the western side of I-5. The Project Site would be consistent with the “Mixed Commercial/Office/Residential” by “encouraging the recycling of vacant or obsolete property with mixed use development” (BCP, pg. 40).

The BCP also calls for the development of a pedestrian bridge over the I-5 to provide a pedestrian connection between the Regional Intermodal Transportation Center (RITC) otherwise known as the Downtown Burbank Metrolink Station and Downtown Burbank. This Project proposes the creation of a publically accessible, privately maintained open space area on City-owned property between the Project site and the Magnolia Boulevard overpass. This open space area will contain both an elevator and staircase connection to the Magnolia Bridge, thereby providing an additional pedestrian access point between Downtown Burbank and the RITC, and ensuring the residents, patrons, and guests of the Project will have easy access to the rest of Downtown Burbank.

The Project, if approved, will be a catalyst to revitalize the City Center area by providing new residential and mixed use commercial land uses that complement the surrounding residential, retail, service commercial and entertainment uses located east of the Project site.

Consistency with Zoning Regulations

The Project site is currently zoned as Auto Dealership (AD) with the primary permitted use being the sales of new automobiles and used car sales, automobile repair, incidental retail, and restaurants that serve new car dealerships permitted as ancillary uses only. The AD zone does not allow for residential development or commercial development beyond new car sales dealerships. The proposed Project would re-zone the entire Project site to the “Planned Development (PD)” zone (Attachment 9). The AD zone does not have development standards and instead requires that all development comply with the Burbank Center General Commercial Business (BCC-3) zone development standards. Furthermore, in cases where the BCC-3 zone allows residential development it shall comply with the High Density Residential (R-4) zone. Staff used the BCC-3 and R-4 zones to analyze the proposed Planned Development. Tables showing how the Project either meets or does not meet the development standards of the BCC-3, and R-4 zones are found in Attachments 10 and 11, respectively.

Unless otherwise modified by the PD, the Project complies with almost all other development standards for the BCC-3 and R-4 (Attachments 10 and 11). These code modifications are consistent with the PD process, which “is intended as an alternate process to accommodate unique developments for residential, commercial, professional,

or other similar activities, including combinations of uses and modified development standards that would create a desirable, functional and community environment under controlled conditions of a development plan” (BMC Section 10-1-19110). The Project would implement this provision.

Inclusionary Housing: Pursuant to Burbank Municipal Code (BMC) Section 10-1-644 through 10-1-655, the City has an Inclusionary Ordinance that was adopted in 2006 (Ordinance No. 3694). Per the BMC, the purpose of the Inclusionary Ordinance is to:

- A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels consistent with the City’s Housing Element.
- B. Increase the supply of affordable housing in conjunction with market rate housing development.
- C. Establish a regulatory tool to facilitate private sector development and/or financial support of affordable housing to supplement public sector programs. Support the creation of mixed income developments and neighborhoods.

The City’s inclusionary ordinance applies to all new construction projects of five or more residential dwelling units including those developed as part of a mixed use development. Under the City’s inclusionary regulations at least 15 percent of all newly constructed dwelling units in Residential Developments shall be developed, offered to and sold or rented to Very Low, Low and Moderate Income Households. For rental projects, the following percentage of affordability would apply:

- Rental projects - A minimum of five percent of units in the total Residential Development shall be Very Low Income; the remaining ten percent of the units shall be Low Income.

The City’s Inclusionary ordinance also provides alternative means of compliance that includes in-lieu fees, land dedication, off-site construction or acquisition and rehabilitation (BMC 10-1-647).

Three years after our Inclusionary Ordinance was adopted by the City, the ability of jurisdictions to implement inclusionary requirements for rental housing was adversely impacted with the California Appellate Court ruling in [Palmer/Sixth Street Properties, L.P. v. City of Los Angeles \(Palmer\)](#), which held that rental inclusionary requirements conflict with the prohibition on setting initial rents imposed by the Costa-Hawkins Rental Housing Act of 1995. As such, after the Palmer decision the City suspended application of the inclusionary requirements to new rental developments, but continued to apply the requirements to for-sale housing. This approach continued until January 1, 2018 when Assembly Bill 1505 went into effect. AB 1505 allowed inclusionary housing ordinances to apply to rental housing developments. This meant the City’s inclusionary housing ordinance was no-longer suspended as to rental housing. City staff have not applied our inclusionary ordinance to proposed rental housing developments, where the application for said development was deemed complete prior to the effective date of AB 1505.

On March 3, 2017, the Project applicant submitted an application for a Planned Development, Development Review, Development Agreement, Tentative Tract Map, and Specific Plan Amendment (Project No. 17-0001265) for the property at 777 N. Front Street. As part of the application submittal, the Project proposal included development of 100% market-rate units and a hotel as part of a mixed-use development. On June 21, 2017, the Project application was deemed complete and proceeded with the development review process that included further updates to the site design and the start of the environmental assessment process.

Although, the City's inclusionary ordinance does not technically apply to this project, the City nonetheless engaged the Project applicant in a discussion to provide affordable units as was done in negotiating the First Street Village Project under a similar planned development process. The building of housing units and including affordable units is a significant Community/Public Benefit to consider, rather than the applicant paying a fee in-lieu of constructing said affordable units. The City's in-lieu fee is \$10.27 per square foot of residential. Based on the proposed 645,806 square feet of residential in this project, this would have amounted to just over \$6.63 million to be deposited in an affordable housing fund and resulting in allowing the Project applicant to build all 573 units as market-rate units. The City's historic cost for building multifamily units is approximately \$500,000 per unit; meaning in-lieu funds of \$6.63 million could potentially support the building of 12 affordable units.

The City weighed the benefit of the in-lieu fee funds and compared it to the outstanding need to build a variety of housing units to address our need for workforce housing, reduce our 3 to 1 jobs to housing imbalance, and how to address our anticipated significant increase in fair-share requirement to build more housing from the State as part of our new Regional Housing Needs Assessment (RHNA) allocation. As a result, the City has included a Community/Public benefit in the Planned Development approval process that would provide for the development of 12% of the proposed units as studio units to be built within the Project. This would provide 69 new affordable units to qualifying households making up to 120% of the Los Angeles County Area Median Income (AMI) valued at approximately \$19 million and built and maintained affordable by the developer for a period of no less than 55 years.

It is the City's assessment that this proposed Project and resulting Community/Public Benefit of 69 new deed restricted affordable units (12% of the total proposed units), instead of paying a much lower in-lieu fee as allowed under the City's Inclusionary Ordinance would provide a greater benefit and merits approval as part of the proposed Planned Development and Development Agreement. Further, these affordable housing units will help meet the City's long term goal of building 12,000 units in 15 years, building a diversity of housing units to address our workforce housing shortage and jobs to housing imbalance, while also producing new units to help meet our RHNA allocation for moderate income units, and implementing various Burbank2035 General Plan Land Use and Housing Element goals and policies.

Floor Area Ratio & Density: The General Plan establishes maximum Floor Area Ratio (FAR) for commercial and industrial properties in the City. The maximum FAR for the Downtown Commercial land use designation is 2.5 FAR with discretionary approval. The overall FAR for the Project is 0.70, which is far below the maximum allowable FAR for the Project site. Furthermore, the General Plan establishes the maximum dwelling unit density for residential development in the City. The maximum dwelling unit density for the Downtown Commercial land use designation is 87 dwelling units per acre with discretionary review. The overall dwelling unit density for the Project is 81 units per acre, which is below the maximum allowable dwelling unit density for residential development for the Project site.

Site Plan: The Project (Attachment 17) is spread out over a 7.08-acre site bound by N. Front Street to the west; I-5 freeway to the east, W. Burbank Boulevard to the north, and the W. Magnolia Boulevard overpass to the south. The Project will be visible from the surrounding streets and freeway with four access points located along N. Front Street. The N. Front Street frontage will be improved with new sidewalks, buffered and raised bike lanes, and lined with 36"-box shade trees and street furniture.

The proposed buildings face onto Front Street with access to the parking from two driveways serving the residential buildings and two driveways for the hotel. In addition, two additional set of driveways also provide access to the residential and hotel structures via the fire access lane. The two residential buildings are attached by an above ground parking structure on the north half of the Project site. The hotel building is located on the south section of the site and is attached to the residential building to the north by a parking structure for the hotel. The parking facilities visible above ground are camouflaged from view through the use of exterior building materials and finishes that are consistent with the modern architecture of the building and include metal paneling, stucco, and green screen that incorporates vertical landscape along the building's front and rear facades that face Front Street and I-5, respectively.

Public Open Space: An approximately 28,000 sq. ft. publically accessible open space is proposed south of the hotel building. The open space will be maintained by the Project applicant and will be open to the public. The proposed open space includes landscaped areas, shade trees, opportunities for art installation, decorative block walls and fencing, decorative lighting for pathways and contemplative areas for people to sit. Included as part of the open space area will be a new elevator with staircase that will provide access from the open space and adjacent sidewalk/parkway to Magnolia Boulevard. The elevator with staircase will also be maintained by the Project applicant for a period of not less than 55 years. The location of the open space is noted in the Project conceptual plans included in Attachment 17.

Staff engaged the applicant in a discussion to explore the feasibility of providing an ADA accessible ramp (ramp) as an alternative to the staircase connecting the public open space to the Magnolia Boulevard overpass. The applicant provided staff with a rendering of a ramp (see Attachment 27) that would accomplish this in conjunction with the elevator. In reviewing the alternative design it was determined that the provision of ramp which requires multiple returns and landings to accommodate wheelchair/disabled access would use up a large amount of the proposed open space area in order to accommodate needed support columns for the ramp. In addition, a ramp would encourage bicycle and skateboard users that create conflict with the pedestrian and handicapped users of the ramp. Furthermore, when evaluating the cost alternatives between the various ramp designs considered and the elevator with staircase design the developer determined that the ramp designs would be cost prohibitive and endanger the ability to develop the Project, but also make the development of the open space area infeasible. For all these reasons, staff recommends that the Project move forward for City Council consideration with the elevator with staircase design that was recommended by the Planning Board for Council approval. As part of the recommendation for an elevator with staircase, the Project applicant will have to maintain the elevator and staircase for a minimum of 55 years, which includes providing a maintenance plan that must be reviewed and approved by the City as part of any future building plan check review and approval process.

Off-Street Parking: Based on Burbank Municipal Code (BMC) Section 10-1-628 (Multiple Family Residential Zones Development Standards), the required number of off-street parking spaces for the residential component of the Project is 1,143, which is shown in the following Table 1:

Table 1 Required Residential Parking			
UNIT TYPE	QTY	#/UNIT	# OF SPACES
Studio (0BD/1BA)	114	1.25	143
1BDRM (1BD/1BA)	245	1.75	429
2BDRM (2BD/2BA)	180	2.00	360
3BDRM (3BD/2BA)	34	2.00	68
GUEST	573	.25	143
TOTAL:			1,143

Based on Burbank Municipal Code Sections 10-1-1408 (Parking Requirements), the required number of off-street parking spaces for the hotel and retail component of the project is 311, which is shown in the following Table 2:

Table 2 Required Hotel & Retail Parking			
USE	QTY	#/UNIT	# OF SPACES
Hotel Rooms	307	1/room	307
Square Footage of Retail	1,067 sq. ft.	3.3/1,000 sq. ft.	4
TOTAL:			311

In order to provide deed restricted affordable units to moderate income households, which provide new opportunities for affordable workforce housing that helps the City meet its RHNA allocation number and to encourage the use of public transportation, the applicant is proposing to implement a parking ratio for the residential units that is consistent with the City and State Density Bonus regulations. Unlike, density bonus law, which does not require guest parking, the project is proposing to provide 70 guest parking spaces, which are adequate to accommodating the projected demand (See Attachment 13 for the parking utilization study supporting the proposed parking totals). Furthermore, the Project will be conditioned to provide an 80% subsidy of the cost of monthly metro transit passes for up to 20% of the total residents and employees of the Project site.

Pursuant to the proposed Planned Development, the Project will provide a total of 1,168 parking spaces for the Project. These on-site parking spaces will include: 857 spaces for the residential units, including 70 guest parking spaces; 307 parking spaces for the hotel, including 58 that are tandem or stacked parking spaces; and 4 parking spaces for the retail component of the Project. Table 3 below shows a breakdown of the proposed parking described above by use:

Table 3 Proposed Parking			
UNIT TYPE/USE	QTY	#/UNIT	# OF SPACES
Studio (0BD/1BA)	114	1.00	114
1BDRM (1BD/1BA)	245	1.00	245
2BDRM (2BD/2BA)	180	2.00	360
3BDRM (3BD/2BA)	34	2.00	68
GUEST	573	.122	70
Hotel Rooms	307	1/room	307
Square Footage of Retail	1,067 sq. ft.	3.3/1,000 sq. ft.	4
TOTAL:			1,168

A Parking Rate Analysis (Analysis) was prepared by Gibson Transportation Consulting, Inc. on May 17, 2019, to assess the impact of the proposed parking ratios for the residential component of the Project and is found in Attachment 13. Consistent with applicable City parking rates, the hotel and retail component would not be reduced. The analysis included a comparison of the BMC standard parking ratio and the parking ratio that would apply to projects under the City and State Density Bonus regulations, as well as parking ratios applied to similar mixed-use projects by two neighboring cities, Glendale and Los Angeles, and comparison of the Project's proposed parking rate under the proposed planned development to similar mixed-use projects in the cities of Long Beach, Monrovia, Marina del Rey, San Diego, and Santa Monica.

The analysis concluded that in utilizing the applicable City and State density bonus law parking rates, the Project's residential component would have a parking ratio of 1.37 parking spaces per unit. This ratio provides more parking per unit than Los Angeles, which for a similar project would require 582 parking spaces, or 1.02 spaces per unit as required under the City's multi-family residential standards, and the same as Glendale, which for a similar project in the city's downtown area requires parking consistent with the SB 1818 (i.e., State Density Bonus Law). The one thing to note is that Los Angeles does not require the provision of guest parking spaces, while Glendale requires one (1) guest parking space for every 10 units. The Project is proposing to add 70 guest parking spaces, which is one (1) space for every 8.18 units (Attachment 17), which is greater than both Los Angeles and Glendale's guest parking standards.

Regarding the Project's proposed parking ratio of 1.37 spaces per unit, it is consistent with the average parking demand rate of similar mixed-use projects in the surrounding region. Overall, the parking demand rate ranges from 0.66 to 1.43 parking spaces per unit, which the proposed residential parking ratio of 1.37 spaces per unit is within the range described above.

In conclusion, City planning staff feels the requested parking reduction for the residential units is consistent with parking rates applicable to similar affordable housing projects in the region and will not adversely affect the Project surrounding land uses. The Project will have sufficient on-site parking to accommodate projected demand and will also reduce the overall cost to construct the residential dwelling units and the Project as a whole. The Project and associated parking facilities will help to: create new opportunities for housing in proximity to transit and employment centers; move the City towards the Council's goal of building 12,000 dwelling units in 15 years; and encourage the use of public transit through a combination of subsidy and enhanced direct access to public transit. Creating this type of transit oriented development will also create the potential to reduce vehicle miles travelled by employees who travel to Downtown Burbank and the surrounding areas

for work and currently commute from outside the City because of the lack of workforce housing.

Loading Areas: The hotel building provides a loading dock for large trucks and service vehicles. The loading dock provides quick and direct access to hotel services on the ground and second floors. Also, a freight elevator is located in close proximity to the loading dock for quick access to all floors of the hotel. Loading areas for car services such as Uber and Lyft are conditioned to be on-site within the residential and hotel buildings.

Front Street Frontage Improvements: In order to provide a consistent width of 61'-0" for Front Street, which includes 21'-0" wide bicycle and pedestrian areas, the Project applicant is proposing the dedication of approximately 10,954 square feet of private property as well as the acquisition of approximately 1,950 square feet of City-owned property. Starting from the curb face of Front Street, the 21'-0" bicycle and pedestrian area will consist of: a 3'-0" buffer zone that contains street lights and other city utilities; an 8'-0" two-way, bicycle path (4'-0" in each direction); a 4'-0" parkway that will contain street trees in planters and street furniture (benches, trash receptacles, pedestrian lighting); and finally a sidewalk area that varies in depth from 6'-0" to 10'-0" for pedestrians to travel along the Project site's frontage connecting Burbank Boulevard to the Metrolink Station. These improvements will be constructed along the entire length of the Project's Front Street frontage as well as the adjacent city-owned property's frontages up to the Magnolia Boulevard overpass where the proposed bicycle lanes and sidewalk will cross Front Street at a controlled crossing to connect with the Downtown Burbank Metrolink Station (See Attachment 17).

Landscaping: The Project will provide landscaping and 36-inch box shade trees in the necessary areas around the perimeter of the buildings, in the public right-of-way, and within the proposed open space area. Climbing vines will be grown on the exterior sides of the parking structures. Furthermore, as part of the Community/Public Benefits of the Project, an adjacent City-owned property will be developed and maintained by the developer as a publically accessible open space and will contain a variety of landscaping amenities including trees, shrubs, groundcovers, and decorative hardscapes. The open space will also accommodate the installation of an elevator and staircase to provide a new connection to the Magnolia Boulevard overpass. The open space and elevator/staircase would be maintained by the developer for a period of not less than 55 years.

Architectural Design: The proposed design is a contemporary style, and predominantly uses a combination of smooth stucco finish, cement & wood siding, corrugated &

perforated metal, green screening with vines, and louvered metal panels, with secondary elements such as building overhangs and balconies. The primary colors for the exterior finishes are complementary and are consistent between the residential and hotel buildings. The residential and hotel portions of the Project appear distinct yet have complementary colors and materials. Building details include smooth stucco finishes and anodized aluminum window framing. The flat roof style will allow for rooftop terraces and common open space areas as well as the installation of solar panel arrays to offset energy demand while reducing the visual impact of these facilities (Attachment 17).

Amenities and Open Space: The Project will provide the City code required amounts of common open space, private open space, and amenities for residents (listed in Attachment 5). The open space areas are detailed on the Project site plan (Attachment 17). The open spaces of the Project will include: a fitness center, outdoor pools and spa, business center with computers and meeting room, and common areas (with built-in seating, BBQ area, and hot tub) in courtyards and rooftop areas. The use of rooftops for required open space would not be allowed if the R-4 standards were applied to this Project. The use of the rooftops for open space is appropriate given the urban setting and the nature of this Project as well as the views that the rooftops allow. In addition, there will be no encroachment on backyard privacy, which is the intent of the R-4 prohibition on counting roof tops toward open space, as there are no adjacent single-family neighbors. The open space areas have been designed to be buffered from the freeway noise both through their placement facing away from the freeway and with the installation of noise-reducing glass panels.

Furthermore, as part of the Project's proposed Community/Public Benefits, an adjacent City-owned property will be constructed and maintained by the developer as publically accessible open space. The open space will be buffered from the freeway by an on-site decorative block wall and will contain a variety of landscaping features including trees, shrubs, groundcovers, and decorative hardscapes. The publicly accessible open space, adjacent to the hotel, will also accommodate the installation of an elevator and staircase to provide a connection to the Magnolia Boulevard overpass.

Lighting: The Development Agreement (DA) includes a condition of approval that requires decorative commercial lighting (with appropriate glare control and shielding), subject to staff's review and approval during the building plan check process prior to issuance of building permits. Security lighting also must be provided all around the Project site.

Master Sign Program: The Project applicant will be required to submit a master sign program for the entire Project. All proposed tenant signs will be required to exhibit a

unified theme and utilize high-quality materials. A condition of approval is included in the DA requiring a master sign program (Attachment 2).

Tentative Tract Map: The applicant proposes Tentative Tract Map No. 74896 to subdivide the site into fourteen (14) lots consisting of four (4) ground lots and ten (10) airspace lots (Attachment 17). Both the residential and hotel portions of the Project will be on their own lots, with the residential portion split further into airspace lots for parking, amenities, and open-space areas. Prior to approval of the final map the City will need to review and approve Code, Covenants, and Restrictions (CC&Rs) for the future owner's association.

Development Agreement

The proposed Development Agreement (DA) is found in Attachment 2. The proposed term of the DA is ten years. The conditions of approval and standard requirements recommended by City departments are included as Conditions of Approval in the DA. In addition, the mitigation measures as specified in the MMRP and project design features are also included as "Conditions of Approval" in the DA. The major elements of the DA are outlined in Attachment 16.

Community/Public Benefits: The Project applicant is proposing up to \$33.6 million in Community/Public Benefits. The public benefits are part of the DA and include:

- i) The developer shall pay a one-time fair share cost contribution of \$77,063 to the City of Burbank towards technology upgrades for the Burbank Central Library (downtown) branch. (Condition #60)
- ii) The developer shall pay a one-time fair share cost contribution of \$22,676 to the City of Burbank towards future fire equipment replacement cost to service mid-rise structures. (Condition #61)
- iii) The developer shall build out and maintain publicly accessible open space 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. (Condition #62)
- iv) The developer shall be required to build all public right-of-way infrastructure between the face of the eastern Front Street curb and the eastern City right-of-

- way line adjacent to the Project site, between the intersection of Front Street and Burbank Boulevard and the Project's southern boundary adjacent to the Magnolia Boulevard Overpass/Bridge. This obligation shall also include the portion of the new sidewalk and raised, protected bike path that extends from the Project's southern boundary south to the new bike/pedestrian crossing on the southern side of the Magnolia Boulevard Overpass/Bridge. The applicant shall enter into a covenant or similar agreement as prepared by the City attorney that will specify that applicant will provide general landscaping, elevator and staircase maintenance, power washing, general cleanliness and other repairs necessary to maintain the infrastructure in the public right-of-way described above per City standards for a period of no less than 55 years from the date of issuance of the first Certificate of Occupancy for the Project, including curbs, sidewalks, driveways, trees and landscaping and raised protected bike facilities. (Condition #63)
- v) Developer shall implement Transportation Demand Management measures. (Condition # 88).
 - vi) Developer and tenants shall be a member of the Burbank Transportation Management Organization (Condition # 89).
 - vii) Developer shall pay a one-time fair-share contribution in the amount of \$142,857.00 to the City of Burbank towards annual maintenance of the Downtown Burbank Metrolink Station, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first). (Condition #90)
 - viii) Developer shall pay a one-time fair-share contribution in the amount of \$250,000.00 to the City of Burbank towards neighborhood protection physical enhancements including improvements (e.g., safety gates, protected pathways, etc.) that facilitate the development of a quiet zone at the Downtown Burbank Metrolink Station. (Condition #91)
 - ix) Developer shall pay a one-time fair-share contribution in the amount of \$95,238.00 to the City of Burbank towards the operations of a BurbankBus fixed-route transit serving Downtown Burbank. (Condition #92)
 - x) Developer shall construct and maintain a vertical public pedestrian access (elevator and staircase) between North Front Street and the south side of the Magnolia Boulevard overpass for a period of no less than 55 years. (Condition #93)
 - xi) Developer shall pay a one-time fair-share contribution to the City of Burbank for \$300,000.00 towards the City's future pedestrian and bicycle project to connect the Downtown Burbank Metrolink Station to Downtown Burbank within 30 days after the City of Burbank requests payment, which request may be

made when the City of Burbank is scheduled to commence construction of the pedestrian and bicycle project within sixty (60) days. However, if City request for payment is not made prior to the termination date of this DA then the \$300,000 contribution shall become due ninety (90) days prior to the end of term of this Agreement. (Condition #94)

- xii) 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. (Condition #95)
- xiii) 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. (Condition #96)

The above Community/Public Benefits are included as Conditions of Approval for the Project and staff finds the proposed public benefits justifies the proposed 10-year term of the Development Agreement (Attachment 2).

Purchase and Sale Agreement

To facilitate development of the Project, the approval of a Purchase and Sale Agreement ("PSA") will be required. The City is the owner of property located immediately adjacent to the Project site that the Developer would like to acquire. Also, portions of the Project site owned by the Developer will be transferred to the City for right of way purposes. A map showing the affected properties is included as Attachment 12 and a summary of the PSA is provided as follows:

Triangular Property: On May 2, 2019, the Developer submitted a proposal to buy the "Triangular Property", an approximately 15,000 square foot property located on the south-east side of the Project site. The Triangular Property was formerly owned by the State of

California and was relinquished to the City from the State in 1963 after construction of I-5 Freeway. After construction of the freeway, the Property was used for right of way purposes as “Old” Front Street, until the late 1990’s when “New” Front Street was constructed. Since that time, the property has been periodically utilized for construction storage and staging, but is largely unused. In 2017, the street was formally vacated. The Property is fee-owned, vacated right of way that does not have zoning or General Plan designations.¹

Staff retained the services of an appraiser, Integra Realty Resources to help establish the fair market value for the Triangular Property. The appraiser utilized the sales comparison approach by analyzing the sales of comparable commercial and industrial properties and established a value for the Property of \$1,050,000. A PSA (included in Attachment 2) has been negotiated at this price. The following represents the main terms and conditions of the proposed sale:

- Purchase Price: \$1,050,000
- Deposit: \$31,500
- Land Area: Approximately 15,000 square feet
- Escrow Fees: Each party to pay one-half of all fees.
- Duration of Escrow: Escrow to close the earlier of December 31, 2021 or upon the issuance of a building permit for the Project.
- Title Insurance: City to pay costs of standard policy of title insurance (CLTA Owner’s Title Insurance Policy).
- Condition of Title: City would convey by grant deed, fee simple interest to the Property.
- Due Diligence Period: 30 days.
- Site Investigations: Buyer, at Buyer’s cost, may make such investigations, studies, and tests as Buyer deems necessary or advisable.
- Termination: Buyer may terminate if it disapproves of the condition of the Property during the Due Diligence Period or if it disapproves of the condition of title (that cannot or will not be corrected by City); City may terminate in the event of a default by Buyer.

Exchange Properties: In addition to the Triangular Property, the PSA also includes the City and Developer exchanging certain properties along Front Street. The exchange includes the Developer dedicating 10,954 square feet of property (“Developer Exchange Properties”) and the City exchanging 1,950 square feet of property (“City Exchange Property”) (together, the “Exchange Properties”). The estimated value of the City Exchange Property that would be conveyed to the Developer is \$136,500. The proposed consideration for the sale of the City Exchange Property includes the dedication of the Developer Exchange Properties as well as an obligation on the part of the Developer to make public improvements to the City’s right of way on Front Street which has an estimated value of \$766,500. These public improvements, which includes green streets

¹ The history of the Triangular Property is also applicable to the Rectangular Property described later in this report.

landscape features, elevated and buffered bike lanes are in excess of what the City could legally require the Developer to build and the value of those public improvements exceeds the estimated value of the City Exchange Property.

Rectangular Property: In addition to the Triangular Property and the Exchange Properties, the Developer also submitted a separate proposal to use another portion of City-owned property south of the Project site (the “Rectangular Property”). The Rectangular Property is approximately 28,000 square feet and is adjacent to the Triangular Property and south of the Project site. The proposal includes improving the Rectangular Property with publicly-accessible landscape and hardscape features, right of way improvements along Front Street, and an elevator and staircase connection to the Magnolia Boulevard Overpass/Bridge (Attachment 27).

The Rectangular Property is not included in the PSA, rather through a use agreement, the Developer would be required to construct and maintain these improvements for a period of no less than 55 years and the City would retain ownership of the Rectangular Property. The Rectangular Property will be open to the public at 8:00 a.m., but closed at 8:00 p.m. daily; however, the elevator and staircase to Magnolia Boulevard Overpass/Bridge will be open 24 hours per day. There will be times when the developer will have exclusive use of the “park-like” portion of the Rectangular Property including times that are after hours and up to twelve (12) times per year for special events. Staff has also negotiated rights for the City to have exclusive use of the “park-like” portion of the Rectangular Property twelve (12) times per year. The proposed consideration for use of the Rectangular Area is the construction and long-term maintenance of these improvements.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (Draft EIR), Recirculated Draft EIR, and Final EIR were prepared for the Project in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. Each document is provided in this report as Attachments 18, 19, & 20 respectively. The documents are also available for public review in the Community Development Department website at:

<https://www.burbankca.gov/departments/community-development/planning/current-planning/777-front-street>.

The Final EIR (Attachment 20), Mitigation and Monitoring Reporting Plan (MMRP) (found in Attachment 1), and Statement of Fact/Statement of Overriding Consideration (found in Attachment 1) are attached for the Council’s reference.

Notice of Preparation

A Notice of Preparation (NOP) of the EIR was distributed for a 30-day agency and public review period starting on April 3, 2018, and ending on May 2, 2018. In addition, the City held an EIR Scoping/Community on April 10, 2018. The meeting, held from 6:00 PM to 8:00 PM, was aimed at providing information about the proposed Project to members of public agencies, interested stakeholders and residents/community members. The

meeting was held at the City of Burbank’s Community Services Building at 150 North Third Street, Room 104. No EIR related comments were received at the scoping meeting. The City received letters from eight agencies in response to the NOP during the public review period. The NOP is presented in Appendix A of the Draft EIR, along with the Initial Study that was prepared for the Project and the NOP responses received. In Section 1, *Introduction*, of the Draft EIR, summarizes the content of the letters and Scoping Meeting comments, and identifies where the issues are addressed in the Draft EIR or the Initial Study.

Draft EIR

The Draft EIR was prepared in accordance with State CEQA Guidelines, as amended to date. Specifically, the Draft EIR evaluated the environmental effects that could result from implementation of the Project. The Draft EIR assessed potential impacts related to the following environmental topics:

Aesthetics	Land Use and Planning
Air Quality	Noise
Cultural/Tribal Cultural Resources	Population and Housing
Geology and Soils	Public Services and Recreation
Greenhouse Gas Emissions	Transportation and Traffic
Hazards and Hazardous Materials	Utilities and Service Systems
Hydrology and Water Quality	Energy Effects

Project Design Features (“PDFs”) and mitigation measures are identified in the Draft EIR that will reduce most of the impacts of the Project to a less than significant level. However, the Draft EIR identified the following significant and unavoidable traffic impacts:

Traffic: A total of twenty-four (24) intersections were studied as part of the overall study for the Project. Project significant impacts were identified at two (2) study intersections under Existing plus Project conditions and four (4) study intersections (including the two identified under Existing plus Project) under Future plus Project conditions. Of those identified, two (2) intersections with the Existing plus Project conditions resulted in significant and unavoidable impacts while the same two (2) intersections under the Future plus Project conditions resulted in significant and unavoidable impacts as well. The impacts are either due to the fact the potential mitigation is not achievable based on the City’s screening analysis² for improvements or the potential mitigations for impacted intersections are outside of the City’s jurisdiction and cannot be implemented.

Existing plus Project is the traffic scenario that provides projected traffic volumes and an assessment of operating conditions under existing (2018) conditions with the addition of Project-generated traffic. Future plus Project is the traffic scenario that provides projected traffic volumes, and an assessment of operating conditions under future (2022) conditions

² The screening analysis used in the City’s General Plan and in this analysis relies on the following four overarching City policy groups that support the City’s General Plan: Any transportation improvement should: (1) be achievable within the existing right-of-way; (2) be in conformity with the existing scale and design of the location they serve; (3) allow for complete streets; and (4) maintain pedestrian opportunities.

with the addition of Project-generated traffic. The following are the intersections that could not be mitigated:

Intersection Number	Location	Existing Plus Project	Future plus Project
9	I-5 Southbound Off-Ramp/Front Street and Burbank Boulevard	X	X
10	Victory Place and Burbank Boulevard	X	X

Public Comments & Responses: The Draft EIR was circulated for a 45-day public review/comment period from March 22, 2019 through May 6, 2019. Seventeen (17) comments were made at the public meeting for the Draft EIR held on Monday, April 22, 2019 in the City Council Chambers. The Final EIR includes a list of all correspondence submitted to the City of Burbank on the Draft EIR, each identified below for reference. The City received fifty-one (51) comments, including twelve (12) from agencies and organizations and thirty-nine (39) from individuals of the public (Exhibit Q Chapter 2 of the Final EIR) from the following:

- Robert Dalbeck, Assistant Air Quality Specialist, CEQA IGR South Coast Air Management District;
- Pete Cooke, Site Mitigation and Restoration Program – Chatsworth Office, Department of Toxic;
- Renee Purdy, Acting Executive Officer, Los Angeles Regional Water Quality Control Board;
- Ron Mathieu, Planning Manager II, Metrolink, Southern California Regional Rail Authority;
- Carlo Ramirez, Student Assistant, Local Development – Intergovernmental Review, California Department of Transportation;
- Lijin Sun, J.D., Program Supervisor, CEQA IGR, Planning, Rule Development and Area Sources, South Coast Air Quality Management District;
- Shine Ling, Manager, Transit Oriented Communities, Los Angeles County Metropolitan Transportation Authority;
- Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation;
- Komalpreet Toor, Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility;
- Richard T. Drury, Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility;
- Michael Walbrecht, Vice President, Public Affairs, Warner Bros. Entertainment, Inc.;
- Gideon Kracov, Attorney at Law, on behalf of UNITE HERE Local 11
- 39 letters and emails from members of the public

The written Response to Comments is included as Exhibit Q, Chapters 2 of the Final EIR for the Council’s consideration. Thirty-nine (39) members of the public provided general

comments, and responses to those comments are included in the Final EIR. One (1) member of the public expressed support for the Project and thirty-eight (38) express concern with the Project's impacts including the increased traffic and an increase in greenhouse gas emissions and impacts to air quality resulting from the Project.

Recirculated Draft EIR

Based on the public comments received during the Draft EIR public review period the following sections were revised and recirculated in accordance with the Section 15088.5 of the CEQA Guidelines, which allows the lead agency to recirculate only the chapters or portions of the EIR that have been revised due to the addition of significant new information related to the analysis prepared for those issues:

- Section 2: Project Description,
- Section 4.2: Air Quality,
- Section 4.5: Greenhouse Gas Emissions, and
- Appendix D: Air Quality and Greenhouse Gas Study

Revisions to the Air Quality Section included a re-analysis of the air quality emissions calculations (using the California Emissions Estimator Model [CalEEMod]) based on an increase in the estimated amount of grading from approximately 90,000 cubic yards in the Original Draft EIR to 127,000 cubic yards under the Recirculated Draft EIR. In addition, the analysis included an estimate of the overlapping operation and construction emissions between 2022 and 2025 that would exceed the threshold for nitrogen oxides (NOX) emission. As such, a new mitigation measure (AQ-3 – NOX Reduction from Combined Operational and Construction Emissions) has been added to reduce the impact to a less than significant level.

The Greenhouse Gas Emissions section included a quantitative analysis of the greenhouse gas emissions and an expanded qualitative analysis to include the Project's consistency with the California Air Resources Board's 2017 Scoping Plan. The Project Description Section and Air Quality and Greenhouse Gas Emissions Study was also updated to reflect the revisions made to these sections.

Public Comments & Responses: The Recirculated DEIR was circulated for a 45-day public review/comment period from July 1, 2019 through August 14, 2019. Three (3) comments were made at the public meeting for the Recirculated Draft EIR held on Monday, July 22, 2019 at the City Council Chambers. The Final EIR includes a list of all correspondence submitted to the City of Burbank on the Recirculated Draft EIR, each identified below for reference. The City received five (5) comments, including four (4) from agencies and organizations and one (1) from individuals of the public (Exhibit Q Chapter 3 of the Final EIR) from the following:

- Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation;
- Jordan R. Sisson, Law Clerk, on behalf of UNITE HERE Local 11;

- Richard T. Drury, Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility;
- Gideon Kracov, Attorney at Law, on behalf of UNITE HERE Local 11;
- 1 email from a member of the public

The written Response to Comments is included as Attachment 20, Chapter 3 of the Final EIR. One member of the public provided general comments expressing concern with the Project's impacts including concerns with increased traffic and proposed traffic mitigations and a recommendation that the Project provide a connection from the Magnolia Boulevard Overpass/Bridge, which is already incorporated into the Project as a Project Design Feature and included part of the Project's Conditions of Approval.

Final EIR

A Final EIR has been prepared in conformance with the CEQA statues and contains the following information: the Draft EIR and Recirculated Draft EIR; comments and recommendations received on the Draft EIR and Recirculated Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR and Recirculated Draft EIR; responses of the lead agency to significant environmental points raised in the public review and consultation process; and an errata section to show changes made to the Draft EIR and Recirculated Draft EIR. The Final EIR is attached to this report as Attachment 20.

Statement of Overriding Considerations and Findings of Fact

Statement of Overriding Considerations and Findings of Fact are found in Attachment 1. As part of the Planning Board's review of the Project, the Board made a recommendation to the City Council (the final decision-making body) (the CEQA Lead Agency) to certify the Final EIR for the Project. Because the Draft EIR identified potentially significant environmental impacts, the City Council must also make certain "findings" as part of its action to certify that the EIR has been completed in compliance with CEQA before considering to approve the proposed Project. Pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, no public agency shall approve or carry out a Project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Planning Board recommended, pursuant to Resolution No. 3401 (Attachment 23), that the City Council adopt a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093 in support of approval of the 777 N. Front Street Project. The Statement of Overriding Considerations finds, in the City Council's judgement, that the benefits of the 777 N. Front Street Project outweigh its unavoidable significant effects. Attachment 1 contains the Statement of Overriding Considerations that identifies the reasons why the benefits of the Project, as approved, outweigh its unavoidable significant effects.

Planning Board Review: The Planning Board held a public hearing on November 4, 2019. Eleven (11) speakers spoke in support of the project, while four (4) speakers spoke in opposition of the Project stating more units should be affordable, including units affordable to low and very low income levels and greenhouse gas emissions associated with the Project (Attachment 22). The Planning Board adopted a Resolution (Attachment 23) recommending on a 4-1 vote the City Council approve a Resolution certifying the Final Environmental Impact Report (FEIR), approving the Mitigation Monitoring and Reporting Program (MMRP) with Statement of Overriding Considerations and Findings of Fact and approving a Specific Plan Amendment; Development Review; Tentative Tract Map No. 74896; and Adoption of an Ordinance providing for a Planned Development No. 17-01 and Ten-Year Development Agreement with Related Entitlements for the 777 N. Front Street Project. One Planning Board member voted against the recommendation due to concerns related to the scale and design of the project, and its relationship to the Burbank2035 General Plan.

Public Input

In addition to the public meetings held in conjunction with the Draft EIR and Recirculated Draft EIR, Staff held a scoping/community meeting on April 10, 2018. Staff received written comment for the Notice of Preparation from eight (8) agencies, but did not receive any verbal comments. The written comments are included in the Draft EIR. As of the writing of this report, staff has not received any additional public comments beyond those included in the Draft EIR and Final EIR regarding the Project. Furthermore, two site tours were conducted with one held for the Planning Board on November 2, 2019 and one held for the City Council on December 3, 2019. The site tours were conducted as public meetings and were attended by members of the public.

Public Notification: Council Meeting Public Notices were mailed to property owners and tenants within a 1,000-foot radius of the Project site, a public notice was published in the local newspaper, and a notice was posted on-site ten (10) business days prior to the City

Council hearing in compliance with applicable City and State noticing requirements. As of the writing of this report, staff has not received any public comments.

CONCLUSION

The 777 N. Front Street Project would facilitate development of an approximate 7.08 acre vacant site by building 573 residential units (including 69 new affordable units for moderate-income households), 1,067 sq. ft. of commercial retail space, and a 307-room hotel. The Project would provide additional housing and employment opportunities for Burbank residents and individuals currently commuting to the City for work. The new housing would help the City reduce the jobs to housing imbalance of 3 jobs for every 1 home and help us move towards meeting our current RHNA allocation and fair share production of new housing. In addition, to the various Community/Public Benefits that create new physical improvements to the Project site and adjacent public land that total over \$30 million, the Project will also offer a range of tax benefits to the City from new property, sales, and transient occupancy taxes that are captured as General Fund revenue.

The proposed mixed use development would provide needed improvements to the Project site and surrounding area including improvements to Front Street and Burbank Boulevard, upgraded utilities, new shade trees and decorative landscaping as well as new pedestrian and bicycle infrastructure both throughout the site and along Front Street between the Project site and the Downtown Metrolink Station. In addition, the Project will provide approximately 28,000 square feet of publically accessible open space area and new elevator and staircase connection to the Magnolia Boulevard Overpass/Bridge that will be maintained by the Project applicant for a period of 55 years. The Project supports mass transit by offering subsidies for transit passes for future employees and residents, and fair share contributions to fund the ongoing maintenance operation of the Metrolink station, the locally serving public bus, and potential future upgrades to protect the surrounding neighborhood and resulting in a new quiet zone opportunity at the Downtown station crossing.

The Project will also include numerous Project Design Features that facilitate the implementation of green building design and reduction of greenhouse gas emissions (i.e., cool roofs, rooftop solar panels, LEED Gold Certification, Energy Star appliances, use of recycled water, enhanced access to adjacent public transit facilities facilitating reduced vehicle miles travelled, new shade trees that result in carbon capture, etc.) consistent with the City's Greenhouse Gas Reduction Plan.

It is staff's assessment that the Project is consistent with the applicable goals and policies contained in the Burbank2035 General Plan and including the Greenhouse Gas Reduction Plan/Climate Action Plan. Therefore, staff is recommending that the City Council take the following actions:

- 1) Adopt the attached Resolution (Attachment 1) certifying a Final EIR for the 777 N. Front Street Project, Project No. 17-0001265 and adopting the Mitigation Monitoring

& Reporting Program with a Statement of Overriding Considerations and adopting Findings of Fact pursuant to the CEQA; and,

- 2) Introduce the attached Ordinance (Attachment 2) approving Project No. 17-0001265, which includes a Planned Development, Ten-year Development Agreement, Development Review, Specific Plan Amendment, and Tentative Tract Map No. 74896, and a Purchase and Sale Agreement for the 777 N. Front Street Project (Planned Development No. 17-01).

ATTACHMENT

- Attachment 1 – Resolution Certifying a FEIR and Approving a Mitigation Monitoring Reporting Program (MMRP) and Statement of Facts and Overriding Considerations (Includes Statement of Facts & Overriding Considerations and MMRP)
- Attachment 2 – Ordinance Approving a Planned Development, Ten-year Development Agreement, Development Review, Specific Plan Amendment, Tentative Tract Map No. 74896, and a Purchase and Sale Agreement (Includes Development Agreement, Conditions of Approval, Use Table and associated Exhibits)
- Attachment 3 – Zoning & Fair Political Practices Act Compliance Map and Aerial Photo
- Attachment 4 – Application Form
- Attachment 5 – Amenities & Distinct Features of a Great Neighborhood Consistency Table
- Attachment 6 – Burbank2035 General Plan Consistency Table
- Attachment 7 – Burbank Center Plan Consistency Table
- Attachment 8 – Current & Proposed Burbank Center Plan Land Use and Subarea Maps
- Attachment 9 – Current & Proposed Zoning Maps
- Attachment 10 – Burbank Center Commercial General Business (BCC-3) Zoning Table
- Attachment 11 – High Density Residential (R-4) Zoning Table
- Attachment 12 – Purchase and Sale Agreement Map of Included Properties
- Attachment 13 – Parking Study
- Attachment 14 – General Property & Surrounding Land Use Information
- Attachment 15 – Physical & Operational Aspects of the Project
- Attachment 16 – Major Elements of the Development Agreement
- Attachment 17 – Project Plans (provided under separate cover)
- Attachment 18 – Draft EIR (provided under separate cover)
- Attachment 19 – Recirculated Draft EIR (provided under separate cover)
- Attachment 20 – Final EIR (provided under separate cover)

- Attachment 21 – Planning Board Report
- Attachment 22 – Planning Board Minutes
- Attachment 23 – Planning Board Resolution No. 3041
- Attachment 24 – Written Comments Received for Planning Board
- Attachment 25 – Staff Memorandum to Planning Board Regarding Resolution & DA Edits
- Attachment 26 – Final EIR Errata
- Attachment 27 – Publically Accessible Open Space Renderings