

# memorandum

**DATE:** November 4, 2019

**TO:** City Planning Board

**FROM:** Fred Ramirez, Assistant Community Development Director  
Via: Scott Plambaeck, Deputy City Planner  
By: Leonard Bechet, Senior Planner

**SUBJECT: Addresses:** **777 N. Front Street**  
**Application:** **Amendment to the Burbank Center Plan, Planned Development No. 17-01, Development Agreement, Development Review, and Tentative Tract Map No. 74896 for the “777 N. Front Street” Project; Certification of a Final Environmental Impact Report (FEIR), and Adoption of a Mitigation Monitoring & Reporting Program (MMRP) with a Statement of Overriding Considerations and Findings of Fact**

**Project No.** **17-0001265**  
**Applicant:** **SJ4 Burbank, LLC on behalf of LaTerra Development, LLC**

## **RECOMENDATION**

Staff recommends that the Planning Board adopt the following motion:

“A Resolution of the Planning Board of the City of Burbank recommending 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; approving an Amendment to the Burbank Center Plan Land Use Designation, Development Review, Tentative Tract Map No. 74896; Adoption of an Ordinance providing for a Planned Development No. 17-01 and Ten-Year Development Agreement with Related Entitlements for the Planned Development, 777 N. Front Street Project (Project No. 17-0001265)”.

## **EXECUTIVE SUMMARY**

SJ4 Burbank, LLC (the Applicant) is requesting approval to develop an approximate 7.08-acre vacant site with a mixed-use project that includes: 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 (212,250 square feet); 1,168 parking spaces in integrated parking structures with 2-levels of subterranean parking and up to 8-levels of above grade parking; and construction of approximately 28,000 square feet of publically accessible open-space on an adjacent City-owned property. The Project applicant also proposes a Tentative Tract Map No. 74896 for the Project site that includes the acquisition of approximately 1,796 square feet of City-owned property adjacent to Front Street, the dedication of approximately 10,954 square feet of private property to accommodate right-of-way improvements to Front Street, and the acquisition of approximately 14,954 square feet of City-owned adjacent property for fire utility access. In addition to the Tentative Tract Map and associated acquisition of City property, the Project includes a request for approval of the following: a Specific Plan Amendment (i.e., update to the Burbank Center Plan Land Use Designation for the Project site), Zoning Map Amendment to incorporate the Planned Development (PD) designation, Development Review, to Planned Development (PD), and a ten-year Development Agreement. The Project request also includes an associated environmental assessment that must be considered by the City as part of the discretionary approval process.

Staff recommends the Planning Board approve the attached Resolution (Exhibit A) recommending that the City Council approve the Project inclusive of the required entitlements and the certification of the Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program (MMRP) and State of Overriding Considerations (SOC) and Findings of Fact prepared for this Project. The City Council will hold a noticed public hearing to consider the Project and associated environmental assessment and make a decision at a later date.

## **BACKGROUND**

### **Project Description**

The Project applicant proposes to construct residential, retail, and hotel buildings on Project site that is approximately 8-acres and includes both private and public land that is located at the southeast corner of W. Burbank Boulevard and N. Front Street (Exhibit N) 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 (212,250 square feet);
- An integrated parking facility the includes two levels of subterranean parking and up to seven levels of above grade parking that can accommodate between 1,168 and 1,462 parking spaces; and,
- Development of a publically accessible open space area on City-owned land adjacent the new hotel structure.

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.” (Exhibit H)

- Rezone the entire Project site from AD Auto Dealership to Planned Development (PD) Zoning;
- Ten-year Development Agreement (inclusive of Conditions of Approval)
- Development Review;
- Tentative Tract Map No. 74896 (Exhibit N);
- Certification of the FEIR, approval of MMRP (Exhibit Q) with a Statement of Overriding Consideration and Findings of Fact (Exhibit R).

Table 1 below, provides additional general property information regarding the Project Site and the surrounding land uses.

<b>Table 1: General Property and Surrounding Land Use Information</b>	
<b>Address</b>	777 North Front Street
<b>Cross Streets</b>	West Burbank Boulevard & West Magnolia Boulevard (overpass)
<b>Assessor’s Parcel Number</b>	2449-037-013
<b>General Plan Designation</b>	Downtown Commercial
<b>Zoning</b>	AD (Auto Dealership)
<b>Project Size</b>	7.08 acres (inclusive of dedications, easements, and acquisition of City-owned property)
<b>Current Development</b>	The private property is currently vacant and is used for construction material storage and intermittently hosts temporary circus/carnival events; public portion of city property to be acquired is also vacant.
<b>Street Classification and Width</b>	Downtown Collector, 61-foot wide right-of-way
<b>Surrounding Neighborhood: North</b>	Directly north the I-5 Freeway and a mixture of commercial retail and service uses.
<b>South</b>	Directly South there is the Downtown Burbank Metrolink Station and Transit Center and a mixture of industrial and City utilities uses.
<b>East</b>	Directly East is the I-5 Freeway and a mixture of commercial service and retail uses including multi-family residential uses.
<b>West</b>	Directly West is the SCRRA railroad a mixture of industrial and City utilities uses.

More information regarding the Project site can be found in Exhibits C, D, and N that include an aerial map showing the Project Site and surrounding area, the Project Application Form, and the Project Plans.

**Project Site History**

The Project site includes private property that was formerly home to General Water Heater Company (GWHC) that manufactured water heaters and operated on the property from the 1930s until 1961. The Zero Corporation (Zero) took control of the property and manufactured metal cases and other products from 1961 to 1991 in a facility consisting of six buildings. In 1998, the Ford Leasing Development Company (FLDC) and Galpin Ford purchased the property with the intent of developing a car dealership. The underlying zoning designation was changed from BCCM (Burbank Center Commercial Manufacturing) to AD (Auto Dealership). The redevelopment of the property as a car dealership did not occur and the property has remained dormant since 1991 only occasionally being used for construction storage, temporary recreational entertainment (circus, carnival, equestrian shows), and as filming location for the entertainment industry. In 2004, the former Zero buildings were demolished leaving only the foundation slabs on the property and is currently used as construction storage by Caltrans for the I-5 Freeway improvement project.

**ANALYSIS**

The proposed Project seeks to redevelop a large vacant property located adjacent to Downtown Burbank that will provide residential, retail/restaurant and hotel space. In addition, the Project will provide physical improvements including new sidewalks, bicycle facilities, public and private open spaces, on-site private parking, and extensive tree plantings and landscaping on-site and on adjacent public right of ways. The following Table 2 provides a detailed description of the Project components. The original Project application and updated plans as originally submitted are provided as Exhibit F.

<b>Table 2: Physical &amp; Operational Aspects of the Project</b>	
<b>Primary Project Elements</b>	<ul style="list-style-type: none"> <li>• 7.08 (including land dedications and acquisitions)</li> <li>• 573 residential units (81 du/acre) (12 percent of the units deed restricted affordable to eligible moderate income households;</li> <li>• 1,067 square feet of retail space;</li> <li>• 307-room hotel;</li> <li>• Parking within each building;</li> <li>• Total of three buildings (two residential and one hotel)</li> </ul>
<b>Site Access</b>	<ul style="list-style-type: none"> <li>• Vehicular access to the residential portions of the Project provided by two driveways along Front Street (westerly) and two secondary driveways along the proposed fire access lane (easterly).</li> <li>• Vehicular access to the hotel portion of the Project is provided by two driveways along Front Street (westerly) and one driveway along the fire access lane (easterly).</li> <li>• A 21'-0" wide pedestrian area will be provided along the easterly side of Front Street that contains an 8'-0" two-way raised bicycle lane with 3'-0" buffer between street and bicycle lanes; a 4'-0" landscape area which</li> </ul>

	contains shade trees and street furniture with a pedestrian sidewalk that ranges from minimum 6'-0" to maximum 10'-0" to accommodate tree wells/landscape planters along the length of the pedestrian area.
<b>Parking</b>	<ul style="list-style-type: none"> <li>• 1,168 total parking spaces for the Project: <ul style="list-style-type: none"> <li>-- 787 total parking spaces for 573 residential units;</li> <li>-- 70 total parking spaces for guest parking;</li> <li>-- 307 total parking spaces for 307 hotel rooms;</li> <li>-- 4 total parking spaces for commercial retail space</li> </ul> </li> </ul>
<b>Landscaping &amp; Amenities</b>	<ul style="list-style-type: none"> <li>• Residential buildings contain six interior common courtyard spaces (three per residential building) and one roof-top open space (over parking structure);</li> <li>• Hotel building contains one courtyard space and two rooftop decks;</li> <li>• Residential courtyards and rooftops include planting areas, gardens, built-in seating, BBQs, outdoor dining areas, and recreational areas;</li> <li>• Two swimming pools, one fitness center, and one business center is provided for the residential portion of the Project;</li> <li>• Hotel will provide restaurant/bar, meeting rooms, lounge areas, swimming pool, fitness center, and business center;</li> <li>• Landscaping and shade trees: No less than 80 shade trees, including on-site, along the adjacent Front Street parkway area and within the open space area.</li> <li>• Drought-tolerant landscaping and the use of recycled water for irrigation;</li> <li>• Implementation of the City's green streets policy design features along the adjacent parkway; similar drought tolerant plantings and landscape design features to be incorporated into the proposed, approximate 28,000 square foot public accessible open space adjacent to the hotel.</li> </ul>

Per BMC Sections 10-1-19109 and 10-1-19127, the Planning Board is tasked with reviewing the Project and subsequently making a recommendation to the City Council on approval, denial, or modification of the requested Development Review, Planned Development zoning and Development Agreement. Additionally, the Planning Board is asked to review and make a recommendation on the approval, denial or modification to the Council of the Specific Plan (i.e., Burbank Center Plan) Amendment, Tentative Tract Map No. 74869, (collectively, the "the Project entitlements") and approval of the City's environmental assessment that includes the certification of the Final EIR and approval of the MMRP, the Statement of Overriding Consideration and Findings of Fact for the Project.

**ANALYSIS**

## **Project’s Contribution toward the Creation of a Great Downtown Neighborhood**

As part of the City’s analysis, one of the guiding principles is to not just build buildings but to 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; they 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.

Collectively these amenities draw people who come to work, for intellectual stimulation (enhanced access to schools and civic places—libraries, city halls, theaters), to do business, to shop or sightsee, and in some instances start a new life. (*What Makes a Great City*, Alexander Garvin, Island Press, 2016; “Transit Oriented Communities” represent “an approach to development focused on compact, walkable and bikeable places in a community context (rather than focusing on a single development parcel), integrated with transit”: <https://www.metro.net/projects/transit-oriented-communities/>)

Exhibit E to this report provides the table of “Amenities and Distinct Features of a Great Neighborhood” that staff used as one of the tools to evaluate the proposed Project. The specific amenities and distinct features considered as part of staff’s review included all of the following:

<b>Table 3 Amenities and Distinct Features of a Great Neighborhood Matrix</b>	
<b>Amenity</b>	<b>Distinct Features</b>
<b>Housing</b>	Mix of housing types and sizes that are affordable to various economic segments of the population; help alleviate the job to housing imbalance of 3 jobs for every housing unit.
<b>Affordable Housing</b>	Provide Affordable Housing (on-site or off-site) for households making 120% of the Los Angeles County Area Median Income.

<p><b>Increase Housing Supply to Help Attract and Keep Major Employers</b></p>	<p>The cost, availability, and quality of housing in a city or region are crucial to its ability to attract a highly skilled and talented workforce. Businesses, professionals and institutions alike are highlighting the importance of housing for the growth of the economy and their ability to attract skilled professionals and workers.</p>
<p><b>Parks and Open Space</b></p>	<p>Amount and type of open space; Utility of open space (fit between neighborhood recreational needs and nature of facilities; maintenance and appearance of open space; programming and activity level open space; safety of open space.</p>
<p><b>Street and Transportation Connectivity</b></p>	<p>Incorporate transit-first policies prioritize transit and non-motorized transportation modes and can be used to support decision-making related to sustainable transportation; journey; safe and wide sidewalks and crosswalks that provide safer journey to work and other destinations; variety of public transportation destinations (downtown, shopping centers, other major destinations); frequency and quality of services (e.g., variety of transportation options including bike, bus, rail, single passenger vehicle, Uber/Lyft/taxi, et cetera).</p>
<p><b>Shopping, Dining, Entertainment</b></p>	<p>Create opportunities for local serving retail, restaurant and other service commercial uses within the mixed-use development project; special focus on ground floor uses, with high quality storefronts, increased first ceiling heights of between 15 to 18 feet; provide for pedestrian walkways and crosswalks that provide greater connectivity from the Project site to neighboring retail, dining, and entertainment uses that help augment amenities to future residents. Improve access to basic shopping needs (groceries, dry cleaners, barber shop, beauty salon, coffee/juice bar, et cetera).</p>
<p><b>Site Layout, Parking Layout &amp; Building Design</b></p>	<p>Placing buildings towards the edges of streets and public spaces helps to create walkable urban environments. Buildings placed near the edge of sidewalks help provide a sense of definition to streets and also emphasize the pedestrian access compared to locations where parking is located between the sidewalk and the building. Placing buildings behind parking lots isolates pedestrians from activities and uses, requires them to walk greater distances, and exposes them to more vehicular traffic. Curb-cuts, driveways, and service entrances and load areas further disrupt pedestrian access.</p>
<p><b>Welcoming and Inclusive Environment</b></p>	<p>Public amenities such as parks and cultural venues, governmental offices, libraries, day care centers, schools, shopping centers, transit stops, ease of access to transit centers, public art, open space and facilities accessible to all residents and visitors.</p>

<b>Stabilizes and Provides new Investment in Neighborhood</b>	Facilitates adaptive reuse of underutilized commercial and industrial sites that include new mixed-use projects with a range of housing types and sizes that are accessible to various economic segments of the community.
<b>Housing Density and Services within ¼ Miles of a Transit Node/Center</b>	Transit Oriented Development that facilitates Transit Oriented Communities which include a density that allows a mix of housing, retail, and services near transit stations that includes new amenities that allow walking and bicycling within the neighborhood for healthier and sedentary lifestyles, reduce auto dependency, which translate to lower consumption of fossil fuels, less air pollution, and lower spending on transportation costs to individuals households and the city as a whole.
<b>Accessible Green and Recreational Spaces</b>	Open spaces provide recreation, space for trees that cool and clean the air, water infiltration, and scenic beauty. Green areas can make a neighborhood more neighborly and therefore safer, ensure a balance of development and “elbow-room,” enhance the value of real estate, and inspire residents with the beauty of nature and the rhythm of changing seasons.
<b>Enhances or Creates new Pedestrian and Bike Paths</b>	Bike and pedestrian pathways make cities more walkable, promote physical activity, and link neighborhoods together; provides for pedestrian pathways (including sidewalks) that provide new public realms for visitors to gather and people watch.
<b>Number of Trees Planted and Tree Cover Created within accessible public realm</b>	Trees can give people a sense of place, comfort, and beauty by adding pops of color that change with seasons and add to color of the city. Trees have a cooling effect both on users of the public realm, but as a way of shading residential structures and storefronts.
<b>Funding for the Environment and Open Space</b>	City is always looking at ways of maintaining and/or enhancing the open space amenities in neighborhoods, in the Downtown Village with open space deficiencies new projects should assist with the development of new open space amenities with enhanced public areas, pocket parks and paseos, and/or provide funding for the development of new opens space/park area in proximity to the mixed use development projects.
<b>Facilitate Use of Low Emission Vehicles</b>	Vehicles are one of the major contributors to greenhouse gas emissions. Alternative fuel and hybrid vehicles with associated charging/fueling infrastructure can contribute to lowering GHG emissions that can result from traditional vehicles using gasoline.
<b>Green Building and Site Design Features</b>	Include Energy Star Appliances, Cool Roofs, Solar Panels/Photovoltaic, LED lights on-site and as part of street lights, electric vehicle charging stations, bicycle locking facilities, add to tree canopy to reduce heat island effects, improved air filtration through green screening,

	provide for on-site storm water infiltration and green streets policy implementation through appropriate landscape design.
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It is City staff’s assessment that the proposed Project complies with all of the amenities and distinct features found great neighborhoods noted above. Exhibit E provides a detailed analysis that compares the Project to the amenities and features.

Lastly, it is staff’s assessment that the Project would able to provide an **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 Media Income (“County AMI”). To maintain affordability and facilitate Project development, these 69 affordable units are being proposed as micro 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 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 have been included as part of Exhibit B to this report (Ordinance [Including Development Agreement & Conditions of Approval]).

**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 Exhibit F). 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 vacant site as well as the repurposing of city, underutilized land as publicly accessible open space maintained by the developer.

**Residential Density Limits:** The General Plan limits 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 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 (p. 8-3). As noted in the 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 to Burbank for work.

The provision of sixty-nine (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 market rate unit 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 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. 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. 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.

### **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).

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 Exhibit G), 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 or vacant or obsolete property with mixed use development” (BCP, pg. 40).

The BCP also calls for the development of pedestrian bridge over I-5 to provide a pedestrian connection between the Regional Intermodal Transportation Center (RITC) 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 stair connection to 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 (Exhibit I). 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 attached in Exhibits J, and K respectively. Unless otherwise modified by the PD, the Project complies with almost all other development standards for the BCC-3 and R-4 (Exhibits J and K). 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 §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 found 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, staff nonetheless engaged the Project applicant in a discussion to provide affordable units as was done in negotiating the First Street Project. The building of housing units and including affordable units was a significant 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 618,806 square feet of residential in this project, this would have amounted to just over \$6.35 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 \$6.35 million could potentially support the building of 12 affordable units.

City staff 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 and our 3 to 1 jobs to housing imbalance. As a result, City staff proposed a Project alternative that included a community, public benefit that would provide for the development of 12% of the proposed units as micro 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 by the developer for a period of no less than 55 years.

It is staff's assessment that this proposed Project alternative 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 consideration 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 proposed Project (Exhibit N) 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 bike lanes, and lined with shade trees and street furniture.

The 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 the I-5 Freeway, respectively.

**Public Open Space:** An approximately 28,000 sq. ft. publically accessible open is proposed south of the hotel building. The open space will be maintained by the applicant and 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 applicant for a period of not less than 55 years. The location of the open space is included in Exhibit N.

**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:

<b>Table 5 Required Residential Parking</b>			
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
<b>TOTAL:</b>			<b>1,143</b>

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:

<b>Table 6 Required Hotel &amp; Retail Parking</b>			
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
<b>TOTAL:</b>			<b>311</b>

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 Regional Housing Needs Assessment (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. 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 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. The table below shows a breakdown of the proposed parking described above by use:

<b>Table 7 Proposed Parking</b>			
<b>UNIT TYPE/USE</b>	<b>QTY</b>	<b>#/UNIT</b>	<b># OF SPACES</b>
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
<b>TOTAL:</b>			<b>1,168</b>

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 attached as Exhibit M. 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 density bonus law parking ratios for 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. 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 (Exhibit N).

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 request parking reduction for the residential units consistent with applicable City and State density bonus law rates will not adversely affect the Project by having 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, which in turn help create new opportunities for housing in proximity to transit and employment centers, move the City towards the Council’s goal of building 12,000 units in 15 years, encourage the use of public transit through a combination of subsidy and direct access to public transit and have the potential to reduce vehicle miles

travelled by employees that 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 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 done 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 bicycle lanes and sidewalk will cross Front Street at a controlled crossing to connect with the Downtown Burbank Station (See Exhibit N).

**Landscaping:** The Project will provide landscaping and shade trees in the necessary areas around the perimeter of the buildings, in the public right-of-way, and in on-site open space areas. 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 as privately maintained, publically accessible open space and will contain a variety of landscaping including trees, shrubs, groundcovers, and hardscapes. The open space will also accommodate the installation of an elevator and stairway to provide a connection to the Magnolia Boulevard overpass. The open space and elevator/stairway 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 & wooding 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.

**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 Exhibit E). The open space areas are detailed on the Project site plan (Exhibit N). 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, and there will be no encroachment on backyard privacy (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 Community/Public Benefits of the project, an adjacent City-owned property will be developed as privately maintained, publically accessible 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 stairway to provide a connection to the Magnolia Boulevard overpass.

**Lighting:** The Development Agreement 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.

**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. 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 draft DA is attached as Exhibit B. The proposed term of the Development Agreement 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 are also included as "Conditions of Approval" in the DA.

The major elements of the DA are outlined below:

- i) The term of the DA shall commence upon the Effective Date and shall extend for ten (10) years from the Effective Date. (DA §1.04)

- ii) Vested right to construct the three buildings (two residential and one hotel) that make up the 777 N. Front Street Project in accordance with the DA and its Conditions of Approval in the order determined solely by the Developer. (DA §4.01)
- iii) Documents the list of permitted and conditionally permitted uses in this PD Zone that will be substantially consistent with the BCC-3 zone permitted and conditionally permitted uses, except as modified in the DA's List of Uses. (DA Exhibit B)

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

- iv) 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 Library main (downtown) branch. (Condition #60)
- v) 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)
- vi) 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 unless otherwise used by the developer for special events associated with the hotel or other proposed 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)
- vii) 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 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 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 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)

- viii) Developer shall implement Transportation Demand Management measures. (Condition # 88).
- ix) Developer and tenants shall be a member of the Burbank Transportation Management Organization (Condition # 89).
- x) Developer shall pay a 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)
- xi) Developer shall pay a 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)
- xii) 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)
- xiii) Developer shall construct and maintain a vertical public pedestrian access (elevator and either a staircase or ADA ramp) between North Front Street and the south side of the Magnolia Boulevard overpass for a period of no less than 55 years. (Condition #93)
- xiv) 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)
- xv) 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)

- xvi) 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 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 Public/Community 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.

## **ENVIRONMENTAL REVIEW**

A Draft Environmental Impact Report (DEIR) and Recirculated Draft Environmental Impact Report (Recirculated DEIR) (Exhibits O & P) was prepared for the Project in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The Planning Board previously received hard copies of both the Draft EIR and Recirculated DEIR (<https://www.burbankca.gov/departments/community-development/planning/current-planning/777-front-street>). A hard copy of the Final Environmental Impact Report (FEIR) has also been provided to the Board prior to the public hearing on this Project and is also available for review in the Community Development Department (<https://www.burbankca.gov/departments/community-development/planning/current-planning/777-front-street>). The FEIR, Mitigation and Monitoring Reporting Plan (MMRP), and Statement of Overriding Consideration and Findings of Fact are attached for the Planning Board's review as Exhibits Q and R, respectively.

## **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 impacts traffic:

**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 analysis<sup>1</sup> 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 with the addition of Project-generated traffic. The following are the intersections that could not be mitigated:

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<sup>1</sup> 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.

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 FEIR) 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 FEIR for the Board’s consideration. Thirty-nine (39) members of the public provided general comments, and responses to those comments are included in the FEIR. 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 DEIR**

Based on the public comments received during the DEIR public review period the following sections were revised and recirculated in accordance with the Section 15088.5 of the California Environmental Quality Act (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 DEIR to 127,000 cubic yards under the Recirculated D EIR. In addition, the analysis included an estimate of the overlapping operation and construction emissions between 2022 and 2025, which 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 DEIR 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 DEIR, 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 FEIR) 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 Exhibit Q, Chapters 3 of the FEIR for the Board's consideration. One (1) 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, which is already conditioned as part of the Project's Conditions of Approval.

### **Final EIR**

A Final EIR has been prepared in conformance with the CEQA statutes and contains the following information: the DEIR and Recirculated DEIR; comments and recommendations received on the DEIR and Recirculated DEIR; a list of persons, organizations, and public agencies commenting on the DEIR and Recirculated DEIR; 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 DEIR and Recirculated EIR. The Final EIR is attached to this report as Exhibit Q.

### **Statement of Overriding Considerations and Findings of Fact**

Statement of Overriding Considerations and Findings of Fact are attached as Exhibit R Chapter 2. As part of the Planning Board's review of the Project, the Board is tasked with making a recommendation to the City Council (the final decision-making body) (the CEQA Lead Agency) whether to certify the FEIR 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 must also recommend 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, the benefits of the 777 N. Front Street Project outweigh its unavoidable significant effects. Chapter 3 of Exhibit R contains a draft Statement of Overriding Considerations and Findings of Fact that identifies the

reasons why the benefits of the Project as approved outweigh its unavoidable significant effects.

## **PUBLIC INPUT**

### **Public Comments**

Public comments received a part of the EIR review process are discussed in the preceding Environmental Review Section. Public Notice for the Planning Board hearing was provided as required by law. The public notice was mailed out property owners and occupants within a 1,000-foot radius of the Project Site, it was published in the local newspaper, and posted on-site. The project received 34 written comments during the preparation of this report (Exhibit S). Any comments received thereafter will be provided to the Planning Board at the Noticed Public Hearing.

### **Department Comments**

The conditions of approval and standard requirements recommended by City departments are included as Conditions of Approval in the proposed Development Agreement (Exhibit B).

## **FINDINGS**

### **FINDINGS FOR A SPECIFIC PLAN AMENDMENT:**

The proposed Project meets the following findings for a Specific Plan Amendment:

- 1) The proposed Specific Plan Amendment is consistent the Burbank2035 General Plan goals and policies and any of the plan goals that may be affected by the Project's implementation including the Greenhouse Gas Reduction Plan (GGRP). The Project is consistent with General Plan Land Use Element Goals 1 (Quality of Life), 2 (Sustainability), 4 (Public Spaces and Complete Streets, 5 (Housing), and 6 (Economic Vitality and Diversity) as well as Policies 1.1, 2.1,2.3, 2.5, 2.6, 4.1-4.7, 4.9-4.12, 5.1-5.4, and 6.2. The Project will: maintain the high quality of life by carefully balancing the needs of residents, businesses, and visitors by accommodating a mix of residential and non-residential land uses at appropriate locations that support the divers needs of the community to appropriately scaled architecture, density, and mix of unit types with varying levels of affordability within an infill development that is located in proximity to transit. The Project incorporates complete street concepts and project design features that are intended to minimize the consumption of energy, water, and other natural resources that will help sustain the economic vitality and diversity of the City while helping to not just build buildings but create new neighborhoods with housing in proximity to jobs to work towards addressing the existing 3 to 1 jobs to housing imbalance.

Specifically, the proposed Specific Plan Amendment is consistent with the Burbank2035 General Plan Downtown Commercial land use designation goals and policies.

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 in 2013, which encourages the development residential and commercial uses. In order to allow the development of residential units and to bring the BCP land use designation of the Project Site consistent with the General Plan, the applicant is proposing to amend the Burbank Center Plan by changing the 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. (See Exhibit H), which notes changes to Burbank Center Plan Land Use Maps 2.3.3, 2.4.1, and 2.4.5; existing and proposed land use designations.)

The Project would facilitate the development of sixty-nine (69) Affordable units at this location that 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."

- 2) The potential impacts of the proposed Specific Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.
- 3) The proposed Specific Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

#### **FINDINGS FOR PLANNED DEVELOPMENT:**

- 1) *The Planned Development and Development Agreement thereto are consistent with the General Plan of the City of Burbank and the provisions of Title 10 of the Burbank Municipal Code, and are compatible with the objectives, policies, general land uses and programs specified therein.*

The *Burbank2035* General Plan land use designation for the Project site is Downtown Commercial. Consistent with this General Plan land use designation, the proposed planned development would facilitate a mixed-use development that includes residential, commercial retail, and a hotel. Per the Downtown Commercial Land Use Designation, the Project site and the similarly designated properties in the surrounding area have traditionally served as the City's downtown area.

The Project will facilitate additional residential, retail-commercial and hospitality uses that can be complimentary to the downtown area. Furthermore, the Project will incorporate Project Design Features that integrate transit, walking, biking and other alternative transit modes into the proposed development through new bicycle and pedestrian trails and pathways both on-site and along the adjacent public right-of-

way, on-site Metrolink parking, new electric vehicle charging stations and funding for the long term maintenance and operation of the adjacent transit station and locally serving buses.

The Project is consistent with General Plan Land Use Element Goals 1 (Quality of Life), 2 (Sustainability), 4 (Public Spaces and Complete Streets, 5 (Housing), and 6 (Economic Vitality and Diversity) as well as Policies 1.1, 2.1-2.3, 2.5, 2.6, 4.1-4.7, 4.9-4.12, 5.1-5.4, and 6.2. The Project will: maintain the high quality of life by carefully balancing the needs of residents, businesses, and visitors by accommodating a mix of residential and non-residential land uses at appropriate locations that support the diverse needs of the community to appropriately scaled architecture, density, and mix of unit types with varying levels of affordability within an infill development that is located in proximity to transit. The Project incorporates complete street concepts and project design features that are intended to minimize the consumption of energy, water, and other natural resources that will help sustain the economic vitality and diversity of the City while helping to not just build buildings but create new neighborhoods with housing in proximity to jobs to work towards addressing the existing 3 to 1 jobs to housing imbalance.

The project is consistent with Title 10 of the Burbank Municipal Code, including unique development standards incorporated as part of the PD zone, and the PD Design Review Criteria. The proposed residential, retail, and hotel buildings will incorporate similar modern design features. The proposed design is a contemporary style, and predominantly uses a combination of smooth stucco finish, cement & wooding 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.

The Project will provide the required amounts of common open space, private open space, and amenities for residents and guests. The open spaces of the project will include a fitness centers, 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, and there will be no encroachment on backyard privacy (as there are no adjacent single-family neighbors). Furthermore, as part of the Community/Public Benefits of the project, an adjacent City-owned property will be developed as privately maintained, publically accessible open space and will contain a variety of landscaping including trees, shrubs, groundcovers, and hardscapes. The open space will also accommodate the installation of an elevator and stairway to provide a connection to the Magnolia Boulevard overpass.

## **FINDINGS FOR DEVELOPMENT REVIEW:**

- 1) *All provisions of the Code will be satisfied in accordance with Burbank Municipal Code Section 10-1-1912(A).*

The proposed Project complies with applicable provisions of the Burbank Municipal Code including unique standards for this Project adopted with the “Planned Development (PD)” zone for Project No. 17-0001265.

## **PLANNED DEVELOPMENT DESIGN REVIEW CRITERIA:**

- 1) *The design of the overall Planned Development shall be comprehensive and shall embrace land, buildings, landscaping, and their interrelationships and shall be substantially consistent with the General Plan and any applicable Element of the General Plan.*

The proposed Planned Development (PD) project is a comprehensive development that encompasses the entire 7.08-acre Project site. The project has been designed so as to be easily accessible to pedestrians and bicyclists in addition to vehicular traffic. The Project will facilitate development of a mixed use development consisting of 573 residential units, 1,067 square feet of supportive retail and commercial space, and a complimentary hospitality use in the form of a new 307-room hotel. The project provides residential units to help the City meet its housing goals provided in the City’s Housing Element. In addition to these land uses, the Project Site has integrated transit, walking, biking, and other alternative transit modes into the development. Further, the Project will be designed to expand the City’s tree canopy and reducing the heat island effect by planting of new trees on the Project site and in the adjacent public-right-of-way and the Project will include electric vehicle charging stations throughout as well as reducing its carbon footprint by designing and obtaining LEED Gold certification for all core and shell structures and hardwiring all buildings to accommodate roof top solar facilities.

Therefore, the Project is consistent with General Plan Land Use Element Goals 1 (Quality of Life), 2 (Sustainability), 4 (Public Spaces and Complete Streets), 5 (Housing), and 6 (Economic Vitality and Diversity) as well as Policies 1.1, 2.1-2.3, 2.5, 2.6, 4.1-4.7, 4.9-4.12, 5.1-5.4, and 6.2. The Project will: maintain the high quality of life by carefully balancing the needs of residents, businesses, and visitors by accommodating a mix of residential and non-residential land uses at appropriate locations that support the diverse needs of the community to appropriately scaled architecture, density, and mix of unit types with varying levels of affordability within an infill development that is located in proximity to transit. The Project incorporates complete street concepts and project design features that are intended to minimize the consumption of energy, water, and other natural resources that will help sustain the economic vitality and diversity of the City while helping to not just build buildings but create new neighborhoods with housing in proximity to jobs to work towards addressing the existing 3 to 1 jobs to housing imbalance.

- 2) *The Planned Development shall provide for adequate permanent open areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses within the Planned Development shall be well integrated with each other and to the surrounding topographic and natural features of the area.*

The Project site provides open space accessible to all future tenants and visitors, and adequate on-site circulation and parking to efficiently serve all future residents and retail commercial/hospitality employees including. The proposed mixed use development is also easily accessible to pedestrians as well as those who arrive via public transit or private automobile. The structured parking areas located throughout the Project site and accessible from multiple access points located along the adjacent public right-of-way, N. Front Street, will provide direct access to both employees and visitors to the site. The resulting built form and associated open space amenities will be compatible with the surrounding land uses and structures, which also include similar commercial and residential buildings. The hotel structure located at the southern portion of the Project site is consistent in overall building height of similar hotel uses found in the area. The Project also provides approximately 28,000 sq. ft. of publically accessible open space and an elevator that connects to the Magnolia Boulevard Bridge and allows Downtown pedestrians to access the open space area and Metrolink Station. The open space area and elevator will be maintained by the applicant for a span of 55 years. The open space area will provide open space for the Project and surrounding uses, while the elevator with integrated staircase will improve connections between Downtown, the Project site, and the Metrolink station consistent with the goal of the Burbank Center Plan to improve these connections.

- 3) *The Planned Development shall be compatible with existing and planned land use on adjoining properties.*

The *Burbank2035* General Plan land use designation for the Project site is Downtown Commercial. Consistent with this General Plan land use designation, the proposed planned development would facilitate a mixed-use development that includes 573 residential units (including 69 new affordable units for moderate income households), 1,067 square feet of commercial retail space, and a 307-room hotel. Per the Downtown Commercial land use designation, the Project site has traditionally served as part of the City's industrial hub. However, in more recent years this area has been developed with a variety of commercial uses complimentary to Downtown Burbank.

The Project will facilitate additional residential, retail-commercial and hospitality uses that can be complimentary to downtown businesses. Furthermore, the Project will incorporate Project Design Features that create a complete streets design along Front Street through the integration of transit, walking, biking and other alternative transit modes into the proposed development through new bicycle and pedestrian trails and pathways along the adjacent public right-of-way, new electric vehicle charging stations and funding for the long term maintenance and operation of the

adjacent transit station and locally serving buses. Collectively, the Project and the associated public/community benefits resulting from the Project have been developed in a manner that facilitates responsible development that builds community by providing a range of residential and employment opportunities within Downtown Burbank, a major transit and employment center that promotes the long term economic resiliency of the community while providing new bike and pedestrian improvements and street roadway improvements that benefit and protect the quality of life for nearby neighborhoods.

- 4) *Any private street system or circulation system shall be designed for the efficient and safe flow of vehicles, pedestrians, bicycles, and the handicapped, without creating a disruptive influence on the activity and functions of any area or facility.*

The Project has been designed to include wide tree-lined sidewalks and internal pathways that facilitate the efficient and safe ingress and egress of traffic, including pedestrian, bicycles, transit users, and the modes compliant with the Americans with Disabilities Act (ADA) to and from the Project site. The enhanced roadways will provide safe access along the and throughout the site for pedestrians, bicyclists, and drivers using the upgrade sidewalks, bike lanes and roadways. A traffic study was completed to ensure that potential impacts on surrounding areas would be identified, and mitigations measures are proposed to mitigate impacts, where feasible in compliance with City General Plan and Mobility Element Goals and Policies. Mitigation measures have been included to ensure that all impacts that can be mitigated have been addressed.

- 5) *The public street system within or adjacent to a Planned Development shall be designed for the efficient and safe flow of vehicles (including transit vehicles), pedestrians, bicycles, and the handicapped. Public streets shall be designed using standard City lane widths, capacities, and travel speeds. The design shall also include adequate space and improvements for transit vehicles and facilities for bicycle and pedestrian circulation. City standard entrance control requirements shall be maintained. Design of major streets shall also provide sidewalks, adequate street lighting, and concrete median islands on arterial streets.*

Public streets adjacent to the Project site will be designed for the efficient and safe flow of vehicles, transit vehicles, pedestrians, bicycles, and modes compliant with the Americans with Disabilities Act (ADA). Improvements to N. Front Street will be designed and constructed in conformance to the Burbank 2035 General Plan including the City's General Plan Complete Streets policy and with regards to vehicle travel lane requirements, the Bicycle Master Plan, General Plan sidewalk width standards, and connectivity to local bus transit and regional transit centers.

Biking will be encouraged through the provision of new bicycle infrastructure and bicycle parking / storage facilities accessible to on-site employees and visitors. The Project will construct protected bicycle lanes along N. Front Street between Burbank Boulevard and the Downtown Burbank Metrolink Station. Long term and short term bicycle parking facilities will also be provided for ease of accessibility to future tenants, employees, and visitors of the Project site in order to encourage walking

and biking trips within the site, to and from work, and as a first-last mile connection to transit.

Safe pedestrian accessibility will be provided through buildout of N. Front Street to the sidewalk widths prescribed in the Burbank2035 General Plan, provision of a pedestrian connection from the Magnolia Boulevard bridge and an adjacent publically accessible open space area, and the implementation of a high-visibility crosswalk connecting the new bicycle lanes/sidewalks to the Downtown Burbank Metrolink Station. Additional Project amenities include: extensive use of street trees, landscaping, and street furniture that separate pedestrian, bicycle, and vehicle traffic and provide a welcoming pedestrian environment for individuals travelling on foot or via bike along Front Street.

- 6) *Common area and recreational facilities shall be located so as to be readily accessible to the occupants of residential uses.*

All common areas and recreational facilities are situated within interior courtyards, and will be easily accessible by all residents and guests within the development. A publically accessible approximately 28,000 sq. ft. open space area will be built and maintained by the developer. The open space area will be built just south of the Hotel building improving visibility and ease of access for residents, hotel guest, and visitors to the Project site.

- 7) *Compatibility of architectural design and appearance, including signing throughout the Planned Development, shall be sought. In addition, architectural harmony with surrounding neighborhoods shall be achieved so far as practicable.*

The proposed architectural design of the Project incorporates standard textures and treatments with a modern aesthetic that strives for architectural consistency with other mixed use and commercial properties found in the surrounding area. This mixed use site will develop a long-standing vacant property in the downtown area and the proposed on-site physical improvements related to building design, landscaping, and bike and pedestrian amenities will provide for a cohesive overall design that makes the Project a destination center, which complements the surrounding land uses and creates new residential space for people looking to make Burbank their home, in close proximity to the I-5 Freeway, one Metrolink station, and Downtown Burbank. To ensure that signage is attractive and orderly, a master sign program will be required for the entire development, and the master sign program must consistent with the architecture of the buildings.

- 8) *Where applicable, an adequate variety of uses and facilities shall be provided in order to meet the needs of the Planned Development and adjacent neighborhoods.*

The Project will provide for a mix of residential, retail, and hospitality uses and support facilities that meet the needs of the Planned Development and adjacent land uses and neighborhoods. The proposed mix of uses will provide 573 housing units, with 69 of those units available to households making 120% or less of the LA County area median income as well as entry level positions in the service commercial and

hospitality business sectors. Furthermore, the proposed upgrades to N. Front Street, will include sidewalk and parkway improvements that allow for greater tree shade cover, seating, and wider sidewalks that accommodate safe pathways for pedestrians and bicyclists alike. As part of the public benefit, the Project would extend the bike and pedestrian improvements beyond the site's boundary lines and provide for protected bike lanes in both directions to the northern boundary of the Downtown Burbank Metrolink Station. Furthermore, as part of the Public/Community Benefits, the developer will build a new approximately 28,000 square foot publically accessible and privately maintained open space area on City-owned property located to the southeast of the Project site. The open space area will also include the installation of an elevator with staircase and new bike and pedestrian pathways that connect the open space area and the Magnolia Boulevard overpass to Downtown Burbank and the Metrolink station. All proposed physical improvements to the public right-of-way including new bicycle and pedestrian amenities will be publically accessible to the nearby businesses and neighborhood.

- 9) *The Planned Development and each building intended for occupancy shall be designed, placed, and oriented in a manner conducive to the conservation of energy.*

The Project will be constructed with a variety of design features intended to conserve energy, and comply with all requirements of the 2019 California Building Standards Codes and Related Codes Enforced by the City including meeting CALGreen Tier 1 energy efficiency requirements. All buildings will also be built, prewired to accommodate rooftop solar photovoltaics and the entire Project site shall be designed such that up to 10 percent of the site's energy or purchased power will come from renewable resources. The building, in addition to the adjacent open space areas, will be designed to use energy efficient equipment and drought tolerant landscaping as well as accommodating the use of recycled water. The Project will also be installing new trees throughout the Project site and adjacent public right-of-way providing shade against the building façade and pedestrian pathways. The new trees will increase the City's overall tree canopy and reduce the heat island effect reducing energy demand on-site by shading building facades and decreasing the production air pollution of greenhouse gas emissions while also removing air pollutants and storing and sequestering carbon dioxide.

## **FINDINGS FOR APPROVING A TENTATIVE TRACT MAP**

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- a) *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The Tentative Tract Map No. 74896 to create fourteen (14) new lots is consistent with the Burbank2035 General Plan Land Use designation of Downtown Commercial. The Map facilitates the redevelopment of the currently vacant approximately 7.08-acre Project Site. The Map will allow the development of: 573

residential units (including 69 deed restricted units affordable to moderate income households); 1,067 square feet of commercial retail space; a new 307 room hotel; on-site parking facilities, bicycle and pedestrian amenities; and significant upgrades to the adjacent sidewalk and roadway infrastructure that serve the Project site along N. Front Street.

- b) *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed subdivision involves the creation of fourteen (14) lots, including four (4) ground lots and ten (10) airspace lots, where currently one (1) parcel exists. The newly created parcels will facilitate land assemblage and reconfiguration in order to develop the Project Site as a mixed-use development that includes 573 residential units (including 69 deed restricted units affordable to moderate income households); 1,067 square feet of commercial retail space; a new 307 room hotel; on-site parking facilities, bicycle and pedestrian amenities; and upgrades to the adjacent sidewalk and roadway infrastructure that serve the Project site along N. Front Street. The intended Project development and associated uses that are being proposed are consistent with the Burbank2035 General Plan, the Greenhouse Gas Reduction Plan (GGRP), and the City's Zoning Code through the City's adoption of the requested Planned Development. The Project site includes sufficient land to accommodate the proposed square footages for the residential, commercial, and hotel uses. The Project also includes Project Design Features that help reduce energy consumption and reduce greenhouse gas emissions in line with the City GGRP and Climate Action Plan.

- c) *That the site is not physically suitable for the type of development.*

The approximate 7.08-acre Project site is physically suitable to accommodate the proposed Project. The majority of the Project site will be developed, following the pattern of mixed-use development in the surrounding area and will easily accommodate 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); 1,168 parking spaces in integrated parking structures with 2-levels of subterranean parking and up to 8-levels of above grade parking.

- d) *That the site is not physically suitable for the proposed density of development.*

The 7.08-acre Project site can easily accommodate the proposed development that includes 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); 1,168 parking spaces in integrated parking structures with 2-levels of subterranean parking and up to 8-levels of above grade parking. The Floor Area Ratio will be .70, which is consistent and far below the City Zoning Code's allowable Floor Area Ratio of 2.5.

- e) *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The 7.08-acre Project site and proposed subdivision is located in a fully urbanized area that has been used for a range of industrial manufacturing and surface parking activities. An Initial Study was prepared for the Project pursuant to the California Environmental Quality Act (CEQA) and eventually an Environmental Impact Report (EIR) that determined that no native biological resources exist on the Project Site. Therefore, the Project's development will have no impact on biological resources or adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- f) *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The design of the subdivision or type of improvements that are proposed with the Project is not likely to cause serious public health problems. The Project design, building layouts, vehicular and pedestrian access points, and incorporated bicycle and pedestrian amenities will ensure that proper line of sites and physical buffers are built that will provide adequate physical separation between vehicles, pedestrians, and cyclists reducing the potential for traffic accidents. The EIR for the Project has determined that there will be significant and unavoidable impacts related to Transportation from the Project. However, it was determined that the resulting public/community benefits resulting from the project (e.g., site cleanup, new infill mixed-use buildings, enhanced public infrastructure, new open space, and new affordable housing) provide a greater community benefit than the resulting transportation impacts that cannot be mitigated without roadway widening and/or our outside the City's jurisdictional oversight.

As it relates to air quality, the impacts associated with level-of-service of two intersections can only be partially mitigated. However, the Project includes the following Project Design Features, Mitigations, and Community/Public Benefits intended to reduce traffic and related air emissions:

- Public transportation information on display in high visibility areas accessible to all employees;
- Preferential and accessible carpool/vanpool and transit riders parking spaces;
- Bicycle parking facilities;
- Carpool/vanpool loading areas;
- Developer contribution towards Neighborhood Preservation and Quiet Zone Implementation through the funding of safety improvements related to the Downtown Burbank Metrolink Station;

- Enhanced pedestrian and bicycle pathways along adjacent public right-of-way serving the Project site as well as a new bike-pedestrian providing an enhanced connection along Front Street to the Downtown Burbank Metrolink Station;
- Development of a pedestrian connection between the Magnolia Boulevard overpass and a publically accessible, privately maintained open space area directly adjacent to the Project site;
- Construct on-site bicycle and pedestrian facilities to encourage walking and cycling though and around the Project Site;
- Improve, widen and maintain sidewalks in and around the Project site as well as improve bicycle infrastructure along N. Front Street and provide public transit subsidies available to future residents and employees (with priority to the passes given to residents of the 69 moderate income households) as public benefits in order to promote use of alternative modes of transportation;
- Construct all transportation and traffic mitigation measures in a manner that support the Burbank2035 General Plan including designing improvements that serve all transportation users in accordance with the City's Complete Streets Policy;
- Implement the City's Green Streets Policy for new streets and sidewalks in and around the Project site where feasible;

*g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easement for access through or use of property within the proposed subdivision.*

The design of the Project and associated subdivision or the type of improvements that are being proposed will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The existing easements for public utilities will be maintained and roadway dedications will be made for the build-out and maintenance of associated infrastructure and utilities as noted in Tentative Tract Map No. 74896. All City required easements including those for utility easements will be maintained for the life of the project.

## **CONCLUSION**

The 777 N. Front Street Project would facilitate redevelopment 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 or individuals currently commuting to the City for work in order to reduce the jobs to housing imbalance of 3 jobs for every 1 home. 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 Project would provide needed improvements to the site and surrounding area including improvements to Front Street, 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 a new publically accessible open space area and new elevator to Magnolia Boulevard that will be maintained by the 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 is consistent with the applicable goals and policies contained in the General Plan. Staff believes all findings can be made, and that the Planning Board should recommend approval of the Project subject to the terms and conditions of approval as noted in the Development Agreement.

#### **PLANNING BOARD ACTION**

The action of the Board may be to recommend approval, approval with modifications, or denial to the City Council of the Specific Plan Amendment, Tentative Tract Map No. 74896, Development Review, Planned Development and Development Agreement, certification of the Final EIR and adoption of the MMRP, and Findings of Fact and Statement of Overriding Considerations. If the Board believes that a recommendation for approval is warranted, the following motion may be adopted:

“A Resolution of the Planning Board of the City of Burbank recommending 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; approving an Amendment to the Burbank Center Plan Land Use Designation, Development Review, Tentative Tract Map No. 74896, Adoption of an Ordinance providing for a Planned Development No. 17-1265 and Ten-Year Development Agreement with Related Entitlements for the Planned Development, 777 N. Front Street Project (Project No. 17-0001265)”.

If the Board determines that the Project or any part of the Project should be recommended for denial, the appropriate motion should be adopted.

<b>List of Exhibits</b>	
<b>Exhibit</b>	<b>Title</b>
<b>A</b>	Planning Board Resolution
<b>B</b>	Draft Ordinance approving the Development Agreement, Conditions of Approval, and PD Use Table
<b>C</b>	Zoning & Fair Political Practices Act Compliance Map, Aerial Photo
<b>D</b>	Application Form
<b>E</b>	Amenities and Distinct Features of a Great Neighborhood Consistency Table
<b>F</b>	Burbank2035 General Plan Consistency Table
<b>G</b>	Burbank Center Plan Consistency Table
<b>H</b>	Current & Proposed Burbank Center Plan Subarea Map
<b>I</b>	Current and Proposed Zoning Map
<b>J</b>	Burbank Center Commercial General Business (BCC-3) Zoning Table
<b>K</b>	High Density Residential (R-4) Zoning Table
<b>L</b>	Planned Development Design Criteria
<b>M</b>	Parking Study
<b>N</b>	Project Plans (provided under separate cover)
<b>O</b>	Draft EIR (provided under separate cover)
<b>P</b>	Recirculated Draft EIR (provided under separate cover)
<b>Q</b>	Final EIR (provided under separate cover)
<b>R</b>	Statement of Fact & Statement of Overriding Consideration
<b>S</b>	Written Comments Received