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WHEN RECORDED MAIL TO

NAME	CITY CLERK
MAILING ADDRESS	CITY OF BURBANK P O BOX 6459
CITY, STATE ZIP CODE	BURBANK CA 91510



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TITLES(S)

First Amendment to Development Agreement Between The City of Burbank
and the Burbank-Glendale-Pasadena Airport Authority Relating to Bob Hope Airport

3

RECORDING REQUESTED BY
AND WHEN RECORDED
MAIL TO:

City Clerk
City of Burbank
275 E. Olive Avenue
P.O. Box 6459
Burbank CA 91510

This document is exempt from the payment of a recording fee
pursuant to Government Code Sections 6103 and 27383

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF BURBANK
AND THE BURBANK-GLENDALE-PASADENA
AIRPORT AUTHORITY RELATING
TO THE BOB HOPE AIRPORT**

**Amendment to PD No. 2004-169 [A-1 North]
and
Amendment to PD No. 2004-170 [Parking Lot A]**

Original Development Agreement was recorded on March 21, 2005 with Instrument
Number 05 0643306

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FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (this "First Amendment") is entered into as of the 24th day of September, 2010, by and between the CITY OF BURBANK, a charter city and municipal corporation (the "City"), and the BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, a California joint powers agency organized and existing pursuant to Government Code Section 6500 et seq (the "Authority") with reference to the following:

A. Pursuant to California Government Code Sections 65864-65869.5, the City and the Authority entered into a Development Agreement (the "Agreement"), effective March 15, 2005, to provide greater certainty to the parties on issues of Airport zoning and development, among other things. The vesting aspects of the Agreement expire June 21, 2012. The Agreement was recorded as Instrument No. 05 0643306 on March 21, 2005 in the Office of the Los Angeles County Recorders.

B. The Development Agreement, among other things, effectuated the rezoning on the property referred to as the A-1 North Property, as that term and all subsequent capitalized terms are defined in the Agreement, from M-2 Industrial to Planned Development Zone No. 2004-169. Exhibit 3 to the Agreement provides the Conditions of Approval for PD No. 2004-169.

C. The Authority has applied to amend Planned Development Zone No. 2004-169 to add to all existing improvements in place as of the date of this First Amendment the following: a three level above grade regional intermodal transportation center ("RITC") including a bus transit center and a consolidated rental car facility, two level above grade replacement parking structure, CNG fueling facility, elevated walkway, and bike station; and solar panels on existing structures and new structures. Additionally, the project includes the installation and maintenance of solar panels on the RITC roof which shall be installed and owned by City.

D. The Development Agreement further implements Planned Development No. 2004-170, which rezoned a portion of the Authority property referred to as Lot A property for authorization of the construction and operation of a surface airport parking facility for use by airport passengers and employees. Exhibit 4 to the Agreement provides the Conditions of Approval for PD No. 2004-170.

E. The Authority has applied to amend PD No. 2004-170 to allow on a temporary basis a substitution of public parking for the 581 employee parking spaces on the Airport Zone portion of Parking Lot A during the construction of the RITC Project on the A-1 North Property when parking in Lot D (located on A-1 North) is inaccessible due to RITC construction related activities.

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F. The Authority has also requested to expand the existing coverage of the Agreement to include approximately 2.7 acres of land known as 4500 Empire Avenue, and to rezone that property from the Railroad Zone to Planned Development Zone No. 10-0000835. The rezoning and approval to amend the Development Agreement will be ministerial and effective when the Authority owns the property. The property is presently developed with two parking lots and owned by Union Pacific Railroad. A Second Amendment to the Agreement is being considered in conjunction with this First Amendment, however, if approved, it cannot be executed by the City until the Authority provides evidence of ownership of the 2.7 acres and rights over the City's right-of-way.

G. Simultaneously with or prior to the approval of this First Amendment by the City, the Authority will have secured various land use, regulatory, statutory and other approvals, permits and other entitlements some of which shall be considered as modified Project Approvals or Ancillary Approvals (as those terms are defined in the Agreement), including without limitation the following:

(1) CEQA Compliance. At a duly noticed public meeting on February 16, 2010, the Authority Commission considered the information in the Mitigated Negative Declaration for the Regional Intermodal Transportation Center at Bob Hope Airport prior to taking action on its project approvals, found the Mitigated Negative Declaration to have been prepared in compliance with CEQA and imposed certain mitigation measures on its project approvals, which mitigation measures are adopted herein by reference. At a duly noticed public hearing on July 27, 2010, the City Council considered the information in the Mitigated Negative Declaration adopted by the Authority prior to taking action on the new Project Approvals.

(2) Public Utilities Code Section 21661(e). On July 27, 2010, August 10, 2010, and August 24, 2010, following a duly noticed public hearing convened pursuant to procedures adopted by the City, the City Council granted approval on August 24, 2010 to the Authority under Public Utilities Code Sec. 21661(e) to modify the plan to use the A-1 North Property and Parking Lot A.

(3) Planned Development Zoning Amendments. On July 27, 2010, following duly noticed public hearings and Planning Board review and recommendation, the City Council approved Planned Development zone amendments for PD No 2004-169 and PD No 2004-170. The PD zoning amendments are consistent with the General Plan. A copy of Ordinance Nos ~~3787~~ + ~~3788~~ are attached hereto as Exhibit A, and incorporated herein by this reference.

(4) Conditions of Approval. Certain Project Approvals were issued subject to "Conditions of Approvals", which for the purposes of this First Amendment, shall also be considered included in any reference to Project Approvals. The Conditions of Approval are attached hereto as Exhibits 3-a and 4-a.

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H. The City finds, and the City and the Authority mutually agree, that the terms and provisions of this First Amendment are consistent with the General Plan and the Golden State Redevelopment Plan, as amended.

I. On June 28, 2010, following a duly noticed public hearing, the Planning Board adopted Resolution No. 3194, recommending that the City Council approve this First Amendment.

J. On July 27, 2010, after a duly noticed public hearing, the City Council considered the Mitigated Negative Declaration; made appropriate findings that this ~~Second~~ ^{First} Amendment is consistent with the General Plan, and introduced Ordinance No. ~~3788+3789~~ approving and authorizing execution of this First Amendment by the City once the Ordinance becomes effective.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Uses and Conditions of Approval for Planned Development No. 2004-169.
The "Conditions of Approval" as defined and referenced as Exhibit "3" in the Agreement, are hereby amended in their entirety and restated herein as set forth in the Amended Conditions of Approval attached to this First Amendment as Exhibit "3-a" (incorporated herein by reference). The Conditions of Approval set forth in Exhibit 3-a contain the modification to the uses, conditional uses, development standards, and other regulations governing the Planned Development No. 2004-169 property referred to as the A-1 North property. As part of this amendment to the Planned Development, the parties desire to explore solar energy uses at the RITC and to make the facility a showpiece of sustainable development in Burbank. In no event, shall this Agreement provide any rights to develop the project approved herein after June 21, 2012, the expiration date of vesting rights; however, it is not the intent of the parties to impair any common law vesting rights subsequent to the expiration date.

2. Uses and Conditions of Approval for Planned Development No. 2004-170.
The "Conditions of Approval" as defined and referenced as Exhibit "4-a" in the Agreement, are hereby amended as set forth in the Amended Conditions of Approval attached to this First Amendment as Exhibit "4-a" (incorporated herein by reference). The Conditions of Approval set forth in Exhibit 4-a contain the modification to the uses, conditional uses, development standards, and other regulations governing the Planned Development No. 2004-170 property referred to as a portion of Parking Lot A.

3. The Development Agreement is further amended to add Section 3.8(i) as follows:

(i) Conversion of Existing Ready/Return Area. Should the Authority close or relocate the rental car ready/return lot adjacent to the Terminal, the

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Authority will use that parcel to maintain and operate a standard runway safety area for Runway 15-33 and a ground access center in the manner and location identified in section 2.2.7 of the Mitigated Negative Declaration adopted by the Burbank-Glendale-Pasadena Airport Authority in February 2010.

4. No Other Changes. Except as expressly provided to the contrary in this First Amendment, the Agreement, shall remain in full force and effect as written.

IN WITNESS WHEREOF, the City and the Authority have executed this First Amendment as of the date first hereinabove written.

"CITY"

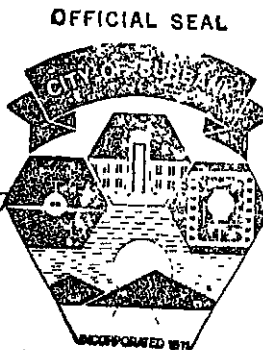
CITY OF BURBANK, a charter city
and municipal corporation

By: 

Michael S. Flad
City Manager

Attest:


Margarita Campos, CMC, City Clerk



Approved as to Form and Legal Content
Dennis A. Barlow, City Attorney


By: Mary F. Riley
Senior Assistant City Attorney

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"Authority"

BURBANK - GLENDALE - PASADENA
AIRPORT AUTHORITY

By: Frank Quintero
Name: FRANK QUINTERO
Title: President

Attest:

Ch. W. Allen

Secretary to the Board

[Signature of Parties must be notarized as required by the County Recorder's
Office. Please attach appropriate acknowledgments.]

ACKNOWLEDGMENT

State of California } ss
County of Los Angeles }

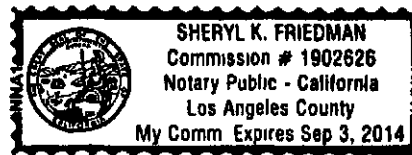
On May 18, 2010, before me, **Sheryl K. Friedman, Notary Public**, personally appeared **Michael S. Flad** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sheryl K. Friedman

Signature of Notary



OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: **First Amendment to Development Agreement between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority relating to the Bob Hope Airport**

Date: _____ Number of Pages: _____

Signer(s) Other than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer—Title: _____
- ☐ Partner ☐ Limited ☐ General
- ☐ Attorney in Fact ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer is Representing: **City of Burbank**

State of California

County of Los AngelesOn 10-7-10 before me, L. Patrick, Notary Public
(here insert name and title of the officer)personally appeared Frank Quintero

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal

Signature L. Patrick

(Seal)

OPTIONAL INFORMATION

Law does not require the information below. This information could be of great value to any person(s) relying on this document and could prevent fraudulent and/or the reattachment of this document to an unauthorized document(s)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document _____

Document Date _____ Number of Pages _____

Signer(s) if Different Than Above _____

Other Information _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name(s) _____

- ☐ Individual
☐ Corporate Officer

(Title(s))

- ☐ Partner
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian/Conservator
☐ Other _____

SIGNER IS REPRESENTING:

Name of Person(s) or Entity(ies) _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On 10-7-10

Date

before me, Hilda Landaverde, Notary Public

Here Insert Name and Title of the Officer

personally appeared Christopher Rona Holden

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.



Place Notary Seal Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document. _____

Document Date _____

Number of Pages. _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____

☐ Individual

☒ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other _____

Signer Is Representing: _____

Signer's Name _____

☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing _____

RIGHT THUMBPRINT
OF SIGNER
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RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

12

Eff.: 9/24/10

ORDINANCE NO. 3788

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK APPROVING AN AMENDMENT TO PLANNED
DEVELOPMENT FOR PROJECT NO 2004-169 AND
FIRST AMENDMENT TO THE DEVELOPMENT
AGREEMENT (BURBANK-GLENDALE-PASADENA
AIRPORT AUTHORITY, APPLICANT) (A-1 North Property).

406
1702

City Attorney Synopsis

This Ordinance amends Planned Development No. 2004-169 which affects the property generally located at 2555 N. Hollywood Way, Burbank, California, commonly known as the A-1 North Property and owned by the Burbank-Glendale-Pasadena Airport Authority (Airport Authority). The amendment allows construction of a four story Regional Intermodal Transit Center (RITC) with air passenger parking, consolidated rental car facilities, and bus plaza with transit lounge. It also would allow construction of a new three story parking structure, elevated pedestrian walkway, and a public compressed natural gas (CNG) station. The roof of the RITC structure will be constructed to support a City owned and operated photovoltaic (PV) solar generating facility, access of which shall be provided to City at no cost

This Ordinance also approves an amendment to the Development Agreement between the City and Airport Authority to reflect the modification to the conditions of approval resulting from the Planned Development amendment.

This project is part of the Regional Intermodal Transportation Center Project at Bob Hope Airport. The City, as a responsible agency under the California Environmental Quality Act, considered the Mitigated Negative Declaration approved by the Airport Authority prior to approving the amendments.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. Pursuant to California Government Code Sections 65864-65869.5, the City and the Airport Authority entered into a Development Agreement (the "Agreement"), effective March 15, 2005, to provide greater certainty to the parties on issues of Airport zoning and development, among other things. The vesting aspects of the Agreement expire June 21, 2012. The Agreement was recorded as Instrument No. 05 0643306 on March 21, 2005 in the Office of the Los Angeles County Recorders.

B The Development Agreement, among other things, effectuated the rezoning on the property generally located at 2555 N Hollywood Way, Burbank, California, commonly known as the A-1 North Property from M-2 Industrial to Planned Development Zone No 2004-169. The property is owned by the Airport Authority.

C. On February 17, 2010, the Airport Authority applied to amend Planned Development Zone No. 2004-169 to add to all existing improvements the following: a three level above grade regional intermodal transportation center ("RITC") including a bus transit center and a consolidated rental car facility, two level above grade replacement parking structure, CNG fueling facility, elevated walkway, and bike station; and solar panels on existing structures and new structures. Additionally, the roof of the RITC structure will be constructed to support a City owned and operated photovoltaic (PV) solar generating facility; access of which shall be provided to City at no cost.

D. Simultaneously with or prior to the approval of the Planned Development amendment and the First Amendment to the Development Agreement (the "First Amendment") by the City, the Authority will have secured various land use, regulatory, statutory and other approvals, permits and other entitlements some of which shall be considered as modified project approvals or ancillary approvals, including without limitation the following:

(1) CEQA Compliance. The Planned Development Amendment and the First Amendment are components of the proposed Regional Intermodal Transportation Center at Bob Hope Airport (Project). At a duly noticed public meeting on February 16, 2010, the Authority Commission considered the information in the Mitigated Negative Declaration for the Project, of which, prior to taking action on its project approvals, found the Mitigated Negative Declaration to have been prepared in compliance with California Environmental Quality Act and imposed certain mitigation measures on its project approvals. At a duly noticed public hearing on July 27, 2010, the City Council, as a responsible agency, considered the information in the Mitigated Negative Declaration adopted by the Authority prior to taking action on the amended Planned Development applications and the First Amendment in accordance with Title 14 California Code of Regulations (the "CEQA Guidelines") §15096, and adopted Resolution No. 28,168. A mitigation monitoring plan, which was adopted by the Authority, is deemed adequate by the responsible agency, and is further incorporated into the First Amendment in accordance with CEQA Guidelines §15097.

(2) Public Utilities Code Section 21661(e). Following a duly noticed public hearing convened pursuant to procedures adopted by the City, on July 27, 2010, continued to August 10, 2010, and to August 24, 2010, the City Council granted approval to the Authority under Public Utilities Code Sec. 21661(e) to modify the plan to use the A-1 North Property.

E. The City finds, and the City and the Authority mutually agree, that the terms and provisions of the amendment to Planned Development No. 2004-169, and the First Amendment, are all consistent with the General Plan and the Golden State Redevelopment Plan, as amended.

F. On June 28, 2010, following a duly noticed public hearing, the Planning Board adopted Resolution No. 3194, recommending that the City Council approve the amendment to Planned Development No. 2004-169, and the related First Amendment.

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G. On July 27, 2010, after a duly noticed public hearing, the City Council considered the Mitigated Negative Declaration; considered the testimony and evidence presented at the public hearings, including the report and recommendation of the Community Development Director and the action of the City Planning Board as evidenced by its Resolution No. 3194; made appropriate findings that the Planned Development amendment and the First Amendment are consistent with the General Plan, and introduced Ordinance No. 3788 approving and authorizing execution of the First Amendment by the City once the Ordinance becomes effective

H. The Council finds that this discretionary approval will not allow the construction of a commercial passenger terminal building at the Bob Hope Airport or provide for a relocated or expanded airport terminal project; therefore, a vote of the people is not required pursuant to Section 2-3-112 of the Burbank Municipal Code.

THE COUNCIL OF THE CITY OF BURBANK ORDAINS AS FOLLOWS:

1. The Council hereby specifically finds that all of the facts and findings set forth in the Recitals, Parts A-H of this Ordinance are true and correct.

2. The Council specifically finds:

a. The amendments to Planned Development No. 2004-169 and the provisions of the First Amendment to the Agreement remain consistent with the General Plan. The project site is designated General Manufacturing by the General Plan Land Use Element. Appendix C of the General Plan provides that Airport zoning, and hence Airport uses, are considered to be consistent with the General Manufacturing land use designation when the land is "adjacent to land zoned for Airport use." Since this criterion applies to the subject property, the requested amendment to the PD would be consistent with the General Plan.

b. The amendment to Planned Development No. 2004-169 meets the design criteria set forth in Section 10-1-19124 of the Burbank Municipal Code, specifically:

(a) *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 project integrates parking and transit facilities to effectively utilize the entire property and integrate with adjacent parking and transit. The General Plan designates the land area subject to the planned development as General Manufacturing. The General Plan provides that Airport uses are consistent with the General Manufacturing land use designation when the land is "adjacent to

- (b) *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 provides an efficient circulation system, off-street parking, and substantial pedestrian amenities for travelers and transit users. The various facilities in the project are integrated well together.

- (c) *The planned development shall be compatible with existing and planned land use on adjoining properties.*

The project is compatible with surrounding airport, industrial, and commercial uses. The project is an appropriate use within the noise impact area of the Airport.

- (d) *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's circulation system and the Airport access road are appropriately laid out and allow for efficient circulation.

- (e) *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.*

The project does not contain any public streets. The access road and circulation aisles allow for efficient circulation of cars and buses throughout the facilities.

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

The project does not contain common areas or recreational facilities.

- (g) *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 structures have a consistent architectural design and appearance. The project efficiently integrates opportunities for public art into the design of the structures.

- (h) *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.*

This project provides a specific facility to serve a specific need and purpose.

- (i) *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 structures will be required to comply with applicable code requirements to ensure energy conservation. Further, the roof of the RITC structure will be entirely covered with solar panels which will generate a substantial amount of electricity to offset the energy usage of the project.

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3. The Conditions of Approval of the Planned Development No. 2004-169 are amended and restated in full as set forth as Exhibit "A" which set forth the special zoning conditions which shall apply even after the expiration of the Development Agreement Development Review for this amended Planned Development Zone is approved.

4. The Development Agreement is further amended to add Section 3 8(i) as follows:

(i) Conversion of Existing Ready/Return Area Should the Authority close or relocate the rental car ready/return lot adjacent to the Terminal, the Authority will use that parcel to maintain and operate a standard runway safety area for Runway 15-33 and a ground access center in the manner and location identified in section 2.2.7 of the Mitigated Negative Declaration adopted by the Burbank-Glendale-Pasadena Airport Authority in February 2010.

5. The City Manager, or his designee, is authorized to execute and accept an easement agreement whereby the Authority grants the City, at no cost, rights to access, maintain, improve, replace, upgrade, and take any other action necessary for the operation of the utilities which may be allowed by the City utility to remain in place and under the RITC structure. The City Attorney shall prepare the easement and shall require that the Authority assume all risk of liability as to any damages arising out of the utilities being located under the structure, and the Authority shall indemnify the City for all such damages (if any). This easement, if necessary, shall be delivered before any building permit will be issued for RITC structure.

6. The City Manager, or his designee, is authorized to execute and accept an easement agreement whereby the Authority grants to the City, at no cost, rights to use the roof of the RITC structure (and other necessary areas) for the operation of a solar photovoltaic facility, which shall be installed, operated and owned by City, at City's sole cost. City shall have the right to assign all rights in the easement to a third party. All power generated by the facility shall be owned by City, without any offsets to Authority. The City Attorney is authorized to prepare the easement and once approved, may be signed by the City Manager. The City Attorney is authorized to provide reasonable protections to the Authority

7. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California within fourteen (14) days of adoption. The City Clerk is directed to fill in the required appropriate information remaining in this Ordinance and in the First Amendment.

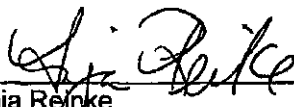
8. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after the date of adoption.

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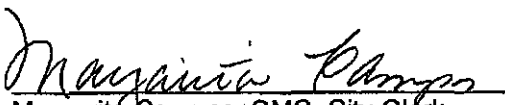
9. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof has been deleted

10. The City Planner shall file a Notice of Determination within five working days in the same manner as the lead agency under CEQA Guidelines Section 15075, but with the statement that the City considered the Mitigated Negative Declaration as prepared by the lead agency pursuant to CEQA Guidelines Section 15096 (i).

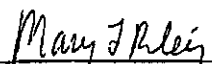
PASSED AND ADOPTED this 24th day of August, 2010.


Anja Reinke
Mayor of the City of Burbank

Attest:


Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content
Dennis A. Barlow, City Attorney

By: 
Mary F. Riley, Sr Asst City Attorney

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

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3788 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 24th day of August, 2010, by the following vote:

AYES: **Council Members Bric, Golonski, Talamantes and Reinke.**

NOES. **Council Member Gordon.**

ABSENT: **Council Members None.**

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 1st day of September, 2010

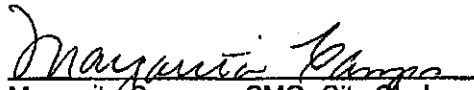

Margarita Campos, CMC, City Clerk

Exhibit A**AMENDED AND RESTATED CONDITIONS OF APPROVAL
PROJECT NO. 2004-169, PLANNED DEVELOPMENT
WITH DEVELOPMENT REVIEW**

**A-1 North Property, 2555 N. Hollywood Way
Burbank-Glendale-Pasadena Airport Authority, Applicant**

Conditions Establishing Use and Development Standards

1. These conditions of approval represent the first amendment to Planned Development No. 2004-169. These conditions amend, restate, and supersede the previous conditions of approval in their entirety.
2. Project No. 2004-169, a Planned Development with Development Review, authorizes the construction and operation of an Airport access road, surface parking lot for self-parking and valet parking for air passengers, a Regional Intermodal Transportation Center (RITC), and various other structures as discussed in these conditions of approval. The Planned Development zone may not be used in whole or in part for any uses or structures not specified herein, including but not limited to other airport related uses.
3. Development of the subject property and operations on the site shall remain in substantial conformance with the application forms and plans submitted by the applicant, approved and/or modified by the City Council, and placed on file in the office of the Planning Division, except as modified by the conditions herein, or by subsequent modifications determined by the Community Development Director, Planning Board, or City Council to be in substantial conformance with these conditions of approval pursuant to the procedure set forth in Section 3.6(c) of the development agreement
4. This Planned Development authorizes the construction and/or maintenance of the following structures:
 - a) Regional Intermodal Transportation Center (RITC) with solar panels on top (footprint of about 182,000 square feet; about 20,000 square feet of enclosed space)
 - b) Parking structure with solar panels on top (footprint of about 67,000 square feet)
 - c) Compressed natural gas (CNG) fueling facility with no less than four fueling positions and with related equipment enclosures and shade canopy

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- d) Elevated, covered, non-enclosed pedestrian walkway with moving sidewalks and solar panels on top (total footprint about 132,000 square feet)
 - e) Shade canopies for portions of surface parking lot with solar panels on top (totaling about 85,000 square feet)
 - f) Car wash building (about 2,300 square feet)
 - g) Valet building (about 3,200 square feet)
 - h) Column-supported awning (about 3,000 square feet)
 - i) Porte cochere (about 5,000 square feet)
 - j) Parking attendant fee collections booths
 - k) Shuttle bus shelters
5. The RITC structure includes the following:
- Air passenger parking
 - Bicycle parking/storage
 - Rental car ready/return facilities including parking and storage for rental cars, customer service rooms and kiosks, offices, restrooms, and related facilities
 - Rental car cleaning, fueling, and maintenance facilities
 - Bus transit facility for MTA, BurbankBus, Amtrak, shuttle buses, charter buses, and other shuttles and buses, with a transit center building
6. The elevated pedestrian walkway shall comply with the following:
- The walkway shall not be physically connected to the terminal building.
 - The walkway may be covered but shall not be enclosed or climate controlled.
 - The walkway shall serve only as a means to get people to and from the terminal building, parking structure, and RITC structure.
 - The walkway shall not incorporate any functions that are traditionally or commonly included within a terminal building, including but not limited to retail or food concessions. This does not prohibit signs beneath the walkway covering and intended for viewing by pedestrians using the walkway, including flight information boards.
7. The number of parking spaces in the planned development shall not exceed 2,940. This total number of spaces shall be inclusive of all valet and self-park spaces but shall not include spaces for parking or storage of rental cars or parking in the RITC structure for rental car customers. At no time shall the number of actual valet and self-parked vehicles exceed the number of approved parking spaces.
8. All development shall comply with the development standards applicable to the M-2 General Industrial zone consistent with the requirements of the development agreement, and specifically Sections 3.1, 3.4, and 3.5 of the agreement, except as exempted by these conditions of approval, and except where the Community Development Director finds that additional flexibility is needed to allow for development that is substantially consistent with the plans approved by the City Council

9. The RITC structure shall maintain an average setback of 15 feet along the Hollywood Way and Empire Avenue street frontages with a minimum setback of no less than 10 feet at any point; except that appurtenances from the structure that have a limited width including but not limited to stairways, escalators, elevator shafts, and art panels may have a setback less than 10 feet.
10. Surface parking areas shall maintain a landscaped setback with a minimum depth of five feet along the Empire Avenue and Hollywood Way street frontages and along the edges of the Airport access road when not in front of a building. Any fencing shall be provided behind the required landscaped setback such that the landscaping is visible from the streets and access road.
11. The RITC structure shall not exceed 90 feet in height as measured from ground level to the highest point of the structure.
12. The separate parking structure shall be built substantially similar to the plans submitted by the applicant. The Community Development Director may approve changes to the footprint and/or height of the parking structure at the Director's discretion to accommodate a different number of parking spaces, so long as the total number of valet and self-park Airport passenger spaces in the Planned Development does not exceed 2,940.
13. Portions of the security fence around the property that are readily visible from public rights-of-way shall not be chain link material, and shall be wrought iron or similar decorative material. Barbed wire shall not be utilized on the perimeter fences along Empire Avenue or Hollywood Way.
14. Surface parking areas that are utilized for self-parking shall comply with the following standards:
 - a) Parking space and aisle design: All parking spaces shall be full size with a width of no less than nine feet and depth no less than 18 feet. All drive aisles, backup distances, and other parking lot design features shall conform to the standards of the Burbank Municipal Code in effect as of the effective date of this planned development.
 - b) Landscaping: Parking areas shall conform to the landscape standards of the Burbank Municipal Code in effect as of the effective date of this planned development, except that only 38 percent (in lieu of 40 percent) of the parking area shall be shaded by trees within 15 years of planting.
15. Surface parking areas that are utilized exclusively for valet parking shall comply with the following standards. However, if the area used for valet parking is shared with self-parking or otherwise accessible by self-parking drivers, the entire area shall comply with the standards for self-parking areas.

- a) Parking space and aisle design Parking spaces, drive aisles, and backup distances need not conform to code standards and may be designed as needed to meet the valet and/or vehicle storage needs.
 - b) Landscaping: Parking areas shall conform to the landscape standards of the Burbank Municipal Code in effect as of the effective date of this planned development, except that only 22 percent (in lieu of 40 percent) of the parking area shall be shaded by trees within 15 years of planting.
 - c) Additional Off-Site Landscaping: To satisfy the spirit and intent of the BMC landscape standards, the Authority shall: (1) submit an illustrative landscape plan solely for the purpose of determining the number of trees, of the type and species selected by the Authority, which are necessary to comply fully with the BMC landscape standards; (2) determine the difference between the number of trees required to comply with the BMC landscape standards and the number of trees required to comply with condition (b); and (3) develop a landscape plan to provide for the planting of the incremental difference in the number of trees, of the same type and species as shown on the illustrative landscape plan, on other property subject to the Development Agreement. The landscaping plan pursuant to subsection (3) of this provision shall be submitted to the City in accordance with condition no. 38
16. If the applicant removes trees after planting for the purpose of converting a self-park area to a valet parking area, any subsequent trees planted in that area for the purpose of replacing removed trees and/or to convert the area back to a self-park area shall be of advanced maturity so as to account for the growing time lost due to the initial tree removal to the satisfaction of the Park, Recreation, and Community Services Director.
17. Billboards are prohibited in all zones Citywide and are not permitted in this planned development. To ensure that the art panels on the RITC structure do not function as de facto billboards, the panels shall be used for bona fide public art only, subject to approval by the Art in Public Places Committee. The panels shall not be used for advertising any product or service. Corporate sponsored art may not utilize any corporate logos or corporate branding. Any images in corporate sponsored art including but not limited to animated characters, celebrities or other personalities, products, buildings, or places, shall be used strictly for artistic purposes and incorporated into an artistic scene. Art panels may not be changed more frequently than once every 12 months.
18. The entire project shall be subject to the requirements of the Art in Public Places Program.

Conditions to be Satisfied Prior to Issuance of Grading or Building Permits

19. The applicant shall work with the Public Works Department and Burbank Water and Power to determine the disposition of utilities and easements located beneath the RITC structure. The applicant shall work with these departments on the design of the RITC structure so that the impact to the utilities that may remain under the structure is minimized. Upon approval by the departments, the applicant shall grant an easement to the City assuming all risks associated with leaving the utilities in place under the RITC structure. Such easement shall be prepared by the City Attorney and executed by the Authority, prior to the issuance of a building permit for the RITC structure. In the event the departments cannot agree that the design of the RITC structure would allow the utilities to remain in place, the applicant shall relocate the utilities to a new location deemed appropriate by the affected departments and shall apply to have the existing easements abandoned and new easements recorded at the new utility locations. All costs for utility relocation, easement preparation and recording, and related actions shall be paid by the applicant.
20. The applicant shall submit to Burbank Water and Power and the Public Works department plans for the project site showing all existing electric, water, sewer, storm drain, and other below ground and above ground utility facilities in relation to the proposed site improvements. In the event any of the utility facilities would be relocated or altered in conjunction with the project, the applicant shall provide plans showing the proposed changes.
21. The applicant shall submit a colors and materials board for the RITC, parking structure, CNG station, and elevated walkway for review by Redevelopment Agency staff. Redevelopment staff may require economically reasonable changes to the colors or materials consistent with the architectural style, massing, and design approved by the City Council.
22. The applicant shall obtain a grading permit (if required) and site development permit from the Community Development Department Building Division prior to commencing work on the parking facility, and shall obtain any other permits required for construction of the facility and buildings. Such permits shall be processed as consistent Subsequent Applications pursuant to Section 3.6 of the development agreement.
23. The applicant shall submit plans and specifications for all fire apparatus access roads and all fire hydrant systems. Such plans are subject to review and approval by the Fire Chief prior to the start of construction.
24. The applicant shall provide access gates for emergency personnel at regular intervals along the fence lines of Empire Avenue and Hollywood Way. Plans for the location and design of the access gates are subject to review and approval by the Fire Chief prior to the start of construction.

25. Fire department connections located along Hollywood Way near the loading dock area shall be recessed in from the fence line to the satisfaction of the Fire Chief.
26. Fuel lines transporting fuel from the underground storage tanks to the fueling stations shall be located and designed so as to be protected from mechanical damage and physical/malicious damage including secondary containment to the satisfaction of the Fire Chief
27. The architectural design of all buildings shall allow for an unobstructed view of all ground level doors and windows. Landscaping or other barriers around buildings shall not obscure visibility of doors and windows to the satisfaction of the Chief of Police
28. The applicant shall submit a hydrology study and hydrology/hydraulic calculations and site drainage plans to the satisfaction of the Public Works Director.
29. The applicant shall bear the cost of any needed pavement improvements or repairs that result from construction of the subject project.
30. The applicant shall prepare, or pay a fee for the City to prepare, a sewer study to demonstrate that sufficient sewer system capacity exists to accommodate the project. If sufficient capacity does not exist, the Public Works Director shall have the ability to restrict discharge from the project until capacity is available, and/or require the applicant to improve the sewer system to provide sufficient capacity.
31. The applicant shall prepare a traffic master plan to the satisfaction of the Traffic Engineer that addresses internal traffic circulation at the Airport as it exists now, as it will be during construction, and as it will be upon completion of the planned improvements.
32. Evaporative cooling systems, if installed, shall utilize recycled water as a primary supply and potable water as a backup supply.
33. Car wash facilities in the RITC structure shall utilize recycled water.
34. The applicant shall demonstrate to the satisfaction of the Burbank Water and Power General Manager that the design of the proposed RITC structure includes a "solar ready" roof design capable of accommodating a 2300 kW to 3000 kW photovoltaic (PV) solar generating facility and that the structure will accommodate all related equipment necessary for the operation of the solar panels and to connect the solar panels to the City's local electric distribution system. Prior to the issuance of a building permit for the RITC structure, the applicant shall provide the City with an acceptable easement, or other document approved by the City Attorney, which authorizes the City (or assignees) to install,

construct, maintain, access, repair, own, and replace a photovoltaic system (which includes necessary incidental equipment and conduit), for the life of the RITC. All power generated from the photovoltaic system on the RITC structure shall be owned by the City unless assigned by the City.

Conditions to be Satisfied During Construction and Prior to Issuance of Certificate of Occupancy or Final Inspection Approval

35. The applicant and its contractors and subcontractors shall observe and implement all mitigation measures identified in the Mitigated Negative Declaration to address environmental impacts that may occur during construction.
36. Due to the unique nature of the project and challenges of building at an operating airport, construction activity may occur outside of the normal construction hours, up to 24 hours a day. However, the Community Development Director reserves the right to limit construction hours down to and including the hours otherwise required by the Burbank Municipal Code in the event that the City receives noise complaints from nearby businesses or residents or construction during extended hours is otherwise shown to create problems.
37. Construction activities that create substantially more noise than typical construction activity, including but not limited to pile driving, shall occur only during the normal construction hours specified in the Burbank Municipal Code unless the Community Development Director grants an exception based on extraordinary circumstances. At least 24 hours prior to conducting pile driving or other activities that are louder than typical construction, the applicant shall provide notice to all businesses within a 500-foot radius of the location where the work will occur.
38. The applicant shall submit to the City landscape and irrigation plans prepared by a licensed landscape architect. The plans shall be reviewed and approved by the City Council, Park, Recreation, and Community Services Department and the Fire Department prior to the installation of any landscaping. Landscaping and irrigation shall be subject to the requirements of the California Model Water Efficient Landscape Ordinance and shall utilize recycled water. The Fire Department shall have the ability to require changes to the location or species of trees to facilitate emergency access to the structure.
39. The applicant shall install and maintain an irrigation bubbler system for street trees along the west side of the Hollywood Way frontage of the subject property to the satisfaction of the Park, Recreation, and Community Services Director.
40. The applicant shall protect in place all street trees on Hollywood Way and Empire Avenue. The applicant shall install new street trees along the west side of the

Hollywood Way frontage of the subject property if deemed necessary by, and to the satisfaction of, the Park, Recreation, and Community Services Director.

41. The applicant shall upgrade all fire hydrants fronting the planned development along Hollywood Way and Empire Avenue to 4" x 2½" outlets to the satisfaction of the Fire Chief.
42. All ventilation systems shall be provided with remote override switches for Fire Department use. The switches shall be located in readily accessible locations and visibly marked to the satisfaction of the Fire Chief.
43. The applicant shall install lighting devices throughout all structures and parking lots such that the areas are illuminated at all times with light having an intensity of at least two foot-candles at ground level. All lighting devices shall have vandal resistant covers to the satisfaction of the Chief of Police. Modifications to this lighting requirement may be approved if the applicant demonstrates that compliance with this condition would violate an airport development or operations requirement dictated by the Federal Aviation Administration or other federal or state agency.
44. The applicant shall install and maintain secure fencing with locking gates and appropriate lighting during construction to the satisfaction of the Chief of Police.
45. During construction, the applicant shall provide the Police Department with emergency contact information for the Airport Authority and its contractors to address any problems encountered outside of construction hours.
46. All exterior building doors, other than primary entry doors, shall be self-closing and self-locking to prevent trespassing.
47. The applicant shall install signs showing the street address or addresses of the parking facility and the buildings therein. The signs shall be prominently visible from Hollywood Way and Empire Avenue and shall include numbers no less than six inches tall. Such address signs shall be installed and displayed to the satisfaction of the Chief of Police and the Fire Chief. The applicant shall also provide address numbers and any other identifying information on the roofs of the buildings on the property so as to be visible from police helicopters to the satisfaction of the Chief of Police.
48. The applicant shall provide to the Police Department a site map of the facility upon completion of construction to the satisfaction of the Chief of Police.
49. The applicant shall work with the Burbank Police Department to develop a security plan for all buildings and facilities, including the CNG station. The security plan is subject to approval by the Chief of Police.

50. All buildings and parking structures shall be capable of supporting emergency safety service radio communications systems. The applicant shall install whatever equipment is deemed necessary by the Fire Chief and Chief of Police to support radio transmission in any buildings or structures or portions thereof that do not pass the appropriate radio signal strength.
51. The applicant shall install Knox boxes and/or Knox key switches to provide emergency access at locations deemed necessary by the Fire Chief and the Chief of Police. Separate boxes shall be installed for the Fire and Police Departments.
52. The applicant shall be responsible for the cost of relocating and undergrounding any overhead electrical lines that would be in conflict with the proposed improvements. The applicant shall be responsible for providing an alternative electrical source to replace existing facilities that are to be relocated or removed.
53. The applicant shall be responsible for the cost of all on-site and off-site relocation or replacement of utilities or other infrastructure that is necessary as a result of the proposed improvements, including but not limited to the relocation or replacement of power poles, power lines, underground vaults, street lights, traffic signal poles, water lines, sewer lines, catch basins, and equipment or fixtures related thereto.
54. The applicant shall be responsible for the installation of all necessary electrical substructure that would be relocated or altered as a result of the proposed project including but not limited to electrical ducts, pull boxes, switch pads, and on-site transformer pads.
55. All equipment located at ground level shall be screened with screen walls or landscaping to the satisfaction of the City Planner, Building Division, and Burbank Water and Power. Equipment includes but may not be limited to electrical panels, switches, and transformers; air conditioning units; gas meters; and water backflow prevention devices.
56. Payment for work identified herein for which the applicant is responsible for the cost shall be made to the appropriate City department or other utility agency in a time and manner deemed appropriate by the department director or agency representative. The applicant shall be responsible for paying Burbank Water and Power Aid-in-Construction fees to cover the cost of on- and off-site improvements that result from the project pursuant to City of Burbank Rules and Regulations. The Authority and the City shall share the costs of all street improvements, utility relocation, and other work related to the realignment of the Airport access road work at the intersection of Hollywood Way and Thornton Avenue pursuant to Section 4.1 of the development agreement.

57. On-site drainage shall not flow across a public sidewalk or parkway; it shall be conveyed by underground drains to the gutter through the curb face to the extent required by the Los Angeles Regional Water Quality Control Board. If an underground system is to be connected to an existing Los Angeles County Public Works storm drain system/catch basin, a Los Angeles County Storm Drain Connection permit shall be required. The applicant shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) and Standard Urban Stormwater Mitigation Plan (SUSMP) to the extent required or directed by the Regional Water Quality Control Board.
58. The applicant shall incorporate "green street" technology to capture and infiltrate rain/storm water to the extent practical and consistent with the policies and practices of regulatory agencies having jurisdiction on the site. Green street technology may include, but is not limited to, bioretention, cisterns, dry extended detention basins, dry wells/French drains, infiltration basins and trenches, efficient landscape and irrigation design, porous pavement, sand filters, vegetated buffers and swales, and wet ponds.
59. The applicant shall protect in place all survey monuments, or shall re-establish the monuments to the satisfaction of the Public Works Director.
60. The applicant shall remove all unused driveways and shall reconstruct them with curb, gutter, and sidewalk to the satisfaction of the Public Works Director. This shall include, but is not limited to, the abandoned driveways along Empire Avenue.
61. The applicant shall replace all broken, uneven, or substandard sidewalk, driveway, pedestrian ramps, pavement, curb, and gutter fronting the subject property on the west side of Hollywood Way to the satisfaction of the Public Works Director. All work in the City right-of-way shall comply with Burbank Standard Plans and shall be approved by the Public Works Director.
62. The applicant shall remove the curb inlet catch basin at the corner of Empire Avenue and Hollywood Way and shall reconstruct it with a grated catch basin per APWA standards and to the satisfaction of the Public Works Director.
63. If any utility cuts occur in Empire Avenue or if the pavement is damaged by construction activity, the street shall be restored to the satisfaction of the Public Works Director. Restoration shall include a two-inch grind and overlay with rubber asphalt, restriping, restoring traffic loops, and re-establishing survey monuments.
64. The applicant shall install a traffic signal at the intersection of Empire Avenue and Avon Street. Prior to installation, the applicant shall provide to the Traffic Engineer the warrants justifying installation of the signal. The applicant shall prepare traffic signal and signing/striping plans to the satisfaction of the Traffic Engineer. The applicant shall bear the full cost of this signal improvement. If the traffic impacts

analysis for another development project in the area demonstrates that the development contributes to the need for this signal, that development shall be required to pay its share of the signal cost prior to the issuance of building permits for that project. That share shall be paid to the Airport Authority as reimbursement. This payment arrangement shall apply to any project with an identified share of the signal impact that submits plans for plan check within five years of the date the ordinance approving this planned development is approved.

65. The applicant shall modify the traffic signal at Empire Avenue and Hollywood Way due to its proximity to the new signal at Avon Street. The applicant shall submit a traffic signal plan to the satisfaction of the Traffic Engineer and shall bear the cost of any changes required at the intersection.
66. The applicant shall install a three inch interconnect conduit along Empire Avenue between the signal at Avon Street and the signal at the Airport access road, connecting those two signals to each other and to the signals at Hollywood Way and at the pedestrian crosswalk (if that signal is installed). The applicant shall install fiber optic cable in the conduit and shall prepare a signal interconnect plan to connect the four signals to the satisfaction of the Traffic Engineer.
67. The applicant shall install a new Pan Tilt Zoom camera on the existing traffic signal pole at the intersection of Empire Avenue and the Airport access road to the satisfaction of the Traffic Engineer.
68. The applicant shall extend the existing left turn pocket from northbound Hollywood Way into the driveway opposite Avon Street to a minimum length of 300 feet with a 90 foot taper to the satisfaction of the Traffic Engineer.
69. The applicant shall prepare a detailed vehicular/pedestrian directional signing plan showing traffic control signs, guide signs, parking signs, and other signs and their locations. The plan is subject to review and approval by the Traffic Engineer.
70. The applicant shall cause the installation of directional arrows on the pavement throughout the parking lot at every access aisle or driveway intersection and appropriate striping to identify traffic lanes. All work shall be done to the satisfaction of the Traffic Engineer.
71. The applicant shall cause the installation of all on-site directional and warning signs deemed necessary and appropriate by the Traffic Engineer, including but not limited to "Stop," "Right Lane Must Turn Right," "Road Narrows," "Do Not Enter," and "Authorized Vehicles Only" signs at appropriate locations.
72. The applicant shall cause to be recorded all utility and other easements required for the subject property to the satisfaction of the City of Burbank, including but not limited to utility easements for above ground and underground electrical service, water service, and sewer service. Any existing easements on the project

site shall be maintained unless the utility facilities therein are relocated, in which case a new easement shall be recorded.

73. The applicant shall provide evidence to the City that there has been recorded a 16-foot dedication along the southern edge of the property for the purpose of widening Empire Avenue that was previously anticipated on a Parcel Map application submitted by the property owner.

Conditions to be Satisfied on an Ongoing Basis

74. The CNG fueling station shall remain open and accessible for use by the general public.
75. Vehicle ingress and egress from non-signalized intersections shall not disrupt the normal traffic flow on public rights-of-way. The Chief of Police and the Public Works Director shall have the authority to place, or cause the applicant to place, signs or physical barriers preventing certain vehicular ingress and egress movements at non-signalized intersections, should it be determined that such movements are disrupting the traffic flow on a public right-of-way.
76. The Public Works Director shall have the discretion to prohibit parking along Hollywood Way and Empire Avenue fronting and adjacent to the subject property as deemed necessary for traffic circulation or visibility purposes.
77. The applicant shall comply with all mitigation measures identified in the Mitigated Negative Declarations adopted by the Burbank-Glendale-Pasadena Airport Authority in October 2004 and in February 2010. The project shall be consistent with the project description in the February 2010 Mitigated Negative Declaration (including without limitation the elements of the project described in section 2.2 of the Initial Study) subject to any addenda, revisions or supplemental environmental documents duly adopted by the applicant in compliance with CEQA. It is the intent of the applicant to maintain and operate the ground access center in the manner identified in section 2.2.7 of the Initial Study at all times that the RITC is being used. If however, unforeseeable events, not ascertainable at the date of this amendment, require a material change in the operation or location of the ground access center from the description provided in section 2.2.7 of the Initial Study, the applicant shall complete the appropriate CEQA documentation and afford the City an opportunity to modify this condition to impose additional development standards on this Planned Development as reasonably necessary to mitigate any significant environmental impacts that would result from such material changes. Because the location and operation of the ground access center is a material element of this project in the City's approval, in addition to the procedural requirements in CEQA, the applicant shall submit a detailed project description to the City Manager no later than 120 days prior to the applicant's public consideration of material changes to the operation or location of the ground access center from the description provided in section

2.2.7 of the Initial Study. The City Manager shall place the matter on the Council's agenda to allow public comment and Council discussion on the proposed modifications, and the City shall complete any modifications of this condition without unreasonable delay.

78. The applicant shall comply with any and all terms and commitments identified in the development agreement executed by the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority, as amended, as may be applicable to the development and use of the subject property.
79. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for termination of this planned development subject to the dispute resolution provisions of the development agreement.
80. These conditions of approval shall be listed on the title or specifications page of all plans submitted to the Building Division.
81. The applicant acknowledges all of the conditions imposed and accepts this planned development and development agreement subject to those conditions and with full awareness of all applicable provisions of the Burbank Municipal Code.

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Eff.: 9/24/10

ORDINANCE NO. 3789

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK APPROVING AN AMENDMENT TO PLANNED
DEVELOPMENT FOR PROJECT NO. 2004-170 AND
FIRST AMENDMENT TO THE DEVELOPMENT
AGREEMENT (BURBANK-GLENDALE-PASADENA
AIRPORT AUTHORITY, APPLICANT) (Parking Lot A
Property).

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1702

City Attorney Synopsis

This Ordinance amends Planned Development No. 2004-170 which affects the property generally located at 2729 N. Hollywood Way at the terminus of Winona Avenue commonly known as a portion of Parking Lot A and owned by the Burbank-Glendale-Pasadena Airport Authority (the "Airport Authority") The amendment allows temporary public parking in an area previously designated as employee parking only This change is only allowed during construction of the Regional Intermodal Transportation Center (RITC) at the Bob Hope Airport

This Ordinance also approves an amendment to the Development Agreement between the City and Airport Authority to reflect the modification to the conditions of approval resulting from the Planned Development amendment.

This project is part of the Regional Intermodal Transportation Center Project at Bob Hope Airport The City, as a responsible agency under the California Environmental Quality Act, considered the Mitigated Negative Declaration approved by the Authority prior to approving the amendments.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A Pursuant to California Government Code Sections 65864-65869.5, the City and the Airport Authority entered into a Development Agreement (the "Agreement"), effective March 15, 2005, to provide greater certainty to the parties on issues of Airport zoning and development, among other things. The vesting aspects of the Agreement expire June 21, 2012. The Agreement was recorded as Instrument No 05 0643306 on March 21, 2005 in the Office of the Los Angeles County Recorders

B. The Development Agreement, among other things, effectuated the rezoning on the property generally located at 2729 N. Hollywood Way at the terminus of Winona Avenue commonly known as a portion of Parking Lot A to Planned Development No. 2004-170, for the construction and operation of a surface airport parking facility for use by airport passengers and employees.

C. The Airport Authority has applied to amend Planned Development No. 2004-170 to allow on a temporary basis a substitution of public parking for the 581 employee parking spaces on the Airport Zone portion of Parking Lot A during the construction of the RITC Project on the A-1 North Property when parking in Lot D (located on A-1 North) is inaccessible due to RITC construction related activities. Planned Development No. 2004-170 affects the property generally located at 2729 N. Hollywood Way at the terminus of Winona Avenue commonly known as a portion of Parking Lot A. The property is owned by the Airport Authority.

D. Simultaneously with or prior to the approval of the Planned Development amendment and the First Amendment to the Development Agreement (the "First Amendment") by the City, the Authority will have secured various land use, regulatory, statutory and other approvals, permits and other entitlements some of which shall be considered as modified project approvals or ancillary approvals, including without limitation the following:

(1) CEQA Compliance. The Planned Development Amendment and the First Amendment are components of the proposed Regional Intermodal Transportation Center at Bob Hope Airport (Project). At a duly noticed public meeting on February 16, 2010, the Authority Commission considered the information in the Mitigated Negative Declaration for the Project, of which, prior to taking action on its project approvals, found the Mitigated Negative Declaration to have been prepared in compliance with California Environmental Quality Act and imposed certain mitigation measures on its project approvals. At a duly noticed public hearing on July 27, 2010, the City Council, as a responsible agency, considered the information in the Mitigated Negative Declaration adopted by the Authority prior to taking action on the amended Planned Development applications and the First Amendment in accordance with Title 14 California Code of Regulations (the "CEQA Guidelines") §15096, and adopted Resolution No. 28,168. A mitigation monitoring plan, which was adopted by the Authority, is deemed adequate by the responsible agency, and is further incorporated into the First Amendment in accordance with CEQA Guidelines §15097.

(2) Public Utilities Code Section 21661(e). Following a duly noticed public hearing convened pursuant to procedures adopted by the City, on July 27, 2010, continued to August 10, 2010 and to August 24, 2010, the City Council granted approval to the Authority under Public Utilities Code Sec. 21661(e) to modify the plan to use Parking Lot A.

E. The City finds, and the City and the Authority mutually agree, that the terms and provisions of the amendment to Planned Development No. 2004-170, and the First Amendment, are all consistent with the General Plan and the Golden State Redevelopment Plan, as amended.

F. On June 28, 2010, following a duly noticed public hearing, the Planning Board adopted Resolution No. 3194, recommending that the City Council approve the amendment to Planned Development No. 2004-170, and the related First Amendment.

G. On July 27, 2010, after a duly noticed public hearing, the City Council considered the Mitigated Negative Declaration; considered the testimony and evidence presented at the public hearings, including the report and recommendation of the Community Development Director and the action of the City Planning Board as evidenced by its Resolution No. 3194; made appropriate findings that the Planned Development amendments and the First Amendment are consistent with the General Plan; and introduced Ordinance No. 3789 approving and authorizing execution of the First Amendment by the City once the Ordinance becomes effective.

THE COUNCIL OF THE CITY OF BURBANK ORDAINS AS FOLLOWS:

1. The Council hereby specifically finds that all of the facts and findings set forth in the Recitals, Parts A-G of this Ordinance are true and correct

2. The Council specifically finds

a. The amendments to Planned Development No. 2004-170 and the provisions of the First Amendment to the Agreement remain consistent with the General Plan.

b. The amendments to Planned Development No. 2004-170 meet the design criteria set forth in Section 10-1-19124 of the Burbank Municipal Code, specifically:

(a) *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 project does not alter the physical design of the parking lot or the overall use of the property. The amendment only changes the allocation of passenger and employee spaces.

(b) *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 existing parking lot provides landscaping and shuttle waiting areas. These would not change.

(c) *The planned development shall be compatible with existing and planned land use on adjoining properties.*

The amendment would not change the use of the site as a surface parking lot, which is compatible with surrounding land uses.

The amendment would not change the parking lot's circulation system, which is effectively laid out

- (e) *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.*

The project does not contain any public streets. The circulation aisles allow for efficient circulation of vehicles and shuttle buses.

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

The project does not contain common areas or recreational facilities. The common use shuttle bus waiting shelters are dispersed throughout the lot and located at appropriate locations so as to be easily accessible by pedestrians from all areas of the parking lot. The amendment would not alter the location of these facilities.

- (g) *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 amendment would not add any structures to the existing parking lot.

- (h) *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.*

This project provides a specific facility to serve a specific need and purpose to provide parking for Airport passengers and employees.

- (i) *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 contains no structures other than parking attendant booths.

3. The Conditions of Approval of the Planned Development No. 2004-170 remain valid and unmodified except as amended on Exhibit "A" which hereby amends Ordinance No. 3661. Exhibit "A" sets forth amended zoning conditions which, together with unmodified conditions of Ordinance No. 3661, shall apply even after the expiration of the Development Agreement.


4. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California within fourteen (14) days of adoption. The City Clerk is directed to fill in the required appropriate information remaining in this Ordinance.

5. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after the date of adoption.

6. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof has been deleted.

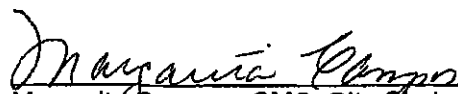
7. The City Planner shall file a Notice of Determination within five working days in the same manner as the lead agency under CEQA Guidelines Section 15075, but with the statement that the City considered the Mitigated Negative Declaration as prepared by the lead agency pursuant to CEQA Guidelines Section 15096 (i).

PASSED AND ADOPTED this 24th day of August, 2010.



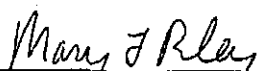
Anja Reinke
Mayor of the City of Burbank

Attest:



Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content
Dennis A Barlow, City Attorney

By 

Mary F. Riley, Sr. Asst. City Attorney

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

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3789 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 24th day of August, 2010, by the following vote:

AYES **Council Members Bric, Golonski, Talamantes and Reinke.**

NOES: **Council Member Gordon.**

ABSENT: **Council Members None.**

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 1st day of September, 2010

Margarita Campos
Margarita Campos, CMC, City Clerk

EXHIBIT A**AMENDED CONDITIONS OF APPROVAL
PROJECT NO. 2004-170, PLANNED DEVELOPMENT****Adjacent Property/Parking Lot A, 2729 N. Hollywood Way
Burbank-Glendale-Pasadena Airport Authority, Applicant**

- 1-4. Condition of Approval No. 4 of Project No. 2004-170 is amended to read as follows (second paragraph added).

The plans submitted by the applicant indicate that 363 passenger parking spaces would be located within the planned development zone. Pursuant to a substantial conformance finding under Section 3.6(c) of the development agreement, this number may be modified. However, the number of spaces within the planned development zone shall be maintained such that the whole of the parking facility of which this planned development is a part contains no more than 1,592 parking spaces for Airport passengers and 581 parking spaces for Airport employees. All vehicles parked in the facility shall be parked in marked parking spaces at all times such that the number of actual vehicles parked at the facility does not exceed the number of approved parking spaces.

Provided, however, that in the event construction activity on the A-1 North property at 2555 N. Hollywood Way result in a temporary loss of passenger parking spaces, the applicant is authorized to utilize any or all of the 581 employee parking spaces for passenger parking. Employee parking spaces may be used for passenger parking only temporarily to replace on a one-for-one basis spaces lost or made inaccessible due to construction activity. When the spaces are again available on the A-1 North property, the parking shall be returned to parking for employees only. As used herein, "construction activity" means activities related to the construction of the Regional Intermodal Transportation Center and related improvements specifically approved by Planned Development No 2004-169, so long as the Airport Authority has the right to build such improvements.

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Exhibit 3-a

**AMENDED AND RESTATED CONDITIONS OF APPROVAL
PROJECT NO. 2004-169, PLANNED DEVELOPMENT
WITH DEVELOPMENT REVIEW**

**A-1 North Property, 2555 N. Hollywood Way
Burbank-Glendale-Pasadena Airport Authority, Applicant**

Conditions Establishing Use and Development Standards

1. These conditions of approval represent the first amendment to Planned Development No. 2004-169. These conditions amend, restate, and supersede the previous conditions of approval in their entirety.
2. Project No. 2004-169, a Planned Development with Development Review, authorizes the construction and operation of an Airport access road, surface parking lot for self-parking and valet parking for air passengers, a Regional Intermodal Transportation Center (RITC), and various other structures as discussed in these conditions of approval. The Planned Development zone may not be used in whole or in part for any uses or structures not specified herein, including but not limited to other airport related uses.
3. Development of the subject property and operations on the site shall remain in substantial conformance with the application forms and plans submitted by the applicant, approved and/or modified by the City Council, and placed on file in the office of the Planning Division, except as modified by the conditions herein, or by subsequent modifications determined by the Community Development Director, Planning Board, or City Council to be in substantial conformance with these conditions of approval pursuant to the procedure set forth in Section 3.6(c) of the development agreement.
4. This Planned Development authorizes the construction and/or maintenance of the following structures:
 - a) Regional Intermodal Transportation Center (RITC) with solar panels on top (footprint of about 182,000 square feet; about 20,000 square feet of enclosed space)
 - b) Parking structure with solar panels on top (footprint of about 67,000 square feet)
 - c) Compressed natural gas (CNG) fueling facility with no less than four fueling positions and with related equipment enclosures and shade canopy
 - d) Elevated, covered, non-enclosed pedestrian walkway with moving sidewalks and solar panels on top (total footprint about 132,000 square feet)
 - e) Shade canopies for portions of surface parking lot with solar panels on top (totaling about 85,000 square feet)
 - f) Car wash building (about 2,300 square feet)

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- g) Valet building (about 3,200 square feet)
 - h) Column-supported awning (about 3,000 square feet)
 - i) Porte cochere (about 5,000 square feet)
 - j) Parking attendant fee collections booths
 - k) Shuttle bus shelters
5. The RITC structure includes the following:
- Air passenger parking
 - Bicycle parking/storage
 - Rental car ready/return facilities including parking and storage for rental cars, customer service rooms and kiosks, offices, restrooms, and related facilities
 - Rental car cleaning, fueling, and maintenance facilities
 - Bus transit facility for MTA, BurbankBus, Amtrak, shuttle buses, charter buses, and other shuttles and buses, with a transit center building
6. The elevated pedestrian walkway shall comply with the following:
- The walkway shall not be physically connected to the terminal building.
 - The walkway may be covered but shall not be enclosed or climate controlled.
 - The walkway shall serve only as a means to get people to and from the terminal building, parking structure, and RITC structure.
 - The walkway shall not incorporate any functions that are traditionally or commonly included within a terminal building, including but not limited to retail or food concessions. This does not prohibit signs beneath the walkway covering and intended for viewing by pedestrians using the walkway, including flight information boards.
7. The number of parking spaces in the planned development shall not exceed 2,940. This total number of spaces shall be inclusive of all valet and self-park spaces but shall not include spaces for parking or storage of rental cars or parking in the RITC structure for rental car customers. At no time shall the number of actual valet and self-parked vehicles exceed the number of approved parking spaces.
8. All development shall comply with the development standards applicable to the M-2 General Industrial zone consistent with the requirements of the development agreement, and specifically Sections 3.1, 3.4, and 3.5 of the agreement, except as exempted by these conditions of approval, and except where the Community Development Director finds that additional flexibility is needed to allow for development that is substantially consistent with the plans approved by the City Council.
9. The RITC structure shall maintain an average setback of 15 feet along the Hollywood Way and Empire Avenue street frontages with a minimum setback of no less than 10 feet at any point; except that appurtenances from the structure that have a limited width including but not limited to stairways, escalators, elevator shafts, and art panels may have a setback less than 10 feet.

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10. Surface parking areas shall maintain a landscaped setback with a minimum depth of five feet along the Empire Avenue and Hollywood Way street frontages and along the edges of the Airport access road when not in front of a building. Any fencing shall be provided behind the required landscaped setback such that the landscaping is visible from the streets and access road.
11. The RITC structure shall not exceed 90 feet in height as measured from ground level to the highest point of the structure.
12. The separate parking structure shall be built substantially similar to the plans submitted by the applicant. The Community Development Director may approve changes to the footprint and/or height of the parking structure at the Director's discretion to accommodate a different number of parking spaces, so long as the total number of valet and self-park Airport passenger spaces in the Planned Development does not exceed 2,940.
13. Portions of the security fence around the property that are readily visible from public rights-of-way shall not be chain link material, and shall be wrought iron or similar decorative material. Barbed wire shall not be utilized on the perimeter fences along Empire Avenue or Hollywood Way.
14. Surface parking areas that are utilized for self-parking shall comply with the following standards:
 - a) Parking space and aisle design: All parking spaces shall be full size with a width of no less than nine feet and depth no less than 18 feet. All drive aisles, backup distances, and other parking lot design features shall conform to the standards of the Burbank Municipal Code in effect as of the effective date of this planned development.
 - b) Landscaping: Parking areas shall conform to the landscape standards of the Burbank Municipal Code in effect as of the effective date of this planned development, except that only 38 percent (in lieu of 40 percent) of the parking area shall be shaded by trees within 15 years of planting.
15. Surface parking areas that are utilized exclusively for valet parking shall comply with the following standards. However, if the area used for valet parking is shared with self-parking or otherwise accessible by self-parking drivers, the entire area shall comply with the standards for self-parking areas.
 - a) Parking space and aisle design: Parking spaces, drive aisles, and backup distances need not conform to code standards and may be designed as needed to meet the valet and/or vehicle storage needs.
 - b) Landscaping: Parking areas shall conform to the landscape standards of the Burbank Municipal Code in effect as of the effective date of this planned

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development, except that only 22 percent (in lieu of 40 percent) of the parking area shall be shaded by trees within 15 years of planting.

- c) Additional Off-Site Landscaping: To satisfy the spirit and intent of the BMC landscape standards, the Authority shall: (1) submit an illustrative landscape plan solely for the purpose of determining the number of trees, of the type and species selected by the Authority, which are necessary to comply fully with the BMC landscape standards; (2) determine the difference between the number of trees required to comply with the BMC landscape standards and the number of trees required to comply with condition (b); and (3) develop a landscape plan to provide for the planting of the incremental difference in the number of trees, of the same type and species as shown on the illustrative landscape plan, on other property subject to the Development Agreement. The landscaping plan pursuant to subsection (3) of this provision shall be submitted to the City in accordance with condition no. 38.
16. If the applicant removes trees after planting for the purpose of converting a self-park area to a valet parking area, any subsequent trees planted in that area for the purpose of replacing removed trees and/or to convert the area back to a self-park area shall be of advanced maturity so as to account for the growing time lost due to the initial tree removal to the satisfaction of the Park, Recreation, and Community Services Director.
17. Billboards are prohibited in all zones Citywide and are not permitted in this planned development. To ensure that the art panels on the RITC structure do not function as de facto billboards, the panels shall be used for bona fide public art only, subject to approval by the Art in Public Places Committee. The panels shall not be used for advertising any product or service. Corporate sponsored art may not utilize any corporate logos or corporate branding. Any images in corporate sponsored art including but not limited to animated characters, celebrities or other personalities, products, buildings, or places, shall be used strictly for artistic purposes and incorporated into an artistic scene. Art panels may not be changed more frequently than once every 12 months.
18. The entire project shall be subject to the requirements of the Art in Public Places Program.

Conditions to be Satisfied Prior to Issuance of Grading or Building Permits

19. The applicant shall work with the Public Works Department and Burbank Water and Power to determine the disposition of utilities and easements located beneath the RITC structure. The applicant shall work with these departments on the design of the RITC structure so that the impact to the utilities that may remain under the structure is minimized. Upon approval by the departments, the applicant shall grant an easement to the City assuming all risks associated with leaving the utilities in place under the RITC

structure. Such easement shall be prepared by the City Attorney and executed by the Authority, prior to the issuance of a building permit for the RITC structure. In the event the departments cannot agree that the design of the RITC structure would allow the utilities to remain in place, the applicant shall relocate the utilities to a new location deemed appropriate by the affected departments and shall apply to have the existing easements abandoned and new easements recorded at the new utility locations. All costs for utility relocation, easement preparation and recording, and related actions shall be paid by the applicant.

20. The applicant shall submit to Burbank Water and Power and the Public Works department plans for the project site showing all existing electric, water, sewer, storm drain, and other below ground and above ground utility facilities in relation to the proposed site improvements. In the event any of the utility facilities would be relocated or altered in conjunction with the project, the applicant shall provide plans showing the proposed changes.
21. The applicant shall submit a colors and materials board for the RITC, parking structure, CNG station, and elevated walkway for review by Redevelopment Agency staff. Redevelopment staff may require economically reasonable changes to the colors or materials consistent with the architectural style, massing, and design approved by the City Council.
22. The applicant shall obtain a grading permit (if required) and site development permit from the Community Development Department Building Division prior to commencing work on the parking facility, and shall obtain any other permits required for construction of the facility and buildings. Such permits shall be processed as consistent Subsequent Applications pursuant to Section 3.6 of the development agreement.
23. The applicant shall submit plans and specifications for all fire apparatus access roads and all fire hydrant systems. Such plans are subject to review and approval by the Fire Chief prior to the start of construction.
24. The applicant shall provide access gates for emergency personnel at regular intervals along the fence lines of Empire Avenue and Hollywood Way. Plans for the location and design of the access gates are subject to review and approval by the Fire Chief prior to the start of construction.
25. Fire department connections located along Hollywood Way near the loading dock area shall be recessed in from the fence line to the satisfaction of the Fire Chief.
26. Fuel lines transporting fuel from the underground storage tanks to the fueling stations shall be located and designed so as to be protected from mechanical damage and physical/malicious damage including secondary containment to the satisfaction of the Fire Chief.

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27. The architectural design of all buildings shall allow for an unobstructed view of all ground level doors and windows. Landscaping or other barriers around buildings shall not obscure visibility of doors and windows to the satisfaction of the Chief of Police.
28. The applicant shall submit a hydrology study and hydrology/hydraulic calculations and site drainage plans to the satisfaction of the Public Works Director.
29. The applicant shall bear the cost of any needed pavement improvements or repairs that result from construction of the subject project.
30. The applicant shall prepare, or pay a fee for the City to prepare, a sewer study to demonstrate that sufficient sewer system capacity exists to accommodate the project. If sufficient capacity does not exist, the Public Works Director shall have the ability to restrict discharge from the project until capacity is available, and/or require the applicant to improve the sewer system to provide sufficient capacity.
31. The applicant shall prepare a traffic master plan to the satisfaction of the Traffic Engineer that addresses internal traffic circulation at the Airport as it exists now, as it will be during construction, and as it will be upon completion of the planned improvements.
32. Evaporative cooling systems, if installed, shall utilize recycled water as a primary supply and potable water as a backup supply.
33. Car wash facilities in the RITC structure shall utilize recycled water.
34. The applicant shall demonstrate to the satisfaction of the Burbank Water and Power General Manager that the design of the proposed RITC structure includes a "solar ready" roof design capable of accommodating a 2300 kW to 3000 kW photovoltaic (PV) solar generating facility and that the structure will accommodate all related equipment necessary for the operation of the solar panels and to connect the solar panels to the City's local electric distribution system. Prior to the issuance of a building permit for the RITC structure, the applicant shall provide the City with an acceptable easement, or other document approved by the City Attorney, which authorizes the City (or assignees) to install, construct, maintain, access, repair, own, and replace a photovoltaic system (which includes necessary incidental equipment and conduit), for the life of the RITC. All power generated from the photovoltaic system on the RITC structure shall be owned by the City unless assigned by the City.

Conditions to be Satisfied During Construction and Prior to Issuance of Certificate of Occupancy or Final Inspection Approval

35. The applicant and its contractors and subcontractors shall observe and implement all mitigation measures identified in the Mitigated Negative Declaration to address environmental impacts that may occur during construction.

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36. Due to the unique nature of the project and challenges of building at an operating airport, construction activity may occur outside of the normal construction hours, up to 24 hours a day. However, the Community Development Director reserves the right to limit construction hours down to and including the hours otherwise required by the Burbank Municipal Code in the event that the City receives noise complaints from nearby businesses or residents or construction during extended hours is otherwise shown to create problems.
37. Construction activities that create substantially more noise than typical construction activity, including but not limited to pile driving, shall occur only during the normal construction hours specified in the Burbank Municipal Code unless the Community Development Director grants an exception based on extraordinary circumstances. At least 24 hours prior to conducting pile driving or other activities that are louder than typical construction, the applicant shall provide notice to all businesses within a 500-foot radius of the location where the work will occur.
38. The applicant shall submit to the City landscape and irrigation plans prepared by a licensed landscape architect. The plans shall be reviewed and approved by the City Council, Park, Recreation, and Community Services Department and the Fire Department prior to the installation of any landscaping. Landscaping and irrigation shall be subject to the requirements of the California Model Water Efficient Landscape Ordinance and shall utilize recycled water. The Fire Department shall have the ability to require changes to the location or species of trees to facilitate emergency access to the structure.
39. The applicant shall install and maintain an irrigation bubbler system for street trees along the west side of the Hollywood Way frontage of the subject property to the satisfaction of the Park, Recreation, and Community Services Director.
40. The applicant shall protect in place all street trees on Hollywood Way and Empire Avenue. The applicant shall install new street trees along the west side of the Hollywood Way frontage of the subject property if deemed necessary by, and to the satisfaction of, the Park, Recreation, and Community Services Director.
41. The applicant shall upgrade all fire hydrants fronting the planned development along Hollywood Way and Empire Avenue to 4" x 2½" outlets to the satisfaction of the Fire Chief.
42. All ventilation systems shall be provided with remote override switches for Fire Department use. The switches shall be located in readily accessible locations and visibly marked to the satisfaction of the Fire Chief.
43. The applicant shall install lighting devices throughout all structures and parking lots such that the areas are illuminated at all times with light having an intensity of at least two foot-candles at ground level. All lighting devices shall have vandal resistant covers to the satisfaction of the Chief of Police. Modifications to this lighting requirement may be approved if the applicant demonstrates that compliance with this condition would violate an

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airport development or operations requirement dictated by the Federal Aviation Administration or other federal or state agency.

44. The applicant shall install and maintain secure fencing with locking gates and appropriate lighting during construction to the satisfaction of the Chief of Police.
45. During construction, the applicant shall provide the Police Department with emergency contact information for the Airport Authority and its contractors to address any problems encountered outside of construction hours.
46. All exterior building doors, other than primary entry doors, shall be self-closing and self-locking to prevent trespassing.
47. The applicant shall install signs showing the street address or addresses of the parking facility and the buildings therein. The signs shall be prominently visible from Hollywood Way and Empire Avenue and shall include numbers no less than six inches tall. Such address signs shall be installed and displayed to the satisfaction of the Chief of Police and the Fire Chief. The applicant shall also provide address numbers and any other identifying information on the roofs of the buildings on the property so as to be visible from police helicopters to the satisfaction of the Chief of Police.
48. The applicant shall provide to the Police Department a site map of the facility upon completion of construction to the satisfaction of the Chief of Police.
49. The applicant shall work with the Burbank Police Department to develop a security plan for all buildings and facilities, including the CNG station. The security plan is subject to approval by the Chief of Police.
50. All buildings and parking structures shall be capable of supporting emergency safety service radio communications systems. The applicant shall install whatever equipment is deemed necessary by the Fire Chief and Chief of Police to support radio transmission in any buildings or structures or portions thereof that do not pass the appropriate radio signal strength.
51. The applicant shall install Knox boxes and/or Knox key switches to provide emergency access at locations deemed necessary by the Fire Chief and the Chief of Police. Separate boxes shall be installed for the Fire and Police Departments.
52. The applicant shall be responsible for the cost of relocating and undergrounding any overhead electrical lines that would be in conflict with the proposed improvements. The applicant shall be responsible for providing an alternative electrical source to replace existing facilities that are to be relocated or removed.
53. The applicant shall be responsible for the cost of all on-site and off-site relocation or replacement of utilities or other infrastructure that is necessary as a result of the proposed

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improvements, including but not limited to the relocation or replacement of power poles, power lines, underground vaults, street lights, traffic signal poles, water lines, sewer lines, catch basins, and equipment or fixtures related thereto.

54. The applicant shall be responsible for the installation of all necessary electrical substructure that would be relocated or altered as a result of the proposed project including but not limited to electrical ducts, pull boxes, switch pads, and on-site transformer pads.
55. All equipment located at ground level shall be screened with screen walls or landscaping to the satisfaction of the City Planner, Building Division, and Burbank Water and Power. Equipment includes but may not be limited to electrical panels, switches, and transformers; air conditioning units; gas meters; and water backflow prevention devices.
56. Payment for work identified herein for which the applicant is responsible for the cost shall be made to the appropriate City department or other utility agency in a time and manner deemed appropriate by the department director or agency representative. The applicant shall be responsible for paying Burbank Water and Power Aid-in-Construction fees to cover the cost of on- and off-site improvements that result from the project pursuant to City of Burbank Rules and Regulations. The Authority and the City shall share the costs of all street improvements, utility relocation, and other work related to the realignment of the Airport access road work at the intersection of Hollywood Way and Thornton Avenue pursuant to Section 4.1 of the development agreement.
57. On-site drainage shall not flow across a public sidewalk or parkway; it shall be conveyed by underground drains to the gutter through the curb face to the extent required by the Los Angeles Regional Water Quality Control Board. If an underground system is to be connected to an existing Los Angeles County Public Works storm drain system/catch basin, a Los Angeles County Storm Drain Connection permit shall be required. The applicant shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) and Standard Urban Stormwater Mitigation Plan (SUSMP) to the extent required or directed by the Regional Water Quality Control Board.
58. The applicant shall incorporate "green street" technology to capture and infiltrate rain/storm water to the extent practical and consistent with the policies and practices of regulatory agencies having jurisdiction on the site. Green street technology may include, but is not limited to, bioretention, cisterns, dry extended detention basins, dry wells/French drains, infiltration basins and trenches, efficient landscape and irrigation design, porous pavement, sand filters, vegetated buffers and swales, and wet ponds.
59. The applicant shall protect in place all survey monuments, or shall re-establish the monuments to the satisfaction of the Public Works Director.
60. The applicant shall remove all unused driveways and shall reconstruct them with curb, gutter, and sidewalk to the satisfaction of the Public Works Director. This shall include, but is not limited to, the abandoned driveways along Empire Avenue.

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61. The applicant shall replace all broken, uneven, or substandard sidewalk, driveway, pedestrian ramps, pavement, curb, and gutter fronting the subject property on the west side of Hollywood Way to the satisfaction of the Public Works Director. All work in the City right-of-way shall comply with Burbank Standard Plans and shall be approved by the Public Works Director.
62. The applicant shall remove the curb inlet catch basin at the corner of Empire Avenue and Hollywood Way and shall reconstruct it with a grated catch basin per APWA standards and to the satisfaction of the Public Works Director.
63. If any utility cuts occur in Empire Avenue or if the pavement is damaged by construction activity, the street shall be restored to the satisfaction of the Public Works Director. Restoration shall include a two-inch grind and overlay with rubber asphalt, restriping, restoring traffic loops, and re-establishing survey monuments.
64. The applicant shall install a traffic signal at the intersection of Empire Avenue and Avon Street. Prior to installation, the applicant shall provide to the Traffic Engineer the warrants justifying installation of the signal. The applicant shall prepare traffic signal and signing/striping plans to the satisfaction of the Traffic Engineer. The applicant shall bear the full cost of this signal improvement. If the traffic impacts analysis for another development project in the area demonstrates that the development contributes to the need for this signal, that development shall be required to pay its share of the signal cost prior to the issuance of building permits for that project. That share shall be paid to the Airport Authority as reimbursement. This payment arrangement shall apply to any project with an identified share of the signal impact that submits plans for plan check within five years of the date the ordinance approving this planned development is approved.
65. The applicant shall modify the traffic signal at Empire Avenue and Hollywood Way due to its proximity to the new signal at Avon Street. The applicant shall submit a traffic signal plan to the satisfaction of the Traffic Engineer and shall bear the cost of any changes required at the intersection.
66. The applicant shall install a three inch interconnect conduit along Empire Avenue between the signal at Avon Street and the signal at the Airport access road, connecting those two signals to each other and to the signals at Hollywood Way and at the pedestrian crosswalk (if that signal is installed). The applicant shall install fiber optic cable in the conduit and shall prepare a signal interconnect plan to connect the four signals to the satisfaction of the Traffic Engineer.
67. The applicant shall install a new Pan Tilt Zoom camera on the existing traffic signal pole at the intersection of Empire Avenue and the Airport access road to the satisfaction of the Traffic Engineer.

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68. The applicant shall extend the existing left turn pocket from northbound Hollywood Way into the driveway opposite Avon Street to a minimum length of 300 feet with a 90 foot taper to the satisfaction of the Traffic Engineer.
 69. The applicant shall prepare a detailed vehicular/pedestrian directional signing plan showing traffic control signs, guide signs, parking signs, and other signs and their locations. The plan is subject to review and approval by the Traffic Engineer.
 70. The applicant shall cause the installation of directional arrows on the pavement throughout the parking lot at every access aisle or driveway intersection and appropriate striping to identify traffic lanes. All work shall be done to the satisfaction of the Traffic Engineer.
 71. The applicant shall cause the installation of all on-site directional and warning signs deemed necessary and appropriate by the Traffic Engineer, including but not limited to "Stop," "Right Lane Must Turn Right," "Road Narrows," "Do Not Enter," and "Authorized Vehicles Only" signs at appropriate locations.
 72. The applicant shall cause to be recorded all utility and other easements required for the subject property to the satisfaction of the City of Burbank, including but not limited to utility easements for above ground and underground electrical service, water service, and sewer service. Any existing easements on the project site shall be maintained unless the utility facilities therein are relocated, in which case a new easement shall be recorded.
 73. The applicant shall provide evidence to the City that there has been recorded a 16-foot dedication along the southern edge of the property for the purpose of widening Empire Avenue that was previously anticipated on a Parcel Map application submitted by the property owner.

Conditions to be Satisfied on an Ongoing Basis

74. The CNG fueling station shall remain open and accessible for use by the general public.
75. Vehicle ingress and egress from non-signalized intersections shall not disrupt the normal traffic flow on public rights-of-way. The Chief of Police and the Public Works Director shall have the authority to place, or cause the applicant to place, signs or physical barriers preventing certain vehicular ingress and egress movements at non-signalized intersections, should it be determined that such movements are disrupting the traffic flow on a public right-of-way.
76. The Public Works Director shall have the discretion to prohibit parking along Hollywood Way and Empire Avenue fronting and adjacent to the subject property as deemed necessary for traffic circulation or visibility purposes.

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77. The applicant shall comply with all mitigation measures identified in the Mitigated Negative Declarations adopted by the Burbank-Glendale-Pasadena Airport Authority in October 2004 and in February 2010. The project shall be consistent with the project description in the February 2010 Mitigated Negative Declaration (including without limitation the elements of the project described in section 2.2 of the Initial Study) subject to any addenda, revisions or supplemental environmental documents duly adopted by the applicant in compliance with CEQA. It is the intent of the applicant to maintain and operate the ground access center in the manner identified in section 2.2.7 of the Initial Study at all times that the RITC is being used. If however, unforeseeable events, not ascertainable at the date of this amendment, require a material change in the operation or location of the ground access center from the description provided in section 2.2.7 of the Initial Study, the applicant shall complete the appropriate CEQA documentation and afford the City an opportunity to modify this condition to impose additional development standards on this Planned Development as reasonably necessary to mitigate any significant environmental impacts that would result from such material changes. Because the location and operation of the ground access center is a material element of this project in the City's approval, in addition to the procedural requirements in CEQA, the applicant shall submit a detailed project description to the City Manager no later than 120 days prior to the applicant's public consideration of material changes to the operation or location of the ground access center from the description provided in section 2.2.7 of the Initial Study. The City Manager shall place the matter on the Council's agenda to allow public comment and Council discussion on the proposed modifications, and the City shall complete any modifications of this condition without unreasonable delay.
78. The applicant shall comply with any and all terms and commitments identified in the development agreement executed by the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority, as amended, as may be applicable to the development and use of the subject property.
79. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for termination of this planned development subject to the dispute resolution provisions of the development agreement.
80. These conditions of approval shall be listed on the title or specifications page of all plans submitted to the Building Division.
81. The applicant acknowledges all of the conditions imposed and accepts this planned development and development agreement subject to those conditions and with full awareness of all applicable provisions of the Burbank Municipal Code.

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Exhibit 4-a

**AMENDED CONDITIONS OF APPROVAL
PROJECT NO. 2004-170, PLANNED DEVELOPMENT**

**Adjacent Property/Parking Lot A, 2729 N. Hollywood Way
Burbank-Glendale-Pasadena Airport Authority, Applicant**

- 1-4. Condition of approval no. 4 of Project No. 2004-170 is amended to read as follows (second paragraph added):

The plans submitted by the applicant indicate that 363 passenger parking spaces would be located within the planned development zone. Pursuant to a substantial conformance finding under Section 3.6(c) of the development agreement, this number may be modified. However, the number of spaces within the planned development zone shall be maintained such that the whole of the parking facility of which this planned development is a part contains no more than 1,592 parking spaces for Airport passengers and 581 parking spaces for Airport employees. All vehicles parked in the facility shall be parked in marked parking spaces at all times such that the number of actual vehicles parked at the facility does not exceed the number of approved parking spaces.

Provided, however, that in the event construction activity on the A-1 North property at 2555 N. Hollywood Way result in a temporary loss of passenger parking spaces, the applicant is authorized to utilize any or all of the 581 employee parking spaces for passenger parking. Employee parking spaces may be used for passenger parking only temporarily to replace on a one-for-one basis spaces lost or made inaccessible due to construction activity. When the spaces are again available on the A-1 North property, the parking shall be returned to parking for employees only. As used herein, "construction activity" means activities related to the construction of the Regional Intermodal Transportation Center and related improvements specifically approved by Planned Development No. 2004-169, so long as the Airport Authority has the right to build such improvements.