

AIRPORT DEVELOPMENT AGREEMENT AND RELATED ACTIONS
CITY COUNCIL STAFF REPORT EXECUTIVE SUMMARY
JANUARY 18, 2005

INTRODUCTION

On January 18, 2005, the City Council will hold a public hearing to consider adoption of a development agreement (“Agreement”) and related project approvals affecting development at the Bob Hope Airport. The report prepared by staff to analyze the proposed Agreement and related actions recommends that the City Council approve the following:

- 1) Development Agreement between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority (“Authority”), proprietor of the Bob Hope Airport (“Airport”)
- 2) California Public Utilities Code (“PUC”) Section 21661.6 application, planned development, and development review to authorize acquisition by the Authority of a portion of the “A-1 North” site located at 2555 N. Hollywood Way and use of the property for a surface parking lot, relocated Airport access road, and related facilities
- 3) PUC Section 21661.6 application and planned development to authorize use of a portion of the Airport Adjacent Property located at 2729 N. Hollywood Way at the terminus of Winona Avenue as a surface parking lot
- 4) Amendment to Title Transfer Agreements and related documents for Trust and Adjacent Properties
- 5) Zone text amendment to replace the existing Airport Approach Map with a proposed Federal Aviation Administration (“FAA”) Filing Requirement Map that would dictate when a proposed structure would be required to undergo FAA review based upon the height and location of the structure
- 6) Burbank Municipal Code (“BMC”) amendment to require noise attenuation measures for all new residential structures located within the 60 dB CNEL contour
- 7) Issuance of bonds by the Authority for the purchase of the A-1 North property pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 (“TEFRA”)

AIRPORT ZONING AND DEVELOPMENT AGREEMENT HISTORY

In August 2002, the City Council adopted an interim development control ordinance (“IDCO”) that restricted development in the Airport zone and allowed only certain minor projects to go forward. The Council extended the IDCO as authorized by state law for a total of two years, expiring in August 2004. In adopting the IDCO, the Council directed staff to prepare a zoning amendment to establish development standards and other development controls for the Airport zone.

In April 2004, at the direction of the City Council, staff met with Authority staff to discuss and receive input on the proposed zoning amendments. At that meeting, Authority staff suggested that, as an alternative to the proposed zoning, the City and the Authority enter into a development agreement to address development at the Airport for a certain period of time. Staff continued

discussions with the Authority to determine whether an agreement might be possible. Based upon direction from the City Council, staff temporarily suspended work on the rezoning to pursue the Agreement. The general terms of the proposed Agreement were announced at the City Council meeting of June 22, 2004.

DEVELOPMENT AGREEMENT

The proposed Agreement would regulate development at the Airport for a period of seven years and would prohibit pursuit and construction of a new passenger terminal for a period of 10 years. The purpose of the Agreement is to provide greater certainty in relations between the City and the Authority and to provide a balance between projects that will meet the Authority's expected needs during the term of this Agreement and the desire to avoid projects that may adversely affect the City, its residents, and property owners in the vicinity of the Airport. The most significant terms of the Agreement are as follows:

1. Vested Rights to Zoning: The Authority would receive vested rights to the current use and development standards of the Airport and M-2 zones, and certain other City laws for the seven-year term of the Agreement. This means that the zoning regulations in place at the time the Agreement is adopted will be locked in place for seven years as they apply to property that is subject to the Agreement, including portions of the Trust Property and the Airport parking lots located east of Hollywood Way.
2. Clarification of Airport Zone Uses: The Agreement memorializes an interpretation of the currently permitted uses in the Airport zone. The Agreement clarifies that uses such as aircraft hangars, air cargo facilities, emergency response facilities, airport related parking, and car rental facilities are considered airport-related uses and permitted by right within the Airport zone. Under the Agreement, such uses would not be subject to further City review or discretionary action.
3. Development Review Exemptions: Generally, all new or expanded building projects in the City are required to go through the development review process, but certain minor projects are exempt from development review. The Agreement identifies nine types of projects are considered exempt from development review. This means that during the seven-year term of the Agreement, any project that the Authority wishes to pursue that falls into one of the nine categories would not be required to go through the development review process.
4. Prohibitions on Development: The Authority would be prohibited under the Agreement from taking certain actions related to expanding the existing terminal and other Airport facilities, or building a new terminal. For the seven-year term of the Agreement, the Authority could not:
 - a. expand the square footage of the existing terminal building beyond its existing footprint except that the Authority may 1) enclose the existing covered Terminal A baggage claim area, 2) reconfigure internal terminal space, 3) remodel or re-face the

- exterior of the existing terminal building, 4) rebuild the terminal in the event it is destroyed by natural causes or an accident, or 5) provide additional terminal space if mandated by federal law or directive
- b. increase the number of passenger gates above the 14 existing gates
 - c. create any remote aircraft parking positions for commercial airline passengers above the 14 existing gates
 - d. increase the cumulative gross square footage of Airport land area allocated for general aviation uses
 - e. construct new buildings within the Building Restriction Line (except behind the existing terminal building)
 - f. construct or provide parking facilities (other than employee parking) except where such parking already exists, as explicitly permitted by the Agreement, and on the Southwest Quadrant of the Airport beginning four years from the date the Authority begins using the A-1 North property

For a period of 10 years from the effective date of the Agreement, the Authority could not take any of the following actions related to a new or relocated passenger terminal building:

- a. commence public review or publicly announce the intention to prepare any environmental document related to a plan or plans for a terminal building
- b. submit applications for funding or permits for a terminal building to any local, state, or federal agency
- c. take any action that would establish a deadline for the City to take public action or position on a plan for a terminal building

In summary, the Authority could not publicly plan for or seek authorization to proceed with building a new passenger terminal for 10 years from the effective date of the Agreement.

5. Limitations on Parking: The parking modifications that would occur with the proposed Agreement would result in a net decrease of 316 parking spaces at and around the Airport. The following changes would occur in the number of passenger, employee, and rental car spaces:

- Lot A and Adjacent Property: no change in passenger (self-park) spaces; increase of 385 employee spaces
- Trust Property: decrease of 1,265 passenger (valet) parking spaces; decrease of about 200 rental car spaces (elimination of all parking)
- A-1 North: increase of 764 passenger (valet and/or self-park) spaces
- Main Terminal Lots (south of Terminal A and east of Terminal B): no net change in total passenger and employee spaces
- Lot B and Lot C: no change in passenger (self-park) spaces
- Net Total: Decrease of 316 parking spaces

The number of parking spaces on the Adjacent Property (relocated Lot A) and the A-1 North property would be capped by the Agreement and related approvals. The elimination of all parking from the Trust Property would be permanent.

6. Limitations on Use of the B-6 Property: As noted above, the Authority would receive vested rights to the zoning on the B-6 Property. However, the Agreement provides that the property could not be used for any airport-related purposes (except for Parking Lot A), whether or not such uses would be permitted under the zoning. As noted above, the Agreement would also require the removal of all parking from the Trust Property. Additional limitations on the B-6 Property are addressed in the proposed amendments to the Title Transfer Agreements, which are discussed below.
7. Street Realignment Project: The City and the Authority would agree to cooperate in realigning the intersection of Hollywood Way, Thornton Avenue, and the Airport access road. Thornton Avenue and the access road are currently offset from one another. Per the Agreement, the Authority would purchase the needed land and the City and Authority would split the cost of the improvements, including signals, curbing, and paving to align Thornton Avenue with the access road.
8. Limitations on City Planning of Airport Property: The City would agree under the Agreement not to engage in planning activities related to a new passenger terminal or to the Airport property in general. During the seven-year term of the Agreement, the City could not do any of the following:
 - a. Publicly announce preparation of a master plan, specific plan, comprehensive plan, or zone change that provides specific development standards for a new or relocated passenger terminal building
 - b. Commence public review or publicly announce the intention to prepare an environmental document related to any of the above
 - c. Take any action that would require the Authority to take any public action or position regarding plans for a new terminal pursuant to law or as a requirement for any other approval
9. City and Authority Cooperation on Zoning Issues: The City Manager and the Executive Director of the Airport Authority recently established an informal “Airport Land Use Working Group” composed of City and Authority staff. No later than five years after the effective date of the Agreement, the group would meet to discuss possible courses of action following the termination of the Agreement, including extending or modifying the Agreement, returning to the pre-Agreement status quo, or adopting new zoning regulations.
10. City and Authority Cooperation on Noise Issues: The City Manager and the Executive Director of the Airport Authority also recently established an informal “Noise Working Group” composed of City and Authority staff. The Authority has been working on a noise study (the “Part 161 Study”) for several years that examines alternatives for a mandatory curfew. The purpose of the group is to “develop objectives, process, timing, and measures

to address how to achieve nighttime noise relief and how or whether to continue the Part 161 Study.”

11. Transient Parking Tax: The City collects transient parking taxes from the Authority’s parking operations as it does from other operators of transient parking in the City. There is currently a voter-approved cap of 12 percent on the transient parking tax. Under the proposed Agreement, the City Council would be prohibited during the term of the Agreement from seeking or supporting voter approval for an increase in the parking tax rate above the current 12 percent cap.
12. Electrification of Ground Support Equipment: The Authority has expressed its commitment to continue its program to enable air carriers to electrify their ground service equipment. The Agreement would require the Authority to report annually to the City on its progress. The Authority would also be required to install battery charging units at the aircraft parking positions, which would be available to all air carriers operating at the Airport. The program would commence with installation of approximately 30 such units for use by Southwest Airlines within six months of the effective date of the Agreement.
13. Limitations on Planning and Projects in the Event of Termination: The Agreement contains specific provisions for the City’s and Authority’s responsibilities in the event that the Authority’s compliance with the Agreement becomes impossible, illegal, or would result in the Authority being ineligible to receive federal or state grant funding or to impose, collect, or use passenger facility charges. The Agreement specifies a sequence of events that would allow the City and the Authority to protect their interests in the event any provision of the Agreement terminates. Most notable among the provisions is that if the Authority elected to proceed with some project that would not have otherwise been permitted under the Agreement, the Authority would be required to prepare an Environmental Impact Report for the project.

Added Terms to Development Agreement Since Planning Board Hearing: The proposed Agreement has been the subject of negotiations for several months. At the time the Agreement was considered by the Planning Board, it was still a living document, and a few sections of the Agreement were the subject of additional negotiation and changes prior to the Council’s consideration of the Agreement. Staff for the City and Authority have reached agreement on the following terms and were continuing to work on the appropriate documentation of the terms as of the publication of this report. The resolution of these issues and resulting documentation will be addressed in an addendum to the staff report and at the public hearing on January 18.

1. Specific plan upon termination: In addition to the requirement to prepare an EIR in the event that all or a portion of the Agreement terminates, the Authority would further be required to prepare a specific plan for any project it wishes to pursue that would not have been permitted under the Agreement.
2. Air quality: The Authority has made commitments regarding the conversion of its shuttle bus fleet to alternative fuel vehicles and other air quality improvements associated with heavy vehicles. City and Authority staff have been negotiating some form of agreement by

which the authority would commit to implement that resolution in good faith just as the City would implement the Height Ordinance and Noise Attenuation Ordinance discussed elsewhere herein in good faith.

3. Development review exemption: The Agreement exempts parking lots and ancillary structures serving those lots from development review. City and Authority staff agree that the intent of this provision is that such structures would only be exempt if the structure were less than 300 square feet, consistent with other sections of the Agreement. This would be clarified to ensure consistency.
4. Airport Land Use Working Group: In addition to the other roles identified in the Agreement, the Airport Land Use Working Group would be authorized to consider future use of the Trust Property upon sale by the Trustee.
5. Annual certification: The Authority would be required to provide certification to the City on an annual basis that it is complying with the terms of the Agreement and to provide a summary of projects and mitigation measures undertaken in the preceding year as authorized or required by the Agreement.

PARKING LOT A RELOCATION

The Authority is proposing to relocate long-term Parking Lot A from its current location just north of the east-west runway onto the Adjacent Property. The existing Parking Lot A contains 1,592 passenger parking spaces and 196 employee parking spaces. The relocated parking Lot A would retain the same number of passenger spaces at 1,592 and would create an additional 385 employee parking spaces for a total of 581 employee spaces. The total number of passenger and employee spaces would be 2,173. The proposed parking facility would be a surface parking lot with no above-grade parking structures. No structures are proposed as part of the project except for parking fee collection booths at the exit driveway and shelters for passengers waiting to board the circulating shuttle bus to the terminal building, which would be located throughout the parking lot. The only entrance to the parking lot would be at the intersection of Hollywood Way and Winona, where the current Lot A entrance is located. The proposed parking lot relocation would move the parking lot further away from the east-west runway and would allow the Authority to construct the completion of Taxiway D.

A portion of the Adjacent Property where Lot A would be located is zoned M-2, and airport uses conducted by the Authority are not permitted in the M-2 zone. As such, the Authority applied for a planned development that would change the zoning of that land to a planned development zone to allow for the parking lot use. The planned development zone would provide strict zoning controls over the land and not allow it to be used for anything other than a parking lot. Use of the Adjacent Property is further governed by a plan that was previously approved by the City pursuant to California Public Utilities Code (“PUC”) Section 21661.6. The Authority has applied under that Code section to amend the previously approved plan specifically to allow the parking lot use.

Staff has reached the following conclusions about the proposed Lot A relocation:

- The proposed project would improve the margin of safety at the Airport by moving existing Lot A further away from the east-west runway.
- Although the total number of parking spaces in the relocated Parking Lot A would be greater than in existing Parking Lot A, this increase would be off-set by decreases in parking on other sites. Moreover, staff believes that the benefits of the proposed project outweigh any potential disadvantages that might result from this increase in employee parking.
- The proposed project satisfies the planned development design review criteria as required by the Burbank Municipal Code and is consistent with the City's General Plan.
- The two findings required by the City's PUC 21661.6 procedures can be made to approve the Authority's application: (1) the advantages to the public of the proposed expansion outweigh the disadvantages to both the public and environment; and (2) approval of the proposed project is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.

A-1 NORTH PROPERTY ACQUISITION AND USE

The Authority has applied to purchase 26.7 acres of the A-1 North property in two parcels, a 26.46-acre parcel and a 0.24-acre parcel. The larger parcel would be utilized for vehicle parking and storage and a relocated Airport access road and the smaller parcel would be utilized for a realigned Airport access road. As with the Lot A project, the Authority has applied to rezone the property from M-2 to planned development zone to specifically allow for the proposed airport parking lot. PUC Section 21661.6 requires the Authority to obtain City Council approval before buying the property, and the Authority has applied accordingly.

The Authority is proposing to relocate the north-south portion of the access road approximately 450 feet to the east such that it would run through the middle of the A-1 North property. The existing access points on Empire Avenue and Hollywood Way would remain unchanged (except for the proposed intersection improvements described below). The access road would be surrounded by surface parking on both sides. Toward the center of the A-1 North property, an underpass would be constructed to allow vehicle access between the parking areas on the east and west sides of the road.

The Authority has requested in its application the flexibility to utilize the various areas of the A-1 North property for valet parking, passenger self-parking, or new and rental car storage. The Authority has divided the property into four "zones" for planning purposes and is requesting entitlements that would allow variation in how each zone is used. The Authority is requesting authorization to construct 2,940 surface parking spaces in total among all four zones. This 2,940 would include any combination of valet, self-park, rental car storage, and new car storage. The 2,940 spaces is the sum of the 2,176 spaces currently existing in the Star Park facility on the property and 764 additional spaces that could be constructed on the six additional acres to be acquired by the Authority that are currently vacant.

Several improvements related to the valet operation are proposed for the A-1 North property. The existing car wash building at the south end of Zone 1 would be retained to provide car washing and detailing services for valet customers. The Authority proposes to construct a valet customer/operations building with an awning and porte cochere at the northwest corner of the property.

The intersection of Hollywood Way, Thornton Avenue, and the Airport access road is not aligned, with Thornton Avenue and the Airport access road offset from one another. As part of the proposed planned development, the Authority would purchase 0.24 acres of land at the northeast corner of the A-1 North Property just west of the Hollywood Way right-of-way and south of the existing Airport access road. The access road would be widened approximately 25 feet to the south to accommodate two left-turn lanes onto northbound Hollywood Way, one through lane straight onto Thornton Avenue, and one right-turn lane onto southbound Hollywood Way. This action would align the Airport access road with Thornton Avenue such that the intersection accordingly would operate more safely and efficiently.

Staff has reached the following conclusions about the proposed acquisition and use of the A-1 North property:

- The proposed project satisfies the planned development design review criteria as required by the Burbank Municipal Code and is consistent with the City's General Plan.
- The potential environmental effects of the project would be off-set by other parking-related projects in and around the Airport. The total number of parking spaces would decrease in the short-term and the Authority would be severely limited in its ability to increase parking in the future.
- PUC Section 21661.6 and the planned development zone would limit the Authority's ability to redevelop or reuse the A-1 North Property for purposes other than vehicle parking. The Authority could not reuse or redevelop the property for other purposes, including for construction of a new passenger terminal.
- The proposed realignment of the Hollywood Way/Thornton Avenue intersection would improve safety by aligning the airport access road with Thornton Avenue and further improve efficiency of vehicles moving through the intersection.
- The two findings required by the City's PUC 21661.6 procedures can be made to approve the Authority's application: (1) the advantages to the public of the proposed expansion outweigh the disadvantages to both the public and environment; and (2) approval of the proposed project is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.

TITLE TRANSFER AGREEMENTS

In November 1999, the City and Authority executed a series of documents controlling the use and disposition of the B-6 Property on Hollywood Way. These documents collectively are referred to as the Title Transfer Agreements. The Title Transfer Agreements were executed based on the Authority's condemnation of the B-6 Property from the Lockheed Corporation.

Although each document serves a distinct function, the documents contain overlapping requirements and obligations. Together, the Title Transfer Agreements impose the following controls on use and disposition of the B-6 Property:

- The Authority has title to the Adjacent Property but its use of the property is limited to temporary overflow parking on a portion of the property and vehicle and equipment storage by a private entity on another portion of the property.
- Title to the Trust Property is held by a Trustee. The Authority is obligated to market the Trust Property for sale. The Authority's use of the Trust Property is limited to temporary overflow parking on a portion of the property and parking by public and private entities on other portions of the property.

The proposed amendments to each of the Title Transfer Agreements are as follows:

Escrow Agreement and Trust Agreement: These two existing documents would be combined into a new single document and would provide as follows:

- References to the Authority's ability to acquire title to the Trust Property and references to the City's option to acquire the Trust Property would be deleted.
- The obligation to sell the Trust Property would be extended for 10 years. The Authority could however choose to sell the Trust Property or any portion of the property before the 10-year period expires.
- The Authority would be required to comply with detailed procedures and deadlines for marketing the Trust Property for sale.
- The Authority would keep 26 acres of the Trust Property vacant, for use only as passive open space. This provision corresponds with the acquisition of 26 acres of the A-1 North property.
- The Authority would be permitted to use the remaining 33-acre portion of the Trust Property for uses consistent with the current M-2 zoning and derive revenue from leases for such uses. However, the Authority would be prohibited from using any portion of the Trust Property for airport or related uses. The Authority would be prohibited from entering into any lease or other agreement permitting use of this portion of the Trust Property for longer than the 10-year extension period.
- The Authority would be permitted to use the Adjacent Property for the relocated Parking Lot A and for an existing studio vehicle storage facility only.

Adjacent and Trust Property Easements: The proposed amendments to these documents would continue to limit the Authority's use of the Adjacent and Trust Properties through easements and use restrictions; the fundamental nature of these agreements would not change.

Avigation Easement: The B-6 Property is subject to an avigation easement permitting aircraft overflights that will run with the land and apply to future owners. Staff is not recommending any changes to this avigation easement.

Staff recommends that the City Council approve the amendments to the Title Transfer Agreements. The proposed amendments serve several valuable purposes as follows:

- The proposed amendments are consistent with the nature and purpose of the overall Agreement between the City and Authority. In particular, extending the obligation to sell the Trust Property for 10 years is consistent with the concept of a “standstill.”
- The proposed limitations on the Authority’s interim use of the Adjacent and Trust Properties provide an appropriate balance between the Authority’s interest in deriving revenue from the B-6 Property with the City’s objective of precluding airport-related uses of the property unless and until a comprehensive resolution on the issue of Airport expansion is achieved.
- Prohibiting the Authority from using 26 acres of the Trust Property for anything but passive open space provides a reasonable off-set for the Authority’s acquisition of the A-1 North Property.
- Several amendments clarify requirements and obligations that have proven contentious since the Title Transfer Agreements were executed in 1999 and streamline the documents to avoid potential confusion and dispute.

HEIGHT ORDINANCE

Federal Aviation Regulations (“FAR”) Part 77 establishes an imaginary surface that rises upward and outward from the airport runways. Applicants for proposed structures that would rise above this imaginary surface are required to file notice with the FAA of the proposed construction. The FAA then determines whether the structure would pose an obstruction or hazard to air navigation. The proposed height ordinance would replace the existing Airport Approach Map in the Zoning Ordinance with an FAA Filing Requirement Map. The proposed map identifies five height zones across the City, each with criteria that identify when a project would require FAA notification. The ordinance would require applicants for projects requiring FAA notification to obtain an FAA determination before the City would issue building permits for the proposed structure. If the FAA determined that a structure would be a hazard to air navigation, the applicant would be required to obtain an administrative use permit from the City before proceeding with the project. The proposed ordinance would ensure that prospective builders have followed the procedures required by federal law to evaluate whether a structure would constitute an obstruction or hazard to air navigation.

NOISE ATTENUATION ORDINANCE

The Burbank Municipal Code requires applicants for any multiple family dwelling, hotel or motel projects located within the 60 dB CNEL noise contour (as identified in the General Plan Noise Element) submit an acoustical study prior to obtaining a building permit. The study must show that the structure would be constructed so as to mitigate the impact of traffic, aircraft, and other noise on residents of the project and ensure that interior noise levels do not exceed 45 dB. The 60 dB CNEL noise contour encompasses areas adjacent to major arterial streets, freeways, and rail lines; and areas east and south of the Airport. Single-family dwellings are exempt from the noise reduction requirements under the current Code. The proposed ordinance would amend the Code to require compliance with noise reductions standards for (1) all new single-family

residential projects, and (2) single-family additions or remodels where more than 50 percent of the existing structure is being demolished.

In order to minimize the cost and burden on single-family homeowners, typical remodels and additions to single-family homes where the existing house is not demolished to an extent more than 50 percent would continue to be exempt from the noise reduction requirements. The proposed ordinance would establish prescriptive requirements for single-family dwellings within impacted areas with relatively lower noise levels. These prescriptive requirements would include additional insulation, window sealant, and sound-rated windows and doors. The requirement for projects in higher noise areas would be most restrictive, requiring homeowners to submit an acoustical analysis. The proposed ordinance would complement the Authority's Residential Acoustical Treatment Program by requiring noise mitigation for structures and projects not eligible for the Authority's Program but would limit the financial burden by requiring sound insulation only in the case of major improvements. The proposed ordinance would not affect most homeowners. Staff believes that this is a reasonable approach to the continuing problem of excessive noise in the community.

TEFRA BOND ISSUANCE

the Authority proposes to issue tax-exempt revenue bonds to fund the acquisition and improvement of a portion of the A-1 North property and to refund the outstanding bonds of the Authority's 1992 tax-exempt bond issue. Pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 ("TEFRA"), in order for the interest on bonds issued by the Authority to be excluded from gross income for federal income tax purposes, an "applicable elected representative" of the host governmental unit, as well as the Authority, must approve the issuance of the bonds. Such approval must follow a public hearing, which will be held in conjunction with the public hearing on the other matters relating to the Agreement. Aside from assisting the Authority with meeting the requirements of TEFRA, the City Council will have no role in the issuance of the bonds.

ENVIRONMENTAL REVIEW

On September 23, 2004, the Authority released an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration ("MND") for the Agreement and all related actions pursuant to the California Environmental Quality Act ("CEQA"). On October 27, 2004, the Airport Authority adopted the Final MND. As a CEQA responsible agency with jurisdiction over components of the Project, the City is now required to consider the MND in deciding whether to approve the pending applications. The conclusions reached in the MND regarding the environmental impacts of the Agreement and related actions may not be changed by the City Council and must be relied upon as they appear in the MND. The Council may not reach independent conclusions about the environmental impacts of the project or the validity of the analysis contained in the MND.

AIRPORT LAND USE COMMISSION

On December 8, 2004, the ALUC held a public hearing to consider the proposed actions. The ALUC voted 5-0 to determine that the proposed Agreement and related actions would be consistent with the goals and policies of the *Los Angeles County Airport Land Use Plan*.

PLANNING BOARD

The Planning Board held a public hearing to consider the Agreement and some of the related actions at a special meeting on December 6, 2004. Each of the four Board members present expressed their support for the proposed Agreement and related actions. The Board members generally believed that the proposed Agreement would be positive for the City. The Board voted unanimously (4-0) to recommend approval to the City Council of the proposed Agreement.

MEASURE B

The Burbank Municipal Code requires that any agreement between the City and the Authority or other discretionary act by the City for a relocated or expanded airport terminal project be approved by Burbank voters. This requirement was adopted by the voters in 2000 as “Measure B.” Staff has considered whether the proposed Agreement or any of the proposed related actions is subject to this requirement and has concluded that none of the documents or actions is subject to voter approval under Measure B. No element of any agreement, ordinance, or other document recommended for Council approval would authorize the Authority to expand or relocate the Airport terminal. On the contrary, the Agreement *prohibits* the Authority from constructing a new terminal for 10 years and *prohibits* the Authority from expanding the existing terminal for seven years.

CONCLUSION

The proposed Agreement and the related actions would provide substantial benefits to the City of Burbank.

The Agreement and related actions would provide certainty over development at the Airport for seven to 10 years. The community would be assured that the existing terminal would not be expanded for at least seven years and a new terminal could not be planned for or built for at least 10 years. The Authority would gain certainty about the zoning regulations that would apply to its property for the next seven years. Without the proposed Agreement, there would be no guarantee that the Authority would not try to expand the existing terminal building or construct a new terminal.

The Agreement would encourage cooperation between the City and Authority to accomplish the City’s long-time goal of achieving meaningful noise relief at the Airport. The Agreement

includes provisions for meetings of a noise working group composed of City and Authority staff to determine a course of action for pursuing noise relief. Working together in this manner is an important step in improving relations between the City and Authority and allowing the two agencies to cooperate on critical issues.

Perhaps most important for the City, the proposed Agreement would provide the City with substantially greater protections concerning development of land at the Airport than it has today. The Agreement, planned developments, PUC approvals, and contracts impose binding and overlapping obligations that the City can enforce through various mechanisms.

RECOMMENDATION

Staff recommends that the City Council adopt the proposed resolutions and ordinances to approve the Agreement, planned development and development review applications, PUC Section 21661.6 applications, amendments to the Title Transfer Agreements, zone text amendment, building code amendment, and issuance of bonds pursuant to TEFRA.