

# Weekly Management Report

## February 5, 2021

- 1. Memo** Council Inquiry Regarding Minimum Wage Laws at Federal, State and Local Level  
**City Manager's Office**
- 2. Synopsis** Transportation Committee Meeting on December 21, 2020  
**Community Development Department**
- 3. Memo** Overview of Parking Lot Tree Canopy at the Burbank Empire Center (1800 Empire Ave.)  
**Community Development Department**



# MEMORANDUM



## CITY MANAGER'S OFFICE

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**DATE:** February 3, 2021

**TO:** Justin Hess, City Manager

**FROM:** Judie Wilke, Assistant City Manager *Judie Wilke*

**SUBJECT:** City Manager Tracking List #2369: Council Inquiry Regarding Minimum Wage Laws at Federal, State, and Local Level

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### Background

At the January 12, 2021 Council meeting, Council Member Anthony requested information regarding minimum wage laws in surrounding cities, as well as the state and federal minimum wage.

In California, employers are subject to minimum wage laws at the federal, state, and often local level. Local entities (cities and counties) are allowed to enact minimum wage rates and several cities have adopted ordinances which establish a higher minimum wage rate for employees working within their local jurisdiction. When there are conflicting requirements in the labor laws, the employer must follow the standard that is most beneficial to the employee. Since California's current law requires a higher minimum wage rate than does the federal law, all employers in California who are subject to both laws must pay the state minimum wage rate unless their employees are exempt under California law. Similarly, if a local entity has adopted a higher minimum wage, employees must be paid the local wage where it is higher than the state or federal minimum wage.

### Federal Minimum Wage

The federal minimum wage for non-exempt employees is \$7.25 per hour, as set forth by the Fair Labor Standards Act (FLSA), U.S. Code Title 29 Section 206. In 2007, Congress approved a three-step increase, gradually raising the minimum wage from \$5.15 to \$7.25 per hour over a course of two years. The last increase occurred in July 2009.

### State Minimum Wage

Under California state law, the minimum wage is based on the size of the employer. As of January 1, 2021, employers with 25 employees or less must pay workers a minimum of \$13 per hour, while employers with 26 employees or more must pay \$14 per hour. In 2016, Governor Jerry Brown signed SB 3 (Leno, Chapter 4, Statutes of 2016), increasing the minimum wage to \$15 per hour by Jan. 1, 2022, for employers with 26 or more

employees. For employers with 25 or fewer employees the minimum wage will reach \$15 per hour by January 1, 2023. Increases may be paused by the governor if certain economic or budgetary conditions exist. After the minimum wage reaches \$15 per hour for smaller employers in 2023, the minimum wage would then be adjusted each year based on inflation, up to 3.5 percent. The chart below depicts California’s schedule of minimum wage increases through 2023.

Date	Minimum Wage for Employers with 25 Employees or Less	Minimum Wage for Employers with 26 Employees or More
January 1, 2017	\$10.00/hour	\$10.50/hour
January 1, 2018	\$10.50/hour	\$11.00/hour
January 1, 2019	\$11.00/hour	\$12.00/hour
January 1, 2020	\$12.00/hour	\$13.00/hour
January 1, 2021	\$13.00/hour	\$14.00/hour
January 1, 2022	\$14.00/hour	\$15.00/hour
January 1, 2023	\$15.00/hour	

Figure 1: Schedule for California Minimum Wage, 2017-2023 (California Dept. of Industrial Relations)

### Local Wage Ordinances

Several cities and counties in California have their own minimum wage that differs from the California minimum wage to account for higher local cost of living expenses. The Los Angeles County Minimum Wage Ordinance became effective in July 2016, and raised the minimum wage in unincorporated areas to \$15 per hour by July 2020 for large (26 or more employees) businesses, with small businesses (25 or fewer employees) set to reach \$15 per hour in July 2021. Beginning in 2022, the County’s Chief Executive Officer will determine the adjusted minimum wage based on the Consumer Price Index (CPI).

The City of Los Angeles also adopted a Minimum Wage Ordinance, effective July 2016, that raises the minimum wage to \$15 per hour by July 2021 regardless of employer size. The chart on the following page depicts the minimum wage in Los Angeles County and surrounding Southern California cities that have adopted their own minimum wage ordinances.

City	Minimum Wage	Effective Date
Los Angeles County (Unincorporated areas)	\$15.00	*All employers regardless of size July 1, 2021
City of Los Angeles	\$15.00	July 1, 2021
City of Pasadena	\$15.00	July 1, 2021
City of El Cerrito	\$15.00	January 1, 2019
City of San Diego	\$14.00	January 1, 2021
City of Malibu	\$15.00	July 1, 2021
City of Santa Monica	\$15.00	July 1, 2021
City of Mountain View	\$16.30	January 1, 2021

Figure 2: Local Minimum Wage by County/City

### Conclusion

Minimum wage laws are enacted to ensure employers within a certain jurisdiction provide workers with wages that are commensurate to their cost of living. Employers within the City of Burbank are subject to state minimum wage laws, as the City does not currently have its own minimum wage ordinance. In general, Los Angeles County and several surrounding cities have enacted minimum wage rates that are in line with the state's expected minimum wage by 2023. Many of these jurisdictions further align with the state, whose minimum wage law already accounts for future minimum wage increases based on the rate of inflation and automatically applies to California localities that have not adopted their own minimum wage ordinances.





# MEMORANDUM



## COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT  
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**DATE:** December 22, 2020

**TO:** Justin Hess, City Manager

**FROM:** Patrick Prescott, Community Development Director 

**SUBJECT:** Transportation Commission Meeting Synopsis – December 21, 2020

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- The Commission selected Commissioner Mark Ehrhardt to fill the role of Chair of the Transportation Commission, as former Chair Konstantine Anthony is now a member of the City Council. Chair Ehrhardt will remain Chair until August 2021, when a new Chair and Vice Chair are scheduled to be selected. Commissioner Kimberly Yu will remain the Vice Chair.
- The Commission heard a presentation from Burbank Water and Power (BWP) staff regarding BWP's Transportation Electrification Plan. BWP staff described how they are preparing for the coming shift to electric vehicles (EVs), including plans for installing EV chargers, incentives for EV purchases, and their educational efforts. The Commission was broadly supportive, asking questions about how the utility would plan for increased power loads due to EV charging, how EV charging rates may be structured, and how BWP is working with surrounding utilities to plan. The Commission noted and filed the presentation.





# MEMORANDUM




## COMMUNITY DEVELOPMENT

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**DATE:** February 4, 2021

**TO:** Justin Hess, City Manager

**FROM:** Patrick Prescott, Community Development Director   
VIA: Fred Ramirez, Assistant Community Development Director  
BY: Daniel Villa, Senior Planner

**SUBJECT:** City Manager Tracking List Item #2214: Overview of Parking Lot Tree Canopy at the Burbank Empire Center (1800 Empire Ave.)

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This report provides an overview of the existing trees and tree canopies on the Burbank Empire Center (the “Empire Center”) parking lots, and it goes over the City’s existing parking lot landscaping requirements that were adopted by the City Council in 2012.

### Empire Center – Tree Canopy on Existing Parking Lot

The Empire Center was originally approved by the Burbank City Council through a Planned Development and Development Agreement in September 2000. This approval rezoned the underlying property on which the Empire Center is located to Planned Development, which to date continues to govern the uses and development standards on the property. After this approval a majority of the Empire Center was developed by late 2001.

When completed, the parking lots at the Empire Center met the parking lot landscaping requirements that were in effect in the year 2000 – including the City’s tree canopy provisions. These provisions required that trees be planted throughout the parking lots, so that over time large portions of the Empire Center would be shaded with tree canopies. It was anticipated that large portions of the parking lots would be shaded 15 years after the development of the Empire Center – late 2016.

By 2015, it was brought to staff’s attention that trees on the Empire Center parking lots were not growing as expected. The City’s Community Development Department –

working together with the City's Landscape and Forestry Services Superintendent – confirmed this to be the case. Further, staff found that a majority of the trees on the parking lots were reduced in size. This was a result of several factors that included:

**1. *The existing planters are too small***

- A majority of the existing planters are small (4-feet by 4-feet) and therefore limit the potential growth of the trees. When trees are planted in a planter it is recommended that the planter be no less than 6-feet by 6-feet. Generally, staff found that trees planted in larger planters grew as expected.

**2. *Tree selection***

- The type of tree that was predominantly planted on the parking lots was inappropriate for the size of the planters. While a small planter is not ideal, some trees do better than others in these conditions.

**3. *Asphalt vs Landscaping Ratio***

- The proportion of asphalt to landscaping/trees is not favorable to maintaining the overall health of the trees.

**4. *Damaged Irrigation***

- A number of the trees were drought-stressed due to insufficient water. This was partly due to damaged irrigation equipment in some of the planters.

**Corrective Action Taken by City Staff**

After having identified the several factors that contributed to the landscaping conditions, the City's Community Development Department – working together with the City's Landscape and Forestry Services Superintendent – worked with the Empire Center's Management Group (the "Management Group") in addressing particular items<sup>1</sup>. Specifically, the City has worked with the Management Group in addressing items 2 and 4 identified in the section above. To date the Management Group has:

- Begun the process of replacing trees on the parking lots with types of trees that are more appropriate for the existing 4-feet by 4-feet planter. Over the past 3 years, the Management Group has replaced 94 trees; and
- Began repairing damaged irrigation equipment throughout the shopping center.

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<sup>1</sup> While staff found that generally four factors have contributed to the landscaping conditions at the Empire Center, it is impractical to assume that the Management Group would be open to addressing those factors that require major capital improvements – given that the City approved the existing improvements in the year 2000. It was established by staff that items 1 and 3 would require major capital improvements – a redesign of the existing parking lots, and/or construction work associated with increasing the size of the existing landscape planters. Staff has focused on items 2 and 4 when engaging the Management Group in discussing possible corrective action.

These improvements have usually been pursued in conjunction with other shopping center improvements that have occurred after the original approval including the façade and pedestrian walkway improvements that were completed in 2017/2018.

While the improvements undertaken by the Management Group are a step in the right direction, City staff continues to work with the Management Group in taking additional action that would help in ensuring the long term optimal growth of landscaping in the shopping center. In addition to action already taken, the City's Community Development Department will be:

- Conducting a survey over the next four (4) months to determine the existing landscaping conditions on the parking lot, and working with the Management Group in establishing a tree replacement and maintenance work plan that identifies the trees that need to be replaced as well as an expected date of replacement; and
- Working together with the City's Parks and Recreation's Forestry Services Division in providing the Management Group educational information that goes over tree maintenance practices that they should incorporate into their ongoing tree maintenance plan.

#### Existing Parking Lot Landscaping Requirements and Opportunities to Revisit them Moving Forward

Since the approval of the Burbank Empire Center in 2000, the City's landscaping requirements for parking lots have been updated to be more favorable to the growth of landscaping over time. Attachment 1 includes a copy of the City's most recent update – adopted by the City Council in 2012. Amongst other things the update required that:

- Planters be a minimum dimension of 6-feet by 6-feet when there are trees in the planter.
- All planters have a permanent and automatic irrigation system.
- Trees be planted and maintained throughout the parking lot to ensure that within 15 years, at least 50% of the parking lot will be shaded.
- Trees be a minimum of 36-inch box size when planted, unless it is technically infeasible or impractical.
- Upon the installation of the shade trees a licensed landscape architect certify that the shading complies with all requirements.
- Property owners maintain landscaping on their parking lot at all times.

While these requirements do not apply to the Burbank Empire Center – given that it was approved in the year 2000 – they do apply to all development approved as of the adoption of the ordinance in 2012.

Generally, the standards adopted over 8 years ago have been successful and have resulted in more optimal conditions for landscaping on parking lots. However, the City has an opportunity to revisit these standards as part of the City's ongoing long range planning efforts. Working collaboratively with the design consultants assisting the City in the specific plan efforts (the Golden State Specific Plan and Downtown Burbank TOD Specific Plan), staff will identify potential opportunities to update the City's parking lot landscape requirements.

#### Conclusion

Trees at the Burbank Empire Center have not been growing as anticipated. A majority of trees on the parking lot are reduced in size due to several factors that include: (1) the existing planters are too small; (2) tree selection; (3) asphalt vs landscaping ratio; and (4) damaged irrigation. City staff has begun, and will continue, working with the Burbank Empire Center Management Group in taking additional action to help in ensuring the long term optimal growth of landscaping in the shopping center. Further, the City's parking lot landscaping requirements were last updated in 2012. Staff will work coordinate with the design consultants assisting the City in the specific plan efforts to identify potential opportunities to update the City's parking lot landscape requirements.