EFF.: 8/1/16 ORDINANCE NO. 16-3,884

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION FOR NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING A BALLOT MEASURE TO THE VOTERS REGARDING ADOPTION OF AN ORDINANCE TO ALLOW BOB HOPE AIRPORT TO (1) BUILD A 14-GATE, 355,000 SQUARE FOOT REPLACEMENT TERMINAL AND RELATED IMPROVEMENTS; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE NOVEMBER 8, 2016 SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Burbank-Glendale-Pasadena Airport Authority ("Authority") has applied to the City for a Development Agreement, zoning and easement changes as more fully described below, to allow the following projects at Bob Hope Airport: 14-gate, 355,000 square foot replacement terminal and replacement parking; airport-related service buildings; fire station; terminal access road; extensions of taxiways and internal roads; closing of parking lots; and demolition of existing terminal and adjacent parking structure (collectively "Project" or "Replacement Terminal Project").

B. On July 7, 2016, the Planning Board held a duly noticed public hearing on the Development Agreement between the Authority and the City of Burbank ("Development Agreement") and amendments to Planned Development Zone Nos. 2004-169 and 2004-170 concerning those portions of the Project.

C. After considering the evidence presented, the Planning Board unanimously recommended that the Council of the City of Burbank ("Council") approve the Development Agreement and the Planned Development Zone amendments.

D. On July 13, 2016, after conducting a noticed public hearing, the Los Angeles County Airport Land Use Commission found the Project to be consistent with its Airport Land Use Plan.

E. On July 25, 2016, the Council held a duly noticed public hearing on the Project.

F. The Replacement Terminal Project was analyzed and examined in a Final Environmental Impact Report (State Clearinghouse No. 2015121095) ("FEIR"). On July 11, 2016, through the adoption of Authority Resolution No.469, the Authority, as lead agency, certified the FEIR in accordance with the California Environmental Quality Act

("CEQA") Guidelines Section 15090, adopted findings in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, and issued a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093. A Mitigation Monitoring Program (MMP) was also adopted in accordance with CEQA Guideline Section 15097. The City, as a Responsible Agency under CEQA, considered the FEIR prior to taking action on the Project, made the necessary findings under CEQA, and approved the MMRP, and adopted City Resolution No. 16-28,869.

G. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board as evidenced by its motion on July 7, 2016, the environmental effects of the Project as shown in the FEIR prepared by the lead agency, and the evidence presented at a public hearing.

H. Pursuant to Burbank Municipal Code (BMC) Section 2-3-112 (Measure B, adopted by Burbank City voters on November 7, 2000), no approval by the City of Burbank of an agreement between the City and the Burbank-Glendale-Pasadena Airport Authority for a relocated or expanded airport terminal project, or other discretionary act by the City relating to the approval of a relocated or expanded terminal project, shall be valid and effective unless approved by Burbank voters.

I. On August 1, 2016, the City Council adopted Ordinance No. 16-3,882, approving the Development Agreement and amendments to Planned Development Zone Nos. 2004-169 and 2004-170 concerning the Project and approving the modification to the easement/use restrictions over the Adjacent Property owned by the Authority to allow its use for the Replacement Terminal Project.

J. Pursuant to Elections Code Section 9222, Section 800 of the Burbank City Charter, and BMC Section 2-3-112, the City Council desires to submit the Ordinance, the form of which is attached hereto as Attachment 1 and incorporated herein by reference, to the qualified electors of the City at a special election which the City Council desires to call for November 8, 2016.

K. It is desirable that the November 8, 2016 special municipal election be consolidated with the Statewide General Election to be held on the same date, and that within the City the precincts, polling places and election officers of the two elections be the same, and the County Election Department of the County of Los Angeles canvass the returns of the special municipal election and that the election be held in all respects as if there were only one election.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. A Special Municipal Election of the City of Burbank is ordered and shall be held in the City of Burbank, California, on Tuesday, the 8th day of November, 2016, for the purpose of submitting to the qualified electors of the City, an ordinance entitled "AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING MATTERS RELATED TO THE BOB HOPE AIRPORT REPLACEMENT TERMINAL

PROJECT: DEVELOPMENT AGREEMENT AND AMENDMENTS TO PLANNED DEVELOPMENT ZONE NOS. 2004-169 and 2004-170; AND MODIFICATION TO THE ADJACENT PROPERTY EASEMENT (BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, APPLICANT)", as set forth in Attachment 1.

2. The proposed Ordinance shall be submitted to the electors in the form of a measure printed on the ballot as follows:

Shall Ordinance No. 16-3,882 be approved allowing no more than a 14-gate, 355,000 square foot replacement terminal and ancillary improvements to be built at the Bob Hope Airport meeting current safety, seismic standards and improving disabled access; demolishing the existing terminal; and modifying Adjacent Property easement and authorizing future agreements necessary to implement the project; in exchange for governance changes that provide Burbank a greater voice in the future of the airport?	Yes _____	No _____

3. Pursuant to California Elections Code section 10403, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the Statewide and Los Angeles County General Election on Tuesday, November 8, 2016, for the purpose of submitting the Ordinance to voters for approval, and for election services to be provided by the County Elections Department in conducting the special municipal election. The vote requirement for the Ordinance's passage is a majority of votes cast.

4. The City Council recognizes that the consolidated election will be conducted in the manner prescribed by Elections Code section 10418. The County Elections Department is authorized to canvass the returns of the special municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

5. The Board of Supervisors is requested to issue any necessary instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election, and the City Clerk is authorized and directed to work with the County Elections Department as necessary and appropriate.

6. The City of Burbank recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

7. The City Clerk is directed to deliver a copy of the Measure to the City

Attorney, who shall prepare an impartial analysis of the proposed measure.

8. Sections 9280 et seq. of the California Elections Code, providing for the filing of ballot arguments and rebuttal arguments, are hereby adopted and shall apply to the special election ordered herein. The City Clerk shall fix the dates for submittal of arguments and rebuttal arguments.

9. The election precincts, polling places, voting booths, hours of voting, and officers of election for said Statewide and Los Angeles County General Election, as established, designated and named by the Board of Supervisors of Los Angeles County, California, for said Statewide and Los Angeles County General Election, and as set forth in any notice pertaining to said Statewide and Los Angeles County General Election, which has been or will be published by the County of Los Angeles, are hereby established, designated and named, respectively, as the election precincts, polling places, voting booths, hours of voting and officers of election for this Special Municipal Election and incorporated in this ordinance as though set forth herein in full. Only one ballot, namely the ballot used at said Statewide and Los Angeles County General Election, shall be used for this Special Municipal Election, and such election shall be held in all respects as if there were only one election.

10. This ordinance shall be introduced, passed and adopted at one and the same meeting and shall become effective immediately as provided in Burbank City Charter Section 500 and Burbank Municipal Code Section 2-3-605.

11. The City Clerk shall certify to the passage of this ordinance and cause this ordinance to be published in the manner provided in Section 500 and 800 of the Burbank Charter, and shall file a certified copy of this ordinance with the Board of Supervisors and the County Elections Department.

PASSED and ADOPTED this 1st day of August, 2016.

Jess A. Talamantes
Mayor

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: _____
Amy Albano, City Attorney

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 16-3,884 was duly and regularly introduced, passed and adopted by the Council of the City of Burbank at its regular meeting held on the 1st day of August, 2016, by the following vote:

AYES: Frutos, Gabel-Luddy, Rogers and Talamantes.

NOES: Gordon.

ABSENT: None.

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 10th day of August, 2016.

Zizette Mullins, MMC, City Clerk

ATTACHMENT 1

ORDINANCE NO. 16-3,882

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING MATTERS RELATED TO THE BOB HOPE AIRPORT REPLACEMENT TERMINAL PROJECT: DEVELOPMENT AGREEMENT AND AMENDMENTS TO PLANNED DEVELOPMENT ZONE NOS. 2004-169 and 2004-170; AND MODIFICATION TO THE ADJACENT PROPERTY EASEMENT (BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, APPLICANT)

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Burbank-Glendale-Pasadena Airport Authority ("Authority") has applied to the City for a Development Agreement, zoning and easement changes as more fully described below, to allow the following projects at Bob Hope Airport: 14-gate, 355,000 square foot replacement terminal and replacement parking; airport-related service buildings; fire station; terminal access road; extensions of taxiways and internal roads; closing parking lots; and demolition of existing terminal and adjacent parking structure (collectively "Project" or "Replacement Terminal Project").

B. If Council approves this Project and adopts this Ordinance, voters will be asked to ratify the Ordinance as required by Burbank Municipal Code Section 2-3-112 (also known as Measure B), before the Ordinance becomes effective.

C. On July 7, 2016, the Planning Board held a duly noticed public hearing on the Development Agreement between the Authority and the City of Burbank ("Development Agreement") and amendments to Planned Development Zone Nos. 2004-169 and 2004-170 concerning those portions of the Project.

D. After considering the evidence presented, the Planning Board unanimously recommended that the Council of the City of Burbank ("Council") approve the Development Agreement and the Planned Development Zone amendments.

E. On July 13, 2016, after conducting a noticed public hearing, the Los Angeles County Airport Land Use Commission found the Project to be consistent with its Airport Land Use Plan.

F. On July 25, 2016, the Council held a duly noticed public hearing on the Project.

G. The Replacement Terminal Project was analyzed and examined in a Final Environmental Impact Report (State Clearinghouse No. 2015121095) ("FEIR"). On July 11, 2016, through the adoption of Authority Resolution No.469, the Authority as lead agency certified the FEIR in accordance with the California Environmental Quality Act ("CEQA") Guidelines Section 15090, adopted findings in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, and

issued a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093. A Mitigation Monitoring Program (MMP) was also adopted in accordance with CEQA Guideline Section 15097. The City, as a Responsible Agency under CEQA, considered the FEIR prior to taking action on the Project, made the necessary findings under CEQA, and approved the MMRP, and adopted City Resolution No. 16-28,869.

H. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board as evidenced by its motion on July 7, 2016, the environmental effects of the Project as shown in the FEIR prepared by the lead agency, and the evidence presented at a public hearing.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Development Agreement. The Development Agreement between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority for the Replacement Terminal Project is consistent with the General Plan 2035, and is approved. The City Manager, or his designee, is authorized to execute the Agreement on behalf of the City after the Ordinance is effective, as set forth below in Section 6.

2. Zoning Amendment: PD No. 2004-170. The amendment to Planned Development (PD) Zone No.2004-170 (currently Parking Lot A) is approved. The PD Zone is located on a part of the Adjacent Property, with the remainder of the Adjacent Property zoned Airport. This PD amendment will allow for all uses allowed in the Airport Zone portion of Adjacent Property. All existing conditions of PD No. 170 though shall remain unchanged until the Development Agreement is effective and until construction begins for the Replacement Terminal Project as designated by the Authority in accordance with Section 5.5. of the Development Agreement.

3. Zoning Amendment: PD No. 2004-169. In the event Authority designates the Southwest Quadrant Full Size Option, then, the minor amendment to Planned Development Zone No. 2004-169 (A-1 North Property/RITC) is approved and the PD Zone site plan is modified to allow for a shuttle pick up/drop off and relocated recirculated loop road. No other condition for that zone is amended. This amendment shall only be effective if and when the Authority records a Memorandum of Southwest Quadrant Replacement Passenger Terminal Selection pursuant to the Modification to Easement. This minor amendment does not change the prior General Plan finding or the design criteria consistency finding, previously made by the Council in Ordinance No.3789.

4. Easement Modifications. The Modification To Amended And Restated Grant Of Easements, Declaration Of Use Restrictions And Agreement For Adjacent Property (Modification to Easement) between the Authority and the City and attached to the Development Agreement as Exhibit D is approved. The City Manager, or his designee, is authorized to execute this Modification to Easement on behalf of the City when this Ordinance is effective.

5. Severance. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

6. Effective Date. This Ordinance shall become effective upon the occurrence of both of the following: (i) the Los Angeles County Registrar-Recorder/County Clerk certifies the results of the November 8, 2016, election required pursuant to BMC §2-3-112 to the City Council and the City Council declares an affirmative vote resulting in the ratification of this ordinance; and (ii) either (a) passage of 90 days following the affirmative vote without the filing of a lawsuit challenging the validity of this election or any City or Authority actions related to the Project; or (b) resolution of each such lawsuit by a court of competent jurisdiction in a final decision that upholds the challenged matter(s). If there is no such lawsuit, then the effective date of this Ordinance shall be February 7, 2017. If there is such a lawsuit, then the effective date of this Ordinance shall be the date on which a final decision of a court of competent jurisdiction has upheld the challenged matter(s). The City Clerk shall manually insert the effective date in the following blank space: (Effective Date is _____.) If Burbank voters do not approve the ballot measure required by BMC §2-3-112, or if a lawsuit challenging the validity of said election or any City or Authority actions related to the Project is sustained by a final decision of a court of competent jurisdiction and there is no appeal thereof, then this Ordinance No. 16-3,882 will never become effective and shall have no force or effect and shall be considered to be void ab initio.

PASSED AND ADOPTED this 1st day of August, 2016.

Jess A. Talamantes
Mayor

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: _____
Amy Albano, City Attorney

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) ss.

CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 16-3,882 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 1st day of August, 2016, by the following vote:

AYES: Frutos, Gabel-Luddy, Rogers and Talamantes.

NOES: Gordon.

ABSENT: None.

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 10th day of August, 2016.

Zizette Mullins, MMC, City Clerk