RESOLUTION NO. 22-29,310

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING PROJECT NO. 22-0000972, LOCATED AT 921-1001 W. RIVERSIDE DRIVE

THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 1, 2021, Pickwick Investors, LLC ("Applicant") submitted a Notice of Intent to submit a SB 35 application for Streamline Ministerial Design Review for a housing development project located at 921-1001 W. Riverside Drive (the "Project Site");

B. On July 30, 2021 the Planning Division requested Tribal Consultation as required by AB 168;

C. On December 13, 2021, the City and the Fernandeno Tataviam Band of Mission Indians completed the Enforceable Agreement for monitoring of the Project Site;

D. On February 22, 2022, Pickwick Investors, LLC submitted an application for 96townhome style condominium units and a Vesting Tentative Tract Map No. 83267 for Streamline Ministerial Design Review (the "Project");

E. The City Council of the City of Burbank held a duly noticed public hearing on April 18, 2022, to consider the Project's site eligibility, to determine the Project's consistency with applicable Objective General Plan, Zoning, and Subdivision, and Design Review Standards, as well as to conduct Streamline Ministerial Review pursuant to Burbank Municipal Code Title 10, Chapter 1 (Zoning), Division 12 (Streamlined Ministerial Approval Process);

F. The Project is statutorily exempt from exempt from environmental review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Section 15268;

G. The City Council considered the report and recommendations of the Community Development Director and the evidence presented at such hearing; and

H. The City Council considered the testimony and evidence from the Project Applicant, and the general public presented at such hearing.

THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The application for Project No. 22-0000972 is hereby denied because the Project Site is not an eligible site upon which residential land uses may be developed. This decision is based upon the following findings:

a. The Burbank2035 General Plan designates the Project Site as Rancho Commercial, which is a non-residential land-use designation. Rancho Commercial is one of Burbank's 12 non-residential land use designations as indicated in Exhibit LU-1: Land Use Diagram and the text in the Burbank2035 General Plan, which is titled "Non-Residential Land Uses" (Burbank2035 General Plan Land Use Element, Pages 3-13 through 3-19);

b. The Project Site is zoned Commercial Recreation ("CR") within the Rancho Commercial land use designation. By-right uses include gyms, ice skating rinks, bowling alleys, and racquet ball courts.

c. Burbank Municipal Code ("BMC") Section 10-1-502 provides that residential uses are prohibited in the Commercial Recreation zone. As well, residential uses have not been authorized within the CR zone under the City Planner Classification process established in BMC Section 10-1-503.

d. The ordinary practice in Burbank is that residential development proposals for non-residential land use designations, move forward with a General Plan Amendment, Planned Development and a Development Agreement. Appropriate density and other mitigations for health, safety and public welfare are decided within the process.

e. The Rancho Master Plan developed for this area provides "Any development in the area designated for commercial recreation must be carried out as a planned development."

f. The Commercial Recreation zoning on the Project Site is the only remaining Commercial Recreation zone in Burbank.

g. According to the Burbank2035 Development Capacity assumptions and projections set forth in Table LU-2, the Rancho Commercial land use designation, including the Project Site, was assumed to have no residential growth and no population throughout implementation of the General Plan (i.e., through the year 2035).

h. Low density and low intensity are noted throughout the Rancho Commercial portion of the General Plan, yet the proposed Project exceeds that and has moved forward as multifamily development with an R3, medium density residential level of intensity.

i. Widening Main Street is not consistent with the Burbank2035 General Plan, which provides "If an improvement would not be compatible with the scale and design of the existing roadway width (measured from curb-to-curb) along a residential or mixed-use area, the improvement would conflict with Mobility Element 1.5."

j. The Project is not consistent with the General Plan Mobility Element or the City's Complete Our Streets Plan, which designates Main Street and other local roadways in the Rancho as Equestrian Priority Streets. The Project does not provide for safe travel of equestrians along the Equestrian Priority Streets, or safe interaction of equestrians with other modes of travel. As such, the Project fails to address equestrian safety and roadway improvements as required by the following General Plan Policies:

- Policy 3.3 Provide attractive, safe street designs that improve transit, bicycle, pedestrian, and equestrian connections between homes and other destinations.

- Policy 9.1 Ensure safe interaction between all modes of travel that use the street network, specifically the interaction of bicyclists, pedestrians, and equestrians with motor vehicles.

- Policy 9.4 Preserve and promote safe riding for equestrians to access public riding trails.

2. The City Clerk shall mail a copy of this Resolution to the applicants in accordance with the Burbank Municipal Code.

PASSED AND ADOPTED this 18th day of April, 2022.

Jess A. Talamantes
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
Joseph H. McDougall
City Attorney

Zizette Mullins, MMC, City Clerk

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 Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its special meeting held on this 18th day of April, 2022, by the following vote:

AYES: Frutos, Schultz, Springer, Anthony and Talamantes.

NOES: None.

ABSENT: None.

Zizette Mullins, MMC, City Clerk