

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BURBANK
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1,
ARTICLE 22 OF BURBANK MUNICIPAL CODE RELATED TO COMMUNITY
FACILITY FEES**

(Zone Text Amendment; Project No. 22-0002020)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

A. The Planning Board of the City of Burbank at its meeting of May 9, 2022, held a public hearing on Project No. 22-0002020, a Zone Text Amendment to amend Title 10, Chapter 1, Article 22 of the Burbank Municipal Code to update fees, standards, and definitions pertaining to community facility fees and the City's development impact fee (DIF) program.

B. Said hearing was properly noticed in accordance with the provisions of Burbank Municipal Code Section 10-1-1994.

C. The Planning Board considered the report and recommendations of the City Planner and the evidence presented at such hearing.

D. In accordance with the California Environmental Quality Act, the proposed Zone Text Amendment by ordinance is exempt from environmental review pursuant to CEQA Guidelines Section 15378(b)(4), which excludes items involving the general creation of governmental funding mechanisms or fiscal activities. However, if the Zone Text amendment were to be considered a "Project" pursuant to the California Environmental Quality Act, it would be exempt per Section 15061(b)(3) (common sense exemption) because it has no potential for causing a significant effect on the environment.

E. The Planning Board has reviewed the City Planner's environmental assessment and concurs with the assessment that the item is not defined as a "project" under Section 15378(b)(4) of the CEQA Guidelines and, even if it was, it qualifies for the "common sense exemption" pursuant to Section 15061(b)(3).

F. In accordance with California Government Code Section 65860, the proposed Zone Text Amendment by ordinance has been determined to be consistent with the General Plan of the City of Burbank and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code, and are compatible with the objectives, policies, general land uses and programs specified therein.

G. The documents and other materials that constitute the record of proceedings, upon which the decision to recommend approval of the proposed Zone Text Amendment (Project No. 22-0002020) and associated environmental assessment that the project qualifies for a statutory exemption under CEQA, are located in the Planning Division of the City of Burbank and the custodian of the record is the City Planner.

THE PLANNING BOARD OF THE CITY OF BURBANK RESOLVES:

- 1. TO RECOMMEND TO THE CITY COUNCIL APPROVAL** of Project No. 22-0002020, a Zone Text Amendment to amend Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code to update fees, standards, and definitions pertaining to community facility fees and the City's development impact fee (DIF) program

This recommendation is based upon the Planning Board's ability to make the following finding per California Government Code Section 65860:

FINDING FOR ZONE TEXT AMENDMENT:

The Zone Text Amendment is necessary to update the Burbank Municipal Code's (BMC) regulations for Community Facility Fees and impose additional and updated fees on new development to finance the capital costs of the new development's fair share of the new facilities and infrastructure necessary to accommodate that new development, including those related to expanding the city's information technology infrastructure to serve the City's growth, and those related to transportation impacts from residential development

The City's current DIFs are based on nexus studies completed in the 1990s. An important part of the DIF fee update is to revise the list of infrastructure projects eligible for funding by DIFs, particularly to account for more multi-modal bicycle, pedestrian, and transit projects in the City's capital improvement program. In addition, the Burbank2035 General Plan changed the level of development expected over the next 20-25 years and the types of infrastructure projects the City expects to build to address that development. Accordingly, the Development Impact Fee Program update includes the revised growth forecasts adopted with Burbank2035 General Plan. The City's current DIFs offset these impacts by funding improvements related to fire, police, library, and park and recreation services, and transportation.

The proposed amendments update existing DIFs and establishes additional transportation and non-transportation-related fees, and provide other conforming amendments to the BMC, consistent with Land Use Element Goals 2 and 3, Policy No. Program LU-8 and Mobility Element Goal 1, Program M-1 of the Burbank2035 General Plan. These goals are as follows:

- Land Use Element Goal No. 2, Sustainability which notes "Burbank is committed to building and maintaining a community that meets today's needs while providing a high quality of life for future generations".
- Land Use Element Policy No. 2.3, which "require[s] that new development pay its fair share of infrastructure improvements" and "ensure that needed infrastructure and services are available prior to or at project completion".
- Land Use Element Goal No. 3: Community Design and Character which notes "Burbank's well-designed neighborhoods and buildings and enhanced streets and public spaces contribute to the strong sense of place and 'small town' feeling reflective of the past."
- Land Use Element Program LU-8: Development Impact Fees which includes the following action items for future consideration by the City:

- Review and update the transportation impact fee program to implement Land Use Element and Mobility Element goals and policies and to ensure that identified long-term projects to improve transportation are adequately funded.
 - Review and revise the community facilities fee program to ensure that fees are adequately addressing impacts on City services caused by new development.
 - Consider creating a public benefits program where project applicants for large projects must provide public benefits through methods such as incorporating design features or programs into the project, constructing or providing funding for off-site improvements or facilities, and providing one-time or ongoing funding for community programs and activities.
- Mobility Element Goal No. 1: Balance, which notes that “Burbank’s transportation system ensures economic vitality while preserving neighborhood character.”
- Mobility Element Policies 1.1 through 1.7:
 - Policy 1.1 Consider economic growth, transportation demands, and neighborhood character in developing a comprehensive transportation system that meets Burbank’s needs.
 - Policy 1.2 Recognize that Burbank is a built-out city and wholesale changes to street rights-of-way are infeasible.
 - Policy 1.3 Maintain and enhance the city’s traditional street and alleyway grid network.
 - Policy 1.4 Ensure that future land uses can be adequately served by the planned transportation system.
 - Policy 1.5 Design transportation improvements to be compatible with the scale and design of existing infrastructure.
 - Policy 1.6 Use technology and intelligent transportation systems to increase street system capacity and efficiency as an alternative to street widening.
 - Policy 1.7 Ensure that the transportation system enables Burbank residents, employees, and visitors opportunity to live, work, and play throughout the community.
- Mobility Element Program M-1: Infrastructure Blueprint which calls for the following:
 - Perform a nexus fee study to support a revised Transportation Impact Fee.

More specifically, the proposed zone text amendment incorporates the following changes:

- Updates existing fees,
- Adds an Information Technology fee to account for City infrastructure advancements and the reliance on technology,
- Applies the Transportation fee to Residential uses,
- Establishes a separate fee for Lodging use, and
- Provides other DIF related amendments to the BMC to conform to State law provisions.

The Burbank Development Impact Fee Nexus Study (“Nexus Study”) was designed to provide the City with the necessary technical documentation to support an update to the DIF program. The analysis provides the nexus argument and associated fee calculations for the maximum fees that justify the City’s proposed fees to charge for the facilities indicated pursuant to State law. The Nexus Study reviews and updates the community facilities fee and transportation programs to ensure that fees are adequately addressing impacts on City services caused by new

development to implement the General Plan Land Use Element and Mobility Element goals and policies and to ensure that identified long-term projects to improve a variety of transportation projects are adequately funded. Under the City's Cost Recovery Ration policy, DIFs best fit the Important Services Category that provide Individual and Public Benefit and an Important service because it the fees provide important infrastructure and gives the City the ability to provide for and sustain the added capacity. The infrastructure that these fees pay for do offer a public benefit, but since the fees are only covering the added capacity from new development, DIF revenue delivers a higher benefit to the user, or in this case to the new development, than to the general taxpayer. Based on this pricing policy, DIF would fall under the 20% to 80% cost recovery level.

The proposed amendment sets the DIF fee level at 80% of the maximum allowable for residential, office, and industrial uses. Because retail and lodging land uses produce recurring revenue to the City in addition to one-time DIFs, the proposed update charges these uses at a reduced fee level. Additionally, given that the City gains benefits from affordable housing units, affordable housing units in the extremely low-, very low-, low-, and moderate-income categories, the proposed DIF program update charges these projects 50% of the maximum allowable fees found in the nexus study.

The Zone Text Amendment is consistent with Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code. The intent of the proposed zone text amendment is to update the fee to strike an appropriate balance between providing an appropriate level of facilities/infrastructure to new residents and businesses consistent with Burbank's goals and vision, while avoiding excessive costs on development and slowing the pace of growth.

2. The Secretary of the Planning Board shall forward a signed copy of this Resolution with the Planning Board's report and decision to the City Council in accordance with Burbank Municipal Code Section 10-1-1993.

PASSED AND ADOPTED this ____ day of _____, 2022.

CITY PLANNING BOARD

Vice Chairperson

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Fred Ramirez, Secretary of the Planning Board of the City of Burbank, certify that this Resolution was adopted by the City Planning Board at its meeting held on the ____ day of _____, 2022, by the following vote:

AYES:

NOS:

ABSENT:

ABSTAINED:

Fred Ramirez, Secretary