

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: December 11, 2023

TO: City Planning Commission

FROM: Fred Ramirez, Assistant Community Development Director - Planning *FR*
Via: Scott Plambaeck, Planning Manager *SP*
Amanda Landry, Principal Planner *AL*
By: Joseph Pangilinan, Associate Planner *JP*

SUBJECT: Project No. 23-0007623, A Proposed Zone Text Amendment (ZTA) to Modify the Existing Development Standards for Art in Public Places To Authorize Post-Security Areas Of The Hollywood Burbank Airport As Eligible Places For Public Art

RECOMMENDATION

Adopt a RESOLUTION OF THE PLANNING COMMISSION 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 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE THE EXISTING DEVELOPMENT STANDARDS FOR ART IN PUBLIC PLACES TO AUTHORIZE POST-SECURITY AREAS OF THE HOLLYWOOD BURBANK AIRPORT AS ELIGIBLE PLACES FOR PUBLIC ART (Exhibit A)

BACKGROUND

On November 8, 2016, the voters of Burbank approved a Development Agreement as part of a ballot measure (Measure B) between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority ("Airport Authority"). The voter-approved Development Agreement (amending PD2004-169 and PD2004-170) gives the Airport Authority the right to build a 14-gate, 355,000-square-foot replacement passenger terminal for the Hollywood Burbank Airport ("Airport"). In exchange, the City of Burbank receives control over critical decisions about the Airport's future. The new replacement terminal is needed to meet current Federal Aviation Administration (FAA) safety

standards regarding runway distance to buildings. An updated facility will provide an enhanced passenger experience, incorporate seismic safety and ADA features.

The replacement terminal project, also referred to as "Elevate BUR," will also provide amenities to its users such as a variety of restaurants and concessions, improved restrooms, wider corridors and more spacious waiting areas, up to date facilities for Transportation Security Administration (TSA) passenger and baggage security screenings, and improved ticket lobby and airline check-in and baggage drop-off facilities among others.

DISCUSSION

The Art in Public Places Ordinance

Among the amenities proposed by the Elevate BUR is the installation of public art in accordance with the Burbank Municipal Code (BMC), in one of the post-security interior areas of the Airport only accessible to ticketed passengers during normal business hours. The BMC includes an Art in Public Places Ordinance (AIPP), which outlines the requirements for public art, including allocation requirements, acceptable types of art, scale, and location (BMC Section 10-1-1114). The AIPP currently requires that at least 50% of the public art requirement for a development project be installed on the exterior of the development project and in permanent daytime view of both pedestrians and motorists, with the remaining portion of the public art allowed to be in interior locations of the project provided that the location(s) are designed for use by the general public and are accessible to the public during normal business hours. (BMC Section 10-1-1114(D)(5)). Under the AIPP, this exterior art requirement is not applicable to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area, in which case 100 percent of the artwork may be within the enclosed portions of the mall.

The Airport Authority intends to satisfy the minimum 50% of art allocation requirement for the exterior of the replacement terminal Project and has proposed that the remaining art allocation be fulfilled by installing an art piece in post-security interior areas that are only accessible to ticketed passengers. While these interior areas are accessible by members of the public who are ticketed passengers at the Airport, the areas are not accessible to un-ticketed members of the general public.

To allow the Airport Authority's request to install public art in post-security interior areas of the Airport, the AIPP Ordinance must be modified through a Zone Text Amendment (ZTA) to clearly define that such areas are permissible locations for public art at the Airport to meet the locational requirements of the AIPP.

Proposed Zone Text Amendment

To allow public art located in post-security interior areas of the Airport accessible to ticketed passengers to be eligible to fulfill the public art requirement in the AIPP, the ZTA will modify the Art in Public Places Ordinance (Burbank Municipal Code Section 10-1-1114) to include the following underlined sentence in BMC Section 10-1-1114(D)(5):

“5. Location. The art project shall be located on-site as follows: at least 50 percent of the Minimum Allocation shall be invested in works of art on the exterior of the Development Project and in permanent daytime view of both pedestrians and motorists; provided, however, that this provision shall not apply to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area in which case 100 percent may be within the enclosed portions of the mall, accessible to the visitors thereto. The balance of the Minimum Allocation may be utilized for an art project(s) in interior locations of the Development Project provided that the location(s) are designed for use by the general public and are accessible to the public during normal business hours. At the Bob Hope Airport (also known as the Hollywood Burbank Airport), post-security interior areas of the Airport accessible to ticketed passengers during normal business hours shall also qualify as permissible interior locations to place the balance of the Minimum Allocation of the public art.”

Findings for Approval of a Zone Text Amendment

California Government Code Section 65860 requires that any zone text amendment be consistent with the objectives, policies, general land uses, and programs specified in the Burbank2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code.

Consistency with the Burbank2035 General Plan

In accordance with California Government Code Section 65860, the proposed Zone Text Amendment and associated Ordinance and Resolution have been determined to be consistent with the Burbank2035 General Plan 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, and more specifically, the Land Use Element described below.

As noted in the attached Resolution (Attachment A), the proposed ZTA is consistent with the following Burbank2035 General Plan goals and policies:

LAND USE ELEMENT GOAL 3 COMMUNITY DESIGN AND CHARACTER

Burbank’s well-designed neighborhoods and buildings and enhanced streets and public spaces contribute to a strong sense of place and “small town” feeling reflective of the past.

- Policy 3.11 *Carefully consider the evolution of community character over time. Evaluate projects with regard to their impact on historic character, their role in shaping the desired future community character, and how future generations will view today’s Burbank.*

The ZTA furthers this goal and associated policies by establishing updated guidelines that authorize post-security areas of the airport that are only accessible to ticketed passengers as eligible places for public art. The Airport Authority’s interior artwork submittal would remain subject to review by the City’s Art in Public

Place Committee to ensure that the public art would be consistent with City's vision for its public art. The Elevate BUR project is an opportunity to bring public art into a space traveled by millions of passengers and Burbank residents, which would provide an enriching experience for travelers as well as put forth an image of Burbank that its residents would be proud of.

LAND USE ELEMENT GOAL 4 PUBLIC SPACES AND COMPLETE STREETS

Burbank has attractive and inviting public spaces and complete streets that enhance the image and character of the community.

- Policy 4.4 *Require public art as part of new development projects and public infrastructure. Incorporate public art within existing projects.*

The proposed ZTA furthers this goal and policy by establishing updated guidelines that authorize post-security areas of the airport that are only accessible to ticketed passengers as eligible places for public art. Allowing public art in post-security areas of the airport will open up more interior public art possibilities for the Airport Authority to satisfy its art allocation requirement due to post-security areas having more available space than pre-security interior areas. Interior public art in the airport will help create an attractive and inviting area that can be enjoyed by members of the public who are airport users and give travelers and Burbank residents a positive impression of Burbank's character.

PUBLIC NOTICE AND PUBLIC OUTREACH

In conformance with BMC Section 10-1-1994, a public notice was published in a newspaper of general circulation in the City on November 22, 2023, for the proposed ZTA to be heard by the Planning Commission at their regular meeting of December 11, 2023. Notifications to the Planning Commission meeting was also distributed through the City's social media channels, the City Calendar and the Planning Division website.

The proposed ZTA was also presented to the City's Art in Public Places Committee and the Parks and Recreation Board, for their review and comment. Neither review authority had any objections to the proposed ZTA, however, one of the AIPP Committee members suggested that the text amendment be expanded to apply to post-security interior spaces in all of the City's transit facilities, not just the Airport.

If the Planning Commission recommends approval of this ZTA, staff anticipates that the City Council will consider the proposed ZTA at a public hearing on January 23, 2023, and staff will be preparing the legal public notifications inviting both residents and members of the community to learn more about the proposed ZTA and provide comments at the public hearing.

ENVIRONMENTAL ASSESSMENT

The proposed ZTA has been reviewed for compliance with the California Environmental Quality Act (CEQA). Staff recommends that the Planning Commission find that the ZTA is exempt from review under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No unusual circumstances exist that would preclude the use of this exemption. Furthermore, pursuant to CEQA Guidelines Section 15378, this ZTA is not considered a "project" subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

INTERDEPARTMENTAL REVIEW

The proposed ZTA was distributed to other City Departments and other Divisions within the Community Development Department for review and feedback to ensure the proposed change is consistent with or compatible with other City development standards that affect development. Staff received comments from the Building and Safety Division, which were incorporated into the proposed ZTA.

CONCLUSION

The changes outlined in the proposed ZTA are intended to update the location guidelines for public art, to authorize post-security areas of the Airport as eligible locations for the placement of interior public art in compliance with the City's Art in Public Places Ordinance. The ZTA would allow the Airport Authority added flexibility in satisfying its art allocation requirement for the Elevate BUR project in a manner consistent with the Municipal Code and provide public art to millions of Airport passengers and Burbank residents.

EXHIBITS

EXHIBIT A	Planning Commission Resolution with Draft City Ordinance
EXHIBIT B	Proposed Redline Changes to BMC

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION 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 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE THE EXISTING DEVELOPMENT STANDARDS FOR ART IN PUBLIC PLACES TO AUTHORIZE POST-SECURITY AREAS OF THE HOLLYWOOD BURBANK AIRPORT AS ELIGIBLE PLACES FOR PUBLIC ART
(Zone Text Amendment; Project No. 23-0007623)**

THE PLANNING COMMISSION OF THE CITY OF BURBANK FINDS:

A. The Planning Commission of the City of Burbank at its meeting of December 11, 2023, held a public hearing on Project No. 23-0007623 (Zone Text Amendment (ZTA)) to update the existing development standards for art in public places to authorize post-security areas of the Hollywood Burbank Airport (“Airport”) as eligible places for public art

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

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

D. In accordance with California Government Code Section 65860, the proposed Zone Text Amendment and associated Ordinance has been determined to be consistent with the Burbank2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code, and is compatible with the objectives, policies, general land uses and programs specified therein.

E. The Planning Commission has reviewed the City Planner’s environmental assessment and concurs with the assessment that the proposed Zone Text Amendment and associated Ordinance is exempt from environmental review pursuant to the “common sense exemption” pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, wherein the project in question has no possibility of causing a significant effect on the environment. Furthermore, pursuant to CEQA Guidelines Section 15378, this ZTA is not considered a “project” subject to the requirements of CEQA since there is no potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

F. 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. 23-0007623) and associated environmental assessment that the project qualifies for a statutory exemption under CEQA, is located in the Planning Division of the City of Burbank and the custodian of the record is the City Planner.

EXHIBIT A-1

THE PLANNING COMMISSION OF THE CITY OF BURBANK RESOLVES:

1. The findings above are true and correct, and incorporated herein.
2. Project No. 23-0001387, a Zone Text Amendment to update Title 10, Chapter 1 (Zoning), as described above and in the staff report dated December 11, 2023, and as reflected in the exhibit attached hereto, which would result in amendments to the zoning text of Burbank Municipal Code Section 10-1-1114(D)(5), adding post-security interior areas of the Airport only accessible to ticketed passengers during normal business hours as a permissible location where interior public art may be located at the Airport. Attachment 1 (Draft Ordinance), as attached to this Resolution, reflects the Commission's recommendation.

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

FINDING FOR ZONE TEXT AMENDMENT:

- a. *California Government Code Section 65860 requires that any zone text amendment be consistent with the objectives, policies, general land uses and programs specified Burbank2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code.*

The Zone Text Amendment (ZTA) updates the development standards for art in public places and is 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 is compatible with the objectives, policies, general land uses and programs specified therein.

This ZTA supports the implementation of Land Use Goal 3 (Community Design And Character) and Policy 3.11, which seeks to consider the evolution of community character over time, evaluate projects with regard to their impact on historic character, their role in shaping the desired future community character, and how future generations will view today's Burbank. The proposed ZTA will allow for an additional location for public art, which would be subject to review by the City's Art in Public Place Committee to ensure that the public art would be consistent with City's vision for its public art. The Airport terminal replacement project is an opportunity to bring public art into a space traveled by millions of passengers and Burbank residents, which would provide an enriching experience for passengers as well as put forth an image of Burbank that its residents would be proud of

The ZTA supports the implementation of Land Use Goal 4 (Public Spaces And Complete Streets) and Policy 4.4, which seeks to provide attractive and inviting public spaces and complete streets that enhance the image and character of the community, including requiring public art as part of new development projects. The ZTA will open up more interior public art possibilities for the Airport Authority to satisfy its art allocation requirement due to post-security areas having more

EXHIBIT A-2

available space than pre-security interior areas. Interior public art in the Airport will help create an attractive and inviting area that can be enjoyed by airport users and give travelers and Burbank residents a positive impression of Burbank's character.

Finally, the ZTA is consistent with Title 10, Chapter 1 (Zoning) of the BMC in that it further clarifies and encourages public art in accordance with the City's existing Art in Public Places Ordinance. This ZTA will support Burbank's vision of providing attractive and inviting public places throughout the City by adding a viable location for public art in a space seen by millions of travelers and Burbank residents annually. Allowing public art to be placed in post-security areas of the Airport will provide millions of airport passengers the enriching experience of viewing public art that will be thoughtfully reviewed and approved by the City's Art in Public Places Committee, which enhances the City's artistic image and presents an artful impression to members of the public traveling to and from the Airport. Furthermore, upon recommendation by the Planning Commission, this ZTA will be presented at a public hearing to the City Council and is therefore consistent with Article 19, Division 7 of the Burbank Municipal Code, which requires that the modification of property development standards must be preceded by a public hearing.

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

PASSED AND ADOPTED this ____ day of _____, 2023.

CITY PLANNING COMMISSION

Christopher Rizzotti
Chairperson

EXHIBIT A-3

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Fred Ramirez, Secretary of the Planning Commission of the City of Burbank, certify that this Resolution was adopted by the City Planning Commission at its meeting held on the ___ day of _____, 2023, by the following vote:

AYES:

NOS:

ABSENT:

ABSTAINED:

Fred Ramirez, Secretary

EXHIBIT A-4

**ATTACHMENT 1:
DRAFT ORDINANCE**

EXHIBIT A-5

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE THE EXISTING DEVELOPMENT STANDARDS FOR ART IN PUBLIC PLACES TO AUTHORIZE POST-SECURITY AREAS OF THE HOLLYWOOD BURBANK AIRPORT AS ELIGIBLE PLACES FOR PUBLIC ART

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, by updating the City's Art in Public Places Ordinance to authorize post-security areas within the Hollywood Burbank Airport as eligible places for interior public art.

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES, AND DECLARES THAT:

A. Burbank Municipal Code (BMC) Section 10-1-1114 comprises the City's Art in Public Places (AIPP) Ordinance. Under the AIPP Ordinance, development projects must incorporate public art works on the project site or pay an in lieu fee. Among other provisions, the AIPP Ordinance requires that a minimum portion of the public art be located in exterior locations of the project in permanent daytime view of pedestrians and motorists, and the remaining artwork may be located in interior locations of the project that are designed for general public use and accessible to the public during normal business hours. (BMC Section 10-1-1114(D)(5)).

B. As part of the Hollywood Burbank Airport (Airport) replacement terminal project, the Airport desires to locate its interior public artwork in locations open to ticketed passengers only, in post-security terminal areas. The current AIPP Ordinance does not classify post-security interior areas of the Airport accessible to ticketed passengers only as a place that qualifies for public art placement under the AIPP Ordinance. In order to allow the Airport's request to install public art in post-security interior areas of the Airport and have that art be considered as partial fulfillment of the requirements of the AIPP Ordinance, the AIPP Ordinance must be modified through a Zone Text Amendment (ZTA) to clearly define that such areas are permissible locations for public art.

C. The City acknowledges the need to provide public art in conjunction with major development projects and that Elevate BUR, the Airport replacement terminal project, would be an opportunity to bring public art into a space traveled by millions of members of the general public who are Airport passengers, including Burbank residents.

D. This Ordinance and resulting zone text amendment will benefit the community by augmenting Burbank's artistic image to millions of travelers entering and leaving the City through the Airport. Any interior public art will remain subject to review by the City's Art in Public Place Committee to ensure that the public art will be

EXHIBIT A-6

consistent with City's vision for its public art, giving travelers and residents alike a public art installation that they could be proud of.

E. On December 11, 2023, the Planning Commission held a duly noticed public hearing on this proposed Ordinance, and at such hearing recommended that the City Council approve the Zone Text Amendment.

F. On _____, 2024, the City Council at its regular meeting, held a public hearing on this proposed Ordinance. Said hearing was properly noticed in accordance with BMC Section 10-1-1994.

G. In accordance with California Government Code Section 65860, the proposed Ordinance has been determined to be consistent with the Burbank 2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code, and is compatible with the objectives, policies, general land uses and programs specified therein, and more specifically, the General Plan Land Use Element.

H. The City Council exercises its independent judgement and finds that this Ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in which the project has no potential for causing a significant effect on the environment. No unusual circumstances exist that would preclude the use of this exemption. Furthermore, pursuant to CEQA Guidelines Section 15378, this Ordinance is not considered a "project" subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

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

Section 1. Findings. All the findings set forth above are true and correct and are incorporated herein as if restated in their entirety.

Section 2. Amendment to Burbank Municipal Code (BMC) 10-1-1114: Art in Public Places. Subsection D.5. of BMC 10-1-1114 is hereby amended and restated in its entirety as follows:

"5. Location. The art project shall be located on-site as follows: at least 50 percent of the Minimum Allocation shall be invested in works of art on the exterior of the Development Project and in permanent daytime view of both pedestrians and motorists; provided, however, that this provision shall not apply to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area in which case 100 percent may be within the enclosed portions of the mall, accessible to the visitors thereto. The balance of the Minimum Allocation may be utilized for an art project(s) in interior locations of the Development Project provided that the location(s) are designed for use by the general public and are accessible to the public during normal

EXHIBIT A-7

business hours. At the Bob Hope Airport (also known as the Hollywood Burbank Airport), post-security interior areas of the Airport accessible to ticketed passengers during normal business hours shall also qualify as permissible interior locations to place the balance of the Minimum Allocation of the public art.”

Section 3. Severability. 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.

Section 4. Environmental Assessment This Ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because the project has no potential for causing a significant effect on the environment. No unusual circumstances exist that would preclude the use of this exemption. Furthermore, pursuant to CEQA Guidelines Section 15378, this Ordinance is not considered a “project” subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The ZTA will allow a unique developer, the Airport, to include a portion of public artwork within the interior of the replacement terminal project, and does not extend to other development projects throughout the City.

Section 5. Effective Date This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

Mayor of the City of Burbank

Attest:

Approved as to Form
Office of the City Attorney

Kimberley Clark, City Clerk

Lisa Kurihara
Senior Assistant City Attorney

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

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by
EXHIBIT A-8

the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its _ , 2024 adoption.

Kimberley Clark, City Clerk

EXHIBIT A-9

10-1-1114: ART IN PUBLIC PLACES:

D. GUIDELINES FOR WORKS OF ART.

5. Location. The art project shall be located on-site as follows: at least 50 percent of the Minimum Allocation shall be invested in works of art on the exterior of the Development Project and in permanent daytime view of both pedestrians and motorists; provided, however, that this provision shall not apply to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area in which case 100 percent may be within the enclosed portions of the mall, accessible to the visitors thereto. The balance of the Minimum Allocation may be utilized for an art project(s) in interior locations of the Development Project provided that the location(s) are designed for use by the general public and are accessible to the public during normal business hours. **At the Bob Hope Airport (also known as the Hollywood Burbank Airport), post-security interior areas of the Airport accessible to ticketed passengers during normal business hours shall also qualify as permissible interior locations to place the balance of the Minimum Allocation of the public art.**