

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

Planning Commission Minutes

December 11, 2023

CALL TO ORDER 6:01 p.m.

INVOCATION Mr. Monaco gave the invocation.

FLAG SALUTE Mr. Rizzotti led the flag salute.

ROLL CALL

Present- - - - Planning Board Members: Chair, Christopher Rizzotti; Vice Chair, Samantha Wick; Members, Narek Mkrtoumian and Robert Monaco.

Absent- - - - Commissioner Michael Elric
Also Present- Senior Assistant City Attorney, Lisa Kurihara; Assistant Community Development Director, Fred Ramirez; Planning Manager, Scott Plambaeck; Principal Planner, Amanda Landry; Principal Planner, Daniel Villa; Associate Planner, Xjvirr Thomas; Associate Planner, Joseph Pangilinan; Senior Planner, Greg Mirza-Avakyan; Principal Planning Clerk, Griselda Sandoval; Intermediate Clerk, Diana Arias.

ANNOUNCEMENTS None.

HEARINGS

1. Project No.21-0004942 | A request for a Conditional Use Permit to allow an

PROJECT DESCRIPTION:

A Conditional Use Permit (CUP) to allow an audio recording studio (The Mix Room) to operate during the City's Late-Night Business hours of 12:00 a.m. through 6:00 a.m. With approval of a CUP the business would operate 24-hours a day, every day of the week. The Project Site is in the C-3 (Commercial General Business) zone at 2940 West Burbank Boulevard.

ENVIRONMENTAL REVIEW:

existing audio recording studio to operate during the City's Late-Night Business hours on commercial property at 2940 W. Burbank Boulevard.

The Project qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (Existing Facilities) pertaining the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of an existing or former use. There are no unusual circumstances that would preclude the use of this exemption.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:

There was one written communication that was given to the Commission.

Staff Report:

Xjvirr Thomas presented the project to the Commission.

Applicant Presentation:

Mr. Ben Grosse, owner, and operator of The Mixed Room has been in the City for 26 years, the recording profession is full of creative people that work at their own pace with tight deadlines making it a 24-hour business. Owner stated that during the years operating his business, he has only received one complaint and took the following steps to address it: applied for a Conditional Use Permit, closed the rear parking lot at nighttime, installed clear signs explaining the disturbance concerns for anyone using the lot regardless of the hour, and made himself available to his neighbor. Mr. Grosse explained it is a financial lost to limit larger recording sessions that could potentially cause a disturbance; clients who need the flexibility to work into the early morning hours have now taken their business elsewhere. As part of the Conditional Use Permit application Mr. Grosse had paid to conduct a traffic and parking study which confirmed there is no traffic or parking issues. Owner petitioned neighbors along Burbank Boulevard to get the nighttime no parking signs removed to satisfy late night parking needs. Mr. Grosse respectfully believes all the issues pertaining the single complaint have been resolved and asked the Commission for support to approve the Conditional Use Permit.

Public Comment:

Nathaniel Vergow, resident that lives two houses away from studio, stated that himself and his neighbors have been annoyed and have a difficult time living in the neighborhood because of the noise coming from the studio. Mr. Vergow explained that the reason there are no recent police reports is because police would say there was not much to do; due to the disturbance he believes the city should not reward them by approving the Conditional Use Permit. He also stated the Applicant has only reached out to the neighbor right next to him but not others of the neighborhood. He asked the Commission to not approve the Conditional Use Permit.

Response to Public Comment:

Mr. Thomas addresses the public comment by confirming that staff have received and is part of the record that there are individuals that have made those issues in the past about noise. That going forward staff will make sure that the Applicant abides by the conditions of approval which would mitigate the issues going forward.

Applicant Comments:

None.

Commission/ Staff Q&A:

Mr. Monaco inquired if prior to 2020 were there any history of complaints or complaints.

Mr. Thomas explained staff asked Burbank Police Department for complaints the last five years from the time of the report. Staff is unaware of any history of complaints prior to 2020.

Mr. Rizzotti asked for clarification that when the Police Department gets calls regarding a disturbance even if nothing was done about it would it still be logged.

Mr. Thomas responded yes, because it was logged in with a specific date and time that's how staff was able to obtain that there were eight calls of service.

Mr. Rizzotti asked to confirm if there is no parking allowed related to this business on the side streets only on Burbank Boulevard.

Mr. Thomas stated that is correct, the condition states none of the parking will be on the residential streets from Catalina Street or Niagara Street. All parking between the hours of 9 p.m. to 7 a.m. will be relocated to the front of West Burbank Boulevard.

Mr. Rizzotti inquired how many violations the business will have to endure before it triggers a potential revocation of this Conditional Use Permit.

Mr. Thomas clarified three calls of service or complaints puts the Conditional Use Permit at risk to be revoked.

Mr. Rizzotti reiterated that there are several things in place as a safeguard to the residence on those side streets.

Mr. Ramirez elaborated that The Mix Room operates up until the late-night hours as a permitted use onsite with no conditions imposed upon it beyond of what is a typical for a business license. Through the review process the conditions were ran by emergency services and police department. Burbank Police Department is aware of what leverage the city has if this is taken to code enforcement as a potential violation and eventually must be review by planning staff.

Ms. Wick asked who paid for the traffic study conducted.

Mr. Thomas answered the Applicant paid for the traffic study.

Mr. Ramirez added that even though it was paid by the Applicant the City reviewed and confirmed all the analysis by Gibson Transportation Consulting.

Commission/Applicant Q&A:

Mr. Monaco asked how frequently the late-night activities are going to occur.

Mr. Grosse stated it would be anywhere from none to four times a week; generally late-night sessions are not scheduled in the early morning but it usually starts in the afternoon and it gets dragged into the early morning.

Mr. Monaco asked the Applicant if there is noise coming from the building.

Mr. Grosse confirmed there is no noise coming from the building.

Mr. Rizzotti asked how he plans to enforce the conditions including parking.

Mr. Grosse explained he has already limited the number of people that can come into the studio to prevent disturbance and tells his

clients to park on Burbank Boulevard due to the back-alley way being off limits.

Ms. Wick asked what time the parking lot closes and how long has it been since limiting access to the parking lot.

Mr. Grosse answered the parking lot has been closed after 9 p.m. and it started about a year ago.

Ms. Wick inquired what would be the anticipated loss of revenue if Conditional Use Permit does not get approved.

Mr. Grosse responded it would be exponential lost and would consider moving his business out of the city.

Ms. Wick asked how often sessions get pushed out till past two in the morning.

Mr. Grosse explained it is at random it all depends on clients. He tries not limit his clients because it hurts financially his business but has been restrictive to be more mindful of the neighborhood.

Mr. Rizzotti asked who manages the studio at night.

Mr. Grosse replied that whenever there is activity there are always two staff members on site.

Ms. Wick asked what the process would be if someone has a noise complaint.

Mr. Grosse answered it would be to text him of the disturbance.

Mr. Mkrtooumian voiced he believes there are enough conditions of approval that he doesn't anticipate any further problems.

Deliberation:

Mr. Mkrtooumian made a motion to approve Project No. 21-0004942 | A request for a Conditional Use Permit to allow an existing audio recording studio to operate during the City's Late-Night Business hours on a commercial property at 2940 W. Burbank Boulevard, seconded by Ms. Wick.

Ms. Wick asked the applicant to please mitigate as much as possible due to the neighbors' frustrations.

Mr. Monaco voiced concern about how will the conditions be monitored and what will happen if there is an excessive number of concerns.

Mr. Rizzotti explained there are a significant number of conditions of approval. The conditions will be fully enforced if it is approved; any concern can be reported to the following departments: Code Enforcement, Building and Safety Department, and Police Department.

Chair Rizzotti re-opens public comment.

Mr. Vergow stated that it was reported, and it took years to get concerns addressed; noise does leak out from the studio and will be up to residence to enforce.

Chair Rizzotti closes public comment.

Mr. Rizzotti reiterated there are significant conditions of approval, any member of the public may call the Police Department or Code Enforcement to log a complaint. Chair acknowledged the Applicant has done his best to comply with these conditions by losing much parking and limiting the amount of people in his studio is compliance.

Motion carried by 4-0 vote. Motion passes

2. Project No.23-0001343 | A request for a second amendment to the Development Agreement related to Planned Development No. 96-1 at 2900 and 3000 W. Alameda Avenue and 100 and 200

PROJECT DESCRIPTION:

A request for a three-year extension to the Development Agreement related to Planned Development 96-1 in order to complete the envisioned buildout of a commercial development project that includes media office and related buildings.

ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA) an Environmental Impact Report (EIR) for the Project was approved and certifies by the City Council on March 11, 1997 and subsequently revised by a Supplemental EIR in conjunction with the first amendment to the Development Agreement in 2013, which analyzed potential impacts for a ten year period from March 2017 to March 2027. The request is a three year extension of the Development Agreement up to March 2027. An Addendum was prepared for the project to confirm that, pursuant to CEQA Guides Section 15162, no subsequent EIR is required for the project because the proposed time 3-year time extension will not result in any new significant or substantial increases in severity of the

S. California Street.

significant impacts identified in the previously certified EIR and Supplemental EIR.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:

None.

Staff Report:

Greg Mirza-Avakyan presented this item to the Commission.

Applicant Presentation:

Mr. Jeff Worthe, representative for the Applicant, showed the Commission images of the property, spoke about the recent land transactions with Warner Brothers, and reiterated that there is remaining development potential on project site. Mr. Worthe showed the portion of the property where the next phase of development is likely to be constructed, and provided a rendering of the proposed design.

Public Comment:

Mr. Michael Walbrecht, representative of Warner Brothers Discovery, echoed Mr. Worthe's words about the complicated land deal, where Warner Brothers sold the Ranch Lot and bought the remaining portion of the TBS studios. Mr. Walbrecht stated that due to the pandemic and the six-month writer and actor strikes more time would be appreciated to decide what is best to do with the property.

Response to Public Comment:

None.

Applicant Comments:

None.

Commission/Applicant Q&A:

None.

Deliberation:

Mr. Rizzotti stated he understands why an extension is needed and will be beneficial so the property can be used for the highest and best use.

3. Project No.23-0007623 | A Zone Text Amendment to modify the existing development standards for Art in Public Places to authorize post-security areas of the Hollywood Burbank Airport as eligible for places for public art.

Ms. Wick made the motion to approve Project No. 23-0001343, approving staff recommendation to recommend to the City Council the approval of a Second Amendment to the Development Agreement related to Planned Development No. 96-1 at 2900 and 3000 W. Alameda Avenue and 100 and 200 S. California Street, seconded by Mr. Monaco.

Motion carried by 4-0 vote. Motion passes.

PROJECT DESCRIPTION:

A request for a Zone Text Amendment (ZTA) to amend 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.

ENVIRONMENTAL REVIEW:

The Project qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) as 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 and 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 direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Meeting Disclosures:

Mr. Monaco sits on the Art of Public Places Committee as a liaison and is aware of the project.

Notices Given:

Mr. Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:

None.

Staff Report:

Joseph Pangilinan presented this item to the Commission.

Public Comment:

Ms. Cynthia Peeze, founding member of the Burbank Cultural Arts Commission, voiced that The Art in Public Places ordinance is ancient and should be revised. Due to funding many artists have left town due to the lack of venues and support to express themselves.

Ms. Leah Harrison, Vice Chair of the Burbank Cultural Arts Commission, stated she is excited about the update of the Ordinance because the Cultural Arts Commission has been asking for years for there to be an Amendment and hopes it leads to more flexibility in the ordinance to broaden the definition of art in public places.

Ms. Stefanie Girard, Commissioner on the Burbank Cultural Arts Commission, presented the Reno-Tahoe International Airport methods of showcasing public art from their community passing the TSA checkpoint and believes the city should do the same. The Burbank Airport has the potential to showcase sculptures, murals, and rotating art exhibits. Expressed she would like the Art in Public Places fund to be expanded to programs and exhibitions.

Response to Public Comment:

Mr. Pangilinan explained that even though staff is happy to receive input it goes beyond the scope of the proposed Zone Text Amendment.. City Council instructed to Amend the code to classify the security area of the airport. Staff is willing to present the interest of the public to expand or initiate another Zone Text Amendment to include the changes of the definition of Art in Public Places.

Mr. Ramirez suggested to have a full meeting on that topic to discuss the item in a public setting to get a collective input to make a recommendation to the council. Then City Council can direct planning staff to come back to initiate a new Zone Text Amendment process; all the information presented will be part of the record and will be going to City Council through the Minutes of tonight's meeting.

Mr. Rizzotti echoed what Mr. Ramirez suggested, to have the Burbank Cultural Arts Commission should vet the information and have the public comment, then it should be taken to City Council for them to make a recommendation for a Zone Text Amendment eventually coming back to the Planning Commission for review.

Commission/ Staff Q&A:

Mr. Rizzotti inquired what art will be showed in the Airport.

Mr. Pangilinan stated the Airport Authorities last update did not provide any potential art or artist.

Deliberation:

Mr. Monaco made the motion to approve Project No. 23-0007623 | A Zone Text Amendment to modify the existing development standards for Art in Public Places to authorize post-security areas of the Hollywood Burbank Airport as eligible for places for public art, seconded by Mr. Mkrtoumian.

Motion carried by 4-0 vote. Motion passes.

None.

[REPORTS TO COMMISSION](#)

[ORAL COMMUNICATIONS](#)

Mr. David Donahue, resident/business owner, has been following Zone Text Amendments and changes from City Council; he stated it is overwhelming and hard to follow. He would like a way to consolidate all the various actions that are happening throughout the City that are going to affect housing density and commercial density. He is looking for suggestions on some way to bring in the information that contains change in the number of housing units.

Mr. Ramirez commented on Mr. Donahue's comment, he stated The General Plan 2035 includes a section called the Realization Plan that consist of over 2 dozen programs that will be implemented from 2013 to 2035; in addition, the Housing Element is on average updated every eight years. As part of Council actions over the last couple of years they have also developed an affordable housing strategy. There are a lot of long-range planning work that is on its way it is recommended any member of the public to start by looking at the City website for information then if needed reaching out to the planner of the project for clarification.

[APPROVAL OF MINUTES](#)

Mr. Monaco made a motion to approve the minutes from the Planning Commission meeting of November 13th, 2023. Seconded by Ms. Wick, carried by a vote of 4-0.

[INTRODUCTION OF ADDITIONAL AGENDA ITEMS](#)

None.

Mr. Ramirez thanked the Commission for its hard work as the end of the year approaches. Appreciated the Commission's

input and diligence to keep the meetings on task. Thanked once again the Commission and the community for participating the input given helps the city be better. Wished everyone Happy Holidays.

Respectfully Submitted,

Secretary of the Planning Commission

ADJOURNMENT
TO THE PLANNING
COMMISSION
MEETING OF
JANUARY 8, 2024