

# STAFF REPORT



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**DATE:** January 23, 2024

**TO:** Justin Hess, City Manager

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VIA: Fred Ramirez, Asst. Community Development Director – Planning  
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**SUBJECT:** Introduction of an Ordinance Amending Title 10 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

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## **RECOMMENDATION**

Introduce 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 to give the Airport Authority the right to build a 14-gate, 355,000-square-foot replacement passenger terminal for the Hollywood Burbank Airport (Airport). The replacement terminal project, also referred to as “Elevate BUR,” will also provide amenities to its users such as 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. In addition to these amenities, the Elevate BUR project will also comply with the City’s requirement to provide public art.

## **DISCUSSION**

### **Art in Public Places Ordinance**

The Burbank Municipal Code (BMC) includes an Art in Public Places (AIPP) Ordinance 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 percent 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 Ordinance, 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 of the artwork may be within the enclosed portions of the mall.

Among the amenities proposed by the Elevate BUR project is the installation of public art in one of the post-security interior areas of the Airport only accessible to ticketed passengers during normal business hours. Although the Airport Authority intends to satisfy the minimum 50 percent of art allocation requirement for the exterior of the replacement terminal project, they have proposed that the remaining art allocation be fulfilled by the art piece/s located in post-security interior areas. Access to these interior areas of the Airport is restricted per FAA regulations and are only accessible to members of the public who are ticketed passengers. These areas are not accessible to non-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 Ordinance.

### **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 Ordinance, the ZTA will modify the AIPP Ordinance (Burbank Municipal Code Section 10-1-1114) to include the following change 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 BMC.

#### Consistency with the Burbank2035 General Plan

In accordance with California Government Code Section 65860, the proposed ZTA 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 BMC, 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 Resolution (Attachment 4), 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 the 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 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.

#### Planning Commission Recommendation

The Planning Commission considered the proposed ZTA and Ordinance during a noticed regular public hearing on December 11, 2023. After reviewing the staff report (Attachment 3), receiving staff's presentation, public testimony, and Planning Commission deliberation, the Planning Commission voted 4-0 in favor of recommending approval of the proposed Ordinance.

During the public hearing, Commissioner Robert Monaco expressed support of the ZTA and Chairman Christopher Rizzotti inquired about what type of art is being planned for the post-security interior area of the replacement terminal. Staff stated that no artists or art types have been selected, per the Airport Authority's last update at the time. As noted above, any proposed artwork will be submitted for review by the Art in Public Places Committee as required by the AIPP Ordinance. A complete record of the meeting and the Commission's discussion are summarized (Attachment 4).

#### **COMMUNITY 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 of the Planning Commission meeting were 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 Cultural Arts Commission, Art in Public Places Committee and Parks and Recreation Board for their review and comment. None of review authorities 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 the City's transit facilities, not just the Airport.

During the Planning Commission hearing, three members of the public expressed support for the ZTA and made comments expressing interest in a more expansive ZTA to allow art types beyond static art that may qualify as public art under the AIPP Ordinance, such as art programs and exhibitions, and a suggestion that qualifying expenditures out of the Art in Public Places Fund be expanded.

## **INTERDEPARTMENTAL REVIEW**

The proposed ZTA was distributed to other City Departments as well as 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. The proposed ZTA is consistent with all other City policies, procedures, and development standards.

## **ENVIRONMENTAL REVIEW**

The proposed ZTA has been reviewed for compliance with the California Environmental Quality Act (CEQA). Staff recommends that the Council find that the ZTA is exempt from review under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the commonsense 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.

## **FISCAL IMPACT**

The proposed ZTA clarifies site eligibility for an existing city program and will have no fiscal impact to the General Fund.

## **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.

## **ATTACHMENTS**

Attachment 1 – Ordinance

Attachment 2 – Proposed Redline Changes to BMC

Attachment 3 – December 11, 2023 Planning Commission Staff Report with Attachments

Attachment 4 – December 11, 2023 Planning Commission Resolution and Minutes Correspondences