

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF THE PLANNING BOARD'S APPROVAL OF A SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASESMENT (SCEA) AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) PURSUANT TO THE CALIFORNIA ENVIORNMENTAL QUALITY ACT FOR THE BURBANK AERO CROSSINGS MIXED-USE PROJECT AT 2311 N. HOLLYWOOD WAY (PROJECT NO. 20-0003289), AND APPROVING THE SCEA AND MMRP BASED ON THE FINDINGS OF FACT AND SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL

(2311 N. Hollywood Way – NHW Investors, LLC.)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

A. The Planning Board of the City of Burbank at its regular meeting of September 27, 2021, approved a request for approval and adoption of a Sustainable Communities Environmental Assessment (SCEA) and Mitigation Monitoring and Reporting Plan reviewing the potential impacts to the environment as a result of the proposed Project at 2311 N. Hollywood Way;

B. On October 11, 2021, Appellant Roy Wiegand, Burbank resident, filed an appeal before the end of the 15 – day appeal period pursuant to Burbank Municipal Code (BMC) Section 10-1-1907.2(C)(1);

C. On October 12, 2021, Appellant Mitchell M. Tsai, Attorney at Law, filed an appeal before the end of the 15 – day appeal period pursuant to BMC Section 10-1-1907.2(C)(1);

D. On October 27, 2021, Appellant Mitchell M. Tsai, Attorney at Law, filed a Withdrawal of Appeal of Planning Board Decision on SCEA for 2311 N. Hollywood Way Project before the deadline of on or after the 20th day prior to the scheduled City Council hearing pursuant to BMC Section 10-1-1907.3(E);

E. The City Council of the City of Burbank at a regular meeting on November 16, 2021, considered the appeal to the Planning Board's decision approving Project No. 20-0003289, for a Project located at 2311 N. Hollywood Way;

F. Said hearing was properly noticed as required by law;

G. The City Council considered the staff report and recommendations of the City Planner and the evidence presented at such hearing;

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

I. Pursuant to Senate Bill 375, streamlined CEQA review and analysis is available to Transit Priority Projects (TPPs) and residential or mixed-use residential projects that are consistent with the Sustainable Communities Strategy (SCS);

J. Public Resources Code, Section 21155 defines a TPP as being consistent with the SCS or alternative planning strategy that has been accepted by the California Air Resources Board as meeting greenhouse gas emission reduction targets, as well as having at least 50 percent residential use of the total building square footage, a minimum net density of at least 20 dwelling units per acre, and located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan;

K. The Southern California Association of Governments (SCAG) adopted the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS) on April 7, 2016, and adopted the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2040 RTP/SCS) on September 3, 2020;

L. Pursuant to Public Resources Code, Section 21155.2, Transit Priority Projects that incorporate all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports (EIRs) may be approved following the preparation of a Sustainable Communities Environmental Assessment (SCEA);

M. The Project qualifies as a TPP under Public Resources Code, section 21155 and is consistent with the general land use designation, density, building intensity, and applicable policies specified for the Project area in the RTP/SCS;

N. The City prepared a SCEA Initial Study, attached hereto as "Attachment 1", pursuant to Public Resources Code, Section 21155.2 and determined that all potentially significant effects required to be identified in the Initial Study have been identified and analyzed;

O. Pursuant to Public Resources Code Section 21155.2, the SCEA evaluated prior applicable EIRs including the RTP/SCS EIR and the Program EIR for the City of Burbank's General Plan (Burbank2035), and identified all applicable feasible mitigation measures, performance standards, or criteria set forth in said prior applicable EIRs that would reduce Project impacts to a less than significant level;

P. The City distributed a Notice of Intent to Adopt the SCEA on July 9, 2021, pursuant to Public Resources Code, Section 21092;

Q. On November 16, 2021, the City Council held a duly noticed public hearing where members of the public were afforded an opportunity to comment upon the Project and the SCEA;

R. Pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15074(d), the City prepared a program for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to

mitigate or avoid significant environmental effects (Mitigation Monitoring and Reporting Program, or MMRP), a copy of which is attached hereto as Attachment 2;

S. All the requirements of the Public Resources Code, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in connection with the preparation of the SCEA, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project, as well as feasible mitigation measures, have been adequately evaluated;

T. The SCEA prepared in connection with the Project sufficiently analyzes the feasible mitigation measures necessary to avoid or substantially lessen the Projects potentially significant environmental impacts;

U. The findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the Project, which is incorporated herein by this reference and are not based solely on the information provided in this Resolution;

V. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including but not limited to the Initial Study, SCEA, MMRP, and all oral and written evidence presented to It during all meetings and hearings;

W. The SCEA reflects the independent judgement of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project;

X. No comments made in the public hearing conducted by the City Council, and no additional information submitted to the City Council, and none of the Response to Comments have produced substantial new information requiring revisions that would trigger recirculation of the SCEA or additional environmental review of the project under CEQA, including but not limited to State CEQA Guidelines Sections 15073.5 or 15088.5; and

Y. The revisions, clarifications and modifications incorporated within the Responses to Comments document merely clarify, amplify or make insignificant modifications to the SCEA, and do not constitute "substantial revisions" that would trigger recirculation of the SCEA for further public review and comment.

Z. All other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burbank does hereby declare, determine, and order as follows:

1. RECITALS. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated herein as sustentative findings of this Resolution.

2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Initial Study, SCEA (as modified by the Response to Comments and revisions, clarifications and modifications), administrative record and all other written and oral evidence presented to the City for the Project, on file with the City available for review online and at the City website. Based on the City Council's independent review and analysis, the City Council finds that the SCEA, as modified by the Response to Comments, Initial Study, and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the SCEA has been completed in compliance with the California Environmental Quality Act (Public Resources Code, § 21000 et seq.; "CEQA"), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) and the City's Local CEQA Guidelines.

A. Specifically, pursuant to Public Resources Code, Section 21155, the City Council hereby finds that the Project is a Transit Priority Project that:

1) Contains at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75.

The total square footage of all buildings on the lot is 805,651 square feet. The total square footage of the residential portion of the Project is 644,151 square feet which is more than 402,825 square feet, which is 50% of 805,651 square feet.

The office and retail space combined make up 161,500 square feet, which comprises 20% of the total uses on-site and is less than the 26% threshold for evaluating floor area ratios.

2) Provides a minimum net residential density of at least 20 dwelling units per acre.

The Project site is 10.43 acres in size and is provide 862 units. At this rate, the Project is providing a residential density of 82.6 units per acre.

3) Be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

The Project is located approximately 100 feet away from a Metrolink/Amtrak station which is covered under the definition of a high-quality transit corridor.

B. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the Southern California Association of Governments (SCAG) Regional Transportation

Plan/Sustainable Communities Strategy (RTP/SCS), which the State Air Resources Board has accepted as meeting applicable greenhouse gas reduction targets (Public Resources Code § 21159.28); and

C. Pursuant to Public Resources Code, Section 21155.2, the Project has incorporated all feasible mitigation measures, performances standards, or criteria set forth in the prior RTP/SCS EIR, and the Program EIR for the City of Burbank General Plan Update; and

D. An Initial Study has been prepared that identifies all significant or potentially significant impacts of the Project. The Initial Study identifies cumulative effects that have been adequately addressed and mitigated in the prior applicable certified EIR. Cumulative effects have been found to be adequately addressed or mitigated in the prior applicable certified EIR and is not considered cumulatively considerable for purposes of this SCEA; and

E. The SCEA includes measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the Project required to be identified in the Initial Study.

3. **ADOPTION OF THE SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT.** The City Council hereby approves the Final SCEA consisting of the Initial Study, Responses to Comments with revisions, clarifications and modifications, attached hereto as Attachment 3 and approves the Mitigation Monitoring Reporting Plan attached hereto as Attachment 2.
4. **LOCATION AND CUSTODIAN OF RECORDS.** The documents and materials associated with the Project and the SCEA that constitute the record of proceedings on which these findings are based are located at Community Development Division, Planning Division, 150 N. Third St. Burbank, CA 91502. The Custodian of Record is the Community Development Director.
5. **NOTICE OF DETERMINATION.** The City Council hereby directs staff to prepare and file a Notice of Determination with the Los Angeles County Clerk within (5) working days of the approval of the proposed Project.
6. The City Clerk shall mail a copy of this Resolution to the applicants in accordance with the Burbank Municipal Code.

PASSED AND ADOPTED this 16th day of November, 2021.

Bob Frutos
Mayor of the City of Burbank

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: Joseph H. McDougall, Chief Asst. City Attorney

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

I, Zizette Mullins, 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 regular meeting held on the this 16th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Zizette Mullins, MMC, City Clerk

Exhibit 1

Draft Sustainable Communities Environmental Assessment

Due to the document size, the Draft SCEA is being provided in electronic format only.

An electronic copy of the Draft SCEA is available for review and download online at:
https://www.burbankca.gov/documents/173607/0/2021_Planning_2311NHollywoodWaySCEA_Draft_2021-07-08.pdf/4a044ab3-8830-7947-01da-6af5ff8d4c47?t=1625862029163

An electronic copy of all Appendices attached to the Draft SCEA are available for review and download online at:
<https://www.burbankca.gov/web/community-development/2311-n.-hollywood-way>

City Council is being provided a USB drive that contains this document.

Exhibit 2
Mitigation Monitoring and Reporting Program (MMRP)

Due to the document size, the MMRP is being provided in electronic format only.

An electronic copy of the MMRP is available for review and download online at:
https://www.burbankca.gov/documents/173607/0/MMRP_09.10.21.pdf/bf9d7fbd-a9e4-d706-dc9d-c49af6ca302d?t=1631329028834

City Council is being provided a USB drive that contains this document.

Exhibit 3
Final Sustainable Communities Environmental Assessment (SCEA)

Due to the document size, the Final SCEA is being provided in electronic format only.

An electronic copy of the Final SCEA is available for review and download online at:
https://www.burbankca.gov/documents/173607/0/2311NHollywoodWay_SCEA_ResponsetoComments_2021-09-10.pdf/0090bd3d-e179-f3df-34e3-d0393267ff74?t=1631329060379

City Council is being provided a USB drive that contains this document.