

Eff.: ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE ZONING FOR THE PROPERTY LOCATED AT 228 S. NAOMI STREET FROM MEDIA DISTRICT HIGH DENSITY RESIDENTIAL (MDR-4) TO MEDIA DISTRICT GENERAL BUSINESS (MDC-3).

(Zone Map Amendment; Project No. 21-0005452)

City Attorney's Synopsis

This Ordinance amends the zoning for the property located at 228 S. Naomi Street.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The City of Burbank ("City") is amending the zoning of the property located at 228 S. Naomi Street from Media District High Density Residential (MDR-4) zone to Media District General Business (MDC-3) zone to align the zoning of the lot with the underlying Media District Commercial General Plan land use designation and with the goals and vision of the Media District Specific Plan.

B. The Planning Board adopted Resolution No. 74 on March 9, 1970 approving construction, maintenance, and operation of an electrical distribution facility at 228 S. Naomi Street to meet the demand for electricity within the City.

C. Since the adoption of Resolution No. 74, the City's zoning map has been updated to reflect the goals and vision of the Media District Specific Plan, and changes have been made to the zoning districts in the southwestern corner of the City to allow commercial and industrial uses in order to encourage the development of media related uses and medical uses. The Project site is the only residentially zoned lot in the area that is surrounded by commercial and industrial zoned properties.

D. The City acknowledges the need to encourage development that is consistent with the Burbank2035 General Plan land use designations.

E. The Ordinance incorporates the Zone Map Amendment that removes regulatory constraints for construction of public utility facilities, which is essential for meeting the electricity demand in the Media District.

F. The Ordinance and resulting Zone Map Amendment will benefit the community by aligning the zoning of the Project site with the underlying Media District Commercial General Plan Land Use designation and facilitating better transition between commercial/industrial and residential land use types.

G. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to Section 15061 (b)(3) of the CEQA Guidelines. This section of CEQA establishes a statutory exemption for "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.” The proposed ZMA will rezone the Project site to align the zoning of the property with the underlying Burbank2035 General Plan Land Use designation, and does not include any new construction. Additionally, the proposed ZMA is consistent with the development envisioned for the Media District that has been considered as part of the Burbank2035 General Plan Environmental Impact Report (EIR) and will not allow for physical development in excess of what is currently allowed in the Media District Overlay Zone. Therefore, the proposed ZMA qualifies for the “Common Sense” CEQA Exemption pursuant to Section 15061(B)(3) of CEQA guidelines.

H. On November 8, 2021, the Planning Board considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt an Ordinance amending the zoning for the property located at 228 S. Naomi Street from Media District High Density Residential (MDR-4) zone to Media District General Business (MDC-3) zone.

I. On December 13, 2021, the Council at its regular meeting, held a public hearing on the proposed Zone Map Amendment and Ordinance (Project No. 21-0005452).

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

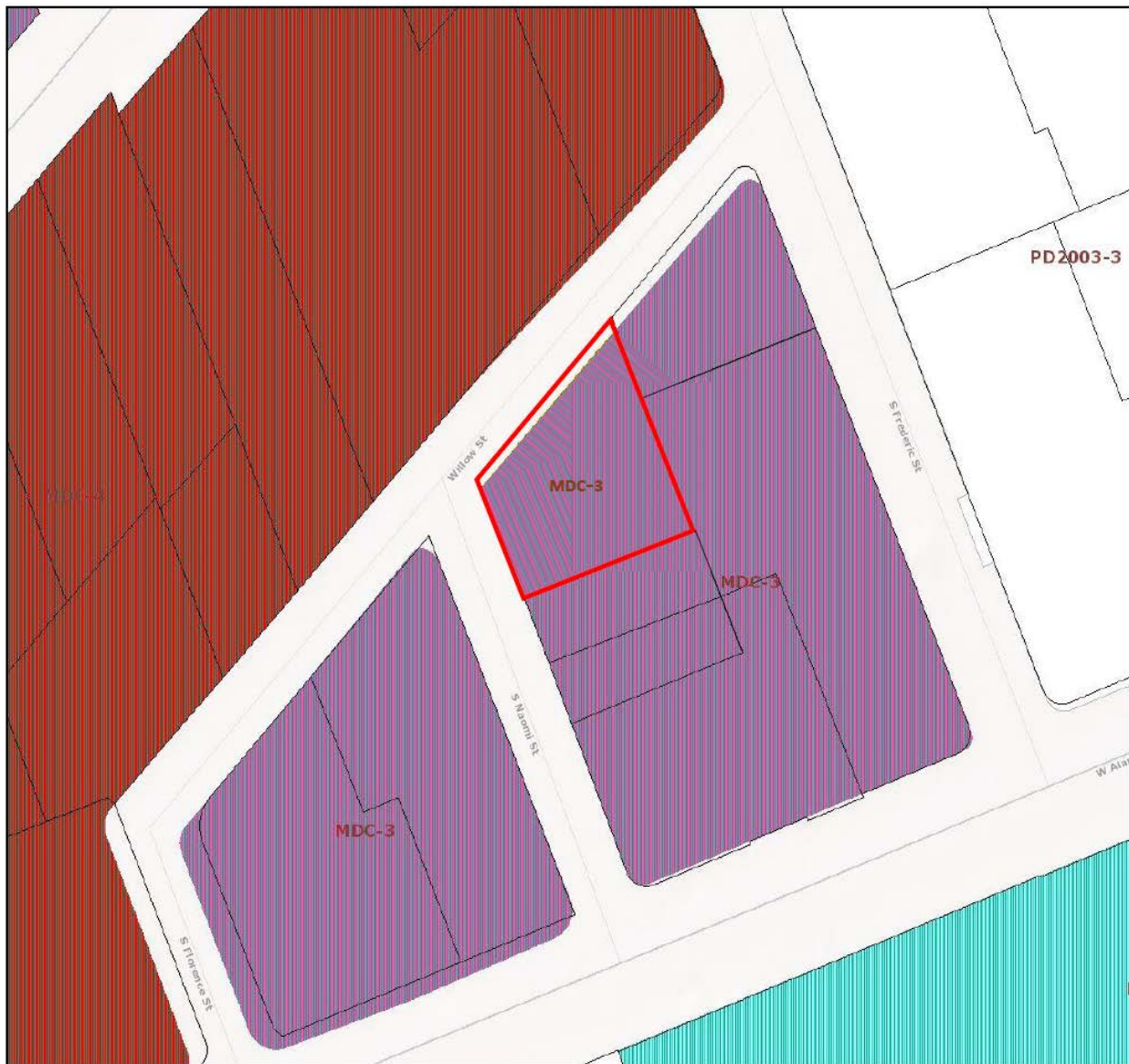
K. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, and the evidence presented at such hearing.

L. The City Council finds that the Ordinance is required to align the zoning of the property at 228 S. Naomi Street with the underlying Media District Commercial General Plan land use designation and with the goals and vision of the Media District Specific Plan.

M. The City Council has determined that the Ordinance is required to remove regulatory and development standard constraints pertaining to the permitting of a public utility facility use on the Project Site, facilitating provision of upgraded utility facilities to meet the growing need for electricity in the Media District area.

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

1. The zoning of the property at 228 S. Naomi Street is being amended as follows (changes to the zoning of the Project Site is reflected within the red outline):



2. 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.
3. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation within fourteen (14) days of adoption, published and circulated in the City of Burbank, California.
4. The City Clerk shall insert the effective date of this Ordinance in the body of this Ordinance wherever noted.
5. 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 _____, 2021.

Bob Frutos
Mayor

Attest:

Approved as to Form:
Office of the City Attorney

Zizette Mullins, MMC, City Clerk

By: _____
Iain MacMillan
Assistant City Attorney

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2021, 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 of the ordinance's adoption on _____.

Zizette Mullins, MMC, City Clerk