

# STAFF REPORT



## COMMUNITY DEVELOPMENT

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**DATE:** December 14, 2021

**TO:** Justin Hess, City Manager

**FROM:** Patrick Prescott, Community Development Director  
VIA: Fred Ramirez, Assistant Community Development Director - Planning  
BY: Shipra Rajesh, Associate Planner

**SUBJECT:** Introduction of an Ordinance for a Zone Map Amendment 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), Project No. 21-0005452

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### **RECOMMENDATION**

Introduce 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), Project No. 21-0005452 (Attachment 1).

### **BACKGROUND**

The City of Burbank Water and Power Department (Applicant) is requesting a Zone Map Amendment (ZMA) to change the zoning of the Project Site located at 228 S. Naomi Street from Media District High Density Residential (MDR-4) to Media District General Business (MDC-3). The proposed rezoning will help facilitate future modification and upgrade of the existing electrical distribution facility, ensuring that infrastructure improvements are provided to accommodate the needs of existing and future development. The proposed Ordinance does not include any construction.

The Project Site is located at 228 S. Naomi Street within the Media District Overlay Zone. The Project Site is currently zoned MDR-4, a multi-family residential zoning district (Attachment 2). The Project Site is improved with a Burbank Water and Power electrical distribution facility, the Naomi Substation, that was previously permitted by the City with an approval of a Resolution Granting a Conditional Use Permit (CUP) on March 23, 1970 (Attachment 5).

A previous zoning map of the City, dated 1948, shows that the Project Site was zoned R-3 for residential multiple low-density use (Attachment 6). During this time, the Project Site

was surrounded by lots zoned R-1 for single-family residential use to the east, lots zoned C-2 for commercial uses to the north, lots zoned R-3 for multi-family use to the west, and lots zoned M-1 for industrial use to the south. The zoning map of the City has been updated multiple times since 1948, and currently the Project Site is surrounded by media-related commercial and office use and medical office use. The Project Site is the only lot in the immediate area that is still zoned for residential use. Additionally, the Project Site is within and surrounded by the Media District Commercial Land Use designation. The proposed ZMA would change the existing MDR-4 residential zoning on the Project Site to MDC-3 zone that allows commercial and office use, consistent with the adjacent uses in the neighborhood. Attachment 2 shows the existing and proposed zoning designation.

Table 1, below, provides additional general property information regarding the Project Site and the surrounding land uses.

<b>Table 1: General Property and Surrounding Land Use Information</b>	
<b>Address</b>	228 South Naomi Street
<b>Cross Streets</b>	South Naomi Street and Willow Street
<b>Assessor's Parcel Number</b>	2484-021-900
<b>General Plan Designation</b>	Media District Commercial
<b>Zoning</b>	Media District High Density Residential (MDR-4)
<b>Property Size</b>	15,541 square feet (0.36 acres)
<b>Current Development</b>	The Project Site is currently developed with an electrical distribution facility containing open air steel rack structures, electrical equipment, electrical control building with control room, electrical switchgear, battery room, and a bathroom.
<b>Street Classification and Width</b>	Local Streets; 60-foot Right of Way
<b>Surrounding Neighborhood: North</b>	Directly North of the Project Site are properties zoned MDC-4, that includes media related commercial and office uses.
<b>South</b>	Directly South of the Project Site are properties zoned MDC-3, that includes medical clinics and other commercial office uses.
<b>East</b>	Directly East of the Project Site is a MDC-3 zoned lot, that is developed with a parking structure
<b>West</b>	Directly West of the Project Site are properties zoned MDC-4, containing buildings with a senior living facility and other media related commercial and office uses.

The General Commercial and Industrial Development Permit Application submitted by Burbank Water and Power is included in Attachment 4.

## **DISCUSSION**

### **Purpose of the Proposed ZMA**

The proposed ZMA is intended to ensure consistency between the property's zoning and General Plan designations, as well as facilitate future modification of the existing public utility facility, as summarized below:

*Align the zoning of the Site with the goals and vision of the underlying Media District Commercial General Plan land use designation:*

The Media District Commercial area is envisioned as a regional employment center that includes a variety of media-oriented uses and other commercial uses. The existing MDR-4 zoning is meant for high density residential use, which was consistent with the pattern of zoning in the past. However, the Naomi Substation electrical distribution facility has been operational on the Site since 1970, and residential use of the Project Site is no longer consistent with the existing and intended commercial and professional service uses in the surrounding neighborhood and with the underlying Media District Commercial General Plan Land Use designation. The Project complies with Burbank2035 General Plan policies 3.2, 3.4, 4.11, 6.3 and 13.4 listed and described in Attachment 7.

Moreover, the proposed ZMA would not alter the underlying General Plan Land Use Designation of Media District Commercial, maintaining the maximum allowable FAR of 1.1 and Density of 58 units per acre. Therefore, the proposed ZMA is consistent with the provisions of California Government Code Section 65863 (No Net Loss Law) by ensuring that the proposed zone change will maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times throughout the current planning period (i.e., Housing Element, 6<sup>th</sup> Planning Cycle) and the proposed ZMA will not result in an action that reduces the Project Site's maximum allowable residential density, which in the Media District Specific Plan area can be used on-site and/or can be transferred within the planning area through the established Transfer of Development Right process. Therefore, the proposed ZMA will not affect the City's ability to preserve the existing residential capacity within the Specific Plan area to help accommodate the jurisdiction's remaining unmet RHNA allocation during the current planning period.

*Align the zoning of the Project Site with the goals and vision of the Media District Specific Plan:*

The Project Site is located within the Media District Specific Plan, which was created to encourage media related uses. The Media District Specific Plan encompasses commercial and industrial areas in the southwestern corner of the City and is intended to allow sufficient and reasonable development opportunities for media and medical establishments. Additionally, the Specific Plan was created to ensure provision of infrastructure and public service improvements to accommodate the needs of all existing and future developments within the plan area. The Project Site is located in the Alameda/Buena Vista corridor of the Specific Plan which was envisioned to accommodate

medical and media related commercial uses. The development of multi-family residential uses was intended along the periphery of the Specific Plan boundary to allow for a proper transition between industrial/commercial and multi-family residential areas. The proposed rezoning of the Project Site to MDC-3 zone aligns with the objectives and vision of the Media District Specific Plan, as the MDC-3 zone allows for commercial land uses that are consistent with the vision of the Specific Plan. In particular, the proposed rezoning allows for by-right approval of public utility facilities, including electrical distribution facility, which is crucial for meeting the growing need for electricity in the Media District area.

*Remove regulatory constraints pertaining to permitting of public utility facility on the Project Site:*

The zoning on the Project Site is Media District High Density Residential (MDR-4), and currently the site is developed with an unmanned electrical distribution facility, which is a public utility facility. The structures on the Project Site include an electrical control building and other electrical equipment. The existing public utility facility was permitted in the existing MDR-4 zone with an approval of a Conditional Use Permit (CUP). In residential zones, public utility facilities are permitted subject to a CUP in order to limit visual and/or other noise-related nuisances that could negatively impact the surrounding residential uses. However, the Project Site is the only residentially zoned lot in the area. The neighborhood predominantly includes commercially zoned lots containing media related commercial uses and other professional service uses. Public utility facilities are a by-right use within a majority of commercial zoning districts, including the MDC-3 zone. The proposed Project will rezone the existing MDR-4 zone to MDC-3 that will allow by-right approval of a public utility facility, including the existing electrical distribution facility. As discussed below, the rezone will facilitate future modification and upgrade of the existing substation, consistent with the intent of Media District goal to ensure that infrastructure improvements are provided to accommodate the needs of existing and future development.

*Facilitate future modification of existing public utility facility:*

The Project Site is City-owned and operated by the Burbank Department of Water and Power. The existing public utility facility use will continue to exist on the Site pursuant to conditions noted in City Resolution No. 74. Although the Burbank Municipal Code allows a public utility facility to operate in the MDR-4 zone subject to approval of a CUP, such facilities are subject to multi-family residential development standards. In other words, any future modification or construction of a new public utility facility on the Project Site shall have to comply with the development standards that are applicable to multi-family residential structures, including standards pertaining to: minimum and average setbacks, building modulations, landscaping, parking, amenities, open space, and other design related development standards. As a result, the existing multifamily zoning designation represents an impediment to the City's ability to provide a new upgraded electrical distribution facility, as a variance from a significant number of multifamily development standards would be necessary. Although any future upgraded public facilities will still be subject to the applicable Planning entitlement review process, the proposed rezoning to MDC-3 will help to streamline the review by allowing for public utility facility as a by-right

use and provide commercial development standards that are applicable to the existing public facility use.

In summary, the proposed ZMA will rezone the Project Site from MDR-4, Media District High Density Residential to MDC-3, Media District Commercial General Business zoning district to align the zoning with the underlying General Plan designation, and thereby facilitate future necessary upgrades to the existing public utility facility. These future upgrades would include installation of new transformers and other related equipment. These upgrades would be part of a separate Development Review process in the future and are not part of the proposed ZMA discussed in this report.

#### Planning Board Recommendation

Pursuant to the City's ZMA process, a Planning Board hearing was held on November 8, 2021 to consider the proposed rezoning of the Project Site located at 228 S. Naomi Street from MDR-4 to MDC-3 zone. At the public hearing, the Planning Board considered staff's recommendation. After deliberation on the Project request, the Planning Board voted 4-0 and approved staff's recommendation for the proposed rezoning of the Project Site.

#### Environmental Assessment

The proposed ZMA has been reviewed for compliance with the California Environmental Quality Act (CEQA). The zoning of the Project Site is Media District High Density Residential (MDR-4). The underlying Burbank2035 General Plan Land Use designation of the Project Site is Media District Commercial, which is an area designated for media-oriented and commercial uses. Additionally, the Project Site is located within the Media District Overlay Zone, which regulates development pertaining to commercial and industrial structures. The proposed rezoning of the Project Site to Media District General Business (MDC-3) zone would allow media-oriented and commercial uses, consistent with the goals and vision for the Media District Commercial Land Use designation contained in the Burbank2035 General Plan. 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 result in physical development in excess of what is currently allowed in the Media District Overlay Zone.

Based on Staff's assessment, the proposed ZMA will not cause any detrimental impact to the environment and has been determined to be exempt from CEQA review pursuant to State CEQA Guidelines, Article 18: Statutory Exemptions, Section 15061(B)(3). This section of CEQA establishes a statutory exemption for "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." The proposed ZMA will rezone the Project Site to ensure consistency between the zoning of the property and the underlying General Plan Land Use designation, and does not include any new construction. Therefore, the proposed ZMA qualifies for the "Common Sense" CEQA Exemption pursuant to Section 15061(B)(3) of CEQA guidelines.

**FISCAL IMPACT**

There is no fiscal impact to the City as a result of the City Council's consideration of an approval of the ZMA.

**CONCLUSION**

The proposed ZMA would ensure consistency between the zoning of the Project Site and the underlying Burbank2035 General Plan land use designation. The ZMA will also make the zoning of the Site consistent with the goals and vision of the Media District Specific Plan. Moreover, the new zoning designation would remove regulatory and development standard constraints pertaining to the permitting of a public utility facility use on the Project Site and enable future modification of the existing BWP substation necessary to provide for upgraded utility facilities within the Media District.

**ATTACHMENTS**

- Attachment 1 Proposed Ordinance
- Attachment 2 Existing and Proposed Zoning
- Attachment 3 Zoning, Public Noticing & Fair Political Practices Act Compliance Map, Aerial Photo
- Attachment 4 General Commercial and Industrial Development Permit Application
- Attachment 5 Resolution No. 74
- Attachment 6 1948 Zoning Map
- Attachment 7 Compliance of ZMA with Burbank2035 General Plan Policies
- Attachment 8 Planning Board Minutes November 8, 2021
- Correspondences