

ATTACHMENT 1 – 1

Eff.: ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE ZONING MAP AND TITLE 10: ZONING REGULATIONS OF THE BURBANK MUNICIPAL CODE TO CREATE A NEW 2021-2029 HOUSING ELEMENT OPPORTUNITY SITES OVERLAY ZONE TO IMPLEMENT REQUIRED 2021-2029 HOUSING ELEMENT PROGRAM ACTIONS PURSUANT TO STATE LAW

(Zone Map Amendment, Zone Text Amendment; Project No. 24-0004926)

City Attorney's Synopsis

This Ordinance establishes the 2021-2029 Housing Element Opportunity Site Overlay Zone by amending the City's Zone Map to allow residential development in accordance with the adopted 2021-2029 Burbank Housing Element on Housing Opportunity Sites identified therein and amend related sections of Title 10 (Zoning Regulations) of the Burbank Municipal Code in compliance with the 2021-2029 Housing Element Program No. 5 and State housing law.

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES, AND DECLARES THAT:

A. California Government Code Section 65300 et seq. requires each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the city with state-mandated elements. The Burbank2035 General Plan, which was adopted in 2013 is made up of chapters or elements, many of which are required by State law. These elements include - Air Quality and Climate Change; Housing; Land Use; Mobility; Noise; Open Space and Conservation; Safety; and Plan Realization.

B. The Housing Element is required by the General Plan (Gov. Code § 65302(c)). Additionally, California Government Code Sections 65580 et seq. require local jurisdictions to update their Housing Element on a schedule set forth in the state housing law to evaluate the appropriateness of housing goals and policies as well as assess the progress made in meeting their share of regional housing needs as established by the State.

C. On September 27, 2022, the City adopted an update to its Housing Element for the 2021-2029 (6th Cycle) planning period, which includes the City's allocation of 8,772 new residential units as required by the 6th Cycle Final Regional Housing Needs Assessment ("RHNA") adopted by the Southern California Association of Governments' ("SCAG") Regional Council in coordination with the State. The 2021-2029 Housing Element Update provides policies and housing programs to enable housing development to meet the City's fair share of housing, identify potential

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opportunity sites for accommodating future housing growth, accommodate a diversity of housing affordable to all economic segments of the community, and remove regulatory constraints in development of housing by streamlining the residential building permit process.

D. On October 7, 2022, the State Department of Housing and Community Development (“HCD”) certified the 2021-2029 Burbank Housing Element.

E. In accordance with State law, the 2021-2029 Burbank Housing Element identifies 19 sites to accommodate the City’s RHNA allocation through rezoning (“Housing Opportunity Sites”), and Program No. 5 (Housing Opportunity Sites & Rezone Program) of the 2021-2029 Housing Element formalizes a plan to complete this rezoning through a series of specific plans.

F. While the specific plan efforts are underway, State law requires the City complete required rezoning by February 15, 2025 (Govt Code § 65583.4).

G. To facilitate timely implementation of the rezoning requirement under State law, the Council desires to create a 2021-2029 Housing Element Opportunity Sites Overlay Zone (“2021-2029 HEOS-OZ”) by amending the City’s Zone Map and adopting other zone text amendments within Title 10 of the Burbank Municipal Code (“BMC”). The 2021-2029 HEOS-OZ Overlay Zone will include the 19 Housing Opportunity Sites and allow residential development on these sites in accordance with the adopted 2021-2029 Burbank Housing Element.

H. On October 28, 2024, the Planning Commission held a duly noticed public hearing on this proposed Ordinance (Project No. 24-0004926), and at such hearing recommended 4-0 that the City Council approve Project No. 24-0004926.

I. On December 10, 2024, the City Council at its regular meeting, held a public hearing on Project No. 24-0004926.

J. Said hearing was properly noticed in accordance with the provisions of BMC Sections 10-1-1969 and 10-1-1994.

K. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Commission as evidenced by Planning Commission Resolution No.3474 and the evidence presented at such hearing.

L. In accordance with California Government Code Section 65860 and BMC Section 10-1-107, the proposed Ordinance is consistent and compatible with the Burbank2035 General Plan, including the objectives, policies, general land uses, and programs specified therein, as well as Title 10, Chapter 1 (Zoning) of the BMC.

M. The amendments proposed as part of this Ordinance are consistent with the development density established by the 2021-2029 Burbank Housing Element and as

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such, were contemplated and studied in the Program Environmental Impact Report for the 2021-2029 Housing Element (SCH No. 2021020393), certified in September 2022. This finding of consistency is based on the evaluation contained in Attachment 6 to the Staff Report dated December 10, 2024, incorporated by reference herein. Pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15183(a), no further environmental review is required for this Project.

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

Section 1. Findings. The findings set forth above are true and correct and are incorporated herein as if restated in their entirety.

Section 2. Zone Map Amendment. The 2021-2029 Housing Element Opportunity Sites Overlay Zone (2021-2029 HEOS-OZ) is hereby established. The 2021-2029 HEOS-OZ shall contain all sites that constitute the 19 “Housing Opportunity Sites” identified on Exhibit 1-5 of the adopted 2021-2029 Burbank Housing Element. Upon the Effective Date of this Ordinance, the Zone Map shall be updated in accordance with BMC Section 10-1-302(D) to reflect the sites within the new 2021-2029 HEOS-OZ as shown on Exhibit A, attached and incorporated herein.

Section 3. Amendment to BMC Section 10-1-301 “Establishment of Zones.” The following class of zone shall be added to the list of zones included in BMC Section 10-1-301:

Symbol	Description
“2021-2029 HEOS-OZ”	“2021-2029 Housing Element Opportunity Sites Overlay Zone”

Section 4. Amendment to BMC Section 10-1-502 “Uses in All Zones”. The City of Burbank Zoning Use List shall be amended by adding a new column titled “2021-2029 HEOS-OZ.” Each cell in the new column will be populated with new footnote #16. Footnote 16 will be added to the bottom of the Zoning Use List to read as follows:

“Land uses are permitted as provided in the base zone. Unless otherwise provided in this Code, the development standards applicable to proposed uses in the 2021-2029 HEOS-OZ will be the same standards applicable to such uses within the base zone, including but not limited to standards adopted in the Burbank 2021-2029 Housing Element, the Burbank Municipal Code, and any other laws, rules or regulations that apply to the proposed use within the base zone.”

For reference only, the new column and footnote added by this Section will be added to BMC Section 10-1-502 in substantially the same form as indicated on the attached Exhibit B.

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Section 5. Amendment to the General Plan Consistency Tables. The General Plan Consistency Tables in BMC Sections 10-1-626.5, 10-1-701.5, 10-1-708.5, 10-1-714.5, 10-1-720.5, 10-1-801.5, 10-1-808.5, 10-1-901.5, 10-1-906.5, 10-1-910.5, 10-1-921.5, 10-1-2103.5, 10-1-2109.5, 10-1-2114.5, 10-1-2119.5, 10-1-2412.5, 10-1-2420.5, 10-1-2428.5, 10-1-2436.5, 10-1-2444.5, 10-1-2503.5, 10-1-2508.5, 10-1-2514.5, 10-1-2519.1.5, 10-1-2520.5, 10-1-2601.5, and 10-1-2611.5 shall be amended by adding a new Footnote to the “Maximum Density” Column in BMC Section 10-1-626.5, and the “Maximum Residential Density” Column in all other sections. The new footnote will be added to the bottom of the General Plan Consistency Tables to read as follows:

“Notwithstanding the maximum densities listed in this General Plan Consistency Table, for each site within the 2021-2029 Housing Element Opportunity Sites Overlay Zone (2021-2029 HEOS-OZ), the maximum residential density shall be the total net units for that site as listed in the column titled “Proposed Specific Plan Total Net Units” of Table 1-41 in the adopted 2021-2029 Burbank Housing Element. All other underlying base zoning land uses and development standards and procedures shall continue to apply.”

For reference only, the new footnotes added by this Section will be added to the General Plan Consistency Tables in substantially the same form as indicated on the attached Exhibit C.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Section 7. Environmental Assessment. The amendments proposed as part of this Ordinance are consistent with the development density established by the 2021-2029 Burbank Housing Element and as such, were contemplated and studied in the Program Environmental Impact Report for the 2021-2029 Housing Element (SCH No. 2021020393), certified in September 2022. This finding of consistency is based on the evaluation contained in Attachment 6 to the Staff Report dated December 10, 2024, incorporated by reference herein. Pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15183(a), no further analysis under the CEQA is required.

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Section 8. Effective Date. 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 _____, 2024.

Nikki Perez
Vice Mayor

Approved as to Form:
Office of the City Attorney

Attest:

Kimberley Clark, City Clerk

By: _____
Jill Vander Borcht
Senior Assistant City Attorney

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

I, Kimberley Clark, 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 _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

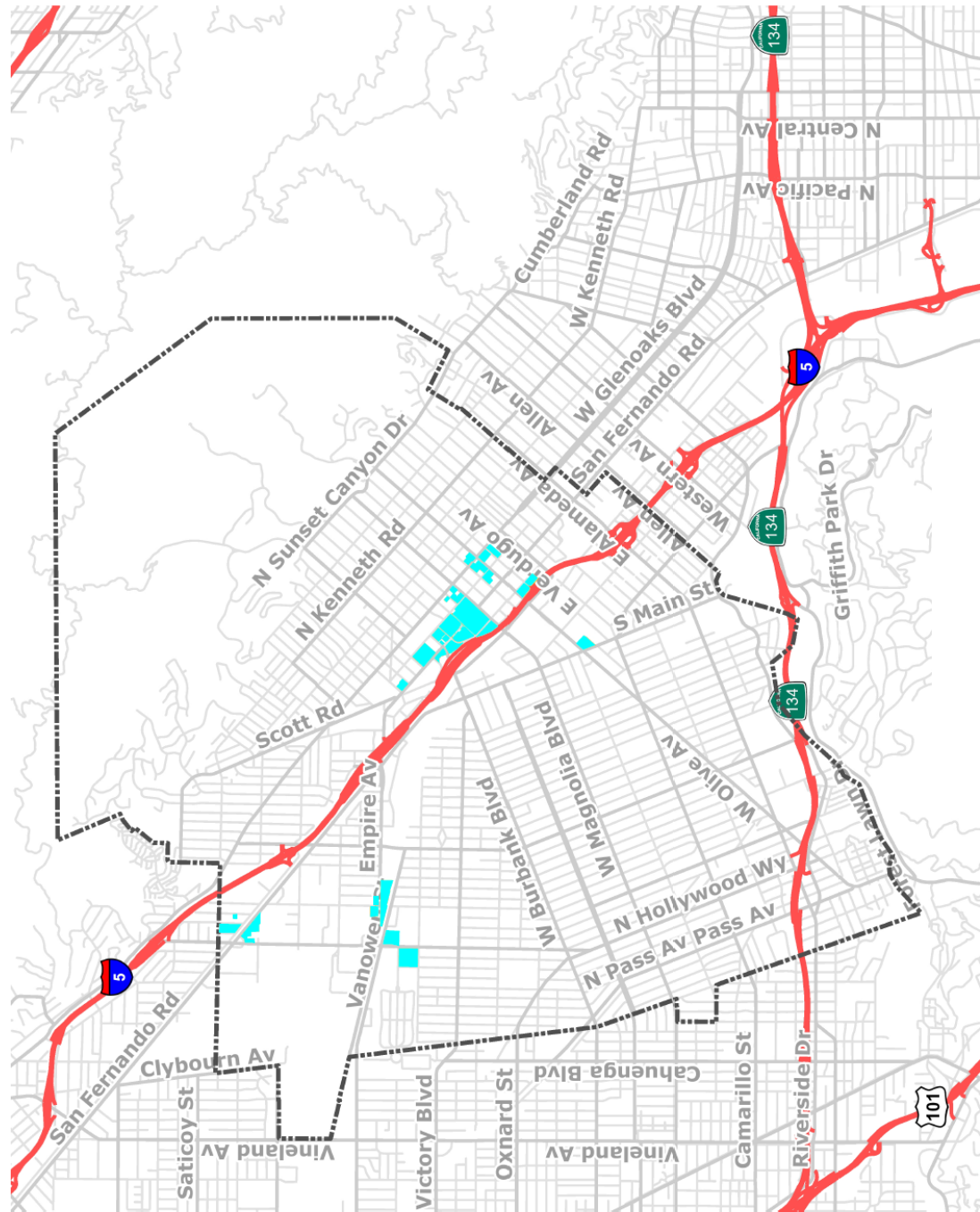
I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following of the Ordinance's adoption on _____, 2024.

Kimberley Clark, City Clerk

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EXHIBIT A – AMENDED ZONE MAP

Housing Element Opportunity Sites Overlay Zone



Legend

- HE Opportunity Site
- City Boundary
- Road
- Freeways
- Major Boulevards
- Streets

Map Documentation

Date Printed: 24 October 2024
 Prepared By:
 Issued For:
 Project ID:

Notes:

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



2.0 Miles



SCALE 1: 64,000

0

Projection: NAD_1983_StatePlane_California_V_FIPS_0405_Feet

2.0

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EXHIBIT B

Form – For Reference Only
 Sample Addition of New Column to Zoning Use List (BMC § 10-1-502)
 New Language Added in **Red**

LAND USE	C-2	C-3	C-4	M-1	M-2	MDM-1	MDC-2	MDC-3	MDC-4	NB	GO	RC	C-R	RBP	BCC-1	BCC-2	BCC-3	BCCM	MPC-1	MPC-2	MPC-3	OS	AP	RR	AD	2021-2029 HEOS-OZ
																										16

¹⁶ Land uses are permitted as provided in the base zone. Unless otherwise provided in this Code, the building and development standards applicable to proposed uses in the 2021-2029 HEOS-OZ will be the same standards applicable to such uses within the base zone, including but not limited to standards adopted in the Burbank 2021-2029 Housing Element, the Burbank Municipal Code, and any other laws, rules or regulations that apply to the proposed use within the base zone.

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EXHIBIT C
Form – For Reference Only
Sample Addition of New Footnote to General Plan Consistency Tables
New Language Added in **Red**

BMC Section 10-1-626.5

General Plan Land Use Designation	Maximum Density¹
Low Density Residential	14 units/acre
Medium Density Residential	27 units/acre
High Density Residential	43 units/acre
¹ Notwithstanding the maximum densities listed in this General Plan Consistency Table, for each site within the 2021-2029 Housing Element Opportunity Sites Overlay Zone (2021-2029 HEOS-OZ), the maximum residential density shall be the total net units for that site as listed in the column titled "Proposed Specific Plan Total Net Units" of Table 1-41 in the adopted 2021-2029 Burbank Housing Element.	

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All other BMC Sections

General Plan Land Use Designation	Maximum FAR	Maximum Residential Density ^{1,2}
Corridor Commercial	1.0 FAR	27 units/acre
Regional Commercial	1.25 FAR	58 units/acre
Downtown Commercial	2.5 FAR	87 units/acre
South San Fernando Commercial	1.25 FAR	43 units/acre
North Victory Commercial/Industrial	1.0 FAR	27 units/acre
Rancho Commercial	0.6 FAR	20 units/acre
Media District Commercial	1.1 FAR	58 units/acre
Golden State Commercial/Industrial	1.25 FAR	27 units/acre
Institutional	Max. floor area determined by Zoning	--
Open Space	Max. floor area determined by Zoning	--
Airport	Max. floor area determined by Zoning	--

¹ with discretionary approval

² Notwithstanding the maximum densities listed in this General Plan Consistency Table, for each site within the 2021-2029 Housing Element Opportunity Sites Overlay Zone (2021-2029 HEOS-OZ), the maximum residential density shall be the total net units for that site as listed in the column titled "Proposed Specific Plan Total Net Units" of Table 1-41 in the adopted 2021-2029 Burbank Housing Element. All other underlying base zoning land uses and development standards and procedures shall continue to apply