

ATTEST: 3-5-2013
[Signature]
City Clerk

RESOLUTION NO. 28,592

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BURBANK 2035 GENERAL PLAN (SCH NO. 2010021004), ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM; APPROVING BURBANK 2035 GENERAL PLAN (PROJECT NO. 06-0200995); AND ADOPTING A GREENHOUSE GAS REDUCTION PLAN (PROJECT NO. 10-0007318).

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. In 2009, the City of Burbank renewed its effort to update the City's General Plan. This effort resulted in the development of the Burbank 2035 General Plan (Project No. 06-0200995) and a companion Greenhouse Gas Reduction Plan (Project No. 10-0007318), which are collectively referred to herein as the "Project".

B. The City, through public workshops, public meetings, community stakeholder meetings, Planning Board study sessions and meetings, City Council study sessions and meetings, and Planning Board-City Council joint study sessions, has solicited and considered community issues, concerns, comments, and recommendations on the drafting and editing of Burbank 2035 and the Greenhouse Gas Reduction Plan.

C. The City determined that Burbank 2035 and the Greenhouse Gas Reduction Program are necessary and advisable for the best interests of the City in accordance with Burbank Municipal Code Section 10-1-102.

D. The City has evaluated potential environmental effects of Burbank 2035 and Greenhouse Gas Reduction Plan through the preparation and circulation of a draft program environmental impact report ("Draft EIR") and consideration of all comments and responses as this process is more fully described in that document entitled "CEQA Findings of Fact and Statement of Overriding Considerations" attached hereto as Exhibit A, and incorporated herein by this reference. This process included the following actions:

1. A Notice of Preparation was sent to organizations and individuals who requested notice with the notice specifying the period during which comments would be received, the date, time, and place of the public scoping meetings on the Project, and Project information, including the Project description, location, and potential environmental effects.

2. The Notice of Preparation was transmitted to the Governor's Office of Planning and Research and the State Clearinghouse and Planning Unit on or about January 29, 2010 for public review and distribution to responsible, trustee, and public agencies with jurisdiction over the resources affected by the Project. The Notice of Preparation was also filed with the County Clerk on or about February 1, 2010.
3. An environmental impact report scoping meeting was held on February 10, 2010.
4. The 45-day review period for the draft EIR was initiated on or about July 30, 2012 with the submittal of a Notice of Completion and Draft EIR to the State Clearinghouse for public review and distribution to responsible, trustee, and public agency with jurisdiction over the resources affected by the Project. The Notice of Availability (NOA) was filed with the Los Angeles County Clerk on July 30, 2012, and re-filed approximately one month later to ensure that it was posted for the entirety of the 45-day review period. The NOA was also published in the Burbank Leader newspaper three times during the 45-day review period. Copies of the draft documents were available for review at the City of Burbank Community Services Building, City Clerk's Office, the Burbank Public Library, the Joslyn Senior Center and Tuttle Senior Center, as well as on the website (www.burbank2035.com).
5. Comments and recommendations on the Draft EIR were received by the City before the end of the 45-day review period on September 13, 2012.

E. All actions required to be taken by applicable law related to the preparation, circulation, and review of the Draft EIR have been taken.

F. A Final Environmental Impact Report has been prepared consisting of the Draft EIR, all comments and recommendations received during the public review period, responses to all significant environmental points raised during the public review period, corrections and revisions made to the Draft EIR, and a Mitigation Monitoring and Reporting Program. This Final Environmental Impact Report was posted on the City's website at www.burbank2035.com on November 7, 2012, and the response to comments were sent to all commenters not less than 10 days prior to the Planning Board's consideration of the Final Environmental Impact Report, the Burbank 2035 and the Greenhouse Gas Reduction Plan.

G. The Planning Board of the City of Burbank at its meeting of November 19, 2012, held a duly noticed public hearing on the Final Environmental Impact Report, the Burbank 2035 and the Greenhouse Gas Reduction Plan. Notice of the Planning Board's public hearing was posted on the City's website and published in the Burbank Leader on or about November 7, 2012 and November 14, 2012, as well as to all those individuals that had asked to be on the mailing list for the CEQA review process and Project, and to responsible, trustee, and public agencies with jurisdiction over the resources affected by the Project.

H. The Planning Board, after considering the public comments received, the evidence and testimony before it, and after exercising its independent judgment and review, recommended that the City Council certify the Final Environmental Impact Report, adopt the CEQA findings, adopt a Statement of Facts and Overriding Considerations, adopt the Mitigation Monitoring Program, and approve of Burbank 2035, Project No. 06-0200995, and approve the Greenhouse Gas Reduction Plan, Project No. 10-0007318, with the corrections and revisions set forth in the staff report.

I. Pursuant to Government Code Section 65302.3 and California Public Utilities Code Section 21676, the proposed Burbank 2035 General Plan was submitted to the Los Angeles Airport Land Use Commission to determine consistency with the Airport Land Use Plan. On January 23, 2013, the Los Angeles Airport Land Use Commission determined that the general plan amendment, together with the proposed corrections and revisions, will be consistent with the Airport Land Use Compatibility Plan.

J. The City Council of the City of Burbank held a public hearing on February 19, 2013, to consider the Final Environmental Impact Report, the Burbank 2035 General Plan and the Greenhouse Gas Reduction Plan. The City Council, after staff analysis of the same, independently reviewed and analyzed reports and declarations which became a part of the record of this decision.

K. The City Council made its decision to adopt the Final Environmental Impact Report for this Project in light of the record as a whole as set forth in these findings; and,

L. The City Council, in certifying the Final Environmental Impact Report for this Project, of which these findings are a part, did so through the exercise of their independent judgment and review after finding substantial evidence, in light of the record as a whole, to support the adoption and certification of the Environmental Impact Report; and,

M. The City Council has made its decision to certify the Final Environmental Impact Report in the light of all the testimony and evidence presented at or prior to the close of the noticed public hearing, including letters, reports, comments, analyses, etc., which the City Council after review and comment by its staff critically reviewed, corrected, and augmented where necessary, as set forth in the record and procedural findings on this Project; and,

N. There is evidence in light of the record as a whole before the City that the Project would continue to have a significant impact on the environment after imposition of feasible mitigation measures or alternatives, and the potential environmental impacts will probably not be mitigated to a point where clearly no significant impact on the environment will occur. Therefore, a Statement of Facts and Overriding Considerations is required to be adopted if the Project is to be approved. Therefore, a Statement of Fact and Overriding Considerations is incorporated herein as set forth in Section 3 of Exhibit "A" hereto.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. CEQA FINDINGS. The City Council incorporates the findings set forth in Paragraphs A through N above as if restated herein in their entirety.

2. CITY COUNCIL INDEPENDENT JUDGMENT AND REVIEW. The City Council further certifies that the Final Environmental Impact Report was presented to the City Council, which reviewed and considered the information contained in said Final Environmental Impact Report prior to deciding whether to approve the proposed Project. The Final Environmental Impact Report has been thoroughly reviewed and analyzed by the City's Staff, Planning Board, and the City Council. The draft documents circulated for public review reflected the City's own independent judgment and the Final Environmental Impact Report as certified by this Resolution also reflects the independent judgment of the City Council.

3. CEQA—EIR CERTIFICATION. Based on the findings set forth above, and on the record of the public hearing, the City Council hereby approves the Final Environmental Impact Report (SCH NO. 2010021004) for the Burbank 2035 General Plan and the Greenhouse Gas Reduction Plan, as presented to Council and set forth in the staff report, including all corrections and additions set forth in the Technical Errata attached hereto as Exhibit "B" and incorporated herein by this reference, and certifies that the Final Environmental Impact Report is an adequate and complete document prepared in compliance with the California Environmental Quality Act, as amended, and the State and local Guidelines promulgated there under.

4. CEQA FINDINGS. The City Council hereby adopts the findings required by California Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that are set forth in Section 2 of that document entitled "CEQA Findings of Fact and Statement of Overriding Considerations" attached hereto as Exhibit A, and incorporated herein by this reference.

5. STATEMENT OF OVERRIDING CONSIDERATIONS. The City Council hereby adopts the Statement of Overriding Considerations set forth in Section 3 of that document entitled "CEQA Findings of Fact and Statement of Overriding Considerations" attached hereto as Exhibit A.

6. MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED. The City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in Appendix A of the Final Environmental Impact Report, and attached hereto as Exhibit "C" and incorporated herein by this reference, as the mitigation monitoring and reporting program for Burbank 2035 General Plan and the Greenhouse Gas Reduction Program. The City Council finds that the Mitigation Monitoring and Reporting Program has been prepared in accordance with CEQA and the CEQA Guidelines, and directs the Community Development Director to oversee the implementation of the program.

7. GENERAL PLAN APPROVAL. The Burbank 2035 General Plan (Project No. 06-0200995), together with all corrections and revisions set forth in the Technical Errata attached hereto as Exhibit B, is hereby adopted.

8. GREENHOUSE GAS REDUCTION PLAN APPROVAL. The Greenhouse Gas Reduction Program (Project No. 10-0007318), together with all corrections and revisions set forth in the Technical Errata attached hereto as Exhibit B, is hereby adopted.

9. FILING OF NOTICE OF DETERMINATION. The City Council hereby directs the Community Development Director to file separate Notices of Determination for Burbank 2035 and the Greenhouse Gas Reduction Program within five (5) working days after approval of the Project. The Project and Final EIR have been determined by the California Department of Fish and Game to be exempt from the CEQA Filing Fee and was issued a No Effect Determination on September 10, 2012.

10. REPEAL OF PRIOR GENERAL PLAN ELEMENTS: Except as provided in Section 13 below, on the effective date of this resolution, all previously adopted elements of the existing General Plan shall be superseded by the Burbank 2035 General Plan. This provision shall not apply to the existing Housing Element, which was adopted on October 21, 2008 by Council Resolution No. 27,298.

11. AVAILABILITY OF GENERAL PLAN AND FEIR. The Community Development Director shall make Burbank 2035, the Greenhouse Gas Reduction Program, and the Final Environmental Impact Report and other related materials that constitute the record of the proceedings upon which its decision is based available at City Hall, 275 E. Olive Avenue, Burbank, California, and in other locations the Director deems appropriate to facilitate public access to these documents.

12. EFFECTIVE DATE. This resolution shall take effect on the 31st day following adoption.

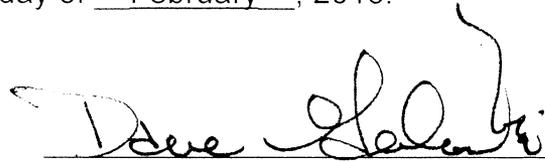
13. PENDING PROJECTS. Projects which meet all of the following criteria may be processed and approved in accordance with the General Plan as it existed on the date the applications were deemed complete:

- (a) the application has been deemed complete by the Community Development Director prior to the effective date of this resolution,
- (b) the proposed project is consistent with the General Plan as it existed on the date the application was deemed complete and needs no General Plan Amendment, and
- (c) all application fees have been paid, prior to the effective date of this resolution.

Notwithstanding the foregoing, applicants taking advantage of this provision may lose the privilege of processing under the prior General Plan if they fail to timely process their application or otherwise fail to timely complete the entitlement process.

Applicants meeting the aforementioned criteria can request to be processed under Burbank 2035 provided they give notice of this election to the Community Development Director by the effective date of this Resolution.

PASSED and ADOPTED this 19th day of February, 2013.



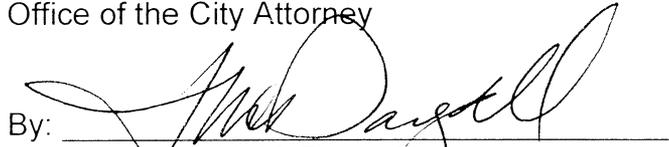
Dave Golonski
Mayor of the City of Burbank

Attest:



Zizette Mullins, City Clerk

Approved as to Form
Office of the City Attorney



By: Joseph H. McDougall
Senior Assistant 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 19th day of February, 2013, by the following vote:

AYES: Council Members Bric, Gabel-Luddy, Talamantes and Golonski.

NOES: Council Member Gordon.

ABSENT: Council Members None.



Zizette Mullins, City Clerk