

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: November 19, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
Via: Fred Ramirez, Asst. Community Development Director – Planning
Scott Plambaeck, Planning Manager
By: Amanda Landry, Principal Planner

SUBJECT: Adoption of a Second Extension of an Urgency Ordinance Establishing Interim Development Standards for Burbank Rancho Neighborhood, an Equestrian District with Certain Other Requirements in Response to Senate Bill 423, Which Added California Government Code Section 65913.4(r)

RECOMMENDATION

Adopt A SECOND EXTENSION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK EXTENDING INTERIM DEVELOPMENT STANDARDS FOR THE BURBANK RANCHO NEIGHBORHOOD, AN EQUESTRIAN DISTRICT IN RESPONSE TO SENATE BILL 423 (Attachment 1) (four-fifths vote required for adoption).

BACKGROUND

On December 12, 2023, City Council (Council) adopted Urgency Ordinance No. 23-4,003 (Attachment 2) establishing interim development standards to clarify that on sites located within the Rancho Commercial Land Use Designation, multifamily residential housing projects are allowed with a conditional use permit. The interim standards further specified that the phrase “with discretionary approval” appearing in footnote 1 of the General Plan Consistency Tables in BMC § 10-1-701.5, 708.5, 714.5, 720.5, 801.5, 808.5, 901.5, 906.5, 910.5, 921.5, 2103.5, 2109.5, 2114.5, 2119.5, 2412.5, 2420.5, 2428.5, 2436.5, 2444.5, 2503.5, 2508.5, 2514.5, 2519.1.5, 2520.5, 2601.5, and 2611.5, will mean “with a Conditional Use Permit” for any sites within the Rancho Commercial Land Use Designation only. For sites within any other land use designation, the meaning of the footnote remains unchanged.

On January 23, 2024, pursuant to California Government Code § 65858(d), Council was provided with a report on the status of the work that had been undertaken since the adoption of Urgency Ordinance No. 23-4,003 (Urgency Ordinance). Since the necessary work to address the issues of concern outlined in the Urgency Ordinance could not be completed within 45 days, Council adopted a first extension of the Urgency Ordinance (Attachment 3), extending the Urgency Ordinance for an additional 10 months and 15 days, until December 11, 2024, to allow staff time to work with the community on establishing comprehensive objective standards in conjunction with the Council directed preparation of the Burbank Rancho Neighborhood Specific Plan.

The Burbank Rancho Neighborhood Specific Plan preparation has progressed; however, the effort is still in the early stages, and additional time is necessary to complete the effort. After holding a public hearing, Council may adopt a second extension of the Urgency Ordinance for up to one year (Government Code § 65858(a); Burbank Municipal Code 10-1-1996). As with the initial adoption Urgency Ordinance, a four-fifths vote is required to extend the Urgency Ordinance for its extension. Staff recommends Council extend the Urgency Ordinance for an additional 12 months, until November 19, 2025, to allow staff adequate time to continue working with the community to establish comprehensive objective standards and preparing the Burbank Rancho Neighborhood Specific Plan.

DISCUSSION

On October 11, 2023, Governor Gavin Newsom signed Senate Bill (SB) 423, amending California Government Code § 65913.4 (commonly referred to as “SB 35”), which established streamlined ministerial approval procedures for qualifying multifamily housing projects. SB 423 went into effect on January 1, 2024 (Attachment 4). Among the changes included in SB 423 is the addition of Subsection (r) to California Government Code § 65913.4, which establishes a temporary exemption from the streamlined ministerial approval process for multifamily housing projects proposed on “qualified sites.” that satisfy the following criteria:

1. The site is within an equine or equestrian district designated by a general plan, specific or master plan.
2. As of January 1, 2024, the general plan applicable to the site contains, and has contained for five or more years, an equine or equestrian district designation where the site is located.
3. As of January 1, 2024, the equine or equestrian district applicable to the site is not zoned to include residential uses but authorizes residential uses with a conditional use permit (CUP).
4. The local government jurisdiction has a state-law compliant adopted housing element.

Under SB 423, this temporary exemption will apply to qualified projects submitted on or after January 1, 2024, through its current sunset, July 1, 2025. The adopted Urgency Ordinance No. 23-4,003 ensures that properties within the Rancho Commercial Land Use Designation can be considered “qualified sites” and temporarily exempted from the streamlined ministerial review process established by SB 35.

Necessity for the Extension of the Urgency Ordinance

Burbank City Charter § 500 authorizes Council to adopt or extend, by a four-fifths vote, an interim urgency ordinance as an emergency measure for preserving the public peace, health, safety, or welfare, which will go into effect immediately upon adoption. Further, following a noticed public hearing, BMC § 10-1-1996 authorizes Council to extend an interim zoning ordinance as an urgency measure to protect the public safety, health, and welfare if the Planning Commission is conducting or intends to conduct studies within a reasonable time on zone changes, permitted uses, or property development standards.

Adoption of the proposed Second Extension Urgency Ordinance is necessary for properties in the Rancho Commercial Land Use Designation to continue to qualify for temporary relief from state mandated streamlined ministerial review afforded to equestrian districts by SB 423, while the City undertakes preparation of the Burbank Rancho Neighborhood Specific Plan, associated General Plan amendment, and related environmental assessment efforts.

Update on Specific Plan and Measures Taken to Alleviate Urgency

Council previously acknowledged the need to develop Rancho Commercial Land Use Designation specific objective development standards and on March 28, 2023, directed staff to initiate the development of a Burbank Rancho Neighborhood Specific Plan and associated General Plan amendment to implement Program LU-3 (Specific Plans) of the Burbank2035 General Plan goals realization element, and budgeted \$1.4 million toward this effort. The Burbank Rancho Neighborhood Specific Plan will establish objective development standards to ensure consistency with the Burbank2035 General Plan and the land use policies of the 1993 Rancho Master Plan. These actions will help reconcile public concerns regarding potential development and construction related impacts in equestrian neighborhoods within the City. Finally, the Burbank Rancho Neighborhood Specific Plan will also address findings from studies or other observations regarding construction impacts on equine uses resulting from future development.

Since the adoption of Urgency Ordinance No. 23-4,003 and the first extension, staff prepared and released a Request For Proposals for the preparation of the Burbank Rancho Neighborhood Specific Plan. Seven proposals were submitted, and staff evaluated each proposal and interviewed each project team. At the completion of the competitive bidding process, Dudek, a multidisciplinary consulting firm with experience working in Burbank and preparing equestrian related land use planning documents, was

selected for the project. The contract with Dudek was executed in October 2024, and a formal project kick-off meeting took place on November 4, 2024. The project team will begin to engage with the community in the coming weeks, following an engagement plan that includes a robust series of community workshops, meetings, and public hearings.

While the planning effort is fully underway, additional time is necessary to complete the project. A second extension of the Urgency Ordinance for an additional 12 months, until November 19, 2025, will allow the project team to engage in extensive community outreach with potentially affected residents, property owners, and interested stakeholders (including business owners and land developers) to craft appropriate land use and mobility policies for the Burbank Rancho Neighborhood. The draft Burbank Rancho Neighborhood Specific Plan will be presented to the Planning Commission at a public hearing prior to a formal recommendation and presentation to Council at a future public hearing.

COMMUNITY OUTREACH

The Urgency Ordinance was presented and considered at a public City Council meeting on December 12, 2023. A public notice for the proposed first extension of the Urgency Ordinance was published in a newspaper of general circulation in the City on Wednesday December 27, 2023, and adopted by Council at a public hearing on January 23, 2024. A public notice for this proposed second extension was published in a newspaper of general circulation in the City on Saturday, November 1, 2024. The forthcoming effort to develop the Burbank Rancho Neighborhood Specific Plan will include a robust community engagement plan that will provide multiple opportunities in a variety of formats for interested stakeholders to participate in the process and contribute to the development of policies that will shape the future of the Burbank Rancho Neighborhood.

ENVIRONMENTAL REVIEW

The interim development standards extended by the proposed Second Extension Urgency Ordinance are derived from the Burbank2035 General Plan and, as such, were contemplated in the Program Environmental Impact Report (EIR) for Burbank2035 (SCH #2010021004) and no further environmental review is required, pursuant to the California Environmental Quality Act (CEQA) Guidelines § 15152. In addition, pursuant to CEQA Guidelines § 15162, no subsequent EIR is required as there are no changes proposed to the Burbank2035 General Plan land uses or densities as noted in the General Plan Consistency Tables outlined in the BMC, there have been no substantial changes in circumstances, and no new information has become known since the time of the General Plan EIR certification.

The Second Extension Urgency Ordinance is also exempt from CEQA, pursuant to CEQA Guidelines § 15061(b)(3), because the Second Extension Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a

significant effect on the environment. The Second Extension Ordinance continues interim development standards that, for the purposes of providing clarity when determining “qualified site” eligibility under the regulatory changes enacted by SB 423, the phrase “discretionary approval” within the Rancho Commercial Land Use Designation, includes approval through a conditional use permit. As this action continues the previously adopted clarification of existing process and there are no significant impacts resulting from this procedural clarification, the use of the exemption is appropriate. Any future changes to the land use or development standards within the Rancho Commercial Land Use Designation will be studied and implemented through the Burbank Rancho Neighborhood Specific Plan, which will be prepared in conformance with applicable local and state laws and accompanied by the required environmental assessment pursuant to CEQA.

FISCAL IMPACT

Adoption of a second extension of the Urgency Ordinance will have no impact to the City’s General Fund.

CONCLUSION

A second and final extension of Urgency Ordinance No. 23-4,003 is necessary to continue to clarify the definition of “discretionary approval” for the Rancho Commercial Land Use Designation in the BMC and enable qualified properties within the City’s equestrian district to be eligible for the temporary relief afforded to equestrian districts by SB 423. This will allow the City to continue toward the completion of the ongoing Burbank Rancho Neighborhood Specific Plan without the significant disruptions associated with projects subject to state-mandated streamlined ministerial review. Therefore, staff recommends Council extend the Urgency Ordinance for an additional 12 months, until November 19, 2025.

ATTACHMENTS

- Attachment 1 – Second Extension Urgency Ordinance
- Attachment 2 – Urgency Ordinance No. 23-4,003, adopted December 12, 2023
- Attachment 3 – Extension Urgency Ordinance No. 24-4005, adopted January 23, 2024
- Attachment 4 – SB 423
- Attachment 5 – Burbank2035 General Plan Land Use Map
- Correspondences