

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: January 30, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
VIA: Fred Ramirez, Asst. Community Development Director – Planning
BY: Scott Plambaeck, Planning Manager
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SUBJECT: Introduction of an Ordinance Approving a Second Amendment to the Development Agreement Related to Planned Development No. 96-1

RECOMMENDATION

Introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATED TO PLANNED DEVELOPMENT NO. 96-1. (PROJECT NO. 23-0001343) (Attachment 1).

BACKGROUND

The Applicant, Worthe Real Estate Group (Applicant), on behalf of Catalina Media Development, LLC and Catalina Media Development II, LLC (collectively, the Developer) is requesting a three-year extension to their Development Agreement (DA) related to the Planned Development No. 96-1 (PD No. 96-1) (on the site otherwise known as The Burbank Studios, formerly known as NBC Studios), in order to complete the envisioned buildout of a commercial development project that includes media office and studio related buildings (Project) (Attachment 2). The request is to extend the term of the DA by three additional years until March 19, 2027, with no other substantive changes proposed.

If not extended, the DA will expire on March 19, 2024; approximately 66.4% of the total entitlement will have been developed by this time. Pursuant to Burbank Municipal Code (BMC) Section 10-1-19112, the Applicant is therefore seeking to extend the existing DA for PD No. 96-1 for three years to allow for additional buildout of the development potential vested in the Project. During the period of the extension request, no changes are proposed to the allotted square footage, development standards, permitted uses, or other

aspects of the existing PD No. 96-1. The other non-substantive changes proposed in the Second Amendment include updating the legal description of the Project site to reflect a recent internal lot line adjustment completed in 2023, and updating party name and contact information to reflect current parties to the DA.

PROJECT HISTORY

Original Development Agreement

On March 19, 1997, City Council (Council) approved a 20-year DA (Attachment 5) between the City and the National Broadcasting Company, Inc. (NBC) (now succeeded by the Developer), which was recorded on October 7, 1997 as Instrument No. 97-1553642 in the Los Angeles County Recorder's Office. The DA provides various land use approvals, permits and other entitlements relating to the development of the Project site, located at 2900 West Alameda Avenue (Catalina Parcel), and 3000 West Alameda Avenue and 100 and 200 South California Street (collectively, the Main Lot). The maximum buildout of the Project site under PD No. 96-1 is 1,825,865¹ office equivalent gross square footage (OE-GSF) of media office and studio related buildings. With a Floor Area Ratio (FAR) of 0.95, the maximum OE-GSF buildout of the site under PD No. 96-1 is lower than would otherwise be allowed (1.1 FAR maximum) on a similar site in the Media District with the same land use designation. OE-GSF is a concept specific to the Media District, which measures intensity for uses that generate less peak-hour traffic on a square foot basis than the equivalent amount of general office space.

The Project included adoption of Planned Development Zoning (PD No. 96-1) for the site, which is implemented by the DA. The uses permitted under the DA include, but are not limited to, sound stages, media office buildings, and other similar facilities, subject to compliance with the DA's conditions of approval. In addition, the Project included approval of a Vesting Tentative Tract Map, which subdivided portions of the Catalina Parcel to facilitate additional development on the Project site. The environmental effects of the Project were evaluated in the NBC Studios Master Plan Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 96071055), certified by Council in March 1997. The Final EIR analyzed the impacts associated with the Project for a period of 20 years (1997 through 2017).

At the time the DA was approved in 1997, the Project site contained approximately 574,221 OE-GSF of existing development. Subsequently, Catalina Media Development, LLC purchased the Catalina Parcel in 2005 and Catalina Media Development II, LLC purchased the Main Lot in 2007. During the period of 2006-2007, the Pointe I office tower was completed on the Catalina Parcel, totaling 329,011 OE-GSF. In December of 2007, all rights and obligations under the DA were formally assigned from NBC to Catalina Media Development II, LLC, with the City's consent.

First Amendment to the Development Agreement

In 2012, an application was filed to extend the DA by an additional 10 years, through March 2027, to allow for completion of the Project. In July 2013, an Addendum to the Final EIR was prepared; however, City staff determined that due to a change in traffic conditions identified in the Burbank 2035 General Plan Final EIR, the 10-year extension

¹ Prior to adoption of the DA, 310,173 OE-GSF of the entitlement was transferred to Media Center South (The Pinnacle) Development.

would contribute to significant cumulative impacts at two new intersections not identified as being significantly impacted in the certified Final EIR. Pursuant to Section 15163 of the California Environmental Quality Act (CEQA) Guidelines, a Supplemental EIR was prepared to analyze the 10-year extension of the Development Agreement's contribution to significant cumulative traffic impacts to the two new intersections. The Final EIR, as revised by the Supplemental EIR, was certified by Council on December 10, 2013, with the approval of Resolution No.13-28,654. On December 17, 2013, Council amended the DA by extending the term for a seven-year portion of the 10-year request, and the DA is now due to expire on March 19, 2024² (Attachment 6).

During the approved seven-year DA extension, approximately 566,046 additional OE-GSF of the total permitted area was developed with the construction of the Second Century Project on the Main Lot. In 2023, the Developer completed an internal lot line adjustment for the Project Site. This change resulted in an update to the legal description of the Project site, but did not expand, reduce, or otherwise change the exterior boundaries of the Project site or create new parcels within the Project site.

In August 2023, Catalina Media Development II, LLC sold a 27.07 gross acre portion of the Main Lot to Warner Bros. (the "TBS Lot") and retained a 10.13 gross acre portion of the Main Lot, located at 100 and 200 S California Street, known today as "Second Century Project". The owners of the Catalina Parcel and Second Century Project are affiliates of Worthe Real Estate Group. The remaining vested development potential that has not yet been built under the DA is 614,458 OE-GSF. The current boundaries of the sub-areas within the PD No. 96-1 Project site are shown in the aerial in Attachment 4 to this report.

DISCUSSION

In March of 2023, the Applicant submitted an application requesting a second extension to the DA for a three-year period in order to complete the construction of the remaining vested potential allowed under the DA. Under the BMC, any amendment to a DA must be reviewed by the Planning Commission and approved by Council in the same manner that the agreement is initially entered into (BMC 10-1-19113). This process requires the Planning Commission to provide a recommendation to Council.

On December 11, 2023, the Planning Commission approved the recommendation to Council. While there were no specific findings required for the Planning Commission to recommend approval to Council, the Council may only approve a DA and subsequent amendment if the agreement is consistent with the General Plan and any applicable specific plans (BMC 10-1-19110).

Project Site Information

The following table provides general property information for the Project site:

² The First Amendment to the DA includes a typographical error stating that the amended Term will expire on March 19, 2027. However, the record confirms that it was the parties' intent to agree to a seven-year Term extension to March 19, 2024.

Property Data	
Site Address	Main Lot (TBS): 3000 W Alameda Avenue Main Lot (Second Century Project): 100 and 200 S California Street Catalina Parcel: 2900 W Alameda Avenue
Cross Streets	Main Lot: Alameda Avenue and Olive Avenue Catalina Parcel: Alameda Avenue and Bob Hope Drive
Assessor's Parcel Number(s)	Main Lot (TBS): 2484-024-006 and 2484-024-007 Main Lot (Second Century Project): 2484-024-008 and -009 Catalina Parcel: 2484,025-007, -008, and -009
General Plan Designation	Media District Commercial
Zoning Designation	Planned Development (PD) No. 96-1
Property Dimensions and Size	Main Lot (TBS): 27.07 gross (25.18 net) acres Main Lot (Second Century Project): 10.13 (9.93 net) acres Catalina Parcel: 9.26 gross (9.09 net) acres
Existing Development	Main Lot (TBS): 316,350 OE-GSF Main Lot (Second Century Project): 556,046OE-GSF Catalina Parcel: 329,011 OE-GSF
Street Classification and Width	Olive Avenue: Major Arterial, 100 feet wide Alameda Avenue: Major Arterial, 100 feet wide California Street: Collector Street, 60 feet wide Bob Hope Drive: Collector Street, 62.5 feet wide
Surrounding Neighborhood:	
North	MDC-2 Media District Limited Commercial, MDC-3 Media District General Business, with commercial structures (Attachment 3)
South	State Route 134 (Ventura Freeway)
East	MDM-1 Media District Industrial and OS Open space (St. Joseph Medical Center and Bob Hope Park)
West	PD 2001-2 (109,470 square foot office building) and PD 89-6 (two low-rise (six story buildings) totaling 585,600 of Media District OE-GSF)

Proposed Amendment to the Development Agreement

The Applicant requests to extend the term of the DA for PD No. 96-1 through March 19, 2027. Presently, the Developer has vested rights to proceed with the previously entitled Project approvals for a total buildout of 1,825,865 OE-GSF until March 19, 2024. To date, the remaining unbuilt development potential on the project site is 614,458 OE-GSF, or approximately 33.6 percent of the vested OE-GSF potential. If approved, the Developer will have vested rights to proceed with the approved Project until March 19, 2027. Should

the DA extension be denied, the DA would expire on March 19, 2024, and vested rights would be lost for the portions of the Project that have not begun construction by that date. The request is consistent with the listed goals within the [Burbank 2035] General Plan and the Media District Specific Plan related to the vitality of the economy. Both documents encourage the facilitation of development opportunities for the media industry. The building out of the remaining vesting rights and square footages at the Project would work towards these goals. Moreover, PD No. 96-1 is consistent with the underlying zoning and the intent of the Media District Specific Plan by facilitating the time extension and eventual buildout of the noted media related uses noted in the PD/DA. As such, with the extension of the DA, the Developer will support the local economy and employment base by allowing for the continued expansion of Media production in Burbank.

Finally, as part of the amendment, the legal descriptions for the Project site will be updated to account for changes made during a previously City-approved lot line adjustment, the party names and contact information to reflect current parties to the DA will be updated. These changes are necessary to update and memorialize current conditions as part of the extension request.

FINDINGS

Pursuant to Section 10-1-19110 of the BMC, Council may only approve the DA extension if the agreement is consistent with the [Burbank2035] General Plan and applicable specific plans. Here, the Project site falls within the Media District Specific Plan. The proposed extension is consistent with the following goals and policies of the City's Burbank2035 General Plan and the Media District Specific Plan:

Burbank2035 General Plan Land Use Element

Goal 6 Economic Vitality and Diversity

Policy 6.1 – Recruit and attract new businesses. Use these businesses to act as catalysts to attract other businesses. Continue to utilize public-private partnerships and other incentives to enhance economic vitality.

Policy 6.3 – Recognize and maintain the Media District as the heart of the media industry in the city. Facilitate continued expansion of the media industry into Downtown, the Golden State area, and other parts of the city.

Media District Specific Plan

Allow sufficient and reasonable development opportunity for media and medical establishments.

These uses have a special need to locate and expand within the Media District by allowing sufficient and reasonable development opportunity for commercial land uses.

If the Applicant were requesting modifications to the underlying zoning established by PD No. 96-1, pursuant to Section 10-1-19127 of the BMC, Council would need to find that the Planned Development is consistent with the [Burbank 2035] General Plan and applicable community plans and that the design criteria identified in Section 10-1-19124 of Article 19

of the BMC have been satisfied. While these findings can be made, they are not necessary at this time because PD No. 96-1 is not proposed to be modified.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the recommendation to Council to approve the attached Ordinance during a noticed regular public hearing on December 11, 2023. After reviewing the staff report and draft resolution receiving staff's presentation, public testimony, and Planning Commission deliberation, the Planning Commission was able to reach a consensus resulting in a 4-0 vote, approving the Planning Commission Resolution (Attachment 8) recommending approval of the proposed Ordinance to the Council. A complete record of the meeting and the Commission's discussion are summarized in Attachment 9.

PUBLIC NOTICE AND COMMUNITY OUTREACH

A public notice for the City Council hearing was mailed to all property owners and tenants within a 1,000-foot radius of the Project site, as well as the Media District North notification area, in accordance with BMC requirements. Furthermore, a public notice was published in the Los Angeles Times, and a notice was posted on-site prior to the City Council hearing. As of the writing of this report, no public comments have been received by staff.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) for the Project was approved and certified by the City Council on March 11, 1997. The EIR was revised by a Supplemental EIR and recertified in conjunction with the First Amendment to the DA in 2013. The 2013 Supplemental EIR analyzed potential impacts associated with the build-out of the Project over an additional 10-year period from March 2007 through March 2027. However, as previously noted, Council only extended the Term of the DA under the First Amendment for a period of seven-years rather than 10-years, from March 19, 2017, through March 19, 2024.

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21166) and State CEQA Guidelines Section 15162, no subsequent EIR is required for a project unless it is determined that any of the following conditions exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the occurrence of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes in the circumstances under which the project is undertaken will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and/or
- 3) New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of these conditions exist, an addendum may be used to make some changes or additions to the previously certified EIR (CEQA Guidelines Section 15164). Here, because the proposed term extension and update to legal description involves no changed conditions that would necessitate the preparation of a subsequent EIR, an Addendum to the EIR and Supplemental EIR was prepared for the Project (Attachment 7). This Addendum analyzes the extension of the approved DA for a period of three years through March 19, 2027, which was previously analyzed in the 2013 Supplemental EIR. The Addendum confirms that the proposed three-year extension will not result in any of the conditions listed above in CEQA Guidelines Section 15162, and a subsequent EIR is therefore not required for approval of the proposed extension.

The proposed extension will not result in any new significant or substantial increases in severity of the significant impacts identified in the previously certified EIR and Supplemental EIR. The environmental baseline and other assumptions used in the Supplemental EIR have not changed. No changes to the amount or type of allowed land uses or any other aspects of the approved PD No. 96-1 are proposed. Additionally, no new information of substantial importance has been identified that indicates the proposed three-year term extension and update to legal description will result in any new significant environmental impacts nor any substantial increase in the severity of the significant environmental impacts identified in the EIR.

FISCAL IMPACT

Approval of the Ordinance and associated DA extension until March 19, 2027 will not have a direct impact to the City's General Fund. Any future development associated with the Project will be at the Applicant's cost.

CONCLUSION

Staff recommends a three-year extension of the DA until March 19, 2027, to provide sufficient time to complete the development envisioned in the original 1997 approval. The Second Amendment to the DA for PD No. 96-1 would include the time extension until March 19, 2027 and update to legal descriptions and party names, without changes to the previous approvals, inclusive of the Conditions of Approval. Therefore, staff recommends that Council adopt the attached Ordinance (Attachment 1) approving a Second Amendment to the current DA related to PD No. 96-1 to extend the vesting term of the DA for three years until March 19, 2027, update the legal descriptions for the Project site, and make other non-substantive changes.

ATTACHMENTS

Attachment 1 – Ordinance and Second Amendment to Development Agreement

Attachment 2 – Application Form

Attachment 3 – Zoning and Fair Political Practices Act Compliance Map and Aerial Photo

Attachment 4 – Sub-Areas of PD 96-1 Project

Attachment 5 – Ordinance No. 3461 approving PD 96-1 Zoning and Development Agreement

Attachment 6 – First Amendment to Development Agreement

Attachment 7 – EIR Addendum

Attachment 8 – Planning Board Resolution No. 3460, adopted December 11, 2023

Attachment 9 – December 11, 2023 Planning Board Minutes

Correspondences