

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE THE EXISTING DEVELOPMENT STANDARDS FOR ART IN PUBLIC PLACES TO AUTHORIZE POST-SECURITY AREAS OF THE HOLLYWOOD BURBANK AIRPORT AS ELIGIBLE PLACES FOR PUBLIC ART

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, by updating the City's Art in Public Places Ordinance to authorize post-security areas within the Hollywood Burbank Airport as eligible places for interior public art.

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

A. Burbank Municipal Code (BMC) Section 10-1-1114 comprises the City's Art in Public Places (AIPP) Ordinance. Under the AIPP Ordinance, development projects must incorporate public art works on the project site or pay an in lieu fee. Among other provisions, the AIPP Ordinance requires that a minimum portion of the public art be located in exterior locations of the project in permanent daytime view of pedestrians and motorists, and the remaining artwork may be located in interior locations of the project that are designed for general public use and accessible to the public during normal business hours. (BMC Section 10-1-1114(D)(5)).

B. As part of the Hollywood Burbank Airport (Airport) replacement terminal project, the Airport desires to locate its interior public artwork in locations open to ticketed passengers only, in post-security terminal areas. The current AIPP Ordinance does not classify post-security interior areas of the Airport accessible to ticketed passengers only as a place that qualifies for public art placement under the AIPP Ordinance. In order to allow the Airport's request to install public art in post-security interior areas of the Airport and have that art be considered as partial fulfillment of the requirements of the AIPP Ordinance, the AIPP Ordinance must be modified through a Zone Text Amendment (ZTA) to clearly define that such areas are permissible locations for public art.

C. The City acknowledges the need to provide public art in conjunction with major development projects and that Elevate BUR, the Airport replacement terminal project, would be an opportunity to bring public art into a space traveled by millions of members of the general public who are Airport passengers, including Burbank residents.

D. This Ordinance and resulting ZTA will benefit the community by augmenting Burbank's artistic image to millions of travelers entering and leaving the City through the Airport. Any interior public art will remain subject to review by the City's Art in Public Place Committee to ensure that the public art will be consistent with the City's vision for its public art, giving travelers and residents alike a public art installation that they could be proud of.

E. On December 11, 2023, the Planning Commission held a duly noticed public hearing on this proposed Ordinance, and at such hearing recommended 4-0 that the City Council approve the ZTA.

F. On January 23, 2024, the City Council at its regular meeting, held a public hearing on this proposed Ordinance. Said hearing was properly noticed in accordance with BMC Section 10-1-1994.

G. In accordance with California Government Code Section 65860, the proposed Ordinance is consistent with the Burbank2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code, and is compatible with the objectives, policies, general land uses and programs specified therein, and more specifically, the General Plan Land Use Element.

H. The City Council exercises its independent judgement and finds that this Ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in which the project has no potential for causing a significant effect on the environment. No unusual circumstances exist that would preclude the use of this exemption. Furthermore, pursuant to CEQA Guidelines Section 15378, this Ordinance is not considered a “project” subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

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

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

Section 2. Amendment to Burbank Municipal Code (BMC) 10-1-1114: Art in Public Places. Subsection D.5. of BMC 10-1-1114 is hereby amended and restated in its entirety as follows:

“5. Location. The art project shall be located on-site as follows: at least 50 percent of the Minimum Allocation shall be invested in works of art on the exterior of the Development Project and in permanent daytime view of both pedestrians and motorists; provided, however, that this provision shall not apply to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area in which case 100 percent may be within the enclosed portions of the mall, accessible to the visitors thereto. The balance of the Minimum Allocation may be utilized for an art project(s) in interior locations of the Development Project provided that the location(s) are designed for use by the general public and are accessible to the public during normal business hours. At the Bob Hope Airport (also known as the Hollywood Burbank Airport), post-security interior areas of the Airport accessible to ticketed passengers during normal business hours shall also qualify as permissible interior locations to place the balance of the Minimum Allocation of the public art.”

Section 3. Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 4. Environmental Assessment This Ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because the project has no potential for causing a significant effect on the environment. No unusual circumstances exist that would preclude the use of this exemption. Furthermore, pursuant to CEQA Guidelines Section 15378, this Ordinance is not considered a “project” subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The ZTA will allow a unique developer, the Airport, to include a portion of public artwork within the interior of the replacement terminal project and does not extend to other development projects throughout the City.

Section 5. 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 13th day of February, 2024.

s/Nick Schultz

Nick Schultz
Mayor

Attest:

s/Kimberley Clark
Kimberley Clark, City Clerk

Approved as to Form:
Office of the City Attorney

By: s/Lisa Kurihara
Lisa Kurihara
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. 24-4,006 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 13th day of February, 2024, by the following vote:

AYES: Anthony, Mullins, Takahashi, Perez, and Schultz.

NOES: None.

ABSENT: None.

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 its February 13, 2024 adoption.

s/Kimberley Clark
Kimberley Clark, City Clerk