

April 25, 2023

Patrick Prescott
Community Development Director
City of Burbank
275 East Olive Avenue
Burbank, CA 91502

Dear Mr. Prescott:

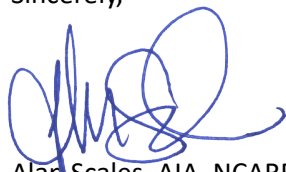
The applicant, Butterfly Gardens, LLC, is requesting an approval of The Butterfly Gardens project (project pursuant to Senate Bill (SB) 35. The Project consists of 23, three-story residential townhomes on a 1.01-acre site of which 2 units will be reserved for Low-Income households (up to 80 percent of the Area Median Income (AMI)), resulting in 10 percent of the base density units being considered “affordable.” In addition to the non-discretionary entitlement, the approval shall also include an approval of the subdivision map pursuant to SB 35:

Subdivision Map Act (Division 2 (commencing with Section 66410)) for a development that meets the provisions in (1) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). Such an application shall be subject to a ministerial process as part of the Streamlined Ministerial Approval Process.

The subdivision request includes a request for parkland credits, pursuant to Section 11-1-1308 of the Burbank Municipal Code, for the privately maintained open space provided as part of the project. Should there be any applicable park in-lieu fee pursuant to Section 11-1-1307 of the Burbank Municipal Code.

If you have any questions regarding this letter, please contact me at 949.221.6256. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Scales', with a stylized, looping flourish extending to the right.

Alan Scales, AIA, NCARB
Principal
KTGY Architecture + Planning

April 25, 2023

Patrick Prescott
Community Development Director
City of Burbank
275 East Olive Avenue
Burbank, CA 91502

Re: Application for SB 35 Approval of The Butterfly Gardens Project, 910 S. Mariposa Street

Dear Mr. Prescott:

On behalf of Butterfly Gardens, LLC (“Applicant”), we hereby submit an application requesting approval of The Butterfly Gardens Project (“Project”) pursuant to SB 35. This letter provides a summary of the Project and its consistency with the eligibility criteria pursuant to SB 35, which was previously submitted through a Notice of Intent Application to the City of Burbank on October 27th, 2022. On December 13th, 2022 the City Council of the City of Burbank considered the site eligibility requirements as noted in Government Code Section 65913.4, subsections (a)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3) and voted to approve the eligibility of the site for SB 35 with respect to those subsections.

Project Description

The Project site is located at 910 S. Mariposa Street in the City of Burbank, and it is comprised of 1.0 acres. As shown in Exhibit 1, *Site Aerial*, the Project site is a flat lot being utilized as a commercial horse boarding facility by the current tenant. There is a single, small structure of 240 square feet (per assessor’s records) located at the front of the site being used for admin/office purposes. There are pipe corrals located throughout the site which are not affixed to the land and are the property of the tenant. The tenant intends on disassembling and relocating them upon termination of the tenancy. The existing site does not include any residential uses. Easements and existing site encumbrances are identified in the Land Survey contained in **Attachment B**.



Exhibit 1, Site Aerial

All improvements on the Project site will be demolished and cleared. Grading activities will generally include excavating and recompacting the topsoil of the site. Including stormwater treatment devices, it is not anticipated that excavations will exceed 10 feet below existing grade.

The Project consists of 23 three-story townhomes ranging from 1,329 to 2,030 square feet in size. Each home will have a parking garage with direct, private access into the home as well as private open space in the form of patios, upper-level decks, and/or roof decks. At the rear of the property, a common open space element is provided to create an inviting space for recreation activities and passive outdoor space. An area of approximately 5,300 square feet at the front of the property will be dedicated to provide for a 12-foot-wide expansion of the current roadway (Mariposa Street), a 7-foot-wide parkway planting strip, a 5-foot-wide pedestrian sidewalk, and a 13-foot-wide equestrian trail. This dedication will help improve pedestrian, equestrian, and vehicular safety. The equestrian trail will provide safe passage to the Mariposa Equestrian bridge for neighborhood equestrians.

Of these 23 townhomes, 2 units will be reserved for Low-Income residents (80 percent of the Area Median Income (AMI)) as an affordable component to the project. These units will remain affordable at

these levels for a period of at least 55 years. One incentive is being requested for the Project and is described in **Attachment A**.

A site plan depicting the proposed project is included in **Attachment B**. The buildings are arranged to allow for vehicular access through a central driveway, and pedestrian access into the property through the network of walks that lead to individual townhome entries as well as common open space.

The Project provides for a responsible urban infill location, allowing access to existing City services, infrastructure, amenities, shops, restaurants, and jobs.

SB35 Eligibility Checklist

Criterion #1: Number and Type of Units

The Project meets this criterion. The project is a multi-family housing development consisting of 23 residential dwelling units. The Project site is allowed up to a maximum density of 20 dwelling units per acre. The project includes two (2) affordable housing units reserved for Low-Income Earners (80 percent AMI), which equates to 10 percent of the total units being affordable. The Project is allowed a 20 percent density bonus under CA State Density Bonus Law and the Burbank Inclusionary Housing Ordinance which increases the maximum allowable number of dwelling units to 24 on the 1.0-acre Project site, resulting in an allowable density of 24 du/ac.

Criterion #2: Affordability

The Project meets this criterion. The Project applicant will provide the requisite number and income levels for affordable for-sale housing units in compliance with both SB 35 and the City's Inclusionary Housing Ordinance for approval and recording by the City prior to the issuance of the first building permit.

More specifically, the Project will dedicate a minimum of 10 percent of the total number of units (2 total) as affordable to households making at or below 80 percent of the AMI, and a covenant or restriction shall be recorded against these units to ensure they will remain affordable for a period of not less than 45 years. Pursuant to Section 10-1-646 of the Burbank Municipal Code, at least 15 percent of all newly constructed dwelling units in residential developments shall be developed, offered to, and sold to low or moderate-income households. Section 10-1-646, Paragraph C allows for credits for units sold to low-income residents (80 percent of the AMI) at a rate of two (2) units for every one (1) provided. Currently, the Applicant will reserve 2 units for low-income residents (80 percent of the AMI), resulting in a total of 10 percent of the base density allowance being affordable. This would result in a total credit of 4 affordable units, exceeding the 15 percent inclusionary housing requirement identified in Section 10-1-646 of the Burbank Municipal Code.

Criterion #3: Urban Infill

The Project meets this criterion. The project is located within the incorporated City limits. Moreover, at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. The subject property is surrounded by the following uses:

- North: 820 N. Mariposa; Use: Industrial.
- West: 1300 Morningside & 1305 W. Valleyheart; Use: Single-Family Residential
- South: 914 S. Mariposa (Studio Horse Rental); Use: Commercial
- East: 480 W. Riverside Drive (Los Angeles Equestrian Center); Use: Public Institutional/Open Space

The Project site currently adjoins parcels that are developed with urban uses that include residential and commercial uses on all sides, or 100 percent, of the subject property.

Criterion #4: Zoned or Planned Residential Uses

The Project meets this criterion. According to the City’s General Plan (2013) and the General Plan’s Land Use Diagram (General Plan, Exhibit LU-2), the General Plan designation for the property is Rancho Commercial. This designation allows for a maximum of 20 units per acre, typically (i.e., when not being processed as an SB 35 approval) with discretionary approval. The designation is described in the General Plan as allowing for “a variety of low-intensity multi-family residential and commercial uses.” (General Plan, p. 3-16.) Thus, the City’s General Plan Rancho Commercial designation allows for residential uses.

According to the City’s Zoning Map (2019), the Property is zoned M-1 (Zoning Code Art. 8, Div. 1). Pursuant to Section 10-1-801.5 of the Burbank Municipal Code and as applicable, in the M-1 zone all uses shall be consistent with the maximum residential density, as prescribed in the General Plan, which allows up to 20 units per acre. However, Section 10-1-502 identifies that residential uses are not permitted in the M-1 Zone. Nevertheless, pursuant to Government Code Section 65913.4(a)(5)(B), in the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards if the development is consistent with the standards set forth in the general plan. As the residential use of the proposed Project is consistent with the General Plan, the proposed Project is consistent with this provision.

Criterion #5: Consistent with Objective Standards

The Project meets this criterion. As demonstrated in the chart included as **Attachment C**, the Project is consistent with relevant development standards. The Project is requesting an incentive pursuant to the Density Bonus Law and the City’s Inclusionary Housing Ordinance Section 10-1-646(A)(6) for relief from the Art in Public Places requirement, as described in **Attachment A**.

Criterion #6: Parking

The Project meets this criterion. Parking will be provided at a minimum rate of 2.0 spaces per unit. The project provides 44 parking spaces within private, enclosed garages, in addition to 2 spaces left uncovered and available for guest parking. The Project is providing more parking than the one space/unit ratio authorized pursuant to SB 35 (Section 65913.4(d)(2)).

Criterion #7: Location

The Project meets this criterion. The Project is not located within any area designated as farmland, wetlands, very high fire severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, conservation lands, habitat for protected species, or lands under conservation easement. Moreover, the site does not require the demolition of housing and it did not previously contain housing occupied by tenants. The site also does not require demolition of an historic structure, and the site is not governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. See **Attachments D-I**.

Criterion #8: Subdivision

The Project meets this criterion. Although the Project will involve an application for a Vesting Tentative Tract Map, the project will comply with the SB 35 labor provisions as applicable.

Criterion #9: Prevailing Wage

The Project meets this criterion. The Project will comply with the labor provisions identified in SB 35, as applicable, including the requirements regarding payment of prevailing wages in the construction of the Project. See **Attachment M**.

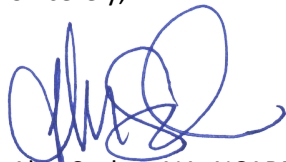
Criterion #10: Skilled and Trained Workforce

The Project meets this criterion. The Project proposes 23 units. The Project is not 100 percent subsidized affordable housing, but it contains fewer than 50 units and the population of the City of Burbank as determined under the last Centennial Census is not 225,000 or more. Therefore, Section 65913.4(a)(8)(B) does not apply to the Project. The Project will comply with the labor provisions identified in SB 35, as applicable.

* * *

If you have any questions regarding this letter please contact me, at ascales@ktgy.com or at 949.221.6256, and/or the applicant at info@ButterflyGardensBurbank.com. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Scales', with a stylized, cursive flourish extending to the right.

Alan Scales, AIA, NCARB

Principal

Attachments

ATTACHMENT A – Cover Letter from Rand, Paster, Nelson LLP and Project Applications

ATTACHMENT B - Project Plans

ATTACHMENT B-1 - Tentative Tract Map (Existing and Proposed Conditions)

ATTACHMENT C - Objective Standards Consistency Matrix

ATTACHMENT D - Critical Habitat for Threatened & Endangered Species Map

ATTACHMENT E- Very High Fire Hazard Severity Zones

ATTACHMENT F - United States Fish and Wildlife Service Wetlands Mapper

ATTACHMENT G1 - EnviroStor Database Map

ATTACHMENT G2 - GeoTracker Database Map

ATTACHMENT H - FEMA's National Flood Hazard Map

ATTACHMENT I - Fault Activity Map, California Geological Society

ATTACHMENT J - Preliminary Low Impact Development Plan (LID)

ATTACHMENT K - Preliminary Hydrology Study

ATTACHMENT L - Sewer Capacity Analysis - Public Works

ATTACHMENT M - Prevailing Wage Letter