

October 26, 2022

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

Re: SB 35 – Notice of Intent to Submit Application Pursuant to SB 35 for 910 S. Mariposa Project

Dear Mr. Prescott:

The applicant, Butterfly Gardens LLC, is intending to request approval of the 910 S. Mariposa project (Project) pursuant to Senate Bill (SB) 35. This letter is to accompany the Notice of Intent to Submit Application pursuant to SB 35 and to serve as the Eligibility Checklist specified in that application.

Project Description

The Project site is located at 910 S. Mariposa Street in the City of Burbank and is 0.88 acres in size. As shown in Exhibit 1, *Site Aerial*, the Project site is currently used as commercial horse stables. The existing site does not include any residential uses. Easements and existing site encumbrances are identified in **Attachment A, ALTA Survey**.



Exhibit 1, Site Aerial

All existing uses on the Project site will be demolished and cleared. Grading activities will generally include excavating and recompacting the topsoil of the previously-graded site.

The Project consists of approximately 21 three-story townhomes with Spanish Colonial-style architecture, with each unit ranging from 1,125 to 1,675 square feet in size. Each townhome will have a two-car garage with direct, private access into the home as well as private open space in the form of patios and/or upper-level balconies. Common open space areas are provided throughout the site to create inviting passive outdoor spaces.

The General Plan designates the site as “Rancho Commercial,” which allows for a density up to 20 units per acre. With the project size of 38,362 square feet (excluding right-of-way dedication areas), the maximum number of units is 17.6 dwelling units . Two (2) of these units will be affordable to Low-Income Earners (80 percent of the Area Median Income (AMI)). By providing 11 percent as affordable housing units, the Project is allowed a 20 percent density bonus per Section 65915 of the California Government Code, resulting in a total of 21 dwelling units.

A site plan depicting the proposed Project is included as **Attachment B**. The individual townhome entries are facing common open spaces or auto courts. The overall design concept embraces homes fronting onto open spaces. The Project is surrounded by existing development, allowing for an infill development and allows for access to City services and infrastructure, while being in close proximity to amenities, shops, restaurants, and jobs.

SB 35 Eligibility Checklist

Criterion #1: Number and Type of Units

The Project meets this criterion. The Project is a multi-family housing development consisting of 21 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 11 percent of the total units being affordable. The Project is allowed a 20 percent density bonus per Section 65915 of the California Government Code and increases the maximum allowable number of dwelling units to 21 on the 0.88-acre Project site, resulting in a density of 23.9 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 11 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 other restriction shall be recorded against these units to ensure that they will remain affordable for a period of not less than 45 years.

Criterion #3: Urban Infill

The Project meets this criterion. SB35 requires that 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

For purposes of this analysis, it is assumed that the Los Angeles Equestrian Center, although zoned open space, but owned by a public agency would meet the definition of an “urban use” pursuant to SB35. However, to be conservative, this analysis will assume that the easterly boundary does not meet the definition of “urban.”

Based on the site plan and survey data, the perimeter of the site totals 922.12 feet. The length of the easterly property line is 166.10 feet. This property line totals 18 percent of the site boundary. Therefore, the subject site is surrounded by 82 percent urban uses.

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 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. As to the consistent determinations relative to those items in the chart designated as “TBD,” additional information will be provided as part of the formal SB 35 submittal to demonstrate the Project’s consistency with that item.

Criterion #6: Parking

The Project meets this criterion. The Project includes 42 spaces within garages for residents and 5 spaces uncovered for guest parking. The total parking provided is 47 spaces. SB 35 requires a maximum of 1 parking space per unit. The project exceeds this requirement by providing 2.23 spaces per unit.

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.

Criterion #8: Subdivision

The Project meets this criterion. Although the Project will include an application for a Tentative Tract Map, the project will satisfy, as applicable, the prevailing wage and skilled and trained workforce requirements identified in the Eligibility Checklist.

Criterion #9: Prevailing Wage

The Project meets this criterion. The Project will comply with all the labor provisions identified in SB 35, including the requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of the Project, as applicable. The Project will commit, to the extent required, to these labor provisions.

Criterion #10: Skilled and Trained Workforce

The Project meets this criterion. As described above, the Project will comply with all the labor provisions identified in SB 35, including the requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of the Project, as applicable. The Project will commit, to the extent required, to these labor provisions.

* * *

If you have any questions regarding this letter, please contact me at ascales@ktgy.com or at 949.221.6256.
Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Scales', is written in a cursive style.

Alan Scales, AIA, NCARB
Principal
KTGY Architecture + Planning

Attachments

- Attachment A – ALTA Survey
- Attachment B – Site Plan
- Attachment C – Development Standard Consistency Analysis
- 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, California Geological Society