

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK AFFIRMING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PROPERTY LOCATED AT 910 SOUTH MARIPOSA STREET MEETS THE SITE ELIGIBILITY REQUIREMENTS FOR A SB 35 PROJECT (PROJECT NO. 22-0006774 - SB 35 NOTICE OF INTENT TO SUBMIT AN APPLICATION) PURSUANT TO BURBANK MUNICIPAL CODE SECTION 10-1-19302(A)(3).

**THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:**

A. Based upon the First Half Reporting Period of the 5th planning cycle (2014 – 2021), the City is subject to Senate Bill (SB) 35, Streamlined Ministerial Review and Approval Process;

B. On October 27, 2022, Butterfly Gardens LLC (“Applicant”) submitted a SB 35: Notice of Intent to Submit a Streamlined Application for a residential project located at 910 South Mariposa Street (the “Project”);

C. The City Council of the City of Burbank held a Council meeting on December 13, 2022, to consider and review the Community Development Director’s Determination that the property at 910 South Mariposa Street meets the site eligibility requirements for an SB 35 project, pursuant to Burbank Municipal Code (BMC) Section 10-1-19302(A)(3) of Title 10 (Zoning Regulations), Chapter 1 (Zoning), Division 12 (Streamlined Ministerial Approval Process);

D. The site eligibility verification is considered ministerial and therefore statutorily exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15268; and

E. The City Council considered the report and recommendation of the Community Development Director prepared pursuant to Burbank Municipal Code Section 10-1-19302(A)(3) and the evidence presented at such City Council meeting.

**THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:**

1. The Community Development Director’s Determination that the property at 910 South Mariposa Street meets the site eligibility requirements outlined in California Government Code Section 65913.4, subsections (a)(2)(A)-(C), and in accordance with BMC Section 10-1-19302 is hereby affirmed based on the evidence of the site eligibility findings below.

The development is located on a site that satisfies the three following site eligibility criteria:

- A. Government Code 65913.4(a)(2)(A): It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

*Analysis:* The Project site consists of a legal parcel (APN: 2443-004-017) that is located within the City of Burbank boundary. Additionally, the City of Burbank inclusive of the Project site is located within a designated urbanized area as established by the United States Census Bureau. Therefore, the Project is consistent with this site eligibility requirement.

- B. Government Code 65913.4(a)(2)(B): At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

*Analysis:* California Government Code Section 65913.4(k) defines “Urban uses” as: “any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.”

The Project site currently adjoins parcels that are developed with urban uses that include a mix of residential and commercial uses on all sides of the subject property. Therefore, the Project is consistent with this site eligibility requirement.

- C. Government Code 65913.4(a)(2)(C): It is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use.

*Analysis:* The zoning of the Project site is M-1 (Limited Industrial) Zone with a General Plan land use designation of Rancho Commercial. The site’s General Plan land use designation of Rancho Commercial allows for single-family residential properties and a variety of low-intensity multi-family residential and commercial uses in accordance with BMC Section 10-1-801.5 (General Plan Consistency). The proposed development is 100 percent residential. Therefore, the Project is consistent with this site eligibility requirement.

2. The City Clerk shall mail a copy of this Resolution to the applicant in accordance with the Burbank Municipal Code.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jess A. Talamantes  
Mayor

Approved as to Form  
Office of the City Attorney

Attest:

\_\_\_\_\_  
Zizette Mullins, MMC, City Clerk

By:\_\_\_\_\_  
Lisa Kurihara  
Senior Assistant City Attorney

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )     ss.  
CITY OF BURBANK            )

I, Zizette Mullins, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on this \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

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Zizette Mullins, MMC, City Clerk