



City of Burbank – Planning Division
**SB 35 - NOTICE OF INTENT TO SUBMIT A STREAMLINED
 MINISTERIAL APPLICATION AND ELIGIBILITY CHECKLIST**

150 North Third Street
 Burbank, California 91502
 www.burbankca.gov
 T: 818-238-5250
 F: 818-238-5150
 E: planning@burbankca.gov

PURPOSE: Government Code Section 65913.4, also known as Senate Bill 35 (SB 35), requires the City to review qualifying housing development projects using a ministerial review process. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed in this application.

Applicants intending to invoke the SB 35 Streamlined Ministerial Review approval process must fill out this checklist and provide supporting documentation for each item (*as applicable*) to demonstrate eligibility. This SB 35 Notice of Intent to Submit Application shall be submitted along with the identified Required Submittal Items. Incomplete checklists that do not include required attachments or supporting documentation will be deemed incomplete for processing. **Due to the reduced processing times for eligible SB 35 development applications, submittal of an incomplete entitlement application is grounds for deeming an application incomplete.** Determination that an application is incomplete for processing does not preclude the applicant from correcting any deficiencies and resubmitting an application for streamlined review, or from applying for the project under standard processes procedures. If the application is deemed incomplete and the applicant elects to resubmit an application for streamlined review, the timeframes specified in Section 301(b) below shall commence on the date of resubmittal.

Project Information. *Must complete with project submittal.*

Project Address: 910 S. MARIPOSA ST. BURBANK, CA 91506

APNs: 2443-004-017

Current Use of Site: Commercial Horse Stables

Project Description: (example – “Construction of a proposed 6-story mixed use project with 89 rental residential units and 3,000 SF of commercial on the ground floor, includes the demolition of existing structures on the site.”)

The Project consists of approximately 21 three-story townhomes ranging from 1,125 to 1,675 square feet in size. Each home 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 decks. Common open space areas are provided throughout the site to create an inviting space for recreation activities and passive outdoor space.

Required Submittal Items. *Check boxes to acknowledge the item is included in the submittal package.*

Application fee – The initial deposit for the NOI application is \$2,052.60. The fee for the Tribal Consultation is \$629.00. Payment of both NOI fees will be required at the time of submittal by credit card or check. *Please make all checks payable to “City of Burbank.”*

Project Plans – 1 electronic set of plans. All plans shall include: **site plan, floor plan, demolition plan, elevations, building cross-sections, conceptual landscape and civil plans**, drawn to scale and with adequate dimensions (for more information see [Standard Plan Details](#) handout).

SB 35 Eligibility Checklist – Completed SB 35 Eligibility Checklist with original owner signature.

Applicant Signature. *Acknowledgement that all Required Submittal Items are included in the submittal package.*

Owner Name: <u>JASON LUCAS, TRUSTEE</u>	Owner Signature: 	Date: <u>10-22-22</u>
Applicant Name: Butterfly Gardens LLC	Applicant Signature: DocuSigned by: Karen Gorzumian	Date: 10/24/2022



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NOTICE: Incomplete checklists that do not include required attachments or supporting documentation will not be processed and the request will be denied. If any of the answers to the questions below are “no,” then the project is not eligible for SB 35 review and the City’s standard development review process will apply, per applicable zoning regulations.

There is no guarantee, expressed or implied, that any permit or application will be granted. Each project matter must be carefully investigated, and the resulting decision may be contrary to a position taken or implied in any preliminary discussions. The burden of proof regarding this application rests upon the applicant.

SB 35 Eligibility Checklist

The following information and checklist is intended as a guide to help applicants and the City’s Planning Division determine if a project is eligible for streamlined processing under SB 35. To be eligible for SB 35, a project must meet **ALL** of the following criteria, from 1 through 10:

- NUMBER AND TYPE OF UNITS.** The project must be a multifamily housing development that contains at least two residential units and complies with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.
- AFFORDABILITY.** If more than 10 residential units are proposed, at least 10 percent of the project’s total units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable:
 - 55 years for rental units.
 - 45 years for homeownership units.
- URBAN INFILL.** The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.
- ZONED OR PLANNED RESIDENTIAL USES.** The project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development, including sites where residential uses are permitted as a conditional use. If the multifamily housing development is a mixed-use development, at least two-thirds of the project’s square footage must be designated for residential use.
- CONSISTENT WITH OBJECTIVE STANDARDS.** The project must meet all objective zoning and design review standards in effect at the time the application is submitted.
 - If the project is consistent with the minimum and maximum density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards.
 - Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in Government Code section 65915 are deemed consistent with objective standards.
 - Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, but are not limited to the following:



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- Burbank 2035 General Plan.
- Burbank Municipal Code
- Media District Specific Plan
- Burbank Center Plan Area
- North San Fernando Master Plan.
- Rancho Commercial Recreation Master Plan

PARKING. The project must provide at least one parking space per unit; however, no parking is required if the project meets any of the following criteria:

- The project is located within one-half mile of public transit as defined by Section 102(r) of the HCD Guidelines.
- The project is located within an architecturally and historically significant historic district.
- On-street parking permits are required but not offered to the occupants of the project.
- There is a car share vehicle as defined by Section 102(d) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.

LOCATION. The project must be located on a property that is outside each of the following areas:

- Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the City's voters.
- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.
- A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.



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- Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- Lands under conservation easement.
- A site that would require demolition of housing that is:
 - Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low income households.
 - Subject to rent control.
 - Currently occupied by tenants or that was occupied by tenants within the past 10 years.
- A site that previously contained housing occupied by tenants that was demolished within the past 10 years.
- A site that would require demolition of an historic structure that is on a local, state, or federal register.
- A parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

SUBDIVISIONS. The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if either of the following apply:

- The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified in item 9 of this Eligibility Checklist.
- The project satisfies the prevailing wage and skilled and trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.

PREVAILING WAGE. The project proponent must certify that at least one of the following is true:

- The entirety of the project is a public work as defined in Government Code section 65913.4(8)(A)(i).
- The project is not in its entirety a public work and all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- The project includes 10 or fewer units AND is not a public work AND does not require subdivision.

SKILLED AND TRAINED WORKFORCE. If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii)

NOTICE: There is no guarantee, expressed or implied, that any permit or application will be granted. Each project matter must be carefully investigated, and the resulting decision may be contrary to a position taken or implied in any preliminary discussions. The burden of proof regarding this application rests upon the applicant.



MARIPOSA AND VALLEYHEART
BURBANK, CALIFORNIA

BUILDER/DEVELOPER:
Butterfly Gardens LLC
1812 W. BURBANK BLVD.
SUITE 7350
BURBANK, CA 91506

ARCHITECT:
KTGY GROUP, INC
17911 VON KARMAN AVE
SUITE 200
IRVINE, CA 92614

CIVIL:
KHR ASSOCIATES
17530 VON KARMAN AVE
SUITE 200
IRVINE, CA 92614

LANDSCAPE:
STUDIO PAD, INC
23282 MILL CREEK DRIVE
SUITE 200
LAGUNA HILLS, CA 92653

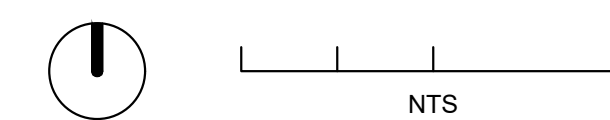


Architecture + Planning
17911 Von Karman Ave,
Suite 200
Irvine, CA 92614
949.851.2133
ktgy.com

Butterfly Gardens LLC
1812 W. Burbank Blvd, Su. 7350
Burbank, CA 91506

MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022



TITLE SHEET

A0.0

SHEET INDEX

LANDSCAPE

LI CONCEPTUAL LANDSCAPE PLAN

CIVIL

C1 PRELIMINARY GRADING AND DRAINAGE PLAN
C2 ONSITE PRIVATE SEWER AND WATER PLAN

ARCHITECTURE

A0.0 COVER SHEET
A0.1 SHEET INDEX

A1.0 CONCEPTUAL SITE PLAN
A1.1 CONCEPTUAL FRONT STREET ELEVATION

A2.0 3 PLEX COMPOSITE - CLUSTER TYPE 100 ELEVATIONS
A2.1 3 PLEX COMPOSITE - CLUSTER TYPE 100 PLANS

A3.0 4 PLEX COMPOSITE - CLUSTER TYPE 200 ELEVATIONS
A3.1 4 PLEX COMPOSITE - CLUSTER TYPE 200 PLANS

A4.0 5 PLEX COMPOSITE - CLUSTER TYPE 300 ELEVATIONS
A4.1 5 PLEX COMPOSITE - CLUSTER TYPE 300 PLANS

A5.0 PLAN 1/IX - UNIT PLANS
A5.1 PLAN 2 - UNIT PLANS
A5.2 PLAN 2 - ALT. UNIT PLANS

A6.0 TYPICAL BUILDING SECTION

A7.0 ENLARGED DETAILS BOARD

A8.0 COLOR AND MATERIALS BOARD

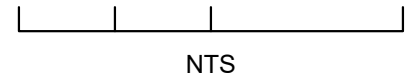


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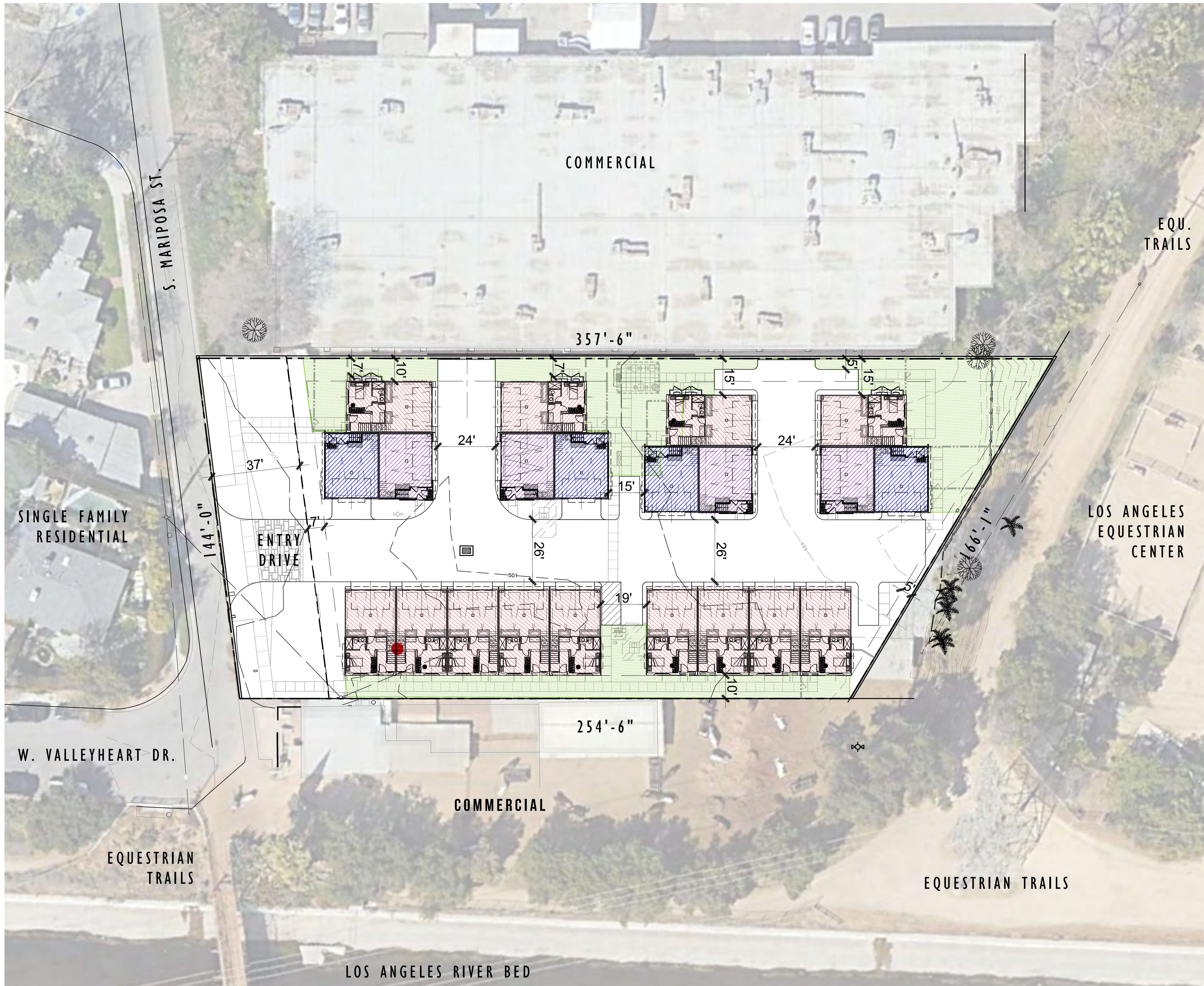
MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
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SHEET INDEX

A0.1



SITE INFORMATION

Address: Mariposa and Valleyheart
 Site Area: +1.0 ac (Gross)
 City: Burbank
 County: Los Angeles County
 Existing Zone: M-1 Limited Industrial

General Plan: Rancho Commercial
 Fire Code: California Fire Code

(M-1) Front Setback: 5' or 20% bldg height whichever greater

Site Plan Summary

Site Area: +1.0 ac (Gross)
 Mariposa St Dedication: +0.12 ac
 Net Area: +0.88 ac
 Units: 21 du
 Net Density: 23.9 du/ac

Units

Plan 1 (1,178sf - 2bd/2.5ba)	4 du
Plan 1X (1,173sf - 2bd/2.5ba)	4 du
Plan 2 (1,689sf - 3bd+den/2.5ba)	13 du
Total	21 du

Required Parking: 1 Space/Unit (Per Section 65913.4.(d)(2))

Parking Provided	
Garage	42 spaces
Open Parking	5 spaces
Total	47 spaces (2.23 spaces/du)

Provided Open Space	
Common	7,000 sf
Private 21x50sf/du	1,050 sf
Total	8,050 sf

(For SB-35 Submittal)

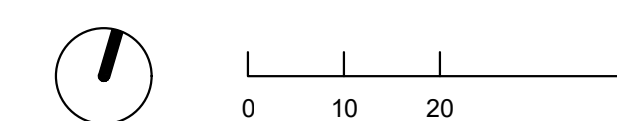


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SITE PLAN

A1.0



CT-300

CT-200

CONCEPTUAL FRONT ELEVATION

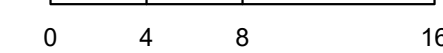


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CONCEPTUAL FRONT STREET ELEVATION

A1.1

LEGEND

- | | | |
|---|---|--|
| 1 Stucco, 16/20 Sand Finish | 9 Recess Faux Wood Panel Insert | 19 Decorative Shutters with Metal Faux Straps |
| 2 Concrete 'S' Tiles | 10 Decorative Scalloped Stucco Sill Trim | 20 Decorative Stucco Chimney/Stucco Finial |
| 3 Gable End Faux Decorative Vent (Recesses) | 11 Decorative Simulated Wood Corbel | 21 Decorative Metal Tube and Wood Plank Pot Holder |
| 4 Recessed 1" Stucco /Simulated Wood Header Trim | 12 Decorative Canvas/Metal Spear Awning | 22 Decorative Stucco Corbel |
| 5 Recessed Beam/Trim (Wrap Color as Needed) with Simulated Wood Corbels | 13 Fiberglass Decorative Front Door | 23 Accent Battered Ceramic Tile Surround |
| 6 Stucco Recess/Reveal | 14 Vinyl Windows | 24 Metal Decorative Sectional Garage Door |
| 7 Exposed Wood Truss Tails with 2x3 Wood Fascia | 15 Fiber Cement Trim at Bay Window | 25 Decorative Exterior Lights & Address |
| 8 Decorative Stucco Eave | 16 Fiber Cement Bd. Panel | 26 Metal Utility Door |
| | 17 Stucco Arch | |
| | 18 Low Stucco Barranca w/ Concrete Tile Cap | |

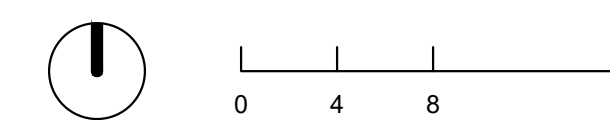


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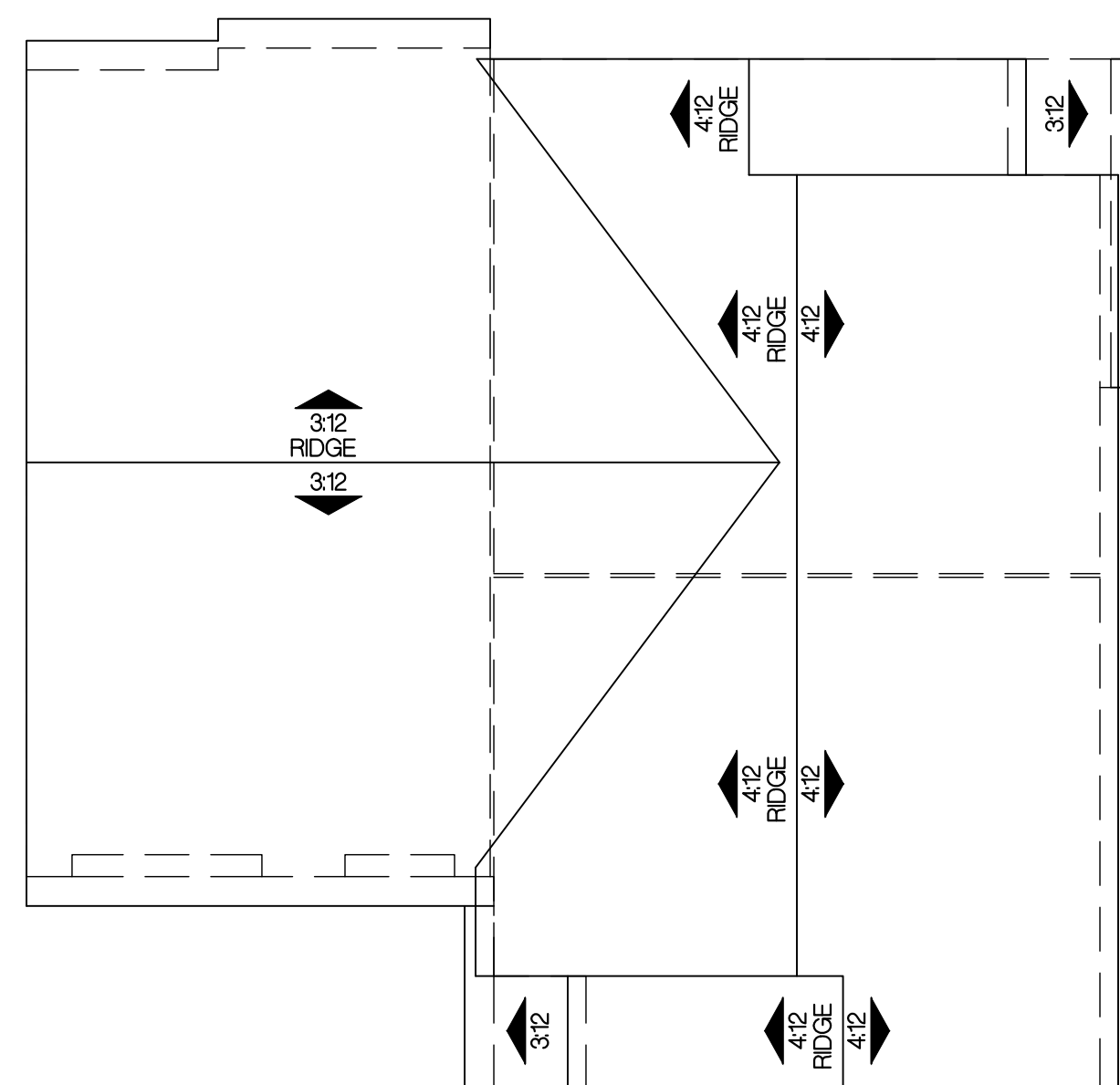
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BURBANK, CA ## 2021-0883

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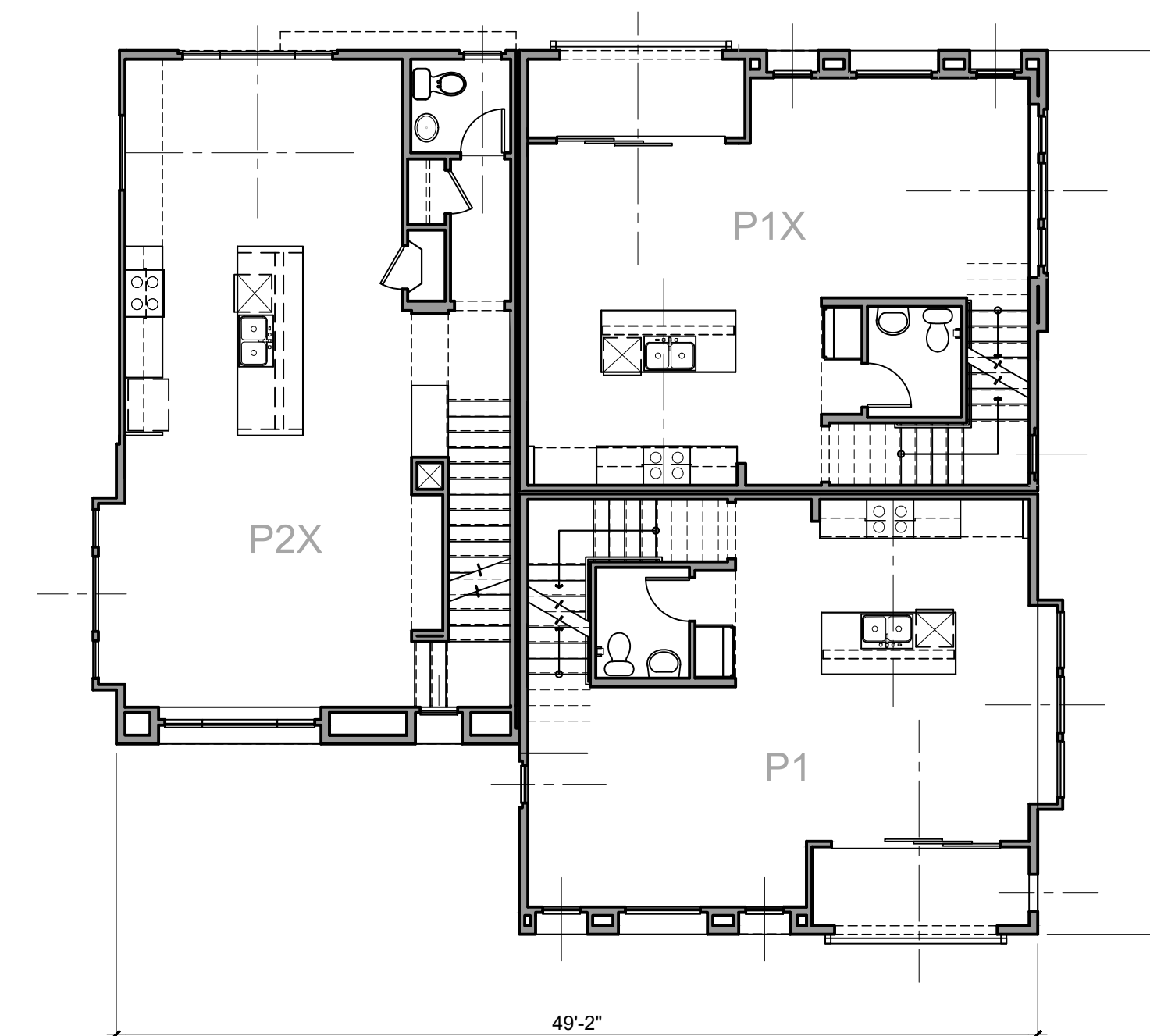


CT-100 (3-PLEX)
ELEVATIONS

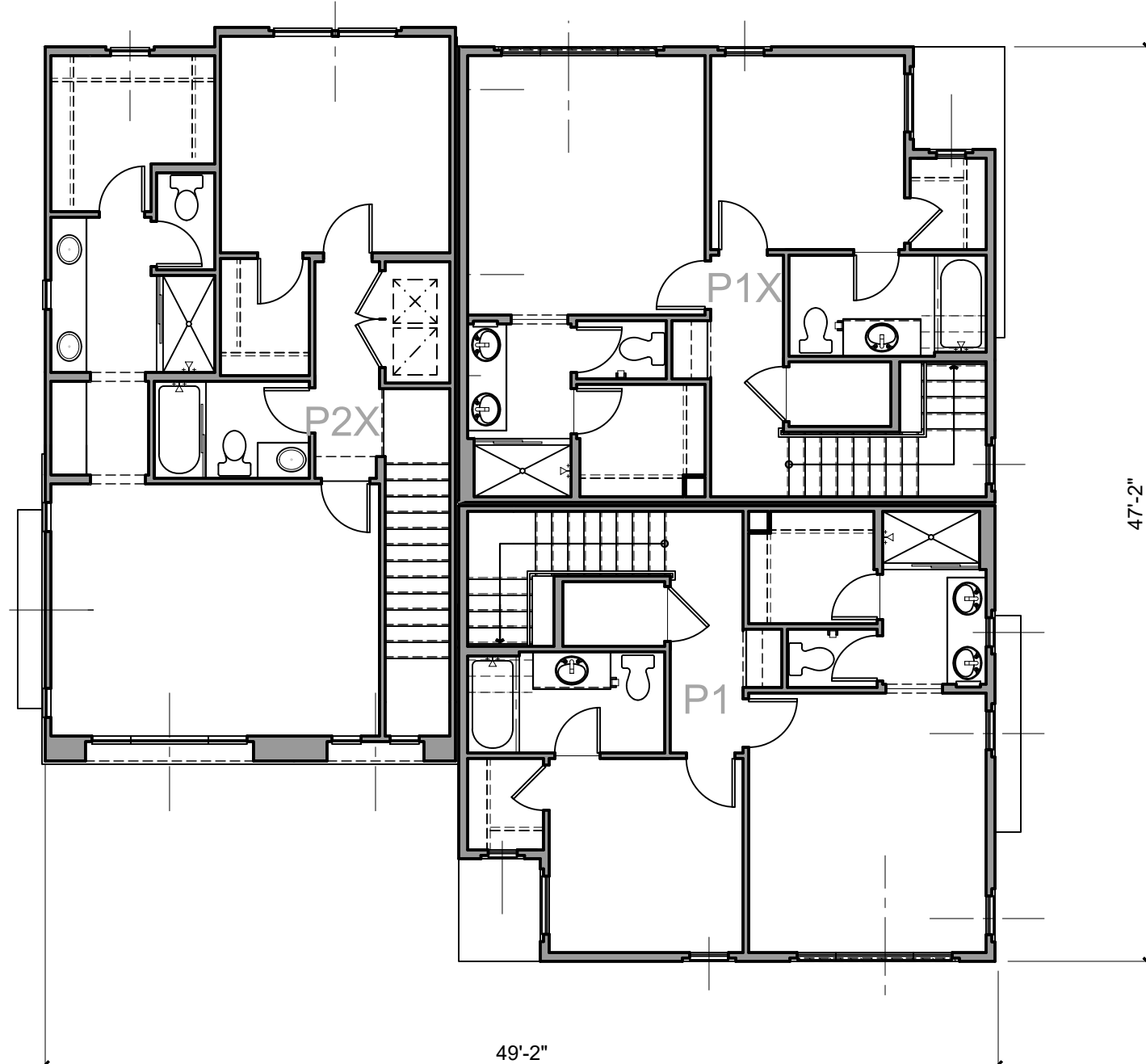
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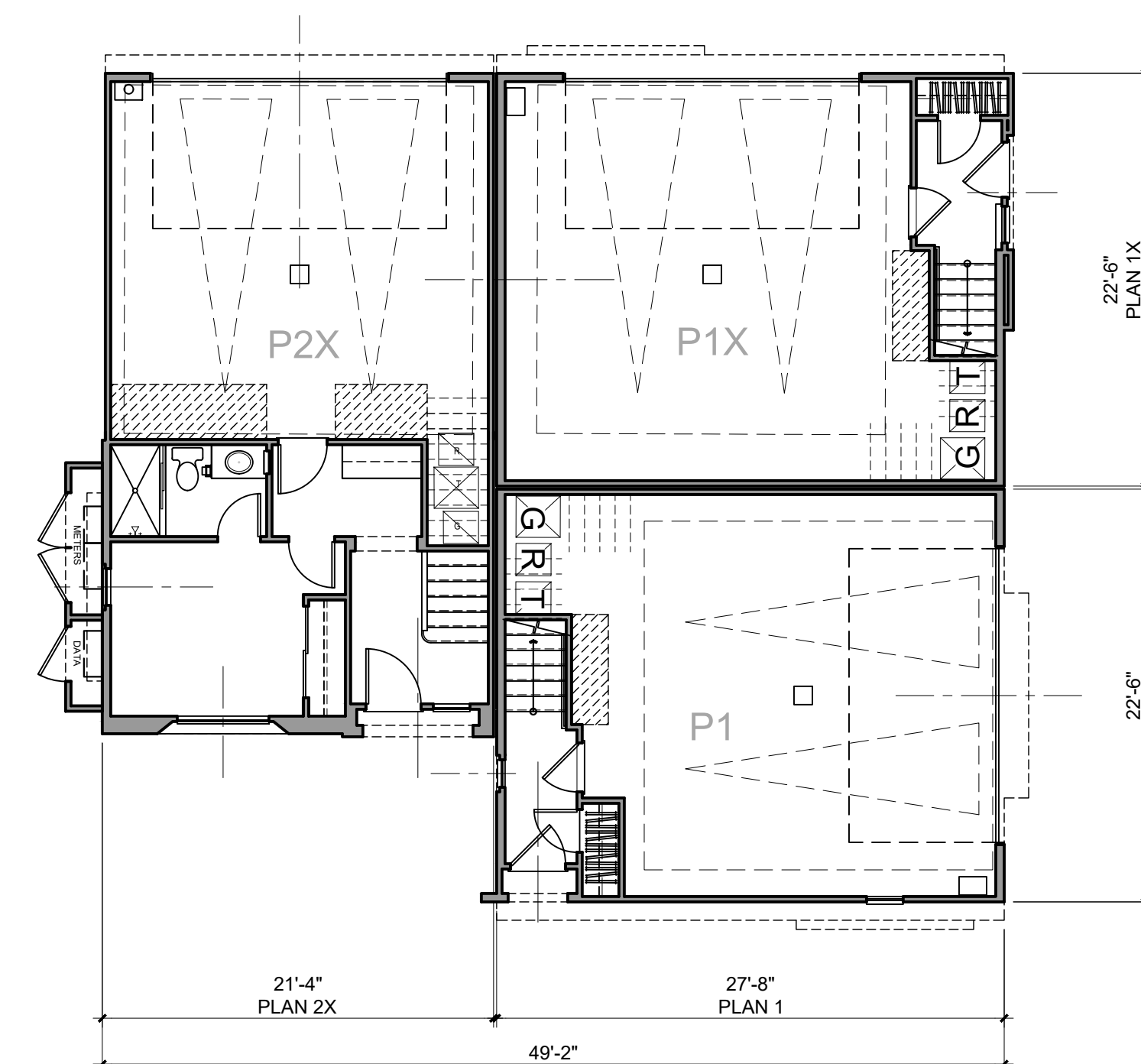
ROOF



SECOND FLOOR



THIRD FLOOR



FIRST FLOOR



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CT-100 (3-PLEX)
BUILDING PLAN

A2.1

- LEGEND**
- 1 Stucco, 16/20 Sand Finish
 - 2 Concrete 'S' Tiles
 - 3 Gable End Faux Decorative Vent (Recesses)
 - 4 Recessed 1" Stucco /Simulated Wood Header Trim
 - 5 Recessed Beam/Trim (Wrap Color as Needed) with Simulated Wood Corbels
 - 6 Stucco Recess/Reveal
 - 7 Exposed Wood Truss Tails with 2x3 Wood Fascia
 - 8 Decorative Stucco Eave
 - 9 Recess Faux Wood Panel Insert
 - 10 Decorative Scalloped Stucco Sill Trim
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 - 13 Fiberglass Decorative Front Door
 - 14 Vinyl Windows
 - 15 Fiber Cement Trim at Bay Window
 - 16 Fiber Cement Bd. Panel
 - 17 Stucco Arch
 - 18 Low Stucco Barranca w/ Concrete Tile Cap
 - 19 Decorative Shutters with Metal Faux Straps
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 - 21 Decorative Metal Tube and Wood Plank Pot Holder
 - 22 Decorative Stucco Corbel
 - 23 Accent Battered Ceramic Tile Surround
 - 24 Metal Decorative Sectional Garage Door
 - 25 Decorative Exterior Lights & Address
 - 26 Metal Utility Door

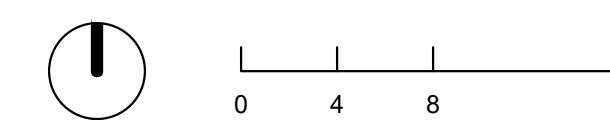


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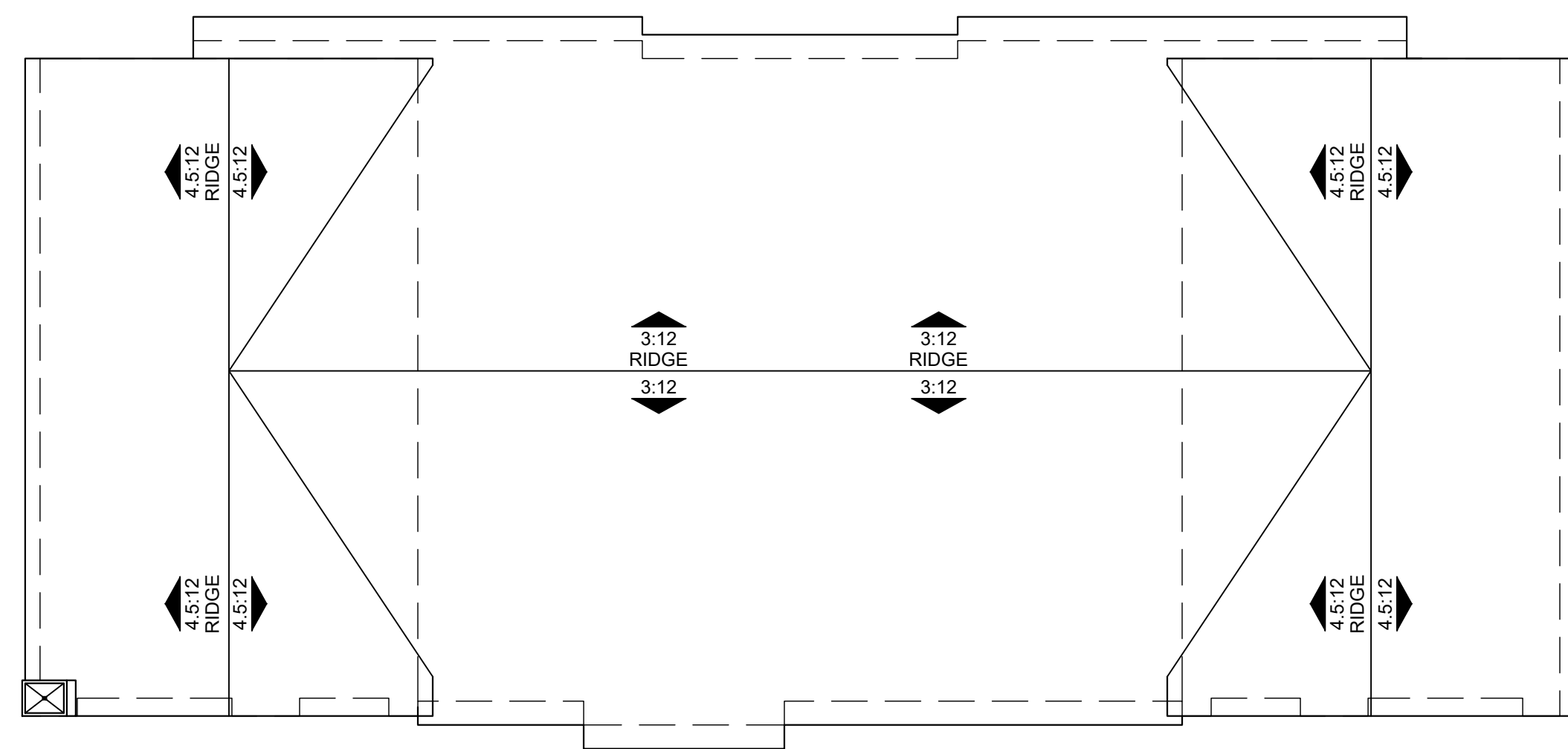
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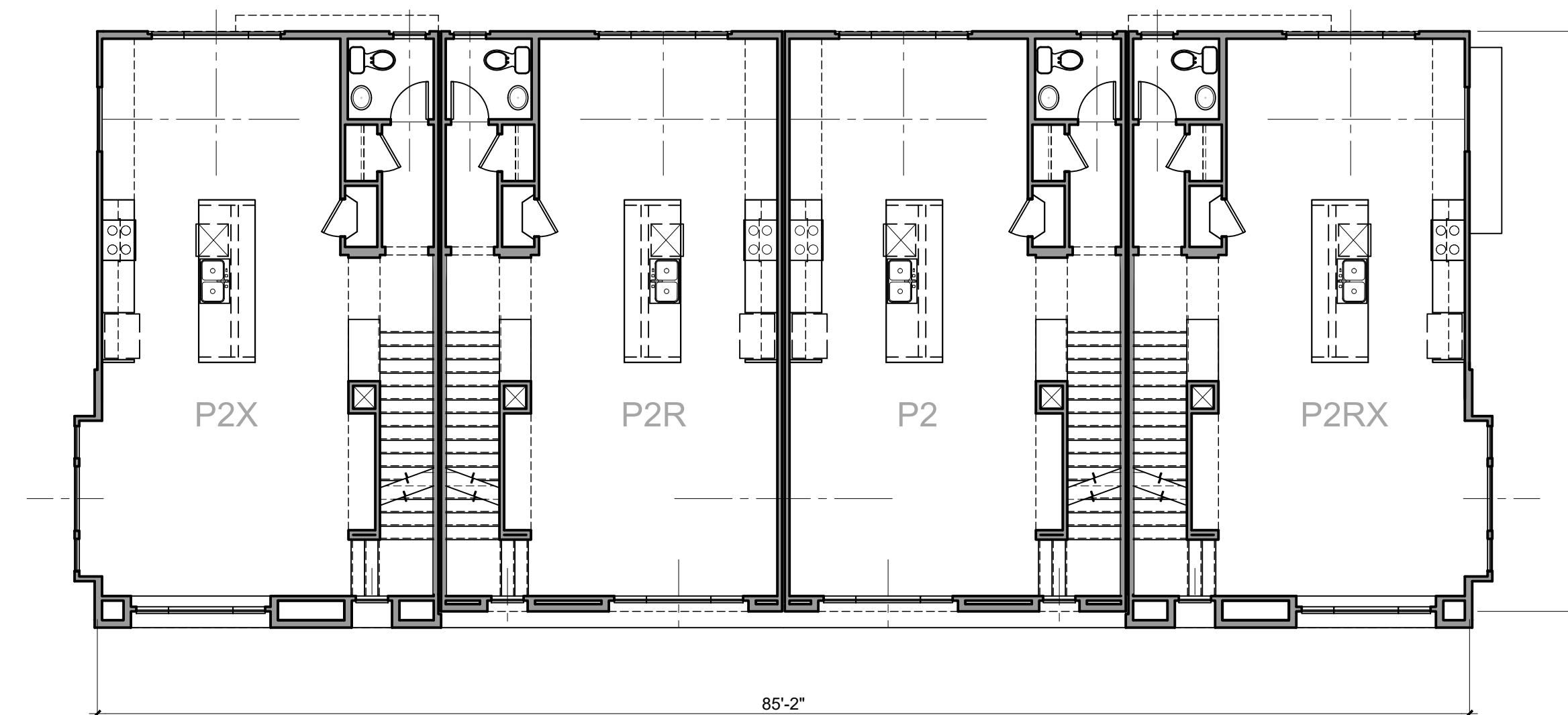


CT-200 (4-PLEX)
 ELEVATIONS

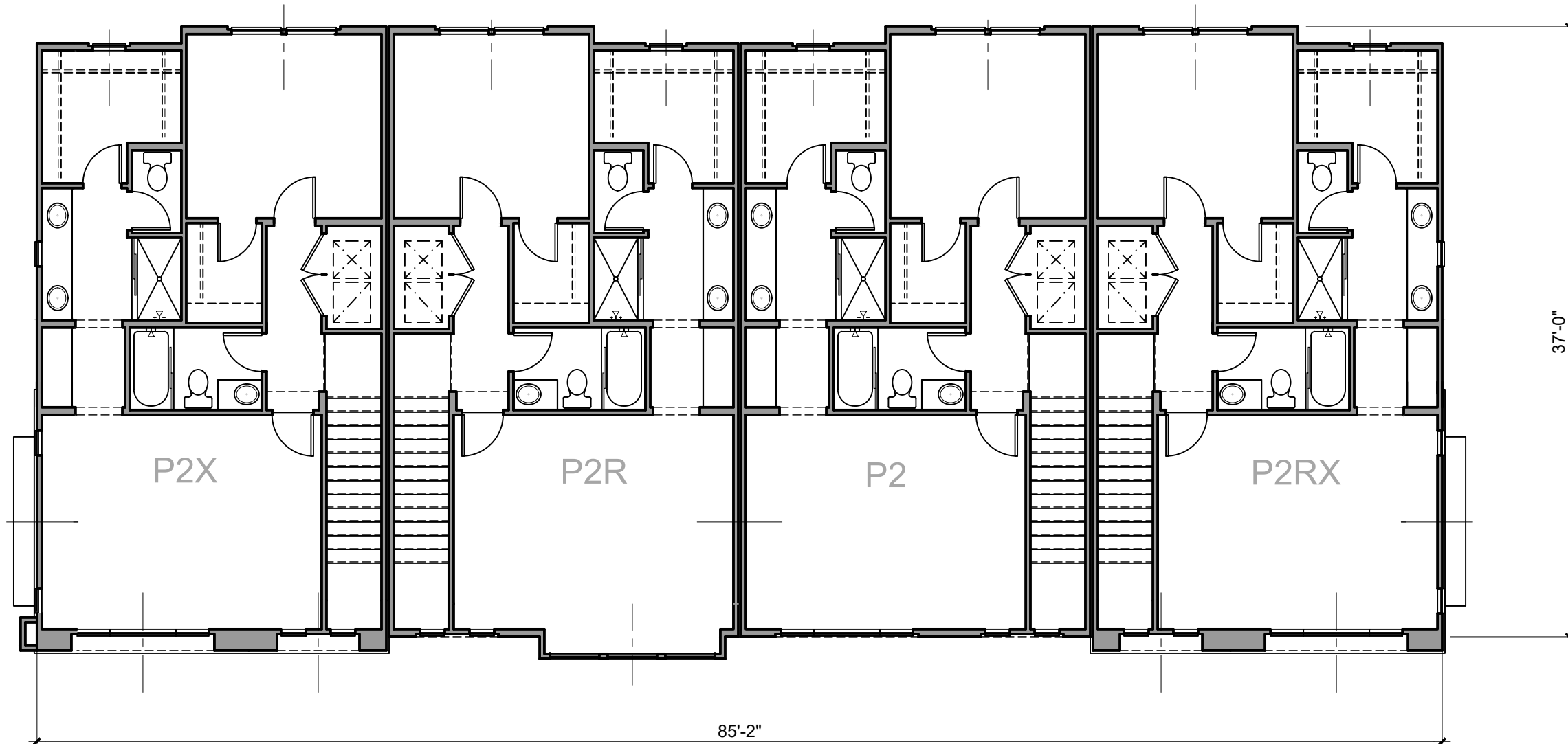
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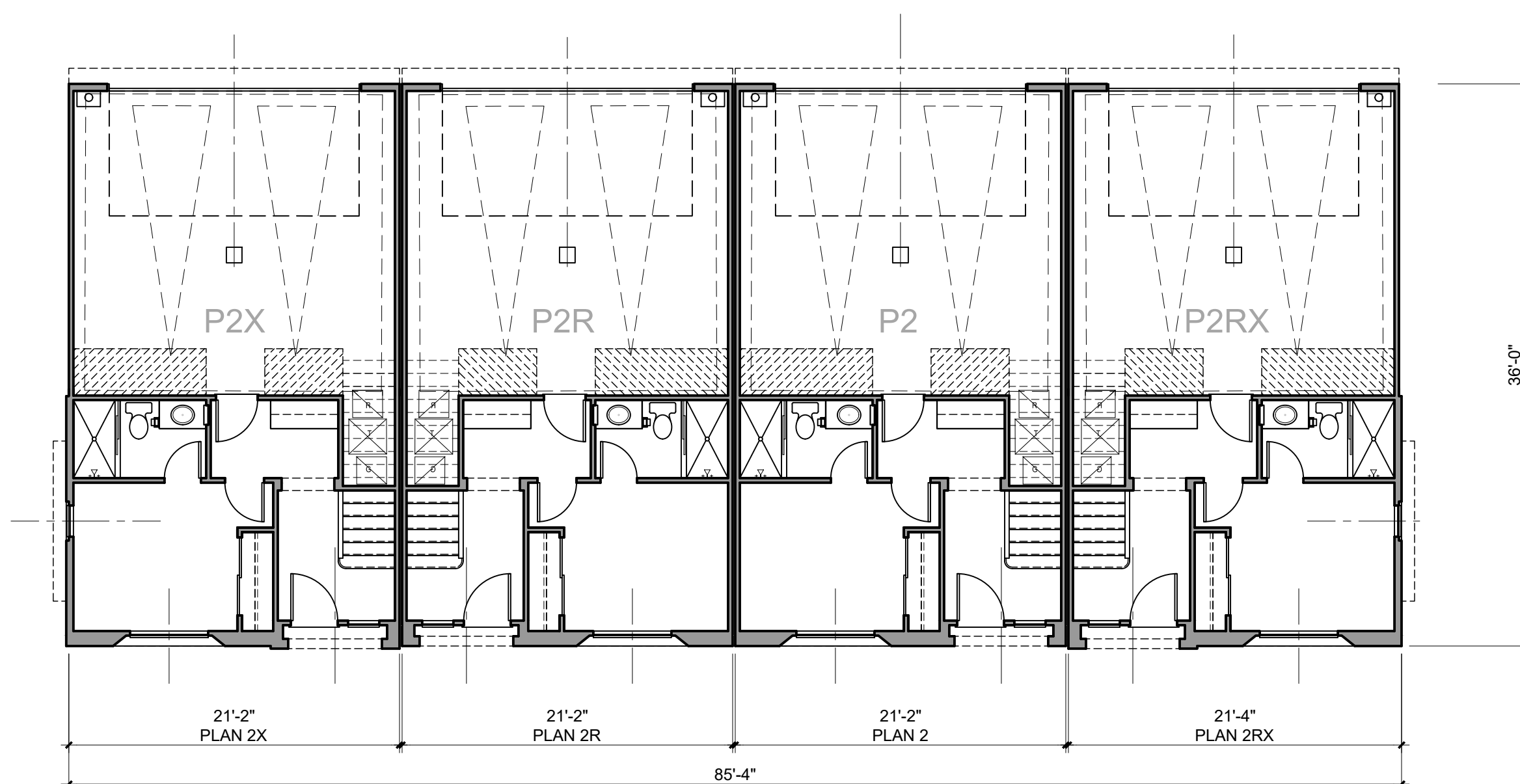
ROOF



SECOND FLOOR



THIRD FLOOR



FIRST FLOOR



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CT-200 (4-PLEX)
COMPOSITE PLAN

A3.1

- LEGEND**
- 1 Stucco, 16/20 Sand Finish
 - 2 Concrete 'S' Tiles
 - 3 Gable End Faux Decorative Vent (Recesses)
 - 4 Recessed 1" Stucco /Simulated Wood Header Trim
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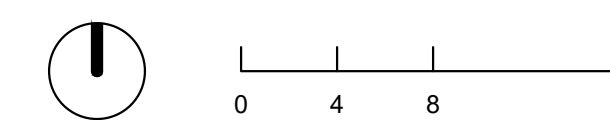


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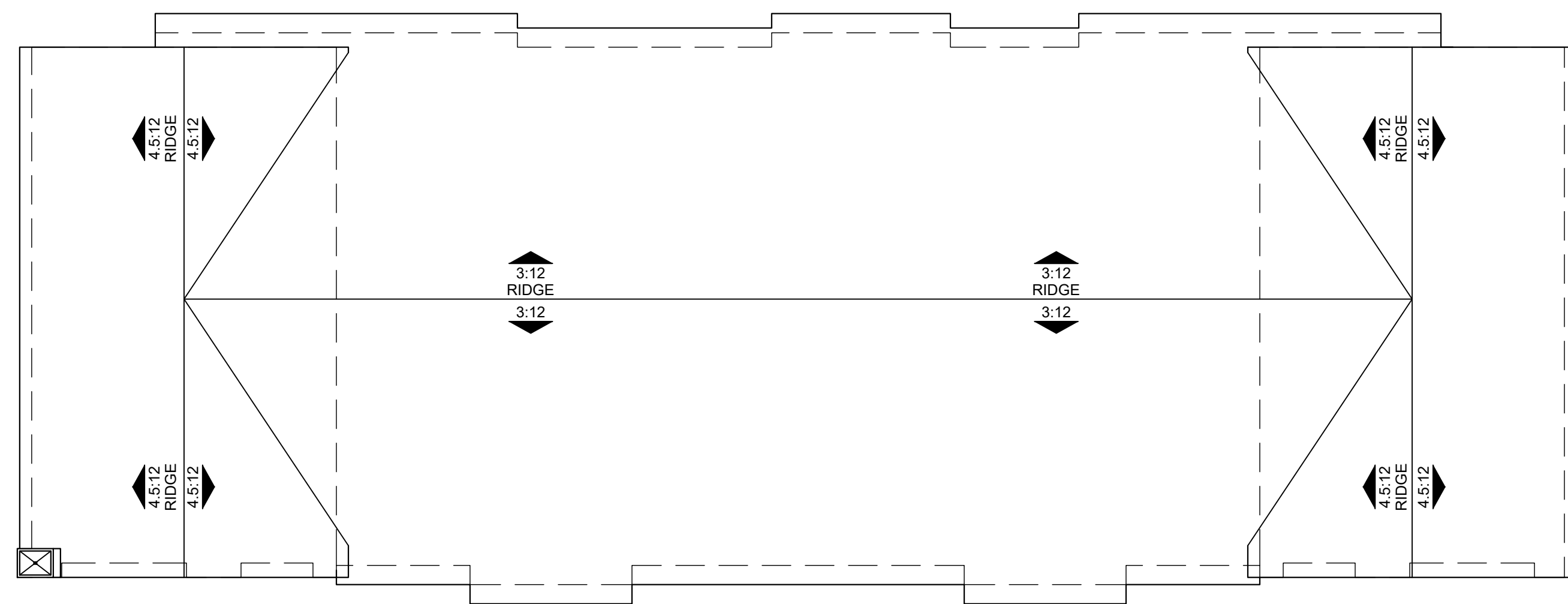
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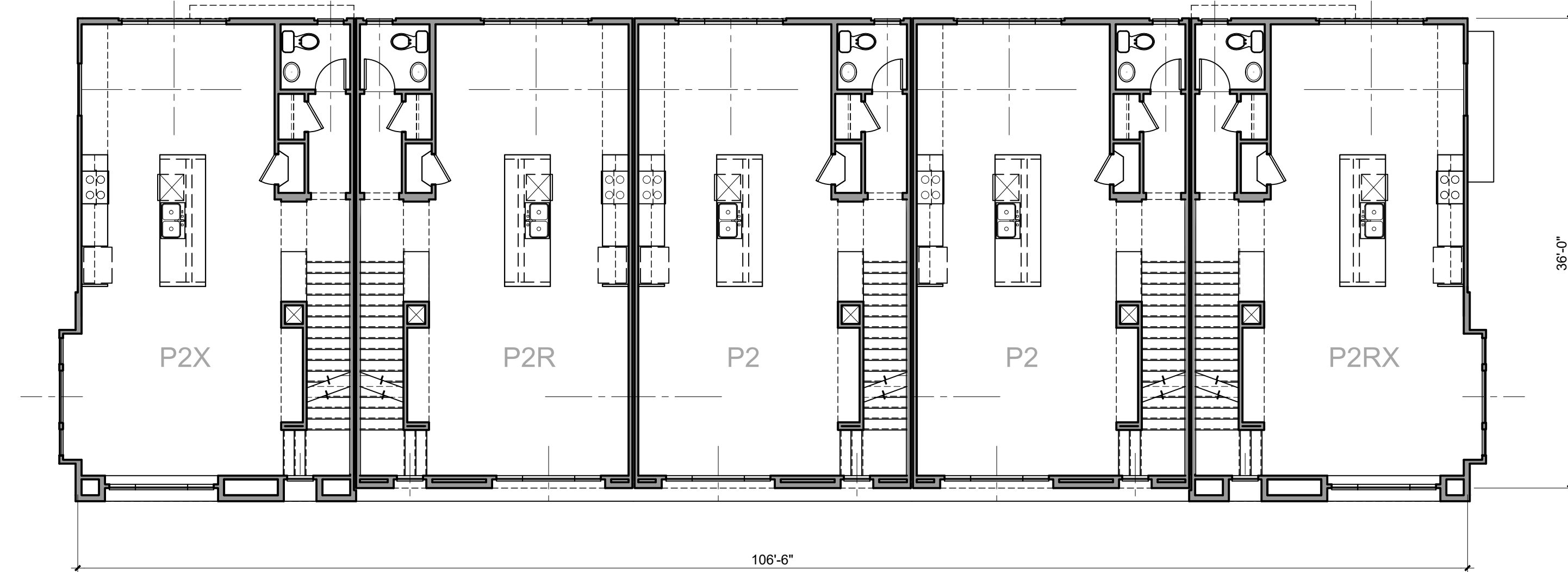


CT-300 (5-PLEX)
 ELEVATIONS

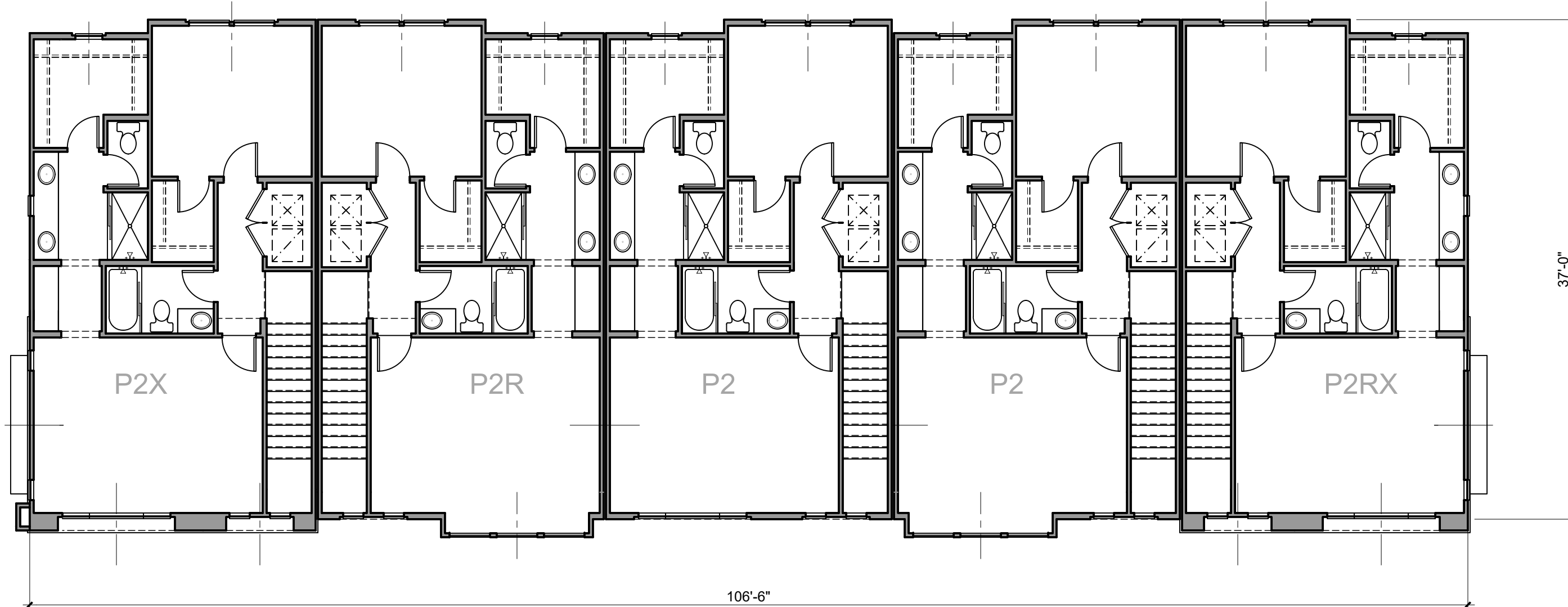
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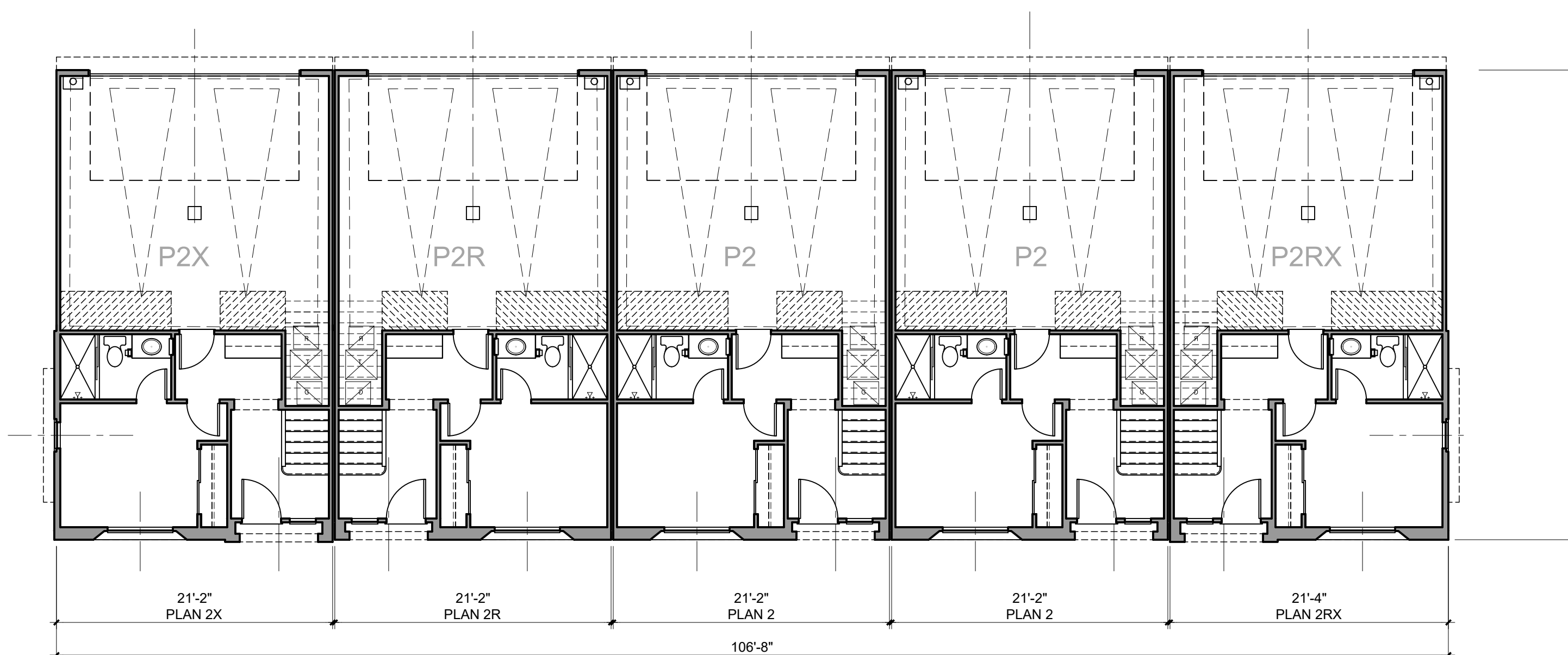
ROOF



SECOND FLOOR



THIRD FLOOR



FIRST FLOOR

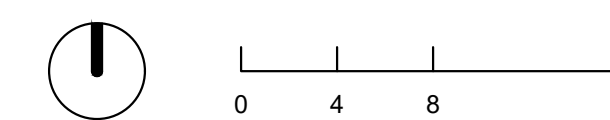


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949.851.2133
ktgy.com

Butterfly Gardens LLC
1812 W. Burbank Blvd, Su. 7350
Burbank, CA 91506

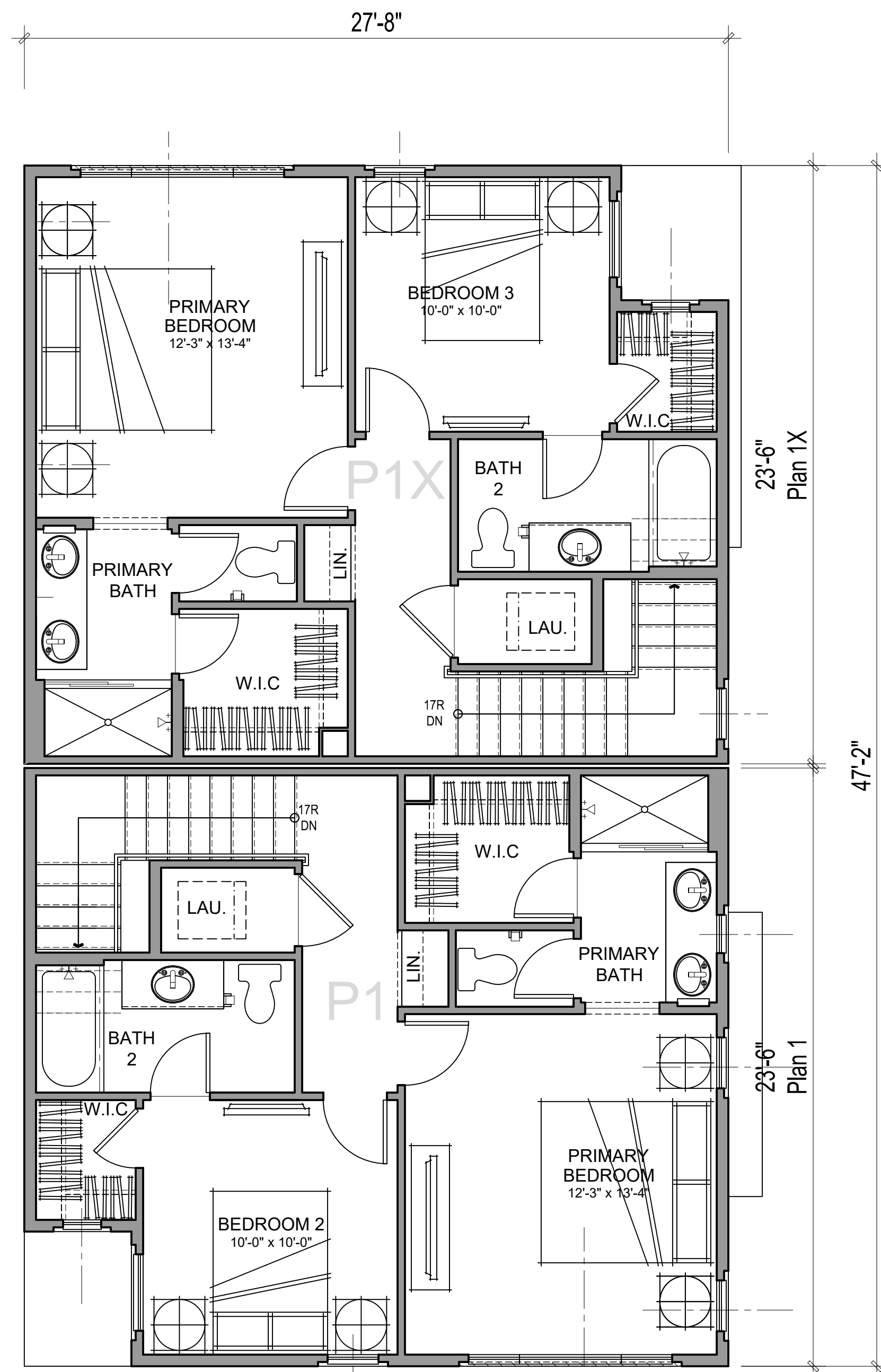
MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022

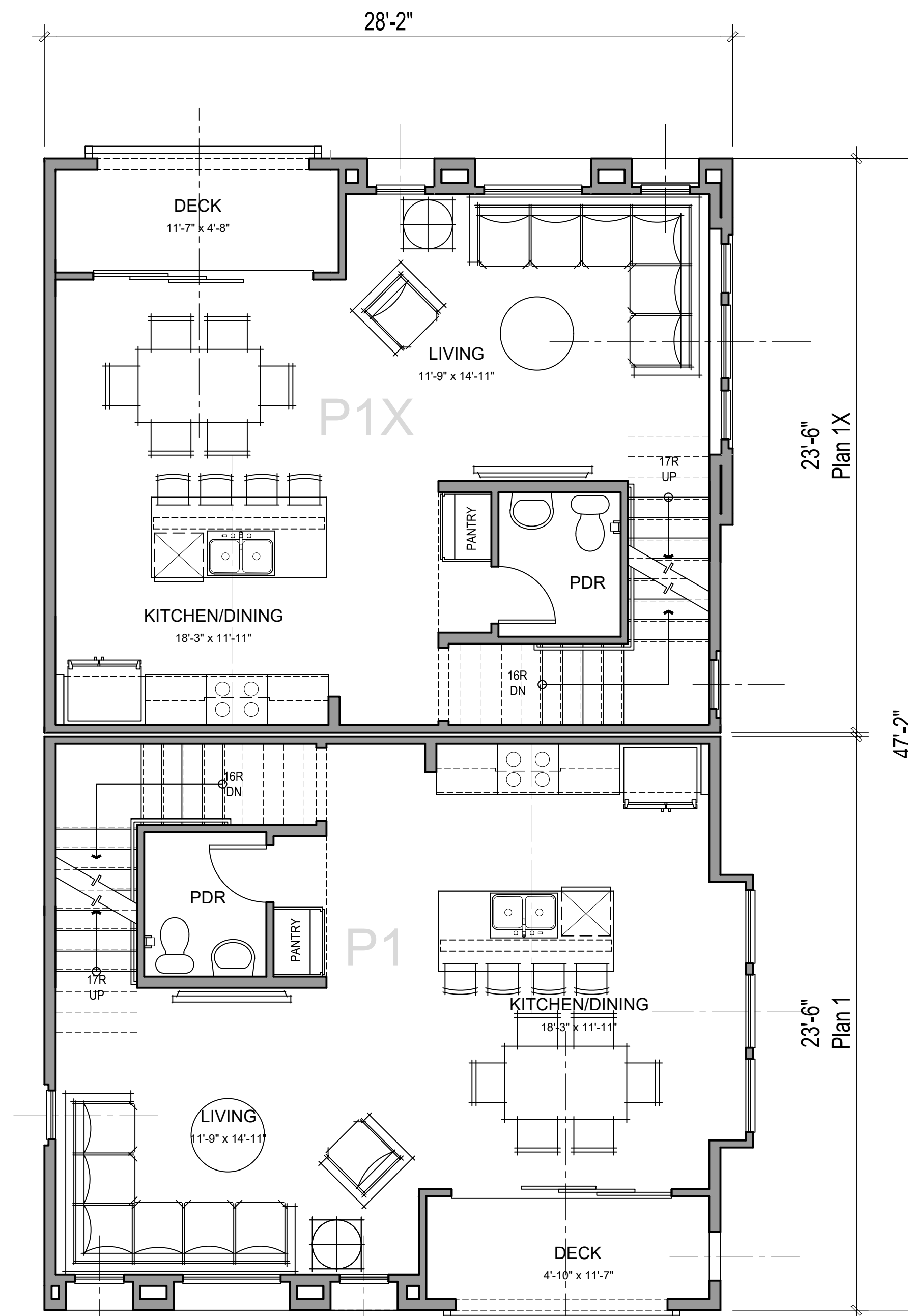


CT-300 (5-PLEX)
COMPOSITE PLAN

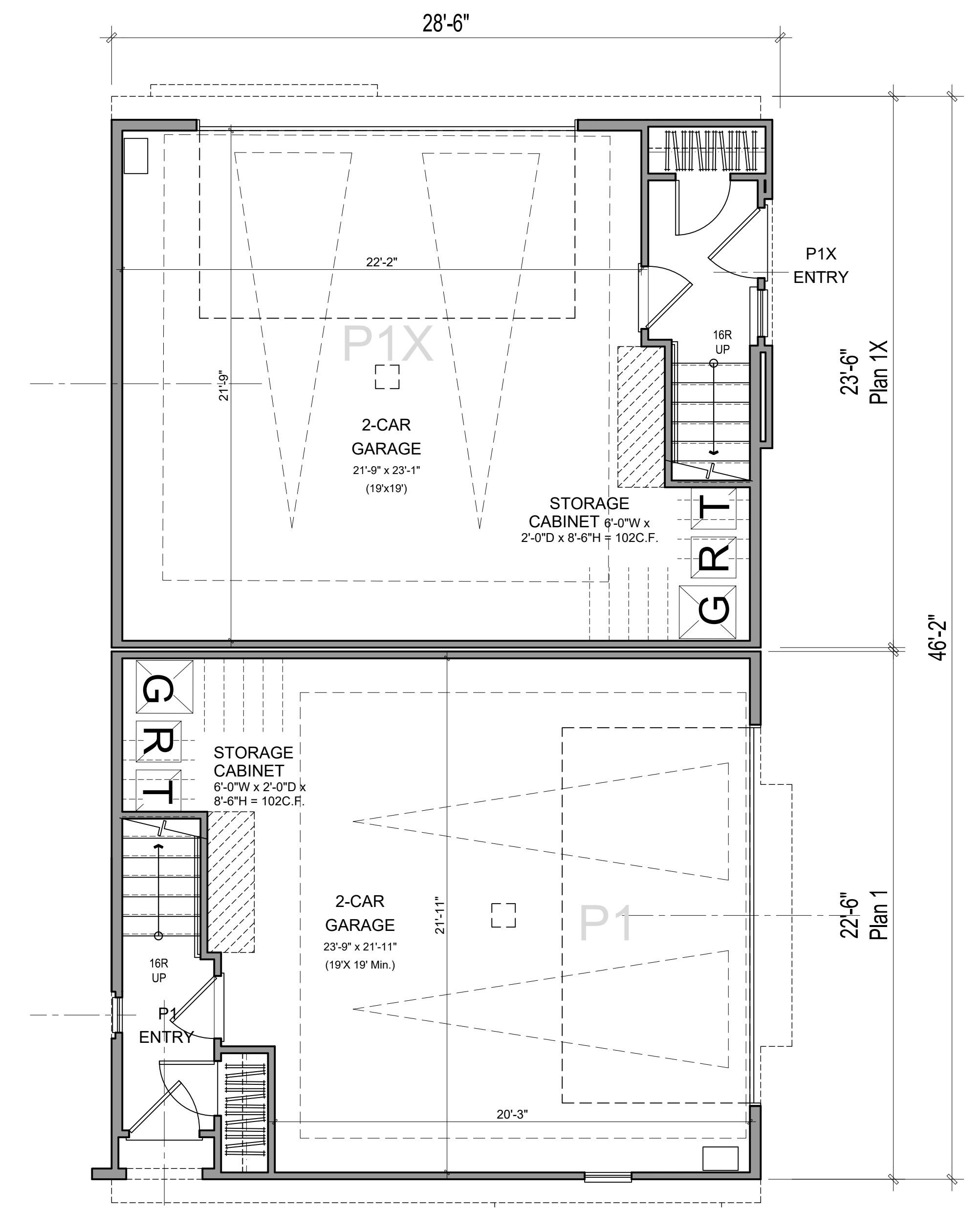
A4.1



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

P1 - GROSS AREA		P1 - NET AREA	
1ST FLOOR	111 SQ. FT.	1ST FLOOR	91 SQ. FT.
2ND FLOOR	593 SQ. FT.	2ND FLOOR	556 SQ. FT.
3RD FLOOR	572 SQ. FT.	3RD FLOOR	532 SQ. FT.
TOTAL LIVING	1276 SQ. FT.	TOTAL LIVING	1178 SQ. FT.
PORCH	8 SQ. FT.	PORCH	5 SQ. FT.
DECK	61 SQ. FT.	DECK	53 SQ. FT.
GARAGE	540 SQ. FT.	GARAGE	513 SQ. FT.

P1X - GROSS AREA		P1X - NET AREA	
1ST FLOOR	114 SQ. FT.	1ST FLOOR	96 SQ. FT.
2ND FLOOR	580 SQ. FT.	2ND FLOOR	546 SQ. FT.
3RD FLOOR	571 SQ. FT.	3RD FLOOR	531 SQ. FT.
TOTAL LIVING	1265 SQ. FT.	TOTAL LIVING	1173 SQ. FT.
PORCH	N/A	PORCH	N/A
DECK	61 SQ. FT.	DECK	53 SQ. FT.
GARAGE	549 SQ. FT.	GARAGE	517 SQ. FT.

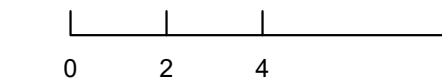


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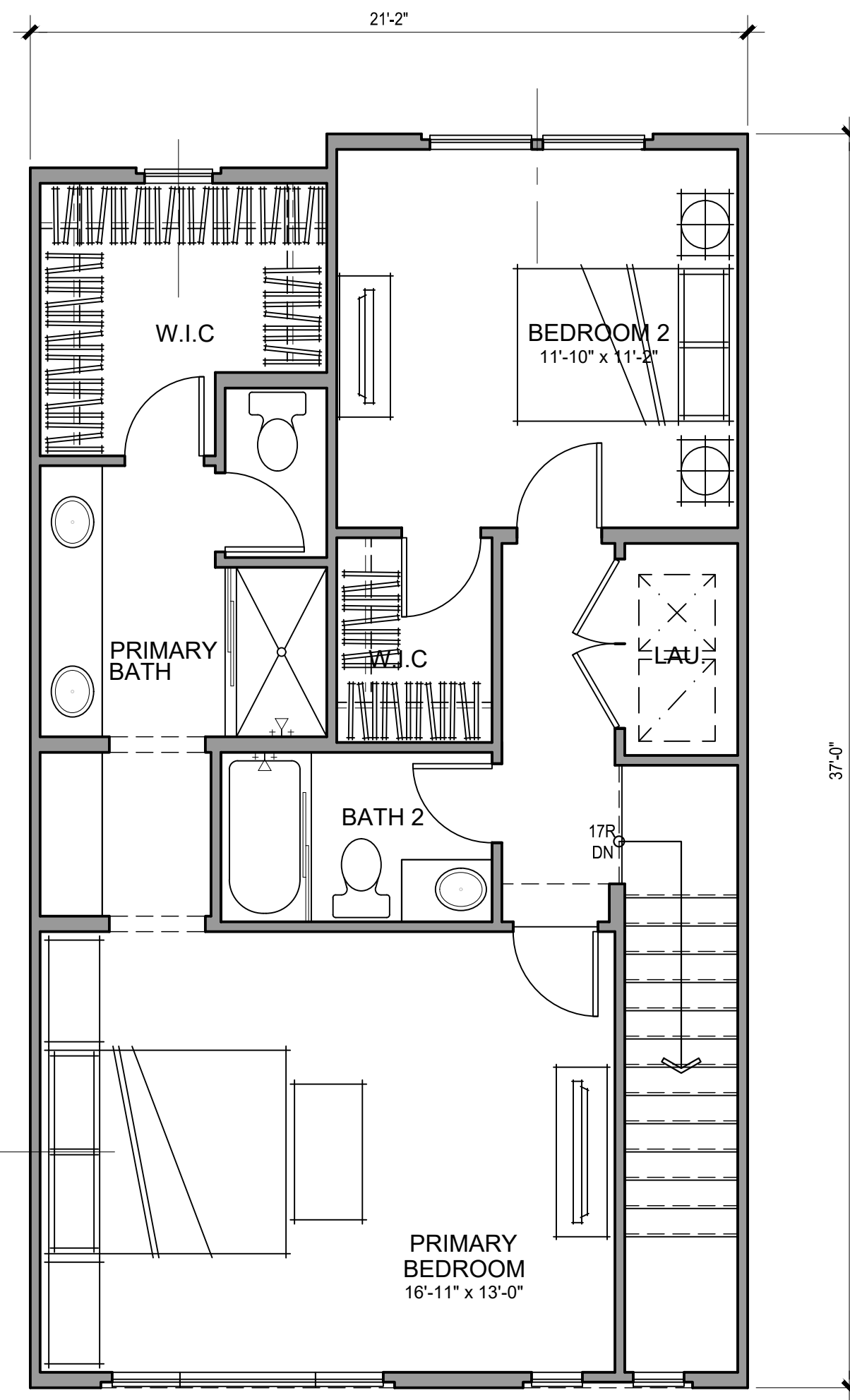
MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022

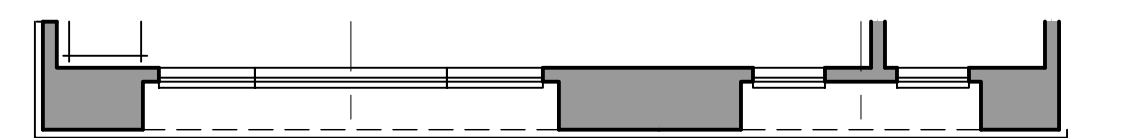


PLAN 1/1X UNIT PLANS

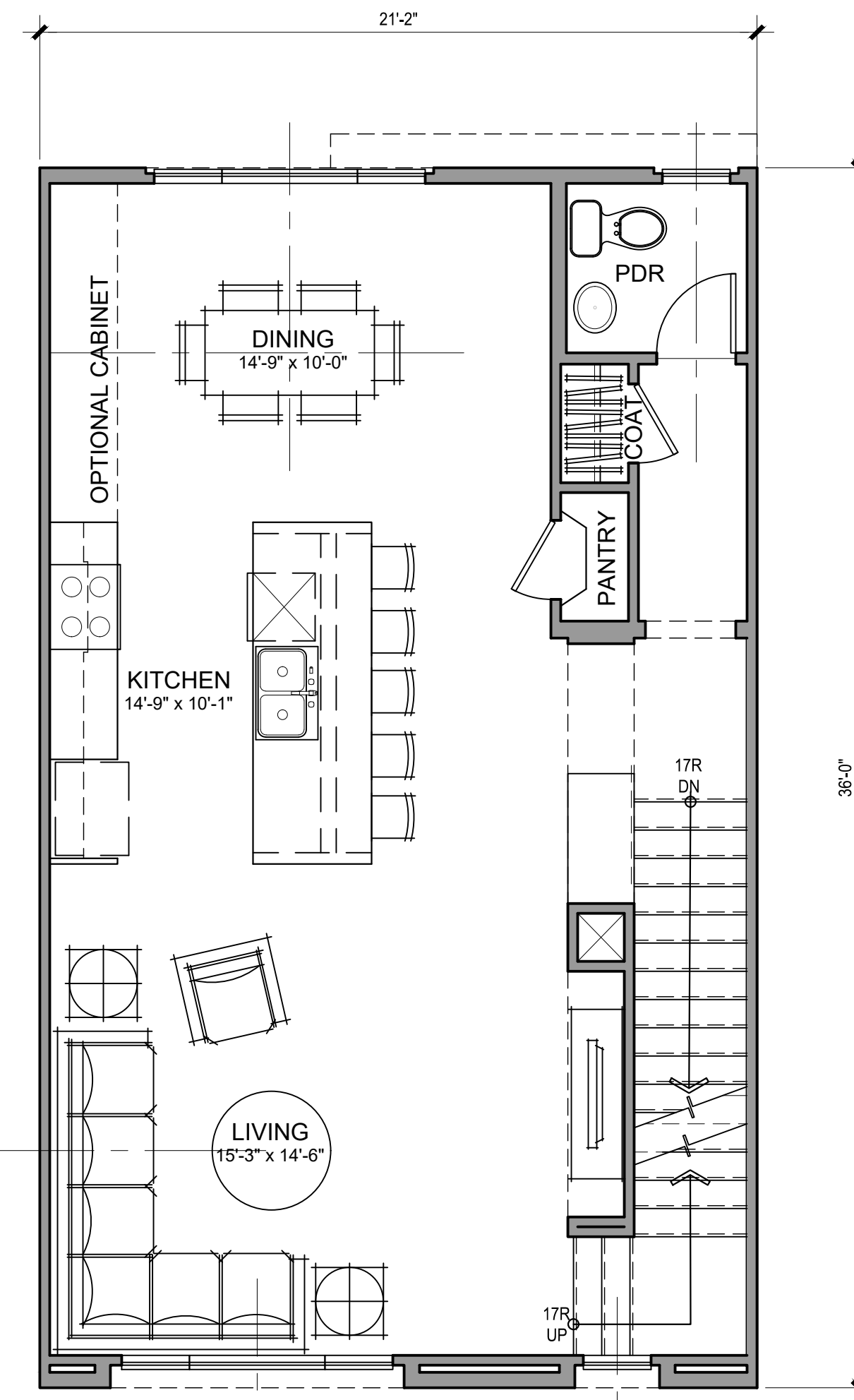
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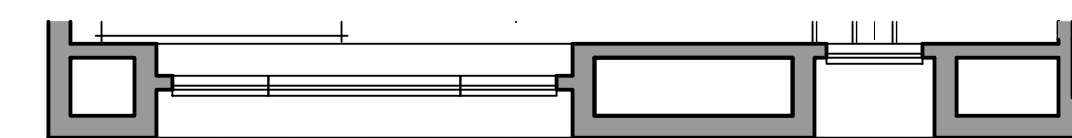
THIRD FLOOR - STANDARD



ENHANCED

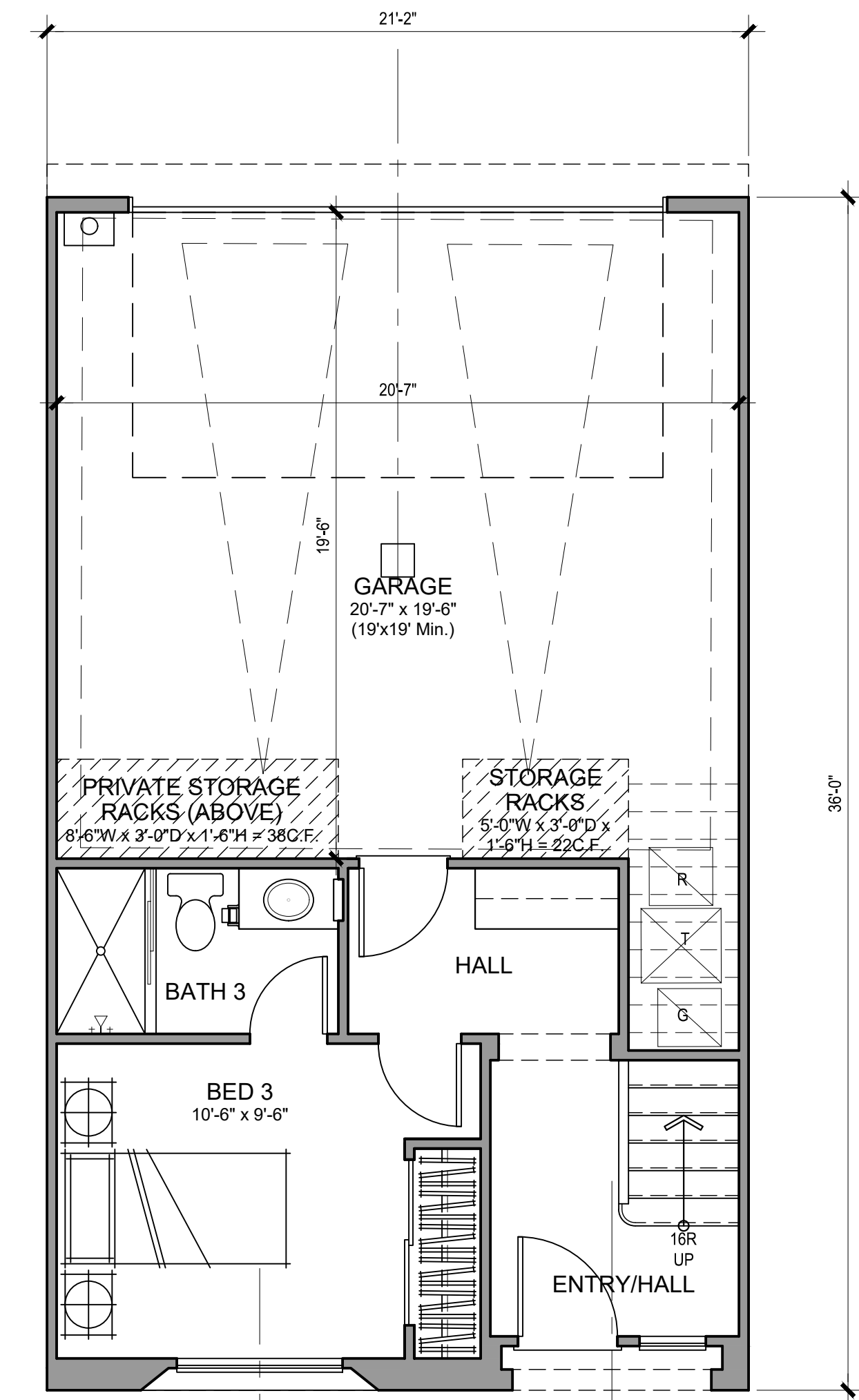


SECOND FLOOR - STANDARD

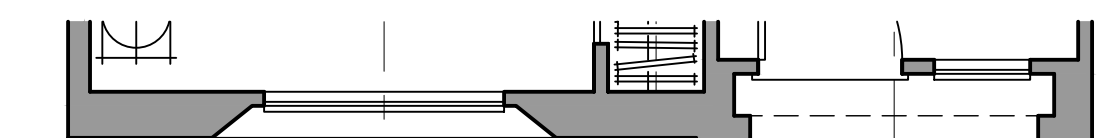


ENHANCED

UTILITY CLOSET



FIRST FLOOR - STANDARD



ENHANCED

P2 - GROSS SF		P2 - NET SF	
1ST FLOOR	331 SQ. FT.	1ST FLOOR	308 SQ. FT.
2ND FLOOR	748 SQ. FT.	2ND FLOOR	712 SQ. FT.
3RD FLOOR	708 SQ. FT.	3RD FLOOR	669 SQ. FT.
TOTAL LIVING	1786 SQ. FT.	TOTAL LIVING	1689 SQ. FT.
GARAGE	443 SQ. FT.	GARAGE	421 SQ. FT.

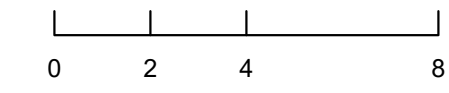


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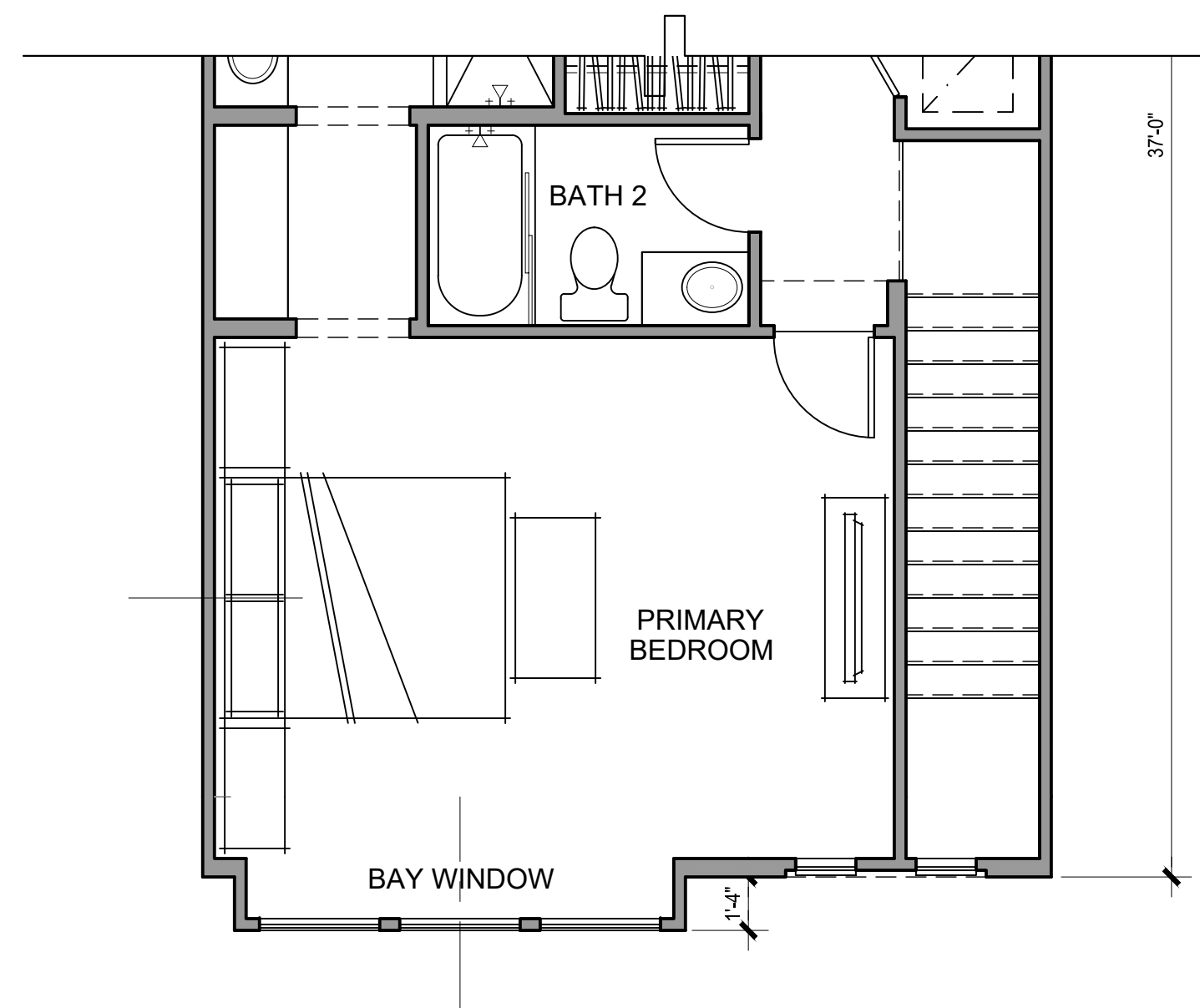
MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022

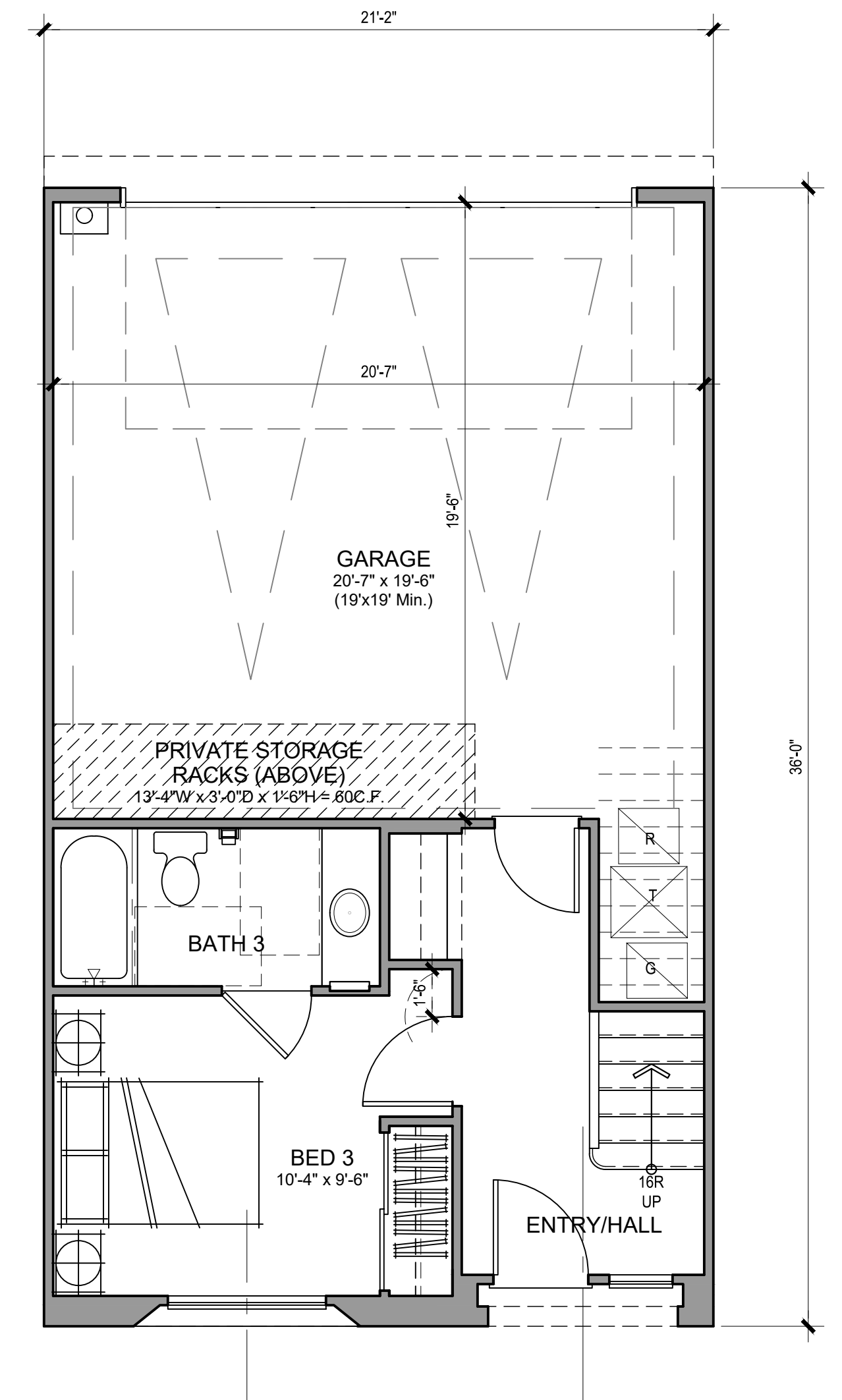


PLAN 2 UNIT PLANS

A5.1



ALTERNATIVE ELEVATION BAY WINDOW
THIRD FLOOR



ACCESSIBLE PLAN FIRST FLOOR

P2 - GROSS SF		P2 - NET SF	
1ST FLOOR	331 SQ. FT.	1ST FLOOR	308 SQ. FT.
2ND FLOOR	748 SQ. FT.	2ND FLOOR	712 SQ. FT.
3RD FLOOR	708 SQ. FT.	3RD FLOOR	669 SQ. FT.
TOTAL LIVING	1786 SQ. FT.	TOTAL LIVING	1689 SQ. FT.
GARAGE	443 SQ. FT.	GARAGE	421 SQ. FT.

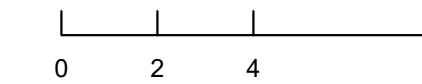


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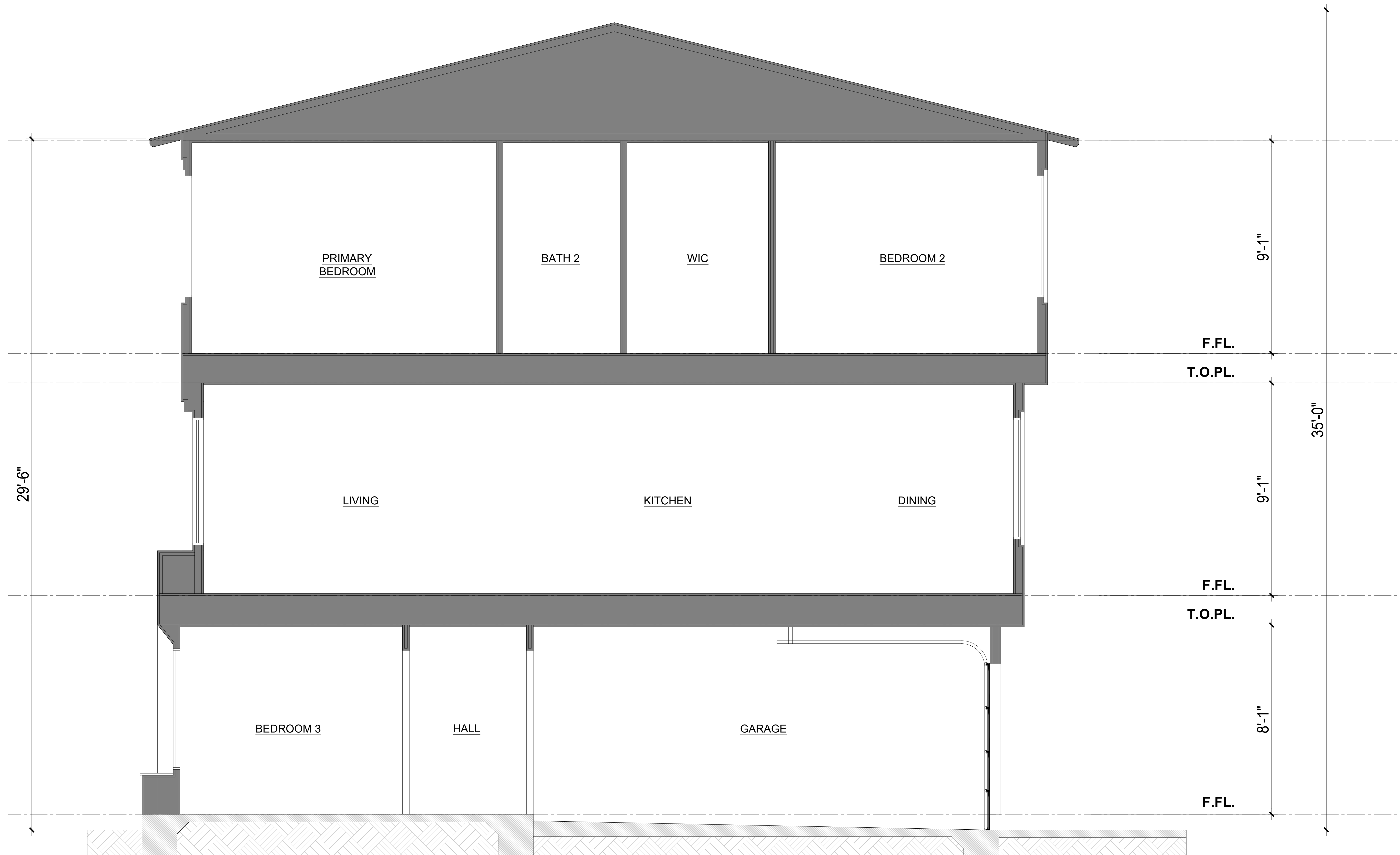
MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022



PLAN 2 ALT. UNIT PLANS

A5.2

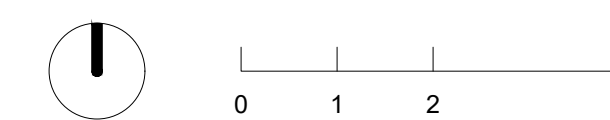


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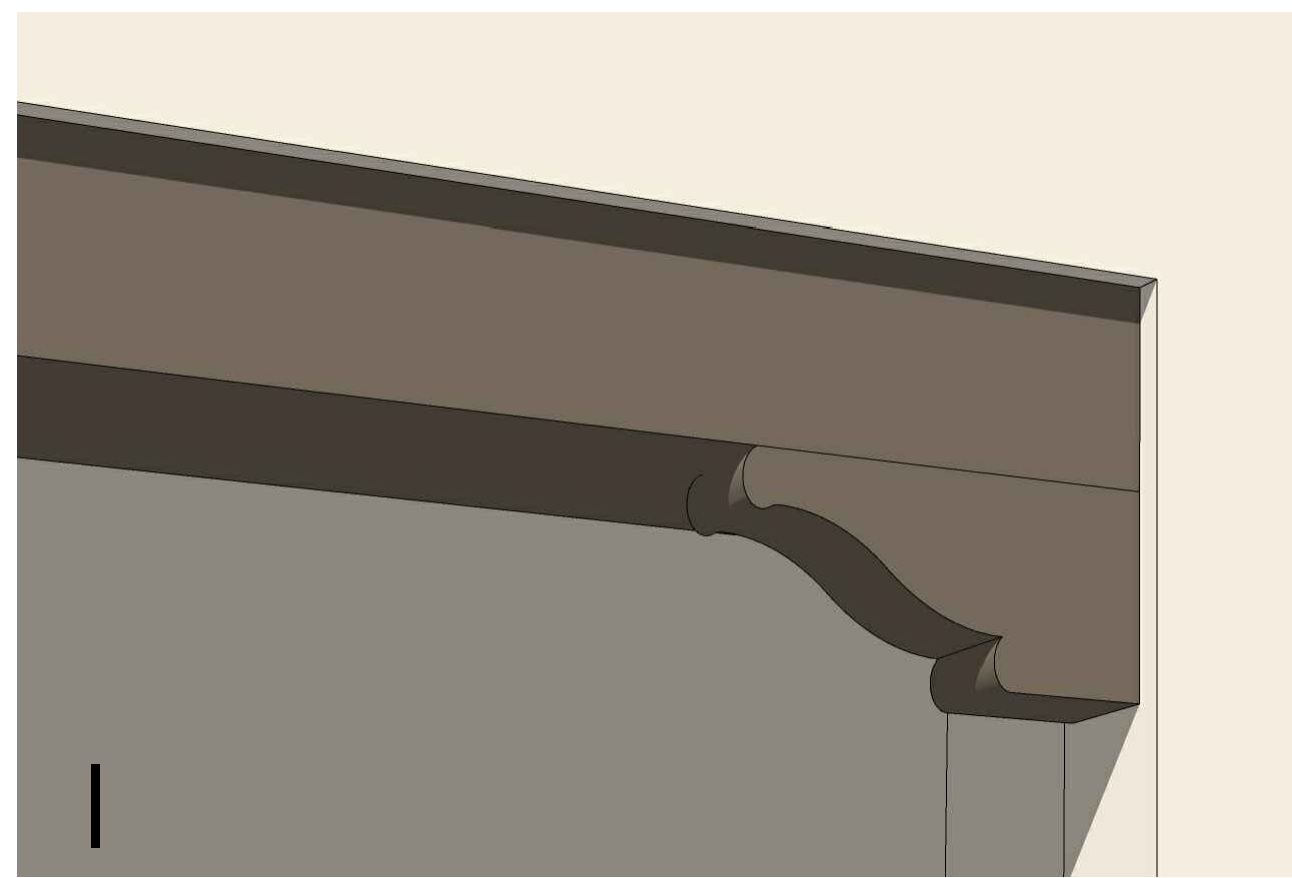
MARIPOSA AND VALLEYHEART
 BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
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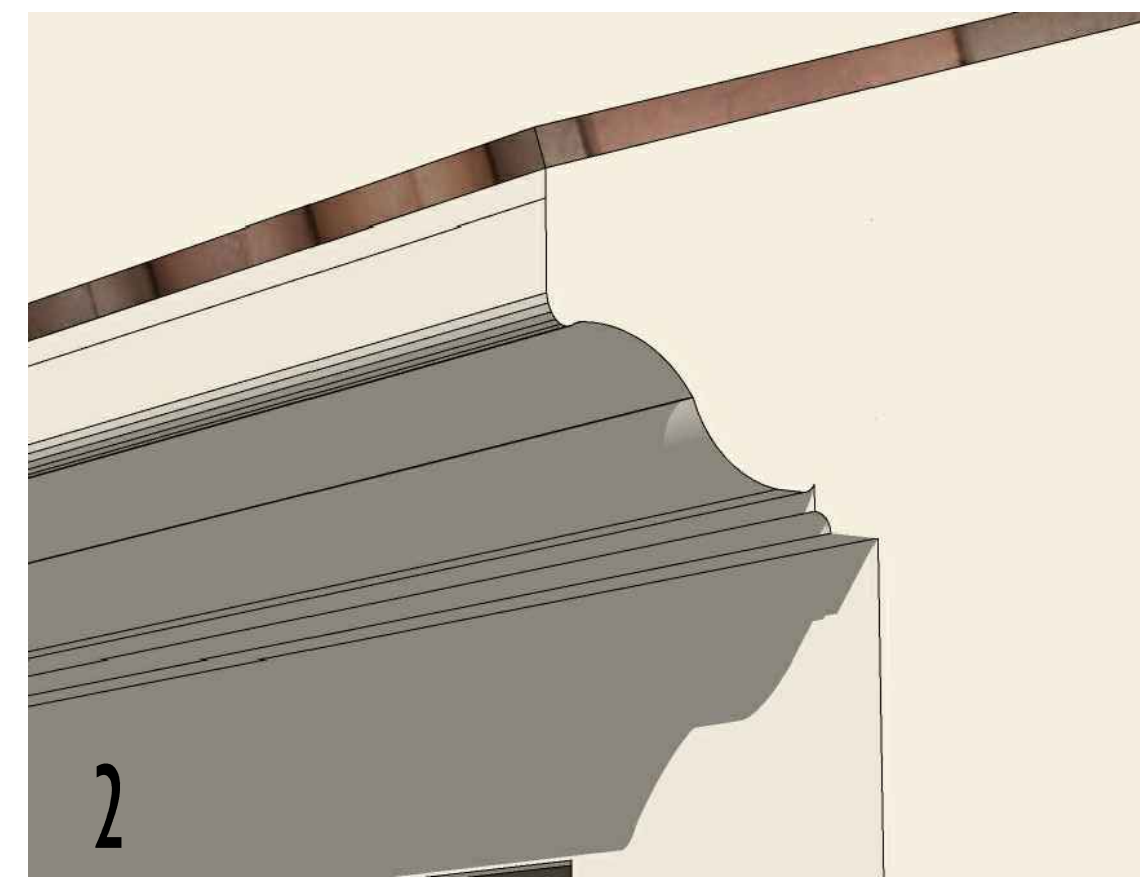


TYPICAL BLDG SECTION

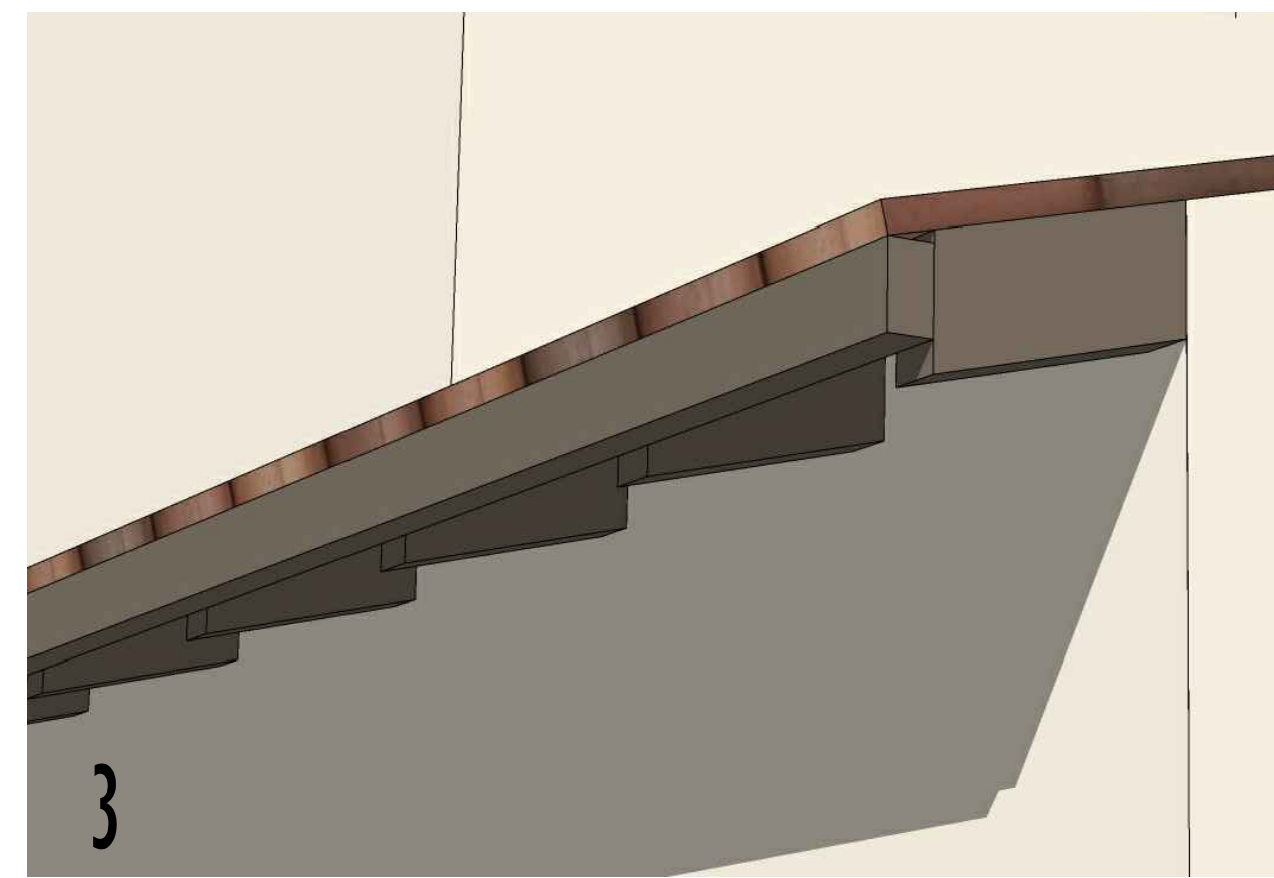
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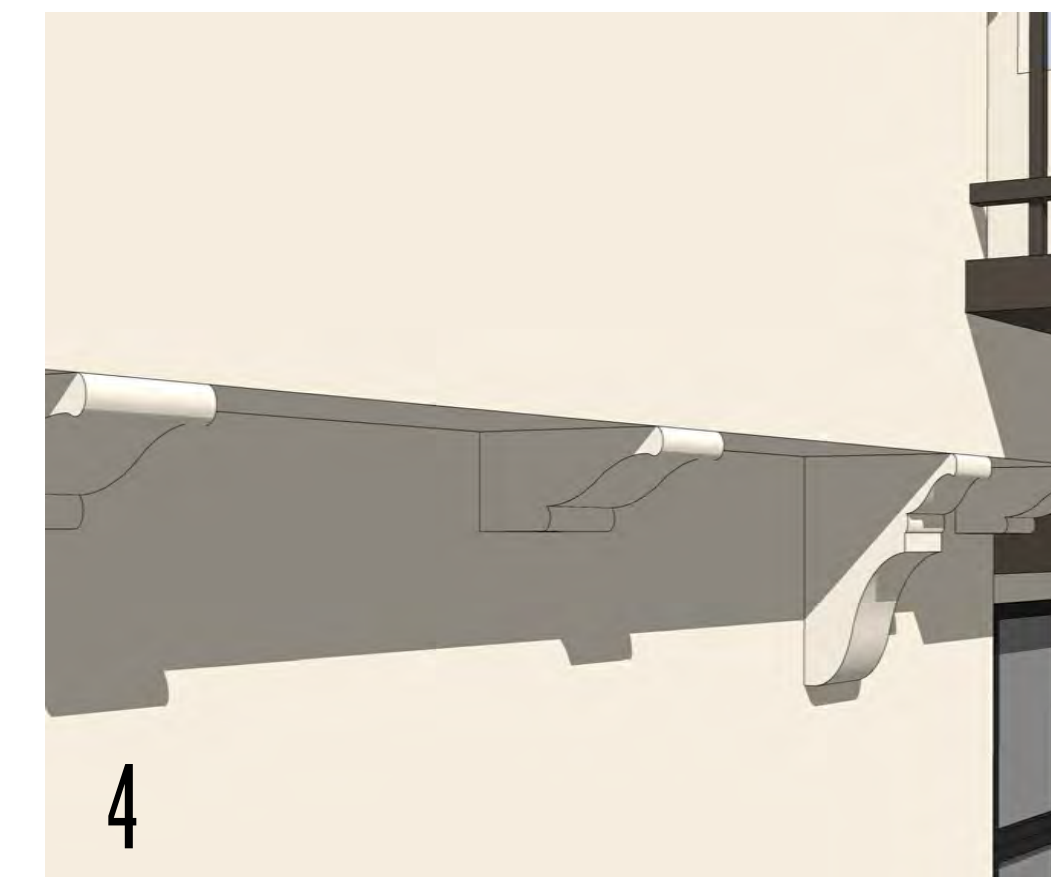
1 WOOD BEAM / FAUX CORBEL



2 TYPICAL EAVE CORNICE



3 TYPICAL EXPOSED WOOD TRUSS TAILS



4 DECORATIVE STUCCO CORBELS



5 DECORATIVE SCALLOPED STUCCO SILL TRIM



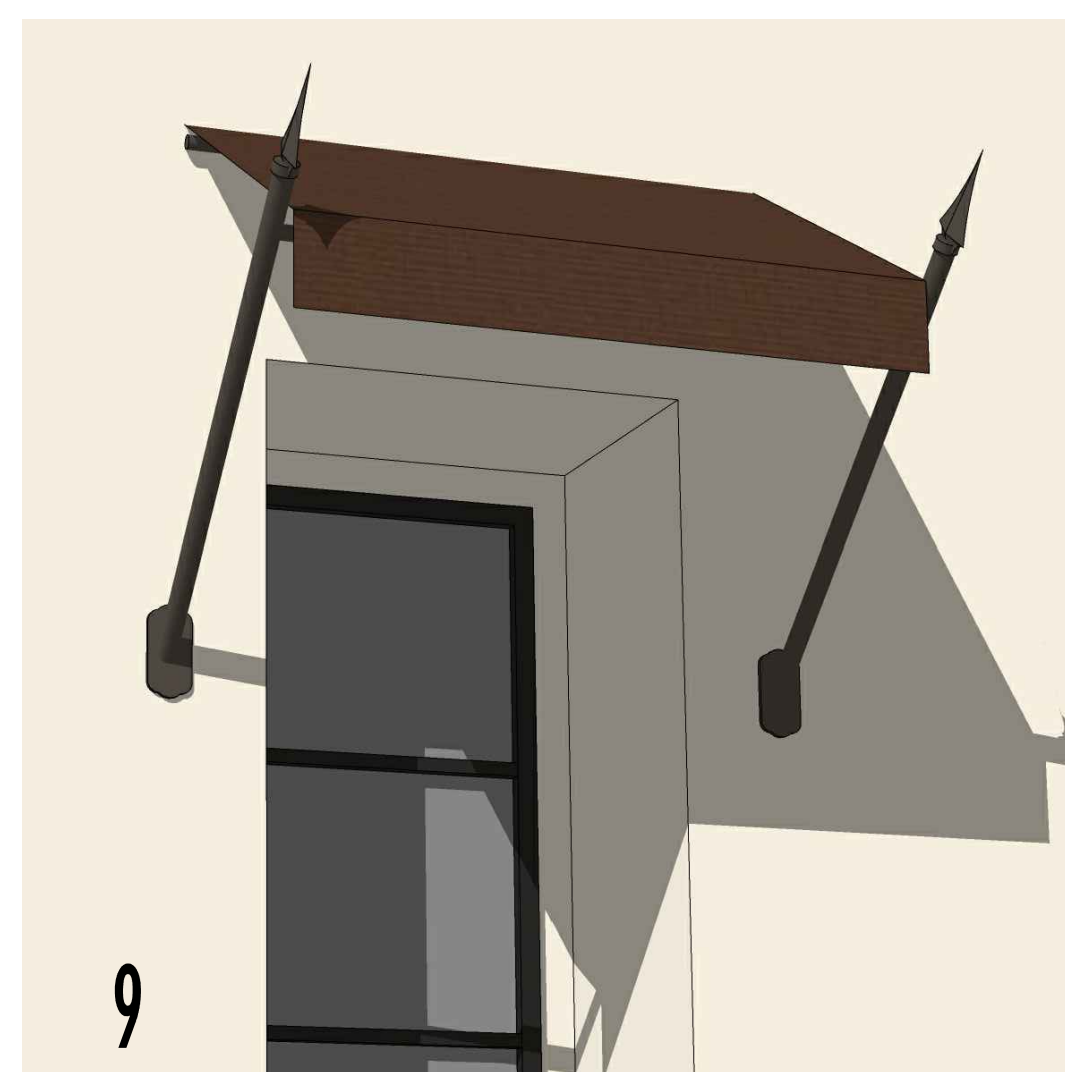
6 ACCENT BATTERED CERAMIC TILE SURROUND w/ TILE CAPPED BARRANCA



7 BOX BAY WINDOW w/ FIBER CEMENT BOARD PANELS, FAUX WOOD CORBELS



8 DECORATIVE METAL JULIET BALCONY



9 DECORATIVE CANVAS / METAL SPEAR AWNING



10 DEEP RECESSED WINDOW w/ 1" RECESSED STUCCO SIMULATED WD BEAM



11 STUCCO ARCH



12 STUCCO ARCH w/ CORBELS

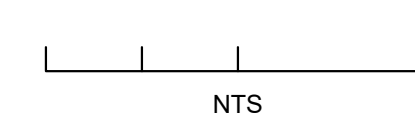
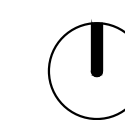


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MARIPOSA AND VALLEYHEART
BURBANK, CA ## 2021-0883

Plot Date: 10/26/2022
NOI Submittal - SB35: 10/26/2022



ENLARGED DETAILS BOARD

A7.0

COLOR SCHEME 1

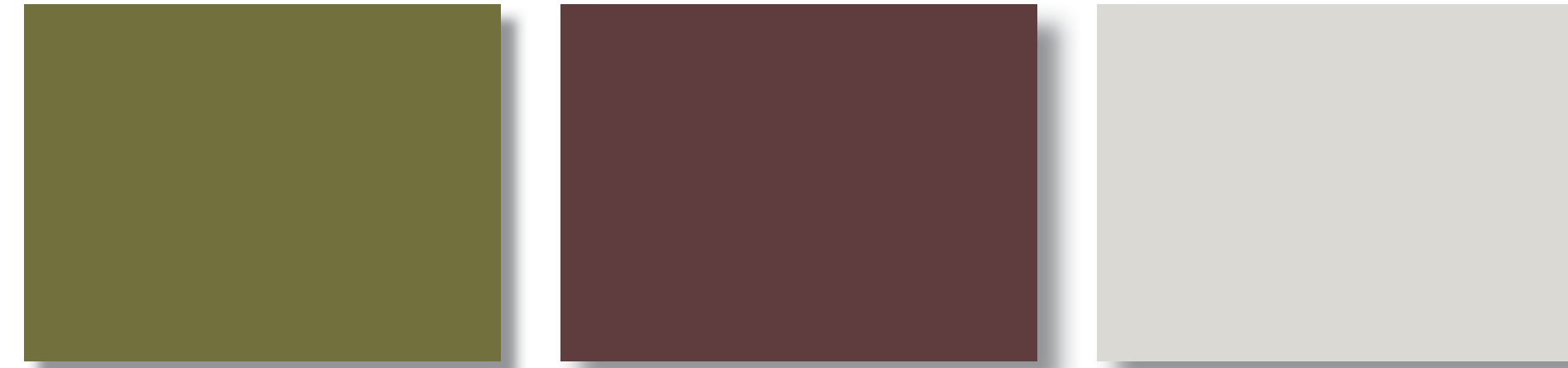


STUCCO BASE
SNOWFALL (SW6000)

STUCCO ACCENT
GRAYISH (SW6001)

ENH. ACCENT
PROPER GRAY (SW6003)

TRIM
GRIFFIN (SW7026)



DOOR 1
RELENTLESS OLIVE (SW 6425)

DOOR 2
CORDOVAN (SW 6027)

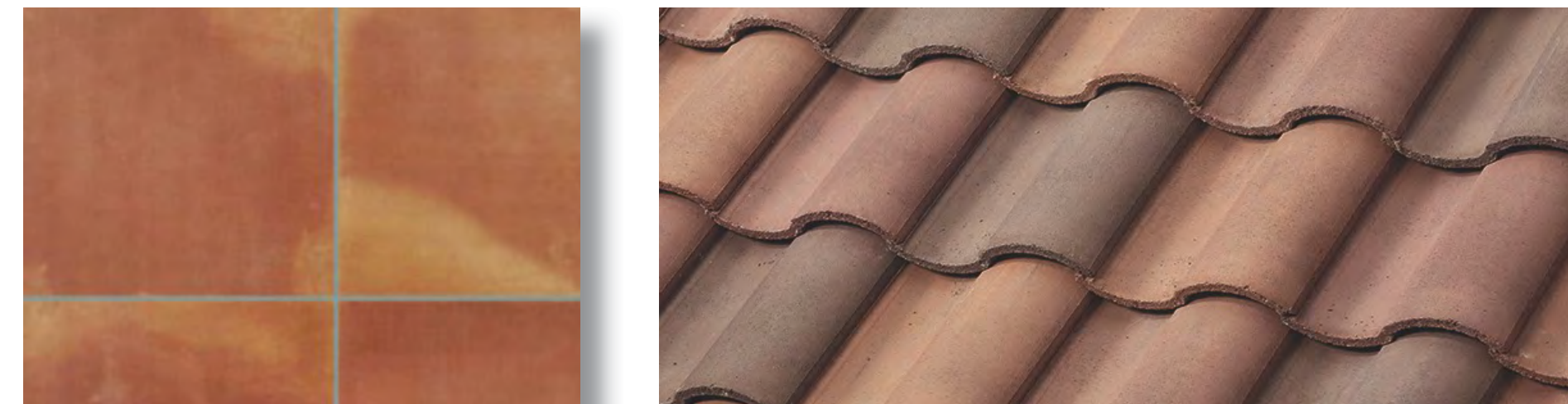
ENTRY SURROUND
FIRST STAR (SW 7646)



IRON
BLACK FOX (SW7020)

SHUTTER
DEEPEST MAUVE (SW0005)

WINDOW
MILGARD - TWEED

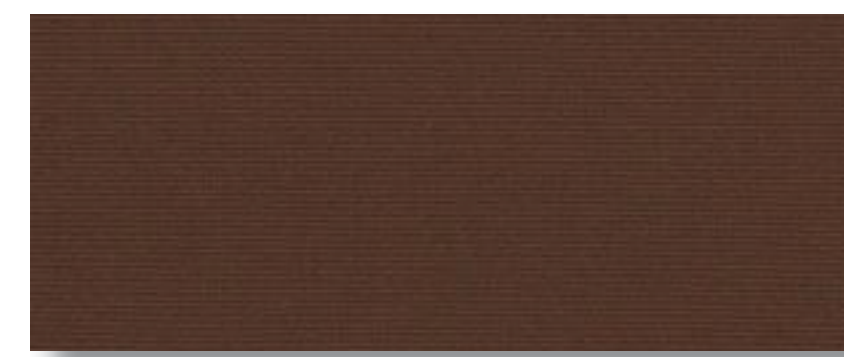


PORCELAIN SALTILLO
VILLA & MISSION STONE IMPORTS, LLC
PORCELAIN LAGUAN SALTILLO - DARK

ROOF
BORAL - COPPER MOUNTAIN BLEND

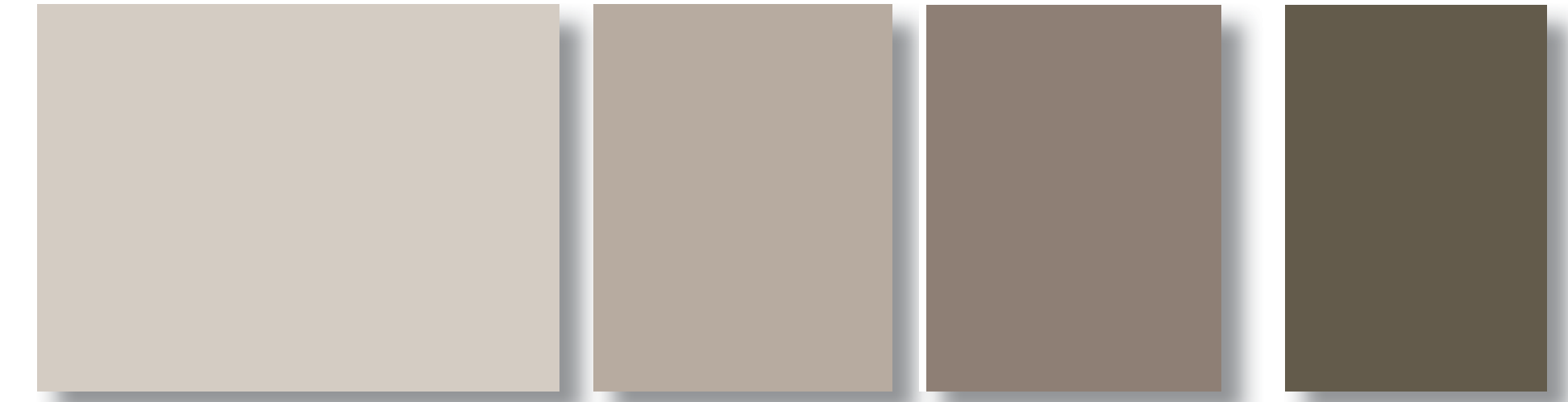


CERAMIC ACCENT TILES
TIERRA Y FUEGO - SANTA BARBARA SERIES
CARNAVAL FLOWER 1, CARNAVAL FLOWER 2



CANVAS
SUNBRELLA - TRUE BROWN

COLOR SCHEME 2



STUCCO BASE
POPULAR GRAY (SW6071)

STUCCO ACCENT
PERFECT GRIEGA (SW6073)

ENH. ACCENT
SPALDING GRAY (SW6074)

TRIM
OAK LEAF BROWN (SW7054)



DOOR 1
RED BARN (SW 7591)

DOOR 2
RELENTLESS OLIVE (SW 6425)

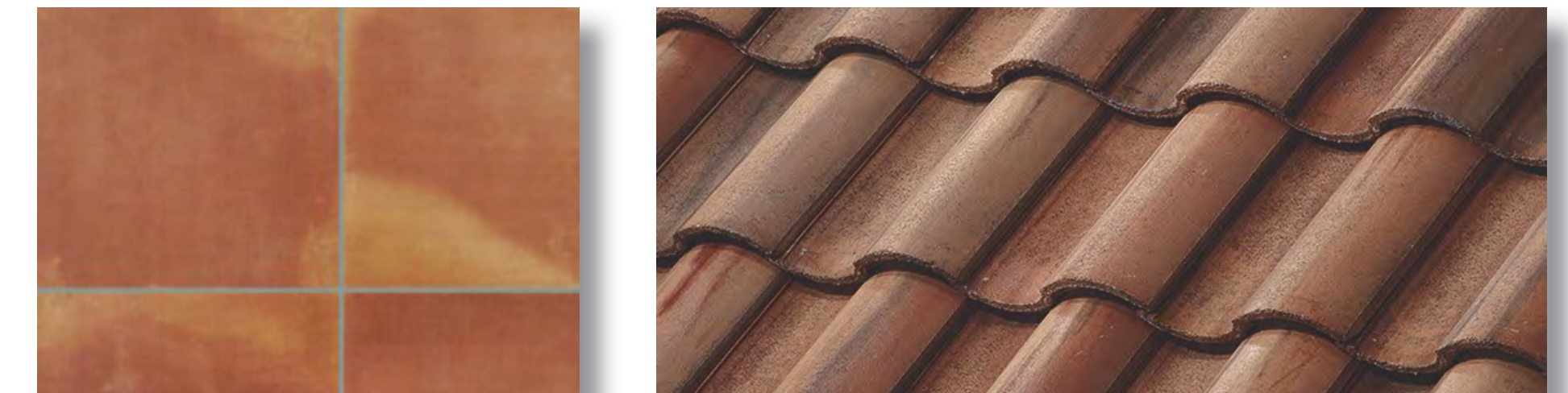
ENTRY SURROUND
FIRST STAR SW 7646



IRON
URBANE BRONZE (SW7048)

SHUTTER
ADAPTIVE SHADE (SW7053)

WINDOW
MILGARD - TWEED



PORCELAIN SALTILLO
VILLA & MISSION STONE IMPORTS, LLC
PORCELAIN LAGUAN SALTILLO - DARK

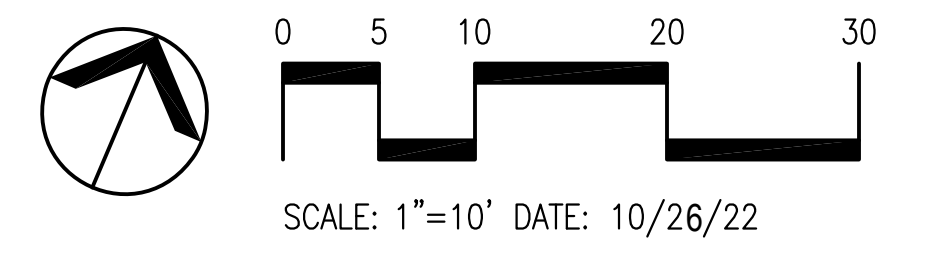
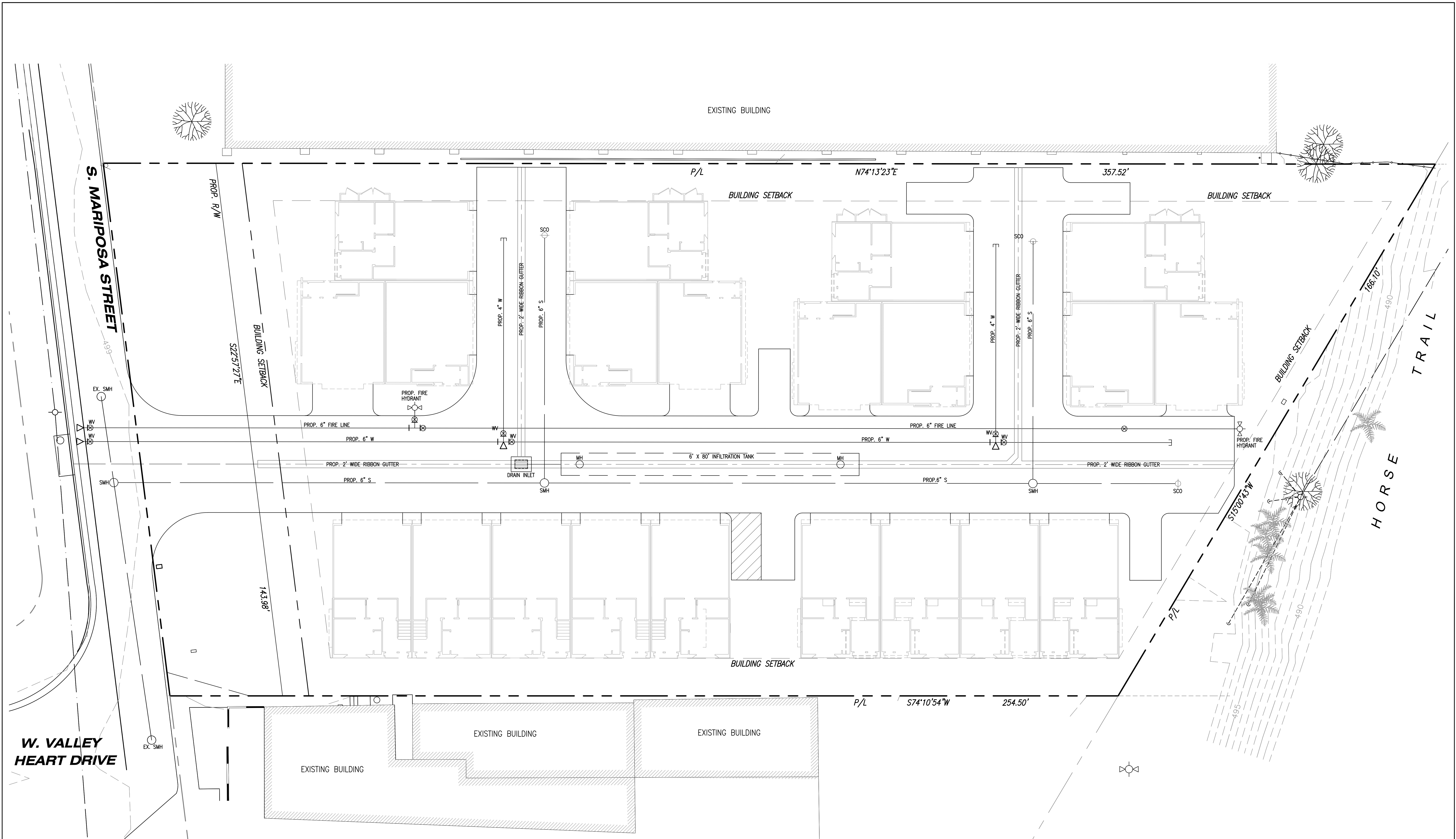
ROOF
BORAL - CASA GRANDE BLEND



CERAMIC ACCENT TILES
TIERRA Y FUEGO - SANTA BARBARA SERIES
JAZMIN 1, JAZMIN 2



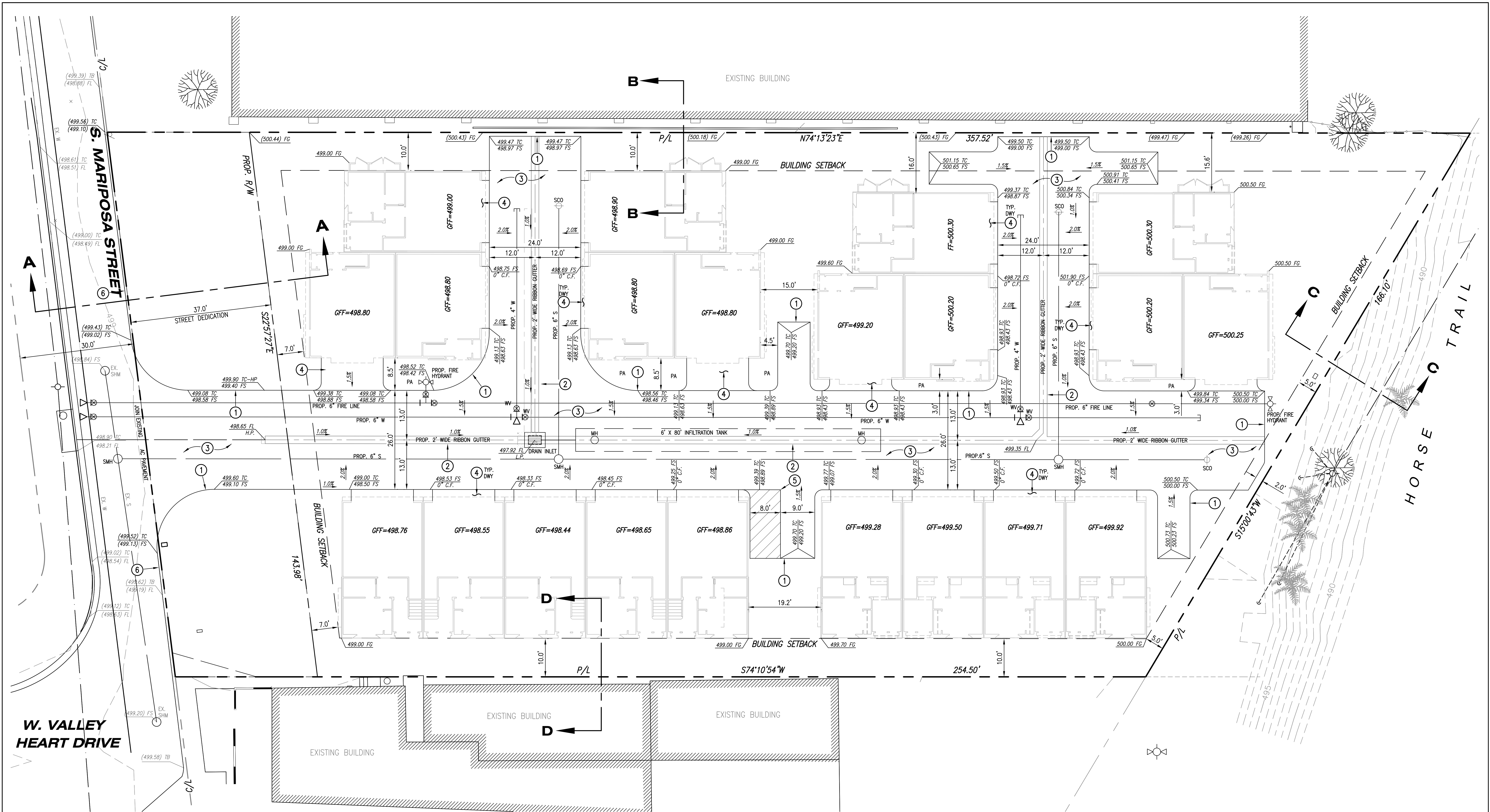
CANVAS
SUNBRELLA - TAUPE



MULTI-FAMILY TOWNHOMES
BUTTERFLY GARDENS LLC

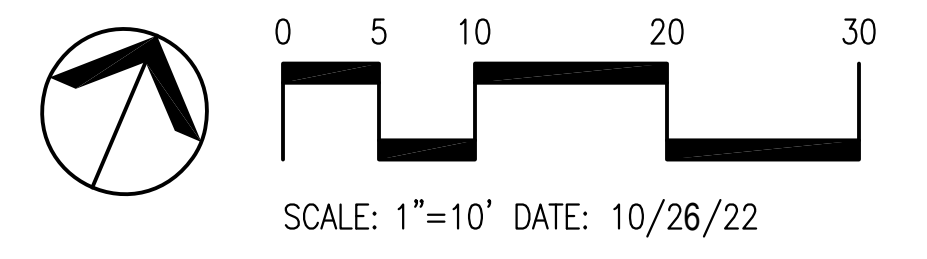
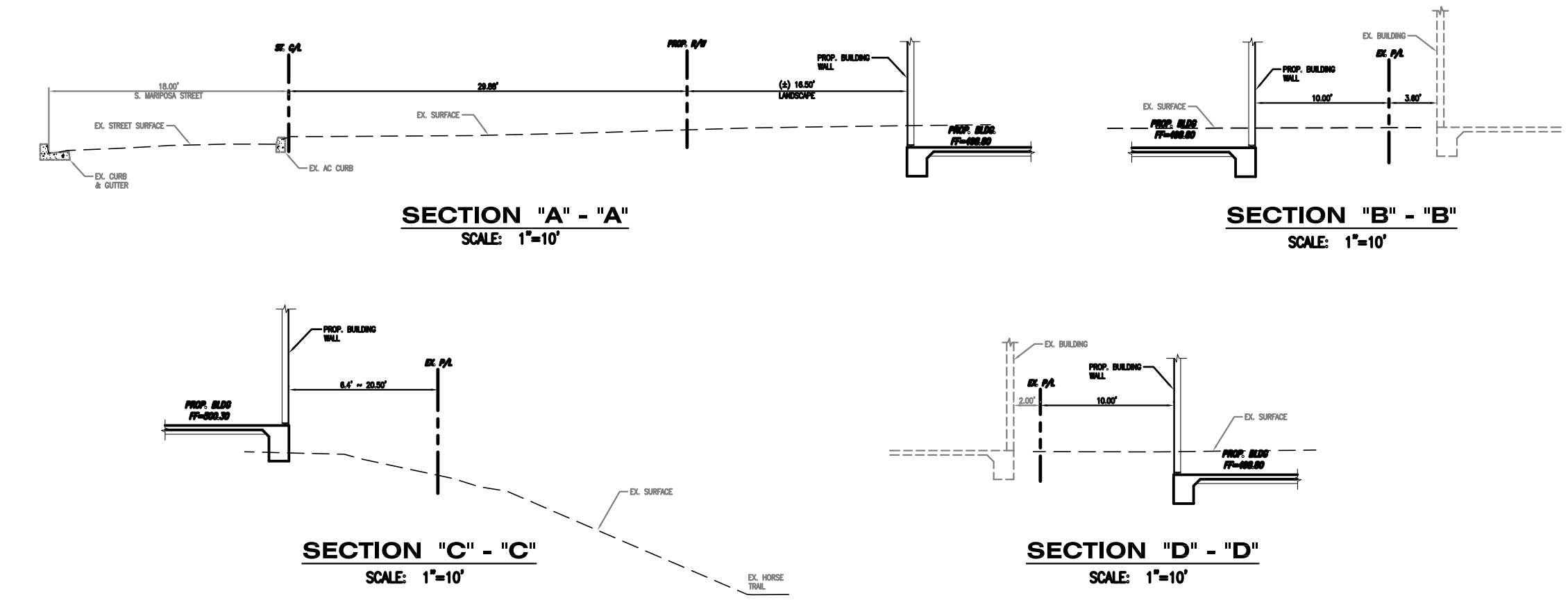
ON-SITE PRIVATE SEWER & WATER PLAN
910 SOUTH MARIPOSA STREET, BURBANK, CALIFORNIA

KHR ASSOCIATES
 CONSULTING ENGINEERS/SURVEYORS/PLANNERS
 17530 Van Karman Avenue - Suite 200 Tel (949) 756-6440
 Irvine, California 92614



- CONSTRUCTION NOTES:**
- 1 CONSTRUCT 6-INCH PCC CURB ONLY.
 - 2 CONSTRUCT 2-FOOT WIDE 8-INCH THICK PCC V-GUTTER.
 - 3 CONSTRUCT 4-INCH THICK ASPHALT CONCRETE PAVEMENT.
 - 4 CONSTRUCT 4-INCH THICK PCC DRIVEWAY PAVEMENT.
 - 5 PAINT 4-INCH WIDE SOLID BLUE ACCESSIBLE PARKING STALL STRIPING AND ACCESSIBLE SYMBOL.
 - 6 PROTECT IN PLACE OF EXISTING AC CURB.

- LEGEND:**
- CONSTRUCTION NOTE REFERENCE
 - NEW CONCRETE PAVEMENT
 - NEW ASPHALT CONCRETE PAVEMENT



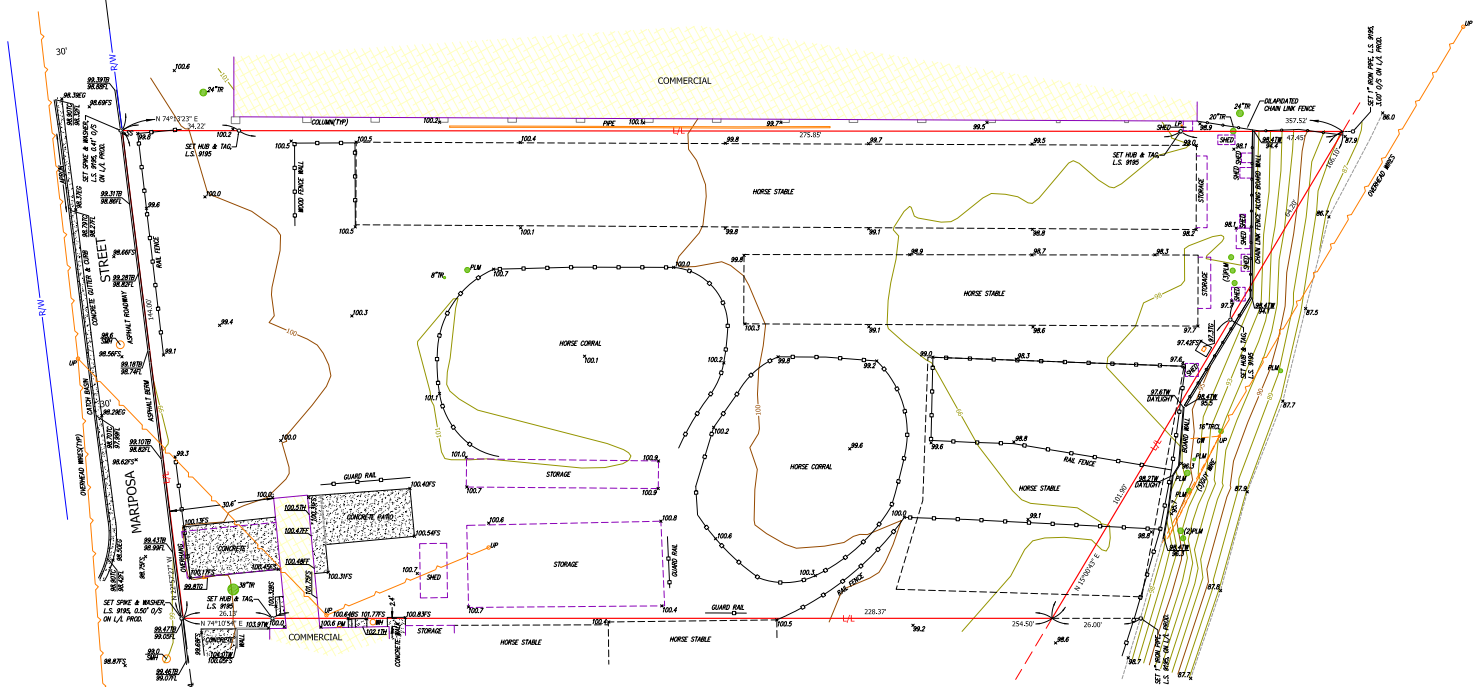
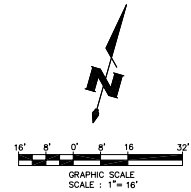
MULTI-FAMILY TOWNHOMES
BUTTERFLY GARDENS LLC

PRELIMINARY GRADING AND DRAINAGE PLAN
910 SOUTH MARIPOSA STREET, BURBANK, CALIFORNIA

KHR ASSOCIATES
 CONSULTING ENGINEERS/SURVEYORS/PLANNERS
 17530 Von Karman Avenue - Suite 200 Tel (949) 756-6440
 Irvine, California 92614

FOUND SPIKE & WASHER, L.S. 5411
ASSUMED ELEV. 100.00'

DINCARA ROAD



ABBREVIATIONS:

- BM BENCH MARK
- BS BOTTOM OF STEP
- CL CENTERLINE
- EG EDGE OF GUTTER
- FF FINISHED FLOOR
- FL FLOWLINE
- FS FINISHED SURFACE
- GW GUY WIRE
- LS LOT LINE
- LP LIGHT POLE
- OS OFFSET
- PLM PALM TREE
- PM POWER METER
- R/W RIGHT OF WAY
- SMH SEWER MANHOLE
- SS STREET SIGN
- TB TOP OF BERM
- TC TOP OF CURB
- TG TOP OF GRATE
- TH THRESHOLD
- TR TREE
- TRCL TREE CLUSTER
- TS TOP OF STEP
- TW TOP OF WALL
- TYP TYPICAL
- UP UTILITY POLE
- WH WATER HEATER

BENCH MARK:

THE ELEVATION OF 100.00' WAS ASSUMED ON FOUND SPIKE & WASHER, L.S. 5411 AT THE INTERSECTION OF DINCARA ROAD & MARIPOSA STREET, AS SHOWN HEREON AND WAS USED AS DATUM FOR THIS SURVEY

NOTE:

1. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT. EASEMENTS WERE NOT PLOTTED, IF ANY



REVISION NOTES		
DATE	DESCRIPTION	BY

PREPARED BY:
GMON Surveying, Inc.
Gerardo Gardamias, PLS 9195
200 N. San Fernando Road #316, Los Angeles, CA 90031
Office: (818) 782-0117
gmonsurveying.com

PREPARED FOR:
Garen Gozuman
(818) 590-9559

TOPOGRAPHY & BOUNDARY SURVEY
Portion of Block 69, Subdivision of Rancho Providencia
and Scott Tract, M.R. 43, Pgs. 47-59
910 S Mariposa Street
Burbank, CA 91506
SITE AREA:
43,690 SQ.FT.

JOB NO. 21-1486
SCALE: 1" = 16'
DATE: MAY 2021
DRAFTED: BG

SHEET NO.
1
OF 1 SHEET



Attachment A - ALTA Survey

ATTACHMENT 3 - 23

NTS
OCTOBER 2022



SITE INFORMATION

Address: Mariposa and Valleyheart
 Site Area: +1.0 ac (Gross)
 City: Burbank
 County: Los Angeles County
 Existing Zone: M-1 Limited Industrial

General Plan: Rancho Commercial
 Fire Code: California Fire Code

(M-1) Front Setback: 5' or 20% bldg height whichever greater

Site Plan Summary

Site Area: +1.0 ac (Gross)
 Mariposa St Dedication: +0.12 ac
 Net Area: +0.88 ac
 Units: 21 du
 Net Density: 23.9 du/ac

Units

Plan 1 (1,178sf - 2bd/2.5ba)	4 du
Plan 1X (1,173sf - 2bd/2.5ba)	4 du
Plan 2 (1,689sf - 3bd+den/2.5ba)	13 du
Total	21 du

Required Parking: 1 Space/Unit (Per Section 65913.4.(d)(2))

Parking Provided

Garage	42 spaces
Open Parking	5 spaces
Total	47 spaces (2.23 spaces/du)

Provided Open Space

Common	7,000 sf
Private 21x50sf/du	1,050 sf
Total	8,050 sf

(For SB-35 Submittal)



Attachment C - Development Standard Consistency Analysis

ARTICLE 8. INDUSTRIAL USES AND STANDARDS

DIVISION 1. M-1 INDUSTRIAL ZONE

Development Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-805 Location and Operation of Uses:</u> A. All processing and assembly of goods shall be conducted completely within a building that is enclosed on all four (4) sides, unless otherwise specified. B. Operations that create noise, smoke, ash, dust, odor, ground vibration, heat, glare, humidity, radio disturbance, or radiation shall be so located, and conducted in such a manner, that they do not exceed the standards prescribed in Article 17 of this chapter, measured at the property lines of the use in question.</p>	<p>The requirements are not applicable to the proposed residential project.</p>	<p>Consistent</p>
<p>Maximum Residential Density: 20 du/ac</p>	<p>The 0.88-acre project site is allowed up to a maximum of 17.6 dwelling units based on General Plan designation. The Project includes 2 affordable housing units for low income families, which is eligible for a 20 percent density bonus per Section 65915 of the California Government Code and Burbank Municipal Code Section 10-1-635. The Project provides 21 dwelling units at a density of 23.9 du/ac.</p>	<p>Consistent</p>
<p><u>10-1-806 A. Structure Height</u> 1. 50- less than 150 feet distance from R-1-H: 35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained) 2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure. 3. Conditional Use Permit is required for structure height greater than 35 feet. 4. Structure height shall be measured from grade as defined by this chapter. 5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained. 6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.</p>	<p>1. The proposed maximum building height is 35' to top of building. 2. The proposed maximum building height is 35' to top of building. 3. Not applicable. 4. The structure height is measured from grade. 5. The distance from the project to the R-1-H across Maricopa Street is greater than 50 feet. 6. The project is not within the distance requirement since it is more than 50 feet from the R-1-H zone.</p>	<p>Consistent</p>

Attachment C - Development Standard Consistency Analysis

ARTICLE 8. INDUSTRIAL USES AND STANDARDS

DIVISION 1. M-1 INDUSTRIAL ZONE

<p><u>10-1-806 B. Open Space</u></p> <p>1. Distance Requirements. Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property.</p> <p>2. Determination of Open Space. This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.</p> <p>3. Landscaping Requirement. When the industrial property abuts or is any residential property, a five (5) foot strip of the open space which lies adjacent the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.</p> <p>4. Parking Allowed in Open Space. Parking is allowed in the open space as long as Subsection (3) is satisfied.</p>	<p>The proposed project does not abut residentially-zoned properties, therefore the requirements in this section are not applicable to the project.</p>	<p>Consistent</p>
<p><u>10-1-806 C. Yard</u></p> <p>1. Front Yard - Definition. For the purpose of this section, side yards on corner lots shall be considered as front yards.</p> <p>2. Setbacks.</p> <p>a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.</p> <p>b. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line.</p> <p>c. When abutting or adjacent R-3 or R-4 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.</p> <p>d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.</p>	<p>The Project provides minimum setbacks: Front yard: 7' Rear yard: 6' Side yard: 10' Side yard to the surface parking: 2'6"</p> <p>a. The front yard setback is 7 feet, which is 20 percent of the building height (35 feet).</p> <p>b. The project does not include any parking structures, therefore, this item does not apply.</p> <p>c. The project does not abut any R-3 or R-4 zones, therefore this item does not apply.</p>	<p>Consistent</p>

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<p>3. Landscaping.</p> <p>a. A minimum of 50 percent of front and exposed side yards shall be landscaped.</p> <p>b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or hardscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.</p> <p>c. The planting of vines on masonry buildings is encouraged.</p> <p>d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.</p> <p>e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.</p> <p>f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.</p> <p>g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.</p> <p>h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.”</p>	<p>a. The project provides 61% landscaped front yard including parkways.</p> <p>b. Decorative hardscape are provided.</p> <p>c. Noted and the project will be consistent with this item.</p> <p>d. Noted and the project will be consistent with this item.</p> <p>e. Noted and the project will be consistent with this item.</p> <p>f. Noted and the project will be consistent with this item.</p> <p>g. Noted and the project will be consistent with this item.</p> <p>h. Not applicable.</p>	<p>TBD/Consistent.</p>
<p><u>D. Masonry Wall</u></p> <p>A six (6) foot high decorative masonry wall shall be erected along every property line forming a boundary with a residential zone, except that along the front setback area of such residential zone the wall shall be reduced to three (3) feet.</p>	<p>A 6-foot masonry wall will be provided along the front property line, and is depicted on the Conceptual Wall Plan.</p>	<p>Consistent</p>
<p><u>E. Off-Street Parking</u></p> <p>Yards may be used for off-street parking if consistent with this article.</p>	<p>The project does not include parking within the required front yard.</p>	<p>Consistent</p>

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<p><u>10-1-1303: Corner Cutoff</u> No structure, object, or feature, including but not limited to fences, walls, and hedges, may be erected or maintained in any zone below a height of ten (10) feet and above a height of three (3) feet above the finished ground surface within a corner cutoff area. The corner cutoff area is defined by a horizontal plane making an angle of 45 degrees with the front, side, or rear property lines as the case may be, and passing through points as follows:</p> <p>A. Streets At intersecting streets, ten (10) feet from the intersection at the corner of a front or side property line.</p> <p>B. Alleys At the intersection of an alley with a street or another alley, ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.</p> <p>C. Driveways At the intersection of a driveway with a street or alley, five (5) feet from the edges of the driveway where it intersects the street or alley right-of-way.</p>	<p>A. no structures are within 10' from the intersection of Mariposa Street and Valleyheart Drive.</p> <p>B. Not applicable.</p> <p>C. At the intersection of entry drive and Mariposa Street, more than 5' from the edge of the driveway are provided.</p>	<p>Consistent</p>
<p><u>10-1-1401: Parking Space Dimensions</u> The following minimum parking space shall be provided: Residential: Min. Width 8'-6" The minimum width of parking spaces adjacent to walls, columns, or other vertical obstructions shall be determined by standards established by the Public Works Director.</p>	<p>All parking spaces have a minimum dimension of 8'-6" in width and 18' in depth.</p>	<p>Consistent</p>
<p><u>10-1-1403: Ingress and Egress; Backing into Highway</u> Off-street parking shall be easily accessible from and to a street or other dedicated public right-of-way. The parking shall be so arranged that it shall not be necessary to back into a major or secondary highway to exit from the parking area. Exceptions from this requirement may be authorized by the Public Works Director if the parking area is located in an R-1 or an R-2 Zone.</p>	<p>The proposed off-street parking backs into internal drives and no backing is necessary onto any public right-of-way.</p>	<p>Consistent</p>
<p>10-1-1408: Parking Spaces Required</p> <p>Not applicable. See Parking requirements above (Section 65913.4 of the California Government Code)</p>	<p>The Project will dedicate a minimum of 10 percent of the total number of for-sale units affordable to households making at or below 80 percent of the AMI (Low Income). Pursuant to SB 35, the project t is eligible for 1 parking space per unit. The Project provides total of 47 spaces at 2.23 spaces/du, which is in compliance with SB 35 parking requirement of 1 space/du.</p>	<p>Consistent</p>

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DIVISION 1. M-1 INDUSTRIAL ZONE

<p><u>10-1-1412: Location of Parking Areas</u></p> <p>A. DWELLINGS. For single or multiple family dwellings, off-street parking shall be located on the same lot or building site as the building is required to serve.</p> <p>B. HOSPITALS, ROOMING HOUSES, CLUBS, ETC. For hospitals, sanitariums, homes for the aged, orphanages, rooming houses, lodging houses, clubrooms, fraternity and sorority houses, off-street parking shall be located not more than 150 feet from the building it is required to serve.</p> <p>C. COMMERCIAL USES. For commercial uses, off-street parking shall be located not more than 300 feet from the use it is required to serve.</p> <p>D. MANUFACTURING USES. For manufacturing uses, off-street parking shall be located not more than 750 feet from the use it is required to serve.</p>	<p>A. The proposed off-street parking is located on the same lot.</p> <p>B, C and D. The requirements are not applicable to the project.</p>	<p>Consistent</p>
<p><u>10-1-1417.1 Setbacks and Walls</u></p> <p>A. Parking areas, trash enclosures, and utility cabinets or equipment shall be fully screened from public view through the use of berming, landscape materials, walls, buildings, lowering the elevation of parking areas below street grade, or a combination thereof. All walls to be used for screening purposes shall be of solid masonry construction and ornamental in texture, pattern, or shadow relief and shall be used in conjunction with foreground landscaping.</p> <p>B. Surface parking lots shall have four foot minimum front yard and street side yard landscaped setbacks. A three foot high masonry wall, or other such protective barrier as may be approved by the Community Development Director, shall be constructed along the street frontage of a parking lot, except at accessways, to insure against unchanneled motor vehicle ingress or egress. If a wall is used as a protective device, the required landscaping must be located between the wall and the street property line.</p> <p>C. All walls and landscaping materials shall comply with the corner cutoff requirements in Section 10-1-1303.</p>	<p>A. All parking areas or buildings will be screened from view by landscaping.</p> <p>B. The proposed surface parking lots are not next to the streets, so the street side yard landscape setback requirement is not applicable.</p> <p>C. See the responses in 10-1-1303.</p>	<p>Consistent</p>

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DIVISION 1. M-1 INDUSTRIAL ZONE

<p><u>10-1-1418: Landscaping:</u></p> <p>A. All interior areas not used for parking spaces or driving aisles in a parking lot shall be landscaped.</p> <p>B. Landscaping and shading plans shall be prepared by a licensed landscape architect and shall be done to the satisfaction of the Director. The licensed landscape architect shall certify that the plans comply with the requirements of this Section as well as the provisions of AB 1881, the Model Water Efficient Landscaping Ordinance. The Director may prepare guidelines to assist applicants in drafting landscaping plans.</p> <p>1. Minimum Landscape Areas. A minimum of ten percent of the open parking and driveway areas shall be landscaped, exclusive of required front and exposed side yard setbacks.</p> <p>a. All interior parking lot landscaping, exclusive of required front and exposed side yard setbacks, shall be located within a planter bounded by a concrete curb at least six inches high. No planter shall have a minimum dimension of less than six feet by six feet, or if no tree is located in the planter, four feet by four feet, excluding curbing. Each planter shall include a permanent automatic irrigation system appropriate for the type of landscaping installed. Each planting area shall be of adequate size for the landscaping provided.</p>	<p>A. All interior areas not used for parking spaces or driving aisles in a parking lot are landscaped.</p> <p>B. Landscaping and shading plans are prepared by licensed landscape architects. The plans comply with Burbank's code requirements.</p> <p>1. 10.7 percent of the landscape are provided for the whole site excluding the setback areas.</p> <p>a. All interior lot landscaping are bounded by a six-inch tall curb.</p>	<p>Consistent</p>
<p>b. Trees, shrubs, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area and shall be designed so as not to block the view of motorists and pedestrians. All shrubs and groundcover shall be a minimum five gallon size.</p> <p>c. Groundcover or shrubs may not exceed three feet in height above the parking lot surface.</p> <p>d. No one species shall comprise more than 75 percent of the planting within each of the following categories: trees, shrubs, and groundcover.</p> <p>e. Not more than 25% of the plant or planter or landscaped area may be covered with non-plant surfaces such as gravel, landscaping rock, artificial turf or concrete.</p> <p>f. All landscaped areas shall be designed so that plant materials are protected from vehicle damage or encroachment.</p>	<p>b. Trees, shrubs, and ground cover are provided for the project. Five surface parking areas are spread out, so no views will be blocked.</p> <p>c. Groundcovers and shrubs will be limited to 3 feet in height in the common landscape areas.</p> <p>d. Different types of species, including trees, shrubs and groundcover will be provided in the parking areas in the next full submittal.</p> <p>e. The common landscape area does not consist of gravel, rocks, artificial turf or concrete.</p> <p>f. All landscape areas are designed so they are protected from vehicle damage or encroachment by incorporating a 6 inch tall curb around all drive</p>	<p>TBD/Consistent</p>

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<p><u>10-1-1602: Curb Cuts</u> No vehicular access way shall be located nearer than 30 feet to the ultimate curb lines of an intersecting street, nor be provided with a curb cut of more than 18 feet in residential zones and 30 feet in other zones. The Public Works Director may permit a curb cut of not more than 38 feet in nonresidential zones if the adjacent parking area is provided with an internal circulation pattern requiring two (2)-way vehicular movement in the driveway. Curb cuts on the same lot shall be separated by at least 20 feet of uncut curb. In residential zones, each lot is limited to one curb cut for each 100 feet of street frontage along any one street except that lots with less than 100 feet of street frontage may provide one curb cut. Minor deviations from the foregoing standards may be authorized by the Public Works Director to accommodate the safe ingress and egress of vehicles.</p>	<p>The project is within a non-residential zone (M-1) and includes two-way circulation. The project includes one curb cut and is 26 feet wide, which is less than the 38-foot maximum. The proposed curb cut is in the middle of the property and the curb cut radius ends 32 feet from the southerly property line and 53 feet from the northerly property line. The nearest intersecting street is Morningside Drive, which is approximately 75 feet north of the project.</p>	<p>Consistent</p>
<p><u>10-1-1603: Driveway Width</u> Every driveway shall be at least 10 feet wide, and a maximum as approved by the Director.</p>	<p>All proposed driveways have a minimum width of 16 feet, as depicted on the Preliminary Grading and Drainage Plan.</p>	<p>Consistent</p>
<p><u>10-1-1604: Driveway Slopes</u> The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent. A grade transition shall be provided at each end of a driveway or driveway ramp in accordance with standards prescribed by the Public Works Director.</p>	<p>As shown on the Preliminary Grading and Drainage Plan, the slopes of the driveways range from 0.8% to 2.0%.</p>	<p>Consistent</p>
<p><u>10-1-1606: Turn Around Areas</u> A 24 foot turning radius shall be provided for access to driveways and right-angle parking stalls.</p>	<p>The project provides a 24-foot minimum turning radius to driveways and right-angle stalls, as depicted on the Preliminary Grading and Drainage Plan.</p>	<p>Consistent</p>

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ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 4. MULTIPLE FAMILY RESIDENTIAL ZONE (R-3)

Development Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-630: Additional Requirements for the Rancho Area</u></p> <p>B. Architecture Design Architectural design and style for all structures must be oriented towards early California Rancho imagery, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Strong horizontal elements such as long roof lines and verandas 2. Wide eave overhangs 3. Adobe or vertical board-and-batten wall surfaces 4. Deeply inset window and door openings 5. Heavy timber elements, such as post and beam support for porches or verandas 6. Multi-paned windows 7. Utilization of the following materials or similar materials approved by the Community Development Director: <ol style="list-style-type: none"> a. Exterior woods, including rough cut timber and large section timber b. Slump c. Block or other adobe-like masonry d. Clay roof tile 	<p>As depicted on the elevations, the project includes the following architectural elements:</p> <ul style="list-style-type: none"> • Strong horizontal element (long roof line) • Adobe (stucco) wall surface • Door recess alcoves behind archways. • Recessed windows • Faux wood corbels • Multi-paned windows • Concrete 'S' tiles 	<p>Consistent</p>
<p>C. Vegetation Landscaping must include the following types of trees and vegetation, or similar species complementary to the existing Rancho environment that are approved by the Community Development Director:</p> <ol style="list-style-type: none"> 1. California pepper 2. Olive 3. Live oak 4. California holly 5. Eucalyptus 6. Cactus and succulents 	<p>The City required landscape palettes will be used in combination with a fully developed landscape architect's concept plan. The Project will comply with all applicable landscaping requirements.</p>	<p>TBD/Consistent</p>

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ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 5. AFFORDABLE HOUSING INCENTIVES

Development Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-646: Inclusionary Unit Requirement</u></p> <p>A. Calculation</p> <p>At least 15 percent of all newly constructed dwelling units in Residential Developments shall be developed, offered to and sold or rented to Very Low, Low and Moderate Income Households, at an Affordable Rent or Affordable Ownership Housing Cost, as follows:</p> <ol style="list-style-type: none"> 1. For-sale projects - All Inclusionary Units 15 percent of the total Residential Development) shall be sold to Low and/or Moderate Income Households. 2. Rental projects - A minimum of five percent of units in the total Residential Development shall be Very Low Income; the remaining ten percent of the units shall be Low Income. <p>In calculating the required number of Inclusionary Units, any decimal fraction shall be rounded up to the nearest whole number. Any additional units authorized as a density bonus under Section 10-1-635 of the Burbank Municipal Code will not be counted in determining the required number of Inclusionary Units.</p>	<p>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.</p>	<p>Consistent</p>
<p><u>10-1-651: Standards for Inclusionary Units</u></p> <p>A. DESIGN.</p> <p>Except as otherwise provided in this Division, Inclusionary Units must be dispersed throughout a Residential Development and be comparable in construction quality and exterior design to the Market-rate Units. Inclusionary Units may be smaller in aggregate size and have different interior finishes and features than Market-rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. The number of bedrooms must at a minimum be the same as those in the Market-rate Units and at the same percentage.</p>	<p>Inclusionary units will be constructed in the same manner as the proposed units. All units will be designed to be a cohesive and uniform community. The units designated as affordable will be as close as possible to the mix for the market-rate units.</p>	<p>Consistent</p>
<p>B. TIMING.</p> <p>All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-rate Units. In phased developments, Inclusionary Units must be constructed and occupied in proportion to the number of units in each phase of the Residential Development.</p>	<p>Both the market rate units and affordable units will be occupied in phases in a similar mix as that of the overall project.</p>	<p>Consistent</p>

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ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 5. AFFORDABLE HOUSING INCENTIVES

Development Standards	Consistency Analysis	Consistency Determination
<p>C. DURATION OF AFFORDABILITY REQUIREMENT.</p> <p>Inclusionary Units shall be reserved for Very Low, Low and Moderate Income Households at the ratios established pursuant to Section 10-1-646, and shall be provided at the applicable Affordable Rent or Affordable Ownership Housing Cost.</p> <p>1. An Inclusionary Unit that is for rent shall remain reserved for the target income level group at the applicable Affordable Rent in perpetuity for as long as the land is used for housing, which shall be less than 55 years.</p> <p>2. An Inclusionary Unit that is for sale shall remain reserved for the target income level group at the applicable Affordable Ownership Housing Cost in perpetuity for as long as the land is used for housing, which shall be not less than 55 years, subject to the City provisions for earlier termination set forth in the Inclusionary Housing Agreement. Purchasers of affordable units must remain as owner-occupants, and may not rent out the unit.</p>	<p>Two units will be sold to Low-Income earners (80 percent Area Median Income) or lower and will be affordable for a period of no less than 45 years.</p>	<p>Consistent</p>

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GENERAL PLAN		
Development Standards	Consistency Analysis	Consistency Determination
Rancho Commercial Maximum Density: 20 du/ac	The 0.88-acre project site is allowed up to a maximum of 17.6 dwelling units based on General Plan designation. The Project includes 2 affordable housing units for low income families, which is eligible for a 20 percent density bonus per Section 65915 of the California Government Code and Burbank Municipal Code Section 10-1-635. The Project provides 21 dwelling units at a density of 23.9 du/ac..	Consistent.
<u>Table M-2 Sidewalk Standards</u> Rancho Commercial: 15' standard width, 10' min. width	<p>The project includes a 37-foot wide dedication along Mariposa Street to accommodate a 10-foot wide planted parkway and a 5-foot sidewalk (15 feet total). This combined sidewalk/parkway is consistent with the standard width identified in this table and exceeds the minimum 10-foot requirement.</p> <p>Exhibits and statements found within the Mobility Element and the City's Complete Streets Plan support the idea that a "sidewalk" within this table include the width of the sidewalk and planted parkway. Although the plans include a 5-foot wide sidewalk, the sidewalk could be widened to 10 feet, leaving less area available for plantings within the parkway. Furthermore, the various street cross sections on pages 4-11 through 4-13 of the Mobility Element depicted a 12-foot wide "parkway" for Collector streets (which is what Riverside Avenue and Main Street are both designated as) that include both a planted parkway and a sidewalk. A 15-foot wide sidewalk would be inconsistent with the cross section for a Collector street.</p> <p>Additionally, the caption on Page 4-21 of the Mobility Element states, "Different types of sidewalks are appropriate in different neighborhoods," with an image of a +/- 5-foot wide sidewalk on the left. Lastly, Page 70 of the Complete Streets Plan includes a table that uses the term sidewalk/parkway interchangeably.</p> <p>By providing a 15-foot minimum combined parkway/sidewalk, the project is therefore consistent with this standard.</p>	Consistent.
<u>Neighborhood Collectors or Locals</u> 60' right of way, 36' traveled way, 12' parkway	Per the City's Mobility Element, Mariposa Street is classified as a Local Street. Mariposa Street adjacent to the project site currently has a right of way of 30 feet . Part of the project includes the right-of-way dedication of 37 feet, increasing the width of the parkway from 0 feet to 15 feet and increasing the travel lanes by at 22 feet.	Consistent.

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TITLE 11 SUBDIVISION REGULATIONS

ARTICLE 11. LOT DESIGN

Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1009: Right of Way, Roadway, Parkway and Median Widths</u> Each street shall have right of way, roadway, parkway and median widths conforming to the following (numbers indicate width in feet): Local: 56' min Rt.-of-Way, 36' min roadway, 10' min parkway</p> <p>Streets shall conform to the above standards (Std.) unless the approving body determines that the widths specified as standard are not practical. Where no standard width is specified but a minimum width is indicated, the approving body may require a width in excess of the minimum. Such widths shall not be reduced below the minimums (Min.) specified except that in hillside or mountainous areas the above widths may be reduced below the minimums specified where evidence satisfactory to the approving body shows that such widths are impractical.</p>	<p>Mariposa is designated as a local street. The project includes a 37-foot dedication to provide a half-width of 37 feet, which will include a 15-foot wide parkway/sidewalk and 22-foot half-width of Mariposa Street.</p>	<p>Consistent</p>
<p><u>11-1-1101: Lot Area, Width and Depth</u> Each residential lot shall have a minimum width, depth and area to comply with the requirements specified in Article 6 of Title 10 of this code for the zone in which the lot is located unless a variance is granted pursuant to the provisions of Title 10, Article 19, Division 3 of this code. Lots in commercial and industrial zones shall have a minimum average width of forty feet (40') and a minimum area of four thousand eight hundred (4,800) square feet.</p>	<p>Lot area is in compliance with the requirements.</p>	<p>Consistent</p>
<p><u>11-1-1102: Lot Frontage</u> Each lot shall front on a dedicated street. In no case shall a lot intended for residential use have a frontage of less than twenty feet (20'), except that in hillside areas the approving body may in the exercise of sound discretion approve narrower frontage if necessitated by the terrain. Where lots adjoin arterial or collector streets, they shall front on such streets; and where they adjoin local streets, they shall front on the streets which parallel the long dimension of the block. Key lots and double frontage lots are not permitted if they can be avoided.</p>	<p>The project fronts S. Mariposa Drive and has 357.52 feet of frontage.</p>	<p>Consistent</p>

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TITLE 11 SUBDIVISION REGULATIONS		
ARTICLE 13. DEDICATION OF PARK AND RECREATION FACILITIES		
Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1306: Amount of Land for Park Dedication:</u></p> <p>Density Formula</p> <p>Net Density Per Dwelling Unit % of Gross Area Required When Park Land is Dedicated</p> <p>10 to 19 dwelling units per acre - 9.30%</p>	<p>The requirement does not apply pursuant to 11-1-1302 since the project includes a map after November 1, 1986.</p>	<p>Consistent</p>
ARTICLE 14. DEDICATION OF SCHOOL SITES		
Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1402: Subdividers Must Offer School Site:</u></p> <p>Every subdivider and his successors who, within three (3) years or less, develop or complete the development of one or more subdivisions comprised of a single parcel or contiguous parcels having more than four hundred (400) dwelling units within the Burbank Unified School District shall dedicate to the school district such lands as the Council shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.</p>	<p>The project consists of 21 units on a 0.88-acre site and is less than the threshold for school site dedication.</p>	<p>Consistent</p>

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TITLE 11 SUBDIVISION REGULATIONS

ARTICLE 15. IMPROVEMENTS

Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1506: Improvement of Boundary Streets</u> If an existing street or portion thereof constitutes a boundary of the subdivision and such street is unimproved, or the approving body determines that the street as improved is insufficient for the general use of the lot owners in the subdivision and for local neighborhood needs, the approving body may disapprove the design of the subdivision unless the subdivider improves or agrees to improve the street to the same standards as required in this article for streets in the subdivision.</p>	<p>The project includes a 37-foot wide dedication and improvements to Mariposa Street.</p>	<p>Consistent</p>
<p><u>11-1-1509: Drainage Improvements</u> The subdivider shall provide such drainage facilities as are considered necessary by the approving body for the drainage requirements of the subdivision. Such facilities shall be constructed in accordance with standards and specifications approved by the Public Works Director.</p>	<p>To be provided, but the plans will meet all applicable water quality requirements.</p>	<p>TBD/Consistent</p>
<p><u>11-1-1512: Sanitary Sewers</u> The subdivider shall install sanitary sewers to serve each lot in the subdivision and all off site sewers required to carry the sewage to the nearest public sewer. Such sewers shall be designed and constructed in accordance with City specifications and Title 8, Chapter 1 of this code.</p>	<p>To be provided, but each unit will be connected to a sanitary sewer.</p>	<p>TBD/Consistent</p>
<p><u>11-1-1513: Sidewalks</u> The subdivider shall construct Portland cement concrete sidewalks on both sides of all streets in the subdivision. The sidewalks shall be at least five feet (5') wide and three and one-half inches (3 1/2") thick, and otherwise constructed in accordance with City specifications. Sidewalks on one side of a street may be deleted where the approving body determines that they are not needed.</p>	<p>Sidewalks are provided for the project and will be constructed in accordance with City specifications.</p>	<p>Consistent</p>
<p><u>11-1-1514: Street Lighting System</u> The subdivider shall provide a continuous street lighting system on ornamental standards throughout the subdivision. The plans and specifications for such system shall be submitted to the General Manager of the Public Service Department for approval before the parcel or final map is submitted for certification. The installation of the system shall be subject to inspection by the Public Service Department.</p>	<p>To be provided.</p>	<p>TBD/Consistent</p>
<p><u>11-1-1515: Underground Utilities</u> Utility lines which serve the subdivision, including, but not limited to, electric, communications, street lighting and cable television, shall be placed underground. The subdivider shall make the necessary arrangements for the installation of such facilities in accordance with the requirements of each such utility and subject to its inspection and approval. Appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed aboveground if acceptable to the utility concerned.</p>	<p>The project does not include any overhead utilities on or adjacent to the project site.</p>	<p>Consistent</p>

Attachment C - Development Standard Consistency Analysis

TITLE 11 SUBDIVISION REGULATIONS

<p><u>11-1-1516: Water System and Fire Hydrants</u> The subdivider shall install a water system and fire hydrants in the subdivision and shall pay to the Public Service Department such amount as is required, in the judgment of its General Manager, to conform off tract water facilities to the requirements of the subdivision. The design of the water distribution system and fire hydrants for the subdivision and of all off site water facilities shall conform to the requirements of the General Manager, and installation of the water system and fire hydrants shall comply with all applicable statutes, ordinances, rules and regulations. Unless the water system and fire hydrants have been constructed and accepted, the agreement and the improvement security required by Section 11-1-604 of this chapter shall provide therefor.</p>	<p>To be provided.</p>	<p>TBD/Consistent</p>
<p><u>11-1-1517: Street Trees and Plants</u> The subdivider shall plant and install trees in the parkways of the subdivision. If the subdivision contains service road islands, street trees and plants shall be installed in the islands. The type or species and location of the trees and plants shall be subject to the approval of the Park, Recreation and Community Services Director. When a service road island is provided, the subdivider shall install a stub-out water line consisting of a minimum two inch (2") feeder pipe to, and centrally located within, the island.</p>	<p>To be provided.</p>	<p>TBD/Consistent</p>

Details

Basemap

Share

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Measure

Bookm

About

Content

Legend

Legend

Final Linear Features



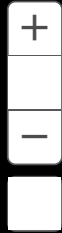
Final Polygon Features



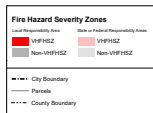
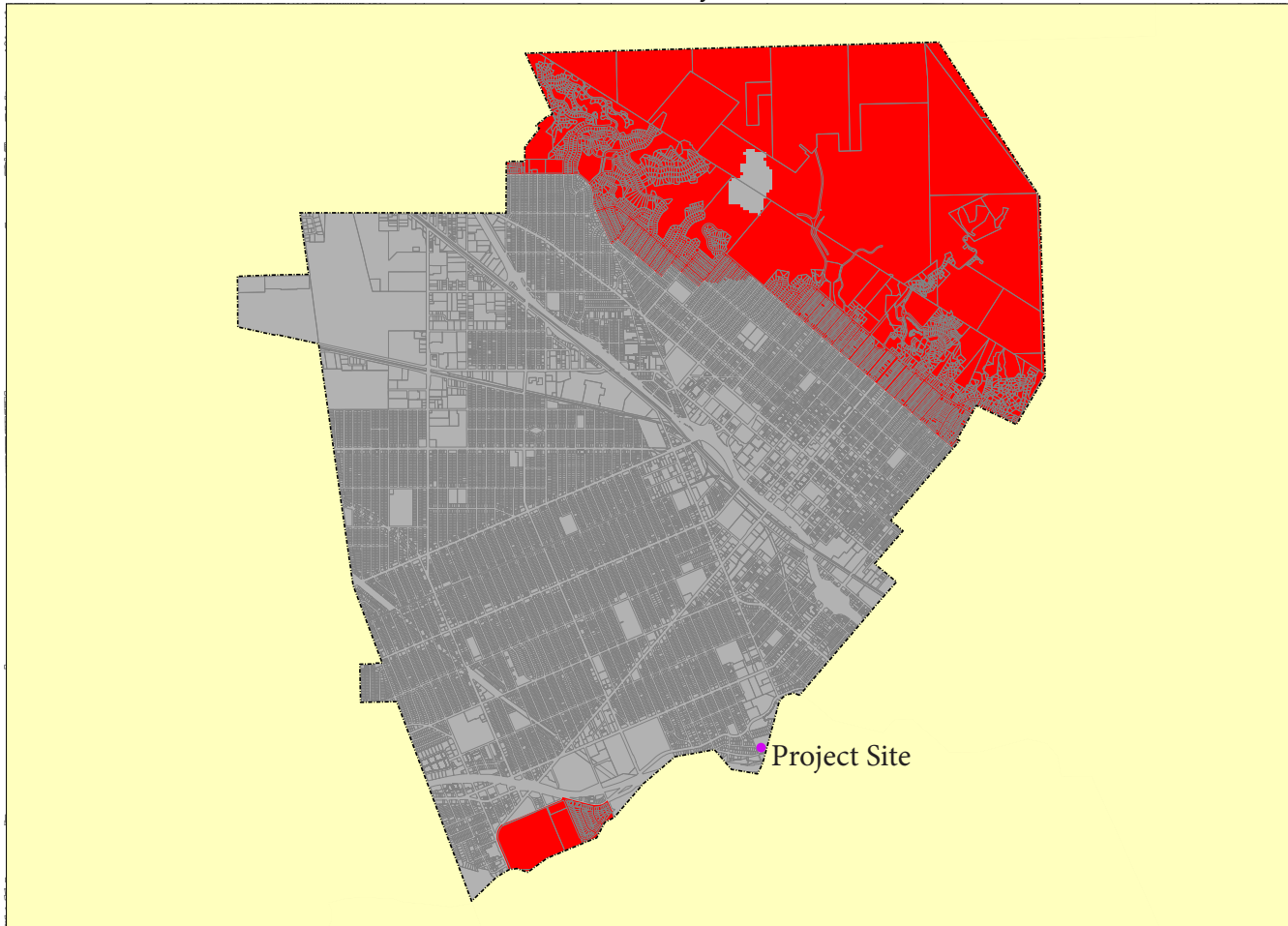
Proposed Linear Features



Proposed Polygon Features

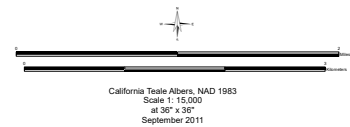


Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE



Government Code 67075.99 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of Very High Fire Hazard Potential (VHFHP) based on data and models of potential fire loss to 100-foot structures. CAL FIRE's Very High Fire Hazard Potential (VHFHP) maps are based on the California Department of Forestry and Fire Protection's (CAL FIRE) Very High Fire Hazard Potential (VHFHP) maps. CAL FIRE's Very High Fire Hazard Potential (VHFHP) maps are based on the California Department of Forestry and Fire Protection's (CAL FIRE) Very High Fire Hazard Potential (VHFHP) maps. CAL FIRE's Very High Fire Hazard Potential (VHFHP) maps are based on the California Department of Forestry and Fire Protection's (CAL FIRE) Very High Fire Hazard Potential (VHFHP) maps.

This map was developed using data products such as parcel and city boundaries provided by local government agencies. In certain cases, this includes copyrighted geographic information. The maps are for display purposes only - questions and requests related to parcel or city boundary data should be directed to the appropriate local government entity.



The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Obtain FRAP maps, data, metadata and publications on the Internet at <http://frap.cdf.ca.gov>
For more information, contact CAL FIRE-FRAP, PO Box 94246, Sacramento, CA 94244-2460, (916) 327-3539.

Jerry Brown, Governor,
State of California
Julie Lurie, Secretary for Resources,
The Natural Resources Agency
Ken Pimlott, Director,
Department of Forestry and Fire Protection

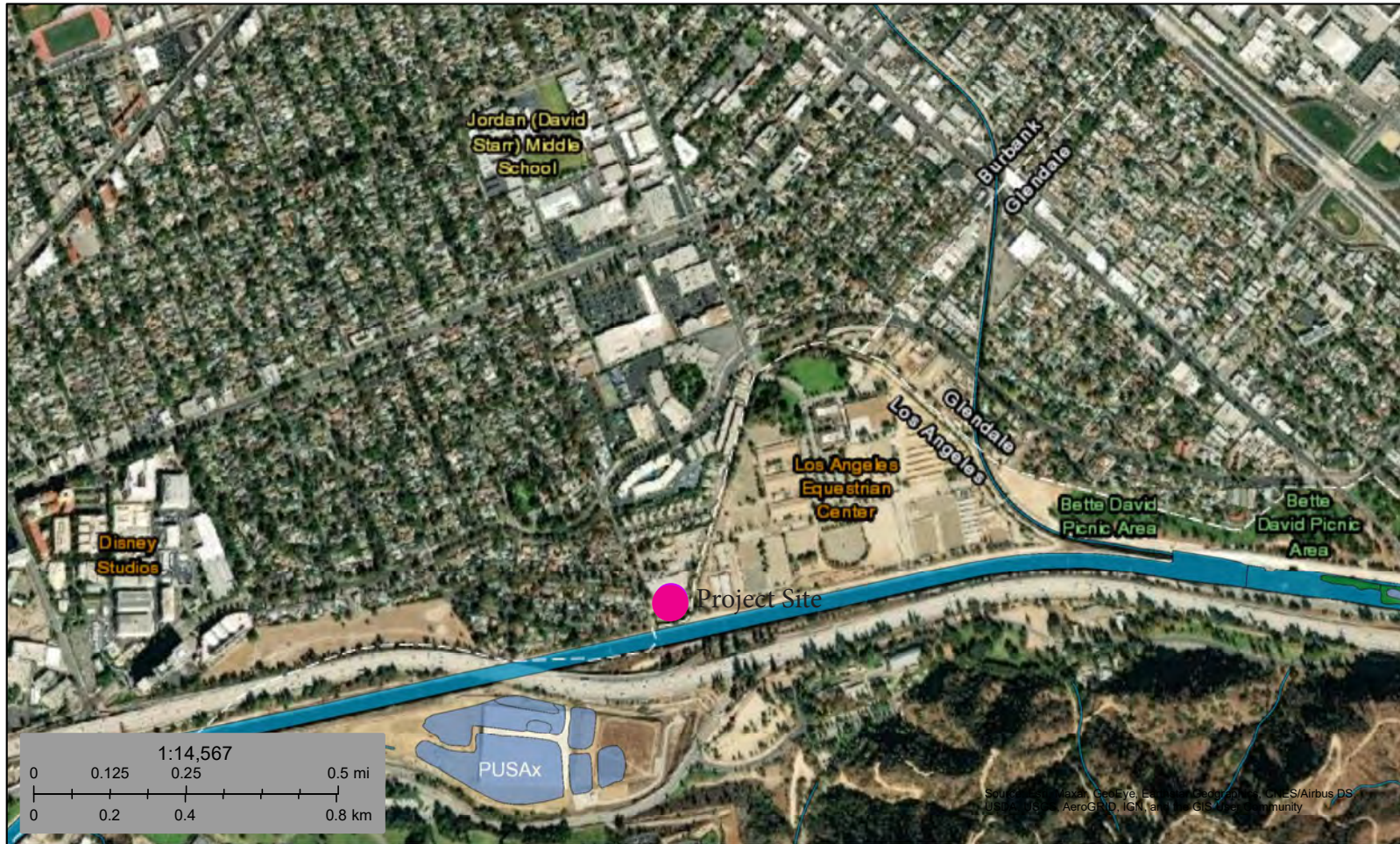
MAP ID: Burbank

DATA SOURCES
CAL FIRE Fire Hazard Severity Zones (FRS200_1)
CAL FIRE Very High Fire Hazard Severity Zones in LRA - Los Angeles (c19fhsz00_5)










U.S. Fish and Wildlife Service
National Wetlands Inventory



June 1, 2021

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

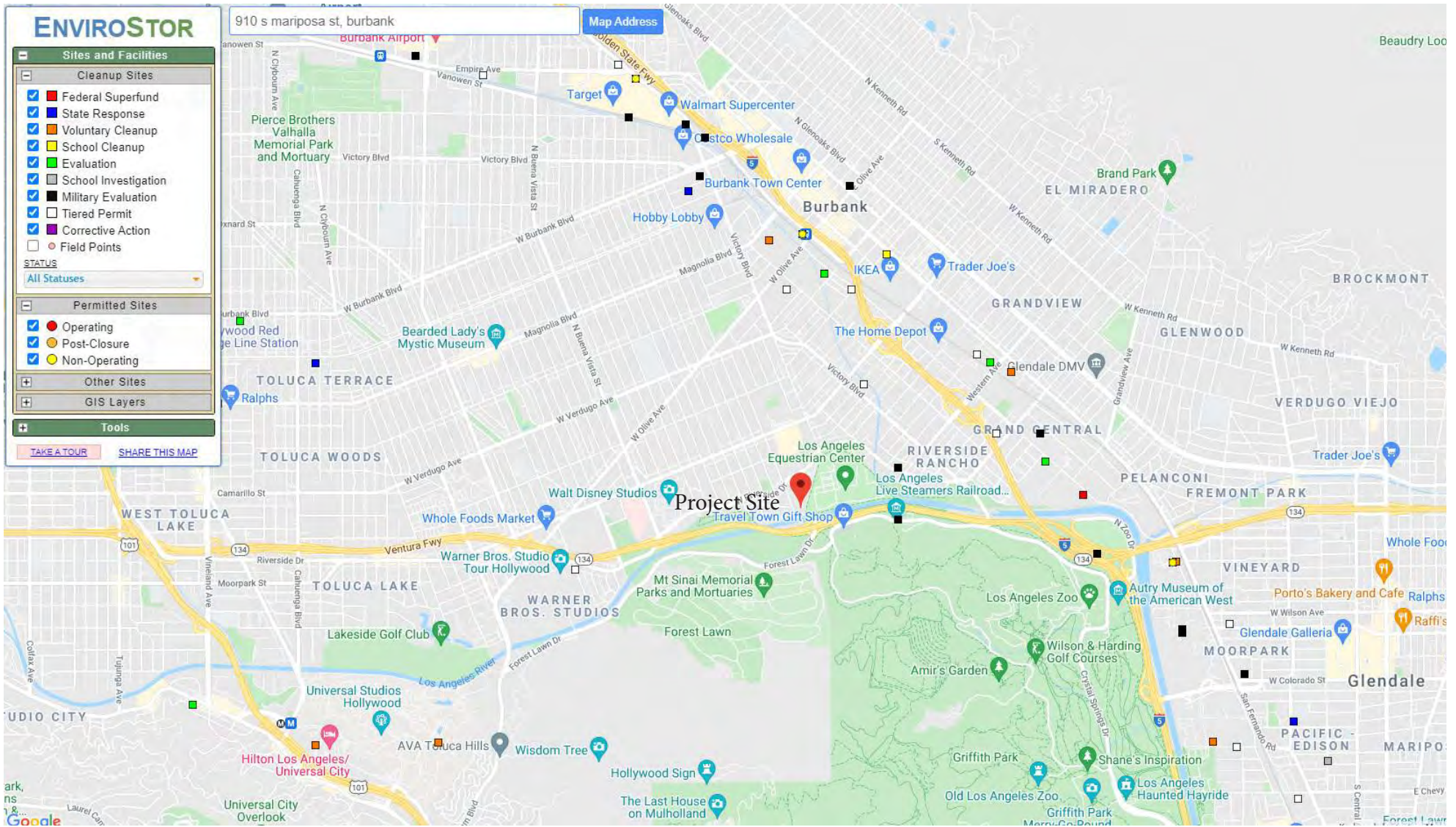
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

-  Lake
-  Other
-  Riverine

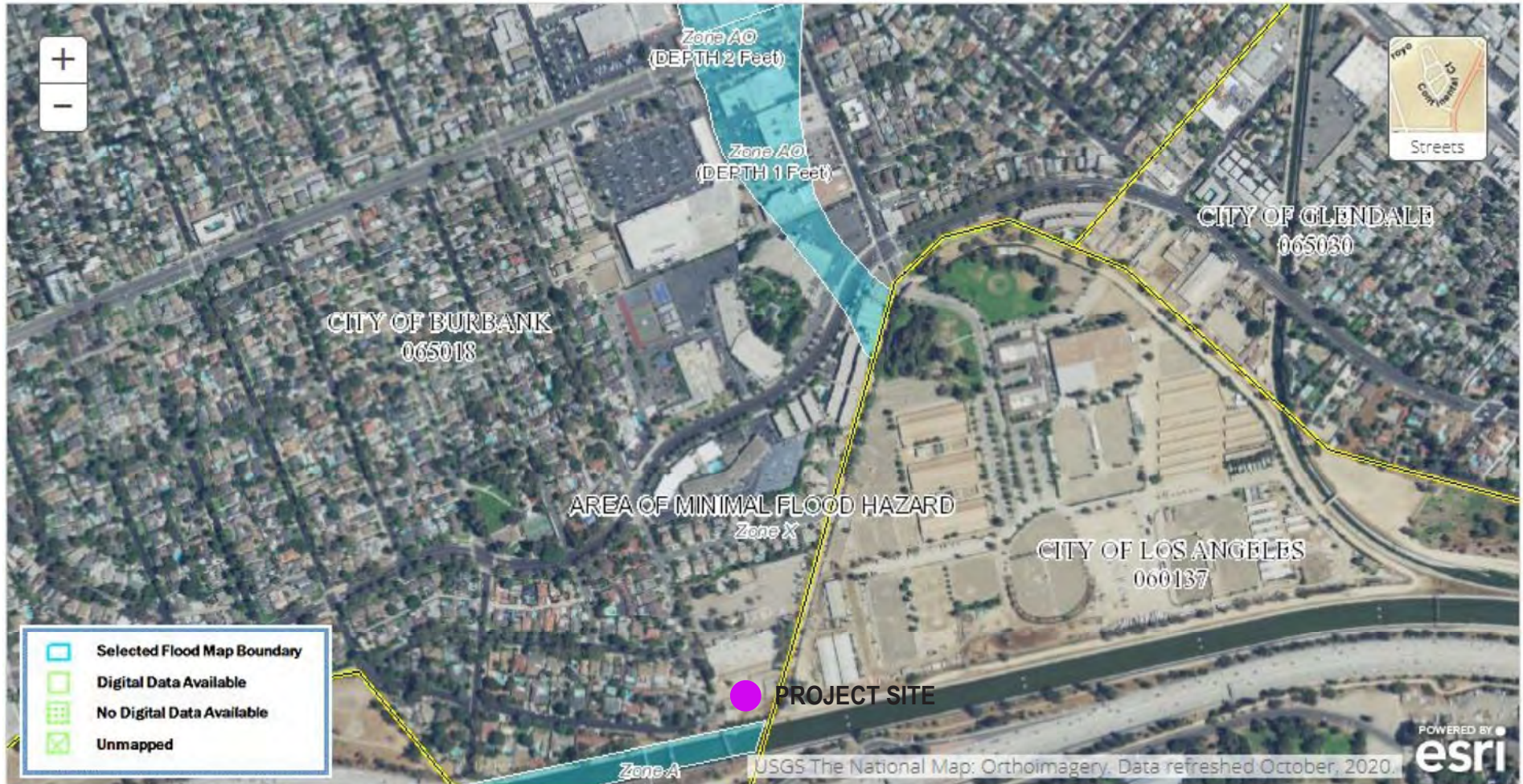
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper



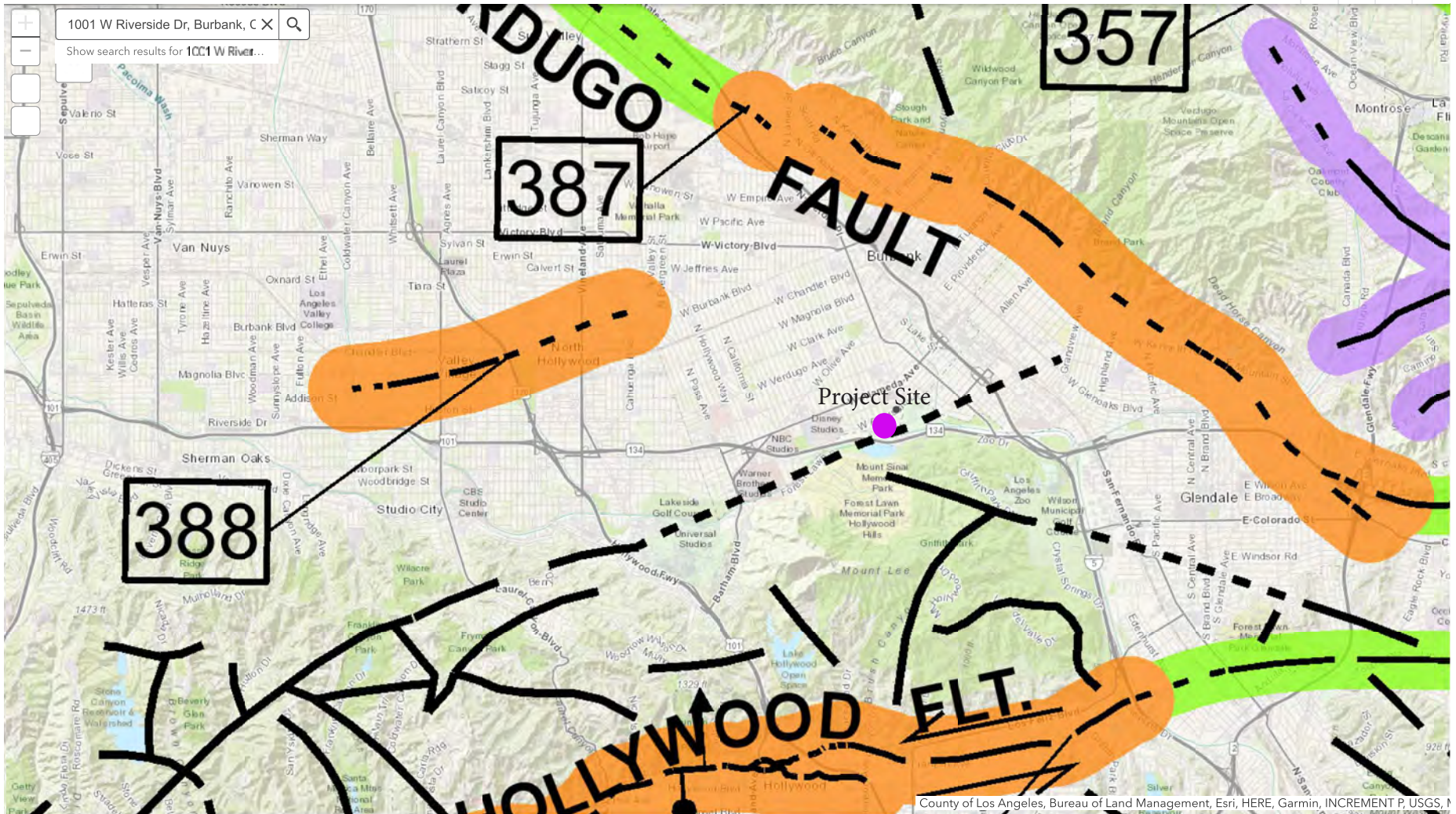






Fault Activity Map of California

California Geological Survey



County of Los Angeles, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, N

1 mi
-118.338 34.219 Degrees

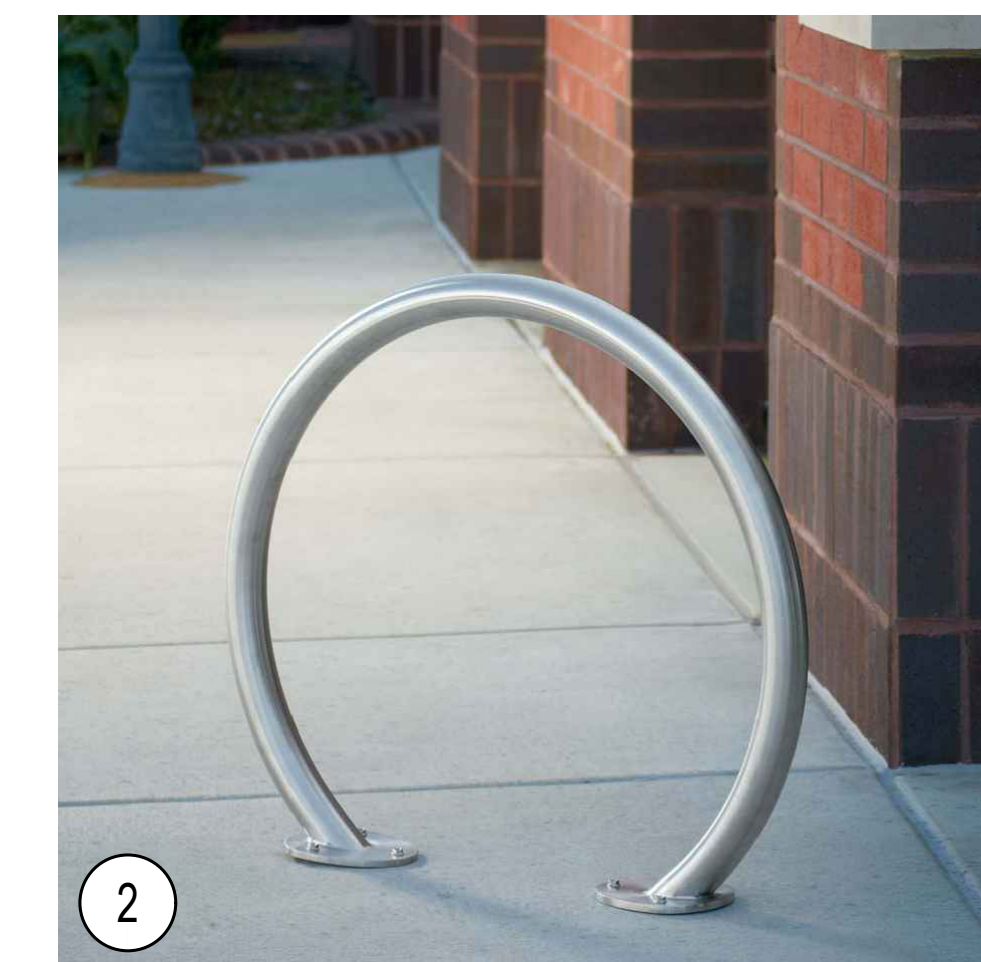
<https://maps.conservation.ca.gov/cgs/fam/app/>



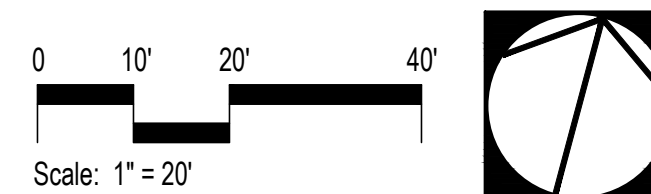


LEGEND

1. Central community open space area with BBQ Island, Shade Structure, Dining Furniture, fire-pit and lounge furniture for small social events and group gatherings.
2. Short term bike parking (2 bike racks to accommodate 4 bike stalls).
3. Two community cluster mailboxes, per USPS review and approval.
4. Proposed wall, pilaster, gate or fence, per Wall & Fence Plan.
5. Enhanced paving at main project entry.
6. Proposed tree, per Planting Plan.
7. 4' wide community natural colored concrete sidewalk, with light top-cast finish and saw-cut joints.
8. Accessible parking stall and striping, per Civil plans.
9. Guest parking stall.
10. Natural colored concrete driveway, with light broom finish and tooled joints.
11. Private patio / yard area, homeowner maintained.
12. Common area landscape, builder installed and HOA maintained.
13. Community dog bag station (black in color), for pet owners.
14. Property line.
15. Public street R.O.W.
16. Proposed public street sidewalk, per Civil plans.
17. Transformer to be screened with landscape, quantity and final locations to be determined.
18. Proposed street parkway.



Conceptual Landscape Plan



Butterfly Gardens LLC

1st City Submittal | Project No.: SP01
Date: Oct. 26, 2022

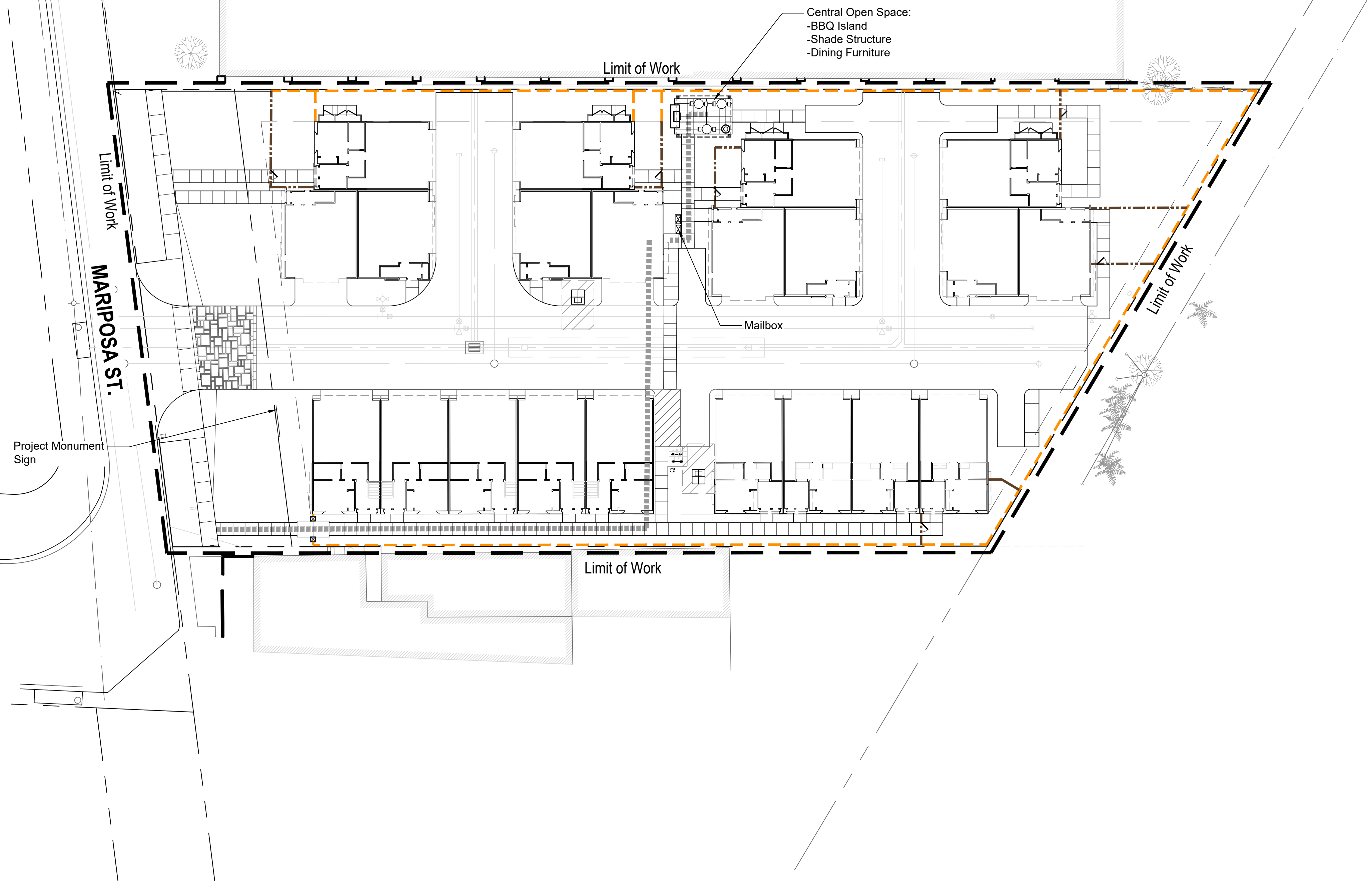
L-1

Burbank - Mariposa St. **studio** PAD

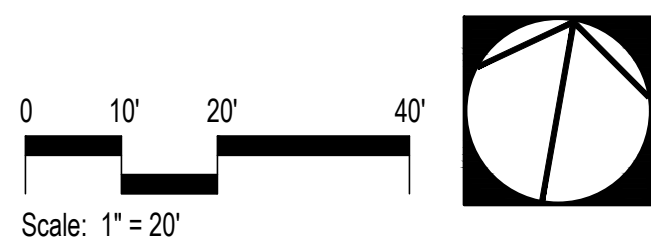
Landscape Architecture
31075 N. Pacific Coast Hwy. 100
Laguna Hills, CA 92653 | www.studiopad.com

WALL LEGEND

- 1 ——— 6'-0" High stucco over CMU wall, with flat stucco cap.
- 2 - - - - 3'-6" High stucco over CMU patio wall, with flat stucco cap.
- 3 ■ 6'-6" High (18" sq.) stucco over CMU pilaster, with stucco cap.
- 4 / 3'-6" High metal patio gates.
- ADA Path of Travel



Conceptual Landscape Plan



1st City Submittal | Project No.: SP01
Date: Oct. 26, 2022

L-2

Burbank - Mariposa St.



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,



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

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:

Zizette Mullins, MMC, City Clerk



COMMUNITY DEVELOPMENT

December 23, 2022

SENT VIA EMAIL AND US MAIL

Butterfly Gardens, LLC
910 South Mariposa Street
Los Angeles, CA 91506

ATTN: BUTTERFLY GARDENS, LLC

Subject: 910 South Mariposa Street (APN: 2443-004-017)
SB 35 Project - Notice of Intent (NOI) to Submit Application (Project No. 22-0006774)

To Whom It May Concern:

On October 27, 2022, the City of Burbank received your Notice of Intent (NOI) to submit an application for Streamlined Ministerial Approval Process for a proposed residential project located at 910 South Mariposa Street (**Project**). The NOI was reviewed for eligibility requirements and compliance with Senate Bill (SB) 35, pursuant to California (CA) Government Code Section 65913.4. In addition, since the receipt of your NOI on October 27, 2022, the City has reached out to the California Native American Tribes that are traditionally and culturally affiliated with the geographic area within which the Project site is located (the "Tribes") to request initiation of the required tribal consultation process.

You have indicated in the SB 35 eligibility checklist submitted with the NOI application that you intend for the proposed Project to comply with all SB 35 eligibility criteria, including, but not limited to the City's objective design, development, and subdivision standards, and the applicable affordability and labor provisions pursuant to CA Government Code Section 65913.4. After reviewing the application and items that you submitted, City Staff has determined that your application is not consistent with the City's objective standards. The Project does not currently meet the housing affordability requirements as set forth in Burbank Municipal Code (BMC) Section 10-1-646. The Project is proposing for-sale dwelling units, and pursuant to the BMC's Subdivision Regulations (Title 11), a condominium/tentative tract map is required. It is important to note that the assessment provided in the City's Zoning Matrix table (Attachment E) indicates that more detailed information regarding the Project must be provided as part of any subsequent Project resubmittal of to complete the NOI review and any subsequent SB 35 Application.

On December 12, 2022, the Community Development Director presented the proposed Project to City Council for review and consideration of three site eligibility requirements per CA Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with BMC Section 10-1-19302(A)(3). After deliberation, the City Council voted 3-2 to adopt the City Council resolution affirming the Director's determination that the Project met the site eligibility requirements as provided for under CA Government Code Section 65913.4 and BMC Section 10-1-19302(A)(3).

275 EAST OLIVE AVENUE
BURBANK, CA 91502

BURBANKCA.GOV
INFO@BURBANKCA.GOV

SB 35 Eligibility Criteria and Consistency Analysis

The City received a Notice of Intent (NOI) for the proposed Project on October 27, 2022. As a part of the NOI application the proposed Project must demonstrate consistency with all SB 35 eligibility criteria per CA Government Code Section 65913.4. Please find the NOI consistency analysis below.

- 1. NUMBER AND TYPE OF UNITS.** The project must be a housing development that contains at least two residential units and complies with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.

Analysis: Consistent. The Project site is in the M-1 (Limited Industrial) Zone and within the Rancho Commercial General Plan Land Use Designation. The M-1 Zone permits a maximum residential density of 20 units per acre within the Rancho Commercial Land Use area with “discretionary approval”. The Project is requesting a 20 percent density bonus with the provision of two units affordable to low-income households. The density bonus would allow a maximum of 24 units on the one-acre lot; however, the Project is proposing 21 total units. Pursuant to local and state SB 35 requirements, the Project does qualify as a multifamily housing development that contains at least two residential units and complies with the maximum residential density range permitted for the site. Per CA Government Code Section 65913.4, the Project site is in a zone and has a general plan land use designation that allows residential density at 20 dwelling units to the acre and as such must be reviewed as part of the streamlined ministerial approval process outlined in SB 35 and BMC Sections 10-1-500 through 10-1-2464, without any discretionary approval.

- 2. AFFORDABILITY.** If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable:
 - i. 55 years for rental units.
 - ii. 45 years for homeownership units.

Analysis: Not Consistent. The Project proposes 10 percent of the units to be affordable to low-income households. Section 402 (a)(3)(A) of the Government Code Section 65913.4 states that “If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the AMI, that local affordable housing requirement applies.” 80 percent of AMI would qualify as Low-Income Housing. BMC Section 10-1-646 requires a minimum of 15 percent of newly constructed dwelling units in Residential Developments to be developed, offered to and sold or rented to very low, low and moderate-income households at an affordable rent or affordable ownership housing cost.

As part of an NOI resubmittal, the Project shall note how it complies with the City’s Inclusionary Housing Ordinance for similar for-sale units or provide the CA government code section that allows an exemption from this requirement.

- 3. URBAN INFILL.** The Project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.

Analysis: Consistent. The Project site consists of a legal parcel (APN: 2443-004-017) that is located within the City of Burbank boundaries. 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 (Attachment A). The Project site currently adjoins parcels that are developed with urban uses that include residential and commercial uses on all sides of the subject property (Attachment B). Specifically, the site is bounded by commercial office uses to the north, the Los Angeles Equestrian Center to the east, a commercial recreational and special event use related to horse rental and equestrian uses to the south, and South Mariposa Street with residential dwellings beyond to the west.

- 4. ZONED OR PLANNED RESIDENTIAL USES.** The project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development, including sites where residential uses are permitted as a conditional use. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

Analysis: Consistent. The Project site is zoned M-1 (Limited Industrial) (Attachment C) and has a General Plan land use designation of Rancho Commercial (**Attachment D**). The Project 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 10-1-2109.6 (General Plan Consistency). The proposed development is 100 percent residential.

- 5. CONSISTENT WITH OBJECTIVE STANDARDS.** The project must meet all objective zoning and design review standards in effect at the time the application is submitted.

- i. If the project is consistent with the minimum and maximum density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards.
- ii. Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in CA Government Code Section 65915 are deemed consistent with objective standards.
- iii. Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, without limitation:
 - a) Burbank2035 General Plan,
 - b) Burbank Municipal Code,
 - c) Complete Our Streets Plan
 - d) Burbank Greenhouse Gas Reduction Plan Update

Analysis: Consistent. The Applicant has indicated on the SB 35 NOI Application that the Project would comply with all the objective standards. The Applicant has also indicated that the California State’s Density Bonus Law (Govt. Code Section 65915) would be applied to this Project, which

would allow for increased density, incentives, concessions, waivers and reduced parking standards. City Departments' comments are provided as Attachment E at the end of this letter. Attachment E includes a review of objective development standards in Title 10 (Zoning) of the Burbank Municipal Code. The Applicant would be required to comply with all applicable objective standards provided by all City Departments.

6. PARKING. The project must provide at least one parking space per unit; however, no parking is required if the project meets any of the following criteria:

- i. The project is located within one-half mile of public transit as defined by Section 102(r) of the HCD Guidelines.
- ii. The project is located within an architecturally and historically significant historic district.
- iii. On-street parking permits are required but not offered to the occupants of the project.
- iv. There is a car share vehicle as defined by Section 102(d) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.

Analysis: Consistent. The Project is providing two private parking spaces per every 2 to 3-bedroom unit with a total of 42 enclosed parking spaces. The Project is also proposing an additional five open parking spaces to be used for guest parking. The site is not within one-half mile of public transit as defined by Section 102(r) of the HCD Guidelines and is therefore not exempt from the parking requirement but must comply with the parking requirements as outlined under applicable local and State Density Bonus law (CA Government Code Section 65915(p)).

Section 102 of the HCD Guidelines defines public transit as the following:

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.

7. LOCATION. The Proposed Project must be located on a property that is **outside** each of the following areas:

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the City's voters.

Analysis: Consistent. The Project site is not located on prime farmland or farmland of statewide importance, as designated by the California Department of Conservation. The Map shown in Attachment F indicates that the Project site is in “Urban and Built-Up Land”.

2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Analysis: Consistent. The Project site is outside designated Wetland Areas according to the National Wetlands Inventory of the U.S. Fish & Wildlife Service (See Attachment G).

3. A very high fire hazard severity zone, as determined by the California Department of Forestry and Fire Protection pursuant to CA Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the California Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

Analysis: Consistent. The Project site is outside the very high fire hazard severity zone as determined by the California Department of Forestry and Fire Protection (See Attachment H).

4. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.

Analysis: Consistent. The Project site is located within the 91506 zip code. After review of the California Department of Toxic Substances Control's Cortese List (Hazardous Waste and Substances Site List), it was determined that two sites within this zip code are designated as hazardous waste sites. The Project site is not located within a designated hazardous waste site (See Attachment I).

5. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

Analysis: Consistent. The Project site is not located in an earthquake fault zone, state official map as determined by the State Geologist (See Attachment J).

6. A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

Analysis: Consistent. The Project site is not located on a flood plain as determined by FEMA (See Attachment K).

7. A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

Analysis: Consistent. The Project site is not located on flood plain as determined by FEMA (See Attachment K).

8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

Analysis: Consistent. The Project site is not located on lands identified for conservation in an adopted natural community conservation plan according to the California Department of Fish & Wildlife (See Attachment L).

9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

Analysis: Consistent. A map showing Critical Habitats provided by the U.S. Fish & Wildlife Service indicates that there are no critical habitats within the Project site or in the immediate vicinity of this Project site (Attachment M).

10. Lands under conservation easement.

Analysis: Consistent. The Project site is not located on a conservation easement according to the National Conservation Easement Database (See Attachment N).

11. A site that would require demolition of housing that is:

- Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low income households.
- Subject to rent control.
- Currently occupied by tenants or that was occupied by tenants within the past 10 years.

Analysis: Consistent. The Project site is currently improved with commercial horse stables consisting of one-story open barn structures, sheds, and open corrals, which are proposed to be demolished. Therefore, proposed Project would not require the demolition of any existing housing.

12. A site that previously contained housing occupied by tenants that was demolished within the past 10 years.

Analysis: Consistent. A commercial horse rental business currently operates on the Project site and City records indicate that the commercial space has been in for more than a decade.

13. A site that would require demolition of an historic structure that is on a local, State, or Federal register.

Analysis: Consistent. The Project site is not located in a historic district and there are no Federal, State, or locally designated historic structures on the Project site (per Appendix D of City of Burbank Historic Preservation Plan, November 1999, California Register of Historic Resources,

National Register of Historic Places). The Proposed Project would not require the demolition of a designated historic structure that was placed on a national, state, or local historic register. (see Attachment O.)

14. A parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

Analysis: Consistent. The Project site is currently improved with commercial horse stables and there are no mobile homes on the site. Therefore, the proposed Project would not require the demolition of any mobile housing. The proposed Project is not located on an existing parcel of land or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

8. **SUBDIVISIONS.** The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if either of the following apply:

1. The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified in item 9 below.
2. The project satisfies the prevailing wage and skilled and trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.

Analysis: Not Consistent. The Project site consists of one parcel. The applicant has noted in their NOI submittal that this would be a for-sale housing development but has not provided a proposed subdivision with this application. If the Project site will be subdivided, the applicant must submit a condominium/tentative tract map and would have to notify the city how the Project will comply with the prevailing wage and skilled and trained workforce requirements pursuant to SB 35 and the City's BMC as identified in items 9 and 10 of this Eligibility Checklist.

9. **PREVAILING WAGE.** The project proponent must certify that at least one of the following is true:

1. The entirety of the project is a public work as defined in CA Government Code Section 65913.4(8)(A)(i).
2. The project is not in its entirety a public work and all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
3. The project includes 10 or fewer units AND is not a public work AND does not require subdivision.

Analysis: Consistent. The Applicant submitted a letter as part of the NOI application indicating their commitment to comply with the Prevailing Wage requirement. The Applicant should submit a notarized signed letter indicating which condition applies to the Project and that this standard will be met.

10. **SKILLED AND TRAINED WORKFORCE.** If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code Section 65913.4(8)(B)(ii).

Analysis: Consistent. The Proposed Project proposes 21 total dwelling units and does not meet the 75-unit threshold needed to qualify for this requirement. It is important to note that a proposed Subdivision pursuant to item 8 above would have to include an update noting how the Project will comply or is exempt from the skilled and trained workforce requirements.

Should you have any questions, please feel free to contact Joseph Onyebuchi, Associate Planner at (818) 238-5250.

Sincerely,



Joseph Onyebuchi
Associate Planner

CC: Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director – Planning
Scott Plambaeck, Planning Manager
Amanda Landry, Senior Planner
Joseph H. McDougall, City Attorney
Iain MacMillan, Senior Assistant City Attorney

Attachments

Attachment A – 2010 US Census – Urbanized Area Reference Map: Los Angeles–Long Beach–Anaheim, CA
Attachment B – Site Aerial Map.
Attachment C – Zoning Map
Attachment D – General Plan Land Use Designation Map
Attachment E – City Department Comments
Attachment F – Prime Farmland
Attachment G – National Wetlands Inventory
Attachment H – CAL FIRE - Very High Fire Hazard Severity Zone Map
Attachment I – Dept. of Toxic Substances Control – Hazardous Waste
Attachment J – Earthquake Fault Zone
Attachment K – FEMA Flood Map
Attachment L – Natural Community Conservation Map
Attachment M – Critical Habitats
Attachment N – National Conservation Easement Database Map
Attachment O - City of Burbank Historic Preservation Plan



April 24, 2023

SENT VIA EMAIL AND US MAIL

Butterfly Gardens LLC
910 South Mariposa Street
Burbank, CA 91506

Subject: 910 South Mariposa Street (APN: 2443-004-17) – Completeness Letter
SB 35 Project - Notice of Intent (NOI) to Submit Application
(Project No. 22-0006774)

Dear Garen:

On October 27, 2022, the City of Burbank received your Notice of Intent (NOI) to submit an application for Streamlined Ministerial Approval Process for the demolition of all existing commercial structures on the Project site and the new construction of six three-story residential structures, containing a total of 21 townhomes ranging from 1,178 to 1,689 square-feet in size and a total of 42 enclosed parking spaces and five open parking spaces, accessed from a two-way driveway from South Mariposa Street (**Proposed Project**). The project is located at 910 South Mariposa Street. The City reviewed your NOI application and provided you with a letter to evaluate and confirm the project's City's objective standards (Attachment A). Though your application was deemed to be inconsistent with the City's objective standards, the application was deemed complete since the submittal satisfied all the submission requirements for the SB 35 NOI process. Furthermore, on December 13, 2023, the City Council of Burbank affirmed that the property located at 910 South Mariposa Street met the site eligibility requirements for an SB 35 Project.

In accordance with the SB 35 review process outlined in CA Government Code 65913.4, the review of the Proposed Project's complete compliance with all SB 35 eligibility requirements may only be conducted once the NOI process has concluded and you have submitted a formal SB 35 streamlined ministerial approval process application to the City.

During the NOI application review process, the City also completed the notification and initiation of the consultation process with the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the Proposed Project, in accordance with the timeline described in CA Government Code 65913.4. As of this date, the City has completed the tribal consultation process with the two California Native American Tribes that have requested consultation for the Proposed Project. The signed tribal enforceable agreements are attached at the end of this letter (Attachment C). The following table summarizes the Tribal Consultation process for this project.

The formal SB 35 application can be found at the following link:
<https://www.burbankca.gov/web/community-development/forms-and-fees>. Please click on the
'Senate Bill (SB) 35 – Housing' heading and click on the SB 35 Application link.

The link to the application, filing requirements, and fees for a parcel, subdivision or condominium
map, can be found at the above link under 'Maps and Divisions'.

Should you have any questions, please feel free to contact me at (818) 238-5250.

Sincerely,



Joseph Onyebuchi
Associate Planner

CC: Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director – Planning
Scott Plambaeck, Planning Manager
Joseph H. McDougall, City Attorney

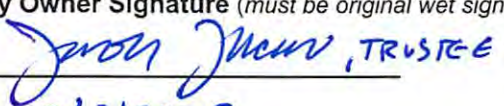
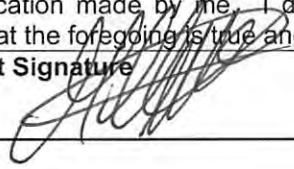
Attachments

Attachment A – SB 35 NOI Application Review Status Letter dated December 23, 2022
Attachment B – Gabrieleno Band of Mission Indians - Kizh Nation Tribal Enforceable Agreement
Attachment C – Fernando Tataviam Band of Mission Tribal Enforceable Agreement



City of Burbank – Planning Division
**SB 35 RESIDENTIAL STREAMLINED MINISTERIAL
 APPROVAL PROCESS APPLICATION**

150 North Third Street
 Burbank, California 91502
 www.burbankca.gov
 T: 818-238-5250
 F: 818-238-5150
 E: planning@burbankca.gov

Project Address and APN(s):	
Application Type (check all that apply): <input checked="" type="checkbox"/> SB 35 <input checked="" type="checkbox"/> Subdivision <i>SEE ATTACHED</i> <input type="checkbox"/> Other Permits _____	Items to be Submitted: <input checked="" type="checkbox"/> Notice of Intent - Completeness Letter from the City with all Attachments <input checked="" type="checkbox"/> Project Plans - 1 Electronic Set (see Standard Plan Details & General Requirements) <input type="checkbox"/> Table Showing Compliance with City of Burbank Objective Standard Requirements <input checked="" type="checkbox"/> Application fee – Payment is required at the time of submittal by credit card or check. <i>Please make all checks payable to "City of Burbank." The initial submittal fee for the application is \$6595.60 plus time and material.</i>
Property Owner Name The Richard E Lucas Family Trust - Jason Lucas, Trustee	Applicant Name (if different from owner) Butterfly Gardens LLC
Mailing Address <i>1107 HUNTINGTON DR. S. PASADENA, CA</i>	Mailing Address <i>1812 W. Burbank Blvd #7350, 91506</i>
Telephone <i>626-590-1887 91030</i>	Telephone <i>818-416-8064</i>
Email <i>JASONLUCAS84@GMAIL.COM</i>	Email <i>info@butterflygardensburbank.com</i>
I hereby certify that I am the legally authorized owner of the property involved in this application or have been empowered to sign as the owner on behalf of a corporation, partnership, or business as evidenced by the documents attached hereto. I hereby grant to the applicant of this form full power to sign all documents related to this application, including any conditions or mitigation measures as may be deemed necessary. I declare under penalty of perjury that the foregoing is true and correct.	I hereby certify that the information furnished in this application and the attached materials are true and correct to the best of my knowledge and belief. Further, should the stated information be found false or insufficient, I agree to revise the information as appropriate. I understand that the City of Burbank cannot process this application until all required information is provided. I understand there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully investigated and the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions. I understand that I have the burden of proof in the matter arising under this application made by me. I declare under penalty of perjury that the foregoing is true and correct.
The Planning Division cannot accept an application without property owner signature.	
Property Owner Signature <i>(must be original wet signature)</i>  Date <i>2/3/2023</i>	Applicant Signature  Date <i>4/25/23</i>
For Planning Division Use: PL #: _____ Enforceable Agreement # _____ Dated: _____ Notes: _____	SB 35 Application Date Submitted:



City of Burbank
 Planning and Transportation Division
GENERAL COMMERCIAL AND INDUSTRIAL DEVELOPMENT PERMIT
 Application

150 North Third Street
 Burbank, California 91502
 www.burbankusa.com
 T: 818-238-5250
 F: 818-238-5150

A General Commercial and Industrial development permit application form, along with all applicable specific application forms and other required materials must be completed and submitted to the Planning and Transportation Division for all projects that are subject to review and/or approval by the City of Burbank. Please complete each section. If certain items do not apply to this project, please indicate with a "N/A." Incomplete application forms may result in processing delays.

NOTE: Unless exempt, all project applications are subject to the requirements and guidelines of the California Environmental Quality Act (CEQA). Should you have any questions please call the Planning Division at 818-238-5250.

Application Types

- | | | |
|--|---|--|
| <input type="checkbox"/> Administrative Use Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Sign Variance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Covenant Agreement | <input checked="" type="checkbox"/> Map (Tentative Tract Map, Parcel Map) | <input type="checkbox"/> Zone Map Amendment |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Text Amendment |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Parking Agreement | <input type="checkbox"/> Other _____ |

Project Information

Project Address: 910 S Mariposa St. Burbank CA	Zoning: Burbank M-1
Current use of site: Commercial Horse Boarding	Existing Covenants: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, attach copies
Lot Area: 43,690 sq ft, per survey	Year(s) structure(s) built: 1970 (per assessor's records)
APN: 2443-004-017	Legal Description: See Survey on file
Number of existing on-site parking spaces: 0	Existing square footage: 240 sq ft (per assessor's records)

Current Site Description: Describe the project site as it currently exists, including information about topography, soil stability, plants (including mature trees) and animals, and any cultural historical or scenic attributes. Describe any existing structure(s) on the site and the use of the structure(s). Attach photographs of the site. (Prepare/attach separate exhibit(s) as necessary)

The project site is a flat lot within an urban infill area. The lot is currently being used for a commercial horse boarding operation. The horses are kept in modular pipe corrals, which are the property of the operator and are not affixed to the land. The only structure on the property is a 240 sq ft shack at the front of the property which is used for office/admin purposes. Refer to the Tree Inventory Report for a list and description of current trees and landscaping on site. Refer to the soils analysis report for soil conditions. There are no cultural, historical, or scenic attributes pertaining to the site.

- Project Description/Applicant Request:** (You may need to prepare and attach separate exhibits)
1. If the project involves demolition and new construction, describe total project. e.g. demolition, age of building to be demolished, grading, excavation, construction, etc.
 2. If commercial, indicate the type, whether neighborhood, city, or regionally oriented, square footage of sales area, square footage of office area, loading facilities, and number of employees.
 3. If industrial, indicate type, estimated employment per shift, number of shifts and loading facilities.
 4. If institutional, indicate the major function, estimated employment per shift, number of shifts, estimated occupancy, loading facilities, and community benefits to be derived from the project.
 5. Will project be owner-occupied or will it be leased to tenants not currently identified? If tenants are known, please list them.

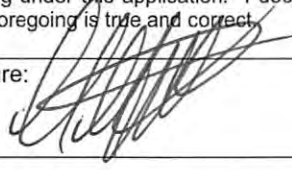
The project will entail the demolition of a 240 sq ft structure and the new construction of 23 three-story townhomes ranging from 1,329 - 2,030 sq ft (gross) in size. Each home will have a garage with direct, private access into the home. There are a total of 46 parking spaces provided throughout the project. The townhomes will have private open space in the form of patios and/or upper level decks. Common open space is also provided on the site for recreation and passive outdoor space

Project No. _____ Address: _____ Date: _____

Applicant	
Name/Firm:	Butterfly Gardens LLC
Address:	1812 W. Burbank Blvd. #7350, Burbank 91506
Primary phone number	818-416-8064
Alternate phone number	747-271-3545
E-mail address:	info@butterflygardensburbank.com
Primary contact for this application:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Property Owner of Record	
Name/Firm:	The Richard E Lucas Family Trust - Jason Lucas, Trustee
Address:	1107 HUNTINGTON DRIVE, S.PASADENA, CA 91030
Primary phone number	626-590-1887
Alternate phone number	
E-mail address:	JASONLUCAS04@GMAIL.COM
Primary contact for this application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Contact Person (If different from above)	
Name/Firm:	
Address:	
Primary phone number	
Alternate phone number	
E-mail address:	
Primary contact for this application:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Property Owner's Affidavit	Applicant's Affidavit
<p>I hereby certify that I am the legally authorized owner of the property involved in this application or have been empowered to sign as the owner on behalf of a corporation, partnership, or business as evidenced by the documents attached hereto. I hereby grant to the applicant of this form permission to submit this application. I declare under penalty of perjury that the foregoing is true and correct.</p>	<p>I hereby certify that the information furnished in this application and the attached materials are true and correct to the best of my knowledge and belief. Further, should the stated information be found false or insufficient, I agree to revise the information as appropriate. I understand that the City of Burbank cannot process this application until all required information is provided. I understand there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully investigated and the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions. I understand that I have the burden of proof in the matter arising under this application. I declare under penalty of perjury that the foregoing is true and correct.</p>
<p>Property owner's signature:  JASON LUCAS TRUSTEE</p>	<p>Applicant signature: </p>
<p>Date: 2/3/2023</p>	<p>Date: 4/25/23</p>

Staff Comments (For City Use Only)			
Filing fee:	Date received:		
Project No.:	Received by:		
<input type="checkbox"/> Plans	<input type="checkbox"/> Labels	<input type="checkbox"/> Radius Map	
Notes:			

Project No. _____ Address: _____ Date: _____

ENVIRONMENTAL INFORMATION

1. List and describe all other related permits and other public approvals required for the project, including those required by City, Regional, State and Federal agencies.

The project will utilize SB 35 for the streamlined ministerial review of a density bonus request with one incentive and a tentative tract map. The project will apply for the associated building, grading, and utility permits from the relevant departments of City of Burbank and Burbank Water and Power. As an SB 35 project, the project does not require any other public approvals and it is not subject to review under the California Environmental Quality Act (CEQA).

Are the following items applicable to the project or its effects? Discuss below all items checked yes. (Attach additional sheets as necessary.)

2. Are Federal, State and/or County funds involved in this project? If yes, please specify:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Will paints, solvents, asbestos, pressurized gas, cleaning fluids, acids or other chemicals be used in the business? If yes, please specify:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Do you have a hazardous materials list on file with the Burbank Fire Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Change in existing features of any hills or substantial alteration of topography	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Change in scenic views or vistas from existing residential areas, public lands or roads	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7. Change in pattern, scale or character of general area of project	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Significant amounts of solid waste or litter	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Change in dust, ash, smoke, fumes or odors in vicinity	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10. Change in ground water quality or quantity, or alteration of existing drainage patterns	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
11. Substantial change in existing noise or vibration levels in the vicinity	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
12. Site on filled land or on slope of 10% or more	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
13. Use or disposal of potentially hazardous materials, such as toxic substances, flammable or explosives	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
14. Substantial change in demand for municipal services (police, fire, water, electricity, sewage, etc.)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
15. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
16. Is there a relationship to a larger project or series of projects? If new construction or expansion of present facilities will take place after demolition, the action is part of a larger project.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

17. Describe the surrounding properties, including information on plants (including mature trees) and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family, apartment houses, commercial, industrial, etc...). Photographs may accompany written description (Prepare/attach separate exhibit(s) as necessary.)

The site is zone M-1 for light industrial and related uses. The property to the North of the site is also zoned M-1 and is currently being utilized for light industrial activities. The property to the East is the Los Angeles Equestrian Center. The property to the South is zoned M-1, upon which a commercial horse rental business is actively operated. The properties to the West are single family homes contained in Burbank's R-1H residential zoning. There are commercial operations that involve the keeping of horses at the properties to the East and South. Refer to the Tree Inventory Report for plant and tree details.

18. Describe how the project will affect existing patterns of land use. If new construction alters land use from existing patterns, requires a variance or conditional use permit, or increases size or bulk of existing uses please describe. (Prepare/attach separate exhibit(s) as necessary.)

Using SB 35 streamlined ministerial review in conjunction with a density bonus request with one incentive and a tentative tract map, the project will permit the development of 23 new for-sale townhome units, measuring 3-stories in height. The project will include associated on-site parking within private garages, landscaping, and other improvements ancillary to residential use. Per SB 35, the project will comply with all applicable objective zoning standards and does not require a variance or conditional use permit to permit the project.

Project No. _____ .Address: _____ Date: _____



NEW CONSTRUCTION AND CONVERSION CONDOMINIUM SUBDIVISION APPLICATION

Pursuant to Chapter 27 of the Burbank Municipal Code

Tentative Tract Map No.: _____

1. Site Address: _____ 2. Zip Code _____

2. Total Area: _____ square feet _____ acres

3. Number of Lots: _____ 4. Number of Buildings Proposed: _____

5.

<u>Proposed Unit Type</u>	<u>No. of Units</u>	<u>Floor Area Per Unit in Sq. Ft.</u>	<u>Balcony/Patio Area Per Unit in Sq. Ft.</u>
Efficiency	_____	_____	_____
One-Bedroom	_____	_____	_____
Two-Bedroom	_____	_____	_____
Three-Bedroom	_____	_____	_____
> Three-Bedroom	_____	_____	_____

Total number of units: _____

6. Parking Provided: compact _____ standard _____ guest _____ Total _____

7. Number of existing buildings to be removed: _____

8. Type of existing buildings to be removed (single family, duplex, etc.): _____

9. Are there deed restrictions now in effect that regulate the number of dwelling units or the use of the land? Yes _____ No _____ (If "yes", attach copy of said restrictions.)

CITY OF BURBANK
 COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (818) 238-5250
 275 E. Olive Avenue, Burbank, CA 91502
 P.O. Box 6459, Burbank, CA 91510-6459

CDD

PLEASE PROVIDE THE FOLLOWING:

1. A General application, environmental information form, radius map and labels (in accordance with City of Burbank requirements) must be completed and submitted with this and all other land use/development applications.
2. Thirteen (13) copies of tentative tract map, subject to requirements noted on page 2.

TENTATIVE TRACT MAP REQUIREMENTS

1. Each tentative map shall have a minimum dimension of not less than 18 inches by 26 inches. The scale of the map shall be large enough to show clearly all details thereof, but in no case is to be smaller than 1" = 100'.
2. The tentative map shall show the following:
 - A. The tract number as secured from the county engineer displayed in numerals being a minimum height of 3/4 inch.

NOTE: If this application is for a vesting tentative map then this map must be titled "VESTING TENTATIVE MAP" in **BOLD LETTERS** being a minimum height of 3/4 inch located directly above the tentative tract number.

- B. The dimensions of the boundaries of the property to be subdivided and the relation of said boundaries to other recorded subdivisions or recognized property lines.
- C. Name and address of the subdivider.
- D. Name, address, registration number, certificate, or other acceptable evidence of professional certification of the tract engineer or surveyor.
- E. Location, size and character of all existing public utility facilities (water, power, gas, phone, sewage) within or adjacent to the proposed subdivision.
- F. The locations, existing names, right-of-way widths, roadway widths, grades, and curve radii of all existing streets and freeways and all proposed streets in or adjacent to the subdivision.
- G. The width and location of all existing and proposed easements, whether public or private, for streets, drainage, sewerage and public utilities, private purposes, etc.
- H. Lot layout, lot numbering, dimensions of each lot and area of each lot in the subdivision.
- I. Statement of present use zone and proposed use or uses of property.
- J. Proposed public areas to be dedicated.
- K. Location, size and species of all trees or stands of trees over six (6) inches in diameter in or adjacent to the area proposed for subdivision, including all trees in the parkway.
- L. Reserve strips, wall or other devices for controlling access to adjacent property.
- M. A vicinity map showing all adjacent and abutting property and streets together with the zoning symbol thereon at a scale no smaller than 1" = 1000'.
- N. Date, north arrow, and scale.
- O. Where the subdivision covers an area having local relief greater than 20 feet, the tentative tract map shall show contours of the entire area (before project implementation and after project development) at an interval of five (5) feet.

Staff Comments:



633 West Fifth Street
64th Floor
Los Angeles, CA 90071
213.557.7222
www.rpnllp.com

Dave Rand
213.557.7224
Dave@rpnllp.com

April 25, 2023

Joseph Onyebuchi, Associate Planner
City of Burbank
275 East Olive Ave
Burbank, CA 91502

Re: 910 Mariposa Street – SB 35 Application.

Dear Mr. Onyebuchi:

Our firm represents Butterfly Gardens LLC, the applicant of a housing development located at 910 S. Mariposa Street in the City of Burbank (the “City”). The project includes the demolition of all existing structures on the site and the new construction of six three-story residential structures, containing a total of 23 for-sale townhomes ranging from 1,329 to 2,030 square feet in size and a total of 44 enclosed parking spaces and two open parking spaces (the “Project”).

On October 27, 2022, Butterfly Gardens LLC submitted a Notice of Intent (“NOI”) to Submit an SB 35 Streamlined Ministerial Application which was accepted by the City. At the meeting on December 13, 2022, the City Council considered the site eligibility requirements of Government Code Section 65913.4 subsections (a)(2)(A-C) in accordance with the requirements of Burbank Municipal Code Section 10-1-19302(A)(3). City staff confirmed that the Project satisfies all three criteria.

In November 2022, City staff confirmed that they reached out to the California Native American Tribes that are traditionally and culturally affiliated with the geographic area within which the Project site is located (the “Tribes”) to request initiation of the required tribal consultation process. The City entered into an enforceable agreement with two Tribes, the Fernandeano Tataviam Band of Mission Indians on March 29, 2023, and the Gabrieleño Band of Mission Indians - Kitz Nation on April 4, 2023 so the tribal consultation process has been satisfied in accordance with Government Code Section 65913.4(b).

On December 23, 2022, the City issued a letter which provided an SB 35 Eligibility Criteria and Consistency Analysis. In this letter, the City confirmed that the Project meets the SB 35 eligibility criteria per Government Code Section 65913.4, with two exceptions which are addressed below.

“2. AFFORDABILITY. *If more than 10 residential units are proposed, at least 10 percent of the project’s total units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable:*

2. 55 years for rental units.

ii. 45 years for homeownership units.

Analysis: Not Consistent. The Project proposes 10 percent of the units to be affordable to low-income households. Section 402 (a)(3)(A) of the Government Code Section 65913.4 states that “If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the AMI, that local affordable housing requirement applies.” 80 percent of AMI would qualify as Low-Income Housing. BMC Section 10-1-646 requires a minimum of 15 percent of newly constructed dwelling units in Residential Developments to be developed, offered to and sold or rented to very low, low and moderate-income households at an affordable rent or affordable ownership housing cost.

As part of an NOI resubmittal, the Project shall note how it complies with the City’s Inclusionary Housing Ordinance for similar for-sale units or provide the CA government code section that allows an exemption from this requirement.”

The Project site is in the M-1 (Limited Industrial) Zone and within the Rancho Commercial General Plan Land Use Designation which permits a base density of 20 dwelling units per acre. The Project site is one acre, which results in a base density of 20 units. The Project includes a request for a 15 percent density bonus, resulting in a total proposed density of 23 units which will be subdivided as for-sale units. To receive the 15 percent density bonus, the Project must set aside 10 percent of the base density, or 2 units, as Low Income. The Project sets aside 2 units as Low Income which satisfies both the density bonus requirements of the State Density Bonus Law (Government Code Section 65915) and BMC 10-1-635.A, as well as the SB 35 requirement to provide 10% of the “total units” for Low Income households, or those households making below 80 percent of the area median income.¹

The City’s Inclusionary Housing Ordinance (BMC Section 10-1-646) requires a minimum of 15 percent of newly constructed dwelling units in Residential Developments to be developed, offered to and sold or rented to very low, low and moderate-income households at an affordable rent or affordable ownership housing cost. The Inclusionary Housing Ordinance states that for-sale projects must include 15 percent of the “total” Residential Development units to be sold to “Low and/or Moderate Income Households.” This section also provides an option to use “Inclusionary Credits” for a credit of two (2) Moderate Income owner units for every one (1) Low Income owner unit. The Project has a “total” of 20 units, which would require 15 percent or 3 units as Low or Moderate Income. As the Project provides two (2) Low Income Owner units, it receives a credit for up to four (4) Moderate Income units and therefore satisfies the requirements of the City’s Inclusionary Housing Ordinance.

“8. SUBDIVISIONS. The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if either of the following apply:

1. The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified in item 9 below.

¹ Government Code Section 65915(o)(8)(a) provides that “Total units” or “total dwelling units” means a calculation of the number of units that:

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.
(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.

2. The project satisfies the prevailing wage and skilled and trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.

Analysis: Not Consistent. *The Project site consists of one parcel. The applicant has noted in their NOI submittal that this would be a for-sale housing development but has not provided a proposed subdivision with this application. If the Project site will be subdivided, the applicant must submit a condominium/tentative tract map and would have to notify the city how the Project will comply with the prevailing wage and skilled and trained workforce requirements pursuant to SB 35 and the City's BMC as identified in items 9 and 10 of this Eligibility Checklist."*

The Project includes a Tentative Tract Map which is included with the full application submittal. In accordance with SB 35, the Project, will comply with the requirements of Government Code Section 65913.4(a)(8) satisfying the prevailing wage requirements, as the Project is not in its entirety a public work. Enclosed with this transmittal is a notarized letter which certifies that the Butterfly Gardens LLC will comply with the requirements of Government Code Section 65913.4(a)(8) requiring payment of prevailing wages.

The letter issued by the City on December 23, 2022 indicated that the Project was consistent with all other SB 35 criteria and objective standards.

Enclosed with this letter is the full application for a SB 35 Streamlined Ministerial Review to determine the Project's consistency with all applicable objective standards, as required by State law. This package includes the required application forms, plans and subdivision map, and supplemental information for the Project including a Consistency Matrix which provides additional responses to each of the applicable objective standards. These materials demonstrate that the Project, as fully submitted, is again consistent with all objective standards.

The Project will also include a request for one incentive, as permitted for a project which provides at least 10 percent of the total units for Low Income Households. BMC 10-1-640(A)(6) permits applicants to seek "Other regulatory incentives or concessions proposed by the Developer or the City which result in identifiable, financially sufficient, and actual cost reductions." In accordance with the BMC, the applicant will utilize one incentive to request a waiver of the Art in Public Places (BMC 10-1-1114) which would otherwise require the provision of public artwork, or a combination of public artwork and an in-lieu fee equal to the amounts specified below:

- "1. One percent (1%) of the Total Project Cost for the first 15 million dollars;*
- 2. Three-quarters of one percent (0.75%) of the Total Project Cost, for that portion between 15 million and 25 million dollars, in addition to (1) above; and*
- 3. One-half of one percent (0.50%) of the Total Project Cost for that portion equal to or in excess of 25 million dollars, plus (1) and (2)."*

By relieving the Project of the requirement to commission public art or to pay an equivalent fee, an incentive to waive the Art in Public Places requirement would result in identifiable and actual cost reductions for the project. This cost reduction would allow the Project to provide for affordable housing costs for the sale of the two (2) Low Income units.

April 25, 2023

Page 4

With this submittal, we look forward to the City's review of the full SB 35 application and ultimate approval by the City Council.

Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

DR

cc: Fred Ramirez, Assistant Community Development Director
Scott Plambaek, Planning Manager
Joseph McDougall, City Attorney

April 25, 2023

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

Dear Mr. Prescott:

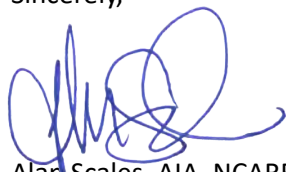
The applicant, Butterfly Gardens, LLC, is requesting an approval of The Butterfly Gardens project (project pursuant to Senate Bill (SB) 35. The Project consists of 23, three-story residential townhomes on a 1.01-acre site of which 2 units will be reserved for Low-Income households (up to 80 percent of 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, flowing script.

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**.

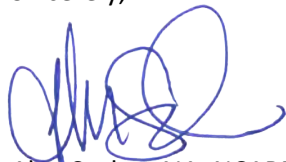
Criterion #10: Skilled and Trained Workforce

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



**COMMUNITY
DEVELOPMENT**

May 31, 2022

SENT VIA EMAIL AND US MAIL

Butterfly Gardens, LLC
910 South Mariposa Street
Los Angeles, CA 91506

ATTN: BUTTERFLY GARDENS, LLC

Subject: 910 South Mariposa Street (APN: 2443-004-017)
SB 35 Project - Notice of Intent (NOI) to Submit Application (Project No. 22-0006774)

To Whom It May Concern:

On May 2, 2023, the City of Burbank received your formal SB 35 application for Streamlined Ministerial Approval Process for a proposed residential project located at 910 South Mariposa Street (**Project**). The application has been reviewed for consistency and/or conflicts with any of the objective standards, objective subdivision standards, and objective design review standards applicable for the proposed project.

After reviewing the application and items that you submitted, City Staff has determined that your application is not consistent with the City's objective standards. The application includes insufficient information needed to complete the review of the Project in accordance with the objective standards discussed previously. Additionally, staff has determined that the application is in conflict with two objective standards that will be discussed in detail below.

To complete the review of the submitted application, staff will need the following items:

1. Floor-Area Ratio (FAR) and calculations included on the site plan.
2. Demolition Plan showing all existing structures and indicating where demolition will occur.
3. Adjusted gross square footage and use of each building or structure to be demolished.
4. Include a plan sheet documenting all proposed materials.
5. Submitted plans include a section detail for the proposed fiveplex. Plans should include section details for all proposed structures.
6. Provide section(s) at adjacent property lines indicating any grade differential, showing fence height, retaining walls, ground slope, etc.

7. Show location of heating, ventilation, air condition (HVAC) units. Provide unit details, height, and distance from parapet or equipment screen.
8. A landscape plan that includes the following details:
 - a. Table listing notations for names/types and preliminary quantities of shrubs, trees, hedges, and groundcover.
 - b. Notations for types of hardscape (pavers, permeable concrete, etc.)
 - c. Location and species name(s) of existing and proposed trees and landscaping
9. Show the location of the proposed public art (Art in Public Places requirement pursuant to Burbank Municipal Code Section 10-1-1114) or indicate that the applicant will provide a fee-in-lieu of this requirement.

Upon preliminary review of the submission, staff has determined that the application conflicts with two objective standards. Pursuant to Burbank Municipal Code (BMC) Section 10-1-806 (A), the maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use. At 50-less than 150 feet, the maximum height is 35 feet. The project includes residential buildings that are located within 150 feet of R-1-H zoned properties. The Project proposes top-of-plate heights at 32' 5" which is less than the maximum requirement at that distance. However, the Project proposes encapsulated stairwells that lead to roof decks throughout the project. BMC 10-1-1301 provides exception to the height requirement that permits equipment needed to operate and maintain a building above the maximum top of plate height. The stairs are considered a structural feature that provide access to proposed roof decks, generally considered an amenity feature, and are therefore not integral to the operation or use of the building. Therefore, this exception does not apply.

The Project is proposing two units affordable to low-income households (10%) and receives a twenty percent density bonus. Pursuant to California 65915 (d)(2)(A), projects that include at least 10 percent of the total units for lower income households shall receive one incentive or concession. The applicant has requested a waiver from BMC 10-1-1114, the requirement to provide a work or works of public art on the project site as their eligible concession. Pursuant to BMC 10-1-640 (B), developers may seek a waiver or modification of development standards that will have the effect of precluding the construction of a housing development but must show that the waiver or modification is necessary to make the housing development, with the affordable units, economically feasible.

SB 35 Eligibility Criteria and Consistency Analysis

The City received a Notice of Intent (NOI) for the proposed Project on October 27, 2022. As a part of the NOI application the proposed Project must demonstrate consistency with all SB 35 eligibility criteria per CA Government Code Section 65913.4. Please find the NOI consistency analysis below.

- 1. NUMBER AND TYPE OF UNITS.** The project must be a housing development that contains at least two residential units and complies with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.

Analysis: Consistent. The Project site is in the M-1 (Limited Industrial) Zone and within the Rancho Commercial General Plan Land Use Designation. The M-1 Zone permits a maximum residential density of 20 units per acre within the Rancho Commercial Land Use area with “discretionary approval”. The Project is requesting a 20 percent density bonus with the provision of two units affordable to low-income households. The density bonus would allow a maximum of 24 units on the one-acre lot; however, the Project is proposing 21 total units. Pursuant to local and state SB 35 requirements, the Project does qualify as a multifamily housing development that contains at least two residential units and complies with the maximum residential density range permitted for the site. Per CA Government Code Section 65913.4, the Project site is in a zone and has a general plan land use designation that allows residential density at 20 dwelling units to the acre and as such must be reviewed as part of the streamlined ministerial approval process outlined in SB 35 and BMC Sections 10-1-500 through 10-1-2464, without any discretionary approval.

- 2. AFFORDABILITY.** If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable:

- i. 55 years for rental units.
- ii. 45 years for homeownership units.

Analysis: Not Consistent. The Project proposes 10 percent of the units to be affordable to low-income households. Section 402 (a)(3)(A) of the Government Code Section 65913.4 states that “If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the AMI, that local affordable housing requirement applies.” 80 percent of AMI would qualify as Low-Income Housing. BMC Section 10-1-646 requires a minimum of 15 percent of newly constructed dwelling units in Residential Developments to be developed, offered to and sold or rented to very low, low and moderate-income households at an affordable rent or affordable ownership housing cost.

As part of an NOI resubmittal, the Project shall note how it complies with the City’s Inclusionary Housing Ordinance for similar for-sale units or provide the CA government code section that allows an exemption from this requirement.

- 3. URBAN INFILL.** The Project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.

Analysis: Consistent. The Project site consists of a legal parcel (APN: 2443-004-017) that is located within the City of Burbank boundaries. 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 (Attachment A). The Project site currently adjoins parcels that are developed with urban uses that include residential and commercial uses on all sides of the subject property (Attachment B).

Specifically, the site is bounded by commercial office uses to the north, the Los Angeles Equestrian Center to the east, a commercial recreational and special event use related to horse rental and equestrian uses to the south, and South Mariposa Street with residential dwellings beyond to the west.

4. **ZONED OR PLANNED RESIDENTIAL USES.** The project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development, including sites where residential uses are permitted as a conditional use. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

Analysis: Consistent. The Project site is zoned M-1 (Limited Industrial) (Attachment C) and has a General Plan land use designation of Rancho Commercial (**Attachment D**). The Project 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 10-1-2109.6 (General Plan Consistency). The proposed development is 100 percent residential.

5. **CONSISTENT WITH OBJECTIVE STANDARDS.** The project must meet all objective zoning and design review standards in effect at the time the application is submitted.

- i. If the project is consistent with the minimum and maximum density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards.
- ii. Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in CA Government Code Section 65915 are deemed consistent with objective standards.
- iii. Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, without limitation:
 - a) Burbank2035 General Plan,
 - b) Burbank Municipal Code,
 - c) Complete Our Streets Plan
 - d) Burbank Greenhouse Gas Reduction Plan Update

Analysis: Consistent. The Applicant has indicated on the SB 35 NOI Application that the Project would comply with all the objective standards. The Applicant has also indicated that the California State's Density Bonus Law (Govt. Code Section 65915) would be applied to this Project, which would allow for increased density, incentives, concessions, waivers and reduced parking standards. City Departments' comments are provided as Attachment E at the end of this letter. Attachment E includes a review of objective development standards in Title 10 (Zoning) of the Burbank Municipal Code. The Applicant would be required to comply with all applicable objective standards provided by all City Departments.

6. **PARKING.** The project must provide at least one parking space per unit; however, no parking is required if the project meets any of the following criteria:

- i. The project is located within one-half mile of public transit as defined by Section 102(r) of the HCD Guidelines.

- ii. The project is located within an architecturally and historically significant historic district.
- iii. On-street parking permits are required but not offered to the occupants of the project.
- iv. There is a car share vehicle as defined by Section 102(d) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.

Analysis: Consistent. The Project is providing two private parking spaces per every 2 to 3-bedroom unit with a total of 42 enclosed parking spaces. The Project is also proposing an additional five open parking spaces to be used for guest parking. The site is not within one-half mile of public transit as defined by Section 102(r) of the HCD Guidelines and is therefore not exempt from the parking requirement but must comply with the parking requirements as outlined under applicable local and State Density Bonus law (CA Government Code Section 65915(p)).

Section 102 of the HCD Guidelines defines public transit as the following:

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.

7. LOCATION. The Proposed Project must be located on a property that is **outside** each of the following areas:

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the City’s voters.

Analysis: Consistent. The Project site is not located on prime farmland or farmland of statewide importance, as designated by the California Department of Conservation. The Map shown in Attachment F indicates that the Project site is in “Urban and Built-Up Land”.

2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Analysis: Consistent. The Project site is outside designated Wetland Areas according to the National Wetlands Inventory of the U.S. Fish & Wildlife Service (See Attachment G).

3. A very high fire hazard severity zone, as determined by the California Department of Forestry and Fire Protection pursuant to CA Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the California Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

Analysis: Consistent. The Project site is outside the very high fire hazard severity zone as determined by the California Department of Forestry and Fire Protection (See Attachment H).

4. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.

Analysis: Consistent. The Project site is located within the 91506 zip code. After review of the California Department of Toxic Substances Control's Cortese List (Hazardous Waste and Substances Site List), it was determined that two sites within this zip code are designated as hazardous waste sites. The Project site is not located within a designated hazardous waste site (See Attachment I).

5. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

Analysis: Consistent. The Project site is not located in an earthquake fault zone, state official map as determined by the State Geologist (See Attachment J).

6. A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

Analysis: Consistent. The Project site is not located on a flood plain as determined by FEMA (See Attachment K).

7. A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

Analysis: Consistent. The Project site is not located on flood plain as determined by FEMA (See Attachment K).

8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

Analysis: Consistent. The Project site is not located on lands identified for conservation in an adopted natural community conservation plan according to the California Department of Fish & Wildlife (See Attachment L).

9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

Analysis: Consistent. A map showing Critical Habitats provided by the U.S. Fish & Wildlife Service indicates that there are no critical habitats within the Project site or in the immediate vicinity of this Project site (Attachment M).

10. Lands under conservation easement.

Analysis: Consistent. The Project site is not located on a conservation easement according to the National Conservation Easement Database (See Attachment N).

11. A site that would require demolition of housing that is:

- Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low income households.
- Subject to rent control.
- Currently occupied by tenants or that was occupied by tenants within the past 10 years.

Analysis: Consistent. The Project site is currently improved with commercial horse stables consisting of one-story open barn structures, sheds, and open corrals, which are proposed to be demolished. Therefore, proposed Project would not require the demolition of any existing housing.

12. A site that previously contained housing occupied by tenants that was demolished within the past 10 years.

Analysis: Consistent. A commercial horse rental business currently operates on the Project site and City records indicate that the commercial space has been in for more than a decade.

13. A site that would require demolition of an historic structure that is on a local, State, or Federal register.

Analysis: Consistent. The Project site is not located in a historic district and there are no Federal, State, or locally designated historic structures on the Project site (per Appendix D of City of Burbank Historic Preservation Plan, November 1999, California Register of Historic Resources, National Register of Historic Places). The Proposed Project would not require the demolition of a designated historic structure that was placed on a national, state, or local historic register. (see Attachment O.)

14. A parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

Analysis: Consistent. The Project site is currently improved with commercial horse stables and there are no mobile homes on the site. Therefore, the proposed Project would not require the demolition of any mobile housing. The proposed Project is not located on an existing parcel of land

or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

8. SUBDIVISIONS. The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if either of the following apply:

1. The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified in item 9 below.
2. The project satisfies the prevailing wage and skilled and trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.

Analysis: Not Consistent. The Project site consists of one parcel. The applicant has noted in their NOI submittal that this would be a for-sale housing development but has not provided a proposed subdivision with this application. If the Project site will be subdivided, the applicant must submit a condominium/tentative tract map and would have to notify the city how the Project will comply with the prevailing wage and skilled and trained workforce requirements pursuant to SB 35 and the City's BMC as identified in items 9 and 10 of this Eligibility Checklist.

9. PREVAILING WAGE. The project proponent must certify that at least one of the following is true:

1. The entirety of the project is a public work as defined in CA Government Code Section 65913.4(8)(A)(i).
2. The project is not in its entirety a public work and all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
3. The project includes 10 or fewer units AND is not a public work AND does not require subdivision.

Analysis: Consistent. The Applicant submitted a letter as part of the NOI application indicating their commitment to comply with the Prevailing Wage requirement. The Applicant should submit a notarized signed letter indicating which condition applies to the Project and that this standard will be met.

10. SKILLED AND TRAINED WORKFORCE. If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code Section 65913.4(8)(B)(ii).

Analysis: Consistent. The Proposed Project proposes 21 total dwelling units and does not meet the 75-unit threshold needed to qualify for this requirement. It is important to note that a proposed Subdivision pursuant to item 8 above would have to include an update noting how the Project will comply or is exempt from the skilled and trained workforce requirements.

Should you have any questions, please feel free to contact Joseph Onyebuchi, Associate Planner at (818) 238-5250.

Sincerely,

Joseph Onyebuchi
Associate Planner

CC: Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director – Planning
Scott Plambaeck, Planning Manager
Amanda Landry, Senior Planner
Joseph H. McDougall, City Attorney
Iain MacMillan, Senior Assistant City Attorney

Attachments

Attachment A – 2010 US Census – Urbanized Area Reference Map: Los Angeles–Long Beach–Anaheim, CA
Attachment B – Site Aerial Map.
Attachment C – Zoning Map
Attachment D – General Plan Land Use Designation Map
Attachment E – City Department Comments
Attachment F – Prime Farmland
Attachment G – National Wetlands Inventory
Attachment H – CAL FIRE - Very High Fire Hazard Severity Zone Map
Attachment I – Dept. of Toxic Substances Control – Hazardous Waste
Attachment J – Earthquake Fault Zone
Attachment K – FEMA Flood Map
Attachment L – Natural Community Conservation Map
Attachment M – Critical Habitats
Attachment N – National Conservation Easement Database Map
Attachment O - City of Burbank Historic Preservation Plan



**COMMUNITY
DEVELOPMENT**

June 7, 2023

SENT VIA EMAIL AND US MAIL

Butterfly Gardens, LLC
910 South Mariposa Street
Los Angeles, CA 91506

Via Email: Info@Butterflygardensburbank.com

**Subject: Determination of Application Status -Incomplete
Project No. 23-0002305, SB 35 Streamlined Ministerial Design Review
910 South Mariposa Street (APN: 2443-004-017)**

Dear Mr. Gozumian:

On May 2, 2023, the City of Burbank received your formal SB 35 application for a Streamlined Ministerial Design Review for a proposed residential project located at 910 South Mariposa Street (**Project**). The Project also includes two units affordable to low-income households (10%), which receives a twenty percent density bonus. Pursuant to California Government Code Section 65915(d)(2)(A), projects that include at least 10 percent of the total units for lower income households shall receive one incentive or concession. Staff acknowledges that the project includes a request for a waiver from BMC 10-1-1114, related to the requirement to provide a work or works of public art on the project site, as the permitted concession.

The application has been reviewed for completeness with the published application submittal requirements, and for consistency with the applicable objective standards, objective subdivision standards, and objective design review standards for the proposed project. After reviewing the submitted materials, staff has determined that your application is incomplete, and the Project plans are not consistent with the City's objective standards. The submitted application includes insufficient information needed to complete the review of the Project in accordance with the objective standards mentioned previously.

The following items are necessary to complete our review:

Required Application Materials:

The submittal is missing the following items that are required pursuant to the published submittal requirements:

1. An updated Zoning Consistency Table clearly explaining how each objective standard listed in the Burbank Municipal Code (BMC), the Burbank2035 General Plan and other

city-adopted plans that apply to the project has been met. An example of the table to be completed is included as Attachment A.

Project Plans:

The submitted plans are not consistent with “The Standard Plan Details and General Requirements” as published on the city’s website (Attachment B). The plans must be revised to include the following information. For ease of reference, staff has highlighted the missing plan details on Attachment B.

2. Floor-Area Ratio (FAR) and calculations shall be included on the site plan.
3. The plans shall include a Demolition Plan showing all existing structures and indicating where demolition will occur.
4. The demolition plans shall call out the adjusted gross square footage and use of each building or structure to be demolished.
5. The plans shall include a plan sheet specifying all proposed building materials.
6. The submitted plans only include a section detail for the proposed fiveplex. The plans shall include section details for all proposed structures.
7. The plans shall include site section(s) at adjacent property lines indicating any grade differential, showing fence height, retaining walls, ground slope, et cetera.
8. The plans shall show the location of heating, ventilation, air condition (HVAC) units. Provide unit details, height, and distance from parapet or equipment screen.
9. The landscape plan shall be revised to include the following details:
 - a. A table listing notations for names/types and preliminary quantities of shrubs, trees, hedges, and groundcover.
 - b. Notations for types of hardscape (pavers, permeable concrete, et cetera.)
 - c. Location and species name(s) of existing and proposed trees and landscaping.
10. The plans shall show the location of the proposed public art, pursuant to the Art in Public Places requirement specified in Burbank Municipal Code Section 10-1-1114 or indicate on the plans that the applicant will provide a fee-in-lieu of this requirement.

Consistency with Objective Standards:

Additionally, staff has determined that the Project design conflicts with one objective standard, discussed in detail below.

11. Pursuant to Burbank Municipal Code (BMC) Section 10-1-806 (A), the maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use. In this case, since the project is located between 50 feet and less than 150 feet from an R-1-H zone, the maximum height is 35 feet. The Project proposes top-of-plate heights at 32' 5", which is less than the maximum requirement at that distance. However, the plans depict encapsulated stairwells that lead to roof decks throughout the project, resulting in a building height that exceeds the maximum 35' height limit. Further, the stairwells do not qualify for the height exception listed in BMC 10-1-130, which permits equipment needed to operate and maintain a building above the maximum top of plate height. The stairs are considered a structural feature that provide access to proposed recreational roof decks, generally considered an optional amenity feature, and are therefore not considered as equipment integral to the operation or use of the building. Therefore, this exception does not apply. The plans shall be revised to address this objective development standard.

Next Steps:

No further processing of the submitted application will occur until all the submittal requirements discussed in this letter have been received and the objective standards have been met. Pursuant to BMC Section 10-1-19302(B)(2), if the City provides written comments as to any conflicts in the objective standards, or requests additional information to make such a determination, then the application processing timeline will restart upon submittal of a revised development application in response to such a written notice.

The application re-submittal shall include the following items:

1. Revised plans
2. Missing application materials
3. If applicable, a revised waiver request and justification.

Please note that all re-submittal items should be submitted at the same time. Partial re-submittals will not be accepted. Once the required re-submittal items have been received, the application will continue to be processed.

Should you have any questions about this letter, please feel free to contact the Project Manager, Joseph Onyebuchi, Associate Planner at (818) 238-5250 or via email at JOnyebuchi@BurbankCA.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Onyebuchi', followed by a small handwritten mark that looks like 'for'.

Joseph Onyebuchi
Associate Planner

CC: Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director – Planning
Scott Plambaeck, Planning Manager
Amanda Landry, Senior Planner
Joseph H. McDougall, City Attorney
Iain MacMillan, Senior Assistant City Attorney

Attachments:

Attachment A – Zoning Consistency Table Sample
Attachment B – Standard Plan Details and General Requirements.

Attachment A: Sample Zoning Consistency Table

Burbank Municipal Code Section/Adopted Plan (To be completed by the Applicant)	Consistency Analysis (To be completed by Applicant)	Compliance Determination (To be completed by staff)
10-1-502: USES IN ALL ZONES (EXCEPT RESIDENTIAL ZONES)	Applicant to describe how project complies, include reference page of plans or to submittal documents.	
10-1-630: ADDITIONAL REQUIREMENTS FOR THE RANCHO AREA		
A. APPLICABILITY		
B. ARCHITECTURAL DESIGN		
C. VEGETATION		
Article 6. RESIDENTIAL USES AND STANDARDS		
DIVISION 5. AFFORDABLE HOUSING INCENTIVES		
10-1-635: CALCULATION OF DENSITY BONUS AND NUMBER OF INCENTIVES AND CONCESSIONS		



City of Burbank
Planning Division
**STANDARD PLAN DETAILS
& GENERAL REQUIREMENTS**

150 North Third Street
Burbank, California 91502
www.burbankca.gov
T: 818-238-5250
F: 818-238-5150

For your application to be processed in a timely manner, it is important that as much information as possible be included in the application package, and that all documents, photographs, and plans conform to City requirements as set forth below. Insufficient information may result in your application being deemed incomplete.

GENERAL REQUIREMENTS:

1. All plans submitted shall be standard or half-sheet standard size, and must be drawn to scale with all lot and building dimensions labeled.
2. All plans must include the following: name of preparer; date originally prepared and date(s) of any revisions; applicant name; project address; north arrow and scale; tabulations and notations of the following: lot size, existing and proposed square-footage of all structures, separate calculations for garage and accessory structure(s), and any square-footage to be demolished.
3. Project Description: provide a summary of the project proposal that includes such information as the scope of work, square-footages (existing, proposed, demolition), the design concept, and existing and/or proposed uses (hours of operation, number of employees, maximum occupancy if applicable).

SITE PLAN:

1. Site plans should be prepared using an Engineer's Scale.
2. Accurate and complete lot boundaries and dimensions.
3. Footprint of all existing and proposed structures on the property, including structural walls and any eaves/overhangs. Provide dimensions including all structures and all front, side, and rear yard setbacks. Existing structures and portions of structures must be labeled or otherwise differentiated from proposed structures.
4. Provide the following applicable project information and development standard calculations on the cover sheet or the site plan:
 - a. All applicable City street addresses
 - b. All applicable Assessor's Parcel Numbers (APN)
 - c. Zone and General Plan designations for property
 - d. Floor-Area Ratio (FAR) and calculations
 - e. Lot Coverage and calculations
 - f. Required Parking (calculations and total).
 - g. Required ADA-accessible parking spaces and Path(s) of Travel
 - h. Lot Area (dimensions and calculations)
5. The location and name of all existing public streets and alleys adjacent to the site.
6. The width and location of all existing and proposed easements, whether public or private.

7. Outline of all parking facilities including paved areas/driveways leading to parking areas.
8. Location of trash and recycling bin enclosures or storage areas.

FOR RESIDENTIAL PROJECTS, ADD THE FOLLOWING TABULATIONS:

9. Total number of dwelling units.
10. Complete data and calculations for Floor-Area Ratio (FAR) and lot coverage (a separate handout is available detailing the necessary information and calculations).
11. Square-footage and number of bedrooms in each unit.
12. Square-footage and percent of common open space area.
13. Private open space provided for each unit.
14. Amount of tenant and guest parking required and provided.
15. Amount of personal storage provided for each dwelling unit.

FOR PROJECTS INVOLVING DEMOLITION OF EXISTING BUILDINGS OR STRUCTURES, ADD THE FOLLOWING TABULATIONS:

16. If existing buildings are to be demolished, two site plans must be submitted:
 - a. Demolition Plan (separate page) showing all existing structures and indicating where demolition will occur;
 - b. Site Plan showing existing structures or portions thereof that will remain (if any) and the proposed new structures.
17. Adjusted gross square-footage and use of each building or structure to be demolished.
18. If buildings to be demolished are residential, also indicate the number of single-family units and/or multi-family units to be removed.

FLOOR PLANS:

1. Floor plans should be prepared using an Architect's Scale.
2. All floor plans must include the following:
 - a. Complete interior floor plan of all structures, with each room labeled and dimensioned
 - b. Include dimensions and square-footage for the interior walls (exterior walls are excluded from the gross square-footage and FAR calculations)
3. Dimensions to property lines that abut or are adjacent to the structure(s).
4. For single-family residential projects involving interior remodeling and/or demolition, provide data showing: the gross length of existing walls to remain as is, gross length of walls to be modified and/or reconstructed, gross length of walls to be removed/demolished, and the percentages of each.

ELEVATIONS & RENDERINGS:

1. Elevations and renderings should be prepared using an Architect's Scale.

2. Provide complete elevations showing all sides for all structures on the property, with each side labeled by direction (North, South, East, and West). If applicable, label each elevation using local orientations or street names.
3. Label all dimensions, including but not limited to: required yard setbacks; height to top plate from each corner and the average grade; and height to top of roof from each corner and the average grade.
4. Show total height of structure on each elevation view, measured from the property elevation to the highest point on structure. Include intermediate heights for top of garage deck and ceiling height(s) of rooms that may be occupied.
5. Label and provide complete information for all proposed materials, colors, and all architectural elements:
 - a. Exterior wall treatment including textures and finishes
 - b. Exterior windows and treatment including trim, dimensions, and manufacturer's specifications
 - c. Exterior doors and treatment including trim, dimensions, and manufacturer's specifications
 - d. Exterior light fixtures and sconces including dimensions and manufacturer's specifications
 - e. Roof and exterior fascia materials, dimensions, and manufacturer's specifications. Pitch for existing and proposed rooflines must be included.
6. A materials/colors sample board should be no larger than 9" by 11".
7. Label and dimension all setbacks for walls, or any other structure elements, that abut or are adjacent to property lines.
8. Label and dimension all encroachments or any other structural elements (e.g., eaves, roof elements, etc.) that overhang any property line(s).
9. Provide an illustrative wall section from parapet to foundation showing foundation, wall, windows and doors, parapet, cornice, eave and roof. Include measurements from average grade.
10. Provide building site sections showing roof and floor heights, site slope, automobile or pedestrian ramps, basements, underground garages, and penthouses.
11. Provide section(s) at adjacent property lines indicating any grade differential, showing fence height, retaining walls, ground slope, etc.
12. Show location(s) of heating, ventilation, air conditioning (HVAC) units. Provide unit details, height, and distance from parapet or equipment screen.
13. Provide HVAC equipment screen locations and details (height, material, color, etc.).

PRELIMINARY LANDSCAPE PLAN:

1. A preliminary landscape plan should be prepared by a qualified person, such as a Landscape Architect with a valid landscape architecture license issued by the Calif. Architect's Board, Landscape Architects Technical Committee.
NOTE: Unlicensed persons may prepare drawings for the conceptual design and placement of tangible objects and landscape features. Unlicensed persons may NOT prepare: construction documents, details, or specifications for tangible landscape objects or landscape features; or grading or drainage plans for the alteration of sites. Personal property owners (e.g., residential properties) may prepare any plans, drawings, or specifications for any property owned by that person.
2. A preliminary landscape plan must include the following:
 - a. Distinguish areas that will be landscape and those that will be hardscape
 - b. Table listing notations for names/types and preliminary quantities of shrubs, trees, hedges, and groundcover
 - c. Notations for types of hardscape (pavers, permeable concrete, etc.)
 - d. Location and species name(s) of existing trees and landscaping
 - e. Provide conceptual sections and elevation drawings of all landscape architectural features such as walls, fences, lighting, paving types (and patterns), arbors, benches, fountains and other like features showing scale, form, materials and colors

PARKING PLAN:

1. If garage parking, use same scale as floor plans. If open/at-grade parking, use same scale as site plan.
2. Show all required and proposed spaces, including garages and covered/uncovered spaces.
3. Number each parking space; show striping, wheel stops, and directional arrows.
4. Show the dimensions of all circulation features including internal streets, driveways, turn-around areas, access areas, and loading or service areas.
5. Provide profile of ramps to underground parking which delineate all grade transitions, clearances, and dimensions, and also provide elevations of street, gutter, sidewalk, and curb.
6. Clearly identify whether parking spaces are standard or compact, tandem, or ADA-accessible; and for residential projects, which spaces are guest spaces.
7. Calculations for all applicable parking requirements (standard, ADA-accessible, bicycle, etc.) based on the standards for different land uses contained in BMC Section 10-1-1408.
8. If only open surface parking is proposed, the information may be included on the Site Plan, and a separate parking plan may be omitted.

CONCEPTUAL CIVIL DRAWINGS:

1. Existing and proposed grades from Existing City benchmark including estimated grading quantities (cut and fill calculations).
2. Existing and proposed site contours.
3. Finish floor and pad elevations.
4. Conceptual storm water treatment devises and site design measures.
5. Preliminary hydraulic drainage calculations.

CONCEPTUAL UTILITY PLANS:

6. Provide the locations of underground utilities (sewer, gas, electric, and water).
7. Show the location of backflow preventers, above ground electrical utilities, boxes, transformers, meter mains fire standpipes, etc.
8. Provide the location of the overhead utilities, locations of existing joint poles, indicate those to be removed, and services to be placed underground.

OTHER DOCUMENTS:

1. All reports, studies, text prepared by the applicant, and other such documents should be black and white, and no larger than 8½ by 11 inches for copying.
2. If available, submit one digital copy of each document.

PHOTOGRAPHS:

1. Photographs must show the Project Site as well as adjacent properties.
2. All photographs must be full-color, and no smaller than 3 by 5 inches. Each photograph must have the project address written on the back, or be attached to an 8½ by 11 inch sheet of paper with the project address printed on it. Photographs that are blurry, shadowed, or otherwise not usable may be rejected.

ART IN PUBLIC PLACES:

1. Identify the location of any proposed public art on the project site. All development projects are subject to the Art in Public Places Ordinance (BMC Section 10-1-1114), which requires the provision of public art as part of the project, or an in-lieu payment to the Art in Public Places fund. For further information, please contact the Park, Recreation, and Community Services Department at (818) 238-5300.



633 West Fifth Street
64th Floor
Los Angeles, CA 90071
213.557.7222
www.rpnllp.com

Dave Rand
213.557.7224
Dave@rpnllp.com

June 16, 2023

Joseph Onyebuchi, Associate Planner
City of Burbank
275 East Olive Ave
Burbank, CA 91502

Re: 910 Mariposa Street – SB 35 Application and Density Bonus Incentive Requests

Dear Mr. Onyebuchi:

Our firm represents Butterfly Gardens LLC, the applicant of a housing development located at 910 S. Mariposa Street in the City of Burbank (the “City”). The project includes the demolition of all existing structures on the site and the new construction of six three-story residential structures, containing a total of 23 for-sale townhomes ranging from 1,329 to 2,030 square feet in size and a total of 44 enclosed parking spaces and two open parking spaces (the “Project”).

On October 27, 2022, Butterfly Gardens LLC filed a Notice of Intent (“NOI Application”) to file an SB 35 Ministerial Application for the Project. On December 23, 2022, the City issued a letter in response to the Notice of Intent to file an SB 35 Ministerial Application which provided a SB 35 Eligibility Criteria and Consistency Analysis (“NOI Consistency Analysis”). In this letter, the City confirmed that the Project meets the SB 35 eligibility criteria per Government Code Section 65913.4, with two exceptions: Affordability and Subdivisions.

The City’s Consistency Analysis confirmed that the Project was consistent with the height standard of Burbank Municipal Code (“BMC”) Section 10-1-806(A). Relative to this standard, the NOI Consistency Analysis stated:

“The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use. At 50 – less than 150 feet, the maximum height is 35 feet. At 150 – less than 300 feet, the maximum height is 50 feet.

The Project includes residential buildings that are located within 150 of R-1-H residentially zoned properties located across Mariposa Street to the west. The Project proposes a maximum height of 34’10” for its triplex structures, 35’ for its fourplex and fiveplex structures. Therefore, the Project complies with the applicable maximum allowable height of 35 feet that is applicable to similarly zoned properties that are located within 150 feet of other residential zoned properties.”

On April 24, 2023, the City issued a letter which stated that the NOI was deemed complete and a full SB 35 application may be submitted. On May 2, 2023, Butterfly Gardens LLC submitted a full SB 35 Streamlined Ministerial Application (the “SB 35 Application”) which was accepted by the City. With the SB 35 Application, Butterfly Gardens LLC provided a response to demonstrate how the Project was in fact consistent with the Affordability and Subdivisions criteria, as well as all other objective standards noted as applicable to the Project by the City’s NOI Consistency Analysis. The SB 35 Application also included a request for an incentive to waive the Art in Public Places (BMC 10-1-1114) requirement, as BMC 10-1-640(A)(6) permits a project which provides at least 10 percent of the total units for Low Income Households to request one incentive which result in identifiable, financially sufficient, and actual cost reductions for the project.

On June 7, 2023, the City issued a letter in response to the SB 35 Application which indicated that submittal was incomplete and the Project was inconsistent with one objective standard related to overall building height pursuant to Burbank Municipal Code (“BMC”) Section 10-1-806(A). BMC Section 10-1-806(A) requires that:

“1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows:

<i>DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)</i>	<i>MAXIMUM HEIGHT</i>
<i>(i) 0 - less than 25 feet</i>	<i>1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)</i>
<i>(ii) 25 - less than 50 feet</i>	<i>25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)</i>
<i>(iii) 50 - less than 150 feet</i>	<i>35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)</i>
<i>(iv) 150 - less than 300 feet</i>	<i>50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)”</i>

The code goes on to specify certain exceptions:

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. *Structure height shall be measured from grade as defined by this chapter.*
5. *For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.*
6. *The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.*

The Project is located across an existing public street from the properties in the R-1-H zone to the west and also includes a new 37-foot dedication. As such, the architectural plans submitted with the SB 35 Application demonstrate that none of the proposed structures of the Project are within 25 feet of the adjacent R-1-H zone.¹ The plans show that two of the structures on the western half of the Project site are within 50-150 feet of the R-1-H zone, and are thus subject to a 35 foot height limit. The City's June 7, 2023 letter stated:

"The Project proposes top-of-plate heights at 32' 5", which is less than the maximum requirements at that distance. However, the plans depict encapsulated stairwells that lead to roof decks throughout the project, resulting in a building height that exceeds the maximum 35' height limit. Further, the stairwells do not qualify for the height exception listed in BMC 10-1-130, which permits equipment needed to operate and maintain a building above the maximum top of plate height. The stairs are considered a structural feature that provide access to proposed recreational roof decks, generally considered an optional amenity feature, and are therefore not considered equipment integral to the operation of use of the building. Therefore, this exception does not apply."

The design of the two buildings on the west side of the Project include stair housing plates (also known as "dormers") which exceed the 35-foot height limit by approximately 7 feet, 9 inches within 50-150 feet of the R-1-H zone. In order to accommodate this additional height, Butterfly Gardens LLC would like to modify the Project's request for one eligible incentive to permit the height increase which will accommodate the stair housing plates, up to 7 feet, 9 inches above the 35 foot height limit. This incentive will allow for more efficient construction and site design which will result in cost reductions for the Project and provide for affordable housing costs for the sale of the two (2) Low Income units.

Enclosed with this letter are the materials needed to respond to the City's June 7, 2023 incomplete letter. The modification of the incentive requests resolves the singular standard (height) with which the Project was considered inconsistent, so the Project may now be considered as consistent with all objective standards. With this submittal, we look forward to the City's concurrence that the Project meets all objective standards, has submitted a complete SB 35 Application and may receive approval by the City Council.

¹ Refer to sheet A1.0.

June 16, 2023

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Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

DR

cc: Fred Ramirez, Assistant Community Development Director
Scott Plambaek, Planning Manager
Joseph McDougall, City Attorney