

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Prescott,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank Rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

1. SB-35 Criterion #3: Urban Infill, which requires that the project have at least 75% of the perimeter of the sites' adjoining parcels are developed as urban uses. As stated by Patrick Prescott, Community Development Director in the October 26, 2022 "910 S. Mariposa Street – SB 35 Criteria and Consistency Analysis", the subject property 922.12 linear feet (lf), and the site is surrounded by the following uses:

A. North: 820 N. Mariposa Street; Use: Industrial. (357.52 lf or 38.8% of the site perimeter)  
*However, the use of "Industrial: is not within the "urban use" definition as stated in the government code Gov Cd 65913.4 (k) (12). Whereas this states that "Urban Uses" are defined as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.*

B. West: 1300 Morningside Driver & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)

C. South: 914 S. Mariposa Street (Studio Horse Rental); Use: Commercial (254.5 lf or 27.6% of the site perimeter).  
*However, this property is zoned light-industrial and is used for a recreation purpose; guided horse trail rides. Neither light-industrial nor recreational uses are in the within the "urban use" definition of the government code*

D. 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" (166.10, lf or 18% of the site perimeter).*

*Based on these calculations, only 33.6% of adjoining properties are "urban use" so the project site does not meet the requirements Criterion #3.*

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2. SB-35 Criterion #4: Zoned or Planned Residential Uses. The Burbank General Plan 2035 and the General Plan's Land Use Diagram (General Plan, Exhibit LU-2), designation for the property is Rancho Commercial, allowing for housing with discretionary approval, when not being processed as an SB 35 approval. However 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. 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.

*However, this development is not consistent with all the standards set forth in the General Plan. Page 3-16 of the General Plan states that "supplemental land use goals and policies are provided in the Rancho Master Plan, which does not allow residential development.*


Further:

- A. As stated on page 3-21, land use policies for the specific "Rancho Master Plan" were adopted into the general plan in 1993 to recognize and preserve the unique equestrian character of this area.
- B. Section 10-1-2444.5 of the Rancho Master Plan – General Plan Land Use Designation shows housing density for each zone designation within the Rancho specific area.  
*Zoning designation of M-1 does not allow for housing.*
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*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the City fully comply with SB-35 statutory requirements.

I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,

  
Carrington Goodman  
Rancho Boarder  
21850 W. Fairside Dr.  
91201

Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

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*@ 1850 W. Riverside Dr.*  
*91201*



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457 W. RIVERSIDE DR. #B  
BURBANK, CA.  
91506

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*Cindy Gellsoch  
1304 Norwiltgale Drive  
Burbank, CA 91506*

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I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,

*Andy Johnson*  
*1304 Hornsby Drive*  
*Burbank, CA 91506*



Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Onyebuchi,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank Rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

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*However, to be conservative, this analysis will assume that the easterly boundary does not meet the definition of "urban" (166.10, lf or 18% of the site perimeter).*

*Based on these calculations, only 33.6% of adjoining properties are "urban use" so the project site does not meet the requirements Criterion #3.*

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Further:

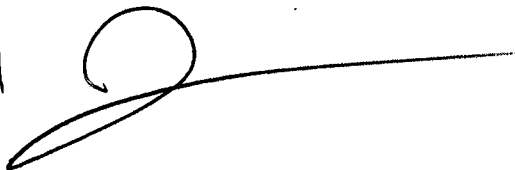
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*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

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Sincerely,

Jay Zaretsky  
431 ALTAIR PL  
LA, CA 90291  
\* Rancho Boarber



Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

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B. West: 1300 Morningside Driver & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)

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Sincerely,

Jay Zaretsky

471 ALIARE PL.

LA CA 90291

\* Rancho Boarder



Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

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Sincerely,



Horse kept on valleyheart Dr., Burbank  
Kayla Grosse  
3/11/23

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

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3/11/23

Horse kept at Valleyheart Dr, Burbank



Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
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February 27, 2023

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140 Western Ave

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
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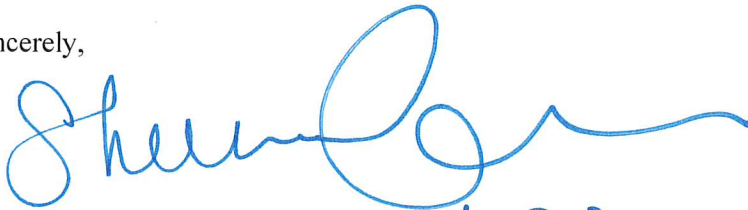
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*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the City fully comply with SB-35 statutory requirements.

I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,



530 W. Howard St  
Pasadena CA 91103

Rancho Boarder

Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Onyebuchi,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank Rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

1. SB-35 Criterion #3: Urban Infill, which requires that the project have at least 75% of the perimeter of the sites' adjoining parcels are developed as urban uses. As stated by Patrick Prescott, Community Development Director in the October 26, 2022 "910 S. Mariposa Street – SB 35 Criteria and Consistency Analysis", the subject property 922.12 linear feet (lf), and the site is surrounded by the following uses:
  - A. North: 820 N. Mariposa Street; Use: Industrial. (357.52 lf or 38.8% of the site perimeter)  
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  - B. West: 1300 Morningside Drive & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)
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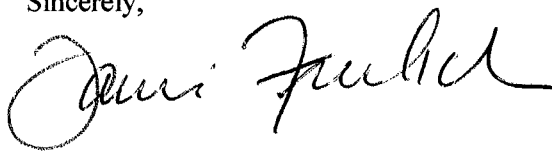
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*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the City fully comply with SB-35 statutory requirements.

I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,



Laurie Freilich  
1429 W. Valleyheart Dr.  
Burbank, CA 91506



Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Onyebuchi,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank Rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

1. SB-35 Criterion #3: Urban Infill, which requires that the project have at least 75% of the perimeter of the sites' adjoining parcels are developed as urban uses. As stated by Patrick Prescott, Community Development Director in the October 26, 2022 "910 S. Mariposa Street – SB 35 Criteria and Consistency Analysis", the subject property 922.12 linear feet (lf), and the site is surrounded by the following uses:
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I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,

*Linda Rappoport, Priority Construction  
Linda Rappoport, Equestrian,  
11519 DECEWTE DR  
Studio City CA 91604*

Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

March 10, 2023

RE: 910 S. Mariposa Street SB-35 Qualification – No response follow-up. Please respond in writing within 5-days.


Dear Mr. Onyebuchi,

As a reminder, I am following up regarding the attached letter I mailed to you on February 27, 2023, regarding my concerns that the developer at 910 So. Mariposa Street has failed to meet statutory requirements under SB-35.

I look forward to a written response with reasonable interpretations that address my concerns, specifically 1-A, 1-C, 1-D, 2-B, and 2-C.

I look forward to receiving your letter within 5-days of the receipt of this letter.

Sincerely,

RIVA SPLEK  


Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Onyebuchi,

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1. SB-35 Criterion #3: Urban Infill, which requires that the project have at least 75% of the perimeter of the sites' adjoining parcels are developed as urban uses. As stated by Patrick Prescott, Community Development Director in the October 26, 2022 "910 S. Mariposa Street – SB 35 Criteria and Consistency Analysis", the subject property 922.12 linear feet (lf), and the site is surrounded by the following uses:
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Continued...

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I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely, *RIVA SPIER, EQUESTRIAN*

*[Signature]*  
3904 RIDGEMOOR #3  
DR  
STUDIO CITY CA 91604



Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

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Sincerely,



Kris Cole  
1321 W. Valleyheart Dr.  
Burbank, CA 91506

February 27, 2023

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Prescott,

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Sincerely,

*Yvonne Burbank*  
*1430 W. Volley Heart Dr.*  
*Burbank CA 91506*

P: 310.927.9267

Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

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*However, the use of "Industrial: is not within the "urban use" definition as stated in the government code Gov Cd 65913.4 (k) (12). Whereas this states that "Urban Uses" are defined as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.*
  - B. West: 1300 Morningside Driver & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)
  - C. South: 914 S. Mariposa Street (Studio Horse Rental); Use: Commercial (254.5 lf or 27.6% of the site perimeter).  
*However, this property is zoned light-industrial and is used for a recreation purpose; guided horse trail rides. Neither light-industrial nor recreational uses are in the within the "urban use" definition of the government code*
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*However, to be conservative, this analysis will assume that the easterly boundary does not meet the definition of "urban" (166.10, if or 18% of the site perimeter).*

*Based on these calculations, only 33.6% of adjoining properties are "urban use" so the project site does not meet the requirements Criterion #3.*

Continued...



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*However, this development is not consistent with all the standards set forth in the General Plan. Page 3-16 of the General Plan states that "supplemental land use goals and policies are provided in the Rancho Master Plan, which does not allow residential development.*

Further:

- A. As stated on page 3-21, land use policies for the specific "Rancho Master Plan" were adopted into the general plan in 1993 to recognize and preserve the unique equestrian character of this area.
- B. Section 10-1-2444.5 of the Rancho Master Plan – General Plan Land Use Designation shows housing density for each zone designation within the Rancho specific area.  
*Zoning designation of M-1 does not allow for housing.*
- C. Section 10-1-2453 of the Rancho Master Plan - A Rancho Review Board shall be formed to review all development projects in the Rancho Master Plan Area that are subject to Development Review for compliance with this article pursuant to procedures established by the Community Development Director.  
*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the City fully comply with SB-35 statutory requirements.

I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,

*Richard Watt*  
1406 W VALLEYHEART DR  
Burbank, CA 91506

Joseph Onyebuchi, Associate Planner  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 So. Mariposa Street SB-35 Qualification

Dear Mr. Onyebuchi,

I have been a Burbank resident for 26 years and lived in the Rancho District since 2003.

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

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  - B. West: 1300 Morningside Drive & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)
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*However, this property is zoned light-industrial and is used for a recreation purpose; guided horse trail rides. Neither light-industrial nor recreational uses are in the within the "urban use" definition of the government code*

1811W. Riverside Dr., Burbank, CA 91506 · (818) 954 8489

- D. 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" (166.10, if or 18% of the site perimeter).*

*Based on these calculations, only 33.6% of adjoining properties are "urban use" so the project site does not meet the requirements Criterion #3.*

2. SB-35 Criterion #4: Zoned or Planned Residential Uses. The Burbank General Plan 2035 and the General Plan's Land Use Diagram (General Plan, Exhibit LU-2), designation for the property is Rancho Commercial, allowing for housing with discretionary approval, when not being processed as an SB 35 approval. However 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. 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.

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Further:

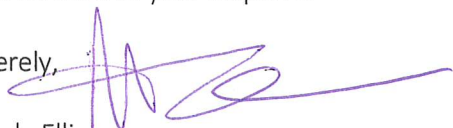
- A. As stated on page 3-21, land use policies for the specific "Rancho Master Plan" were adopted into the general plan in 1993 in an effort to recognize and preserve the unique equestrian character of this area.
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- C. Section 10-1-2453 of the Rancho Master Plan - A Rancho Review Board shall be formed to review all development projects in the Rancho Master Plan Area that are subject to Development Review for compliance with this article pursuant to procedures established by the Community Development Director.  
*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the city fully complies with SB-35 statutory requirements.

I look forward to your response

Sincerely,

Nichola Ellis



Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Prescott,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

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B. West: 1300 Morningside Driver & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)

C. South: 914 S. Mariposa Street (Studio Horse Rental); Use: Commercial (254.5 lf or 27.6% of the site perimeter).  
*However, this property is zoned light-industrial and is used for a recreation purpose; guided horse trail rides. Neither light-industrial nor recreational uses are in the within the "urban use" definition of the government code*

D. 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.

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I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,

*Yvonne Barber*  
*1430 W. Valley Heart Dr.*  
*Burbank CA 91506*

*P: 310.927.9267*



Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

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As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

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Sincerely,

RIVA SPIER, Esq. *Esq. Equestrian*  
*[Signature]*  
3400 Ridgemoor Dr #3  
Studio City, CA 91604

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

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Continued...

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*Linda Reppert, Equestrian, Burbank  
Linda Reppert, Priority Construction  
11519 Deente Dr.  
Studio City Ca 91604*

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

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*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

As a voting Burbank resident, I hold the Burbank City staff and its elected officials accountable for their decisions to ensure that the applicant and the City fully comply with SB-35 statutory requirements.

I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,



Laurie Freilich  
1429 W. Valleyheart Dr.  
Burbank, CA 91506



Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

February 27, 2023

RE: 910 S. Mariposa Street SB-35 Qualification

Dear Mr. Prescott,

As you are aware, the SB-35 NOI application for consideration of site eligibility requirements as noted in California Government Code Section 65913.4, subsections (a)(2)(A-C) in accordance with Burbank Municipal Code Section 10-1-19302(A)(3), was discussed and approved during the December 13, 2022 Burbank City Council meeting, that determined SB-35 eligibility for 910 So. Mariposa Street.

As a Burbank Rancho resident, I am bringing to your attention that the developer/applicant has failed to meet the following fundamental statutory requirements under SB-35 for Criterion #3 and Criterion #4. I am requesting a letter from you, with reasonable interpretations addressing 1-A, 1-C, 1-D, 2-B, and 2-C below, within 7-days of receipt of this letter.

1. SB-35 Criterion #3: Urban Infill, which requires that the project have at least 75% of the perimeter of the sites' adjoining parcels are developed as urban uses. As stated by Patrick Prescott, Community Development Director in the October 26, 2022 "910 S. Mariposa Street – SB 35 Criteria and Consistency Analysis", the subject property 922.12 linear feet (lf), and the site is surrounded by the following uses:

A. North: 820 N. Mariposa Street; Use: Industrial. (357.52 lf or 38.8% of the site perimeter)  
*However, the use of "Industrial: is not within the "urban use" definition as stated in the government code Gov Cd 65913.4 (k) (12). Whereas this states that "Urban Uses" are defined as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.*

B. West: 1300 Morningside Driver & 1305 W. Valley Heart Drive; Use: Single-Family Residential (143.98 lf or 15.6% of the site perimeter)

C. South: 914 S. Mariposa Street (Studio Horse Rental); Use: Commercial (254.5 lf or 27.6% of the site perimeter).  
*However, this property is zoned light-industrial and is used for a recreation purpose; guided horse trail rides. Neither light-industrial nor recreational uses are in the within the "urban use" definition of the government code*

D. 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" (166.10, lf or 18% of the site perimeter).*

*Based on these calculations, only 33.6% of adjoining properties are "urban use" so the project site does not meet the requirements Criterion #3.*

Continued...

2. SB-35 Criterion #4: Zoned or Planned Residential Uses. The Burbank General Plan 2035 and the General Plan's Land Use Diagram (General Plan, Exhibit LU-2), designation for the property is Rancho Commercial, allowing for housing with discretionary approval, when not being processed as an SB 35 approval. However 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. 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.

*However, this development is not consistent with all the standards set forth in the General Plan. Page 3-16 of the General Plan states that "supplemental land use goals and policies are provided in the Rancho Master Plan, which does not allow residential development.*

Further:

- A. As stated on page 3-21, land use policies for the specific "Rancho Master Plan" were adopted into the general plan in 1993 to recognize and preserve the unique equestrian character of this area.
- B. Section 10-1-2444.5 of the Rancho Master Plan – General Plan Land Use Designation shows housing density for each zone designation within the Rancho specific area.  
*Zoning designation of M-1 does not allow for housing.*
- C. Section 10-1-2453 of the Rancho Master Plan - A Rancho Review Board shall be formed to review all development projects in the Rancho Master Plan Area that are subject to Development Review for compliance with this article pursuant to procedures established by the Community Development Director.  
*There is no evidence of a Rancho Review Board established for this project, according to the Rancho Master Plan.*

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I am requesting a letter from you, with reasonable interpretations addressing the above concerns, specifically 1-A, 1-C, 1-D, 2-B, AND 2-C, within 7-days of receipt of this letter.

Sincerely,



Kris Cole  
1321 W. Valleyheart Dr.  
Burbank, CA 9150

Patrick Prescott  
Community Development Director  
Community Services Building  
150 N. Third Street  
Burbank, CA 91502

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Sincerely,

*Richard Witt*  
1406 W VALLEY HEART DR  
Burbank, CA 91506

## Affidavit


I Jason E. Lucas hereby declare and attest to the following facts regarding the property located at 910 South Mariposa Street (APN 2443-004-17) in the City of Burbank, California (the "Property"):

- 1) Title to the Property is currently held by "Jason Eben Lucas and Linda Jean Beaulieu, Successor Co-Trustees of the Richard E. Lucas Family Trust" (the "Ownership Trust")
- 2) I am a Co-Trustee of the Ownership Trust.
- 3) The Ownership Trust is currently leasing the Property to Jim and Diane Perez who are the sole tenants of the Property (the "Tenants").
- 4) The Tenants have leased the Property continuously and without interruption since June 1, 2004.
- 5) The Property is subject to a commercial lease which expressly limits use of the Property to a "boarding stable and/or riding academy and kindred uses, only, and for no other purpose without the written consent of the Lessor [Ownership Trust] first had."
- 6) As Trustee I am responsible for overseeing the Property on behalf of the Ownership Trust and am the primary point of contact with the Tenants.
- 7) The Tenants have never requested to use the property for residential purposes and I have never authorized any residential use or tenancy to occur on the Property, written or otherwise, since the commencement of Tenants' lease in June 2004.
- 8) To my knowledge the Property has always been used solely used for commercial equine related uses and has never been used, rented, leased or subleased for residential purposes.
- 9) The Property is improved only with commercial, equine related structures and does not contain any residential units or spaces intended for residential occupancy.
- 10) The Property is zoned M-1 (Limited Industrial) which does not permit residential use without special discretionary approval from the City. As of the date of this affidavit no discretionary approvals have been granted by the City to authorize residential uses at the Property.

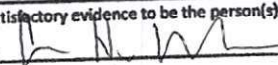
11) I understand that this affidavit and the representations made herein may be submitted to the City of Burbank and evaluated by City officials in connection with a pending development project application at the Property.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the information I have given in this affidavit is correct and accurate, and that this declaration is executed:

at SOUTH PASADENA, California on MAY 8, 2023  
City Date signed

by  626-590-1887  
Signature of Jason Lucas Phone number  
1107 Huntington Drive  
South Pasadena, CA 91030

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Los Angeles  
Subscribed and sworn to (or affirmed) before me on this 8 day of MAY, 2023  
by JASON LUCAS, proved to me on the  
basis of satisfactory evidence to be the person(s) who appeared before me.  
Signature  (Seal)

