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December 22, 2023

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

**Re: 910 Mariposa Street – Notice of Intent to Submit SB 35 Application.**

Dear Mr. Prescott:

Our firm represents Butterfly Gardens LLC (“Applicant”), the applicant of a previously approved as well as a newly proposed housing development located at 910 S. Mariposa Street (“Site”) in the City of Burbank (the “City”). The newly proposed project consists of 30 condominium units in a single five-story building with a semi-subterranean garage level containing 43 parking spaces (the “Higher Density Project”). Enclosed with this correspondence are the required forms, complete eligibility checklist, and associated materials required to submit a Notice of Intent (“NOI”) to submit an application in accordance with Senate Bill 35 (“SB 35”) for Streamlined Ministerial Review. As stated in the enclosed application, the Higher Density Project includes a request for a greater permitted density bonus in accordance with Government Code 65915 (“State Density Bonus Law”) along with incentives and waivers of development standards and a tentative tract map for subdivision purposes.

As the City knows, the Applicant previously received approval for another SB 35 Streamlined Ministerial Review of a different project proposal with 23 condominium townhomes and 46 parking spaces on the Site, identified as Project No. 23-0002305 (“23 Unit Project”). The Community Development Director determined that the 23 Unit Project, including a request for a lesser Density Bonus and Vesting Tentative Tract Map No. 84060, was consistent with all objective General Plan, zoning, subdivision, and design review standards and the statutory criteria under Government Code Section 65913.4. On July 25, 2023, the Burbank City Council adopted Resolution 23-29,451 to approve Ministerial Design Review for the 23 Unit Project and Vesting Tentative Tract Map No. 84060, subject to standard conditions of approval.

On October 18, 2023, the Friends of the Equestrian Bridge filed a lawsuit in the Los Angeles County Superior Court challenging the City’s approval of the 23 Unit Project. As of the date of this correspondence, the lawsuit is pending and ongoing. Please be advised that the Applicant is fully committed to defending the legality of the 23 Unit Project approval, and submittal of this NOI for the Higher Density Project should not be construed otherwise. The Applicant now seeks approval of the Higher Density Project for optionality, and to maximize the benefits permitted by the State Density Bonus

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Law<sup>1</sup>. In no way should submittal of the NOI for the Higher Density Project prejudice, disturb or prevent the Applicant from ultimately obtaining building permits and utilizing the 23 Unit Project approval.

With this submittal, we look forward to the City's review of the SB 35 NOI application for the Higher Density Project. Please contact me with any questions.

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

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<sup>1</sup> Note that utilizing the maximum 50 percent density bonus would achieve a total of 32 units at the Site.