

Attachment C - Objective Standard Consistency Analysis

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

Objective Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-2436.5 Maximum Residential Density: 20 du/ac</u></p>	<p>The project site is comprised of 5.01 acres after a proposed dedication for the equestrian trail. The allowed number of units on the 5.01-acre site at 20 units per acre is 100 units. The Project provides 92 dwelling units at 18.4 du/ac.</p>	<p>Consistent</p>
<p><u>10-1-2441 A. Structure Height</u></p> <ol style="list-style-type: none"> 1. The maximum height of a structure shall be 35 feet as measured from grade, as defined in this chapter. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1. 2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy. 3. A Conditional Use Permit is required for a structure higher than 35 feet. 	<p>The proposed maximum building height as measured from grade is 35' to ridge.</p>	<p>Consistent</p>
<p><u>10-1-2441 B. Open Space</u></p> <ol style="list-style-type: none"> 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. Lots abutting or adjacent to R-3 and R-4 lots shall provide a minimum five (5) foot open space between the properties. 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. 3. Landscaping Requirement. When the commercial property abuts or is adjacent to R-1, R-1-H, or R-2 property, a five (5) foot strip of the open space which lies adjacent to 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. 4. Parking Allowed in Open Space. When the commercial property abuts property other than R-1, R-1-H, or R-2, open space may be used for surface parking. 	<ol style="list-style-type: none"> 1. This standard does not apply because the lot does not abut or is adjacent to an R-1, R-1-H, or R-2 lot. Lots that are zoned R-4 are located across Main Street and Riverside Drive. 2. With R-4 lots across both Main and Riverside, the project exceeds this requirement. 3. This standard does not apply as the project site does not abut, nor is adjacent to an R-1, R-1-H, or R-2 zone. 4. The project does not include commercial components, so the requirement is not applicable to the project. No open space will be used for surface parking. 	<p>Consistent</p>

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<p><u>10-1-2441 C. Yard</u></p> <p>2. Setbacks.</p> <p>a. Front Yards. All structures shall be set back at least 25 feet from the front lot line. A minimum of a ten (10) foot setback from the front lot line to any surface parking area is required.</p> <p>b. Side Yards. A five (5) foot side yard building setback is required; provided, however, if the side yard abuts or is adjacent to a residentially zoned property, a minimum ten (10) foot setback is required. A minimum of a five (5) foot setback from the side lot line to any surface parking is required.</p> <p>c. Rear Yards. A five (5) foot rear yard building setback is required; provided, however, if the rear yard abuts or is adjacent to a residentially zoned property, a minimum ten (10) foot setback is required. A minimum five (5) foot setback from the rear lot line to any surface parking area is required.</p>	<p>a. Pursuant to Section 10-1-635 of the Burbank Municipal Code, the project is eligible to receive a concession since it reserves at least 10 percent of the units to Low-Income Earners. The project is requesting a front yard setback reduction concession from 25 feet to 17 feet along Main Street and from 25 feet to 23 feet along Riverside Drive due to a potential dedication for street improvements and equestrian trail.</p> <p>b. 10 min. setback is proposed.</p> <p>c. Rear yards do not abut or are adjacent to residentially zoned properties. 5 min. setback is proposed.</p>	<p>Consistent with Density Bonus Law concession for front yard setbacks.</p>
<p>3. Landscaping.</p> <p>a. Californian native plants and California Sycamore trees shall be used as required landscaping materials. California Sycamore trees shall be used as the required street trees.</p> <p>b. The following landscaping requirements shall apply in the CR Zone:</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>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>a. A minimum of 50 percent of front and exposed side yards is provided as landscaped, see Sheet L8-Open Space Plan.</p> <p>b. Noted and have been added to the required Landscape area calculation, see Sheet L8 Open Space Plan.</p> <p>c. Vines have been added on the walls, see Sheet L6-Planting Plan.</p> <p>d. Noted, further specification and detail will be added in the Construction document phase.</p>	<p>Consistent.</p>

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<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>e. One Tree has been planted for every 40 linear feet of street frontage or fraction thereof. Noted, shrub / GC symbols will be shown in the planting area will be added during the construction document phase; see palette on Sheet L6-Planting Plan.</p> <p>f. 50 percent of required trees are 36-inch box size, with the remainder are 24-inch box size. The required 36-inch box trees is equally distributed in required front or street side yards; see Sheet L6-Planting Plan.</p>	<p>Consistent.</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>c. The requirements for parking structures and surface parking lots in Article 14 of this Chapter shall apply in the CR Zone.</p>	<p>g. The trees are planted in planters, the planters have a minimum length and width of five (5) feet in front / side yards. 4' min. tree planting width for other internal tree planting areas.</p> <p>h. The project meets criteria in Article 14, Division 4 as demonstrated later within this table.</p> <p>C. The project meets criteria in Article 14, as demonstrated later within this table.</p>	<p>Consistent.</p>
<p>5. Parking.</p> <p>a. No surface parking area frontage shall comprise more than 50 percent of any street frontage.</p> <p>b. Surface parking shall be organized into parking courts not to exceed 40 stalls, surrounded on all sides with a minimum five (5) foot landscape buffer.</p> <p>c. Parking structures shall not be allowed in the rear 50 percent of the property if the property abuts or is adjacent to a residential zone.</p>	<p>a. The proposed off-street parking area does not front onto any street.</p> <p>b. Surface parking is distributed to the whole project site. No one area exceeds 40 stalls.</p> <p>c. No parking structure is provided in the project. Not applicable</p>	<p>Consistent</p>

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<p><u>California Government Code, Section 65913.4 Parking Space Requirement</u></p> <p>(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:</p> <p>(A) The development is located within one-half mile of public transit.</p> <p>(B) The development is located within an architecturally and historically significant historic district.</p> <p>(C) When on-street parking permits are required but not offered to the occupants of the development.</p> <p>(D) When there is a car share vehicle located within one block of the development.</p> <p>(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.</p>	<p>Pursuant to SB 35, the project is eligible for 1 parking space per unit. Nonetheless, the Project provides a total of 209 spaces at 2.27 spaces/du, which exceeds the SB 35 parking requirement.</p>	<p>Consistent</p>
<p><u>10-1-2443: Design Review Standards for CR Zone</u></p> <p>A. Pitched roofs are required. Mansard roofs are prohibited.</p> <p>B. Architectural design-Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements; verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings or walkways, archways, colonial columns and heavy posts.</p> <p>C. Color-Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. No bright colors may be used.</p> <p>D. Materials and Finishes-A number of the following may be incorporated, if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.</p>	<p>a. As indicated in the enclosed elevations, the proposed design include pitched gable roofs and gable ends. Mansards are not included.</p> <p>b. The project includes the Spanish Colonial architectural style. The design includes patios, courtyards, arches, tile roofs, and archways.</p> <p>c. These items will be incorporated as appropriate.</p> <p>d. The elevations include the use of Spanish tiles and textured stucco.</p>	<p>Consistent.</p>

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<p>E. The design standards of Section 10-1-1113.1 shall apply in the CR Zone: <u>10-1-1113.1 Commercial and Industrial Design Standards:</u></p> <p>A. ROOF DESIGN.</p> <p>1. All parapets shall have returns equal to the height of the parapet. Parapets used for fire separation purposes should be visually integrated into the building.</p> <p>2. All mansards shall be continuous on all sides of a building visible from neighboring properties and public rights-of-way, including those elevations facing a street, alley, yard, setback or open space. All mansards on all other elevations which are not exposed or visible to neighboring properties and public rights-of-way, shall have a return at least equal to the height of the mansard.</p> <p>3. All roof mounted equipment shall be screened from view through the use of architectural screening systems which are visually integrated into building design with respect to color, material and form.</p>	<p>1. The project does not include the use of parapets into the design.</p> <p>2. The project does not include the use of mansard roofs.</p> <p>3. The project does not include any roof-mounted equipment. Equipment will be located at grade or within the attic space.</p>	<p>Consistent</p>
<p>B. WINDOW TREATMENT.</p> <p>Those buildings on lots with 75 feet or less of street frontage which are built to the street property line shall have a minimum 25 percent of the building facade on the ground floor devoted to window treatment.</p>	<p>This guideline does not apply to the project as there is more than 75 feet of street frontage.</p>	<p>Consistent</p>
<p>C. BUILDING MATERIALS.</p> <p>All facades visible to the public and surrounding neighbors must be designed, treated and finished in a manner compatible with the other visible sides of the building.</p>	<p>All publicly visible sides of the building are equally and well-articulated.</p>	<p>Consistent</p>
<p>D. VARIATION ON PLANE.</p> <p>All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.</p>	<p>The proposed buildings fronting onto the public streets includes building variation elements such as surface breaks, projecting facades, recessed entries, and projecting archways.</p>	<p>Consistent</p>
<p>E. ENTRIES.</p> <p>Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.</p>	<p>Entries are either recessed within an alcove or behind a projecting archway. Entries are also highlighted by a window or tilework.</p>	<p>Consistent</p>

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<p>F. APPENDAGES, AWNINGS AND MARQUEES.</p> <p>All appendages, awnings and marquees shall be flame resistant or erected with non-combustible materials and meet Uniform Fire Code requirements, and shall not protrude far enough to obstruct a ladder placed at ground level at a 70 degree angle to the building openings above the appendage, awnings or marquees.</p>	<p>All awnings use flame-resistant material and will meet all applicable building and fire codes.</p>	<p>Consistent</p>
<p>G. EXTERIOR STAIRWAYS.</p> <p>Enclosures or landscape barriers must be provided wherever there is less than seven (7) feet vertical clearance below stairs.</p> <p>Front entry stair rails should be integrated into the overall building and site design. Thin section wrought iron and stair rails that have minimal form, mass or color reference to the design elements within the facades are discouraged.</p> <p>Open risers are prohibited.</p>	<p>The project does not include any exterior stairways. All stairways are within the individual units.</p>	<p>Consistent</p>
<p>H. LOCATION AND SCREENING OF TRASH BINS.</p> <p>Trash bins shall not be located in any required front or street side yard, but may be permitted within the required interior side and rear yards.</p> <p>Trash enclosures shall be recessed or within the structure, or enclosed by a six (6)foot high masonry wall on three (3) sides and have a solid permanent metal gate(s).</p> <p>Doors and gates of trash enclosures cannot swing out into any public right-of-way.</p> <p>If the lot abuts an alley, the trash bin must be directly accessible from the alley.</p>	<p>Trash containers will be stored within the garage of each unit.</p>	<p>Consistent</p>

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<p>J. FENCES AND WALLS.</p> <p>1. Height - Except as otherwise provided for property located at an intersection, the height of walls, fences and hedges may not exceed:</p> <p>a. Three (3) feet above the finished grade of the lot within any required front yard and within the required side yard on the street side of a corner or reverse corner lot; provided, however, that where a parking lot abuts or is across the street from a residential zone, a six (6) foot high masonry wall may be constructed within the required front yard and within the required side yard on the street side of a corner or reverse corner lot to the extent specified in Article 14, Division 4 of this Chapter or in a Conditional Use Permit granted by the Board or the Council.</p> <p>b. Eight (8) feet above the finished grade of the lot within any yard area behind the required front yard or required side yard on the street side of a corner or reverse corner lot except cutoff area. Where topographic features or other conditions create an unnecessary hardship the Building Director may permit these height limits to be exceeded, provided the modification will not have a detrimental effect upon adjacent properties or conflict with architectural characteristics of the surrounding neighborhoods.</p>	<p>a. Retaining walls are limited to 3 feet in height within the front and street side setbacks. Patios walls will be updated to also have a maximum height of 3 feet.</p> <p>b. All walls behind the front and street side setbacks are limited to 6'-6" in height.</p>	<p>Consistent</p>
<p>2. All fences and walls must comply with the corner cutoff provisions of Section 10-1-1303.</p> <p>3. The requirements of this Subsection do not apply to security fencing maintained by a governmental entity.</p>	<p>2. As described below, all fences and walls meet corner cutback requirements.</p> <p>3. N/A</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 structure or fences or walls are located within the corner cutoff zone of Main Street with Riverside Drive.</p> <p>B. The project does not have such intersection condition. The requirement is not applicable to the project.</p> <p>C. No structure or fences or walls are located within the corner cutoff zone of a driveway with a street or alley.</p>	Consistent
<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. The following requirement shall be used when determining overall parking space dimensions and aisle widths (Table No.4): For 90' parking angle and 8'-6" stalls, parking bay widths for two-way traffic and single loaded aisles: 45'-4"</p>	<p>All parking spaces have a minimum dimension of 8'-6" in width and 18' in depth. Proposed 46' parking bay width meets the 45'-4" requirement.</p>	Consistent
<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 is easily accessed from and to a street or other dedicated public right-of-way, and no need to back into a major or secondary highway to exit.</p>	Consistent

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<p>10-1-1405.5: Bicycle Parking Spaces:</p> <p>B. INSTALLATION AND MAINTENANCE REQUIREMENTS.</p> <p>Bicycle parking facilities shall be installed in a manner which allows adequate space for access when the facilities are occupied, and shall be located so as to minimize the blocking of any public sidewalks or right-of-way. An encroachment permit from the Public Works Department is required for any encroachment into the public right-of-way.</p> <p>Bicycle parking facilities shall be located on a hard paved surface and shall be painted with a protective coating to prevent rusting and shall be well maintained.</p> <p>C. BICYCLE PARKING FOR ARCADES/BILLIARD PARLORS.</p> <p>For all arcades and billiard parlors, one (1) bicycle space shall be provided for each 150 square feet of adjusted gross floor area. [Added by Ord. No. 3316, eff. 11/14/92.]</p>	<p>This requirement does not apply since it is only required for arcades and billiard parlors.</p>	<p>Consistent</p>
<p><u>10-1-1408: Parking Spaces Required</u></p> <p>Not applicable. See Parking requirements above (Section 65913.4 of the California Government Code)</p>	<p>Pursuant to SB 35, the project is eligible for 1 parking space per unit. Nonetheless, the Project provides a total of 209 spaces at 2.27 spaces/du, which exceeds the SB 35 parking requirement.</p>	<p>Consistent</p>
<p><u>10-1-1412: Location of Parking Areas</u></p> <p>A. DWELLINGS.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>

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<p><u>10-1-1417 Parking Lot Design Standards</u></p> <p>A. All off-street parking areas and accessways shall be graded, paved, and marked as follows:</p> <ol style="list-style-type: none"> 1. All paved areas used for parking, loading, or vehicle circulation shall be designed consistent with accepted engineering principles for the largest type of anticipated vehicle loading in order to minimize future maintenance and safety hazards. 2. Surfaces shall be paved with concrete or suitable asphaltic surfacing to prevent the emanation of dust. 3. Surfaces shall be graded and drained in accordance with standards prescribed by the Public Works Director. 4. Parking spaces and access lanes shall be clearly marked including the use of directional arrows when necessary to guide internal movements. <p>B. The Public Works Director, Community Development Director, and/or the Planning Board may place special requirements on an individual site to reduce or increase the number, width, and location of driveways in order to reduce traffic hazards, decrease paved area, or mitigate on-street parking problems. The Public Works Director, Community Development Director, and/or the Planning Board may require that access, either primary or secondary, take advantage of existing public alleys.</p> <p>C. Parking and directional signs shall be provided in accordance with the Burbank Municipal Code or when required by the Public Works Director.</p> <p>D. Barriers shall be provided as follows:</p> <ol style="list-style-type: none"> 1. Safety barriers, protective bumpers, or curbing and directional markers shall be provided to ensure pedestrian and vehicular safety and efficient utilization and protection of landscaping, and to prevent encroachment onto adjoining public or private property. 2. Concrete curbs at least six inches high shall be installed to serve as wheelstops for cars next to streets, sidewalks, buildings, or other structures, and as protective edging for planting areas. 	<p>A. 1. All paved areas used for parking, loading, or vehicle circulation will be designed consistent with the engineering principles.</p> <p>A.2. Surfaces will be paved with concrete or suitable asphaltic surfacing to prevent the emanation of dust.</p> <p>A.3. Surfaces will be graded and drained in accordance with standards prescribed by the Public Works Director.</p> <p>A.4. Parking spaces and access lanes will be clearly marked including the use of directional arrows when necessary to guide internal movements.</p> <p>B. Noted.</p> <p>C. Parking and directional signs will be provided in accordance with the Burbank Municipal Code or when required by the Public Works Director.</p> <p>D. Barriers will be provided as requested in Section 10-1-1417.</p>	<p>Consistent</p>

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<p>E. All open space areas designed for active or passive recreation purposes shall be physically separated from parking areas and driveways in a fashion necessary to protect the safety of all pedestrians.</p> <p>F. Visibility of pedestrians, bicyclists, and motorists shall be ensured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.</p> <p>G. Internal circulation patterns and the location and traffic direction of all access drives shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety. All vehicle movements involved in loading, parking, or turning around shall occur on-site.</p> <p>H. All parking lots shall be maintained as follows:</p> <ol style="list-style-type: none"> 1. All paved areas shall be maintained in the manner required to eliminate safety hazards, standing water, weeds, inefficient drainage patterns, and deterioration of sub-base materials. Paved areas shall be impervious to water and shall be maintained in a sanitary condition free from refuse and debris. 2. All trees and landscape areas shall be maintained as per Section 10-1-1418:E. 3. All property owners shall perform such maintenance as required by the Community Development Director within 45 days following written notification of any pavement, landscaping, or irrigation maintenance deficiencies pursuant to this section and within seven days following written notification of unsanitary or unsafe conditions. [Formerly numbered Section 31-173; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3824, eff. 4/6/12; 3548; 2829.] 	<p>E. All open space areas designed for active or passive recreation purposes will be physically separated from parking areas and driveways to protect the safety of all pedestrians.</p> <p>F. Visibility of pedestrians, bicyclists, and motorists will be ensured.</p> <p>G. Internal circulation patterns and the location and traffic direction of all access drives will be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety. All vehicle movements involved in loading, parking, or turning around will occur on-site.</p> <p>H. All parking lots will meet the maintenance requirements.</p>	<p>Consistent</p>

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<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 will be screened from view by landscaping.</p> <p>B. All surface parking areas have minimum 4 feet landscaped setbacks. No surface parking lots are next to the exterior streets.</p> <p>C. All walls and landscaping materials meet with the corner cutoff requirements.</p>	<p>Consistent</p>
<p><u>10-1-1417.2 Parking Lots Abutting and Adjacent to Residential Zones:</u></p> <p>A. Where a parking lot abuts or is across the street from a residential zone, a front yard, or street side yard if on a corner, ten (10) feet shall be landscaped and continuously maintained to provide a buffer between the parking lot and adjacent residential properties.</p> <p>B. Where a parking lot abuts property in a residential zone, a masonry wall six (6) feet above the grade of the parking lot shall be constructed along the common property line, provided, however, that if the residentially zoned property to which a parking lot abuts is also being lawfully used as a parking lot, this requirement shall not apply so long as such use continues.</p> <p>C. Where a parking lot is across the street from a residential zone, a six (6) foot high masonry wall shall be constructed along the interior line of the front yard, or street side yard if on a corner, except at accessways to the parking lot. The wall may be omitted if landscaping sufficient to provide aesthetic screening of the parking area is provided as approved by the Community Development Director. [Added by Ord. No. 3548, eff. 9/2/00.]</p>	<p>This requirement does not apply to the project. The proposed off-street parking area does not abut nor is across the street from a residential zone.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

Objective Standards	Consistency Analysis	Consistency Determination
<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. See the Sheet L1 for the detail information.</p> <p>B. Landscaping and shading plans are prepared by licensed landscape architects. The plans comply with Burbank's code requirements.</p> <p>1. The project's parking spaces are distributed throughout the site. There are no more than 3 parking spaces grouped together. In an effort to conservatively calculate this requirement, the total are of all drives, driveways, alleys and parking spaces total 65,295 square feet. As depicted on Sheet L-8, there is a total of 20,046 square feet of common landscape, resulting in 30.7% landscape.</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. Each surface parking area is no more than 3 spaces, 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. No one species is more than 75%. See Sheet L6 for the detailed information.</p> <p>e. As depicted on Sheets L-1 and L-2, the common landscape area does not consist of gravel, rocks, artificial turf or concrete.</p> <p>f. All landscape areas are design so they are protected from vehicle damage or encroachment.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

Objective Standards	Consistency Analysis	Consistency Determination
<p>C. Tree Shading Requirements</p> <ol style="list-style-type: none"> 1. Trees shall be planted and maintained throughout the parking lot to ensure that, within 15 years after establishment of the parking lot, at least 50 percent of the parking lot will be shaded. <ol style="list-style-type: none"> a. The shade trees shall be a species that will provide a canopy-style effect. b. Shade trees shall be a minimum 36-inch box size at planting. If a minimum 36-inch box size is determined to be technologically infeasible or impractical, the 36-inch box size may be substituted with two, 24-inch box sized trees at the discretion of the Director. 2. Upon completion of the installation of the shade trees, a licensed landscape architect shall certify that the shading complies with all requirements of this section. Certification shall be accomplished in a manner to be determined by the Director. 3. Tree species appropriate for providing shade in parking lots shall be selected from “Street Trees Recommended for Southern California” as published by Street Tree Seminar, Inc. unless an applicant can demonstrate that it is technologically infeasible, impractical or inconsistent with the landscape design of the proposed parking lot to select such tree. <p>D. Tree Shading Calculation</p> <ol style="list-style-type: none"> 1. Landscape and shading plans shall show the estimated tree canopies after 15 years of growth, the specific names, sizes and locations of trees to be planted, and the total area in square feet of the area shaded by tree canopies. In determining the area shaded, the following methodology shall be used: <ol style="list-style-type: none"> a. Shading shall be calculated using the expected diameter of the tree canopy at 15 years. The Director may establish assumed expected canopy diameters. b. Shaded area on the pavement shall be measured assuming that the shaded area is only that area directly under the tree canopy or dripline. Diagram 10-1-1418(A) illustrates the manner in which shade is credited under various conditions. c. The shading plans shall include a shade calculation table identifying the quantity and type of trees used and the percentage of shade credited to each. Diagram 10-1-1418 (B) illustrates the format of the shade calculation table. d. Landscape planters under the canopy may be counted as shaded area, except in required setback areas. 	<p>The project provides 70% tree shade as shown on the L-11 Tree Shading Exhibit.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

Objective Standards	Consistency Analysis	Consistency Determination
<p>E. Maintenance</p> <ol style="list-style-type: none"> 1. The maintenance obligations provided herein shall apply to all parking facilities, whether approved prior to or after the effective date of these requirements. 2. All trees and landscape areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. 3. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. 4. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance. 5. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning conducted as part of regular maintenance. 6. Trees may not be trimmed or pruned to reduce the natural height, canopy size, or overall crown of the tree, except as necessary for health of the tree and public safety. All tree care shall comply with the current appropriate International Society of Arboriculture and American National Standards Institute standards. 7. Any required tree or other plants that die or are improperly maintained shall be replaced with healthy specimens of similar species or size, provided that the replacement trees shall be a minimum of 36-inch box size and shall not be required to exceed 48-inch box size. 8. Removal and replacement of trees that have caused damage to City sidewalks or other City infrastructure shall be reviewed and approved by the appropriate City Department. [Formerly numbered Section 31-174; Amended by Ord. No. 3824, eff. 4/6/12; 3548; 3297, 3058, 2930, 2599, 2193.] 	<p>The project will meet the maintenance requirements.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

Objective Standards	Consistency Analysis	Consistency Determination
<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>No vehicular access ways are located nearer than 30' to the ultimate curb lines of an intersecting street.</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>Each driveway is 16' wide.</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>The slope of the driveway is less than 20%.</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>A 24'-minimum turning radius is provided project wide.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 5. AFFORDABLE HOUSING INCENTIVES

Objective Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-640: Development Standards Modified as Incentive or Concession</u></p> <p>1. A reduction of site Development Standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901. of Division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:</p> <ul style="list-style-type: none"> a. Reduced minimum lot sizes and/or dimensions. b. Reduced minimum lot setbacks. c. Reduced minimum outdoor and/or private outdoor living area. d. Increased maximum lot coverage. e. Increased maximum building height and/or stories. f. Reduced minimum building separation requirements. g. Reduced street standards, such as reduced minimum street widths. 	<p>b. Pursuant to Section 10-1-635 of the Burbank Municipal Code, the project is eligible to receive a concession since it reserves at least 10 percent of the units to Low-Income Earners. The project is requesting a front yard setback reduction concession from 25 feet to 17 feet along Main Street and from 25 feet to 23 feet along Riverside Drive due to a potential dedication for street improvements and equestrian trail.</p>	<p>Consistent</p>
<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> <ul 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 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). 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) unit provided. Currently, the Applicant will reserve 10 units for low-income residents (80 percent of the AMI), resulting in a total of 10.8 percent of the total units being affordable. This would result in a total credit of 20 affordable units, exceeding the 15 percent inclusionary housing requirement identified in Section 10-1-646 of the Burbank Municipal Code.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 5. AFFORDABLE HOUSING INCENTIVES

Objective Standards	Consistency Analysis	Consistency Determination
<p><u>10-1-651: Standards for Inclusionary Units</u></p> <p>A. DESIGN. 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. 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>
<p>C. DURATION OF AFFORDABILITY REQUIREMENT. 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>The project includes a total of 10 units that 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 55 years.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

TITLE 11 SUBDIVISION REGULATIONS

ARTICLE 11. LOT DESIGN

Objective 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):</p> <p>Collector: 64' min., (Right-of-Way); 40' min., (Roadway), 12' 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>Per the City's Mobility Element, both Main Street and Riverside Drive are classified as Collector Streets. Main Street adjacent to the project site currently has a right of way of 70 feet with 40 feet for traffic lanes and 10 feet of parkway on the project side of the street. Riverside Drive has an existing right of way of 100 feet with 68 feet for traffic lanes and 15 feet of parkway/sidewalk adjacent to the project site. Part of the project includes a potential right-of-way dedication on Main Street of 8 feet and 16 feet, to allow for an 8' parkway and sidewalk as well as a 10' equestrian trail. Along Riverside Drive, a potential 2' right-of-way dedication is provided to allow for an 8' parkway and sidewalk as well as a 10' equestrian trail.</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>The project site has 218,449 square feet, which is more than the 4,800-square foot minimum. The lot width is approximately 210 feet, which is more than 40-foot minimum.</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 lot has a minimum lot frontage of approximately 281.71 feet along Main Street and a minimum lot frontage of approximately 586.99 feet, which is more than the 20-foot minimum.</p>	<p>Consistent</p>

Attachment C - Objective Standard Consistency Analysis

TITLE 11 SUBDIVISION REGULATIONS		
ARTICLE 13. DEDICATION OF PARK AND RECREATION FACILITIES		
Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1302: Limitation on Applicability of Article:</u> The provisions of this article shall be applicable only to subdivisions for which tentative maps were applied for and accepted for processing prior to November 1, 1986. [Added by Ord. No. 3045; formerly numbered Section 27-133.1; renumbered by Ord. No. 3058, eff. 2/21/87.]</p>	The requirement does not apply since the project includes a map after November 1, 1986.	Consistent
<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 - 5.79%</p>	The requirement does not apply pursuant to 11-1-1302 since the project includes a map after November 1, 1986.	Consistent
ARTICLE 14. DEDICATION OF SCHOOL SITES		
Development Standards	Consistency Analysis	Consistency Determination
<p><u>11-1-1402: Subdividers Must Offer School Site:</u> 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>	The project consists of 92 units on a 5.01-acre site and is less than the threshold for school site dedication.	Consistent

Attachment C - Objective Standard Consistency Analysis

TITLE 11 SUBDIVISION REGULATIONS		
ARTICLE 15. IMPROVEMENTS		
Development Standards	Consistency Analysis	Consistency Determination
<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>	Drainage facilities are provided for the project. The facilities will be constructed in accordance with standards and specifications approved by the PW Director.	Consistent
<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>	Sanitary Sewers are provided for the project.	Consistent
<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>	Sidewalks are provided for the project and will be constructed in accordance with City specifications. All sidewalks will have a minimum width of 5 feet as depicted on Sheet 2 of VTTM No. 83627.	Consistent
<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>	Light standards are provided on the streets. See Schematic Lighting Plan, Sheet L-7.	Consistent
<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>	The overhead utilities within the abutting ROW will be undergrounded. A note is added on the VTTM.	Consistent

Attachment C - Objective Standard Consistency Analysis

TITLE 11 SUBDIVISION REGULATIONS

<p><u>11-1-1516: Water System and Fire Hydrants</u></p> <p>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>Water system and fire hydrants are provided for the project.</p>	<p>Consistent</p>
<p><u>11-1-1517: Street Trees and Plants</u></p> <p>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>Street trees are provided as part of the project. See Schematic Planting Plan, Sheet L-6.</p>	<p>Consistent</p>

Details

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Legend

Final Linear Features



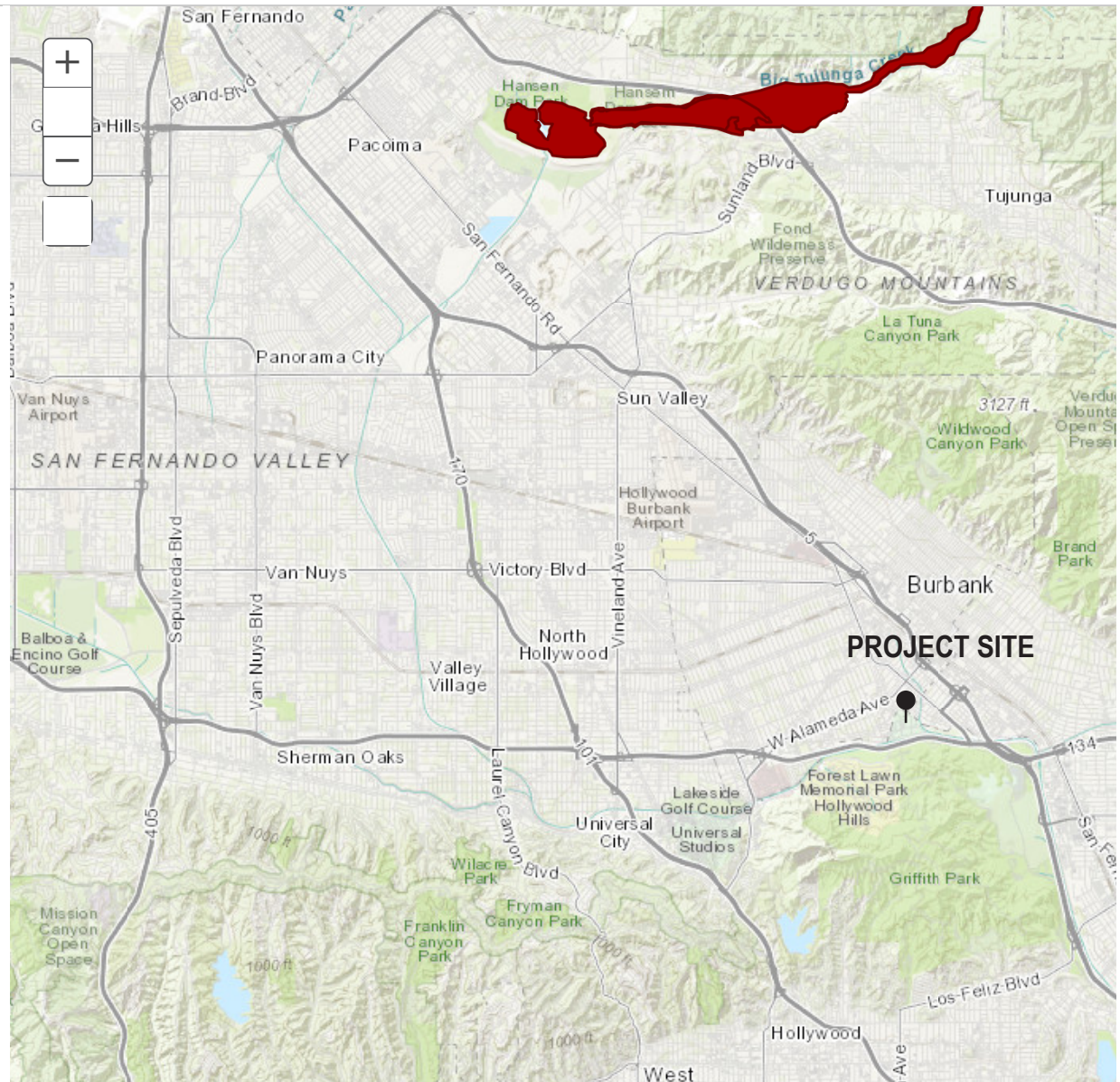
Final Polygon Features



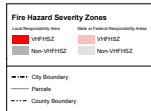
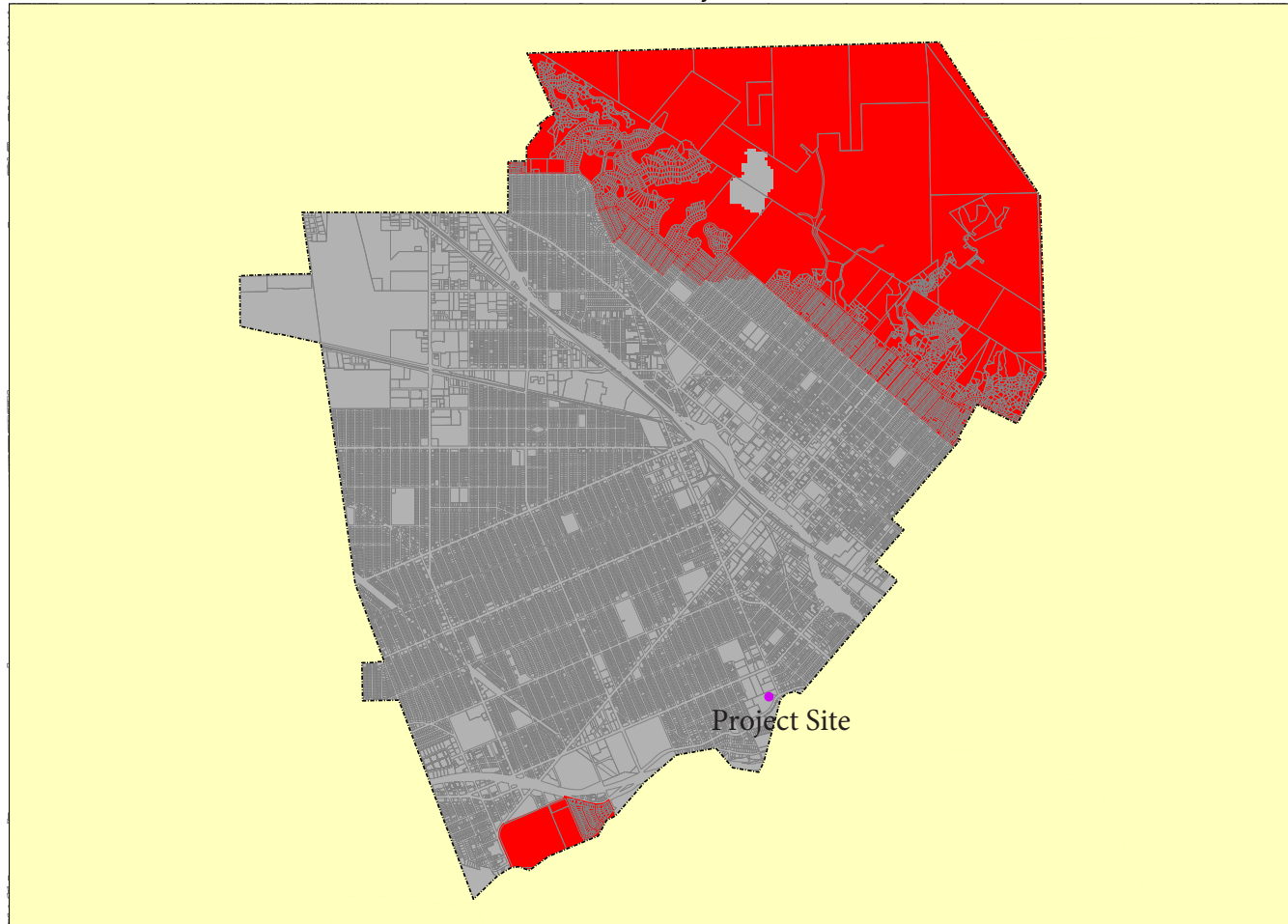
Proposed Linear Features



Proposed Polygon Features

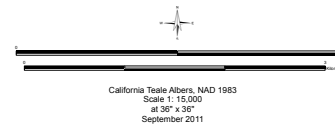


Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE



Government Code 41775.99 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of Very High Fire Hazard Severity Zones (VHFHSZ) based on data and models of potential fire loss to life, property, and the environment. CAL FIRE is required to identify and map these areas in the following manner: CAL FIRE shall identify and map areas of Very High Fire Hazard Severity Zones (VHFHSZ) in accordance with the following criteria: (a) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (b) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (c) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (d) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (e) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (f) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (g) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (h) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (i) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (j) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (k) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (l) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (m) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (n) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (o) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (p) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (q) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (r) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (s) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (t) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (u) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (v) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (w) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (x) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (y) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE; (z) Areas that are located in areas of Very High Fire Hazard Severity Zones (VHFHSZ) as identified by CAL FIRE.

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.



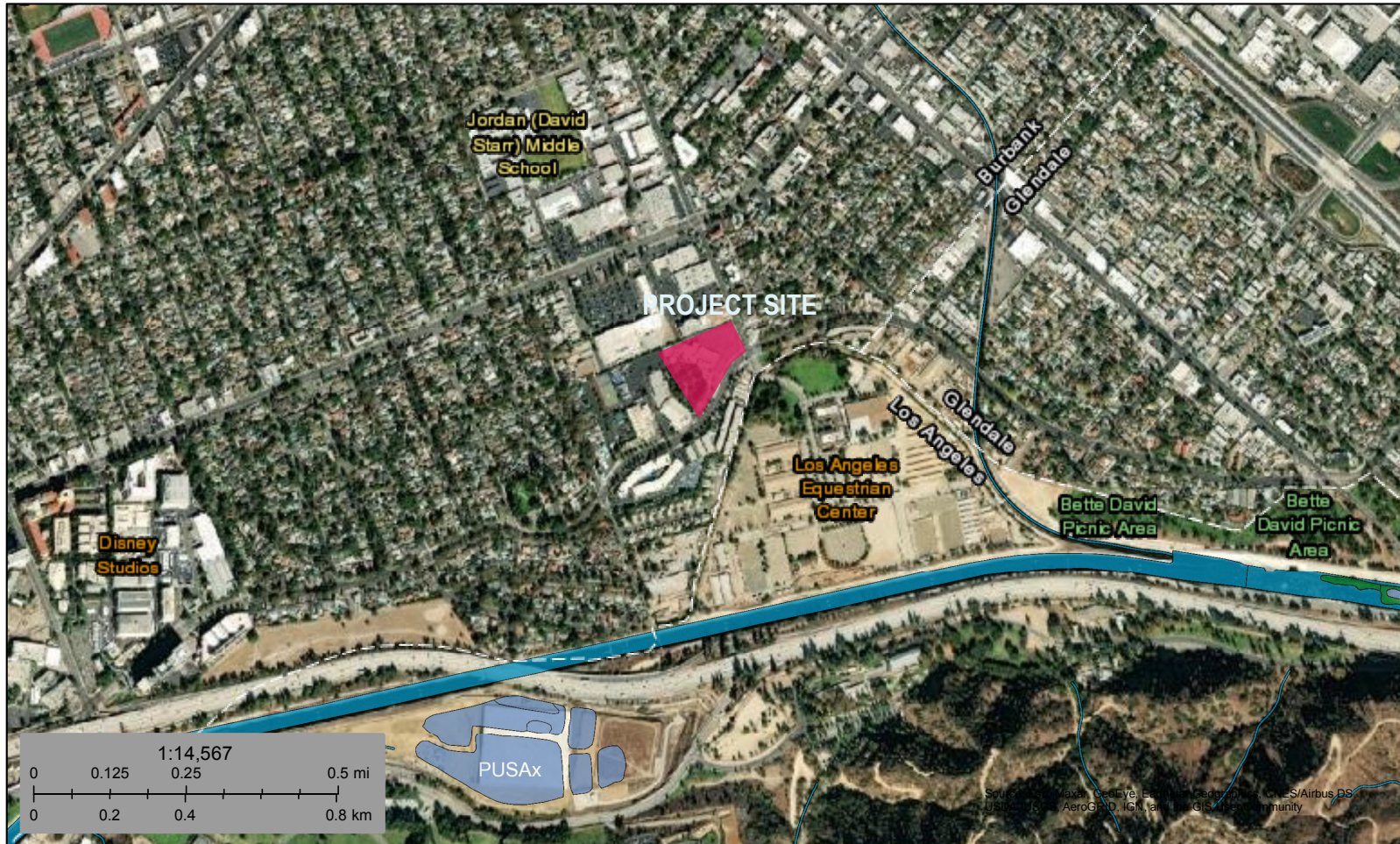
The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect 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 94248, Sacramento, CA 94244-2460, (916) 327-3539.

Jerry Brown, Governor,
State of California
Jules 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 (FRSZ06_1)
CAL FIRE Very High Fire Hazard Severity Zones in LRA - Los Angeles (c19hsz06_5)



June 1, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

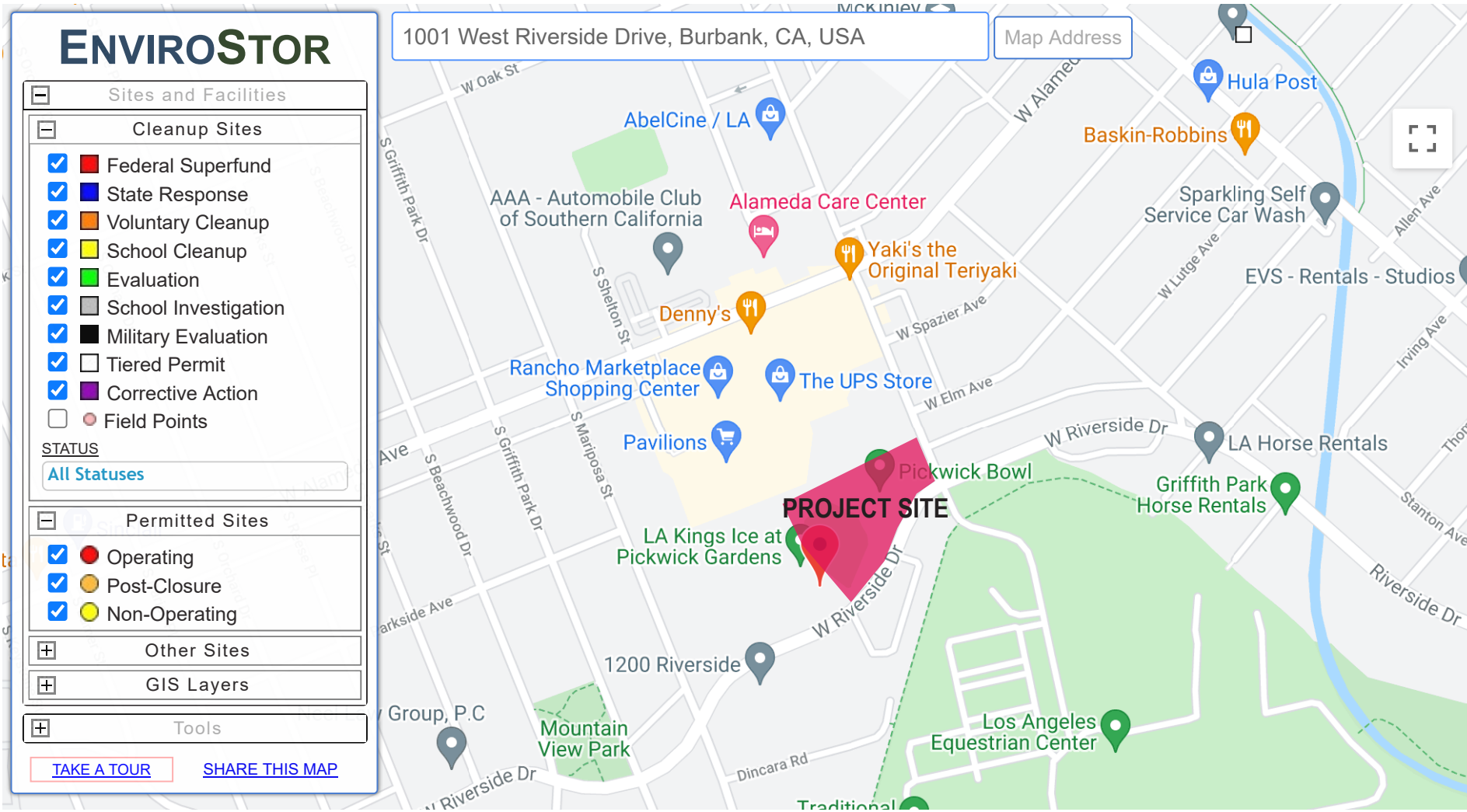
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- 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



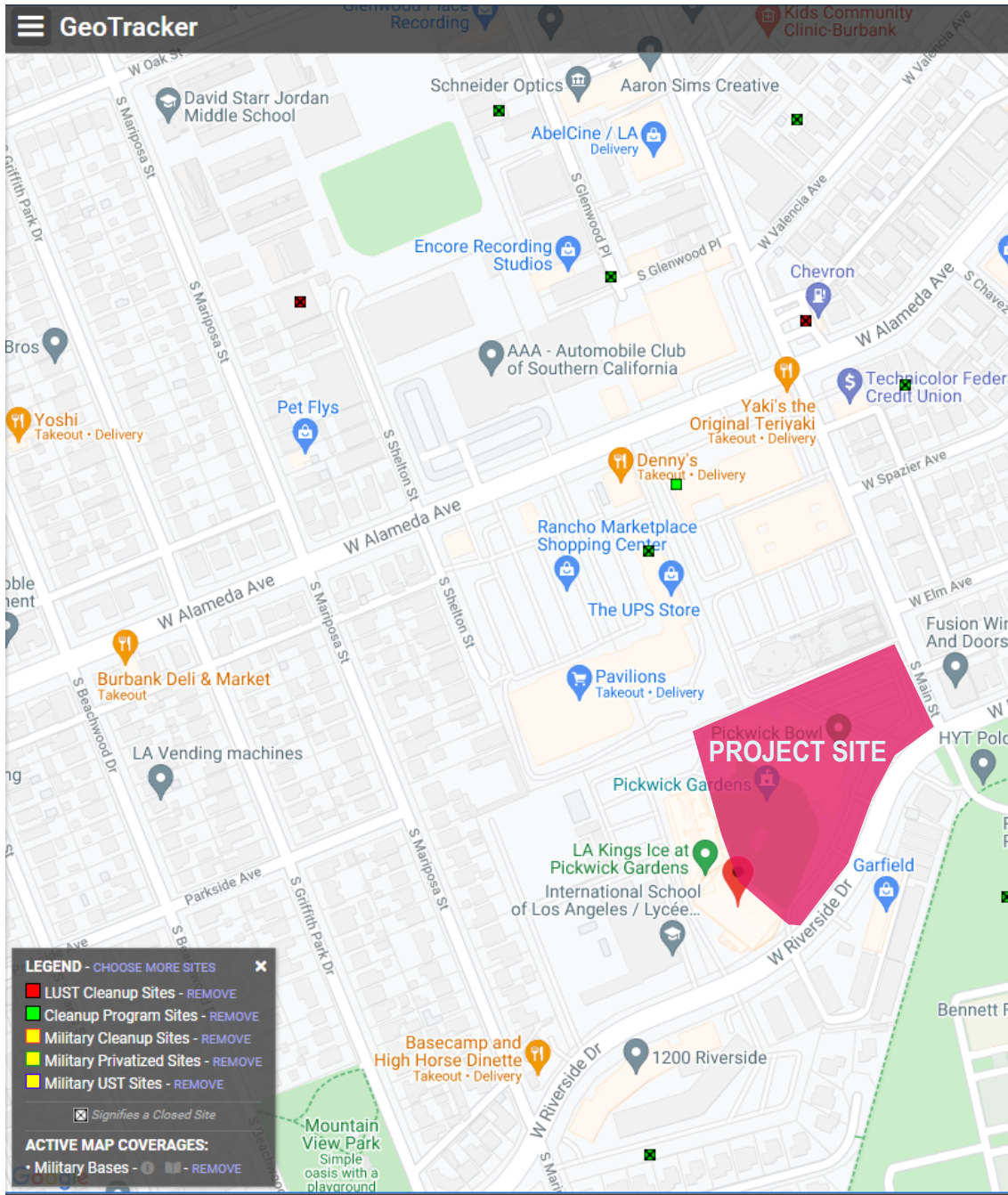


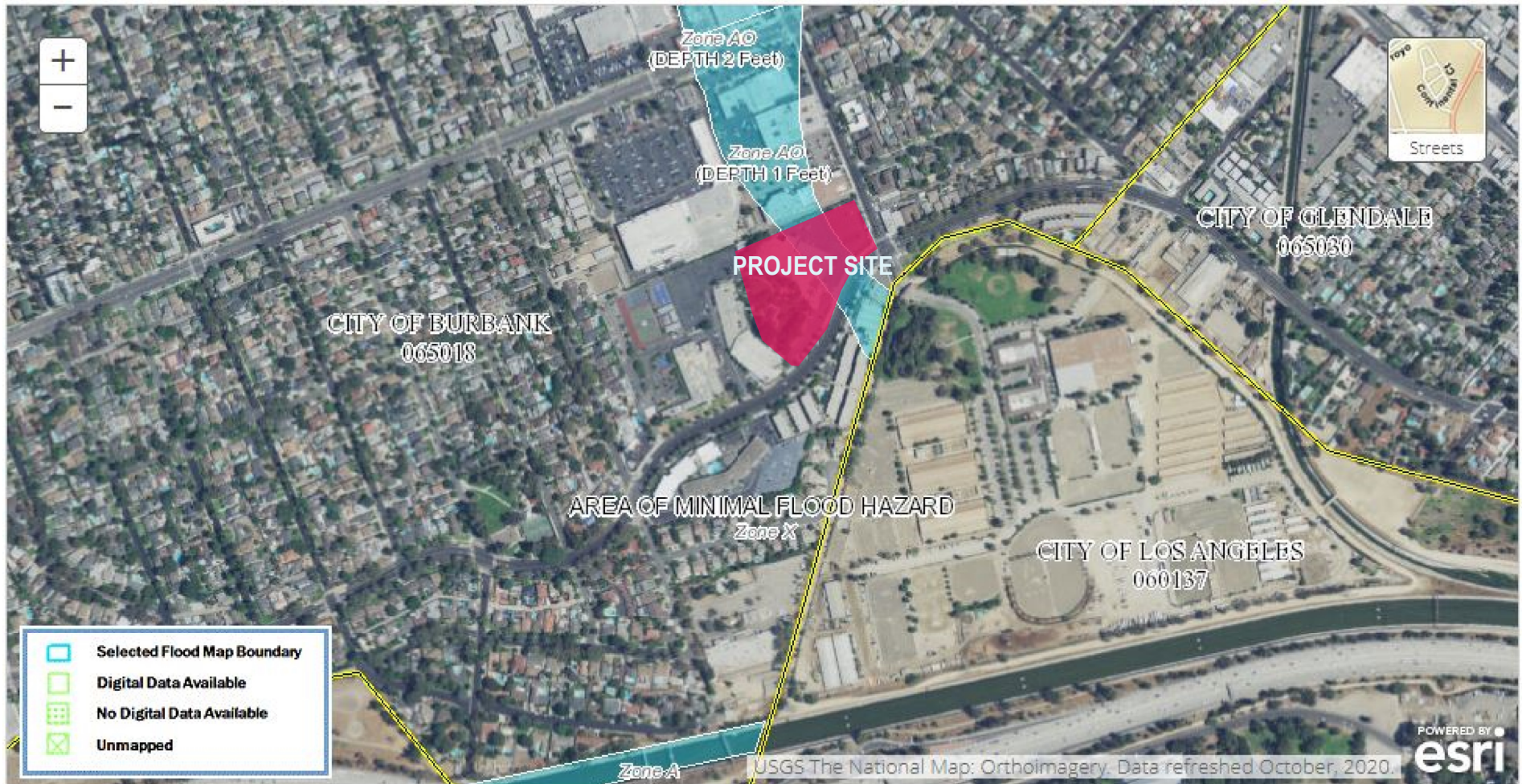
Google

100 m Map data ©2021

SITES CURRENTLY VISIBLE ON MAP		3 SITES LISTED		EXPORT THIS LIST TO EXCEL
PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
<input type="checkbox"/> ALL METALS PROCESSING CO., INC.	REFER: OTHER AGENCY	TIERED PERMIT	264 W. SPAZIER AVENUE	BURBANK
<input type="checkbox"/> GRIFFITH PARK EXP LAB	INACTIVE - NEEDS EVALUATION	MILITARY EVALUATION		LOS ANGELES
<input type="checkbox"/> GRIFFITH PARK PHOTO CENTER	INACTIVE - NEEDS EVALUATION	MILITARY EVALUATION		LOS ANGELES

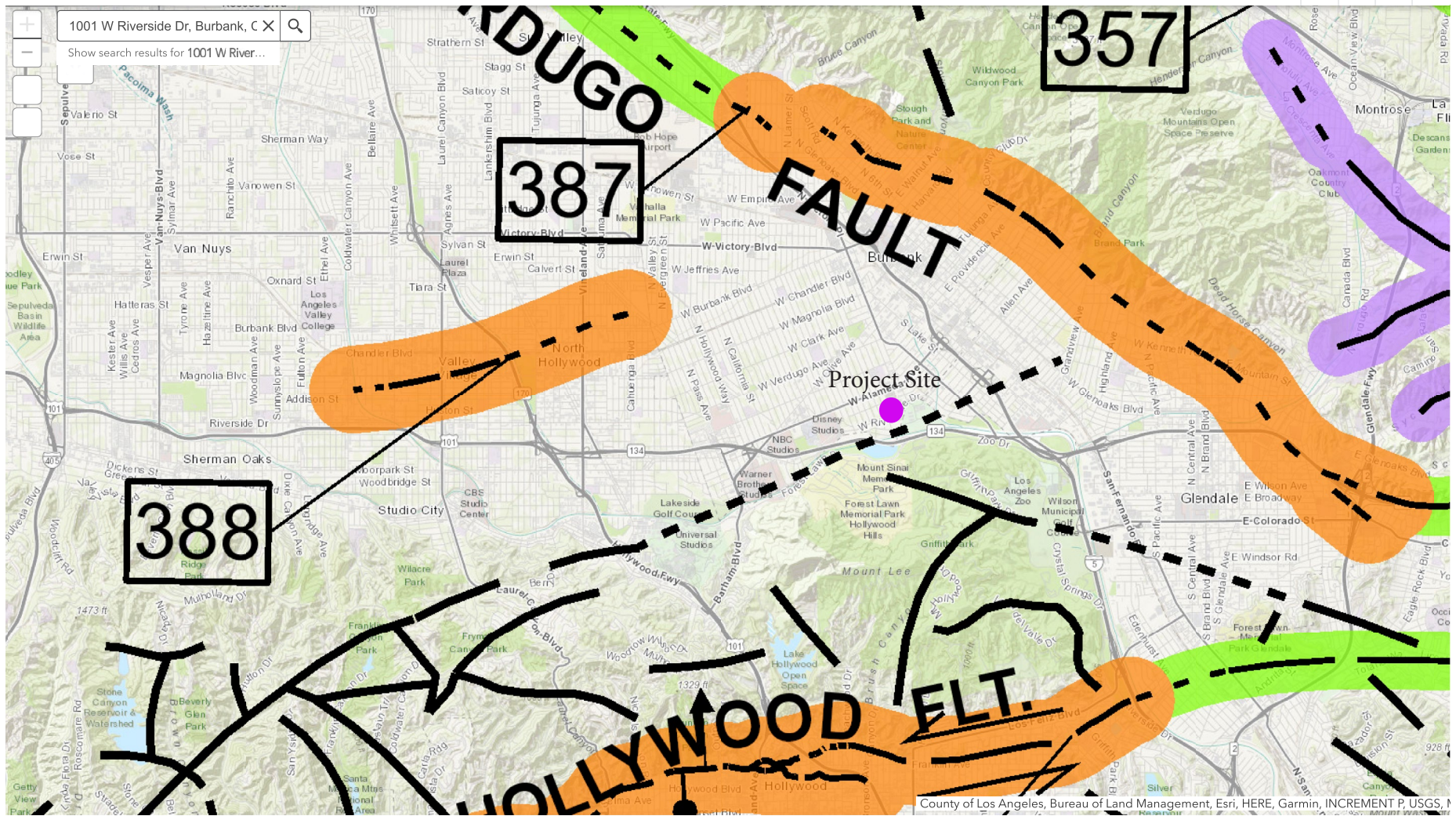






Fault Activity Map of California

California Geological Survey



1mi
 -118.338 34.219 Degrees
<https://maps.conservation.ca.gov/cgs/fam/app/>



Teresa Grimes | Historic Preservation
Teresa.Grimes@icloud.com
323-868-2391

MEMORANDUM

Date: May 10, 2020

For: Scott B. Birkey, Esquire
Cox Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, CA 94111

Subject: 921-1001 W. Riverside Drive and 1105 S. Main Street, Burbank

This memorandum was prepared in response to your request for information regarding the property at 921 W. Riverside Drive in the City of Burbank. According to the Los Angeles County Office of the Assessor, the property is comprised of one parcel, 2443-001-018 and 019, and is occupied by buildings constructed in 1958, 1961, 1964, and 1987. The property was historically known as the Pickwick Recreation Center and is now called Pickwick Gardens.

The property is not included in the Built Environment Resources Directory (BERD), which is an inventory that includes properties listed as National Historic Landmarks, listed and determined eligible for listing in the National Register of Historic Places, listed and determined eligible for listing in the California Register of Historical Resources, California Historical Landmarks, California Points of Historical Interest, and properties that have been identified and evaluated in historic resource surveys (but only those that have been submitted to the State Office of Historic Preservation). The BERD replaces the former Historic Properties Directory (HPD) that previously provided evaluation status information for properties processed through State Office of Historic Preservation. Therefore, the property at 921 W. Riverside Drive is not listed under national and state landmark or historic district programs including the National Register of Historic Places or California Register of Historical Resources.

The City of Burbank has a Historic Preservation Ordinance, which was adopted by the City Council and the Heritage Commission in 1994, a Historic Preservation Plan adopted in 1999, and a Historic Context Statement prepared in 2009. The property at 921 W. Riverside Drive is not mentioned in any of those documents. In 2014, a historic resource survey was conducted of signs. The Pickwick Bowl sign was identified and evaluated as eligible for listing under the local ordinance; however, it is not formally listed on the local historic register. Thus, neither the property as a whole nor any of the buildings or features thereon are listed as listed on the local historic register.

A list of registered historic properties in Burbank is attached for your information. The property is not included on this list.

National Register of Historic Places

U.S. Post Office, 125 E. Olive Avenue
Burbank City Hall, 275 E. Olive Avenue

California Register of Historic Places

Bellarmino Jefferson High School, 465 E. Olive Avenue

California Point of Historic Interest

Bob's Big Boy, 4211 Riverside Drive

Burbank Historic Resources

The Rock House, 902 E. Olive Avenue
834 E. Magnolia Boulevard
923 E. Magnolia Boulevard
901 Sherlock Drive
910 Sherlock Drive
The Mentzer House, 1015 W. Olive Avenue
922 N. Bel Aire Drive
1258 E. Elmwood Avenue
837 E. Olive Avenue

ATTACHMENT K

MEMORANDUM

To: Scott Plambaek, City of Burbank

From: Scott Birkey, Cox, Castle & Nicholson LLP
James Kawamura, KHR Associates
Cary Brockman, KHR Associates

Cc: Matt Waken, MW Investments

Date: October 20, 2021

Re: The Pickwick Project's Compliance with SB 35 "Special Flood Hazard Area" Qualifying Criterion

This memorandum provides additional support for The Pickwick Project's ("Project") compliance with the Senate Bill ("SB") 35 qualifying criterion regarding "special flood hazard areas."

Background

Pursuant to Section 65913.4(b) of the Government Code, MW Investments ("Project Proponent") submitted a Notice of Intent to Submit an SB 35 Application on July 1, 2021 ("Notice of Intent") in connection with a development proposal ("Project") located at 1001 W. Riverside Drive and generally referred to as Pickwick Gardens ("Property") in the City of Burbank ("City"). The Property is comprised of two legal parcels.

As the Project Proponent indicated in its Notice of Intent, and in reference to a particular qualifying criterion set forth in SB 35, a portion of the legal parcels that comprise the Property is located within a "special flood hazard area" with the designation of flood zone "AO" and a flood depth of one foot, as determined by the Federal Emergency Management Agency ("FEMA"). See attached Exhibit A titled "Existing Conditions – Flood Hazard Zone."

As the Project Proponent explained in the Notice of Intent, the Project will be able to meet the minimum flood plain management criteria of the National Flood Insurance Program regulations, as referenced in Section 65913.4(a)(6)(G) of SB 35 and the SB 35 Guidelines. Because the Project will follow the design and construction criteria specified in these regulations, the SB 35 restrictions pertaining to special flood hazard areas do not apply.

The purpose of this memorandum is to provide additional support as to the Project's compliance with this SB 35 qualifying criterion.

SB 35 Requirements

SB 35 specifies that a qualifying development must not be located "on a site that is," among other things:

ATTACHMENT K

Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under [SB 35], a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development ***may be located on a site [within a special flood hazard area]*** if either of the following are met:

- (i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
- (ii) The ***site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria*** of the National Flood Insurance Program 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.

(Gov't Code Section 65913.4(a)(6)(G) (emphasis added).)

The SB 35 Guidelines further provide that:

The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a legal parcel(s) that is . . . Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

- (A) This restriction does not apply if the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local government.
- (B) This restriction ***does not apply*** if the development proponent can demonstrate that they will be able ***to meet the minimum flood plain management criteria of the National Flood Insurance Program*** 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.
 - i. If the development proponent demonstrates that the development satisfies either subsection (A) or (B) above, and that the development is otherwise eligible for the Streamlined Ministerial Approval Process, the local government shall not deny the application for the development on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site related to special flood hazard areas.

ATTACHMENT K

- ii. If the development proponent is seeking a floodplain development permit from the local government, the development proponent must describe in detail in the application for the Streamlined Ministerial Process how the development will satisfy the applicable federal qualifying criteria necessary to obtain the floodplain development permit. Construction plans demonstrating these details shall be provided to the locality before the time of building permit issuance, however, construction plans shall not be required for the local jurisdiction to take action on the application under the Streamlined Ministerial Approval Process.

(SB 35 Streamlined Ministerial Approval Process Guidelines, Article IV, Section 401(b)(7) (March 30, 2021) (emphasis added).)

The FEMA Regulations cited in the exceptions to these special flood hazard area requirements pertain to FEMA's Insurance and Hazard Mitigation regulations and in particular those FEMA regulations governing the criteria for land management and use, and requirements for flood plain management. More specifically, Subpart A provides "Requirements for Flood Plain Management Regulations." (44 C.F.R. Sections 60.1 – 60.8.) In effect, SB 35's references to these regulations establish that, to avoid the restriction against parcels located within a special flood hazard area, a developer must demonstrate that the proposed development will be safe from flooding associated with a certain flood event.

The Project Complies with the SB 35 Requirements

We note as an initial matter that SB 35 and the SB 35 Guidelines do not specify whether the special flood hazard area requirement applies to development located on a site that is ***entirely within*** or ***only partially within*** a special flood hazard area. SB 35 simply states that the development must not be located on a site "that is . . . within a special flood hazard area," subject to certain exceptions. (Gov't Code Section 65913.4(a)(6)(G).) Arguably, because only a portion (approximately 25%) of the Property is located within a special flood hazard area, this requirement does not apply to the Project.

In any event, assuming this requirement does apply to the Project, the Project complies with this requirement because it will satisfy the FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

SB 35 and the SB 35 Guidelines refer to two sets of FEMA requirements with which a project must comply in order to be located within a special flood hazard area, if the site has not already been subject to a Letter of Map Revision ("LOMR") prepared by FEMA. In this instance, because the Property is not currently subject to a LOMR, the Project must demonstrate that it satisfies the relevant FEMA requirements referenced in SB 35 and the SB 35 Guidelines.

Here, certain minimum flood plain management criteria established by FEMA are directly relevant because the Federal Insurance Administrator has designated an AO Zone on the City's FIRM. These

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criteria can be found in Section 60.3(c) of Title 44, Subpart A of the Code of Federal Regulations.¹ Two criteria are directly relevant to the Project, and they include:

1. Require within any AO zone on the City's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified) (44 C.F.R. Section 60.3(c)(7)); and
2. Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures (44 C.F.R. Section 60.3(c)(11)).

With respect to the **first criterion**, as shown on the attached Exhibit B titled "Building Flood Elevations – Flood Hazard Zone," as currently proposed all new construction and substantial improvements of residential structures will have the lowest floor elevated above the highest adjacent grade at least as high as one foot, which is the depth number specified in feet on the City's FIRM map relative to the Property's location within Zone AO. FEMA defines "highest adjacent grade" as "the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure." (44 C.F.R. Section 59.1.)

Exhibit B demonstrates that within the area designated as Zone AO on the Property, the "Proposed Floor Elevation" of the development as currently proposed will be elevated above the "Existing Surface Elevation," i.e., the highest adjacent grade, by approximately 3.20 feet on average. The Project Proponent will raise these development elevations beyond the one-foot depth flood contemplated by the AO Zone designation on this portion of the Property. This elevation increase is more than three times higher than the one-foot depth number specified on the City's FIRM map for the Property. As such, by elevating the construction of the proposed residential structures more than one foot within this portion of the Property, **the Project will comply with the first criterion.**

With respect to the **second criterion**, as shown on Exhibit C titled "Preliminary Grading and Drainage Plan," the Project will include adequate drainage around structures on slopes, to guide storm and floodwaters around and away from the proposed residential structures.

As currently proposed, the Project's drainage system includes a network of ribbon gutters throughout the Property. Two key segments run north-to-south and east-to-west through the special flood hazard area, intersecting near the middle of the special flood hazard area. In addition, the Project will include several drain inlets and underground storm tanks located throughout the Property for efficient stormwater retention and drainage. Moreover, the Project will include slopes of 2% or more grade

¹ Section 60.3(d) may also apply to the extent the Federal Insurance Administrator has provided data from which the City must designate a regulatory floodway. This section incorporates the criteria from Section 60.3(c), which are used for this analysis. However, other categories of standards contained in Section 60.3 of the FEMA Regulations do not apply to this Property. This is because those categories apply based on whether, for example, the Federal Insurance Administrator has or has not defined special flood hazard areas (e.g., Section 60.3(a)), the Federal Insurance Administrator has not produced water surface elevation data (e.g., Section 60.3(b)), the FIRM identifies coastal high hazard areas (e.g., Section 60.3(e)), or the Federal Insurance Administrator has identified flood protection restoration areas (e.g., Section 60.3(f)).

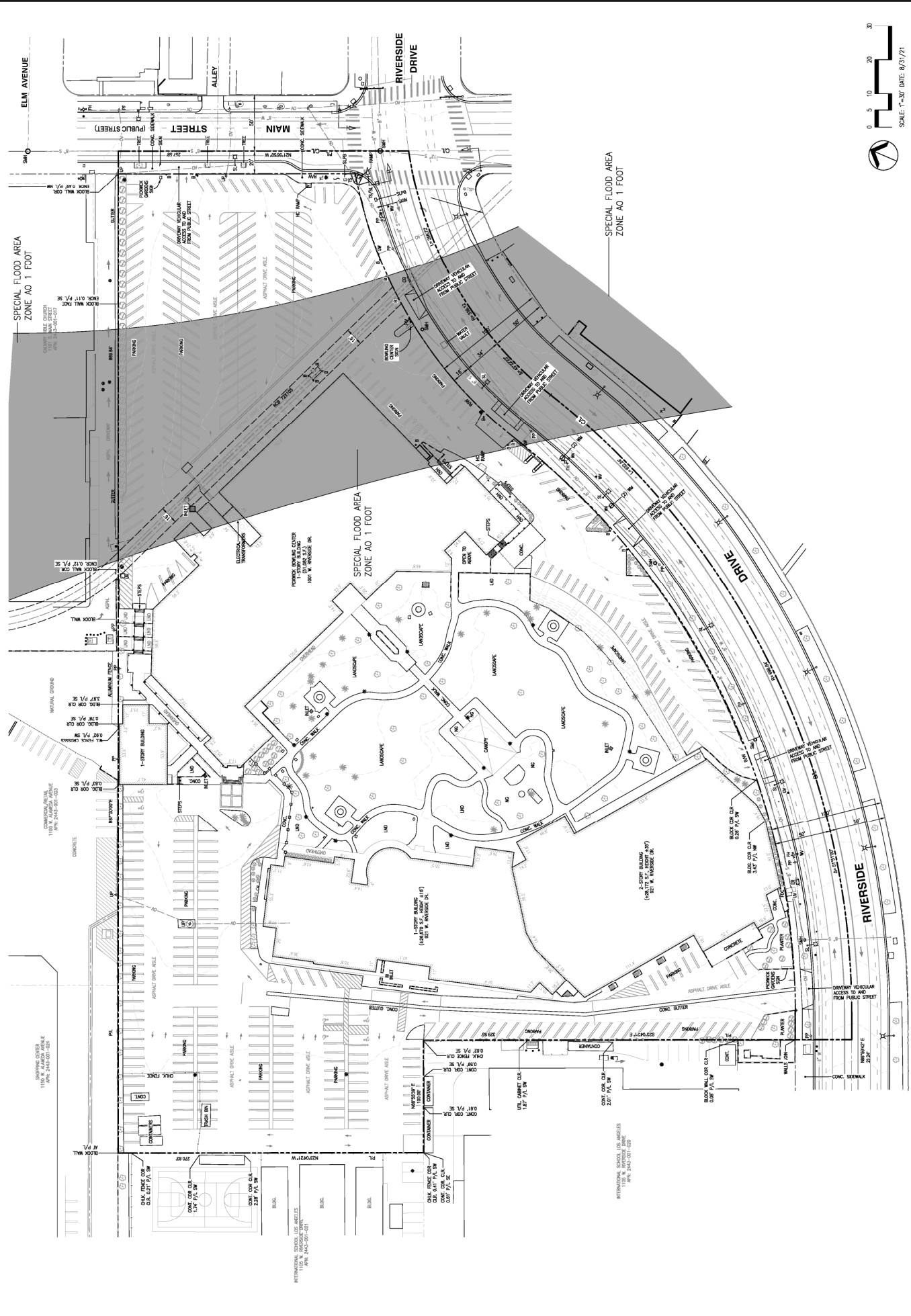
ATTACHMENT K

away from structures. With this proposed infrastructure, the Project will provide adequate drainage around structures on slopes to guide storm and floodwaters around and away from proposed structures. As such, ***the Project will comply with the second criterion.***

The remaining criteria in Section 60.3(c) are not relevant to the Project. This is because those remaining criteria apply to standards in zones other than the AO zone (see, for example, 44 C.F.R. Sections 60.3(c)(2), (3), (6), (9), (10), (12), (13), (14)), apply to non-residential projects (see, for example, 44 C.F.R. Sections 60.3(c)(4), (8)), apply to residential product types other than townhomes (see, for example, 44 C.F.R. Sections 60.3(c)(12), (14)), or apply to project designs that are not being proposed for the Project (see, for example, 44 C.F.R. Section 60.3(c)(5)). Therefore, these remaining criteria do not apply to the Project or for purposes of the City's determination as to whether the Project is exempt from the special flood hazard area restriction in SB 35.

ATTACHMENT K

EXHIBIT A



EXISTING CONDITIONS - FLOOD HAZARD ZONE
RIVERSIDE DRIVE / SOUTH MAIN STREET, BURBANK, CALIFORNIA

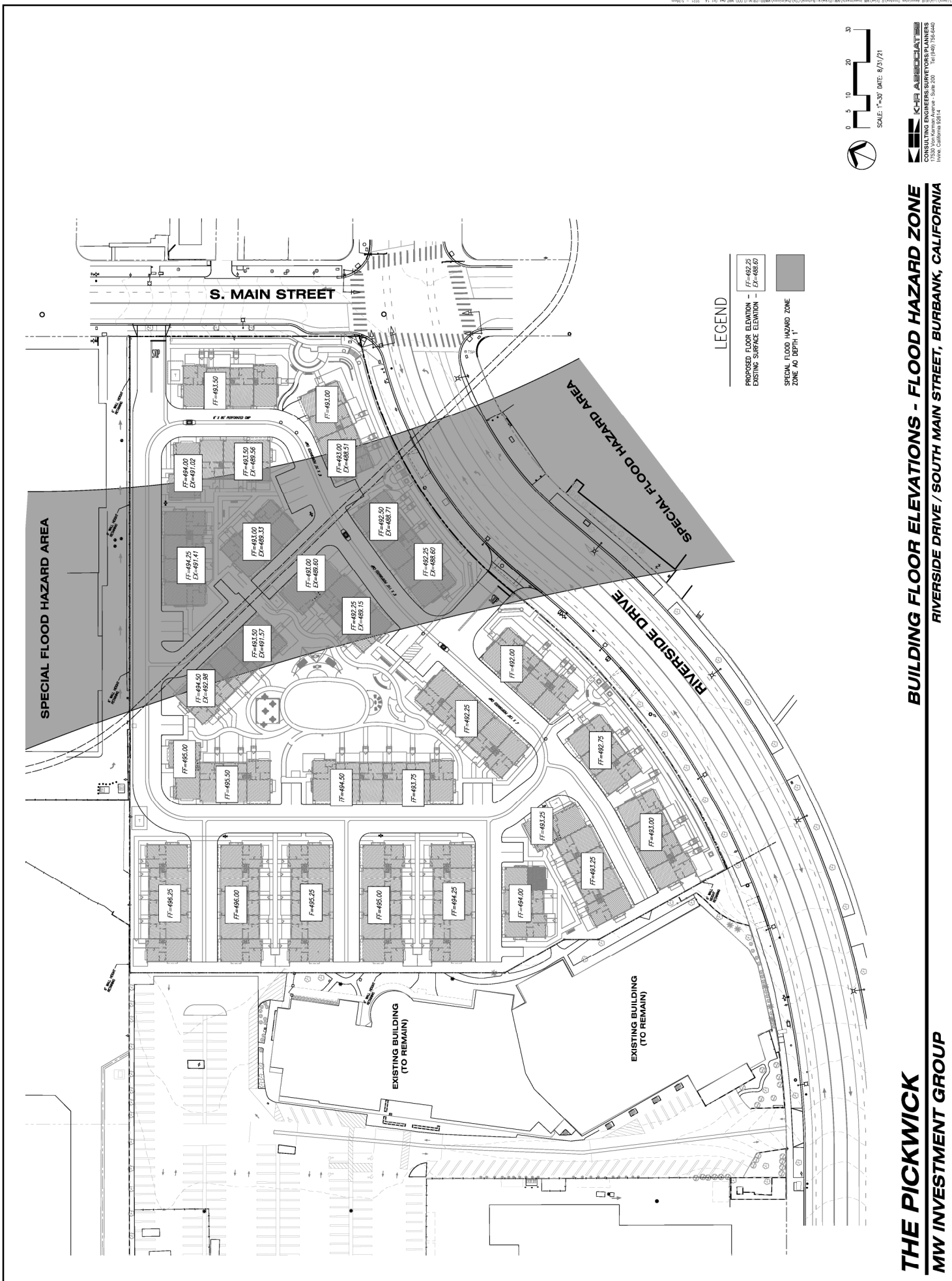
THE PICKWICK
MW INVESTMENT GROUP



K-H AEROSPACE
CONSULTING ENGINEERS SURVEYORS PLANNERS
 11250 Van Nuys Avenue - Suite 200
 Van Nuys, California 91411

ATTACHMENT K

EXHIBIT B



THE PICKWICK
MW INVESTMENT GROUP

BUILDING FLOOR ELEVATIONS - FLOOD HAZARD ZONE
RIVERSIDE DRIVE / SOUTH MAIN STREET, BURBANK, CALIFORNIA

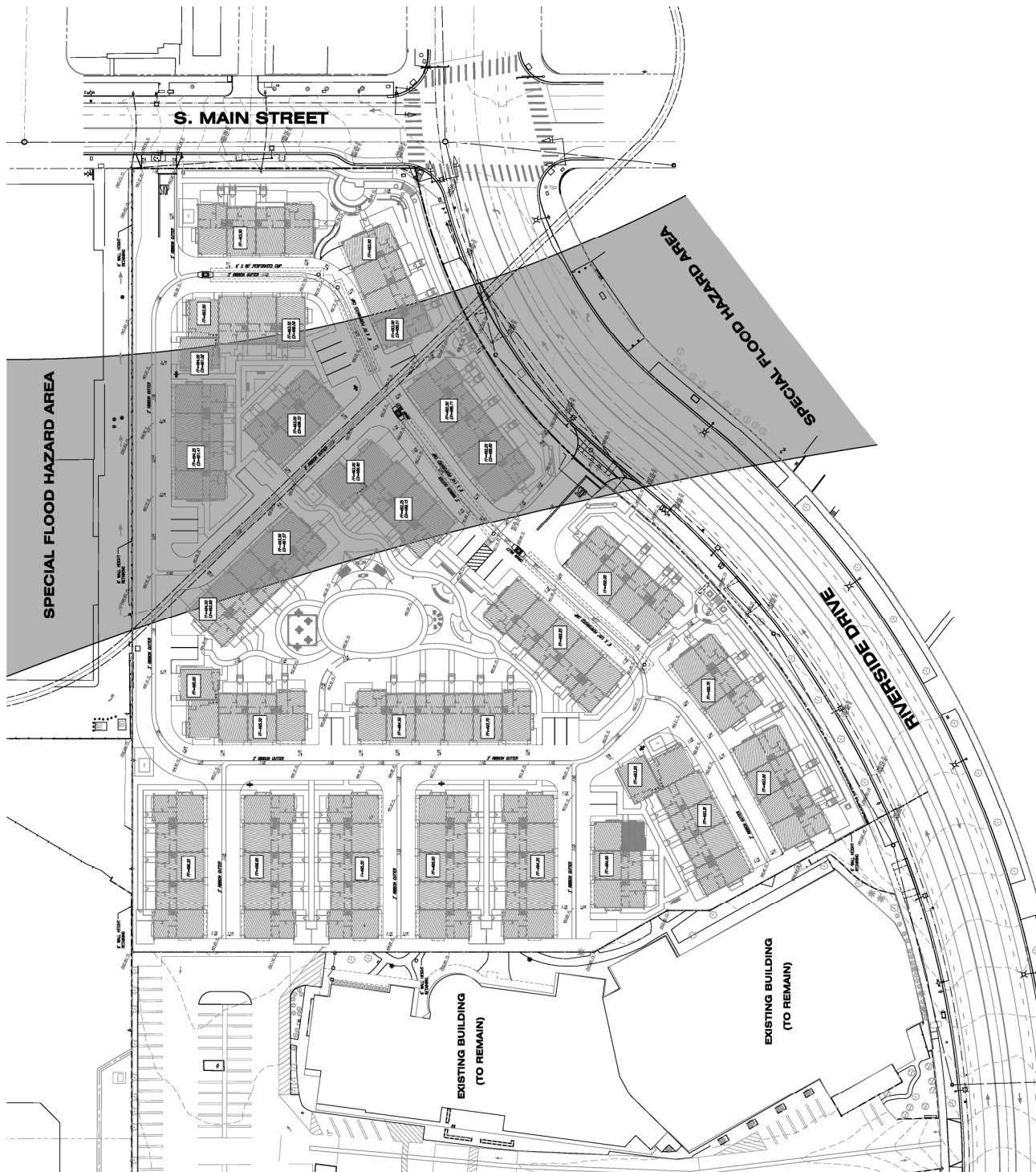
K-H & ASSOCIATES
CONSULTING ENGINEERS SURVEYORS PLANNERS
 17500 Van Kester Avenue - Suite 200 - Torrance, California 90504
 Tel: (847) 755-6440
 Fax: (847) 755-6440

ATTACHMENT K

EXHIBIT C



THE PICKWICK GROUP
CONSULTING ENGINEERS ARCHITECTS INTERIORS
17530 Von Karman Avenue, Suite 200 Tel: (626) 795-5440
Pomona, California 92674



PRELIMINARY GRADING AND DRAINAGE PLAN
RIVERSIDE DRIVE / SOUTH MAIN STREET, BURBANK, CALIFORNIA

THE PICKWICK
MW INVESTMENT GROUP



October 4, 2022

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

Re: State Density Bonus Law Concession Request for The Pickwick Project

Dear Mr. Prescott:

The applicant, Pickwick Investment, LLC, is requesting approval of The Pickwick project (Project) pursuant to Senate Bill (SB) 35. This concession request letter accompanies the formal SB 35 application package for the Project.

Pursuant to Section 10-1-635 of the Burbank Municipal Code, the Project is eligible to receive a concession since it reserves at least 10 percent of the units to Low-Income Earners. The applicant is requesting one concession to be granted to implement the Project pursuant to Section 10-1-640, *Development Standards Modified as Incentive or Concession*.

A.1 A reduction of site Development Standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901[)]) of Division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:

b. Reduced minimum lot setbacks.

Section 10-1-2441.C.2.a of the Burbank Zoning Code states that all structures within the Commercial Recreation (CR) zone shall be set back at least 25 feet from the front lot line. The Project is requesting front yard setback reduction from 25 feet to 17 feet along Main Street and from 25 feet to 23 feet along Riverside Drive due to a potential dedication to the City of Burbank for an equestrian trail.

ATTACHMENT L

Required Findings for a Concession

Pursuant to Section 65915(d)(1)(A) – (C) of the Government Code (i.e., the State’s Density Bonus Law), the City shall grant the concession unless the City makes a written finding, based upon substantial evidence, of any of the following:¹

1. *The concession or incentive does not result in identifiable and actual cost reductions . . . to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in [the State’s Density Bonus Law].*

The requested setback concession **does result** in identifiable and actual cost reductions. A strict application of the City’s setback requirement would result in the elimination of dwelling unit(s) from the overall project. The elimination of any units from the project’s total yield of 92 dwelling units would result in a relative increase in the development costs of the remaining units proposed for the project. Any increase in the development costs per unit would affect the applicant’s ability to absorb increased costs associated with the affordable housing units.

2. *The concession or incentive would have a specific, adverse impact . . . upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*

The requested setback concession **would not have** any such adverse impacts. The reduction of the setback would result in minor decreases in the setbacks along Main Street and Riverside Drive, which would result in no impact “upon public health and safety or the physical environment.” The applicant is requesting this setback reduction in order to accommodate an equestrian trail for the community. In addition, the requested setback would not have effect upon any real property listed in the California Register of Historical Resources because no structures located on the property are listed in the Register.

3. *The concession or incentive would be contrary to state or federal law.*

The requested setback concession **would not be contrary** to any state or federal laws. The requested concession will be in furtherance of state and federal legislative efforts to increase the housing supply in California, in particular Senate Bill 35 (Government Code Section 65913.4) which

¹ These findings are different from the findings identified in the City’s Density Bonus Implementing Regulations, which were revised in March 2008, because the findings required pursuant to the State’s Density Bonus Law have since changed. According to the City’s Density Bonus Implementing Regulations, “If State Law changes, Burbank’s Municipal Code has a provision to automatically be amended if inconsistencies exist. These Implementing Regulations will also change as a result of State Law changes when necessary.” (See page 6 of 6 of the Regulations.)

ATTACHMENT L

states that “[i]t is the policy of the state that [SB 35] be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply,” and Senate Bill 330 (Government Code Section 66300 et seq.) which includes the Housing Crisis Act of 2019.

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 'AScales', with a stylized flourish extending to the right.

Alan Scales, AIA, NCARB
Principal
KTYG Architecture + Planning



Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262.5199

Scott B. Birkey
415.262.5162
sbirkey@coxcastle.com

October 13, 2021

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

Dear Mr. Prescott:

We represent MW Investments (“Applicant”) in connection with a development proposal (“Project”) located at 1001 W. Riverside Drive and generally referred to as Pickwick Gardens (“Property”) in the City of Burbank (“City”). Applicant certifies that it will comply with the prevailing wage requirements of Senate Bill (“SB”) 35 and set forth in Section 65913.4 of the Government Code, including that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable.

Specifically, Applicant certifies that:

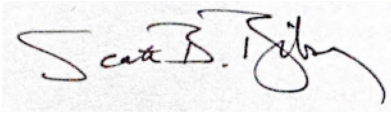
1. The prevailing wage requirement of SB 35 will be included in all contracts for the performance of the work;
2. All contractors and subcontractors shall be required to pay to all construction workers and apprentices at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable;
3. All contractors and subcontractors shall be required to maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein; and
4. The obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

In addition, and for the purposes of clarity, in accordance with the SB 35 Guidelines issued by the California Department of Housing and Community Development, the provisions of Section 65913.4(a)(8)(B) relating to skilled and trained workforce provisions do not apply to the Project because the City of Burbank population as determined under the last Centennial Census is not 225,000 or more.

ATTACHMENT M

We look forward to working with you on the Project.

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read "Scott B. Birkey".

Scott Birkey
Cox, Castle & Nicholson LLP

Cc: Matthew J. Waken, MW Investment Group, LLC