



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
www.ci.burbank.ca.us

July 29, 2021

SENT VIA EMAIL

ABS Properties, Inc.
5500 W. Hollywood Blvd.
4th Floor, West Wing
Los Angeles, CA 90028

Subject: 2814 W. Empire Avenue, SB 35 Initial Project Review

Dear Victor Salazar:

The City of Burbank has reviewed your Notice of Intent (NOI) to submit an application for Streamlined Ministerial Approval Process dated June 29, 2021 requesting a preliminary review of a proposed multi-family residential project located at 2814 W. Empire Avenue (**Proposed Project**). The NOI was reviewed for compliance with the Senate Bill (SB) 35, pursuant to Section 65913.4 of the California (CA) Government Code. Your submittal package contained a NOI for SB 35 Streamlined Ministerial Approval Process, architectural plans, hydrology and drainage study, conceptual civil site plan, Development Review application with project description, and Tax Credit Allocation Committee form for the proposed Project.

Below is a list of all criteria per CA Government Code 65913.4 that the Proposed Project must meet to qualify for ministerial approval under SB 35.

Although there are some items for which more information is needed to verify consistency (as listed below), as an initial determination, the City finds the Proposed Project is **eligible** for SB 35. You have indicated in your letter and demonstrated in your consistency analysis that all of the SB 35 criteria, including the City's objective development standards, are or will be complied with, including, but not limited to, the maximum allowed density limits and affordability provisions and labor provisions pursuant to CA Government Code Section 65913.4. Therefore, this letter confirms that you are eligible for SB 35 Streamlined Ministerial Approval Process.

SB 35 Criteria and Consistency Analysis

1. The City received a NOI for the proposed Project on June 29, 2021. As a part of the NOI the proposed Project shall demonstrate consistency with all SB 35 criteria per CA Government Code 65913.4. Since the receipt of your NOI on June 29, 2021 the City has reached out to the Tribes to request initiation of the required consultation process. Please find the NOI consistency analysis below. The development is a multi-family housing development that contains two or more residential units.

Analysis: Consistent. The application includes 148 residential dwelling units.

2. The development is located on a site that satisfies all the following:
 - a. A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

Analysis: Consistent. The Project site is located within an existing legal parcel located in the City of Burbank, for which the boundaries include an urbanized area or urban cluster, as designated by the United States Census Bureau (see **Attachment A**).

- b. A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

Analysis: Consistent. Project site is located within an existing urbanized area. The site is located in an existing parcel that abuts a commercial property to the west and north, an urban park towards the east, and residential uses towards the south. Aerial map provided as **Attachment B** shows the location of the Project site with respect to the neighboring properties.

- c. A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

Analysis: Consistent. According to the City's Burbank 2035 General Plan (2013) Land Use Element, the land use designation for the property is Regional Commercial. As noted in Policy 11.5 of the General Plan, residential uses are allowed in Regional Commercial designation, and the designation allows for a maximum FAR of 1.25 and 58 units per acre subject to a discretionary review – when the project is not being processed in conjunction with SB 35 streamlining permit.

According to the City's Zoning Map (2019), the Property is zoned M-2 (General Industrial) Zone. Pursuant to Section 10-1-808.5 of the Burbank Municipal Code, in the M-2 Zone, all uses shall be consistent with the maximum floor area ratio (FAR) and maximum residential density, as prescribed in the General Plan, which allows a 1.25 FAR and 58 units per acre. Pursuant to Section 10-1-809, in the M-2 Zone, uses are allowed as set forth in Burbank Municipal Code (BMC) Section 10-1-502, where residential use is not listed as a permitted use in the M-2 Zone. Nevertheless, pursuant to CA Government Code Section 65913.4(a)(5)(B), if objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards if the development is consistent with the standards set forth in the General Plan. As the residential use of the proposed Project is consistent with the General Plan, the Project is consistent with this State provision.

3. The development includes affordability provisions identified in the SB 35 Guidelines under CA Government Code Section 65913.4(a)(4), including the following:

- a. The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower-income housing units required shall remain available at affordable housing costs or rent to persons and families of lower income for no less than the following periods of time and shall be recorded by the City for each parcel or unit of real property included in the development:
 - i. Fifty-five years for units that are rented.
 - ii. Forty-five years for units that are owned.

Analysis: Incomplete-Additional Information Required. In addition to NOI pursuant to SB 35, the Applicant has submitted a SB 330 Preliminary Application which specified that the Project is proposing 148 residential units, including 118 low income and 29 moderate income housing units, and a manager's unit at market rate. Additionally, the Project is proposing subsidized rental units with affordability restriction of fifty-five years. Please incorporate the number of units being proposed along with their affordability as part of the future application submittal for Development Review per SB35.

- b. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on the project containing more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

Analysis: Consistent. The Project is dedicating 79 percent of the total number of units of housing affordable to households making at or below 80 percent of the Los Angeles County Area Median Income (AMI), (by proposing 118 low-income units out of the 148 total proposed), exceeding minimum required 10 percent affordable housing units. Moreover, an affordable housing covenant or similar restriction shall be recorded against the Project noting all deed-restricted affordable units including the required minimum percentage of affordable units deed restricted for households making at or below 80 percent of the AMI. Pursuant to BMC Section 10-1-646, 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. The Applicant will provide the requisite number and income levels for affordable housing units in compliance with both SB 35, State Density Bonus law and the City's Inclusionary Housing Ordinance.

4. The development satisfies both of the following:

- a. Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

Analysis: Consistent. The City of Burbank has permitted less than 50 percent of the RHNA allocation for all income categories. As such, the pace of development has not met the requirements for the City's RHNA obligation.

- b. The development is subject to a requirement mandating a minimum percentage of below-market-rate housing based on one of the following:

- i. The locality did not submit its latest production report to the department by the time period required by CA Government Code Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies. *Please note, the City has an inclusionary housing ordinance that requires 15% of the units be sold to Low and or Moderate Income Households.*
- ii. The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that local ordinance applies.
- iii. The locality did not submit its latest production report to the department by the time period required by CA Government Code Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

Analysis: Consistent. The pace of development has not met the requirements for the City of Burbank's RHNA obligation is subject to the requirements noted in section 4(b)(i) above.

5. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:
 - a. A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.
 - b. In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.
 - c. The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

Analysis: Consistent. The Project site is located in M-2(General Industrial) Zone, and according to the City's Burbank2035 General Plan (2013) Land Use Element, the General Plan land use designation for the property is Regional Commercial. This land use designation allows for a maximum FAR of 1.25 and 58 units per acre, typically (i.e., when not being processed for density bonus approval pursuant to Section 65915 and SB 35 approval) with discretionary approval. Pursuant to the first footnote in Table 10-1-628(A) of the Municipal Code, for dwelling unit calculations, the number of allowed dwelling units is determined by rounding down to the nearest whole number even when the fraction is 0.5 or greater. Thus, the allowed number of units on the approximate 0.84-acre site at 58 units per acre is 48 units. The Applicant is requesting to maximize the density by proposing 148 affordable units pursuant to Government Code Section 65915, by requesting a density bonus and/or other concessions and waivers as allowed by the State law and Municipal Code. More specifically, the Applicant is requesting following and concessions/waivers from the—

- Unlimited density pursuant to CA Government Code Section 65915(f)(3)(D)(ii).
- An increase in height from the maximum allowed 50 feet to 79 feet pursuant to CA Government Code Section 65915(d)(2)(D).
- Waiver from parking standards pursuant to CA Government Code Section 65913.4(d)(1)(A).

Approval of below concessions/incentives falling under Tier 3 concessions for FAR, are subject to a City Council approval,

- A reduction in the required front yard setback from 15.8 feet to 4.1 feet pursuant to CA Government Code Section 65915(d)(2)(D).

Thus, subject to approval of density bonus, the application does not conflict with the City of Burbank2035 General Plan and City zoning requirements.

6. The proposed Project is not located on a legal parcel that is any of the following:

- a. Within a coastal zone, as defined in Division 20, California Coastal Act (commencing with Section 30000) of the Public Resources Code.

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not located within a coastal zone. Please provide a map indicating location of the Project site in relation to coastal zone, as designated by the California Coastal Act.

- b. On prime farmland or farmland of statewide importance, as defined, nor is the Property located on land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by voters of the city.

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not located on prime farmland or farmland of statewide importance, as designated by the California Department of Conservation. Please provide a map showing location of the Project site in relation to existing farmland areas as designated by the California Department of Conservation.

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

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not located on wetlands. Please provide a map showing location of the Project site in relation to

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

- d. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to CA Government Code Section 51178.

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not located within a very high fire hazard severity zone. Please provide a map indicating the location of Project site in relation to very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection.

- e. A hazardous waste site that is currently listed pursuant to CA Government Code Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Health and Safety Code Section 25356.

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not listed as a hazardous waste site pursuant to CA Government Code Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Health and Safety Code Section 25356. Please provide a DTSC map indicating the location of Project site that corroborates the information on the Project application form, i.e. that Project is not located on hazardous waste site.

- f. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. In any event, the Proposed Project will comply with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, and by the City's Building Department.

Analysis: Incomplete-Additional Information Required. Project application indicates that the Project site is not located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. Please provide a fault activity map indicating the location of the Project site in relation to the existing earthquake fault zones.

- g. Within a floodplain as determined by the Federal Emergency Management Agency (FEMA), nor in a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) or in any official maps published by FEMA.

Analysis: Incomplete-Additional Information Required. Project application specifies that the project site abuts a channel known as the "Lockheed Drain Channel," and a small portion of the site is within a 100-year flood hazard area. Please provide FEMA map indicating location of the Project site in relation to the flood hazard area, demonstrating the Project's eligibility in meeting 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.

- h. Within a regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

Analysis: Incomplete-Additional Information Required. As mentioned above, please provide FEMA map indicating location of the Project site in relation to the flood hazard area, demonstrating the Project's eligibility in meeting 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.

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

Analysis: Incomplete-Additional Information Required. Please provide a map indicating location of the Project site in relation to lands identified for conservation in an adopted Natural Community Conservation Plan pursuant to the Natural Community Conservation Planning Act, a Habitat Conservation Plan pursuant to the federal Endangered Species Act, or another adopted natural resource protection plan.

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

Analysis: Incomplete-Additional Information Required. Please provide a map indicating location of the Project site in relation to habitat used by protected species identified as candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the federal Endangered Species Act, the California Endangered Species Act, or the Native Plant Protection Act.

- k. Lands under conservation easement.

Analysis: Incomplete-Additional Information Required. Please provide a map indicating location of the Project site in relation to existing conservation easement as designated in the National Conservation Easement Database.

7. The development is not located on a site where any of the following apply:

- a. The development would require the demolition of the following types of housing:
 - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing that has been occupied by tenants within the past 10 years.

Analysis: Consistent. The site is currently developed with one story medieval themed restaurant with on-grade surface parking, and thus the proposed Project would not require the demolition of any housing.

- b. The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

Analysis: Consistent. The site is zoned M-2 (General Industrial) zone and has been operated as commercial use for more than 10 years; there currently is no housing onsite.

- c. The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

Analysis: Consistent. The site is not located in a historic district and there are no national, state, or locally designated historic structures on the site (per Appendix D of City of Burbank Historic Preservation Plan).

The proposed Project would not require the demolition of a historic structure that was placed on a national, state, or local historic register.

- d. The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the public by the subdivider or subsequent owner of the property.

Analysis: Consistent. The site is currently developed with a commercial (restaurant) use and thus the proposed Project would not require the demolition of any housing.

- 8. The development proponent has done both of the following, as applicable:
 - a. Certified to the locality that either of the following is true, as applicable:
 - i. The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
 - ii. If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:
 - a) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - b) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
 - c) Except as provided in subclause (V), all contractors and subcontractors shall 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.
 - d) Except as provided in subclause (V), 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.
 - e) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

- f) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.
- b. i. For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:
 - a) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
 - b) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
 - c) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
 - d) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
 - e) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
 - ii. For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
 - iii. If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
 - a) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
 - b) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
 - c) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under

the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

- d) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- c. Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:
 - i. The project includes 10 or fewer units.
 - ii. The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

Analysis: Consistent. The Applicant has noted on the Notice of Intent dated 29 June, 2021, that the proposed Project will comply with all labor provisions identified in SB 35 and the SB 35 Guidelines, pursuant to CA Government Code Section 65913.4, including the requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of the Project, as applicable.

- 9. The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:
 - a. The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).
 - b. The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

Analysis: Consistent. The Proposed Project does not involve subdivision of a parcel; therefore, this criterion does not apply.

- 10. The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title

2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

Analysis: Consistent. The Proposed Project is not located on an existing parcel of land or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

11. Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multi-family developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

a. The development is located within one-half mile of public transit.

Analysis: Incomplete-Additional Information Required. The Proposed Project is located approximately 0.41 miles from a pedestrian entrance to the Regional Intermodal Transportation Center (RITC) located at the northwest corner of Empire Avenue and North Hollywood Way. Therefore, the Proposed Project is within one-half mile of public transit, (see **Attachment C**). Additionally, the Project site is located within proximity to bus transit station at Empire/Niagara. Please provide an aerial map indicating the distance of the Project site from the nearest bus transit station.

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

Sincerely,

Shipra Rajesh

Shipra Rajesh
Associate Planner

CC: Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director
Scott Plambaeck, Deputy City Planner
Joseph H. McDougall, Chief Assistant City Attorney

Attachments

Attachment A – 2010 US Census – Urbanized Area Reference Map: Los Angeles–Long Beach–Anaheim, CA.
Attachment B – Aerial map showing location of Project site
Attachment C – Aerial Map showing distance of the Project site from Regional Intermodal Transportation Center (RITC) located at the northwest corner of Empire Avenue and North Hollywood Way
Attachment D – City Comments on Preliminary Application and Conceptual Design

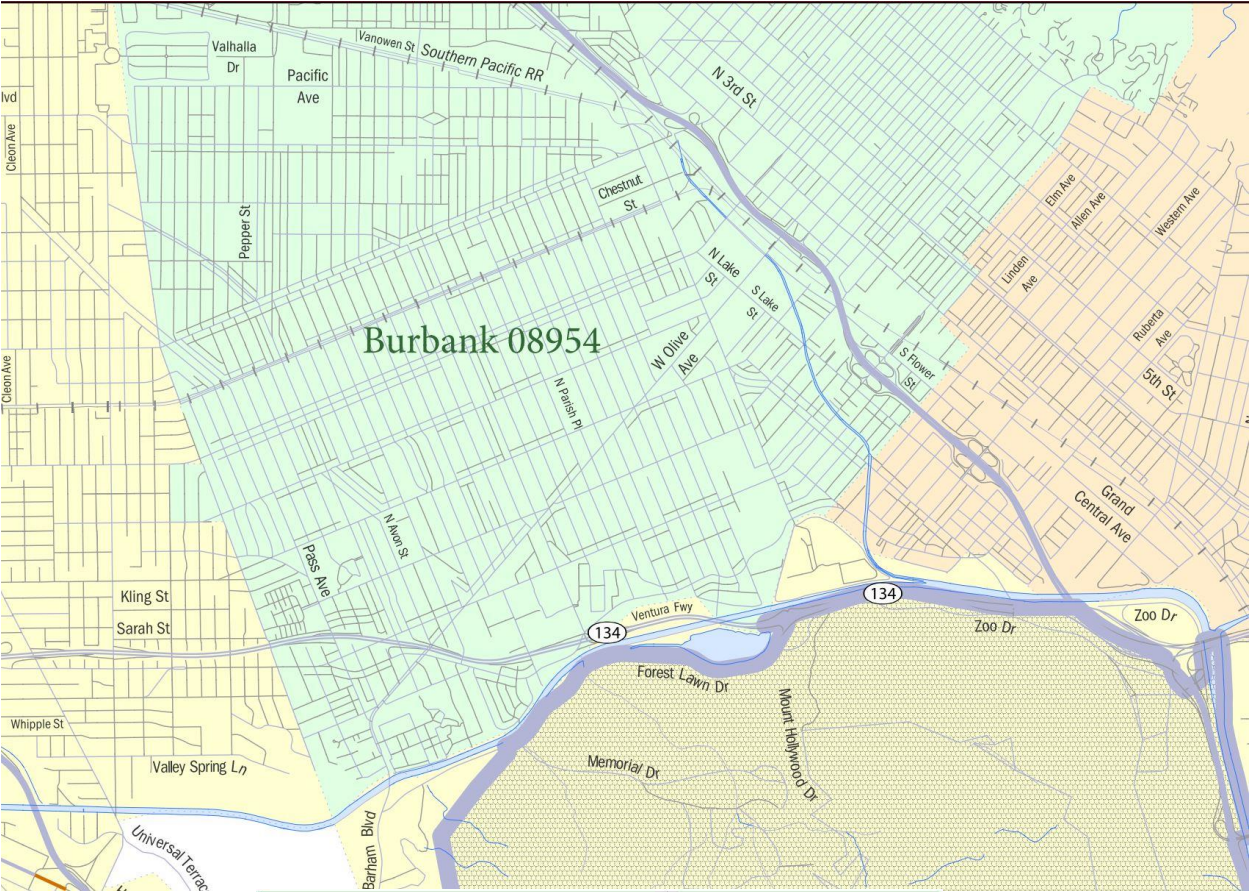
Attachment A

The City of Burbank is within the boundaries of an urbanized Area and Urban Cluster according to 2010 US Census from the Census Bureau.

United States Census Bureau,

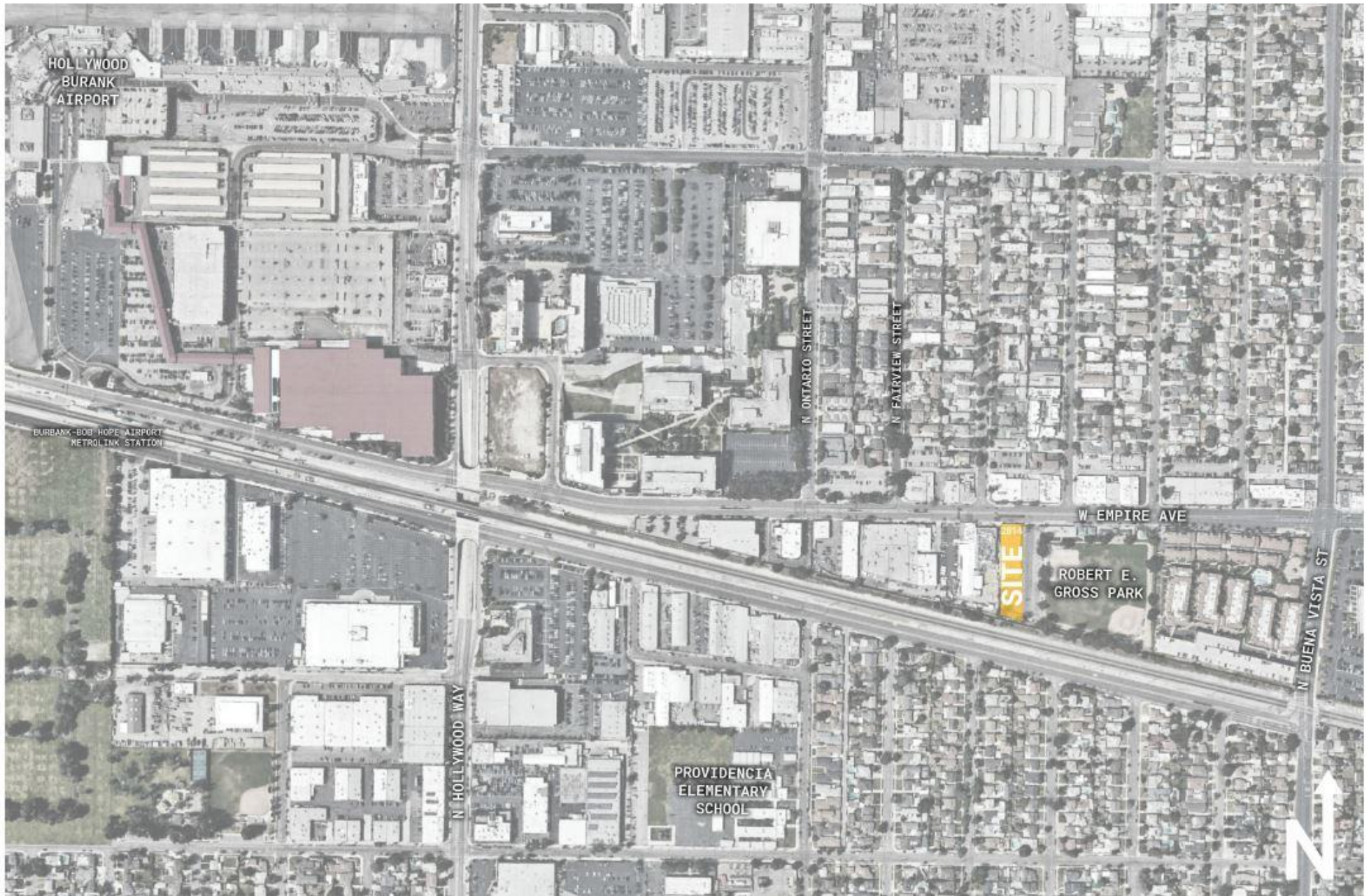
https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua51445_los_angeles--long_beach--anaheim_ca/. Accessed by Shipra Rajesh, Associate Planner, City of Burbank. July 14, 2021.





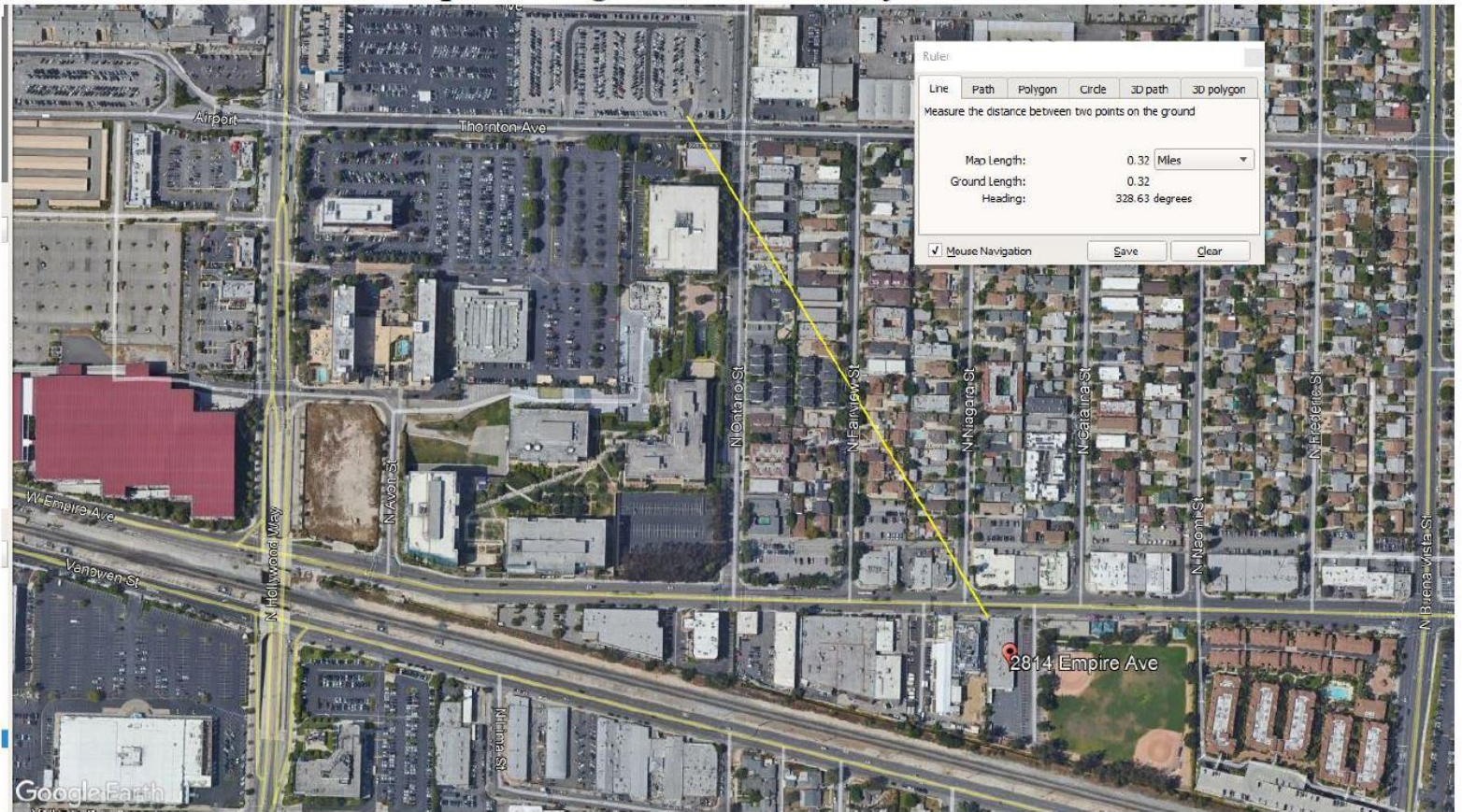
LEGEND					
SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE			
International	-----	CANADA			
Federal American Indian Reservation	.....	L'ANSE RES 1880			
Off-Reservation Trust Land	.....	T1880			
Urbanized Area	=====	Dover, DE 24580			
Urban Cluster	=====	Tooele, VT 88057			
State (or statistically equivalent entity)	-----	NEW YORK 36			
County (or statistically equivalent entity)	-----	ERIE 029			
Minor Civil Division (MCD) ^{1,2}	-----	Bristol town 07485			
Consolidated City	.....	MILFORD 47500			
Incorporated Place ^{1,3}	.....	Davis 18100			
Census Designated Place (CDP) ³	.....	Incline Village 35100			
DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL		
Interstate	-----	Water Body	Pleasant Lake		
U.S. Highway	-----	Military	Fort Belvoir		
State Highway	-----	Outside Subject Area			
Other Road	-----				
Railroad	Southern RR				
Perennial Stream	Tumbling Cr				
Intermittent Stream	Piney Cr				

Attachment B – Aerial view of the Project site



Attachment C

Aerial Map Showing 0.5 Mile Distance from Project Site RITC




Attachment D

2814 W Empire Avenue, Burbank, CA

Preliminary City Comments

Department	Burbank Water and Power (Electric)
DR #	21-3649
Project Name	2814 Empire Ave (Empire Ave Apartments)
Location	2814 Empire Ave

Checked by: **Sven Knauth** **7/12/2021**
Electrical Engineering Associate II

Approved by: **Calvin Clark**  **7/12/2021**
Senior Electrical Engineer

General Requirements

Plan Information

1. The following information shall be included on the construction plans:
 - a. Location of the existing electric service panel
 - b. Dimensions/location of existing/proposed public improvements adjacent to project.
 - c. The width and the location of all the existing and proposed easements.
 - d. Fully dimensioned building elevations showing height of structure from natural grade.
 - e. Proposed location of the electric service panel/meters.
 - f. Proposed location of the pad-mount transformer
2. Plan approval will not be given until an electric service confirmation is obtained. Contact BWP Engineering at (818) 238-3575. The plans must show the pertinent information related to the method of service as specified on the confirmation.

Load Requirements

3. A load schedule and secondary service schematic will be required to determine the extent of the electrical load requirements. An electronic copy of a plot plan of the site, showing all the existing and proposed substructures, complying with BWP AutoCAD standards should also be provided to BWP Electrical Engineering to aid the electrical design. BWP will provide full comments after the electrical sheets are provided. A meeting should be scheduled between the developer, project architect, electrical engineer, and BWP Electrical Engineering early in the design stage of each phase of the project to discuss all the issues and to finalize the location of the facilities.
4. Loads below 5MW will be fed from the existing system but will require upgrades to accommodate the new development, at the developers cost.

5. Loads 5MW or greater will require a new substation. The developer must provide the necessary space (a minimum of 125' x 80', with two 20' access roads on two sides), if a substation is required. Please contact BWP Engineering at (818) 238-3575 for details if the projected load will exceed 5MW.

Substructure

6. The proposed development will require the installation of pad-mounted switches and transformers. The pad-mounted switches will be looped on the line side.
7. The proposed development will require transformer and switch pads, which have a vault underneath them. No structures are allowed to be constructed underneath these vaults.
8. The installation of pad-mounted transformers and switches will require the use of a crane or boom truck. To facilitate this installation, a vertical clearance of 40' from the transformer or switch pad level should be maintained. Any design that would restrict vertical access clearance to a level below 40' shall be subject to BWP approval.
9. Provide a minimum 14' x 18' clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each three phase pad-mount transformer facility.
10. Provide a minimum 10' x 17' clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each single-phase pad-mount transformer facility.
11. The proposed development may require the installation of 4' x 6' primary pull-boxes.
12. The proposed development may require the installation of 8' x 14' primary manholes.
13. Additional conduits may be required to provide for future needs.
14. The developer will provide 5' wide recorded easement for the new underground system from the property line to the switch and a minimum 25' x 15' clear accessible easement for a pad-mount switch. The developer's surveyor will provide a legal description of the easements, which will be reviewed by Burbank Water and Power and then processed by the Community Development Department (contact 818-238-5250 for recording).
15. No permanent structures are allowed within the proposed easement along the conduit run.
16. The developer's contractor will provide as-built drawings showing the exact location of underground substructure installed to serve the property.
17. All substructure work including transformer pads, switch pads, pull boxes, grounding systems, primary conduits and secondary conduits are the responsibility of the developer and shall be done in accordance with Burbank Water and Power drawings and specifications.

18. Any existing and proposed substructure on-site and off-site, which may affect the location of the new underground electrical system and any other improvements shall be identified and shown on the final plans in order to avoid a potential conflict with other substructure.
19. BWP will provide the following items at the developer's cost:
 - a. Construction drawings for all substructure work
 - b. Engineering support during construction
 - c. Inspection of the work performed by the developer's contractor to ensure the work is done per the plans provided by BWP and per BWP specifications
 - d. Installation of all transformers, switches, primary cables, and metering devices
 - e. Termination of the secondary cables at the transformer
20. The developer's contractor shall install secondary conduits, pull cable from the transformer to the switchboard, and terminate the secondary cables on the switchgear.
21. Depending on the location of the switchgear (whether it is outside or inside the building), secondary conduits and cables will be inspected and approved by both the BWP inspector and the Building Inspector (switchgear inside the building) or by the BWP inspector (switchgear outside the building).
22. The Building Inspector will provide structural inspection of secondary conduits for compliance with the Building code-concrete encasements, fire walls, support of the conduit package, etc. The BWP inspector will inspect the amount and size of secondary conduits and cables.

Safety/Clearances

23. The developer's contractor is responsible for protecting any existing Burbank Water and Power facilities in place. Power poles must be protected in place to prevent any movement of the pole butt during excavation. Anchors must also be protected to prevent slippage or exposure that could result in the reduction or loss of holding power. If these requirements cannot be met, then no excavation will be allowed within three feet from the face of poles and five feet from anchors.
24. The developer's contractor is responsible for protecting any existing Burbank Water and Power underground facilities from damage during construction. No crane imposed loads will be allowed on any existing manhole or pullbox structures.
25. Any excavation that restricts vehicular access to existing BWP facilities may require the relocation of such facilities at the developer's cost.

Aid-in-Construction

26. The Burbank Water and Power fees for providing electric service are Aid-in-Construction (AIC) charges set forth in Section 3.26 of BWP's Rules and Regulations for Electric Service. AIC charges are to recover the actual cost of:
- a) Providing and installing new facilities to serve the customer;
 - b) Conducting feasibility studies and engineering;
 - c) Relocating existing overhead or underground facilities.
27. Depending on local site conditions and the location of the project, AIC costs can vary widely from project to project. For reference, historical AIC costs for developments between 1 MVA and 5 MVA have ranged from \$400,000 - \$1,200,000 per MVA. For projects in this size range, BWP recommends performing a feasibility study early on in the project to determine a proposed electrical route and a rough cost estimate.
28. If any portion of the existing BWP facilities needs to be upgraded or relocated due to the subject project, it will be done at the developer's expense.

Metering/Service

29. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).
30. For multi-metered services all numbering must be completed in a permanent manner at all individual units and meter sockets before service can be energized. See BWP Rules and Regulations, Section 2.68 (c) for acceptable labeling (stenciling or riveted tags required, permanent marker is unacceptable). Contact Public Works Engineering for unit designations.
31. The service switchboard rating shall be limited to 3000 Amps. Five copies of EUSERC drawings of the switchboard shall be provided to BWP for approval prior to submittal to the manufacturer. Service shall not be energized unless these drawings are provided.
32. Outdoor meter locations are preferred. When adequate exterior wall space is not available, a separately locked, clearly labeled meter room is acceptable. All meter rooms must be located on the ground floor and have two exit doors equipped with panic hardware. At least one door must lead directly outside. BWP must be supplied an access key to the room, which will be installed in a lock box adjacent to the door. The developer shall consult BWP for approved location and obtain a service confirmation prior to any installations.
33. All new metered services require a path for meter communications to BWP communication networks. Installation of meters that fail to continuously communicate with BWP communication networks will require additional BWP approved equipment to be installed at the developer's expense in order to create the appropriate communications path.

Street Lighting

34. The developer is responsible for the street lighting system traversing the project. The street light system is required to be underground fed with LED luminaires. If existing lighting conditions do not satisfy this requirement, modification will have to be made at the developer's expense. Standards and luminaries will be supplied by BWP at the developer's expense. A plot plan of the site must be submitted to BWP during the initial planning stage of the project for street light design.
35. Any construction that impacts existing streetlight standards or infrastructure will require relocation at the developer's cost.

Fiber/Communication

36. Burbank Water and Power offers high-speed, high-quality fiber optics-based services through its ONE Burbank program. Fiber service is available to the project if desired. For further information, email support@oneburbank.com or call (818) 238-3113.
37. Contact AT&T at (866) 577-7726 for any phone company facility conflicts. Contact Charter Communications at (818) 847-5013 for any cable T.V. facility conflicts.

Landscaping

38. Any trees planted in the area adjacent to the street/alley will be of a type that will not grow into the existing power lines and will also have sufficient clearance from the streetlight facilities.
39. All equipment locations and screening structures will be indicated on the plans and must meet the Community Development Department Equipment Screening Guidelines. The plans will include the proposed screening method, height of screening, material finish, and color or species of vegetation. All screen walls, which are a part of, or adjacent to, the proposed building will be shown on the building elevations. All screen walls detached from the building will be included as a separate elevation. Verification of submittal requirements and recommendations for screening requirements shall be by the CDD Director or his designee.
40. BWP landscaping requirements for transformer pads and switch pads:

Due to the natural maturation of trees and other landscaping elements, the following requirements are to be adhered to:

- a) New plantings within three feet of the back or sides of the pad and within eight feet of the front shall be of a groundcover type. This is considered the working zone.
- b) Outside of the working zone, shrubbery is acceptable within eight feet of the pads, but trees must be beyond an eight-foot radius to lessen future root conflicts.

- c) Landscaping grade shall be a minimum of five inches below the grade level of the top of transformer pads.
- d) All irrigation and sprinkler systems shall be constructed so that water shall not be directed onto the switch, the transformers, or the concrete pads. Additionally, surface water shall drain away from the concrete pads.

Landscape plans shall adhere to the above requirements, showing proper working clearances for electrical facilities on L-sheets.

Energy Efficiency

- 41. The electrical design shall comply with California Building Code Title 24 energy efficiency requirements and shall use, wherever practical, surge suppressors, filters, isolation transformers, or other available means to preserve a quality of power of its electrical service and to protect sensitive electronic and computer-controlled equipment from voltage surges, sags, and fluctuations. BWP also recommends the use of an uninterruptible power supply (UPS) and a standby generator for critical loads.
- 42. Power factor correction to a minimum of 90% will be requested to minimize kVA demand as well as energy use. The developer must use California Nonresident Building Standard to consider and implement energy efficient electrical equipment and devices for minimizing peak demand and wasteful energy consumption.

Electric Vehicle Charging

- 43. At least 6% of the total parking spaces shall be capable of supporting future Electric Vehicle Supply Equipment (EVSE). Plan design shall be based on Level 2 EVSE or greater, at maximum operating ampacity. Only underground raceways and related underground equipment per Burbank Water and Power standards are required to be installed at the time of construction. Plans shall include the locations and type of EVSE, raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all the electrical vehicles at all designated EV charging spaces at their full rated amperage. The electrical service panel shall include capacity to simultaneously charge all EVs at their full-rated amperage and shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE." The future EV charging stations shall be placed at multiple convenient and visible locations within the new parking facilities. This requirement may be superseded by future state building mandates.
- 44. As part of our efforts to reduce greenhouse gas emissions, improve air quality, and enhance customer service, Burbank Water and Power's Electric Vehicle Charging program promotes the use of electric vehicles by providing rebates for the installation of Level 2 (240V) charging equipment. BWP also installs and maintains a public electric vehicle charging network, consisting of 45 Level 2 charging ports and 2 DC Fast Chargers (480V), with new stations added each year depending on budget and availability. For more information on the rebates and the charging network, please contact Drew Kidd at 818-238-3653 or dkidd@burbankca.gov. Additionally, information

can be found at <https://www.burbankwaterandpower.com/conservation/electric-vehicles-rebate>.

Additional Comments

45. .

For additional information or questions please contact Sven Knauth, Electrical Engineering Associate II, BWP at (818) 238-3568 or SKnauth@BurbankCA.gov.

Attachments:

- A. BWP Specifications for the Construction of Underground Electrical Systems
- B. S-330 Three-phase 6' x 8'-6" Transformer Pad Details
- C. S-458 Barrier Post Detail
- D. S-461 Primary Riser Pole Grounding Requirements
- E. S-462 7' x 10.5' Padmounted Switch Pad Details
- F. S-464 4' x 4.5' Single-Phase Transformer Pad Details
- G. S-708 GO-95 Clearances
- H. S-723 Three-phase 8' x 10' Transformer Pad Details
- I. S-724 Clearances for Three phase 6'x 8'-6" Transformer Pad
- J. S-725 Clearances for Three phase 8' x 10' Transformer Pad
- K. S-729 4' x 6' x 6' Traffic Rated Pullbox Details
- L. S-732 7' x 10.5' Padmounted Switch Clearances
- M. S-794 8' x 14' Precast Manhole Details
- N. S-821 Spec. for bonding grounding electrode conductors and grounding electrodes

MEMORANDUM



DATE: July 14, 2021

TO: Shipra Rajesh, Associate Planner

FROM: Daniel J. Rynn, Chief Assistant Public Works Director – City Engineer

SUBJECT: Project No. 21-0003649 – Development Review (with IDRC Staff Meeting)
Located at 2814 Empire Ave

Project Description:

Request for a Development Review for construction of a 79'-0" high multi-family residential building with 148 dwelling units that are 100% affordable. Applicant has applied for SB 35 streamlining process as well as a preliminary application seeking vested rights pursuant to SB 330, Housing Crisis Act of 2019. Additionally, applicant is seeking density bonus (to allow 98 additional units – which are included in the total 148 units) along with other concessions and waivers including increase in height from 50 feet to 79 feet, reduction in front yard setback and open space, and increase in FAR from 1.25 to 3.42, pursuant to State Density Bonus Law. Per requirements of SB 35, vehicular parking is not required for a 100% affordable housing projects that are located within half a mile of public transit station. Project site is located within half a mile radius of public transit station and qualifies for no parking. Project is proposing 13 parking spaces.

ENGINEERING DIVISION

General Requirements:

- Show dimensions and location of all proposed property dedications.
- Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to

construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

- No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1].
- No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].
- All unused driveways shall be removed and reconstructed with curb, gutter and sidewalk [BMC 7-3-504].
- Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works **EXCAVATION PERMIT** is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at; <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>

The following must be completed prior to the issuance of a Building Permit:

- A portion of the property is within a flood plain. Applicant shall provide a copy of the "Flood Plain Development Permit" pursuant to Part 59 and Part 60 of subchapter B of Chapter I of Title 44 of the Code of Federal Regulations as stated in "SB 35 – Notice of Intent to Submit Application".
- Applicant shall notify City of Burbank Building Department in regard to proximity of flood zone. FEMA flood map can be accessed at <https://msc.fema.gov/portal/search?AddressQuery=10950%20sherman%20way%20burbank%20#searchresultsanchor>.
- Dedicate* to the City for street right-of-way: a portion of the property adjacent to Empire Avenue to create a 15' parkway per Burbank 2035 General Plan [BMC 7-3-106].
- The City of Burbank and the applicant must develop an egress/ingress easement agreement for the fire access lane that is proposed through Robert E. Gross Park (City property).

***Contact Real Estate Division of the Community Development Department at (818) 238-5180 for information to accomplish this dedication**

- The applicant must coordinate with Public Works to establish a professional service Agreement (PSA) for engineering support/project management and inspection services to oversee any related Public Works Construction in the public right of way or within public utility easements related to this project. The cost of the PSA will be paid by the applicant.
- Off-site improvement plans (in the public right-of-way) must be approved by the Public Works Director. Plans must be submitted in City of Burbank Standard format and as-built plans must be submitted on mylar paper.
- Submit hydrology/hydraulic calculations and site drainage plans. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face or connected to a storm drain facility [BMC 7-1-117, BMC 7-3-102]. The proposed development will need to submit a hydrology/hydraulic calculation, which depict both the existing and proposed drainage conditions. Any drainage studies and/or improvements on private property are to be reviewed and approved by the City's Building Department. Any drainage studies and/or improvements within the public right-of-way are to be reviewed and approved by the City's Public Works Department. The Lockheed Channel hydraulics are at capacity. Proposed drainage to the Lockheed Channel shall not increase the channel's existing capacity. Development is proposing to connect to the Lockheed Channel, applicant must apply for a connection permit from the City of Burbank, Stormwater Division.
- An address form must be processed [BMC 7-3-907].
- Applicant must contact the City of Burbank, Park and Recreation Department for the removal of any parkway tree(s).
- Plans should include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.

The following must be completed prior to issuance of Certificate of Occupancy:

- Resurface (grind and overlay minimum 2") with Asphalt Rubber Hot Mix (ARHM) to the centerline of Empire Avenue fronting the property per City of Burbank Standards. Plans must be submitted in City of Burbank Standard format.
- Applicant must re-stripe the resurface area and re-establish all traffic loops.
- Remove and reconstruct sidewalk fronting the property along Empire Avenue per City of Burbank Standards.

- Reconstruct dedicated portion of parkway with PCC sidewalk per City of Burbank Standard Plans BS-100 & BS-104-1.
- Existing driveway apron along Empire Avenue is to be removed and reconstructed with sidewalk, curb and gutter per City of Burbank Standards Plan BS-100 & BS-104-1.
- Any portion of public curb or gutter that is broken, uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. That reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Excavation Permit [BMC 7-3-501].

Additional Comments:

- Building access doors, loading docks doors, and access gates may not swing open into the public right-of-way [BMC 7-3-701.1].
- Additional impacts to street triggered by this project could extend the paving restoration limits.

For additional information or questions, please contact Anthony Roman, Civil Engineer Associate, at (818) 238-3945.

Checked by: Anthony Roman

Date: July 13, 2021

WATER RECLAMATION AND SEWER

Required Information Missing on Plans:

- Type of existing use, including the gross square footage of the building's rooms, and its disposition.

Wastewater requirements:

- Under the current rate structure, pulling the Building Permit for the proposed development is subject to a Sewer Facilities Charge estimated at \$87,581.70. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

SFC = Proposed Developments – Demolition Credits
 = Multi Family Units [\$667/unit * 148 units] – Restaurant/Office [\$11,134.30]
 = \$87,581.70

(Note: It is the responsibility of the developer to show proof of the existing sewer usage or existing developments so that the proper credit can be given.)

- Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system [BMC 8-1-104].
- No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
- A maintenance hole must be installed at the connection point to the City sewer main for any newly proposed private sewer lateral connection(s) that are greater than or equal to 8-inches in diameter [BMC 8-1-308] per Standard Drawing BSS-201-2 located in the 2012 edition of Standard Plans for Public Works Construction.
- Any existing fixture or connection to the sewer main line must be capped before building demolition activities occur.
- A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director [BMC 8-1-313]. Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.

Project Specific Requirements:

- A Sewer Capacity Analysis (SCA) is required. If an environmental impact analysis is performed, then the applicant needs to include the findings from a sewer study analyzing how the proposed project will impact the wastewater flows and assess the existing sewer lines' ability to accommodate the proposed project in a peak wet weather scenario for all sewer reaches tributary to the property. The sewer study can be conducted by the applicant, or by Public Works subject to a \$482 fee (fiscal year 2020-21) paid to the City. Please be aware that the sewer study must include sewer reaches downstream/tributary to the proposed sewer connection to properly conduct the analysis. Public Works requires that the sewer study be completed prior to the review of the project's offsite improvement plans; however, if an Environmental Impact Report (EIR) is required, Public Works requires the sewer study be completed prior to the draft release of the EIR. Please note that if sufficient capacity does not exist, the Director will require the applicant to restrict discharge until sufficient capacity is available, or to construct a public sewer to provide sufficient capacity or agree to pay a shared portion of the sewer infrastructure improvement costs with the City. The City may refuse service to persons locating facilities in areas where their proposed quantity or quality of sewage is unacceptable [BMC 8-1-301A and BMC 8-1-304].

- For any cooling tower(s) included in this project using recycled water, separate recycled water meter(s) will be required. A recycled water meter must be obtained and coordinated with Burbank Water and Power, located at 164 E Magnolia Blvd., Burbank, CA 91502 or by phone at (818) 238-3500.

Stormwater Requirements:

- Per BMC 9-3-407, Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.
- Discharges from essential non-emergency firefighting activities (i.e., fire sprinkler system testing) is a conditionally allowed non-storm water discharge into the storm drain system, provided appropriate Best Management Practices (BMPs) are implemented. Please see the attached Fire Suppression Systems discharge form and follow the requirements to comply when conducting the conditionally allowed non-storm water discharge.
- Certain construction and re-construction activities on private property will need to comply with post-construction Best Management Practices (BMPs), which include Sections 8-1-1007 and 9-3-414.D of the BMC authorizing the City to require projects to comply with the Standard Urban Stormwater Mitigation Plan provisions and the City's **Low Impact Development (LID)** ordinance. For questions on these requirements, please contact the City's Building Division at (818) 238-5220.

For additional information or questions, please contact Kenneth Kozovich at (818) 238-3932.

Checked by: Stephen Walker

Date: July 12, 2021

TRAFFIC ENGINEERING

Conditions:

- Driveway apron shall be constructed per Burbank Standard Plan BS-102. Driveway slope and transition shall be constructed per Burbank Standard Plan BT-406.
- Driveway shall be minimum 20' wide to accommodate fire truck access.
- Fire Lane shall be a minimum of 24' wide or per Burbank Fire Department's requirement. All driveways leading to and from the Fire Lane and the curvature of the road should be able to accommodate the turn path of the largest fire engine used for fire response.
- Provide turning template for fire truck access.

- Fire truck access, for both ingress & egress, shall be provided on site.
- Consult with Fire Department and Parks and Recreation Department on the feasibility of the proposed fire truck access thru the public parking lot at the Robert Gross Park.
- All driveways and access road leading to parking areas shall be designed to accommodate turn path of Passenger Car (P) design vehicle per the AASHTO Greenbook with minimum 24' outer turning radius and 15' inner turning radius.
- Site plan shall show a detailed parking arrangement accurately dimensioned, showing individual numbered parking spaces, aisles widths, driveway widths, as well as location, size, shape, design of curb cuts (driveway width).
- Parking spaces shall be constructed per BMC 10-1-1401, 10-1-1403, 10-1-1417, 10-1-1606.
- Parking spaces for residential use shall have a minimum width of 8'-6" and a minimum length of 18' per BMC 10-1-1401.
- Access aisle width for standard space and compact space shall be per Burbank Standard Plan BT-401 as follows:

STANDARD SIZE AUTOMOBILE SPACES ADJOINING ACCESS AISLE			
BASIC STALL WIDTH		ACCESS AISLE WIDTH	
8'-6"		27'-4"	
8'-8"		26'-8"	
9'-0"		25'-4"	
9'-4"		24'-0"	

- Turn areas and parking spaces adjacent to obstructions shall be constructed per Burbank Standard Plan BT-400. Parking stalls adjacent to vertical obstructions shall be a minimum of 10' wide per Burbank Standard Plan BT-400.
- End stalls shall be a minimum of 11' wide or the access aisle must extend 3' beyond the bay per Burbank Standard Plan BT-400.
- ADA parking stalls shall be constructed per Caltrans Standard Plan A90A. Stalls shall be a minimum of 9 feet wide by 18 feet deep.

- Investigate the need for traffic control devices at the intersection of Empire Avenue and Niagara to improve pedestrian safety and provide transit accessibility to the transit stop on the north side of Empire Avenue.
- Investigate the need to relocate transit stop on the south side of Empire at Empire/Catalina to Empire/Niagara to improve transit accessibility.
- On street parking shall be eliminated, by red curb, in the areas 30' west of the driveway and 20' east of the driveway.
- Provide pedestrian circulation paths, to connect the on-site and off-site locations and features per BMC 10-1-627 (M).
- No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 5' by 5' visibility cut-off at intersection of street and driveway [BMC 10-1-1303(C)].
- Pedestrian path across project driveway shall be in the public right of way. Corner cutoff requirements shall apply to any corner of the pedestrian path.

For additional information or questions, please contact Vikki Davtian, Principal Engineer – Traffic, at (818) 238-3922.

Checked by: Vikki Davtian

Date: July 14, 2021

FIELD SERVICES

Solid Waste:

- Must have a common location(s) for trash enclosures large enough to house an appropriate number of refuse and recycling bins.
- Must comply with AB 341 requirements and 1383 requirements.
- There must be an appropriate location on the property for all solid waste containers or bins. Solid waste containers shall not to be visible from the street.
- Recycling must be provided for all residents/businesses.

For additional information or questions, please contact Public Works Field Services at (818) 238-3800.

Checked by: John Molinar

Date: July 14, 2021

CITY OF BURBANK

BWP – Water Division

COMMENTS FOR:

DEVELOPMENT REVIEW



PLANNED DEVELOPMENT



Project #: 21-000-3649

Applicant: ABS PROPERTIES, INC. (ATT: SAMIR SRIVASTAVA)

Project Description: 7-Story multi-family residential building with 148 dwelling units that are 100% affordable

Location: 2814 W. Empire Ave

Checked: Bass: C. Nally 7/12/21 Approved: _____
Title Principal Civil Engineer Date Title Engineering Manager Date

Approved: [Signature] 7/22/21 Zone: M-2 DR Agenda Date: 7/15/2021
Title Assistant General Manager Date

INCLUDE THIS INFORMATION ON CONSTRUCTION PLANS FOR PLAN CHECK:

- ☒ Size & location of water services (domestic, fire, type & location of the backflow assembly)
- ☒ Calculations for sizing of domestic water meter and service (See Attached Sheet)
- ☒ Landscape irrigation plans for backflow plan check
- ☐ Location of stub-out(s) for future connection(s)

GENERAL REQUIREMENTS:

- ☒ Temporary water for construction purposes only may be supplied from the existing service at: 2814 W. Empire Ave only after the owner or contractor has signed up for its use at the Burbank Water and Power, 164 W. Magnolia Blvd., between 8:30 AM and 4:30 PM, Monday through Friday. The existing meter(s) and box(s) are to be protected at all times during demolition of the site and/or construction.
- ☐ Water may be supplied temporarily from a fire hydrant. Contact BWP Water Engineering at (818) 238-3500 concerning fees, required permit and fittings.
- ☒ The new water service, if required for this project, will come from a (n) 12 inch main in Empire at a static pressure of approx. 100 psi.
- ☐ Developer shall provide a stub-out to within 2' of curb line at _____ to receive service from future main in _____. A pressure regulator and relief valve shall be installed on stub-out if so required for original service. Call BWP Water Engineering for inspection a minimum of 24 hours ahead of time. Inspection is required before the trench is backfilled. Provide a sketch showing the location of the end of the stub-out.
- ☒ Due to the system static pressure at this site, the Building Division requirements for a pressure regulator are to be followed in accordance with the 2016 California Plumbing Code.
- ☒ A copy of this Development Review shall be shown on the applicant's plan submittal.

CITY OF BURBANK

BWP – Water Division

BWP - Water Division

Development Review/Planned Development

Page: 2

DR: 21-000-3649

- ☒ The water service for this project may be required to be provided with protective devices that prevent objectionable substances from being introduced into the public water supply system, per Title 17 of the California Administrative Code. A minimum \$50 backflow prevention plan check fee and up to actual cost will be applied. Both domestic and fire services may require installation of backflow prevention devices. Backflow devices must be installed on private property and as close as possible to the property line (see attached Standard Drawing No. BWP-615).
- ☒ The owner or contractor shall contact BWP Water Division at (818) 238-3500 before the building permit is issued. The drawings will be reviewed for adequate sizing of the service and meter and will take a minimum of five working days. Domestic meter size shall be adequate to provide the required flow, as determined by a licensed plumber or architect, calculated from the number of fixture units for the proposed development, pursuant to the California Plumbing Code 2016, CCR, Title 24, Part 5. Prior to final approval and preparation of an estimate by the BWP Water Division, the applicant shall obtain approval from the City of Burbank Fire Department for appropriate fire service size and appurtenance selection. A deposit will then be collected to cover construction costs for all required services. Construction scheduling will be based on date of receipt of the required drawings, fees and deposit.
- ☒ If the Fire Department requires any new fire hydrants and/or fire services for this development, the owner or contractor shall request an estimate for same from BWP Water Division by calling (818) 238-3500. The full deposit for any required work (including upgrading the fire service/backflow device) must be paid before the Water Division approves the project drawings.
- ☒ A separate meter and service shall be installed for irrigation purposes only. Use of recycled water will be required for all irrigation needs. Please be advised that the recycled water system may be at a lower pressure than the potable water system. If required, a provision in the design shall be made for installation of a booster pump when recycled water becomes available. See attached sheet for details regarding L.A. County plan check approval. Upon completion of the conversion from domestic to recycled water, the applicant shall comply with all rules and regulations set by the State Water Resources Control Board - Division of Drinking Water.
- ☐ A Water Distribution Main Charge (WDMC) is due. (Section 4.34 (g) of BWP Water Division Rules and Regulations).
- ☐ A Water Main Replacement Fee (WMRF) is required in accordance with Sections 4.34 (a), (b), (c), (d) and (e) of BWP Water Division Rules and Regulations.

ADDITIONAL COMMENTS:

See page 3.

For additional information, please contact Bassil Nahhas at (818) 238 - 3500.

CITY OF BURBANK
BWP – Water Division

BWP - Water Division
Development Review/Planned Development

Page: 3
DR: 21-000-3649

ADDITIONAL COMMENTS, CONTINUED

1) Recycled water is available from a 8" recycled water main on Empire Ave. Use of recycled water will be required during construction and for all irrigation and HVAC cooling tower water supply. Work with BWP Water Engineering in order to coordinate the locations of the recycled service connections. See the attached sheet for more information regarding Los Angeles County Department of Public Health (LADPH) plan check approval. The applicant shall be responsible for obtaining all required approvals from LADPH and California State Water Board-Division of Drinking Water. Contact BWP-Recycled Water Group prior to submitting the application to County Public Health. BWP Recommends installing two water feeds to cooling towers, one for recycled water and a separate pipe for domestic water.

2) The applicant shall be responsible for all construction costs associated with connection, installation of additional commercial/fire/recycled service(s), abandonment of existing services and for any public fire hydrant installation that may be required by the Fire Department in accordance with BWP Rules and Regulations for Water Use.



Burbank Water and Power - Water Engineering

SIZING WATER METER AND SERVICE LINE

(Per California Plumbing Code, 2007 Edition, Title 24 Part 5)

Applicant Name: **3 PROPERTIES, INC. (ATT: SAMIR SRIVASTA)** Date: _____

Project Address: **2814 W. Empire Ave** Agent: _____

Occupancy Type: **M-2** Agent Ph.#: _____

Owner's Phone #: _____ Business, or Cell) _____

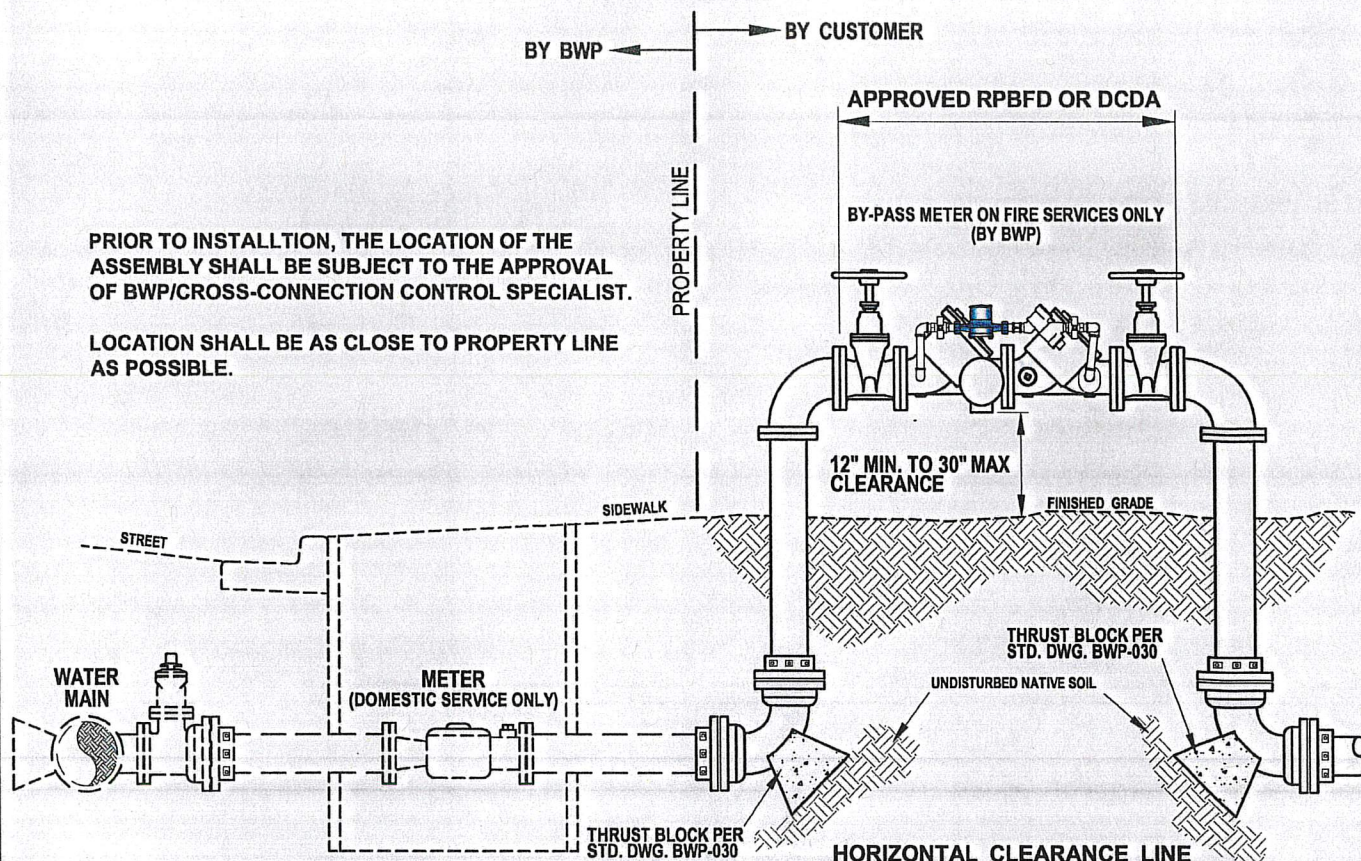
Description	Water Supply Fixture Units			
	Fixture Quantities	No. of Fixture Units		SubTotal
		Private Use	Public Use	
Bathtub or Combination Bath/Shower (fill)		4	4	
3/4" Bathtub Fill Valve		10	10	
Shower, per head		2	2	
Clothes washer		4	4	
Dishwasher, domestic		1.5	1.5	
Hose Bibb		2.5	2.5	
Hose Bibb, each additional ⁴		1	1	
Lawn Sprinkler each head ²		1	1	
Sinks				
Kitchen, domestic		1.5	1.5	
Bar		1	2	
Bathroom (lavatory)		1	1	
Laundry		1.5	1.5	
Service or Mop Basin		1.5	3	
Wash-up, each set of faucets		-	2	
Clinic Faucet		-	3	
Clinic Flushometer Valve with or without faucet		-	8	
Water Closet, 1.6 GPF Gravity Tank		2.5	2.5	
Water Closet, 1.6 GPF Flushometer Tank		2.5	2.5	
Water Closet, 1.6 GPF Flushometer Valve		See Note 5		
Water Closet, greater than 1.6 GPF Gravity Tank		3	5.5	
Water Closet, greater than 1.6 GPF Flushometer Valve		See Note 5		
Urinal, 1.0 GPF Flushometer Valve		See Note 5		
Urinal, greater than 1.0 GPF Flushometer Valve		See Note 5		
Urinal, flush tank		2	2	
Bidet		1	-	
Dental Unit, cuspidor		-	1	
Drinking Fountain or Watercooler		0.5	0.5	
Washfountain, circular spray		-	4	
Mobile Home, each (minimum)		12	-	
Owner's/Agent's initials: _____		Total Fixture Units		
Distance from meter to most remote outlet				

Notes:

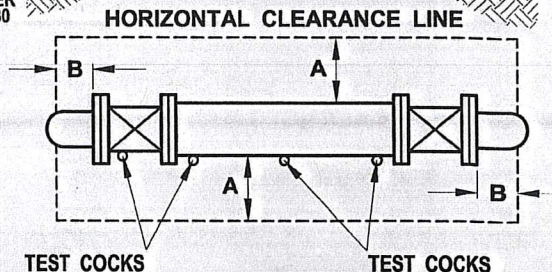
1. Appliances, appurtenances or fixtures not included in this table may be sized by reference to fixtures having a similar flow rate and frequency of use.
2. For fixtures or supply connections likely to impose continuous flow demands, determine the required flow in gallons per minute (GPM) and add it separately to the demand (in GPM) for the distribution system or portions thereof.
3. Reducing fixture unit loading for additional hose bibbs is to be used only when sizing total building demand and for pipe sizing when more than one hose bibb is supplied by a segment of water distributing pipe. The fixture branch to each hose bibb shall be sized on the basis of 2.5 fixture units.
4. Fixture quantities are total plumbing fixtures existing and new.
5. When sizing flushometer systems, see 610.10

For Water Division Use Only

Pressure at highest outlet (psi)	100
City to Install Meter and Service Size	
Customer to Install Min. Building Supply Line Size (meter to house)	min.



MINIMUM CLEARANCE SCHEDULE		
SIZE	A	B
3/4" - 3"	12"	12"
4" & UP	18"	12"



SERVICE TYPE	BACKFLOW ASSEMBLY TYPE
DOMESTIC SERVICE	REDUCED PRESSURE BACKFLOW DEVICE (RPBFD)
FIRE SERVICE	DOUBLE CHECK DETECTOR ASSEMBLY (DCDA)

NOTES:

1. NEW DEVICES MUST BE INSPECTED AND TESTED IMMEDIATELY AFTER INSTALLATION. PLEASE CALL THE BWP/CROSS-CONNECTION CONTROL SPECIALIST FOR MORE INFORMATION (818) 238-3500
2. NO CONNECTIONS OR TEES ARE PERMITTED BETWEEN THE METER AND BACKFLOW PREVENTER POINT OF CONNECTION
3. THIS INSTALLATION IS TYPICAL; CLEARANCES SHALL APPLY TO ALL OTHER TYPES OF BACKFLOW PREVENTION DEVICES
4. BACKFLOW ASSEMBLIES SHALL BE SAME SIZE AS BUILDING SERVICE LINE
5. ALL ASSEMBLIES MUST BE LEAD FREE
6. THE BACKFLOW ASSEMBLY SHALL BE FROM THE LIST OF "APPROVED BACKFLOW PREVENTION ASSEMBLIES" BY THE CROSS-CONNECTION CONTROL FOUNDATION, UNIVERSITY OF SOUTHERN CALIFORNIA

ASSISTANT GENERAL MANAGER

Fred Lantz 4/24/89

DATE

C	REVISED NOTE 5				RPY		BN	1/27
B	ADDITIONAL NOTES				RPY		BN	3/3/11
A	REVISED NOTES				RPY		WOM	4/24/02
NO.	REVISIONS				BY	CHECK	APP'D	DATE
DRAWN	JJL	SCALE	N.T.S.	CHECK	RRJ	APP'D	CRB	DATE 3-21-89

CITY OF BURBANK
WATER AND POWER

BACKFLOW ASSEMBLY
INSTALLATION

DRAWING NO.

BWP-615

BWP Recycled Water Conditions for Landscape Irrigation Use

Please provide us with Landscape Irrigation plans for the subject project for review and comments. Your plans shall include the following:

- ◆ Two separate connections, one for domestic use, and one for irrigation use. The State of California Department of Public Health requires that the domestic water service must have a Reduced Pressure Backflow Prevention Assembly installed as close as possible to the domestic water meter.
- ◆ The pressure for the recycled water system is lower than that for the potable water system. However, we recommend installing a pressure reducing valve and a strainer.
- ◆ All irrigation piping, valve covers, boxes, and sprinkler system heads shall be purple, in addition to installing signs informing public of the use of recycled water for landscape irrigation purposes to comply with all State of California Recycled Water Requirements.
- ◆ Minimum separation of potable water mains from recycled water, sewer, storm drain, or others, shall be maintained per the State of California Department of Public Health Requirements.
- ◆ The County of Los Angeles requires that all plans for recycled water projects be submitted for review and approval prior to construction. Please coordinate your work with the County of Los Angeles, Department of Public Health (DPH), and follow their procedures for plan review and approval, and all requirements and guidelines for using recycled water for landscape irrigation purposes.

Contact Information: Carlos Borja - Plan review and approval

5050 Commerce Drive, RM 116
Baldwin Park, Ca 91706-1423

Tel.: (626) 430-5290 (Baldwin Park Office)
Fax: (626) 813-3025

memorandum

DATE: July 16, 2021

TO: Shipra Rajesh, Associate Planner (ext. 5258)

FROM: Building & Safety Division

SUBJECT: **Project No. 21-0003649 (Development Review)**
Located at 2814 Empire Ave

Based on the drawings submitted for this review, the following requirements apply to the project. Additional requirements will be included when complete drawings are submitted for Plan Check. The applicant and/or project designer is responsible for ensuring that all mandatory information required for permit issuance has been addressed on the plans.

DEVELOPMENT REVIEW IS NOT A PLAN CHECK REVIEW. Plan check review requires submittal of complete construction documents and calculations. Questions concerning exiting, fire-resistance, and occupancy should be presented to the Building Division in writing accompanied by appropriate plans.

Please review the following comments.

1. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2019 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.
2. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building Division at 818-238-5220 or via email at building@burbankca.gov.
3. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
4. All Departments that have provide Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.

5. Development Impact Fees are assessed by the City for construction of new commercial square footage as listed in the Burbank Fee Schedule and Title 10, Article 22, of the Burbank Municipal Code.
6. Low Impact Development: A LID Plan is required for City review that provides a comprehensive, technical discussion of how the project will provide on-site retention in compliance with the requirements of the LID Ordinance and LID Standards Manual. Best Management Practices and control measures shall be prioritized in the following order:
 - i. On-site infiltration, bioretention, and/or rainfall harvest.
 - ii. On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.
7. New construction projects within the City of Burbank are subject to MWELo review. New landscape areas for residential and non-residential projects between 500 and 2,500 square feet requiring a building or landscape permit, plan check or design review will be required to complete, either a Performance or Prescriptive Compliance Method. Full house demolition will require MWELo review, either prescriptive or performance, no exceptions.
8. The property shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.
9. The parking layout will have to comply with City standards, including minimum turning radii for accessing parking stalls.
10. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.
11. Screening will be required for equipment located in front and side yards. The screening will include the electrical panels, A/C compressor units, gas meters, and transformers. All screening will be subject to approval by Planning and Building divisions, and BWP.
12. Grading and drainage plans will be required, and a separate Grading & Shoring Permit will be required. Geotechnical report to be submitted along with Grading & Shoring Permit Application.
13. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.
14. A stamped setback certification by a Licensed Surveyor will be required to certify the location of the new construction in relation to the setbacks prior to the first foundation

inspection.

15. Plans submitted for plan check must be stamped by State-licensed architect or engineer unless the project is one of the following listed below and complies with conventional light wood frame construction requirements in the CBC:

- Wood-framed, single-family dwellings not more than two stories in height;
- Wood-framed, multi-family dwellings not more than two stories in height, and limited to four dwelling units per parcel;
- Wood-framed, garages or accessory structures for single-family dwellings not more than two stories in height;
- Non-structural or non-seismic storefronts, interior alterations or additions.

16. Approved hours of construction are:

Monday – Friday 7:00 am to 7:00 pm

Saturday 8:00 am to 5:00 pm

No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.