



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
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November 15, 2021

SENT VIA EMAIL

Matt Waken
Pickwick Investment, LLC,
27702 Crown Valley Pkwy
Suite D4-197
Ladera, CA 92694

Subject: Pickwick Gardens, SB 35 Notice of Intent Second Submittal Review

Dear Mr. Waken:

The City of Burbank has reviewed your second submittal of the Notice of Intent (NOI) for Streamlined Ministerial Approval Process of a proposed multi-family residential project located at 1001 W. Riverside Drive (generally referred to as Pickwick Gardens) (**Proposed Project**). Your original NOI was received on July 1, 2021, which the City reviewed and deemed incomplete on July 30, 2021. Your second submittal was received in piecemeal fashion throughout September and October as summarized below.

- On September 2, 2021, the City received a revised comment response matrix, an updated consistency analysis with the City’s objective development standards, and an updated plan set;
- On September 27, 2021, the City received additional supplemental materials, including a Vesting Tentative Tract Map and Demolition Plan;
- On October 19, 2021, the City received your Prevailing Wage Compliance letter; and
- On October 20, 2021, the City received a memorandum from you providing additional support for demonstrating Senate Bill (SB) 35 qualifying criterion regarding “special flood hazard areas.”

The initial analysis of the project’s consistency with objective zoning standards are included as **Attachment A**. The City has reviewed your second submittal for compliance with the Senate Bill (SB) 35, pursuant to Section 65913.4 of the California (CA) Government Code.

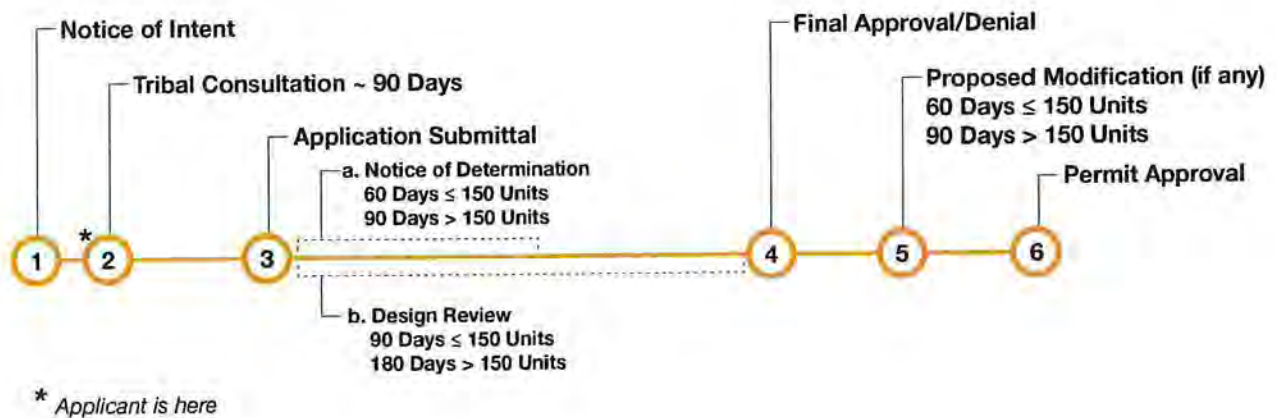
After reviewing the application and items that you submitted, staff has determined that your application is **Complete**. The next step in the SB 35 Streamlined Ministerial Review process is to undertake and complete tribal consultation. Assembly Bill (AB) 168, which took effect on September 25, 2020, advises that projects with pending applications under SB 35 engage in tribal consultation regarding the proposed development with any California Native American Tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code and contact the Native American Heritage Commission for assistance in identifying any California Native American Tribe (Government Code §65913.4(b)(1)(A)(ii)). The City notified tribes of the Proposed Project on July 30, 2021 in compliance with AB 168. The City received a request for consultation by the Fernandeano Tataviam Band of Mission Indians (Tataviams) on August 2, 2021 and initiated tribal consultation soon thereafter. Once the current tribal consultation process is concluded and an enforceable agreement has been entered into between the City and the

Tataviams, then you may proceed with your formal SB 35 application submittal as provided for under CA Govt. Code 65913.4. The City's request for consultation and response by the Tataviams to initiate the consultation process are included as **Attachment B**.

Below is a list of all criteria per CA Government Code 65913.4 that the Proposed Project has satisfied to qualify for the streamlined ministerial approval process under SB 35. While the City initially provided you with objective development standards for multi-family residential uses as contained in Article 6, Division 4 of the Zoning Code to help guide the design of the project consistent with other multi-family developments in the community, the City has reviewed your second submittal in accordance with the objective design and development standards applicable to the Commercial Recreation (CR) Zone in which the site is located, as well as inclusionary housing requirements and objective policy as contained in Burbank's 2035 General Plan. Additionally, as a courtesy, City staff conducted a second review of your resubmitted application and identified issues and concerns that we are providing for your consideration as part of your formal Application Submittal after the completion of the Tribal Consultation process. These City comments are from Transportation Planning, Fire, Building and Safety, Public Works, and Housing. We are also including previous comments from Burbank's Department of Water and Power, which have not changed from the original NOI. All City comments are included in **Attachment C** (City Department Comments).

SB 35 Criteria and Consistency Analysis

As required under SB 35, the following provides an analysis of all criteria per CA Government Code 65913.4. that the Proposed Project must satisfy to qualify for streamlined ministerial approval process under SB 35, including consistency with the City's objective development standards applicable to the Proposed Project. As indicated, the Proposed Project is consistent with each criteria. Applicable objective design and development standards are based on standards for projects in the Commercial Recreation (C-R) zoning designation within the Rancho Master Plan area as well as applicable commercial and industrial standards. As seen in the figure below, the next step in the process is to conduct Tribal Consultation, which is currently underway, followed by the Application Submittal.



NOI Consistency Analysis:

1. The development is a multi-family housing development that contains two or more residential units.

Analysis: Consistent. The application includes 96 residential dwelling units.

2. The development is located on a site that satisfies all of 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 site is composed of two legal parcels, located in the city, for which the boundaries include an urbanized area or urban cluster, as designated by the United States Census Bureau (see **Attachment D**).

- 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. At least 75 percent of the linear measurement of the perimeter of the site adjoins parcels that are developed with urban uses. As shown in the submitted plans, the site is surrounded by development on all sides, separated only by streets on two sides of the property.

- 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 Burbank2035 General Plan (2013) and the General Plan's Land Use Diagram (General Plan, Exhibit LU-1), the General Plan designation for the property is Rancho Commercial. This designation allows for a maximum FAR of 0.60 and 20 units per acre, typically (i.e., when not being processed as an SB 35 approval) with discretionary approval. The designation is described in the General Plan as allowing for "a variety of low-intensity multi-family residential and commercial uses." (General Plan, p. 3-16.) Thus, the City's General Plan Rancho Commercial designation allows residential uses.

The property is also subject to supplemental land use goals and policies as provided in the City's Rancho Master Plan (1993). The Rancho Master Plan identifies the property as zoned Commercial Recreation (C-R), and it cross-references the City's Planning Code for land uses and development guidelines that apply to the C-R zone.

According to the City's Zoning Map (2019), the Property is zoned C-R (Zoning Code Art. 24, Div. 6). Pursuant to Section 10-1-2436.5 of the Burbank Municipal Code, in the C-R 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 0.6 FAR and 20 units per acre. Pursuant to Section 10-1-2437, in the CR Zone, uses are allowed as set forth in Section 10-1-502 of the Municipal Code, where residential is not listed as a permitted use in the C-R Zone. However, in zoning districts that do not list residential as a permitted or conditional use in the Zoning Table, the Planned Development process is an existing option within the City's Zoning Code for applicants to seek discretionary approval for residential uses in any of

the City's non-residential zones including the CR Zone. Nevertheless, pursuant to CA Government Code Section 65913.4(b)(5)(A), in the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards if the development is consistent with the standards set forth in the general plan. As the residential use of the Proposed Project is consistent with the General Plan, the Proposed Project is consistent with this provision.

Moreover, on November 10, 2021, the City received confirmation from the California Department of Housing and Community Development (HCD) Senior Housing Policy Specialist, Fidel Herrera that "Based on the information reviewed including the Burbank 2035 General Plan, Burbank Municipal Code (BMC) and Article 24 Rancho Master Plan zones, the Streamlined Ministerial Approval Process (SB 35) applies to the project at 921-1001 W. Riverside Drive." (see **Attachment E**)

3. The development includes affordability provisions identified in the SB 35 Guidelines under CA Government Code Section 65913.4(3)(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: Consistent. The Applicant will provide the requisite number and income levels for affordable housing units in compliance with both SB 35 and the City's Inclusionary Housing Ordinance, for approval and recording by the City prior to the issuance of the first building permit.

- 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 Proposed Project will dedicate a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the Area Median Income (AMI), and a covenant or restriction shall be recorded against the Project dedicating the minimum percentage of units to housing affordable to households making at or below 80 percent of the AMI. Pursuant to Section 10-1-646 of the Burbank Municipal Code, at least 15 percent of all newly constructed dwelling units in Residential Developments shall be developed, offered to, and sold or rented to very low, low, and moderate income households. Section 10-1-646, Paragraph C allows for credits for units sold to low-income residents (80 percent of the AMI) at a rate of two (2) units for every one (1) unit provided. Currently, the Applicant will reserve 10 units for low-income residents (80 percent of the AMI), resulting in a total of 10.2 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. Therefore, the Applicant will provide the requisite number and income levels for affordable housing units in compliance with both SB 35 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 City has made insufficient progress toward the locality's share of the regional housing needs for all income categories.

- 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.
 - 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 and is subject to the requirements noted in section 4a, 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. According to the City's Burbank 2035 General Plan (2013) and the General Plan's Land Use Diagram (General Plan, Exhibit LU-1), the General Plan designation for the property is Rancho Commercial. This designation allows for a maximum FAR of 0.60 and 20 units per acre, typically (i.e., when not being processed as an 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 5.1-acre site at 20 units per acre is 102 units. As the Project is proposing 96 units, the application does not conflict with the City's General Plan and zoning requirements, as listed under section 5(a), above.

Attachment A, Consistency Analysis, provides a list of the City's objective development standards and the Proposed Project's consistency with them. Also, as noted above, **Attachment C** contains additional comments from City staff for your consideration as you prepare your formal Application Submittal that can be submitted after the completion of the Tribal Consultation process.

6. The Proposed Project is not located on a legal parcel that is in 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: Consistent. The Project site is composed of two legal parcels, located in the City of Burbank, for which the boundaries are not located within a coastal zone, as designated by the California Coastal Act (see **Attachment F**).

- 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: Consistent. 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. While the NOI Application omitted a map showing location of the Project site in relation to existing farmland areas as designated by the California Department of Conservation. (see **Attachment G**).

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

Analysis: Consistent. The Project site is composed of two legal parcels, located in the City, which are not located on wetlands (see **Attachment H**).

- 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: Consistent. The Project site is composed of two legal parcels, located in the City, which are not located within a very high fire hazard severity zone (see **Attachment I**).

- 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: Consistent. The Project site is composed of two legal parcels that, according to the DTSC, EnviroStor and State Water Resources Control Board, and GeoTracker databases, are not located on a hazardous waste site (see **Attachment J**).

- 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: Consistent. The Project site is composed of two legal parcels, located in the City, which are not located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist (see **Attachment K**).

- 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: Consistent. A portion of the legal parcels is located within a special flood hazard area with the designation of flood zone "AO" and a flood depth of 1 foot, as determined by FEMA. However, the Proposed 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. Two criteria are cited in the Code of Federal Regulations:

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)).

Per the first criteria, as currently proposed and substantiated in a memorandum submitted by the Project Applicant on October 20, 2021 (see **Attachment L**), "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 Flood Insurance Rate Map (FIRM) 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." (44C.F.R. Section 59.1.)

Exhibit B in the Project Applicant's memorandum 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 3.2 feet on average. The Applicant 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 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 Proposed Project will comply with the first criterion.

With respect to the second criterion, as shown on Exhibit C in the Project Applicant's memorandum titled "Preliminary Grading and Drainage Plan," the Proposed Project will include adequate drainage around structures on slopes, to guide storm and floodwaters around and away from the proposed residential structures. The Proposed Project will include slopes of 2% or more grade away from structures. With this proposed infrastructure, the Proposed Project will provide adequate drainage around structures on slopes to guide storm and floodwaters around and away from proposed structures. As such, the Proposed Project will comply with the second criterion.

Because the Proposed 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.

- 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: Consistent. As mentioned above, the Project site is composed of two legal parcels, located in the City of Burbank, a portion of which is located within a special flood hazard area (Zone AO) and a flood depth of 1 foot, as determined by FEMA (see **Attachment L**).

- 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: Consistent. The legal parcels are not located on 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. (see **Attachment M**).

- 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: Consistent. The legal parcels are not located on 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 (see **Attachment N**).

- k. Lands under conservation easement.

Analysis: Consistent. The legal parcels are not located on lands under conservation easement. (see Attachment O).

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 Project site is currently developed with commercial and open space uses 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 Project site has been operated as commercial and open space uses, and associated asphalt parking lot, for more than 10 years.

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 Project site is not located in a historic district and there are no national, state, or locally designated historic structures on the site. However, the City completed a historic sign survey in 2014, which lists the Pickwick Bowl sign on the building of the bowling alley as a potential historic resource. The procedure and criteria for designating historic signs accompanied the survey and is found in Division 7 (Historic Sign Regulations) in the Burbank Municipal Code. However, since the Pickwick Bowl sign has not been officially designated as a historic resource and was not designated prior to the NOI being submitted, the Proposed Project would not require the demolition of a historic structure that was placed on a national, state, or local historic register. Nevertheless, while the sign is not officially designated, the City would request the developer to consider the preservation and integration of the sign in the design of the Proposed Project.

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 general public by the subdivider or subsequent owner of the property.

Analysis: Consistent. The Project site is currently developed with commercial and open space uses 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 Project Applicant has committed to complying with all labor provisions identified in SB 35 and the HCD 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. Moreover, on October 13, 2021, the Project Applicant provided a letter confirming their commitment to complying with all the labor provisions identified in CA Government Code 65913.4. and the HCD SB 35 Guidelines (see **Attachment P**).

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 development is subject to the Subdivision Map Act and the City's objective subdivision standards and is required to pay prevailing wages and use a skilled and trained workforce. A Vesting Tentative Tract Map was submitted and a letter committing to pay prevailing wage was received on October 13, 2021 (see **Attachment P**).

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. i. 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: Consistent. The Proposed Project is located approximately 0.5 miles southwest of the transit stop located at Victory Boulevard and Allen Avenue. Therefore, the Proposed Project is within one-half mile of public transit, and is therefore not subject to parking requirements (see **Attachment Q**).

As previously mentioned, attached to this letter are a second round of comments to your second submittal conceptual plans from Transportation Planning, Fire, Building and Safety, Parks and Recreation, Public Works, and Housing (see **Attachment C**).

Should you have any questions, please feel free to contact Fred Ramirez at (818) 238-5250 or framirez@burbankca.gov.

Sincerely,



Fred Ramirez

Assistant Director of Community Development-Planning

Attachments

Attachment A –Consistency Analysis of City Standards
Attachment B – Request for Tribal Consultation and Response
Attachment C – City Department Comments
Attachment D – 2010 US Census – Urbanized Area Reference Map: Los Angeles–Long Beach–Anaheim, CA
Attachment E – November 10, 2021 HCD Email
Attachment F Coastal Zone Map
Attachment G – California Important Farmland Finder
Attachment H – United States Fish and Wildlife Service Wetlands Mapper
Attachment I – Calfire Fire Hazard Severity Zone
Attachment J – Department of Toxic Substances Control, EnviroStor and State Water Resources Control Board GeoTracker
Attachment K – Fault Activity Map of California
Attachment L– FEMA’s National Flood Hazard Layer Viewer and Special Flood Hazard Area Memo of October 20, 2021
Attachment M – CA Natural Community Conservation Plans 2019 Map and Data Basin, CA Habitat Conservation Plans Map
Attachment N – Protected Species Habitat
Attachment O – National Conservation Easement Database
Attachment P – Prevailing Wage Letter
Attachment Q – Project Site to Bus Stop Map

Attachment A

Consistency Analysis with City Standards

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
Maximum Residential Density. 20 units/acre. (10-1-2436.5)	The Project is proposing 96 units with a proposed density of 18.8 du/ac. 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 5.1-acre site at 20 units per acre is 102 units. Thus, the application is consistent with this objective development standard.	Consistent
Structure Height. The maximum height of a structure shall be a maximum of 35 feet as measured from grade. 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. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy. A Conditional Use Permit is required for a structure higher than 35 feet. (10-1-2441.A)	TBD: The proposed 3-story townhomes are 35 feet as measured from grade.	Consistent
Open Space: 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	N/A – the adjacent lots are not zoned residential.	Consistent

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
minimum five (5) foot open space between the properties. (10-1-2441.B.1)		
Open Space: 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. (10-1-2441.B.2)	A 25' setback along Riverside Drive and Main Street have been provided	Consistent
Open Space: Landscaping Requirement. When the commercial property abuts or is adjacent to an 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. (10-1-2441.B.3)	There is no adjacent residential zone. Open space will be provided in a central courtyard and will include amenities TBD. Secondary courtyards will also provide passive open spaces and landscaping will fill in areas such as front setbacks, paseos, between buildings, etc.	Consistent
Open Space: Parking Allowed in Open Space. When the commercial property abuts property other than R-1, R-1-H or R-2, the open space may be used for surface parking. (10-1-2441.B.4)	There will be no parking in areas counted as open space.	Consistent
Setbacks: 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	Building setbacks will meet or exceed the 25' setback from both the Riverside and Main frontages.	Consistent

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
line to any surface parking area is required. (10-1-2441.C.2.a)		
Setbacks: 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. (10-1-2441.C.2.b)	A minimum 5' setback at the side is proposed. There are no adjacent residential zoned properties.	Consistent
Setbacks: 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. (10-1-2441.C.2.c)	A minimum 5' setback at the rear is proposed. There are no adjacent residential zoned properties.	Consistent
Landscaping: California native plants and California Sycamore trees shall be used as landscaping materials. California Sycamore trees shall be used as required street trees. The landscaping requirements of Section 10-1-705(C)(3) shall apply in the CR Zone. The requirements for parking structures and surface parking lots in Article 14 of this	The City required landscape palettes are proposed and will be used in combination with a fully developed landscape architect's concept plan. The Project will comply with all applicable landscaping requirements.	Consistent

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
Chapter shall apply in the CR Zone. (10-1-2441.C.3)		

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<p>Section 10-1-705(C)(3): Landscaping Requirements.</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 landscaped 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</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>

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<p>planter must have a minimum inside dimension of four (4) feet.</p> <p>e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.</p> <p>f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.</p> <p>g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.</p> <p>h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.</p>	<p>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>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>	

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<p>Retail Structures. On retail structures, bay windows at least three (3) feet high may project over 75 percent of the required front yard not to exceed three (3) feet into the front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping. (10-1-2441.C.4)</p>	N/A	N/A
<p>Parking. No surface parking area frontage shall comprise more than 50 percent of any street frontage. If surface parking is visible from the public right-of-way, parking shall be organized into parking courts not to exceed 40 stalls, surrounded on all sides with a minimum five (5) foot landscape buffer. 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. (10-1-2441.C.5)</p>	<p>No parking is proposed in the front yard setback areas. There are no adjacent residential zones. Parking is provided at a rate of 2.25/unit. Each residence will be provided with 2 cars in a private, enclosed garage. 0.25/unit space will be left uncovered and open for guest. This is consistent with Table 10-1-628(A).</p>	Consistent
<p>Pitched roofs are required. Mansard roofs are prohibited. (10-1-2443.A)</p>	<p>The proposed design includes pitched gable roofs and gable ends. Mansards are not included.</p>	Consistent

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
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. (10-1-2443.B)	The project includes the Spanish Colonial architectural style. The design includes patios, courtyards, arches, tile roofs, and archways.	Consistent
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. (10-1-2443.C)	See colors and materials indicated on the elevations supplied with the project which demonstrates consistency.	Consistent
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. (10-1-2443.D)	The elevations include the use of Spanish tiles and textured stucco.	Consistent
<p>The design standards of Section 10-1-1113.1 shall apply in the CR Zone. (10-1-2443.E)</p> <p>Section 10-1-1113.1: Commercial and Industrial Design Standards</p> <p>A. ROOF DESIGN. 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>These items are addressed below.</p> <p>The project does not include the use of parapets into the design.</p>	Consistent

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<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>B. WINDOW TREATMENT. 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>C. BUILDING MATERIALS. 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>D. VARIATION ON PLANE. All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the</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>N/A</p> <p>C. All publicly visible sides of the building are equally and well articulated.</p> <p>D. The proposed buildings fronting onto public streets includes building variation elements such as surface breaks, projecting facades,</p>	

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<p>purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.</p> <p>E. ENTRIES. Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.</p> <p>F. APPENDAGES, AWNINGS AND MARQUEES. 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>G. EXTERIOR STAIRWAYS. Enclosures or landscape barriers must be provided wherever there is less than seven (7) feet vertical clearance below stairs. 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. Open risers are prohibited.</p> <p>H. LOCATION AND SCREENING OF TRASH BINS. Trash bins shall not be located in any required front or street</p>	<p>recessed entries, and projecting archways.</p> <p>E. Entries are either recessed within an alcove or behind a projecting archway. Entries are also highlighted by a window or tilework.</p> <p>F. All awnings use flame-resistant material and will meet all applicable building and fire codes.</p> <p>G. The project does not include any exterior stairways. All stairways are within the individual units.</p> <p>H. Trash containers will be stored within the garage of each unit.</p>	

ARTICLE 24. RANCHO MASTER PLAN ZONES: DIVISION 6. COMMERCIAL RECREATION (CR) ZONE	Consistency Analysis	Consistency Determination
<p>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. If the lot abuts an alley, the trash bin must be directly accessible from the alley.</p> <p>I. This section deleted by Ord. No. 3548, eff. 9/2/00.</p> <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</p>	<p>All trash will be stored within each unit. No trash enclosures are proposed.</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>Consistent</p>

ARTICLE 6. RESIDENTIAL USES AND STANDARDS DIVISION 5. AFFORDABLE HOUSING INCENTIVES	Consistency Analysis	Consistency Determination
<p>Inclusionary Unit Requirement</p> <p>A. CALCULATION.</p> <p>At least 15 percent of all newly constructed dwelling units in Residential Developments shall be developed, offered to and sold or rented to Very Low, Low and Moderate Income Households, at an Affordable Rent or Affordable Ownership Housing Cost, as follows:</p> <ol style="list-style-type: none"> 1. For-sale projects - All Inclusionary Units 15 percent of the total Residential Development) shall be sold to Low and/or Moderate Income Households. 2. Rental projects - A minimum of five percent of units in the total Residential Development shall be Very Low Income; the remaining ten percent of the units shall be Low Income. <p>In calculating the required number of Inclusionary Units, any decimal fraction shall be rounded up to the nearest whole number. Any additional units authorized as a density bonus under Section 10-1-635 of the Burbank Municipal</p>	<ol style="list-style-type: none"> 1. 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 10.2 percent of the total units being affordable. This would result in a total credit of 	<p>Consistent</p>

ARTICLE 6. RESIDENTIAL USES AND STANDARDS DIVISION 5. AFFORDABLE HOUSING INCENTIVES	Consistency Analysis	Consistency Determination
Code will not be counted in determining the required number of Inclusionary Units. (10-1-646)	20 affordable units, exceeding the 15 percent inclusionary housing requirement identified in Section 10-1-646 of the Burbank Municipal Code.	
<p>Standards for Inclusionary Units</p> <p>A. DESIGN.</p> <p>Except as otherwise provided in this Division, Inclusionary Units must be dispersed throughout a Residential Development and be comparable in construction quality and exterior design to the Market-rate Units. Inclusionary Units may be smaller in aggregate size and have different interior finishes and features than Market-rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. The number of bedrooms must at a minimum be the same as those in the Market-rate Units and at the same percentage.</p> <p>B. TIMING.</p> <p>All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-rate Units. In phased developments, Inclusionary Units must be constructed and occupied in proportion to the</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>B. 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>

ARTICLE 6. RESIDENTIAL USES AND STANDARDS DIVISION 5. AFFORDABLE HOUSING INCENTIVES	Consistency Analysis	Consistency Determination
<p>number of units in each phase of the Residential Development.</p> <p>C. DURATION OF AFFORDABILITY REQUIREMENT.</p> <p>Inclusionary Units shall be reserved for Very Low, Low and Moderate Income Households at the ratios established pursuant to Section 10-1-646, and shall be provided at the applicable Affordable Rent or Affordable Ownership Housing Cost.</p> <ol style="list-style-type: none"> 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. 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 	<p>C. 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>	

ARTICLE 6. RESIDENTIAL USES AND STANDARDS DIVISION 5. AFFORDABLE HOUSING INCENTIVES	Consistency Analysis	Consistency Determination
<p>affordable units must remain as owner-occupants, and may not rent out the unit. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-63; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]</p> <p>(10-1-651)</p>		

10-1-646 Burbank General Plan 2035	Consistency Analysis	Consistency Determination
<p><i>Policy 1.8 Ensure that development in Burbank is consistent with the land use designations presented in the Land Use Plan and shown on the Land Use Diagram, including individual policies applicable to each land use design</i></p>	<p>The proposed development is consistent with the General Plan land use designation.</p>	<p>Consistent</p>
<p>Policy 4.8 Locate parking lots and structures behind buildings or underground. Do not design parking lots and structures to face streets or sidewalks at ground level. Use alternatives to surface parking lots to reduce the amount of land devoted to parking.</p>	<p>The parking proposed is within enclosed garages and in unenclosed guest spaces within the interior of the site.</p>	<p>Consistent</p>
<p>Policy 3.14 Prohibit gated communities, private streets, private driveways, and other limited-access situations, except</p>	<p>The Proposed Project will not be gated. Residents along Riverside Drive will be oriented towards the street with pedestrian access ways</p>	<p>Consistent</p>

where special findings can be made.	providing public access to the interior of the site.	
Mobility Element; Table M-2 Sidewalk Standards, Rancho Commercial District: 15 feet standard width; 10 feet minimum width	The Proposed Project meets a minimum 10-foot sidewalk width on both Riverside Drive and Main Street, including the walkways and planter areas.	Consistent

Attachment B
Request for Tribal Consultation &
Response



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

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

July 30, 2021

Fernandeño Tataviam Band of Mission Indians
Attn: Jairo Avila, Tribal Historic and Cultural Preservation Officer
1019 Second Street, Suite 1
San Fernando, CA 90707
Via email: Jairo.avila@tataviam-nsn.us

RE: AB 168 Tribal Scoping Consultation for an SB 35 Application: Pickwick Gardens Project, 921-1001 W. Riverside Drive, Burbank, Los Angeles County, California

Dear Mr. Avila,

The City of Burbank (City) received an Application for a new multi-family residential housing project known as the Pickwick Gardens Project (Project). The Project was submitted by MW Investments (Applicant) under the Senate Bill (SB) 35 Streamlined Approval Process. Under SB 35, environmental review of the project is not required as it is not considered a project under the California Environmental Quality Act (CEQA). The City is seeking your tribe's input regarding the proposed development within 30 days from receipt of this letter if you wish to consult on the proposed Project, pursuant to Government Code Section 65913.4(I).

The Project site is located at 921-1001 W. Riverside Drive in the City of Burbank, and it is comprised of 5.1 acres. As shown in Exhibit A, Site Aerial, the Project site is currently developed with an approximate 51,082-square foot bowling alley and an approximate 2,713-square foot ancillary bar and arcade. The remainder of the site is developed with a 2.5-acre garden area, ornamental landscaping, the bowling center sign, and a surface parking lot. The Project site does not include the ice-skating rink, the building attached to the rink, or the Pickwick sign. The existing site does not include any residential uses. All improvements on the Project site will be demolished and cleared. Grading activities will generally include excavating and recompacting the topsoil of the previously-graded site. Including stormwater treatment devices, it is not anticipated that excavations will exceed 10 feet below existing grade.

The Project consists of approximately 98 three-story townhomes ranging from 1,200 to 1,850 square feet in size. Each home will have a two-car garage with direct, private access into the home as well as private open space in the form of patios and/or upper level decks. The primary project entry opens to a 21,000 square-foot central open space element. This is intended to create an inviting space for recreation activities and passive outdoor space, while at the same time creating a sense of arrival into the neighborhood. Of these 98 townhomes, 10 units will be reserved for purchase to low-income residents (earning 80 percent of the Area Median Income (AMI)), resulting in a total of 10.2 percent of the total units being affordable). These units will remain affordable at this level for a period of at least 55 years.

The project Applicant has applied for the Senate Bill (SB) 35 Streamlined Approval Process, pursuant to Section 65913.4 of the Government Code. The purpose of SB 35, which became effective on January 1, 2018, is to help address the state's housing shortage and high housing costs. It requires cities that have not made sufficient

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progress toward meeting their regional housing need assessment (RHNA) allocation to process development applications expeditiously through a “Streamlined Ministerial Approval Process.” This means that cities must allow qualifying development projects that meet certain minimum affordable housing guarantees to move more quickly through the local government review process. Under SB 35, environmental review is not required, the building permit will not be subject to any applicable neighborhood notice requirements in the Zoning Code, and the City will not accept discretionary review applications for these projects because they are subject to a ministerial approval process. The City will also not impose application requirements that are more stringent than required for a final multi-family entitlement or standard design review. Assembly Bill (AB) 168, which took effect on September 25, 2020, advises that projects with pending applications under SB 35 should engage in tribal consultation to ensure compliance with the requirements of AB 168.

The input of your tribe is important to the City’s planning process. We respectfully request a written response within 30 days from receipt of this letter if you wish to consult on the proposed project. If you require any additional information or have any questions, please contact me at (818) 238-5250 or via e-mail at framirez@burbankca.gov. Thank you for your assistance.

Sincerely,



Fred Ramirez

Assistant Director of Community Development, City of Burbank, Planning Division

Enclosure:

Exhibit A: Site Aerial

From: [Jairo Avila](#)
To: [Plambaeck, Scott](#)
Cc: [Shannon Wages](#); [Ramirez, Fred](#)
Subject: Re: AB 168 Tribal Scoping Consultation for an SB 35 Application
Date: Wednesday, September 29, 2021 5:03:50 PM
Attachments: [image006.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Scott,

Excuse my delayed response to coordinating a meeting date. I tried calling your office today but was unable to reach you.

I understand that this Project is exempt from CEQA. However, as mentioned in my initial email, this project is within the boundaries of Rancho Providencia and has cultural significance to the FTBML.

I am available to discuss the project and tribal concerns on these following dates.

September 4,5,6 10:00am - 4:00pm

September 8 1:30pm -4:00pm

I can also make myself available this Friday 10/1 after 1:00pm

Let me know what day and time works for you.

Thank you,

Jairo F. Avila, M.A., RPA.

Tribal Historic and Cultural Preservation Officer

Cultural Resources Management Division

Tribal Historic and Cultural Preservation Department

Fernandeño Tataviam Band of Mission Indians

1019 Second Street, Suite 1

San Fernando, California 91340

Office: (818) 837-0794

Website: <http://www.tataviam-nsn.us>

From: Plambaeck, Scott <SPlambaeck@burbankca.gov>

Sent: Thursday, September 16, 2021 11:36 AM

To: Jairo Avila <jairo.avila@tataviam-nsn.us>; Ramirez, Fred <FRamirez@burbankca.gov>

Cc: Plambaeck, Scott <SPlambaeck@burbankca.gov>; Shannon Wages <SWages@esassoc.com>

Subject: RE: AB 168 Tribal Scoping Consultation for an SB 35 Application

[CAUTION] EXTERNAL Email. Exercise caution.

Good Morning Jairo,

I am following up on your request requesting consultation for the project at 921-1001 Riverside Drive. Please let us know if you would like to consult and if so, what days and times you may be available.

Thank you,

Scott



SCOTT PLAMBAECK

DEPUTY CITY PLANNER | COMMUNITY DEVELOPMENT DEPARTMENT

818-238-5250 | SPLAMBAECK@BURBANKCA.GOV

Working together for a safe, beautiful and thriving community.

From: Plambaeck, Scott <SPlambaeck@burbankca.gov>

Sent: Friday, August 20, 2021 11:09 AM

To: Jairo Avila <jairo.avila@tataviam-nsn.us>; Ramirez, Fred <FRamirez@burbankca.gov>

Cc: Plambaeck, Scott <SPlambaeck@burbankca.gov>

Subject: RE: AB 168 Tribal Scoping Consultation for an SB 35 Application

Hello Jairo,

Thank you for your email requesting consultation for the project at 921-1001 Riverside Drive. Please note that the proposed Project is exempt from CEQA review pursuant to SB 35. However you can request for a tribal scoping consultation under SB 35 pursuant to AB 168.

Please let us know if you would like to consult and if so, what days and times you may be available.

Regards,

Scott



SCOTT PLAMBAECK

DEPUTY CITY PLANNER | COMMUNITY DEVELOPMENT DEPARTMENT

[818-238-5250](tel:818-238-5250) | SPLAMBAECK@BURBANKCA.GOV

Working together for a safe, beautiful and thriving community.

From: Jairo Avila <jairo.avila@tataviam-nsn.us>
Sent: Monday, August 02, 2021 12:00 PM
To: Ramirez, Fred <FRamirez@burbankca.gov>
Cc: Plambaeck, Scott <SPlambaeck@burbankca.gov>; Sandoval, Griselda <GSandoval@burbankca.gov>
Subject: Re: AB 168 Tribal Scoping Consultation for an SB 35 Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tribal Historic & Cultural Preservation Department

Dear Mr. Fred Ramirez,

On behalf of the Cultural Resource Management (CRM) of the Fernandefio Tataviam Band of Mission Indians (FTBMI), thank you for the formal notification and opportunity to consult on the proposed 921-1001 W. Riverside Drive Project located in the City of Burbank, CA. The Project area is located within the traditional FTBMI ancestral territory and encompasses the lineage-villages from which members of the Tribe descend.

Based on the information provided and FTBMI's Tribal Resource knowledge, the CRM Division has various concerns regarding impacts to cultural resources by the proposed Project and request that further consultation for the proposed project is conducted. Given the nature and location of the proposed Project within the boundaries of Rancho Providencia, ground disturbing activities within the area have potential for impacting significant resources related to the FTBMI. As a result, CRM Division requests that the following language be made a part of the Project staff report/permit/conditions:

- **TCR-1:** The Project applicant shall retain a professional Native American monitor procured by the Fernandefio Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations within the proposed impact areas. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.
 - Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports)

- shall be provided to the Fernandefio Tataviam Band of Mission Indians.
- The applicant and Lead Agency shall, in good faith, consult with the Fernandefio Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation.
 - **TCR-2:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The CRM Division looks forward to reviewing the Project's Mitigated Negative Declaration/Conditions of Approval. Should there be any issues with this request, we would be glad to schedule a formal consultation meeting to discuss the Project, incorporation of Tribal perspectives into the Project staff report, and management protocols that are inclusive of Tribes. I appreciate your time and look forward to further updates on this Project.

Respectfully,

Jairo F. Avila, M.A., RPA.

Tribal Historic and Cultural Preservation Officer

Cultural Resources Management Division

Tribal Historic and Cultural Preservation Department

Fernandefio Tataviam Band of Mission Indians

1019 Second Street, Suite 1

San Fernando, California 91340

Office: (818) 837-0794

Website: <http://www.tataviam-nsn.us>

From: Sandoval, Griselda <GSandoval@burbankca.gov>

Sent: Friday, July 30, 2021 5:34 PM

To: Jairo Avila <jairo.avila@tataviam-nsn.us>

Cc: Ramirez, Fred <FRamirez@burbankca.gov>; Plambaek, Scott <SPlambaek@burbankca.gov>

Subject: AB 168 Tribal Scoping Consultation for an SB 35 Application

[CAUTION] EXTERNAL Email. Exercise caution.

Good evening:

Attached find letter regarding: AB 168 Tribal Scoping Consultation for an SB 35 Application: Pickwick Gardens Project, 921-1001 W. Riverside Drive, Burbank, Los Angeles County California.

A certified letter was placed in the mail today.

Have a safe weekend!



GRISelda SANDOVAL
Principal Clerk
(818) 238-5250 | Burbankca.gov
GSandoval@BurbankCA.gov

Attachment C
City Department Comments

memorandum

DATE: September 28, 2021
TO: Scott Plambaeck, Deputy City Planner
FROM: Chris Buonomo, Assistant Transportation Planner
SUBJECT: Project No. 21-0003800 – 921 to 1001 Riverside Drive

The Transportation Division, Community Development Department has reviewed the APB for 921 to 1001 Riverside Drive and has the following comments:

Project Description

Request for a Development Review to construct 98, three-story residential townhome units ranging from 1,200 to 1,850 sq. ft. on a 5.1 acre site. Each townhome will have a two-car attached garage and private decks or patios. A common private open space area of 24,000 sq. ft. and second private open space area of 6,000 sq. ft. will be provided for the residents. The applicant proposes for sale units and is offering to reserve 10 of the units for purchase to low-income residents (80% of AMI). The proposal includes demolition of an existing 51,082 sq. ft. (Pickwick) bowling alley and a 2,713 sq. ft. ancillary building. The project site is located on the northwest corner of Riverside Drive and S. Main Street. The applicant has applied for a SB 35 streamlining process as well as a preliminary application seeking vested rights pursuant to SB 330. Pursuant to SB 35 and SB 330 the City has 30 days to deem the application complete or incomplete.

EXISTING STRUCTURES ON SITE: The project site contains a 51,082 sq. ft. Bowling Alley and an approximately 2,713 sq. ft. ancillary building. Both structures are proposed to be demolished to accommodate the project.

PERMITS/APPROVALS NECESSARY:

Type of Permit	To Allow
Development Review	The construction of 98 3-story residential townhomes.

CURRENT	Zoning: C-R (Commercial Recreation) General Plan: Rancho Commercial
PROPOSED	Zoning: No Change General Plan: No Change

Traffic Study Requirement

The City's project review process ensures that transportation impacts caused by new developments are fully considered so that the community may be informed of the potential effects of new development.

A project may not be approved unless the Director, Planning Board, or City Council finds that the Project would not have an adverse effect on traffic flow or circulation, or deems that any traffic impacts are acceptable because the benefits of the Project to the community outweigh these impacts.

The Community Development Department's Transportation Division has reviewed a preliminary Vehicle Miles Traveled for Project No. 21-0003800 and has the following comments:

For this Project, a traffic study will not be required.

Sidewalk Standards / Requirement

Per the City's *Burbank2035 General Plan Mobility Element*, the City has set specific sidewalk width requirements for Burbank's streets. Based on Table M-2 (page 4-21) of the *Burbank2035 General Plan's* Regional Commercial land use designation, the Project shall provide 15 feet wide sidewalks (from edge of curb to property line). This will require a dedication of approximately 5 feet along the project's Main Street frontage from the northern property line to a point 110 feet south of the northern property line, and requires a dedication of approximately 13 feet from a point 110 feet south of the northern property line to the southern property line. The 13 foot dedication is required to provide a 15 foot sidewalk adjacent to the existing southbound Main Street right turn pocket, which shall be lengthened 40 feet northward.

The five-foot portion of the 15-foot sidewalk adjacent to the street shall be improved with street trees in accordance with the City's Street Tree Master Plan. This five-foot portion of the sidewalk may also be improved with a residential landscaped buffer; if so desired, this landscaping shall be maintained by the project applicant.

Development shall provide sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to the units within the development, per Development Standards outlined in the Burbank Municipal Code 10-1-628.

As shown in plans, the sidewalk cuts the corner from Riverside Drive to the main entrance driveway behind a landscaped area and the project signage. The sidewalk shall proceed to the corner in order to delineate a clear pedestrian path of travel and avoid having pedestrians walk in the driveway.

Per Burbank Municipal Code 10-1-628, Transportation requests that sidewalks within the project are a minimum of 5 feet wide to meet ADA requirements and that pedestrian crossings be clearly marked.

To promote and enhance transit, bicycle, and pedestrian connectivity and multi-modal options, the Developer shall be required to provide:

- Shade canopy with trees along the parkway surrounding the Project site
- Provide pedestrian safety enhancements, such as pedestrian lighting

Applicant shall provide a circulation plan that shows the path of travel for vehicles, pedestrians, and bicyclists, including internal sidewalk widths.

These are preliminary comments based on the review of the currently submitted project description and site plan. These comments may be subject to change if the project description and/or site plan are to change. Please feel free to direct all questions regarding the requirements listed above to the Transportation Division by email at cbuonomo@burbankca.gov.



BURBANK FIRE DEPARTMENT

Memorandum

TO: Scott Plambaek
FROM: Mark Hatch, Fire Marshal
By: Daniel King
DATE: 9/17/2021
RE: 921-1001 Riverside Drive

ALL NOTED INFORMATION PERTAINING TO THE PROPOSED PROJECT SHALL BE SHOWN ON PLANS SUBMITTED AS PART OF THE FIRE DEPARTMENT REVIEW FOR APPROVAL.

While we make no attempt to cite all applicable provisions herein, the following code requirements are of special significance for this project:

- Provide construction site security by means of a six-foot high fence maintained around the entire site or a qualified fireguard when required by the Fire Code Official.
- Provide an automatic fire sprinkler system in accordance with the Burbank Municipal Code.
- Provide electrical supervision for all valves controlling the water supply and all water flow switches on all fire sprinkler systems where the number of sprinklers is 20 or more.
- Provide a fire alarm system to notify all occupants of automatic fire sprinkler water flow.
- Provide a Knox key box for fire department access.
- Provide a Knox KS-2 key access switch for security gates.
- Provide address numbers a minimum of 4 inches high for residential structures and six inches high for all other occupancies with $\frac{3}{4}$ inch stroke to identify the premises. Numbers shall be plainly visible from the street or road fronting the property and from the alley or rear accessway to the property.
- 2A10BC fire extinguishers shall be provided and located as directed by the Fire Code Official in the field. All portable fire extinguishers shall be installed on a positive latching bracket or within an enclosed cabinet.
- Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. All locking devices shall be of an approved type.
- Provide a fire alarm system.
- Fire apparatus access roads shall be provided in accordance with the California Fire Code, for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Access during construction shall be maintained in accordance with the CFC/BMC.
- Specifications for fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.
- Plans for fire apparatus access road shall be submitted to the fire department for review and approval prior to construction.

- Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
- When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, **such protection shall be installed and made serviceable prior to and during the time of construction.**
- Approved signs or other approved notices shall be provided and maintained, at the expense of the person(s) in possession of the property, for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.
- An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.
- All exits, fire department access and fire protection shall be maintained in accordance with the California Fire Code during construction.
- Any fire hydrants for this block shall be upgraded with a 4" X 2-2 1/2" outlets. Contact the Water Division at 238-3500 for specifications on the type fire hydrants to be provided.
- Secondary exiting may be required for residents during an emergency. Provide information to all City departments.

LEAKY CABLE/SUBTERANEAN STRUCTURES

- Except as otherwise provided, no person shall maintain, own, erect, or construct, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency service workers, including but not limited to firefighters and police officers. Buildings and structures which cannot meet the required adequate radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type accepted bi-directional UHF amplifiers as needed. Further information and guidance can be obtained by contacting the City of Burbank Radio Communications shop at (818)238-3601.
- For parking garages provided with a ventilation system in accordance with the California Building Code "Interior Environment" a remote over-ride switch shall be provided for Fire Department use as assistance for smoke removal. The switch shall be located and clearly marked in a readily accessible location as directed by the Fire Department.
- Provide smoke detection for dwelling units, congregate residences and hotel or lodging guestrooms that are used for sleeping purposes.
- Power and location of smoke detectors in Group R occupancies shall be in compliance with the California Fire Code, California Building Code as amended by the Burbank Municipal Code.
- All existing single-family dwelling units intended for human occupancy shall have installed on or before July 1, 2011 carbon monoxide detectors in accordance with the Health & Safety Code §17926.
- All existing Multi-dwelling units intended for human occupancy shall have installed on or before January 1, 2013 carbon monoxide detectors in accordance with the Health & Safety Code §17926.

In order to determine fire flow requirements for this building, the following information shall be provided prior to issuing a building permit for final fire department plan check:

- Building Type Construction as defined by the California Building Code.
- Square feet of the building.

All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the owner and the owner's architect and/or contractor from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for fire fighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the project develops and is not limited to the requirements provided in these comments.

NOTE: All references are in accordance with the 2019 Edition of the California Fire Code (CFC) and the California Building Code (CBC) as amended by the Burbank Municipal Code (BMC).

ALL NOTED INFORMATION PERTAINING TO THE PROPOSED PROJECT SHALL BE SHOWN ON PLANS SUBMITTED AS PART OF THE FIRE DEPARTMENT REVIEW FOR APPROVAL.

For additional information or questions contact the Deputy Fire Marshal or Fire Marshal at (818) 238-3473.

From: [Brimway, Emil](#)
To: [Plambaeck, Scott](#)
Subject: RE: APB - 921-1001 W. Riverside Drive - Proposed 96 Unit Townhome Project
Date: Tuesday, September 14, 2021 1:19:10 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hello Scott,

Requesting proper mapping with building numbers at main entry point. Knox box if applicable.

Thank you,

Emil

From: Plambaeck, Scott <SPlambaeck@burbankca.gov>
Sent: Tuesday, September 14, 2021 1:16 PM
To: Prescott, Patrick <PPrescott@burbankca.gov>; Montes, Kimberly <KMontes@burbankca.gov>; Wilke, Judie <JWilke@burbankca.gov>; Garcia, Marisa <MGarcia@burbankca.gov>; Del Campo, Michael <MDelCampo@burbankca.gov>; Albano, Amy <AAlbano@burbankca.gov>; McDougall, Joseph H. <JMcDougall@burbankca.gov>; MacMillan, Iain <IMacMillan@burbankca.gov>; Ramirez, Fred <FRamirez@burbankca.gov>; Plambaeck, Scott <SPlambaeck@burbankca.gov>; Bechet, Leonard <LBechet@burbankca.gov>; Villa, Daniel <DVilla@burbankca.gov>; Sandoval, Griselda <GSandoval@burbankca.gov>; Kriske, David <DKriske@burbankca.gov>; Choi, Roy <RChoi@burbankca.gov>; Buonomo, Christopher <CBuonomo@burbankca.gov>; Takiguchi, Ron <RTakiguchi@burbankca.gov>; Lim, Tom <TLim@burbankca.gov>; Freesland, Russell <RFreesland@burbankca.gov>; jeff@jmd-la.com; McFarland, Simone <SMcFarland@burbankca.gov>; Hamzoian, Mary <MHamzoian@burbankca.gov>; Berkman, Ken <KBerkman@burbankca.gov>; Eskandari, Sarah <SEskandari@burbankca.gov>; Rynn, Daniel <DRynn@burbankca.gov>; Molinar, John <JMolinar@burbankca.gov>; Frank, Lisa <LFrank@burbankca.gov>; Wilcox, David <DWilcox@burbankca.gov>; Sleiman, Riad <RSleiman@burbankca.gov>; Hahn, Hoon <HHahn@burbankca.gov>; Becker, Jennifer <JBecker@burbankca.gov>; Arraj, Ayman <AArraj@burbankca.gov>; Oyoung, Glenn <GOyoung@burbankca.gov>; Walker, Stephen <SWalker@burbankca.gov>; Davtian, Vikki <VDavtian@burbankca.gov>; Sanchez, Ricardo <RSanchez@burbankca.gov>; Roman, Anthony <ARoman@burbankca.gov>; Ortega, George <GORtega@burbankca.gov>; Figueroa, Ernesto <EFigueroa@burbankca.gov>; Bleveans, Lincoln <Ibleveans@burbankca.gov>; Compton, Jim <JCompton@burbankca.gov>; Lippert, Daniel <DLippert@burbankca.gov>; Wilson, Richard <RWilson@burbankca.gov>; Nahhas, Bassil <BNahhas@burbankca.gov>; Miranda, Samantha <SNMiranda@burbankca.gov>; Hernandez, David <DHernandez@burbankca.gov>; Akerson, Victoria <VAkerson@burbankca.gov>; Clark, Calvin <CClark@burbankca.gov>; Khachatourian, Alen <AKhachatourian@burbankca.gov>; Antoun, Alfred <AAntoun@burbankca.gov>; Wang, Michael <MWang@burbankca.gov>; Truong, Michael <MTruong@burbankca.gov>; King, Daniel <dking@burbankca.gov>; Rowley, Eric <ERowley@burbankca.gov>; Green, Derek <DGreen@burbankca.gov>; Yu, Edward <EYu@burbankca.gov>; Leyland, Maribel <MLeyland@burbankca.gov>; Oishi, Seiko <SOishi@burbankca.gov>; Lindell, Dawn

memorandum

DATE: September 24, 2021

TO: Scott Plambaeck, Deputy City Planner (ext. 5275)

FROM: Building & Safety Division

SUBJECT: **Project No. 21-0003800 (Development Review)**
Located at 921-1001 Riverside Dr

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.

MEMORANDUM




PUBLIC WORKS

DATE: September 29, 2021

TO: Scott Plambaeck, Deputy City Planner

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

SUBJECT: Project No. 21-0003800 – Resubmittal of SB 35 Streamline Ministerial Design Review (with IDRC Staff Meeting)
Located at 921 – 1001 Riverside Dr



Project Description:

Request for a SB 35 Streamline Ministerial Design Review application to construct 96, three-story residential townhome units ranging from 1,325 to 1,900 sq. ft. on a 5.1-acre site. Each townhome will have a two-car attached garage and private decks or patios. A common private open space area of 24,000 sq. ft. and second private open space area of 6,000 sq. ft. will be provided for the residents. The applicant proposes for sale units and is offering to reserve 10 of the units for purchase to low-income residents (80% of AMI). The proposal includes demolition of an existing 51,082 sq. ft. (Pickwick) bowling alley and a 2,713 sq. ft. ancillary building. The project site is located on the northwest corner of Riverside Drive and S. Main Street. The applicant has applied for a SB 35 streamlining process as a well as a preliminary application seeking vested rights pursuant to SB 330. Pursuant to SB 35 and SB 330 the City has 30 days to deem the application complete or incomplete.

ENGINEERING DIVISION

General Requirements:

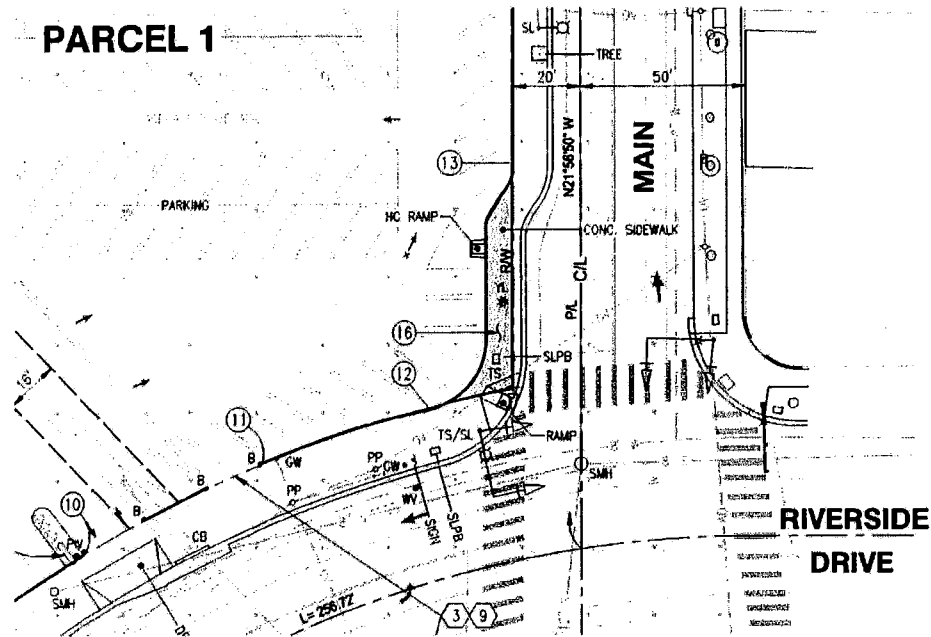
- Show width and location of all existing and proposed easements [BMC 9-1-1-3203]. Plans shall show 15' L. A. County Storm Drain easement running through the property.
- Show dimensions and location of all proposed property dedications.

- 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:

- Public Works Permit Division to verify and sign off that the 15' L. A. County Storm Drain easement is cleared of any existing and/or proposed permanent structures prior to the start of construction.
- 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.
- Applicant to clear any encroachment shown on page 1 of the ALTA.
- Dedicate* to the City for street right-of-way: a portion of the property adjacent to Main Street to achieve a 15' parkway per Burbank 2035 General Plan [BMC 7-3-

106]. Additional dedication is required to keep existing right turn lane pocket, sidewalk, ramp and traffic facilities within then public right of way (see exhibit below).



- Dedicate* to the City for street right-of-way; a portion of the property to achieve a 15-foot corner radius at the property corners of Main Street and Riverside Drive [BMC 7-3-106].

***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.
- 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.

- It is highly recommended that drainage calculations and analysis are submitted at an early stage of the project to Public Works and the Building Department for review and approval.
- Applicant must provide a copy of the approved letter from the City of Los Angeles to construct adjacent to the 15' Storm Drain Easement. Letter shall be submitted to the City of Burbank prior to approving Building or Public Works permits.
- Provide a detail exhibit to scale showing the existing and proposed right of way at the corner of Main Street and Riverside Drive. Dedication may be required based on information provided.
- Applicant must contact the City of Burbank, Park and Recreation Department for the removal of any parkway tree(s).
- Traffic study and mitigation measures should be coordinated with Public Works Department to review and approve offsite improvement plans.
- An address form must be processed [BMC 7-3-907].
- 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:

- Remove sidewalk/wall and reconstruct sidewalk fronting the property along Main Street per City of Burbank Standards; offsite improvement plans must be approved by the City Engineer.
- Remove and reconstruct sidewalk fronting the property along Riverside Drive per City of Burbank Standards.
- Protect in place or re-establish centerline ties at the intersection of Riverside Drive and Main Street per City of Burbank Standards.
- Any portion of the public parkway (curb, gutter, driveways, landscape, etc.) that is broken, uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. The repairs and/or 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].
- If any utility cuts or construction related impacts are made on Main Street or on Riverside Drive, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property. Main Street and Riverside Drive were resurfaced with ARHM in 2019 and falls under moratorium requirements.
- 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: September 27, 2021

WATER RECLAMATION AND SEWER

Required Information Missing on Plans:

- The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.

Wastewater requirements:

- Under the current rate structure, pulling the Building Permit for the proposed development is subject to a Sewer Facilities Charge estimated at \$64,032. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

SFC = Proposed Developments
= Multi-family residential [\$667/unit * 96 units]
= \$64,032

(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].

- Each lot must have its own connection to the mainline sewer. Additionally, while the City cannot require each building to have a separate private sewer lateral connection to the sewer collection system, the City highly encourages individual connections should the lot ever be subdivided, or should each building be owned by different parties.
- 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].

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.
- Landscape irrigation discharges using potable or reclaimed/recycled waters are a conditionally allowed discharge per Table 8 of *Final LA County MS4 Permit (Order No. R4-2012-0175) as amended by State Water Board Order WQ 2015-0075*, which can be found at:
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/la_ms4/2015/OrderR4-2012-0175-FinalOrderasamendedbyOrderWQ2015-0075.pdf
- Certain construction and re-construction activities within the City's transportation corridors (i.e., public streets, public alleys, public parkway areas, private streets, and private parking) will be subject to the City's Green Streets Policy requirements should the transportation corridor redevelopment area exceed 5,000 square feet. This policy can be reviewed at the following address:
<https://www.burbankca.gov/documents/174714/1211995/Green-Streets-Policy.pdf>

For questions on these requirements, please contact the City's Wastewater Division at (818) 238-3915.

For additional information or questions, please contact Seiko Oishi at (818) 238-3941.

Checked by: Stephen Walker

Date: September 21, 2021

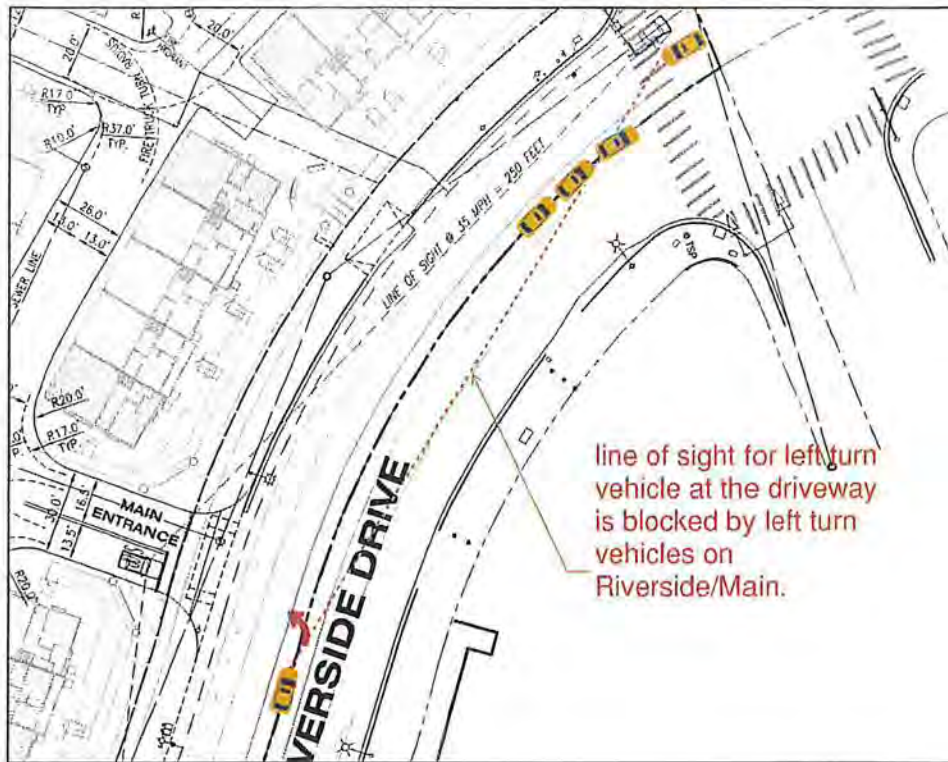
TRAFFIC ENGINEERING

Conditions:

- Previous comment dated 07/22/21: "Proposed driveway on Riverside Drive is too close to the signalized intersection at Riverside/Main. The left turn movement into the proposed driveway will have poor visibility for WB through traffic on Riverside Drive and will also obstruct the traffic flow of the EB left turn movement at Riverside/Main. Developer shall move the proposed driveway a minimum of 350' west of the signal (approximately where the existing westerly driveway is) to maximize the line of sight for safer ingress and egress."

The applicant provided an exhibit, which shows line-of-sight of a vehicle turning from the main entrance and onto Riverside Dr. The main entrance is shown approx. 250 feet from the intersection of Riverside/Main, as measured along the centerline. However, this line-of-sight analysis is incorrect and does not address the previous comment. Per the AASHTO Greenbook, the minimum sight distance for vehicles turning left from the major roadway is 285'. A 285' clear line of sight, for vehicles turning left onto the property, cannot be achieved with the main entrance located 250' west of the Riverside/Main intersection. There is restricted visibility created by curvature of the roadway and vehicles queuing in the eastbound left-turn pocket at Main Street and Riverside Drive (see the exhibit below). To address these visibility constraints, the Developer shall design the driveway in one of the following ways:

- A) Relocate the proposed driveway a minimum of 350' west of the signal to maximize the line of sight for safer ingress and egress.
- B) Or keep the driveway in the proposed location and prohibit left-turns into the driveway.



- Previous comment dated 07/22/21: “Modify striping on Riverside Drive to provide exclusive left turn lane for driveway access.”

If the main entrance will be moved a minimum of 350' west of the intersection, then the developer shall modify the striping on Riverside Drive to provide an exclusive left turn lane for driveway access. If the main entrance will remain in the proposed location, then the developer shall provide the proper striping and signage on Riverside Drive to restrict left turns into the driveway.

Prior to issuance of Public Works Excavation Permit, the Developer shall submit a signing & striping plan of the modified striping on Riverside Drive, to be approved by the Public Works Traffic Engineering Manager.

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

Checked by: Vikki Davtian

Date: September 29, 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 and SB 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: September 29, 2021

From: [Leyland, Maribel](#)
To: [Plambaeck, Scott](#)
Cc: [Casucci, Joy](#); [Ramirez, Fred](#); [Frank, Lisa](#)
Subject: RE: APB - 921-1001 W. Riverside Drive - Proposed 96 Unit Townhome Project
Date: Wednesday, September 29, 2021 12:03:00 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)

Hi Scott,

Based on our meeting last week, I think we have landed on standard housing comments – that were also provided to Maciel last week for the Fry’s site. However, this project at Pickwick is not a Density Bonus Project, correct? Therefore, I’ve updated our comments below. **Moving forward, for non-DB projects, we need to land on a name for the agreement that outlines affordability. See my suggestion below.**

The Project Applicant shall enter into an ~~Density Bonus~~ **Affordable Housing Agreement (Agreement)** with the City, prior to the issuance of Certificate of Occupancy for the Project. The ~~Density Bonus Housing Agreement~~ shall at a minimum include the following:

- a. The review and approval of a Marketing and Tenant Selection Plans will be required;
- b. The review and approval of a Waiting List Management plan will be required;
- c. Annual monitoring requirements of affordable units that will include property owner/property manager to utilize an on-line system, and pay annual costs for review and audit of monitoring information submitted by City staff or City hired consultant will be required;
- d. Initial cost associated with the drafting, review, approval and execution of the Agreement, and initial obligations of the executed Agreement are not covered by the annual monitoring of affordable units;
- e. The total number of units approved as part of the Project, the number, location, and level of affordability of Affordable Units, and the number of Affordable Units;
- f. Standards for determining Affordable Rent for the Affordable Units;
- g. The location, unit size in square feet, and number of bedrooms of the Affordable Units;
- h. A schedule for completion and occupancy of the Affordable Units in relation to construction of Market Rate Units;
- i. A description of remedies for breach of the agreement by either party. The City may identify tenants as third-party beneficiaries under the Agreement;
- j. Procedures for qualifying tenants of the Affordable Units;
- k. Procedures for establishing Affordable Rent, filling vacancies, and maintaining Affordable Units for eligible tenants;
- l. Provisions requiring verification of household incomes; and
- m. Provisions requiring maintenance of records to demonstrate compliance

with this subsection.

Please let me know if you have any question on our comments to the project.

Thanks,



From: Plambaeck, Scott <SPlambaeck@burbankca.gov>

Sent: Tuesday, September 14, 2021 1:16 PM

To: Prescott, Patrick <PPrescott@burbankca.gov>; Montes, Kimberly <KMontes@burbankca.gov>; Wilke, Judie <JWilke@burbankca.gov>; Garcia, Marisa <MGarcia@burbankca.gov>; Del Campo, Michael <MDelCampo@burbankca.gov>; Albano, Amy <AAlbano@burbankca.gov>; McDougall, Joseph H. <JMcDougall@burbankca.gov>; MacMillan, Iain <IMacMillan@burbankca.gov>; Ramirez, Fred <FRamirez@burbankca.gov>; Plambaeck, Scott <SPlambaeck@burbankca.gov>; Bechet, Leonard <LBechet@burbankca.gov>; Villa, Daniel <DVilla@burbankca.gov>; Sandoval, Griselda <GSandoval@burbankca.gov>; Kriske, David <DKriske@burbankca.gov>; Choi, Roy <RChoi@burbankca.gov>; Buonomo, Christopher <CBuonomo@burbankca.gov>; Takiguchi, Ron <RTakiguchi@burbankca.gov>; Lim, Tom <TLim@burbankca.gov>; Freesland, Russell <RFreesland@burbankca.gov>; jeff@jmd-la.com; McFarland, Simone <SMcFarland@burbankca.gov>; Hamzoian, Mary <MHamzoian@burbankca.gov>; Berkman, Ken <KBerkman@burbankca.gov>; Eskandari, Sarah <SEskandari@burbankca.gov>; Rynn, Daniel <DRynn@burbankca.gov>; Molinar, John <JMolinar@burbankca.gov>; Frank, Lisa <LFrank@burbankca.gov>; Wilcox, David <DWilcox@burbankca.gov>; Sleiman, Riad <RSleiman@burbankca.gov>; Hahn, Hoon <HHahn@burbankca.gov>; Becker, Jennifer <JBecker@burbankca.gov>; Arraj, Ayman <AArraj@burbankca.gov>; Oyoung, Glenn <GOyoung@burbankca.gov>; Walker, Stephen <SWalker@burbankca.gov>; Davtian, Vikki <VDavtian@burbankca.gov>; Sanchez, Ricardo <RSanchez@burbankca.gov>; Roman, Anthony <ARoman@burbankca.gov>; Ortega, George <GO Ortega@burbankca.gov>; Figueroa, Ernesto <EFigueroa@burbankca.gov>; Bleveans, Lincoln <bleveans@burbankca.gov>; Compton, Jim <JCompton@burbankca.gov>; Lippert, Daniel <DLippert@burbankca.gov>; Wilson, Richard <RWilson@burbankca.gov>; Nahhas, Bassil <BNahhas@burbankca.gov>; Miranda, Samantha <SNMiranda@burbankca.gov>; Hernandez, David <DHernandez@burbankca.gov>; Akerson, Victoria <VAkerson@burbankca.gov>; Clark, Calvin <CClark@burbankca.gov>; Khachatourian, Alen <AKhachatourian@burbankca.gov>; Antoun, Alfred <AAntoun@burbankca.gov>; Wang, Michael <MWang@burbankca.gov>; Truong, Michael <MTruong@burbankca.gov>; King, Daniel <djking@burbankca.gov>; Rowley, Eric <ERowley@burbankca.gov>; Green, Derek <DGreen@burbankca.gov>; Yu, Edward <EYu@burbankca.gov>; Leyland, Maribel <MLeyland@burbankca.gov>; Oishi, Seiko <SOishi@burbankca.gov>; Lindell, Dawn <DRothLindell@burbankca.gov>; Lee, Jared <JLee@burbankca.gov>; Brimway, Emil

Department	Burbank Water and Power (Electric)
DR #	21-0003800
Project Name	98, three-story residential townhome units
Location	921-1001 Riverside Drive

Checked by: Sven Knauth 7/15/2021
Electrical Engineering Associate II

Approved by: Calvin Clark *CJC* 7/15/2021
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. Overhead BWP electrical facilities traversing the development are to be converted to underground at the developer's cost. The developer will be responsible for costs involved in converting existing overhead electric services to underground for any customers impacted by this underground conversion.
7. The proposed development will require the installation of pad-mounted switches and transformers. The pad-mounted switches will be looped on the line side.
8. 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.
9. 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.
10. 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.
11. 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.
12. The proposed development will require the installation of 4' x 6' primary pull-boxes.
13. The proposed development may require the installation of 8' x 14' primary manholes.
14. Additional conduits may be required to provide for future needs.
15. 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).
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 State of California Public Utilities Commission General Order No. 95 requires that no building or structure be allowed to encroach within the envelope 12' vertical and 6' horizontal from the existing high voltage lines along the existing alleys within project boundary. The lines are approximately 33 feet from grade. The actual height and location of the conductor attachment has to be surveyed and shown on the plans.
24. The State of California Public Utilities Commission General Order No. 95 requires that no building or structure be allowed to encroach within the envelope 8' vertical and 3' horizontal from the existing low voltage lines along the existing alleys within project boundary. The lines are approximately 27 feet from grade. The actual height and location of the conductor attachment has to be surveyed and shown on the plans.
25. The State of California Public Utilities Commission General Order No. 95 requires that no temporary scaffolding, platforms or supporting framework upon which men may work be allowed to encroach within the required clearance envelopes as stated in the previous two comments.

26. Burbank Water and Power Rules and Regulations require that no open patios or balconies will be erected underneath any high voltage overhead conductor regardless of vertical clearance.
27. 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.
28. 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.
29. 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

30. 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.
31. 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.
32. 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

33. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).
34. Contact BWP Engineering at (818) 238-3647 (residential) or at (818) 238-3565 (commercial) if the existing service panel requires upgrading.

35. 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.
36. 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.
37. 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.
38. 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

39. 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.
40. Any construction that impacts existing streetlight standards or infrastructure will require relocation at the developer's cost.

Fiber/Communication

41. 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.
42. 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

43. 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.

44. 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.

45. 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

46. 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.

47. 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

48. 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 devices 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.

49. 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

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

Attachment D
2010 US Census – Urbanized Area
Reference Map: Los Angeles –
Long Beach–Anaheim, CA

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 Sylvia Palomera, Planner, Environmental Science Associates, May 7, 2021.



LEGEND			
<u>SYMBOL DESCRIPTION</u>	<u>SYMBOL</u>	<u>SYMBOL DESCRIPTION</u>	<u>SYMBOL</u>
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) 1	■	Incline Village 35100	
<u>DESCRIPTION</u>	<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>SYMBOL</u>
Interstate	— I —	Water Body	■
U.S. Highway	— 2 —	Military	■
State Highway	— 3 —	Outside Subject Area	■
Other Road	— 4 —		
Railroad	— 5 —		
Perennial Stream	— 6 —		
Intermittent Stream	— 7 —		

Attachment E
November 10, 2021 HCD Email

From: [Herrera, Fidel@HCD](mailto:Herrera_Fidel@HCD)
To: [Ramirez, Fred](#)
Cc: [Albano, Amy](#); [McDougal, Joseph H.](#); [Prescott, Patrick](#); [Plambaek, Scott](#)
Subject: RE: 921-1001 W. Riverside Drive, Housing Project
Date: Wednesday, November 10, 2021 4:53:30 PM
Attachments: [image008.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image027.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Fred,

Based on the information reviewed including the Burbank2035 General Plan, Burbank Municipal Code (BMC) and Article 24 Rancho Master Plan zones, the Streamlined Ministerial Approval Process (SB 35) applies to the project at 921-1001 W. Riverside Drive.

Thank you,



Fidel Herrera

Senior Housing Policy Specialist
Housing & Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833

Attachment F

Coastal Zone Map



Attachment G
California Important Farmland
Finder

California Important Farmland Finder

Ca. Dept of Conservation

Legend

County Boundaries

County Boundaries

California Important Farmland: Most Recent

Most Recent

- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland
- Grazing Land
- Farmland of Local Importance
- Farmland of Local Potential
- Other Land
- Confined Animal Agriculture
- Nonagricultural or Natural Vegetation
- Vacant or Disturbed Land
- Rural Residential Land
- Semi-agricultural and Rural Commercial Land
- Urban and Built-Up Land
- Water Area
- Irrigated Farmland
- Nonirrigated Farmland

1001 W. Riverside Drive

Show search results for 1001 W...

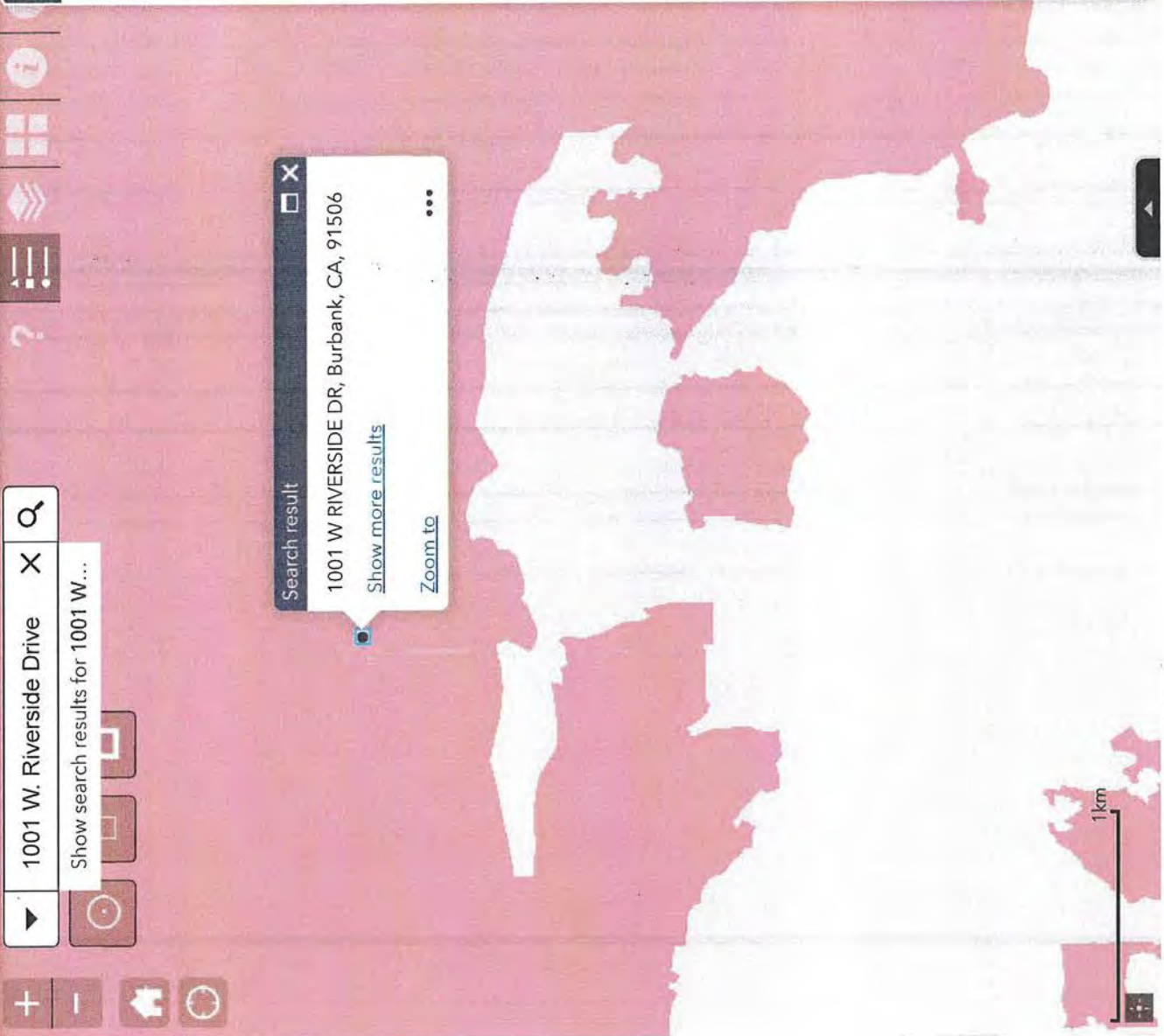
Search result

1001 W RIVERSIDE DR, Burbank, CA, 91506

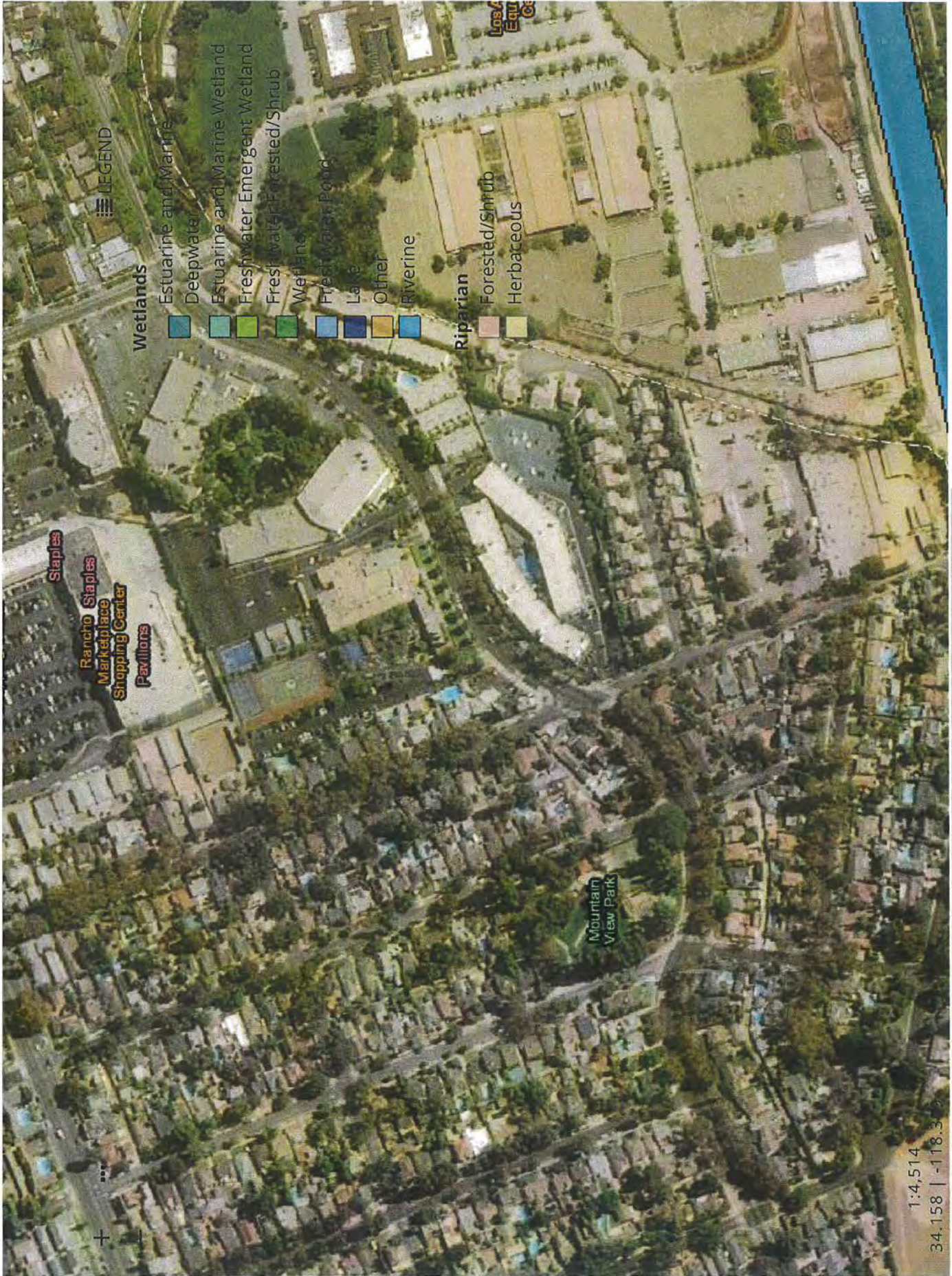
Show more results

Zoom to

Map navigation controls: zoom in (+), zoom out (-), home, refresh, and a 1 km scale bar.



Attachment H
United States Fish and Wildlife
Service Wetlands Mapper



ATTACHMENT 6-87

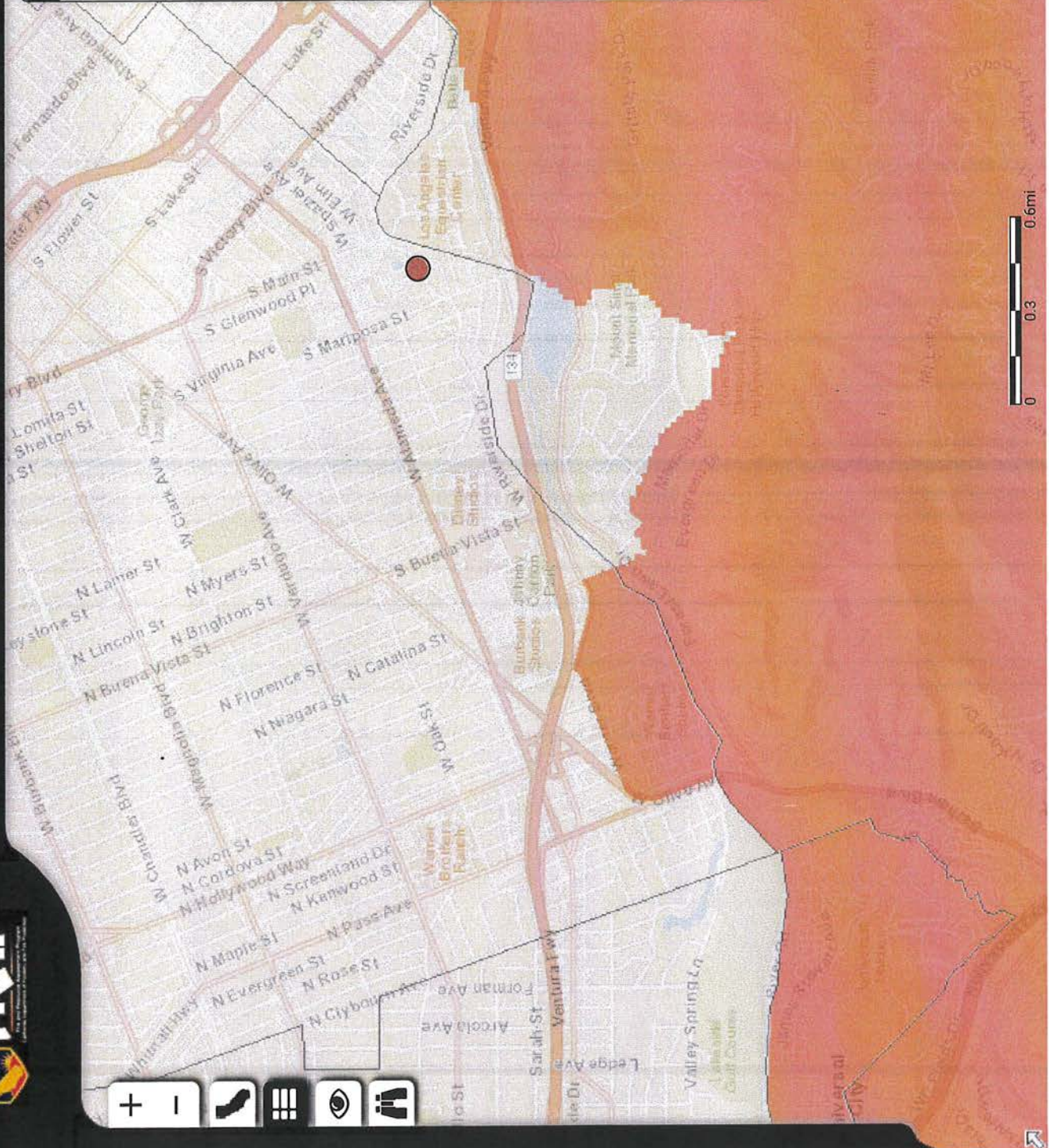
Attachment I
CAL FIRE Fire Hazard Severity
Zones

FHSZ Viewer



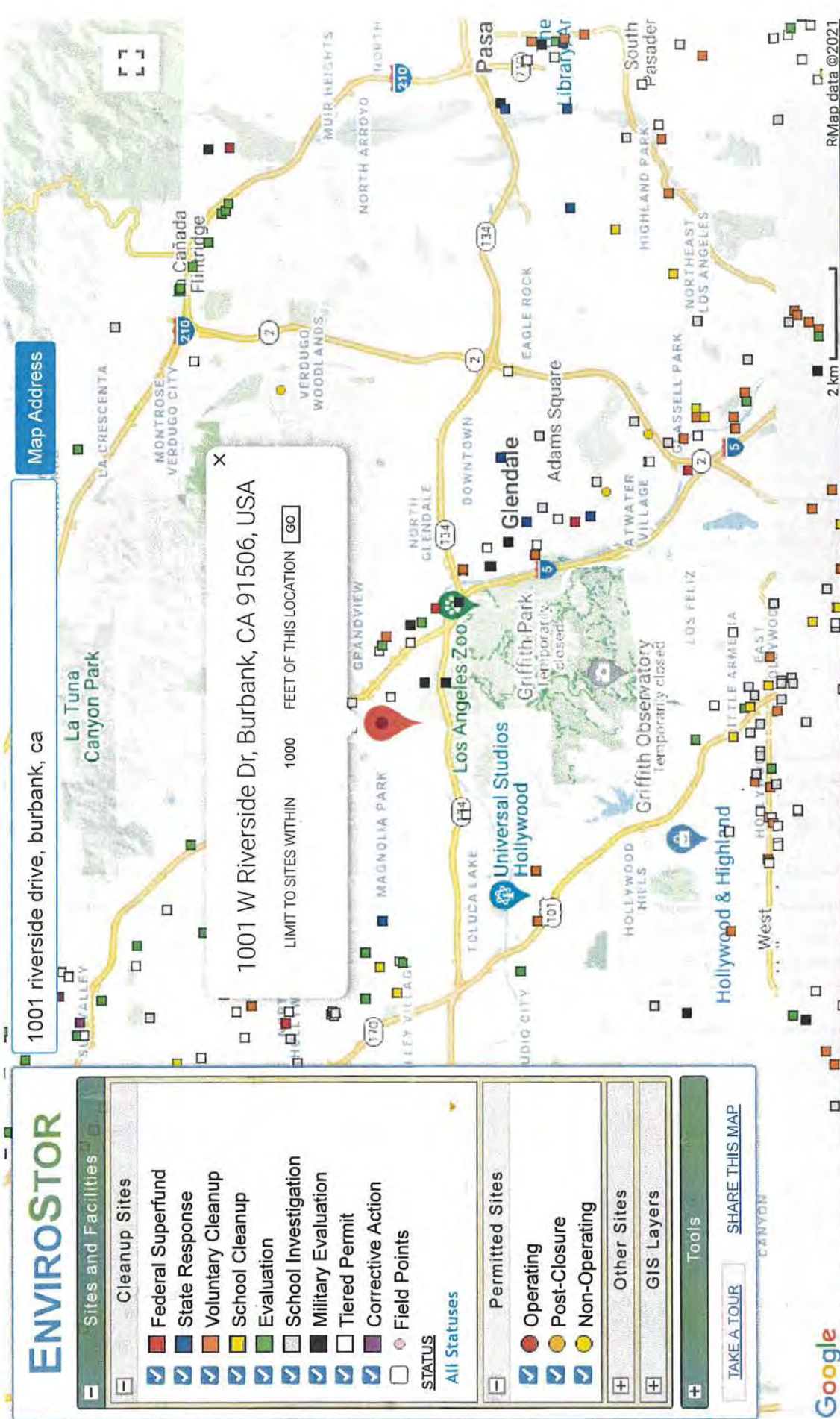
LEGEND ✕

- City Boundaries
- Incorporated Area
- County Boundaries
- FHSZ in LRA
- VHFHSZ
- FHSZ in SRA
- Very High
- High
- Moderate
- SRA
- Local Responsibility Area (LRA)
- State Responsibility Area (SRA)
- Federal Responsibility Area (FRA)



Attachment J

Department of Toxic Substances Control, EnviroStor and State Water Resources Control Board GeoTracker

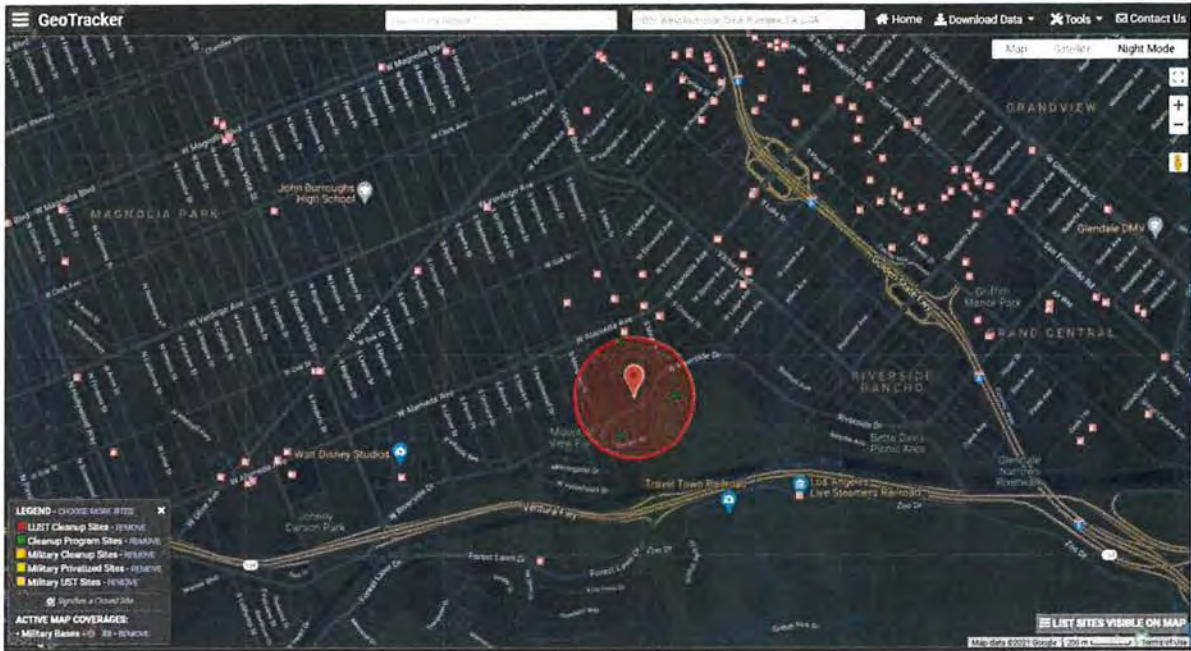


755 SITES LISTED

PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
1 50 MOST CLEANERS	NO ACTION REQUIRED	CORRECTIVE ACTION	2308 E COLORADO BLVD	PASADENA
1 50 MOST CLEANERS	CLOSED	NON-OPERATING	2308 E COLORADO BLVD	PASADENA
1101 N MAIN	NO FURTHER ACTION	VOLUNTARY CLEANUP	1101 NORTH MAIN STREET	LOS ANGELES
11204 ASHER STREET COMMUNITY SCHOOL	NO ACTION REQUIRED	SCHOOL INVESTIGATION	11204 ASHER STREET	EL MONTE
140-154 N AVENUE 21	ACTIVE	VOLUNTARY CLEANUP	140-154 N AVENUE 21	LOS ANGELES
1X GARFIELD MEDICAL CENTER	CLOSED	NON-OPERATING	525 NORTH GARFIELD AVE.	MONTEREY PARK
20200 SUNBURST STREET PROPERTY	ACTIVE	VOLUNTARY CLEANUP	20200 SUNBURST STREET	CHATSWORTH
410 CENTER STREET PROPERTY	NO ACTION REQUIRED	CORRECTIVE ACTION		

EXPORT THIS LIST TO EXCEL

RMMap data ©2021



Attachment K

Fault Activity Map of California

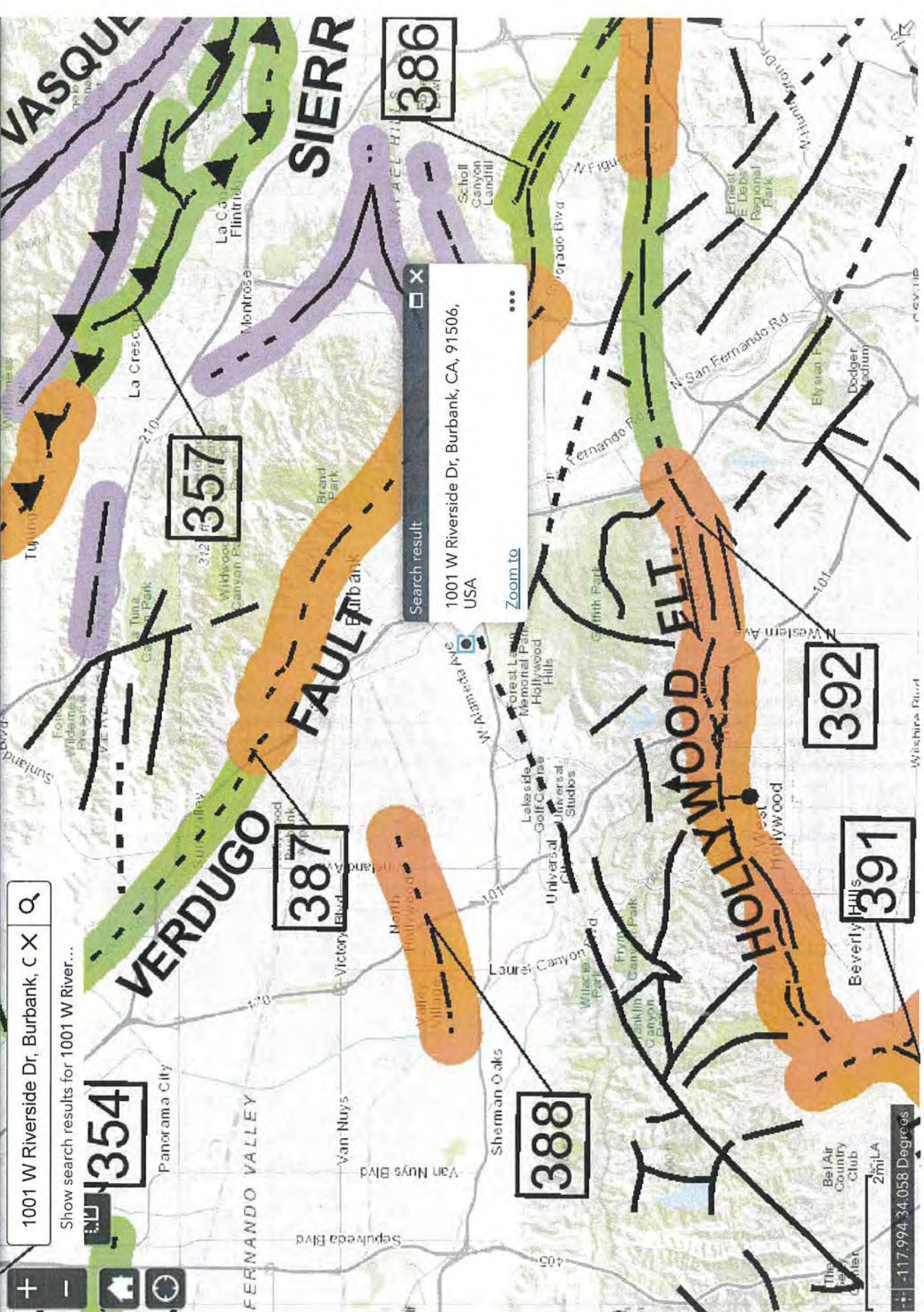
Fault Activity Map of California

California Geological Survey



1001 W Riverside Dr, Burbank, CA, 91506, USA

Show search results for 1001 W River...



Attachment L

FEMA's National Flood Hazard Layer Viewer and Special Flood Hazard Area Memo of October 20, 2021

FEMA's National Flood Hazard Layer (NFHL) Viewer

with Web AppBuilder for ArcGIS

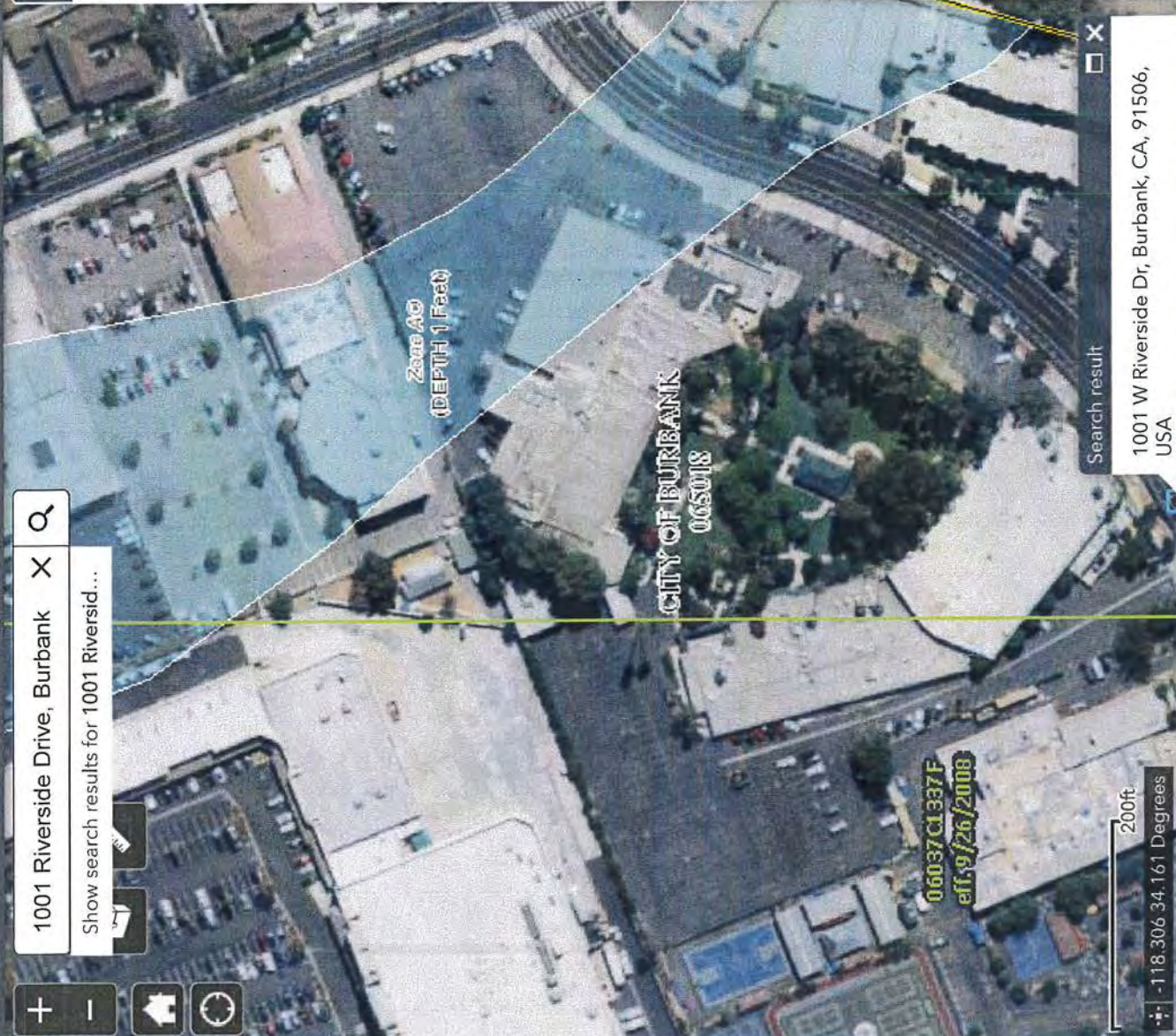
1001 Riverside Drive, Burbank X Q

Show search results for 1001 Riversid...

+ - Home Refresh

Legend

- Cross-Sections
- Coastal Transects
- Base Flood Elevations
- Profile Baselines
- Transect Baselines
- Limit of Moderate Wave Action
- Political Jurisdictions
- Levees
- General Structures
- Flood Structure
- Bridge
- Dam, Weir, Jetty
- Other Structure
- Primary Frontal Dunes
- Flood Hazard Boundaries
- Limit Lines
- SFHA / Flood Zone Boundary
- Other Boundaries
- Flood Hazard Zones



Search result

1001 W Riverside Dr, Burbank, CA, 91506, USA

MEMORANDUM

To: Scott Plambaeck, 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:

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.

- 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

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.

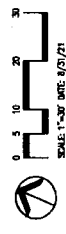
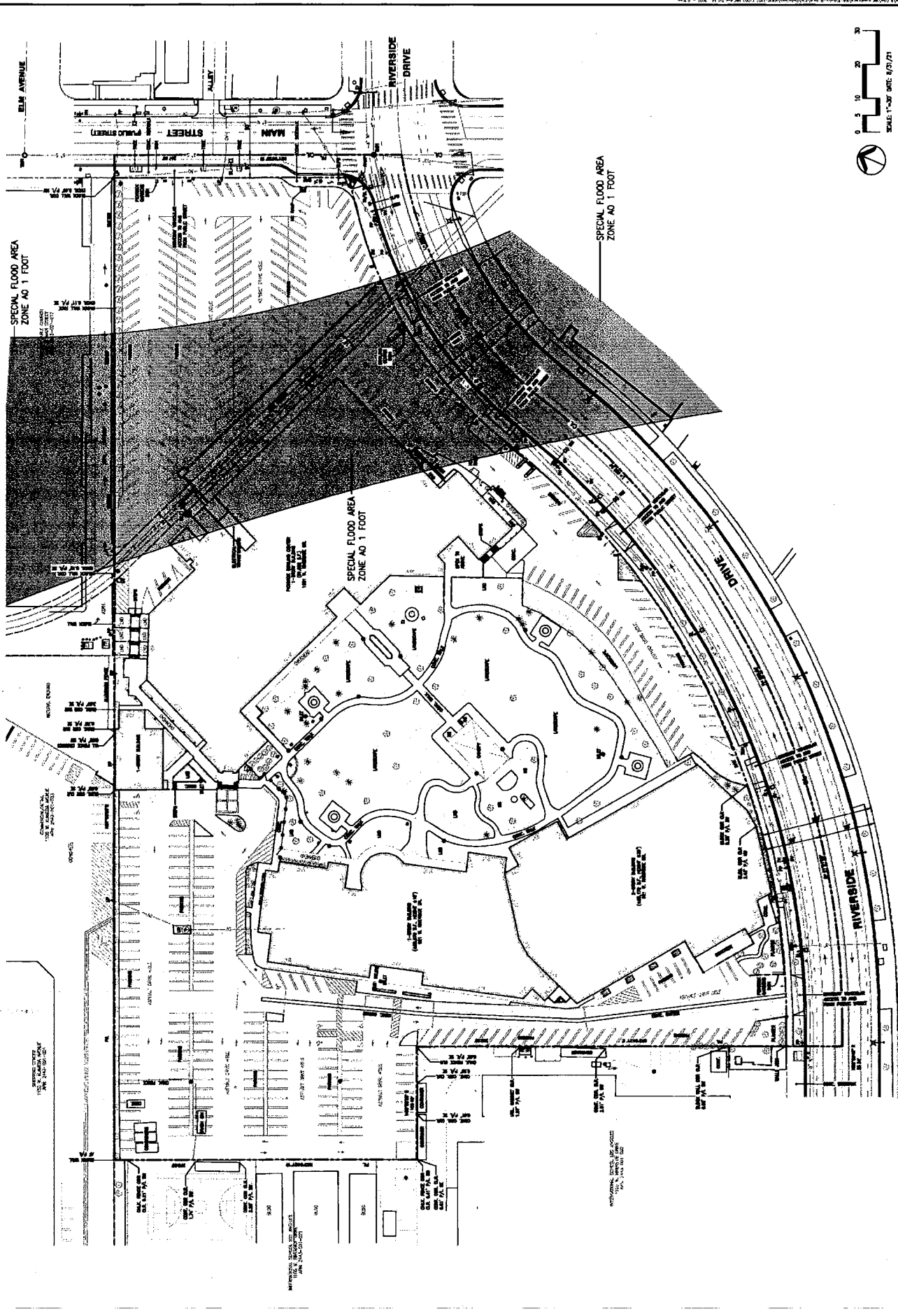
As currently proposed, the Project's drainage system includes a network of ribbon gutters throughout the Property. Two key segments run north-to-south and east-to-west through the special flood hazard area, intersecting near the middle of the special flood hazard area. In addition, the Project will include 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)).

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.

EXHIBIT A



K&S ASSOCIATES
 1200 N. Main Street, Suite 202
 Burbank, California 91502
 Phone: (818) 248-1111

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

THE PICKWICK
MW INVESTMENT GROUP

EXHIBIT B

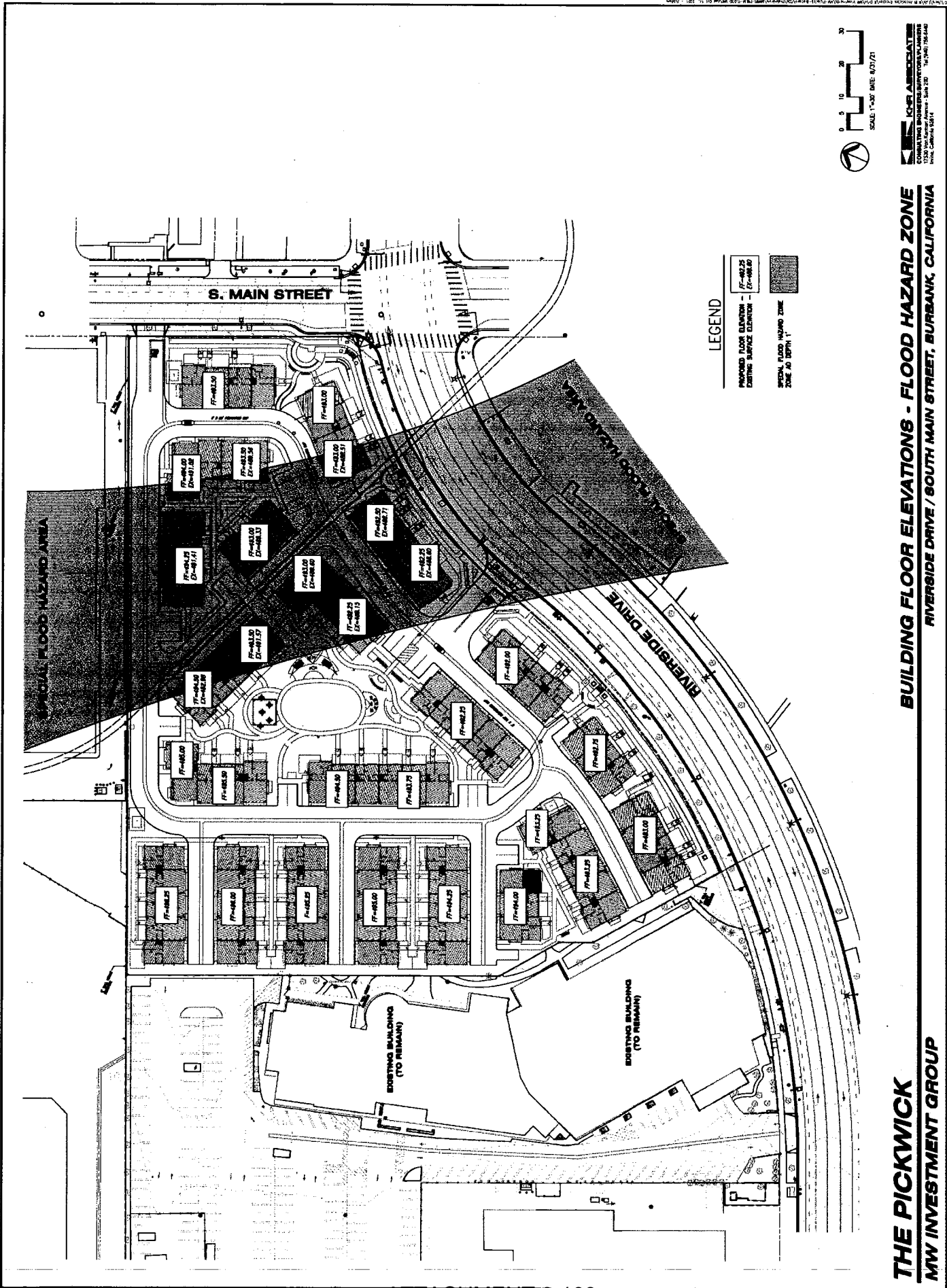
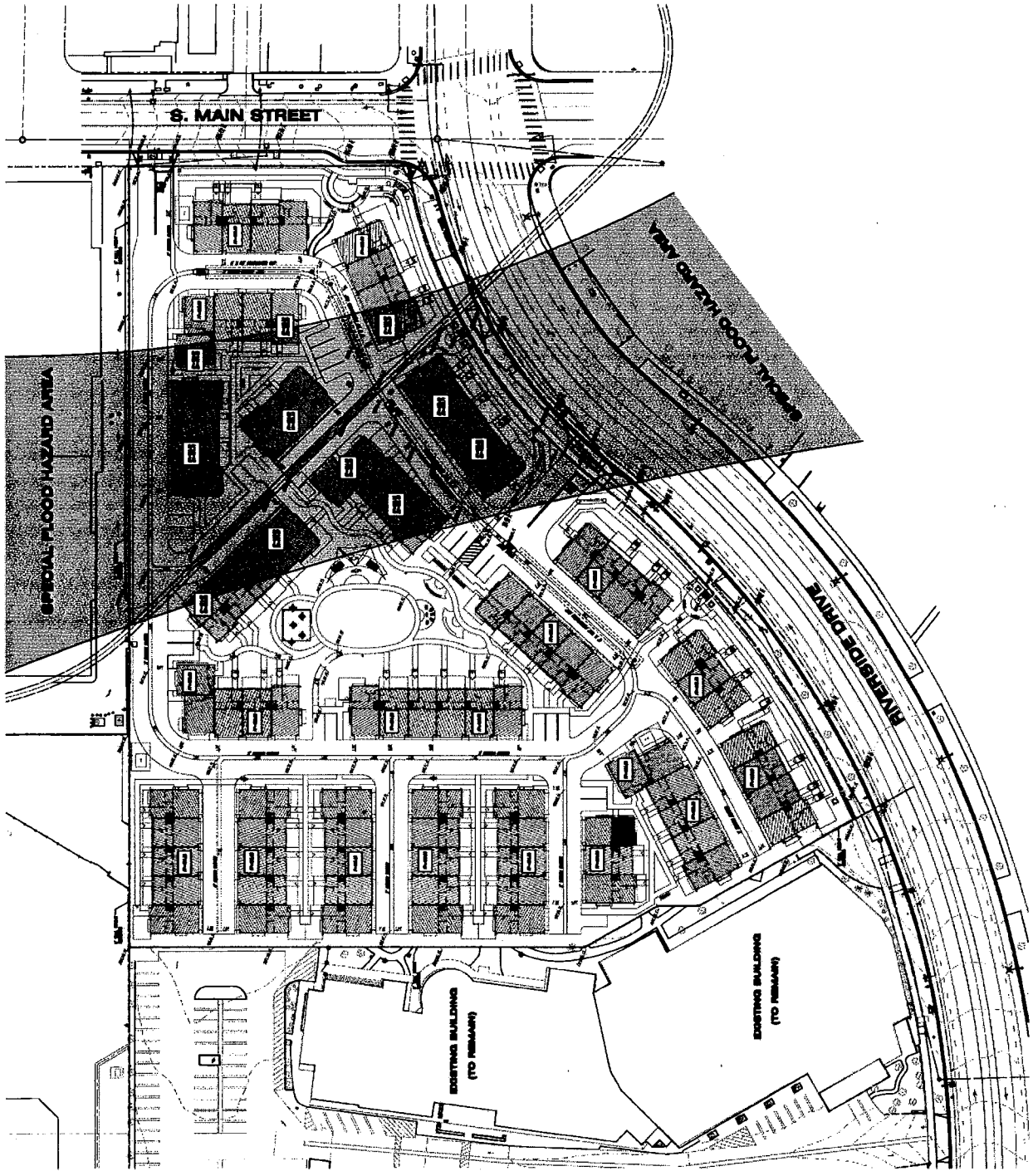


EXHIBIT C



ICF ASSOCIATES
 1700 Van Nuys Avenue, Suite 200
 Van Nuys, California 91411

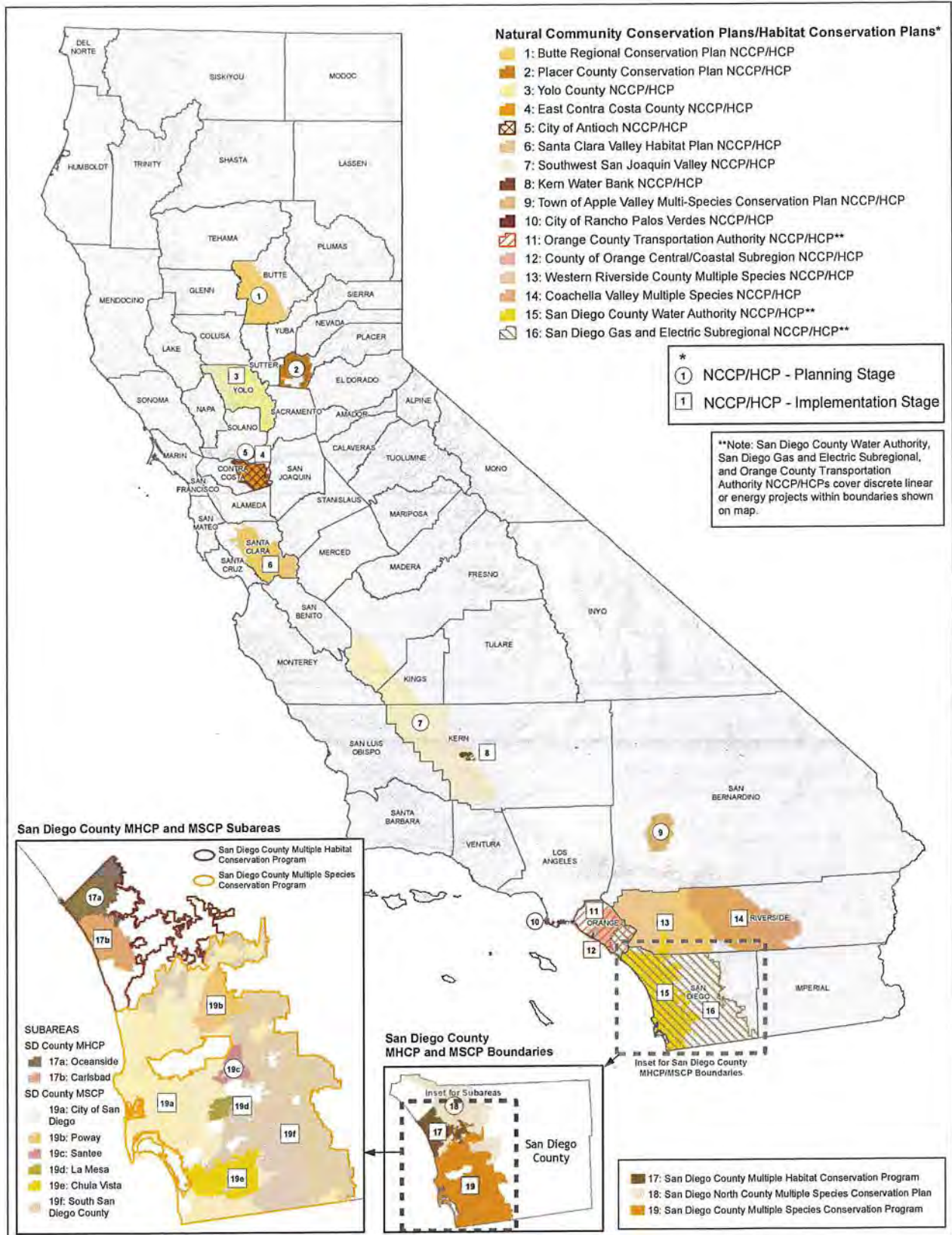
PRELIMINARY GRADING AND DRAINAGE PLAN
RIVERSIDE DRIVE / SOUTH MAIN STREET, BURBANK, CALIFORNIA

THE PICKWICK
MW INVESTMENT GROUP

Attachment M
CA Natural Community
Conservation Plans 2019 Map and
Data Basin, CA Habitat
Conservation Plans Map

CALIFORNIA NATURAL COMMUNITY CONSERVATION PLANS

April 2019

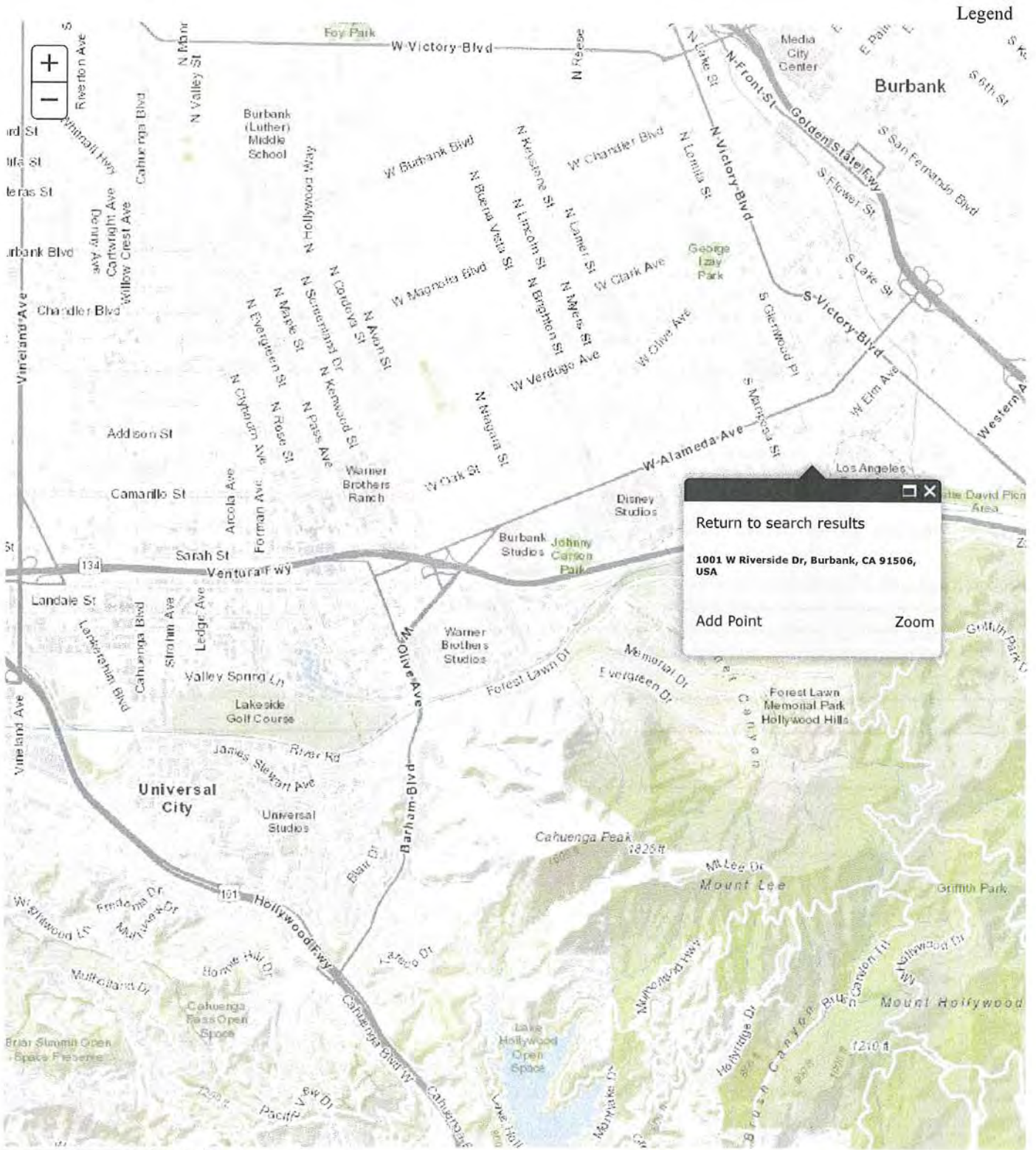


NCCP: Natural Community Conservation Plan (California Fish and Game Code §2800) (<https://www.wildlife.ca.gov/Conservation/Planning/NCCP>)
 HCP: Habitat Conservation Plan (Federal Endangered Species Act Section 10) (<http://www.fws.gov/endangered/what-we-do/hcp-overview.html>)



Conservation plans may be in various stages of review, and subject to change. In some cases, boundaries have not been submitted by participants, and are estimated locations.


Data Sources: California Department of Fish and Wildlife, Kern Water Bank, Orange County, Dudek, Orange County Transportation Authority, Contra Costa County, San Diego Association of Governments, Santa Clara Valley Habitat Agency, Placer County, Kern County, San Diego County Water Authority, Coachella Valley Association of Governments.



LONG: -118.3027 LAT: 34.14

- [ABOUT](#)
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- [SUPPORT SERVICES](#)
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© 2021 [Conservation Biology Institute](#) 

Attachment N

Protected Species Habitat

Home ▾ Critical Habitat for Threatened & Endangered Species [USFWS]

Details | Basemap

About | Content | Legend

Legend

Final Linear Features



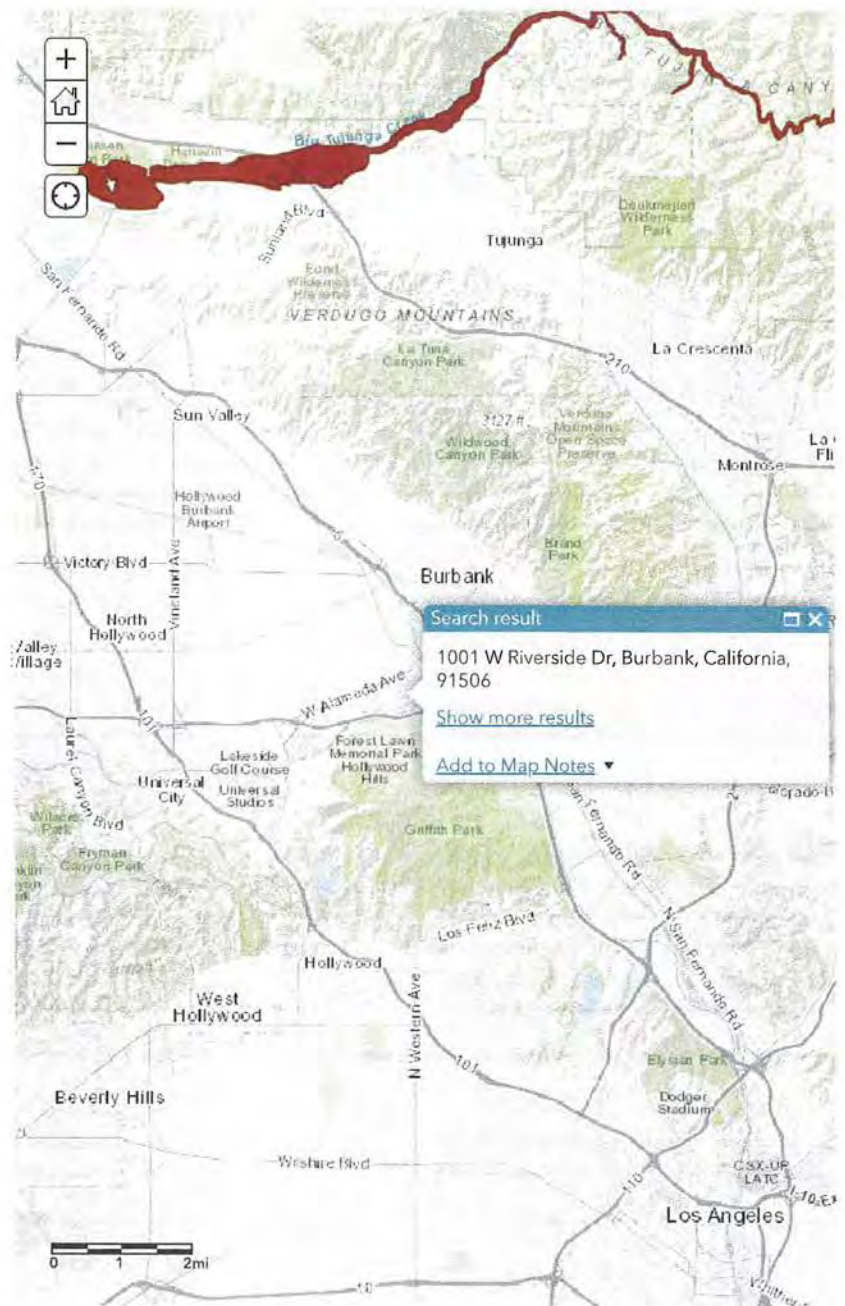
Final Polygon Features



Proposed Linear Features



Proposed Polygon Features



Help | Trust Center | Legal | Contact Esri | Report Abuse | Contact Us

Attachment O
National Conservation Easement
Database



Show search results for 100...

Legend

Conservation Easements

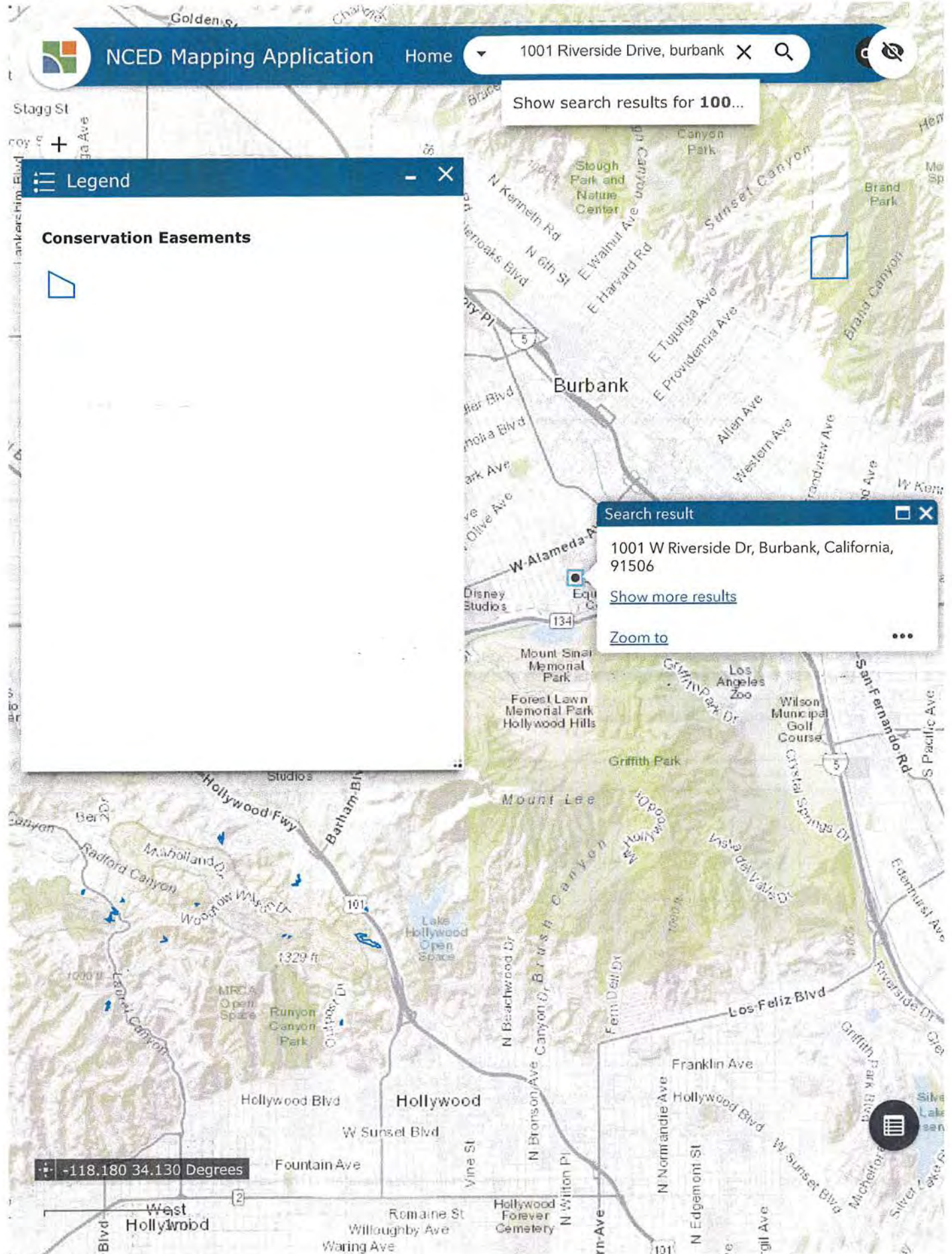


Search result

1001 W Riverside Dr, Burbank, California, 91506

Show more results

Zoom to



-118.180 34.130 Degrees

Attachment P
Prevailing Wage Letter

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.

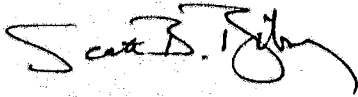
Specifically, Applicant certifies that:

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.

We look forward to working with you on the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott B. Birkey". The signature is fluid and cursive, with the first name "Scott" and last name "Birkey" clearly legible.

Scott Birkey
Cox, Castle & Nicholson LLP

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

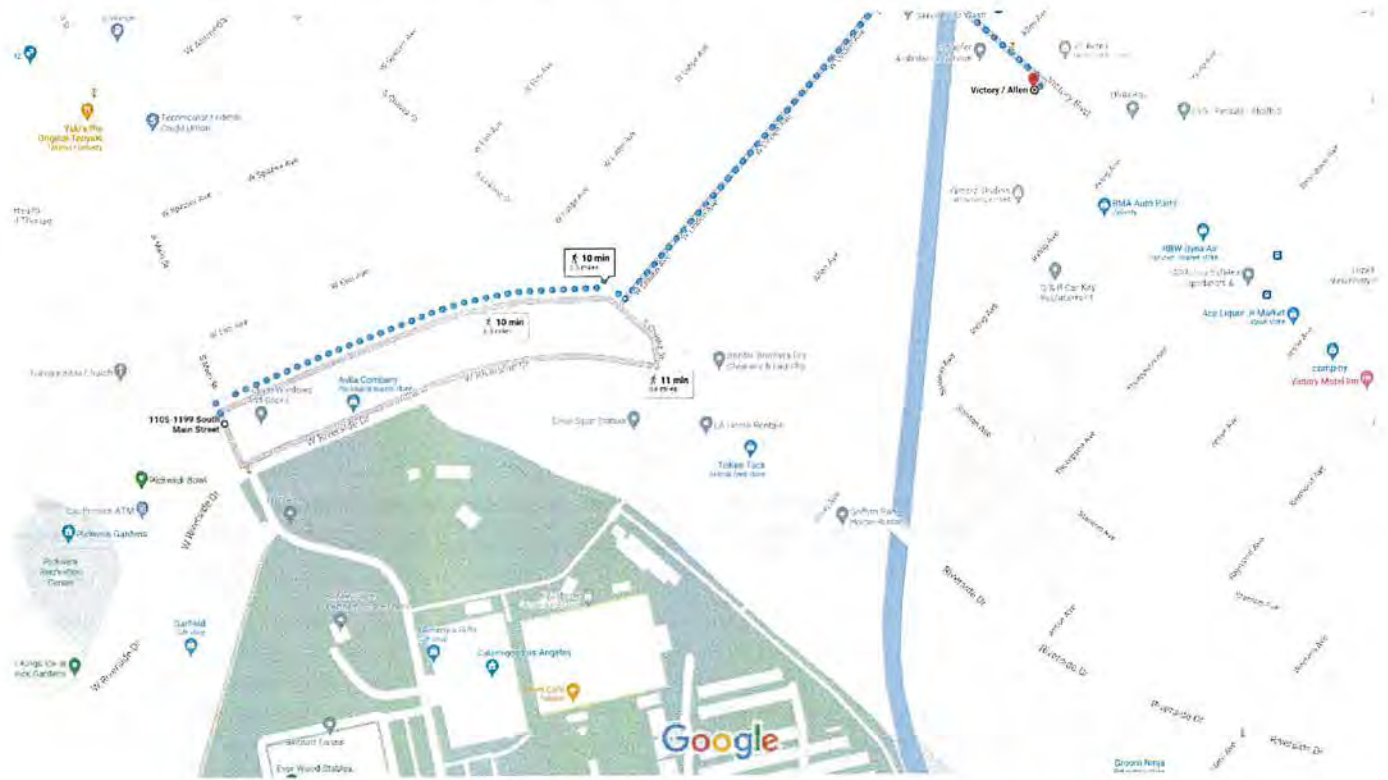
Attachment Q

Project Site to Bus Stop Map






1105-1199 S Main St, Burbank, CA 91506 to Victory / Allen, Glendale, CA 91201

Walk 0.5 mile, 10 min



Map data ©2021 Google 100 ft

-  via W Linden Ave 10 min
0.5 mile
-  via W Linden Ave and Victory Blvd 10 min
0.5 mile
-  via W Riverside Dr and W Linden Ave 11 min
0.6 mile

All routes are mostly flat

