



October 4, 2022

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

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

Dear Mr. Prescott:

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

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

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

b. Reduced minimum lot setbacks.

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

Required Findings for a Concession

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

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

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

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

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

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

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

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

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

If you have any questions regarding this letter, please contact me at 949.221.6256. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AScales', with a stylized flourish extending to the right.

Alan Scales, AIA, NCARB
Principal
KTYG Architecture + Planning