

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF THE PLANNING BOARD'S APPROVAL OF PROJECT NO. 20-0003289 FOR A DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, DENSITY BONUS REQUEST AND TENTATIVE PARCEL MAP NO. 083410 FOR A PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 2311 N. HOLLYWOOD WAY, AND APPROVING THE PROJECT BASED ON THE FINDINGS OF FACT AND SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL

THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 2, 2020, followed by a subsequent submittal of information on November 5, 2020, NHW Investors, LLC ("Applicant") submitted an application for Project No. 20-0003289, for a Project located at 2311 N. Hollywood Way;

B. On June 10, 2021 the Planning Division held a publicly noticed Development Review Community Meeting for Project No. 20-0003289 for the property located at 2311 N. Hollywood Way;

C. On September 27, 2021, during a noticed public hearing, the Planning Board approved a Sustainable Communities Environmental Assessment (SCEA), a Mitigation Monitoring and Reporting Plan (MMRP) and Project No. 20-0003289, for a Project located at 2311 N. Hollywood Way;

D. On October 11, 2021, Appellant Roy Wiegand, Burbank resident, filed an appeal before the end of the 15-day appeal period pursuant to Burbank Municipal Code (BMC) Section 10-1-1907.2 (C)(1);

E. On October 12, 2021, Appellant Mitchell M. Tsai, Attorney at Law, filed an appeal before the end of the 15-day appeal period pursuant BMC Section 10-1-1907.2 (C)(1);

F. On October 27, 2021, Appellant Mitchell M. Tsai, Attorney at Law, filed a Withdrawal of Appeal of Planning Board Decision on SCEA for 2311 N. Hollywood Way Project before the deadline of on or after the 20th day prior to the scheduled City Council hearing pursuant to BMC Section 10-1-1907.3(E);

G. The City Council of the City of Burbank at a regular meeting on November 16, 2021, considered the appeal to the Planning Board's decision approving Project No. 20-0003289, SCEA, and MMRP, for a Project located at 2311 N. Hollywood Way;

H. Said hearing was properly noticed in accordance with the provisions of the BMC;

I. The City Council considered the report and recommendations of the City Planner and the evidence presented at such hearing;

J. The City Council considered the testimony and evidence from the Appellants, the Project Applicant, and the general public presented at such hearing; and

K. This Project was reviewed under the criteria of a Sustainable Communities Environmental Assessment (SCEA). A SCEA may be prepared for a project that (a) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy (see California Public Resources Code [PRC] Section 21155(a) and (b) is a “transit priority project” (as defined in California PRC Section 21155(b)). As further described below, the Project meets these criteria and, thus, is eligible for certain CEQA streamlining benefits by way of preparing a SCEA for purposes of clearance under the California Environmental Quality Act (CEQA). Specifically, Section 21155(b) applies to a project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the California Air Resources Board (CARB) has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented achieve the greenhouse gas (GHG) emission reduction targets established by CARB.

THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The appeal to the Planning Board’s approval on Project No. 20-0003289 is hereby denied, and the Development Review (DR), Conditional Use Permit (CUP), Density Bonus Request and Tentative Parcel Map No. 083410 are hereby approved – subject to compliance with all Conditions of Approval. This approval is based upon the City Council’s determination that all required findings for approval of the requested Project application could be made as required under the BMC for Project No. 20-0003289:

1. Findings for a Density Bonus Request:

The Project conforms with the requirements of a density bonus project subject to local and State Density Bonus law as outlined in Burbank Municipal Code Section 10-1-634 and California Government Code Section 65915, respectively.

The Project is located on a 10.43-acre site in the C-3 (Commercial General Business), which allows for residential units to be built on top of a commercial use through the approval of a CUP request. The General Plan Land Use designation for this parcel is Regional Commercial that allows for a density of 58 units per acre. BMC Section 10-1-643 notes the automatic incorporation by reference of future amendments to the State Density Bonus Law and a result of local density bonus regulations ongoing consistency with similar State law. State and local density bonus law allow for a density of up to 50% of the base units subject to providing the applicable number of affordable units within a project. The Project Applicant has applied for a 42.5% density bonus increase, which allows for a by-right increase of 258 additional units above the base density resulting in a project with a total of 862 units. The density bonus increase and resulting number of proposed total units is consistent with the requirements under the BMC and California

Density Bonus Law including the 50% increase permitted in the most recent update to State law under AB 2345 (California Government Code Section 65915).

2. Findings Granting Density Bonus Request:

The Project conforms with the requirements outlined in Burbank Municipal Code Section 10-1-634 et. seq. and California Government Code Section 65915

In accordance with BMC Section 10-1-634 et. seq. and California Government Code Sections 65915, the Project is requesting waivers from the City's development standards that would facilitate the Density Bonus request. The Project is requesting the following development standard waivers from the BMC:

- a) C-3 Height Standards: The C-3 standards require an overall building height no greater than 85 ft. ft. to the top of the roof.

The Project is proposing residential buildings at a height at 94'-0". To accommodate the permitted number of residential units as allowed under local and State density bonus law. To facilitate the build out of the units permitted under local and State density bonus law, the overall building height must be increased to provide the necessary building envelope to accommodate the number of market and affordable units at the proposed sizes. The height increase is necessary as the site area available within the permitted development building envelope to accommodate the housing units are further constrained by needing to provide the supporting amenities, which include public and private open space, and required parking facilities and City-requested dedications for widened sidewalks and internal circulation for emergency vehicle and passenger vehicle ingress and egress. Therefore, it is staff's assessment that this waiver request is warranted in order to eliminate the physical impediment that would preclude the development of residential units as allowed under local and State density bonus law.

- b) C-3 Setbacks: The BMC requires that proposed structure in the C-3 zone shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater. These standards would require the 94' -0" high residential building to provide an 18'- 9" front setback and the 60'-0" high parking structure under the residential building to provide a 12' - 0" front setback. The residential and residential parking portion of the Project is providing a 5'-0" setback from the front lot line.

Based on the proposed Tentative Parcel Map No. 083410, the two residential lots would have front setbacks facing onto Hollywood Way. The Project Applicant is seeking a waiver from the front setback for both residential lots and proposed mixed-use buildings fronting onto Hollywood Way to provide the necessary building envelope to accommodate the allowable number of units under local and State density bonus law in order to accommodate the required street width resulting from dedication and the required dimensions of internal driveways and

travel lanes for residential, commercial, and emergency vehicle ingress and egress from the Project site. Therefore, it is staff's assessment that this waiver request is warranted in order to eliminate the physical impediment that would preclude the development of residential units as allowed under local and State density bonus law.

- c) C-3 Residential Location Requirement: The BMC allows for residential units to be built on top of a commercial use within the C-3 zone, subject to the review and approval of a CUP. The Project is seeking a waiver of the development standard that limits use of the ground floors of the residential buildings to commercial uses only. Requiring the Project to have only commercial at ground level would significantly limit the ability of the Project to accommodate the total number of residential units that are allowed under local and California Density Bonus Law. Specifically, the live-work units would be unable to accommodate ground floor living space connected to the storefront that is typical of a live-work unit. The denial of the waiver would physically limit the ability to place this type of residential unit on the ground floor. Removing the residential living space of these ground floor live-work units would result in the elimination of these types of units and require relocation of residential units to the upper floors of the proposed residential structures, which would require the Project height and/or the building footprint to be increased, neither of which are feasible.

Due to the Project site's proximity to the Hollywood-Burbank Airport, the Project was reviewed by both the Airport Land Use Committee (ALUC) and the Federal Aviation Administration (FAA). Both ALUC and the FAA reviewed the Project to identify any potential impacts that may result due to airport proximity and overall height of the Project. Minor impacts were found resulting from the Projects height and location that were mitigated to a less than significant impact as noted in the Mitigation Monitoring and Reporting Program (MMRP) and approvals for the Project to proceed based on the current height were given by both ALUC and the FAA. Increasing the height would not be consistent with these approvals and could interfere with airport operations.

Increasing the building footprint would require encroachment into City required sidewalk dedications, building setbacks, fire lanes, emergency and disabled access, and/or open space or setbacks and therefore physically preclude the construction of these live-work units and limit the Project's ability to build out the number of residential units allowed under local and State-mandated Density Bonus Law. The commercial units along Hollywood Way will have residential units built on top of them while most of the residential square footage throughout the lot will not be built on top of any commercial buildings. Therefore, it is staff's assessment that this waiver request is warranted to eliminate the physical impediment that would preclude the development of residential units as allowed under local and State density bonus law.

Under State and local density bonus law, the requested waivers are required to be allowed for the Project to provide affordable housing if implementation of the required

development standards would otherwise physically preclude the development of the housing units. As previously identified, BMC Sections 10-1-634, 10-1-643 and California Government Code Sections 65915 Density Bonus Law – if a development standard has the effect of physically precluding the construction of a project that is providing affordable housing, a developer can request a waiver, concession and/or incentive from that development standard. The City like other municipalities in California must grant the waiver, concession or incentive requested unless the municipality determines that the granting of the waiver would result in adverse public health, safety or environmental impacts, harm historical property, or be contrary to State or federal law.

The Project is requesting the previously noted waivers to physically accommodate the additional affordable units. Without the waivers the Project site would not be able to physically construct the allowable units under applicable State and local density bonus law. Additionally, the granting of the requested waivers would not result in:

- A specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 which is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:
 - (A) Inconsistency with the zoning ordinance or general plan land use designation.
 - (B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.”

None of the waiver requests will result in an unavoidable impact based upon public health or safety standard. All the components of the development have been reviewed by the appropriate City departments for health and safety compliance.

In compliance with State or Federal Law, the proposed Project is for a mixed use, multifamily development that is consistent with City policies and regulations for similar zoned C-3 (Commercial General Business) property. The Project is consistent with State policies and regulations for housing developments that include density bonus requests, including Project consistency with The Housing Accountability Act, and has been reviewed in accordance with a Sustainable Communities Environmental Assessment (SCEA) pursuant to CEQA. The Project is in compliance with the applicable State and Federal laws and therefore no impact would occur in this regard.

- An adverse impact on any real property that is listed in the California Register of Historical Resources.

There are no existing buildings on site that are listed in the California Register of Historical Resources. The existing building on site was reviewed as part of

a Historical Resource Assessment (HRA) through the SCEA. The HRA did not identify the existing building to have any historical significance and therefore is not eligible to be placed on the California Register of Historical Resources.

3. Findings for a Development Review Application

- A. *Except for those Development Review applications which require additional findings as set forth herein, a Development Review application shall be approved if the Director, or if appealed, the Planning Board or City Council, finds that the application/project is consistent with all provisions of this Code. Any application not meeting code may be approved with conditions that assure code compliance.*

The Project has been reviewed under the requirements noted in BMC Section 10-1-1908 through 10-1-1915. A publicly noticed community meeting was held on June 10, 2021. At this community meeting the Project Applicant and architect presented the Project and staff and the applicant and architect fielded questions and provided responses regarding the proposed Project. Many of the public comments concerning the design of the Project were responded to at the meeting. Design elements that sought to address public comments such as landscaping, high quality façade treatments, pedestrian pathways, wider sidewalks, outdoor amenities, parking and overall site-layout were implemented as Project design features as part of the Development Review process.

The Project complies with all other applicable development standards noted in the BMC unless deviations are otherwise permitted through the waiver requests sought under local and State density bonus law (BMC Section 10-1-634 et. seq. and California Government Sections 65915). More specifically, the Project complies with the C-3 development standards related to: all required front yards, side setbacks for the office component, 50% landscaping required of required front and side yards, 36-inch box tree installation throughout the Project site, the provisions for retail structures including commercial design standards, the requirements for arts in public places, parking lot facilitate design and location requirements and all other applicable standards as identified in Articles 11 through 16 of Chapter 1 (Zoning) of Title 10 (Zoning Regulations).

4. Findings for a Conditional Use Permit Application

- A. *The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by this chapter.*

The Project site is located within the C-3 (Commercial General Business) zone. Pursuant BMC Section 10-1-502, the C-3 zone permits residential above a commercial use through the approval of a Conditional Use Permit (CUP) request. Through the review of a CUP, it was determined that the Project, which is a mixed-use, transit-oriented development is in conformance with development standards noted in the BMC, unless modified under the allowed waiver requests as noted in

local and State density bonus law as noted in BMC 10-1-634 et. seq. and California Government Section 65915.

- B. *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The Project site is currently a vacant former retail building, most recently operated as a Fry's Electronics store and parking lot and, therefore, there is no impact to any existing onsite uses. The proposed mixed-use project includes office, commercial and retail uses that are all permitted by-right under the BMC. As a commercially zoned property, these are appropriate uses for the site and will not be detrimental to any existing uses or uses specifically permitted in the zone. Residential units are being proposed as part of the mixed-use Project, which is a conditionally permitted use in underlying C-3 zone. The Project is being designed in a way that helps foster the development of an expanded neighborhood on an underutilized property in proximity to public transit facilities. The Project will provide amenities and public improvements that benefit not only future residents, employees, and visitors of the Project site, but will also result in redevelopment of public infrastructure and enhanced right of ways that benefit the surrounding uses and residents. The Project is being designed in a cohesive manner that ensures the commercial, residential and office uses work together to provide a point of interest that promotes walkability, creates jobs and housing opportunities. All these uses complement each other.

The Sustainable Communities Environmental Assessment (SCEA) prepared in compliance with the California Environmental Quality Act (CEQA) as the environmental assessment for the Project, determined that the proposed land uses would not result in significant adverse environmental impacts affecting the Project site and surrounding land uses subject to the implementation of the proposed mitigation measures as noted in SCEA and included in the Project's Mitigation Monitoring and Reporting Program (MMRP). Therefore, the Project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, and the SCEA and MMRP support the conclusion that the Project will not result in a specific, adverse impact upon on the environment and the public health or safety.

- C. *The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.*

The Project site currently contains a vacant building that will be demolished to accommodate the proposed mixed-use, transit-oriented development, which is also a Transit Priority Project under Senate Bill 330 (Housing Crisis Act of 2019; CA Government Code Section 65589.5). The Project proposes three primary uses that include new office space, ground floor commercial/retail space and 862 new residential units. All these proposed uses on the Project site create a unique opportunity to create a mix of residential and commercial land uses that are complementary to the surrounding land uses, including the adjacent residential

neighborhood. Each of these uses can potentially rely on the other to create a mixed-use project that ensures the long-term economic viability of the Project site consistent with the purpose and intent of the underlying C-3 zone and the goals and policies of the applicable Regional Commercial General Plan land use designation. The resulting new employment and housing opportunities at the Project site also help to bolster the area as a major employment center with viable new options for housing adjacent to new jobs and public transit. Furthermore, the project includes project design features, conditions of approval, and mitigation measures that result in traffic calming measures that discourage cut-through traffic, reduce vehicle speed, and limit potential overflow parking onto neighborhood streets within the Magnolia Park neighborhood protection area that includes the Project site, which is consistent with the City's Burbank2035 General Plan strategy as noted in the Mobility Element's Neighborhood Protection Programs.

- D. *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future uses permitted in the neighborhood.*

The applicant has requested a waiver from certain development standards such as ground floor residential, setbacks, height and open space pursuant to local and State Density Bonus law (Government Sections 65915). Waivers from these development standards allows the applicant to develop 862 dwelling units on the Project Site that include new market rate housing units as well as 80 new rental units set aside for eligible Very Low-Income households. These affordable units would be deed restricted for a minimum of 55 years. Per local and State density bonus law, the requested waivers from these development standards are permitted and reduces requirements that would otherwise physically preclude the development of permitted housing units, including affordable units as allowed under State law. All other applicable development standards outlined in the C-3 are being met by the Project.

The proposed Project site is 10.43 acres in size (454,286 sf.) and contains a vacant building (former Fry's Electronics store) that will be demolished, providing a vacant lot for the construction of the proposed mixed-use, transit-oriented project. The Project is consistent with the City's zoning regulations, the Burbank2035 General Plan, local and State Density Bonus law, as well as the requirements for an SB 330 project under The Housing Accountability Act. The Project will allow for the creation of up to 151,800 sf. of office space, 9,700 sf. of retail and commercial space and 644,151 sf. of residential square footage that can be accommodated on the existing 10.43-acre site, subject to the requested waivers under local and California Density Bonus Law. Approximately 8,636 sf. of common open space will be provided as part of the Project. Landscaping features such as grasscrete and other decorative hardscape and the introduction of shade trees and drought tolerant, decorative landscaping will be planted within the Project site as well as in the public right-of-way.

- E. *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The Project's proposed physical improvements to the site, which include the introduction of new paseos and ground floor open space areas between the residential buildings, will create areas for residents and visitors to lounge while also allowing for the safe passage of pedestrians throughout the Project Site. These improvements and the creation of new bike and pedestrian pathways will promote improved walkability and enhanced access to public streets and the nearby Metrolink Station. Furthermore, the new bike facilities will allow connectivity of other existing bike paths in the area to and from the site and promote access and use of alternative modes of transportation, which have the potential to reduce potential vehicle traffic to the site and the surrounding area. The new driveways were designed in a way that provide an appropriate distance from any intersections to reduce potential vehicle queuing. Multiple entry and exist points have been provided around the site to allow for safe ingress and egress of vehicles. In addition to Valhalla Drive and Vanowen Street that border the Project site, the development will be accessed from Hollywood Way. All three streets have been determined to have sufficient capacity to accommodate the projected traffic from the propose development.

This Project is considered a Transit Oriented Development (TOD) as well as a Transit Priority Project (TPP) pursuant to SB 375 (The Sustainable Communities and Climate Protection Act of 2008). The Project meets all the criteria for approval under the Public Resources Code Section 21155 including: consistency with the City's General Plan land use designation, permitted density under local and State density bonus law, and building intensity as provided for in the General Plan and zoning regulations; consistency with applicable policies specified for the project area in the SCAG 2016-2040 RTP/SCS and 2020-2045 RTP/SCS as noted in the SCEA prepared for the project; contains at least 50 percent residential use, based on total building square footages; provides a minimum net density of at least 20 units per acre; and the Project site is located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

The proposed Project is located within a half mile of a major transit center (Metrolink/Amtrak) and the proposed mix of commercial and residential uses with transit supportive amenities. Subject to the approval of the density bonus request and waivers, the Project complies with all zoning regulations, as well as the allowable density and intensity for the Project site, which has a Regional Commercial, General Plan land use designation.

In addition, the traffic analysis undertaken for the Project concluded that the proposed development will not have a significant impact to the surrounding area since it is a TOD project that provides access to alternative transportation modes to the single vehicle occupancy and a mix of compatible residential and commercial uses, which facilitates the placement of housing near employment centers. The Project also provides other amenities that allow people to work and enjoy recreation opportunities on the same site. Furthermore, the project includes project design features, conditions of approval, and mitigation measures that result

in traffic calming measures that discourage cut-through traffic, reduce vehicle speed, and limit potential overflow parking onto neighborhood streets within the Magnolia Park neighborhood protection area, consistent with the City's Burbank2035 General Plan strategy as noted in the Mobility Element's Neighborhood Protection Programs.

- F. *The conditions imposed are necessary to protect the public health, convenience, safety and welfare.*

The Project's Conditions of Approval will ensure that the proposed uses operate in a manner that protects the public health, convenience, safety and general welfare. Therefore, the Project as conditioned complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, and the SCEA and MMRP support the conclusion that the Project will not result in a specific, adverse impact upon the environment and the public health or safety.

5. Findings for a Tentative Parcel Map No. 083410

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- A. *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The proposed Tentative Parcel Map No. 083410 seeks to create three (3) new parcels in a manner consistent with the provisions of the Subdivision Map Act and our local objective subdivision standards as noted in Title 11 of the BMC is also consistent with the Burbank2035 General Plan Land Use designation of Regional Commercial and the associated general plan goals and policies. The requested Parcel Map facilitates the redevelopment of the currently vacant approximately 10.43-acre Project Site into a mixed-use, transit-oriented development. Specifically, the Parcel Map approval will facilitate the development of 862 residential units; 9,700 square feet of commercial retail space; a new 151,800 sf. office building and on-site parking facilities, bicycle and pedestrian amenities; and significant upgrades to the adjacent sidewalk and roadway infrastructure that serve the Project site along Hollywood Way, Vanowen Street and Valhalla Drive.

- B. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed subdivision involves the creation of three (3) parcels where currently one (1) parcel exists in order to facilitate the proposed mixed-use development that includes 862 residential units; 9,700 square feet of commercial retail space; 151,800 sf. office building; on-site parking facilities, bicycle and pedestrian

amenities; and significant upgrades to the adjacent sidewalk and roadway infrastructure that serve the Project site along N. Hollywood Way, Vanowen St. and Valhalla Dr. The intended Project development and associated uses that are being proposed are consistent with the Burbank2035 General Plan goals and policies for sites with a Regional Commercial land use designation and consistent with the City's Zoning Code through the City's approval of the requested conditional use permit, development review, and density bonus applications.

The proposed subdivision is consistent with General Plan Land Use Element Goals 3 (Community Character) and 4 (Public Spaces and Complete Streets), which include land use policies 3.12, 3.13, 4.11 and 4.12. These policies seek to encourage new subdivision projects that: tie into the City's grid system; require that new lots interface with public streets; prohibit gated communities, private streets and other design components that discourage public access; ensure that improvements to existing infrastructure in support of a project are not unsightly or visually disruptive; and provide for new development with utilities that are located underground.

C. That the site is not physically suitable for the type of development.

The approximate 10.43-acre Project site is physically suitable to accommodate the proposed Project. The majority of the Project site will be developed, following the pattern of surrounding development and will accommodate the following: two 7-story building containing a total of 862 residential units (644,151 square feet); one 5-story office building of up to 151,800 square feet; and 9,700 square feet of commercial retail space.

D. That the site is not physically suitable for the proposed density of development.

The 10.43-acre Project site can accommodate the proposed development that includes the following: two 7-story building containing a total of 862 residential units (644,151 square feet); one 5-story office building of up to 151,800 square feet; and 9,700 square feet of commercial retail space. The resulting parcels and proposed mixed-use development will be adequately served City-compliant driveways, sidewalks, internal circulation lanes that accommodate future vehicle traffic and emergency access and the site will be served the necessary public utilities.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The 10.43-acre Project Site and proposed subdivision is in a fully urbanized area that has been most recently used for a range of commercial and office uses with surface parking activities. A Sustainable Communities Environmental Assessment (SCEA) has been prepared for the Project pursuant to CEQA, which determined that no native biological resources exist on the Project Site so the Project's development will have no impact on biological resources or adverse effect, either

directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The design of the subdivision or type of improvements that are proposed with the Project is not likely to cause serious public health problems. The Project design, layout and incorporated bicycle and pedestrian amenities will ensure that proper line of sites and physical buffers are built that will provide adequate physical separation between vehicles, pedestrians, and cyclists reducing the potential for traffic accidents. The SCEA for the Project has determined that there will not be potentially significant or unavoidable environmental impacts related to Transportation from the Project.

The Project as conditioned complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete. The SCEA and MMRP support the conclusion that the Project will not result in a specific, adverse impact upon the public health or safety. Furthermore, project design features and mitigation measures such as the implementation of MERV 13 air filters, central air, double paned windows, and solid balcony walls all contribute to the preserving the health and safety of future residents of the Project.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easement for access through or use of property within the proposed subdivision.

The design of the Project and associated subdivision and the type of improvements that are being proposed will not conflict with any easements acquired by the public at large, for access through or use of property within the proposed subdivision. The existing easements for public utilities will be maintained and new easements for roadway dedications and build out and maintenance of associated infrastructure and utilities will be noted in the Tentative Parcel Map No. 083410. All City required easements including those for utility easements have been conditioned on the

proposed development and associated subdivision map and will be maintained for the life of the project.

The City Clerk shall mail a copy of this Resolution to the applicants in accordance with the Burbank Municipal Code.

PASSED AND ADOPTED this ____ day of _____, 2021.

Bob Frutos
Mayor of the City of Burbank

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: Joseph H. McDougall, Sr. Asst. City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on this 16th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Zizette Mullins, MMC, City Clerk

CONDITIONS OF APPROVAL

Project No. 20-0003289
Conditional Use Permit, Development Review, Density Bonus Request
and Tentative Parcel Map No. 083410 Application
(2311 N. Hollywood Way. – NHW Investors, LLC, Applicant)

Planning Division

1. Project No. 20-0003289, Conditional Use Permit, Development Review and Parcel Map, approves the construction of 862 residential units, 9,700 square feet of retail space and up to 151,800 square feet of office space. The Development Review is for the design of the Project. The Project also includes a Parcel Map No.083410 that consists of the creation of three (3) new lots. The property is located at 2311 N. Hollywood Way in the Commercial General Business (C-3) zone. Enclosed is the approval with conditions.
2. Unless otherwise provided for under State Density Bonus Law or under the provision of SB 330 (The Housing Accountability Act), this permit shall expire if the scope of work is not initiated within two years of the date of this approval (expires on November 16, 2023), unless the Property Owner has diligently developed the proposed project as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. The Project Applicant can make a written request for a 1-year extension of the approved Project. The extension request is subject to the review and approval of the Community Development Director.
3. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and the project plans date stamped and approved by the City Council on November 16, 2021 and placed on file in the office of the Planning Division. The Project Applicant shall provide a material board for each proposed building that includes the proposed colors and finishes. These material boards must be submitted as part of the plan check submittal and must be reviewed and approved by the Planning Division prior to the issuance of a building permit for any of the buildings. Modifications to the approved plans may be granted, subject to the prior review and approval of the Community Development Director or his/her designee.
4. The Project Applicant shall comply with all Federal, State, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
5. Unless preempted by State or Federal law, this permit may be modified or

revoked by the City should the determination be made that the structure or conditions under which it was permitted present detrimental impacts on neighboring properties.

6. The Project Applicant shall list these conditions of approval in all construction plans submitted to the Building Division for a building permit. The applicant shall also provide a separate written document outlining how, or where, each of the conditions have been addressed in the building permit plan set for all City Division/Department conditions enclosed and provide the same number of copies as building plan sets submitted for Building Plan Check.
7. By signing and/or using this Conditional Use Permit, the permittee acknowledges all the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City or other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.
8. The Project must maintain the areas and square footage of landscaping that are noted on the plans. Any deviations from the plans must be approved by the Director.
9. All residential balconies facing N. Hollywood Way are required to provide a solid balcony wall no less than four (4) feet in height. The final design of the balconies shall be reviewed and approved by the Director or his/her designee.
10. The Project Applicant shall provide that a minimum efficiency reporting value (MERV) filter rating of 13 be used for the indoor air filtration system within both residential buildings.
11. Colors and materials shown on the plans must be reflected on the Building Permit plans unless otherwise approved by the Director. A material board and color pallet board shall be provided for each residential building and for all proposed commercial/office buildings.
12. The Project must be built and operated in conformance with the approved Project entitlements and the Sustainable Communities Environmental Assessment (SCEA) report and associated Mitigation Monitoring and Reporting Program (MMRP) as approved by the City Council.
13. The interior commercial ceiling height as proposed on the ground floors of the residential buildings shall be maintained at a minimum of no more than 16 feet in height.
14. Project shall be built to conformance with local and State Density Bonus and

the City's Inclusionary Housing regulations as applicable.

15. The ventilation/exhaust systems for the commercial/retail spaces shall not be exhausted at grade level. These systems shall be exhausted at a location found suitable by the Community Development Director.
16. Potential buyers and tenants of residential units on the Project site shall be issued a Real Estate Information Form, purchase agreement, or similar disclosure notice that contains information regarding potential exposure to noise and annoyance on site from activities at and near Hollywood Burbank Airport.
17. Compliance with FAA requirements for obstruction markings or lights on the roof of the office buildings and parking garages (at points J,K,L and M) on the western portion of the Project site, per FAA Determinations 2021 – AWP – 7397 through 7400, and that the buildings shall not exceed the maximum height of 88 feet.
18. Buildings J, L and M are to be marked/lighted in accordance with FAA Advisory circular 70/7460 – 1 M, Obstruction Marking and Lighting, red lights – Chapters 4,5 (Red), and 15. Any failure or malfunction that lasts more than 30 minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.
19. Potential buyers and tenants of residential units on the Project site shall be issued a Real Estate Information Form, purchase agreement, or similar disclosure notice that contains information regarding the on-site access to private parking facilities and the prohibition of parking on adjacent and nearby public streets.
20. A Parcel Map application shall be submitted prior to the issuance of a Final Certificate of Occupancy for the Project, subject to the review and approval of the City's Community Development Director or his/her designee. The Parcel Map process shall be completed within one year of submittal.
21. The Project Applicant shall submit a complete landscape plan during Plan Check to include all existing and proposed planting on the site. The plan shall include a matrix or legend with the plan species and list the maximum height of the proposed plants at full growth.
22. Unless otherwise exempted through a previously approved Incentive or Waiver, the Project must be built in conformance with the applicable provisions in the Burbank Municipal Code, including but not limited to Sections 10-1-626 through 10-1-631 (R-4), 10-1-2527 (Mixed-Use) and 10-1-714 through 10-1-719 (C-3).

23. The Project Applicant shall enter into an Affordable Housing Agreement with the City, prior to the issuance of Certificate of Occupancy for any of the residential buildings on the Project. The Affordable Housing Agreement shall be prepared and approved as to form by the City Attorney. The Affordable 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 Affordable Housing Agreement (“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 Density Bonus 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.

Building Division

24. 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.
25. 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.

26. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
27. 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.
28. 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.
29. Provide all information, calculations, and regulations pertaining to Low Impact Development associated with this project.
30. New construction projects within the City of Burbank are subject to MWELo review.
31. 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.
32. 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.
33. The parking layout will have to comply with City standards, including minimum turning radii for accessing parking stalls.
34. Deferral of any submittal items shall have prior approval of the City Building Official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.
35. 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.
36. 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.
37. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant

Discharge Elimination System MS4 Permit.

38. 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.
39. 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.
40. Plans submitted for plan check must be stamped by State-licensed architect or engineer.
41. Unless otherwise provided in the City's Noise Ordinance, approved hours of construction are:

Monday – Friday	7:00 am to 7:00 pm
Saturday	8:00 am to 5:00 pm
42. Unless otherwise provided in the City's Noise Ordinance, 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.

Parks and Recreation

43. Submit landscape and irrigation plans prepared by a licensed landscaped architect.
44. Project must comply with Municipal Water Efficient Landscape Ordinance (MWELo) requirements if over 500 square feet of landscaping.
45. Provide an Arborist/Landscape Architect valuation of any landscape removed for the Project.
46. Trees in Parkway are not approved Street trees, a covenant agreement or similar instrument determined by the City Attorney must be in place to plant the proposed trees.
47. Street trees are required if any are removed.

48. Contact Forestry Division for a list of approved street trees if any need to be planted.
49. All street trees shall be a minimum of 36" box size.
50. Trees in grass shall be installed with Arbor Guards.
51. Owner to install the street trees, they must contact the Forestry Supervisor, at (818) 238-5343, at least forty-eight (48) hours prior to installation. Failure to contact the City for inspection and installation may cause the removal and replacement at the owner's expense.
52. Tree wells are required with final design to be reviewed and approved by the Forestry Division.
53. Irrigation bubbler to be provided for street trees.
54. Provide automatically controlled irrigation system to the parkway.
55. Project must comply with the Art in Public Places Ordinance.
56. Provide an Arborist/Landscape Architect valuation of any landscape removed for project.

Burbank Water and Power – Electric Division

57. The location of the existing electric service panel must be located on the construction plans.
58. The dimensions and location of existing and proposed public improvements adjacent to the project must be shown on the construction plans.
59. The width and the location of all the existing and proposed easements must be shown on the construction plans.
60. Fully dimensioned building elevations showing height of structure from natural grade must be shown on the construction plans.
61. The proposed location of the electric service and panel meters must be shown on the construction plans.
62. The proposed location of any pad-mounted electrical equipment must be shown on the construction plans.

63. 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.
64. 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.
65. Loads below 5MVA will be fed from the existing system but will require upgrades to accommodate the new development, at the developers cost.
66. 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.
67. The proposed development will require the installation of pad-mounted switches and transformers. The pad-mounted switches will be looped on the line side.
68. 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.
69. 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.
70. 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.
71. 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.
72. The proposed development will require the installation of 4' x 6' primary pull-boxes.

73. The proposed development will require the installation of 8' x 14' primary manholes.
74. Additional conduits may be required to provide for future needs.
75. 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).
76. Unless otherwise approved by BWP, no permanent structures are allowed within the 10-foot easement running through the center of the property.
77. The developer's contractor will provide as-built drawings showing the exact location of underground substructure installed to serve the property.
78. 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.
79. 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 to avoid a potential conflict with other substructure.
80. 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
81. The developer's contractor shall install secondary conduits, pull cable from the transformer to the switchboard, and terminate the secondary cables on the switchgear.
82. 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).

83. 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.
84. 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.
85. 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.
86. Any excavation that restricts vehicular access to existing BWP facilities may require the relocation of such facilities at the developer's cost.
87. 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.
88. 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 (2021 Dollars) 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.
89. 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.
90. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).

91. 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.
92. 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.
93. 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.
94. 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 to create the appropriate communications path.
95. 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.
96. Any construction that impacts existing streetlight standards or infrastructure will require relocation at the developer's cost.
97. 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.
98. 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.

99. 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.
100. 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.
101. BWP landscaping requirements for s 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.
 - e. Landscape plans shall adhere to the above requirements, showing proper working clearances for electrical facilities on L-sheets.
102. 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.
103. 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 (EV) parking capacity shall be in accordance with Title 24 building code requirements. Plans shall detail all planned EV charger installations as well as all EV capable parking spaces. The electrical service panel shall include capacity to simultaneously charge all EV capable parking spots at their full-rated amperage whether installed or not.

104. 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>.
105. The pole line running through the center of the property will need to be undergrounded at the project's cost. It is recommended to start this process early to avoid schedule and construction impacts. Significant substructure including conduits and manholes will need to be installed to provide a connection from Screenland Dr south of Valhalla to Empire Ave to accommodate this undergrounding. Additionally, the properties to the west of the project fed from the overhead line will need to be re-fed from the project site at the project's cost.
106. Although a complete load schedule, voltage requirements, and a full design is required to determine the exact number and size of switches and transformers required, the current design likely does not account for enough space for these. Due to safety clearance requirements, as well as crane access requirements to these facilities, these structures will likely occupy a significant portion of the currently planned landscaping.
107. Loads 5MW or greater will require a new substation. BWP has agreed to explore additional options through a feasibility study. The offsite and substation cost of any option made available to the developer shall not exceed \$15,000,000 (2021 dollars) based on the load information already provided for BWP's feasibility study. If an onsite substation is required, the developer must provide the necessary space (a minimum of 125' X 80', with two 20' access roads on two sides).
108. Developer's onsite distribution costs are to be determined separately based on the developer's final approved building plans.

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

Burbank Water and Power – Water Division

109. The size and location of water services (domestic, fire. Type and location of the backflow assembly).
110. Calculations for sizing of domestic water meter and service must be provided.
111. Landscape irrigation plans for backflow plan check must be provided.
112. Temporary potable water may be supplied from the existing service at 2311 N. Hollywood Way only after the owner or contractor has signed up for its use at the Burbank Water and Power, 164 W. Magnolia Blvd., between 8:30 AM and 4:30 PM, Monday through Friday. The existing meter(s) and box(s) are to be protected at all times during demolition of the site and/or construction.
113. The new water service, if required for this project, will come from a (n) 12 inch main in Vanowen St. at a static pressure of approximately 100 psi.
114. Due to the system static pressure at this site, the Building Division requirements for a pressure regulator are to be followed in accordance with the 2019 California Plumbing Code.
115. A copy of the Development Review shall be shown on the applicant's plan submittal.
116. The water service for this project may be required to be provided with protective devices that prevent objectionable substances from being introduced into the public water supply system, per Title 17 of the California Administrative Code. A minimum \$50 backflow prevention plan check fee and up to actual cost will be applied. Both domestic and fire services may require installation of backflow prevention devices. Backflow devices must be installed on private property and as close as possible to the property line (see attached Standard Drawing No. BWP-615).
117. The owner or contractor shall contact BWP Water Division at 818 – 238-3500 before the building permit is issued. The drawings will be reviewed for adequate sizing of the service and meter and will take a minimum of five working days. Domestic meter size shall be adequate to provide the required flow, as determined by a licensed plumber or architect, calculated from the number of fixture units for the proposed development, pursuant to the California Plumbing Code 2019, CCR, Title 24, Part 5. Prior to final approval and preparation of an estimate by the BWP Water Division, the applicant shall obtain approval from the City of Burbank Fire Department for appropriate fire service size and

appurtenance selection. Construction scheduling will be based on date of receipt of the required drawings, fees and deposit.

118. If the Fire Department requires any new fire hydrants and/or fire services for this development, the owner or contractor shall request an estimate for same from BWP Water Division by calling (818) 238-3500. The full deposit for any required work (including upgrading the fire service/backflow device) must be paid before the Water Division approved the project drawings.
119. A separate meter and service shall be installed for irrigation purposes only. When recycled water becomes available in the area, use of recycled water will be required for all irrigation needs. Pending recycled water availability, a backflow device will be required for all irrigation needs. Pending recycled water availability, a backflow device will be required to protect the potable water system. Please be advised that the recycled water system may be at a lower pressure than the potable water system. If required, a provision in the design shall be made for installation of a booster pump when recycled water becomes available. See attached sheet for details regarding L.A. County plan check approval. Upon completion of the conversion from domestic to recycled water, the applicant shall comply with all rules and regulations set by the State Water Resources Control Board – Division of Drinking Water.
120. A Water Main Replacement Fee (WMRF) is required in accordance with Sections 4.34 (a),(b),(c),(d) and (e) of BWP Water Division Rules and Regulations.
121. Per section 4.34 (e) a Water Main Replacement Fee (WMRF) shall be applied along Valhalla Drive: WMRF = 915 ft. x \$125/ft = \$ 114,375
122. Domestic and fire services for the project shall come off the existing distribution water mains on Vanowen Street or Valhalla Drive only. It may not come from the existing 24" transmission main.
123. There is an existing 10 ft. wide PUE for an 8" D.I. recycled water main that goes through the property. No building is allowed to be built within the 10 ft. easement. The easement must remain clear to provide access for maintenance and operations purposes. See attached map and intersection details 19-16.
124. Recycled water is available from a 8" D.I. RQ main going through the property and a 12" D.I. RW main located on Valhalla Drive. Use of recycled water will be required during construction and for all irrigation and HVAC cooling towers. Separate recycled water services are required for irrigation and HVAC cooling. Work with BWP Water Engineering to coordinate the locations of the recycled water service connections. The applicant shall be responsible for obtaining all required approvals from LACDPH and California State Water Board – Division of Drinking Water. Contact BWP – Recycled Water Group prior to submitting the

application to County Public Health. BWP recommends installing two water feeds to cooling towers, one for recycled water and a separate pipe for domestic water.

125. The applicant shall be responsible for all additional costs of connection, installation, amendment, and installation of public fire hydrants that may be required by the Fire Department in accordance with Burbank Water and Power (BWP) rules and regulations.
126. The contractor shall use recycled water for grading and construction operations. There is an existing 8" recycled water main on site and a recycled water connection can be provided off this main at the developers cost. Recycled water shall also be utilized for all landscape irrigation.
127. The developer shall meet with utility representative from BWP/Water BWP/Electric and Public Works/Sewer to discuss utility requirements in detail.

Burbank Water and Power – Recycled Water

128. Recycled water is available to your parcel. All landscape irrigation must be served by a dedicated recycled water landscape irrigation service.
129. Submit irrigation plans and plumbing plans for review and approval by BWP. The plans must clearly display:
 - a. Specific alignment and location of all irrigation lines and appurtenances;
 - b. Specific alignment and location of domestic and fire water lines and services;
 - c. Proposed location of the landscape irrigation water service point of connection;
 - d. Location of backflow prevention devices for domestic and fire water services;
 - e. Recycled water sign locations which must be visible at all public entrances; and
 - f. A legend of all components and appurtenances.
130. Potable water and recycled water systems must be constructed and horizontally/vertically separated in compliance with applicable water system construction standards as well as those specified in the California Health and Safety Code, Water Code, Titles 22 and 17 of the California Code of Regulations, and the Los Angeles County Code Title 28 – Plumbing.
131. The County of Los Angeles Department of Environmental Health (County) must approve all recycled water systems prior to construction or implementation.

- a. Address: CROSS CONNECTIONS AND WATER POLLUTION CONTROL PROGRAM, 5050 Commerce Drive, Baldwin Park, CA 91706-1423
- b. Phone: Tel (626) 430-5290, FAX (626) 813-3025
- c. Plans and specifications for recycled water distribution systems, as well as the use and operation of such systems must be submitted to the County for review and approval prior to construction or implementation.
- d. Prior to commencing construction, the customer/contractor must contact the County to schedule an inspection of the proposed on-site recycled and potable water work.
- e. No piping for potable or recycled water in conjunction with a specified project shall be installed prior to County plan check approval and preliminary inspection.
- f. Upon completion of construction, no excavation or open trench may be backfilled without first securing the County approval. Any areas backfilled without prior approval will be required to be exposed and corrected as necessary.
- g. Only a County approved temporary water connection, to a potable water supply via a dedicated, approved, reduced-pressure-principle backflow prevention device shall be permitted to be utilized for the purpose of flushing, pressure testing, landscape use or the final cross-connection testing.

PUBLIC WORKS

Engineering Division

- 132. Show width and location of all existing and proposed easements [BMC 9-1-1-3203]. Plans shall show the 5' sewer/public utility easement and the 10' public utility easement.
- 133. Show dimensions and location of all proposed property dedications.
- 134. 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.
- 140. No building appurtenances for utility or fire service 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].

141. No structure is permitted in any Public right-of-way or any public utility easement/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].
142. Any work within 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>
143. To comply with Burbank 2035 General Plan, dedicate to the City for street right-of-way a portion of the property adjacent to Vanowen Street to achieve a minimum 15' parkway [BMC 7-3-106]. Contact the Real Estate Division of the Community Development Department at (818) 238-5180 for more information to accomplish this dedication.
144. To comply with Burbank 2035 General Plan, dedicate to the City for street right-of-way a portion of the property adjacent to Hollywood Way to achieve a minimum 15' parkway [BMC 7-3-106]. Contact the Real Estate Division of the Community Development Department at (818) 238-5180 for more information to accomplish this dedication.
145. Dedicate to the City for street right-of-way; a portion of the property to achieve a minimum 15-foot corner radius at the property corners of Hollywood Way and Valhalla Drive [BMC 7-3-106]. Contact the Real Estate Division of the Community Development Department at (818) 238-5180 for more information to accomplish this dedication.
146. Dedicate to the City for street right-of-way a portion of the property to achieve a minimum 15-foot corner radius at the property corners of Hollywood Way and Vanowen Street [BMC 7-3-106]. Contact the Real Estate Division of the Community Development Department at (818) 238-5180 for more information to accomplish this dedication.
147. Public Works Permit Division to verify and sign off that the 5' and 10' public utility easements are cleared of any existing and/or proposed permanent structures prior to the start of construction.
148. 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 are cleared of any existing and/or proposed permanent structures prior to the start of construction.

149. 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; at project completion, as-built plans must be submitted on mylar paper.
150. Submit hydrology/hydraulic calculations and site drainage plans. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. The approved drainage should be connected underground directly to a nearby existing storm drain facility in the public right of way [BMC 7-1-117, BMC 7-3-102]. Any drainage studies and/or improvements on private property are to be reviewed and approved by the City's Building Department. Any drainage studies, improvements and connections within the public right-of-way are to be reviewed, approved and permitted by the following:
 - County owned storm drain facilities such as catch basins and/or storm drain main lines require approval review/approval and permit from the Los Angeles County Flood Control District Department.
 - City owned storm drain facilities such as catch basins and/or storm drain main lines require approval review/approval and permit from the City of Burbank.
151. 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.
152. All soldier piles/beams that are required for excavation shoring, must be placed on private property and are not to encroach into the public right-of-way.
153. Any required traffic study and mitigation measures resulting from City approval of the Project should be coordinated with Public Works Department to review and approve offsite improvement plans.
154. An address form must be processed [BMC 7-3-907].
155. 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:

156. Provide verification from the City of Burbank, Building Division showing the 5' and 10' public utility easement is cleared of all permanent structures at the rear of the property after construction is completed.
157. Resurface (grind and overlay minimum 2") full width of Hollywood Way, including the overpass portion, fronting the property per City of Burbank Standards. Plans must be submitted in City of Burbank Standard format.

158. Reconstruct full width of Valhalla Drive fronting the property per City Standards. The Section of the roadway is typically 8" thick Portland cement concrete (PCC).
159. Applicant must re-stripe the resurfaced area and re-establish all traffic loops.
160. All unused driveways along Hollywood Way, Vanowen Street and Valhalla Drive shall be removed and reconstructed with curb, gutter and sidewalk [BMC 7-3-504].
161. Remove and reconstruct sidewalk fronting the property along Hollywood Way, Vanowen Street and Valhalla Drive per City of Burbank Standards.
162. Remove and reconstruct pedestrian ramps at the intersections of Hollywood Way/Valhalla Drive (2), Valhalla Drive/Screenland Drive (2) and Hollywood Way/Vanowen Street(2) fronting the property shall meet ADA requirements. Pedestrian ramps are to be constructed per Caltrans Standards A88A.
163. Pedestrian ramps at the proposed entrances along Valhalla Drive, Hollywood Way, Vanowen Street and installation of new pedestrian ramps at the intersection of Vanowen Street & Hollywood Way (overpass) shall meet ADA requirements. Pedestrian ramps are to be constructed per Caltrans Standards A88A.
164. Protect in place or re-establish centerline ties at the intersections of Hollywood Way/Vanowen Street, Hollywood Way/Valhalla Drive and Valhalla Drive/Screenland Drive per City of Burbank Standards.
165. Any portion of the public parkway (curb, gutter, 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 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].
166. If any utility cuts or construction related impacts are made on Vanowen Street, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property. Vanowen Street was resurfaced with ARHM in 2019 and falls under moratorium requirements.
167. Additional impacts to street triggered by this project will extend the paving restoration limits.
168. Building access doors, loading dock doors, and access gates may not swing open into the public right-of-way [BMC 7-3-701.1].

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

WATER RECLAMATION AND SEWER

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

Wastewater requirements:

170. An Industrial Waste Discharge Permit will be required [BMC 8-1-502 and BMC 8-1-503].
171. Under the current rate structure, the proposed development is subject to a Sewer Facilities Charge estimated to range between \$580,555.06 and \$608,542.36. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

SFC Option 1 (retail)
= Proposed Developments – Demolition Credits
= MFD [\$667/unit * 862 units] + Office [\$0.417/SF * 84,900 SF] + Retail [\$0.323/SF * 9,700 SF] – Retail [\$0.323/ SF * 101,967 SF]
= \$574,954.00 + \$35,403.30 + \$3,133.10 – \$32,935.34
= \$580,555.06

Or

Option 2 (restaurant)
= Proposed Developments – Demolition Credits
= MFD [\$667/unit * 862 units] + Office [\$0.417/SF 151,800 SF] + Retail [\$0.323/SF * 9,700 SF] – Retail [\$0.323/ SF * 101,967 SF]
= \$574,954.00 + \$63,300.60 + \$3,133.10 – \$32,935.34
= \$608,542.36

(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.)

172. The plans currently indicate that each option has 9,700 SF of proposed retail space. However, it was indicated on previous plans and/or permit applications that this could be restaurant space. Please note that as the currently submitted plans indicate, only retail occupancies will be allowed in that space unless the developer/owner applies for a new separate permit to change the occupancy type to restaurant.
174. 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].

175. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
176. 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.
177. 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.
178. Any existing fixture or connection to the sewer main line must be capped before building demolition activities occur.
179. Food Service Establishments are required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible grease interceptor, unless a conditional waiver is granted by the Director. This project, due to the inclusion of a restaurant, will require a grease interceptor to trap, separate and hold grease from wastewater and prevent it from being discharged into the public sewer per the requirements above.
180. 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.
181. Landscape improvements need to take into consideration the location of sewer facilities to prevent tree/plant roots from entering/obstructing or damaging the sewer facilities. An obstructed or damaged sewer facility can result in a sanitary sewer overflow, costly repairs, costly fines, and costly claims. It is highly recommended that either a 15-foot clearance for trees and large shrubs is maintained from the location of the City sewer main (7.5 feet on either side of the City sewer main), or a root barrier control system is employed for each tree/plant.

Project Specific Requirements:

182. A Sewer Capacity Analysis was performed on 5/10/2021 and determined that the proposed development at 2311 N. Hollywood Way will require additional capital improvements to the existing City sewer infrastructure. The developer will be

granted permission to connect to the City's sanitary sewer system contingent upon the following (Items A-G below):

- A. Prior to issuance of a Building Permit, the Developer shall pay either \$580,555.06 or \$608,542.36 in Sewer Facilities Charges (SFC), based on the subject Development Review submittal Options 1 and 2 respectively.
- B. The 3,460 LF of offsite sewer construction noted in item 2 above can be reduced subject to a sewer capacity report being prepared by the applicant and approved by the city engineer. The sewer capacity report is to be based on recent flow test data and be completed in accordance with the city guidelines from the Sewer Master Plan. If the Developer chooses to submit a sewer flow study report for review by Public Works staff, the 3,460 LF of offsite sewer main construction noted above will be further evaluated, and the Public Works Director may potentially approve modifications to the above scope of work if at his sole discretion they are warranted based on fully representative (i.e., normal peak) sewer flow conditions.
- C. The Developer shall design and construct approximately 3,460 feet of sewer main infrastructure improvements (see Attachment A). The reaches include N. Hollywood Way from Victory Blvd. to Jefferies Ave., and Jefferies Ave. to Wyoming Ave.; and the intersection of Wyoming Ave. / N. Ontario St. to the intersection of W. Burbank Blvd. / N. Frederick St.
- D. The Sewer Capacity Analysis concluded the sewer mains must be upsized to accommodate the additional flow from the development. Design plans for the sewer infrastructure upgrades must be approved by the Public Works Director prior to issuance of permits for construction. In addition to obtaining all necessary permits, the Developer shall pay for construction inspection services.
- E. The Development shall not exceed a peak wastewater discharge rate of 369 gallons per minute, which is the currently calculated peak discharge rate based on the information submitted with the Pre-Development Review and Sewer Capacity Analysis.
- F. No Temporary or Final Certificate of Occupancies shall be issued until the public sewer improvements are completed and accepted by the City, upon which time the facilities will be turned over to the City for operation and maintenance purposes.
- G. The Development is required to connect to the City's sanitary sewer system along either of the two reaches marked as City sewer maintenance holes (MH) 19-014 to MH 19-015, and MH 19-015 to MH 19-016.

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

Stormwater Requirements

184. Effective July 1, 2010, any construction activity that results in soil disturbances greater than one acre is subject to the General Permit for Storm Water Discharges Associated with Construction Activity Permit Order 2009-0009-DWQ (2009 Construction General Permit) – see: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml. Additionally, if the construction activity less than one acre is part of a larger common plan of development that encompasses a total of one or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity, it is subject to the 2009 Construction General Permit.
185. Per BMC 8-1-1004.B(3), a Pool Discharge Permit is to be issued by the Public Works Permits counter and a \$47.50 fee (fiscal year 2021-22) is required each time the pool is emptied for multi-family/commercial properties. Please refer to the enclosed pool discharge brochure. Please note that through the City's Industrial Pretreatment Program and BMC 8-1-501.4 (Local Limits), the City prohibits commercial and industrial properties from installing saltwater pools.
186. 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.
187. 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.
188. 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.
189. 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

190. 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/d7e84867-d1e2-43d1-f870-660c8789cb56?version=1.0&t=1618505304636&imagePreview=1>

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

191. Dewatering an area where water accumulates (i.e., crawl space, foundation, or basement) is now considered a prohibited discharge into the storm drain system. As such, private property applicants have the following options for dewatering accumulated volumes of water:

- Depending on the volume and having controls in place to keep the discharge on-site, direct the dewatering discharge to a planted/vegetated area located on private property; or
- Apply for an individual NPDES permit with the Regional Board to allow the dewatering discharge into the storm drain system through ORDER NO. R4-2013-0095: pages 8 and 9 of this Dewatering Order state that temporary dewatering including subterranean seepage dewatering, requires individual coverage and is no longer covered/allowed under the MS4 permit. Questions need to be directed to the Regional Board at (213) 576-6600.

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

TRAFFIC ENGINEERING

(Traffic Engineering corrections or omissions to the conditions are compiled from the Public Works section of the "Conditions of Approval" draft.)

194. All driveways and intersections leading to commercial loading areas shall be designed to accommodate turn path of SU-30 (Single Unit Truck, 30 ft. long) per the AASHTO Greenbook with minimum 41.8 feet outer turning radius and 28.4 feet inner turning radius or the largest commercial truck proposed for the project. Provide truck turning template at all project driveways leading to loading areas and at the intersection of Valhalla Drive/Hollywood Way and Vanowen

Street/Hollywood Way to show how commercial vehicles can safely access the project site. Street widening or reconstruction of curb return may be needed to accommodate truck turns at the northwest and southwest corner of Valhalla Drive/Hollywood Way.

195. All driveways and access roads leading to residential parking areas shall be designed to accommodate turn path of Passenger Car (P) design vehicle per the AASHTO Greenbook with minimum 24 feet outer turning radius and 15 feet inner turning radius.
196. All curb returns for external and internal streets shall be designed to accommodate turn path of the largest fire engine used for fire response.
197. Driveway apron shall be constructed per Burbank Standard Plan BS-102. Driveway slope and transition shall be constructed per Burbank Standard Plan BT-406.
198. Site Plans shall clearly show the location and design of all project driveways including distance from nearest intersection, lane configuration, driveway width, and stacking distance.
199. Unless otherwise approved by the Public Works Director, commercial truck loading area shall be provided on-site. Commercial loading/unloading is prohibited on public streets, including Vanowen Street, Hollywood Way, and Valhalla Drive.
200. Provide bike lane connection on Valhalla Drive between Hollywood Way and the westerly property line.
201. On-street parking shall be prohibited on the north side of Valhalla Drive between Hollywood Way and Screenland Drive. Upon reconstruction of Valhalla Drive, the Project should restripe Valhalla Drive between Hollywood Way and Screenland Drive and install on-street parking with all necessary signage on the south-side of Valhalla Drive.
202. On-street parking shall be prohibited on the west side of Hollywood Way, between Valhalla Dr and Vanowen Ave.
203. On-street parking shall be prohibited in the areas 75' west and 40' minimum east of both driveways, and at locations where sight visibility is inadequate.
204. Corner cut off requirements per BMC 10-1-1303(C) shall apply to all driveways. No visual obstructions shall be erected or maintained in the 5' by 5' visibility cut-off above 3' high or below 10' high at the intersection of street and driveway.

205. No visual obstructions, above 3' high or below 10' high, shall be erected or maintained in the 10' by 10' visibility cut-off at the intersection of streets per BMC 10-1-1303(A).
206. Pedestrian path across project driveways shall be in the public right of way. Corner cutoff requirements shall apply to any corner of the pedestrian path
207. Access aisle width for standard parking spaces shall be per Burbank Standard Plan BT-401.
208. Parking spaces shall be constructed per BMC 10-1-1401, 10-1-1403, 10-1-1417 and 10-1-1606.
209. ADA parking stalls shall be constructed per Caltrans Standard Plan A90A. Stalls shall be a minimum of 9 feet wide by 18 feet deep.
210. All parking spaces provided in a multifamily project, including tenant and any guest spaces, shall be full-size spaces no less than eight (8) feet-six (6) inches wide and no less than 18 feet deep per BMC 10-1-627.
211. All required retail and commercial parking spaces shall have a minimum width of 9 feet and a minimum length of 18 feet per BMC 10-1-1401
212. Turn areas and parking spaces adjacent to obstructions shall be constructed per Burbank Standard Plan BT-400. Parking stalls adjacent to vertical obstructions on either side of the stall shall be a minimum of 10' wide.
213. End stalls shall be a minimum of 11' wide or the access aisle must extend 3' beyond the bay per Burbank Standard Plan BT-400
214. Trucks in the loading area shall not block the path of any driveway, access aisle or parking garage entrance.
215. The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent. [BMC 10-1-1604].
216. Applicant shall submit a separate plan sheet containing a detailed parking arrangement with accurately dimensioned parking spaces, numbered parking spaces, aisle widths, driveway dimensions; as well as the location, size, and design of curb cuts, and other features and appurtenances of the proposed parking.
217. Vanowen Street should be restriped to provide proper left turn lane for the driveway into the parking structure.

218. With anticipation of increased pedestrian activity and vehicular traffic, install a new traffic signal on the west leg of Hollywood Way at Vanowen Street to enhance pedestrian and vehicular safety.

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

FIELD SERVICES

Solid Waste:

220. Must have a common location(s) for trash enclosures large enough to house an appropriate number of refuse and recycling bins.
221. Must comply with AB 341 requirements.
222. There must be an appropriate location on the property for all solid waste containers or bins. Solid waste containers are not to be visible from the street.
223. Recycling must be provided for all residents and businesses.
224. Provide documentation indicating how the Project will have no effect on solid waste per the submitted application.
225. Project must comply with AB 1826 and SB 1383

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

Fire Department

226. 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.
227. Provide an automatic fire sprinkler system for all buildings in accordance with the Burbank Municipal Code.
228. 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.
229. Provide a fire alarm system to notify all occupants of automatic fire sprinkler water flow.
230. Provide a Knox key box for fire department access.
231. Provide a Knox KS-2 key access switch for security gates.

232. 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.
233. 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.
234. 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.
235. Provide a fire alarm system.
236. 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.
237. Specifications for fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.
238. Plans for fire apparatus access road shall be submitted to the fire department for review and approval prior to construction.
239. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
240. 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.
241. 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.
242. 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.

243. All exits, fire department access and fire protection shall be maintained in accordance with the California Fire Code during construction.
244. Any fire hydrants for this block shall be upgraded with a 4" X 2-2 ½" outlets. Contact the Water Division at 238-3500 for specifications on the type fire hydrants to be provided.
245. 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.
246. 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.
247. The occupancy shall be approved and limited to the number of occupants noted on the proposed construction plan submitted for review.
248. Provide and maintain an approved occupant load sign in a conspicuous location near the main exit from the room.
249. Any business, except as provided in subdivisions (b) and (c) of Health & Safety Code Section 25503.5, that handles a material or mixture containing a hazardous material that has a quantity at one time during the reporting year equal to, or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, shall establish and implement a business plan for emergency response to a release or threaten release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 of the California Health & Safety Code.

250. Assembly Bill (AB) 2286 (Feuer, PDF) was signed by Governor Arnold Schwarzenegger, chaptered on September 29, 2008, and went into effect January 1, 2009. The law requires all regulated businesses and all regulated local government agencies, called Unified Program Agencies (UPA), to use the Internet to file required Unified Program information previously filed by paper forms. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. It also includes UPA data such as inspections and enforcement actions. All businesses must submit Unified Program-related reporting information to either the statewide electronic reporting system (CERS, California Environmental Reporting System), or if provided by the facility's CUPA, businesses can opt to use the CUPA's local reporting web portal. For more information about CERS and Unified Program electronic reporting requirements, please go to CERS Central web site at <http://cers.calepa.ca.gov/>.
- See more at:

<http://www.calepa.ca.gov/cupa/ereporting/#sthash.7G6K1PcM.dpuf>

251. Businesses that handle materials or mixtures containing hazardous materials that do not exceed the 500 pounds or a total volume of 55 gallons, or 200 cubic feet for compressed gas shall be required to obtain a permit from the Burbank Fire Department for the storage, use and handling of stated inventory. This permit shall be issued for the time period between scheduled inspections conducted by the Burbank Fire Department.
252. Provide smoke detection for dwelling units, congregate residences and hotel or lodging guestrooms that are used for sleeping purposes.
253. 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.
254. All existing and proposed 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.
255. Buildings having floors used for human occupancy located more than 35 feet, but less than 75 feet above the lowest level of fire department vehicle access, shall be in compliance with all applicable "Mid-Rise" requirements as defined by the Burbank Municipal Code.
256. Buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access, shall be in compliance with all applicable "High-Rise" requirements as defined by the Burbank Municipal Code.

257. High-rise and Mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet or more than 35 feet from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for firefighting and rescue operations.
258. Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 35 feet above the lowest level of Fire Department vehicle access shall be provided with an automatic fire alarm system.
259. Every mid-rise building shall be provided with an approved combined standpipe system.
260. All stair shaft doors at each building level shall provide access to the building for fire department use.
261. There shall be provided for fire department use at least one access door to one enclosed exit stair shaft that serves all building levels and the roof at the main entrance level outside the building.
262. All enclosed exit stairways shall be continuous to each floor served in either direction and shall be without obstructions such as intervening doors and gates.
263. EXCEPTION: Approved barriers provided at the ground floor level to prevent persons traveling downward from accidentally continuing into the basement, in accordance with the Building Code.
264. Locking of enclosed exit stair shaft doors:
 1. All enclosed exit stair shaft doors which are to be locked from the stair shaft side shall have the capability of being unlocked without unlatching, by all of the following methods:
 - 1.1 A manual signal from the central fire control room.
 - 1.2 The actuation of a fire alarm device.
 - 1.3 Upon failure of electrical power.
265. When enclosed exit stair shaft doors are locked from the stairway side, an approved emergency communication system directly connected to the building control station, proprietary supervisory station, or other approved emergency location shall be available to the public and shall be provided at every fifth-floor landing in each required enclosed exit stair shaft.
266. In all high-rise and mid-rise buildings, approved breakout panels or tempered glass windows shall be provided in the exterior wall at the rate of at least twenty square feet of opening per fifty lineal feet of exterior wall in each story,

distributed around the perimeter at not more than fifty-foot intervals. Such panels shall be clearly identified as required by the Fire Code Official.

267. In every bank of elevators, there shall be provided and available to the fire department, an elevator that opens on to each floor served by the individual bank. A bank of elevators is one or more elevator cars controlled by a common operating system, or where all elevator cars will respond to a single call button.
268. Elevator cars assigned for fire department use shall have at height, recessed area, or removable ceiling, which will make possible the carrying of a nine- (9) foot high ladder. At least one elevator car assigned for fire department use and serving all floors shall be of a size that will accommodate a 24 inch by 85-inch ambulance stretcher in the horizontal position, and have a clear opening width of 42 inches. The elevator shall be identified with approved signs.
269. Elevators shall open into a lobby on all floors except the lowest terminal floor of building entry. Lobbies may serve more than one (1) elevator.
270. Lobbies shall be separated from the corridor by one (1) hour fire resistive construction with all openings protected by tight fitting twenty (20) minute door assemblies designed to close automatically upon activation of a detector which will respond to visible or invisible particles of combustion. Lobbies shall also be separated from the remainder of the building as required for corridor walls and ceilings.
271. 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:
 1. Building Type Construction as defined by the California Building Code.
 2. Square feet of the building.

Transportation Division

272. For the office portion of the project, a bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to the following:
 - a. Current maps, routes, and schedules for public transit routes serving the site;
 - b. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
 - c. Ridesharing promotional material supplied by commuter-oriented organizations;
 - d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.

- e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, and pedestrians at the site.
273. For retail projects, not less than three percent, and for all other non-residential projects, not less than ten percent of the total required parking spaces, shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential employee carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for Development Review, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one (1) space for projects of 50,000 square feet and two (2) spaces for projects over 100,000 square feet will be signed/striped for carpool/vanpool vehicles.
 274. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
 275. Bicycle racks for the residential units must be in accordance with the requirements under the multifamily section of the BMC with a minimum requirement of 51 racks. Per the City's Bicycle Parking Guidelines, residential developments shall provide 25 percent of total bicycle parking as short-term spaces and 75 percent of total bicycle parking as long-term spaces.
 276. For the office and retail portion of the project, bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first 50,000 square feet of non-residential development and one (1) bicycle per each additional 50,000 square feet of non-residential development calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. The total number of bicycle parking spaces for the commercial portion of the project shall be 6 spaces. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City.
 277. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.
 278. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

279. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit station/stops.
280. A safe and convenient access from the external circulation system to bicycle parking facilities onsite.
281. 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 Corridor Commercial land use designation, the Project shall provide at standard width of 15-foot-wide sidewalks (from edge of curb to property line) along Valhalla Dr., N. Hollywood Way and Vanowen St. Development shall provide all the following circulation measures to the satisfaction of the City:
 - a. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to the building.
282. Provide sharrows in both directions on Screenland Dr. between Valhalla Dr. and W. Pacific Ave, to denote the Class III bicycle connection and improve wayfinding from the Class III Pacific Ave. bicycle boulevard and the Class IV bikeway on Screenland Paseo.
283. The transportation operational analysis completed for the project determined that residential streets south of the project could experience project-related increases in neighborhood cut-through traffic that exceed the City's cut-through traffic thresholds. To reduce the effects of this increased cut-through traffic, the applicant shall contribute \$250,000 towards development of a neighborhood traffic management plan – consistent with the Burbank2035 General Plan Goal 6 and Policy 6.3 -- to assess and implement appropriate traffic calming measures on Maple Street, Pepper Street, Screenland Drive, and Kenwood between Victory Boulevard and Pacific Avenue.

The transportation operational analysis completed for the project determined that project trips leaving the project site along the southbound Hollywood Way frontage road and project trips entering the site from southbound Hollywood Way to westbound Valhalla Drive will degrade certain turn movement operations of the Hollywood Way / Valhalla intersection. To improve operations, applicant shall extend the curb, gutter, and sidewalk on the west side of Hollywood Way by approximately 20 feet between the northwest corner of the Hollywood / Valhalla intersection and approximately 300 feet north of the intersection to channelize the southbound Hollywood Way frontage road traffic into a separate, stop-controlled right turn into southbound Hollywood Way north of the existing

Hollywood/ Valhalla intersection. As part of this improvement, the existing in-street class II bike lane shall be extended through the new stop-controlled intersection to the Hollywood/Valhalla intersection. The traffic signal pole on the northwest corner of the intersectional will be relocated as part of this improvement. Final design of the improvement is subject to approval of the Public Works Director.

X

Signature of Applicant/Permittee

X

Signature of Property Owner