



**COMMUNITY
DEVELOPMENT**

SENT VIA EMAIL & CERTIFIED MAIL

September 5, 2025

SAM ASLANIAN
19951 TURNBERRY DRIVE
TARZANA, CA 91356

Via email: sam@aslanianarchitects.com

**RE: Notice of Decision – Approval
PROJECT NO. 25-0002550 – Development Review
257 WEST LINDEN AVENUE**

Dear Mr. Aslanian,

This letter is to notify you that the Community Development Director has reviewed your application for a 75-unit, 6-story residential building (herein after referred to as, the “Proposed Project”), that was deemed complete for processing on May 30, 2025, and has identified that the Proposed Project cannot be built without specific, adverse impacts upon the public health or safety. Specifically, the Proposed Project fails to address necessary fire mitigation measures set forth in the California Fire Code for fire access and lanes to ensure adequate emergency response for the protection of life and property. Therefore, pursuant to California Government Code Section 65589.5(j)(1)(A), and Burbank Municipal Code Section 10-1-1912(E), the Director approves the Proposed Project on the condition that it can be developed at a lower density (see Attachments A and B).

The Proposed Project is approved subject to conditions of approval including but not limited to: (1) the project being developed at a lower density up to a maximum of 11 residential units; (2) the project being built to scale that complies with the California Fire Code and the requirements in the Burbank Municipal Code; and (3) subject to new plans being submitted that address all specific, adverse impacts associated with public health and safety standards (hereinafter referred to as, the “Approval as Conditioned”). The Approval as Conditioned, at 257 West Linden Avenue, requires adherence to all the attached Conditions of Approval (Attachment C).

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter unless the decision is appealed to the Planning Commission. Any appeal of the Director’s decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or **by 5:00 p.m. on September 22, 2025**. If no appeal is filed, you may submit to the Building & Safety Division for Building Plan Check review the first business day following the conclusion of the 15-day appeal period. If appealed, this decision will be set aside, and the Planning Commission will conduct a De Novo review of the application and make a decision on the development request. The Planning Commission

decision is final and cannot be appealed. If you have any questions concerning this letter, please contact me by phone at (818) 238-5250 or by email at xathomas@burbankca.gov.

Sincerely,



Xjvirr A. Thomas
Associate Planner



Patrick Prescott,
Community Development Director

Community Development Department

Enc:

Attachment A	Project Summary and Background Information
Attachment B	Findings for Granting a Development Review & Density Bonus Request Approval
Attachment C	Conditions of Approval
Attachment D	CEQA Notice of Exemption
Attachment E	Aerial of Surrounding Area

Cc: Property Owner: Elena Babakhanyan
Joseph McDougall, City Attorney
Ray Johal, Senior Assistant City Attorney
Patrick Prescott, Community Development Director
Fred Ramirez, Assistant Community Development Director – Planning
Scott Plambaeck, Planning Manager
Daniel Villa, Principal Planner
Vanessa Quiroz, Senior Planner

ATTACHMENT A

Project Summary and Background Information

APPLICANT: Sam Aslanian

PROJECT TITLE: 25-0002550 – Development Review

PROJECT ADDRESS 257 West Linden Avenue

ZONING: R-3 **GENERAL PLAN LAND USE:** Medium Density Residential

SITE AND NEIGHBORHOOD CONTEXT: The 9,184-square-foot Project Site, at 257 West Linden Avenue, is currently improved with a 1,093-square-foot single-family residence situated in the front half of the lot. The surrounding area is primarily residential and features a mix of single and multistory residential developments.

PROJECT DESCRIPTION:

The Proposed Project includes demolition of an existing single-family residence and construction of a 75-unit, 6-story residential building. The Proposed Project is a 100% affordable housing project that requested no maximum controls on density pursuant to California Government Code Section 65915(f)(D)(iii). The Community Development Director's Approval as Conditioned allows for demolition of an existing single-family residence and construction of a new 11-unit residential development, with no portion of any story of the building being constructed more than 150 feet from the curb face of Linden Avenue, that is built to a scale that complies with the California Fire Code and the applicable requirements in the Burbank Municipal Code. The Approval as Conditioned allows for an 80% density increase pursuant to California Government Code Section 65915(f)(3)(D)(i).

MUNICIPAL CODE CONFORMANCE: The Approval as Conditioned was deemed consistent with the Burbank Municipal Code and California Government Code Section 65915. Subject to the Conditions of Approval (Attachment C), it will comply with all applicable objective development standards.

ENVIRONMENTAL REVIEW: This Approval as Conditioned has been determined by the Director to be categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Project) of the CEQA Guidelines for qualifying projects that meet all applicable criteria. The Approval as Conditioned would result in the demolition of an existing single-family residence and construction of a new 11-unit residential development that is built to a scale that complies with the California Fire Code and the applicable requirements in the Burbank Municipal Code. The Approval as Conditioned is consistent with the applicable Burbank2035 General Plan land use designation and policies, as well as with the applicable zoning designation and regulations; it will occur within city limits on a project site

of no more than 5 acres (0.21 acre site) surrounded by urban uses; is on a site that has no value as habitat for endangered, rare or threatened species; will not result in significant effects relating to traffic, noise, air quality, or water quality; and, is proposed on a site that can be served by all required utilities and public services. Therefore, the Approval as Conditioned qualifies for this exemption and there are no special circumstances that would preclude the use of this exemption (Attachment D).

ATTACHMENT B

Analysis of Requisite Findings for Approval of a Development Review Application (Multifamily)

The Community Development Director must satisfy the requisite findings contained in the Burbank Municipal Code (BMC) Section 10-1-1912 necessary to approve a Development Review Application.

10-1-1912(A) *A Development Review application shall be approved if the Director, or if appealed, the Planning Commission, 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 Proposed Project as designed does not qualify under State Density Bonus Law and will cause significant adverse impacts on public health and safety. Specifically, the Proposed Project is not within a very-low vehicle travel area (California Government Code Section 65915(f)(3)(D)(iii)) and it fails to address necessary fire mitigation measures as set forth in the California Fire Code and the BMC (California Fire Code Sections 503 through 503.6 and BMC Section 9-1-9-504.3.1). Pursuant to California Government Code Section 65589.5(j)(1)(A) and BMC Section 10-1-1912(E), the Director's Approval as Conditioned requires the project: (1) be built at a density of up to a maximum 11 residential units; (2) be built to scale that complies with the California Fire Code and the requirements in the BMC; and (3) submit new plans addressing all specific, adverse impacts on public health and safety.

The Approval as Conditioned has been evaluated for compliance with the BMC, including the State Density Bonus Law, and it was determined that it is consistent with all applicable provisions upon implementation of all the attached Conditions of Approval included in Attachment C. Therefore, this finding can be made.

10-1-1912(B) *Development Review applications for all projects in Multiple Family Residential Zones are also subject to the Neighborhood Character and Compatibility requirements in BMC Section 10-1-631.*

As required by BMC Section 10-1-631(B), specific project features were considered in support of the following findings in BMC Sections 10-1-631 A.1 and 2.

BMC Section 10-1-631(A)(1) *The project would not conflict with, or have an adverse impact on, the existing or intended neighborhood character.*

The Approval as Conditioned will not conflict with, or have an adverse impact on, the existing or intended neighborhood character. The site is zoned R-3 with a General Plan Land Use designation of Medium Density Residential. This designation is

intended to accommodate a mix of residential development that is appropriate in multifamily residential neighborhoods. The existing development pattern within the immediate neighborhood includes a mix of properties with single and multifamily residential structures to the north, south, east, and west of the project site, which is consistent with the R-3 zoning and the General Plan Medium Density Residential land use designation of the neighborhood.

The Approval as Conditioned will result in demolition of an existing single-family dwelling and the construction of an 11-unit residential development, which will contribute to the City's stock of rental housing opportunities and mix of housing types. The Approval as Conditioned is consistent with the surrounding neighborhood character along the east, west, and south of West Linden Avenue and this finding can be made.

BMC Section 10-1-631(A)(2) *The project would not have an adverse impact on nearby single-family residential structures located in any single-family residential zone.*

The nearest single-family structure in a single-family zone is located more than 500 feet from the project site, and the Approval as Conditioned will not adversely impact these properties. The Approval as Conditioned allows an 11-unit residential development in an existing multifamily residential neighborhood that is already improved with some multi-family structures on the same block. Therefore, the Approval as Conditioned will not have any adverse impact on nearby single-family residential structures located in a single-family residential zone and this finding can be made.

Analysis of Requisite Findings for Granting a Density Bonus Request

Prior to granting of a density bonus, incentives/concessions, waivers and or parking deviations, the Community Development Director must find that the project satisfies the qualifications in Title 10, Chapter 1, Article 6, Division 5 of the BMC, and California Government Code Section 65915. The Approval as Conditioned satisfies these code sections.

BMC and State Density Bonus Law. The Approval as Conditioned conforms to BMC Section 10-1-634 et. seq. and California Government Code Section 65915.

The Proposed Project includes requests for unlimited density, incentives/concessions, waivers and requests to deviate from the City's parking standards.

Request for a Density Bonus: The Proposed Project includes a request for unlimited density under California Government Code Section 65915(f)(3)(D)(iii). The project site is not eligible for unlimited density as it is not located within a "very low vehicle travel area." To meet the definition of a "very low vehicle travel area" per Government Code Section 65915(o)(10), the residential development must generate vehicle miles traveled per

capita that is below 85 percent of this regional per capita average. According to the Southern California Association of Governments (SCAG) regional model, the Proposed Project site is in a Transportation Analysis Zone (TAZ) with a per capita Vehicle Miles Travelled (VMT) of 18, which is 85.7% of 21 (the regional per capita average). Therefore, 257 West Linden Avenue is not within a very low vehicle travel area and does not qualify for unlimited density.

However, the Proposed Project is a 100% affordable housing project consistent with the criteria in California Government Code Section 65915(b)(1)(G) that qualifies for a density bonus pursuant to Section 65915(f)(3)(D)(i). This allows for up to 5 additional dwelling units in addition to the 6 dwelling units permitted by-right, depending on the number of affordable units made available to low-income households. The Approval as Conditioned allows for utilization of an 80% density increase pursuant to California Government Code Section 65915(f)(3)(D)(i). The allowed increase in density bonus shall be 80 percent of the number of units for lower income households. Therefore, the findings can be made that the Approval as Conditioned qualifies for a density bonus and 5 additional dwelling units can be granted as required under BMC Section 10-1-634 et. seq. and California Government Code Section 65915.

Request for Incentives/Concessions and Waivers: The Proposed Project included a request for both incentives/concessions and waivers. The Approval as Conditioned requires a significant redesign. Pursuant to the attached Conditions of Approval (Attachment C), requests for incentives/concessions and waivers for the Project will be evaluated for consistency with California Government Code Section 65915 during the Building Plan Check Submittal process.

Request for Zero On-Site Parking: Pursuant to California Government Code Section 65915(p)(3), the Proposed Project includes a request for the City to permit zero on-site parking. The Approval as Conditioned does not qualify for zero parking as they do not meet the necessary criteria in California Government Code Section 65915(p)(3)(A-C).

The Proposed Project Must Be Conditioned at a Lower Density Based on Specific, Adverse Impacts on Public Health and Safety

The Approval as Conditioned imposes a condition that the Proposed Project be developed at a lower density. California Government Code Section 65589.5(j)(1), requires the City base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

1. **California Government Code Section 65589.5(j)(1)(A)** *The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means 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 Proposed Project seeks approval of a 75-unit, six-story residential development at a proposed overall height of 75 feet, on a residential street that is 60 feet wide and dead ends approximately 80-feet to the southwest of the Project Site (Attachment E). This proposed density is nearly seven times the maximum allowable density of 11 units, based on the Burbank2035 General Plan standards with density bonus permitted pursuant to California Government Code Section 65915(f)(3)(D)(i). The Proposed Project cannot provide the requisite fire access or mitigation measures required by the California Fire Code (CFC), thereby creating a specific, significant, quantifiable, and unavoidable adverse impact on health and safety.

Specifically, CFC Section 503 requires that fire apparatus access roads be provided for every facility or building where any portion of the structure is located more than 150 feet from approved fire apparatus access, measured along an approved route. Portions of the building of the Proposed Project are located more than 150-feet from code compliant fire apparatus access and fails to provide required fire apparatus access roads as required under the law.

Inadequate fire apparatus access roads prevent firefighting personnel from adequately accessing structures during a fire or life-threatening emergency. Given the proposed location of this development, and the recent devastating wildfires within the southern California region, it is imperative that this development contain appropriate fire mitigation measures, as required under the applicable local and state fire and life safety codes. Proposed Project as designed has no fire apparatus access roads. Given the height of the Proposed Project and the structure size, a lack of a fire apparatus access road is a substantial danger to the community. If the Proposed Project were built as designed, the occupants of the development and neighboring structures would be at a high risk of death or serious injury if a fire were to occur. Fire personnel would be unable to access the entire building as it extends beyond 150 feet from the only access road, Linden Avenue. With a lack of mitigation measures in place to combat a fire, the structure and neighboring structures would be at risk of destruction. As we have seen in Altadena and Pacific Palisades, California in 2025, entire communities are at risk of being destroyed if Fire personnel are unable to effectively combat fires. The Proposed Project's inability to provide for life saving fire mitigation measures as required pursuant to the CFC and BMC pose an unavoidable life safety issue for the potential occupants and the community.

Additionally, mid-rise and high-rise buildings must be accessible from a minimum of two sides (BMC 9-1-9-504.3.1). The Proposed Project qualifies as a mid-rise building and fails to provide access from two sides. The Proposed Project's mid-rise structure only provides access from Linden Avenue, a 60-foot-wide, dead-end residential street that allows access for a single-firefighting truck at one-time. In large structure fires, multiple firefighting vehicles may need access. The CFC further requires fire apparatus access roads meet a minimum unobstructed width of 26 feet (exclusive of shoulders), and that obstructions not impede firefighting and rescue operations (Appendix D of CFC Section

D105.2). The Proposed Project does not provide this minimum unobstructed width on the site and thus does not meet these mandatory health and safety standards, and its violations of the CFC creates specific adverse impacts on health and safety in the surrounding single and multi-family neighborhoods.

The site is at 257 West Linden Avenue is on a 60-foot-wide street along the 50-foot-wide front property line, and the rear property line abuts a 20-foot alley, both of which terminate at "dead ends" approximately 80 feet to the east/west/north/south of the Project Site. As proposed, portions of the building would be located more than 150 feet from a fire apparatus access road, and the building configuration does not allow for fire apparatus accessibility along two sides. Accessibility is needed for firefighting personnel to address life safety emergencies beyond a fire sprinkler system due to unreliability and inability to combat highly combustible materials. In dense neighborhoods, such as the Proposed Project site, fire sprinklers are ineffective at preventing the spread of fires to structures or communities that are within close proximity. To better contain a fire from spreading to other structures in close proximity, the CFC and BMC require the appropriate fire apparatus access road be provided, which the Proposed Project as designed does not do. These deficiencies result in a direct and unavoidable conflict with written public health and safety standards, thereby constituting a "specific, adverse impact" to public health and safety as defined under State law.

To avoid this adverse health and safety impact, the Proposed Project is being denied and alternatively, the Director is providing Approval as Conditioned based on a redesign at a reduced density and scale of 11 residential units that is built to comply with the California Fire Code and the requirements in the Burbank Municipal Code. At this density and scale, the footprint and design of the Approval as Conditioned conform to fire access requirements and avoid the significant life and safety hazards identified. The Approval as Conditioned at the reduced density and scale ensures consistency with applicable fire safety regulations and protects the public health and safety of future residents of the proposed development and the surrounding single- and multifamily residential neighborhood.

2. **California Government Code Section 65589.5(j)(1)(B)** *There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.*

There is no feasible method to satisfactorily mitigate or avoid the identified adverse fire, life and safety impacts of the Proposed Project, other than through disapproval of the project or approval conditioned upon a reduction in density and scale. The CFC requires that fire apparatus access roads provide emergency access within 150 feet of all portions of a structure (CFC Section 503), and that mid-rise and high-rise buildings be accessible from a minimum of two sides with unobstructed aerial apparatus access of at least 26 feet in width (BMC 9-1-9-504.3.1, Appendix D of CFC Section D105.2). The Proposed Project does not allow for emergency access within 150 feet of all portions of the development structure, nor are these two sides with unobstructed aerial apparatus access of at least

26 feet in width as designed. The only way to meet these fire, life and safety requirements is with a lower density and reduced scale of development.

The Proposed Project at 75 units in a six-story configuration, based on the proposed project's size and building envelope cannot be redesigned to comply with these requirements without a substantial reduction in density. As previously noted, the Proposed Project site at 275 West Linden Avenue is a 9,184 square foot interior lot with two similarly zoned residential lots along its side property lines with street frontage along West Linden Avenue and a rear yard abutting an existing 20-foot-wide alley. The Proposed Project configuration with portions of the structure located more than 150 feet from fire apparatus access fails to allow for the required two-side accessibility. These deficiencies present direct and unavoidable conflicts with objective fire safety standards that cannot be mitigated through project conditions, design changes, or the imposition of alternative measures at the proposed scale.

Accordingly, the only method to avoid or reduce the adverse health and safety impacts and comply with applicable CFC requirements is to approve the project at a lower density and scale of 11 residential units that is built to a scale that complies with the Approval as Conditioned. At this reduced density and scale, the resulting building footprint of the Approval as Conditioned project can accommodate the necessary fire apparatus access requirements, thereby eliminating the identified fire safety hazard and ensure consistency with applicable public health and safety standards.

ATTACHMENT C

Project No. 25-0002550, Conditions Of Approval

GENERAL AND ADMINISTRATIVE

1. Project No. 25-0002550; The Project Approval as Conditioned, approves a Development Review & Density Bonus request to construct an 11-unit residential development at 257 West Linden Avenue, in the R-3 (Medium Density Residential) zone. Unless otherwise approved by the Community Development Director or his/her designee, the Site Plan, Floor Plan, and building envelope shall be in substantial conformance with the Project's Conditions of Approval included here-in and approved on September 5, 2025. The Community Development Director or their designee may determine what minor changes to the Site Plan, Floor Plan, and building envelope may be in substantial conformance to the approved project. For purposes of this condition, "substantial conformance" means that a requested minor modification does not alter the original findings required for approval of the underlying permit, or alter the original project description, design, operation, conditions of approval, or original environmental review determination, in a way that creates a new significant impact on the surrounding neighborhood or environment.
2. Pursuant to Burbank Municipal Code Section 10-1-1913, this permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on September 5, 2026), or the final decision following an appeal, unless the Property Owner or Permittee files an application for building permit prior to the termination date and the building permit application or approved building permit does not expire. Any period of time during which the project is subject to a legal challenge shall not count towards the expiration date.
3. Pursuant to Burbank Municipal Code (BMC) Section 10-1-19401, the Permittee, including their successors and assignees, shall defend, indemnify, and hold harmless the City of Burbank (the City) and its agents, officers, employees, agencies, boards, commissions, or City Council from any claim, action or proceeding brought against the City, its agents, officers, employees agencies, boards, commissions, or City Council to attack, set aside, void or annul the subject approval and environmental determination under the California Environmental Quality Act by the City, its agents, officers, employees, agencies, commissions, or City Council. The indemnification shall include damages awarded against the City, if any, cost of suit, attorney's fees, administrative expenses, and other costs and expenses incurred in connection with such action, including, but not limited to, all such City costs and expenses incurred by enforcing this indemnification provision. This duty to defend, indemnify, and hold harmless the City and its agents, officials, employees, agencies, boards, commissions, or City Council shall apply even if the Permittee fails or refuses to enter into the indemnification agreement. In the event of a legal challenge, the provisions under BMC Section 10-1-19402 shall be followed.

4. This permit or approval may be modified or revoked by the City should it be determined that the proposed use as permitted by this approval or conditions under which they were permitted are detrimental to the public health, safety, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained to constitute a public nuisance.
5. The Permittee shall comply with all federal, state, and local laws. Violations or convictions of any of those laws in connection with the use will be cause for revocation of this permit.
6. All required fees shall be paid as required by the Burbank Municipal Code prior to the issuance of any building permits for the project.
7. If applicable, the Developer shall obtain approval from the U.S. Postal Service local growth coordinator to ensure that the plans properly locate the mailboxes. Contact Cristina.L.Belendez@USPS.gov to obtain approval. Prior to issuance of a building permit, documentation regarding approval shall be provided to the Planning Division.
8. The Permittee shall incorporate a copy of these Conditions of Approval in all construction plans submitted to the Building and Safety Division for a building plan check review and a building permit. The Permittee shall also provide a separate written document outlining how, or where, each of the Conditions have been addressed in the building permit plan check set for all City Division/Department Conditions enclosed.
9. The Developer shall list these Conditions of Approval in all construction plans submitted to the Building Division for a building permit. The Developer 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.
10. The Permittee shall always keep a copy of the Conditions of Approval onsite available for public review at the Project Site. In addition, the Permittee shall display the current phone and email contact information of the Planning Division and Code Enforcement on a laminated weather-proof (or similar) sign, in a location of the Project Site that is clearly visible from the public right-of-way. The sign shall also state that the Conditions of Approval may be obtained from the City of Burbank Planning Division. The sign shall be installed prior to commencement of construction and shall remain until the issuance of a Certificate of Occupancy. It shall remain in good repair for the life of the Project.
11. The Permittee shall comply with the Conditions of Approval of all City Department and Divisions. Compliance shall be verified by the responsible Department and/or the Building Official or their designee, prior to the issuance of any Certificate of Occupancy.
12. Prior to transfer of ownership and/or operation of the Project Site, the Permittee or

Property Owner shall provide a written copy of Approval Letter and all attachments for the project to the new property owner and operator.

CDD – PLANNING DIVISION

13. Pursuant to California Government Code Section 65589.5(j)(1) and Burbank Municipal Code Section 10-1-1912(E), the Project as Conditioned is approved for up to a total of 11 residential units. Six (6) units are permitted per the Burbank 2035 General Plan, Medium Density Residential, Land Use Designation. Up to five (5) additional units are permitted pursuant to California Government Code Section 65915(f)(3)(D)(i), depending on the number of residential units made available to low-income households. As part of the Building Permit Application, the Applicant shall identify the number of units made available to low-income households. City staff will use the information to establish the number of additional units permitted pursuant to California Government Code Section 65915(f)(3)(D)(i).
14. The Project shall be consistent with the objective standards applicable to the Medium Density Residential (R-3) Zone that are included in Title 10, Chapter 1, Article 6, Division 4 of the Burbank Municipal Code, unless an incentive/concession and/or waiver is requested from specific development standards pursuant to California Government Code Section 65915. The Applicant shall identify requested incentives/concessions and/or waivers on the plans submitted as part of the Building Permit Application and in writing.
15. Onsite Parking shall comply with the requirements in Title 10, Chapter 1, Article 6, Division 4 of the Burbank Municipal Code, unless the Applicant requests to deviate from the parking standards pursuant to California Government Code Section 65915. The Applicant shall identify this request on the plans submitted as part of the Building Permit Application.
16. In accordance with BMC Section 9-1-1-107, Applicant must provide a Construction Means and Method Plan (CMP) that includes a detailed description of the construction process, organized sequentially; an explanation of the impact that the construction will have on the adjacent properties, the immediate surrounding neighborhood, and the community; and a description of the construction mitigation measures that the Applicant will implement to minimize the impacts of noise, dust, vibrations, utility shutoffs, and other construction impacts on adjacent properties and the immediate surrounding neighborhood. The CMP is subject to review and approval by the City Building Official and the City Engineer. The Applicant and/or on-site primary general contractor (superintendent) shall have the responsibility of monitoring and enforcing the approved Construction Means and Method Plan. The CMP shall provide a comprehensive outline of how the Applicant and Contractor(s) shall implement construction work at the Project site and vicinity, as well as addressing the issue of parking, access, deliveries, et cetera.
17. The Project Applicant shall indicate the location of construction personnel parking throughout the duration of construction. Additionally, no construction personnel will be

permitted to park any vehicle anywhere on any of the surrounding City streets. (BMC 9-1-1-105). Contractors shall be required to post, and enforce, "NO CONSTRUCTION PARKING" signs at these locations to alleviate neighboring concerns.

18. The Project shall comply with the applicable requirements for construction activity as noted in BMC Section 9-1-1-105.10, which includes amongst other things that there shall be no set-up, staging, or similar operations whatsoever until 7:00 a.m. Monday through Friday and not until 8:00 a.m. on Saturday.
19. All hauling related to construction shall not be commenced without hauling permits from the City (BMC Section 9-1-1-105).
20. Request for work outside of BMC construction hours may be granted for specific purposes, and limited time periods only. All requests must be submitted in writing to the Community Development Director and approved prior to commencing any off-hour work in accordance with BMC Section 9-1-1-105.10.
21. In addition to the above requirements, the general contractor and on-site construction superintendent (or other designated primary contractor responsible for activities on and around the Project site) shall continue to strictly enforce the other construction requirements specific to the Project, which includes, but is not limited to the following: the construction site and its perimeter area shall be kept free of trash, debris, and litter throughout the period of construction. (BMC Section 9-1-13-308.1.1)
22. The Project Applicant shall identify, to the satisfaction of the City of Burbank Community Development Department's Planning Division, a qualified "Noise Disturbance Coordinator". The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City of Burbank Community Development Director or his/her designee. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator in addition to the general contractor and construction superintendent. (Burbank 2035 General Plan - Noise Element, Policy 1.3)

CDD – BUILDING DIVISION

23. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the 2022 edition, unless otherwise stated in this condition, of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code cycles. The 2022 California Building Standards Code is applicable to projects that submit a building permit application on or before December 31, 2025. The 2025 California Building Standards

Code is applicable to projects that submit a building permit application on or after January 1, 2026.

24.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 eplancheck@burbankca.gov.

25.All Conditions of Approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.

26.All Departments that have provided Conditions of Approval are to review the drawings submitted for building permit review. They shall provide a final approval via online electronic review, prior to issuance of a Building Permit.

27.Development Impact Fees shall apply to the project. They are assessed by the City for construction of new commercial and/or residential square footage as listed in the Burbank Fee Schedule and Title 10, Article 22, of the Burbank Municipal Code. (BMC Section 10-22-1)

28.Low Impact Development (LID) Plan: With the submittal of the Building Permit Application, a LID Plan shall be submitted for City review that provides a comprehensive, technical discussion of how the project will provide on-site retention in compliance with the requirements of the LID Ordinance and LID Standards Manual. (BMC Section 9-3-414)

Best Management Practices ("BMPs") and control measures shall be prioritized in the following order:

- a. On-site infiltration, bioretention, and/or rainfall harvest.
- b. On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

29.New or Addition/Alteration construction projects within the City of Burbank are subject to MWELO review. (BMC Section 9-3-500)

- a. Full structure demolition and new construction are required to provide a full MWELO plan check set for review.
- b. New or replacement landscape areas for residential and non-residential projects between 500 (new) and 2,500 (replacement) square feet requiring a building or landscape permit, plan check, or design review will be required to complete, either a Performance or Prescriptive Compliance Method. Full house demolition will require MWELO review, either prescriptive or performance, no exceptions.

30.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. (BMC Section 9-1-2 & CBC CH 11)

31. The project as proposed does not include on-site parking. Shall parking be provided, then the parking layout will have to comply with City standards, including minimum turning radii for accessing parking stalls. (BMC Section 10-1-1401)
32. Separate Permits shall be required for the following: (BMC Section 9-1-1-105)
- a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
 - d. Mechanical
 - e. Plumbing
 - f. Electrical
33. Deferral of any submittal items shall have prior approval of Building Official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review. (BMC Section 9-1-2 & CBC 107.3.4.1)
34. Screening shall be required for equipment located in front and side yards. The screening shall include the electrical panels, A/C compressor units, gas meters, and transformers. All screening shall be subject to approval by Planning and Building Divisions, and Burbank Water and Power (BWP). (BMC Sections 10-1-603 & 10-1-1113.1)
35. Grading and drainage plans shall be required, and a separate Grading & Shoring Permit shall be required. A Geotechnical Report shall be submitted along with Grading & Shoring Permit Application. (BMC Section 9-3-403)
36. 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 shall 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. (BMC Section 9-1-11-1012)
37. A stamped setback certification by a Licensed Surveyor shall be required to certify the location of the new construction in relation to the setbacks prior to the first foundation inspection. (BMC Section 9-1-1-107)
38. Plans submitted for plan check shall be stamped by State-licensed architect or engineer unless the project is one of the following listed below and complies with conventional light wood frame construction requirements in the CBC: (BMC Section 9-1-2R-R301.1.3.2)
- a. Wood-framed, single-family dwellings not more than two stories in height;
 - b. Wood-framed, multi-family dwellings not more than two stories in height,

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

39. Per City Code, approved hours of construction are: (BMC Section 9-1-1-105.10)

Monday – Friday 7:00 am to 7:00 pm
Saturday 8:00 am to 5:00 pm

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

CDD – TRANSPORTATION DIVISION

40. Per Table 2-2, of the City of Burbank Complete Streets Objective Development Standards (CSODS), the Project shall provide a 12-foot sidewalk with an 8-foot pedestrian zone and a 3.5-foot furnishing zone improved with landscaping or a 7.5-foot pedestrian zone and a 4-foot furnishing zone improved with sidewalk/tree grates and a 0.5-foot curb zone. The Project shall construct a sidewalk consistent with these requirements on West Linden Avenue for the length of the Project frontage and provide any dedication necessary to achieve the required 12-foot right-of-way. The site plan submitted for Building Permit Application review shall indicate the required right-of-way dedication and sidewalk dimensions.

41. Per Section 2.3, of the City of Burbank Complete Streets Objective Development Standards (CSODS), the Project shall resurface all trenches in the street and sidewalk caused by the Project in accordance with the City of Burbank Public Works Department Standard Plans BS-110-3 and BS-104-1, and in accordance with the Pavement Condition Index (PCI) reported by the City of Burbank at the time of application for a Building Permit for the Project.

42. As a multifamily residential development with 11 units, the Project Approval as Conditioned is required to install 3 bicycle parking spaces. Of these, 1 shall be short-term bicycle parking and 2 shall be long-term bicycle parking per the definitions in BMC Section 10-1-624. Future site plans shall indicate bicycle parking spaces installed according to the design specifications of CSODS Section 4.1.2 and 4.1.3.

CDD – HOUSING DIVISION

43. Pursuant to BMC Section 10-1-645, all projects involving new construction of five (5) or more residential dwelling units, including units developed in commercial districts and/or within mixed use developments, Adaptive Reuse, or Substantial Rehabilitation involving a net increase in dwelling units are subject to the City's Inclusionary Housing Ordinance.

44. The Project Applicant shall comply with the applicable requirements for a density bonus and inclusionary housing project as noted in Burbank Municipal Code (BMC), Title 10 (Zoning Regulations), Chapter 1 (Zoning), Article 6 (Residential Uses and Standards), Division 5 (Affordable Housing Incentives). Included in this Division are the requirements for the Applicant to enter into an Inclusionary Housing Agreement and Density Bonus Housing Agreement with the City, pursuant to BMC Sections 10-1-650 and 10-1-642, respectively.

45. At the time of submittal of a Building Permit Application, the Project Applicant shall provide to the Housing Division the following:

- a. Summary of updated Density Bonus request, waivers, incentives, and concessions for the Project.
- b. An Inclusionary Housing Plan per BMC Section 10-1-650(B).

46. Pursuant to Burbank Municipal Code (BMC) Section 10-1-650, the Project Applicant shall enter into Inclusionary Housing Agreement with the City. The Inclusionary Housing Agreement shall be finalized and recorded with the City prior to the issuance of any building permit for the Project. No building permit shall be issued for all or any portion of the Residential Development unless the Inclusionary Housing Agreement has been executed in a recordable form in accordance with the Implementing Regulations. The Inclusionary Housing Agreement must include the following provisions identified below:

- a. Description of the development, including whether the Inclusionary Units will be rented or owner-occupied.
- b. A table showing the number of bedrooms, unit size, and location of each of the Affordable Units and a floor plan that references the table and shows the type of Affordable Unit and location to ensure units are dispersed throughout the site.
- c. The number, size and location of Very Low-, Low- or Moderate-Income Units.
- d. The income level of the Inclusionary Units.
- e. Provisions for the review and approval of a Marketing and Tenant Selection Plan.
- f. Description of the process for qualifying prospective tenant households for income eligibility.
- g. Inclusionary incentives by the City (if any), including the nature and amount of any local public funding.
- h. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions.
- i. Provisions for monitoring the ongoing affordability of the units, and the process for qualifying prospective resident households for income eligibility.
- j. Any other specific provisions required by the Burbank Municipal Code,

Inclusionary Housing and Density Bonus Implementing Regulations, California Government Code Section 65915, California Government Code Section 65913.4, and the State Housing and Community Development (HCD) Guidelines.

47. The Project shall comply with all applicable requirements of Burbank Municipal Code (BMC) Sections 10-1-639 & 10-1-651. Please note that pursuant to BMC Section 10-1-651(C), Affordable Units targeted to Low Income Households and/or Very Low-Income Households will not meet the requirements for rental inclusionary units contained in Division 5 of this Article unless they remain restricted and affordable for 55 years.
48. The Project Applicant is subject to full cost recovery of City expenses, including any consultant time, for drafting and recording the Affordable Housing Agreement with the City and for ensuring the Project Applicant's compliance with said agreement. These fees are authorized by the City of Burbank fee schedule under Article III Land Use and Zoning, and Article I, Section 14 (Real Estate Services).
49. The Project shall comply with all applicable requirements of BMC Section 10-1-642. Pursuant to BMC Section 10-1-642, developers requesting a Density Bonus shall agree to enter into a Density Bonus Housing Agreement with the City. Pursuant to BMC Section 10-1-642(E), Density Bonus Housing Agreement for rental units shall include procedures for establishing Affordable Rent, filling vacancies, and maintaining Affordable Units for eligible tenants; Provisions requiring verification of household incomes; and Provisions requiring maintenance of records to demonstrate compliance with subsection 10-1-642. The Project Applicant shall ensure that the Affordability Agreements and other documents provided by the City are properly executed and recorded to ensure continued compliance with BMC Section 10-1-642.
50. A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this Division and shall be recorded as a restriction on any parcels on which the Affordable Units or Density Bonus Units will be constructed. Further, the Density Bonus Housing Agreement shall be recorded prior to final or parcel map approval, or, where the Housing Development does not include a map, prior to issuance of a building permit for any structure in the Housing Development. The Density Bonus Housing Agreement shall run with the land and bind on all future owners and successors in interest. The Density Bonus Housing Agreement shall include but not be limited to the following:
- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of Affordable Units, and the number of Density Bonus Units.
 - b. Standards for determining Affordable Rent or Affordable Ownership Cost for the Affordable Units.
 - c. The location, unit size in square feet, and number of bedrooms of Affordable Units.

- d. Provisions to ensure affordability in accordance with Sections 10-1-639 of this Division.
- e. A schedule for completion and occupancy of Affordable Units in relation to construction of Market Rate Units.
- f. A description of any incentives, concessions, waivers, or reductions being provided by the City.
- g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.
- h. Procedures for qualifying tenants of Affordable Units.
- i. Other provisions to ensure implementation and compliance with this Article.

51. Furthermore, execution of the above agreements (per BMC Sections 10-1-650 and 10-1-642) for affordable multi-family rental units shall include the following requirements:

- a. Review and approval of a Marketing and Tenant Selection Plans;
- b. The review and approval of a Waiting List Management Plan;
- 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 Density Bonus Housing Agreement (Agreement), and initial obligations of the executed Agreement are not covered by the annual monitoring of affordable units;

52. The Affordability Agreement shall include a requirement for tenants occupying the affordable units to meet the income restriction using the information provided in the Tenant Certification Form and the Annual Report and a provision for City monitoring of that requirement and other provisions of the Affordability Agreement. The City will annually verify if tenants occupying affordable units meet the income restriction using the information provided in the Tenant Certification Form and the Annual Report.

53. The Project shall comply with all applicable standards for inclusionary units as specified in BMC Sections 10-1-645, 10-1-646, 10-1-650, and 10-1-651. The timing of construction of the designated inclusionary units shall comply with BMC Section 10-1-651(B). Additionally, the Project shall comply with the duration of time the inclusionary units must remain as affordable rental units to qualifying extremely low-, very low-, and low-income households as outlined in BMC Section 10-1-651(C).

PW – ENGINEERING DIVISION

54. 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.

- 55.No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e., streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC Section 7-3-701.1].
- 56.No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC Section 7-3-701.1, BMC Section 9-1-1-3203].
- 57.Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works excavation permit is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at: <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>. Plans shall include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
- 58.Prior to the issuance of Building Permits, the Developer shall dedicate* to the City for street right-of-way: a portion of the property adjacent to alley frontage lying within 10 feet of alley centerline [BMC Section 7-3-106].
- 59.Off-site improvement plans (in the public right-of-way) must be approved by the Public Works Director. Plans shall be submitted in City of Burbank Standard format and as-built plans must be submitted on mylar paper.
- 60.At the time of submitting a Building Permit Application, the Developer shall submit site drainage plans to Public Works Department for review. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face [BMC Section 7-1-117, BMC Section 7-3-102].
- 61.Prior to the issuance of a Building Permit Application, an address form shall be processed for the development [BMC Section 7-3-907].
- 62.The Developer shall resurface (grind and overlay minimum 2") Linden Avenue fronting the property to the centerline of the street and the alley to the centerline, per City of

Burbank Standards. Plans shall be submitted in City of Burbank Standard format.

63. The Developer shall remove and reconstruct any portion of sidewalk that is uneven or up-heaving fronting the property along Linden Avenue per City of Burbank Standards. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas identified after obtaining a Public Works Excavation permit [BMC Section 7-3-501].
64. Building access doors, loading docks doors, and access gates shall not swing open into the public right-of-way [BMC Section 7-3-701.1].
65. Additional impacts to streets triggered by this project could extend the paving restoration limits.

PW – WATER RECLAMATION AND SEWER DIVISION

66. The location, depth, and dimensions of all sanitary sewer lines and easements shall be shown on the plans submitted as part of the Building Permit Application to ensure compliance with City standards, including but not limiting to BMC 8-1-308.
67. Under the current rate structure, pulling the Building Permit for the proposed development is subject to a Sewer Facilities Charge (SFC) estimated at \$16,371. The charge is due prior to issuance of a Building Permit [BMC Sections 8-1-802 and 8-1-806].

SFC = Proposed Developments – Demolition Credits
= Multi-Family Residential [\$1,674/unit * 11 units] – Single Family Residential [(\$2,043/unit*1 unit)]
= \$18,414 – \$2,043
= \$16,371

(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.)

68. Every building or structure in which plumbing fixtures are installed which conveys sewage shall be connected to the municipal wastewater system [BMC Section 8-1-104].
69. Pollutants, including construction debris, soil, and other discharges, are prohibited from entering the City's sewer collection system [BMC 8-1-501.1]. Discharges that exceed the local limits per BMC 8-1-501.4 are prohibited. In addition, the applicant shall not obstruct or damage any part of the City sewer system, and shall reimburse the City for sanitary sewer overflows and the reasonable costs of necessary maintenance and/or repair of the sewer system [BMC 8-1-311]. As such, it is required that all existing private sewer laterals are capped prior to any demolition activities.
70. 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 Section 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.

71. 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 [BMC Section 9-3-407].
72. 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 reference the City's Fire Suppression Systems discharge form and follow the requirements to comply when conducting the conditionally allowed non-storm water discharge.
73. Certain construction and re-construction activities on private property shall 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.

PW – TRAFFIC DIVISION

74. Every lot shall be provided with permanent vehicular access to a street or an alley upon which it abuts [BMC Section 10-1-1601].
75. All vehicular accessways to the street must be approved by the Public Works Director per BMC Section 10-1-1607.
76. Existing driveways that are no longer in use shall be removed and replaced with 4" thick sidewalk per BS-104-1 and BS-105.
77. No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 10' by 10' visibility cut-off at intersection of streets [BMC Section 10-1-1303(A)].
78. No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 10' by 10' visibility cut-off at intersection of street and alley [BMC Section 10-1-1303(B)]. Obstructions include any proposed landscaping or structures.
79. 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 [BMC Section 10-1-1303 (C)]. Obstructions include any proposed landscaping or structures.

BWP – ELECTRIC

80. The Project shall comply with the latest Burbank Water and Power Rules & Regulations for Utility Service. The Rules are authorized by Burbank Municipal Code, Title 8, Chapter 2, Section 8.2, and are approved by the Council of the City of Burbank on an annual basis.

The Rules and Regulations can be viewed at <https://burbankwaterandpower.com/electric/rules-and-regulations>.

81. The Project shall comply with the latest Burbank Water and Power Electric Specifications as authorized by the Burbank Water and Power Rules & Regulations for Utility Service. The latest Electric Specifications can be viewed at <https://burbankwaterandpower.com/electric/specifications>.

82. Plans previously reviewed by the City do not show a load schedule or single line diagram. A load schedule shall be required to determine the extent of the electrical load requirements and service size for the new development.

83. The developer should consult with BWP to perform an engineering feasibility study, as soon as possible, to determine the proposed electrical route and a rough cost estimate.

84. The size and type of transformer pad may change based on the requested service size and voltage; this may affect the site plan. The developer is encouraged to coordinate with BWP, as soon as possible, in the design to clarify requirements. A large service may also require the addition of a padmount switch, which will affect the site plan.

85. The size of the transformer pad requested is typically for a 3-phase service. No 3-phase power is currently available at the site, so if the developer requests 3-phase power, additional off-site work will be required. The existing primary facilities are in the alley at the rear of the property and are currently limited to 1-phase power. A feasibility study is recommended to determine the best feed location based on the requested service size and type.

86. Meter room doors shall open outward and be equipped with panic hardware.

87. This project requires undergrounding the overhead lines along the alley, which will require re-feeding the existing services fed from that overhead line. Currently, the plans do not show how that feed will be provided. The developer is encouraged to coordinate with BWP early in the design process to identify the best solution for refeeding the existing services.

88. The following information shall be included on the construction plans:

- a. Location of the existing electric service panel

- b. Dimensions/location of existing/proposed public improvements adjacent to the project.
- c. The width and the location of all the existing and proposed easements.
- d. Fully dimensioned building elevations showing height of structure from natural grade.
- e. Proposed location of the electric service panel/meters.
- f. Proposed location of any pad-mounted electrical equipment.

Construction 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.

89. Per BWP Rules and Regulations 2.01(d), 2.01(j), 3.26 per BMC 8-2-203, the following Load Requirements apply:

- a. 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.
- b. Loads below 5MVA will be fed from the existing system but will require upgrades to accommodate the new development, at the developer's cost.
- c. A new substation will be required for loads 5MVA or greater. If a substation is required, the developer must provide the necessary space (a minimum of 125' x 80', with two 20' access roads on two sides). If the projected load will exceed 5MVA, please contact BWP Engineering at (818) 238-3575 for details

90. Per BWP Rules and Regulations 2.50-2.53, 2.55, 2.80, 2.81 per BMC 8-2-203, General Plan Land Use Element Policy 4.11, 4.12, the following Substructure requirements apply:

- a. Overhead BWP electrical facilities traversing or adjacent to the development are to be converted to underground at the developer's cost. The developer will be responsible for the costs involved in converting existing overhead electric services to underground for any customers impacted by this underground conversion.
- b. The proposed development will require the installation of pad-mounted

switches and transformers. The pad-mounted switches will be looped on the line side.

- c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. Based on the outcome of the engineering feasibility study, the proposed development may require the installation of 4' x 6' primary pull-boxes.
 - h. Based on the outcome of the engineering feasibility study, additional conduits may be required to provide for future needs.
 - i. The developer will provide a 5' wide recorded easement for the new underground system from the property line to the transformer. The exact amount of space for the recorded easement will be determined after the design is complete. 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).
 - j. The developer shall provide 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.
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- k. The developer's contractor shall provide as-built drawings showing the exact location of the underground substructure installed to serve the property.
 - l. The developer is responsible for all substructure work, including transformer pads, switch pads, pull boxes, grounding systems, primary conduits, and secondary conduits, and it must be done in accordance with

Burbank Water and Power drawings and specifications.

- m. Any existing and proposed substructure on-site and off-site that 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 substructures.
- n. BWP will provide the following items at the developer's cost:
 - i. Construction drawings for all substructure work
 - ii. Engineering support during construction
 - iii. 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
 - iv. Installation of all transformers, switches, primary cables, and metering devices
 - v. Termination of the secondary cables at the transformer.
- o. The developer's contractor shall install secondary conduits, pull cable from the transformer to the switchboard, and terminate the secondary cables on the switchgear.
- p. 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).
- q. The Building Inspector will provide structural inspection of secondary conduits to ensure compliance with the City Building Code, including concrete encasements, firewalls, support of the conduit package, and other similar measures. The BWP inspector will also inspect the number and size of secondary conduits and cables.

91. The State of California Public Utilities Commission General Order No. 95 requires that no building or structure be allowed to encroach within the envelope 12 feet vertical and 6 feet horizontal from the existing high voltage lines along the existing alleys within the project boundary. The lines are approximately 30 feet from grade. The actual height and location of the conductor attachment have to be surveyed and shown on the plans.

92. The State of California Public Utilities Commission General Order No. 95 requires that no building or structure be allowed to encroach within the envelope 8' vertical and 3 feet horizontal from the existing low voltage lines along the existing alleys within the project boundary. The lines are approximately 26 feet from grade. The actual height and location of the conductor attachment have to be surveyed and shown on the plans.

93. The State of California Public Utilities Commission General Order No. 95 requires that no temporary scaffolding, platforms, or supporting framework upon which men may work be allowed to encroach within the required clearance envelopes as stated in the previous two comments.
94. Burbank Water and Power Rules and Regulations require that no open patios or balconies will be erected underneath any high-voltage overhead conductor, regardless of vertical clearance. (*BWP Rules and Regulations 2.34(b) per BMC 8-2-203*)
95. The Project shall be revised to avoid encroachment into the envelope, as commented above. Building elevations shall show the existing power poles, their height from natural grade, conductor attachment heights and locations (all surveyed), and the envelopes described above, clear from any portion of the building per BWP drawing S-708.
96. 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. (*BWP Rules and Regulations 1.14, 2.01(e), 2.54 per BMC Section 8-2-203*)
97. 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. (*California Government Code 4216, BWP Rules and Regulations 1.14, 2.01(e), 2.54 per BMC Section 8-2-203*)
98. Any excavation that restricts vehicular access to existing BWP facilities may require the relocation of such facilities prior to excavation at the developer's cost. (*BWP Rules and Regulations 1.12, 1.14, 2.01(e), 2.52(f), 2.54 per BMC Section 8-2-203*)
99. The Burbank Water and Power fees for providing electric service are Aid-in-Construction (AIC) charges set forth in Section 3.26 of the latest version 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.
100. A Customer or Developer requesting a new, upgraded, or replacement metered electric panel will be charged a Capacity Charge based on the kVA demand of such new, upgraded, or replaced metered electric panels. The charge will be applied according to the current City of Burbank Fee Resolution. The kVA demand is calculated using the formulas per BWP Rules and Regulations 3.26(g).

101. 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.
102. If any portion of the existing BWP facilities needs to be upgraded or relocated due to the subject project, it shall be done at the developer's expense.
103. Per BWP Rules and Regulations 2.61-2.75 per BMC 8-2-203, the following Metering/Service requirements apply:
- a. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).
 - b. If the existing service panel requires upgrading, contact BWP Engineering at (818) 238-3647 (residential) or (818) 238-3565 (commercial).
 - c. For multi-metered services, all numbering shall 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.
 - d. 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.
 - e. 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 with an access key to the room, which will be installed in a lock box adjacent to the door. The developer shall consult BWP for the approved location and obtain a service confirmation prior to any installations.
 - f. All new metered services require a path for meter communications to BWP communication networks. 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.

104. Per BWP Rules and Regulations 3.19(c)4 per BMC 8-2-203, the following Street Lighting requirements apply:

- a. The developer is responsible for the street lighting system traversing or adjacent to 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. If the source of feed or any other part of the streetlight system is located on-site, a recorded easement will be required. An exact amount of space for the recorded easement will be determined after the design is complete. The Developer/Property Owner's surveyor will provide a legal description of the easement, which will be reviewed by BWP and then processed by the Community Development Department (contact 818-238-5250 for recording). A plot plan of the site must be submitted to BWP during the initial planning stage of the project for street light design.
- b. Any construction that impacts existing streetlight standards or infrastructure will require relocation at the developer's cost.

105. 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. To facilitate connection, a conduit should be installed between the electric meter room and the telecom/data MPOE. For further information, email support@oneburbank.com or call 818-238-3113.

106. 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.

107. Per BWP Rules and Regulations 2.52(i) per BMC 8-2-203, the following Landscaping requirements apply:

- a. 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.
- b. All equipment locations and screening structures will be indicated on the plans and must meet the Community Development Department equipment screening guidelines. The plans submitted as part of the Building Permit Application shall 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 Community Development Director or their designee.

c. BWP landscaping requirements for transformer pads and switch pads:

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

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

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

108.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.

109.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. *(BWP Rules and Regulations 2.21 per BMC Section 8-2-203)*

110.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.

111.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>.

BWP – WATER

112. Applicant shall submit the total domestic potable water demand of the proposed development project, in accordance with § 4.10 (a) of the Burbank Water and Power Rules and Regulations for Utility Service.
113. Applicant shall submit a Utility Plan showing the locations, type (domestic, irrigation, fire), and size of existing and proposed water services, in accordance with § 4.30 (a) of the Burbank Water and Power Rules and Regulations for Utility Service.
114. Applicant shall submit the Landscape and Irrigation Plans including the total water demand for irrigation, in accordance with § 4.30 (a) of the Burbank Water and Power Rules and Regulations for Utility Service.
115. Applicant shall obtain approval from the Burbank Fire Department for appropriate fire service size and appurtenance selection prior to requesting an estimate from BWP Water Division for the installation of a new fire service line. Applicant shall pay all fees prior to installation, in accordance with § 4.15 and § 4.31 (e) of the Burbank Water and Power Rules and Regulations for Utility Service. A new fire service line is required and shall connect from a 6" main on Linden Avenue at a static pressure of approximately 160 psi. A double check detector assembly (DCDA) shall be installed by the Applicant on private property, not more than 10 feet from the public right-of-way or BWP Water easement.
116. Applicant shall install a pressure regulator to comply with the Building and Safety Division and the California Plumbing Code (CPC), since the static pressure in the potable distribution system exceeds 80 pounds per square inch (psi), in accordance with § 4.30 (k) of the Burbank Water and Power Rules and Regulations for Utility Service.
117. Applicant shall request an estimate from BWP Water Division for the installation of proposed water service connections. Applicant shall pay all fees prior to installation of water services, in accordance with § 4.30 (a) and § 4.31 (e) of the Burbank Water and Power Rules and Regulations for Utility Service. New domestic/irrigation/fire water services shall connect from a 6" main located in Linden Avenue at a static pressure of approximately 160 psi at the meter.
118. The Applicant shall pay a Water Main Replacement Fee (WMRF) of \$6,250 for 50' of frontage on Linden Avenue in accordance with § 4.34 (e) of the Burbank Water and Power Rules and Regulations for Utility Service.

119. Applicant shall install appropriate backflow prevention assemblies (BPA) for the domestic, irrigation, and fire services to prevent objectionable substances from contaminating the public water supply system, mandated by the State Water Board's Cross-Connection Control Plan Handbook (CCCPH) under the Safe Drinking Water Act (SDWA). Applicant shall install the BPA's to comply with BWP standard drawing no. BWP-615, on Applicant's property, and as close as possible to the property line. Applicant shall pay a minimum \$50 plan check fee, in accordance with § 4.35 of the Burbank Water and Power Rules and Regulations for Utility Service.

PARKS AND RECREATION DEPARTMENT

120. Plan submitted as part of the Building Permit Application shall include landscape and irrigation plans prepared by a licensed landscape architect. They must comply with Municipal Water Efficient Landscape Ordinance (MWELO) requirements if over 500 square feet of landscape. (BMC Sections 8.2.301 to 8.2.306)
121. The Developer shall pay the Park Development Fee prior to issuance of building permits. The fee is \$161.40 /bedroom. (BMC Title 10, Chapter 1, Article 22: Community Facility Fees)
122. There are no current street trees on the public right of way. One tree shall be planted in the public right of way and include irrigation. (BMC Sections 7.4.107, 7.4.109, 7.4.110, 7.4.111, 7.4.118, 10.1.1418, and 10.1.2107)
123. All street trees shall be a minimum of 24" box size. (BMC Sections 7.4.107, 7.4.109, 7.4.110, 7.4.111, 7.4.118, 10.1.1418, and 10.1.2107)
124. Any street trees planted in the public right-of-way shall be installed with Arbor Guards. (BMC Title 7, Chapter 4 and Sections 7.4.102, 7.4.118)
125. When installing street trees, the Developer shall contact the Forestry Division 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.
126. The Developer shall provide irrigation bubbler to street trees. (BMC Sections 7.4.120, 10.1.628, 10.1.2107, 10.1.2532, and 10.1.2713)
127. The Developer shall provide automatically controlled irrigation system to the parkway. (BMC Sections 7.4.120, 10.1.628, 10.1.2107, 10.1.2532, and 10.1.2713)
128. The Developer shall comply with the Art in Public Places Ordinance if building costs are over \$500,000 per BMC section 10-1-1114.

POLICE DEPARTMENT

129. All outside lighting shall comply with the requirements of Burbank Municipal Code Section 5-3-505 - *Outside Lighting*.

130. Pursuant to Burbank Municipal Code Section 9-1-1-2703 *Public Safety UHF Radio Amplification System*, all buildings and parking structures shall be capable of supporting emergency safety service radio communication systems. All enclosed and/or subterranean interior areas of this project will be tested upon completion of construction to determine the radio signal transparency. Any buildings or structures which cannot pass the appropriate radio signal strength test may require the installation of a radiating cable antennae or internal multiple antennae low power repeater system with or without FCC-type accepted bi-directional UHF amplifiers as necessary to meet this requirement.

131. Buildings/structures shall display a street number in accordance with Burbank Municipal Code Section 9-2-505.1(A) – *Residential Building Identification* and/or Burbank Municipal Code Section 9-2-505.1(B) – *Commercial Building Identification*.

132. Pursuant to Burbank Municipal Code Section 9-2-505.1.1 - approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and from the alley or rear accessway to the property. Numbers/addresses on residential structures shall be at least four (4) inches (101.6 mm) in height with three-fourths (3/4) inch (19.1 mm) stroke. All other occupancies shall have numbers/addresses a minimum of six (6) inches (152.4 mm) in height with three-fourths (3/4) inches (19.1) stroke. All numbers/addresses shall contrast with their background.

133. Pursuant to Burbank Municipal Code Section 9-2-506.1(a) - *Key Boxes For Police*:

- a. Residential Dwellings: When access to or within a multiple-family dwelling or complex or private residential community is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or police purposes, a key box is to be installed in an accessible location. The key box shall contain keys to allow access to security gates or doors as required by the Chief of Police
- b. Other Buildings: When access to or within a multi-occupancy building is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or other police purposes, a key box may be required by the Chief of Police.

The installation shall occur during the construction phase. Depending on the size of the development, more than one “key box for police” may be required. Your project requires a “key box for police,” also known as *KnoxBox*, to be installed in the following location(s):

Police KnoxBox is to be mounted on the wall adjacent to the main front door. The box

must be visible while standing at the front door, and easily accessible.

FIRE DEPARTMENT

134. The Project shall comply with all applicable provisions of the California Fire Code and Title 9, Chapter 1, Article 9 of the Burbank Municipal Code (BMC).

135. *CFC Section 503 – 503.6, Appendix D and Burbank Municipal Code Section 9-1-9-504.3.1.* 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. In addition, high-rise and mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet (3048 mm) or more than 35 feet (10668 mm) from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner as to impair or impede accessibility for firefighting and rescue operations. The alley does not meet the City's qualifications to be an acceptable means of accessibility.

136. *Appendix D of CFC, Section D105.2.* Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

137. *CFC Section 503.2.4 – 503.2.5.* The required turning radius of a fire apparatus access road shall be determined by the fire code official. In addition, Dead – end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 of Appendix D, of the CFC.

138. The Property Owner/Project Applicant shall be required to obtain a permit with the Burbank Fire Department to install an Emergency Responder Communication Coverage per CFC Section 510. The Emergency Responder Communication Coverage shall be installed prior to issuance of the Certificate of Occupancy.

139. The Developer shall include fire sprinklers as part of the Project that is consistent with the California Fire Code.

140. The Developer shall include a fire alarm system as part of the Project that is consistent with the California Fire Code.

141. All Fire sprinkler, fire alarm, emergency vehicle access, yard hydrant, street hydrant, underground fire water and emergency radio communication system plans shall be hard copy delivered to the Burbank Fire Department at 311 E. Orange Grove Avenue Burbank, California, 91502.

ATTACHMENT D

257 West Linden Avenue Class 32, Categorical Exemption

I. INTRODUCTION

This report serves as the technical documentation of an environmental analysis for the 257 West Linden Avenue project within the City of Burbank (City). The intent of the analysis is to document whether the project, a maximum of 11 residential units that is subject to Conditions of Approval and built to scale in compliance with the California Fire Code and Burbank Municipal Code (Proposed Project) is eligible for a Class 32: In-Fill Development Project Categorical Exemption (CE) under the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 32 CE.

CEQA Guidelines Section 15332 states that a Class 32 CE is allowed when:

- a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- c) *The project site has no value as habitat for endangered, rare or threatened species.*
- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- e) *The site can be adequately served by all required utilities and public services.*

However, it is acknowledged that CEQA Guidelines Section 15300.2 lists the following exceptions to categorical exemptions:

- a) *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- b) *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

- c) *Significant Effect.* A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d) *Scenic Highways.* A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e) *Hazardous Waste Sites.* A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) *Historical Resources.* A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

II. EXCEPTIONS TO CATEGORICAL EXEMPTIONS ANALYSIS

CRITERIAN (a): **Location.** State CEQA Guidelines Sections 15300.2 states that categorical exemption "Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies."

The Proposed Project is proposing a categorical exemption under Class 32. Therefore, Exception Criterion (a) would not apply to the project.

CRITERIAN (b): **Cumulative Impact.** State CEQA Guidelines Sections 15300.2 states that all categorical exemptions "are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

The Proposed Project would demolish the existing on-site residential structure and construct a new 11-unit residential development. No successive projects of the same type in the same place would occur over time. The Proposed Project is consistent with applicable Burbank2035 land use policies and, with approval of a density bonus and requested waivers, would be consistent with the City's Zoning Regulations. Therefore, potential cumulative effects are not anticipated and Exception Criterion (b) would not apply to the project.

CRITERIAN (c): **Significant Effect.** State CEQA Guidelines Sections 15300.2 states

that a categorical exemption “shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

The Proposed Project would not result in any significant effects on the environment due to unusual circumstances. The site is not located within a sensitive resource area and no site-specific environmental constraints, such as biological resources, geology and soils, historical resources, and hazard and hazardous materials exist on-site. Therefore, Exception Criterion (c) would not apply to the Proposed Project.

CRITERIAN (d): Scenic Highways. *State CEQA Guidelines Sections 15300.2 states that a categorical exemption “shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.”*

Based on the California Department of Transportation’s *California Scenic Highway Mapping System*, there are no scenic highways near the project site.¹ The closest officially designated or eligible State scenic highway is Interstate (I)-210 located approximately 3.3 miles to the northeast. Given the distance of the project site to I-210, the Proposed Project would not be visible from I-210. As such, the Proposed Project would have no impact on scenic resources within an eligible State scenic highway and Exception Criterion (d) would not apply.

CRITERIAN (e): Hazardous Waste Sites. *State CEQA Guidelines Sections 15300.2 states that a categorical exemption “shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.”*

California Government Code Section 65962.5 requires the Department of Toxic Substance Control and State Water Resources Control Board to compile and update a regulatory sites listing (per the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Health and Safety Code Section 116395. Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the CCR, to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

The project site is not listed pursuant to Government Code Section 65962.5 (Cortese

¹ California Department of Transportation, *California Scenic Highway Mapping System*, <https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed August 4, 2023.

List).² Therefore, Exception Criterion (e) would not apply to the Proposed Project.

CRITERIAN (f): **Historical Resources**. *State CEQA Guidelines Sections 15300.2 states that a categorical exemption “shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”*

As such, the Proposed Project would have no impact nor substantially change the significance of any historic resource in the city, therefore, Exception Criterion (f) would not apply.

III. CONCLUSION

As analyzed, the Proposed Project would be consistent with applicable development standards outlined in the Burbank Municipal Code (BMC). Pursuant to BMC Section 10-1-628, the Proposed Project is consistent with all applicable development standards in the R-3 (Medium Density Residential) zone. Additionally, the Proposed Project will comply with the City’s existing Inclusionary Housing Ordinance. The Proposed Project applicant is proposing a project that invokes California Government Code Sections 65915 – 65918 (California Density Bonus Law) and the City of Burbank’s density bonus regulations. Therefore, the Proposed Project qualifies for certain deviations that are being requested by the Project Applicant from certain applicable development standards (e.g., density bonus, incentives and concessions, waivers, parking).

Under Burbank2035, the site is designated Medium Density Residential. The Medium Density Residential land use designation provides for development of multi-family condominiums, townhouses, and apartments at a density of 27 dwelling units per acre (du/ac). The Proposed Project is a multi-family development and thus, would be consistent with the Medium Density Residential land use designation and the Proposed Project would contribute towards reaching the City’s goals under the Housing Element by increasing the City’s existing housing supply and providing new affordable housing units. Furthermore, the Proposed Project is consistent with Burbank2035 Environmental Impact Report (EIR).

Lastly, the Proposed Project will occur within city limits on a project site of no more than five acres, has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effects relating to traffic, noise, air quality, or water quality. In addition, it is anticipated that the Proposed Project would not result in any further impacts currently caused by similar neighboring developments, including 6-8 residential unit developments, within similar zoning standards and locations.

² California Environmental Protection Agency, Cortese List Data Resources, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed August 4, 2023.

ATTACHMENT E

AERIAL OF SURROUNDING AREA

