



**COMMUNITY
DEVELOPMENT**

July 1, 2024

SENT VIA EMAIL AND US MAIL

Butterfly Gardens, LLC
910 South Mariposa Street
Burbank, CA 91502

Via Email: Info@Butterflygardensburbank.com

Subject: Determination of Application Status
SB 35 Streamlined Ministerial Design Review
Project No. 23-0002305,
910 South Mariposa Street (APN: 2443-004-017)

Dear Mr. Gozumian:

On May 10, 2024, the City of Burbank received your formal SB 35 Application for a Streamlined Ministerial Design Review for a proposed multifamily residential project located at 910 South Mariposa Street (**Project**). The application has been reviewed for completeness with the published application submittal requirements, and for consistency with the applicable City and state objective standards, objective subdivision standards, and objective design review standards for the proposed Project.

After reviewing the submitted materials, staff has determined that your application is incomplete, and the Project plans are not consistent with the applicable objective standards. The submitted application includes insufficient information needed to complete the review of the Project in accordance with the objective standards mentioned in this letter.

The following items are necessary to complete our review:

Required Application Materials:

The submittal is missing the following items that are required pursuant to the published submittal requirements:

1. California Government Code 65913.4 (a)(6)(J) states that the proposed development cannot be located on a site that is a habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.

On October 18, 2023, the City was served with a Petition for Writ of Mandate (Petition) alleging that a previously approved SB35 Project located at the same 910 South Mariposa Project site did not meet the site eligibility requirements listed in CA Government Code 65913.4(a)(6)(J). (Attachment A.) The First Cause of Action in the Petition alleges (in part) the following:

- The Resource Conservation District of the Santa Monica Mountains has documented the presence of one Mexican Elderberry that has a trunk that is located on the site's property line.
- The canopy of the above-mentioned Mexican Elderberry extends onto the subject site, as well as the canopy for a large sycamore tree. These tree canopies provide habitat for sensitive species known to exist along the LA River. (Note – the Petition does not identify the sensitive species that use these tree canopies as habitat).
- According to the Resource Conservation District of the Santa Monica Mountains, the site contains habitat for sensitive species, including the San Diegan legless lizard (*Anniella stebbinsi*).

Staff is informed that the related legal action is ongoing, and no further documents have been furnished into the City's public record that address these site eligibility assertions. Based on this record, to confirm consistency with CA Government Code 65913.4(a)(6)(J) based on substantial evidence, the City requires the submittal of a biologist report that evaluates the site for the presence of sensitive species and habitat for sensitive species listed above. Furthermore, the City will engage a consultant to conduct a peer review of the submitted biologist report, the cost to undertake this study will be borne by the applicant. Please note that the Project cannot be deemed complete until the City is in possession of information needed to complete review of the Project.

2. Pursuant to Burbank Water and Power (BWP) Rules and Regulations 2.01(d), 2.01(j), 3.26 (adopted pursuant to Burbank Municipal Code (BMC) 8-2-203), 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 Project site, showing all the existing and proposed substructures, complying with BWP AutoCAD standards shall 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.

Consistency with Objective Standards:

Additionally, staff has determined that the application conflicts with seven objective standards that are detailed below.

1. Upon review of the submission, staff has determined that the Application conflicts with the City's objective standards. Pursuant to Burbank Standard Plan BT-400, two-way circulation driveways (i.e., the drive aisle) shall have a minimum width of 23 feet. The portion of the driveway adjacent to Parking Stalls No. 25 & 26 currently shows a width of 20 feet and does not meet the minimum width.

Pursuant to Burbank Standard Plan BT-400, end stalls shall extend 3 feet beyond the bay. Sheet 9 shows that Parking Stalls No. 16, 35, 36, and 47 do not meet this standard.

The plans shall be revised to meet these standards.

2. Pursuant to BMC Section 9-1-9-504.3.1 (High-Rise and Mid-Rise Buildings) and the California Fire Code, 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 within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Access during construction shall be maintained in accordance with the high-rise and mid-rise buildings. High-rise and mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet or more than 35 feet from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner to impair or impede accessibility for firefighting and rescue operations. The proposed site plan shall be revised to indicate the location of the fire apparatus access roads.
3. Outdoor metering locations are preferred. When adequate exterior wall space is not available, a separately locked, clearly labeled meter room is acceptable with conditions. Meters in metering 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 at ground level. BWP must be supplied an access key to the room, which will be installed in a lock box adjacent to the door. The developer shall consult with BWP for approved location and obtain a service confirmation prior to any installations. (BWP Rules and Regulations 2.61-2.75 per BMC Section 8-2-203)
4. Any existing overhead electric al facilities traversing the Project are required to be undergrounded at the applicant's cost. Services affected by the underground conversion may require additional on-site transformation. Any BWP facilities installed on the development that serve other customers will require an easement. Consult with BWP to determine if new easements will be required. (BWP Rules and Regulations 2.50-2.53, 2.55, 2.80, 2.81 per BMC Section 8-2-203, General Plan Land Use Element Policy 4.11, 4.12)

5. Install pedestrian ramp at the curb between the driveway and the southern property line across from SW corner of Mariposa and Valley Heart. Design per Caltrans Standard Plans A88A Case F to connect project pedestrian path of travel to contiguous public sidewalk. This is referenced in City of Burbank Complete Streets Objective Development Standards (CSODS) section 3.2, adopted June 27, 2023. Curb at driveway shall be Type 2 per Burbank Standard Plan [BS-103](#).
6. Illustrate the type of bicycle racks to be utilized, in accordance with the approved bicycle rack types in CSODS Section 4.1.2.
7. Points where equestrian path crosses the driveway and pedestrian access paths shall have a surface of concrete with stiff broom finish, per CSODS Section 5.1. The equestrian path shall be separated from the Pedestrian Zone of the Sidewalk area by a 4-foot lodgepole fence, per CSODS Section 5.1. The current plans show it as 3 feet high.

Next Steps:

Based on the outstanding items previously noted, your Project application has been determined to be incomplete and no further processing of the submitted application will occur until all the submittal requirements discussed in this letter have been received and the noted objective standards have been met. Pursuant to BMC Section 10-1-19302(B)(2), if the City provides written comments as to any conflicts in the objective standards, or requests additional information to make such a determination, then the 60-day timeline will restart upon submittal of a revised development application in response to such a written notice.

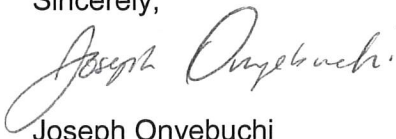
The SB 35 Application re-submittal shall include the following items:

1. Revised Plans.
2. Missing application requirements.

Please note that all re-submittal items should be submitted at the same time. Partial re-submittals will not be accepted. Once the required re-submittal items have been received, the Application will continue to be processed.

Should you have any questions about this letter, please feel free to contact the Project Manager, Joseph Onyebuchi, Associate Planner at (818) 238-5250 or via email at JOnyebuchi@BurbankCA.gov.

Sincerely,



Joseph Onyebuchi
Associate Planner

CC: Patrick Prescott, Community Development Director

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Fred Ramirez, Assistant Community Development Director – Planning

Scott Plambaeck, Planning Manager

Leonard Bechet, Principal Planner

Joseph H. McDougall, City Attorney

Lisa Kurihara, Senior Assistant City Attorney

Attachments:

Attachment A – Petition for Writ of Mandate

Attachment B – Combined City Department Comments