

Frequently Asked Questions (FAQ): 4100-4108-4110 W. Riverside Drive

Proposed Mixed-Use Development Project

The FAQ serves to answer project specific questions that were received by the City regarding the proposed mixed-use development at 4100-4108-4110 West Riverside Drive. The FAQ will continue to be updated, accordingly, as needed while the Project is under review. For further clarification or discussion, please contact David Kim at 818-238-5250 or dkim@burbankca.gov.

1. What are the planning entitlements requested by the applicant for this proposed project?

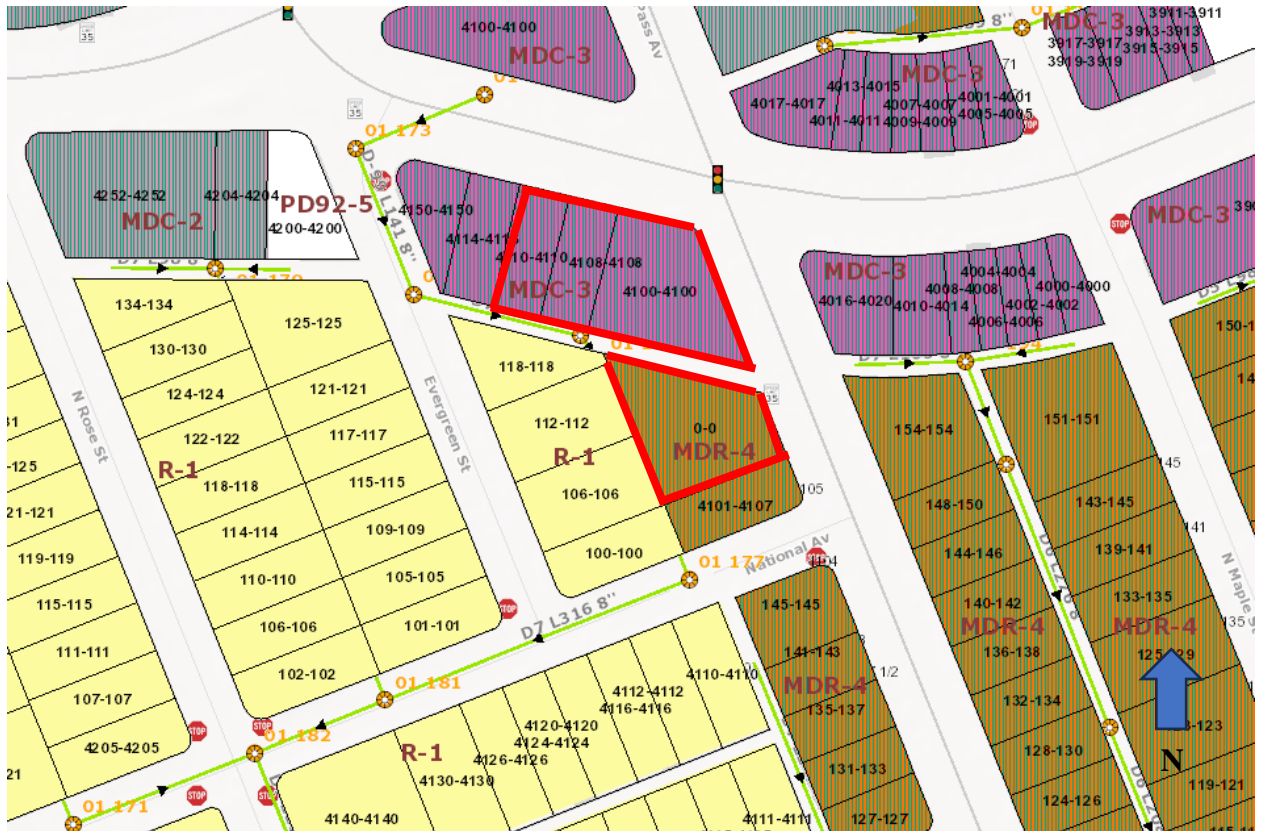
In accordance with the Burbank Municipal Code (BMC) Title 10 (Zoning Regulations) and Title 11 (Subdivisions), the applicant has requested a review of a Development Review (DR), a Conditional Use Permit (CUP), and a Vesting Tentative Tract Map (VTTM), to construct a new mixed-use development. The 43,092 (0.98 acres) Project site consists of a north parcel and south parcel. The north parcel is proposed with a new 7-story mixed-use development consisting of 63 residential rental units and 16,628 square foot ground-floor commercial space. The south parcel is proposed with a 4-story multi-family townhome building consisting of 9 for-sale units. The planning entitlement application is under review by the City for compliance with all applicable BMC regulations including development standards based on the zoning of the Project site.

The applicant has applied for the DR entitlement along with a State density bonus request for the review of the new mixed-use development, including the review of the proposed pedestrian bridge that is traversing above the existing public alley and connects the two proposed mixed-use and multi-family residential buildings. Furthermore, since the Project site is in the Media District Specific Plan (MDSP) area, CUP approval is required for the proposed mixed-use development, any proposed buildings over 35 feet in the height from grade, and a Transfer of Development Rights. The Vesting Tentative Tract Map is requested for condominium and subdivision, including the proposal of two (2) master lots and 14 airspace lots.

2. Is the applicant allowed to propose ground-floor commercial with residential on top of the commercial in the Project site MDC-2 zone?

The Project site consists of a north parcel (APN: 2485-008-024, -025, and -034), and a south parcel (2485-008-032). The north parcel is zoned MDC-3 (Media District General Business) and the south parcel is zoned MDR-4 (Media District High Density Residential). The proposed Project consists of a new 7-story mixed-use building with ground-floor commercial with residential units above on the north parcel and a 4-story multi-family residential building on the south parcel. In accordance with the BMC Title 10, the MDC-3 zone allows for mixed-use development, where residential is above commercial use through a CUP process. Furthermore, for the MDR-4 zone, a multi-family residential

development is a permitted use. Therefore, the applicant is allowed to propose ground-floor commercial as part of this project.



3. What is SB 330 and how does the State law apply to this project? Is the Project also an SB 35 application?

SB (Senate Bill) 330 or the Housing Crisis Act of 2019 is a California State law that was approved in October 2019 that amended the State’s existing Housing Accountability Act (Govt. Code Section 65589.5) – the link to Code Section is below, as currently amended:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65589.5.

The State law can be invoked by the applicant for this project because the proposed development is considered a housing project consistent with the State law. SB 330 allows a developer to “freeze” certain development standards and fees of the City that are applicable to the Project on the date the Project is submitted to the City under Government Code section 65941.1. It also provides assurance that objective development standards that are in effect at the time of the application submittal are reviewed for project compliance. For questions and clarifications on the State law, the State’s Department of Housing and Community Development (HCD) had released a memorandum dated September 15, 2020 on the subject matter and can be available here - <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf> - for public reference and use.

Furthermore, the proposed project is not a SB 35 project because the applicant has not applied for a SB 35 application with the City, which is subject to entirely different eligibility criteria.

4. How is the applicant allowed to propose a 7-stories building height on the north parcel of the project site?

The planning entitlements requested for review of the proposed project allow the applicant to propose a height above 35 feet subject to the review and approval of a CUP. In addition, the applicant has also submitted a density bonus application in accordance with the City's Density Bonus Ordinance and the State's Density Bonus law (Govt. Code Sections 65915 - 65918), which allows the developer to request incentives, concessions, and/or waivers from the City's applicable development standards. The government code section related to density bonus regulations can be found here the link below:

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=4.3.&article=

Pursuant to State Density Bonus Law, the applicant is requesting a 50% density bonus, which allows the applicant to provide more residential units than the maximum allowable residential density of the project site in exchange for setting aside a certain percentage of affordable units. For this project, the applicant is setting aside 15% of the housing units or eight (8) units (not including density bonus units) to be available for very low-income individuals/families.

For the public, who are interested in finding out what is considered very low-income level in the Los Angeles County, the City has resources for the community on the City's website here –

<https://www.burbankca.gov/web/community-development/housing/affordable-housing>.

With a density bonus, which the applicant is allowed to request for this proposed project, the applicant is allowed to request certain number of incentives/concessions and also waivers to development standards such as setbacks, heights, etc. One of the waivers requested by the applicant is a waiver from the maximum building height requirement.

It is important to note that the proposed project is currently still being reviewed by the City is has not yet been scheduled for any public hearing to City decision makers to consider the requested entitlements and associated environmental assessments. Currently, the project's planning entitlements along with the proposed density bonus concession/incentive, and waivers are being reviewed by the City. Furthermore, the City is currently undertaking the environmental assessment process to determine the appropriate level of environmental review in compliance with the California Environmental Quality Act (CEQA). It is recommended that any questions about this review should be directed to the Project Planner, David Kim, Senior Planner with City's Planning Division, for this project. The best option to contact the Project Planner is via the Planning's general contact number at 818-238-5250.

5. **What is transfer of development (TDR) and is the applicant allowed to request TDR for this project?**

In accordance with BMC Section 10-1-2107(A)(5)(v), “any property owner may transfer development rights (TDR) from one (1) parcel under its ownership to any other parcel in the Media District with the City’s approval through the Conditional Use Permit process.”

Transfer of development rights is a development regulation that allows the transfer of development potential from one property to another property. TDR is applicable to the Project sites because they are in the Media District.

6. **Are the proposed residential units for-sale or rental?**

The proposed project consists of both for-sale townhomes (on south parcel) and rental units (on north parcel).

7. **Is the applicant allowed to propose 16,628 square feet of ground-floor commercial space?**

Yes, the applicant can have ground-floor commercial on the north parcel. In the BMC Section 10-1-2114.5, the maximum allowable square footage of non-residential area is determined by a development standard called Floor Area Ratio (FAR). The proposed commercial area is located in the Media District Commercial General Plan land use designation of the Project site. Therefore, the maximum allowable FAR for the north parcel is 1.1 times the lot size (28,092 square feet) or 30,901 square feet of commercial space.

8. **Can the applicant propose more affordable units in the project?**

As submitted, the applicant is proposing 8 affordable units as part of the project. The applicant is required to meet the minimum affordability percentages as required by the BMC Inclusionary Housing and Density Bonus regulations (Division 5 of Article 6 of Title 10). Any additional affordable units provided is decided by the applicant and not the City’s BMC. As currently proposed, the applicant will meet the minimum affordable unit requirements of the City’s Inclusionary Housing and Density Bonus Ordinances.

9. **Is the applicant providing the required number of parking spaces for the project?**

Assembly Bill 2097 (CA Govt. Code Section 65863.2) prohibits public agencies from imposing minimum parking requirements on any residential, commercial, or other development types if it is located within ½ mile of a public transit as defined in State law. The project site is within a ½ mile of public transit and AB 2097 has been invoked by the Project applicant.

However, the applicant is proposing a total of 198 parking spaces, including 96 parking spaces for the rental units, 84 parking spaces for commercial, and 18 parking spaces for the for-sale townhome units. The 96 parking spaces for the rental units and the 84 parking spaces for the commercial will be located within a 3-level, subterranean parking structure

on the north parcel. The 18 parking spaces will be located at-grade on the south parcel. The applicant is not proposing any tandem parking spaces.

10. Is there a commercial loading area and drop-off area for any potential uber and other ride-hailing services?

Currently, the BMC requires a commercial loading area for the mixed-use development on the north parcel. As proposed, the project does provide a loading area on the north parcel, adjacent to the public alley. The south parcel's multi-family development is not required to have a commercial loading space. In addition, the BMC does not have a requirement to have space available and dedicated for ride-hailing services. To date, the project applicant is not proposing a drop-off area for ride-hailing services.

11. What are the commercial hours of operation?

The commercial area of the proposed Project is subject to the allowable hours of operation of 7 am – 10 pm as required in BMC Section 10-1-920(J)(1). Any hour of operation request beyond these hours is subject to a Conditional Use Permit review. Currently, the applicant has not requested to operate outside these hours.

12. What is the proposed unit types for the proposed project?

Currently, the proposed residential unit types consist of the following:

One (1)-bedroom: 30 (average area of 836 square feet)

Two (2)-bedroom: 27 (average area of 1,205 square feet)

Three (3)-bedroom: 15 (average area of 1,742 square feet)

13. How are the potential parking, traffic, and safety impact concerns raised by the surrounding neighborhood community being addressed for this project?

An environmental review will be conducted to analyze the proposed Project's potential impacts on the environment. The review will be prepared by the City with the assistance of a City environmental consultant with expertise in this subject matter. The applicant will be responsible for the total cost of the project's environmental review. The City will make the final environmental assessment and determination as it relates to the project.

In accordance with CEQA (California Environmental Quality Act), a SCEA (Sustainable Communities Environmental Assessment) is an option that can be used for qualified transit priority projects (TPP) (State Public Resources Code 21155(b)). This project qualifies for the SCEA review, and the City will be preparing an initial study to assess the environmental determination. The project will need to implement all feasible mitigations measures if the initial study identifies potential impacts, including traffic and circulation impacts.

14. Is there a way to physically see the proposed mass and bulk of the Project on the Project site?

In accordance with BMC, the proposed Project is not required to display any story-poles or other similar temporary structures that are intended to show the bulk and mass of a potential new building or structure.

However, in accordance with the Burbank2035 General Plan and as part of the Project's environmental review, the City will be analyzing shade-shadow impacts of the Project.

15. What will be the residential unit sale/rent prices for the affordable units?

For the affordable units, the applicant is required to enter into an affordable housing agreement with the City. This agreement designates affordable rents/housing costs for the applicable household income level and affordability periods, as determined by the City's Inclusionary Housing Ordinance, City's Density Bonus Ordinance, and State law (CA Govt. Code Section 65915).