

ATTACHMENT D

CITY COMMENTS ON SB 35 NOI APPLICATION AND CONCEPTUAL DESIGN

910 S. MARIPOSA (PROJECT NO. 23-0006714)

PLANNING DIVISION - CONSISTENCY WITH OBJECTIVE DEVELOPMENT STANDARDS

BURBANK MUNICIPAL CODE SECTION / ADOPTED PLAN	CONSISTENCY ANALYSIS	COMPLIANCE DETERMINATION	FORMAL APPLICATION – APPLICANT COMMENTS
10-1-502: USES IN ALL ZONES (EXCEPT RESIDENTIAL ZONES)	The Project is not permitted in the M-1 Zone. However, the General Land Use Designation is Rancho Commercial which does allow residential density. The project is therefore eligible for SB35.	YES	
10-1-630: ADDITIONAL REQUIREMENTS FOR THE RANCHO AREA			
	1. In addition to the development standards specified in Sections 10-1-628 and 10-1-629, the requirements of this Section apply to all projects in the Rancho Area. 2. For the purposes of this Section, the Rancho Area is defined as depicted in Diagram 10-1-630(A) and described as the area bounded by Keystone Street, Alameda Avenue, Main Street,		

A. APPLICABILITY	<p>Valencia Avenue, Victory Boulevard, City boundary, Keystone Street extended, Riverside Drive, Bob Hope Drive, City boundary, California Street, Ventura Freeway, Bob Hope Drive, Riverside Drive, and Keystone Street.</p> <p>Project is located in the Rancho Area as defined by 10-1-630.2 and further defined in Diagram 10-1-630(A)</p>	YES	
B. ARCHITECTURAL DESIGN	<p>Architectural design and style for all structures must be oriented towards early California Rancho imagery, including but not limited to the following:</p>	TO BE DETERMINED	

	<ol style="list-style-type: none"> 3. Strong horizontal elements such as long roof lines and verandas 4. Wide eave overhangs 5. Adobe or vertical board-and-batten wall surfaces 6. Deeply inset window and door openings 7. Heavy timber elements, such as post and beam support for porches or verandas 8. Multi-paned windows 9. Utilization of the following materials or similar materials approved Community Development Director: <ol style="list-style-type: none"> a. Exterior woods, including rough cut timber and large section timber b. Slump c. Block or other adobe-like masonry d. Clay roof tile <p>Project must comply with these standards</p>		<p>The project complies with these standards.</p> <p>The design of the building, as presented in the attached plans, contains many of these architectural features such as long roof lines, wide eave overhangs, clay roof tile, exterior woods, multi-paned windows, stucco surfaces, trellises, masonry walls, and deeply inset window and door openings.</p>
<p style="text-align: center;">VEGETATIO^C</p>	<p>Landscaping must include the following types of trees and vegetation, or similar species complementary to the existing Rancho Development Director:</p> <ol style="list-style-type: none"> 1. California pepper 	<p style="text-align: center;">TO BE DETERMINED</p>	

	<ol style="list-style-type: none"> 2. Olive 1. Live oak 2. California holly 3. Eucalyptus 4. Cactus and succulents <p>Project must comply with these standards</p>		A landscaping plan is provided with this submittal. This project provides planting types which are sustainable and drought-tolerant, and complementary to the existing landscaping within the Rancho area. These species include Southern Magnolia, California Sycamore, Brisbane Box, and Marina Strawberry Tree.
<p>Article 6. RESIDENTIAL USES AND STANDARDS</p> <p>DIVISION 3.5 MULTIFAMILY RESIDENTIAL-ONLY DEVELOPMENT IN NONRESIDENTIAL ZONES</p> <p>DIVISION 5. AFFORDABLE HOUSING INCENTIVES</p>			
10-1-621: PURPOSE	<p>The purpose of this Division is to establish regulations for multifamily residential-only developments in nonresidential zones (all zones except for R-1, R-1-H, R-2, R-3, R-4, or MDR-3, and MDR-4). Nonresidential zones in the City typically have a visual character and land uses dictated by commercial development standards. Specialized development standards are needed to</p>		
10-1-622: APPLICABILITY	A. This Division applies to the following projects:	YES	

	<p>5. Residential-only projects consisting of Multifamily Residential-Only uses in</p> <p>6. Residential-only projects consisting of Multifamily Residential-Only uses in nonresidential zones when State law that preempts local requirements.</p> <p>B. Residential additions to existing residential uses:</p> <p>7. If one or more dwelling units are added to an existing single-family dwelling and the single-family structure is retained, all units on the lot, including the previously existing single-family dwelling, shall comply with the applicable requirements of this Division.</p> <p>8. If one or more dwelling units are added to a property with an existing nonresidential use and the nonresidential use is retained, this Division shall not apply and instead, the project Zones).</p> <p>C. To the extent that any provision in this Division conflicts with State laws that preempt local development standards for an applicable project, State law will control over the conflicting provision. In such event, the remainder of this Division that is not in conflict with State law will apply to The application is a multifamily residential project proposed in the M-1 Industrial Zone and was submitted as an SB 35 application. Therefore, this division applies to the Project.</p>		
<p>10-1-623: APPLICATION REQUIREMENTS</p>	<p>A. General Application Form with owner signature and Standard Plan Details, as issued by the Director. Applications Streamlined Ministerial Approval Process shall submit the Section 10-1-19302(D).</p>	<p>YES</p>	

B. Identification of any applicable State laws, including any State law that is invoked for a streamlined ministerial review process. Include a detailed narrative description of how the project satisfies all State law criteria for any applicable streamlined ministerial review process.

A. A consistency table that identifies all the applicable local development standards and describes how the project complies with these standards.

B. For sites in nonresidential zones, as well as sites identified by the Burbank Fire Department (the Fire Marshal) as having a history of hazardous materials use or storage, the applicant shall conduct a Phase I Environmental Assessment (as defined in California Health and Safety Code Section [25319.1](#)) and submit a Phase I Environmental Site Assessment (ESA) report in compliance with industry standards established by the American Society for Testing and Materials, as well as any further studies recommended in the Phase I report. Furthermore:

9. If a recognized environmental condition is found, the applicant shall undertake a preliminary endangerment assessment (as defined in California Health and Safety Code Section [25319.5](#)), prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

10. If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

11. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist on the site, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

12. The applicant shall be responsible for any cost related to third party review of a Phase I ESA report and any subsequent environmental documents submitted in compliance with this Section.

	<p>The application includes a consistency table that identifies all applicable local development standards with a description of how the project complies with the required standards.</p> <p>Additionally, the application included a Phase 1 Environmental Site Assessment.</p>		
10-1-624: Property Development Standards	See Table 10-1-624(A) in Burbank Municipal Code		
Maximum Density (dwelling units per acre)	Based on General Plan Consistency table in underlying zone and the Burbank 2035 General Plan land use designation unless otherwise preempted by State law.	YES	
<p>Minimum Lot Area</p> <p>Minimum Lot Width</p> <p>Minimum Lot Depth</p>	<p>6,000 square feet</p> <p>50 feet</p> <p>100 feet</p> <p>The Project meets all the lot size and dimension requirements for</p>		
Maximum Lot Coverage	<p>80%</p> <p>The Project proposes 43%.</p>	YES	The project proposes 50.8% lot coverage at the Formal App stage, below the maximum allowed.
Maximum Height	The maximum height of a building or structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows, unless otherwise preempted by State law:	To Be Determined	

	0 – 149 feet	40 feet. A request for greater maximum height may be reviewed through the Conditional Use Permit		
	<p>The Project is less than 150 feet from the R-1-H neighborhood across Mariposa to the west. The Project proposes a maximum height of 55' to top of plate and 65' to top of roof and architectural features, and therefore, exceeds the maximum height requirement. Because the Project proposes 15% of its units at very low-income levels, it is permitted three incentives or concessions. Increased maximum building height is a permitted concession (10-1-640(A)(1)(e)). The site plan should include a measurement from the subject property to the adjacent single family zoned lot across Mariposa Street so that staff can confirm the height buffer requirement pursuant to BMC 10-1-624(D)(3).</p>			<p>The project will utilize a waiver of development standard to permit a height increase to 63'8.5" from average grade to top of plate, as allowed per BMC 10-1-640(A)(1)(e), for those portions of the building less than 300 feet from the R1-H zone to the west of Mariposa St. The project plans include an exhibit with measurements from the subject property to the adjacent single family zoned lot. Refer the cover letter by Rand Paster & Nelson LLP for more information.</p>
Minimum Yard Setbacks				
Front Minimum	<p>The required setback from the front lot line for all structures, excluding fully subterranean, semi-subterranean and above-grade parking structures/garages, shall be at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater, but no greater than ten (10) feet; this setback requirement may be averaged. Such setback shall be calculated for the length of the building frontage only.</p> <p>The applicant must provide an average setback calculation for the front yard.</p> <p>All other side and rear yard setback requirements are met and the Project does not propose any encroachments into yard areas.</p>		To Be Determined	<p>The proposed height of the project is 63'8.5". 20 percent of the building height is 12'9". Therefore, the front yard setback requirement is a min. of 12'9" average along the building frontage. Refer to Pages 20-22 of the plans for calculations. The project includes an incentive request to address the encroachment of balconies into the front yard. Refer to the letter by Rand Paster & Nelson LLP for more information on this request.</p>

Maximum fence, wall, and hedge heights			
Within front yard or street-facing side yard setback area	4 feet solid 6 feet (50% open design) ⁽⁴⁾ 8 feet (hedges only)	To Be Determined	

	A barrier along the S Mariposa street frontage is shown on Sheet 16 (elevations), however it is not clearly identified on the site plan nor is the height indicated. Plans should indicate the barrier type (board on board fence, masonry wall, etc... as well as the proposed height).		Please refer to Page 26 and L-3 of the project plans for fence/wall details. The project complies with this standard.
Parking			
Minimum number of off-street tenant parking spaces	1 space per Studio or 1-bedroom unit 1.5 spaces per 2- or 3-bedroom unit 2.5 spaces per 4-bedroom unit State law supersedes this requirement permitting 1 parking space per bedroom unit. This requirement is met.	YES	The project proposes 47 parking spaces for 40 units. The project complies with this standard.
Minimum number of off-street bicycle parking	0.25 bicycle spaces per residential unit The Project proposes 8 bicycle parking spaces. This standard is met.	YES	
Open Space and Landscaping			
Minimum common area per unit	100 square feet Provide calculation per unit on Sheet L-4	To Be Determined	This standard is met. See open space calcs on Page 23-25.
Minimum private open space area per unit	70 square feet Provide calculation per unit on Sheet L-4	To Be Determined	See open space calcs on Pages 23-25.
Minimum private open space dimensions	No dimension less than 5 feet Provide calculation per unit on Sheet L-4	To Be Determined	See open space calcs on Pages 23-25.
Minimum percentage of lot area that shall be landscaped outside of required front and	10 Provide calculation per unit on Sheet L-4	To Be Determined	See open space calcs on Pages 3, 23-25.

BUFFER AREA	Notwithstanding the setback encroachments specified in Table 10-1-624(E), a 20-foot buffer area shall be provided in any side or rear yard that abuts or is adjacent to a single-family zoned property and a 10-foot buffer shall be provided in any side or rear yard that abuts or is adjacent to a multiple family zoned property. The buffer area is measured from the property line of the	N/A	
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	<p>single-family or multiple-family zoned property perpendicular to such property line, and includes public streets and alleys.</p> <p>The side and rear yards for the subject property does not abut (and is not adjacent to) single or multiple family zoned property. This standards does not apply.</p>		
<p>PLANE BREAKS AND MODULATION</p>	<p>1. The following plane breaks shall be required for all street-facing elevations:</p> <p style="padding-left: 40px;">e. A plane break shall be provided along each street-facing facade exceeding 50 feet in width. The plane break shall be of at least 10 percent of the facade width or 20 feet, whichever is greater. The break depth shall be at least 5 feet for each elevation of each story under 40 feet in height and shall be open to the sky. Break dimensions are measured perpendicular to the plane of the wall.</p> <p style="padding-left: 40px;">f. At least 15% of the area of the first 40 feet of building height visible to the street, including features such as recessed balconies or building forms, shall be recessed by a minimum of 5 feet.</p> <p>The Project provides multiple plane breaks along the proposed building’s street facing front façade with more than 15% of the first 40 feet of street facing building height minimum of 5 feet. This standard is met.</p> <p>2. For buildings above 40'-0" in height, any portion of primary wall above 40'-0" facing the street shall be recessed by an additional 5 feet from the required setback. Encroachments into this 5-foot offset are allowed as specified in Table 10-1-624(E)</p> <p>3. Plane breaks shall be provided on each structure on the lot.</p> <p>4. Balconies, entries, and porches or portions thereof that are recessed into the building facade may be utilized to satisfy the plane break requirements. Balconies, entries, and porches or portions thereof that project from the building facade may not be utilized to satisfy the break requirements.</p> <p>As discussed previously, the applicant must provide an average setback calculation for the front yard. A portion of the 4th floor and the roof level are proposed to be above the 40 feet</p>		<p>The average front yard setback requirement for portions of the 4th floor and roof level of the building above 40’ in height is 17’9” average, which is 5’ greater than the required front yard setback of 12’9” average. See Pages 20-22 of the plans for setback calculations and illustration of compliance with the plane break standard. The project includes an incentive request to address the encroachment of balconies into the front yard. Refer to the letter by Rand Paster & Nelson LLP for more information on this request.</p>

	and must be setback an additional 5 feet from the required setback. The plans must clearly indicate how this standard is met.		
FENCES, WALLS, HEDGES AND OTHER			
	<p>1. Fences, walls, and hedges.</p> <p>a. Fences, walls, and hedges may not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire, barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury. Chain link fences are prohibited.</p> <p>b. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-624(A).</p> <p>c. The height of a fence or wall is measured from the highest abutting finished ground surface of the property upon which the fence, wall, or hedge is located. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair-step design, but each stair-step section, as measured from the horizontal midpoint, may not exceed the maximum height.</p> <p>d. Ornamentation on top of fences, walls, and hedges in the front yard may exceed the maximum allowed height for fences, walls, and hedges up to 18 inches above the actual height of the fence, wall, or hedge or up to a maximum height of five (5) feet, six (6) inches. All ornamentation features shall be spaced a minimum of four (4) feet apart, as measured on center. In all other yards, ornamentation may not exceed the maximum allowed height for fences, walls, and hedges.</p>		

	<p>e. All fences, walls, and hedges shall comply with the corner cutoff provisions of Section 10-1-1303.</p>		<p>Please refer to Page 26 and L-3 for fence/wall details.</p>
	<p>f. Gates are subject to the same requirements as fences and walls.</p> <p>e. Guardrails and handrails may exceed the maximum wall and fence height up to the extent required by the Building Code. The guardrail shall be a fully transparent material or 50% open design.</p>		
	<p>1-19202.</p>		
	<p>A barrier along the S Mariposa street frontage is shown on Sheet 16 (elevations), however it is not clearly identified on the site plan nor is the height indicated. Plans should indicate the barrier type (board on board fence, masonry wall, etc... as well as the proposed height). This standard must be met.</p>		
	<p>2. Other Yard Features</p> <p>a. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum of six (6) feet, and a maximum interior length of three (3) feet as measured from the highest abutting finished ground surface. Other yard features are limited to a maximum height of six (6) feet and a maximum width of (6) feet.</p> <p>This standard must be met.</p>		<p>This standard will be met.</p>
	<p>1. Retaining walls.</p>		

	<p>g. Retaining walls located within front yard areas are limited to a maximum height of four (4) feet per wall.</p> <p>h. Additional retaining walls shall be setback a distance equivalent to the height of the retaining wall below as measured from the face of the retaining wall below.</p> <p>i. Fences or walls that are placed on top of a retaining wall within a front yard are limited to a maximum height of four (4) feet from the abutting finished ground surface and require an additional two (2)-foot setback from the face of the retaining wall below.</p> <p>j. Enforcement of nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.</p>		<p>This standard will be met.</p>
	<p>This standard must be met.</p>		
<p>PARKING AREAS AND DRIVEWAYS</p>	<p>4. Tandem parking spaces may be used only as designated parking for units providing more than one (1) parking space. Tandem Spaces no less than eight (8) feet, six (6) inches wide and no less than 36 feet deep.</p> <p>The Project proposes 14 tandem parking spaces. California Government Code permits streamlined ministerial review projects to provide 1 parking stall per unit.</p> <p>The project proposes 30 units, and because 14 tandem parking spaces would be assigned to 14 units, single parking stalls must be designated for the remaining 16 units. Only 15 (inclusive of the ADA parking space) are shown on Sheet 9.</p> <p>The parking layout must be updated to meet this standard. All other parking standards must be met.</p>	<p>N o</p>	<p>SB 35 requires projects to provide 1 parking space per unit.</p> <p>In the Formal Application, the project proposes 47 total parking spaces for 40 units.</p> <p>8 of the 47 parking spaces are provided in 4 tandem stalls assigned to 4 units. The remaining 37 single parking stalls are for the other 36 units, plus 2 additional ADA parking spaces = 47 total spaces.</p>

<p>10-1-635 CALCULATION OF DENSITY AND NUMBER OF INCENTIVES AND CONCESSIONS</p>	<p>A. The City shall grant a Density Bonus to a developer of a Housing Development of five (5) or more dwelling units who seeks a Density Bonus in accordance with this Division and agrees to construct at least one of the following:</p> <p>13. Ten percent of the total units of the Housing Development as Affordable Units affordable to low income households; or</p> <p>14. Five percent of the total units of the Housing Development as Affordable Units affordable to very low income households; or</p> <p>15. A Senior Citizen Housing Development; or</p> <p>16. Ten percent of the total units of a newly constructed Condominium Project or Planned Development as Affordable Units which are affordable to moderate income households.</p> <p>The Project is located on a 43,560 square foot site. The M-1 Zone permits 20 dwelling units/acre in density. The site is, therefore, permitted to have 20 dwelling units. The Project is proposing to set aside 15% of the unit total for very low-income housing. Under California State Density Bonus Law, the site is eligible for a 50% Density Bonus. The Project can propose up to 30 units with 3 of the units reserved for very low-income residents. The Project proposes 30 units with 3 units reserved for very low-income.</p>	<p>YES</p>	<p>The project proposes 6 affordable housing units (3 for Very Low Income and 3 for Moderate Income), for a total of 30% of the base allowable density of 20 dwelling units per acre.</p> <p>Under CA Bonus Law, AB 1287, the site is eligible for a 100% Density Bonus. The project can propose up to 40 units, with 6 of the units reserved as affordable housing.</p>
	<p>B. In determining the number of Density Bonus Units to be granted pursuant to Subsection (A) of this Section, the maximum residential density for the site shall be multiplied by 0.20 for Subsections (1), (2), and (3) and 0.05 for Subsection (4), unless a lesser number is selected by the developer.</p> <p>17. For each one percent increase above ten percent in the percentage of units affordable to low-income households, the Density Bonus shall be increased by 1.5 percent up to a maximum of 35 percent.</p> <p>18. For each one percent increase above five percent in the percentage of units affordable to very low-income households, the Density Bonus shall be increased by 2.5 percent up to a maximum of 35 percent.</p>	<p>NO</p>	

	<p>3. For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the Density Bonus shall be increased by one percent up to a maximum of 35 percent.</p> <p>The Project proposes 15% of the total units for very low-income households, meaning that section 2 of this provision applies and the maximum density, pursuant to the BMC is 25%. However, BMC Section 10-1-643 specifically states that if there should be any inconsistency between the BMC and State Density Bonus Law, the State law will prevail. Therefore, the maximum bonus density permitted for the proposed development is 50%.</p>		<p>State Density Bonus Law supersedes the BMC. Pursuant to Assembly Bill 1287, which became effective on January 1, 2024, the project may request up to a 100% density bonus by providing 15% of the base density as Very Low Income and 15% as Moderate Income. The project complies with this requirement. Please refer to the Cover Letter from Rand, Paster & Nelson LLP for further details.</p>
	<p>C. The Density Bonus Units shall not be included when determining the number of Affordable Units required to qualify for a Density Bonus. When calculating the required number of Affordable Units, any calculations resulting in fractional units shall be rounded to the next larger integer.</p>	<p>YES</p>	
	<p>A. The developer may request a lesser Density Bonus than the project is entitled to, but no reduction will be permitted in the number of required Affordable Units pursuant to Subsection (A) above. Regardless of the number of Affordable Units, no Housing Development may be entitled to a Density Bonus of more than 35 percent.</p>	<p>YES</p>	
	<p>B. Subject to the findings included in Section 10-1-641, when a developer seeks a Bonus, the City shall grant incentives or concessions listed in Section 10-1-641 as</p>		

	<p>10. One (1) incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or Planned Development.</p> <p>11. Two (2) incentives or concessions for projects that include at least 20 percent of the total units for low income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or Planned Development.</p>	YES	
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	<p>3. Three (3) incentives or concessions for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or Planned Development.</p> <p>Project is entitled to three incentives or concessions.</p>		<p>The project is entitled to 3 incentives or concessions. Please refer to the Cover Letter from Rand Paster & Nelson LLP for further details regarding the incentives/concessions and waivers utilized by the Project.</p>
	<p>F. A Housing Development may be entitled to more than one (1) Density Bonus, but in no event can the total Density Bonus for any Housing Development exceed 35 percent. For example, if a Developer provides ten percent of the Housing Units for Low Income Households and an additional five percent Very Low Income, Developer shall be entitled to two (2) Density Bonuses. Multiple Density Bonuses will only be allowed where the affordable units are separately and independently counted; however, in any event, the maximum Density Bonus for any Housing Development is 35 percent.</p> <p>The Project proposes no more than one density bonus.</p>	YES	<p>The project is entitled to a 100% density bonus under state density bonus law because it includes 15% very low income units and 15% moderate income units. Please refer to the Cover Letter from Rand, Paster & Nelson LLP for further details.</p>
	<p>A. In accordance with state law, neither the granting of a concession or incentive nor the granting of a Density Bonus shall be interpreted, in and of itself, to require a General Plan Amendment, zoning change, or other discretionary approval.</p> <p>This standard does not apply.</p>	NO	
10-1-636: LAND DONATION	This section does not apply.	NO	
10-1-637: CHILD CARE FACILITIES	This section does not apply.	NO	
10-1-638: CONDOMINIUM	This section does not apply.	NO	
10-1-639: AFFORDABILITY			

DEVELOPMENT STANDARDS			
	<p>C. Affordable Units shall be constructed concurrently with Market Rate Units or pursuant to a schedule included in the Density Bonus Housing Agreement.</p> <p>The Project must comply with this standard.</p>		The standard will be met.
	<p>A. Affordable Units offered for rent to for low income and very low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development. 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 pursuant to Section 10-1-651(C). The Director is authorized to execute the necessary agreement which shall be prepared by the City Attorney</p> <p>The Project must comply with this standard.</p>	T O B E D E T E R M I N E D	This standard will be met.
	<p>D. Affordable Units offered for sale to moderate income households in condominiums and Planned Developments shall be sold by the developer of the housing development at a price that does not exceed the Affordable Purchase Price. At the time of the sale of an Affordable Unit from the developer of the Housing Development to the initial purchaser, the purchaser shall execute a promissory note secured by a subordinate deed of trust in favor of the City. The promissory note shall require payment, upon resale of the unit, the difference between the market rate price of the Affordable Unit at time of the purchaser's purchase of the Affordable Unit and the Affordable purchase price, and a proportionate share of the appreciation. Upon a resale, the seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation. The City's proportion of the share of appreciation shall be equal to the percentage by which the Affordable Purchase Price was less than the fair market value of the Affordable Unit at the time of the initial sale.</p> <p>This standard does not apply.</p>	N O	
	<p>E. Affordable Units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the Affordable Units shall be equivalent to the bedroom mix of the non-Affordable Units of the housing development, except that the developer may include a higher</p>	Y E S	

	<p>proportion of Affordable Units with more bedrooms. The design and appearance of the Affordable Units shall be compatible with the design of the overall housing development. Housing developments shall comply with all applicable Development Standards, except those which may be modified as provided by this Division. The Project proposes three units for very low-income households. The submitted plans do not make a distinction between the affordable units and the market rate units. The Project meets this standard. At the time of formal submission, the applicant should submit a floor plan that indicates the committed affordable units.</p>		<p>Please refer to the project plans pages 3, 10-14, which refers to the committed affordable units.</p>
	<p>E. 1. Upon the request of the developer, the City shall permit a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of 1-635 at the following ratios:</p> <p style="padding-left: 40px;">g. Zero to one (1) bedrooms: one (1) onsite parking space.</p> <p style="padding-left: 40px;">h. Two (2) to three (3) bedrooms: two (2) onsite parking spaces.</p> <p style="padding-left: 40px;">i. Four (4) and more bedrooms: two and one-half (2 1/2) parking spaces.</p> <p>2. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section only, a housing development may provide “onsite parking” through tandem parking or uncovered parking, but not through on-street parking.</p>	TO BE DETERMINED	<p>Because this is an SB 35 project, the project is only required to provide one parking space per unit. (Gov. Code § 65913.4(e)(2).) The project includes 47 parking spaces for 40 units, and therefore meets this standard.</p>
	<p>F. The Director is authorized to execute the necessary agreement which shall be prepared by the City Attorney. The agreement shall set forth affordability restrictions and granted a concession and incentive once approved and appealed, if applicable.</p>	TO BE DETERMINED	<p>The project will comply with this standard.</p>
<p>10-1-640; DEVELOPMENT STANDARDS MODIFIED AS INCENTIVE OR CONCESSION A-D</p>	<p>The applicant has not requested any incentives or concessions at this time. If incentives or concessions are requested at time of formal application submission, the standards included in this section will apply.</p>	TO BE DETERMINED	<p>The project is entitled to 3 incentives/concessions. Please refer to the Cover Letter from Rand Paster Nelson LLP for details regarding the incentives/concessions and waivers requested by the Project.</p>

10-1-641: APPLICATION REQUIREMENTS	The Project must comply with the standards included in this section.	TO BE DETERMINED	
10-1-642: DENSITY BONUS HOUSING AGREEMENT	The Project must comply with the standards included in this section.	TO BE DETERMINED	The project will comply with this standard.
10-1-644: PURPOSE OF INCLUSIONARY ORDINANCE	The Project is not subject to the Inclusionary Ordinance	NO	
10-1-801.5: GENERAL PLAN CONSISTENCY	<p>The project is located within the Rancho Commercial land use designation which has a 20 unit/acre density maximum requirement. The applicant is proposing 30 units on a one-acre lot.</p> <p>The Applicant is also requesting density bonus for this Project. The Applicant would be required to comply with the State Density Bonus law and Burbank Municipal Code (BMC).</p> <p>In accordance with BMC Section 10-1-203, the lot area is defined as the following:</p> <p>AREA OF LOT: Means the total horizontal area included within the lot lines. For purposes of calculating density, “area of lot” shall exclude any land previously dedicated for a public street easement or right-of-way, or alley easement or right-of-way.</p> <p>For this Project, this definition of lot area is used for calculating maximum allowable density under the City’s General Plan, floor area ratio and calculations of any density bonus and/or required inclusionary housing units.</p>	TO BE DETERMINED	The project complies with State Density Bonus law and the BMC.
10-1-802: USES IN THE M- 1 ZONE	The applicant has applied for a SB 35 NOI Application. One of the eligibility requirements for a SB 35 project is that the project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development. The project site has a General Plan land use designation of Rancho Commercial, which has a maximum density requirement for residential uses. The zoning is M-1 (Industrial Use) and Burbank Municipal Code Section 10-1502 (Uses in All Zones (Except Residential Zones)) does not allow for the proposed residential use in the M-1 Zone. However, the Rancho Commercial land use designation does allow for single-family residential and commercial uses. Therefore, the use is permitted.	Yes	
10-1-805: LOCATION AND	This code section applies to industrial uses that are permitted in the M-1 Zone and does not apply to the residential use that is proposed with this application.	Not Applicable	

10-1-806: PROPERTY DEVELOPMENT STANDARDS	The review of applicable development standards is provided below.	To Be Determined	
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (A) STRUCTURE HEIGHT	The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use. At 50 – less than 150 feet, the maximum height is 35 feet. At 150 – less than 300 feet, the maximum height is 50 feet. The standard is superseded by BMC 10-1-624(A). See previous analysis.	NO	The project will utilize a waiver of development standard to permit a building height of 63’8.5” from average grade to top of plate for all portions of the building. Please refer to the Cover Letter from Rand, Paster & Nelson LLP for further details and a justification for this waiver.
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (B) Open Space (B)(1) Distance Requirements (B)(3) Landscaping Requirement	Each lot which abuts or is adjacent to an R-1, R-1-H, or R-1 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. The Project site’s western boundary is adjacent to the R-1-H zone. The Project proposes a 37 foot wide dedicated area. This is in addition to the existing public right-of-way (Mariposa Street)	To Be Determined	The project complies with this requirement. See the site plan on Page 7.
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (B) Open Space (B)(2) Determination of Open Space	This open space shall be measured from the lot line of the residential property to the structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section. Mariposa Avenue is a 20 foot-wide right-of-way that abuts the R-1-H lot. The Project is also proposing to dedicate a 37 foot wide section adjacent to the existing right-of-way.	Yes	
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (B) Open Space	When the industrial property abuts or is any residential property, a five-foot strip of the open space which lies adjacent the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.	Yes	

(B)(3) Landscaping Requirement	The Project proposes a landscaped area adjacent to the residential property across Mariposa Street. The applicant should provide the measurement of the landscaped area on the plans.		Please refer to the plans pages 23-25 and L-5 for open space calculations.
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (B)Open Space (B)(4) Parking Allowed in Open Space	Parking is allowed in the open space as long as Subsection (3) is satisfied. The Project does not propose any parking within the open space area.	To Be Determined	The project complies with this requirement as it does not provide parking in the open space area.
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (C) Yards (C)(1) Front Yard -	Means a yard extending across the front of a lot for the full width of the lot extending from the front lot line or future street line to a required depth between the side lot lines. The depth of a front yard is a distance specified for the zone in which it is located and measured inward from the front lot line.		
10-1-806: PROPERTY DEVELOPMENT STANDARDS: (C) Yards (C)(2) Setbacks	<p>j. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.</p> <p>The structure is proposed at a height of 55 feet. Therefore, the structure must be setback at least 11 feet from the new property line. However, the subterranean structure is setback 8'9" from the property line. The applicant must address the encroachment into the setback area or request a waiver to the setback requirement.</p> <p>k. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged. When abutting or adjacent R-1,</p>	NO	The building is proposed at a height of 63'8.5" from average grade to the top of plate. Therefore, the structure is required to be setback at least 12'9" average from the new property line. Both the building and the subterranean structure are setback more than 12'9" average from the new property line. The project includes an incentive request to address the encroachment of balconies into the front yard. Refer to the letter by Rand Paster & Nelson LLP for more information on this request.

	<p>R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line.</p> <p>The project does not propose any above-grade parking structures. This standard is not applicable.</p> <p>c. When abutting or adjacent R-3 or R-4 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.</p> <p>The Project does not abut and is not adjacent to any R-3 or R-4 zones. This standard is not applicable.</p> <p>a. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.</p>		
<p>10-1-806: DEVELOPMENT STANDARDS:</p> <p>(C) Yards</p> <p>(C)(3) Landscaping</p>	<p>j. A minimum of 50 percent of front and exposed side yards shall be landscaped.</p> <p>This standard will need to be met.</p> <p>k. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.</p> <p>The submitted plans are in the conceptual stage and therefore outdoor amenities, where shown, may not be ultimately proposed. This standard will need to be met.</p> <p>l. The planting of vines on masonry buildings is encouraged.</p> <p>m. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.</p>	<p>Y</p>	<p>This standard will be met.</p>

	<p>e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.</p> <p>n. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.</p> <p>o. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.</p> <p>p. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.”</p>		
<p>10-1-806: PROPERTY DEVELOPMENT STANDARDS:</p> <p>(D) Masonry Wall</p>	<p>A six (6) foot high decorative masonry wall shall be erected along every property line forming a boundary with a residential zone, except that along the front setback area of such residential zone the wall shall be reduced to three (3) feet.</p> <p><i>This standard will need to be met.</i></p>	Yes	This standard will be met.
<p>10-1-806: PROPERTY DEVELOPMENT STANDARDS:</p> <p>(D) Off-Street Parking</p>	<p>Yards may be used for off-street parking if consistent with this article.</p> <p><i>The Project proposes garage parking for each dwelling unit for a total of 43 parking spaces. No surface parking spaces are proposed.</i></p>	To Be Determined	The project proposes a total of 47 parking spaces all contained within a semi subterranean garage.
<p>10-1-806: PROPERTY DEVELOPMENT STANDARDS:</p>	<p>The requirement is <i>“The standards contained in Articles 11 through 16 of this Chapter also apply to the Media District commercial and industrial zones. In the event of any conflict between the requirements contained in Articles 11 through 16 and the other requirements of this Section, the requirements of this</i></p>	To Be Determined	

(F) ADDITIONAL STANDARDS	Applicant to comply with applicable standards in Article 11 through 16 of Chapter 1: Zoning in the Burbank Municipal Code - Title 10: Zoning		
ARTICLE 11. GENERAL PROPERTY DEVELOPMENT REGULATIONS 10-1-1101:	The requirement is <i>“No lot or structure shall be created, erected, altered, or maintained contrary to the provisions of this chapter.”</i> Applicant shall comply with this requirement.	Yes	
10-1-1102: ERECTION OF MORE THAN ONE STRUCTURE ON A RESIDENTIAL LOT	The requirement is <i>“Not more than one (1) main structure occupied or intended to be occupied for a permitted or permissible use may be erected on a single residential lot, unless yard and other requirements of this chapter are met for each structure as though it were on an individual lot.”</i> The Project is located on a lot in the M-1 Zone, which allows residential uses with discretionary approval. Applicant shall comply with this requirement.	Yes	
10-1-1103: LOT TO HAVE FRONTAGE	The requirement is <i>“Every building shall be on a lot which has frontage of at least 20 feet on a public or private street.”</i> Project site has a street frontage along South Mariposa Street of approximately 144 feet.	Yes	
10-1-1104: FRONTAGE ON ALLEYS	The requirement is <i>“Alleys shall not be considered public streets for street frontage requirements of this chapter.”</i> Not applicable to Project.	Yes	
10-1-1105: HAZARDOUS AREAS	The requirement is <i>“The Public Works Director may require a fence or wall not less than six (6) feet in height along the perimeter of any area which they consider dangerous because of conditions or physical hazards on the property, such as frequent inundation, erosion, excavation, or grade differential.”</i>	Yes	
10-1-1106: USES IN COMPLETELY ENCLOSED BUILDINGS	The requirement is <i>“When a use is required to be conducted in a completely enclosed building there shall be no openings on any side that faces residentially zoned property except as otherwise allowed by this section. Stationary windows not capable of being opened are not considered openings within the meaning of this section. Openings for the ingress or egress of persons or vehicles shall be permitted on a side that faces residentially zoned property upon the condition</i>	Yes	

	<i>the passage of persons or vehicles through such openings. As used in this section, the side of an enclosed building faces residentially zoned property if any point on the outer surface of the subject side of said enclosed building is within 150 feet of any point on the property line of said residentially zoned property as measured along any line within the horizontal scope of 45 degrees and 135 degrees from such point upon the surface of the subject side of said enclosed building.”</i>		
10-1-1108: OPEN STORAGE AREAS MUST BE ENCLOSED	Open storage areas in commercial and industrial zones shall have an opaque masonry wall surrounding the storage area at least six (6) feet in height and in good repair, except where the storage area is bounded by a building. The stored material shall be kept below the horizontal plane of the top of the wall. The provisions of this section shall not apply to the open display of merchandise for sale in connection with a use permitted in the zone.	Yes	
10-1-1109: JUNK YARDS MUST BE FENCED	The requirement is <i>“Junk yards shall have an opaque masonry wall entirely surrounding the property, at least eight (8) feet in height and in good repair. The height of the junk, wrecked automobiles, airplanes, or other machinery shall be kept below the horizontal plane of the top of the wall.”</i> Not applicable to Project.	Yes	
10-1-1110: ACCESSORY BUILDINGS CONVERTED TO LIVING QUARTERS	The requirement is “No person shall erect, construct, place or maintain any roof or shade structure over a mobile home located within a mobile home park.”	Yes	
10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS (A) ROOF DESIGN	The requirement is <i>“All parapets shall have returns equal to the height of the parapet. Parapets used for fire separation purposes should be visually integrated into the building. All mansards shall be continuous on all sides of a building visible from neighboring properties and public rights-of-way, including those elevations facing a street, alley, yard, setback or open space. All mansards on all other elevations which are not exposed or visible to neighboring properties and public rights-of-way, shall have a return at least equal to the height of the mansard. All roof mounted equipment shall be screened from view through the use of architectural screening systems which are visually integrated into building design with respect to color, material and form.”</i>	To Be Determined	

	<p>The submitted architecture plans do not provide detail on the height or the return of the parapet. The Project shall comply with this standard.</p> <p>No mechanical equipment is proposed on the rooves of the structures.</p>		
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p> <p>(B) WINDOW</p>	<p>The requirement is “Those buildings on lots with 75 feet or less of street frontage which are built to the street property line shall have a minimum 25 percent of the building facade on the ground floor devoted to window treatment.”</p> <p>Not applicable to the Project.</p>	Yes	
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p> <p>(A) BUILDING</p>	<p>The requirement is “<i>All facades visible to the public and surrounding neighbors must be designed, treated and finished in a manner compatible with the other visible sides of the building.</i>”</p> <p>The proposed elevation plans show building facades visible to the street having similar façade design using similar exterior materials (stucco, “s” tiles)</p>	To Be Determined	The project maintains consistency with this standard at the Formal Application stage.
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p> <p>(B) VARIATION ON PLANE</p>	<p>The requirement is “<i>All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.</i>”</p> <p>The proposed building frontage is shown along South Mariposa Street. The submitted plans show multiple plane breaks across the building façade, as well as balconies, and awnings that provide visual interest and variation.</p> <p>The Project shall remain consistent with this objective standard.</p>	Yes	The project maintains consistency with this objective standard at the Formal Application stage.
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p>	<p>The requirement is “<i>Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.</i>”</p> <p>There is one pedestrian entrance to the proposed building from South Mariposa Street which is located approximately 24 feet behind the building</p>	To Be Determined	The Project maintains consistency with this standard at the Formal App stage.

(E)ENTRIES	entrance is highlighted by entry stairs and columns. Additionally, the doors are designed with intricate paneling, The Project shall remain consistent with this objective standard.		
10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS	<i>The requirement is “All appendages, awnings and marquees shall be flame resistant or erected with non-combustible materials and meet Uniform Fire Code requirements, and shall not protrude far enough to obstruct a ladder placed at ground level at a 70 degree angle to the building openings above the appendage, awnings or marquees.”</i> Applicant to show on elevation plans that this requirement will be met.	To Be Determined	Project meets this requirement. See elevation plans.
(C) APPENDAGES,			
10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS	The requirement is “Enclosures or landscape barriers must be provided wherever there is less than seven (7) feet vertical clearance below stairs. Front entry stair rails should be integrated into the overall building and site design. Thin section wrought iron and stair rails that have minimal form, mass or color reference to the design elements within the facades are discouraged. Open risers are prohibited.” Project shall comply with this requirement. If there are exterior stairs, sections of these stair areas shall be provided showing compliance.	To Be Determined	
(D) EXTERIOR			
10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS	The requirement is “Trash bins shall not be located in any required front or street side yard, but may be permitted within the required interior side and rear yards. Trash enclosures shall be recessed or within the structure, or enclosed by a six (6)foot high masonry wall on three (3) sides and have a solid permanent metal gate(s). Doors and gates of trash enclosures cannot swing out into any public right-of-way. If the lot abuts an alley, the trash bin must be directly accessible from the alley.” Project plans indicate the trash enclosure is located on the subterranean level within the building. The standard is met.	Yes	
(E) LOCATION AND SCREENING			
10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS	The requirement is “Except as otherwise provided for property located at an intersection, the height of walls, fences and hedges may not exceed: a. Three (3) feet above the finished grade of the lot within any required front yard and within the required side yard on the street side of a corner or reverse corner lot; provided, however, that where a parking lot abuts or is across the street from a residential zone, a six (6) foot high masonry wall may be constructed within the required front yard and within the required side yard on the street side of a corner or reverse corner lot to the extent specified in Article 14, Division 4 of this Chapter or in a Conditional Use Permit granted by the Board or the Council.	To Be Determined	
(J) FENCES AND WALLS (1)			

	<p><i>b. Eight (8) feet above the finished grade of the lot within any yard area behind the required front yard or required side yard on the street side of a corner or reverse corner lot except cutoff area.</i></p> <p>Where topographic features or other conditions create an unnecessary hardship the Building Director may permit these height limits to be exceeded, provided the modification will not have a detrimental effect upon adjacent properties or conflict with architectural characteristics of the surrounding neighborhoods.”</p> <p>Applicant to comply with the fence/wall requirements. Site plan shall call out the proposed wall/fence location, height from natural grade, and material.</p>		Refer to fence/wall details on Page 26 and L-3 of the plans.
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p> <p>(D) FENCES AND WALLS</p>	<p>The requirement is <i>“All fences and walls must comply with the corner cutoff provisions of Section 10-1-1303.”</i></p> <p>Project to comply with corner cut-off regulations.</p>	To Be Determined	
<p>10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS</p> <p>(D) FENCES AND WALLS</p>	<p>The requirement is <i>“The requirements of this Subsection do not apply to security fencing maintained by a governmental entity.”</i></p> <p>Not applicable to Project.</p>	Yes	
<p>10-1-1114: ART IN PUBLIC PLACES</p>	<p>Applicant shall comply with City’s Art in Public Places regulations.</p>	To Be Determined	The project will comply with this section. See plans page 7 for proposed location of artwork.
<p>10-1-1115: ARCADE DEVELOPMENT REGULATIONS</p>	<p>Not applicable to Project.</p>	Yes	
<p>10-1-1116: ALCOHOLIC BEVERAGES - ON-PREMISES AND OFF-</p>	<p>Applicant shall comply with this Section if applicable.</p>	Yes	

PREMISES; CONDITIONAL USE PERMIT REQUIRED			
10-1-1117: BILLIARD PARLOR DEVELOPMENT STANDARDS	Not applicable to Project.	Yes	
10-1-1118: WIRELESS TELECOMMUNICATIONS FACILITIES. REGULATIONS AND DEVELOPMENT STANDARDS	Not applicable to Project.	Yes	
10-1-1120: ADULT BUSINESSES: REGULATIONS AND DEVELOPMENT STANDARDS	Not applicable to Project.	Yes	
10-1-1121: SHOPPING CART CONTAINMENT	Not applicable to Project.	Yes	
10-1-1122: EMERGENCY SHELTER DEVELOPMENT	Not applicable to Project.	Yes	
10-1-1123: TEMPORARY AID CENTER DEVELOPMENT STANDARDS	Not applicable to Project.	Yes	
ARTICLE 11.5. RESIDENTIALLY ADJACENT USES 10-1-1150: RESIDENTIALLY ADJACENT PROPERTY AND USES: PURPOSE AND	Project does not require compliance with this article. The property is a residential and does not propose any commercial or industrial uses.	To Be Determined	

<p>10-1-1151: RESIDENTIALLY ADJACENT USES - CONDITIONAL USE PERMIT REQUIRED FOR NEW LATE NIGHT BUSINESS AND NEW OUTDOOR</p>	<p>Not applicable to Project.</p>	<p>Yes</p>	
<p>10-1-1152: RESIDENTIALLY ADJACENT USES - ADMINISTRATIVE USE PERMIT REQUIRED FOR NEW LATE NIGHT</p>	<p>Not applicable to Project.</p>	<p>Yes</p>	
<p>10-1-1153: RESIDENTIALLY ADJACENT USES - DEVELOPMENT STANDARDS FOR NEW CONSTRUCTION</p>	<p>Not applicable to Project.</p>	<p>To Be Determined</p>	
<p>10-1-1154: RESIDENTIALLY ADJACENT USES - OPERATIONAL REQUIREMENTS FOR ALL</p>	<p>Not applicable to Project.</p>	<p>To Be Determined</p>	
<p>ARTICLE 12. GENERAL YARD AND SPACE STANDARDS</p> <p>10-1-1201: YARDS OPEN AND</p>	<p>The requirement is <i>“Every yard shall be open, unoccupied, and unobstructed vertically except for projections and encroachments authorized by this Code.”</i></p> <p>Project to comply with this requirement. See analysis for M-1 Zone setback requirements.</p>	<p>To Be Determined</p>	

10-1-1203: YARDS CANNOT SERVE OTHER BUILDINGS OR LOTS	<p>The requirement is <i>“No yard or open space area shall be used to meet the requirements of this chapter for more than one (1) structure, nor shall a yard or open space on one (1) lot be used to meet yard or open space requirements on any other lot unless the two (2) lots are owned by the same person and are developed as a single parcel.”</i></p> <p>The project proposes one structure on one lot. Project would be required to comply with this requirement.</p>	To Be Determined	
10-1-1204: REQUIREMENTS ON THROUGH LOTS	<p>The requirement is <i>“Front yards as required for the zone in which the lot is located shall be maintained at each end of a through lot.”</i></p> <p>Not applicable to Project.</p>	To Be Determined	
10-1-1205: UNDEDICATED STREETS	<p>The requirement is <i>“All land within the undedicated portion of a partially dedicated or future street shall remain open and unobstructed. Such land shall not be counted in meeting any yard and open space requirements of this chapter.”</i></p> <p>Project would have to comply with this requirement.</p>	To Be Determined	
10-1-1206: ACCESS TO UTILITY POLES	<p>Whenever a utility pole is situated on a lot, required yard areas shall be maintained to provide unobstructed access to the pole.</p> <p>Project to comply with utility requirements from City’s Public Works Department and BWP.</p>	To Be Determined.	
10-1-1211: MISCELLANEOUS ENCROACHMENTS (F) DEFINITION AND	<p>The requirement is <i>“The requirements of this Section apply to all non-residential zones only. For the purposes of this Section, “REQUIRED YARD” means the minimum yard depth as specified in this Chapter for the zone in which the lot is located. The encroachments specified herein are measured from the required setback line, not from the exterior wall of the structure.”</i></p> <p>Project site is zoned M-1. Project is required to meet this regulation.</p>	To Be Determined	
10-1-1211: MISCELLANEOUS ENCROACHMENTS (E) FIRE ESCAPES	<p>The requirement is <i>“Fire escapes may project into any required yard not more than four (4) feet but shall not reduce the clear width of the yard to less than three (3) feet.”</i></p> <p>Project elevation plans or site plan do not call out fire escapes. Project would have to comply with the City’s Fire Department requirements.</p>	To Be Determined	
10-1-1211: MISCELLANEOUS ENCROACHMENTS	<p><i>“Eaves, cornices, canopies, belt courses, sills and other similar architectural features may project into any required front yard not more than four (4) feet, and may extend into a required side or rear yard not more than two (2) inches for each one (1) foot of the width of such required side or rear yard; provided, however, that where the required side yard is in excess of three (3) feet, eaves may project to within 30 inches of the side lot line. On corner lots and reverse corner</i></p>	To Be Determined	

(C) EAVES, CORNICES, CANOPIES, ETC.	<p><i>lots, eaves may not project more than three (3) feet into the required side yard abutting the side street.”</i></p> <p>The submitted plans must detail eaves, cornices, canopies and any other encroachments into the permitted front yard</p>		Refer to page 22 of the plans for encroachment details. The project includes an incentive request to address the encroachment of balconies into the front yard. Refer to the letter by Rand Paster & Nelson LLP for more information.
10-1-1211: MISCELLANEOUS ENCROACHMENTS (F) UNCOVERED PORCHES, PATIOS AND PLATFORMS	Eaves, cornices, canopies, belt courses, sills and other similar architectural features may project into any required front yard not more than four (4) feet, and may extend into a required side or rear yard not more than two (2) inches for each one (1) foot of the width of such required side or rear yard; provided, however, that where the required side yard is in excess of three (3) feet, eaves may project to within 30 inches of the side lot line. On corner lots and reverse corner lots, eaves may not project more than three (3) feet into the required side yard abutting the side street.	To Be Determined	
10-1-1211: MISCELLANEOUS ENCROACHMENTS (G) STAIRWAYS, HANDICAP RAMPS AND BALCONIES	<p>The requirement is “Open, unenclosed stairways, handicap ramps or balconies not covered by a roof or canopy may project into a required front yard not more than four (4) feet. On corner lots and reverse corner lots, open, unenclosed stairways, handicap ramps or balconies not covered by a roof or canopy may project into the required side yard abutting the side street not more than three (3) feet.”</p> <p>According to Project plans, stairways are located inside proposed building. Balconies are covered and designed to be part of proposed building. These standards would be required for uncovered balconies, and unenclosed stairways and ramps.</p>	NO	This comment does not apply to the proposed project.
10-1-1211: MISCELLANEOUS ENCROACHMENTS (H) PORTE-	<p>The requirement is “<i>Porte-Cocheres may extend into a side yard but are limited to 25 feet in length along the side lot line.</i>”</p> <p>The Project does not propose a porte-cochere.</p>	Yes	
10-1-1211: MISCELLANEOUS ENCROACHMENTS (I) UTILITY POLES	<p>The requirement is “<i>Utility poles servicing the property may extend into the side yard two (2) feet from the lot line.</i>”</p> <p>Utility poles are not proposed for the Project.</p>	Yes	
10-1-1211: MISCELLANEOUS ENCROACHMENTS	<p>The requirement is “<i>Garage doors shall not, when open or being opened, project beyond any lot line</i>”</p>	Yes	

(H) GARAGE	According to the Project plans, the garage doors do not project beyond any lot line.		
10-1-1211: MISCELLANEOUS ENCROACHMENTS (J) ACCESSORY APPLIANCES	<p>The requirement is “When approved by the City Planner, accessory appliances such as swimming pool equipment, water heaters, air conditioning equipment and the like may be located in any side or rear yard provided they do not prevent passage through such side or rear yard and are covered or concealed in such a manner as to not be objectionable when viewed from adjoining property.”</p> <p>The site plan shows approximate locations of proposed mechanical equipment. The Project shall comply with this requirement.</p>	To Be Determined	
10-1-1211: MISCELLANEOUS ENCROACHMENTS (A) CHIMNEYS	<p>The requirement is “Chimneys may extend into a required side yard to a distance of not less than 30 inches from the side lot line, provided, however, that on corner lots and reverse corner lots, chimneys may not project more than two (2) feet into the required side yard abutting the side street.”</p> <p>According to the Project plans, there are no proposed chimneys.</p>	Yes	
ARTICLE 13. GENERAL HEIGHT STANDARDS DIVISION 1. HEIGHTS FOR BUILDINGS, WALLS AND FENCES 10-1-1301: EXCEPTIONS TO BUILDING HEIGHT LIMITS	<p>The requirement is “This Section applies to all zones except the R-1 and R-1-H zones. Height limits for the R-1 and R-1-H zones are specified in Section 10-1-603. Except as otherwise provided, skylights, fire and parapet walls, chimneys, ventilating fans, antennas (except personal wireless telecommunication facilities), tanks, flagpoles, penthouses or roof structures for housing elevators, lofts, stairways, air conditioning or similar equipment, and other appurtenances usually required to be placed above a building to operate and maintain it may be erected up to 15 feet above the height limits prescribed in this chapter, but no penthouse or roof structure shall be allowed for the purpose of providing additional floor area. A Conditional Use Permit is required if the appurtenance exceeds the height limit by more than 15 feet. Rooftop mechanical, storage and building circulation facilities are excluded from height limits, provided that these facilities do not occupy more than one-third (1/3) the area of the roof, are located in the interior of the roof area, and are screened so as to minimize pedestrian level view from public streets or from any neighboring residential uses. A Conditional Use Permit is required if the appurtenance is more than one-third (1/3) the area of the roof. Appurtenances do not include roof forms and architectural features which are not required to operate or maintain a building, such as ornamental towers, spires, steeples, belfries and cupolas.”</p> <p>Refer to the Project’s building height analysis in accordance with the M-1 Zone.</p>	To Be Determined	
10-1-1303: CORNER CUTOFF	The requirement is “No structure, object, or feature, including but not limited to fences, walls, and hedges, may be erected or maintained in any zone below a height of ten (10)	To Be Determined	

	<p><i>a height of three (3) feet above the finished ground surface within a corner cutoff area. The corner cutoff area is defined by a horizontal plane making an angle of 45 degrees with the front, side, or rear property lines as the case may be, and passing through points as follows:</i></p> <p><i>A. STREETS.</i></p> <p><i>At intersecting streets, ten (10) feet from the intersection at the corner of a front or side property line.</i></p> <p><i>B. ALLEYS.</i></p> <p><i>At the intersection of an alley with a street or another alley, ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.</i></p> <p><i>C. DRIVEWAYS.</i></p> <p><i>At the intersection of a driveway with a street or alley, five (5) feet from the edges of the driveway where it intersects the street or alley right-of-way.</i></p> <p><i>Provide the corner cut-off dimensions and areas on the site plan for the street-street intersections and the street-driveway intersections.</i></p>		Please refer to project plans for further details.
<p>DIVISION 2. HEIGHTS SURROUNDING BOB HOPE AIRPORT</p> <p>10-1-1305 through 10-1-1309</p>	<p>The Project site is located in Zone 5 according to the City’s FAA Filing Requirement Map, which requires FAA Notice for all structures with height at</p> <p><i>The proposed building heights does not exceed 200 feet.</i></p>	Yes	
<p>ARTICLE 14. GENERAL OFF-STREET PARKING STANDARDS</p> <p>DIVISION 1. GENERAL PROVISIONS</p> <p>10-1-1401: PARKING SPACE DIMENSIONS</p>	<p><i>Residential Use: 8’-6” minimum width</i> <i>Retail and Services Commercial: 9’-0” minimum width</i></p> <p><i>The minimum width of parking spaces adjacent to walls, columns, or other vertical shall be determined by standards established by the Public Works Director.</i></p> <p><i>PARKING BAY WIDTHS FOR TWO-WAY TRAFFIC AND DOUBLE LOADED AISLES</i></p> <p><i>Minimum Stall Length = 18’-0”</i></p>	To Be	

	<p>8'-6" width (90 degree angled parking): 63' - 4"</p> <p>9'-0" width (90-degree angled parking): 61' - 4"</p> <p>Project plans should show the dimensions of the subterranean parking spaces.</p>		Please refer to Parking Plan on Page 9 of the project plans.
10-1-1403: INGRESS AND EGRESS; BACKING INTO HIGHWAY	The proposed Project would not require vehicles to back out into major or secondary highways.	Yes	
10-1-1404: TANDEM PARKING	This section is superseded by Section 10-1-624 which permits tandem parking spaces to be used on as designated parking for units providing more than 1 parking space (10-1-624(I)(4))	Yes	
10-1-1405: PARKING OR STORING AIRPLANES, BOATS, VEHICLES, ETC. WITHIN CERTAIN YARDS IN	Project site is zoned M-1.	Yes	
10-1-1405.5: BICYCLE PARKING SPACES	8 bicycle parking spaces are proposed (6 long-term and 2 short-term). This standard is met.	Yes	
10-1-1406: SITE PLAN	The requirement is <i>"A site plan containing a detailed parking arrangement accurately dimensioned, showing individual parking spaces, aisles and driveways indicating adequate ingress and egress, as well as location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking, as provided in Article 19, Division 2 of this chapter, shall be submitted to the Building Director when application is made for a building permit requiring compliance with this article. The site plan shall be referred to the Building Director for approval."</i>	Yes	
10-1-1407: USE OF VACANT LOTS IN RESIDENTIAL AND COMMERCIAL ZONES FOR PARKING	Not applicable to the Project.	N/A	

10-1-1407.01: USE OF PARKING AREAS FOR STORAGE	<p>The requirement is <i>“All required parking shall be used solely as customer and employee parking of motorized vehicles. No required parking shall be used for the temporary or permanent storage of any other motor vehicles, or any products or materials for production, repair, sale or lease.”</i></p> <p>Not applicable to the Project.</p>	N/A	
10-1-1407.1: CENTRAL BUSINESS DISTRICT DOWNTOWN PARKING AREA	Not applicable to the Project.	N/A	
DIVISION 2. PARKING REQUIREMENTS 10-1-1408: SPACES REQUIRED	<p>The requirement is <i>“Residential Uses: As provided for each residential zone in Article 6 of this chapter.”</i></p>	To Be Determined	
10-1-1409: WAIVER WITHIN A PARKING DISTRICT	Not applicable to Project.	N/A	
10-1-1410: WAIVER AS TO EXISTING	Not applicable to Project.	N/A	
10-1-1411: MUST SERVE ONE USE; EXCEPTIONS	<p>The requirement is <i>“Off-street parking for one use shall not be considered as providing required off-street parking for any other use, except as expressly authorized by this article.”</i></p>	Yes	
10-1-1413: MEASUREMENT OF DISTANCES	<p>The requirement is <i>“The distance of off-street parking from the building it is required to serve shall be based upon the shortest walking distances from the nearest point of the off-street parking to the nearest point of the building or use served.”</i></p> <p>The Project proposes a semi-subterranean parking garage located underneath the residential dwellings.</p>	Yes	
10-1-1414: OFF-SITE PARKING AGREEMENT FOR NON-SHARED AND EXCLUSIVE PARKING	Project is not proposing off-site parking. Not applicable to Project.	N/A	

10-1-1415: SHARED PARKING AGREEMENT – ON OR OFF-SITE			
10-1-1416: APPLICABILITY OF PARKING AREA REQUIREMENTS	The requirement is <i>“The requirements of Sections 10-1-1417, 10-1-1421, and 10-1-1422 apply to all parking areas located in all zones. The requirements of Sections 10-1-1417.1 through 10-1-1420 inclusive apply to all parking areas located in 1) all non-residential zones and 2) in residential zones which provide parking for uses located in a non-residential zone.”</i>	To Be Determined	
10-1-1417: PARKING LOT DESIGN STANDARDS	Not applicable to Project.	N/A	
10-1-1417.1: SETBACKS AND WALLS	Project proposes subterranean-level parking spaces which are completely screened from public view.	Yes	
10-1-1417.2: PARKING LOTS ABUTTING AND ADJACENT TO RESIDENTIAL ZONES	Not applicable	N/A	
10-1-1418: LANDSCAPING	Not applicable	N/A	
10-1-1419: PARKING STRUCTURES	Not applicable	N/A	
10-1-1420: LIGHTING	The requirement is <i>“All off-street parking areas shall be provided with lighting as follows: 12. Lights conforming to standards prescribed by the Public Works Director shall be installed in all nighttime parking lots used for public parking or for commercial purposes. 13. All lighting shall be arranged to prevent glare or direct illumination on adjoining properties and streets.”</i>	To Be Determined	
10-1-1421: MAINTENANCE	Applicant to make sure the parking area is in good condition for the life of the development.	To Be Determined	
10-1-1422: PREREQUISITES TO IMPROVEMENT AND USE	Applicant to make sure applicable city permits are obtained for parking area improvements.	To Be Determined	

<p>ARTICLE 15. GENERAL OFF-STREET LOADING STANDARDS</p> <p>10-1-1501: LOADING SPACES REQUIRED</p> <p>10-1-1502: LOADING SPACE DIMENSIONS</p> <p>10-1-1503: LOCATION OF AND ACCESS TO</p>	<p>Not applicable to the Project.</p>		
<p>ARTICLE 16. GENERAL VEHICULAR ACCESS STANDARDS</p>	<p>The requirement is <i>“Every lot shall be provided with permanent vehicular access to a street or an alley upon which it abuts.”</i></p> <p>The Project site would provide vehicular access from Mariposa Street.</p>	<p>Yes</p>	
<p>10-1-1602: CURB CUTS</p>	<p>The requirement is <i>“No vehicular access way shall be located nearer than 30 feet to the ultimate curb lines of an intersecting street, nor be provided with a curb cut of more than 18 feet in residential zones and 30 feet in other zones. The Public Works Director may permit a curb cut of not more than 38 feet in nonresidential zones if the adjacent parking area is provided with an internal circulation pattern requiring two (2)-way vehicular movement in the driveway. Curb cuts on the same lot shall be separated by at least 20 feet of uncut curb. In residential zones, each lot is limited to one curb cut for each 100 feet of street frontage along any one street except that lots with less than 100 feet of street frontage may provide one curb cut. Minor deviations from the foregoing standards may be authorized by the Public Works Director to accommodate the safe ingress and egress of vehicles.”</i></p> <p>Project plans indicate that the vehicular access way is located more than 30 feet away from Valleyheart Drive. The project is located in the M-1 Zone and the curb cut is approximately 40 feet wide which is not permitted. The plans must show a curb cut that is less than 30 feet,</p>	<p>No</p>	<p>Please refer to Site Plan on Page 7 of the project plans. Curb Cut is proposed at 30’ width.</p>
<p>10-1-1603: DRIVEWAY WIDTH</p>	<p>The requirement is <i>“Every driveway shall be at least 10 feet wide, and a maximum as approved by the Director.”</i></p>	<p>Yes</p>	

	Proposed Project meets this standard.		
10-1-1604: DRIVEWAY SLOPES	The requirement is <i>“The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent. A grade transition shall be provided at each end of a driveway or driveway ramp in accordance with standards prescribed by the Public Works Director.”</i>	Yes	
10-1-1605: PROTECTIVE BARRIER IN NONRESIDENTIAL ZONES	The requirement is <i>“Where a vehicular access is provided to a street in a nonresidential zone, a barrier consisting of a three (3) foot high masonry wall, or such other protective barrier as may be approved by the Director, shall be constructed along the remaining street frontage of the lot to prevent unchanneled motor vehicle ingress or egress to the property. In commercial zones, the protective barrier shall also have the same aesthetic screening effect as a block wall, as approved by the Director.”</i>	To Be Determined	Refer to fence/wall details on Page 26 and L-3 of the plans.
10-1-1606: TURN AROUND AREAS	The requirement is <i>“A 24 foot turning radius shall be provided for access to driveways and right-angle parking stalls.”</i> The project plans must show a 24-foot turning radius for garage access areas and open parking spaces.	To Be Determined	Please refer to Project Plans Page 9.
10-1-1607: APPROVAL BY PUBLIC WORKS DIRECTOR	The requirement is <i>“All vehicular accessways to the street must be approved by the Public Works Director.”</i> The Project would have to comply with this requirement.	Yes	
10-1-1608: DRIVE-THROUGH RESTAURANTS 10-1-1609: RESIDENTIALLY ADJACENT DRIVE-THROUGH ESTABLISHMENTS	Not applicable to Project.	N/A	

Article 17. PROTECTION AGAINST NUISANCES 10-1-1701-1707	Project shall comply with the standards of this article.		
DIVISION 8. TRANSPORTATION DEMAND MANAGEMENT	Not applicable to the project		
Article 24. RANCHO MASTER PLAN ZONES			
Division 2 – 7 (NB – RBP Zones)	Not applicable to the project		
Division 9. Commercial Stables	This division is not applicable to the project.		
DIVISION 5. AFFORDABLE HOUSING INCENTIVES 10-1-633 through 10-1-653	Applicant is applying for a density bonus project in accordance with State law and Burbank Municipal Code (BMC). Project is not subject to the City’s Inclusionary Housing Ordinance.	Yes	
BURBANK GENERAL PLAN 2035			
Policy 1.8	Ensure that development in Burbank is consistent with the land use designations presented in the Land Use Plan and shown on the Land Use Diagram, including individual policies applicable to each land use designation. The proposed project is consistent with the Rancho Commercial Land Use designation which allows for a variety of low-intensity multi-family residential and commercial uses.	Yes	
Policy 2.3	Require that new development pay its fair share for infrastructure improvements. Ensure that needed infrastructure and services are available prior to or at project completion.	Yes	

