



**COMMUNITY
DEVELOPMENT**

October 13, 2022

ANDREEA OANCEA
1024 BETHANY RD
BURBANK, CA 91504

VIA EMAIL: AOANCEA@AMGEN.COM

**RE: Notice of Decision – Approval
Project No. 21-0005922 – Hillside Development Permit
1024 Bethany Road**

Dear Ms. Oancea:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (HDP) to legalize after the fact an existing 224 sq. ft. storage shed for pool equipment above an existing concrete patio in the rear yard of an existing single-family house. Enclosed is the approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Board within 15 days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or 5:00 p.m. on August 25, 2022.

If you have any questions concerning this letter, please contact me by phone at (818) 238-5250 or by email at jpangilinan@burbankca.gov.

Sincerely,

JOSEPH PANGILINAN
Assistant Planner
Community Development Department

Community Development Department Director's Decision

DATE: October 13, 2022

PROJECT TITLE: Project No. 21-0005922 – Hillside Development Permit

PROJECT ADDRESS: 1024 Bethany Rd.

APPLICANT: Andreea Oancea

PROJECT DESCRIPTION: The project proposes to legalize an existing one-story, 224 sq. ft. storage shed on a previously approved concrete pad in the rear yard of an existing single-family house.

ZONING: R-1 **GENERAL PLAN:** Low Density Residential

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code. The approved plans show and conditions of approval ensure that the storage shed will be modified so it will not encroach upon the required rear and side yard setback areas. The proposed shed will also comply with accessory structure setback plane requirements with no portion of the proposed shed encroaching based upon a plane drawn from a point six feet high and three feet from the rear and side property line extending inward from each side and rear property line at a 45 degrees angle from the horizontal.

ENVIRONMENTAL REVIEW: This project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303(e) Class 3 of the CEQA Guidelines pertaining to new construction or conversion of small Structures such as fences and accessory structures.

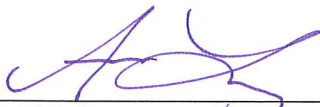
DATE SIGN POSTED ON-SITE: October 3, 2022

DATE PUBLIC NOTICE MAILED: September 22, 2022

DATE OF DIRECTOR'S DECISION: October 13, 2022

END OF APPEAL PERIOD: October 28, 2022

Joseph Pangilinan, Assistant Planner
Planning Division (818) 238-5250



Patrick Prescott, Community Development Director

HILLSIDE DEVELOPMENT PERMIT NO. 21-0005922
(1024 Bethany Rd. – Andreea Oancea, Applicant/Property Owner)

Findings for Granting a Hillside Development Permit

The Community Development Director finds the proposed project satisfies the requisite findings contained in the Burbank Municipal Code Section 10-1-607(D) necessary for approval of the Hillside Development Permit, subject to the attached conditions of approval.

- 1) *The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.*

The Project is a request for an after-the-fact approval of a one-story storage shed on an existing building pad in the back yard of an existing single-family dwelling. Due to the location of the shed, it will have no impact on pedestrian circulation and safety or the existing traffic circulation in the surrounding neighborhood.

- 2) *The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.*

The one-story, 224 square-foot shed was built on a legally established concrete building pad in the back yard, and no additional grading was performed to construct the shed. The small one-story structure will be reasonably consistent with the natural topography of the surrounding hillside, as there will be no additional grading taking place as part of the project.

- 3) *The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.*

The shed was built on top of an existing legally permitted building pad in the back yard and no alterations were made to the hillside topography as part of the project.

- 4) *The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from neighboring properties, including both downslope and upslope views.*

The one-story, 224 square-foot shed has an angled flat roof and based upon staff's inspection of the structure from the subject property and the directly adjacent property, it will not have an unreasonable impact on surrounding upslope or downslope views of

properties in the surrounding neighborhood. A view study conducted by City Staff (Exhibit A) illustrates that the shed will not significantly affect upslope and/or downslope views from neighboring properties. The location of the shed, abutting the hillside, and overall height of the proposed shed, significantly minimizes the impact of the proposed home on the views of neighboring properties. Based on the results of view impact analysis the proposed Project will not unreasonably encroach upon the scenic views of surrounding properties.

- 5) *For the purpose of evaluating required finding (4) above, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director or his/her designee and contain all information and documentation deemed necessary by the Director for the purpose of analyzing view impacts and establishing setback lines for view determination to Section 10-1-606(E). This study is separate from the Ridgeline setback analysis required by Section 10-1-606(D).*

The Hillside Development Permit application requests to legalize an existing storage shed built on a permitted concrete building pad in the back yard of an existing single-family dwelling in the Hillside Area. A separate view study was not required, as the shed is already constructed. Upon staff's review of the shed and surrounding context, not will not unreasonably impact to the primary and secondary views of properties in the surrounding neighborhood. To further mitigate the little visual impact and any privacy concerns of the proposed shed to the neighbors abutting the rear yard, a condition of approval has been imposed requiring hedges to be planted to be at the same height of the proposed shed.

In conducting a review to identify potential view impacts, City staff conducted site visits at neighboring properties on July 2022 (1018 Bethany Rd, 1030 Bethany Rd, 1029 Cornell Dr.) and confirmed that the Project would not reasonably impact the views of properties in the surrounding neighborhood. This is a result of the shed having a height of 10'-8", which is well in line with height limits for accessory structures in lots zoned R-1. During the site visit, staff found that the existing shed encroaches upon the required rear yard setback of 3'-0" as well as public utility easement that extends 5'-0" from the rear property line. To ensure that the project complies with setback requirements, a Condition of Approval has been applied that would require the shed to be modified to conform to the 5'-0" rear yard setback as shown on the approved plan set.

A view study conducted by City Staff (Exhibit A) illustrates that the shed will not significantly affect upslope or downslope views from neighboring properties.

- 6) *The view impacts of the proposed project must be considered by the Director, or Planning Board or City Council if appealed, and may be used as a basis for requiring modifications to a project or denying a Hillside Development Permit due to inability to make the required finding:*

A view study conducted by City Staff (Exhibit A) illustrates that the already-built shed will not significantly affect the upslope or downslope views from neighboring properties. The shed has been determined to have negligible impacts on the primary views of the neighboring properties.

**HILLSIDE DEVELOPMENT PERMIT – NO. 21-0005922
(1024 Bethany Rd. – Andreea Oancea, Applicant/Property Owner)**

PLANNING DIVISION

1. Project No. 21-0004931, Hillside Development Permit, approves the construction of a 224 sq. ft. storage shed for pool equipment on an existing legally established concrete patio in the rear yard of an existing single-family house. The property is located at 1024 Bethany Rd.
2. This permit is granted per the plan set on file with the Planning Division dated August 10, 2022. The project shall substantially conform to the approved plans, except as otherwise specified in these conditions. Any proposed modifications to the design or materials of the wall shall be reviewed and approved by the Community Development Director or designee prior to construction.
3. The applicant/property owner shall install hedges with a maximum height consistent with the shed height of 10'-8" feet as measured from the abutting grade between the proposed shed and the rear property line to ensure that the shed is screened from the rear neighbor's view.
4. The shed shall remain in substantial conformance with the request and with the approved plans and application materials on file in the office of the Planning Division.
5. The shed shall conform to the 5'-0" rear yard setback and minimum 3'-1" side yard setback as shown on the approved plan set
6. All trees, shrubs and other landscaping along the rear property line shall not exceed the height of the shed (10'-8" as measured from the lowest adjacent grade.
7. This permit/approval may be modified or revoked by the City should it be determined that the proposed use as permitted by this approval or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to

property or improvements in the vicinity or if the use is maintained so as to constitute a public nuisance.

8. This permit/approval shall automatically expire 12 months after the approval date (expires on August 11, 2023) unless applicant has diligently submitted application(s) for a building permit(s) and, upon permit issuance, has modified the walls to comply with these permit conditions.

BUILDING DIVISION

1. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2019 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.
2. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building Division at 818-238-5220 or via email at building@burbankca.gov.
3. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
4. All Departments that have provide Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.
5. Separate Permits will be required for the following:
 - a. Grading & Shoring
 - b. Architectural & Structural
 - c. Pool, Spa, & Equipment
6. Project lies within the City of Burbank Mountain Fire Zone.
 - a. All construction is required to meet Burbank Municipal Code 9-1-1-701A.1.1
7. A Civil plan is required showing the proposed changes to the site grading to accommodate the garage and driveway. Topographical contour lines are to be indicated, showing existing and proposed contours.
8. Grading and drainage plans may be required, and a separate Grading & Shoring Permit may be required. Geotechnical report to be submitted along with Grading & Shoring Permit Application.

9. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
10. A stamped setback certification by a Licensed Surveyor will be required to certify the location of the new construction in relation to the setbacks prior to the first foundation inspection.
11. New construction projects within the City of Burbank are subject to MWELo review.

New landscape areas for residential and non-residential projects between 500 and 2,500 square feet requiring a building or landscape permit, plan check or design review will be required to complete, either a Performance or Prescriptive Compliance Method. Full house demolition will require MWELo review, either prescriptive or performance, no exceptions.
12. A CF1R energy report will be required, and design team is required to review and coordinate all values with those shown on Plans, Elevations, Sections, and Window Schedules.
13. The California Division of Mines and Geology Active Fault Near-Source Zones Map for Burbank indicates the city is within 2 km - 5 km of the Verdugo and Hollywood Faults. Structural design of construction projects must address the impact of the Near-Fault Zones.
14. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
15. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.
16. Plans submitted for plan check must be stamped by State-licensed architect or engineer unless the project is one of the following listed below and complies with conventional light wood frame construction requirements in the CBC:
 - Wood-framed, single-family dwellings not more than two stories in height;
 - Wood-framed, multi-family dwellings not more than two stories in height, and limited to four dwelling units per parcel;
 - Wood-framed, garages or accessory structures for single-family dwellings not more than two stories in height;
 - Non-structural or non-seismic storefronts, interior alterations or additions.

17. A Building Permit may be issued to the Property Owner provided that the work is limited to:

- A single-family dwelling of wood frame construction not more than two stories and a basement in height.
- Garages or other structures appurtenant to single-family dwellings of wood frame construction not more than two stories and basement in height.
- Nonstructural or non-seismic alterations or additions.

18. Approved hours of construction are:

Monday – Friday 7:00 am to 7:00 pm

Saturday 8:00 am to 5:00 pm

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

PUBLIC WORKS DEPARTMENT

9. The proposed new storage shed will conflict with the 5 ft Public Utility Easement. The applicant will need to revise the south side setback minimum 5 ft from the rear property line to clear 5 ft Public Utility Easement and overhead primary lines. BWP can provide electric service of 400 amps or less to the property. Contact the Residential Service Planner at 818-238-3647 to obtain a confirmation of electric service for permanent power.

10. Prior to final plan approval, contact the Residential Service Planner to determine the new service location and to discuss BWP's electric service requirements. A load schedule should be provided at that time. No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].

11. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

12. No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these

appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1].

13. Show the width and location of all existing and proposed easements [BMC 9-1-1-3203]. Plans must show 7.5' public utility easement at rear of property.
14. Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works EXCAVATION PERMIT is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>
15. The following must be completed prior to the issuance of a Building Permit:
 - a. Public Works Permit Division to verify and sign off that the 7.5' public utility easement is cleared of any existing and/or proposed permanent structures prior to the start of construction.
 - b. A Public Works "Right-of-Way Protection" Permit is required to verify the proposed fence location is not encroaching into the public right-of-way.
16. The following must be completed prior to issuance of Certificate of Occupancy:
 - c. Provide verification from the City of Burbank, Building Division showing the 7.5' public utility easement is cleared of all permanent structures at the rear of the property after construction is completed.
 - d. Any portion of the public parkway (sidewalk, curb, gutter, driveways, landscape, etc.) that is broken, uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. The repairs and/or reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Excavation Permit [BMC 7-3-501].
17. Access gates may not swing open into the public right-of-way [BMC 7-3-701.1].
18. If any utility cuts or construction related impacts are made on Amherst Drive adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
19. Additional impacts to street triggered by this project could extend the paving restoration limits.
20. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.

21. Clearly identify limits of the proposed work. It is unclear from the site plans if the work encroaches into the existing easement behind the property where the existing City sewer main is located.
22. Permanent structures are not permitted in easements.
23. Per BMC 9-3-407, Best Management Practices shall apply to all Construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.
24. No visual obstructions shall be erected or maintained in the 5' by 5' visibility cut-off above 3' high or below 10' high at the intersection of street/alley and driveway. Such requirement applies to all driveways [BMC 10-1-1303(C)].

PARKS AND RECREATION

1. Do not remove any Street/Parkway Trees.
2. Do not remove any trees on any property for this project. Tree protection zones will need to be in place prior to any construction.

X _____
Signature of Applicant/Permitee

X _____
Signature of Property Owner

