



**COMMUNITY
DEVELOPMENT**

November 4, 2022

JOSHUA HACKBARTH
1115 EAST ELMWOOD AVENUE
BURBANK, CA 91501

VIA EMAIL: JOSHUA.HACKBARTH@GMAIL.COM

**RE: Notice of Decision – Approval
Project No. 21-0001956 – Hillside Development Permit
1115 East Elmwood Avenue**

Dear Mr. Hackbarth:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (HDP) to Permit construction of a new 1,098 square foot second story, a new 117 square-foot rear patio on the ground floor, and an 87 square-foot front porch on an existing single-family zoned property. 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 decision date, 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 November 15, 2022.

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

Sincerely,

DANIEL VILLA
Senior Planner
Community Development Department

Community Development Department Director's Decision

DATE: October 31, 2022

PROJECT TITLE: Project No. 21-0001956 – Hillside Development Permit

PROJECT ADDRESS: 1115 East Elmwood Avenue.

APPLICANT: Joshua Hackbarth

PROJECT DESCRIPTION: The project proposes construct a new 1,098 square foot second story, a new 117 square-foot rear patio on the ground floor, and an 87 square-foot front porch on an existing 10,205 square foot lot. The proposed height of the second-story structure would be 23' – 6" high. The subject property is located in the R-1, Single Family Residential, zone in the Hillside area.

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

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code. The proposed floor area counted towards Floor Area Ratio (FAR) is 2,698 SF, within the maximum allowed floor area of 3,811.5 SF. The proposed lot coverage is 21 percent, within the maximum allowable of 50 percent. The first and second story additions comply with all applicable setback requirements, including upper story setbacks as identified in Section 10-1-603(E) of the Burbank Zoning Code. Additionally, the project complies with all applicable height, parking and design requirements.

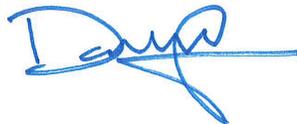
ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) pertaining to the construction of one single-family residence in a residential zone.

DATE SIGN POSTED ON-SITE: September 30, 2022

DATE PUBLIC NOTICE MAILED: October 17, 2022

DATE OF DIRECTOR'S DECISION: October 31, 2022

END OF APPEAL PERIOD: November 15, 2022



Daniel Villa, Senior Planner
Planning Division (818) 238-5250

For, Patrick Prescott, Community Development Director

HILLSIDE DEVELOPMENT PERMIT NO. 21-0001956
(1115 East Elmwood Avenue – Joshua Hackbarth, 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 existing vehicle and pedestrian access to the house and other structures will not be significantly modified or impacted by the Project. The proposed improvements would add floor area to the existing first story and would create a second story. Access to the existing parking garage would remain the same and the primary access to into the home remain off East Elmwood Avenue. This finding can be made.

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

The project proposes to construct a new 1,098 square foot second story, a new 117 square-foot rear patio on the ground floor, and an 87 square-foot front porch. All of the improvements are proposed on an existing flat area of the property. Additionally, a majority of the improvements are located directly above the footprint of the existing home. As all of the property is relatively flat, the property owner is proposing a second story addition as permitted by the Burbank Municipal Code, the proposal is similar to other 2-story homes in the surrounding area, and no grading is proposed as part of the Project, this finding can be made.

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

The project proposes to construct a new 1,098 square foot second story, a new 117 square-foot rear patio on the ground floor, and an 87 square-foot front porch. All of the improvements are proposed on an existing flat area of the property. Additionally, a majority of the improvements are located directly above the footprint of the existing home. No grading is proposed as part of the Project. This finding can be made.

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.*

As identified in a View Study prepared for this project, due to the placement and size of the proposed second story the structure will not unnecessarily or unreasonable encroach on the scenic views from the neighboring properties. The view impacts of the proposed project have been analyzed by staff using story poles and photographs taken during site visits conducted on September 2, 2022, and October 6, 2022.

5) *For the purpose of evaluating required finding (d) 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 their 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 pursuant to Section [10-1-606\(E\)](#). This study is separate from the Ridgeline setback analysis required by Section [10-1-606\(D\)](#).*

The applicant installed story poles on August 11th, 2022, at the subject property that outlined the frame of the home (i.e., sidewalls, top of plate, and top of ridge) in the location where the proposed improvements will be located; these story poles were installed and certified for accuracy by a licensed surveyor. September 30th, 2022, City Staff mailed out story pole installation letters to residents and property owners of neighboring properties located within the immediate vicinity of the project site, notifying them of the reason the story poles were installed on the project site and asking for public feedback. Staff received correspondence from one (1) surrounding property owner – the property owner at 1107 East Elmwood Avenue.

As part of the view study, City Staff conducted a site visit at the subject property on September 2nd, 2022. Additionally, staff conducted a subsequent site visit on October 6th, 2022, at a surrounding property (1107 East Elmwood Avenue) where an owner was concerned about potential view impacts. Pictures of the story poles as viewed from 1107 East Elmwood Avenue were captured to assess potential view impacts of the development – these pictures are included as part of the View Study.

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 findings.*

A View Study conducted by City Staff illustrates that the proposed home will not significantly affect upslope and downslope views from neighboring properties. The view impacts of the proposed project have been analyzed by staff using photographs taken during site visits conducted on September 2, 2022, and October 6, 2022. The proposed

project has been determined to have negligible impacts to the neighboring properties with respect to views.

HILLSIDE DEVELOPMENT PERMIT NO. 21-0001956
(1115 East Elmwood Avenue – Joshua Hackbarth, Applicant/Property Owner)

PLANNING DIVISION

1. Project No. 21-0001956, Hillside Development Permit, approves a new 1,098 square foot second story, a new 117 square-foot rear patio on the ground floor, and an 87 square-foot front porch on an existing 10,205 square foot lot. The proposed height of the second-story structure would be 23' – 6" high. The subject property is located in the R-1, Single Family Residential, zone in the Hillside area.
2. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on October 31st, 2023), unless the Property Owner has diligently developed the proposed project as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements.
3. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and project plans stamped approved on October 31st, 2022 and placed on file in the office of the Planning Division.
4. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
5. This permit may be modified or revoked by the City should the determination be made that the structure or conditions under which it was permitted present detrimental impacts on neighboring properties.
6. The applicant shall list these conditions of approval in all construction plans submitted to the Building Division for a building permit. The applicant shall also provide a separate written document outlining how, or where, each of the conditions have been addressed in the building permit plan set for all City Division/Department conditions enclosed and provide the same number of copies as building plan sets submitted for Building Plan Check.
7. By signing and/or using this Single-Family Development Permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City or other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.

8. Plans submitted into Building Plan Check Review shall include information and a calculation outlining how the project complies with Section 10-1-603(M)(2) of the Burbank Municipal Code.

BUILDING DIVISION

9. 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..
10. 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.
11. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
12. 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.
13. 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
14. As required under Section 1803 Geotechnical Investigation of the 2019 California Building Code a soils report must be provided by a geotechnical engineer licensed in the State of California
15. Grading and drainage plans will be required. Topographical contour lines are to be indicated, showing existing and proposed contours. Geotechnical report may be submitted along with the Architectural Permit Application.
16. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
17. 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.

18. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.
26. Screening will be required for equipment located in front and side yards. The screening will include the electrical panels, A/C compressor units, gas meters, and transformers. All screening will be subject to approval by Planning and Building divisions, and BWP.

PUBLIC WORKS DEPARTMENT

27. Applicant shall protect in place all survey monument (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.
28. 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 improvements plans (BMC 7-3-701.1)
29. No structure is permitted in any public right-of-way or any public utility easement/pole line easements (BMC 7-3-701.1, BMC 9-1-1-3203).
30. 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.
31. Submit on-site drainage pans to Public Works for review. On site draining shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by under walk drains to the gutter through the curb face or connected to a storm drain facility (BMC 7-1-117, BMC 7-3-102).
32. Plans should include easements, elevations, right-of-way/property lines, dedications, location of existing/proposed utilities and any encroachments.

33. 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.
34. If any utility cuts or construction related impacts are made on Scott Road adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
35. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
36. Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system (BMC 8-1-104)
37. No person shall connect to or tap an existing public sewer without obtaining a permit (BMC 8-1-301)
38. Any existing fixture or connection to the sewer main line must be capped before building demolition activities occur.
39. A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director (BMC 8-1-313). Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.
40. Per BMC 8-1-1004.B(3), a Pool Discharge Permit is to be issued by the Public Works Permits counter and a \$38.25 fee (fiscal year 2021 – 22) is required each time single family residential pool is emptied. Please refer to the enclosed pool discharge brochure. If the proposed pool/spa contains salt water, please note that salt water pool/spa discharges are currently conditionally allowed to discharge into the storm drain system, subject to meeting (and not exceeding) the following water quality objectives, in addition to other BMP requirements TDC = 950 mg/l, Sulfate = 300 mg/l, Chloride = 190 mg/l. This conditional allowance and the limits may be changed by the Regional Water Quality Control Board in the future. The City strongly discourages the use of saltwater pools.

41. 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.
42. Certain construction and re-construction activities on private property will need to comply with post-construction Best Management Practices (BMPs), which include Sections 8-1-1007 and 9-3-414.D of the BMC authorizing the City to require projects to comply with the Standard Urban Storm water Mitigation Plan provisions and the City's Low Impact Development (LID) ordinance. For questions on these requirements, please contact the City's Building Division at (818) 238-5220.
43. No visual obstructions shall be erected or maintained above 3' high or below 10' high in a 10' by 10' visibility cut-off at an intersection of streets (BMC 10-1-1303(A)).
44. 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 intersections of street and driveway (BMC 10-1-1303(c))
45. There must be appropriate location on the property for all solid waste containers or bins. Solid Waste containers shall not be visible from the street.

PARKS AND RECREATION DEPARTMENT

46. Do not remove any Street/Parkway Trees, unless as approved by the Parks and Recreation Department. Do not remove any trees on property for this project, unless as approved by the Parks and Recreation Department. Tree protection zones will need to be in place prior to any construction.
47. Park Development Fee shall be paid prior to issuance of building permits: \$150 /bedroom. $4 \times \$150.00 = \600 .
48. If trees are removed, provide an Arborist Evaluation of all landscape being removed.

BURBANK WATER AND POWER – WATER

49. The Water Division's approval is contingent on the following:
 - b. There is currently a there is currently a 5/8" water meter at the subject address which is substandard and will have to be upgraded.
 - c. The site plan should show the size and location of the existing water meter.
 - d. Please review the completed and previously provided "Sizing Water Meter and Service Line" form, initial inside the red circle if it looks accurate and include with the set of plans. I have also included a blank for that you may fill out accordingly if it does not look correct. This form will help determine what size water meter and service line is required.

- e. The applicant shall be responsible for all additional costs of connections, installation and abandonment in accordance with Burbank Water and Power (BWP) Rules and Regulations.

FIRE DEPARTMENT

- 50. Provide smoke detection for dwelling units, congregate residences and hotel or lodging guestrooms that are used for sleeping purposes.
- 51. Power and location of smoke detectors in Group R occupancies shall be in compliance with the California Fire Code, California Building Code as amended by the Burbank Municipal Code.
- 52. All existing single-family dwelling units intended for human occupancy shall have installed on or before July 1, 2011, carbon monoxide detectors in accordance with the Health & Safety Code §17926.
- 53. All existing Multi-dwelling units intended for human occupancy shall have installed on or before January 1, 2013, carbon monoxide detectors in accordance with the Health & Safety Code §17926.
- 54. All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the owner and the owner's architect and/or contractor from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for fire-fighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the project develops and is not limited to the requirements provided in these comments.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner