



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
www.ci.burbank.ca.us

June 1, 2021

RAUL CUADRA
317 E PUENTE ST
COVINA, CA 91723

**RE: Project No. 20-010506 (Hillside Development Permit) – Approved
3329 Durham Court**

Dear Raul Cuadra:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (Project No. 20-010506) for installation of a 366 square foot pool and 28.27 square foot spa, and modification to the existing gates for a new 5-foot high gate located at 3329 Durham Court in the R-1 (Single-Family Residential) zoning district, within the City of Burbank Hillside Area. Enclosed is the approval with conditions.

Please be advised the decision of the Community Development Director will become final fifteen (15) days from your approval date, unless the decision is appealed to the Planning Board within these 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 June 16, 2021.

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

Sincerely,

LUCIA HWANG
Assistant Planner
Community Development Department

Community Development Department Director's Decision

DATE: June 1, 2021

PROJECT TITLE: Project No. 20-010506– Hillside Development Permit

PROJECT ADDRESS: 3329 Durham Court

APPLICANT: Raul Cuadra

PROJECT DESCRIPTION: The project proposes the installation of a 366 square foot pool and 28.27 square foot spa, and modification to the existing gates for a new 5-foot high gate. The project does not propose any work to the existing house.

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

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code and the required neighborhood compatibility design guidelines. The project proposes the installation of a 366 square foot pool and 28.27 square foot spa, and modification to the existing gates for a new 5-foot high gate. The project does not propose any changes to the existing house.

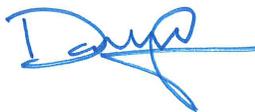
ENVIRONMENTAL REVIEW: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303(e) for Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The proposed project meets the criteria for exemption set forth in the above mentioned section.

DATE SIGN POSTED ON-SITE: May 10, 2021

DATE PUBLIC NOTICE MAILED: May 13, 2021

DATE OF DIRECTOR'S DECISION: June 1, 2021

END OF APPEAL PERIOD: June 16, 2021



Lucia Hwang, Planning Technician
Planning Division (818) 238-5250

Patrick Prescott, Community Development Director

HILLSIDE DEVELOPMENT PERMIT NO. 20-010506
(3329 Durham Court– Raul Cuadra, Applicant)

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 home is situated on an existing lot, with existing driveway and pedestrian access. The existing off-street parking, driveway and pedestrian access points will not change as part of this Project. Additionally, the project does not propose any changes or alteration to the existing house.

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

The project proposes installation of a 366 square foot pool and 28.27 square foot spa in the rear yard. Except for grading for the pool, there are no proposed changes to the topography of the existing building pad of the lot. The Project would maintain the current topography of the surrounding hillside.

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

The project proposes installation of a 366 square foot pool and 28.27 square foot spa in the rear yard, and the scope of the work of the project does not include any alteration of the existing topography and geology of the hillside area. The proposed pool will not alter the natural topographic features of the existing hillside area.

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 project does not propose additions or alterations to the existing house or construction of any above ground structure, aside from modifying the height of the existing gates to the rear yard. The subject property and neighboring properties along the same block have primary downslope views. Only the pedestrian gates along the side yards will be replaced to be 5'-0" and are outside of the downslope views. Therefore, the proposed project will not have an unreasonable impact on surrounding upslope or downslope views of properties in the surrounding neighborhood.

- 5) *The house has been reviewed against the Neighborhood Compatibility provisions as set forth in Section 10-1-609 and the house complies with the Single Family Design Guidelines.*

There will be no alterations made to the home nor does the project include any new roofed structures, therefore the Neighborhood Compatibility Design provisions do not apply to the project scope of work.

- 6) *For the purpose of evaluating required finding (7) 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).*

City Staff identified that the proposed pool and spa would be located in an area where none of the neighboring views would be affected by the proposed project, since the pool and spa will be located in-ground within the rear yard and existing grade differences result in no view impacts with the new accessory structures. No story poles were required since there are no new roofed structures proposed. Staff concluded there is no possibility that the project will obstruct any of the neighboring property views.

- 7) *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:*

The project does not propose additions or alterations to the existing house or construction of any above ground structure. Therefore, the proposed project will not have an unreasonable impact on surrounding upslope or downslope views of properties in the surrounding neighborhood. A view study is not required.

Findings for Granting a Minor Fence Exception

The Community Development Director finds that the proposed project satisfies the requisite findings contained in the Burbank Municipal Code Section 10-1-19200(D) necessary for approval of the Minor Fence Exception Permit for property located in the Hillside area, subject to the attached conditions of approval.

1. *The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.*

The proposed modifications to the existing pedestrian gates will be located along the interior side yards and will not encroach onto the sidewalk or street, avoiding any obstruction of visibility to motorists. Approximately 7 feet of the existing 5 feet high block and gate in the East interior side yard and 4 feet of the existing 5 foot high block wall and gate in the West interior side yard will be replaced with a 5'-0" self-latching gate. The proposed modifications are outside of the front yard setback and any intersection between public rights-of-way and/or a driveway, therefore beyond the corner cutoff area, which is used to maintain safe visibility at street intersections.

2. *The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.*

The proposed alterations to the existing walls will match the materials of the existing fences and walls on site, which are common materials for fencing in residential neighborhoods and will not pose a danger to motorists, pedestrians or other persons.

3. *The feature is structurally sound and is adequately maintained.*

A project condition has been placed to require that the fence is adequately maintained and free of any excess materials or vegetation. The application materials were reviewed by the Building Division to confirm compliance with applicable Building Codes, thereby meeting structural safety requirements.

4. *The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.*

The proposed fences and walls will not be constructed in a way that would adversely affect the visibility into the property by emergency personnel in the case of an emergency. The maximum 5-foot-high gate modifications will still allow rear yard access through the side yards and will not block access into the property with the front yard remaining open.

5. *The feature is compatible in size, scale, proportion, and location with other yard features in the neighborhood, or is otherwise consistent with the prevailing neighborhood character.*

A variety of fences and walls can be found within the neighborhood. Fences and walls with similar size and locations can be found for properties with swimming pools on the same block face. Consistent with the existing pattern of the neighborhood, the proposed modifications to the existing walls are outside of the front yard setback and serve as a swimming pool fence as required by the Building Code. The modifications of the existing walls for gates are compatible in size, scale, proportion, and location with other yard features in the neighborhood and is consistent with the prevailing neighborhood character.

6. *The scale and proportion of the feature are consistent and compatible with structures on the same property and in the general area.*

On the subject property, the existing perimeter fences and walls meet the Building Code requirement for a 5-foot minimum swimming pool fence and will not be modified. Therefore, the new pedestrian gates will be consistent with the scale and proportions of the existing fences and walls. The modifications are limited to a maximum height of 5 feet, which is consistent with the overall height allowed per the zoning of the neighborhood, R-1, Single Family Residential, Hillside area. The height and length of the modification is appropriate in scale to the existing house, maintaining overall visibility while creating additional privacy for the abutting property.

7. *The feature does not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.*

The proposed modifications to the existing walls will be located within the West and East interior side yards. Approximately 7 feet of the existing 5 feet high block and gate in the East interior side yard and 4 feet of the existing 5 foot high block wall and gate in the West interior side yard will be replaced with a 5'-0" self-latching gate. The proposed modifications will not encroach into any neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

8. *The feature does not impose detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.*

The altered cinder block walls and new wrought iron fence are arranged such that they will not cause any detrimental impacts on neighboring properties. The gate will not emit any light or glare as to create any detrimental impacts. The height and location are reasonable for the subject property and neighboring properties to enjoy the sunlight and air circulation to the fullest extent while maintaining privacy. No impacts on neighboring properties related to scenic views, privacy or aesthetics will be created by the installation of the wood fence. The altered walls and new fence will create additional privacy for the neighboring property neighboring property from the subject property.

**HILLSIDE DEVELOPMENT PERMIT NO. 20-010506
(3329 Durham Court– Raul Cuadra, Applicant)**

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project No. 20-010506, Hillside Development Permit approves the installation of a 366 square foot pool and 28.27 square foot spa at the rear of the lot, and modification to the existing gates for a new 5-foot high gate. The project does not propose any addition or alteration to the existing house. The property is located at 3329 Durham Court.
2. The subject fence shall be maintained in good and safe condition at all times. The fence must be adequately maintained and free of any excess materials or vegetation.
3. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on June 1, 2022), 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.
4. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant with an approval stamp dated June 1, 2022, and approved and placed on file in the office of the Planning Division.
5. 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.
6. 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.
7. 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.
8. By signing and/or using this Hillside 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.

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.

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. 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
6. 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.
7. 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.
8. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
9. 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.
10. 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.
11. 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.
12. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
13. 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.

14. 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.

15. 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.

16. 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.

POLICE DEPARTMENT

17. Secure fencing around the construction site with locking gates and appropriate lighting shall be installed during construction to prevent trespassing and theft. During construction, the Police Department shall be given emergency contact information of contractors and owners for any problems encountered after normal construction hours.

18. To ensure that construction personnel are aware of the restricted construction times, the developer shall install professionally made sign(s) 2 ft. X 3 ft. in size in location(s) satisfactory to the City Planner and the Police Department that states, “NOTICE: THE CITY OF BURBANK LIMITS CONSTRUCTION ACTIVITIES OF THIS PROJECT (DEMOLITION, EXCAVATION, GRADING, ACTUAL CONSTRUCTION, AND LANDSCAPING) as follows: 7:00 AM TO 7:00 PM MONDAY THROUGH FRIDAY, AND FROM 8:00 AM TO 5:00 PM ON SATURDAY. THERE SHALL BE NO WORK PERFORMED ON SUNDAYS OR ON MAJOR HOLIDAYS.” Any exceptions would be subject to the approval of the Directors of both the Community Development and Public Works Departments.

LANDSCAPING

19. The water efficient landscape ordinance shall apply if the project includes 2,500 sq. ft. or more of renovated irrigated landscape. If applicable, landscape plans shall be reviewed and approved prior to obtaining a building permit.

PARKS AND RECREATION

20. Do not remove any Street/Parkway Trees
21. Please provide an Arborist valuation for the trees and Landscape that will be affected/removed for this project.
22. Contact Forestry for a list of approved street trees if any need to be replaced.
23. All street trees to remain.
24. Please replace any lost landscaping with new landscaping on the property.
25. Provide an Arborist/Landscape Architect valuation of any landscape removed for project.

PUBLIC WORKS DEPARTMENT

26. No permanent 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].
27. 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].
28. 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.
29. 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>
30. If any utility cuts or construction related impacts are made on Durham Court adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.

31. Additional impacts to street triggered by this project could extend the paving restoration limits.
32. 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 Standards Urban Stormwater 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 818-23-5220.
33. Per BMC 8-1-1004.B(3), a Pool Discharge Permit is to be issued by the Public Works Permits counter and a \$36 fee is required each time a 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: TDS = 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 (please check with the Public Works Department to verify). The City strongly discourages the use of saltwater pools.
34. 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.
35. No visual obstruction shall be erected or maintained in the 5' by 5' visibility cut-off above 3' high or below 10' high at the intersection of the street and driveway [BMC 10-1-1303 (C)].

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner