



**COMMUNITY
DEVELOPMENT**

May 31, 2023

REGAN DUBEN
28338 CONSTELLATION RD
STE 900
VALENCIA, CA 91355

VIA EMAIL: RDUBEN@LOUISDESIGN.STUDIO

**RE: Notice of Decision – Approval
Project No. 22-0005876 – Hillside Development Permit
2306 N. Kenneth Rd.**

Dear Mr. Duben:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (HDP) for the construction of a 188 square foot first-floor addition, a 1,373 square foot second-floor addition, and a new front porch to an existing 1,299 square-foot single family residence. 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. 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 30, 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: May 31, 2023

PROJECT TITLE: Project No. 22-0005876 – Hillside Development Permit

PROJECT ADDRESS: 2306 N. Kenneth Rd.

APPLICANT: Regan Duben

PROJECT DESCRIPTION: The project includes the construction of a 188 square foot first-floor addition, a 1,373 square foot second-floor addition, and a new front porch to an existing 1,299 square-foot single family residence.

ZONING: R-1

GENERAL PLAN: Low Density Residential

MUNICIPAL CODE CONFORMANCE: The project was reviewed by staff and determined to be conforming with the Burbank Municipal Code and the required neighborhood compatibility design guidelines. The proposed Floor Area Ratio (FAR) is 0.39, at 3,078 sq. ft. which is below the maximum permitted FAR of 0.4. The proposed lot coverage is 26.5% also below the maximum allowable of 50%. The proposed first-story addition will be located at the western side portion of the house, setback 7'-9" from western side property line, which complies with the minimum 6'-11" side setback requirement or 10% of the 69'-0" lot width. Both sides of the proposed second-story addition are stepped back from the first-story side façades by at least 4'-0" for at least 40% of the length of the second-story façade, compliant with second-story side stepback requirements. The overall building height is 19'-0" to the top plate and 23'-4" to top of roof, within the maximum allowed of 20'-0" to the top plate and 30'-0" to top of roof.

ENVIRONMENTAL REVIEW: This project has been determined to be Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(e) of the State CEQA Guidelines pertaining to additions to an existing structure. The project qualifies for this exemption.

DATE SIGN POSTED ON-SITE: May 15, 2023

DATE PUBLIC NOTICE MAILED: May 11, 2023

DATE OF DIRECTOR'S DECISION: May 31, 2023

END OF APPEAL PERIOD: June 15, 2023



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

Patrick Prescott, Community Development Director

**HILLSIDE DEVELOPMENT PERMIT NO. 22-0005876
(2306 N. Kenneth Rd. – Regan Duben, 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)(3) necessary for approval of the Hillside Development Permit, subject to the attached conditions of approval.

a) 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 proposed addition and remodel of the existing house will widen the existing driveway to 19'-6" and add a separate pedestrian walkway, which will lead directly from the sidewalk to the two-car garage via a straight path, and the proposed side yard walls are located so that they will not impact traffic and pedestrian circulation. The proposed site configuration is also consistent with the site layout and circulation of the majority of the properties in the surrounding neighborhood. Therefore, the project will (1) not detrimentally affect traffic circulation, pedestrian circulation or pedestrian safety in the surrounding neighborhood; (2) provide a total of three covered parking spaces as required by the Burbank Municipal Code; and (3) maintain a traffic circulation pattern that is compatible with what is seen in the surrounding neighborhood.

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

The project proposes no change in grading to accommodate the proposed addition and remodel. Given the lack of grading, the project is reasonably consistent with the natural topography of the surrounding hillside.

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

The project proposes no change in grading to accommodate the proposed addition and remodel. Given the lack of grading, the project reasonably avoids altering natural topographic features of the hillside.

d) 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 will not have an unreasonable impact on surrounding upslope or downslope views of properties in the surrounding neighborhood. A view study prepared by staff (Exhibit A) illustrates that the project will not significantly affect the upslope and/or downslope views from neighboring properties. The adjacent property to the northeast of the subject property has a downslope view of the City of Burbank and the airport, while neighboring properties directly to the east and west have primarily upslope views. The property's location abutting the upslope hillside, and overall height and setbacks of the proposed second story addition serves to minimize any potential view impacts of the proposed home on the downslope views of neighboring properties. Based on the view impact analysis, it can be concluded that the proposed project will not unreasonably encroach upon the scenic views of surrounding properties.

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

A licensed surveyor installed and certified story poles on the property that outlined the frame of the proposed addition (i.e. sidewalls, top of plate, and top of ridge). As part of the story pole review to identify potential view impacts, City staff conducted site visits at neighboring properties (2312 Kenneth Rd. and 807 Stephen Pl.) in April 2023 and observed that the project would not unreasonably impact the views of properties in the surrounding neighborhood because the building improvements (i.e. second story) are located further away from the properties that can be most potentially affected by the mass/scale of the structure. Therefore, staff's analysis of the story poles and the project is that there will be no unreasonable impact to the primary and secondary views of properties in the surrounding neighborhood and immediately adjacent neighboring properties and the proposed project will not significantly affect upslope or downslope views from neighboring properties

- f) *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 view study conducted by City Staff (Exhibit A) confirmed that the proposed project will not unreasonably or significantly affect the upslope or downslope views from neighboring properties. The proposed project has been determined to have negligible impacts on the primary views of the neighboring properties and no conditions of approval are required to mitigate any view impacts.

**PROJECT NO. 22-0005876, HILLSIDE DEVELOPMENT PERMIT
(2306 N. Kenneth Rd. – Regan Duben, Applicant)**

PLANNING DIVISION

1. Project No. 22-0005876, Hillside Development Permit, approves the construction of a 188 square foot first-floor addition, a 1,373 square foot second-floor addition, and a new front porch to an existing 1,299 square-foot single family residence located at 2306 N. Kenneth Rd.
2. The project shall conform to the approved plan set on file with the Planning Division, dated May 31, 2023, except as otherwise specified in these conditions. Any modifications to the design or materials of the project must be reviewed and approved by the Community Development Director or designee prior to construction.
3. The applicant/property owner shall provide screening in the form of trees, shrubs, fence and/or hedges that meet the City height requirements along the shared property lines for the full length of the second-story addition to maintain the privacy of the neighboring dwellings on both the north and south side of the subject dwelling.
4. The design of the Project, including but not limited to the dwelling, patio, trellis, pools and barbeque area shall remain in substantial conformance with the approved plans and application materials submitted by the applicant and placed on file in the office of the Planning Division.
5. This permit/approval may be modified or revoked by the City should it be determined that the proposed design or 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 design or use is maintained so as to constitute a public nuisance.
6. This permit/approval shall automatically expire 12 months after the approval date (expires on May 30, 2024) 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

7. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2022 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.

8. 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 & Safety Division at 818-238-5220 or via email at eplancheck@burbankca.gov.
9. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
10. 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.
11. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
 - d. Pool, Spa, & Equipment
 - e. Accessory Dwelling Unit
 - f. Mechanical
 - g. Plumbing
 - h. Electrical
12. Project lies within the City of Burbank Mountain Fire Zone.
 - a. All construction is required to meet Burbank Municipal Code 9-1-2-701A.1.1
13. 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.
14. 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.
15. Justify Floor Area Ratio per current Burbank Municipal Code 10-1-601 (ARTICLE 6. RESIDENTIAL USES AND STANDARDS)
16. New or altered roof coverings shall comply with the solar reflectance and thermal emittance requirements of BMC 9-1-11-4.509.
17. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.

18. 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.
19. New or Addition/Alteration construction projects within the City of Burbank are subject to MWELo review.
 - Full structure demolition and new construction are required to provide a full MWELo plan check set for review.
 - New or replacement landscape areas for residential and non-residential projects between 500 (new) and 2,500 (replacement) 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.
20. An energy code compliance report will be required, and the design team is required to review and coordinate all elements with those shown on Plans, Elevations, Sections, and Window Schedules.
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. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
23. 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.
24. 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.
25. 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.

26. 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

ENGINEERING

34. 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].
35. 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].
36. On-site drainage 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].
37. 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.

38. 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>
39. The following must be completed prior to the issuance of a Building Permit:
- a. No construction material shall be placed within the public right-of-way without a "Street Use" Permit issued by the Public Works Department.
 - b. Plans should include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
40. The following must be completed prior to the issuance of Certificate of Occupancy:
- a. 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 S. 7-3-501].
41. If any utility cuts or construction related impacts are made on Kenneth Road or on Remy Place adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
42. Additional impacts to street triggered by this project could extend the paving restoration limits.

WATER RECLAMATION AND SEWER

43. 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].
44. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
45. A Pool Discharge Permit is required each time a single-family residential pool is emptied [BMC 8-1-1004.B(3)]. The permit may be obtained at the Public Works Permits counter and is subject to a fee per the currently adopted Citywide Fee schedule and the enclosed pool discharge brochure. If the proposed pool/spa contains salt water, please note that saltwater 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. The City strongly discourages the use of saltwater pools.

46. 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 [BMC 9-3-407,].
47. 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 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) 238-5220.

TRAFFIC ENGINEERING

48. 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 [BMC 10-1-1303 (C)].
49. A space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided for each required vehicle parking space inside a carport or garage. All parking spaces must be clear of and unobstructed by any encroachments, including but not limited to structural features, shelves, cabinets, appliances, and equipment [BMC 10-1-603(1)(2)].
50. 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 [BMC 10-1-1303 (C)].

FIELD SERVICES

51. There must be an appropriate location on the property for all solid waste containers or bins. Solid waste containers shall not to be visible from the street.

PARKS AND RECREATION

52. Submit landscape and irrigation plans prepared by a licensed landscape architect.

53. Must comply with Municipal Water Efficient Landscape Ordinance (MWELo) requirements if over 500 square feet of landscape.
54. Tree protection zones required for tree in parkway, prior to stating and during construction
55. Contact Forestry for list of approved street trees. Street Trees are required. All street trees shall be a minimum of 24" box size.
56. Add note on planting plan:
Owner to install the street trees, they must contact the Forestry Supervisor, at (818) 238-5343, at least forty-eight (48) hours prior to installation. Failure to contact the City for inspection and installation may cause the removal and replacement at the owner's expense.
57. Provide irrigation bubbler to street trees.
58. Provide automatically controlled irrigation system to the parkway.
59. Must comply with Art in Public Places Ordinance if building costs are over \$500,000
60. MWELo Irrigation Plans required.

X _____
Signature of Applicant/Permitee

X _____
Signature of Property Owner