



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

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

April 13, 2022

BRETT HOWARD
3341 WEDGEWOOD LN
BURBANK, CA 91504

Via Email: brettahoward@aol.com

**RE: Notice of Decision– Approved
Project No. 21-0001666 (Hillside Development Permit)
3341 Wedgewood Lane**

Dear Mr. Howard,

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 new pool, spa, barbeque island (BBQ) and fire pit in the back yard of existing two-story, single-family house. The project also proposes the installation of a 94'-7" long and 36" high retaining wall with a 3'-6" glass rail on top of it along the rear property line, and 2'-6" high retaining walls around a tree planter in the rear yard. The designs of the proposed pool, retaining wall, fire pit and BBQ are consistent with the architectural style of the existing house. The property is located in the R-1, Single Family Residential, zoning district. 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 April 28, 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
Planning Technician
Community Development Department

Community Development Department Director's Decision

DATE: April 13, 2022

PROJECT TITLE: Project No. 21-0001666 – Hillside Development Permit

PROJECT ADDRESS: 3341 Wedgewood Lane

APPLICANT: Brett Howard

PROJECT DESCRIPTION: The project proposes construction of a new pool, spa, barbeque (BBQ) island and fire pit in the back yard of existing two-story, single-family house. The project also proposes the installation of a 94'-7" long and 36" high retaining wall with a 3'-6" glass rail on top of it along the rear property line, and 2'-6" high retaining walls around a tree planter in the rear yard.

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 proposed Floor Area Ratio is within the maximum permitted. The proposed pool, spa, barbeque and fire pit are setback from rear property line in accordance with Code requirements. Additionally, the height of the proposed retaining wall in the required rear yard does not exceed 36" and the railing above the retaining wall does not exceed 3'-6" which comply with Code requirements for retaining walls and walls outside of the front yard setback. The cumulative height of all retaining walls in the lot do not exceed the 8" limit set by the Code.

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 Section 15304(b), Class 4 pertaining to minor alterations to land such as gardening and landscaping.

DATE SIGN POSTED ON-SITE: March 27, 2022

DATE PUBLIC NOTICE MAILED: March 30, 2022

DATE OF DIRECTOR'S DECISION: April 13, 2022

END OF APPEAL PERIOD: April 28, 2022

Joseph Pangilinan, Planning Technician
Planning Division (818) 238-5250



Patrick Prescott, Community Development Director

HILLSIDE DEVELOPMENT PERMIT NO. 21-0001666
(3341 Wedgewood Ln – Brett Howard, 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 Project proposes a new pool, spa, BBQ and fire pit in the back yard of an existing single-family dwelling. The project will not adversely impact the pedestrian circulation and safety and will be compatible with the existing traffic circulation in the surrounding neighborhood. The Project will not detrimentally affect traffic circulation, pedestrian circulation or pedestrian safety in the surrounding neighborhood and maintain a traffic circulation pattern that is compatible with what is seen in the surrounding neighborhood, and the overall Burbank single family residential community.

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

Due to the flat topography of the rear yard area, the Applicant proposes to cut approximately 207.2 cubic yards of dirt to accommodate the pool, spa, and fire pit area. The project also proposes to fill 5.3 cubic yards of dirt to build a planter and retaining walls around the the existing back yard tree. The house and pool will be reasonably consistent with the natural topography of the surrounding hillside, as the majority of the existing rear yard slope condition will remain as it is currently.

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

The proposed pool, spa and fire pit area in the rear yard will be substantially in-ground so that the overall topography of the site will be largely unaltered. Minor grading, including approximately 207.2 cubic yards of earth will be cut used to accommodate the pool, spa, and fire pit area. and 5.3 cubic yards of fill to accommodate the existing rear yard tree within a planter, all within the existing rear yard 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 proposed pool, spa and fire pit area will be entirely in-ground below the existing grade. The proposed planter containing the existing rear yard tree will project out from the existing flat topography by one foot. The subject property and neighboring properties along the same block have

primary downslope views as they are generally oriented with southern-facing rear yards. These views are relatively unobstructed as houses on the street below (Lismore Ave.) sit at a lower grade (approximately 25-30 feet lower). The neighboring properties along Lismore Ave., just south of the Project, also have primary downslope views. As a result of the lot configuration and topography of the surrounding properties, the portion of the pool that will project out from the slope will not unreasonably encroach upon existing downslope views in the 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.*

The project proposed no changes to the existing two-story, single-dwelling. The proposed pool, spa, BBQ and spa have been reviewed for neighborhood compatibility and complies with the setback requirements outlined by the adopted Design Guidelines. The proposed retaining wall design is consistent with the architectural style of the existing house, which has a contemporary vernacular Colonial Revival-inspired architectural style.

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).*

Due to the scope of work for the project being limited to a new pool, spa, BBQ and fire pit, a view study with story poles was not required to analyze view impacts.

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 pool is substantially below-grade and will not impact existing views due to the configuration of properties along the block face where the rear yards mostly face away from the subject backyard. The view of the subject backyard is currently obstructed by existing hedges and fencing. The properties south of the subject property on Lismore Ave have primary downslope views that are unimpacted by the project.

REQUIREMENTS FOR GRANTING A MINOR FENCE EXCEPTION PERMIT:

In accordance with Burbank Municipal Code Section 10-1-19200(D), the Community Development Director shall make the required findings necessary for approval of a minor fence exception permit.

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 retaining wall and rail proposed by the project are located in the rear of the lot behind the existing home, where there is no vehicle access. This location would in no way 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, as there would be no change to the areas of the property where vehicle and pedestrian circulation to and from the site occur.

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

The concrete material for the retaining wall and glass rail on top of it are typical for retaining walls and rails for residential properties and do not present a danger to motorist and pedestrians. The property owner is responsible for maintaining the retaining wall and ensuring that the concrete and glass rail are in good condition at all times. A condition of approval is provided to ensure property owner's compliance with the maintenance of the retaining wall and glass rail.

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

The retaining wall will be built to a maximum height of 3' with the glass rail to be built to a maximum height of 3' - 6" and is intended to provide additional safety around the proposed pool and back yard area, which is situated at the edge of a steep incline in the grade. The property owners are required to maintain the retaining wall and glass rail so that they remain in a safe and healthy condition at all times.

- 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 retaining wall and rail are located along property line, away from the part of the property that interfaces with the Wedgewood Lane public right-of-way. This location away from the front of the house would in no way obstruct the ability of emergency personnel to respond to and access the property or to adequately view the property and structures from the public right-of-way.

- 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.*

Due to the sloping grade present in the surrounding neighborhood, all of the properties have retaining walls and fences at similar heights along the side and rear property lines.

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

The material proposed for the rail is glass and concrete for the retaining walls. This material is compatible with the architectural style of the existing residence. Furthermore, the proposed rail and retaining wall heights and material are similar to those found on properties within the surrounding and consistent with the prevailing residential neighborhood character.

- 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 rail and retaining walls, as proposed, will not encroach upon neighboring properties or structures in a visual or aesthetic manner through their size, location, orientation, setbacks, or height. The purpose of the 3'-6" high glass rail and 3'-0" high retaining walls is to maintain safety

along the pool and fire pit area in the backyard. The heights and location of walls and glass rail are consistent with similar structures on other properties in the surrounding neighborhood.

- 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 rail and retaining walls, as proposed, will 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 concrete walls and rail, as proposed, are non-reflective and will not create any light or glare concerns. Furthermore, they will be constructed in locations on the property that will ensure that privacy, aesthetics, and air circulation are encouraged and will not interfere with any scenic views of neighboring properties.

HILLSIDE DEVELOPMENT PERMIT NO. 21-0001666
(3341 Wedgewood Ln – Brett Howard, Applicant)

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project No. 21-0001666, Hillside Development Permit, approves the construction of a new pool, spa, barbeque (BBQ) island and fire pit in the back yard of existing two-story, single-family house. The project also proposes the installation of a 94'-7" long and 36" high retaining wall with a 3'-6" glass rail on top of it in the rear yard of the lot. The property is located at 3341 Wedgewood Lane.
2. Any trees removed as a part of this Project shall be replaced with a similar size tree, subject to review and approval by staff prior to installation.
3. The proposed 3'-0" high retaining wall located along the rear property line shall be screened with a minimum 1'-6" deep landscaped area consisting of planters, vines, or hedges, subject to review and approval by staff during the building plan check review.
4. The applicant shall maintain the retaining wall and glass rail so that they remain in a safe and healthy condition at all times.
5. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on April 13, 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.
6. 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 April 13, 2022 and approved and placed on file in the office of the Planning Division.
7. 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.
8. 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.
9. 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.
10. 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

11. 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.
12. 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.
13. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
14. 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.
15. 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
16. Separate Permits will be required for the following:
 - a. Grading & Shoring
 - b. Pool, Spa, & Equipment
17. 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.
18. Grading and drainage plans are required, and a separate Grading & Shoring Permit will be required. Geotechnical report to be submitted along with Grading & Shoring Permit Application.
19. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
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. New or Addition/Alteration construction projects within the City of Burbank are subject to MWELo 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.

22. 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.
23. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
24. 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.
25. 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.
26. 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.
27. 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

28. 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].
29. 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].

30. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face or connected to a storm drain facility [BMC 7-1-117, BMC 7-3-102].
31. 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.
32. 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>
33. The following must be completed prior to issuance of a Building Permit:
 - No construction material shall be placed within public right-of-way without a “Street Use” Permit issued by the Public Works Department
 - Plans should include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
34. Any portion of 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. That reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact 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].
35. If any utility cuts or construction related impacts are made on Via La Paz adjacent to the property, the applicant will have to restore the street fronting the property per City of Burbank paving requirements.
36. Additional Impacts to street triggered by this project could extend the paving restoration limits.
37. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
38. 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.

- 39. 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 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.
- 40. 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.
- 41. 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.
- 42. No visual obstruction over 3-feet high and under 10-feet high shall exist within the 5-foot by 5-foot corner cut-off at the intersection of the street and driveway [BMC 10-1-1303 (C)].
- 43. There shall be a designated location on the property for all solid waste containers and/or bins. Containers are not to be visible from the street.

PARKS AND RECREATION

- 44. Do not remove any Street/Parkway Trees.
- 45. Do not remove any trees on property for this project. Tree protection zones will need to be in place prior to any construction.
- 46. Provide an Arborist Evaluation of all landscape being removed.
- 47. Landscape and Irrigation Plans need to be provided.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner