



**COMMUNITY
DEVELOPMENT**

July 29, 2022

ANUSH JOTYAN
521 AMHERST DR
BURBANK, CA 91504

VIA EMAIL: AJOTYAN@YAHOO.COM

**RE: Determination of Application Completeness
Project No. 21-0004931 – Minor Fence Exception
521 Amherst Dr.**

Dear Ms. Jotyan:

This letter is to notify you that the Community Development Director has approved your application for a Minor Fence Exception (MFE) to construct a five-foot high fence and gate along the front yard and fences along both side yards that graduates in height from five-feet high along the front yard area to eight-feet high beyond the front yard for a total length of 350 feet for an existing single-family house located at 521 Amherst Dr. The front wall includes a five-foot tall driveway gate and a pedestrian gate that abuts the front property line along Amherst Dr. A Minor Fence Exception is required to exceed the four-foot height limit for a fence or wall proposed in the front yard of single-family zoned lot. Please be aware that the approval is contingent on compliance with the comments from the Planning Department. Enclosed is the Minor Fence Exception approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Board within 15 days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or 5:00 p.m. on August 13, 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,

A handwritten signature in black ink, appearing to read "Joseph", written over a white background.

JOSEPH PANGILINAN
Assistant Planner
Community Development Department

Community Development Department Director's Decision

DATE: July 29, 2022

PROJECT TITLE: Project No. 21-0004931 – Minor Fence Exception

PROJECT ADDRESS: 521 Amherst Dr

APPLICANT: Anush Jotyan

PROJECT DESCRIPTION: The project proposes a five-foot high fence and gate along the front yard and fences along both side yards that graduates in height from five-feet high along the front yard area to eight-feet high beyond the front yard for a total length of 350 feet for an existing single-family house.

ZONING: R-1

GENERAL PLAN: Low Density Residential

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code. The proposed five-foot front yard fence and side fence within the front yard setback area is within six-foot maximum permitted height for fences eligible for a Minor Fence Exception. The proposed side yard fences beyond the front yard setback area comply with the maximum permitted height of 8 feet. No portion of the proposed front yard fence encroaches upon corner cutoff area that extends outwards along front property line by five feet and inward towards the property by five feet from the intersection of the driveway and front property line.

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.

DATE SIGN POSTED ON-SITE: July 19, 2022

DATE PUBLIC NOTICE MAILED: July 13, 2022

DATE OF DIRECTOR'S DECISION: July 29, 2022

END OF APPEAL PERIOD: August 13, 2022

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

Patrick Prescott, Community Development Director

MINOR FENCE EXCEPTION PERMIT NO. 21-0004931
(521 Amherst Dr. – Anush Jotyán, Applicant/Property Owner)

The Community Development Director finds 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, 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 front fence and the portion of the proposed side fence abutting the driveway does not encroach upon corner cutoff area that extends outwards along front property line by 5 feet and inward towards the property by 5 feet from the intersection of the driveway and front property line. The fences do not pose any visibility issues or safety concerns for motorists existing from the subject driveway or going in either direction on Amherst Dr.

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

The fences are constructed of concrete solid blocks with a grey stucco finish, with the front fence having an open design on the top 2 feet portion of the fence with black metal bars. None of the proposed fences pose any danger to motorists, pedestrians, or other persons.

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

The fences are constructed soundly into the ground and adequately maintains the dirt and plant features that surround it.

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 upper 2 feet of the proposed 5-foot front wall is fifty percent open with horizontal black bars and would not block the view of subject dwelling from the public right-of-way. In addition, a gate would be installed abutting Amherst Dr. that would lead to the front lawn. The fence/gate would not hinder the ability of emergency personnel to respond to an emergency on the property or to adequately view the property 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.*

The neighborhood consists of single-family dwellings along Amherst Dr with fences and walls within the front yard. Some of these walls measured at five feet in height and incorporate driveway gates similar to the proposed front fence. Similarly, side yard fences and walls that exist along Amherst Dr. including those graduating from 5 to 8 feet beyond the front yard setback area. The size, scale and proportion are compatible with the existing fences and walls in the neighborhood and will be consistent with the prevailing character of similar yard features on Amherst Dr.

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

The front yard fence is composed of concrete blocks finished with grey stucco on the bottom 3 feet portion and a 50% open design with horizontal black bars on the upper two feet portion of the fence, which is compatible with the color and design of the subject dwelling that also features grey stucco. In addition, the side fences beyond the front yard setback area will also have a grey stucco finish which will also match the character and scale of subject dwelling. The front fence will include black gates for pedestrian and vehicular entry respectively which matches the design of the rest of the fences as well as the dwelling. The proportion and scale of the proposed fences are well-suited with the other structures on the subject 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 feature is constructed along the existing property lines the front and west side property lines that belong to the subject property of 521 Amherst Dr. The fence along the east side of the property straddles the property line, but a signed letter from the neighboring property owner at 527 Amherst Dr was provided authorizing the construction of the east side fence graduating from 5 to 8 feet along the shared property line. Otherwise, the proposed fences would not encroach upon the neighboring property or would be a visible obstruction in size, location, orientation, 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 proposed fences are limited to the front yard and side yard portion of the interior lot and are finished with grey stucco. The proposed fences do not impose detrimental impacts to related light, glare, sunlight, exposure, air circulation, privacy or scenic views of any of the neighboring properties.

MINOR FENCE EXCEPTION – NO. 21-0004931
(521 Amherst Dr. – Anushik Jotyán, Applicant/Property Owner)

PLANNING DIVISION

1. Project No. 21-0004931 Minor Fence Exception Permit allow for a five-foot high fence and gate along the front yard and fences along both side yards that graduates in height from five-feet high along the front yard area to eight-feet high beyond the front yard for a total length of 350 feet for an existing single-family house. The property is located at 521 Amherst Drive in the R-1, Single Family Residential Zone.
2. This permit is granted per the plan set on file with the Planning Division dated July 29, 2022. The project shall conform to the approved plans, except as otherwise specified in these conditions. Any modifications to the design or materials of the wall must be reviewed and approved by the Community Development Director or designee.
3. The wall shall remain in substantial conformance with the request and with the application materials submitted by the applicant and placed on file in the office of the Planning Division.
4. This permit/approval may be modified or revoked by the City should it be determined that the proposed use as permitted by this approval or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained so as to constitute a public nuisance.
5. This permit/approval shall automatically expire 12 months after the approval date (expires on July 29, 2023) unless applicant has diligently submitted application(s) for a building permit(s) and, upon permit issuance, has modified the walls to comply with these permit conditions.
6. No visual obstruction over 3' high and under 10' high shall exist within the 5' by 5' corner cut-off at the intersection of the street and driveway.

BUILDING DIVISION

7. 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.
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 Division at 818-238-5220 or via email at building@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. Plans, engineering and a Building Permit are required for all fences exceeding 7 feet in height from grade level and any wall that will be retaining dirt and exceeds 4 feet in height from the bottom of the foundation.
12. 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.
13. 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.
14. Approved hours of construction are:
 - Monday – Friday 7:00 am to 7:00 pm
 - Saturday 8:00 am to 5:00 pmNo 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

15. No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].
16. 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.
17. 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].

18. Show the width and location of all existing and proposed easements [BMC 9-1-1-3203]. Plans must show 7.5' public utility easement at rear of property.
19. 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>
20. The following must be completed prior to the issuance of a Building Permit:
 - a. Public Works Permit Division to verify and sign off that the 7.5' public utility easement is cleared of any existing and/or proposed permanent structures prior to the start of construction.
 - b. A Public Works "Right-of-Way Protection" Permit is required to verify the proposed fence location is not encroaching into the public right-of-way.
21. The following must be completed prior to issuance of Certificate of Occupancy:
 - c. Provide verification from the City of Burbank, Building Division showing the 7.5' public utility easement is cleared of all permanent structures at the rear of the property after construction is completed.
 - d. Any portion of the public parkway (sidewalk, curb, gutter, driveways, landscape, etc.) that is broken, uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. The repairs and/or reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Excavation Permit [BMC 7-3-501].
22. Access gates may not swing open into the public right-of-way [BMC 7-3-701.1].
23. If any utility cuts or construction related impacts are made on Amherst Drive adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
24. Additional impacts to street triggered by this project could extend the paving restoration limits.
25. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
26. Clearly identify limits of the proposed work. It is unclear from the site plans if the work encroaches into the existing easement behind the property where the existing City sewer main is located.
27. Permanent structures are not permitted in easements.

28. 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.
29. No visual obstructions shall be erected or maintained in the 5' by 5' visibility cut-off above 3' high or below 10' high at the intersection of street/alley and driveway. Such requirement applies to all driveways [BMC 10-1-1303(C)].