



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459

www.burbankca.gov

APRIL 5, 2021

ARMEN TUTUNDZHYAN
3746 FOOTHILL BLVD. #311
GLENDALE, CA 91214

**RE: Project No. 20-0005487 (Hillside Development Permit) – Approved
Located at 1258 East Elmwood Avenue**

Dear Applicant:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (Project No. 20-0005487) to allow for a proposed cut and fill work of a sloped grade portion in the rear yard of an existing single-family residential property for the construction of a future detached accessory dwelling unit. The property is located at 1258 East Elmwood Avenue in the R-1 (Single-Family Residential) zoning district within the designated 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 (April 5, 2021), 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 form, copy of the decision letter and fee prior to the expiration of the fifteen-day appeal period, by 5:00 p.m. on April 20, 2021. Please note, an appointment must be made for any appeal filed after 12 p.m., Monday through Friday. If no appeal is filed, then you can submit to the Building Division for Building Plan Check review the first business day following the conclusion of the fifteen-day appeal period.

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

Sincerely,

DAVID KIM
Associate Planner
Community Development Department

Community Development Department Director's Decision

DATE: April 5, 2021

PROJECT TITLE: Project No. 20-0005487 – Hillside Development Permit

PROJECT ADDRESS: 1258 East Elmwood Avenue

APPLICANT: Armen Tutundzhyan

PROJECT DESCRIPTION: A Hillside Development Permit (HDP) to allow for a proposed cut and fill work of a sloped grade portion in the rear yard of an existing single-family residential property for the construction of a future detached accessory dwelling unit at 1258 East Elmwood Avenue.

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

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code per Sections 10-1-606(H) and 10-1-607(D).

ENVIRONMENTAL REVIEW: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303(a) of the State CEQA Guidelines for the construction of a new accessory dwelling unit.

DATE SIGN POSTED ON-SITE: March 22, 2021

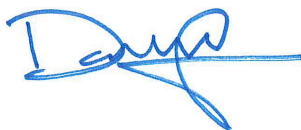
DATE PUBLIC NOTICE MAILED: March 22, 2021

DATE OF DIRECTOR'S DECISION: April 5, 2021

END OF APPEAL PERIOD: April 20, 2021



David Kim, Associate Planner
Planning Division (818) 238-5250



Patrick Prescott, Community Development Director

HILLSIDE DEVELOPMENT PERMIT NO. 20-0005487
(1258 East Elmwood Avenue – Armen Tutundzhyan, Applicant and Bruce Podgorski,
Property Owner)

Findings for Granting a Hillside Development Permit

The Community Development Director finds the proposed project satisfies the requisite findings contained in the Burbank Municipal Code Section 10-1-607(D)(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 Applicant is proposing a cut and fill work of a sloped grade portion in the rear yard of an existing single-family residential property for the construction of a future detached accessory dwelling unit. The Hillside Development Permit (HDP) requested is not for any new structures, but it is to review a proposed cut and fill work on a hillside designated property. The proposed accessory dwelling unit (ADU) will be reviewed separately and ministerially in accordance with State law and City's ADU Ordinance. Therefore, the requested HDP would not detrimentally affect traffic circulation and safety or pedestrian circulation and safety and would be compatible with existing traffic circulation patterns in the surrounding neighborhood.

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

The project site is currently improved with a two-story 2,987 square foot house with an attached 716 square foot garage. In addition, the existing house is currently designated as a Burbank historic resource. For the requested HDP, the existing house is not part of the project's scope of work. The Applicant is proposing a cut and fill work of a sloped grade portion in the rear yard of an existing single-family residential property for the construction of a future detached accessory dwelling unit. The Hillside Development Permit (HDP) requested is not for any new structures, but it is to review a proposed cut and fill work on a hillside designated property. The proposed accessory dwelling unit (ADU) will be reviewed separately and ministerially in accordance with State law and City's ADU Ordinance. The proposed cut and fill work would create a new building pad area for the new ADU. The specific area of work would be towards the rear half of the property where, currently, there is an open patio area with surrounding retaining wall. The Applicant proposes to grade approximately 121.55 cubic yards and fill about 0.45 cubic yards. The proposed project would not affect the existing natural topography of the surrounding hillside because of the property's current unique topographic layout. Specifically, the proposed grading and fill work on the project site would not affect the overall hillside topography of the surrounding neighborhood, but the project would create a new building pad area that is consistent with the existing grade level of the open patio area in which the future ADU would be situated. Therefore,

Staff has determined that the proposed work would be 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.*

As stated in the previous findings, the proposed HDP request would grade a sloped grade portion in the existing rear yard area that would match and be consistent with the grade level of the existing open patio area in which the new ADU would be located. Therefore, the HDP request is designed to reasonably avoid altering the natural topographic features of the project site.

- 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 site already has a unique topographic layout within the property that gives it an isolated condition from its neighboring residential properties. The proposed grading and fill work would not affect any scenic views from neighboring properties.

- e) *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 HDP review for this project does not require a Neighborhood Compatibility Review because the HDP request is only for the proposed grading and fill work of an existing sloped grade portion in the existing rear yard for a future ADU project. The proposed ADU is required by State law and City's ADU Ordinance to be reviewed separately and ministerially from the HDP process.

- f) *For the purpose of evaluating required finding (d) above, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director or 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 pursuant to Section 10-1-606(E). This study is separate from the Ridgeline setback analysis required by Section 10-1-606(D).*

The HDP review for this project does not involve a review of a structure that is subject to the HDP process. The HDP request for this project is only for the proposed cut and fill activities of a sloped grade portion in the existing rear yard for a future ADU project. Therefore, the preparation of a view study was not required.

- g) *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.*

As mentioned in the previous findings, the HDP request for this project would not have view impacts on surrounding properties due to the project site's own unique topographic layout. In addition, the HDP request is only for the review of a proposed cut and fill work of an existing sloped grade portion in the existing rear yard for a future ADU project. The proposed ADU is

required by State law and City's ADU Ordinance to be reviewed separately and ministerially from the HDP process.

HILLSIDE DEVELOPMENT PERMIT NO. 20-0005487
(1258 East Elmwood Avenue – Armen Tutundzian, Applicant and Bruce Podgorski,
Property Owner)

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project No. 20-0005487, Hillside Development Permit approves a proposed cut and fill work of a sloped grade portion in the rear yard of an existing single-family residential property for the construction of a future detached accessory dwelling unit. The property is located at 1258 East Elmwood Avenue in the R-1 zone.
2. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on April 5, 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.
3. Project No. 20-0005487 shall be in substantial conformance with the approved plans and conditions of approval as placed on file in the office of the Planning Division. Any modifications to the approved project must be reviewed and approved by the Planning Division.
4. The Applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
5. This permit may be modified or revoked by the City should the determination be made that the structure or conditions under which it was permitted present detrimental impacts on neighboring properties.
6. The Applicant shall list these conditions of approval in all construction plans submitted to the Building Division for a building permit. The applicant shall also provide a separate written document outlining how, or where, each of the conditions have been addressed in the building permit plan set for all City Division/Department conditions enclosed and provide the same number of copies as building plan sets submitted for Building Plan Check.
7. By signing and/or using this 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.
8. The property owner and applicant are responsible for replacing any trees that are proposed to be removed in or near the project area. The size of the new trees shall be a minimum 15-gallon. If any trees are proposed to be removed, it shall be clear in the project's scope of work and project plans during Building's plan-check review. Any landscaped area in the project area that is affected by the project shall be planted with new landscaping as

appropriate for the project site.

9. The Applicant shall provide the Planning Division and Building & Safety Division with a proposed construction management plan prior to permit issuance that outlines the proposed project activities and schedule including the list of construction related equipment used for this project. The Applicant shall demonstrate how, during construction phase, the existing house currently designated as a Burbank historic resource would be protected. The applicant shall work with the Planning Division to ensure during construction phase, the existing house is protected.
10. The proposed ADU shall have the same architectural style as the existing house, including, but not limited to, roof material and form, exterior wall material, and window style and details.

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.
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. A Civil plan is required showing the proposed changes to the site grading to accommodate the proposed ADU. Topographical contour lines are to be indicated, showing existing and proposed contours.
17. Provide Site Plan showing access from main entrance of site to the entrance of proposed ADU. Show all elevation changes, ramp and/or stair locations, as well as all information for retaining walls.
18. 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.
19. Justify Floor Area Ratio per current Burbank Municipal Code 10-1-601 (ARTICLE 6. RESIDENTIAL USES AND STANDARDS)

20. Provide corrected Demolition Calculations (demolition calculations are based upon the length of walls, not the square footage of walls).
- b. Total length of all walls to be demolished divided by total length of all existing walls = Demolition Percentage.
 - c. Length of walls are to include interior and exterior walls, including openings, and any walls attached to existing structure.
21. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
22. 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.
23. 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.
24. 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.
25. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
26. 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.
27. 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.
28. 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.
29. 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

30. 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].
31. 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 in the building site plan and the off-site improvement plans [BMC 7-3-701.1].
32. 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].
33. 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.
34. 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>
35. Plans, where applicable, shall include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
36. 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].

37. If any utility cuts or construction related impacts are made on E. Elmwood Avenue adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
38. Additional impacts to street triggered by this project could extend the paving restoration limits.
39. 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].
40. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
41. Any existing fixture or connection to the sewer main line must be capped before a building demolition activities occur.
42. Per BMC 8-1-1004.B(3), a Pool Discharge Permit is to be issued by the Public Works counter and a \$37.75 fee (fiscal year 2020-21) is required each time single family residential pool is emptied. Please refer to the enclosed pool discharge brochure. If the proposed pool/spa contains salt water, please note that salt water pool/spa discharges are currently conditionally allowed to discharge into the storm drain system, subject to meeting (and not exceeding) the following water quality objectives, in addition to other BMP requirements: 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.
43. 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.
44. 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 project 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.
45. 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 DEPARTMENT

46. Comply with all applicable requirements of the City's Parks and Recreation Department.

POLICE DEPARTMENT

47. 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.
48. 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.

BURBANK WATER & POWER – WATER DIVISION

49. The Water Division approval is contingent upon the following conditions:
- a. There is currently a 1" water meter and service at the project address.
 - b. Existing water meter location should be shown/identified on the site map.
 - c. The Applicant will be responsible for submitting final plans for BWP Water Division review and approval.
 - d. Water permit requirements for new ADU's, Plumbing Fixture Count Form and fixed charges schedule for small services.
 - e. The Applicant shall be responsible for all additional costs of connection, installation and abandonment of water services in accordance with Burbank Water and Power (BWP) Rules and Regulations.

OTHER APPLICABLE CONDITIONS

50. The Applicant and Property Owner is responsible to complying with all applicable requirements of the Project in the process of obtaining construction-related permits with the City.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner