

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PROJECT NO. 22-0003178 FOR A CONDITIONAL USE PERMIT TO ALLOW THE HEIGHT OF A PROPOSED SINGLE-FAMILY DWELLING LOCATED AT 1521 E. ALAMEDA AVENUE TO BE MEASURED FROM THE AVERAGE GRADE IN LIEU OF BEING MEASURED FROM THE EXISTING GRADE PURSUANT TO BURBANK MUNICIPAL CODE SECTION 10-1-603(C)(1).

THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:

A. On May 19, 2022, Ara Abrahamian, ("Applicant") submitted a Conditional Use Permit ("CUP") application for Project No. 22-0003178 ("Project"), for the Project located at 1521 E. Alameda Avenue to allow the height of a proposed Single-Family Dwelling to be measured from average grade in lieu of being measured from the existing grade pursuant to Burbank Municipal Code (BMC) Section 10-1-603(C);

B. On November 14, 2022, during a noticed public hearing, the Planning Commission approved a CUP for the Project located at 1521 E. Alameda Avenue;

C. On November 29, 2022, Appellant Pat Tomski, Burbank resident, filed an appeal before the end of the 15-day appeal period pursuant to Burbank Municipal Code ("BMC") Section 10-1-1907.3 (C)(1);

D. The City Council of the City of Burbank at a regular meeting on February 28, 2023, considered the appeal to the Planning Commission's decision approving Project No. 22-0003178, a CUP, for a Project located at 1521 E. Alameda Avenue;

E. Said hearing was properly noticed in accordance with the provisions of the BMC;

F. The City Council considered the report and recommendations of the City Planner and the evidence presented at such hearing;

G. The City Council considered the testimony and evidence from the Appellants, the Project Applicant, and the general public presented at such hearing; and

H. The Project was reviewed against the findings that are required to be met for a CUP, as further described below. Based on the evidence and testimony presented at the hearing, it was determined by the Council that the proposed Project met all of the required findings.

I. The Project qualifies for a Categorical Exemption in accordance with the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15303(a) of the State CEQA Guidelines for the construction of a single-family home.

THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The appeal to the Planning Commission's approval of Project No. 22-0003178 is hereby denied, and the Conditional Use Permit (CUP) is hereby approved subject to compliance with all Conditions of Approval (attached as Exhibit A and incorporated herein). This approval is based upon the City Council's determination that all of the following required findings for approval of the requested Project application could be made as required under BMC Section 10-1-1936 for Project No. 22-0003178:

A. Findings for a Conditional Use Permit Application

- 1) *The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by Chapter 1, Title 10, of the BMC.*

The proposed Project request is permitted under BMC Section 10-1-603(C)(1). Under BMC Section 10-1-603(C)(1), height can be measured from the average grade in lieu of using the existing grade of a lot with the approval of a CUP.

- 2) *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The requested CUP to allow the height of a proposed single-family dwelling to be measured utilizing the average grade up to 20-feet for top plate height, and up to 30-feet for roof-pitch, in lieu of the existing grade of the lot will not be detrimental to uses permitted in the R-1 zone. The proposed request will accommodate the construction of a two-story single-family dwelling, which is an allowed use in the R-1 zone. Allowing overall height of the dwelling to be measured from the average grade in lieu of the existing grade of the lot will ensure that the proposed structure will have a consistent top plate height with continuous first and second floor levels that improve functionality of the dwelling. The resulting two-story single family dwelling structure will provide for an architectural design that is compatible with the scale and design of similar single-family dwellings in the surrounding neighborhood.

- 3) *The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.*

The Project site is zoned R-1 (Single-Family Residential) and the Project request will facilitate the construction of a new single-family dwelling that is an allowed use in the R-1 zone. The Project request to allow structure height to be measured utilizing average grade will result in a dwelling structure that has a consistent top plate height of up to 20-feet that will improve functionality of the dwelling and result in an architectural design that is compatible with the scale and design of dwellings in the surrounding neighborhood. The overall height of the single-family dwelling will be in

compliance with the maximum allowable top plate and top of pitched roof and architectural features in this area, and therefore maintain the compatibility, with surrounding single-family dwellings.

- 4) *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future uses permitted in the neighborhood.*

The Project site is zoned R-1 (Single-Family Residential). The CUP request is to allow the height of the proposed dwelling to be measured utilizing average grade in lieu of existing grade of the lot, not to exceed 20-feet for top of plate and 30-feet for top of pitched roof. Allowing the dwelling to be measured utilizing the average grade will support the proposed dwelling's compatibility with all development standards for single-family dwellings in this zone by allowing the applicant to construct the proposed structure with a consistent top plate height across the entire width of the structure, resulting in flat and even finished floors as well as flat and even ceiling levels. Additionally, as part of the Project's Conditions of Approval (Exhibit A), the applicant is required to adhere to all applicable development standards that include compliance with required yard setbacks, walls, fences, and landscaping standards.

- 5) *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The CUP is requested to allow the height of the proposed dwelling to be measured utilizing the average grade, in lieu of the existing grade of the lot. As part of the Conditions of Approval (Exhibit A), the proposed development will provide for the construction of a two-story single family residential dwelling structure that complies with all applicable development standards in the BMC, including the City's R-1 zoning regulations. Subject to the approval of the CUP request, the resulting single family dwelling structure will ensure that the proposed dwelling does not have any negative impact to the street and highways and does not negatively impact the traffic in the general vicinity. Approval of the CUP will not expand the existing use on the site as a single-family dwelling, and therefore it is not anticipated to generate any additional traffic demand.

- 6) *The conditions imposed are necessary to protect the public health, convenience, safety and welfare.*

The recommended conditions of approval will ensure that the Project, which provides for the construction of a new two-story single family residential dwelling is completed in a manner that protects the public health, convenience, safety, and welfare. These conditions of approval include compliance with all applicable development standards in the BMC and includes all R-1 objective development standards.

2. The City Clerk shall mail a copy of this Resolution to the applicants in accordance with the Burbank Municipal Code.

PASSED AND ADOPTED this ____ day of February, 2023.

Konstantine Anthony
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
Lisa Kurihara
Senior Assistant City Attorney

Kimberley Clark, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on this __ day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Kimberley Clark, City Clerk

Exhibit A

CONDITIONS OF APPROVAL

Project No. 22-0003178
Conditional Use Permit Application
(1521 E. Alameda Avenue. – Ara Abrahamian, Applicant)

Planning Division

1. Project No. 22-0003178, Conditional Use Permit application, approves the height of the proposed single-family residence at 1521 E. Alameda Avenue to be measured from the average grade in lieu of the existing grade pursuant to BMC Section 10-1-603(C)(1) The top plate shall not exceed 20'-0" from the average grade.
2. This conditional use permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on February 28, 2024), unless the Property Owner has diligently initiated the process and can show that progress has been made on constructing the proposed home.
3. The operation/construction on the Project site shall remain in substantial conformance with the request and with the application materials submitted by the applicant with an approval stamp dated February 28, 2023, and approved and placed on file in the office of the Planning Division. Modifications to the approved plans may be granted by the Community Development Director or his/her designee.
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 and Safety 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 Conditional Use 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 property located at 1521 E. Alameda Avenue.

8. The proposed single-family home that this CUP will be applied to must be in compliance with the development standards outlined in Title 10, Article 6 in the BMC.
9. The applicant shall install a Project Notice Sign no later than 30 days after submitting for Building Plan check.

COMMUNITY DEVELOPMENT DEPARTMENT- BUILDING DIVISION

10. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the current 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.

The 2019 California Building Standards is applicable to projects that submit a building permit application on or before December 31, 2022. The 2022 California Building Standards Code is applicable to projects that submit a building permit application on or after January 1, 2023.

11. 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
12. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
13. All Departments that have provided Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.
14. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading and Shoring
 - c. Architectural and Structural
 - d. Pool, Spa, & Equipment
15. 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.

16. 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.
17. Grading and drainage plans will be required, and a separate Grading and Shoring permit will be required. Topographical contour lines are to be indicated, showing existing and proposed contours. Geotechnical report shall be submitted along with Grading and Shoring Permit Application.
18. 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

19. 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.
20. 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].
21. No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-2-3203].
22. All unused driveways shall be removed and reconstructed with curb, gutter and sidewalk [BMC 7-3-504].
23. 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 Standards 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>

24. 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 [BMC 7-1-117, BMC 7-3-102].
25. Plans should include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
26. Remove and reconstruct any portion of sidewalk that is uneven or up-heaving fronting the property along Alameda Avenue per City of Burbank Standards. Contact the Public Works Inspection Office at 818-238-3955 to have these areas identified after obtaining a Public Works Excavation permit [BMC 7-3-501].
27. Any portion of the public parkway (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].
28. Access gates may not swing open into the public right-of-way [BMC 7-3-701.1].
29. If any utility cuts or construction related impacts are made on E. Alameda Avenue adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
30. Additional impacts to street triggered by this project could extend the paving restoration limits.
31. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
32. 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].
33. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
34. Pollutants, including construction debris, soil, and other discharges, are prohibited from entering the City's sewer collection system [BMC 8-1-501.1]. Discharges that exceed the local limits per BMC 8-1-501.4 are prohibited. In addition, the applicant shall not

obstruct or damage any part of the City sewer system, and shall reimburse the City for sanitary sewer overflows and the reasonable costs of necessary maintenance and/or repair of the sewer system [BMC 8-1-311]. As such, it is required that all existing private sewer laterals are capped prior to any demolition activities.

35. 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.
36. 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.
37. 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].
38. 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.
39. The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent [BMC 10-1-1604].
40. Driveways shall be no less than 10 feet wide per BMC 10-1-1603
41. Driveway path to garage must be constructed per BMC 10-1-603(I).
42. Driveway apron must be constructed per Burbank Standard Plans BS-103.
43. No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 5' by 5' visibility cut-off at intersection of street and driveway [BMC 10-1-1303(C)].

44. Must comply with AB 341 and SB 1383 requirements
45. There must be an appropriate location on the property for all solid waste containers or bins. Solid waste containers shall not be visible from the street

BWP ELECTRIC SERVICES DIVISION

46. The applicant will need to contact the Residential Service Planner at 818-238-3647 to obtain a confirmation of electric service for permanent and temporary power. BWP can provide electric service of 400 amps or less to the property. In accordance with BWPs Rules and Regulations, overhead service will not be provided to any Customer with a new development that requires total building demolition. Underground service may be possible on the south side of the new 2-story single-family dwelling. The servicing pile will need to be replaced prior to the construction of the underground substructures. For underground service, the applicant will be responsible for installing all substructures necessary to provide underground electric service from the pile to the main electric panel. Temporary power may be possible at the north-west of the property with conditions.

BURBANK FIRE DEPARTMENT

47. Provide construction site security by means of a six-foot high fence maintained around the entire site or a qualified fireguard when required by the Fire Chief.
48. Provide an automatic fire sprinkler system in accordance with the Burbank Municipal Code.
49. Provide electrical supervision for all valves controlling the water supply and all water flow switches on all fire sprinkler systems where the number of sprinklers is 20 or more
50. Provide a fire alarm system to notify all occupants of automatic fire sprinkler water flow.
51. Provide a Knox key box for fire department access.
52. Provide a Knox KS-2 key access switch for security gates.
53. Provide address numbers a minimum of 4 inches high for residential structures and six inches high for all other occupancies with $\frac{3}{4}$ inch stroke to identify the premises. Numbers shall be plainly visible from the street or road fronting the property and from the alley or rear accessway to the property.

54. 2A10BC fire extinguishers shall be provided and located as directed by the Fire Inspector in the field. All portable fire extinguishers shall be installed on a positive latching bracket or within an enclosed cabinet.
55. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. All locking devices shall be of an approved type.
56. Provide a fire alarm system.
57. Fire apparatus access roads shall be provided in accordance with the California Fire Code, for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Access during construction shall be maintained in accordance with the CFC/BMC.
58. Specifications for fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.
59. Plans for fire apparatus access road shall be submitted to the fire department for review and approval prior to construction.
60. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
61. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
62. Approved signs or other approved notices shall be provided and maintained, at the expense of the person(s) in possession of the property, for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.
63. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.

64. All exits, fire department access and fire protection shall be maintained in accordance with the California Fire Code during construction.
65. Any fire hydrants for this block shall be upgraded with a 4" X 2-2 1/2" outlets. Contact the Water Division at (818) 238-3500 for specifications on the type of fire hydrants to be provided.
66. Provide smoke detection for dwelling units, congregate residences and hotel or lodging guestrooms that are used for sleeping purposes.
67. Power and location of smoke detectors in Group R occupancies shall be in compliance with the California Fire Code, California Building Code as amended by the Burbank Municipal Code.
68. All existing single-family dwelling units intended for human occupancy shall have installed on or before July 1, 2011, carbon monoxide detectors in accordance with the Health & Safety Code §17926.
69. In order to determine fire flow requirements for this building, the following information shall be provided prior to issuing a building permit for final fire department plan check:
 - a. Building Type Construction as defined by the California Building Code.
 - b. Square feet of the building.
 - c. The fire flow shall be gpm for hours in accordance with the CFC.

PARKS AND RECREATION DEPARTMENT

70. Prior to obtaining building permits the Applicant/Property Owner shall pay the Park Development Fee, which is \$150/bedroom for residential units only.
71. The Applicant/Property Owner shall provide an Arborist/Landscape Architect valuation of any landscape, including trees, removed for this project.
72. The Applicant shall submit landscape and irrigation plans prepared by a licensed landscape architect with the plans submitted to the Building and Safety Division for Building Plan Check Review.
73. The Project shall comply with Municipal Water Efficient Landscape Ordinance (MWELo) if over 500 square feet of landscaping is installed on the property.
74. Unless otherwise approved for removal by the City's Parks and Recreation Department, all street trees shall remain; contact the Forestry Division at (818) 238-5343 for a list of approved street trees if any need to be replaced.

75. Tree protection zones shall be in place prior to any construction for all parkway/street trees.
76. In the event that the Applicant needs to install street trees, the Applicant shall contact the Forestry Supervisor at (818) 238-5343, at least 48 hours prior to the installation. Failure to contact the City for inspection and installation may cause the removal and replacement at the owner's expense. This condition of approval shall also be included on the landscape/irrigation planting plan.
77. Trees that are planted in grass areas shall be installed with arbor guards.
78. In the event that trees the Applicant needs to install street trees the following will need to be provided:
- a. Irrigation bubblers;
 - b. Tree wells; and
 - c. Trees shall be a minimum 24" box size.
79. Applicant/Property Owner shall install automatically controlled irrigation system in all landscaped areas, including street parkway.

BURBANK POLICE DEPARTMENT

80. All outside lighting shall comply with the requirements of Burbank Municipal Code 5-3-505 – Outside Lighting
81. Buildings/structures shall display a street number in accordance with the Burbank Municipal Code.
82. Pursuant to Burbank Municipal Code 9-2-505.1.1 – approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and from the alley or rear accessway to the property. Numbers/addresses on residential structures shall be at least four (4) inches in height with three-fourths (3/4) inch stroke. All other occupancies shall have numbers/addresses a minimum of six (6) inches in height with three-fourths (3/4) inches stroke. All numbers/address shall contrast with their background.
83. Secure fencing around the construction site with locking gates and appropriate lighting should be installed during construction to prevent trespassing and theft. During construction, the Police Department should be given emergency contact information of contractors and owners for any problems encountered after normal construction hours. (Burbank2035 General Plan Safety Element Goal 3, Policy 3.2 – Reduce opportunities for criminal activity through physical design standards such as Crime Prevention Through Environmental Design (CPTED) and youth programs, recreation opportunities, educational programs, and counseling services.)

84. To ensure construction personnel are aware of the restricted construction times, the developer should install legible, professionally made signs 2 ft. X 3 ft. in size in locations 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 if the Directors of both the Community Development and Public Works Departments.

HOUSING ELEMENT COMPLIANCE

85. A qualified biologist shall be retained by the applicant to conduct an initial site assessment that will include review of the California Natural Diversity Database (CNDDDB) and iNaturalist maps to determine where sightings have occurred or habitats for the Least Bell's vireo, bat species, or monarch butterflies have previously been identified. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant. If construction activities or other disturbances occur in areas within 500 feet of a previously identified habitat or observation according to CNDDDB or iNaturalist, the following measures shall be implemented:
- a. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The qualified biologist shall thoroughly report on the biological resources present on a project site and submitted to the City. If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (California Department of Fish and Wildlife [CDFW], March 20, 2018) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, September 23, 1996).
 - b. If it is determined that the project site has suitable habitat for special-status wildlife, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or United States Fish and Wildlife Service (USFWS) protocols for State or federally listed species, respectively, that may occur.
 - c. If it is determined that a special-status species may be impacted by a specific project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts, such as avoidance, minimization, or take authorization

and mitigation. The report shall include a list of special-status plants and wildlife that may occur on the project site and/or adjacent area.

86. If construction activities or other disturbances occur during the bird nesting season (February 1 through August 31), prior to issuance of grading permits the following requirements shall be implemented:
- a. Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant.
 - b. If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means approved by the City Planner to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.
 - c. A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

X

Signature of Applicant/Permittee

X

Signature of Property Owner