

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: November 14, 2022
TO: City Planning Board
FROM: Fred Ramirez, Assistant Community Development Director *FR*
Via: Leonard Bechet, Principal Planner *LJB*
By: Maciel Medina, Associate Planner *LJB for MM*
SUBJECT: Project No. 22-0003178, A request for a Conditional Use Permit to allow the top plate 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).

RECOMMENDATION:

Staff recommends the Planning Board approve the Project by adopting the following:

“A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BURBANK APPROVING PROJECT NO. 22-0003178, A CONDITIONAL USE PERMIT TO ALLOW THE TOP PLATE 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), BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.”

EXECUTIVE SUMMARY

The Applicant, James V. Coane, on behalf of the property owners, Ara Abrahamian and Anita Moradian, has submitted a request for a Conditional Use Permit (CUP) to allow the height of the top plate of a proposed single-family dwelling located at 1521 E. Alameda Avenue to be measured from the average grade rather than from existing grade pursuant to Burbank Municipal Code (BMC) Section 10-1-603(C)(1).

As outlined in the subsequent sections of this report, it is staff's assessment that the required findings of fact can be made to approve the CUP request, subject to the Project's

ongoing compliance with the recommended Conditions of Approval, which are attached to the proposed Planning Board Resolution (Exhibit A).

BACKGROUND

Project Description

The proposed Project includes the demolition of all existing structures on the property and the new construction of a 3,743 square-foot, two-story, single-family dwelling with an attached two-car garage and patio cover. Other property improvements include hardscaping and landscaping. This CUP only applies to the measurement of the height for the top plate, the remainder of the dwelling will be reviewed for development standard compliance in plan check.

Project Site and Surrounding Context

The Project site is located at 1521 E. Alameda Avenue, in the R-1 (Single-Family Residential) zone. The border between Burbank and Glendale runs along Alameda Avenue and the properties located on the northwest side of Alameda Avenue, including the subject property, are within the City of Burbank. The properties located across the street from the Project site, on the southeast side of Alameda Avenue, are within the City of Glendale. The surrounding neighborhood can be characterized as predominantly single-family residential in nature, with a mix of single-story and multi-story dwellings in a variety of architectural styles.

The Project site has a natural slope that runs the width of the lot with the lowest portion along the south side property line at an approximate elevation of 768 feet and the highest portion along the north side property line at an approximate elevation of 772 feet. Although the Project site is sloped, it is not located in the City’s designated Hillside Area and the Project site is not subject to a Hillside Development Permit. The following Table 1 summarizes the general property information for the Project site and surrounding land uses:

Table 1: General Property and Surrounding Land Use Information	
Address	1521 E. Alameda Avenue
Cross Streets	E. Alameda Avenue and S. Sunset Canyon Drive
Assessor’s Parcel Number	5620-005-030
General Plan Designation	Low Density Residential
Zoning	R-1 (Single-Family Residential)
Property Size	13,000 sq. ft. total property area
Current Development	The Project site is currently improved with a single-family dwelling.
Street Classification and Width	Local, 60-foot-wide right-of-way
Surrounding Neighborhood:	R-1 (Single-family Residential) Zone comprised of single-
North	family dwellings
South	R-1 (Single-family Residential) Zone comprised of single-
	family dwellings

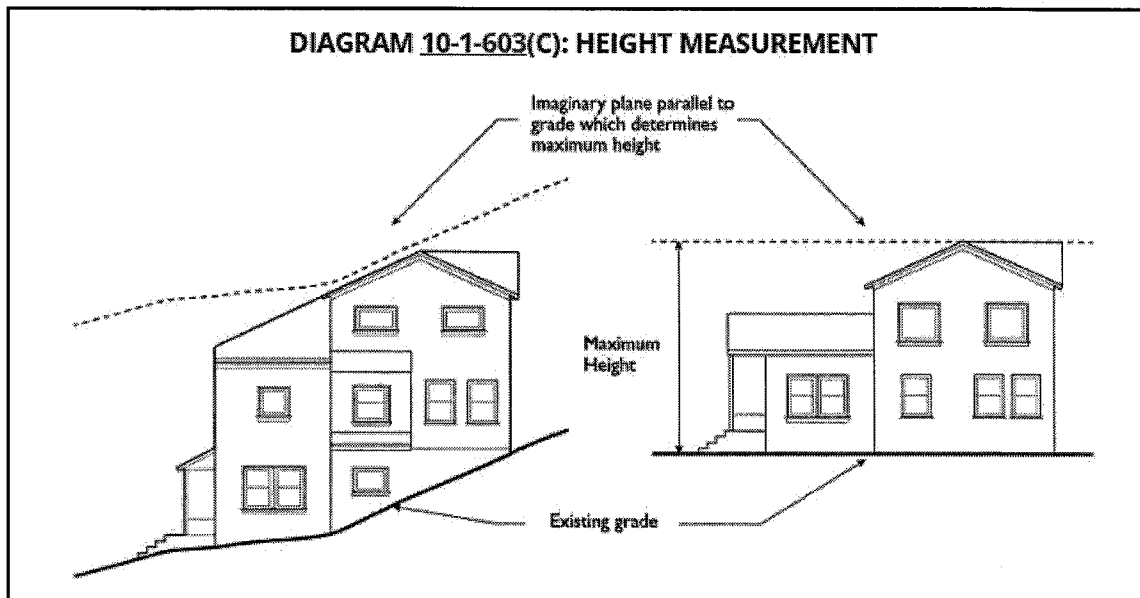
Table 1: General Property and Surrounding Land Use Information	
East	City of Glendale - single-family dwellings
West	R-1 (Single-family Residential) Zone comprised of single-family dwellings

Conditional Use Permit Requirement

New construction of single-family dwellings in the R-1 zone, outside of the City’s designated Hillside Area, are required to comply with all applicable development standards in BMC Section 10-1-603, including section 10-1-603(C), which addresses height and specifies that:

1. For purposes of these standards, height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet (as listed in Table 10-1-603(A)) above and parallel to the grade. The measurement is taken at each point along the face of the structure at no less than one foot intervals, and the reference grade shall be established as the existing ground surface of the lot, prior to any grading, cut, or fill activity or the finished ground surface of the lot, after any grading, cut, or fill activity, whichever is lower.

Diagram 10-1-603(C) illustrates the imaginary plane on a sloped lot and flat lot when measured from the existing grade to the top of the roof. A separate imaginary plane also parallel to the grade determines the maximum top plate height. With approval of a Conditional Use Permit, height may be measured from the average grade in lieu of being measured as described above. In this instance, average grade shall be the average of the highest and lowest finished ground surface elevations at the perimeter of the structure, whether or not the finished ground surface is higher than the existing ground surface.



As noted in BMC Section 10-1-603(C)(1) height may be measured from the average grade in lieu of being measured from natural grade subject to Planning Board approval through a CUP. The applicant has requested to use this provision of the code to measure the height of the proposed single-family dwelling using average grade.

Pursuant to BMC Section 10-1-1936, in granting a CUP, the Planning Board, must find that:

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 this chapter.
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.
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.
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.
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.
6. The conditions imposed are necessary to protect the public health, convenience, safety and welfare.

As outlined in the following discussion, staff believes the Project is consistent with BMC Section 10-1-603(C)(1) and that it meets the required CUP findings found in BMC Section 10-1-1936.

ANALYSIS

The Project was analyzed to determine if the required findings for a CUP, including consistency with the Burbank2035 General Plan, applicable development standards in the BMC, and compatibility with the surrounding neighborhood, can be made.

Consistency with the General Plan

The Burbank2035 General Plan Land Use designation for the Project site is Low Density Residential. This land use designation characterizes neighborhoods with single-family residential dwellings that are free from adverse effects from surrounding land uses. Specifically, this Project site is located within an established single-family residential neighborhood that contains one-story and two-story dwellings built in a variety of architectural styles. The Project supports Land Use Goal 1 (Quality of Life) and Policy 1.8, which ensures that development in Burbank is consistent with the land use designations

presented in the Burbank2035 General Plan. The granting of a CUP to allow the building top plate height to be measured from the average grade is consistent with the Low Density Residential land use designation of the Burbank2035 General Plan and the BMC Zoning standards which regulate development in the R-1 (Single Family Residential) zone, because it supports the development of a single family dwelling in this location.

Compliance with the Applicable Zoning Regulations

BMC Section 10-1-603(A) limits the overall height of a residential dwelling in the R-1 and R-1-H zones to 30'-0" to the top of a pitched roof and architectural features and limits the height to 20'-0" to the top plate. A residential dwelling has to comply with both the top of roof and architectural features height and the top plate height requirements.

BMC Section 10-1-603(C)(1) indicates that when measuring the height of a structure in the R-1 and R-1-H zones, the height "shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The measurement is taken at each point along the face of the structure at no less than one-foot intervals, and the reference grade shall be established as the existing ground surface of the lot, prior to any grading, cut, or fill activity or the finished ground surface of the lot, after any grading, cut or fill activity, whichever is lower."

As described above, the subject property has a natural slope that runs the width of the lot with the lowest portion along the south side property line at an approximate elevation of 768 feet, and the highest portion along the north side property line at approximate elevation of 772 feet. As a result, using this method of height measurement proves especially difficult on a lot with varying natural grade heights since the roof and ceiling heights must follow the natural increasing and decreasing elevation points of a lot.

The approximately four foot elevation difference makes it difficult for the applicant to meet the maximum 20'-0" top plate height requirement that follows natural grade because the portion of the house on the lower side of the lot would need to be constructed at a lower elevation, which would result in the house being built with split levels to account for the decrease in natural grade from the north side of the structure to the south side.

However, as noted previously, BMC Section 10-1-603(C)(1) allows that "with approval of a CUP, height may be measured from the average grade in lieu of being measured as described above. In this instance, the average grade shall be the average of the highest and lowest finished ground surface elevations at the perimeter of the structure, whether or not the finished ground surface is higher than the existing ground surface." By using this method of height measurement, the Applicant will be able to measure the overall ceiling and roof heights from one plane on the lot, thereby allowing them the ability to construct the dwelling with consistent story heights across the sloped lot.

It should be noted that the CUP approval does not change the maximum allowable heights in BMC Section 10-1-603(A), it merely provides an alternative way to measure height in

cases where the arrangement of a lot makes it difficult to meet maximum height, as measured from the existing grade.

Request

The proposed dwelling has a maximum height of 26'-9", thus meeting the maximum top-of-pitched roof and architectural features height of 30'-0" as measured from existing grade. However, the structure does not comply with the maximum top plate height of 20'-0" if using the existing grade measurement. Only the north side of the structure that has the higher existing grade can meet the 20'-0" height. However, the south side of the structure on the lower existing grade exceeds the 20'-0" height by approximately 1'-11". As a result, the applicant is requesting to measure the top plate height from the average grade resulting in a top plate height of 20'-0" feet. Exhibit C, page 12, includes an elevation of the proposed structure and the existing grade and average grade height lines.

Granting a CUP will allow the Project Applicant to construct the proposed dwelling with a consistent top plate height across the entire width of the structure, without needing to create split levels, or constructing the northern portion of the structure at a lower elevation to compensate for the gradual slope differences; both of which would add significant expense to the Project and an inconsistency in the design and functionality between the opposing sides of the dwelling. Furthermore, the CUP only deals with top plate building height, the remainder of the dwelling will be reviewed in plan check for development standard compliance.

Conditional Use Permit Findings

It is staff's determination that the following Findings of Fact support the assertion that all of the required findings for a CUP can be made for the Project.

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 this chapter (the City's Zoning Code).*

The proposed request is permitted through 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 CUP is requested to allow the top plate height of a proposed single-family dwelling to be measured utilizing the average grade up to 20'-0", in lieu of the existing grade of the lot and will not be detrimental to uses permitted in the R-1 zone. The proposed request will accommodate the construction of a single-family dwelling, which is an allowed use in the R-1 zone. Allowing top plate 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, which 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.

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 which is an allowed use in the R-1 zone. The Project request to allow top plate height of up to 20'-0" to be measured utilizing average grade will result in a dwelling structure that has a consistent top plate height of up to 20'-0", which 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 still be in compliance with the maximum allowable top of pitched roof and architectural features height 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 top plate height of the proposed dwelling to be measured utilizing average grade in lieu of existing grade of the lot not to exceed 20' 0". Allowing the top plate of 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. Additionally, as part of the Conditions of Approval (Exhibit A), the Applicant will be required to adhere to the BMC development standards that includes 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 top plate height of the proposed dwelling to be measured utilizing the average grade, in lieu of the existing grade of the lot up to 20'-0". As part of the Conditions of Approval (Exhibit A) the proposed dwelling will be required to be in compliance with the BMC development standards as they relate to single-family dwellings, ensuring that the proposed dwelling does not have any negative impacts 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 is the Project 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.

PUBLIC NOTIFICATION AND INPUT

Public notice for the Planning Board hearing was provided in accordance with State and local law. Notices were mailed to all property owners and tenants within a 1,000-foot radius of the Project site, a public notice was published in the Los Angeles Times newspaper, and a notice was posted on-site 10 business days prior to the Planning Board hearing. The notice directed the public to review the Project request, staff report, and associated exhibits and application via the City's website at: <http://www.burbankca.gov/pendingprojects> or participate in the Planning Board meeting online. As of the writing of this report the City has not received correspondence regarding the Project.

INTERDEPARTMENTAL REVIEW

The application and plans for the Project were routed to Community Development Department Building and Safety Division, as well as Burbank Water and Power, the Fire Department, Police Department and Public Works Department for review. The conditions and comments provided by these reviewers have been incorporated into the Project's Conditions of Approval as noted in the attached Resolution (Exhibit A).

ENVIRONMENTAL REVIEW

Staff recommends that the Planning Board find that the proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the State CEQA Guidelines pertaining to the construction of a new single-family dwelling in a residential zone. The Class 3, categorical exemption is applicable because the Project involves the ultimate construction of a new single-family dwelling unit on a property located at 1521 E. Alameda Avenue in the R-1 (Single Family Residential) zone.

CONCLUSION

Staff recommends that the Planning Board adopt the attached Resolution (Exhibit A) approving Project No. 22-0003178, a Conditional Use Permit to allow for the overall height of a new single-family dwelling located at 1521 E. Alameda Avenue to be measured from the average grade of the lot rather than the existing grade, based on the determination that all required findings of fact for the CUP request can be made and subject to the recommended Conditions of Approval (Exhibit A).

List of Exhibits	
Exhibit	Title
A	Draft Resolution
B	Zoning and Fair Political Practices Act Compliance Map, Aerial Photo
C	Project Plans
D	Project Application

RESOLUTION NO. 3050

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BURBANK APPROVING PROJECT NO. 22-0003178, A CONDITIONAL USE PERMIT TO ALLOW THE TOP PLATE 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), BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.

(1521 E. Alameda Avenue –James Coane, Applicant)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

A. The Planning Board of the City of Burbank at its regular meeting of November 14, 2022, considered a request for approval of a Conditional Use Permit (CUP) application allowing for the top plate height of a proposed single-family dwelling located at 1521 E. Alameda Avenue to be measured from the average grade of the lot in lieu of being measured from the existing grade pursuant to Burbank Municipal Code (BMC) Section 10-1-603(C)(1).

B. Said hearing was properly noticed in accordance with the provisions of BMC Section 10-1-1942.

C. The Planning Board considered the staff report and recommendations of the City Planner and the evidence presented at such hearing.

D. The Planning Board exercises its independent judgement and finds that the Project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303(a) of the State CEQA Guidelines for the construction of a single-family dwelling. This exemption applies because the Project involves construction of a new single-family dwelling on a property located within the R-1 (Single-Family Residential) zone.

E. The Project is consistent with the Burbank 2035 General Plan. This project supports Land Use Goal 1 (Quality of Life) and Policy 1.8, which ensures that development in Burbank is consistent with the land use designations presented in the Burbank 2035 General Plan. The Project site is within the Low Density Residential land use designation in the Burbank 2035 General Plan, which characterizes neighborhoods with single-family residential dwellings that are free from adverse effects from surrounding land uses. Granting a CUP to allow the Project's building height to be measured from the average grade is consistent with the Low Density Residential land use designation because it supports development of a single-family dwelling at this location.

THE PLANNING BOARD OF THE CITY OF BURBANK RESOLVES:

1. Project No. 22-0003178, a Conditional Use Permit to allow the top plate height of a proposed single-family dwelling to be measured from the average grade in lieu of the existing grade, is hereby approved, subject to the applicant/permittee complying

with all the requirements of the BMC and the Conditions of Approval attached to this Resolution. The approval is based on the ability of the Planning Board to make each of the following findings pursuant to BMC Section 10-1-1936:

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 this chapter.*

The proposed request is permitted through 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 CUP is requested to allow the top plate height of a proposed single-family dwelling to be measured utilizing the average grade up to 20'-0", in lieu of the existing grade of the lot and will not be detrimental to uses permitted in the R-1 zone. The proposed request will accommodate the construction of a single-family dwelling, which is an allowed use in the R-1 zone. Allowing top plate 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, which 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.

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 which is an allowed use in the R-1 zone. The Project request to allow top plate height of up to 20'-0" to be measured utilizing average grade will result in a dwelling structure that has a consistent top plate height of up to 20'-0", which 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 still be in compliance with the maximum allowable top of pitched roof and architectural features height 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 top plate height of the proposed dwelling to be measured utilizing average grade in lieu of existing grade of the lot not to exceed 20' 0". Allowing the top plate

of 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. Additionally, as part of the Conditions of Approval (Exhibit A), the Applicant will be required to adhere to the BMC development standards that includes 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 top plate height of the proposed dwelling to be measured utilizing the average grade, in lieu of the existing grade of the lot up to 20'-0". As part of the Conditions of Approval (Exhibit A) the proposed dwelling will be required to be in compliance with the BMC development standards as they relate to single-family dwellings, ensuring that the proposed dwelling does not have any negative impacts 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 is the Project 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.

2. The City Planner shall file a Notice of Exemption with the Los Angeles County Clerk, within 5 days of the Planning Board approval.

3. The Secretary of the Planning Board shall mail a copy of this Resolution to the applicant and report this decision to the City Council in accordance with Section 10-1-1925 of the Burbank Municipal Code.

PASSED AND ADOPTED this 14 day of Nov, 2022.

CITY PLANNING BOARD



Christopher Rizzotti
Chairperson

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

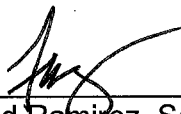
I, Fred Ramirez, Secretary of the Planning Board of the City of Burbank, certify that this Resolution was adopted by the City Planning Board at its meeting held on the 14th day of November, 2022, by the following vote:

AYES: Rizzotti, Elric, Wick

NOS:

ABSENT: Atteukenian, Monaco

ABSTAINED:



Fred Ramirez, Secretary

CONDITIONS OF APPROVAL
Project No. 22-0003178
Conditional Use Permit Application
(1521 E. Alameda Avenue – James Coane, Applicant)

1. Project No. 22-0003178, Conditional Use Permit application, approves the height of the top plate 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 November 14, 2023), 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 November 14, 2022, 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 or 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 9-1-3203].
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-sory 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 (CNDDB) 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