



January 29, 2024

ARMAN ABGARYAN
1900 KEELER STREET
BURBANK, CA 91504

Via email: arman@sigmadsgn.com

**RE: Notice of Decision – Approval
Project No. 23-0002183 – Hillside Development Permit
3537 Viewcrest Drive**

Dear Mr. Abgaryan:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (HDP) to Permit construction of (1) an attached trellis structure, a detached trellis structure, a outdoor BBQ with retractable cloth cover, (2) a 2' – 6" high retaining wall in the front yard setback area with 18" planting buffer, (3) a 4' – 6" high retaining wall with a 3' – 6" high glass railing above at the rear property line, (4) an exterior staircase in the rear, and (5) infill the existing swimming pool on existing single-family zoned property. Enclosed is the approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the decision date unless the decision is appealed to the Planning Board within 15 days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or 5:00 p.m. on February 13, 2024.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Sara Hrynik", written over a horizontal line.

SARA HRYNIK
Assistant Planner
Community Development Department

Attachments:
Exhibit A: View Study
Exhibit B: Approved Plans

Community Development Department Director's Decision

DATE: January 29, 2024

PROJECT TITLE: Project No. 23-0002183 – Hillside Development Permit

PROJECT ADDRESS: 3537 Viewcrest Drive

APPLICANT: Arman Abgaryan

PROJECT DESCRIPTION: The project proposes construction of the following: (1) one 10' – 0" high detached trellis structure and one 9' – 11" high attached trellis structure at the rear of the house, (2) an outdoor BBQ kitchen with a 10' – 0" high retractable shade structure, (3) a retaining wall with a maximum height of 4' – 6" with a 3' – 6" glass railing above at the rear property line, (4) a 2' – 6" high retaining wall with 18" planting buffer, (5) an exterior staircase at the east side of the property and (6) infill of the existing swimming pool adjacent to the existing single-family residence on an existing 8,910 square foot lot. The maximum proposed height of the accessory structures is 10' – 0" high and the maximum height of the rear retaining wall and glass railing is 8' – 0" (combined). The subject property is located in the R-1, Single Family Residential, zone in the Hillside area.

ZONING: R-1

GENERAL PLAN: Low Density Residential

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code. The proposed improvements would not add to the existing floor area counted towards Floor Area Ratio (FAR) or lot coverage. The heights of the accessory structures and the proposed retaining walls comply with the height and setback requirements in Section 10-1-603 and 10-1-606 of the Burbank Zoning Code and the noted exception per BMC§10-1-606(F)(7), *Exception to the standards of retaining walls in the Hillside area can be granted by the Director or their designee with the approval of a Hillside Development Permit to accommodate unique slope conditions existing prior to development or grading for development.* Additionally, the project complies with all applicable height, setbacks, and design requirements.

ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(e) pertaining to the construction of accessory structures (New Construction or Conversion of Small Structures) within an urbanized area.

DATE SIGN POSTED ON-SITE: December 19, 2023

DATE PUBLIC NOTICE MAILED: January 8, 2023

DATE OF DIRECTOR'S DECISION: January 29, 2024

END OF APPEAL PERIOD: February 13, 2024

A handwritten signature in blue ink, appearing to read 'S. Hrynik'.

Sara Hrynik, Assistant Planner
Planning Division (818) 238-5250

A handwritten signature in blue ink, appearing to read 'Patrick Prescott', with a horizontal line drawn through it.

For, Patrick Prescott, Community Development Director

**HILLSIDE DEVELOPMENT PERMIT NO. 23-0002183
(3537 Viewcrest Drive – Arman Abgaryan, Applicant)**

Findings for Granting a Hillside Development Permit

1) The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.

The existing vehicle and pedestrian access to the house and other structures will not be significantly modified or impacted by the Project and will not detrimentally impact traffic or pedestrian circulation and safety. The proposed improvements are located towards the rear of the property and include the construction of retaining walls and several accessory structures. Access to the existing parking garage would remain unaltered from existing conditions and the primary access to into the home will remain off Viewcrest Drive. Therefore, the proposed improvements are compatible with existing traffic circulation patterns in the neighborhood and will not disturb any existing sidewalks, guardrails, or street access. This finding can be made.

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

The project proposes to construct two trellis structures, a retractable shade cover over outdoor BBQ kitchen, and an exterior staircase. All accessory structures are proposed on a flat area of the rear yard area and are common structures in single-family zoned property. The proposed front retaining wall would be located on sloped portions of the site; however, the improvements have been located and planned such that the majority of the sloped area of the front yard will retain unaltered. Grading would be limited to a total Fill of 18 Cubic Yards. The rear retaining wall will also alter the topography of the rear yard in a manner typical to this neighborhood and the Hillside Area. The improvements have been located and planned to minimize the amount of grading necessary to expand the backyard and accommodate for the proposed accessory structures. For example, the existing topography was retained at the northwest corner of the site where the existing slope is the greatest. Grading would be limited to a total Fill of 45 Cubic Yards. As all improvements that are proposed are reasonably consistent with the natural topography of the surrounding hillside, this finding can be made.

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

The project proposes to construct four accessory structures on the flat portion of the rear yard area as well as front and rear retaining walls. The proposed front retaining wall would be located on sloped portions of the site; however, the improvements have been located and planned such that the majority of the sloped area of the front yard will retain unaltered. Grading would be limited to a total Fill of 18 Cubic Yards. The rear retaining wall will also alter the topography of the rear yard in a manner typical to this neighborhood and the Hillside Area. The improvements have been located and planned to minimize the amount of grading necessary to expand the backyard and accommodate for the proposed accessory structures. For example, the existing topography was retained at the northwest corner of the site where the existing slope is the greatest. Grading would be limited to a total Fill of 45 Cubic Yards. As all improvements are designed to reasonably incorporate or avoid altering natural topographic features., this finding can be made.

4) The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from neighboring properties, including both downslope and upslope views.

As identified in the View Study prepared for this project, due to the placement and size of the proposed improvements, the structures will not unnecessarily or unreasonable encroach on the scenic views from the neighboring properties. As the proposed improvements are not higher than a single story, the neighboring residences across the street will not have impacts to their respective views, and the neighbors located downslope will not have their upslope view impacted due to the proposed setback of the accessory structures. The scenic view impacts of the proposed structures were not assessed from the immediately adjacent neighbors' properties (3533 and 3601 Viewcrest Drive) as no comment was received, it is reasonable to assume the proposed structures will not unreasonably encroach into their respective views. The view impacts of the proposed project have been analyzed by staff using story poles and photographs taken during site visits conducted on December 20, 2023 (see View Study, attached).

5) 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 their 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 applicant installed story poles on December 19, 2023, at the subject property that outlined the frame of the accessory structures in the location where the proposed improvements will be located; these story poles were installed and certified for accuracy by a licensed surveyor. On December 21, 2023, City Staff mailed out story pole installation letters to residents and property owners of neighboring properties located within the immediate vicinity of the project site, notifying them of the reason the story poles were installed on the project site and asking for public feedback. Staff did not receive correspondence from any surrounding property owner(s).

As part of the view study, City Staff conducted a site visit at the subject property on December 20, 2023. Pictures of the story poles as viewed from the front and rear of the subject property were captured to assess potential view impacts of the development – these pictures are included as part of the View Study.

6) 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 findings.

A View Study conducted by City Staff illustrates that the proposed accessory structures, retaining walls, and pool infill will not significantly affect upslope and downslope views from neighboring properties. The view impacts of the proposed project have been analyzed by staff using photographs taken during site visits conducted on December 20, 2023. The proposed project has been determined to have negligible impacts to the neighboring properties with respect to views as the height of the proposed structures are not visible from the front or west side of the subject property. Because of the location of the subject property adjacent to an undeveloped hill to the east of the property and a debris catchment basin to the north (rear) of the property, potential view impacts were not assessed from these directions.

**HILLSIDE DEVELOPMENT PERMIT NO. 23-0002183
(3537 Viewcrest Drive – Arman Abgaryan, Applicant)**

PLANNING DIVISION

1. Project No. 23-0002183, Hillside Development Permit, approves construction of (1) one 10' – 0" high detached trellis structure and one 9' – 11" high attached trellis structure at the rear of the house, (2) an outdoor BBQ kitchen with a 10' – 0" high retractable shade structure, (3) a retaining wall with a maximum height of 4' – 6" with a 3' – 6" glass railing above at the rear property line, (4) a 2' – 6" high retaining wall with 18" landscape buffer, (5) an exterior staircase at the east side of the property and (6) infill of the existing swimming pool. The subject property is located in the R-1, Single Family Residential, zone in the Hillside area.
2. The retaining wall in the front yard setback area will comply with BMC §10-1-603(H)(3)(b) and will be limited to a height of 2' – 6" as measured from the adjacent sidewalk height with an 18" wide landscape buffer between sidewalk and retaining wall.
3. The retaining wall in the rear will be no greater than 4' – 6" as measured from the lowest abutting grade.
4. Landscape screening will be provided on the north side (downslope) of the rear retaining wall per BMC §10-1-606(F)(5).
5. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on January 29, 2025), unless the Property Owner has diligently developed the proposed project as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements.
6. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and project plans stamped approved on January 29, 2024, and placed on file in the office of the Planning Division.
7. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
8. This permit may be modified or revoked by the City should the determination be made that the structure or conditions under which it was permitted present

detrimental impacts on neighboring properties.

9. Applicant will submit details for the retractable shade structure that shows the angle of the covering, an elevation of the structure with the awning open and one of the awning closed, and confirmation that the fabric awning will not be open more than 50% of the time.
10. 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.
11. 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.
12. Plans submitted into Building Plan Check Review shall include a note on the plans affirming compliance with §10-1-603(M)(5) of the Burbank Municipal Code regarding exterior lighting design and installation.

BUILDING AND SAFETY DIVISION

13. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2022 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.
14. 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 eplancheck@burbankca.gov.
15. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.

16. 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.
17. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
 - d. Pool, Spa, & Equipment
 - e. Accessory Dwelling Unit
 - f. Mechanical
 - g. Plumbing
 - h. Electrical
18. 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
19. A Civil plan is required showing the proposed changes to the site grading to accommodate the garage and driveway. Topographical contour lines are to be indicated, showing existing and proposed contours.
20. 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.
21. Justify Floor Area Ratio per current Burbank Municipal Code 10-1-601 (ARTICLE 6. RESIDENTIAL USES AND STANDARDS)
22. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
23. 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.
24. New or Addition/Alteration construction projects within the City of Burbank are subject to MWELo review.
 - Full structure demolition and new construction are required to provide a full MWELo plan check set for 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.

25. A CF1R energy report will be required, and design team is required to review and coordinate all values with those shown on Plans, Elevations, Sections, and Window Schedules.
26. 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.
27. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
28. 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.
29. 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.
30. 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.
31. 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.

BURBANK WATER AND POWER DEPARTMENT – ELECTRIC DIVISION

32. There is an existing 5' public utilities easement at the front of the property with existing underground substructures servicing the property near the proposed construction of the two new retain walls. The construction must remain clear from the 5' public utilities easement and electrical underground substructures.
33. The applicant is responsible for protecting the existing electrical underground substructures in place during construction. If the existing electrical underground substructures are compromised, the applicant will be responsible for repairing or installing all underground substructures necessary to provide underground electric service before BWP can reenergize the panel.
34. The contractor will need to contact the Electrical Service Planner at 818-238-3647 to obtain a confirmation of electric service for permanent and temporary power before initiating any underground electrical work.

PUBLIC WORKS DEPARTMENT

Land Development & Permits - General Requirements

35. Show width and location of all existing and proposed easements [BMC 9-1-2-3203]. Plans must show 6' public utility easement at the front of the property.
36. 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].
37. No structure is permitted in any public street or alley or within any public utility, storm drain, or sewer easement located within the property [BMC 7-3-701.1, BMC 9-1-1-3203].
38. 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.

39. 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>

The following must be completed prior to the issuance of a Building Permit:

40. No construction material shall be placed within the public right-of-way without a "Street Use" Permit issued by the Public Works Department.
41. Plans should include easements, elevations, right-of-way / property lines, dedication, location of existing/proposed utilities and any encroachments.

The following must be completed prior to issuance of Certificate of Occupancy:

42. 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].

Additional Comments:

43. If any utility cuts are made Viewcrest Dr. adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
44. Additional impacts to street triggered by this project could extend the paving restoration limits.

Water Reclamation and Sewer

Required information missing on plans:

45. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.

Wastewater requirements:

46. 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

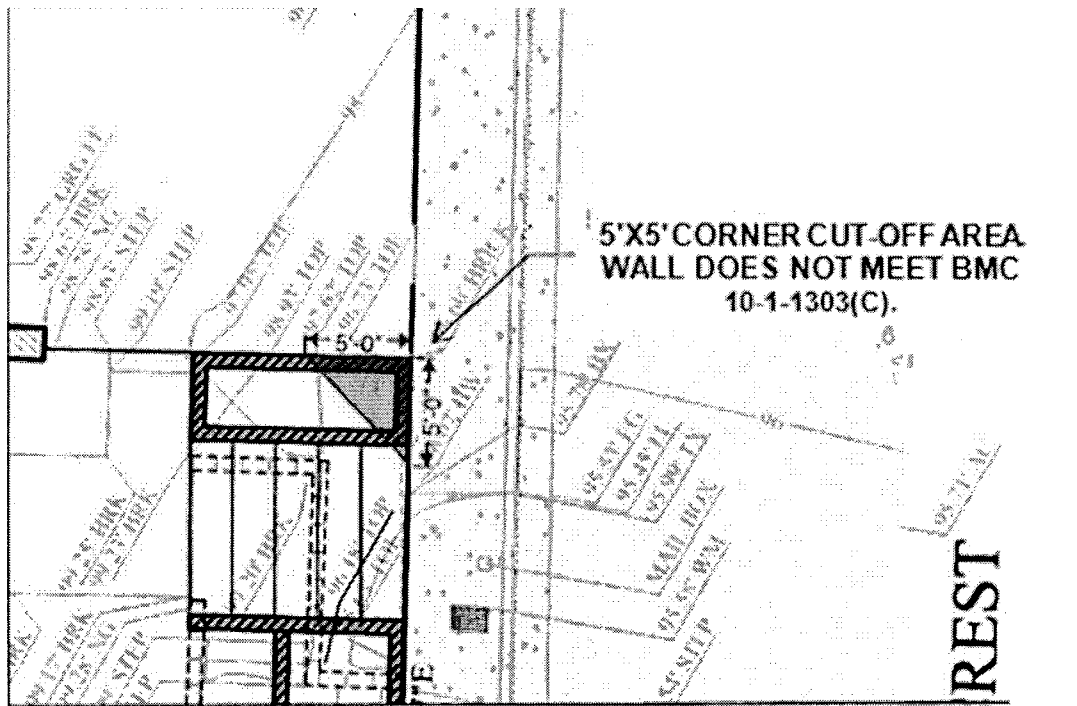
hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director [BMC 8-1-313]. Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.

Stormwater requirements:

47. A Pool Discharge Permit is required each time a single-family residential pool is emptied [BMC 8-1-1004.8(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 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.
48. 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].
49. 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.

Traffic Engineering

50. No visual obstructions shall be erected or maintained in the 5' by 5' visibility cutoff above 3' high or below 1 0' high at the intersection of street and driveway. [BMC 10-1-1303 (C)]



PARKS AND RECREATION DEPARTMENT

51. Submit landscape and irrigation plans prepared by a licensed architect. Must comply with Municipal Water Efficiency Landscape Ordinance (MWELO) requirements if over 500 feet of landscape.

- Do not remove any street/parkway trees
- Protect Tree Protection one of Existing Parkway Trees
- Provide an Arborist/Landscape Architect valuation of any landscape removed for project
- Trees on property need to be protected in place

52. Park Development Fee shall be paid prior to any issuance of building permits: \$150 per bedroom: N/A

53. Street trees required if any removed: yes.

54. Street trees to remain: yes.

55. Contact Forestry for list of approved street trees if any need to be planted.

- All street trees shall be a minimum of 24" box size.
- Trees in grass shall be installed with Arbor Guards.

56. Add note on planting plan:

Owner to install the street trees, they must contact the Forestry Supervisor, at

(818) 238-5343, at least forty-eight (48) hours prior to installation. Failure to contact the City for inspection and installation may cause the removal and replacement at the owner's expense.

57. Do not remove existing street trees.

58. Must comply with Art in Public Places Ordinance if building costs are over \$500,000.

59. Provide arborist/Landscape Architect valuation for any landscape removed for project.

FIRE DEPARTMENT

60. While there are no significant fire code requirements for this project, the owner and the owner's architect and/or contractor are responsible for ensuring compliance with all applicable provisions of fire life/safety codes. Failure to cite a specific code requirement in this preliminary document does not relieve the applicant of such responsibility.

61. All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the owner and the owner's architect and/or contractor from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for firefighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the project develops and is not limited to the requirements provided in these comments.