



**COMMUNITY
DEVELOPMENT**

JULY 12, 2024

VAROOJAN NAZARIAN
1132 ELM AVE
GLENDALE, CA 91201

VIA EMAIL: Vaghooji3@yahoo.com

RE: NOTICE OF DECISION - APPROVAL
Project No. 24-0000845 (Hillside Development Permit)
Located at 1036 Sherlock Drive Burbank, CA 91501

Dear Mr. Nazarian:

This letter is to notify you that the Community Development Director has reviewed the above-referenced application for Project No. 24-0000845, a request for a Hillside Development Permit (HDP), to construct a proposed new 165 square foot stairway in the front yard, a 92 square foot first-story front yard deck, and a 212 square foot second-story rear yard deck to an existing two-story single-family dwelling and has **approved** the application with the Conditions of Approval. Enclosed are the Director's Decision with the Project's conditions of approval.

Please be advised the decision of the Community Development Director will become final fifteen (15) days from your approval date (July 12, 2024), unless the decision is appealed to the Planning Commission within these fifteen (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 by 5:00 p.m. on July 29, 2024. Please note, an appointment must be made for any appeal filed after 12 p.m. Monday through Friday. If no appeal is filed, then you may submit to the Building & Safety Division for Building Plan Check review the first business day following the conclusion of the fifteen (15) day appeal period.

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

Sincerely,

EDUARDO RENDON
Planning Technician
Community Development Department

Cc: Property Owner: Michel Azorian – ariameatshop@yahoo.com

Community Development Department Director's Decision

DATE: July 12, 2024

PROJECT TITLE: Project No. 24-0000845 – Hillside Development Permit

PROJECT ADDRESS: 1036 Sherlock Drive

APPLICANT: Varoojan Nazarian

PROJECT DESCRIPTION: The applicant proposes to construct a new 165 square foot stairway in the front yard, a 92 square foot first-story front yard deck, and a 212 square foot second-story rear yard deck to an existing two-story single-family dwelling. The proposed Project would require grading activity to construct the new 165 square feet of front yard stairway area. The Project site is currently developed with an existing 3,206 square foot two-story single-family dwelling with an attached two-car garage. The subject property is zoned R-1 (Single Family Residential) and is located in the City's hillside area.

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

MUNICIPAL CODE CONFORMANCE: The project conforms to the Burbank Municipal Code (BMC) Section for Single Family Residential Zones and Hillside Development.

ENVIRONMENTAL REVIEW: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303(a) of the State CEQA Guidelines pertaining to construction and location of limited numbers of new structures such as one patio, deck, and exterior stairway area. There are no unusual circumstances associated with the project site or surrounding context that would preclude the use of this exemption form CEQA.

DATE SIGN POSTED ON-SITE: May 5, 2024

DATE PUBLIC NOTICE MAILED: June 14, 2024

DATE OF DIRECTOR'S DECISION: July 12, 2024

END OF APPEAL PERIOD: July 29, 2024



Eduardo Rendon, Planning Technician
Planning Division (818) 238-5250



for

Patrick Prescott, Community Development Director

**HILLSIDE DEVELOPMENT PERMIT NO. 24-0000845
(1036 Sherlock Drive – Varoojan Nazarian, Applicant)**

Findings for Granting a Hillside Development Permit

The Community Development Director finds the proposed Project satisfies the requisite findings contained in the BMC Section 10-1-607(D)(3) necessary for approval of the Hillside Development Permit, subject to the attached conditions of approval.

- 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 Project site has an existing driveway that provides direct vehicular and pedestrian access to Sherlock Drive through the front yard. While the Project is not proposing to alter existing vehicular access to the site, it is proposing enhanced pedestrian access to site that includes the installation of a new sidewalk along Sherlock Drive between the property line and curb, and a new stairway which will provide pedestrian access from the new sidewalk to the residence. Therefore, this finding can be made that the proposed stairway in the front yard, connected to a proposed sidewalk along Sherlock Drive, will not be detrimental to traffic and pedestrian circulation and it is compatible with existing traffic circulation patterns in the surrounding neighborhood.

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

The Project site is an interior lot currently situated northeast of Paseo Redondo and Sherlock Drive in the City's Hillside area. The proposed work will be located on a lower grade than the adjacent property to the south and on the same grade level as the other adjacent properties. Except for the proposed staircase, the Project will not require grading. The proposed staircase will follow and maintain the existing topographic slope and will be consistent with the natural topography of the surrounding hillside. Therefore, this finding can be made.

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

The proposed decks attached to the existing residence will be constructed on the existing building pad. The proposed staircase leading from the front property line to the northern portion of the front yard will be constructed to follow the existing front yard sloped topography of the Project site. Therefore, 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.*

The placement and overall massing of the proposed decks will have minimal impact on the upslope or downslope views of properties from the surrounding neighborhood. The existing two-story house has a height of approximately 26'-2" at its highest point. The 212 square foot second-story rear yard deck proposes a maximum height of approximately 12'-6" to the deck railing not exceeding the existing roof line. The massing of the 212 square foot second-story rear yard deck will remain outside of the 10'-0" side setback and have a rear setback of 35'-1". The proposed 92 square foot front deck in the ground floor will be built no higher than the existing roof. Also, the proposed front deck will fill in a recessed space built outside of the prevailing front yard setback and as a result, the overall view impacts will be the same as those associated with the existing residence. The proposed decks will be built over the existing building pad located at the southern portion of the front lot.

As part of the Project's review, Staff sent letters to all neighbors adjacent to the Project site on May 31st, requesting their feedback pertaining to any potential visual impacts from the decks and stairway. No comments were received by Staff within the timeframe indicated in the letter. Staff analyzed the view impacts using the site photographs, site plan, elevation drawings, and topographic elevation. In addition, Staff conducted a site visit of the Project site on April 12, 2024. The required view study was prepared by Staff, attached herein as Exhibit A, where Staff analyzed and concluded that the proposed Project will not create any primary scenic view impacts for the abutting east and west adjacent residential properties in the neighborhood. Therefore, this finding can be made.

- 5) *For the purpose of evaluating required finding (4) above, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director or his/her designee and contain all information and documentation deemed necessary by the Director for the purpose of analyzing view impacts and establishing setback lines for view determination pursuant to Section 10-1-606(E). This study is separate from the Ridgeline setback analysis required by Section 10-1-606(D).*

As part of the Project's review, Staff also sent letters to all neighbors adjacent to the Project site on May 31st, requesting their feedback pertaining to any potential visual impacts from the decks and stairway. No comments were received by Staff within the timeframe indicated in the letter. Staff analyzed the view impacts using the site photographs, site plan, elevation drawings, and topographic elevation. In addition, Staff conducted a site visit of the Project site on April 12, 2024. The required view study was prepared by Staff, attached herein as Exhibit A, where Staff analyzed and concluded that the proposed Project will not create any primary scenic view impacts for the abutting east and west adjacent residential properties in the neighborhood. Therefore, this finding can be made.

- 6) *The view impacts of the proposed project must be considered by the Director, or Planning Commission or City Council if appealed, and may be used as a basis for*

requiring modifications to a project or denying a Hillside Development Permit due to inability to make the required finding.

The view impacts of the proposed Project have been analyzed by City staff using information gathered on a site visit to the property on April 12, 2024 and also the view study that was prepared by Staff (see Exhibit A). Staff has determined that the proposed Project will not have any scenic view impacts to the primary views of the neighboring properties. Therefore, this finding can be made.

**HILLSIDE DEVELOPMENT PERMIT NO. 24-0000845
(1036 Sherlock Drive – Varoojan Nazarian, Applicant)**

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project No. 24-0000845, Hillside Development Permit, approves a new 165 square foot stairway in the front yard, a 92 square foot first-story front yard deck, and a 212 square foot second-story rear yard deck. The proposed decks are attached to the existing 3,206 square foot, two-story dwelling.
2. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on July 12, 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.
3. Project No. 24-0000845 shall be in substantial conformance with the approved plans and conditions of approval as placed on file in the office of the Planning Division. Any modifications to the approved project must be reviewed and approved by the Planning Division.
4. The Applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
5. This permit may be modified or revoked by the City should the determination be made that the structure or conditions under which it was permitted present detrimental impacts on neighboring properties.
6. The Applicant shall list these conditions of approval in all construction plans submitted to the Building Division for a building permit. The applicant shall also provide a separate written document outlining how, or where, each of the conditions have been addressed in the building permit plan set for all City Division/Department conditions enclosed and provide the same number of copies as building plan sets submitted for Building Plan Check.
7. By signing and/or using this Hillside Development Permit, the permittee acknowledges all the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City or other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.
8. Exterior materials and designs shown on the approved set of plans dated July 12,

2024, must be the same used during construction. Any modifications to materials must be reviewed and approved by the Planning Division prior to installation.

BUILDING & SAFETY DIVISION

12. 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.
13. 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.
14. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
15. 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.
16. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
17. 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
18. 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.
19. 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.
20. Justify Floor Area Ratio per current Burbank Municipal Code 10-1-601 (ARTICLE 6. RESIDENTIAL USES AND STANDARDS)
21. Provide corrected Demolition Calculations (demolition calculations are based upon the length of walls, not the square footage of walls).
 - a. Total length of all walls to be demolished divided by total length of all existing walls = Demolition Percentage.

- b. Length of walls are to include interior and exterior walls, including openings, and any walls attached to existing structure.
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.

PUBLIC WORKS DEPARTMENT

Land Development and Permits

32. No permanent structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-2-3203].

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 7-3-701.11].

33. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face or connected to a storm drain facility [BMC 7-1-1 17, BMC 73-102].

34. 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

35. 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 offsite improvements. Burbank Standard Plans can be accessed at; [http://file.burbankca.gov/publicworks\[OnlineCounter/main/index.htm](http://file.burbankca.gov/publicworks[OnlineCounter/main/index.htm)

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

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

Water Reclamation and Sewer

Stormwater Requirements:

38. 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 9-3-4071,
39. 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

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

BURBANK FIRE DEPARTMENT

54. 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.
40. 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.

PARKS AND RECREATION DEPARTMENT

Contact Forestry for list of approved street trees. Street Trees are required. All street trees shall be a minimum of 24" box size. Trees in grass shall be installed with Arbor Guards.

62. Provide automatically controlled irrigation system to the parkway.

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

Signature of Applicant/Permittee

Signature of Property Owner

EXHIBIT A
VIEW STUDY FOR HILLSIDE DEVELOPMENT PERMIT PROJECT NO. 24-0000845
Located at 1036 Sherlock Drive, Burbank CA 91501

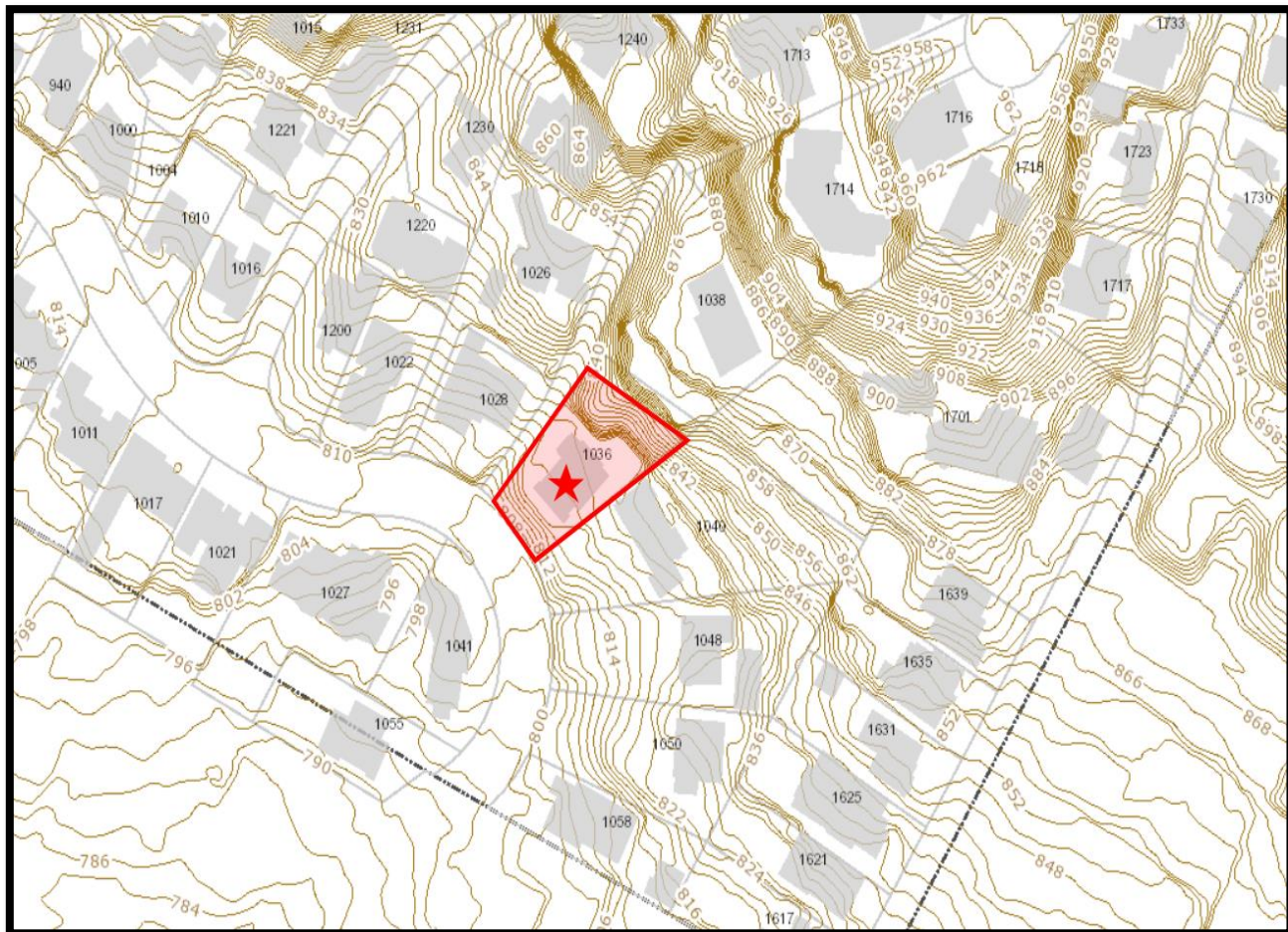
Objective and Analysis:

Per Burbank Municipal Code Section 10-1-607(D)(3)(f), a view study is required as a part of the Hillside Development Permit process to analyze the impact of the proposed Project on views from adjacent properties. In addition to the public notices, residents and property owners of all the neighboring properties located within the immediate vicinity of the project site were contacted and informed of the proposed Project along with the process involved in the view study. Staff analyzed the topographic map and photos taken from various angles to assess the potential impact of the development on the views from the neighboring properties.

On June 14, 2024, property owners of neighboring properties located within (a 300-foot radius of the) the immediate vicinity of the project site (shown on Figure 1) were contacted by mail and informed of the proposed project, as well as of their opportunity to participate in the City's preparation of a view study. There were no comments received from surrounding property owners. The exhibits used in the study can be found below:



★ Figure 1: Location of the proposed project with respect to the neighboring properties. Identified in red is the subject property, identified in blue are the neighboring properties that have been contacted as part of the view study.



★ Figure 2: The topographic map of the subject property and vicinity.

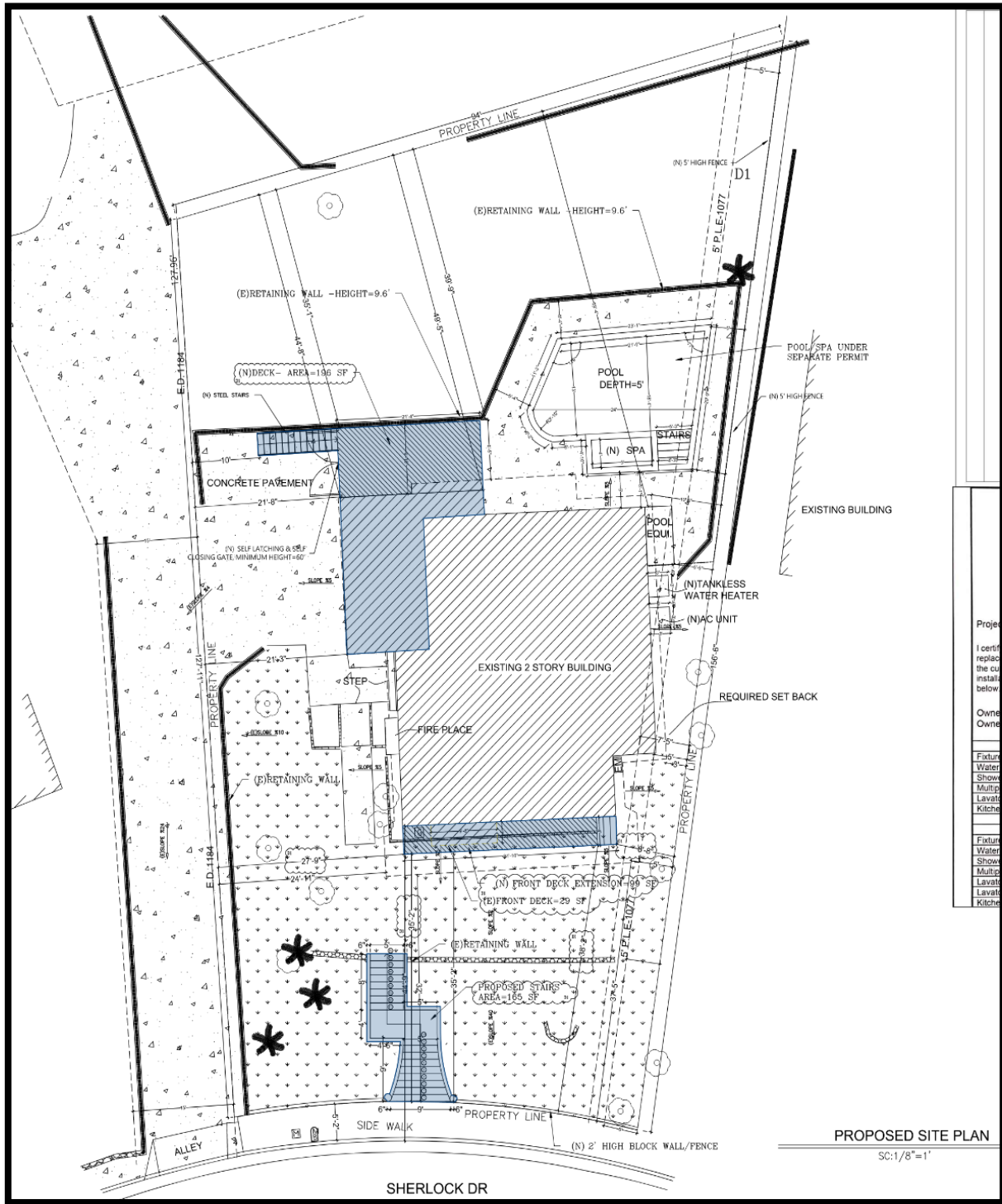


Figure 3: Site plan of the proposed development with additions shown in blue.

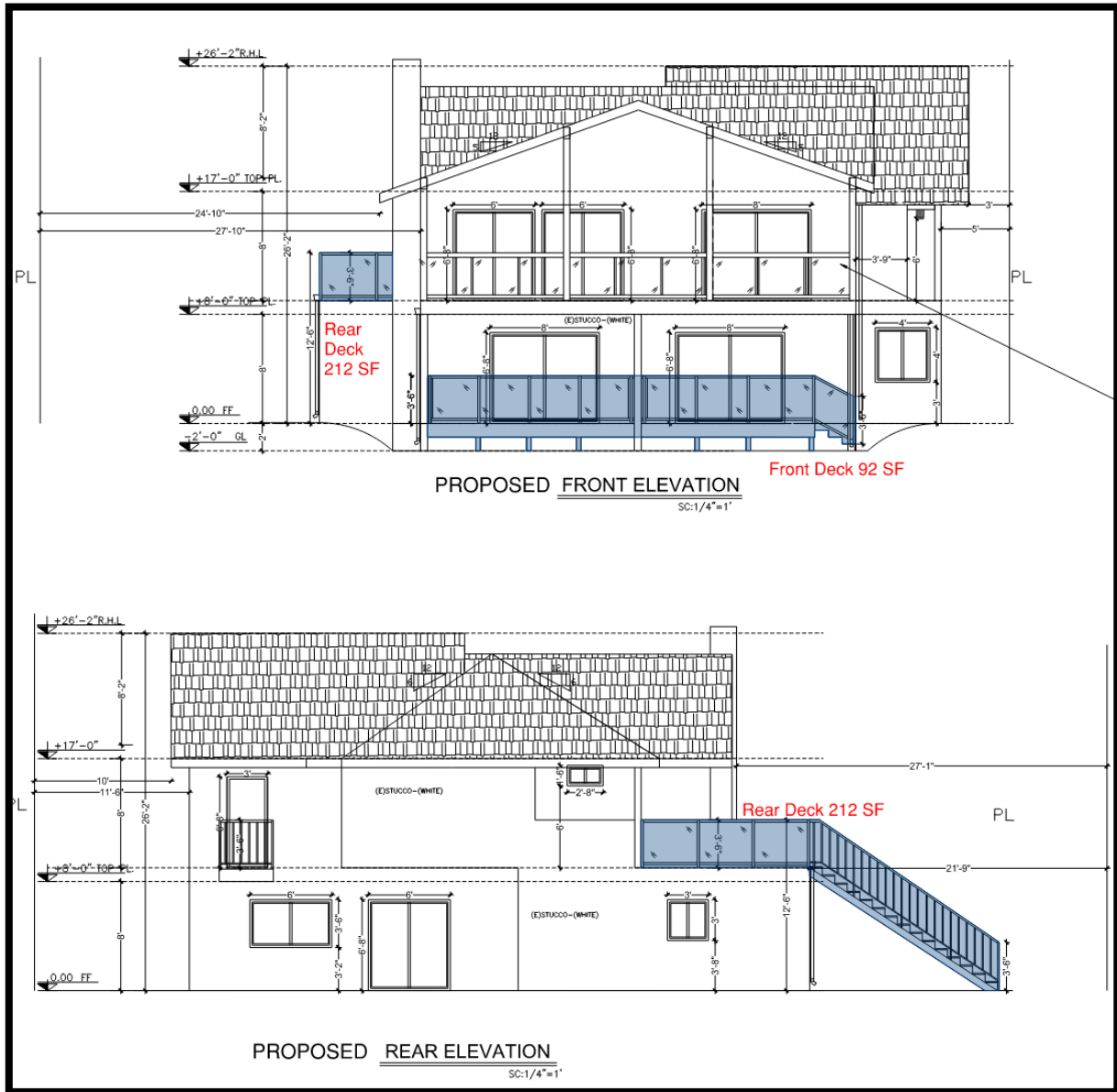


Figure 4: Elevation plan of the proposed development with additions shown in blue.

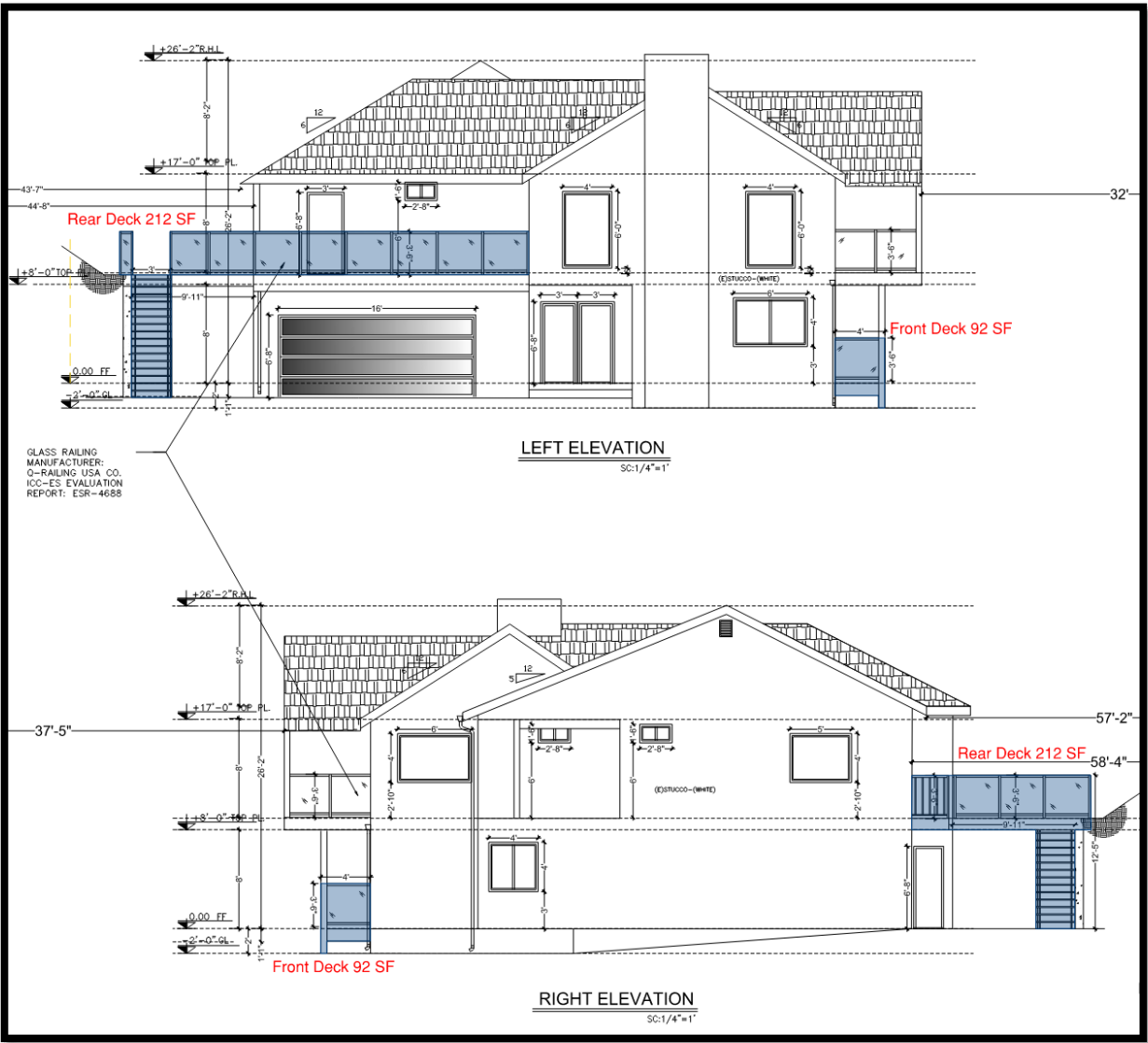


Figure 5: Elevation plan of the proposed development with additions shown in blue.



Figure 6: View of the front property looking north where the proposed stairs and front deck will be constructed.



Figure 7: View from the front porch looking towards the neighboring property to the south.



Figure 8: View of the existing residence from the north portion of the property.



Figure 9: View of the existing residence from the northwest portion of the property where the rear porch will be constructed.



Figure 10: View of the existing front façade from the south portion of the property where the proposed first floor front porch will be constructed.



Figure 11: View of property 1040 Sherlock Drive from the rear yard of the project property.



Figure 12: View of property 1038 Sherlock Drive from the rear yard of the project property.



Figure 13: View of the existing south side and year property lines from the rear of the existing main dwelling where the rear deck is to be constructed.



Figure 14: View of property 1028 Sherlock Drive from the location of the proposed rear deck of the project property.

Analysis and Conclusion:

With reference to the above site visit photos and site plan drawings, the placement and overall massing of the proposed decks will have minimal impact on the views from the surrounding properties. The existing two-story house has a height of approximately 26'-2" at its highest point from grade. The decks propose a maximum height of 12'-5" from grade to top of deck railing. The proposed deck to the main residence will be built over the existing building pad located at the center of the lot. The proposed stairway at the front of the property will follow the contour lines of the existing topography and will be located at a lower elevation to the existing building pad. The proposed ground floor and second floor additions will be built no higher than the existing roof and the overall view impacts will be the same as those associated with the existing residence.

The proposed 165 square foot front yard stairway will not create any view impacts to the surrounding neighbors. The staircase will be constructed in the front yard over the existing slope of the front yard and topographic contour lines which are at lower elevations than the existing building pad. The proposed 92 square foot front deck will fill in a recessed space on the front side (southwest) of the residence and will be located outside of the prevailing front yard setback as shown in Figure 10. The proposed 212 square-foot rear deck will be constructed on top of an existing garage on the second level and expanding towards the rear yard of the property.

The placement and overall massing of the proposed decks will have a minimal impact on the views from surrounding properties. The views of property 1041 Sherlock Drive located to the southwest of the property will not be affected as the proposed additions will not be visible from this adjacent property, as shown on Figure 6. Property 1040 Sherlock Drive, located east and slightly tucked to the rear of the project property has no direct views of the proposed additions as shown in Figure 11. Property 1028 Sherlock, located east of the project property will not be affected as the proposed deck at the rear of the project property will be screened by a 6'-0" block wall and tall Italian Cypress Trees, as shown in figure 14. As seen on Figures 9, 13 and 14, the proposed second-story 212 square-foot rear uncovered deck will not be readily visible from any of the adjacent properties. Therefore, the primary views from the neighboring properties are not being impacted due the proposed Project.

The residential structures located on properties immediately adjacent to the north and northeast are all more than 50'-0" away from the subject residence and proposed decks and will therefore not cause view impacts to those existing residences. The neighboring properties immediately adjacent to the southeast of the property are built on building pads at a higher elevation and are screened with large tall retaining walls, trees, shrubs, and bushes abutting the property line to the project property. Furthermore, the height of the rear deck will be built no higher than the existing residence and will therefore not create additional view impacts beyond those that may already exist.

In conclusion, City staff's preparation and analysis of the Project's view study finds that the proposed Project will not create unreasonable impacts to the primary and secondary views of properties in the surrounding neighborhood. The placement and overall massing of the proposed decks will have minimal impact on the upslope or downslope views of properties from the surrounding neighborhood. The proposed decks will be built over the existing

building pad located in the southern portion of the lot. The front deck will fill in a recessed space on the southside of the residence so the overall view impacts will be the same as those associated with the existing residence. The massing of the second-story rear deck will not encroach on to the side setbacks and the highest point of the deck railing will remain below the existing roofline. Also, staff sent out letters to all neighbors adjacent to the Project site requesting feedback pertaining to any potential visual impacts from the decks and stairway. No comments were received by Staff within the timeframe indicated in the letter. Staff analyzed the view impacts using the site photographs, site plan, elevation drawings, and topographic elevation. In addition, Staff conducted a site visit of the Project site. The required view study was prepared by Staff and concluded that the proposed Project will not create any primary scenic view impacts for the abutting east and west adjacent residential properties in the neighborhood. Therefore, this finding can be made.