



**COMMUNITY
DEVELOPMENT**

JANUARY 23, 2025

YOLANDE WITKIN
1113 NORTH KENWOOD STREET, UNIT A
BURBANK CA 91505

VIA EMAIL: yolyjazz@yahoo.com

**RE: Project No. 24-0004745 (Administrative Use Permit) – APPROVED
Located at 1113 North Kenwood Street**

Dear Ms. Witkin:

This letter is to notify you that the Community Development Director has reviewed and approved the above-referenced application, a request for an Administrative Use Permit (AUP) to provide music lessons as a proposed home occupation use within an existing private residence, Unit A, on a property located at 1113 North Kenwood Street (APN: 2476-023-017) in accordance with Burbank Municipal Code (BMC) Division 11 (Home Occupations) of Title 10 (Zoning Regulations). Enclosed is 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 (February 7, 2025), unless the decision is appealed to the Planning Commission within these fifteen (15) days. In accordance with Burbank Municipal Code Section 10-1-1907.2, any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee by 5:00 p.m. on February 7, 2025.

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

Sincerely,

 for

EDUARDO RENDON
Planning Technician
Community Development Department

Community Development Department Director's Decision

DATE: January 23, 2025

PROJECT TITLE: Project No. 24-0004745 – Administrative Use Permit

PROJECT ADDRESS: 1113 North Kenwood Street, Unit A

APPLICANT: Yolande Witkin

PROJECT DESCRIPTION: The Applicant proposes to provide music lessons as a home occupation use within an existing private residence, Unit A, on a property located at 1113 North Kenwood Street (APN: 2476-023-017). The Project site is zoned R-2 (Low Density Residential) and there are currently two (2) existing detached single-family dwelling units located at the site.

ZONING: R-2 **GENERAL PLAN:** Low Density Residential

MUNICIPAL CODE CONFORMANCE: The Project conforms to the Burbank Municipal Code (BMC) including requirements for home occupation use as identified in BMC Division 11 of Title 10.

ENVIRONMENTAL REVIEW: This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Article 19 (Categorical Exemptions) -Section 15301 of the State CEQA Guidelines. The Project is a proposed operation request of an existing private dwelling structure that involves no physical expansion of the existing residential home.

DATE SIGN POSTED ON-SITE: December 30, 2024

DATE PUBLIC NOTICE MAILED: December 27, 2024

DATE OF DIRECTOR'S DECISION: January 23, 2025

END OF APPEAL PERIOD: February 7, 2025

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

 for

Patrick Prescott, Community Development Director

**ADMINISTRATIVE USE PERMIT NO. 24-0004745
(1113 North Kenwood Street – Yolande Witkin, Applicant)**

Findings for Granting an Administrative Use Permit

The Community Development Director finds the proposed Project satisfies the requisite findings contained in the Burbank Municipal Code (BMC) Section 10-1-1956 necessary for approval of the Administrative Use Permit, subject to the attached conditions of approval.

- (1) The use applied for at the location set forth in the application is properly one for which an Administrative Use Permit is authorized by this Code.**

Burbank Municipal Code Section 10-1-671 permits the operation of a home occupation use is allowed if the business use is clearly an office use, artistic use, cottage food operation, or music lessons and is incidental and secondary to the use of the dwelling. Furthermore, an Administrative Use Permit is required for music lessons to be conducted on the premise of residence. The Applicant has applied for an Administrative Use Permit application, in accordance with BMC Section 10-1-672(M)(1), requesting approval of the proposed music lesson home occupation use within an existing detached single-family dwelling. Therefore, this finding can be met.

- (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 Project site is zoned R-2 (Low Density Residential) and is currently developed with two (2) detached single-family dwelling units. The proposed home occupation use is allowed to be reviewed under an Administrative Use Permit process in accordance with BMC Section 10-1-627 and 10-1-672(M)(1). The proposed home occupation will not cause an objectionable use of the existing residential property that would interfere with the general welfare of the surrounding residential neighborhood. Vehicles that are dropping off or picking up students are not expected to remain in the area for more than a few minutes at a time and would be utilizing the residence's driveway as an off-street loading/unloading area. In addition, the Applicant must comply with the home occupation operational requirements pertaining to music lessons listed within BMC Section 10-1-672(M) and attached as conditions of approval for this AUP. Therefore, this finding can be met.

- (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.**

Home occupations for music lessons are permitted to operate in a single-family residence and would be compatible with the surrounding R-2 (Low Density Residential) and R-1 (Single Family Residential) zoned neighborhoods. Music

lessons are restricted to no more than two (2) students per session and a maximum of ten (10) students per day, which is a requirement per BMC Section 10-1-672(M), for music lessons home occupation use. Therefore, this finding can be met.

- (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 currently developed with two detached single-family units. The proposed use is a request for a home occupation use where the Applicant would like provide music lessons within one of the existing dwelling units (Unit A). The music lessons request would not require the Applicant to expand or alter the existing dwelling unit or site to accommodate the proposed home occupation use. Furthermore, the Applicant is required to comply with the home occupation operational requirements pertaining to music lessons listed within BMC Section 10-1-672(M) and attached as conditions of approval for this AUP. Therefore, this finding can be met.

- (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 subject property is served by North Kenwood Drive, a local street as classified in the Burbank2035 General Plan. The Applicant is required to comply with the home occupation operational requirements pertaining to music lessons listed in BMC Section 10-1-672(M) and attached as conditions of approval for this AUP. Compliance with these requirements will ensure that the quantity and type of traffic generated by the home occupation will not result in a substantial increase in local traffic. Therefore, this finding can be met.

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

Compliance with the attached conditions of approval attached to this AUP is required by the Applicant. These conditions of approval include all of the home occupation operational requirements pertaining to music lessons listed in BMC Section 10-1-672(M). Compliance of these conditions of approval will ensure that the proposed home occupation use will not negatively impact the public health, convenience, safety, and welfare of the surrounding residential neighborhood. Therefore, this finding can be met.

**ADMINISTRATIVE USE PERMIT NO. 24-0004745
(1113 North Kenwood Street – Yolande Witkin, Applicant)**

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project No. 24-0004745, Administrative Use Permit (AUP), allows music lessons as a proposed home occupation use within an existing private residence, Unit A, on a property located at 1113 North Kenwood Street (APN: 2476-023-017).
2. The Applicant of this AUP is required to submit fingerprints to the City in order to obtain applicant's criminal history if music lessons are provided to minors, students under eighteen (18) years of age. (BMC Section 10-1-672(M)(2)).
3. Music lessons shall be conducted only between the hours of 9:00 a.m. and 7:00 p.m. (hours of operation) (BMC Section 10-1-672(M)(3)).
4. Music lessons shall be limited to a maximum of any five (5) days per week (days of operation) with the exception of Sundays. No music lessons shall be conducted on Sundays (BMC Section 10-1-672(M)(4)).
5. Music lessons shall be limited to a maximum of ten (10) students per day (BMC Section 10-1-672(M)(5)).
6. Music lessons may be conducted with up to, but no more than, two (2) students per lesson. There shall be no group lessons, recitals or concerts conducted on the premises of the home occupation (BMC Section 10-1-672(M)(6)).
7. No person shall conduct music lessons in such manner that the noise or sound or vibration from such music lessons exceeds the standards set forth in Article 2, Title 9, Chapter 3 of the Burbank Municipal Code (BMC Section 10-1-672(M)(7)).
8. There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location is shown on the attached site plan (BMC Section 10-1-672(M)(8)).
9. There must be on the premises parking for persons coming to or leaving music lessons. On premises parking must be provided for at least one vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan. Such parking area may be located in a driveway in a low-density residential zone. Guest parking may be used to satisfy this requirement in a multiple family residential zone. When music lessons are being conducted, the designated parking area must be left open and available for student parking (BMC Section 10-1-672(M)(9)).
10. Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (I) of BMC Section 10-1-672 (BMC Section 10-1-672(M)(10)).

11. Music lessons are prohibited in any multi-family structure that shares a common wall or ceiling or floor with any other unit (BMC Section 10-1-672(M)(11)).
12. The Applicant is responsible for all costs associated with the permitting process, including any applicable background investigation fees, as established by the Burbank Fee Resolution (BMC Section 10-1-672(M)(12)).
13. Applicant shall also comply with all regulations pertaining to the conducting of home occupations listed in BMC Section 10-1-672.
14. 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.
15. This permit may be terminated or revoked by the City should the determination be made that the proposed home occupation use falls under the circumstances outlined in BMC Section 10-1-1960 (Termination/Revocation of Administrative Use Permit).
16. If applicable, 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.
17. By signing and/or using this Administrative Use 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.
18. This permit shall expire if substantial compliance with the Project's conditions of approval have not been met within one year of the date of this approval (expires on January 23, 2026). This includes obtaining the appropriate home occupation business license to operate the music lessons on the private residence (Unit A).
19. Pursuant to Burbank Municipal Code (BMC) Section 10-1-19401, the Applicant, including their successors and assignees, shall defend, indemnify, and hold harmless the City of Burbank (the City) and its agents, officers, employees, agencies, boards, commissions, or City Council from any claim, action or proceeding brought against the City, its agents, officers, employees agencies, boards, commissions, or City Council to attack, set aside, void or annul the subject approval and environmental determination under the California Environmental Quality Act or National Environmental Policy Act by the City, its agents, officers, employees, agencies, commissions, or City Council. The indemnification shall include damages awarded against the City, if any, cost of suit, attorney's fees, administrative expenses, and other costs and expenses incurred in connection with such action, including, but not

limited to, all such City costs and expenses incurred by enforcing this indemnification provision. This duty to defend, indemnify, and hold harmless the City and its agents, officials, employees, agencies, boards, commissions, or City Council shall apply even if the applicant fails or refuses to enter into the indemnification agreement. In the event of a legal challenge, the provisions under BMC Section 10-1-19402 shall be followed.

20. The applicant shall record the Community Development Director's AUP Decision, including Project conditions of approval and approved plans with the Los Angeles County Recorder and provide proof of recordation to the Planning Division with ninety (90) days of Project approval.

BUILDING & SAFETY DIVISION

21. Based on the drawings submitted for this review, the following requirements apply to the project. Additional requirements will be included when complete drawings are submitted for Plan Check:

- a. The applicant and/or project designer is responsible for ensuring that all mandatory information required for permit issuance has been addressed on the plans.
- b. The Applicant is also responsible for registering for a home occupation business account with the Community Development Department, Building Division.
- c. The project should comply with all conditions in the Home Occupation Inspection Report found in the Community Development Department, Building Division.

Signature of Applicant/Permittee

Signature of Property Owner

**ADMINISTRATIVE USE PERMIT NO. 24-0004745
(1113 North Kenwood Street – Yolande Witkin, Applicant)**

PROJECT SITE PLAN

