



**COMMUNITY
DEVELOPMENT**

January 10, 2025

GREGORY C. DAGGETT
2801 JOAQUIN DR
BURBANK, CA 91504

RE: Project No. 21-0002218 (Minor Fence Exception) – APPROVED
Located at 2801 Joaquin Drive

Dear Mr. Daggett:

The City of Burbank has reviewed and approved your request for the above-referenced Minor Fence Exception (Project No. 21-0002218) to allow a 3'-0" high solid vinyl fence to remain within the front yard setback area along the north side property line. The property, located at 2801 Joaquin Drive in the Single Family Residential (R-1) zoning district within the designated Hillside area, meets all requirements for approval contained in Burbank Municipal Code Section 10-1-1810.5. Enclosed are the Conditions of Approval for the project.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter unless the decision is appealed to the Planning Board within this time frame. 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 January 27, 2025. Please note that an appointment must be made with the Planning Division to file an appeal after 3:30 p.m. during the 15-day appeal period.

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,
COMMUNITY DEVELOPMENT DEPARTMENT


Sara Hrynik
Assistant Planner

Community Development Department Director's Decision

DATE: January 27, 2025

PROJECT TITLE: Project No. 21-0002218 – Minor Fence Exception

PROJECT ADDRESS: 2801 Joaquin Drive

APPLICANT: Gregory C. Daggett

PROJECT DESCRIPTION: A Minor Fence Exception (Project No. 21-0002218) to allow a maximum 3'-0" tall solid vinyl fence to remain within the front yard setback area along the north side property line.

ZONING: R-1 (Hillside Area) **GENERAL PLAN:** Single Family Low Density

MUNICIPAL CODE CONFORMANCE: The vinyl fence is outside of the required corner cutoff areas and is in compliance with all applicable Development Standards of the Burbank Municipal Code with the exception of BMC Table 10-1-603 Footnote 8 and BMC Section 10-1-606(F)(2), both of which require a fence to be at least 50% open above two 2'-0" in height, thus a Minor Fence exception Permit is required. The applicant is requesting a Minor Fence Exception Permit to deviate with these requirements and maintain the 3'-0" high solid vinyl fence within the front yard setback area.

ENVIRONMENTAL REVIEW: The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) of the State CEQA Guidelines pertaining to accessory structures, including sheds, patios, swimming pools and fences as the Project involves the installation of a vinyl fence. The proposed project meets the criteria for exemption set forth in the above-mentioned section. There is no evidence that the proposed project may have a potentially significant effect on the environment.

DATE SIGN POSTED ON-SITE: December 4, 2024

DATE PUBLIC NOTICE MAILED: December 4, 2024

DATE OF DIRECTOR'S DECISION: January 10, 2025

END OF APPEAL PERIOD: January 27, 2025


Sara Hrynik
Assistant Planner

 FOR
For, Patrick Prescott, AICP
Community Development Director

**PROJECT NO. 21-0002218– MINOR FENCE EXCEPTION PERMIT
(2801 Joaquin Drive –Gregory C. Daggett, Applicant)**

FINDINGS:

The Community Development Director finds that the proposed project satisfies the requisite findings contained in Burbank Municipal Code Section 10-1-603(G) necessary for approval of the minor fence exception permit, subject to the attached conditions of approval.

- (1) *The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.*

The applicant is requesting a Minor Fence Exception Permit to allow a 3'-0" high solid vinyl fence to remain along the north side property line within the front yard setback area of the subject property located at 2801 Joaquin Drive. The project will not obstruct the visibility of motorists backing out of the driveway of the subject property or otherwise affect a motorist's ability to safely operate their vehicle.

- (2) *The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.*

The vinyl fencing material is common for residential properties and does not present a danger to motorists, pedestrians, or any other persons. Furthermore, a condition of approval has been included on this Minor Fence Exception permit that requires the property owner to maintain the fence in a state of good repair at all times and carrying out any necessary repairs promptly, upon discovery.

- (3) *The feature is structurally sound and is adequately maintained.*

The vinyl fence is a maximum height of 3'-0" as measured from abutting natural grade, which is below the maximum 6'-0" height necessary to obtain a building permit. Furthermore, a condition of approval has been included on this Minor Fence Exception permit that requires the property owner to maintain the fence in a state of good repair at all times and carrying out any necessary repairs promptly, upon discovery.

- (4) *The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.*

The vinyl fencing is located along the north side property line and within the front yard setback area of the property; is 3'-0" high, as measured from abutting natural grade; and is not located within the required driveway corner cutoff area. Because the fence is lower than the 4'-0" maximum allowable fence height within the front yard setback per BMC Table 603(A) and does not encircle the entire front yard, the fence will not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way. Additionally, the property owner is responsible to ensuring the proposed fencing is in

accordance with all applicable codes, including compliance with any required regulations of the City's Fire Department.

- (5) *The feature is compatible in size, scale, proportion, and location with other yard features in the neighborhood, or is otherwise consistent with the prevailing neighborhood character.*

The 3'-0" high vinyl fence in the front yard is set back 6'-0" linear feet from the existing 3'-0" high retaining wall adjacent to the driveway and is intended to provide a secured front yard area for the property owner. Many of the adjacent homes that front Joaquin Drive include solid fences, walls and hedges within their front yard setback area at heights ranging from 3'-0" to 6'-0". The location, size, scale, and proportion of the proposed vinyl fence is compatible with prevailing neighborhood character.

- (6) *The scale and proportion of the feature are consistent and compatible with structures on the same property and in the general area.*

The scale and proportion of the vinyl fence is consistent and compatible with the two-story single-family dwelling and the front yard retaining walls on the property as well as in the general area. Many of the adjacent homes that front Joaquin Drive include solid fences, walls and hedges within their front yard setback area at heights ranging from 3'-0" to 6'-0", making the proposed retention of the 3'-0" high vinyl fence compatible with the subject property and in the general area.

- (7) *The feature does not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.*

The 20'-0" long, 3'-0" high fence is located entirely within the property lines of the subject property and does not encroach onto neighboring properties. The fence runs parallel to an existing 3' - 0" high retaining wall adjacent to the driveway, with a 6'-0" distance between the two features. The front yard slopes downward the sidewalk and street, the fence follows the slope to maintain the 3'-0" height and is also setback from the front property line 5'-0" so as not to encroach into the require corner cut-off area. The location and height of the vinyl fence does not impede visibility into the front yard area. In addition, the location, setback, and height of the vinyl fencing for the subject property is acceptable and will be compatible with the adjacent properties.

- (8) *The feature does not impose detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.*

The feature does not impose detrimental impacts related to light, glare, sunlight exposure, air circulation, privacy, or scenic views of any of the neighboring properties. The proposed solid vinyl design will not cause or contribute to any light or glare impacts, nor will it be detrimental to scenic views. The location, setback, and height of the proposed fence is acceptable, and will be compatible with the adjacent properties.

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CONDITIONS OF APPROVAL

Planning Division

1. Project No. 21-0002218 Minor Fence Exception Permit approves the retention of an installed 3’-0” high solid vinyl fence along the north side yard property line within the front yard setback on the property located at 2801 Joaquin Dr in the R-1, Single Family Residential Zone, in the established Hillside area. No feature of the fence shall exceed 3’-0” in height.
2. The fence shall remain in substantial conformance with the request and with the application materials, including the attached approved plans, submitted by the applicant and placed on file in the office of the Planning Division.
3. Project No. 21-0002218 Minor Fence Exception Permit may be modified or revoked by the City should the determination be made that the vinyl fence or conditions under which it was permitted present detrimental impacts on neighboring properties.
4. The applicant/property owner shall maintain the fence in a state of good repair at all times and carry out any necessary repairs promptly, upon discovery.
5. 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.
6. The applicant shall ensure that the materials and colors of the solid vinyl fence match the pictures submitted with the application and are always maintained.

Building and Safety Division

7. 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.
8. 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.

9. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
10. 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.
11. Plans, engineering and a Building Permit are required for all fences exceeding 7 feet in height from grade level and any wall that will be retaining dirt and exceeds 4 feet in height from the bottom of the foundation.
12. 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.
13. 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, or Nonstructural or non-seismic alterations or additions.
14. Approved hours of construction are:

Monday – Friday	7:00 am to 7:00 pm
Saturday	8:00 am to 5:00 pm
15. 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 Division

16. No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].
17. 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.

18. 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].
19. 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>
20. 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].
21. If any utility cuts or construction related impacts are made on Joaquin Drive adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
22. Per BMC 9-3-407, 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.
23. No visual obstructions shall be erected or maintained in the 5' by 5' visibility cut-off above 3' high or below 1 0' high at the intersection of street/alley and driveway. Such requirement applies to all driveways [BMC 10-1-1303 (C)].

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APPROVED PLANS

