



**COMMUNITY
DEVELOPMENT**

March 6, 2025

UTE DONG
2957 NORTH BRIGHTON STREET
BURBANK, CA 91504

RE: Project No. 24-0003008 (Minor Fence Exception) – APPROVED
Located at 2957 North Brighton Street

Dear Ute Dong:

The City of Burbank has reviewed and approved your request for the above-referenced Minor Fence Exception (Project No. 21-0002218) to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area (the Project). The property is located at 2957 North Brighton Street in the Single Family Residential (R-1) zoning district. The Project meets all requirements for approval contained in Burbank Municipal Code Section 10-1-1810.5 and 10-1-19200(D). 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 Commission 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 March 21, 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 xathomas@burbankca.gov.

Sincerely,
COMMUNITY DEVELOPMENT DEPARTMENT

Xjvirr Thomas
Associate Planner

Community Development Department Director's Decision

DATE: March 6, 2025

PROJECT TITLE: Project No. 24-0003008 – Minor Fence Exception

PROJECT ADDRESS: 2957 North Brighton Street

APPLICANT: Ute Dong

PROJECT DESCRIPTION: A Minor Fence Exception (Project No. 24-0003008) to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area.

ZONING: R-1 (Single Family Residential)

GENERAL PLAN: Single Family Low Density

MUNICIPAL CODE CONFORMANCE: The wall/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(A) which requires a fence to be at least 50% open if located in the street-facing side yard and is measured at 6-feet in height. Thus, a Minor Fence exception Permit is required. The applicant is requesting a Minor Fence Exception Permit to deviate with this requirement and construct a combined 6'-0" high solid wall/fence combination within the street-facing side 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: January 6, 2025

DATE PUBLIC NOTICE MAILED: January 6, 2025

DATE OF DIRECTOR'S DECISION: March 6, 2025

END OF APPEAL PERIOD: March 21, 2025

Xjvirr Thomas
Associate Planner


For, Patrick Prescott, AICP
Community Development Director

**PROJECT NO. 24-0003008– MINOR FENCE EXCEPTION PERMIT
(2957 North Brighton Street – Ute Dong, Applicant)**

REQUIREMENTS FOR GRANTING A MINOR FENCE EXCEPTION PERMIT

The Community Development Director finds that the proposed project satisfies the requisite findings contained in Burbank Municipal Code Section 10-1-19200(D) 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 wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The wall/fence will be located outside of the corner cut-off areas as established in BMC Section 10-1-1303. Therefore, 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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The solid wall and vinyl fencing material is common for residential properties and does not present a danger to motorists, pedestrians, or any other persons. In addition, other properties in the surrounding area have fences and walls made of similar types of materials. Furthermore, a condition of approval has been included on this Minor Fence Exception permit that requires the property owner to maintain the wall/fence in a state of good repair at all times. This includes carrying out any necessary repairs promptly, upon discovery.

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

The applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The overall height of the wall/fence combination is below the maximum height necessary to obtain a building permit. However, the applicant will be required to comply with any building code requirements applicable to the installation of this type of wall/fence combination. Furthermore, a condition of approval has been included on this Minor Fence Exception permit that requires the property owner to maintain the wall/fence in a state of good

repair at all times. This includes 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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The wall/fence will be located outside of the corner cut-off areas as established in BMC Section 10-1-1303. Because the fence is located outside 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 proposed wall/fence is common for residential properties. Furthermore, 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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The wall/fence which is situated facing Scott Road, an east to west collector street, is intended to provide a secured side yard area for the property owner. Many of the surrounding homes that are along Scott Road include solid fences, walls and hedges within their street-facing yard areas at heights ranging from 6'-0" to 9'-0" in height. Therefore, the location, size, scale, and proportion of the proposed wall/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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The scale and proportion of the wall/fence is consistent and compatible with the single-story single-family dwelling and the existing walls and fences on the property, as well as in the general area. The existing property has existing 6' – 0" block walls on the property, including some along the street side yard setback area that is facing Scott Road. Furthermore, many of the

surrounding homes that are along Scott Road include solid fences, walls and hedges within their side yard setback area at heights ranging from 6'-0" to 9'-0". Therefore, the scale and proportion of the proposed wall/fence is consistent and compatible with structures on the same 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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The proposed wall/fence is common for residential properties and many of the surrounding properties have walls and fences of similar heights and materials. In addition, the wall/fence would be 30'-0" long and would be located entirely within the subject property. Furthermore, the wall/fence would comply with all wall and fence requirements in the Burbank Municipal Code, with the exception of the allowed height – which is the reason for which the Minor Setback Exception is being requested. Therefore, the proposed wall/fence would not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

- (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 applicant is requesting a Minor Fence Exception Permit to allow a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area. The wall/fence is common for residential properties and other properties in the surrounding area have fences and walls made of similar types of materials. In addition, the location, setback, and height of the proposed fence is acceptable, and will be compatible with the adjacent properties. Therefore, the proposed wall/fence would 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.

**PROJECT NO. 24-0003008– MINOR FENCE EXCEPTION PERMIT
(2957 North Brighton Street – Ute Dong, Applicant)**

CONDITIONS OF APPROVAL

Planning Division

1. Project No. 24-0003008 Minor Fence Exception Permit approves the installation of a wall/fence combination that is 6' – 0" in total height. The base of the wall/fence would be a 1'-0" solid wall and there would be a 5' – 0" vinyl fence above that. The wall would be located along the street-facing side yard setback area of the property located at 2957 North Brighton Street in the R-1, Single Family Residential Zone.
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. 24-0003008 Minor Fence Exception Permit may be modified or revoked by the City should the determination be made that the solid wall or vinyl fence or conditions under which it was permitted present detrimental impacts on neighboring properties.
4. The applicant/property owner shall maintain the entire structure 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.

Building and Safety Division

6. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the most current edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.
7. 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.
8. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.

9. 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.
10. 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.
11. 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.
12. 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.
13. Approved hours of construction are:

Monday – Friday	7:00 am to 7:00 pm
Saturday	8:00 am to 5:00 pm
14. 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

15. 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].
16. 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.
17. 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].

18. 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>
19. A Public Works "Right-of-Way Protection" Permit is required to verify the proposed fence location is not encroaching into the public right-of-way.
20. No construction material shall be placed within the public right-of-way without a "Street Use" Permit issued by the Public Works Department.
21. 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].
22. Access gates may not swing open into the public right-of-way [BMC 7-3-701.1]
23. Provide verification from the City of Burbank, Building Division showing the 5' public utility easement is cleared of all permanent structures at the rear of the property after construction is completed.
24. If any utility cuts or construction related impacts are made on Scott Road adjacent to the property, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property.
25. Additional impacts to street triggered by this project could extend the pacing restoration limits.
26. 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.
27. At intersection of Driveway & Street or Driveway & Alley – No visual obstruction shall be erected or maintained above 3' high or below 10' in 5' by 5' visibility cut-off at intersection of street and driveway per BMC 10-1-1303 (C).

28. At intersection of Streets – no visual obstruction shall be erected or maintained above 3' high or below 20' by 10' visibility cut-off at the intersection of streets per BMC 10-1-1303 (A).

