



**COMMUNITY  
DEVELOPMENT**

August 6, 2024

MARIE K. DAGSTANYAN  
3333 BRACE CANYON ROAD  
BURBANK, CA 91504

VIA EMAIL: MONOLAN@PRODIGY.NET

**RE: Notice of Decision – Approval  
Project No. 23-0003095 – Hillside Development Permit  
3333 Brace Canyon Road**

Dear Ms. Dagstanyan:

This letter is to notify you that the Community Development Director has approved your application for a Hillside Development Permit (HDP) to construct a 938 square-foot, two-story addition to the rear of the existing two-story single-family house. The proposed two-story addition consists of a new 444 square-foot covered patio on the first floor, a 21 square-foot expansion for structural bay windows, and a 473 square-foot expansion of the existing bedrooms on the second floor. 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 Commission 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 August 21, 2024.

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

Sincerely,

KAREN CHAVEZ  
Associate Planner  
Community Development Department

Attachments:

Exhibit A: View Study

Exhibit B: Approved Plans

## **Community Development Department Director's Decision**

**DATE:** August 6, 2024

**PROJECT TITLE:** Project No. 23-0003095 – Hillside Development Permit

**PROJECT ADDRESS:** 3333 Brace Canyon Road.

**APPLICANT:** Marie K. Dagstanyan

**PROJECT DESCRIPTION:** The project proposes a 938 square-foot, two-story addition to the rear of the existing two-story single-family house. The proposed two-story addition consists of a new 444 square-foot covered patio on the first floor, a 21 square-foot expansion for structural bay windows, and a 473 square-foot expansion of the existing bedrooms on the second floor. Further, pursuant to BMC Section 10-1-606(l), the applicant is requesting an exception from the development standards required by BMC Section 10-1-603, in order to increase the height from grade to top of roof, from 21' to 23'-7", along an existing nonconforming side wall. The existing side wall, located along the west elevation, has a nonconforming setback of 4'-5" from the interior side property line, whereas the required interior side setback is 8'-1". 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.

With the associated conditions of project approval, the proposed addition to the rear of the structure complies with the floor area ratio, height, setbacks, and all other applicable requirements in BMC Section 10-1-603 and 10-1-606. Further, the exception being requested by the applicant meets the findings pursuant to BMC Section 10-1-606(l).

**ENVIRONMENTAL REVIEW:** The proposed project has been determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301(e) pertaining to additions to an existing structure, such as the existing single-family dwelling, that is no more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less.

**DATE SIGN POSTED ON-SITE:** July 15, 2024

**DATE PUBLIC NOTICE MAILED:** July 12, 2024

**DATE OF DIRECTOR'S DECISION:** August 6, 2024

**END OF APPEAL PERIOD:** August 21, 2024

Karen Chavez, Associate Planner  
Planning Division (818) 238-5250

  
\_\_\_\_\_  
For, Patrick Prescott, Community Development Director

**HILLSIDE DEVELOPMENT PERMIT NO. 23-0003095  
(3333 Brace Canyon Road – Marie K. Dagstanyan, 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, which include a 938 square-foot two-story addition at the rear of the lot, are compatible with existing traffic circulation patterns in the neighborhood and will not disturb any existing sidewalks, guardrails, or street access. Access to the existing parking garage in front of the house would remain unaltered from existing conditions, and the primary access into the home will remain off Brace Canyon Road. 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 a 938 square-foot, two-story addition to the rear of the existing two-story single-family house. The addition is proposed on an existing and relatively flat building pad located at the rear yard of the project site, and does not propose significant grading of the property. Further, the two-story addition is consistent with other single-family homes within the vicinity, many of which are also two-story structures, and all applicable single-family development standards. Therefore, 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 a 938 square-foot, two-story addition to the rear of the existing two-story single-family house, on an existing flat building pad within the rear yard of the project site. The area currently consists of hardscaping and landscaping. Although the project site is characterized by an average slope of 32.77%, the addition will be located on the existing flat building pad, thus the project does not propose significant grading of the property. Therefore, the proposed improvements are designed to avoid altering the existing natural topographic features of the project site. 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 addition, the structures will not unnecessarily or unreasonably encroach on the scenic views from the neighboring properties. Brace Canyon Road is characterized by an incline, from west to east, and the project site is located in such a way where the properties to the east are at a higher elevation and the properties to the west are at a lower elevation. As a result of the geography, the proposed two-story addition will not have impacts to the surrounding neighbor's 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 June 5, 2024. This finding can be made.

- 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 May 29, 2024, at the subject property that outlined the frame of the location where the proposed two-story addition will be located; these story poles were installed and certified for accuracy by a licensed architect. On June 18, 2024, 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 residents and property owner(s).

As part of the view study, City Staff conducted a site visit at the subject property on June 5, 2024. Pictures of the story poles as viewed from the front and rear side of the subject property were captured to assess potential view impacts of the development – these pictures are included as part of the View Study. This finding can be made.

- 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 938 square-foot, two-story addition to the rear of the existing two-story single-family house 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 June 5, 2024. The proposed project has been determined to have negligible impacts to the neighboring properties with respect to views as the height of the proposed two-story addition is minimally visible from the front side of the subject property. Because of the geographic location of the project site, neighboring parcels to the side and rear would also have negligible impacts with respect to views. This finding can be made.

### **Findings for Granting an Exception**

1. *The exception is not detrimental to the public health, safety, or general welfare.*

The applicant is requesting an exception from the development standards required by BMC Section 10-1-603, in order to increase the height from grade to top of roof, from 21' to 23'-7," along an existing nonconforming side wall. The existing side wall, located along the west elevation, has a nonconforming setback of 4'-5" from the interior side property line, whereas the required interior side setback is 8'-1".

Per BMC Section 10-1-1810, any structure made nonconforming may not be enlarged or altered in a way which increases its nonconformity. Further, all enlargements, alterations and additions to such a structure shall conform to all standards and requirements of this Chapter for the zone in which the structure is located. As such, the single-family development standards would not allow an increase in height to the existing nonconforming wall. However, pursuant to BMC Section 10-1-606(I), an exception may be granted through approval of a Hillside Development Permit if certain findings are made.

Since the exception is requested to accommodate the proposed 938 square-foot, two-story addition to the rear of the existing two-story single-family house, the exception would not be detrimental to the public health, safety, or general welfare. Further, the proposed project is consistent with development found in the surrounding neighborhood. This finding can be made.

2. *Granting of the exception does not constitute a grant of special privilege inconsistent with the limitations upon other projects and/or properties in the vicinity.*

The exception to allow an increase in height from grade to top of roof, from 21' to 23'-7," along an existing nonconforming side wall would not constitute a grant of special privilege inconsistent with the limitations upon other projects. Per BMC Section 10-1-603(A), all structures in the R-1 zone must comply with a maximum height of 20 feet

from grade to top of plate, and a maximum height of 30 feet from grade to top of roof. BMC Section 10-1-1810 does not allow structures made nonconforming to be enlarged or altered in a way which increases its nonconformity, however exceptions can be made pursuant to BMC Section 10-1-606(I) in those instances where there exist special conditions or unique characteristics applicable to the hillside property. Hillside properties with similar special conditions or unique characteristics would qualify for the granting of a similar exception. Therefore, this finding can be made.

3. *The exception does not permit or encourage development inconsistent with the character of existing development in the neighborhood.*

The exception to allow an increase in height from grade to top of roof, from 21' to 23'-7," along an existing nonconforming side wall would not encourage development inconsistent with the character of existing development in the neighborhood. The surrounding neighborhood is characterized by single family structures that have a minimal traditional architectural style, with a mixture of single and two-story houses that have moderately pitched roofs. The exception would allow the proposed addition to maintain the existing moderately pitched roof of the house that is generally consistent with what is existing in the neighborhood. Further, the addition would be located at the rear of the structure, which would be minimally visible from the front. This finding can be made.

4. *There are special conditions or unique characteristics applicable to the subject property and/or the surrounding neighborhood due to the location in the hillside area that justify granting of the exception. Such conditions or characteristics may be related to topography, location, orientation, or other issues that do not generally apply to properties or neighborhoods located outside of the hillside area.*

There are unique characteristics applicable to the project site that would justify granting the exception to allow an increase in height from grade to top of roof, from 21' to 23'-7," along an existing nonconforming side wall. Due to the slope of the property, the orientation of the existing single-family structure on the lot is unique because it is not parallel to the property lines. The existing home was likely designed this way in an effort to minimize grading and impacts to the natural topography. As a result, the west elevation has an existing interior side setback of 8'-9" at the front of the house, and an interior side setback of 4'-5" at the rear of the house. In the absence of allowing an exception, the project would have to undergo substantial structural changes to the existing structure, in order to accommodate a code-compliant addition. This finding can be made.

**HILLSIDE DEVELOPMENT PERMIT NO. 23-0003095  
(3333 Brace Canyon Road – Marie K. Dagstanyan, Applicant)**

**PLANNING DIVISION**

1. Project No. 23-0003095, Hillside Development Permit, approves (1) the construction of a 938 square-foot, two-story addition to the rear of the existing two-story single-family house, and (2) an exception to allow an increase in height from grade to top of roof, from 21' to 23'-7", along an existing nonconforming side wall. The proposed two-story addition consists of a new 444 square-foot covered patio on the first floor, a 21 square-foot expansion for structural bay windows, and a 473 square-foot expansion of the existing bedrooms on the second floor. The exception would accommodate the proposed two-story addition to the rear of the existing two-story single-family house. The subject property is located in the R-1, Single Family Residential, zone in the Hillside area.
2. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on August 6, 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. 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 August 6, 2024, and placed on file in the office of 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 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.

8. As part of the Building Plan Check application submittal, the applicant shall include the proposed setback between the eave and the interior side property line on the site plan. The proposed setback shall be no less than 2.5 feet from the interior side property line.
9. As part of the Building Plan Check application submittal, the applicant shall submit a Floor Area Ratio Diagram to confirm the Project's consistency with the application floor area ratio requirements included in Section 10-1-603(A) and (D) of the Burbank Municipal Code.

### **BUILDING AND SAFETY DIVISION**

10. 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.
11. 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](mailto:eplancheck@burbankca.gov).
12. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
13. 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.
14. Separate Permits will be required for the following:
  - a. Demolition
  - b. Grading & Shoring
  - c. Architectural & Structural
  - d. Mechanical
  - e. Plumbing
  - f. Electrical



15. 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
16. 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.
17. 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.
18. Justify Floor Area Ratio per current Burbank Municipal Code 10-1-601 (ARTICLE 6. RESIDENTIAL USES AND STANDARDS)
19. 10. 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.
20. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
21. 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.
22. 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.
23. 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.

24. 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.
25. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
26. 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.
27. 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.
28. 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.
29. 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**

### **General Requirements**

30. Show width and location of all existing and proposed easements [BMC 9-1-2-3203]. Plans must show 6' public utilities easement at the front of the property.
31. 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].
32. 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].
33. 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.
34. 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:*

35. Public Works Permit Division to verify and sign off that the 6' public utilities easement at the front of the property is cleared of any existing and/or proposed permanent structures prior to the start of construction.
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.

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

38. Provide verification from the City of Burbank, Building Division showing the 6' public utilities easement at the front of the property is cleared of all permanent structures after construction is completed.

39. 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].

40. If any utility cuts are made on Brace Canyon Road adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.

41. Additional impacts to street triggered by this project could extend the paving restoration limits.

### **Water Reclamation and Sewer**

42. Under the current rate structure, pulling the Building Permit for the proposed development is subject to a Sewer Facilities Charge estimated at \$559.56. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

SFC = Proposed Developments  
= Single Family Development Addition  $(((493 \text{ sq. ft.})/1,800 \text{ sq. ft.}) * \$2,043)$   
= \$559.56

(Note: It is the responsibility of the developer to show proof of the existing sewer usage or existing developments so that the proper credit can be given.)

43. Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system [BMC 8-1-104].

44. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].

45. Pollutants, including construction debris, soil, and other discharges, are prohibited from entering the City's sewer collection system [BMC 8-1-501.1]. Discharges that exceed the local limits per BMC 8-1-501.4 are prohibited. In addition, the applicant shall not obstruct or damage any part of the City sewer system and shall reimburse the City for sanitary sewer overflows and the reasonable costs of necessary maintenance and/or repair of the sewer system [BMC 8-1-311]. As such, it is required that all existing private sewer laterals are capped prior to any demolition activities.
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 Discharge**

47. 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].
48. 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**

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

### **FIRE DEPARTMENT**

50. If this project meets the fire sprinkler requirements of the City of Burbank Municipal Code, fire sprinklers shall be installed.
51. 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 fire fighting, 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.

X \_\_\_\_\_  
Signature of  
Applicant/Permittee

X \_\_\_\_\_  
Signature of Property Owner