

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: February 8, 2022

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
VIA: Fred Ramirez, Assistant Community Development Director - Planning
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SUBJECT: Introduction of an Ordinance Amending Sections of Title 10 of Burbank Municipal Code Pertaining to Definitions, Standards for Single Family Residential Zones, and Nonconforming Structures, Project No. 21-0004984

RECOMMENDATION

Introduce AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE STANDARDS AND DEFINITIONS PERTAINING TO SINGLE FAMILY RESIDENTIAL ZONES AND CONTINUATION OF NONCONFORMING STRUCTURES, Project No. 21-0004984 (Attachment 1).

BACKGROUND

The purpose of the Zone Text Amendment is to streamline the planning review process for single-family residential development, while addressing the concerns related to mass and bulk of new and remodeled single-family homes. In order to achieve this purpose, the Planning Board has recommended the elimination of Single Family Special Development Permit (SFSDP) discretionary review process, and inclusion of additional objective development standards, which ensure that new single-family dwellings and additions/remodels are compatible with the design and character of existing neighborhoods while reducing the excessive review times that result from the SFSDP process.

In 2017, the City made comprehensive updates to the Burbank Municipal Code (BMC) with the intent to limit the mass and bulk of new and remodeled single-family residential dwellings (City Council Ordinance No. 17-3,890). The 2017 update amended various development standards, including, but not limited to: standards pertaining to Floor Area Ratio (FAR), front setback calculation, fences, walls and retaining walls. Additionally, the update created design guidelines to establish neighborhood compatibility standards and created a discretionary review process for most new dwellings and large-scale additions.

This was done under the premise that it would address the concerns of bulk and mass while at the same time allow for streamlining of the review of “code compliant” projects.

The updated regulations on single-family dwellings in R-1 and R-1-H single family zones have been in effect for the past four-and-a-half years. While most of the regulations meet the intent of reducing the overall mass and bulk of single-family dwellings, revisions to certain sections of the City zoning code are required to amend some of the single-family development standards. These proposed amendments are needed to continue to enable better designs and allow for the preservation of the existing character of single-family residential neighborhoods, while removing redundant or conflicting information that has caused confusion for architects, designers, and planning staff. Furthermore, the current regulations have not resulted in streamlined review as was originally anticipated but have instead increased review times and created uncertainty for residents and applicants on what is a truly code compliant single-family residential project.

Based on City staff experience and project applicant feedback over the last few years, the proposed Zone Text Amendment (ZTA) incorporates standards that will continue to facilitate designs addressing bulk and mass and ensure compatibility with the scale and character of the City’s existing single-family residential neighborhoods. Table 1 depicts the key updates that are being proposed to R-1 and R-1-H single family residential standards. Please refer to Attachment 3 for a detailed description of all proposed amendments, including correction of minor errors.

Table 1: Summary of Updates to Title 10 Chapter 1 (Zoning) of BMC	
<i>Code Section</i>	<i>Proposed Changes</i>
Section 10-1-203: Definitions	Amendments are proposed to the definitions of “Retaining Wall” and “Whole House Demolition”
Table 10-1-603(A): Property Development Standards	<ul style="list-style-type: none"> – Amendment is proposed to the maximum allowed top of the plate height of a sing-family residential dwelling, – Updates are proposed to applicability of upper-story step backs and building plane modulation requirement
Section 10-1-603(C): Height	Updates are proposed to include standard specifying maximum allowed top of the roof height for front porches
Section 10-1-603(D): Floor Area Ratio	<ul style="list-style-type: none"> – Text is added to clearly list all the structures that are exempt from Floor Area Ratio (FAR) calculation – Updates are proposed to modify the standards specifying inclusion of attic spaces in FAR calculation

Section 10-1-603(F): Lot Coverage	Amendments are proposed to update the list of structures that are exempt from lot coverage calculation
Section 10-1-603(G)(5): Additional Requirements	<ul style="list-style-type: none"> - Updates are proposed to allow a maximum 20 feet wide driveway on lots with garages located towards the rear of the lot - Updates are proposed to standards regulating landscaping and pedestrian pathways within the front yard setback area of a lot
<ul style="list-style-type: none"> - Section 10-1-603(H)(1): Fences, Walls, Hedges, and Other Yard Features; - Section 10-1-603(H)(3): Retaining Walls; and - Section 10-1-606(F): Fence, Walls, Hedges, and Screening in the Hillside Area 	Updates are proposed to the standards regulating construction of fences, walls, hedges, and retaining walls.
Section 10-1-603(I): Parking and Driveways	Updates are proposed to the standards regulating compliance with the minimum required off-street parking
Section 10-1-603(M): Design Standards	Updates are proposed to include a new sub-section detailing objective design standards for additions, alterations, and construction of single-family dwellings
Section 10-1-606(H): Approval Process	Updates are proposed to remove requirement for discretionary approval for pools and spas that are proposed on flat portions of a lot located in the hillside area of the City.
Section 10-1-607(C): Single Family Development Permit	The ZTA proposes elimination of the SFDP discretionary review process.
Section 10-1-1810: Continuation of Structure	Amendments are proposed to the standards regulating continuation of non-conforming portions of a single-family residential dwelling to allow openings along non-conforming exterior walls and allow replacement of non-conforming portions of a dwelling that have been damaged due to termites or dry rot.

DISCUSSION

In the past four-and-a-half years, staff has observed both the benefits and limitations from implementing the current single-family development standards for all new single-family residential constructions and remodels within the City. The existing regulations for single-family development in R-1, R-1-H (Horse keeping), and R-1 hillside zones, especially the design guidelines, has provided a way to achieve neighborhood compatibility. The design guidelines (also referred to as neighborhood compatibility review) is incorporated into the discretionary approval processes for: 1) Hillside Development Permits (HDPs): building permit for homes in the hillside as required by BMC Section 10-1-607(D), and for 2) SFSDPs: building permit for new homes that exceed 0.35 FAR and additions that are over 500 square feet and visible from the street, as required per BMC Section 10-1-607(C).

The regulations specifying applicability of design guidelines through the SFSDP discretionary approval process assesses the construction of larger dwellings and additions to ensure compatibility with the existing character and scale of a neighborhood. However, the projects that currently fall under the requirements of SFSDP process and the associated design guidelines/neighborhood compatibility review process tend to disproportionately affect minor/small scale single-story residential additions and remodeling work. The current code's existing disparity in the application of design guidelines has led to following issues:

- ***Prolonged processing timelines for projects proposing minor additions and/or remodeling work that do not impact the existing scale of a neighborhood:***
 - Many projects proposing single-story or minor two-story additions, that do not adversely impact the mass, bulk and scale of existing dwelling and are therefore compatible with the surrounding neighborhood, are subject to discretionary approval for compliance with design review process, that has resulted in processing timelines of 12 to 16 months.
 - Between January 2019 to October 2021, Planning Division has received around 78 SFSDP applications. Many of these SFSDP projects have experienced extended timelines associated with processing SFSDP, causing unnecessary delays in processing single-family residential development projects. Single family developments that would have otherwise taken 6 to 8 months to review are now taking 12 to 16 months. The new time for review is inconsistent with the anticipated outcome of the 2017 updates that noted a proposed streamlined review of single-family residential projects.

- ***Lack of design guidelines for projects proposing additions, remodeling work, and/or new construction of single-family dwellings that are exempt from discretionary review process:***
 - Several of the new two-story homes that have been exempt from discretionary review approval (less than 3,000 sq. ft. and FAR of less than 0.35) and the associated design review process, have resulted in new dwellings with “boxy” architecture that are not compatible with the scale and character of existing single-family neighborhoods.

- Current single-family regulations do not have design provisions for additions that are not subject to design guidelines review (additions not exceeding 500 square feet and additions exceeding 500 square feet that are not visible from front street), resulting in additions and remodels that are not required to match the design and architectural style of existing dwelling.

Purpose of the ZTA

The ZTA proposes to amend the single-family development standards to facilitate better design, enable streamlining of planning review time, and remove redundant information that hinder consistent application of the code. The proposed updates will maintain those single-family development standards regulating development in R-1 and R-1-H zones that have worked well towards limiting mass and bulk of single-family dwellings while facilitating greater consistency of design of the addition/remodel with the existing home that is compatible with the bulk, mass and scale of the surrounding neighborhood while also facilitating more streamlined review than the current 12–16-month average.

Specifically, the proposed ZTA will accomplish the following:

- Reduce the planning review time through updated objective design standards that are easily understood by property owners, architects/designers, and City staff.
- Streamline planning review process by eliminating SFSDP discretionary review process that disproportionately scrutinized minor one-story and two-story additions and remodels, while exempting from the same review new two-story single-family dwellings under 3,000 square foot and below 0.35 FAR.
- Provide objective design standards that are applied consistently to all additions, remodels, and new single-family dwellings.
- Provide greater clarity by eliminating confusing and inconsistent language in the code.

Planning Board Recommendation

Pursuant to the City's ZTA process, a Planning Board hearing was held on October 25, 2021, to consider the proposed updates to regulations on R-1 and R-1-H single family residential zones. At the public hearing, the Planning Board considered staff's recommendation. After deliberation on the Project request, the Planning Board recommended changes to the updates proposed as a part of the ZTA, that included elimination of SFSDP discretionary review and the associated design guidelines/neighborhood compatibility review process to allow ministerial approval for all the single-family projects including additions, remodels, and new residential construction, on all the lots that are not located in the designated hillside area of the City.

A second Planning Board hearing was held on December 13, 2021, to consider the updated ordinance after incorporating the changes recommended by the Board. The Board considered the updated ordinance and after deliberation voted 4-0 and approved recommending to the City Council, the proposed updates to the regulations on R-1 and R-1-H single family residential zones.

ENVIRONMENTAL ASSESSMENT

The proposed ZTA has been reviewed for compliance with the California Environmental Quality Act (CEQA). The proposed amendments to Title 10 Chapter 1 of BMC amend development standards regulating new constructions, remodels, and additions to single-family residential dwellings. Additionally, the ZTA as noted in the Ordinance (Attachment 1) proposes updates to remove redundant information related to certain development standards for single-family dwellings.

The Project would not allow any new uses and would not change the amount of physical development that is currently allowed pursuant to the City zoning regulations. As a result, the proposed ZTA and associated Ordinance will not have a significant adverse impact on the environment. The Board concurred with City staff's assessment that the Ordinance (Attachment 1) is exempt from CEQA review pursuant to State CEQA Guidelines, Article 18: Statutory Exemptions, Section 15061(B)(3). This section of CEQA establishes a statutory exemption in those instances where "The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

FISCAL IMPACT

The proposed ZTA will allow the processing of single-family projects without undergoing a SFSDP discretionary review and approval process. The decrease in revenue resulting from elimination of SFSDP discretionary process is not anticipated to have a negative fiscal impact on City's budget because more projects will be ready for permit issuance in a shorter time frame, which is anticipated to result in more building permit fees and post construction, more property tax resulting from upgraded properties that are reassessed at a higher valuation. Moreover, the ZTA will result in a decrease in the staff time that is devoted towards processing SFSDP discretionary projects freeing up existing staff resources to undertake additional pending work that will also facilitate more project intake and additional City fees from application and permits as well as economic development.

CONCLUSION

The changes outlined in the proposed ZTA are intended to resolve concerns related to some of the single-family regulations that have been observed over the past few years. The proposed ZTA will: a) preserve existing neighborhood character by continuing to regulate bulk and mass in the R-1 and R-1-H single-family residential zones by updating and extending objective design related standards to all additions, remodels, and construction of single-family dwellings; b) remove inconsistencies from the existing regulations governing construction of single-family dwellings; and c) enable efficient customer service by streamlining planning review time for additions, remodels, and construction of new single-family dwellings.

ATTACHMENTS

- Attachment 1 Ordinance
- Attachment 2 Red line version of the Ordinance
- Attachment 3 Summary of changes to existing R-1 and R-1-H standards
- Attachment 4 December 13, 2021 Planning Board hearing report and exhibits
- Attachment 5 Planning Board Resolution
- Attachment 6 December 13, 2021 Planning Board hearing minutes