

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 7, 2022

Justin Hess, City Manager
City of Burbank
275 East Olive Avenue
Burbank, CA 91502

Dear Justin Hess:

RE: Burbank 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Burbank housing element, which was adopted September 27, 2022, and received for review on September 28, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element was found to be substantially the same as the revised draft element that HCD's September 7, 2022, review determined met statutory requirements.

Please be aware this finding of compliance is separate from active enforcement action happening pursuant to the Notice of Violation issued on May 24, 2022. In addition, as several of the identified sites have projects that have indicated the intent to file a Streamlined Ministerial Permit pursuant to Government Code section 65913.4 (SB 35, Statutes of 2017), the City must monitor these applications as they are processed and ensure the City applies SB 35 in an objective and barrier-free manner, consistent with state law.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 5 (Housing Opportunity Sites & Rezone Program) which commits to accommodate the shortfall of 1,573 units for moderate and above moderate units by adopting the Downtown TOD, Golden State, and Media District Specific Plans, by June 2023.
- Program 6a (Promote Accessory Dwelling Units (ADUs) and 6b (Track and Monitor Accessory Dwelling Units) which incentivizes the development of ADU

production and monitors production throughout the planning period to ensure production is meeting projected trends.

- Program 8 (Public/Private Partnership on City Land) which among other things, commits to provide housing on the Civic Center on city-owned land by 2025.
- Program 9 (Facilitate Development of Affordable Housing Non-Vacant Sites) which commits to facilitate housing through allowing by-right development processing, reducing parking requirements, waiving of impact fees, and providing gap financing, among others.
- Program 10 (Inclusionary Housing Ordinance) and Program 11 (Density Bonus Ordinance) which commits to update the ordinances to align with market conditions and new state laws.
- Program 21 (Zone Text Amendments for Special Needs Housing) makes a variety of zoning updates to ensure a variety of housing options.
- Program 22 (Updated Project Appeal Procedures) to update the appeal process to ensure appeals are clear and relate to the code.
- Program 23 (Fair Housing/Furthering Fair Housing) which implements the City's plan to affirmatively further fair housing in the planning period.

The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Gov. Code section 65400. Please be aware, Government Code section 65585(i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City/County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work the City's housing element team and Karen Warner, your consultant, provided throughout the course of the housing element review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact me at Melinda.Coy@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief