

Eff.: ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF BURBANK MUNICIPAL CODE TO UPDATE STANDARDS AND DEFINITIONS PERTAINING TO SINGLE FAMILY RESIDENTIAL ZONES AND CONTINUATION OF NONCONFORMING STRUCTURES.

(Zone Text Amendment; Project No. 21-0004984)

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, by updating the zoning text regulating single family residential development in R-1 and R-1-H single family residential zones and continuation of nonconforming structures.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

- A. The City of Burbank ("City") is amending regulations on single-family development in R-1 and R-1-H single family residential zones and nonconforming structures to remove inconsistencies and redundant information and incorporate needed definitions to provide greater clarity, as well as implement more objective standards and design criteria that collectively facilitate better design for new single-family dwellings including additions and remodel of existing homes; the proposed zone text amendment will also enable a more streamlined review these types of projects.
- B. The City Council adopted Ordinance No. 17-3,890 on January 24, 2017 updating development standards for single-family developments in R-1 and R-1-H zones in order to regulate mass and bulk of new single-family residential dwellings as well as additions and remodels of homes that had the potential to adversely impact the neighborhood character of single-family residential zones.
- C. Since the implementation of updated standards regulating development of single-family dwellings in R-1 and R-1-H zones in 2017, City staff has received numerous concerns regarding regulatory constraints that the new regulations have created for small-scale additions and remodels. All proposals for remodels and additions are reviewed pursuant to the single family residential development standards, but the triggers related to permitted square footage of these projects versus the triggers for requiring a single family development permit have extended planning processing time for these type of developments in R-1 and R-1-H single family residential zones without significantly improving the overall design of a project.

- D. The City acknowledges the need to address concerns regarding extended planning processing time for additions, remodels, and constructions in R-1 and R-1-H single family residential zones.
- E. On October 25th, 2021 and December 13th, 2021, the Planning Board of the City of Burbank held properly noticed public hearings on the proposed Zone Text Amendment Project No. 21-0004984.
- F. The Planning Board considered all evidence presented, both written and oral and voted on December 13, 2021 to adopt a resolution recommending that the City Council adopt an Ordinance amending development standards for residential development in R-1 and R-1-H single family residential zones.
- G. On February 8, 2022 the City Council at its regular meeting, held a public hearing on the proposed Zone Text Amendment Project No. 21-0004984.
- H. Said hearing was properly noticed in accordance with the provisions of Section 10-1-1994 of the Burbank Municipal Code.
- I. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, and the evidence presented at such hearing.
- J. The City Council finds the proposed ordinance incorporates text that facilitates objective and consistent application of zoning text and removes regulatory constraints for small scale single-family developments and one-story single family homes that maintain an overall design, inclusive of overall mass and scale, that is consistent with the scale and character of the City's existing single-family residential neighborhoods.
- K. The City Council finds the proposed Ordinance and resulting zone text amendment will benefit the community by cleaning redundant and inconsistent language in the development standards, providing new definitions as required, enabling a more objective application of zoning code, facilitating an overall design for additions, remodels, and construction of new single-family dwellings that is consistent with the scale and character of the existing neighborhoods, while also streamlining City review of these projects.
- L. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to Section 15061 (b)(3) of the CEQA Guidelines in which the project (i.e., zone text amendment to the single family residential zone development standards) has no potential for causing a significant effect on the environment as 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 allow development that is more intense than the buildout scenario analyzed in the Burbank2035 General Plan, and the project will not have a significant adverse impact on the environment.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Chapter 1 of Title 10 of the Burbank Municipal Code is amended as follows (addition in red and deletion in ~~strikethrough~~):

- 1) Article 2 Section 10-1-203: Definitions, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to update the definitions for “Retaining Wall”, and “Demolition, Whole House”:

10-1-203: DEFINITIONS:

RETAINING WALL: Means a structure that retains (holds back) for more than six inches of any material (usually earth), ~~above the footing measured from top of the horizontal footing~~ and prevents it from sliding or eroding away. ~~For purposes of measuring the height of a retaining wall, the exposed portion of the retaining wall shall be measured from the lowest abutting finished ground surface, after any grading, cut, or fill activity. The portion of the retaining wall that is not underground shall be considered exposed. Portion of the wall not retaining dirt shall not be considered a retaining wall.~~

DEMOLITION, WHOLE HOUSE: Means the demolition of at least 50% of the total length of all the ~~exterior walls of a main house, including garages and other enclosed accessory structures that are attached to the main house.~~ Applicant shall calculate the linear length of all exterior ~~and interior~~ walls. The calculated length should not exclude openings because part of the opening is a structural header, and the walls must remain as structural elements in the new plan.

- 2) Article 6, Division 1, Section 10-1-601: Purpose, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-601: PURPOSE:

A. R-1.

The R-1 Single Family Residential Zone is intended for neighborhoods of single family dwellings separated from multiple family and non-residential uses. The R-1 Zone is appropriate for very low density single family development and, with limited exceptions, is generally not appropriate for non-residential development.

B. R-1-H.

The R-1-H Single Family Residential Horsekeeping Zone is intended for neighborhoods of single family dwellings with incidental facilities for the keeping of horses, separated from multiple family and non-residential uses. The R-1-H Zone is appropriate for very low density single family development with equestrian accommodations. The R-1-H Zone is generally not appropriate for non-residential development except for certain equestrian related facilities and other limited exceptions.

C. ~~SECTION RESERVED Neighborhood Compatibility Review.~~

~~An additional purpose of these regulations is to ensure that new homes and alterations and additions to existing homes, enhance the character of Burbank's residential neighborhoods, while allowing flexibility in design. Standards on maximum allowable building mass and building form, coupled with a neighborhood compatibility review process/design guideline process, are established to implement this goal.~~ [Formerly numbered Section 31-26; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 17-3,890, eff. 2/23/17; 3669.]

3) Article 6, Division 1, Section 10-1-602: Uses in R-1 and R-1-H zones, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-602: USES IN R-1 AND R-1-H ZONES:

Uses are allowed in the R-1 and R-1-H zones as follows:

A. PERMITTED USES.

Table 10-1-602 identifies the land uses allowed by this Zoning Ordinance, and the land use permit, if any, required to establish a use or expand an existing use.

B. PROHIBITED LAND USES.

Uses not expressly listed in Table 10-1-602, or uses listed as prohibited, may not be carried on in the R-1 or R-1-H zones except as lawful nonconforming uses, unless authorized per Section [10-1-503](#) or other provisions of this Code.

C. APPLICABLE SECTIONS.

Where the last column in the table includes a section number, the referenced section includes additional requirements related to the use; however, provisions in other sections of this Chapter may also apply.

Table 10-1-602

Permitted Uses in the R-1 and R-1-H Zones

<i>Symbol</i>	<i>Meaning</i>
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)

Table 10-1-602

Permitted Uses in the R-1 and R-1-H Zones

<i>Symbol</i>	<i>Meaning</i>		
---	Use is prohibited		
<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Residential and Accessory Uses			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP ⁽¹⁾	CUP ⁽¹⁾	
Garages, private	P ⁽²⁾	P ⁽²⁾	
Accessory structures, including minor structures for which no building permit is required ⁽³⁾	P ⁽⁴⁾	P ⁽⁴⁾	10-1-604
Accessory uses typical for a single family home including tennis courts and swimming pools	P	P	
Accessory dwelling unit and Junior accessory dwelling unit	P	P	Article 6, Division 3
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility (licensed, six or fewer occupants)	P	P	
Community care facility (unlicensed, six or fewer occupants)	P	P	
Supportive Housing	P ⁽⁸⁾	P ⁽⁸⁾	¶
Transitional Housing	P ⁽⁸⁾	P ⁽⁸⁾	

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Non-Residential Uses			
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	
Church or church school	CUP	CUP	
Educational institution, public or private	CUP ⁽⁵⁾	CUP ⁽⁵⁾	
Municipal fire station	CUP	CUP	
Municipal library	CUP	CUP	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	
Parking lot, off-street	CUP	CUP	Article 14, Division 4
Public utility facility	CUP	CUP	
Wireless Telecommunications Facility	(6)	(6)	10-1-1118
Equestrian and Special Uses			
Animal hospital; no boarding	---	CUP ⁽⁷⁾	
Blacksmith; horse shoeing only	---	CUP ⁽⁷⁾	
Petting zoo	---	CUP ⁽⁷⁾	
Plant nursery	---	CUP ⁽⁷⁾	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP ⁽⁷⁾	Article 24, Division 9
Cannabis Uses			
Cannabis delivery	---	---	10-1-512
Commercial cannabis activities	---	---	10-1-512
Cultivation	---	---	10-1-512
Retailer	---	---	10-1-512

Notes/Additional Requirements:

(1) Additional single family dwellings legally constructed prior to June 4, 1963 are permitted uses that do not require a CUP.

(2) Intentionally deleted.

(3) Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings and pool houses. Accessory dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.

(4) Intentionally deleted.

(5) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.

(6) Permitted in accordance with Section [10-1-1118](#).

(7) Permitted only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land.

(8) Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the R-1 and R-1-H residential zones, whereas transitional and supportive housing structured as multi-family is limited to the R-2, R-3, and R-4 residential zones.

[Amended by Ord. No. 21-3,957, eff. 7/23/21; 20-3,932; 20-3,931; 19-3,930; 18-3,901; 17-3,898; Formerly numbered Section 31-27; 3890; 3872; 3840, 3817, 3697, 3669, 3622, 3535, 3399, 3139, 3127, 3058, 2858, 2754, 2727, 2371, 2322, 2183.]

4) Article 6, Division 1, Section 10-1-603: Property Development Standards, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-603: PROPERTY DEVELOPMENT STANDARDS:

A. STANDARDS TABLE. All land uses and structures, and alterations to existing land uses and structures, in the R-1 and R-1-H zones must be designed, constructed, and established consistent with the requirements in Table 10-1-603(A) and all other applicable provisions of this Division and this Code. Numbers in parentheses within the table refer to notes and additional requirements listed at the end of the table. For items marked with an (H), the hillside development standards apply if the property is located within the hillside area, as defined in Section [10-1-606](#)(A). Where the last column in the table includes a section number, the referenced section includes additional requirements related to the development standard. All properties located within the R-1-H Zone must further comply with the requirements set forth in Section [10-1-605](#), and all properties located within the hillside area, as defined in Section [10-1-606](#)(A), must further comply with the requirements set forth in Section [10-1-606](#).

**TABLE 10-1-603(A): DEVELOPMENT STANDARDS
IN THE R-1 AND R-1-H ZONES**

<i>Development Standards</i>	<i>R-1 and R-1-H</i>	<i>Additional or Related Standards</i>
Dimensions Related to Density		
Minimum lot area	6,000 square feet	
Minimum lot width	50 feet	
Minimum lot depth	100 feet	
Minimum lot area per primary dwelling unit	6,000 square feet	
Minimum lot area per additional dwelling unit above first 6,000 square feet subject to CUP approval	5,750 square feet	
Minimum dwelling unit size	850 square feet	
Minimum dwelling unit width ⁽¹⁾	20 feet	
Maximum height: ⁽²⁾		
To top plate	20 22 feet	10-1-603(C)
To top of pitched roof and architectural features	30 feet ⁽³⁾ ⁽⁴⁾	10-1-603(C)
To top of flat roof, parapet, and architectural features	23 feet	10-1-603(C)
To top plate for accessory structures	10 feet	10-1-603(C)

**TABLE 10-1-603(A): DEVELOPMENT STANDARDS
IN THE R-1 AND R-1-H ZONES**

<i>Development Standards</i>	<i>R-1 and R-1-H</i>	<i>Additional or Related Standards</i>
To top of roof and architectural features for accessory structures	14 feet ⁽⁵⁾	10-1-603(C)
Maximum number of stories	2; 3 stories if the third story is enclosed within a pitched roof (maximum height requirements apply).	
Maximum floor area ratio ^(H)	0.4 for lot area up to 7,500 square ft. plus 0.3 for lot area over 7,500 square ft. and 0.2 for lot area over 15,000 square ft. ⁽⁶⁾	10-1-603(D)
Upper-story Stepbacks; Building Plane Modulation	Required when project is subject to Neighborhood Compatibility Review for all new dwellings and second story additions.	10-1-603(E) ; 10-1-609
Maximum lot coverage	50% ⁽⁷⁾	10-1-603(F)
Minimum yard setbacks ^(H)		
Front	Average front yard setback on the blockface.	10-1-603(G)
Rear	15 feet	10-1-603(G)
Interior side	At least 10% of lot width, but no less than 3 feet and no more than 10 feet ⁽⁸⁾	10-1-603(G)
Street-facing side	For the first story, no less than 10% of lot width or 5 feet and no more than 10 feet ⁽⁸⁾ . For the second story, 20% of lot width, but no less than 6 feet and no more than 20 feet.	10-1-603(G)

**TABLE 10-1-603(A): DEVELOPMENT STANDARDS
IN THE R-1 AND R-1-H ZONES**

Development Standards	R-1 and R-1-H	Additional or Related Standards
Maximum fence, wall, and hedge heights ^(H)		
Within the front yard setback area	4 feet ⁽⁹⁾ ⁽¹¹⁾	10-1-603(H)
	6 feet (hedges only)	
Within the street-facing side yard setback area	6 feet (to rear of house) if 50% open; 4 feet if solid ⁽¹¹⁾	10-1-603(H)
	8 feet (to rear of lot) ⁽¹¹⁾	
Outside of the front yard or street-facing side yard setback area	8 feet	10-1-603(H)
	12 feet (hedges only)	
Required trees for New Single Family Homes or Homes Requiring Single Family Development Permits	2 trees somewhere on the property, preferably one in the front yard. (Can be existing trees)	10-1-603(L)
Minimum number of off-street parking spaces ^(H)		
When main dwelling has a gross floor area of 3,400 square feet or less	2 ⁽¹⁰⁾	10-1-603(I)
When main dwelling has a gross floor area of more than 3,400 square feet	3 ⁽¹⁰⁾	10-1-603(I)

Notes/Additional Requirements:

(H) For items marked with an (H), the hillside development standards apply if the property is located within the hillside area as defined in Section [10-1-606\(A\)](#).

1. The minimum dwelling unit width does not apply when a narrower dwelling width is necessary to maintain the minimum required side yard setbacks.

2. Unless otherwise permitted by state or federal law, the maximum 30-foot height limit also applies to freestanding structures other than buildings, including but not limited to antennas, satellite dishes, and flagpoles.
3. To achieve this height, the minimum roof slope shall be 30 degrees above a horizontal plane.
4. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Accessory dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.
5. On lots larger than 10,000 square feet, the maximum accessory structure height shall be 23 feet.
6. ~~The maximum floor area ratio is 0.4 with neighborhood compatibility review. Without neighborhood compatibility review, the by-right FAR is .35, and~~ Section [10-1-603\(D\)](#) establishes additional regulations for the floor area ratio. In the hillside area as defined in Section [10-1-606\(A\)](#), the floor area ratio may be reduced through conditions placed upon a Hillside Development Permit per Section [10-1-606\(C\)](#).
- ~~7. The 50% maximum lot coverage may be exceeded with approval of a Single Family Development Permit when the lot is smaller than 6,000 square feet.~~
- ~~8-7.~~ On lots that have an irregular shape or a varying width, the average lot width, as determined by the Community Development Director, is used to calculate the side yard setbacks. The Director also may reduce the interior side setback adjacent to an alley for blank walls with no ground floor windows for habitable rooms. ~~The City of Burbank Neighborhood Compatibility Review and Single Family Design Guidelines provide additional guidance for the interior side yard setback and street facing side setbacks on lots over 50 feet wide.~~
- ~~9~~ 8. In the front ~~yard and street-facing side yards,~~ any portion of the fence exceeding two (2) feet in height must utilize an open design except as noted above. Open design means that for each one-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall. Exceptions to this standard shall be allowed for retaining walls in hillside areas through the Hillside Development Permit process.
- ~~10~~ 9. The first two required parking spaces must not be tandem spaces. The third parking space may be a tandem space.
- ~~11~~ 10. The height of the retaining wall adjacent to the sidewalk or the public right of way in front of the house must be measured along the sidewalk or the right of way, not the finished grade of the property.

B. CONFORMANCE TO APPROVED PLANS REQUIRED.

1. All plans submitted with a building permit shall incorporate all of the project elements reviewed as part of ~~the determination of neighborhood compatibility if applicable, when issuing the Single Family Development Permit or~~ Hillside Development Permit, ~~when applicable~~. All construction shall comply with approved plans that are part of the building permit following ~~neighborhood compatibility review and~~ issuance of the respective Development Permit, unless minor modifications or changes are approved by the Community Development Director.

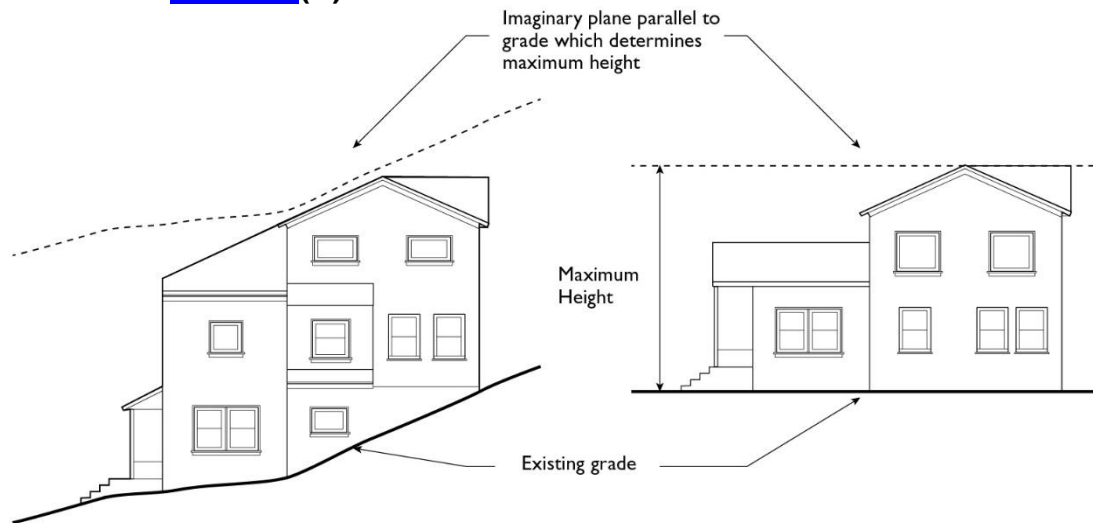
2. When the owner or the contractor encounters conditions in the field that may require a modification to an approved ~~Single Family or~~ Hillside Development Permit, it shall be the responsibility of the owner or the contractor to cease work. Information regarding the field conditions then must be provided to the Planning and Inspection staff. The Community Development Director or his designee must approve all proposed field modifications. Should modifications to a remodel result in a whole house demolition, then all standards relating to a new house shall apply and compliance with the respective Development Permit shall be required.

C. HEIGHT.

1. For purposes of these standards, height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet (as listed in Table 10-1-603(A)) above and parallel to the grade. The measurement is taken at each point along the face of the structure at no less than one foot intervals, and the reference grade shall be established as the existing ground surface of the lot, prior to any grading, cut, or fill activity or the finished ground surface of the lot, after any grading, cut, or fill activity, whichever is lower.

Diagram [10-1-603\(C\)](#) illustrates the imaginary plane on a sloped lot and flat lot when measured from the existing grade to the top of the roof. A separate imaginary plane also parallel to the grade determines the maximum top plate height. With approval of a Conditional Use Permit, height may be measured from the average grade in lieu of being measured as described above. In this instance, average grade shall be the average of the highest and lowest finished ground surface elevations at the perimeter of the structure, whether or not the finished ground surface is higher than the existing ground surface.

DIAGRAM 10-1-603(C): HEIGHT MEASUREMENT



2. No building feature, except parapets above a height of 20 feet, or 10 feet on an accessory structure, shall exceed a roof pitch of 12 vertical inches for every 12 horizontal inches, where pitched. This standard is not intended to require hipped roofs.

3. Parapets and architectural features shall not exceed 30 inches in height above the intersection of the roof surface and the wall. A flat roof surface must be no higher than ~~24~~ 23 feet above grade, or 11 feet above grade when on an accessory structure.

4. Chimneys shall not extend more than 15 feet above the highest point of the roof or exceed a maximum height of 30 feet, or 17 feet on an accessory structure. Unless otherwise permitted by State or federal law, air conditioning units and other roof-mounted equipment shall not exceed 30 feet in height, or 17 feet on an accessory structure. All such equipment shall be screened so as to limit visibility from the right-of-way.

5. When a deck or platform is provided on top of a structure, the assumed top plate height of the structure is six (6) feet, eight (8) inches above the deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.

6. Top of the roof height of front porches shall be limited to no more than 12 feet as measured from the existing ground surface of the lot, prior to any grading, cut, or fill activity or the finished ground surface of the lot, after any grading, cut, or fill activity, whichever is lower.

~~6-7.~~ While modest changes in grade (not to exceed 6 inches in non-Hillside areas, and 12 inches in the Hillside) may result when excavation and foundation work are carried out, the placement of fill dirt in the front and rear yards is not allowed in order to change the overall grade of the property and increase the allowable height. Applicants for building permits requiring any grading beyond 6 inches in non-Hillside areas, and 12 inches in the Hillside shall be required to submit a stamped and signed pre-demolition topographic survey, a grading plan as part of the construction documents indicating existing and proposed topography, and, upon completion, a final certification from the surveyor

verifying the as-built condition. Any changes to the existing grade must be shown on the construction drawings and approved by the City Building Official in advance of building permit issuance. Subsequent changes to the grade shall not be approved as part of field inspection and, instead, require resubmittal of plan documents to the Community Development Department for review, ~~and, if applicable, determination of neighborhood compatibility of the proposed change in grade to the existing grade.~~

D. FLOOR AREA RATIO.

1. The floor area ratio (FAR) is calculated using the total gross floor area of all enclosed structures on the property, including the main dwelling structure, accessory structures, ~~second accessory~~ dwelling units, enclosed patios, even when open on one or more sides, and sheds; except ~~the following are excluded from the FAR calculation,~~

~~(1)(a) attached garages and carports or portions thereof up to 400 square feet if in front of the house or within the front half of the lot and 500 square feet if either attached or detached in the rear half of the lot; and 600 square feet if access to the garage is taken from the alley; in case of multiple garages, the one with lesser area shall be exempt from FAR, the exemption shall not exceed 600 square feet;~~

~~(2)(b) front covered porches with up to 250 square feet if open on two sides and located on the ground floor, and~~

~~(3)(c) stables, corrals, and tack rooms attached thereto are not included;~~

~~(d) detached accessory structures open on all sides;~~

~~(e) attached covered patios, understory of balconies and overhangs that are not supported by posts;~~

~~(f) parking area of any size when located in basement, which is exempt from FAR as specified in sub-section 10-1-603 (D)(4);~~

~~(g) up to two, non-habitable accessory structures under 120 square feet each. Structures above the quantity of two shall be included in FAR; and~~

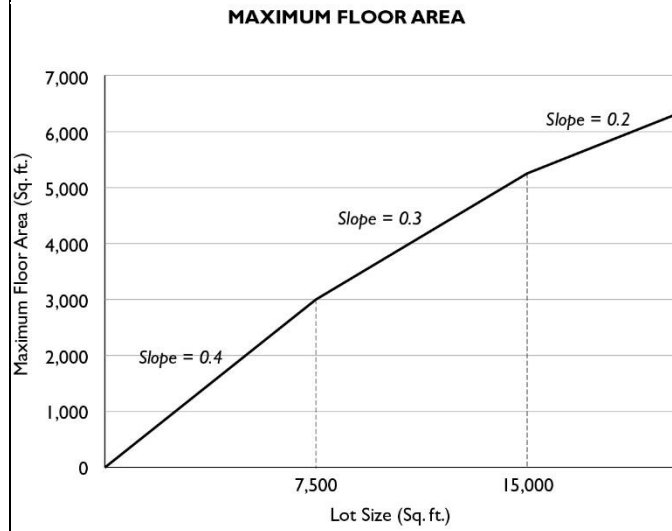
~~(h) trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings.~~

2. Floor Area shall be calculated for each story and includes the horizontal area within exterior finish face walls. The total gross floor area shall be the sum of the floor area for each story.

3. Any portion of a structure, including the area above a staircase, over 12 feet in interior height, shall count as floor area as if a second story were within the space. This means that any space with a ceiling or top plate exceeding the maximum allowed one story height shall be considered as constituting two stories for the purpose of calculating floor area and thus the ground floor area is counted twice. For purposes of measuring height in this section, it is measured from grade, not from finished floor.

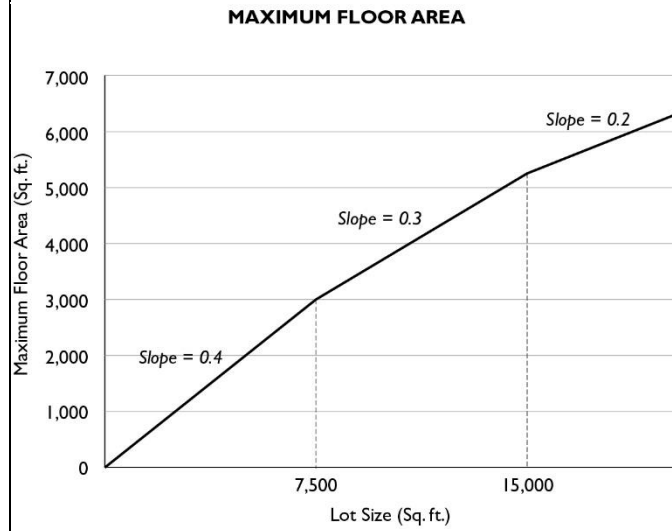
4. Basements with usable floor area that meet the minimum habitable room dimensions (area, height and width) as defined by the Building Code shall be counted toward the floor area ratio unless both of the following criteria are satisfied:
 - a. The finished floor level of the first story is no more than 24 inches above the adjoining ground surface for at least 50 percent of the perimeter of the basement; and
 - b. The basement space is located directly beneath an enclosed space that is included in the floor area ratio calculation.
5. The following requirements apply to basements whether or not exempted from floor area ratio per Subsection (4) above.
 - a. The gross floor area of the basement must be included in the total house square footage for the purposes of determining the number of required off-street parking spaces; and
 - b. When built as part of an accessory structure, the gross floor area of the basement must be counted toward the square footage and size limitation of the accessory structure.
6. ~~Portion of floor area within attics that have a structural floor with a floor surface~~ and a ceiling height ~~of five feet or greater than four feet shall counts~~ toward the Floor Area Ratio.
7. The floor area for required parking provided underground shall not be counted when calculating the floor area ratio.
8. Maximum Residential Floor Area. The maximum residential floor area (FAR) by lot size is shown in Table 10-1-603(D). For lot sizes between the sizes shown, the maximum floor area shall be determined by the relevant proportional increase.

TABLE 10-1-603(D): MAXIMUM GROSS FLOOR AREA AND FLOOR AREA RATIO (FAR) BY LOT SIZE



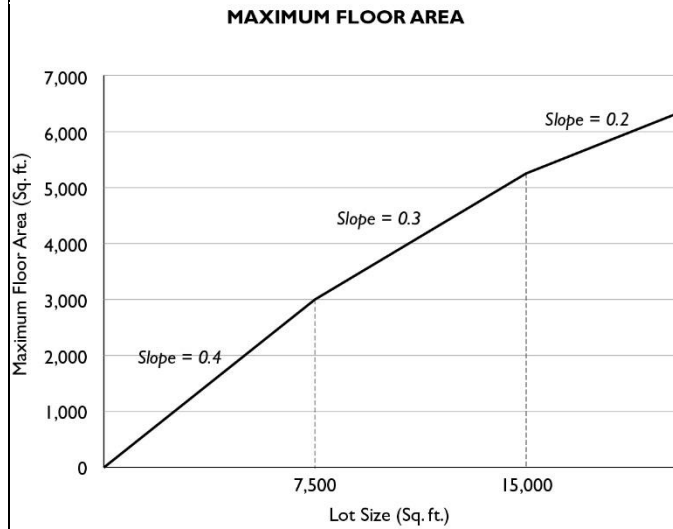
Lot Size (Sq. Ft.)	Maximum Gross Floor Area (Sq. Ft.)	Maximum FAR
3,500	1,400	
4,000	1,600	
4,500	1,800	
5,000	2,000	
5,500	2,200	0.4
6,000	2,400	
6,500	2,600	
7,000	2,800	
7,500	3,000	
8,000	3,150	
8,500	3,300	0.4 for up to 7,500; 0.3 for lot area over 7,500
9,000	3,450	

TABLE 10-1-603(D): MAXIMUM GROSS FLOOR AREA AND FLOOR AREA RATIO (FAR) BY LOT SIZE



Lot Size (Sq. Ft.)	Maximum Gross Floor Area (Sq. Ft.)	Maximum FAR
9,500	3,600	
10,000	3,750	
10,500	3,900	
11,000	4,050	
11,500	4,200	
12,000	4,350	
12,500	4,500	
13,000	4,650	
13,500	4,800	
14,000	4,950	
14,500	5,100	
15,000	5,250	

TABLE 10-1-603(D): MAXIMUM GROSS FLOOR AREA AND FLOOR AREA RATIO (FAR) BY LOT SIZE

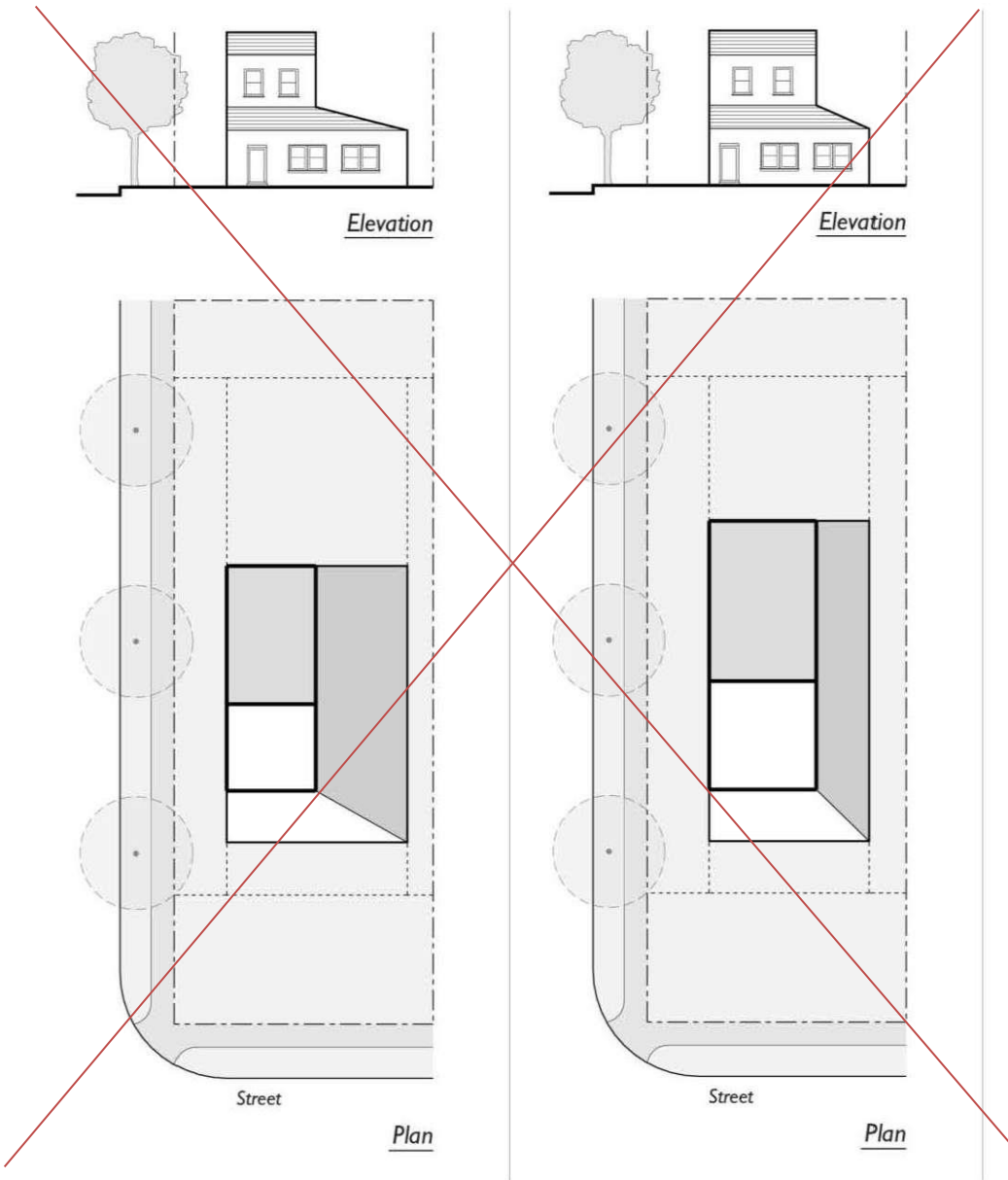


Lot Size (Sq. Ft.)	Maximum Gross Floor Area (Sq. Ft.)	Maximum FAR
15,500	5,350	0.4 for up to 7,500; 0.3 for lot area over 7,500 but less than 15,000; and 0.2 for lot area over 15,000
16,000	5,450	
16,500	5,550	
17,000	5,650	
17,500	5,750	
18,000	5,850	
18,500	5,950	
19,000	6,050	
19,500	6,150	
20,000 or more	As determined by same FAR formula	

DIAGRAM 10-1-603(D): FAR COMPARISON

FAR = 0.35

FAR = 0.40



9. Calculating FAR on Flag Lots. That portion of the pole or stem portion of a flag lot that is in a shared driveway shall not be used in calculating the maximum allowable floor area within a given FAR allowance. However, land area in the pole portion with a minimum width of 15 feet, and not part of the shared driveway, and under control of a single owner shall be included in calculating the maximum allowable floor area within a given FAR allowance. Such pole area can only be counted for one lot.

10. Reduced FAR on Sloped Lots in the Hillside. The maximum FAR of 0.4 shall be reduced to 0.35 on all hillside lots with slopes in the 15-29.99 percent range, as determined by the City, and to 0.30 for all hillside lots with slopes of 30 percent or more, as determined by the City. The applicant shall provide a topographic map of the site

showing topographic features by means of contour lines, with slope calculated by the formula:

$S = (I \times L \times 100)/A$, where:

S = Average ground slope in percent, calculated for the entire lot

I = Contour interval in feet. The contour interval shall be 10 feet or less.

L = The combined length in feet of all contour lines on the lot

A = Gross area for the lot in square feet

11. Floor Area Ratio Exception

a. A floor area ratio exception of up to ten (10) percent greater than the maximum square footage allowed for the lot may be granted by the Planning Board for an addition to an existing house that has already reached an FAR of .399. The exception requires a public hearing which must be in compliance with Article 19, Zoning Procedures, and requires notification of property owners within 300 feet.

An Example is listed below:

If a property is 6,000 square feet, the maximum square footage allowed for the lot is 2,400 square feet as determined by Table 10-1-603(D). If a Floor Area Ratio Exception is approved by the Planning Board, the applicant would be able to increase their square footage by 10%, resulting in an increase of 240 square feet. This will result in the maximum square footage allowed for the lot to equal 2,640 square feet.

1. Eligibility. Only non-Hillside houses on lots of 7,000 square feet or smaller are candidates for an FAR exception.
2. Findings for approval. A floor area exception shall not be approved unless the Planning Board makes the Findings below:
 - i. The addition is on the first story, of quality design, and consistent with the architectural character of the existing home;
 - ii. The addition does not propose a setback encroachment nor any exception from any other development standards; and
 - iii. The additional floor area is only intended to increase the habitability or function of the structure.

The Planning Board hearing shall be noticed in accordance with the requirements of [Section 10-1-607\(A\) the Single Family Development Permit](#), and the decision may be appealed to Council.

E. UPPER-STORY STEPBACKS.

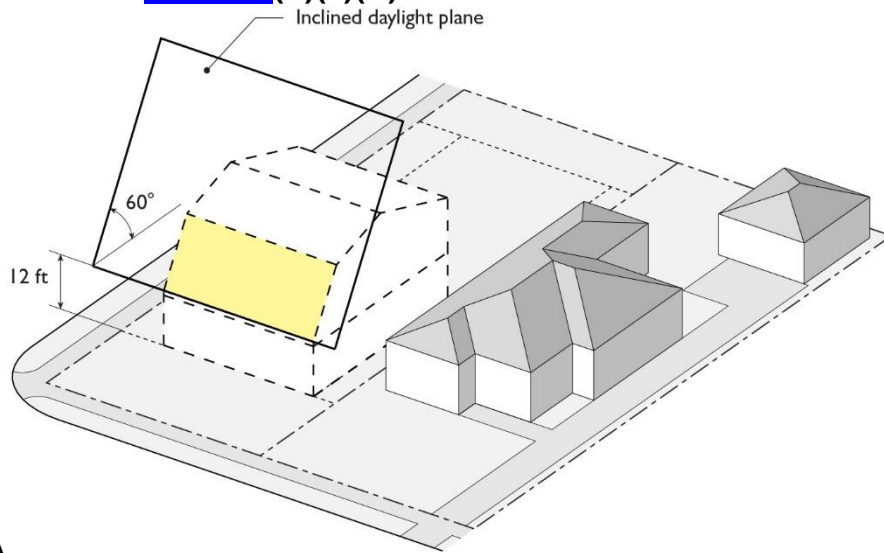
Building Modulation Required. To reduce second story building mass and avoid shadow and privacy impacts on adjacent property, new construction and exterior alterations and additions must provide front and side setbacks according to the following standards:

1. Front, second story.
 - a. If the front yard setback proposed for the finished wall of the first floor is greater than 35 feet, no additional setback is required for the second story.
 - b. If the front yard setback proposed for the finished wall of the first floor is 35 feet or less, the story setback is determined by a 60-degree inclined daylight plane extending from the intersection of the side property line and the existing grade at a point 12 feet above finished grade. See Diagram 10.1.603E(1)(A) below. Alternatively, if the front yard setback proposed for the finished wall of the first floor is between 30 and 35 feet, the second story may be setback an even five feet across the front.
 - c. If the front yard setback proposed for the finished wall of the first floor is between 25 and 30 feet, the second story must be set back 10 feet.
 - d. Alternatively, if the front yard setback proposed for the finished wall of the first floor is 30 feet or greater, the second story shall be setback at least five (5) feet for 15 percent of the front elevation, and the total floor area of the second story shall not exceed 85 percent of the first story floor area. This option can be integrated with side modulation options to achieve the 85 percent floor area reduction. See Diagram 10.1.603E(1)(B) below.
 - e. Exceptions to these setbacks may be granted ~~through neighborhood compatibility review~~ if a project design follows the average front yard setback on the block ~~and otherwise complies with the City's Single Family Design Guidelines.~~

Findings for Exceptions. A setback exception shall only be approved when the Community Development Director or his/her designee makes the Findings below:

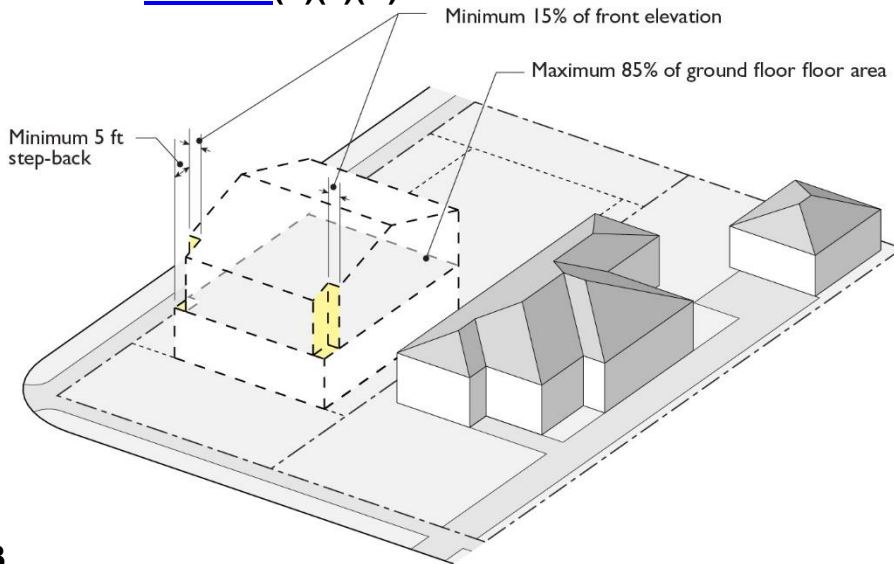
1. The granting of the exception is desirable for the preservation of an existing architectural style or neighborhood character which would not otherwise be accomplished through the strict application of the provisions of this chapter; and
2. It can be demonstrated that the design of the proposed addition is of superior design quality; compatible with existing neighborhood character; effective in minimizing the perceived size of the dwelling; not overly intrusive to the privacy and sunlight access of neighboring dwellings; ~~and is in substantial compliance with the design guidelines for single-family homes;~~ and
3. No other ~~design~~ exceptions are requested.

DIAGRAM [10-1-603\(E\)\(1\)\(A\)](#): FRONT YARD BUILDING MODULATION ALTERNATIVE



A

DIAGRAM [10-1-603\(E\)\(1\)\(B\)](#): FRONT YARD BUILDING MODULATION ALTERNATIVE

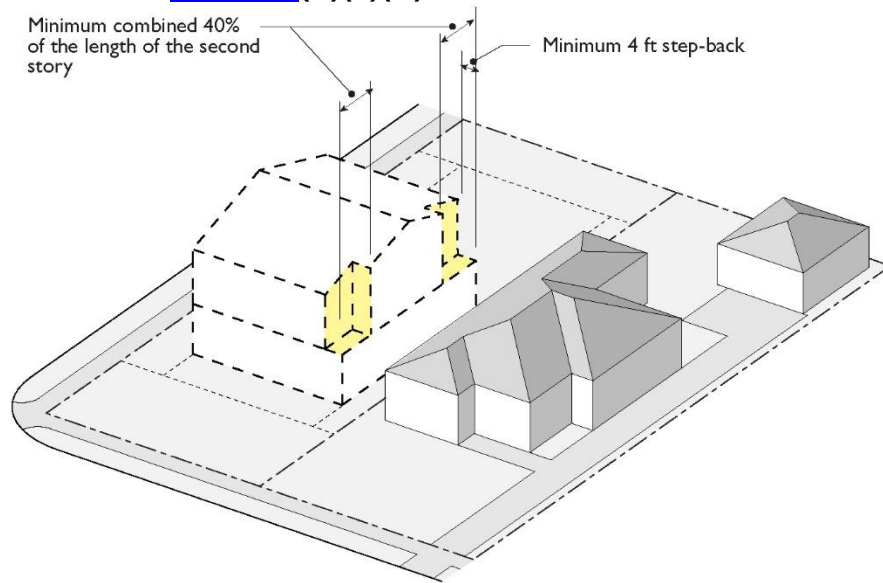


B

2. Side, second story. The side yard setback for the second story must conform to one of the following ~~four~~ **three** standards.

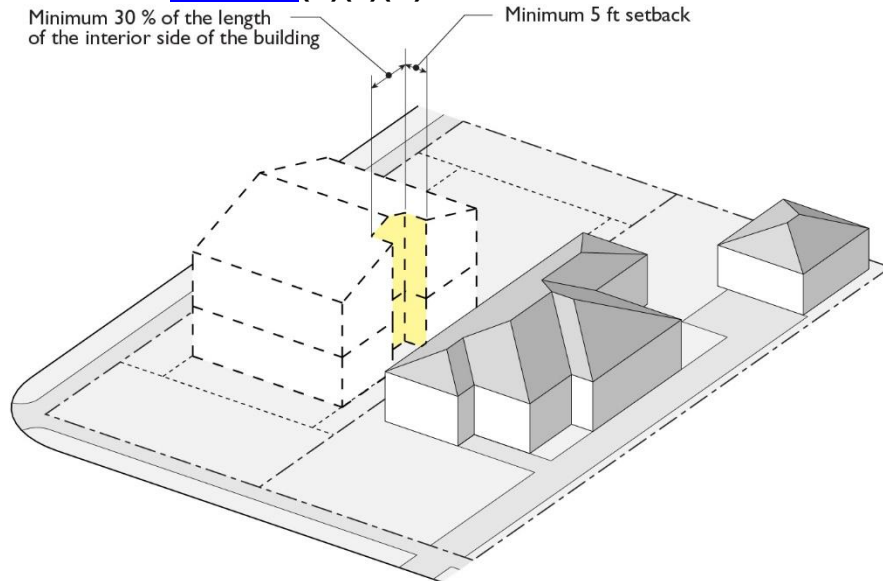
a. Standard E-(2)(a): At least 40 percent of the length of the second story is set back 4 feet from the first floor building face. See Diagram [10-1-603\(E\)\(2\)\(A\)](#) below.

DIAGRAM 10-1-603(E)(2)(A): SIDE YARD BUILDING MODULATION ALTERNATIVE A



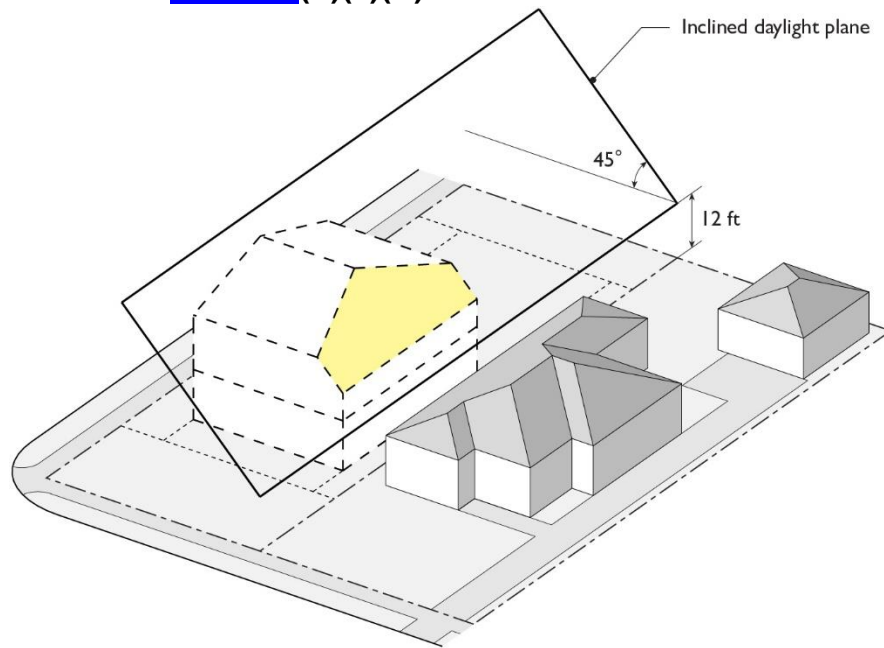
b. Standards E-(2)(b): At least 30 percent of the interior side of a building is offset a minimum of 5 feet in depth from the primary wall. See Diagram 10.1.603(E)(2)(B) below.

DIAGRAM 10-1-603(E)(2)(B): SIDE YARD BUILDING MODULATION ALTERNATIVE B



c. Standard E-(2)(Cc): The second story setback is determined by a 45-degree inclined daylight plane extending from the intersection of the side property line and the existing grade at a point 12 feet above finished grade. See Diagram 10.1.603(E)(2)(C) below.

DIAGRAM 10-1-603(E)(2)(C): SIDE YARD BUILDING MODULATION ALTERNATIVE C



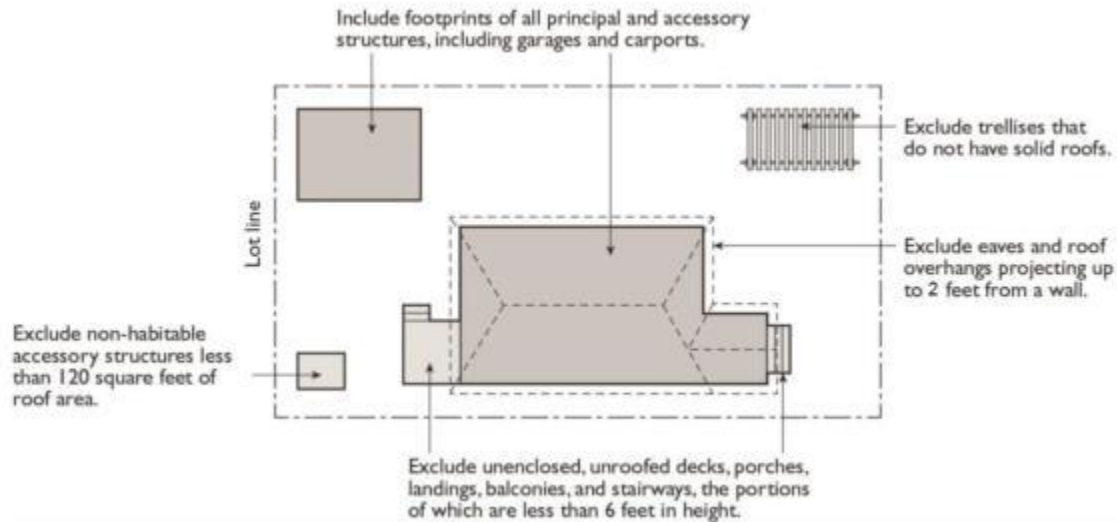
3. Street Side Yard Modulation Additional Requirement. An additional two (2) feet of yard setback shall be required for any portion of the second story side façade of the house greater than 60 feet in length and 14 feet in height.

F. LOT COVERAGE.

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, porte-cocheres, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. See Diagram 10.1.603(F) below. The following structures are excluded from this calculation:

1. Unenclosed and unroofed decks, uncovered patio slabs, porches, landings, balconies, and stairways less than 18 inches in height at surface of deck (and less than six feet including railings);
2. Eaves and roof overhangs projecting up to two feet from a wall;
3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks;
5. ~~One~~ **Two** small, non-habitable accessory structures under 120 square feet. Structures above quantity of ~~one~~ **two** are to be included in lot coverage; and
6. R-1-H Zone Only. Stables, corrals, and tack rooms attached thereto.

DIAGRAM [10-1-603\(F\)](#): DETERMINING LOT COVERAGE



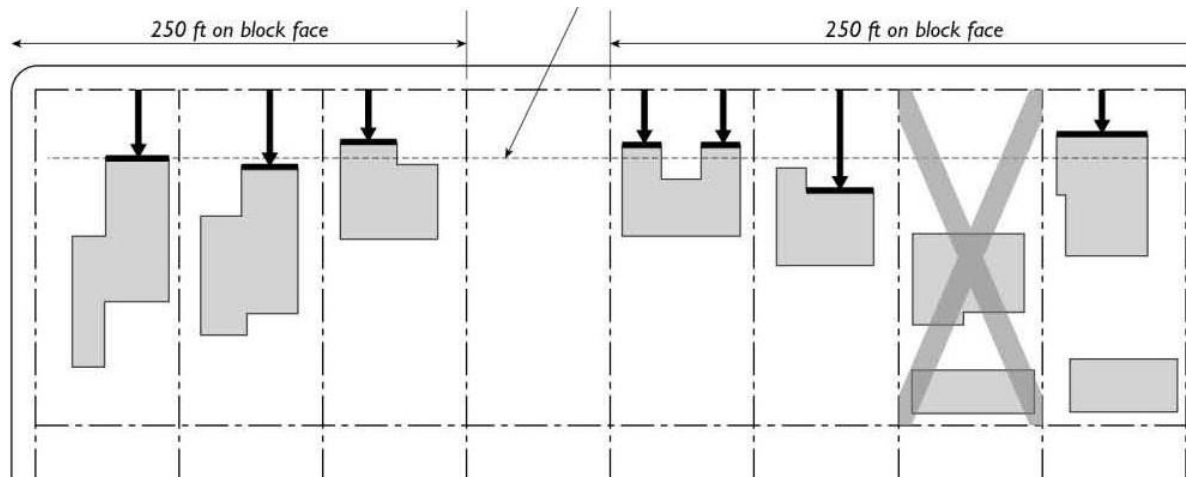
G. YARDS.

1. The minimum required setbacks for all yards are specified in Table 10-1-603(A). However, for front yard setbacks, an average front setback for adjoining and nearby lots shall be used. The average front yard setback shall be determined from lots on the same block that are within 250 feet on either side of the subject property. In calculating the average setbacks, measurements that vary from the average by more than 150 percent shall not be used to calculate the average.¹

a. In calculating the average front yard setback for houses with more than one plane, the plane closest to the street shall be used to determine the setback provided that plane constitutes at least 40 percent of the width of the house. See Diagram 10.1.603(G) below.

DIAGRAM [10-1-603\(G\)](#): FRONT YARD AVERAGING

Average setback includes garages and encroachments of that constitute more than 40% of the front facade.



2. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 10-1-603(G). Encroachment distances are measured from the minimum required setback line and not from the actual setback of the structure. All setbacks and encroachments are measured perpendicular to the property line.

TABLE 10-1-603(G): ENCROACHMENTS INTO YARD AREAS

Structure/Object	Setback Type	Maximum Encroachment
Structural walls and posts supporting an overhead structure (except accessory structures) and any structural components or objects not specifically listed in this table	Front	none permitted
	Rear	none permitted
	Interior Side	none permitted
	Street-Facing Side	none permitted
Accessory structures ⁽¹⁾	Front	none permitted
	Rear	up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾
	Interior Side	up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾⁽⁴⁾

TABLE 10-1-603(G): ENCROACHMENTS INTO YARD AREAS

Structure/Object	Setback Type	Maximum Encroachment
	Street-Facing Side	none permitted
Eaves, canopies, porches including their eaves, or balcony covers, cornices, sills, etc.	Front	2.5 feet; 4 feet in the front yard for front porches with a 5-foot minimum clear horizontal dimension. The maximum height to the top of ceiling
	Rear	roof is for the front porch structure shall be no more than 12 feet. See Diagram 10-1-603(G)(2)(A)
	Interior Side	up to within 2.5 feet of property line ⁽⁶⁾
	Street-Facing Side	2.5 feet ⁽⁶⁾
Garden window boxes and non-structural bay windows	Front	2.5 feet
	Rear	2.5 feet
	Interior Side	2 feet but no less than 3 feet from the property line
	Street-Facing Side	2.5 feet
Uncovered patios or porches at ground level. For a built-up slab-on-grade deck on a sloped lot, four inches above the lowest adjacent grade are permitted.	Front	4 feet ⁽⁵⁾
	Rear	up to property line
	Interior Side	up to property line
	Street-Facing Side	up to property line ⁽⁵⁾

TABLE 10-1-603(G): ENCROACHMENTS INTO YARD AREAS

Structure/Object	Setback Type	Maximum Encroachment
Uncovered porches, patios, decks, and platforms above ground level and supported from the ground (whether freestanding or attached to a structure)	Front	4 feet
	Rear	none permitted
	Interior Side	permitted with limitations ⁽⁶⁾
Uncovered porches, patios, decks, platforms, and balconies above ground level, attached to a structure, and not supported from the ground	Street-Facing Side	none permitted
	Front	4 feet
	Rear	5 feet
Stairways, ramps, and landings leading up to grade level from basement or other below-grade space	Interior Side	permitted with limitations ⁽⁶⁾
	Street-Facing Side	up to within 10 feet of property line
	Front	5 feet
Stairways, ramps, and landings leading from one grade level to another grade level or from grade level up to the first floor level	Rear	5 feet
	Interior Side	none permitted
	Street-Facing Side	none permitted
Stairways, ramps, and landings leading from one grade level to another grade level or from grade level up to the first floor level	Front	up to property line
	Rear	up to property line
	Interior Side	up to property line

TABLE 10-1-603(G): ENCROACHMENTS INTO YARD AREAS

Structure/Object	Setback Type	Maximum Encroachment
	Street-Facing Side	up to property line
Stairways, ramps, and landings above floor level of first story ⁽⁶⁾⁽⁷⁾	Front	2.5 feet
	Rear	none permitted
	Interior Side	none permitted
	Street-Facing Side	none permitted
Above-ground and in-ground swimming pools and spas (as measured to water line)	Front	none permitted
	Rear	10 feet
	Interior Side	up to within 5 feet of property line
	Street-Facing Side	none permitted
Pool equipment, air conditioning equipment, water heaters ⁽⁸⁾ , barbecues, play equipment, and similar accessory appliances and equipment	Front	none permitted
	Rear	12 feet
	Interior Side	up to within 3 feet of property line
	Street-Facing Side	none permitted
Chimneys	Front	none permitted
	Rear	2 feet

TABLE 10-1-603(G): ENCROACHMENTS INTO YARD AREAS

Structure/Object	Setback Type	Maximum Encroachment
	Interior Side	2 feet. Encroachment shall be a minimum of 3 feet from the property line
	Street-Facing Side	2 feet
Portes-cochere	Front	none permitted
	Rear	none permitted
	Interior Side	up to 3 feet from the property line with a minimum 5-foot setback from the primary front building plane ⁽⁹⁾
	Street-Facing Side	none permitted

Notes/Additional Requirements:

1. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by a Conditional Use Permit, are not considered accessory structures subject to the encroachment provisions in this table.
2. Accessory structures are permitted to encroach within the standard side and rear setbacks to the minimum three (3) foot setbacks only when located in the rear one-third of the lot. See [10-1-603\(G\)\(4\)](#) for information about accessory structure setback planes.
3. The three (3)-foot side and rear setbacks are not required for accessory structures along any side or rear property line that abuts an alley. However, the setback plane described in [10-1-603\(G\)\(4\)](#) still applies.
4. On lots less than 26 feet wide, accessory structures are permitted to encroach within the three (3)-foot side and rear setbacks to a distance necessary to provide a garage or carport that meets the minimum size specified in Section [10-1-603\(I\)](#).
5. Uncovered patios and porches in the front and street-facing side yards are subject to the hardscape limitations in [10-1-603\(G\)\(5\)](#).

6. Porches, patios, decks, platforms, and balconies must be set back a minimum of 10 feet from interior side property lines. This requirement applies whether the porch, patio, deck, platform, or balcony is freestanding, attached to the main dwelling structure, or attached to an accessory structure.
7. Stairways, ramps, and landings attached to an accessory structure may encroach to the same minimum setbacks as the accessory structure itself.
8. Water heater and equipment closets that are built-in to a structure or enclosed by structural walls or are within a cabinet are subject to the standard setback requirement for structural walls.
9. ~~Portes-cochere~~ **Porte-cochère** attached to the interior side of a building may encroach into the interior side yard setback area up to the maximum specified for a maximum length of 20 feet as measured parallel to the property line. The maximum height to the top of a porte-cochere shall be no more than 14 feet in height; the maximum length of a porte-cochere shall be no more than 20 feet. (See Diagram [10-1-603\(G\)\(2\)\(B\)](#).)

DIAGRAM [10-1-603\(G\)\(2\)\(A\)](#): PERMITTED ENCROACHMENT FOR PORCHES

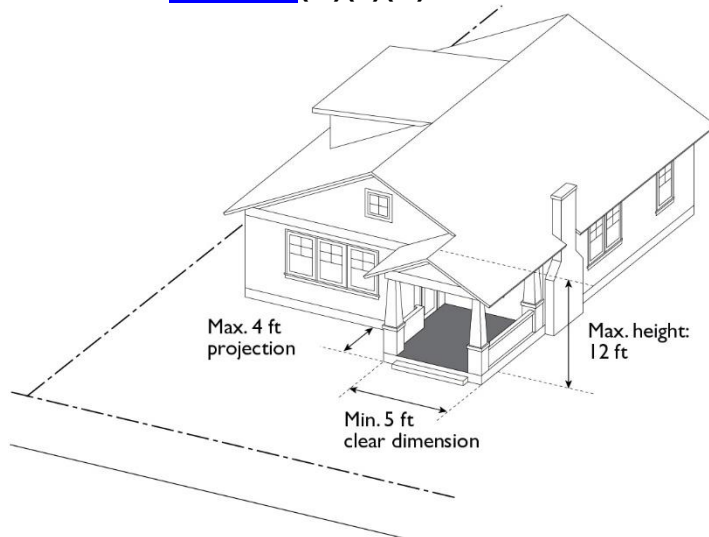
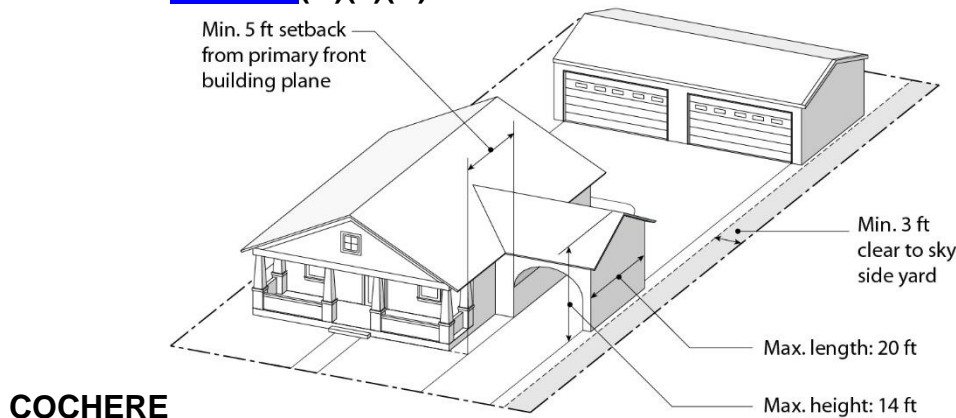
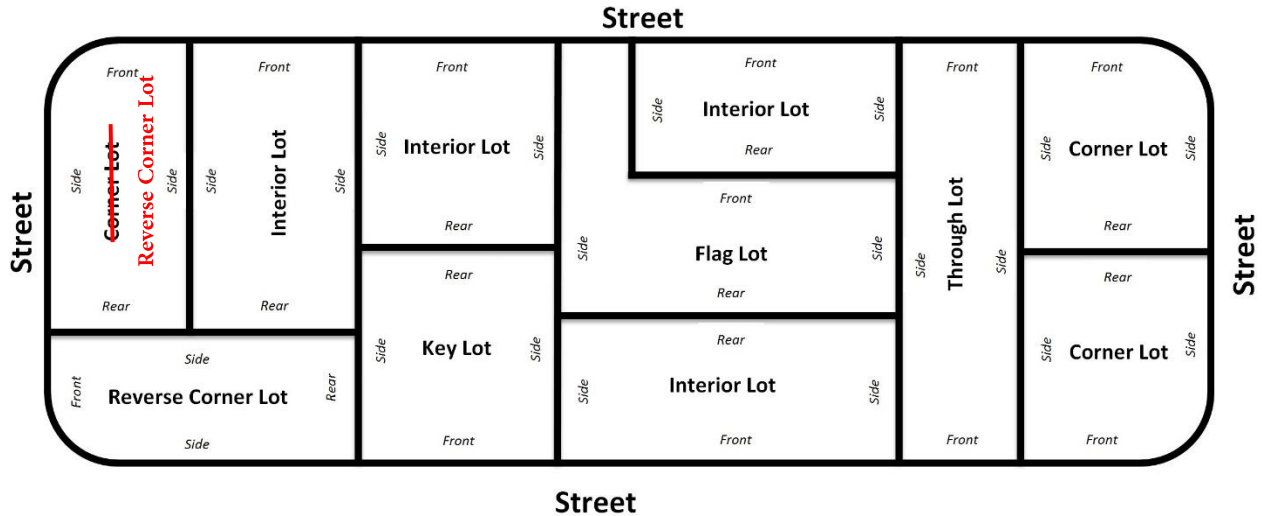


DIAGRAM [10-1-603\(G\)\(2\)\(B\)](#): PERMITTED ENCROACHMENT FOR PORTES-



3. Reverse Corner Lots. Where a reversed corner lot abuts a key lot (See Diagram [10-1-603\(G\)\(3\)](#) below) and the key lot is located in a residential zone, the minimum required street-facing side yard setback and permitted encroachments for all structures and objects in the rear 30 feet of the reversed corner lot is equal to the required setback and permitted encroachments for structures and objects in the front yard of the key lot.

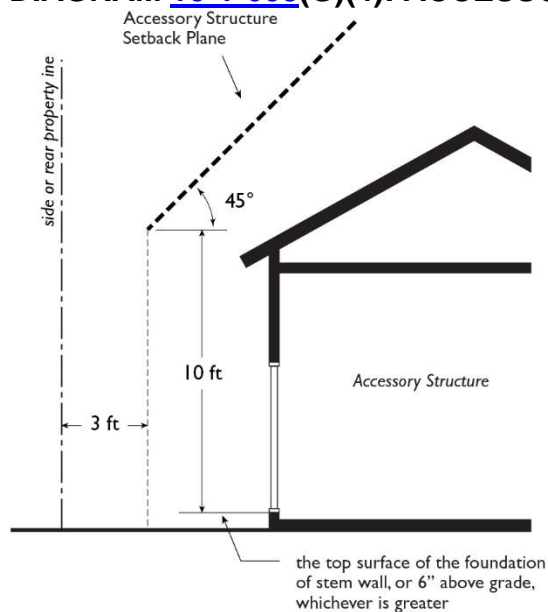
Diagram [10-1-603\(G\)\(3\)](#): LOTS



4. Accessory Structures. In addition to the minimum setbacks prescribed in Table 10-1-603(G), the top plate of the first or second story of an accessory structure may not extend above the prescribed setback planes. Only roof and related architectural features are permitted to extend above the setback planes. Setback planes are illustrated in Diagram [10-1-603\(G\)\(4\)](#) and are defined as follows:

- a. Setback planes extend inward from each side and rear property line at an angle of 45 degrees from the horizontal.
- b. The base of each setback plane is a point located three (3) horizontal feet inward from the property line and 10 vertical feet above the top surface of the six (6) inch foundation stem wall of the accessory structure, or an equivalent vertical distance if the stem wall is a height other than six (6) inches. This applies whether the structure is built on slab or on a raised foundation.

DIAGRAM 10-1-603(G)(4): ACCESSORY STRUCTURE SETBACK PLANES



5. Additional Requirements. The following requirements apply to all front yards and street-facing side yards:

- a. No more than 45 percent of the required front yard or street-facing side yard setback area shall be hardscaped. For the purposes of this provision, hardscape means cement concrete, asphalt, brick, pavers, and similar impervious or semi-pervious paved surfaces. An additional five (5) percent allowance for decorative brick sections or decorative paving within a landscaped area may be provided if needed for access or to complete a landscape design. If artificial turf is proposed for installation in the front yard, it shall be limited to half of the landscaped square footage.
- b. The allowed hardscaping is limited to a driveway leading directly from a public street or alley to a garage or other required parking area, pedestrian pathways, and encroachments specifically permitted in Table 10-1-603(G). Within the required front yard setback area, driveways must be no wider than ~~42~~ 20 feet when the garage is located to the rear of the main dwelling structure, **provided the percentage of hardscaping is limited to 45%**. The maximum width of driveways at a curb shall be no more than 25 percent of the lot width with no single driveway exceeding 15 feet in width. Circular drives are permitted on lots 100 feet or more in width provided the City's landscaping standards are met for a lot fronting on a major or secondary arterial street for the purpose of complying with Section [10-1-1403](#).
- c. No hardscaping is permitted next to a driveway so as to provide a continuous hardscaped surface ~~greater than the allowed driveway width unless the hardscaping is providing direct pedestrian access to the main dwelling~~. When a pedestrian pathway is provided, a landscape buffer shall be installed to separate the pedestrian pathway from the driveway. **Pedestrian pathway shall be differentiated from the driveway by incorporating different surface material. Final design of driveway, pedestrian pathway, and percentage of**

landscaping in the front yard is subject to approval by Community Development Director or his/her designee.

d. No vehicle shall be parked in a required front yard or street-facing side yard except on a driveway and subject to the limitations of Section [10-1-1405](#).

e. All areas within the required front yard and street-facing side yard setback that are not hardscaped must be landscaped. Such landscaping must be properly maintained. All newly installed landscaping must comply with State of California requirements for the use of water efficient landscaping and irrigation equipment, as adopted in Article 5, Chapter 3, Subsection [9-3-500](#) of the Municipal Code.

6. The City Planner and Traffic Engineer may approve exceptions to the requirements of this Subsection to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section [10-1-1403](#). See the Burbank 2035 Plan for an illustration of the major and secondary arterial streets.

7. No structures or objects may be constructed or placed in required yard areas except as permitted by this Section or as included in the definition of Landscaping in Section [10-1-203](#), and subject to the limitations of Section [10-1-603](#)(H).

H. FENCES, WALLS, HEDGES AND OTHER YARD FEATURES.

1. Fences, Walls, and Hedges.

a. Fences, walls, and hedges shall not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire, barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.

b. New chain link fences are prohibited in front yards and street facing side yards after February 23, 2017.

c. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).

d. ~~Only one fence with a gate is allowed in the front yard setback, and it must be 50 percent open. It may be combined with a retaining wall. The maximum height of the fence in the front yard setback is four (4) feet. If a fence is added above a retaining wall, the masonry or solid portion of the wall is limited to two (2) feet in height. Fence in the front yard setback area can have up to two gates, and the gates must be 50 percent open and comply with the height requirements specified in Table 10-1-603(A).~~

e. Only one wall/fence, inclusive of any openings for access, is allowed in the front yard setback, ~~including the front edge of the property.~~

f. Fence in the front yard setback area may be combined with a retaining wall. The maximum height of a fence in combination with a retaining wall in the front yard setback area shall not exceed 4 feet, as measured from abutting natural grade, prior to any grading, cut, or fill activity, or abutting finished grade, after any grading, cut, or fill activity, whichever is lower, and the fence must be 50 percent open.

~~f~~g. The height of a fence, wall, or hedge is measured from the ~~lowest abutting ground surface abutting natural grade, prior to any grading, cut, or fill activity, or abutting finished grade, after any grading, cut, or fill activity, whichever is lower of the property upon which the fence, wall, or hedge is located.~~

~~g~~h. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair step-design, but each stair-step section, as measured from the horizontal midpoint, shall not exceed the maximum height.

~~h~~i. Within a required street-facing side yard (other than a reverse corner lot), fences, walls, and hedges are limited to six (6) feet, except for that portion of the street-facing side yard between the rear of the main dwelling structure and the rear property line, the maximum allowed height of a fence, wall, or hedge is eight (8) feet. On a reverse corner lot, fences, walls, and hedges within the street-facing side yard are subject to the same height limits as apply in the front yard.

~~i~~j. The only decorative element allowed on top of fences, walls, and hedges in front and street side yards is lighting, which may exceed the maximum allowed height for fences, walls, and hedges up to 18 inches above the actual height of the fence, wall, or hedge or up to a maximum height limit of five (5) feet, six (6) inches. In all other yards, lighting and ornamentation shall not exceed the maximum allowed height for fences, walls, and hedges. Pilasters shall be located at least eight (8) feet from each other, as measured from the center of the pilaster. ~~The maximum width of each pilaster shall be 18 inches. The area of the pilasters is exempt from the 50% open design calculation.~~

~~j~~k. All fences, walls, and hedges must comply with the corner cutoff provisions of Section [10-1-1303](#).

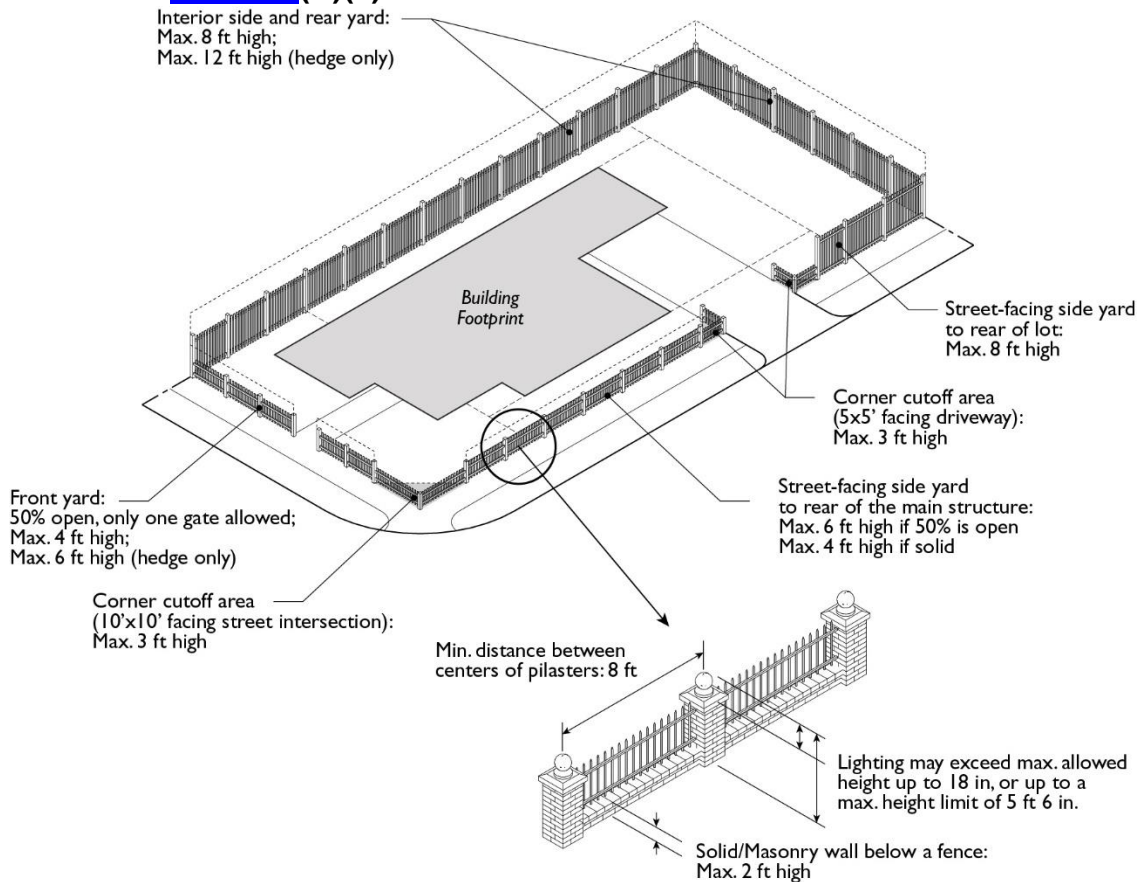
~~k~~l. Gates are subject to the same requirements as fences and walls.

~~l~~m. All walls in the front yard setback or street facing side yard must be finished with plaster, stucco, or brick or other similar materials. Materials must be consistent for all walls.

~~m~~n. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section [10-1-19202](#).

~~n~~o. If a wall or fence was legal (built pursuant to then existing codes) prior to February 23, 2017, the wall or fence shall not be subject to these standards.

DIAGRAM [10-1-603\(H\)\(1\)](#): FENCES AND WALLS



2. Other Yard Features.

a. Other yard features, including but not limited to natural features such as rocks; structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, light poles, benches, and other items included within the definition of Landscaping per Section [10-1-203](#) are limited to a maximum of two (2) features per street frontage within front and street-facing side yards. Such features must comply with the corner cutoff provisions of Section [10-1-1303](#).

b. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum width of six (6) feet, and an interior length of three (3) feet, as measured from the highest abutting ground surface prior to grading. Other yard features are limited to a maximum height of six (6) feet and a maximum width of six (6) feet.

c. Enforcement of nonconforming yard features established prior to October 17, 2008, may be subject to abeyance pursuant to Section [10-1-19202](#).

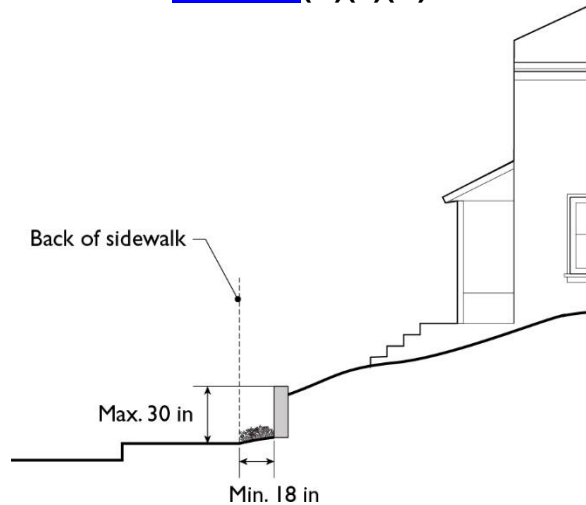
3. Retaining Walls.

a. Retaining walls located within front yard **setback** areas are limited to a maximum height of 30 inches in height, and must be setback 18 inches from the sidewalk with a planting buffer strip provided between the wall and the sidewalk. **Only one retaining wall is**

~~allowed in the front yard setback, including a wall at the front edge of the property. Only two (2) retaining walls are allowed in the front yard setback.~~

b. Exposed retaining wall height shall be measured from lowest abutting finished ground surface, after any grading, cut, or fill activity. Within 15 feet of a sidewalk, retaining wall height shall be measured from the sidewalk elevation. For streets with no sidewalk, retaining wall height shall be measured from the public right-of-way elevation.

DIAGRAM [10-1-603\(H\)\(3\)\(A\)](#): RETAINING WALL HEIGHT WITH PLANTED BUFFER

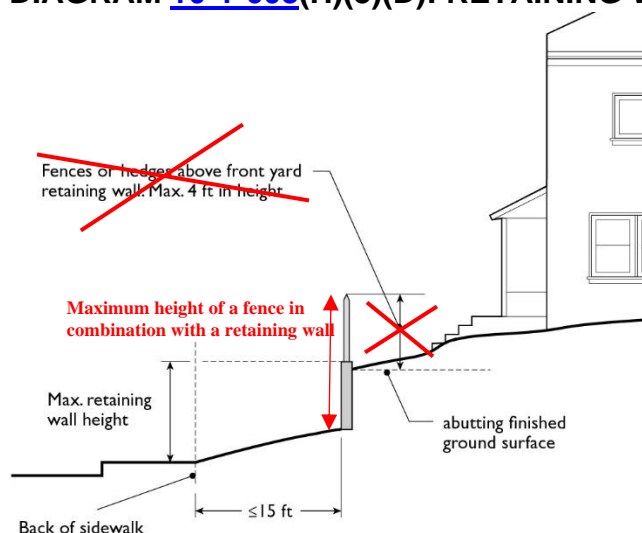


~~b-c. Other exposed retaining walls, located outside the front yard setback area, shall not exceed four (4) feet in height as measured from lowest abutting finished ground surface, after any grading, cut, or fill activity. and the cumulative height of all retaining walls on a lot (existing, new, replacement or any combination) shall not exceed eight (8) feet.~~

~~c. Retaining wall height shall be measured from the street side, not to the inside of the wall and facing the house. Within 15 feet of a sidewalk, retaining wall height shall be measured from the sidewalk elevation.~~

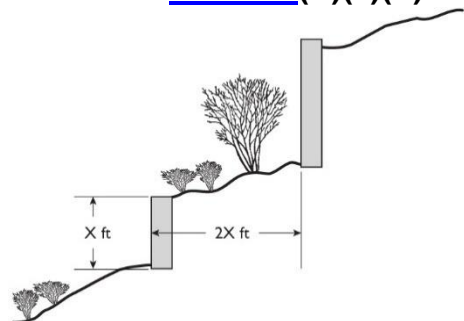
~~d. Fences or hedges that are placed above a retaining wall within a front yard are limited to a maximum height of four (4) feet from the abutting ground surface prior to grading. Walls shall not be placed above retaining walls within the front yard setback and street facing side yard setback.~~

DIAGRAM [10-1-603\(H\)\(3\)\(D\)](#): RETAINING WALL HEIGHT WITHIN FRONT YARD



e. Additional retaining walls must be setback a distance equivalent to twice the height of the exposed retaining wall below as measured from the face of the retaining wall below lowest abutting finished ground surface, after any grading, cut, or fill activity.

DIAGRAM [10-1-603\(H\)\(3\)\(E\)](#): RETAINING WALL SETBACK



f. Nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section [10-1-19202](#).

g. If a retaining wall was legal (built pursuant to then existing codes) prior to February 23, 2017, the wall shall not be subject to these standards.

h. Damaged legal non-conforming retaining walls that require strengthening or restoring to a safe condition, as determined by any City official charged with protecting the public health or safety, can be replaced to previous height and location upon order of such official.

4. Exceptions. Exceptions from the requirements of this Subsection (H) (including maximum height, separation, and number of walls, fences, hedges, gates, and retaining walls, and the applicable requirements of Section [10-1-1303](#) referenced herein) may be granted through approval of a fence exception permit as specified in Article 19, Division 11: Fence Exception Permits and Enforcement. ~~follows.~~ No exceptions shall be granted for development standards for retaining walls located within the front yard setback area.

~~a.—Any exceptions from the requirements of this Subsection (H) to allow a fence, wall, hedge, or other yard feature with a height of six (6) feet or less as measured from the abutting ground surface prior to grading may be granted through approval of a Minor Fence Exception Permit per Section 10-1-19200.~~

~~b.—Any exceptions from the requirements of this Subsection (H) to allow a fence, wall, hedge, or other yard feature with a height of greater than six (6) feet as measured from the abutting ground surface prior to grading may be granted through approval of a Major Fence Exception Permit per Section 10-1-19201.~~

~~c.—Any exceptions from the requirements of this Subsection to allow additional fences or walls or such fences or walls with a height greater than otherwise permitted in the Hillside may be granted through approval of a Hillside Development Permit per Section 10-1-606.~~

~~d.—No exception shall be granted for the maximum height or cumulative height of a retaining wall.~~

I. PARKING AND DRIVEWAYS.

1. All parking required by this Section must be provided in a carport, as defined in Section 10-1-203, or in an enclosed garage. No more than one (1) side of a garage may be used for a door to provide vehicle access to the garage.

2. A space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided for each required vehicle parking space inside a carport or garage. All parking spaces must be clear of and unobstructed by any encroachments, including but not limited to structural features, shelves, cabinets, appliances, and equipment.

3. For existing dwellings where the parking area in a garage or carport does not meet the minimum requirements of this Section, the existing parking area shall not be reduced or encroached upon, as determined by the dimensions of the physical space provided.

4. Existing off-street parking must be maintained consistent with Subsection (3). ~~except~~ In the following situations, ~~where the~~ parking otherwise required by this Section must be provided:

a. An addition to the existing ~~main~~ dwelling structure ~~that~~ results in a total gross floor area, ~~as defined in Section 10-1-203 of BMC~~, of more than 3,400 square feet, ~~exclusive of attached garages and detached accessory structures~~.

b. ~~Whole house demolition of The~~ existing dwelling structure ~~is voluntarily demolished to an extent more than 50 percent of its replacement cost~~, whether or not the garage or carport structure is demolished. ~~This requirement shall apply for detached and attached garages.~~

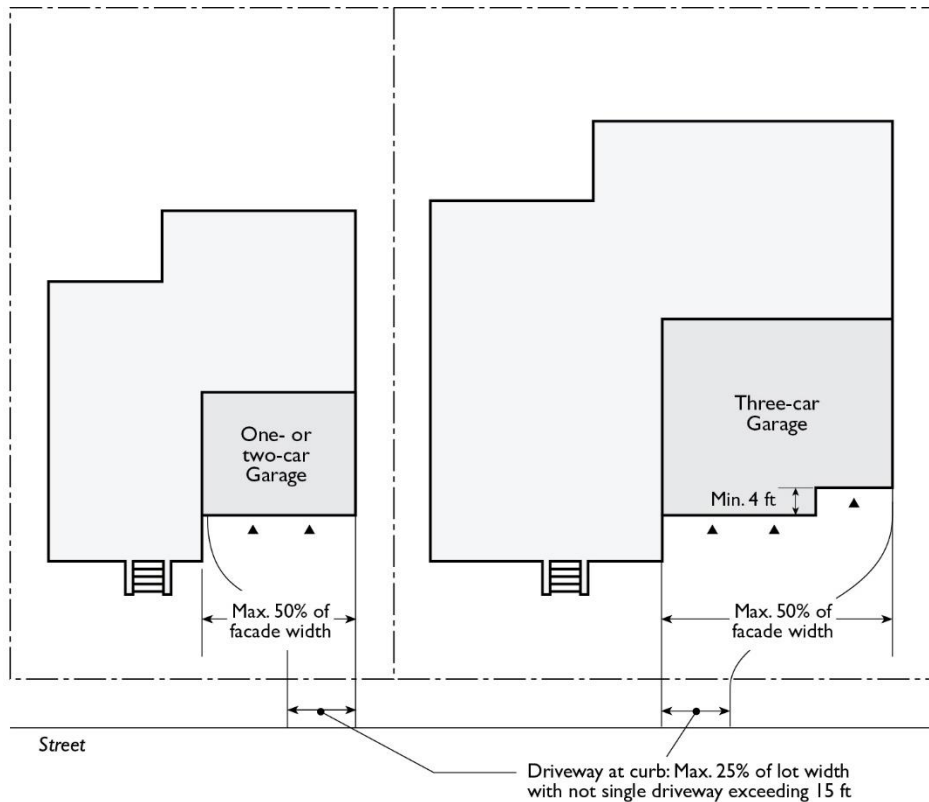
~~i.—For purposes of establishing the replacement cost, the applicant must refer to the International Code Council per square foot valuation table. Any deviations from this calculation must be based on an actual cost breakdown provided by the contractor on letterhead and signed by the contractor.~~

c. The existing garage or carport is demolished or destroyed including but not limited to destruction by an act of God or by fire, removed, relocated, or rebuilt.

5. Garages located at the front of the main dwelling with a door parallel to the street must be located no closer to the front property line than 10 feet back from the ground floor front facade. An exception to the garage setback shall be granted by the Community Development Director or his/her designee when the existing block face is already characterized by front facing garages with doors parallel to the front property line and not setback the required 10 feet for at least 40 percent of the houses on the block face.

6. Garages located at the front of the main dwelling must occupy no more than 50 percent of the width of the dwelling. A three car wide garage is allowed on lots that have a minimum width of 70 feet, but must be offset from the plane of the first two parking spaces by a minimum depth of four (4) feet. This standard applies whether the door is parallel or angled to the street. The Community Development Director or his/her designee shall approve minor exceptions to this requirement for irregular lots and narrow lots where there is less than fifty (50) feet of frontage.

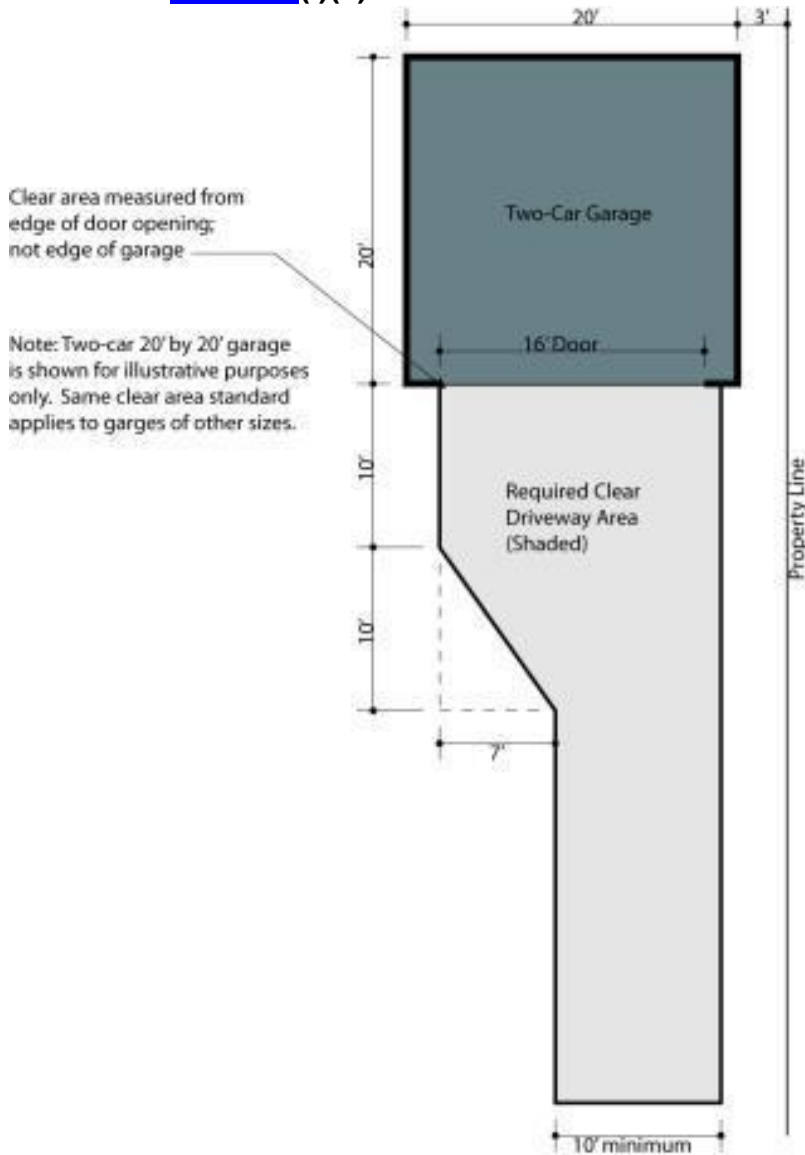
DIAGRAM [10-1-603\(I\)](#): MAXIMUM GARAGE WIDTHS AND OFFSETS REQUIRED



~~7.—Where a garage is located under a single family home, the width of the curb cut for the driveway shall not exceed 15 feet.—~~ The maximum width of driveways at a curb shall be no more than 25 percent of the lot width with no single driveway exceeding 15 feet in width.

8. Driveways must lead directly from a public street or alley to a garage or other required parking area using the shortest and most direct route feasible. The City Planner and Traffic Engineer may approve exceptions to this requirement to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section [10-1-1403](#).
9. Driveways must be no less than 10 feet wide and must be improved with cement concrete, asphalt, brick, pavers, or another similar permanent surface approved by the Traffic Engineer. Driveways must remain clear and unobstructed by any structural elements or vegetation.
10. When a turning movement is required to back out of a parking space, including but not limited to a curved driveway or access from an alley, a minimum backup turning radius of 24 feet must be provided for all parking spaces as measured from the exterior wall of the garage or carport.
11. Parking space access and minimum backup clearances must be provided as shown in Diagram [10-1-603\(I\)\(1\)](#) for all required parking spaces whether in a garage or carport or uncovered (in the case of parking for a second dwelling unit). The shaded clear driveway area shown in the diagram must be maintained as a driveway. The clear area must be improved with a permanent surface and must remain clear and unobstructed by any structural elements or vegetation.
12. The elevation of the floor of a garage or carport must be equal to or higher than the top of the curb at the front property line, unless the existing grade slopes downhill away from the street and the driveway follows the existing grade. The existing grade may not be altered for the purpose of lowering the elevation of a garage or carport floor below the top of the curb. Exceptions to this requirement may be granted through approval of a Conditional Use Permit.

DIAGRAM [10-1-603\(I\)\(1\)](#): BACKUP CLEARANCE



J. INTERNAL CIRCULATION.

All rooms attached to the main dwelling unit structure must provide interior access so as to maintain internal circulation among all rooms of the main dwelling. All stories, including usable basements and attics when applicable, must have interior stairway access and may not be accessible solely by an exterior stairway. Second dwelling units and water heater or equipment closets are exempt from this requirement.

K. MOBILE HOMES AND MANUFACTURED HOMES.

In addition to the other standards of this Section, the following requirements apply to all mobile homes and manufactured homes:

1. Homes must be manufactured after June 15, 1976, and must be manufactured to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974.

2. Homes must be installed on a permanent foundation system approved by the Building Official.
3. Exterior siding must be provided as necessary to screen an otherwise non-enclosed under floor area. Such siding must extend to within six (6) inches of the ground surface on all sides of the home and must be made of a non-reflective material that simulates wood, stucco, or masonry.
4. Roofing materials must not consist of continuously rolled metal roofing or any reflective roofing material.

L. TREES.

When applying for a Hillside Development Permit ~~or a Single Family Development Permit~~, two trees are required to be planted preferably in the front yard and rear yard if there are none on the property. Required trees shall be a minimum 15-gallon in size. Anywhere that individual tree is planted in a space surrounded by pavement, the planting area shall have a minimum interior dimension of five square feet. This requirement may be modified if an alternative landscape plan is approved by the Community Development Director or his/her designee. Additional trees, including side yard trees, may be required as a condition of permit approval on lots greater than 10,000 square feet. [Amended by Ord. No. 18-3,901, eff. 4/13/18; 17-3,890; 3774; Added by Ord. No. 3774, eff. 12/08/09; Formerly numbered Section 31-28; 3750; 3748; 3690, 3688, 3669, 3622, 3535, 3399, 3259, 3255, 3058, 2922, 2912, 2725, 2640, 2616, 2387, 2356, 2183.]

M. DESIGN STANDARDS

~~1. The exterior design of all new additions and remodels that are exempt from SFDP shall match the architectural style of the main dwelling in terms of building forms, materials, colors, exterior finishes, roof forms and style of doors and windows.~~

~~2. Remodeling or additions in conjunction with a whole house demolition that are exempt from SFDP, as specified in Section 10-1-607(C), shall comply with 360-degree consistent architectural design by utilizing character defining features at all exterior elevations and comply with requirements of Neighborhood Compatibility Review – Design Guidelines Checklist.~~

~~3. All new single family constructions that are exempt from SFDP, as specified in Section 10-1-607(C), shall comply with 360-degree consistent architectural design by utilizing character defining features at all exterior elevations and comply with requirements of Neighborhood Compatibility Review – Design Guidelines Checklist.~~

1. All new residential construction and/or expansion or remodeling work that alters the entrance of a dwelling shall comply with the following design elements:
 - a. Entry porches, when provided, shall be at least 5 feet wide and 4 feet deep.
 - b. Front entries and doors shall be located along the street facing façade of a main dwelling.

2. For all new residential construction or remodeling and/or addition to a single family dwelling, that includes alteration of exterior facades, at least 20% of the area of each street-facing façade shall be windows or entrance doors. Garage doors shall not be included in 20% calculation. Window area is considered the entire area within the outer window frame, including any interior window grid. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. A two-story project design shall provide screening in the form of trees, shrubs, fence and/or hedges that meet the City height requirements along the shared property lines for the full length of a single-family dwelling being developed, if any portion of the proposed upper story addition is located within 15 feet of the shared property lines.

4. Upper story square footage of a dwelling shall be limited to 85% of the first story gross square footage.

5. When exterior lighting is incorporated, it shall be designed so as to avoid glare and light spill over onto adjoining and adjacent residences and public right of way.

6. Following materials are prohibited:

- a. Barred windows
- b. Use of unfinished cinder-block or concrete blocks for building façade or fences.
- c. roofing materials with a reflective surface that produces glare
- d. siding with a reflective surface that produces glare

5) Article 6, Division 1, Section 10-1-606: Development Standards For The Hillside Area, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-606: DEVELOPMENT STANDARDS FOR THE HILLSIDE AREA:

A. APPLICABILITY.

1. The requirements of this Section apply to all R-1 zoned properties located within the hillside area, as that area is defined in Subsection (2). The requirements of this Section supersede any conflicting standards of the R-1 Zone. All non-conflicting R-1 standards apply to R-1 zoned properties within the hillside area.

2. The hillside area is defined by the area bounded by the City boundaries with Glendale and Los Angeles and by the following streets as illustrated in Diagram [10-1-606\(A\)](#): City boundary, Sunset Canyon Drive, Walnut Avenue, Bel Aire Drive, Cambridge Drive, Kenneth Road, Scott Road, City boundary.

DIAGRAM 10-1-606(A): HILLSIDE AREA (SHADED)



B. HEIGHT FOR THE HILLSIDE AREA. Table 10-1-606(B) prescribes height standards associated with different sloped lots. The numbers in the right hand column refer to the diagram of upslope and downslope conditions. The building height shall be measured from finished or existing grade, whichever is lower.

TABLE 10-1-606(B): HEIGHT REGULATIONS FOR ALL LOTS IN THE HILLSIDE AREA

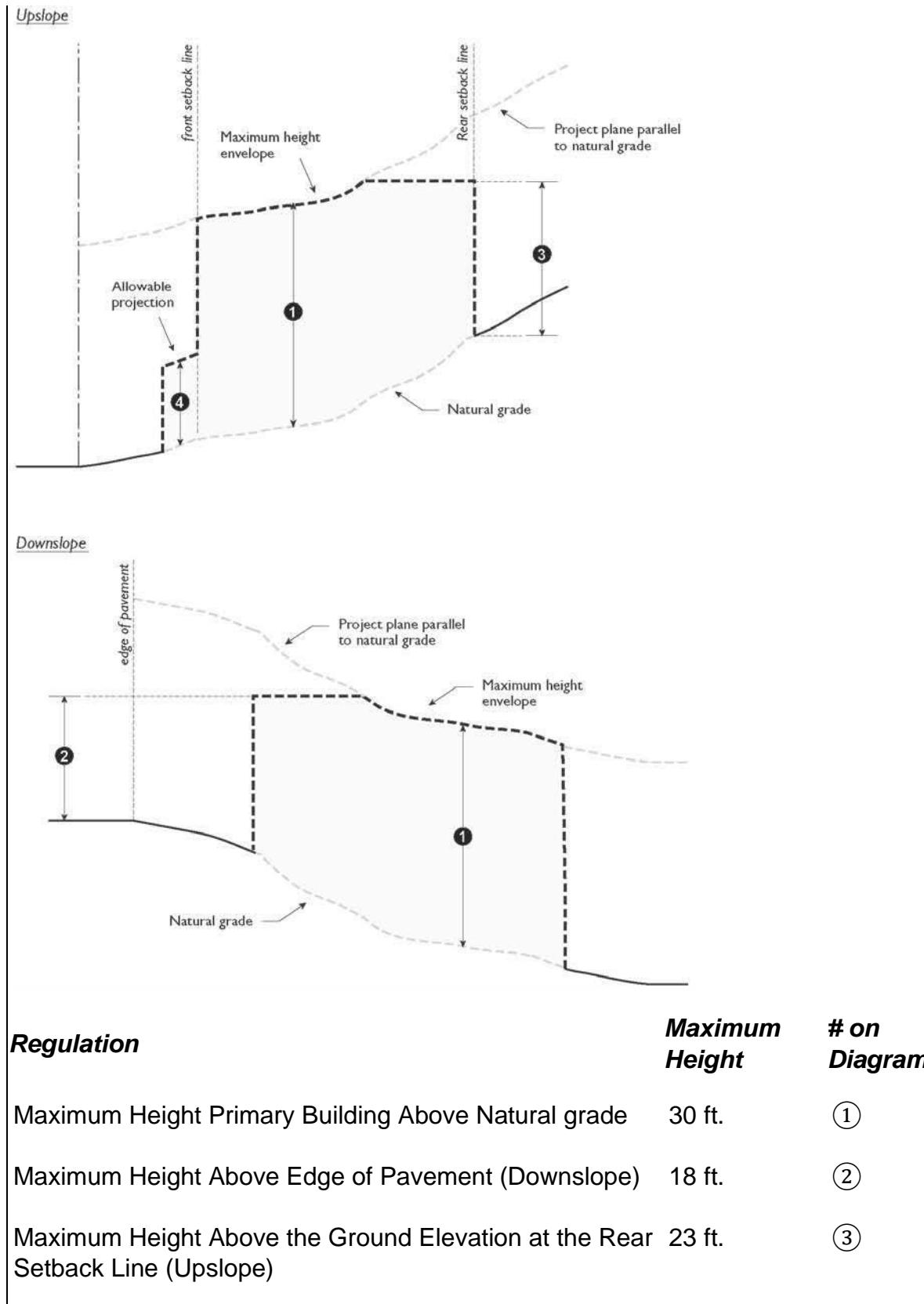
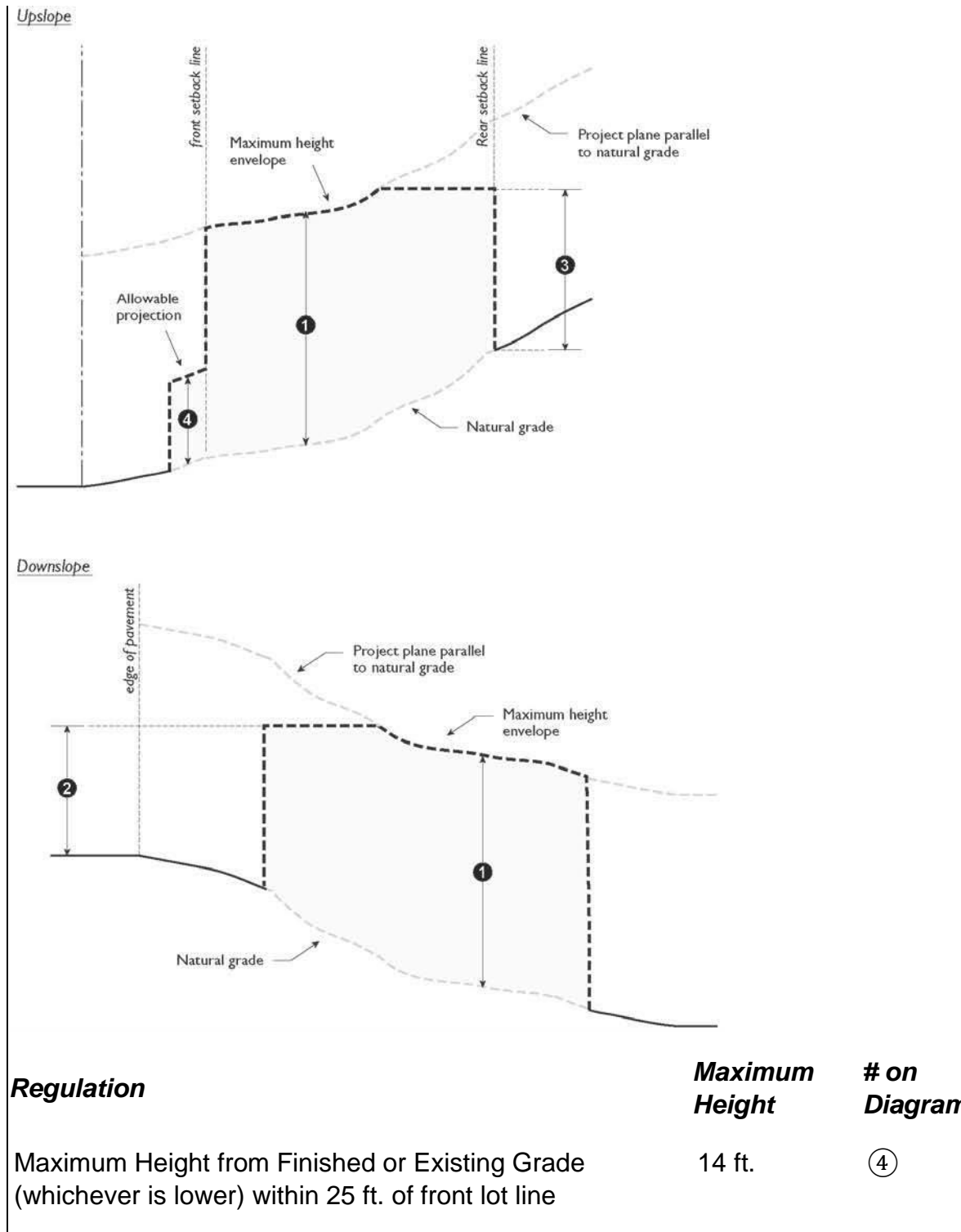


TABLE 10-1-606(B): HEIGHT REGULATIONS FOR ALL LOTS IN THE HILLSIDE AREA



C. FLOOR AREA RATIO. When a Hillside Development Permit is required, the maximum floor area ratio and the maximum allowable house size may be reduced through reasonable conditions placed upon the permit when deemed necessary to satisfy the required findings for granting the permit per Section [10-1-607\(A\)\(2\)](#).

D. **SETBACKS FROM RIDGELINES.** No structure shall be located within 100 feet, measured vertically, of the centerline of a major ridge, or within 50 feet, measured vertically, of the centerline of a minor ridge, as delineated in Diagrams [10-1-606\(D\)\(1\)](#) and (2). When reviewing individual projects, the Planning Board may approve a more precise delineation as part of a Hillside Development Permit, based on a topographic map prepared by a licensed civil engineer with a contour interval of not more than 10 feet.

1. **Grading and Design Standard.** Where structures are proposed within 1,000 feet of a major ridge, the building pad shall be graded and the building designed so that the structure maintains a low-profile appearance and conforms to the natural grade of the hillside.

DIAGRAM [10-1-606\(D\)\(1\)](#): RIDGELINE PROTECTION – MAJOR AND MINOR RIDGES

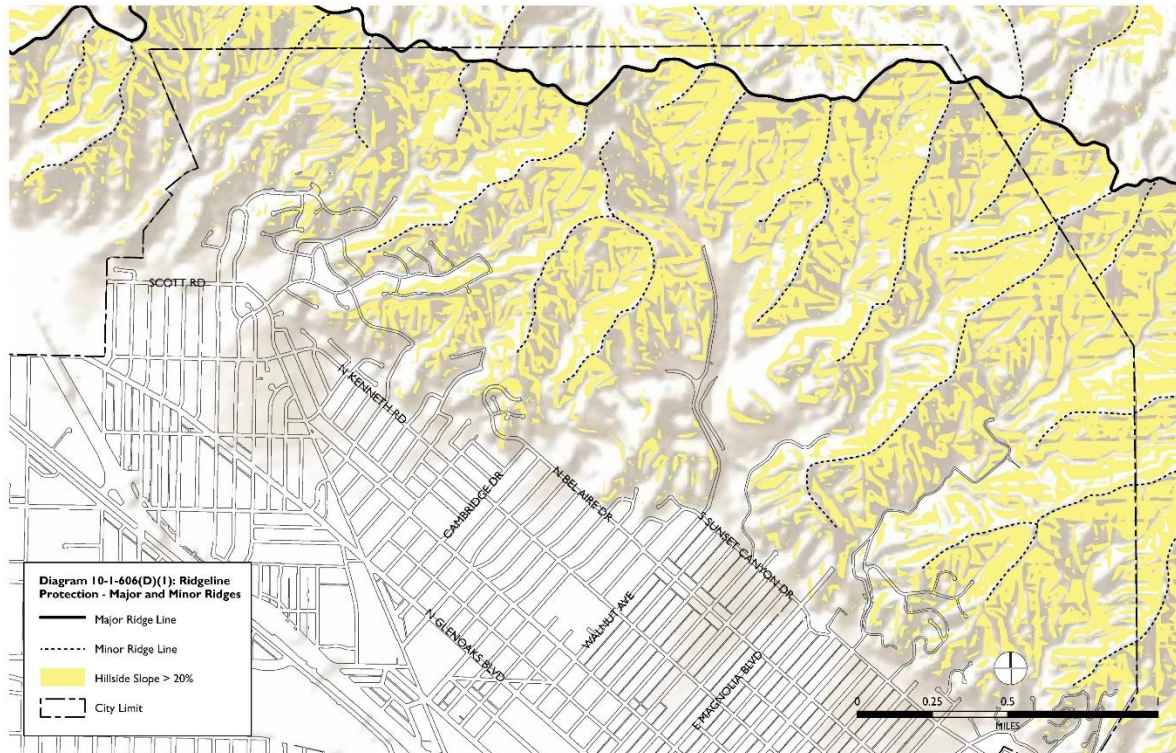
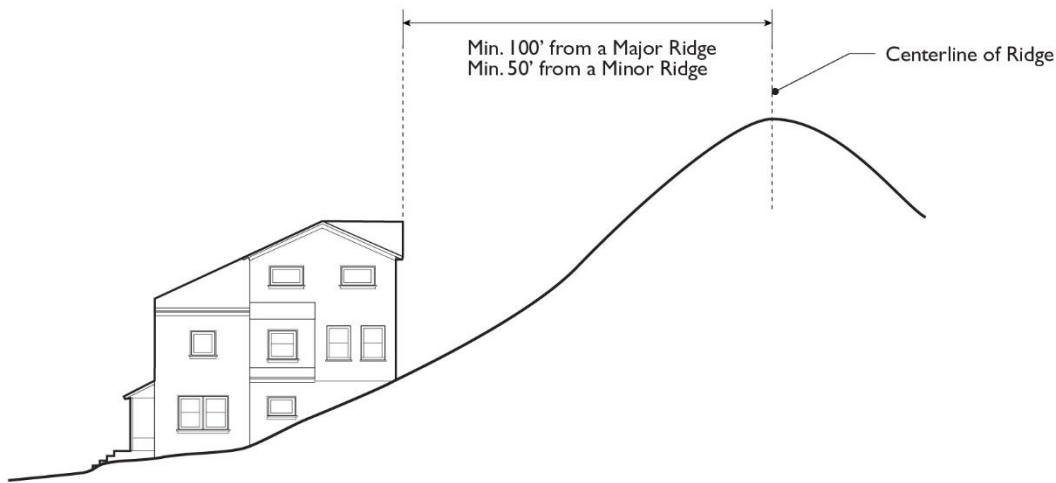
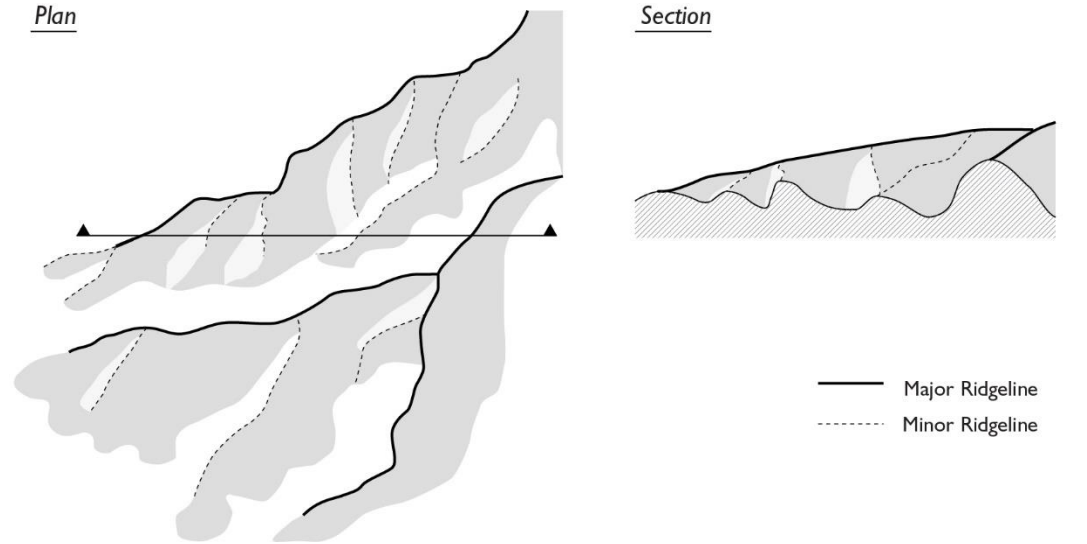


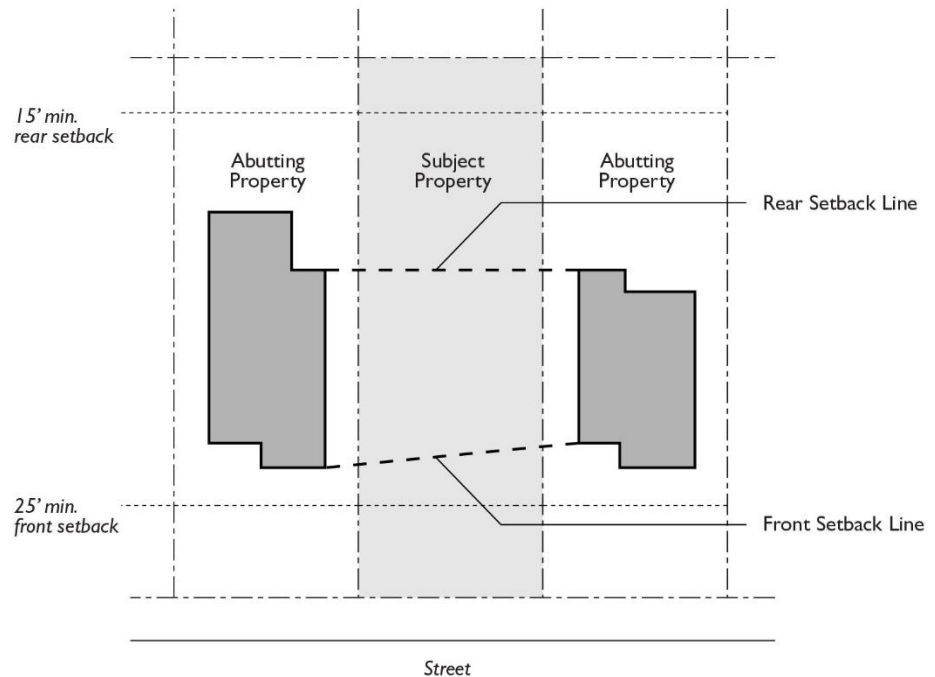
DIAGRAM [10-1-606\(D\)\(2\)](#): RIDGELINE PROTECTION – LOCATION OF CONSTRUCTION IN RELATION TO MAJOR AND MINOR RIDGES



E. SETBACK LINES FOR VIEW DETERMINATION.

1. When the primary view from a property is from the front yard, rear yard, or both yards, a setback line is established in the primary view yard or yards by a line drawn from the nearest front or rear corner of existing homes on adjacent lots as illustrated in Diagram [10-1-606\(E\)](#).
2. For the purposes of this Section, primary view means the following:
 - a. When a property has a downslope view, that view is the primary view, whether or not the property also has an upslope view.
 - b. When a property has an upslope view and no downslope view, the upslope view is the primary view.
 - c. Where the direction of the primary view is unclear or disputed, the Community Development Director or his/her designee shall determine the primary view.

DIAGRAM [10-1-606\(E\)](#): FRONT AND REAR SETBACKS FOR VIEW DETERMINATION



IN THE HILLSIDE AREA *This graphic assumes that both the front and rear yards are "primary view" areas for illustration purposes.*

3. An approved Hillside Development Permit is required for any extension beyond the setback line per Section [10-1-606\(H\)](#). If the setback line is closer to the property line than the setback otherwise required for the R-1 Zone, the structure must observe the applicable minimum R-1 setback and encroachments per Table 10-1-603(G).
4. No main dwelling unit shall be located entirely on the rear half of a lot unless a Hillside Development Permit is approved per Section [10-1-606\(H\)](#).

F. FENCES, WALLS, HEDGES AND SCREENING IN THE HILLSIDE AREA.

1. Fences and walls in the hillside area must comply with the height requirements specified in Table 10-1-603(A). ~~front setback area are limited to four (4) feet in height. Any portion of the fence or wall exceeding two (2) feet in height must utilize an open design. Open design is defined as follows: for any one (1)-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.~~ Hedges in front and street side setbacks are limited to four (4) feet in height.

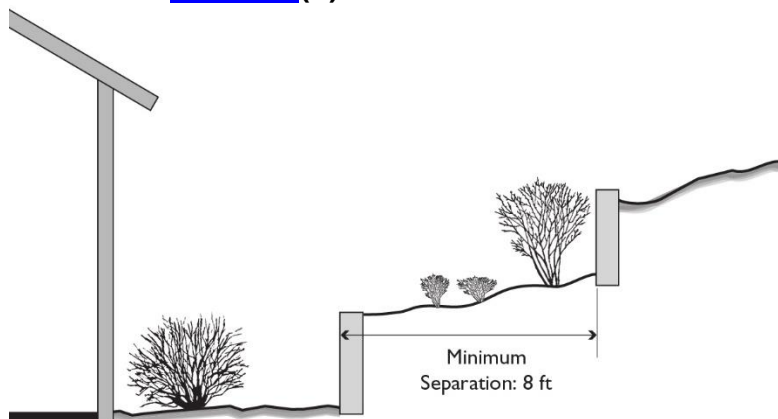
2. Within the front yard setback, any portion of the fence or wall exceeding two (2) feet in height must utilize an open design. Open design is defined as follows: for any one (1)-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.

3. Only two (2) retaining walls are allowed in the front yard setback area.

2-4. The minimum horizontal distance between two retaining walls is eight (8) feet, but may be reduced to six (6) feet with Community Development Director's or his/her designee's approval to accommodate unique slope conditions existing prior to

development or grading for development, ~~provided the cumulative height within a required front setback area with this reduced separation does not exceed six (6) feet.~~

DIAGRAM [10-1-606\(F\)](#): MINIMUM RETAINING WALL SEPARATION



~~3. For all other fences, walls, and hedges regardless of their height, a Minor or Major Fence Exception Permit is required prior to construction. Fences, walls, and hedges must comply with Sections [10-1-19200](#) and [10-1-19201](#), except that~~

~~a. A Minor Fence Exception Permit is required for fences and walls up to eight (8) feet in height and a Major Fence Exception Permit is required for fences and walls in excess of eight (8) feet.~~

~~b. A Minor Fence Exception Permit is subject to the same public noticing requirement and findings as the Major Fence Exception Permit.~~

~~c. The Fence Exception Permit may be issued as part of the Hillside Development Permit when such a permit is required.~~

~~d. No exception shall be granted for maximum retaining wall height or cumulative height or for the required minimum separation for retaining walls.~~

4-5. All retaining walls facing downslope areas must be screened with vegetation, and a minimum 18-inch wide planting strip provided along a front or street side-facing lot line.

6. Exceptions to the standards of height, separation, and number of walls, fences, hedges, gates, and the applicable requirements of Section 10-1-1303, may be granted through approval of a fence exception permit as specified in Article 19, Division 11: Fence Exception Permits and Enforcement.

7. Exception to the standards of retaining walls in the Hillside area can be granted by the Director or his/her designee with the approval of a Hillside Development Permit to accommodate unique slope conditions existing prior to development or grading for development.

~~5-8.~~ Conditions may be placed on a Hillside Development Permit per Section [10-1-607](#) that require retaining walls to be shortened, broken into multiple shorter walls, stepped up or down a hillside, or otherwise modified.

6-9. Fences and walls may be required to be shorter by conditions placed upon a Hillside Development Permit, **and Minor/Major Fence Exception Permit.**

7-10. Areas under enclosed structures must be enclosed or skirted with permanent walls. All such enclosure or skirt walls and all other structure walls facing downslope areas must provide aesthetic relief through windows, variation in texture, or similar methods approved by the Director or his/her designee and must be screened by vegetation.

G. PARKING. A minimum of four (4) off-street parking spaces must be provided. For houses with a gross floor area of 3,400 square feet or less, at least two (2) of the spaces must be located in a carport or garage. For houses with a gross floor area of more than 3,400 square feet, at least three of the spaces must be located in a carport or garage. Other required spaces may be located within a driveway, so long as the slope of the driveway area used for parking does not exceed five percent.

H. APPROVAL PROCESS. Approval of a Hillside Development Permit per Section [10-1-607](#)(D) is required prior to the issuance of grading or building permits for the main dwelling structure or any other structure when any of the following criteria is applicable. A Hillside Development Permit is required whether the criteria apply to construction of a new structure or to modifications that increase the square footage or height of an existing structure or otherwise alter the footprint, volume, mass, or dimensions of an existing structure. **Grading for construction of a pool and/or a spa on a flat portion of a lot with a slope less than 5% shall be exempt from HDP.**

1. The project involves the creation of a new building pad, cut or fill activity to expand an existing building pad, or any other grading activity, including but not limited to grading for structures, swimming pools, and expanded yard areas.
2. The structure extends beyond the front or rear yard setback lines per Subsection (D).
3. The height of the proposed structure to the top of the roof exceeds 16 feet.
4. The total gross square footage of all structures and spaces that are included in the floor area ratio calculation is greater than 3,000 square feet.

I. EXCEPTIONS. Exceptions to the development standards required by Section [10-1-603](#) for the R-1 Zone may be granted through approval of a Hillside Development Permit. A Hillside Development Permit may not be used to grant exceptions in lieu of a Variance unless a Hillside Development Permit is otherwise required by Subsection (H). No exceptions may be granted through a Hillside Development Permit unless the following findings are made:

1. The exception is not detrimental to the public health, safety, or general welfare.
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.
3. The exception does not permit or encourage development inconsistent with the character of existing development in the neighborhood.

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. [Formerly numbered Section 31-30; Amended by Ord. No. 17-3,890, eff. 2/23/17; 3810; 3774, 3750; 3748, 3688, 3669, 3643, 3488, 3399, 3058, 2858, 2598, 2355, 2194.]

6) Article 6, Division 1, Section 10-1-607: Design Guidelines And Neighborhood Compatibility: Single Family Development Permits/Hillside Development Permits, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-607: DESIGN GUIDELINES AND NEIGHBORHOOD COMPATIBILITY: SINGLE FAMILY DEVELOPMENT PERMITS/HILLSIDE DEVELOPMENT PERMITS:

A. APPLICABILITY AND AUTHORITY.

1. This Section outlines the process requirements and findings for ~~two types of special permits~~ Hillside Development Permit, applicable to the single family residential zones located within the designated hillside area of the City. Except as otherwise stated herein, the permits shall be processed and approved or denied in accordance with the Administrative Use Permit process set forth in Division 4.1 and with Article 19 of this Code, which authorizes the Director of Community Development, or his designee, to grant these permits, which may be appealed to Planning Board, then Council. The required findings shall be as set forth in this Section, and the noticing must be mailed to all property owners and occupants within a 300 foot radius of the property rather than a 1,000 foot radius.

2. ~~For homes exempt from the neighborhood compatibility review as outlined in Section B(2) below, a~~As part of the Building Permit Process, projects will be checked for conformance with the development standards for single family homes in the R1 and R1H zones and when the homes comply with those standards, the project shall be approved for ~~Single Family~~ Plan Check.

B. SECTION RESERVED DESIGN GUIDELINES/NEIGHBORHOOD COMPATIBILITY:

~~1.—Permits. Residential permits require findings that a project is compatible with the neighborhood. In an attempt to define compatibility, Design Guidelines (Guidelines) have been created. Compliance with the Guidelines should help homes be more in scale with the character of the neighborhood. The Guidelines allow an applicant to incorporate various elements and features into a single family home to maintain and conserve the character of residential areas. Those elements and features are weighted to assure compatibility with the neighborhood. Council has approved the Guidelines (and applicable weighting of different features) by Resolution No. 17-28,906, and reserves the right to modify the Guidelines by future resolutions, as necessary, after conducting a noticed public hearing before the Planning Board and Council. Notice of the hearings shall be newspaper advertisement at least once, ten days prior to the hearing. The Guidelines are~~

~~incorporated hereto by this reference. Any future amendments adopted by resolution are also incorporated herein by this reference. The current Guidelines shall be available at the City Planners Office and the City Clerk's Office, as well as on-line.~~

~~2.—Purpose of Neighborhood Compatibility Review. The purpose of neighborhood compatibility review is to conserve and enhance the character of Burbank's residential neighborhoods and ensure such that the design of new homes and additions and alterations to existing homes is in accord with and relates to the existing community character. Instead of creating a design review process, the intent is to incorporate the review into the Single Family Development Permit or the Hillside Development Permit. Compatibility Design review is intended to promote high-quality design, which will be achieved with well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and well-executed details. This review shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval or burdens on projects that are deemed approved. The review is achieved by applying Design Guidelines to project.~~

~~C. SECTION RESERVED SINGLE FAMILY DEVELOPMENT PERMIT.~~

~~1.—Intent and purpose. The intent and purpose of the Single Family Special Development Permit is to help ensure new construction and additions and alterations to the existing housing stock are generally consistent with the standards of this Article and the existing character of single family neighborhoods and, when applicable, the Single Family Design Guidelines.~~

~~2.—Applicability. Single Family Development Permits are required 1) for all new single family construction that exceeds a .35 FAR or is larger than 3,000 square feet, 2) for all single family homes where there is a whole house demolition, and 3) for additions or remodels of existing homes adding more than 500 square feet, which do not meet the exception, below.~~

~~Exception: When the addition or remodel of an existing home does not result in a FAR over .40, but only if it is a single story addition or remodel not visible from the street no Single Family Development permit is required.~~

~~3.—Required Findings. In lieu of the finding required by Section 10-1-1956, the Director, or Planning Board or Council if appealed, may not approve a Single Family Development Permit unless the following findings are made after review using the Single Family Design Guidelines adopted by the Burbank City Council:~~

~~a.—The house conforms to all of the required standards of this Article unless an exception has been approved; and~~

~~b.—If the house has an FAR greater than .35, or is larger than 3,000 square feet, or involves an addition or remodel that requires a Permit (but the FAR remains less than .40 with the addition), the house has been reviewed against~~

~~the Neighborhood Compatibility and the house complies with the City's Single Family Design Guidelines.~~

~~c.—Conditions are necessary for the purpose of satisfying the required findings, ensuring conformance with the Design Guidelines, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare.~~

~~4.—Look Back Period. After a building permit is issued for new square footage through a remodel or addition or for a new house which does not require review under this provision, no new building permits shall be issued for additional square footage within two years unless the new project is submitted for design review if, when the previous and new building permits are taken together, the total square footage exceeds 500 square feet, or the FAR exceeds .35 (as defined by all building permits issued in the past two years).~~

D. HILLSIDE DEVELOPMENT PERMIT.

1. Intent and purpose. The intent and purpose of the Hillside Development Permit is to protect, to the extent feasible, views in the hillside area and to ensure neighborhood compatibility ~~through design review~~. The Hillside Development Permit is intended to balance the reasonable development of property consistent with high land values in the hillside area with the values placed upon views of Burbank and surrounding communities from hillside properties.

2. Applicability. Hillside Development Permit is required in accordance with Section [10-1-606\(GH\)](#).

3. Required Findings. In lieu of the finding required by Section [10-1-1956](#), the Director, or Planning Board or Council if appealed, may not approve a Hillside Development Permit unless the following findings are made ~~after review using the Single Family Design Guidelines~~:

a. 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.

b. The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.

c. The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.

d. The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from neighboring properties, including both downslope and upslope views.

~~e.—The house has been reviewed against the Neighborhood Compatibility provisions as set forth in Section 10-1-609 and the house complies with the Single Family Design Guidelines.~~

f.e. 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 his/her 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).

g.f. 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:

4. Conditions may be necessary for the purpose of satisfying the required findings, ensuring conformance with the ~~applicable development standards~~ Design Guidelines, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare. Such conditions may be imposed.

~~5.—Look Back Period. After a building permit is issued for new square footage through a remodel or addition or for a new house which does not require review under this provision, no new building permits shall be issued for additional square footage within two years unless the new project is submitted for design review if, when the previous and new building permits are taken together, the total square footage exceeds 500 square feet or the FAR exceeds .35 (as defined by all building permits issued in the past two years).~~
[Added by Ord. No. 2858; Formerly numbered Section 31-30.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 17-3,890, eff. 2/23/17; 3669.]

7) Article 6, Division 1, Section 10-1-609: Neighborhood Compatibility Review, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-609: SECTION RESERVED NEIGHBORHOOD COMPATIBILITY REVIEW:

~~The purpose of neighborhood compatibility review is to conserve and enhance the character of Burbank's residential neighborhoods and ensure such that the design of new homes and additions and alterations to existing homes is in accord with and relates to the existing community character. Instead of creating a design review process, the intent is to incorporate the review into the Single Family Development Permit or the Hillside~~

~~Development Permit. Compatibility review is intended to promote high-quality design, which will be achieved with well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and well-executed details. This review shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval or burdens on projects that are deemed approved. The review is achieved by applying Design Guidelines to project.~~ [Added by Ord. No. 17-3,890, eff. 2/23/17.]

- 8) Article 18, Division 4, Section 10-1-1810: Continuation Of Structure, of Chapter 1 of Title 10 of the Burbank Municipal Code is amended as following:

10-1-1810: CONTINUATION OF STRUCTURE:

Any structure made nonconforming by this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure may not be enlarged or altered in a way which increases its nonconformity.
2. 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.
3. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost immediately prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Provided however, that any single family or multiple family residential structure in a residential zone destroyed to such extent by means of fire, flood, wind, earthquake or other natural force or by action of the public enemy, may be rebuilt to the pre-destruction configuration and size, height, lot coverage, floor area ratio, amount of off-street parking, and number of dwelling units of the previous structure, upon granting of an Administrative Use Permit.
4. Should such structure be voluntarily demolished to an extent of 50 percent or less of its replacement cost, any non-conforming features or portions of the structure that are demolished shall not be replaced unless they conform to the standards of this Chapter. "Non-conforming features or portions of a structure", as used above, include, but are not limited to, non-conforming walls and/or roofs. Such portion or feature shall be considered demolished if underlying structural elements such as foundations, framing or trusses are removed. Removal of surface or finish features such as siding, plaster, drywall, shingles, tiles, or suchlike for purposes of replacement or repair only shall not be considered demolition of the underlying element. ~~For a single family residential structure, any new openings (windows and doors) along a non-conforming exterior wall, limited to 50% of the linear length of the wall, shall be exempt from requirements of this sub-section, subject to approval from the Building Official.~~
5. Should such structure be destroyed to an extent of 50 percent or less of its replacement cost by means of fire, flood, wind, earthquake or other natural force or by action of the public enemy, ~~or from damages due to termites or dry rot:~~

- a. The damaged structure may be repaired or rebuilt to the area, footprint and height of the previously existing structure.
- b. Such repairs must be commenced within one (1) year of the event causing the damage, and must be diligently pursued until completed.
- c. If during restoration or reconstruction, floor area or height is increased, the structure shall relinquish its non-conforming status, and shall become subject to Subsection (4) above.

Replacement of a nonconforming structure or portions thereof, from damages due to termites or dry rot is applicable to residential structures only, and as such these damages shall be confirmed by the Building Official.

~~Damage due to termites or dry rot is not considered to be a result of natural force or action for purposes of this Section, as such damage can be prevented by regular inspection and maintenance.~~

6. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.
7. Such structure may be repaired provided the repair work is done in compliance with the provisions of this section.
8. If provision is made for the termination of such structure or its nonconforming characteristics, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located.
9. Stables and corrals for keeping horses shall conform, except that stables need not conform until a building, or addition to a building intended or used for human habitation exists or is hereafter constructed or moved upon abutting property and less than 20 feet separates the stable from any door, window, or other opening of the building or addition, in which case the stable shall be made to conform within one (1) year from the occurrence of such event.
10. Multiple family residential structures or properties that are made non-conforming with respect to the number of residential units due to a Zone Map or text amendment that decreases the permitted density shall not be considered non-conforming with respect to the number of units so long as all of the units were legal (as to their number) when originally constructed. The existing units on the property may be improved or expanded as if the number of units were conforming, subject to all other applicable development standards; provided, however, that any demolition or destruction of the existing structure(s) shall be subject to the requirements of this Section. This provision does not prevent a structure or property from being made non-conforming or from being considered an increase of non-conformity due to Zone Map or text amendments not pertaining to density, and does not otherwise exempt a structure from any provision of this Section or Chapter.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City or State official charged with protecting the public health or safety, upon order of such official." [Formerly numbered Section 31-205; Renumbered by Ord. No. 3058, eff.2/21/87; Amended by Ord. No. 3647, eff. 10/23/04; 3643, 2597.]

2. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.
3. The City Clerk shall insert the effective date of this Ordinance in the body of this Ordinance wherever noted.
4. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2022.

Jess A. Talamantes
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

Zizette Mullins, MMC, City Clerk

By: _____
Iain MacMillan
Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2022, by the following vote:

AYES:
NOES:
ABSENT:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following of the ordinance's adoption on _____, 2022.

Zizette Mullins, MMC, City Clerk