

STAFF REPORT



**COMMUNITY
DEVELOPMENT**



DATE: December 13, 2021
TO: Planning Board
FROM: Fred Ramirez, Assistant Community Development Director *SR for FR*
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**SUBJECT: Zone Text Amendment: Amending Sections of Title 10 of Burbank Municipal Code Pertaining to Definitions, Standards for Single Family Residential Zones, and Nonconforming Structures
Project No. 21-0004984**

RECOMMENDATION

Staff recommends that the Planning Board:

Adopt A RESOLUTION (EXHIBIT A) OF THE PLANNING BOARD OF THE CITY OF BURBANK RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE STANDARDS AND DEFINITIONS PERTAINING TO SINGLE FAMILY RESIDENTIAL ZONES AND CONTINUATION OF NONCONFORMING STRUCTURES. (Project No. 21-0004984)

EXECUTIVE SUMMARY

On October 25th, 2021, the City of Burbank Planning Board considered a Zone Text Amendment (ZTA) proposing updates to development standards in R-1 and R-1-H single-family residential zones. As a part of the ZTA, staff proposed changes to some of the development standards for R-1 and R-1-H single-family residential zones as detailed in Table 1 below. Additionally, staff proposed changes to applicability of the Single-Family Development Permit (SFDP) discretionary review process to regulate the mass and bulk of large-scale projects, while exempting small-scale projects that do not alter the existing mass and bulk of a dwelling from undergoing a discretionary review process. The Planning Board recommend adoption of majority of the key amendments that were proposed as a part of ZTA, including updates to definitions of “retaining wall” and “whole house demolition” and updates to other single family development standards as specified in Table 1. Additionally, the Planning Board recommended elimination of the SFDP discretionary review process and the associate design guidelines/neighborhood

compatibility review process. Currently, the SFDP discretionary approval process is required for issuance of building permits for new homes that exceed 0.35 Floor Area Ratio (FAR) or larger than 3,000 square feet, and additions or remodels that are over 500 square feet and visible from the street, as required per BMC Section 10-1-607(C). Elimination of SFDP discretionary review process will streamline the planning review process and shorten the planning review time for single-family development projects.

Table 1: Updates to Title 10 Chapter 1 (Zoning) of BMC recommended by the Planning Board	
Code Section	Proposed Changes
Section 10-1-203: Definitions	Amendments are proposed to the definitions of "Retaining Wall" and "Whole House Demolition"
Table 10-1-603(A): Property Development Standards	<ul style="list-style-type: none"> - Amendment is proposed to the maximum allowed top of the plate height of a sing-family residential dwelling, - Updates are proposed to applicability of upper-story step backs and building plane modulation requirement
Section 10-1-603(C): Height	Updates are proposed to include standard specifying maximum allowed top of the roof height for front porches
Section 10-1-603(D): Floor Area Ratio	<ul style="list-style-type: none"> - Text is added to clearly list all the structures that are exempt from Floor Area Ratio (FAR) calculation - Updates are proposed to modify the standards specifying inclusion of attic spaces in FAR calculation
Section 10-1-603(F): Lot Coverage	Amendments are proposed to update the list of structures that are exempt from lot coverage calculation
Section 10-1-603(G)(5): Additional Requirements	<ul style="list-style-type: none"> - Updates are proposed to allow a maximum 20 feet wide driveway on lots with garages located towards the rear of the lot - Updates are proposed to standards regulating landscaping and pedestrian pathways within the front yard setback area of a lot

<ul style="list-style-type: none"> - Section 10-1-603(H)(1): Fences, Walls, Hedges, and Other Yard Features; - Section 10-1-603(H)(3): Retaining Walls; and - Section 10-1-606(F): Fence, Walls, Hedges, and Screening in the Hillside Area 	Updates are proposed to the standards regulating construction of fences, walls, hedges, and retaining walls.
Section 10-1-603(I): Parking and Driveways	Updates are proposed to the standards regulating compliance with the minimum required off-street parking
Section 10-1-603(M): Design Standards	Updates are proposed to include a new sub-section detailing design standards for additions, alterations, and construction of single-family dwellings
Section 10-1-606(H): Approval Process	Updates are proposed to remove requirement for discretionary approval for pools and spas that are proposed on flat portions of a lot located in the hillside area of the City.
Section 10-1-1810: Continuation of Structure	Amendments are proposed to the standards regulating continuation of non-conforming portions of a single-family residential dwelling to allow openings along non-conforming exterior walls and allow replacement of non-conforming portions of a dwelling that have been damaged due to termites or dry rot.

DISCUSSION

This Section provides an overview of the existing regulations on SFDP, the updates that were originally proposed by the staff, and the changes that were recommended by the Planning Board during the October 25th, 2021 public hearing. Please refer to Exhibit D for a detailed description of all the proposed amendments that were originally proposed by City staff. The minutes of the Planning Board hearing held on October 25th are provided in Exhibit C.

Design guidelines/Neighborhood compatibility review process

Existing Code –

Current regulations on R-1 and R-1-H zones include design guidelines to achieve neighborhood compatibility and maintain existing scale and character of residential neighborhoods. Design guidelines are implemented through the Single-Family Development Permit (SFDP) discretionary approval process, which is applied in the following scenarios, (City Code Section 10-1-607):

- Construction of new single-family dwellings that exceeds 0.35 FAR and 3,000 square feet of gross floor area.
- Addition to existing single-family dwelling that exceeds 500 square feet in area and is visible from the street.
- Remodeling work that results in whole house demolition, which is a demolition of at least 50% of existing interior and exterior linear walls including openings.

Exemption from SFDP is permitted for one-story and two-story homes that are smaller than 3,000 square feet in area and have an FAR below 0.35. The intent behind applying SFDP is to ensure that new homes and additions within the City are built to a mass and scale that is compatible with the design and character of existing residential neighborhoods. Smaller homes that meet specific FAR and gross floor area standards are exempt from design review because these homes are not expected to cause a visual nuisance through excessive mass, and result in a scale of building that is compatible with the scale and character of existing neighborhoods. In other words, the current regulations attempted to incentivize smaller homes and discourage large dwellings considered to be out of proportion with the mass and scale of the existing homes in the same neighborhood. Additionally, at the time of adoption of the updated SFDP in 2017, it was assumed that a SFDP planning entitlement permit would be issued within 4 to 6 months after application submittal.

Resulting Issues –

Following concerns were observed with the current SFDP discretionary review process.

- Extended processing time for small scale additions, ranging from 12 to 16 months.
- Lack of design related regulations for “smaller homes” that are less than 3,000 square feet in area and below 0.35 FAR, that are exempt from SFDP review and approval, resulting in dwellings with boxy architecture.
- Lack of design related regulations for additions and remodeling work that are not processed under the SFDP process, resulting in additions and remodels that do not match the roof form, exterior facades, design, and architectural style of existing house.
- Disparity in applicability of SFDP, wherein projects that include interior remodeling work with demolition of at least 50% of the linear length of walls and openings are subject to discretionary review process. Such projects do not alter the existing mass and bulk of a dwelling. Requiring SFDP discretionary approval for projects that propose little or no change to the mass and bulk of a dwelling, adds to the planning review time causing unnecessary delays.

Zone Text Amendment proposed by the staff –

In order to mitigate the issues related to applicability of SFDP discretionary approval process, Staff proposed the following updates during the Planning Board hearing on October 25th, 2021.

- Require SFDP discretionary review for all new two-story single-family dwellings that exceed 0.35 FAR and 3000 SF gross floor area, while providing an exemption from SFDP discretionary approval for all new one-story dwellings no taller than a maximum top of the roof height of 19 feet and top of the plate height of 12 feet. Limitations on height for by-right single-story dwellings will ensure that such dwellings match the scale and character of existing residential neighborhoods within the City.
- Require an SFDP for construction of a second-story addition that exceeds 700 square foot in area and is visible from public right of way, in lieu of the current threshold of more than 500 square feet. Per Staff's assessment increasing the threshold for SFDP trigger to 700 square foot will exempt approximately 41% of the projects (that are currently subject to SFDP discretionary approval) from the SFDP process, resulting in shorter planning review time while still maintaining consistency with the purpose and intent of the single-family regulations to ensure new development is consistent the scale and character of existing neighborhoods.
- Require SFDP for remodels for a two-story dwelling, wherein more than 50% of exterior walls and openings are being demolished.
- Require SFDP for remodels or additions to any National, State, or City designated historic resource, while also complying with applicable local, state, and federal regulations related to the preservation of designated historic resources.
- Require compliance with the City's design guidelines/neighborhood compatibility regulations for all new single-family residential construction, additions, and/or remodeling work that are exempt from SFDP, resulting in a project that incorporates exterior design and roof form that matches the existing architectural style of the house.

Planning Board's Recommendation –

After considering the documents presented during the Planning Board hearing on 25th October 2021, the Board recommended elimination of the SFDP discretionary review process. Eliminating SFDP discretionary review and the associated design guidelines/neighborhood compatibility review process will allow ministerial approval for all the single-family projects including additions, remodels, and new residential construction, on all the lots that are not located in the designated hillside area of the City.

The design guidelines/neighborhood compatibility review that are a part of SFDP discretionary review process were incorporated to address concerns over bulk and mass. Although the existing design guidelines were able to provide a means to achieve neighborhood compatibility for large scale projects, they disproportionately impacted small-scale additions and remodels that do not alter the existing mass and scale of a dwelling. Additionally, as previously specified, the existing design guidelines are not applicable to new residential construction that are limited to 0.35 FAR and 3000 square foot floor area, leading to dwellings with boxy architecture devoid of any modulations and articulations.

Moreover, most of the existing design guidelines are subjective and have often been interpreted in different ways by the staff and the applicants creating ambiguity and confusion.

Removal of SFDP and the associated design related guidelines will lead to absence of design standards for residential developments. Currently, the Code has some objective standards that regulate development of single-family dwellings, including FAR and lot coverage. With this ZTA staff is proposing inclusion of a few additional objective design related standards to incorporate plane breaks and articulation along dwelling street frontages, and to regulate the mass and bulk of upper story additions, as shown in Table 2 below. Furthermore, as presented in the previous Planning Board hearing that was held on 25th October 2021, staff is recommending extension of the applicability of upper-story modulations, as specified in Section 10-1-603(E), for all new dwellings and second story additions. Currently, compliance with the upper-story modulations is required only for those projects that are being processed under SFDP discretionary review process.

Objective Design Standard	Description
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>The regulations have been proposed to ensure that front entries and doors are visible and accessible from the front yard and sidewalk. Additionally, minimum standards for a front porch are proposed to ensure provision of functional space to accommodate physical refuge from the elements both for access to the front door and/or to use the porch area for seating.</p>
<p>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.</p>	<p>The regulations have been proposed to incorporate breaks along street frontages of a dwelling and to prevent monotonous blank facades facing the streets.</p>

3. A two-story project design shall provide landscape screening in the form of trees, shrubs, 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.	Landscaping along shared property lines will enhance privacy between adjoining properties.
4. Upper story square footage of a dwelling shall be limited to 85% of the first story gross square footage.	A second story that is smaller in size than the first story of a dwelling, will reduce the overall mass and bulk of the two-story dwelling.
5. When exterior lighting is incorporated, it shall be designed to avoid glare and light spill over onto adjoining and adjacent residences and public right of way.	Exterior lighting, when used, should be designed to avoid glare and light spill over onto adjacent properties and public right of way.
6. Following materials are prohibited: <ul style="list-style-type: none"> a. Barred windows b. Use of unfinished cinderblock 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 	Regulations prohibiting certain elements such as barred windows and unfinished cinder-block facades have been proposed to ensure higher quality design for single-family residential dwellings. Additionally, glare emitting surfaces have been prohibited to prevent visual nuisances for the neighboring properties.

As mentioned above, removal of SFDP and the associated neighborhood compatibility review, as recommended by the Planning Board, will eliminate design guidelines for single-family dwellings from the code. The design related objective standards detailed in Table 1 have been proposed to ensure higher quality design for additions, remodels, and construction of single-family residential dwellings.

ENVIRONMENTAL ASSESSMENT

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

The Project would not allow any new uses and would not change the amount of physical development that is currently allowed pursuant to the City zoning regulations. As a result, the proposed ZTA and associated draft Ordinance will not have a significant adverse

impact on the environment. Based on City staff's assessment, the draft Ordinance (Exhibit B) has been determined to be exempt from CEQA review pursuant to State CEQA Guidelines, Article 18: Statutory Exemptions, Section 15061(B)(3). This section of CEQA establishes a statutory exemption for "The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

FISCAL IMPACT

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

CONCLUSION

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

EXHIBITS

EXHIBIT A	Draft Resolution including red-lined Ordinance
EXHIBIT B	Draft Ordinance
EXHIBIT C	Minutes of the October 25 th , 2021 Planning Board hearing
EXHIBIT D	October 25 th , 2021 Planning Board hearing report and exhibits