

10-1-620.3: DESIGN AND DEVELOPMENT STANDARDS FOR NEW CONSTRUCTION:

The design and construction of all newly constructed accessory dwelling units and junior accessory dwelling units shall conform to the following standards:

A. GENERAL PROVISIONS

Unless otherwise preempted by state law, the design and construction of all newly constructed accessory dwelling units (“ADU”) and junior accessory dwelling units (“Junior ADU”) shall comply with all applicable building, housing, zoning and site development standards of this division, including but not limited to standards regarding setbacks, floor area ratio standards, height, lot coverage, architectural design review, including compatibility with existing structures located on the same property and in the surrounding neighborhood that are listed in the California Register of Historic Places. Applicants shall also comply with all applicable fee and charge requirements, and other applicable zoning requirements. Applications deemed complete for ADUs and Junior ADUs shall be approved or denied ministerially with in the applicable 60-day review period consistent with state law.

Notwithstanding the foregoing, if an application for an ADU or Junior ADU is submitted with an application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the application for the ADU or Junior ADU until the permit application to create the new single-family or multifamily dwelling is approved or denied.

If the City denies an application for an ADU or Junior ADU, the City shall, within the time periods described above, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and provide a description of how the application can be corrected by the applicant.

B. PERMITTED LOCATIONS ZONES

Unless otherwise provided by state law or this Code, ~~An~~ ADUs and Junior ADUs shall be a permitted use in the following locations:

1. ADUs and Junior ADUs are permitted within the City’s single family and multiple family residential zones: R-1, R2, R3, R4, MDR-3, MDR-4 and R-1-H zones.
2. When required by state preemption law (including but not limited to California Government Code 65852.2(e)), ADUs are also permitted on any lot with an existing or proposed single-family or multifamily dwelling. If a lot does not have a single-family or multifamily dwelling at the time of submittal of the ADU application, the proposed single-family or multifamily dwelling on the lot shall be approved prior to final approval

of the ADU. Unless otherwise preempted by state law, no more than one ADU shall be permitted on a lot with an existing or proposed single-family dwelling.

3. When required by state preemption law (including but not limited to California Government Code 65852.2(e)), Junior ADUs are also permitted on any lot with an existing or proposed single-family dwelling. If a lot does not have a single-family dwelling at the time of submittal of the Junior ADU application, the proposed single-family dwelling on the lot shall be approved prior to final approval of the Junior ADU.

C. ON-SITE PARKING

1.) Required parking for an accessory dwelling unit shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less.

2.) When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted into an ADU, replacement parking for the main dwelling unit shall not be required. Unless otherwise preempted by state law, for purposes of this subsection C.2 an existing garage, carport, or covered parking structure shall be considered to be demolished "in conjunction" with the construction of an ADU or converted into an ADU when the area of the ADU footprint overlaps with the structure to be demolished or if the structure to be demolished otherwise impedes access to accommodate an ADU.

3.) ~~When r~~Required on-site parking can be covered, uncovered, tandem or provided through the use of a mechanical automobile parking lift. Tandem parking as defined in this division means that two or more automobiles are parked in a driveway or in any other location on a lot, lined up behind one another.

4. When an existing attached garage is located in the front or street-facing yard and is converted into an ADU or Junior ADU, the driveway and curb cut leading to said garage may be kept in place to accommodate parking only if the parking stalls in the driveway meet minimum parking stall dimensions of 18'-0" deep and 8'-6" wide. If the driveway does not meet these minimum parking stall dimensions, the driveway and curb cut shall be removed.

5. Notwithstanding any curb cut separation requirements, a new curb cut and driveway may be installed on a property so long as minimum vehicle parking stall dimensions of 18'-0" deep and 8'-6" wide are satisfied, and no additional onsite parking areas exist on the property that satisfy these minimum parking stall dimensions. Such driveway shall meet the development standards in Sections 10-1-603(I)(7), 10-1-603(I)(9), and 10-1-603(I)(10). Any proposed new driveway or curb cut will be subject to applicable tree protection provisions outlined in Burbank Municipal Code Title 7, Ch. 4 and adopted utility safety and design regulations regarding any utility lines or boxes, as well as other public utilities that may be impacted by said driveway or curb cut.

D. PARKING LOCATION

Required parking for an ADU provided on-site can be tandem and in an existing driveway or within any existing setback area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life safety conditions. When a designated parking area is provided and is not located in the driveway as tandem, the parking space must meet the minimum required parking space dimensions, turning radius, and backup distance as required in the Code.

DE. ON-SITE PARKING EXCEPTIONS

Notwithstanding the parking development standards ~~for ADUs and Junior ADUs (collectively accessory dwelling units for this subsection D)~~ noted in subsection C, ADUs that meet the following State provisions (consistent with ~~AB 68, AB 881, and SB 13~~California Government Code Section 65852.2(d)) shall not be required to provide on-site parking if:

- 1.) The ~~accessory dwelling unit~~ ADU is located within one-half mile walking distance of “public transit” within the meaning of Government Code Section 65852.2;
- 2.) The ~~accessory dwelling unit~~ ADU is located within an architecturally and historic significant historic district;
- 3.) The ~~accessory dwelling unit~~ ADU is part of the proposed or existing primary dwelling unit or an existing accessory structure;
- 4.) When on-street parking permits are required but not offered to the occupant of the ~~accessory dwelling unit~~ ADU; or
- 5.) When there is a car share vehicle located within one block of the ~~accessory dwelling unit~~ ADU.

6. If the applicant can provide fully dimensioned and drawn to scale building plans proving that there is no feasible location to physically accommodate required parking for an ADU, then on-site parking will not be required.

E. — PARKING LOCATION

~~The parking provided on-site can be tandem and in an existing driveway or within any existing setback area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life safety conditions. When a designated parking area is provided and is not located in the driveway as tandem, the parking space must meet the minimum required turning radius and backup distance as noted in the Code.~~

F. SQUARE FOOTAGE

1.) All new ~~ADUs accessory dwelling units~~ and additions to existing and permitted ~~accessory dwelling units ADUs~~ are exempt from compliance with the Floor Area Ratio (FAR), lot coverage, open space, or minimum lot size requirements noted in this Code unless otherwise specified herein.

2.) All new ~~attached and~~ detached ~~ADUs accessory dwelling units~~ shall not exceed 850 square feet, except for an ~~ADUs accessory dwelling~~ with more than one bedroom shall not exceed 1,000 square feet. ADU square footage shall be measured from exterior wall to exterior wall, unless the ADU shares a wall with the primary dwelling, in which case, it shall be measured from the midpoint within the shared wall to the exterior wall.

3. Any portion of a structure, including the area above a staircase, over 12 feet in interior height, shall count towards the total allowable square footage as if a second story were within the space. This means that any space with an interior height exceeding 12 feet shall be considered as constituting two stories for the purpose of calculating square footage and thus the ground floor area is counted twice.

~~3) When an accessory dwelling unit is attached to the existing primary dwelling unit, the maximum allowed size of that accessory dwelling unit shall be no more than 850 or 1,000 square feet based on number of bedrooms as noted in preceding section F(2).~~

4.) Guest dwelling units previously approved by the City and constructed with City building permits may be converted up to the previously City-approved square footage or 850 or 1,000 square feet based on number of bedrooms as noted in preceding subsection F(2), whichever is less.

5.) When an attached balcony, porch or patio is provided in conjunction with an ADU, if said structure is covered, it shall count towards the total ADU square footage allowance.

6.) The building division will determine what is considered a landing or a balcony, porch or patio for the purposes of square footage requirements.

7.) If a roof or other cover such as a porch or similar type structure is provided over the main entrance of the ADU, and is supported by posts, 25 square feet of the said cover will not count towards the maximum allowable square footage of the ADU.

8. An existing accessory structure may be converted to an ADU with a maximum overall square footage of the greater of: (1) up to 850 square feet for ADUs with one bedroom or less, or 1,000 square feet for an ADU with more than one bedroom; or (2) the square footage of the existing accessory structure.

9.) ADUs may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

10. Notwithstanding the maximum ADU square footage listed in this Subsection F or otherwise established by state law, for each additional onsite parking stall provided beyond the minimum onsite parking required by this Division, up to an additional 120 square feet will be added to the maximum size of one ADU on the lot. However, in no event shall a single ADU exceed the maximum square footage listed in this Subsection F or state law by more than 120 square feet. If additional parking is furnished as provided in this Subsection F(10) and an ADU that otherwise exceeds the maximum square footage is approved, a deed restriction must be recorded and will run with the land prohibiting the removal of the onsite parking spaces for as long as the ADU(s) remain on the lot and exceed the otherwise applicable maximum square footage. The deed restriction must include a statement that it may be enforced against future purchasers.

G. HEIGHT

1.) All new ADUs, attached to the main dwelling unit must comply with the height requirements defined in Code Section 10-1-603(A). Attached ADUs are defined as ADUs that are attached to the main dwelling unit through a shared wall or abutting walls. Abutting walls are walls that are adjoined with no space in between them. Abutting walls must be adjoined to the main dwelling unit by at least 50% of the length of the ADU wall or 5 feet, whichever is greater.

2.) When an ADU is constructed on top of a detached garage, accessory structure, or above another ADU when applicable under this Code, the maximum top of plate height cannot exceed 20 feet as measured from grade level and the maximum height to any architectural features must not exceed 23 feet as measured from grade level.

3.) All new detached ADUs, not constructed on top of a detached garage or accessory structure shall ~~be no more than one (1) story with a maximum top of plate height of 12 feet as measured from grade level and~~ have a maximum height of 17 feet to any architectural features~~-, unless one of the following exceptions applies:~~

a. If the detached ADU will be on a lot located within a ½ mile walking distance of a “high-quality transit corridor” or “major transit stop” (as those terms are defined in California Public Resources Code 21155), a maximum height of 18 feet (as measured from existing grade to the top of roof) shall be permitted. An additional two feet in height beyond the maximum 18 feet will be permitted to accommodate a roof pitch on the ADU that matches the roof pitch of the primary dwelling.

b. If there is an existing or proposed multistory, multifamily dwelling on the lot where the detached ADU will be located, a maximum height of 18 feet (as measured from existing grade to the top of roof) shall be permitted.

4.) When an ADU is constructed on top of a garage or accessory structure, the ADU cannot touch grade level, except through support posts or stair access. The bottom of the finished floor of the ADU must be above the top of plate of the garage or accessory structure.

a. Ground floor access to the ADU, inclusive of stairs and landing, shall be limited to 150 square feet. The ADU must not have any interior circulation with the rest of the garage or accessory structure below.

5. All attic spaces and loft areas within a one-story ADU shall be less than 5 feet in height, as measured from finished floor to the top of the attic ceiling. Attic space that exceeds 5 feet in height shall count towards the total allowable square footage as if a second story were within the space. This means that any attic space that exceeds 5 feet in height shall be considered as constituting two stories for the purpose of calculating square-footage and thus the ground floor area is counted twice.

6. All air conditioning units and other mechanical equipment shall be ground mounted or installed within an enclosed attic space. ADUs that include a parapet roof can include roof mounted air conditioning units that are behind the roof parapet wall so long as they are not visible from the grade level of adjacent properties.

H. SETBACK

1.) Unless otherwise provided in this Division, any new attached or detached ADUs must have a minimum setback of 4 feet to the rear property line and 4 feet to the side-yard property line including ADUs constructed on top of a garage or accessory structure.

2.) Any new ADU or Junior ADU cannot be located closer to the front property line than the prevailing front yard setback for a single family residential zoned lot or minimum required front setback for a multifamily residential zoned lot or nonresidential zoned lot. Notwithstanding the foregoing, the following exceptions to this requirement would be to allow shall apply:

a. If the conversion of existing legal non-conforming building footprint of the main structure or attached accessory structure into an ADU or Junior ADU that is located within the front yard setback is permitted.

b. An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise deemed physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least a 2-foot side and rear setback. For purposes of this subsection, "other areas of the lot" include, but

are not limited to, construction of a two-story ADU with at least a 2-foot side and rear setback. The physically infeasible determination will be made by the City during plan review and will be based on factors including, but not limited to, the feasibility of providing the required utility connections from public facilities that serve the project site. If an ADU provides a side and rear setback less than 3 feet, then no openings are allowed along the impacted building elevation.

If applying for this exception, an applicant must provide exhibits demonstrating that the construction of an 800 square foot ADU in the rear yard is not physically feasible with a 2-foot side and rear setback. The City will evaluate the plans and if it is determined that an 800 square foot ADU can be placed in the rear yard of the lot while maintaining a 2-foot or more side and rear setback, the ADU will be permitted in that rear yard location in a footprint that maintains the rear and side yard setbacks as close to 4-feet as possible, and in no event results in a side or rear yard setback that is less than 2-feet. Alternatively, if the City issues a physically infeasible determination, an ADU of up to 800 square feet that complies with all other applicable development standards in this Code and state law (including 4-foot side and rear setbacks) shall be allowed to encroach into the front yard setback on the lot in a footprint that otherwise maximizes the front yard setback to the extent feasible.

3.) When a garage or other accessory structure exists and is legally permitted with City building permits and is converted into an ADU, the existing legal non-conforming setback of the garage or other accessory structure can be maintained. The required minimum 4 foot rear and side yard setbacks shall still apply to all added space that goes beyond the existing building footprint and/or building envelope of the garage or other accessory structure. Any unpermitted accessory structures can have their legal nonconforming setbacks maintained as part of an ADU conversion or addition, as long as it does not present a threat to public health and safety based on applicable building and fire codes as determined by the Building Official, or unlawfully violate previously recorded real property interests including recorded easements and fee dedications.

4.) New ADUs must maintain a 5-foot separation from building face to building face, and a 4 foot separation from eave to eave of any adjacent structure, unless it is physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least 4-foot side and rear setbacks.

5.) No ADU accessory dwelling unit may be located in a way that would prohibit access to a designated parking area or impede safe ingress and egress from a required side, rear, or front setback.

6.) No setback shall be required when an ADU is constructed in the same location and to the same dimensions as an existing legal Structure that is converted into an ADU or to a portion of an accessory dwelling unit, even when that Structure has been demolished.

7.) When a balcony, porch or patio is provided in conjunction with the ADU and is 7 inches above grade level, the balcony, porch or patio must be setback from the rear and side property lines a minimum of 4 feet.

8.) When a staircase or landing is provided for a new or existing second story ADU, whether attached or detached to the primary dwelling unit, that staircase or landing must provide a minimum 4 foot setback to the rear and side property line.

I. OWNER OCCUPIED AND RESTRICTIVE COVENANT

Special Note: Pursuant to ~~state law~~ [California Government Code Section 65852.2\(a\)\(8\)](#), the City shall not impose any owner-occupancy and restrictive covenant requirements noted in this section, inclusive of the following items 1) through 3) until January 1, 2025, ~~unless or a later date~~ [if](#) said prohibition is subsequently extended by state law. If state law is amended to allow owner-occupancy restrictions before January, 1, 2025, then this Owner Occupied and Restrictive Covenant Section shall spring back into effect without further action of the City Council.

1.) Either the primary dwelling unit or the accessory dwelling unit on a lot shall be occupied by the owner of the lot. The property owner shall enter into a restrictive covenant with the City that applies to the owner and all successors in interest, in a form acceptable to the City Attorney that will be recorded on the subject property.

One year from the date of approval of a final building permit for an accessory dwelling unit, and every year thereafter, the applicant or subsequent property owner of the lot shall submit and certify, on forms provided by the City, that the property owner of record of the property continues to live on and occupy the property as their principal place of residence. It shall be a violation of this Code if the property owner or subsequent property owner fails to comply with this section.

The restrictive covenant shall: (i) specify that the property owner must reside in either the primary dwelling unit or the accessory dwelling unit; (ii) expressly prohibit the rental of both units at the same time; (iii) whichever unit being rented may be rented only for terms longer than thirty (30) consecutive calendar days; (iv) the accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit; (v) the property owner and all successors in interest shall maintain the accessory dwelling unit and the property in accordance with all applicable Code requirements and standards; and (vi) the property owner of a unit in the R-1-H (Single-Family Horse keeping) zone shall provide written notification to a tenant(s) of the allowance of equestrian activities in the zone, which may include the keeping of horses, and may result in unpleasant or objectionable odors, dust, noise, etc.

2.) When an ADU is constructed in a multiple family residential zone, the property must still be owner occupied and that ADU must comply with the development standards identified through this ordinance.

~~3.)~~ A waiver from the owner occupancy requirement may be granted by the Community Development Director for a period up to two years if the property owner is able to establish a bona fide hardship to the restriction as follows: the property owner is hospitalized, or requires daily living assistance that prevents the owner from physically living on the property; the property owner is on active military duty and is deployed to a location that prevents the owner from occupying the property; the property owner is deceased and the property is being held pending dispensation of the estate. The waiver shall be submitted on a form approved by the Director. The property owner shall provide evidence of the hardship to the satisfaction of the Director. The Director's decision on a waiver is final.

J. DESIGN AND DEVELOPMENT STANDARDS

~~1.)~~ The exterior design of the ADU shall match that of the main dwelling in terms of building forms, materials, colors, exterior finishes, roof forms and style of doors and windows. The structure(s) shall retain the appearance of a single family dwelling, and the accessory dwelling unit shall be integrated into the design of the existing primary dwelling unit on the property or as determined by the Community Development Director or their designee.

~~2.)~~ The design of an attached ADU shall be compatible with the architectural design of the primary dwelling unit in order to ensure long term compatibility regardless of whether the use of the ADU is continued or terminated. If a separate entrance is provided, it shall be located on the side or rear of the structure and whenever possible located toward interior yard areas. The additional entrance is prohibited from being located on the front of the primary dwelling unit. The second entrance shall be well lit and free of concealment from landscaping to assure safe entrance and exit by the occupants.

~~3.)~~ All ADU façade elevations visible from any public right of way must provide entries, windows, or other architectural features compatible with the existing primary dwelling unit.

1. 4) When a garage is converted into an ADU, the garage door must be removed and replaced with windows, door, or other exterior design features treatments that **are consistent with the overall architectural match the exterior** design of the structure and the primary dwelling unit.

2. 5) The design and construction of each new detached ADU and ADU conversion of existing structures shall conform to all applicable provisions of Title 9 Chapter 1 (Building) of this Code, unless otherwise provided for in California Government Code Section 65852.2(a)(1)(D)(viii). The accessory dwelling unit shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the accessory dwelling unit will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

~~3. 6)~~ If a detached ADU is visible from the street, then tThe main entrance of a detached ADU must face the same direction as the main entrance for the primary dwelling unit or face the side property lines, ~~whichever is more compatible to the neighborhood character as determined by the City Planner. An ADU~~ The main entrance proposed to for the ADU may face an alley or rear property line is subject to review and approval by the City Planner if the entrance is at least 5 feet away from the property line abutting the alley, and another entrance is provided facing the front or side property lines.

K. UTILITY CONNECTION AND CITY FEES

1.) The primary and accessory dwelling units may be connected to a common gravity-fed sewage disposal approved by the City.

2.) An ADU under 750 square feet shall not be charged development impact fees. An ADU greater than 750 square feet may be charged development impact fees. These development impact fees shall be proportional to the square footage of the main dwelling and calculated using the ADU square footage.

3.) An ADU not built within the existing space of a single family house or accessory structure may be required to obtain a new or separate utility connection as determined by standards adopted by Burbank Water and Power and the Public Works Department, process and may be subject to a connection fee or capacity charge based on its square footage or number the number of its drainage fixtures unit values.

L. ADDRESS ASSIGNMENT AND VERIFICATION OF EASEMENTS AND DEDICATIONS

The Public Works department will determine address assignments to new ADUs and Junior ADUs and verify any public easements and land dedications required by the Burbank Municipal Code. Unless otherwise determined by the Public Works Director, all existing and proposed structures must be located outside of any recorded easement or dedication.

M. MOUNTAIN FIRE ZONE AND FIRE SPRINKLERS

1. Unless otherwise required by state law, nNo ADU or Junior ADU shall be permitted on R-1 or R-1-H zoned properties located within the City's designed designated Mountain Fire Zones as noted in the City's General Plan Safety Element, unless all of the following requirements are met:

~~1a.)~~ No more than one ADU no greater than 800 square feet or one Junior ADU no greater than 500 square feet is allowed on R-1 and R-1-H zoned properties located in the City's Mountain Fire Zones.

~~2b.)~~ All new ADUs proposed within the City's Mountain Fire Zones shall comply with any applicable brush clearance requirements.

2. Unless otherwise required by applicable City building and fire codes, in any residential zone where new ADUs are allowed, if fire sprinklers are required for the primary dwelling unit then they are also required for new ADUs. The installation of fire sprinklers will not be required in an ADU if sprinklers are not required for the primary dwelling unit. Furthermore, the construction of an ADU, by itself, will not trigger a requirement for fire sprinkles to be installed in an existing single family or multifamily primary dwelling unit.

N. STANDARDS IN THE R-1-H SINGLE FAMILY RESIDENTIAL HORSE KEEPING (R-1-H) ZONE

Consistent with the purpose of the R-1-H zone and in order to ensure that ADUs do not adversely impact public safety and equine/horse keeping uses located in the R-1-H zone, all of the provisions of this section shall apply to ADUs in the R-1-H Zone unless otherwise stated in the following or otherwise required by state law:

- 1.) No more than one ADU or one Junior ADU is allowed on R-1-H zoned properties. No new construction of ADUs shall be permitted in the R-1-H zone except for the following:
 - a.) The conversion of an existing permitted garage shall be permitted.
 - b.) The conversion of an existing permitted guest dwelling unit shall be permitted.
 - c.) The conversion of existing square footage within the main dwelling unit is permitted.
 - d.) Additions to or conversions of existing square footage within the main dwelling unit is permitted in the area outside of the rear 35 feet of the lot, which is the area reserved for horse keeping uses (e.g. barns, corrals, stables, and tack rooms).
- 2.) The conversion of any existing accessory structure (storage, shed, pool house, recreation room), and barn, stable, corral, tack room, etc.) into an ADU shall not be permitted.
- 3.) Unless otherwise required to comply with the City's building and fire codes, any doors, windows, and other openings in any accessory dwelling unit shall comply with the requirements of Section [10-1-605\(B\)](#).

O. ADDITIONAL STANDARDS ~~IN~~ ON LOTS WITH MULTIFAMILY ZONES DWELLING STRUCTURES

All of the provisions of this section shall apply to ADUs in the Multifamily Zones on any lot containing an existing or proposed multifamily dwelling structure, which is defined as a structure with two or more dwelling units, unless otherwise stated in the following:

- 1.) No more than two (2) ADUs can be constructed on a ~~multifamily zoned lot or on a~~ lot with an existing or proposed multifamily a multiple family dwelling structure(s). These

ADUs must be detached from the existing or proposed multifamily dwelling primary structure(s); these ADUs may be attached or detached from each other and must provide the required building separation from all primary and accessory structures on the lot as required in SubsSection (H)(4).

2.) ADUs may be created within a multifamily dwelling structure in areas not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, common areas or garages, so long as the converted space complies with state building standards for dwellings. The number of ADUs so created within an existing multifamily structure shall be up limited to 25% of the existing multifamily dwelling units in the multifamily dwelling structure, but at least one ADU is permitted.

P. JUNIOR ACCESSORY DWELLING UNIT STANDARDS

All of the provisions of this section shall apply to a Junior ADU unless otherwise stated in the following or otherwise required by state law:

1.) ~~A~~ The size of a Junior ADU is limited to no more than 500 square feet.

2.) One Junior ADU is allowed per each residentially zoned lot that includes an existing or proposed single-family dwelling unit structure. Lots with multiple detached single-family structures are not eligible to have Junior ADUs.

3.) A deed restriction must be recorded prior to the issuance of a Certificate of Occupancy, and will run with the land prohibiting the sale of the Junior ADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

4.) The deed restriction must include the size and attributes of the Junior ADU that conforms to this section.

5.) The Junior ADU must be constructed within the existing walls of the existing or proposed single-family residence or attached garage. Junior ADUs that are proposed in a single-family residence are subject to the development standards found in Section 10-1-603 of this Code.

6.) The Junior ADU must include a separate entrance from the main entrance to the single-family residence.

7. A Junior ADU that does not include a separate bathroom shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living space of the existing or proposed single-family dwelling structure.

~~78.)~~ The Junior ADU must include an efficiency kitchen, which shall include all of the following:

a.) A cooking facility with appliances that meet the definition of Kitchen as defined in Section 10-1-20~~32~~ of ~~Title 10, Chapter 1 of the Burbank Municipal Code~~ this Code.

b.) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.

~~89.)~~ Additional parking may not be required as a condition to grant a permit for a Junior ADU.

~~910.)~~ An inspection, including the imposition of a fee for that inspection to determine whether the Junior ADU is in compliance with applicable building standards may be required at any time after the Junior ADU has been built.

~~1011.)~~ For the purposes of any fire or life protection ordinance or regulation, a Junior ADU shall not be considered a separate or new dwelling unit. This section shall not preclude the city from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a Junior ADU so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a Junior ADU or not.

~~1112.)~~ For the purposes of providing service for water, sewer, or power, including a connection fee, a Junior ADU shall not be considered a separate or new dwelling unit.

~~1213.)~~ A Junior ADU requires owner-occupancy as follows: The owner shall reside in either the remaining portion of the single-family residence or the newly created Junior ADU. This provision does not apply if the owner is a governmental entity, land trust or housing organization. The property owner shall enter into a restrictive covenant memorializing this restriction with the City that applies to the owner and all successors in interest, in a form acceptable to the City Attorney that will be recorded on the subject property.

Q. SHORT TERM RENTALS

Unless otherwise provided for in the Burbank Municipal Code, ADUs and Junior ADUs, which are rented, shall be rented for terms longer than 90 days.

R. CONVEYANCE

Any ADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

10-1-620.7: DETERMINATION ON ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT APPLICATION:

A. SUBMISSION OF APPLICATION.

Any person desiring to construct or establish an ADU and/or Junior ADU must submit the following materials to the Community Development Department's Planning Division:

1. A completed ADU and/or Junior ADU Permit application on forms as established and provided by the City Planner.
2. Site plans, floor plans, elevations, pictures and such other materials as may be deemed necessary by the City Planner to make a determination on the application.
3. A copy of the Property Deed establishing the identity of the owner of record of the property (when applicable).
4. The Accessory Dwelling Unit and/or Junior ADU Permit application fee in accordance with the City of Burbank Adopted Citywide Fee Schedule in effect at the time of application submittal. An application shall not be deemed to be filed until such time as all necessary information has been provided to the Director.
5. All non-ADU structures not associated with the construction of an ADU must be reviewed under a separate permit. Applications to replace a detached garage with an ADU shall require City approval of a demolition permit for the garage. The demolition permit will be reviewed with the application for the ADU and issued at the same time as the building permit to construct the ADU.