

**Attachment 3 - Summary of Amendments Proposed to Regulations on Single-Family Dwellings
in R-1 and R-1-H Single Family Residential Zones and continuation of nonconforming
structures**

1. Section 10-1-203: Definitions

a) The ZTA proposes update to the definition of retaining wall by adding language that clarifies the way a retaining wall is measured. Currently, the existing code does not provide details regarding reference grade for measuring height of retaining walls located outside the 15-foot setback area as measured from the sidewalk. The proposed update will facilitate consistency in measuring retaining wall height.

Existing Standard	Proposed Standard
RETAINING WALL: Means a structure that retains (holds back) for more than six inches any material (usually earth) measured from the top of the horizontal footing and prevents it from sliding or eroding away.	RETAINING WALL: Means a structure that retains (holds back) for more than six inches of any material (usually earth) 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. Portions of the wall not retaining dirt shall not be considered a retaining wall.

b) Section 10-1-203 defines “whole house demolition” as demolition of at least 50% of existing linear walls and openings. Calculation of whole house demolition includes demolition of both interior and exterior walls and openings that have wall headers (doors and windows). Per current code, any dwelling undergoing a whole house demolition is subject to a Single Family Development Permit planning entitlement. The proposed ZTA would amend the definition of whole house demolition include only demolition of exterior walls and openings of a main dwelling, and accessory structures (including garage) when attached to the main dwelling. Demolition of interior walls, as long as exterior walls are maintained, does not impact the existing mass and bulk of a house. Limiting the calculation to exterior walls and openings only meets the intent of preserving existing mass and bulk of a house and eliminates discretionary approval for interior remodels.

Existing Standard	Proposed Standard
DEMOLITION, WHOLE HOUSE: Means the demolition of at least 50% of the total length of all the walls. Applicant shall calculate the linear length of all exterior and interior walls. The calculated length should not exclude	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

<p>openings because part of the opening is a structural header, and the walls must remain as structural elements in the new plan.</p>	<p>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.</p>
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1. Table 10-1-601 (C): Neighborhood Compatibility Review

a) The ZTA proposes elimination of the SFSDP discretionary review process and the associated design guidelines/neighborhood compatibility review. Accordingly, staff is recommending removal of Section 10-1-601(C), that elaborates the purpose of neighborhood compatibility review.

Existing Standard	Proposed Standard
<p>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.]</p>	<p>None</p>

2. Table 10-1-603 (A): Property Development Standards

a) The proposed ZTA includes an increase in maximum top of the plate height for a single-family dwelling from 20 feet to 22 feet to accommodate flexibility in design for new single-family dwellings and additions to existing single-family dwellings. The measurement would continue to be taken from natural grade before grading, cut or fill activity or from finished grade after grading, cut or fill activity, whichever is lower. Allowing a 22-foot top of the plate height will enable applicants to accommodate the height of raised foundation for additions to houses that are built on raised foundation, and for construction of new homes on raised foundation. Additionally, a 22 feet top of the plate height will facilitate better design for second story additions that are built on raised foundation with an eight foot interior ceiling height. Many homes within the City are built on raised foundation, and an increase in top of the plate height will facilitate better design by enabling additions to be built on the existing raised foundation, matching the mass, bulk and design of the

existing dwelling. This update will not impact mass and bulk of new homes, as the maximum top of the roof height for a single-family dwelling is limited to 30 feet as measured from adjacent grade.

Existing Standard		Proposed Standard	
To top plate	20 feet	To top plate	20 22 feet

b) The proposed ZTA expands the applicability of upper-story setbacks and building plane modulations to all new single-family dwellings and all upper story additions. This update will ensure that all new homes and upper-story additions incorporate modulations in order to avoid “boxy” architecture.

Existing Standard		Proposed Standard	
Upper-story Setbacks; Building Plane Modulation		Upper-story Setbacks; Building Plane Modulation	
Required when project is subject to Neighborhood Compatibility Review.		Required when project is subject to Neighborhood Compatibility Review for all new dwellings and second story additions.	

c) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard		Proposed Standard	
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)		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)	

d) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard		Proposed Standard	
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) .		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) .	

<p>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.</p> <p>8. 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.</p>	<p>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.</p> <p>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.</p>
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e) Table 10-1-603(A) specifies that fences and walls along the street facing side yard shall be limited to 4 feet in height if solid. Footnote #9 for Table 10-1-603(A) contradicts the development standard in the Table by requiring a 50% open design for fences and walls located in the street facing side yard. Staff is recommending an update to footnote #9 to maintain consistency with the development standard for fences and walls located in the street facing side yard.

Existing Standard	Proposed Standard
<p>9. In the front 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.</p>	<p>98. 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.</p>

3. Section 10-1-603 (B): Conformance to Approved Plans required

a) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard	Proposed Standard
<p>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. 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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>

4. Section 10-1-603 (C): Height

a) For single-family dwellings with flat roof, Table 10-1-603(A) specifies that maximum permitted height to top of flat roof, parapet, and architectural features is 23 feet. However, maximum allowed top of the flat roof height is specified as 21 feet in Section 10-1-603(C)(3). Staff is recommending amending Section 10-1-603(C)(3) to reflect accurate maximum allowed top of the flat roof height i.e., 23 feet, consistent with information provided in Table 10-1-603(A).

Existing Standard	Proposed Standard
3. Parapets 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 21 feet above grade, or 11 feet above grade when on an accessory structure.	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 21 23 feet above grade, or 11 feet above grade when on an accessory structure.

b) The proposed ZTA restricts the maximum allowed top of the roof height for front porches at 12 feet in order to ensure that front porches are subordinate in height to the overall house, creating a sense of transition between the front yard and the interior of the home, and reducing the overall mass and bulk of the house.

Existing Standard	Proposed Standard
Not addressed. Currently, front porches located outside the front yard setback can be as high as the main dwelling, i.e., 30 feet.	6. Top of the roof height of front porches shall be limited to 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.

c) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard	Proposed Standard
6. 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	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

<p>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.</p>	<p>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.</p>
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5. Section 10-1-603 (D): Floor Area Ratio

a) The existing code exempts the following structures from FAR: stables, corrals, tack rooms, garages - based on its location, and front porches if it meets certain criteria. The proposed update includes an FAR exemption for detached accessory structures when unenclosed on all four sides, attached patio cover and overhangs not supported by posts, trellises with uniform openings that are 50% open to sky, parking areas in basements that are already exempt from FAR per Section 0-1-603 D.4., and up to two non-habitable accessory structures (such as a shed) under 120 square feet. Additionally, language is added to provide direction regarding implementation of the FAR exemption in the case of multiple garages. This update will codify staff's current interpretation of the FAR exemption as it has been applied to some structures, including trellises with 50% uniform openings, detached patio covers unenclosed on all four sides, understory of balconies and overhangs that are not supported by posts, and non-habitable accessory structures under 120 square feet in area.

Existing Standard	Proposed Standard
<p>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 dwelling units, enclosed patios, even when open on one or more sides, and sheds; except (1) 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 feet if either attached or detached in the rear half of the lot; and 600 feet if access to the garage is taken from the alley; (2) front covered porches with up to 250 square feet if open on two sides and located on the ground floor, and (3) stables, corrals, and tack rooms attached thereto are not included.</p>	<p>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</p>

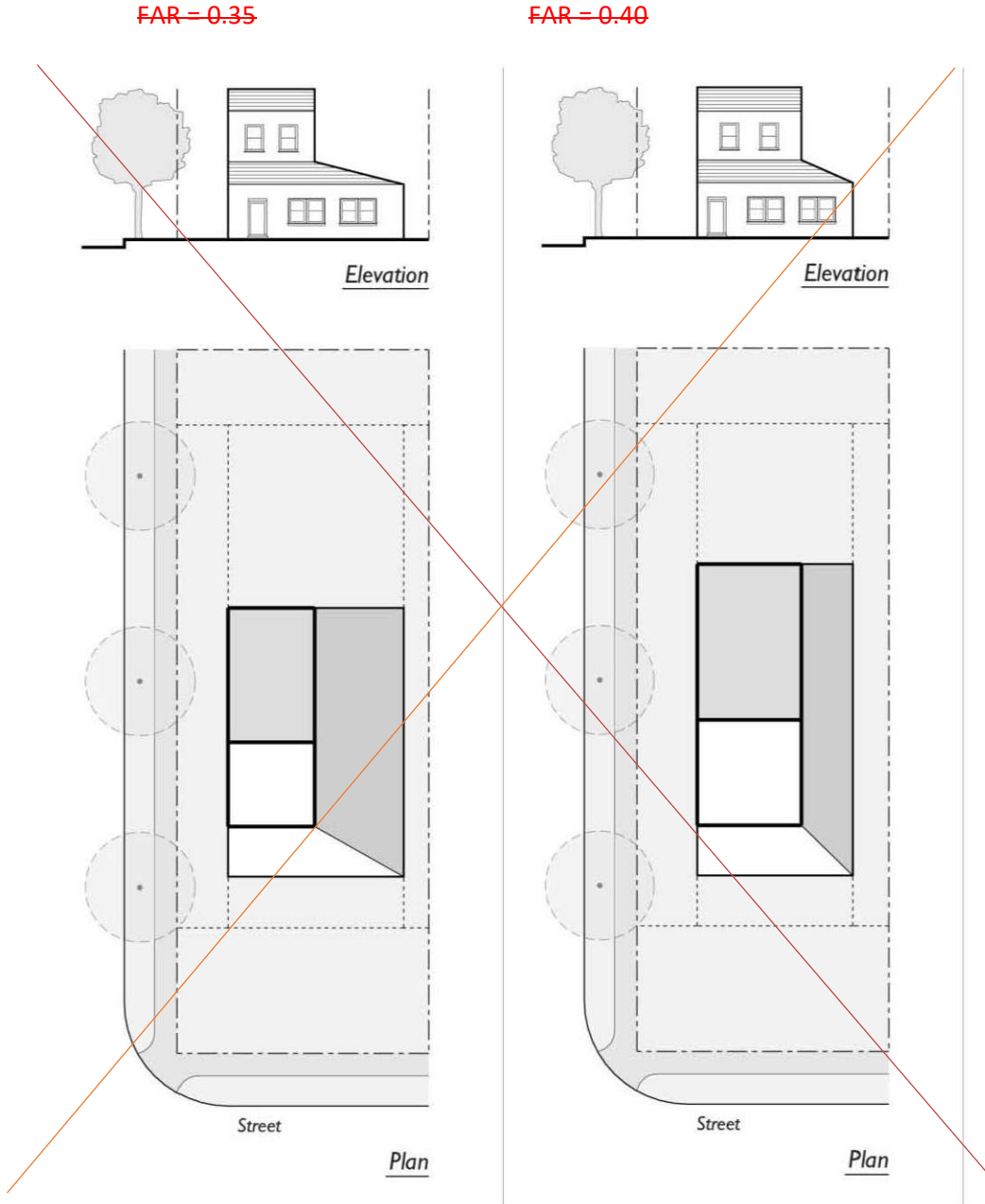
	<p>square feet if open on two sides and located on the ground floor, and (3)(c) stables, corrals, and tack rooms attached thereto; (d) detached accessory structures open on all sides; (e) attached covered patios, understory of balconies and overhangs that are not supported by posts; (f) parking area 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.</p>
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b) The ZTA proposes inclusion of attic spaces with a floor surface that have a ceiling height of five feet or greater within FAR calculation. Currently, attic spaces that have a structural floor and exceed four feet in height are included within FAR calculation. This update removes the requirement for structural floor, as it is difficult to determine if an attic space includes structural floor during planning review, and such a determination requires feedback from the Building and Safety Division. Furthermore, the existing code allows attic spaces with surface floor (that is not structural) and a height exceeding 4 feet, to be exempt from FAR calculation. The proposed update will count all attic spaces with surface floor (irrespective of the floor being structural) that exceeds 5 feet within the FAR calculation.

Existing Standard	Proposed Standard
6. Floor area within attics that have a structural floor and a ceiling height greater than four feet counts toward the Floor Area Ratio.	6. Portion of f 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.

c) Currently, SFSDP discretionary review process is triggered for new homes that exceed 300 square feet in size and 0.35 in FAR. In other words, currently the code allows by right approval of single-family dwellings under 0.35 FAR and 3000 square feet, if the dwelling complies with code. Diagram 10-1-603(D) shows the difference in size between a single-family dwelling with 0.35 FAR and one with 0.40 FAR, when built on similar sized lot. Staff is proposing removal of the diagram to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

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



6. Section 10-1-603(D)(11): Floor Area Ratio Exception

a) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard	Proposed Standard
<p>iii. The additional floor area is only intended to increase the habitability or function of the structure.</p> <p>The Planning Board hearing shall be noticed in accordance with the requirements of the Single Family Development Permit, and the decision may be appealed to Council.</p>	<p>iii. The additional floor area is only intended to increase the habitability or function of the structure.</p> <p>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.</p>

7. Section 10-1-603(E)(2): Upper story setbacks

a) Reference to SFSDP process is being removed from Section 10-1-603(E)(1)(e) to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard	Proposed Standard
<p>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.</p> <p>Findings for Exceptions. A setback exception shall only be approved when the Community Development Director or his/her designee makes the Findings below:</p> <ol style="list-style-type: none"> 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. 	<p>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.</p> <p>Findings for Exceptions. A setback exception shall only be approved when the Community Development Director or his/her designee makes the Findings below:</p> <ol style="list-style-type: none"> 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

	<p>the design guidelines for single-family homes; and</p> <p>3. No other design exceptions are requested.</p>
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b) Section 10-1-603(E)(2) provides details regarding side modulation standards for upper-story additions. Existing code specifies three standards for upper-story side modulations that are applicable along interior side elevations of a single-family dwelling. However, Section 10-1-603(E)(2) provides inconsistent information specifying that there are four standards. The proposed update is intended to correct the typo and reflect accurate information within Section 10-1-603(E)(2).

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

8. Section 10-1-603(F): Lot Coverage:

a) Amendments are proposed to the section detailing standards on lot coverage. Currently, the code exempts one small, non-habitable accessory structure under 120 square foot from lot coverage. Staff is recommending exemption of up to two small, non-habitable accessory structures under 120 square foot from lot coverage, consistent with the FAR section (Section 10-1-603(D)).

Existing Standard	Proposed Standard
5. One small, non-habitable accessory structure under 120 square feet. Structures above quantity of one are to be included in lot coverage;	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;

9. Table 10-1-603 (G):

a) The proposed ZTA includes revision to Table 10-1-603(G), detailing standards for maximum encroachments by different structures to include language limiting the maximum top of the roof height for front porches to 12 feet, consistent with the changes proposed to Section 10-1-603(C).

Existing Standard	Proposed Standard
Porches including their eaves	Porches including their eaves
4 feet in the front yard for porches with a 5-foot minimum clear horizontal dimension. The	4 feet in the front yard for front porches with a 5-foot minimum clear horizontal dimension. The

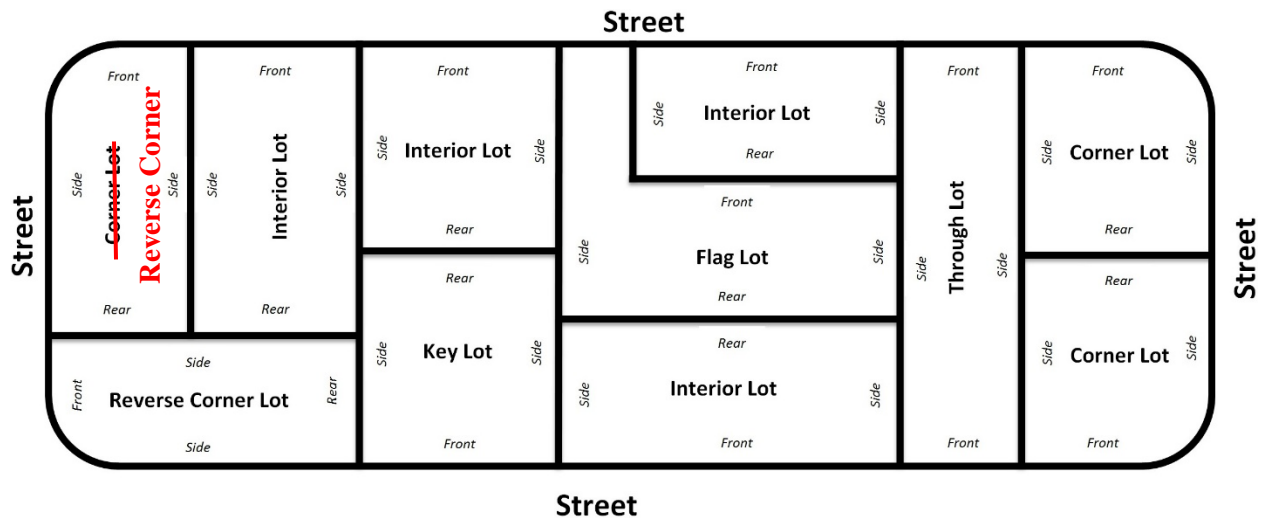
maximum height to the top of ceiling in the porch structure shall be no more than 12 feet.	maximum height to the top of ceiling roof in ceiling roof in for the front porch structure shall be no more than 12 feet.
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b) "Porte-cochère" is misspelled within the code. Updates are proposed to incorporate correct spelling of porte-cochere within the code.

Existing Standard	Proposed Standard
Portes-cochere 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).	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)).

10. Diagram 10-1-603(G)(3): Lots

a) The proposed ZTA includes revision to diagram 10-1-603(G)(3) illustrating different types of lots based on their orientation to correct an error. A *reverse corner lot* is defined as "a corner lot, the rear lot line of which abuts upon the side lot line of another lot", and the diagram incorrectly labels a *reverse corner lot* as a *corner lot*. Changes proposed to the diagram is indicated in red in the figure below.



11. Section 10-1-603(G)(5): Additional Requirements. The following requirements apply to all front yards and street-facing side yards:

a) Staff is recommending updates to the development standard for maximum width of driveways within front yard setback area when a garage is located to the rear of the main dwelling. Currently, the maximum width of driveways within front yard setback area is limited to 12 feet for properties where the garage is located to the rear of the main dwelling. With this update staff is recommending a 20 feet limit for driveway width within front yard setback area, provided the percentage of hardscaping in the front yard setback area does not exceed 45%. This update is being proposed to accommodate off-street parking within driveways, resulting from increase in construction of new ADUs and conversion of garages to ADUs. This requirement applies only to garages that are located to the rear of main dwelling. In the case of front-facing garages that are attached to the front façade of a main dwelling, driveways can be as wide as the width of the garage door. This update does not alter the primary use of a driveway, that is to provide shortest and most direct route to a garage or other required parking area.

Existing Standard	Proposed Standard
<p>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 12 feet when the garage is located to the rear of the main dwelling structure. 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.</p>	<p>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 12 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.</p>

b) The ZTA proposes an amendment to include the requirement to provide a landscape buffer between the driveway and pedestrian pathway to eliminate a continuous hardscaped surface within front setback area. Additionally, language has been included to differentiate driveway from pedestrian pathway by incorporating different surface material, making it easy to identify the width of a driveway. Furthermore, with this update, the final design of a driveway and hardscaping in the front yard setback area will be subject to approval by Community Development Director or his/her designee.

Existing Standard	Proposed Standard
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<p>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.</p>	<p>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.</p>
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12. Section 10-1-603(H) (1): Fences, Walls, Hedges and other Yard Features

a) The ZTA proposes updates to fences, walls, and hedges section for non-hillside lots, by incorporating language that specifies a reference grade for measurement of height for fences, walls, and hedges. The existing code states that height of walls, fences, or hedges are measured from lowest abutting ground surface of the property upon which it is located. The existing code does not clarify if the height should be measured from natural grade before grading, cut, or fill activity or finished grade after grading, cut, or fill activity. The proposed update will require height of wall/fence or hedge to be measured either from natural grade before grading, cut, or fill activity or finished grade after grading, cut, or fill activity, whichever is lower. The intent of the update is to prevent situations where fences or walls exceed the maximum allowed height limit by being built on artificially raised grade. The proposed ZTA also includes language to allow two gates along a wall/fence located within front yard setback, to accommodate pedestrian access, and access for vehicles if applicable. Currently, code allows only one gate in the front yard setback area. The standard pertaining to maximum height of a fence constructed on top of a retaining wall that is currently contained within “Retaining Walls” section (10-1-603(H) (3)) has been moved to the “Fences, Walls, Hedges and other Yard Features” section (10-1-603(H) (1)). Other changes include addition of standard regulating maximum width of pilasters within a fence in the front yard setback to 18 inches, and exclusion of pilasters from the 50% open design calculation requirement. Currently, the code does not provide standards for pilasters.

Existing Standard	Proposed Standard
<p>a. Fences, walls, and hedges shall not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire,</p>	<p>a. Fences, walls, and hedges shall not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire,</p>

<p>barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.</p> <p>b. New chain link fences are prohibited in front yards and street facing side yards after February 23, 2017.</p> <p>c. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).</p> <p>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.</p> <p>e. Only one wall is allowed in the front yard setback, including the front edge of the property.</p> <p>f. The height of a fence, wall, or hedge is measured from the lowest abutting ground surface of the property upon which the fence, wall, or hedge is located.</p> <p>g. 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.</p> <p>h. 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.</p> <p>i. The only decorative element allowed on top of fences, walls, and hedges in front and street</p>	<p>barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.</p> <p>b. New chain link fences are prohibited in front yards and street facing side yards after February 23, 2017.</p> <p>c. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).</p> <p>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).</p> <p>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.</p> <p>f. Fence in the front yard setback 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.</p> <p>fg. 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.</p> <p>gh. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair step-design,</p>
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<p>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.</p> <p>j. All fences, walls, and hedges must comply with the corner cutoff provisions of Section 10-1-1303.</p> <p>k. Gates are subject to the same requirements as fences and walls.</p> <p>l. 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.</p> <p>m. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section 10-1-19202.</p> <p>n. 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.</p>	<p>but each stair-step section, as measured from the horizontal midpoint, shall not exceed the maximum height.</p> <p>†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.</p> <p>‡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.</p> <p>‡k. All fences, walls, and hedges must comply with the corner cutoff provisions of Section 10-1-1303.</p> <p>‡l. Gates are subject to the same requirements as fences and walls.</p> <p>‡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.</p> <p>‡n. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section 10-1-19202.</p>
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	<p>A-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.</p>
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13. Section 10-1-603(H) (3): Retaining Walls

a) The ZTA proposes updates to allow up to two retaining walls within the front setback area for non-hillside lots. Currently, the code allows only one retaining wall within the front setback area. This update will provide flexibility to accommodate unique slope conditions for non-hillside lots by allowing an additional retaining wall. Allowing an additional retaining wall is not anticipated to lead to proliferation of retaining walls within front yard setback of non-hillside lots because of limitations on height of retaining walls located within 15 feet of sidewalk and the separation requirement between two retaining walls.

Additionally, language has been incorporated to specify a reference grade for measuring height of retaining walls located outside of the 15 feet setback as measured from the sidewalk/public right-of-way. Currently, the code does not provide details regarding reference grade for measurement of height of retaining walls located outside the 15 feet setback area, as measured from the sidewalk/public right-of-way. Retaining walls are measured the same way as regular walls. i.e., from the finished grade of the property. With this update, height of the exposed portion of retaining wall will be measured from finished grade after grading/cut/fill activity. This update facilitates consistency in measuring retaining wall height irrespective of the amount of grading. Existing regulation requiring retaining walls within 15 feet of a sidewalk to be measured from the sidewalk elevation will be maintained. Staff is proposing additional language that clarifies that in absence of sidewalks, the height of retaining walls along front or street facing side yard shall be measured from the elevation of public right-of-way. This requirement is proposed to discourage tall retaining walls that are visible from public right-of-way, in absence of a sidewalk.

In addition to above changes, the ZTA proposes to remove development standards pertaining to maximum cumulative height requirement for retaining walls, because currently the code does not provide any details/methods for measuring cumulative height. Due to lack of a methodology and clarity regarding definition of cumulative height for retaining walls, there has been a lack of consistency in application of the cumulative

height development standard. Removing cumulative height standard will address the existing ambiguity withing the code section.

Additionally, current code prohibits construction of walls on top of retaining walls within front yard setbacks. The proposed update adds language within the current code to prohibit construction of walls on top of retaining walls within street facing side yard setbacks as well. This requirement has been included to prevent construction of fortress like walls along street facing side yards. Other proposed updates include permitting replacement of damaged legal non-conforming retaining walls to previous height and location if a City official determines it to be unsafe. This update has been included to provide flexibility to rebuild legal retaining walls to previous permitted height.

Existing Standard	Proposed Standard
<p>a. Retaining walls located within front yard 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.</p> <p>b. Other retaining walls shall not exceed four (4) feet in height, and the cumulative height of all retaining walls on a lot (existing, new, replacement or any combination) shall not exceed eight (8) feet.</p> <p>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.</p> <p>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.</p> <p>e. Additional walls must be setback a distance equivalent to twice the height of the retaining wall below as measured from the face of the retaining wall below.</p> <p>f. Nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

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.

~~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.**

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.**

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.

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

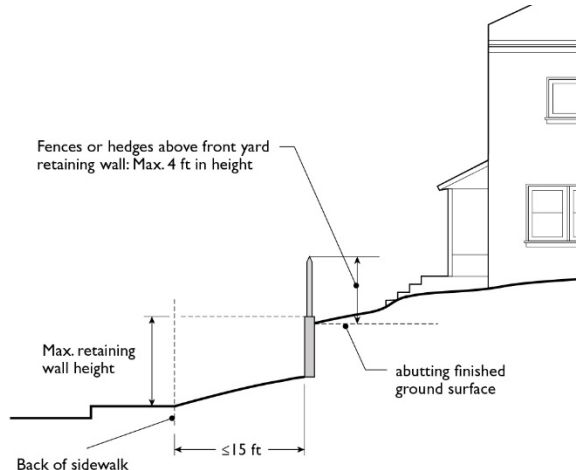
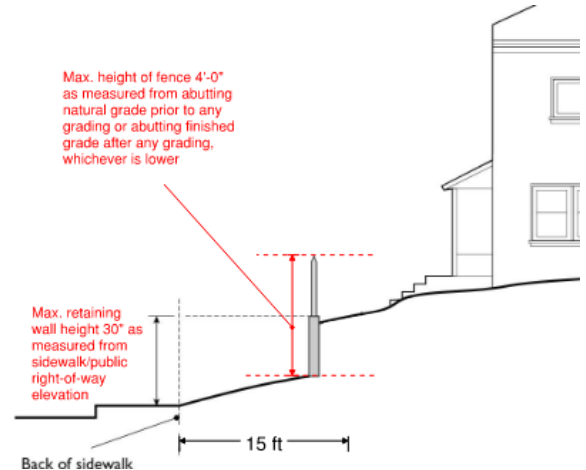


DIAGRAM 10-1-603(H)(3)(D): RETAINING WALL HEIGHT WITHIN FRONT YARD



b) Updates have been proposed to the “Exceptions” sub-section contained within Section 10-1-603(H) of BMC. Currently, code does not allow exceptions to development standards pertaining to retaining walls for lots that are not located within the hillside area. This update would allow exceptions to maximum height and separation requirement for retaining walls located outside the front setback area will be permitted with an approval of Minor/Major Fence Exception Permit, to provide flexibility for lots that may have unique slope conditions. Additionally, language prohibiting exceptions from height and

separation requirement for retaining walls located within the front yard setback has been included. Furthermore, language detailing specifics regarding Minor/Major Fence Exception Permit has been replaced by the code section pertaining to regulations on Minor/Major Fence Exception Permit to present the information concisely.

Existing Standard	Proposed Standard
<p>4. Exceptions. Exceptions from the requirements of this Subsection (H) (including the applicable requirements of Section 10-1-1303 referenced herein) may be granted through approval of a fence exception permit as follows.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>d. No exception shall be granted for the maximum height or cumulative height of a retaining wall.</p>	<p>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 <u>10-1-1303</u> 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.</p> <p>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 <u>10-1-19200</u>.</p> <p>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 <u>10-1-19201</u>.</p> <p>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 <u>10-1-606</u>.</p> <p>d. No exception shall be granted for the maximum height or cumulative height of a retaining wall.</p>

14. Section 10-1-603(l): Parking and Driveways

a) The ZTA proposes amends the code section that details situations wherein existing non-conforming off-street parking for a property is required to provide code-compliant

parking. One of the triggers for updating non-conforming off-street parking pertains to voluntary demolition of existing house to an extent more than 50% of its replacement cost. The ZTA proposes to update 'replacement cost' to 'whole house demolition' which is defined as demolition of more than 50% of exterior linear walls and openings of a main house. This update has been recommended because determination of replacement cost requires input from Building and Safety Division and often times it is challenging to verify the accuracy of the cost provided by an applicant. Calculation of percentage of demolition of exterior linear walls and openings of a main dwelling is straightforward and removes any ambiguity related to computation of replacement cost. The other updates to the code section pertains to editing existing text contained in the code section for clarity, to enable consistent application of the code section.

Existing Standard	Proposed Standard
<p>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:</p> <p>a. An addition to the existing dwelling structure results in a total gross floor area of more than 3,400 square feet.</p> <p>b. 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.</p> <p>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.</p> <p>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.</p>	<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

b) Updates are being proposed to remove redundant language within the code section on parking and driveways. This update does not amend existing standards on width of

driveways at curb cut, which is limited to 15 feet. Instead, this update is intended to bring clarity by providing information in a consistent way. This update is consistent with the information provided in Section 10-1-603(G)(5) and Diagram 10-1-603(I) of BMC.

Existing Standard	Proposed Standard
<p>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.</p>	<p>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.</p>

15. Section 10-1-603 (L): Trees

a) Reference to SFSDP process is being removed to ensure consistency with elimination of SFSDP discretionary review process proposed as a part of the ZTA.

Existing Standard	Proposed Standard
<p>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.]</p>	<p>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.]</p>

16. Section 10-1-603 (M): Design Standards

a) Staff is recommending inclusion of objective design standards for additions, remodels, and new construction of single-family dwellings. Currently, the code does not require additions, remodels, and construction of new single-family dwellings that are exempt from SFSDP discretionary approval to comply with design guidelines requirements, including upper-story modulations. Furthermore, elimination of SFSDP discretionary review process as proposed will result in absence of design related guidelines for all single-family residential projects, resulting in new dwellings with boxy architecture and additions/remodels that do not match the existing design and scale of a dwelling. Standards regulating front entrance orientation, upper story modulations, screening for privacy, and provision of windows along street facing facades for all new additions, remodels, and construction of single-family dwellings are being proposed to regulate the mass and bulk of all single-family residential development projects in lieu of SFSDP discretionary review process.

Existing Standard	Proposed Standard
Not addressed	<p>M. DESIGN STANDARDS</p> <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>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>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.</p> <p>4. Upper story square footage of a dwelling shall be limited to 85% of the first story gross square footage.</p> <p>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.</p> <p>6. Following materials are prohibited:</p> <ul style="list-style-type: none"> 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 <p>siding with a reflective surface that produces glare</p>
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17. Section 10-1-606(F): Fences, Walls, Hedges and Screening in the Hillside Area

a) Staff is recommending updates to remove redundant language from the existing development standards for fences, walls, hedges, and retaining walls in the hillside area. The proposed updates do not modify existing development standards pertaining to height and separation requirement for retaining walls, regular walls, fences, and hedges in the hillside area. Updates are proposed to this section to maintain consistency with the amendments proposed to Section 10-1-603(H)(3), including updates to maximum number of retaining walls within front yard setback area, maximum cumulative height requirement for retaining walls, and reference grade for measurement of height of retaining walls. Consistent with changes discussed under Section 10-1-603(H)(3), staff is recommending to allow two retaining walls by-right in the front yard setback area of hillside lots, and removal of development standard pertaining to maximum cumulative height for retaining walls. Additionally, changes have been proposed to specify reference

grade for measurement of height of retaining walls, consistent with the changes proposed under Section 10-1-603(H)(3).

Additionally, Staff is also recommending removal of a Minor or Major Fence Exception Permit for construction of regular block walls, fences, and hedges outside of the front setback area. This update is intended to remove requirement of discretionary permit for construction of code-compliant walls, fences, and hedges, located outside the front setback area. Other proposed updates include requirement of a Minor or Major Fence Exception permit to allow exceptions from the code-required development standards for walls, fences, and hedges pursuant to Article 19, Division 11 of BMC. Any exception from the development standard of retaining walls is subject to approval of a Hillside Development Permit.

Existing Standard	Proposed Standard
<p>1. Fences and walls in the 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.</p> <p>2. 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.</p> <p>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</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>3. Only two (2) retaining walls are allowed in the front yard setback area.</p> <p>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.</p> <p>3.— For all other fences, walls, and hedges regardless of their height, a Minor or Major Fence Exception Permit is required prior to</p>

<p>b. A Minor Fence Exception Permit is subject to the same public noticing requirement and findings as the Major Fence Exception Permit.</p> <p>c. The Fence Exception Permit may be issued as part of the Hillside Development Permit when such a permit is required.</p> <p>d. No exception shall be granted for maximum retaining wall height or cumulative height or for the required minimum separation for retaining walls.</p> <p>4. 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.</p> <p>5. 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.</p> <p>6. Fences and walls may be required to be shorter by conditions placed upon a Hillside Development Permit.</p> <p>7. 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.</p>	<p>construction. Fences, walls, and hedges must comply with Sections 10-1-19200 and 10-1-19201, except that</p> <p>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.</p> <p>b.—A Minor Fence Exception Permit is subject to the same public noticing requirement and findings as the Major Fence Exception Permit.</p> <p>c.—The Fence Exception Permit may be issued as part of the Hillside Development Permit when such a permit is required.</p> <p>d.—No exception shall be granted for maximum retaining wall height or cumulative height or for the required minimum separation for retaining walls.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p>
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	variation in texture, or similar methods approved by the Director or his/her designee and must be screened by vegetation.
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18. Section 10-1-606(H): Approval Process

a) The ZTA proposes updates to remove the 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. A flat ground surface is defined to have a slope of less than 5%. This update will allow over-the-counter approval for pools and spas located in flat portions of a hillside lot, for those that do not require grading beyond the grading work required for constructing a pool/spa. Applicants will be required to provide a topographic map indicating slope of the flat portion of a hillside lot to show compliance with the 5% slope requirement.

Existing Standard	Proposed Standard
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.	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.

19. Section 10-1-607(C): Single Family Development Permit

a) The ZTA proposes elimination of Single Family Development Permit (SFSDP). Staff is proposing removal of SFSDP discretionary approval, as recommended by the Planning Board. SFSDP discretionary approval, which contains design guidelines for neighborhood compatibility review, was put in place to control mass and bulk of new single-family homes and additions, and to ensure that any new addition/construction is compatible with scale and character of existing neighborhood. In the past two years (excluding the applications received after October 2021) Planning Division has received around 78 SFSDP applications. The high volume of SFSDP applications, coupled with the prolonged processing time, has resulted in lengthy planning review time for single-family projects creating uncertainty amongst the applicants and property owners. Elimination of SFSDP discretionary review will enable ministerial approval of all single-family residential

projects that are not located in the designated Hillside region of the City, resulting in shorter planning review time.

In lieu of SFSDP discretionary review process, staff is proposing extension of second story modulations, as well as other objective design standards (discussed under bullet point#16), for all single family residential projects including additions, remodels and new construction in order to ensure consistent application of design related guidelines regulating the mass and bulk of single-family dwellings.

Existing Standard	Proposed Standard
<p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>a. The house conforms to all of the required standards of this Article unless an exception has been approved; and</p> <p>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),</p>	<p>None</p>

<p>the house has been reviewed against the Neighborhood Compatibility and the house complies with the City's Single Family Design Guidelines.</p> <p>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.</p> <p>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).</p>	
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20. Section 10-1-607(D): Hillside Development Permit

a) The Hillside Development Permit section of the code is being updated to remove references to SFSDP and the associated neighborhood compatibility review/design guidelines, since the ZTA proposes elimination of SFSDP discretionary review process. Additionally, the "look back period" that was put in place to prevent an applicant from dividing the scope of work into two parts through two different building permits, in lieu of going through a SFSDP discretionary approval, is being removed.

Existing Standard	Proposed Standard
<p>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.</p>	<p>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</p>

<p>2. Applicability. Hillside Development Permit is required in accordance with Section 10-1-606(G).</p> <p>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:</p> <p>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.</p> <p>b. The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.</p> <p>c. The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.</p> <p>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.</p> <p>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.</p> <p>f. 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</p>	<p>of Burbank and surrounding communities from hillside properties.</p> <p>2. Applicability. Hillside Development Permit is required in accordance with Section 10-1-606(GH).</p> <p>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:</p> <p>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.</p> <p>b. The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.</p> <p>c. The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.</p> <p>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.</p> <p>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.</p> <p>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</p>
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<p>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).</p> <p>g. 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 finding:</p> <p>4. Conditions may be 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. Such conditions may be imposed.</p> <p>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.]</p>	<p>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).</p> <p>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:</p> <p>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.</p>
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21. Section 10-1-609: Neighborhood Compatibility Review

a) The ZTA proposes elimination of the SFSDP discretionary review process and the associated design guidelines/neighborhood compatibility review. Accordingly, staff is recommending removal of Section 10-1-609, that elaborates the purpose of neighborhood compatibility review.

Existing Standard	Proposed Standard
<p>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.]</p>	<p>None</p>

22. Section 10-1-1810: Continuation of Structure

a) Staff is recommending updates to allow creation of openings (doors and windows) along legal non-conforming portions of a residential structure, if the openings are limited to 50% of the linear length of the non-conforming wall. Please note that installation of openings along legal non-conforming walls of residential structures will be subject to approval from Building Official. Currently, a Minor Setback Exception Permit is required to create openings along non-conforming walls of residential structures. This update has been proposed to provide flexibility to property owners to remodel their homes, by creating new openings on existing walls, without undergoing any planning entitlement permit.

Additionally, updates have been proposed to allow damages to residential structures, from termites or dry rot, that are limited to 50 percent or less of its replacement cost, to be rebuilt to its previous form. Currently, restoration and reconstruction of portions of residential structure that have been destroyed due to termites and dry rot, are required to comply with existing development standards, including setbacks and height standards. The proposed update has been included because often property owners are unaware of damages caused due to termites and dry rot, and such damages are frequently encountered during construction work after issuance of building permit. Allowing portions of the structures that have been damaged due to termites and dry rot to get

rebuilt to its previous form will enable property owners to obtain planning approval in a timely manner and limit costs.

Existing Standard	Proposed Standard
<p>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.</p> <p>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:</p> <p>a. The damaged structure may be repaired or rebuilt to the area, footprint and height of the previously existing structure.</p> <p>b. Such repairs must be commenced within one (1) year of the event causing the damage, and must be diligently pursued until completed.</p> <p>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.</p> <p>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.</p>	<p>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 Building Official.</p> <p>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:</p> <p>a. The damaged structure may be repaired or rebuilt to the area, footprint and height of the previously existing structure.</p> <p>b. Such repairs must be commenced within one (1) year of the event causing the damage, and must be diligently pursued until completed.</p> <p>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.</p> <p>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.</p>

	<p>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.</p>
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