

Eff.:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) TO UPDATE REGULATIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTERS CONSISTENT WITH APPLICABLE STATE LAWS.

(Project No. 21-0000043)

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, by updating definitions for supportive housing, transitional housing and target population, and incorporates supportive housing and transitional housing as permitted land uses within the single family and multifamily zones as well as permitted and conditionally permitted land uses in the commercial and mixed use zones subject to those restrictions that apply to other residential dwellings of the same type in the same zone, pursuant to State law. This ordinance also modifies the development standards for emergency shelters.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

- A. The City of Burbank ("City") is updating regulations pertaining to Emergency Shelters, Transitional Housing, and Supportive Housing to remove governmental constraints on housing opportunities for special needs households, as required by State law.
- B. California Government Code Section 65583 provides, in part "Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650)."
- C. The housing constraints analysis in the *Burbank2035* General Plan Housing Element established a housing program that provided for the City to amend its zoning regulations so that transitional housing and supportive housing are considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.
- D. The City acknowledges the urgent need to expand housing opportunities for all economic segments of the community, especially special needs groups, as well as addressing the need to house the chronically homeless.
- E. The proposed Ordinance and resulting zone text amendment will benefit communities by reducing homelessness locally, addressing blight, and increasing property values.
- F. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to Section 15061 (b) (3) of the CEQA Guidelines in which the project

in question has no potential for causing a significant effect on the environment as the proposed uses are no more intense than the buildout scenario analyzed in the Burbank General Plan.

- G. On April 12, 2021, the Planning Board of the City of Burbank held a properly noticed public hearing on the proposed Zone Text Amendment Project No. 21-0000043.
- H. The Planning Board considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt an Ordinance amending development standards for emergency shelters.
- I. On June 8, the Council at its regular meeting, held a public hearing on the proposed Zone Text Amendment Project No. 21-0000043.
- J. Said hearing was properly noticed in accordance with the provisions of Section 10-1-1994 of the Burbank Municipal Code.
- K. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, and the evidence presented at such hearing.
- L. The City Council finds that the proposed ordinance is required to promote development of affordable housing, and the ordinance is consistent with City's Affordable Housing Strategy and housing production goals established by the City Council in 2019.
- M. The City Council has determined that the proposed ordinance is required to ensure consistency with the State law and to maintain a State-certified Housing Element. The intent of the State Law is to encourage development of affordable housing with intensive services that promote housing stability to address chronic homelessness in the State. The proposed ordinance will streamline the process of approving supportive housing applications and will provide affordable housing opportunities to low income households.

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

1. Chapter 1 of Title 10 of the Burbank Municipal Code is amended as follows:
 1. Article 2 Section 10-1-203 Definitions of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to replace the definitions for “Transitional Housing”, “Supportive Housing” and add definition for “Target Population”:

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (*Health and Safety Code Section 50675.2(h)*).

"Supportive housing" means permanent affordable housing with no limit on length of stay that is occupied by the target population as defined in the Health & Safety Code Section 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (*Health and Safety Code Section 50675.14(b)*)

"Target population" means adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code, commencing with Section 4500) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. (*Health and Safety Code Section 53260(d)*)

2. Table 10-1-602 Permitted Uses in the R-1 and R-1-H Zones contained within Article 6 Division 1 Single Family Residential Zones of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to read as follows:

Table 10-1-602

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

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

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Residential and Accessory Uses			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP ⁽¹⁾	CUP ⁽¹⁾	
Garages, private	P ⁽²⁾	P ⁽²⁾	
Accessory structures, including minor structures for which no building permit is required ⁽³⁾	P ⁽⁴⁾	P ⁽⁴⁾	10-1-604
Accessory uses typical for a single family home including tennis courts and swimming pools	P	P	
Accessory dwelling unit and Junior accessory dwelling unit	P	P	Article 6, Division 3
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility (licensed, six or fewer occupants)	P	P	
Community care facility (unlicensed, six or fewer occupants)	P	P	
Supportive Housing	P ⁽⁸⁾	P ⁽⁸⁾	
Transitional Housing	P ⁽⁸⁾	P ⁽⁸⁾	
Non-Residential Uses			
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	
Church or church school	CUP	CUP	
Educational institution, public or private	CUP ⁽⁵⁾	CUP ⁽⁵⁾	
Municipal fire station	CUP	CUP	
Municipal library	CUP	CUP	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	
Parking lot, off-street	CUP	CUP	Article 14, Division 4
Public utility facility	CUP	CUP	
Wireless Telecommunications Facility	(6)	(6)	10-1-1118
Equestrian and Special Uses			
Animal hospital; no boarding	---	CUP ⁽⁷⁾	
Blacksmith; horse shoeing only	---	CUP ⁽⁷⁾	
Petting zoo	---	CUP ⁽⁷⁾	
Plant nursery	---	CUP ⁽⁷⁾	

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Stable, commercial; including housing facilities for caretaker on premises	---	CUP ⁽⁷⁾	Article 24, Division 9
Cannabis Uses			
Cannabis delivery	---	---	10-1-512
Commercial cannabis activities	---	---	10-1-512
Cultivation	---	---	10-1-512
Retailer	---	---	10-1-512

Notes/Additional Requirements:

- (1) Additional single family dwellings legally constructed prior to June 4, 1963 are permitted uses that do not require a CUP.
- (2) Intentionally deleted.
- (3) Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings and pool houses. Accessory dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.
- (4) Intentionally deleted.
- (5) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.
- (6) Permitted in accordance with Section [10-1-1118](#).
- (7) Permitted only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land.
- (8) Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the R-1 and R-1-H residential zones, whereas transitional and supportive housing structured as multi-family is limited to the R-2, R-3, and R-4 residential zones.

3. Table 10-1-627 Permitted Uses in the Multiple Family Residential Zones contained within Article 6 Division 4 Multiple Family Residential Zones of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to read as follows:

Table 10-1-627					
Permitted Uses in the Multiple Family Residential Zones					
Symbol	Meaning				
P	Use is permitted				
AUP	Administrative use permit required (see Article 19, Division 4.1)				
CUP	Conditional use permit required (see Article 19, Division 4)				
--	Use is prohibited				
Land Use		R-2	R-3	R-4	Specific Use Standards
Residential and Accessory Uses					
Single family dwelling		P	P	P	
Multiple family dwelling		P	P	P	
Accessory dwelling unit, Junior accessory dwelling unit		P	P	P	Article 6, Division 3
Garages and carports, private		P	P	P	
Accessory structures, including minor structures for which no building permit is required		P	P	P	
Accessory uses typical for a residential project including tennis courts and swimming pools		P	P	P	
Driveway in buffer area		CUP	CUP	CUP	10-1-628(F)
Home occupation		P	P	P	Article 6, Division 11
Home occupation, music lessons		AUP	AUP	AUP	10-1-672
Planned residential development		CUP	CUP	CUP	Article 6, Division 8
Small family day care home		P	P	P	

Land Use	R-2	R-3	R-4	Specific Use Standards
Large family day care home	AUP	AUP	AUP	Article 6, Division 13
Community care facility (licensed, six or fewer occupants)	P	P	P	
Community care facility (unlicensed, six or fewer occupants)	P	P	P	
Community care facility (licensed, seven or more occupants)			CUP	
Community care facility (unlicensed, seven or more occupants)			CUP	
Supportive Housing	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	
Transitional Housing	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	
Single Room Occupancy Hotel (SRO)		CUP	CUP	
Residential care home-retirement home	---	---	CUP	
Non-Residential Uses				
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	CUP	
Church or church school	CUP	CUP	CUP	
Convenience grocery store	CUP ⁽¹⁾	CUP ⁽¹⁾	CUP ⁽¹⁾	
Educational institution, public or private	CUP ⁽²⁾	CUP ⁽²⁾	CUP ⁽²⁾	
Municipal fire station	CUP	CUP	CUP	
Municipal library	CUP	CUP	CUP	
Office, business or professional	---	CUP ⁽³⁾	---	
Office, medical	---	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	CUP	
Parking lot, off-street	CUP	CUP	CUP	Article 14, Division 4
Wireless Telecommunications Facility	(5)	(5)	(5)	10-1-1118
Public utility facility	CUP	CUP	CUP	

Land Use	R-2	R-3	R-4	Specific Use Standards
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	CUP ⁽⁵⁾	CUP ⁽⁵⁾	
Cannabis Uses				
Cannabis delivery	---	---	---	10-1-512
Commercial cannabis activities	---	---	---	10-1-512
Cultivation	---	---	---	10-1-512
Retailer	---	---	---	10-1-512

Notes/Additional Requirements:

- (1) Permitted only on properties with a land area of 8,000 square feet or less.
- (2) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.
- (3) Prohibited in R-2, R-3, R-4, and MDR-4 zones; CUP in MDR-3 zone when the parcel is adjacent to a Major or Secondary Arterial street, and the office use is conducted in an existing residential structure.
- (4) Permitted only in conjunction with one or more residential units on the same lot where the medical practitioner resides on the premises.
- (5) Permitted in accordance with Section [10-1-1118](#).
- (6) Stables and corrals are permitted only in the Rancho Area as defined in Section [10-1-630](#)(A).
- (7) Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the R-1 and R-1-H residential zones, whereas transitional and supportive housing structured as multi-family is limited to the R-2, R-3, and R-4 residential zones.

3. Table 10-1-502 Uses In All Zones (Except Residential Zones) contained within Article 5 of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to read as follows:

City of Burbank Zoning Use List | Burbank Municipal Code Section [10-1-502](#)

P = permitted

CUP = Conditional Use Permit required

AUP = Administrative Use Permit required

(blank) = prohibited

[CUP] = CUP required if residentially adjacent as defined in [10-1-203](#)

[AUP] = AUP required if residentially adjacent as defined in [10-1-203](#)

[PRH] = prohibited if residentially adjacent as defined in [10-1-203](#)

LAND USE	C-2	C-3	C-4	M-1	M-2	MDM-1	MDC-2	MDC-3	MDC-4	NB	GO	RC	C-R	RBP	BCC-1	BCC-2	BCC-3	BCCM	MPC-1	MPC-2	MPC-3	OS	AP	RR	AD
RESIDENTIAL AND LODGING																									
Convalescent home	CUP	CUP	CUP	CUP			CUP	CUP	CUP		CUP					CUP	CUP	CUP		CUP	CUP		CUP	CUP	
Emergency Shelter				CUP	P													CUP							
Hotel - including incidental commercial uses	P [CUP]	P [CUP]	P [CUP]	CUP	CUP	CUP	CUP	P [CUP]	P [CUP]						P [CUP]	P [CUP]	P [CUP]	P [CUP]	CUP	CUP	CUP		CUP	CUP	
Motel	P [CUP]	P [CUP]	P [CUP]	CUP	CUP	CUP	CUP	P [CUP]	P [CUP]						P [CUP]	P [CUP]	P [CUP]	P [CUP]		CUP	CUP		CUP	CUP	

City of Burbank Zoning Use List | Burbank Municipal Code Section [10-1-502](#)

P = permitted

(blank) = prohibited

[PRH] = prohibited if residentially adjacent as defined in [10-1-203](#)

CUP = Conditional Use Permit required

[CUP] = CUP required if residentially adjacent as defined in [10-1-203](#)

AUP = Administrative Use Permit required

[AUP] = AUP required if residentially adjacent as defined in [10-1-203](#)

LAND USE	C-2	C-3	C-4	M-1	M-2	MDM-1	MDC-2	MDC-3	MDC-4	NB	GO	RC	C-R	RBP	BCC-1	BCC-2	BCC-3	BCCM	MPC-1	MPC-2	MPC-3	OS	AP	RR	AD
Residential above commercial use	CUP	CUP	CUP				CUP	CUP	CUP						CUP	CUP	CUP		CUP	CUP	CUP				
Residential only (pursuant to the Burbank Center Plan)																	P								
Single Room Occupancy Hotel (SRO)	CUP	CUP	CUP																						
Sober Living Facility	P [CUP]	P [CUP]	P [CUP]	P [CUP]	P [CUP]										P [CUP]	P [CUP]	P [CUP]	P [CUP]							
Supportive Housing ^{13,14, 15}	P/ CUP	P/ CUP	P/ CUP				P/ CUP	P/ CUP	P/ CUP						P/ CUP	P/ CUP	P		P/ CUP	P/ CUP	P/ CUP				

City of Burbank Zoning Use List | Burbank Municipal Code Section [10-1-502](#)

P = permitted

CUP = Conditional Use Permit required

AUP = Administrative Use Permit required

(blank) = prohibited

[CUP] = CUP required if residentially adjacent as defined in [10-1-203](#)

[AUP] = AUP required if residentially adjacent as defined in [10-1-203](#)

[PRH] = prohibited if residentially adjacent as defined in [10-1-203](#)

LAND USE	C-2	C-3	C-4	M-1	M-2	MDM-1	MDC-2	MDC-3	MDC-4	NB	GO	RC	C-R	RBP	BCC-1	BCC-2	BCC-3	BCCM	MPC-1	MPC-2	MPC-3	OS	AP	RR	AD
Transitional Housing ^{14,15}	CUP	CUP	CUP				CUP	CUP	CUP						CUP	CUP	P		CUP	CUP	CUP				

¹³ Supportive Housing that meet specific criteria specified in Article 11 (commencing with Section 65650), within Chapter 3 of Division 1 of Title 7 of the Government Code are allowed by right. All other Supportive Housing not meeting the criteria specified in Government Code Article 11 Section 65650 are subject to a CUP.

¹⁴ Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as upper floor residential would require a CUP in the zones where residential use is permitted above commercial use with an approval of a CUP.

¹⁵ Supportive Housing and Transitional Housing will be subject to requirements outlined in Burbank Center Plan.

4. Section 10-1-1122 Emergency Shelter Development Standards contained within Article 11 of Chapter 1 of Title 10 of the Burbank Municipal Code is amended to read as follows:

A. APPLICABILITY.

The requirements of this section apply to all emergency shelters as defined in Section 10-1-203.

B. CAPACITY.

Emergency shelters may provide a maximum of 150 beds per establishment.

C. INTAKE/WAITING AREAS.

On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent properties. Queuing of clients shall not be permitted outside of approved waiting and intake areas.

D. LIGHTING.

Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood.

E. NOISE.

Emergency Shelters, as all other uses, are subject to the noise restrictions in Title 9 Chapter 2 of the Burbank Municipal Code.

F. ON-SITE MANAGEMENT.

Emergency shelter providers must submit a written management plan prior to beginning operation, including provisions for staff training, and counseling, treatment, and training programs for residents. The management plan shall be subject to approval by the Community Development Director.

H. SECURITY.

Emergency shelter providers must submit a written security plan prior to beginning operation that includes the hours of operation, lighting, intake/discharge hours. Security plan must include contact information for an onsite 24-hour manager.

I. SEPARATION FROM OTHER SHELTERS.

No emergency shelter shall be located within a radius of 300 feet from the nearest shelter, as measured from property line to property line. This requirement does not apply to Temporary Aid Centers.

5. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.
6. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation within fourteen (14) days of adoption, published and circulated in the City of Burbank, California.
7. The City Clerk shall insert the effective date of this Ordinance in the body of this Ordinance wherever noted.
8. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Bob Frutos, Mayor

Attest:

Approved as To Form
Office of the City Attorney

Zizette Mullins, MMC, City Clerk

Iain MacMillan
Assistant City Attorney

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California on the ____ day of _____, 2021.

Zizette Mullins, MMC, City Clerk