

## RESEARCH REPORT SUMMARY

To: HARRY ATIGHI

Date: February 23, 2026

Property/Project Address: 1304 N Griffith Park Dr, Burbank, CA 91506

### A. SCOPE OF WORK:

1. As per client requirements, the research focused on the following:
  - 1.1 Property Zoning
  - 1.2 How many buildings can be built on the property?
  - 1.3 General Property Info

### B. DISCLAIMER:

1. Information Source & Accuracy: The information contained herein was provided by staff from the City of Burbank Departments of Community Development (Planning and Building & Safety) and Public Works on February 20, 2026. CALIFORNIA DESIGNS does not assume liability for errors, omissions, or verbal misinterpretations provided by City staff.
2. Regulatory Evolution: The California Building Code (CBC) is updated on a triennial cycle. Furthermore, City of Burbank ordinances and zoning regulations undergo frequent updates and are subject to change without prior notice.
3. Limitation of Use: The information herein presented reflects the requirements applicable at the time of inquiry. Code requirements and density allowances for the project may change over time. Users of this report are advised to perform a final verification with the City of Burbank immediately prior to the submittal of any formal permit applications.

### C. SUMMARY:

1. Property Zoning: the property is located within the R-1 zone (Single Family Residential).
2. How many buildings can be built on the property?
  - 2.1 Option 1: The "Standard" Completion (Most Common).

This covers the basic rights available to almost every R-1 lot without a lot split. By State Law and City Municipal Code, the property is allowed to contain a maximum of three (3) units: one (1) primary single-family residence, one (1) Accessory Dwelling Unit (ADU), and one (1) Junior Accessory Dwelling Unit (JADU)."
  - 2.2 Option 2: The "Comprehensive" Version (Includes SB 9).

The property is permitted for up to four (4) units. Under ADU law and California Senate Bill 9 (SB 9), the property may be eligible for a Two-Unit development or a Residential Lot Split, potentially allowing for a total of four (4) units, subject to specific site eligibility and objective design standards: one (1) primary single-family residence, one (1) Second Dwelling Unit (SB9), and two (2) Accessory Dwelling Units (ADUs).
3. General Property Info: please see attached documents.

GEORGE AZ

President

CALIFORNIA DESIGNS

2462 | 16

SCALE 1" = 80'

1993

**D.I.F.:**

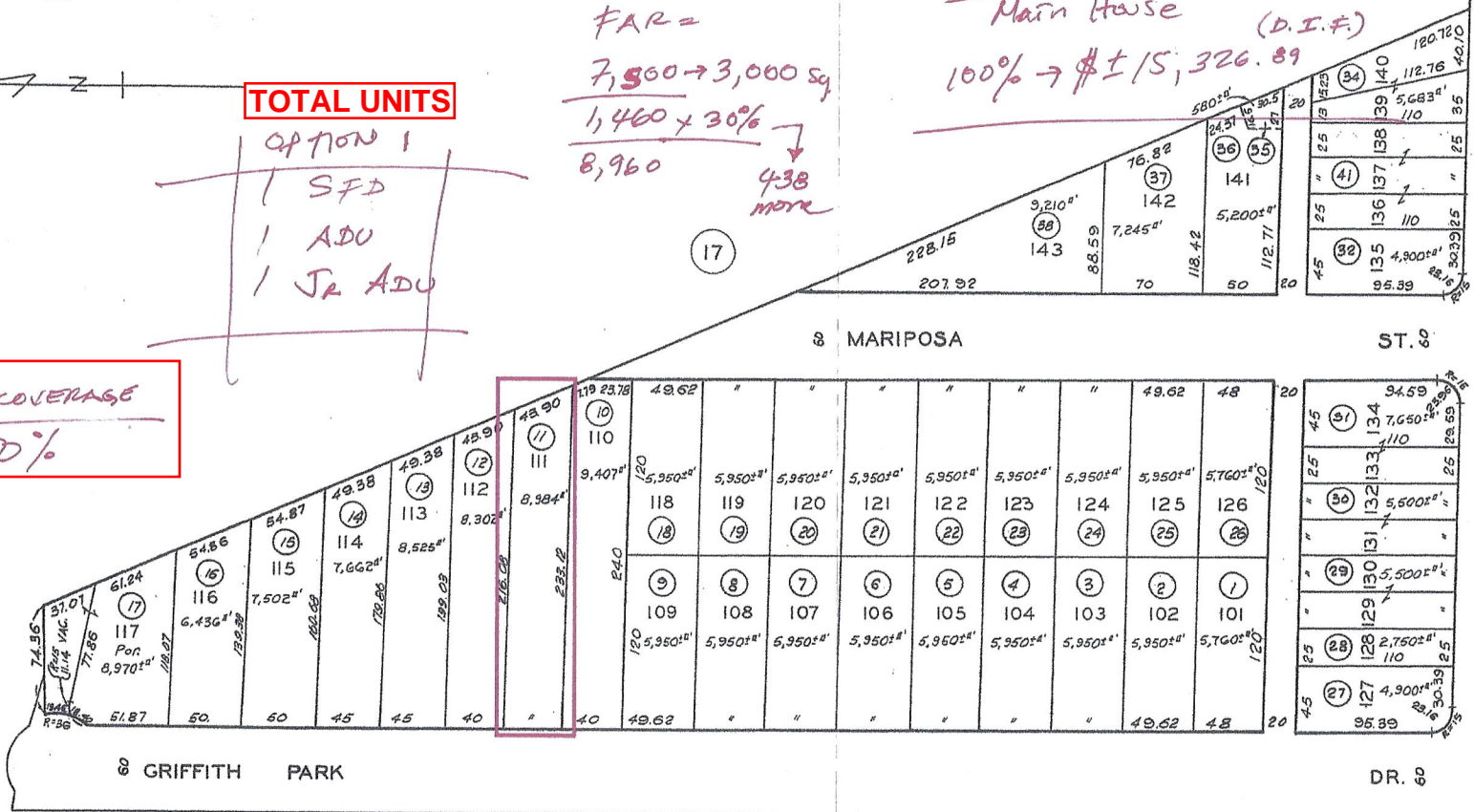
New Soft ADU ÷  
Main House (D.I.F.)  
100% → \$±15,326.89

FAR =  
7,560 → 3,000 sq  
1,460 × 30%  
8,960  
438 more

**TOTAL UNITS**

OPTION 1  
1 SFD  
1 ADU  
1 JA ADU

**LOT COVERAGE**  
50%



**TOTAL UNITS**

OPTION 2  
1 SFD  
1 SB9  
2 ADUs

**749 No dev. Fees**  
**IF NEW ADU IS LESS**  
**THAT 750 SQ. FT**

**D.I.F.:**

for all SB9 100% No matter what  
D.I.F. \$15,326.89

CODE  
2530

FOR PREV. ASSM'T SEE:  
2461-27

TRACT NO. 9458 M.B. 129-87-88

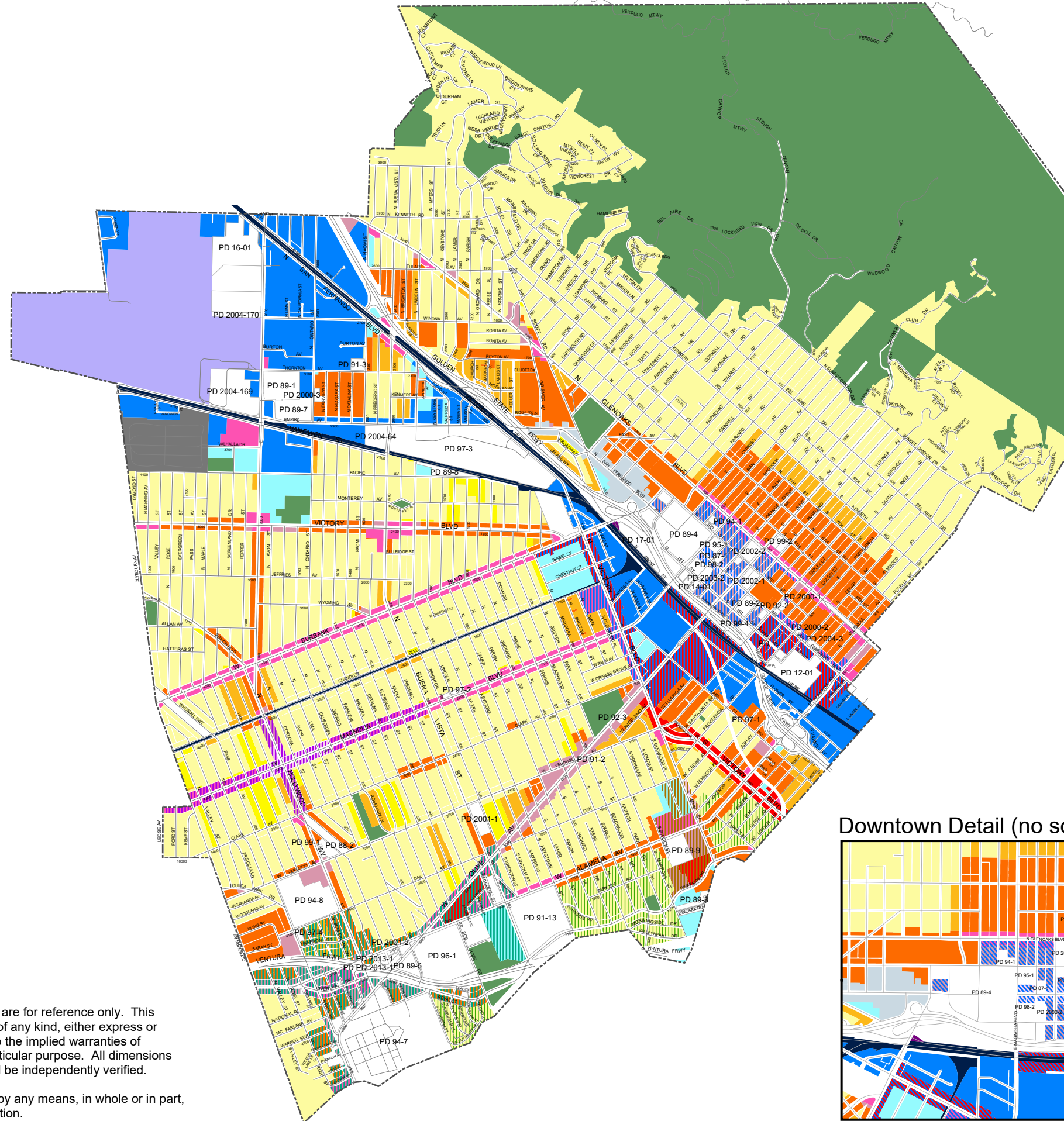
ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

15011500  
800918410  
93012609001001-08

BK.  
2438

# City of Burbank Zone Map

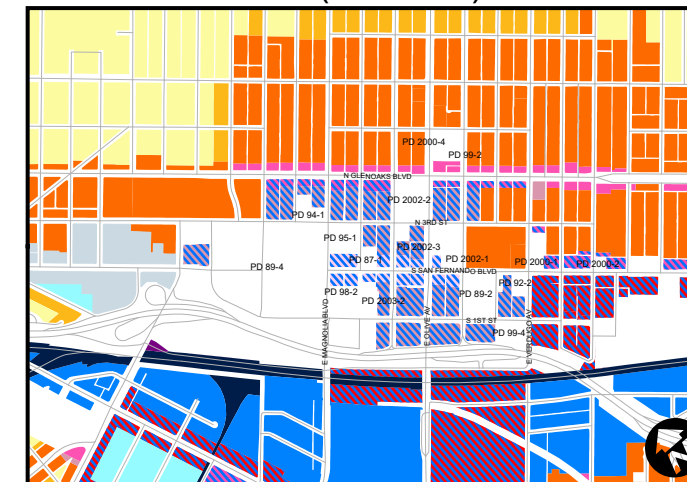
Last Amended by Ordinance No. 3802  
Effective 2019



## Zone Legend

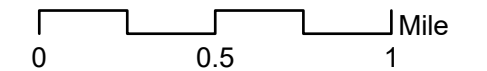
- City Boundary
- R-1 Single Family Residential
- NSFC
- R-1-H Single Family Residential Horsekeeping
- R-2 Low Density Residential
- R-3 Medium Density Residential
- R-4 High Density Residential
- MDR-3 Media District R-3
- MDR-4 Media District R-4
- C-2 Commercial Limited Business
- C-3 Commercial General Business
- C-4 Commercial Unlimited Business
- M-1 Limited Industrial
- M-2 General Industrial
- MDC-2 Media District Limited Commercial
- MDC-3 Media District General Business
- MDC-4 Media District Commercial/Media Production
- MDM-1 Media District Industrial
- NB Neighborhood Business
- GO Garden Office
- RC Rancho Commercial
- C-R Commercial Recreation
- RBP Rancho Business Park
- BCC-1 Burbank Center Commercial Retail-Professional
- BCC-2 Burbank Center Commercial Limited Business
- BCC-3 Burbank Center Commercial General Business
- BCCM Burbank Center Commercial Manufacturing
- AD Auto Dealership
- MPC-1 Magnolia Park Commercial Retail-Professional
- MPC-2 Magnolia Park Limited Business
- MPC-3 Magnolia Park General Business
- CEM Cemetery
- AP Airport
- RR Railroad
- OS Open Space
- PD Planned Development

Downtown Detail (no scale)



The data represented on this map are for reference only. This map is provided without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability or fitness for a particular purpose. All dimensions and spatial representations should be independently verified.

This map may not be reproduced by any means, in whole or in part, for the purposes of sale or distribution.





Search by AIN or Address

# AIN: 2462-016-011 0

**Situs Address:**

1304 N GRIFFITH PARK DR  
BURBANK CA 91506-1146

**Use Type:**

Single Family Residence

**Parcel Type:**

Regular Fee Parcel

**Tax Rate Area:**

02530

**Parcel Status:**

**ACTIVE**

**Create Date:**

**Delete Date:**

**Tax Status:**

**CURRENT**

**Year Defaulted:**

**Exemption:**

None

**Misfortune & Calamity**

**Status:**

N/A

**Building 0101 & Land Overview**

**Use Code:**

0100

**# of Units:**

1

**Year Built:**

1943

**Design Type:**

0110

**Beds/Baths:**

2/1

**Effective Year:**

1944

**Quality Class:**

D45C

**Building SqFt:**

800

**Land SqFt:**

8,960



[Parcel Map](#) / [Map Index](#)

	2026 Roll Preparation	2025 Current Roll	RC	Year	2010 Base Value
<b>Land</b>	\$ 332,443	\$ 325,925	T	2010	\$ 252,500
<b>Improvements</b>	\$ 128,363	\$ 125,847	T	2010	\$ 97,500
<b>Total</b>	\$ 460,806	\$ 451,772			\$ 350,000

**Assessor's Responsible Division**

**District:** North District Office

**Region:** 03

**Cluster:** 03183 BURBANK

[North District Office](#)

13800 Balboa Blvd.

Sylmar, CA 91342

Phone: (818) 833-6000

Toll Free: 1 (888) 807-2111

M-F 8:00 am to 5:00 pm

## Land Information

**Use Code = 0100** (Single Family Residence)

<b>Total SqFt(PDB):</b>	8,960	<b>Sewers:</b>	Yes	<b>Corner Lot:</b>	No	<b>Zoning:</b>	(Refer Issuing Agency)
<b>Usable SqFt:</b>	8,982	<b>Flight Path:</b>	Yes	<b>Golf Front:</b>	No	<b>Code Split:</b>	No
<b>Acres:</b>		<b>X-Traffic:</b>	No	<b>Horse Lot:</b>	No	<b>Impairment:</b>	None
<b>Land W' x D':</b>	40 x 224	<b>Freeway:</b>	No	<b>View:</b>	None		

### Situs Address:

1304 N GRIFFITH PARK DR BURBANK CA 91506-1146

### Legal Description (for assessment purposes):

TRACT NO 9458 LOT 111

**Use Code:** 0100 (Single Family Residence)

0 = Residential

1 = Single Family Residence

0 = Open

0 = Unused or Unknown Code (No Meaning)

## Building Information

<b>SUBPART:</b>	0101	<b># of Units:</b>	1	<b>Year Built:</b>	1943	<b>RCN Other:</b>	\$ 1,980
<b>Design Type:</b>	0110	<b>Beds/Baths:</b>	2/1	<b>Effective Year:</b>	1944	<b>RCN Other:</b>	\$ 12,507
<b>Quality Class:</b>	D45C	<b>Building SqFt:</b>	800	<b>Depreciation:</b>	RJ // 70	<b>Trended:</b>	
						<b>Year Change:</b>	1976

**Design Type:** 0110

0 = Residential

1 = Single Family Residence

1 = Floor or Wall Heat

0 = Unused or Unknown Code (No Meaning)

**SUMMARY:** Total

**# of Units:** 1

**Bed/Baths:** 2/1

**Building SqFt:** 800

**Avg** 800

**SqFt/Unit:**

## FAQ: ACCESSORY DWELLING UNITS (“ADUs”)

### City of Burbank - Community Development Department Planning Division

Tel: (818) 238-5250 | [planning@burbankca.gov](mailto:planning@burbankca.gov)



#### WHERE CAN I BUILD AN ADU?

- ADUs are allowed on lots zoned R-1, R-1-H (Horse Keeping), R-2, R-3, R-4, MDR-3, MDR-4, and any lots that contain existing single-family or multi-family residential units.
- In the R-1-H Zone, ADUs may be created only by converting an existing permitted garage, permitted guest dwelling, or square footage within the main dwelling unit; horse keeping facilities and all any other accessory structures cannot be converted.
- In the Mountain Fire Zone or the R-1-H Zone, no more than one ADU or one Junior ADU is allowed.

#### IS PARKING REQUIRED?

- Parking for an ADU is not required when the property is located within one-half mile walking distance from public transit or when the street requires a parking permit.
- When an existing garage, carport, or covered parking structure is demolished or converted to facilitate the construction of an ADU, that parking does not have to be replaced.
- When an ADU is not exempt from required parking, one space per ADU shall be provided onsite.
- A new curb cut and driveway may be installed on a property for ADU parking so long as minimum vehicle parking stall dimensions of 18'-0" deep and 8'-6" wide are satisfied, and no additional onsite parking areas exist on the property that satisfy these minimum parking stall dimensions.
- Required parking for an ADU provided on-site can be tandem and in an existing driveway or within any existing setback area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life safety conditions.

#### WHAT IS THE MAXIMUM SQUARE FOOTAGE?

- Regardless of A) the size of the existing residence, B) maximum Floor Area Ratio (FAR), C) maximum lot coverage, or D) maximum density, an attached or detached ADU can be built on any lot where an ADU is permitted.
- The maximum square footage of a detached one-bedroom/studio ADU is 850 sq. ft.
- An ADU greater than 850 sq. ft. must provide at least two bedrooms, and cannot exceed 1,000 sq. ft.
- The maximum square footage of an attached or detached ADU in the Mountain Fire Zone is 800 sq. ft.
- ADUs built in the front yard setback area are limited to 800 sq. ft.
- Any portion of an ADU with an interior height exceeding 12 feet shall be considered as constituting two stories for the purpose of calculating square footage and thus the ground floor area is counted twice.
- For each additional code-compliant onsite parking space provided beyond the minimum onsite parking required by

this Division, up to an additional 120 square feet will be added to the maximum size of only one ADU on the lot. However, in no event shall that one ADU exceed the maximum square footage listed in Burbank Municipal Code or State law by more than 120 square feet. A deed restriction must be recorded and will run with the land prohibiting the removal of the onsite parking spaces for as long as the ADU(s) remain on the lot and exceed the otherwise applicable maximum square footage.

- Lots with ADUs built prior to December 17, 2019 cannot subtract the existing ADU square footage from the existing FAR to build an addition to the main dwelling.

#### WHAT IS THE MAXIMUM HEIGHT ALLOWED?

- ADUs attached to the main dwelling have a height limit of 20 feet to the top of plate and 30 feet to the top of the roof or architectural feature(s).
- When a detached ADU is built on top of a garage, an accessory structure, or another ADU, the height is limited to 20 feet to top of plate and 23 feet to top of roof or architectural feature(s).
- All new detached ADUs, not constructed on top of a detached garage or accessory structure shall have a maximum height of 17 feet to any architectural features.
- Detached ADUs either (1) located within a half-mile of high-quality transit or major transit stops may or (2) located on a lot with a multistory, multi-family dwelling structure are limited to a maximum height of 18 feet to the top of roof or architectural feature(s). An additional 2 feet of height can be allowed to accommodate the ADU matching the roof pitch of the primary dwelling on lots located within a half-mile of a high quality or major transit stop.
- All attic spaces and loft areas within a one-story ADU shall be less than 5 feet in height, as measured from finished floor to the top of the attic ceiling. Attic space that exceeds 5 feet in height shall count towards the total allowable square footage as if a second story were within the space and would count towards the maximum square footage of the ADU.
- All air conditioning units and other mechanical equipment shall be ground mounted or installed within an enclosed attic space. ADUs that include a parapet roof can include roof mounted air conditioning units that are behind the roof parapet wall so long as they are not visible from the grade level of adjacent properties.

#### WHAT ARE THE REQUIRED SETBACKS?

- The required rear and side-yard setback for an ADU is 4 feet, whether attached or detached from the main dwelling or located on top of a garage or accessory structure.
- Any new ADU or Junior ADU cannot be located closer to the front property line than the prevailing front yard setback for a single family residential zoned lot or minimum required

front setback for a multifamily residential zoned lot or nonresidential zoned lot. Notwithstanding the foregoing, the following exceptions shall apply:

- The conversion of an existing building footprint of a primary structure or attached accessory structure into an ADU or Junior ADU that is located within the front yard setback is permitted.
- An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise deemed physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least a 2-foot side and rear setback. In order to take advantage of this exception, a physically infeasible determination must be made by the City pursuant to BMC Section 10-1-620.3(H)(2)(b).
- When a permitted garage, portion of the main dwelling, or accessory structure is converted into an ADU, any legal-nonconforming setback can be retained; any portions or additions that go beyond this footprint must meet the required ADU setback requirements.
- New ADUs must maintain a 5-foot linear separation on a horizontal or vertical plane from building face to building face, and a 4-foot separation from eave to eave of any adjacent structure, unless it is physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least 4-foot side and rear setbacks.
- When a balcony, porch or patio is provided in conjunction with the ADU and is 7 inches above grade level, the balcony, porch or patio must be setback from the rear and side property lines a minimum of 4 feet.
- When a staircase or landing is provided for a new or existing second story ADU, whether attached or detached to the primary dwelling unit, that staircase or landing must provide a minimum 4-foot setback to the rear and side property line.

#### **ARE THERE ANY DESIGN STANDARDS?**

- ADUs must have a separate entrance when attached to the main dwelling.
- When a garage is converted into an ADU, the garage door must be removed and replaced with one or more windows and/or a residential entry door.
- If a detached ADU is visible from the street, then the main entrance of a detached ADU must face the same direction as the main entrance for the primary dwelling unit or face the side property lines. The main entrance for the ADU may face an alley if the entrance is at least 5 feet away from the property line abutting the alley, and another entrance is provided facing the front or side property lines.
- All air conditioning units and other mechanical equipment shall be ground mounted or installed within an enclosed attic space. ADUs that include a parapet roof can include roof mounted air conditioning units that are behind the roof parapet wall so long as they are not visible from the grade level of adjacent properties.
- The design and construction of each new detached ADU and ADU conversion of existing structures shall conform to all applicable provisions of Title 9 Chapter 1 of the Burbank Municipal Code, unless otherwise provided for in California Government Code Section 65852.2(a)(1)(D)(viii). The

accessory dwelling unit shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the accessory dwelling unit will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

#### **WHAT ABOUT ADUs IN LOTS WITH MULTI-FAMILY STRUCTURES?**

- Up to two ADUs, which must be detached from the main dwelling(s), may be built on a lot with an existing or proposed multi-family dwelling structure. The two ADUs can be attached or detached from each other.
- ADUs may be created within a multifamily dwelling structure in areas not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, common areas or garages, so long as the converted space complies with state building standards for dwellings. The number of ADUs so created within an existing multifamily structure shall be limited to 25% of the existing multifamily dwelling units in the multifamily dwelling structure, but at least one ADU is permitted.

#### **WHAT IS A JUNIOR ADU?**

- A Junior ADU is a unit created within the envelope of an existing single-family home located within the R-1 or R-1-H zone. A Junior ADU must have a separate entrance from the main dwelling.
- Junior ADUs cannot exceed 500 sq. ft.
- Parking is not required for a Junior ADU.
- An efficiency kitchen, including cooking appliances, food preparation counters, and storage space, is required.

#### **IS OWNER OCCUPANCY REQUIRED FOR AN ADU?**

- Owner occupancy and covenant is required with the construction of a Junior ADU. The owner is required to live in either the main dwelling or the Junior ADU.
- Owner occupancy is currently not required when only an ADU is constructed.

#### **ARE THERE PRE-APPROVED PLANS FOR ADUS?**

- The Building & Safety Division is currently accepting permit applications for 12 pre-approved accessory dwelling unit (ADU) projects from Los Angeles Pre-Approved ADU program. The 12 units have been selected based upon their design criteria matching our local Municipal Code.
- The approved ADU plans can be found in Building and Safety's Pre-approved ADU page:  
<https://www.burbankca.gov/web/community-development/pre-approved-adu>

For the full text of the ADU Ordinance and submittal process:

<https://www.burbankca.gov/departments/community-development/planning/accessory-dwelling-units>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING) OF THE BURBANK MUNICIPAL CODE TO UPDATE THE EXISTING DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ALL SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL ZONES, AND ON ANY LOTS WITH PROPOSED OR EXISTING SINGLE-FAMILY OR MULTIFAMILY USES TO ENSURE CONSISTENCY WITH STATE LAW

(PROJECT NO. 22-0007623, ZONE TEXT AMENDMENT)

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, by modifying design and development standards regulating Accessory Dwelling Units and Junior Accessory Dwelling Units in the City's single family and multiple family residential zones, and on any lots with proposed or existing single-family or multifamily residential uses in compliance with changes made to state law under Senate Bill 897 and Assembly Bill 2221, which amended, in part, California Government Code Sections 65852.2 and 65852.22.

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES, AND DECLARES THAT:

A. California Senate Bill 897 (SB 897) and California Assembly Bill (AB 2221) (amending, in part, Government Code Sections 65852.2 and 65852.22) (collectively referred to herein as "State ADU/JADU Laws") were signed by Governor Gavin Newsom on September 28, 2022, and became effective January 1, 2023. SB 897 and AB 2221 establish additional regulations for Accessory Dwelling Units ("ADU") and Junior Accessory Dwelling Units ("JADU").

B. Pursuant to the State ADU/JADU Laws, all cities must make modifications to local ADU and JADU development standards and controls to be consistent with state law that include, but are not limited to: increasing the maximum height limit from 17 feet to 18 feet (or in certain instances, to 20 feet) for certain ADUs that are either located within a half-mile walking distance of a high-quality transit corridor or major transit stop, removing front yard setback requirements where construction of certain ADUs would otherwise be infeasible, and requiring that local ordinances only impose objective standards on ADUs. Failure to update local ordinances in compliance with state law may render local ADU ordinances null and void, and the City may be required to apply State ADU/JADU Laws without local refinements to all local ADU and JADU projects.

C. On December 13, 2022, pursuant to Government Code Section 65858 and Burbank Municipal Code 10-1-1996, the Burbank City Council adopted Urgency Ordinance No. 22-3,987, implementing interim regulations for ADU and JADU projects

consistent with the State ADU/JADU Laws, and thereafter extended the Urgency Ordinance on January 24, 2023. The interim regulations adopted under the Urgency Ordinance and extension will expire on December 12, 2023.

D. Pursuant to California Government Code Sections 65852.2 and 65852.22, all local agencies may adopt an ordinance providing for the creation and regulation of ADUs and JADUs. The City Council desires to adopt permanent regulations modifying the City's existing ADU and JADU standards consistent with the State ADU/JADU Laws, while including local regulations that address the unique local characteristics of the City. The updated regulations included in this proposed Ordinance provide for consistency with State ADU/JADU Laws, and add ADUs and JADUs as permitted uses on lots in non-residential zones when required by state law preemption.

E. By adopting modified objective development and design standards for ADUs and JADUs, the City will position itself to retain as much local control over future development as possible and preserve the public health, safety, and welfare by encouraging thoughtful neighborhood development, while continuing to comply with state preemption laws relating to ADU and JADU housing production.

F. On August 28, 2023, the Planning Commission held a duly noticed public hearing on this proposed Ordinance (Project No. 22-0007623), and at such hearing recommended that the City Council of the City of Burbank ("Council") approve the Zone Text Amendment ("ZTA").

G. On October 17, 2023, the Council at its regular meeting, held a public hearing on Project No. 22-0007623, a Zone Text Amendment.

H. Said hearing was properly noticed in accordance with the provisions of Burbank Municipal Code ("BMC") Section 10-1-1994.

I. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Commission as evidenced by its Resolution 3059, and the evidence presented at such hearing.

J. The ZTA and proposed Ordinance is consistent with BMC Section 10-1-1991 as follows:

- 1. The addition of the use will be in accord with the purposes of the zone in which it is proposed to be listed.*

The inclusion of ADUs and JADUs as permitted uses in the City's nonresidential zones pursuant to state-mandated ADU/JADU regulations, which includes all of the City's commercial and industrial zones will allow the proposed residential land uses at an intensity and density as mandated by State ADU/JADU Laws. The proposed use would not adversely conflict with the intended purpose of the City's commercial zones (i.e., C-1, C-2, C-3, and C-4), which provide for the buying and selling of goods and services including the

conducting of general commercial uses, and the development of retail centers for the shopping and personal needs of surrounding neighborhoods. Further, the proposed use would not adversely impact the intended uses of the City's industrial zones (i.e., M-1 and M-2) by allowing the continued focus promoting the development of fabrication, manufacturing, assembly and processing of materials that are already in processed form and/or the fabrication and assembly of goods and materials. It is anticipated that the future development of ADUs and JADUs in these zones are limited to very few parcels where previously legally established non-conforming residential structures already exist and the state prescribed requirements provide the potential to build a limited number of ADUs/JADUs per affected lot.

*2. The proposed use is compatible with and has the same basic characteristics as the other permitted uses.*

The City's nonresidential zones allow for a range of commercial and industrial uses as permitted and conditionally permitted uses. The by-right development of state-mandated ADUs/JADUs on nonresidential zoned lots with existing residential structures that provide for the development of one or more ADUs and JADUs would not adversely impact the basic characteristics of the general commercial, service commercial, retail, wholesale, warehouse, manufacturing, fabrication, and assembly of goods and materials that are the primary and ancillary uses allowed in these nonresidential zones. Furthermore, residential uses are already conditionally permitted uses in the City's commercial zones in the form of multifamily, mixed use developments (i.e., C-1 through C-4) and similarly multifamily residential can be considered as a allowable use via a discretionary review process (i.e., planned development) in the City's industrial zones (M-1 and M-2) and also considered as an allowed use per the permitted density under the City's General Plan pursuant to state-mandated requirements under Senate Bill 35 adopted in 2017 (California Government Code Section 65913.4) and Assembly Bill 2011 adopted in 2022 (California Government Code Sections 65400 and 65585).

*3. The proposed use can be expected to conform with the required conditions for the zone.*

The proposed ADU/JADU use shall comply with the applicable development standards as amended by the City to comply with state-mandated requirements for any proposed development of this type in the City's non-residential zones. In many instances the required setbacks, building height, and resulting floor area ratio resulting from the proposed ADUs/JADUs is more restrictive than the underlying development standards that would otherwise apply to new developments in the City's nonresidential, commercial, and industrial zones.

*4. The proposed use will not be detrimental to the public health, safety or welfare.*

The proposed development of ADU/JADU uses in the City's nonresidential zones are not anticipated to result in a detrimental impact to public health, safety, or welfare. Any future development of these types of use in the nonresidential zones will require strict adherence to the latest City building, life and safety codes, which ensure that future habitants of these structures and surrounding land uses are protected from any potential impact to public health, safety, and welfare.

*5. The proposed use will not adversely affect the character of the zone.*

The development of ADU/JADU uses in the City's nonresidential zones will not adversely impact the character of the City's nonresidential zones, which include the City's commercial and industrial zones. The commercial zones will continue to provide for a range of retail, commercial, service commercial uses in one to multistory structures with ancillary and support facilities. The commercial zones will continue to facilitate the manufacturing, fabrication and warehousing uses that facilitate the processing and development of goods and materials in primary one to two story buildings with ancillary uses. The development of ADU/JADU uses in these zones is limited to few nonresidential zoned parcels with existing residential structures, which is a not a dominant land use and therefore the character of the zone will be preserved.

*6. The proposed use will not create more vehicular or other traffic than the volume normally created by any of the uses permitted.*

The development of ADU/JADU uses in the City's nonresidential zones will not create more vehicular or other traffic than normally created by the commercial industrial uses in the City's nonresidential zones since one or more ADUs and/or JADUs being built in these zones would provide for a handful of trips per affected site during peak morning and evening times as compared to the potential trip generation and traffic volumes from more commercial and industrial intensive uses with employees, customers and truck traffic coming to these zones during morning and evening peaks as well as during midday lunch activities, as is the case for commercial zones with shopping center developments that focus on retail, commercial and service commercial uses that include but are not limited to restaurant, dry cleaning, and coffee shop type uses.

*7. The proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount, if any, normally created by any of the permitted uses.*

The development of ADU/JADU uses in the City's nonresidential zones will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount created by any other permitted use in the City's nonresidential zones. The proposed

development of these one and/or two-story residential structures would result in structures that do not create more objectionable environmental and/or quality of life impacts than could result from the development of commercial uses and industrial uses currently allowed in the City's nonresidential zones. Furthermore, any future development would have to comply with the applicable development standards and building code requirements that address construction noise and dust mitigation and future operation of the residential use would continue to be subject to the City's ADU/JADU development standards and the City's nuisance abatement requirements for any violation of the Burbank Municipal Code.

8. *The proposed use will not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses.*

The development of ADU/JADU uses in the City's nonresidential zones will not create any greater hazard of fire or explosion than hazards normally created by any of the permitted uses in the City's nonresidential zones. The development of ADUs/JADUs shall comply with the City's building and fire codes ensuring that the future residential structures protect the health and safety of future residents and surrounding land uses.

9. *The proposed use will not cause substantial injury to the values of property in the zone in which it is proposed to be listed or in any abutting zone.*

The development of ADU/JADU uses in the City's nonresidential zones will not cause substantial injury to the values of property in the zone in which it is proposed to be listed or in any abutting zone. These residential structures will be limited to ADUs and JADUs as prescribed in state and local ADU/JADU regulations, therefore it is not anticipated that this type of residential development, which is limited to a small number of nonresidential zoned parcels with existing residential structures will result in a majority land use diminishing the ability for continued operation of maintenance commercial and industrial land uses that exist, and may be developed over time in these nonresidential zones consistent with the intended purpose of abiding by the City's zoning regulations and applicable goals and policies of the City's General Plan.

K. In accordance with California Government Code Section 65860, the proposed ZTA and associated Ordinance have been determined to be consistent with the Burbank 2035 General Plan and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code, and are compatible with the objectives, policies, general land uses and programs specified therein, and more specifically, the General Plan Land Use and Housing Elements.

L. Pursuant to Section 21080.17 of the California Public Resources Code (PRC), the adoption of the proposed Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The proposed

Ordinance implements Government Code Sections 65852.2 and 65852.22 within the City of Burbank in a manner that is consistent with the requirements of state law. As such, the adoption of the proposed Ordinance is exempt from CEQA.

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

**Section 1. Findings.** All the findings set forth above are true and correct and are incorporated herein as if restated in their entirety.

**Section 2. Amendment to Burbank Municipal Code (“BMC”) Section 10-1-502 (Uses in All Zones (Except Residential Zones)).** BMC Section 10-1-502 is hereby amended by adding “Accessory dwelling unit and Junior accessory dwelling unit” as follows:



**Section 3. Amendment to BMC Section 10-1-620.3 (Design and Development Standards For New Construction).** BMC Section 10-1-620.3 is hereby amended and restated as follows:

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

**A. GENERAL PROVISIONS**

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

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

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

**B. PERMITTED LOCATIONS**

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

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

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

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

### C. ON-SITE PARKING

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

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

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

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

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

impacted by said driveway or curb cut.

#### D. PARKING LOCATION

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

#### E. ON-SITE PARKING EXCEPTIONS

Notwithstanding the parking development standards noted in subsection C, ADUs that meet any of the following State provisions (consistent California Government Code Section 65852.2(d)) shall not be required to provide on-site parking if:

1. The ADU is located within one-half mile walking distance of “public transit” within the meaning of Government Code Section 65852.2;
2. The ADU is located within an architecturally and historically significant historic district;
3. The ADU is part of the proposed or existing primary dwelling unit or an existing accessory structure;
4. When on-street parking permits are required but not offered to the occupant of the ADU; or
5. When there is a car share vehicle located within one block of the ADU.
6. If the applicant can provide fully dimensioned and drawn to scale building plans proving that there is no feasible location to physically accommodate required parking for an ADU, then on-site parking will not be required.

#### F. SQUARE FOOTAGE

1. All new ADUs and additions to existing and permitted ADUs are exempt from compliance with the Floor Area Ratio (FAR), lot coverage, open space, or minimum lot size requirements noted in this Code unless otherwise specified herein.
2. All new attached and detached ADUs shall not exceed 850 square feet, except for an ADU with more than one bedroom shall not exceed 1,000 square feet. ADU square footage shall be measured from exterior wall to exterior wall,

unless the ADU shares a wall with the primary dwelling, in which case, it shall be measured from the midpoint within the shared wall to the exterior wall.

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

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

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

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

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

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

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

**G. HEIGHT**

1. All new ADUs, attached to the main dwelling unit must comply with the height requirements defined in Code Section 10-1-603(A). Attached ADUs are defined as ADUs that are attached to the main dwelling unit through a shared wall or abutting walls. Abutting walls are walls that are adjoined with no space in between them. Abutting walls must be adjoined to the main dwelling unit by at least 50% of the of the length of the ADU wall or 5 feet, whichever is greater.
2. When an ADU is constructed on top of a detached garage, accessory structure, or above another ADU when applicable under this Code, the maximum top of plate height cannot exceed 20 feet as measured from grade level and the maximum height to any architectural features must not exceed 23 feet as measured from grade level.
3. All new detached ADUs, not constructed on top of a detached garage or accessory structure shall have a maximum height of 17 feet to any architectural features, unless one of the following exceptions applies:
  - a. If the detached ADU will be on a lot located within a ½ mile walking distance of a “high-quality transit corridor” or “major transit stop” (as those terms are defined in California Public Resources Code 21155), a maximum height of 18 feet (as measured from existing grade to the top of roof) shall be permitted. An additional two feet in height beyond the maximum 18 feet will be permitted to accommodate a roof pitch on the ADU that matches the roof pitch of the primary dwelling.
  - b. If there is an existing or proposed multistory, multifamily dwelling on the lot where the detached ADU will be located, a maximum height of 18 feet (as measured from existing grade to the top of roof) shall be permitted.
4. When an ADU is constructed on top of a garage or accessory structure, the ADU cannot touch grade level, except through support posts or stair access. The bottom of the finished floor of the ADU must be above the top of plate of the garage or accessory structure.
  - a. Ground floor access to the ADU, inclusive of stairs and landing, shall be limited to 150 square feet. The ADU must not have any interior circulation with the rest of the garage or accessory structure below.
5. All attic spaces and loft areas within a one-story ADU shall be less than 5 feet in height, as measured from finished floor to the top of the attic ceiling. Attic space that exceeds 5 feet in height shall count towards the total allowable square footage as if a second story were within the space. This means that any attic space that exceeds 5 feet in height shall be considered as constituting two stories for the purpose of calculating square-footage and thus the ground floor area is counted

twice.

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

## H. SETBACK

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

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

a. The conversion of an existing building footprint of a primary structure or attached accessory structure into an ADU or Junior ADU that is located within the front yard setback is permitted.

b. An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise deemed physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least a 2-foot side and rear setback. For purposes of this subsection, "other areas of the lot" include, but are not limited to, construction of a two-story ADU with at least a 2-foot side and rear setback. The physically infeasible determination will be made by the City during plan review and will be based on factors including, but not limited to, the feasibility of providing the required utility connections from public facilities that serve the project site. If an ADU provides a side and rear setback less than 3 feet, then no openings are allowed along the impacted building elevation.

If applying for this exception, an applicant must provide exhibits demonstrating that the construction of an 800 square foot ADU in the rear yard is not physically feasible with a 2-foot side and rear setback. The City will evaluate the plans and if it is determined that an 800 square foot ADU can be placed in the rear yard of the lot while maintaining a 2-foot or more side and rear setback, the ADU will be permitted in that rear yard location in a footprint that maintains the rear and side yard setbacks as close to 4-feet as possible, and in no event results in a side or rear yard setback that is less than 2-feet. Alternatively, if the City issues a physically infeasible determination, an ADU of up to 800 square

feet that complies with all other applicable development standards in this Code and state law (including 4-foot side and rear setbacks) shall be allowed to encroach into the front yard setback on the lot in a footprint that otherwise maximizes the front yard setback to the extent feasible.

3. When a garage or other accessory structure exists and is legally permitted with City building permits and is converted into an ADU, the existing legal non-conforming setback of the garage or other accessory structure can be maintained. The required minimum 4 foot rear and side yard setbacks shall still apply to all added space that goes beyond the existing building footprint and/or building envelope of the garage or other accessory structure. Any unpermitted accessory structures can have their legal nonconforming setbacks maintained as part of an ADU conversion or addition, as long as it does not present a threat to public health and safety based on applicable building and fire codes as determined by the Building Official, or unlawfully violate previously recorded real property interests including recorded easements and fee dedications.
4. New ADUs must maintain a 5-foot linear separation on a horizontal or vertical plane from building face to building face, and a 4 foot separation from eave to eave of any adjacent structure, unless it is physically infeasible to construct an 800 square foot ADU on other areas of the lot with at least 4-foot side and rear setbacks.
5. No ADU may be located in a way that would prohibit access to a designated parking area or impede safe ingress and egress from a required side, rear, or front setback.
6. No setback shall be required when an ADU is constructed in the same location and to the same dimensions as an existing legal structure that is converted into an ADU or to a portion of an accessory dwelling unit, even when that structure has been demolished.
7. When a balcony, porch or patio is provided in conjunction with the ADU and is 7 inches above grade level, the balcony, porch or patio must be setback from the rear and side property lines a minimum of 4 feet.
8. When a staircase or landing is provided for a new or existing second story ADU, whether attached or detached to the primary dwelling unit, that staircase or landing must provide a minimum 4 foot setback to the rear and side property line.

#### I. OWNER OCCUPIED AND RESTRICTIVE COVENANT

Special Note: Pursuant to California Government Code Section 65852.2(a)(8), the City shall not impose any owner-occupancy and restrictive covenant requirements noted in this section, inclusive of the following items 1) through 3). If state law is amended at a future date to allow owner-occupancy restrictions, then this Owner Occupied and

Restrictive Covenant Section shall spring back into effect without further action of the City Council.

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

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

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

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

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

## J. DESIGN AND DEVELOPMENT STANDARDS

1. When a garage is converted into an ADU, the garage door must be removed and replaced with one or more windows and/or a residential entry door.

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

3. If a detached ADU is visible from the street, then the main entrance of a detached ADU must face the same direction as the main entrance for the primary dwelling unit or face the side property lines. The main entrance for the ADU may face an alley if the entrance is at least 5 feet away from the property line abutting the alley, and another entrance is provided facing the front or side property lines.

#### K. UTILITY CONNECTION AND CITY FEES

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

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

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

#### L. ADDRESS ASSIGNMENT AND VERIFICATION OF EASEMENTS AND DEDICATIONS

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

#### M. MOUNTAIN FIRE ZONE AND FIRE SPRINKLERS

1. Unless otherwise required by state law, no ADU or Junior ADU shall be

permitted on R-1 or R-1-H zoned properties located within the City's designated Mountain Fire Zones as noted in the City's General Plan Safety Element, unless all of the following requirements are met:

- a. No more than one ADU no greater than 800 square feet or one Junior ADU no greater than 500 square feet is allowed on R-1 and R-1-H zoned properties located in the City's Mountain Fire Zones.
- b. All new ADUs proposed within the City's Mountain Fire Zones shall comply with any applicable brush clearance requirements.

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

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

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

1. No more than one ADU or one Junior ADU is allowed on R-1-H zoned properties. No new construction of ADUs shall be permitted in the R-1-H zone except for the following:
  - a. The conversion of an existing permitted garage shall be permitted.
  - b. The conversion of an existing permitted guest dwelling unit shall be permitted.
  - c. The conversion of existing square footage within the main dwelling unit is permitted.
  - d. Additions to or conversions of existing square footage within the main dwelling unit is permitted in the area outside of the rear 35 feet of the lot, which is the area reserved for horse keeping uses (e.g. barns, corrals, stables, and tack rooms).
2. The conversion of any existing accessory structure (storage, shed, pool house, recreation room, and barn, stable, corral, tack room, etc.) into an ADU shall

not be permitted.

3. Unless otherwise required to comply with the City's building and fire codes, any doors, windows, and other openings in any accessory dwelling unit shall comply with the requirements of Section 10-1-605(B).

#### O. ADDITIONAL STANDARDS ON LOTS WITH MULTIFAMILY DWELLING STRUCTURES

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

1. No more than two (2) ADUs can be constructed on a lot with an existing or proposed multifamily dwelling structure(s). These ADUs must be detached from the existing or proposed multifamily dwelling structure(s); these ADUs may be attached or detached from each other and must provide the required building separation from all primary and accessory structures on the lot as required in Subsection (H)(4).
2. ADUs may be created within a multifamily dwelling structure in areas not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, common areas or garages, so long as the converted space complies with state building standards for dwellings. The number of ADUs so created within an existing multifamily structure shall be limited to 25% of the existing multifamily dwelling units in the multifamily dwelling structure, but at least one ADU is permitted.

#### P. JUNIOR ACCESSORY DWELLING UNIT STANDARDS

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

1. The size of a Junior ADU is limited to no more than 500 square feet.
2. One Junior ADU is allowed per each residentially zoned lot that includes an existing or proposed single-family dwelling unit structure. Lots with multiple detached single-family structures are not eligible to have Junior ADUs.
3. A deed restriction must be recorded prior to the issuance of a Certificate of Occupancy, and will run with the land prohibiting the sale of the Junior ADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
4. The deed restriction must include the size and attributes of the Junior ADU that conforms to this section.

5. The Junior ADU must be constructed within the existing walls of the existing or proposed single-family residence or attached garage. Junior ADUs that are proposed in a single-family residence are subject to the development standards found in Section 10-1-603 of this Code.
6. The Junior ADU must include a separate entrance from the main entrance to the single-family residence.
7. A Junior ADU that does not include a separate bathroom shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living space of the existing or proposed single-family dwelling structure.
8. The Junior ADU must include an efficiency kitchen, which shall include all of the following:
  - a. A cooking facility with appliances that meet the definition of Kitchen as defined in Section 10-1-203 of this Code.
  - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.
9. Additional parking may not be required as a condition to grant a permit for a Junior ADU.
10. An inspection, including the imposition of a fee for that inspection to determine whether the Junior ADU is in compliance with applicable building standards may be required at any time after the Junior ADU has been built.
11. For the purposes of any fire or life protection ordinance or regulation, a Junior ADU shall not be considered a separate or new dwelling unit. This section shall not preclude the city from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a Junior ADU so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a Junior ADU or not.
12. For the purposes of providing service for water, sewer, or power, including a connection fee, a Junior ADU shall not be considered a separate or new dwelling unit.
13. A Junior ADU requires owner-occupancy as follows: The owner shall reside in either the remaining portion of the single-family residence or the newly created Junior ADU. This provision does not apply if the owner is a governmental entity, land trust or housing organization. The property owner shall enter into a restrictive covenant memorializing this restriction with the City that applies to the owner and all successors in interest, in a form acceptable to the City Attorney that will be

recorded on the subject property.

**Q. SHORT TERM RENTALS**

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

**R. CONVEYANCE**

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

**Section 4. Amendment to BMC Section 10-1-620.7 (Determination on Accessory Dwelling Unit and Junior Accessory Dwelling Unit Application).** BMC Section 10-1-620.7 is hereby amended and restated as follows:

**“A. SUBMISSION OF APPLICATION.**

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

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

**Section 5. Severability.** 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.

**Section 6. Environmental Assessment** This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). Pursuant to Section 21080.17 of the California Public Resources Code (PRC), the adoption of the Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The Ordinance implements Government Code Sections 65852.2 and 65852.22 within the City of Burbank in a manner that is consistent with the requirements of state law. As such, the adoption of the Ordinance is exempt from CEQA.

**Section 7. Notice to HCD.** In compliance with California Government Code Section 65852.2(h), the Community Development Director or Director’s designee is directed to provide a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after the date of adoption.

**Section 8. Effective Date and Expiration of Urgency Ordinance.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption. Upon that effective date, Urgency Ordinance No. 23-3,988 shall automatically expire and the interim development standards adopted therein will automatically be repealed and replaced by the standards adopted in this Ordinance.

PASSED AND ADOPTED this 7th day of November, 2023.

s/Konstantine Anthony  
Konstantine Anthony  
Mayor

Approved as to Form:  
Office of the City Attorney

Attest:

s/Kimberley Clark  
Kimberley Clark, City Clerk

By: s/Lisa Kurihara  
Lisa Kurihara  
Senior Assistant City Attorney

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

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 23-4,002 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 7th day of November, 2023, by the following vote:

AYES:           Mullins, Perez, Takahashi, Schultz, and Anthony.

NOES:           None.

ABSENT:       None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following of the ordinance’s adoption on November 7, 2023.

          s/Kimberley Clark            
Kimberley Clark, City Clerk

## **10-1-608.1: SB 9 – SECOND SINGLE-FAMILY DWELLINGS:**

### A. APPLICABILITY.

1. This Section shall apply to all projects proposing a new, or improvements to an existing, SB 9 – Second Single-Family Dwelling when allowed pursuant to California Government Code Section 65852.21.
2. SB 9 – Second Single-Family Dwellings shall only be permitted in the R-1 zone, when allowed pursuant to California Government Code Section 65852.21.
3. SB 9 – Second Single-Family Dwellings shall be prohibited in the R-1-H Horsekeeping Zone pursuant to California Government Code Section 66499.41(h)(2).
4. All SB 9 – Second Single-Family Dwellings shall comply with all applicable development standards in the underlying R-1 Zone, except as identified in this Section. The requirements of this Section shall supersede any conflicting property development standards of the underlying R-1 Zone.
5. To the extent that any provision in this Section conflicts with state laws that preempt local development standards for an applicable project, state law will control over the conflicting provision. In such event, the remainder of this Section that is not in conflict with state law will apply to the project.

### B. DEFINITIONS.

For the purposes of this Section, and this Section only, the terms below are defined as follows:

“First Single-Family Dwelling” shall mean a single-family residential unit on a Single-Family (R-1) Zoned property. In the event that there are two (2) single-family homes on one R-1 Zoned property, the First Single-Family Dwelling shall be the unit closest to the front property line. In the event that both units are of equal distance from the front property line, or should there exist ambiguity regarding the distance of both units from the front property line, the First Single-Family Dwelling shall be established by the Community Development Director or his/her designee pursuant to site plan review.

“SB 9 – Second Single-Family Dwelling” shall mean a single-family dwelling, as permitted by California Government Code Section 65852.21, other than the First Single-Family Dwelling, Accessory Dwelling Units or Junior Accessory Dwelling Units.

“ Dwelling Unit(s) ” shall mean any dwelling unit, including but not limited to a First Single-Family Dwelling, SB 9 – Second Single-Family Dwelling, Accessory Dwelling Units or Junior Accessory Dwelling Units.

“ Urban Lot Split ” shall mean subdivision of one (1) existing R-1 zoned single-family lot into no more than two (2) new R-1 zoned single-family lots in accordance with California Government Code Section 66411.7.

“ Specific Adverse Impact ” shall have the same meaning as set forth in California Government Code Section 65589.5, subdivision (d), paragraph (2).

#### C. ELIGIBILITY FOR AN SB 9 – SECOND SINGLE-FAMILY RESIDENTIAL DWELLING.

A lot shall only be eligible for a SB 9 – Second Single-Family Dwelling when all the following requirements are met:

1. “ SB 9 – Second Single-Family Dwellings ” shall be a permitted use.
2. The property shall have no more than one (1) existing Dwelling Unit if the lot was established through prior exercise of an Urban Lot Split.
3. Demolition or Alteration of Existing Housing. The proposed project would not require demolition or alteration of any of the following types of housing:
  - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
  - c. Housing that has been occupied by a tenant in the last three years, from the date that an application is submitted.
4. Ellis Act Rental or Lease Termination. The Owner(s) of the property on which the project is proposed has not exercised the owner’s rights under Chapter 12.75 of Division 7 of Title 1 of the California Government Code (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
5. Historic Properties. The project is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the

Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

6. Location of Development Site. The project is not located on a site that meets any of the criteria identified in California Government Code Section 65913.4(a)(6)(B-K).

#### D. DEVELOPMENT STANDARDS FOR SB 9 – SECOND SINGLE-FAMILY DWELLINGS.

All SB 9 – Second Single-Family Dwellings shall comply with all applicable development standards in the underlying R-1 Zone, except as identified in the paragraphs below. The requirements of this Section shall supersede any conflicting property development standards of the underlying R-1 Zone.

##### 1. MAXIMUM NUMBER OF SB 9 – SECOND SINGLE-FAMILY DWELLINGS PERMITTED

- a. One (1) SB 9 – Second Single-Family Dwelling shall be permitted on a lot.
- b. The permitted SB 9 – Second Single-Family Dwelling is in addition to the First Single-Family Dwelling and any other Dwelling Units that may be permitted on the property per Burbank Municipal Code Section 10-1-602, but in no event are more than four (4) Dwelling Units permitted on the property.

##### 2. SQUARE FOOTAGE

- a. SB 9 – Second Single-Family Dwellings shall comply with the Floor Area Ratio and Lot Coverage requirements of the underlying R-1 Zone.
- b. SB 9 – Second Single-Family Dwellings shall comply with all applicable objective development standards, to the extent that they do not preclude an 800 square feet SB 9 – Second Single-Family Dwelling.

##### 3. SETBACKS

- a. SB 9 – Second Single-Family Dwellings shall be subject to the setbacks and upper-story stepback requirements of the underlying R-1 Zone, with the exceptions identified below:
  - i. First Floor Minimum Setbacks (Street-facing side, Interior side and Rear Property Lines): SB 9 – Second Single-Family Dwellings shall provide a minimum setback of 4-feet.
  - ii. Second Story Stepback (Rear Property Line): If a second story is provided, SB 9 – Second Single-Family Dwellings shall provide a minimum stepback of 15-

feet.

iii. No setback shall be required when a SB 9 – Second Single-Family Dwelling is constructed in the same location, and to the same dimensions and volume as an existing legal structure that is converted into a SB 9 – Second Single-Family Dwelling or to a portion of a SB 9 – Second Single-Family Dwellings, even when that structure has been demolished.

iv. Encroachments into the minimum yard setbacks are permitted as established in the underlying R-1 Zone. Where utility easements exist, minimum setbacks for the SB 9 – Second Single-Family Dwelling shall not encroach on the utility easements.

#### 4. ATTACHED AND DETACHED SB 9 – SECOND SINGLE-FAMILY DWELLINGS

SB 9 – Second Single-Family Dwelling may be attached or detached from the First Single-Family Dwelling.

#### 5. BUILDING SEPARATION

When a New SB 9 – Second Single-Family Dwelling is detached from the First Single-Family Dwelling, the following building separation requirements apply:

a. New SB 9 – Second Single-Family Dwellings must be located at least six (6) feet away from any other structure on the same lot as measured from the exterior walls of the structures, or the outside edge of supporting posts for non-enclosed structures or portions thereof.

b. The eave projections of New SB 9 – Second Single-Family Dwellings must be at least four (4) feet away from the eave projections of any other structure on the same lot.

c. A SB 9 – Second Single-Family Dwelling may be connected to the First Single-Family Dwelling by means of a porte-cochere, breezeway, patio covering, or other non-enclosed structural feature.

d. No building separation requirements shall be required when converting an existing structure into a SB 9 – Second Single-Family Dwelling, or when a SB 9 – Second Single-Family Dwelling is constructed in the same location, and to the same dimensions and volume as an existing structure.

#### 6. OFF-STREET PARKING

a. SB 9 – Second Single-Family Dwellings shall be subject to the off-street parking requirements of the underlying R-1 Zone, with the exceptions identified below:

i. One (1) parking space for the SB 9 – Second Single-Family Dwelling shall be required, unless exempted from the parking requirement.

ii. Parking Exception. No parking is required if the parcel is located (1) within one-half mile walking distance of a high-quality transit corridor as expressly defined in Section 21155(b) of the California Public Resources Code, (2) within one-half mile walking distance of a major transit stop as expressly defined in Section 21064.3 of the California Public Resources Code, or (3) within one block of a car share vehicle.

iii. Required on-site parking can be covered, uncovered, tandem or provided through the use of a mechanical automobile parking lift. Tandem parking as defined in this Section means that two or more automobiles are parked in a driveway or in any other location on a lot. Additionally, the automobiles would be lined up behind one another in a manner that meets all vehicle maneuvering requirements.

iv. When an existing attached garage is located in the front or street-facing yard and is converted into a SB 9 – Second Single-Family Dwelling the driveway and curb cut leading to said garage may be kept in place to accommodate parking only if the parking stalls in the driveway meet minimum parking stall dimensions of 18'-0" deep and 8'-6" wide. If the driveway does not meet these minimum parking stall dimensions, the driveway and curb cut shall be removed.

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

vi. Required parking for a SB 9 – Second Single-Family Dwelling provided on-site can be tandem and in an existing driveway or within any existing setback area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life

safety conditions. When a designated parking area is provided and is not located in the driveway as tandem, the parking space must meet the minimum required parking space dimensions, turning radius, and backup distance as required in the Code.

## 7. PRIVATE OPEN SPACE

- a. SB 9 – Second Single-Family Dwellings shall provide a minimum of 70 square feet of private open space. For the purposes of complying with this requirement, the private open space shall be provided in one area. No dimension of the private open space shall be less than 5-feet.
- b. Private open space areas shall be located outside of a structure and shall abut the unit that it serves to allow direct access from the unit.
- c. Private open space areas shall have a slope no greater than five percent.
- d. Setback areas may be utilized for private open space. Balconies used for private open space may encroach as permitted in Table 10-1-603(G). Interior side and rear yards setback areas may be utilized for private open space so long as the open space is provided at grade and minimum dimensions are satisfied.
- e. Private open space areas shall be separated from vehicle access and parking areas and may not contain parking spaces or backup aisles, driveways, vehicle or bicycle parking areas, or other vehicle access features.
- f. Private open space areas shall not contain stairways or ramps except as necessary to provide access to the open space areas located on different levels of the structure.

## 8. DESIGN STANDARDS

- a. When a garage is converted into a new SB 9 – Second Single-Family Dwelling, the garage door must be removed and replaced with one or more windows and/or a residential entry door.
- b. The design and construction of each new SB 9 – Second Single-Family Dwelling and conversion of existing structures shall conform to all applicable provisions of Title 9 Chapter 1 (Building) of this Code. The SB 9 – Second Single-Family Dwelling shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the SB 9 – Second Single-Family Dwelling will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

c. If a detached SB 9 – Second Single-Family Dwelling is visible from the street, then the main entrance shall face the same direction as the main entrance for the First Single-Family Dwelling or face the side property lines. The main entrance may face an alley if the entrance is at least 5 feet away from the property line abutting the alley, and another entrance is provided facing the front or side property lines.

E. LENGTH OF RENTAL TERM.

All rentals of any SB 9 – Second Single-Family Dwellings shall be for a term longer than 30 days.

F. UTILITY CONNECTION.

SB 9 – Second Single-Family Dwellings shall have utility connections as follows:

1. Sewer – All private sewer lateral connections shall be independent of other Dwelling Units and shall have separate connection points to the City sewer main. Should the lot be subdivided, the new private sewer lateral will either need to be located solely within the new lot or will be within a utility easement (with minimum 10-foot width) established and centered along the alignment of the private sewer lateral for each separate private sewer lateral, per Burbank Municipal Code 8-1-303.
2. Water and Electric – All connections shall be in accordance with the Burbank Water and Power Rules and Regulations, as may be amended.

G. ADDRESS ASSIGNMENT.

The Public Works department will determine address assignments for all new SB 9 – Second Single-Family Dwellings.

H. SPECIFIC ADVERSE IMPACT.

The Community Development Department may deny a proposed SB 9 – Second Single-Family Dwelling upon a written finding from the Building Official, based upon a preponderance of the evidence, that the proposed SB 9 – Second Single-Family Dwelling would have a Specific Adverse Impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact.

I. SUBMISSION OF AN APPLICATION.

An application for a SB 9 – Second Single-Family Dwelling must be submitted on the City's approved form. Only a complete application will be considered. The City's application form shall, at a minimum, require the applicant to submit the following:

1. Project Application. A complete project application shall be filled out with property owner and applicant signature(s).
2. Eligibility Requirements. The applicant shall provide proof that the project meets all the eligibility requirements identified in this Section.
3. Architectural Plans. Architectural Plans shall include an existing and proposed site plan, floor plan(s), elevation plans, roof plans(s), building section plans(s), pictures of existing site, and such other materials as may be deemed necessary by the Community Development Director to decide on the completeness of an application.
4. The applicable application fees. [Added by Ord. No. 24-4,010, eff. 3/29/24.]

**10-1-601: PURPOSE:**

## A. R-1.

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

## B. R-1-H.

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

## C. SECTION RESERVED.

[Formerly numbered Section 31-26; renumbered by Ord. No. 3058, eff. 2/21/87; amended by Ord. No. 22-3,970, eff. 4/15/22; 17-3,890; 3669.]

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

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

## A. PERMITTED USES.

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

## B. PROHIBITED LAND USES.

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

## C. APPLICABLE SECTIONS.

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

**Table 10-1-602**

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

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

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
<b>Residential and Accessory Uses</b>			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP <sup>(1)(9)</sup>	CUP <sup>(1)(9)</sup>	
SB 9 – Second Single-Family Dwelling, on one lot	S <sup>(10)</sup>	---	10-1-608.1
Garages, private	P <sup>(2)</sup>	P <sup>(2)</sup>	
Accessory structures, including minor structures for which no building permit is required <sup>(3)</sup>	P <sup>(4)</sup>	P <sup>(4)</sup>	<a href="#">10-1-604</a>
Accessory uses typical for a single-family home including tennis courts and swimming pools	P	P	
Accessory dwelling unit and Junior accessory dwelling unit	P	P	Article 6, Division 3
Home occupation	P	P	Article 6, Division 11

Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	<a href="#">10-1-605</a>
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 <sup>(8)</sup>	P <sup>(8)</sup>	
Transitional Housing	P <sup>(8)</sup>	P <sup>(8)</sup>	
<b>Non-Residential Uses</b>			
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 <sup>(5)</sup>	CUP <sup>(5)</sup>	
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
<b>Equestrian and Special Uses</b>			
Animal hospital; no boarding	---	CUP <sup>(7)</sup>	
Blacksmith; horse shoeing only	---	CUP <sup>(7)</sup>	
Petting zoo	---	CUP <sup>(7)</sup>	
Plant nursery	---	CUP <sup>(7)</sup>	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP <sup>(7)</sup>	Article 24, Division 9
<b>Cannabis Uses</b>			
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.

(9) “Single-Family Dwellings, additional on one lot” are prohibited if there exists an SB 9 – Second Single-Family Dwelling, as defined in Section 10-1-608.1, on the lot.

(10) A SB 9 – Second Single-Family Dwelling, as defined in Section 10-1-608.1, is prohibited if there exists a First Single-Family Dwelling, as defined in Section 10-1-608.1, and a “Single-Family Dwelling, additional, on one lot” that was approved by a Conditional Use Permit.

[Formerly numbered Section 31-27; amended by Ord. No. 24-4,010, eff. 3/29/24; 22-3,970; 21-3,957; 20-3,932; 20-3,931; 19-3,930; 18-3,901; 17-3,898; 3890; 3872; 3840, 3817, 3697, 3669, 3622, 3535, 3399, 3139, 3127, 3058, 2858, 2754, 2727, 2371, 2322, 2183.]

**10-1-603: PROPERTY DEVELOPMENT STANDARDS:**

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

**TABLE 10-1-603(A): DEVELOPMENT STANDARDS**

**IN THE R-1 AND R-1-H ZONES**

<i>Development Standards</i>	<i>R-1 and R-1-H</i>	<i>Additional or Related Standards</i>
<b>Dimensions Related to Density</b>		
Minimum lot area	6,000 square feet	
Minimum lot width	50 feet	
Minimum lot depth	100 feet	

Minimum lot area per primary dwelling unit	6,000 square feet	
Minimum lot area per additional dwelling unit above first 6,000 square feet subject to CUP approval	5,750 square feet	
Minimum dwelling unit size	850 square feet	
Minimum dwelling unit width <sup>(1)</sup>	20 feet	
<b>Maximum height:</b> <sup>(2)</sup>		
To top plate	20 feet	<a href="#">10-1-603(C)</a>
To top of pitched roof and architectural features	30 feet <sup>(3)</sup> <sup>(4)</sup>	<a href="#">10-1-603(C)</a>
To top of flat roof, parapet, and architectural features	23 feet	<a href="#">10-1-603(C)</a>
To top plate for accessory structures	10 feet	<a href="#">10-1-603(C)</a>
To top of roof and architectural features for accessory structures	14 feet <sup>(5)</sup>	<a href="#">10-1-603(C)</a>
<b>Maximum number of stories</b>	2; 3 stories if the third story is enclosed within a pitched roof (maximum height requirements apply).	
<b>Maximum floor area ratio</b> <sup>(H)</sup>	0.4 for lot area up to 7,500 square ft. plus 0.3 for lot area over 7,500 square ft. and 0.2 for lot area over 15,000 square ft. <sup>(6)</sup>	<a href="#">10-1-603(D)</a>
<b>Upper-story Stepbacks; Building Plane Modulation</b>	Required for all new dwellings and second story additions.	<a href="#">10-1-603(E)</a>
<b>Maximum lot coverage</b>	50% <sup>(7)</sup>	<a href="#">10-1-603(F)</a>
<b>Minimum yard setbacks</b> <sup>(H)</sup>		

Front	Average front yard setback on the blockface.	<a href="#">10-1-603(G)</a>
Rear	15 feet	<a href="#">10-1-603(G)</a>
Interior side	At least 10% of lot width, but no less than 3 feet and no more than 10 feet <sup>(8)</sup>	<a href="#">10-1-603(G)</a>
Street-facing side	For the first story, no less than 10% of lot width or 5 feet and no more than 10 feet <sup>(8)</sup> . For the second story, 20% of lot width, but no less than 6 feet and no more than 20 feet.	<a href="#">10-1-603(G)</a>
<b>Maximum fence, wall, and hedge heights <sup>(H)</sup></b>		
Within the front yard setback area	4 feet <sup>(9)</sup> <sup>(11)</sup> 6 feet (hedges only)	<a href="#">10-1-603(H)</a>
Within the street-facing side yard setback area	6 feet (to rear of house) if 50% open; 4 feet if solid <sup>(11)</sup> 8 feet (to rear of lot) <sup>(11)</sup>	<a href="#">10-1-603(H)</a>
Outside of the front yard or street-facing side yard setback area	8 feet 12 feet (hedges only)	<a href="#">10-1-603(H)</a>
Required trees for New Single Family Homes	2 trees somewhere on the property, preferably one in the front yard. (Can be existing trees)	<a href="#">10-1-603(L)</a>
<b>Minimum number of off-street parking spaces <sup>(H)</sup></b>		
When main dwelling has a gross floor area of 3,400 square feet or less	2 <sup>(10)</sup>	<a href="#">10-1-603(I)</a>
When main dwelling has a gross floor area of more than 3,400	3 <sup>(10)</sup>	<a href="#">10-1-603(I)</a>

square feet		
-------------	--	--

## Notes/Additional Requirements:

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

1. The minimum dwelling unit width does not apply when a narrower dwelling width is necessary to maintain the minimum required side yard setbacks.
2. Unless otherwise permitted by state or federal law, the maximum 30-foot height limit also applies to freestanding structures other than buildings, including but not limited to antennas, satellite dishes, and flagpoles.
3. To achieve this height, the minimum roof slope shall be 30 degrees above a horizontal plane.
4. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Accessory dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.
5. On lots larger than 10,000 square feet, the maximum accessory structure height shall be 23 feet.
6. Section [10-1-603\(D\)](#) establishes additional regulations for the floor area ratio. In the hillside area as defined in Section [10-1-606\(A\)](#), the floor area ratio may be reduced through conditions placed upon a Hillside Development Permit per Section [10-1-606\(C\)](#).
7. 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.
8. In the front yard, 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.
9. The first two required parking spaces must not be tandem spaces. The third parking space may be a tandem space.
10. The height of the retaining wall adjacent to the sidewalk or the public right of way in front of the house must be measured along the sidewalk or the right of way, not the finished grade of the property.

11. The height of the retaining wall adjacent to the sidewalk or the public right of way in front of the house must be measured along the sidewalk or the right of way, not the finished grade of the property.

**B. CONFORMANCE TO APPROVED PLANS REQUIRED.**

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

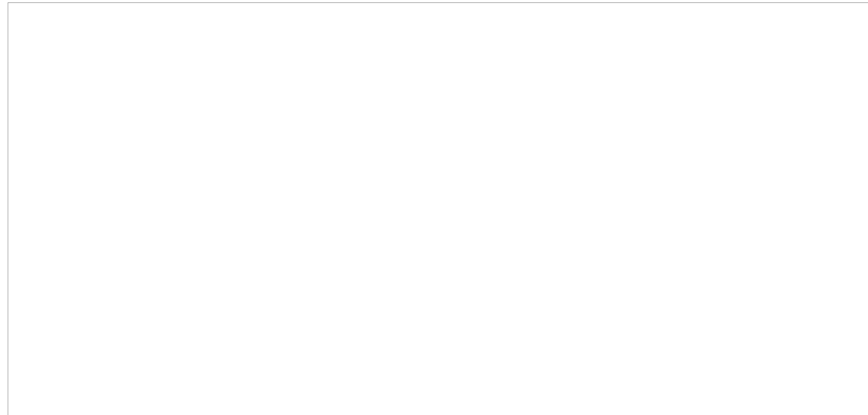
2. When the owner or the contractor encounters conditions in the field that may require a modification to an approved Hillside Development Permit, it shall be the responsibility of the owner or the contractor to cease work. Information regarding the field conditions then must be provided to the Planning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

**C. HEIGHT.**

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

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

**DIAGRAM [10-1-603\(C\)](#): HEIGHT MEASUREMENT**



2. No building feature, except parapets above a height of 20 feet, or 10 feet on an accessory structure, shall exceed a roof pitch of 12 vertical inches for every 12 horizontal inches, where pitched. This standard is not intended to require hipped roofs.
3. Parapets and architectural features shall not exceed 30 inches in height above the intersection of the roof surface and the wall. A flat roof surface must be no higher than 23 feet above grade, or 11 feet above grade when on an accessory structure.
4. Chimneys shall not extend more than 15 feet above the highest point of the roof or exceed a maximum height of 30 feet, or 17 feet on an accessory structure. Unless otherwise permitted by State or federal law, air conditioning units and other roof-mounted equipment shall not exceed 30 feet in height, or 17 feet on an accessory structure. All such equipment shall be screened so as to limit visibility from the right-of-way.
5. When a deck or platform is provided on top of a structure, the assumed top plate height of the structure is six (6) feet, eight (8) inches above the deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.
6. Top of the roof height of front porches shall be limited to no more than 12 feet as measured from the existing ground surface of the lot, prior to any grading, cut, or fill activity or the finished ground surface of the lot, after any grading, cut, or fill activity, whichever is lower.
7. While modest changes in grade (not to exceed 6 inches in non-Hillside areas, and 12 inches in the Hillside) may result when excavation and foundation work are carried out, the placement of fill dirt in the front and rear yards is not allowed in order to change the overall grade of the property and increase the allowable height. Applicants for building permits requiring any grading beyond 6 inches in non-Hillside areas, and 12 inches in the Hillside shall be required to submit a stamped and signed pre-demolition topographic survey, a grading plan as part of the construction documents indicating existing and proposed topography, and, upon completion, a final certification from the surveyor verifying the as-built condition. Any changes to the existing grade must be shown on the construction drawings and approved by the City.

Building Official in advance of building permit issuance. Subsequent changes to the grade shall not be approved as part of field inspection and, instead, require resubmittal of plan documents to the Community Development Department for review.

D. FLOOR AREA RATIO.

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

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

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

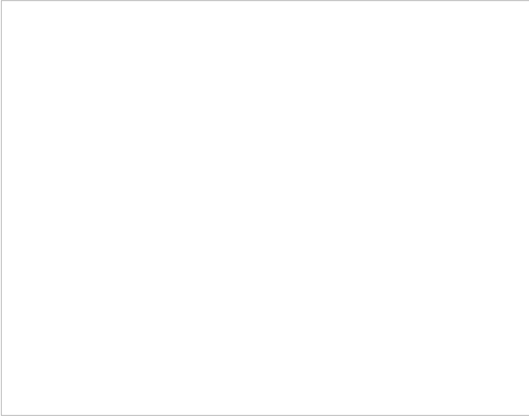
3. Any portion of a structure, including the area above a staircase, over 12 feet in interior height, shall count as floor area as if a second story were within the space. This means that any space with a ceiling or top plate exceeding the maximum allowed one story height shall be considered as constituting two stories for the purpose of calculating floor area and thus the ground floor area is counted twice. For purposes of

measuring height in this section, it is measured from grade, not from finished floor.

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

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

--

		
<b>Lot Size (Sq. Ft.)</b>	<b>Maximum Gross Floor Area (Sq. Ft.)</b>	<b>Maximum FAR</b>
3,500	1,400	0.4
4,000	1,600	
4,500	1,800	
5,000	2,000	
5,500	2,200	
6,000	2,400	
6,500	2,600	
7,000	2,800	
7,500	3,000	
8,000	3,150	0.4 for up to 7,500; 0.3 for lot area over 7,500
8,500	3,300	
9,000	3,450	
9,500	3,600	
10,000	3,750	
10,500	3,900	
11,000	4,050	
11,500	4,200	
12,000	4,350	
12,500	4,500	

13,000	4,650	
13,500	4,800	
14,000	4,950	
14,500	5,100	
15,000	5,250	
15,500	5,350	0.4 for up to 7,500; 0.3 for lot area over 7,500 but less than 15,000; and 0.2 for lot area over 15,000
16,000	5,450	
16,500	5,550	
17,000	5,650	
17,500	5,750	
18,000	5,850	
18,500	5,950	
19,000	6,050	
19,500	6,150	
20,000 or more	As determined by same FAR formula	

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

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

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

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

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

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

A = Gross area for the lot in square feet

#### 11. Floor Area Ratio Exception

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

An Example is listed below:

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

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

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

## E. UPPER-STORY STEPBACKS.

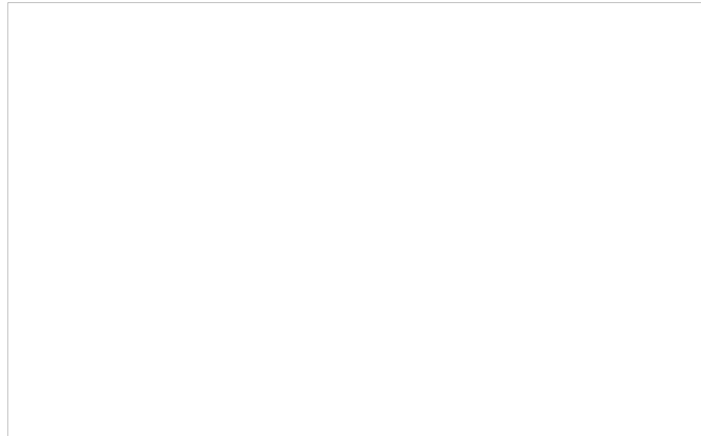
Building Modulation Required. To reduce second story building mass and avoid shadow and privacy impacts on adjacent property, new construction and exterior alterations and additions must provide front and side setbacks according to the following standards:

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

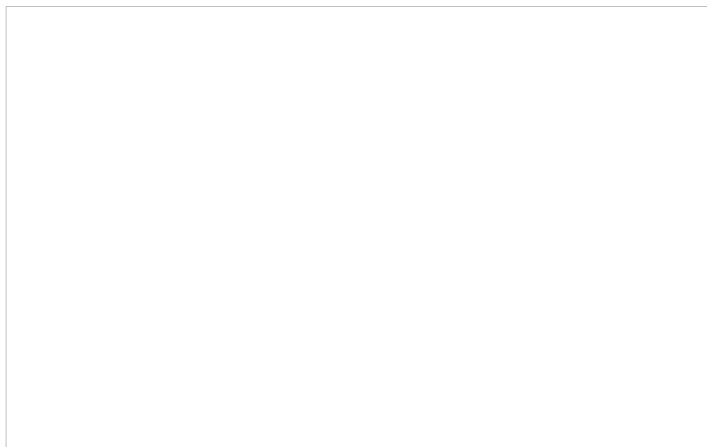
Findings for Exceptions. A setback exception shall only be approved when the Community Development Director or their designee makes the Findings below:

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

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

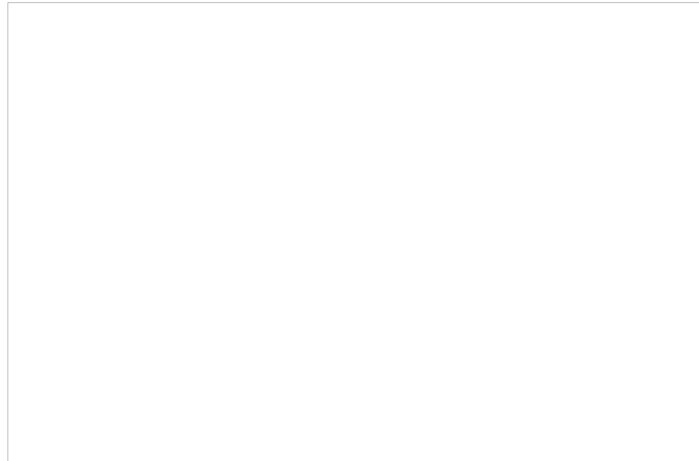


**DIAGRAM [10-1-603\(E\)\(1\)\(B\)](#): FRONT YARD BUILDING MODULATION ALTERNATIVE B**



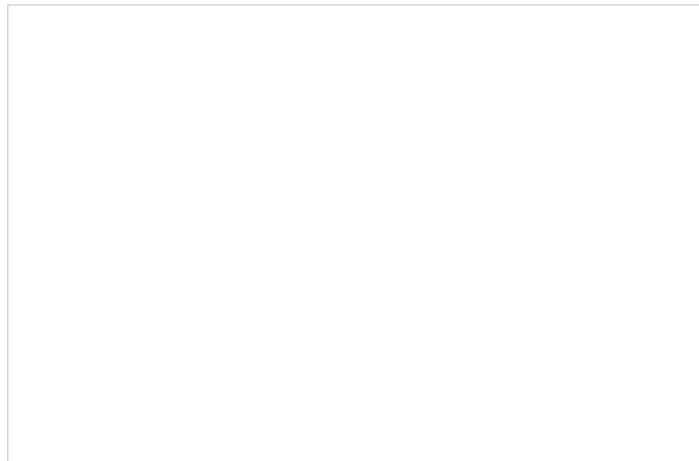
2. Side, second story. The side yard setback for the second story must conform to one of the following three standards.
  - a. Standard E-(2)(a): At least 40 percent of the length of the second story is set back 4 feet from the first floor building face. See Diagram [10-1-603\(E\)\(2\)\(A\)](#) below.

**DIAGRAM [10-1-603\(E\)\(2\)\(A\)](#): SIDE YARD BUILDING MODULATION ALTERNATIVE A**



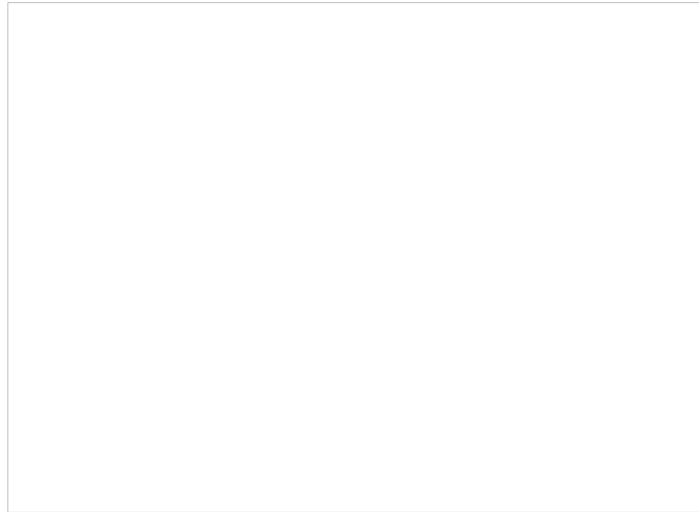
b. Standards E-2b: At least 30 percent of the interior side of a building is offset a minimum of 5 feet in depth from the primary wall. See Diagram 10.1.603(E)(2)(B) below.

**DIAGRAM [10-1-603\(E\)\(2\)\(B\)](#): SIDE YARD BUILDING MODULATION ALTERNATIVE B**



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

**DIAGRAM [10-1-603\(E\)\(2\)\(C\)](#): SIDE YARD BUILDING MODULATION ALTERNATIVE C**



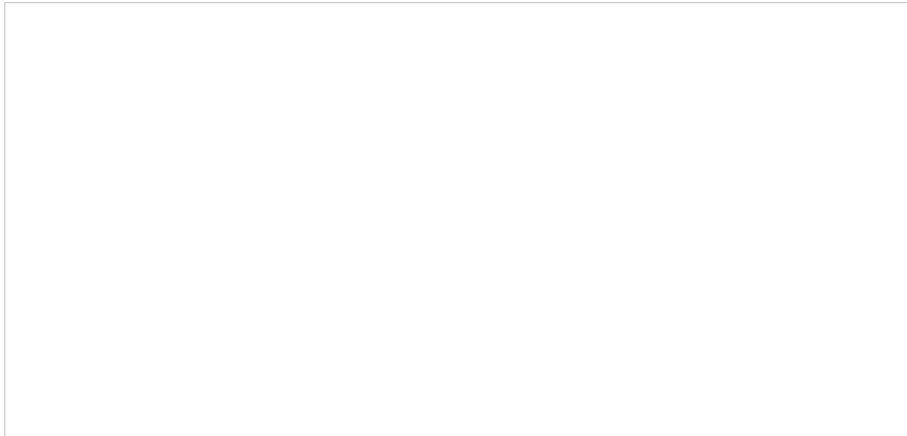
3. Street Side Yard Modulation Additional Requirement. An additional two (2) feet of yard setback shall be required for any portion of the second story side façade of the house greater than 60 feet in length and 14 feet in height.

#### F. LOT COVERAGE.

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

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

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



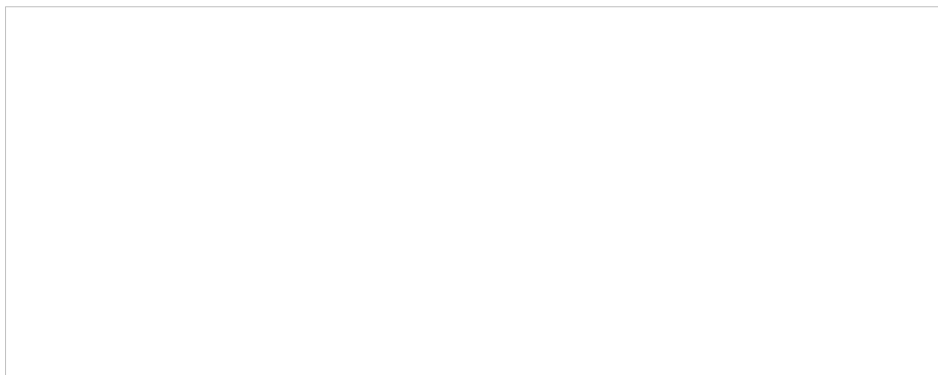
G. YARDS.

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

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

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

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



2. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 10-1-603(G). Encroachment distances are measured

from the minimum required setback line and not from the actual setback of the structure. All setbacks and encroachments are measured perpendicular to the property line.

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

<i>Structure/Object</i>	<i>Setback Type</i>	<i>Maximum Encroachment</i>
Structural walls and posts supporting an overhead structure (except accessory structures) and any structural components or objects not specifically listed in this table	Front	none permitted
	Rear	none permitted
	Interior Side	none permitted
	Street-Facing Side	none permitted
Accessory structures <sup>(1)</sup>	Front	none permitted
	Rear	up to within 3 feet of property line but not beyond setback plane <sup>(2)(3)</sup>
	Interior Side	up to within 3 feet of property line but not beyond setback plane <sup>(2)(3)(4)</sup>
	Street-Facing Side	none permitted
Eaves, canopies, porches including their eaves, or balcony covers, cornices, sills, etc.	Front	2.5 feet; 4 feet in the front yard for front porches with a 5-foot minimum clear horizontal dimension. The maximum height to the top of roof for the front porch structure shall be no more than 12 feet. See Diagram <a href="#">10-1-603(G)(2)(A)</a>
	Rear	
	Interior Side	up to within 2.5 feet of property line <sup>(6)</sup>
	Street-Facing Side	2.5 feet <sup>(6)</sup>
Garden window boxes and non-structural bay windows	Front	2.5 feet
	Rear	2.5 feet
	Interior Side	2 feet but no less than 3 feet

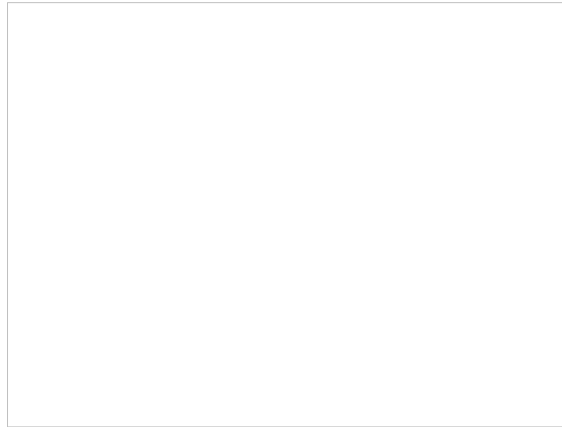
		from the property line
	Street-Facing Side	2.5 feet
Uncovered patios or porches at ground level. For a built-up slab-on-grade deck on a sloped lot, four inches above the lowest adjacent grade are permitted.	Front	4 feet <sup>(5)</sup>
	Rear	up to property line
	Interior Side	up to property line
	Street-Facing Side	up to property line <sup>(5)</sup>
Uncovered porches, patios, decks, and platforms above ground level and supported from the ground (whether freestanding or attached to a structure)	Front	4 feet
	Rear	none permitted
	Interior Side	permitted with limitations <sup>(6)</sup>
	Street-Facing Side	none permitted
Uncovered porches, patios, decks, platforms, and balconies above ground level, attached to a structure, and not supported from the ground	Front	4 feet
	Rear	5 feet
	Interior Side	permitted with limitations <sup>(6)</sup>
	Street-Facing Side	up to within 10 feet of property line
Stairways, ramps, and landings leading up to grade level from basement or other below-grade space	Front	5 feet
	Rear	5 feet
	Interior Side	none permitted
	Street-Facing Side	none permitted
Stairways, ramps, and landings leading from one grade level to another grade level or from grade level up to the first floor level	Front	up to property line
	Rear	up to property line
	Interior Side	up to property line
	Street-Facing Side	up to property line
Stairways, ramps, and landings above floor level of first storv <sup>(6)(7)</sup>	Front	2.5 feet
	Rear	none permitted

	Interior Side	none permitted
	Street-Facing Side	none permitted
Above-ground and in-ground swimming pools and spas (as measured to water line)	Front	none permitted
	Rear	10 feet
	Interior Side	up to within 5 feet of property line
	Street-Facing Side	none permitted
Pool equipment, air conditioning equipment, water heaters <sup>(8)</sup> , barbecues, play equipment, and similar accessory appliances and equipment	Front	none permitted
	Rear	12 feet
	Interior Side	up to within 3 feet of property line
	Street-Facing Side	none permitted
Chimneys	Front	none permitted
	Rear	2 feet
	Interior Side	2 feet. Encroachment shall be a minimum of 3 feet from the property line
	Street-Facing Side	2 feet
Porte-cochere	Front	none permitted
	Rear	none permitted
	Interior Side	up to 3 feet from the property line with a minimum 5-foot setback from the primary front building plane <sup>(9)</sup>
	Street-Facing Side	none permitted

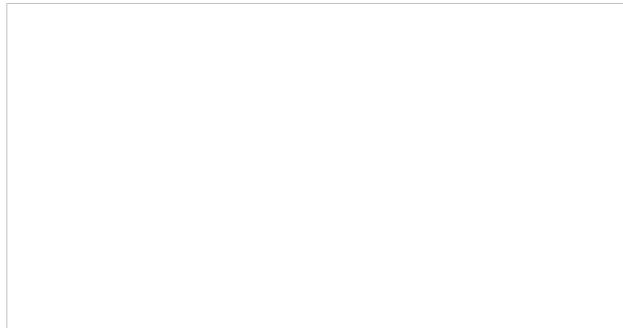
Notes/Additional Requirements:

1. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by a Conditional Use Permit, are not considered accessory structures subject to the encroachment provisions in this table.
2. Accessory structures are permitted to encroach within the standard side and rear setbacks to the minimum three (3) foot setbacks only when located in the rear one-third of the lot. See [10-1-603\(G\)\(4\)](#) for information about accessory structure setback planes.
3. The three (3)-foot side and rear setbacks are not required for accessory structures along any side or rear property line that abuts an alley. However, the setback plane described in [10-1-603\(G\)\(4\)](#) still applies.
4. On lots less than 26 feet wide, accessory structures are permitted to encroach within the three (3)-foot side and rear setbacks to a distance necessary to provide a garage or carport that meets the minimum size specified in Section [10-1-603\(I\)](#).
5. Uncovered patios and porches in the front and street-facing side yards are subject to the hardscape limitations in [10-1-603\(G\)\(5\)](#).
6. Porches, patios, decks, platforms, and balconies must be set back a minimum of 10 feet from interior side property lines. This requirement applies whether the porch, patio, deck, platform, or balcony is freestanding, attached to the main dwelling structure, or attached to an accessory structure.
7. Stairways, ramps, and landings attached to an accessory structure may encroach to the same minimum setbacks as the accessory structure itself.
8. Water heater and equipment closets that are built-in to a structure or enclosed by structural walls or are within a cabinet are subject to the standard setback requirement for structural walls.
9. Porte-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\(G\)\(2\)\(B\)](#)).

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

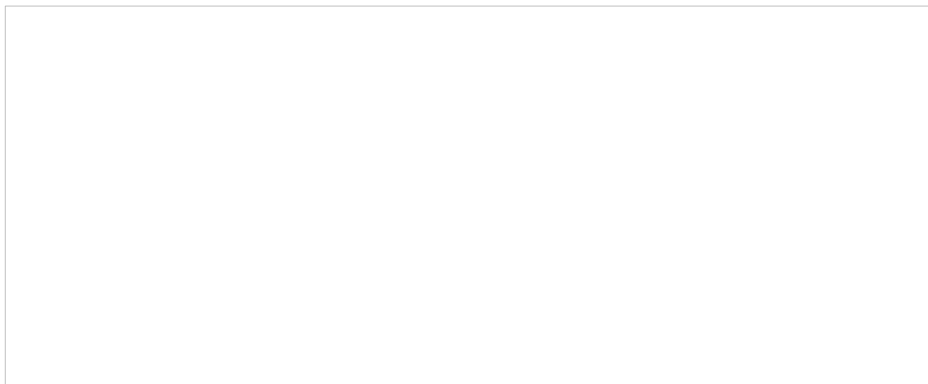


**DIAGRAM [10-1-603\(G\)\(2\)\(B\)](#): PERMITTED ENCROACHMENT FOR PORTES-COCHERE**



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

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

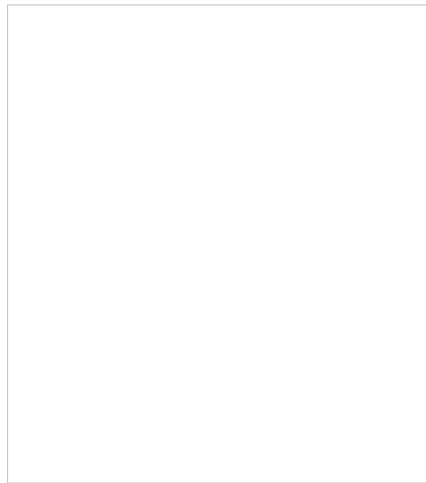


4. Accessory Structures. In addition to the minimum setbacks prescribed in Table 10-1-603(G), the top

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

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

**DIAGRAM [10-1-603\(G\)\(4\)](#): ACCESSORY STRUCTURE SETBACK PLANES**



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

- a. No more than 45 percent of the required front yard or street-facing side yard setback area shall be hardscaped. For the purposes of this provision, hardscape means cement concrete, asphalt, brick, pavers, and similar impervious or semi-pervious paved surfaces. An additional five (5) percent allowance for decorative brick sections or decorative paving within a landscaped area may be provided if needed for access or to complete a landscape design. If artificial turf is proposed for installation in the front yard, it shall be limited to half of the landscaped square footage.
- b. The allowed hardscaping is limited to a driveway leading directly from a public street or alley to a garage or other required parking area, pedestrian pathways, and encroachments specifically permitted in Table 10-1-603(G). Within the required front yard setback area, driveways must be no wider than 20 feet when the garage is located to the rear of the main dwelling structure, provided the percentage of

hardscaping is limited to 45%. The maximum width of driveways at a curb shall be no more than 25 percent of the lot width with no single driveway exceeding 15 feet in width. Circular drives are permitted on lots 100 feet or more in width provided the City's landscaping standards are met for a lot fronting on a major or secondary arterial street for the purpose of complying with Section 10-1-1403.

c. No hardscaping is permitted next to a driveway so as to provide a continuous hardscaped surface. 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 their designee.

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

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

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

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

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

##### 1. Fences, Walls, and Hedges.

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

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

- c. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).
- d. Fence in the front yard setback area can have up to two gates, and the gates must be 50 percent open and comply with the height requirements specified in Table 10-1-603(A).
- e. Only one wall/fence, inclusive of any openings for access, is allowed in the front yard setback.
- f. Fence in the front yard setback area may be combined with a retaining wall. The maximum height of a fence in combination with a retaining wall in the front yard setback area shall not exceed 4 feet, as measured from abutting natural grade, prior to any grading, cut, or fill activity, or abutting finished grade, after any grading, cut, or fill activity, whichever is lower, and the fence must be 50 percent open.
- g. The height of a fence, wall, or hedge is measured from the 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.
- h. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair step-design, but each stair-step section, as measured from the horizontal midpoint, shall not exceed the maximum height.
- 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.
- 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.
- k. All fences, walls, and hedges must comply with the corner cutoff provisions of Section 10-1-1303.
- l. Gates are subject to the same requirements as fences and walls.
- 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.

- n. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section 10-1-19202.
- o. If a wall or fence was legal (built pursuant to then existing codes) prior to February 23, 2017, the wall or fence shall not be subject to these standards.

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



- 2. Other Yard Features.
  - a. Other yard features, including but not limited to natural features such as rocks; structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, light poles, benches, and other items included within the definition of Landscaping per Section 10-1-203 are limited to a maximum of two (2) features per street frontage within front and street-facing side yards. Such features must comply with the corner cutoff provisions of Section 10-1-1303.
  - b. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum width of six (6) feet, and an interior length of three (3) feet, as measured from the highest abutting ground surface prior to grading. Other yard features are limited to a maximum height of six (6) feet and a maximum width of six (6) feet.
  - c. Enforcement of nonconforming yard features established prior to October 17, 2008, may be

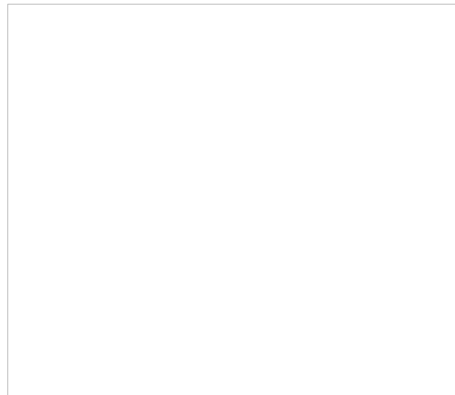
subject to abeyance pursuant to Section 10-1-19202.

3. Retaining Walls.

a. Retaining walls located within front yard setback areas are limited to a maximum height of 30 inches in height, and must be setback 18 inches from the sidewalk with a planting buffer strip provided between the wall and the sidewalk. Only two (2) retaining walls are allowed in the front yard setback.

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

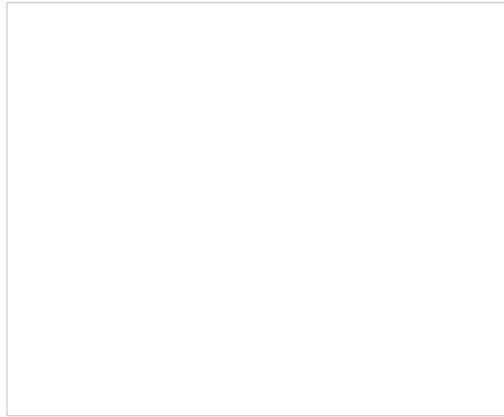
**DIAGRAM [10-1-603\(H\)\(3\)\(A\)](#): RETAINING WALL HEIGHT WITH PLANTED BUFFER**



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.

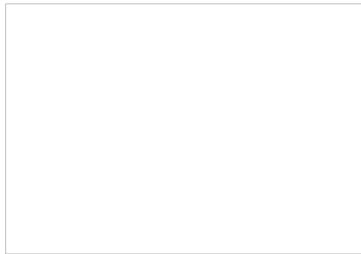
d. Walls shall not be placed above retaining walls within the front yard setback and street facing side yard setback.

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



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

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



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

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

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

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

## I. PARKING AND DRIVEWAYS.

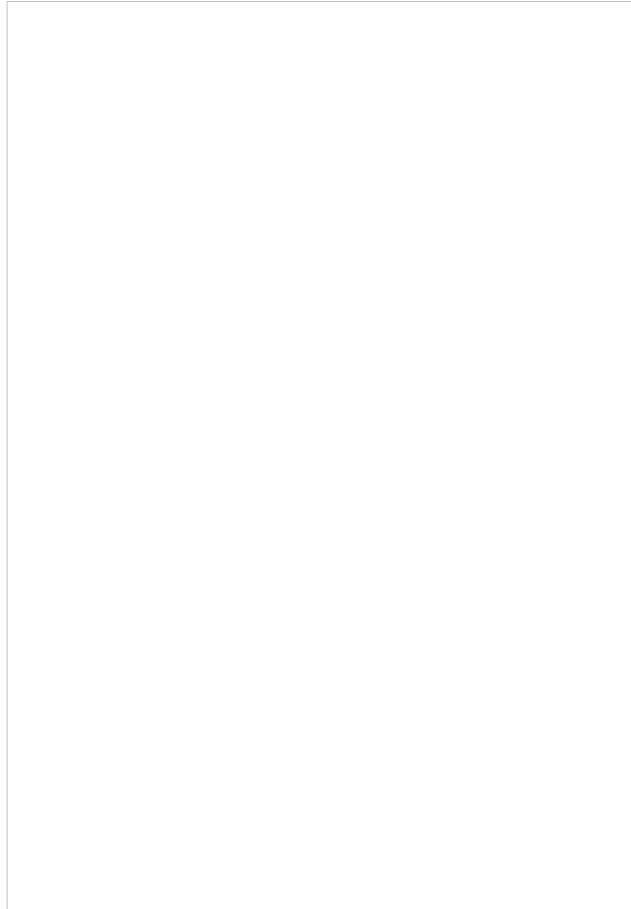
1. All parking required by this Section must be provided in a carport, as defined in Section 10-1-203, or in an enclosed garage. No more than one (1) side of a garage may be used for a door to provide vehicle access to the garage.
2. A space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided for each required vehicle parking space inside a carport or garage. All parking spaces must be clear of and unobstructed by any encroachments, including but not limited to structural features, shelves, cabinets, appliances, and equipment.
3. For existing dwellings where the parking area in a garage or carport does not meet the minimum requirements of this Section, the existing parking area shall not be reduced or encroached upon, as determined by the dimensions of the physical space provided.
4. Existing off-street parking must be maintained consistent with Subsection (3). In the following situations parking otherwise required by this Section must be provided:
  - a. An addition to the existing main dwelling structure that results in a total gross floor area, as defined in Section 10-1-203 of BMC, of more than 3,400 square feet, exclusive of attached garages and detached accessory structures.
  - b. Whole house demolition of existing dwelling structure, whether or not the garage or carport structure is demolished. This requirement shall apply for detached and attached garages.
  - c. The existing garage or carport is demolished or destroyed including but not limited to destruction by an act of God or by fire, removed, relocated, or rebuilt.
5. Garages located at the front of the main dwelling with a door parallel to the street must be located no closer to the front property line than 10 feet back from the ground floor front facade. An exception to the garage setback shall be granted by the Community Development Director or their designee when the existing block face is already characterized by front facing garages with doors parallel to the front property line and not setback the required 10 feet for at least 40 percent of the houses on the block face.
6. Garages located at the front of the main dwelling must occupy no more than 50 percent of the width of the dwelling. A three car wide garage is allowed on lots that have a minimum width of 70 feet, but must be offset from the plane of the first two parking spaces by a minimum depth of four (4) feet. This standard applies whether the door is parallel or angled to the street. The Community Development Director or their designee shall approve minor exceptions to this requirement for irregular lots and narrow lots where there is less than fifty (50) feet of frontage.

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

7. The maximum width of driveways at a curb shall be no more than 25 percent of the lot width with no single driveway exceeding 15 feet in width.
8. Driveways must lead directly from a public street or alley to a garage or other required parking area using the shortest and most direct route feasible. The City Planner and Traffic Engineer may approve exceptions to this requirement to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section 10-1-1403.
9. Driveways must be no less than 10 feet wide and must be improved with cement concrete, asphalt, brick, pavers, or another similar permanent surface approved by the Traffic Engineer. Driveways must remain clear and unobstructed by any structural elements or vegetation.
10. When a turning movement is required to back out of a parking space, including but not limited to a curved driveway or access from an alley, a minimum backup turning radius of 24 feet must be provided for all parking spaces as measured from the exterior wall of the garage or carport.
11. Parking space access and minimum backup clearances must be provided as shown in Diagram [10-1-603\(I\)](#)(1) for all required parking spaces whether in a garage or carport or uncovered (in the case of parking for a second dwelling unit). The shaded clear driveway area shown in the diagram must be maintained as a driveway. The clear area must be improved with a permanent surface and must remain clear and unobstructed by any structural elements or vegetation.

12. The elevation of the floor of a garage or carport must be equal to or higher than the top of the curb at the front property line, unless the existing grade slopes downhill away from the street and the driveway follows the existing grade. The existing grade may not be altered for the purpose of lowering the elevation of a garage or carport floor below the top of the curb. Exceptions to this requirement may be granted through approval of a Conditional Use Permit.

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



**J. INTERNAL CIRCULATION.**

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

**K. MOBILE HOMES AND MANUFACTURED HOMES.**

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

manufactured homes:

1. Homes must be manufactured after June 15, 1976, and must be manufactured to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. Homes must be installed on a permanent foundation system approved by the Building Official.
3. Exterior siding must be provided as necessary to screen an otherwise non-enclosed under floor area. Such siding must extend to within six (6) inches of the ground surface on all sides of the home and must be made of a non-reflective material that simulates wood, stucco, or masonry.
4. Roofing materials must not consist of continuously rolled metal roofing or any reflective roofing material.

#### L. TREES.

When applying for a Hillside Development Permit, 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 their designee. Additional trees, including side yard trees, may be required as a condition of permit approval on lots greater than 10,000 square feet.

#### M. DESIGN STANDARDS

1. All new residential construction and/or expansion or remodeling work that alters the entrance of a dwelling shall comply with the following design elements:
  - a. Entry porches, when provided, shall be at least 5 feet wide and 4 feet deep.
  - b. Front entries and doors shall be located along the street facing facade of a main dwelling.
2. For all new residential construction or remodeling and/or addition to a single family dwelling, that includes alteration of exterior facades, at least 20% of the area of each street-facing facade shall be windows or entrance doors. Garage doors shall not be included in 20% calculation. Window area is considered the entire area within the outer window frame, including any interior window grid. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.
3. A two-story project design shall provide screening in the form of trees, shrubs, fence and/or hedges that meet the City height requirements along the shared property lines for the full length of a single-family dwelling being developed, if any portion of the proposed upper story addition is located within 15 feet of the

shared property lines.

4. Upper story square footage of a dwelling shall be limited to 85% of the first story gross square footage.
5. When exterior lighting is incorporated, it shall be designed so as to avoid glare and light spill over onto adjoining and adjacent residences and public right of way.
6. Following materials are prohibited:
  - a. Barred windows
  - b. Use of unfinished cinder-block or concrete blocks for building facade or fences.
  - c. roofing materials with a reflective surface that produces glare
  - d. siding with a reflective surface that produces glare. [Formerly numbered Section 31-28; amended by Ord. No. 22-3,983, eff. 12/11622; 22-3,970; 18-3,901; 17-3,890; 3774; 3750; 3748; 3690, 3688, 3669, 3622, 3535, 3399, 3259, 3255, 3058, 2922, 2912, 2725, 2640, 2616, 2387, 2356, 2183.]

#### **10-1-604: ACCESSORY STRUCTURES:**

##### **A. APPLICABILITY.**

Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, such as detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, also known as 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.

##### **B. SIZE.**

The combined gross floor area of all enclosed accessory structures on a property, excluding garages, shall not exceed 1,000 square feet.

##### **C. LOCATION.**

1. Accessory structures must be located at least six (6) feet away from any other structure on the same lot as measured from the exterior walls of the structures, or the outside edge of supporting posts for non-enclosed structures or portions thereof.
2. Except as provided in Subsection (3), the eave projections of accessory structures must be at least four (4) feet away from the eave projections of any other structure on the same lot.

3. An accessory structure may be connected to the main dwelling structure by means of a porte-cochere, breezeway, patio covering, or other non-enclosed structural feature. However, such accessory structure is subject to the same minimum setback requirements as the main dwelling structure and does not qualify for the reduced accessory structure setbacks.

D. FACILITIES AND USE.

The following requirements apply to all accessory structures.

1. No accessory structures of any size shall contain temporary or permanent kitchen or cooking facilities.
2. No accessory structures of any size shall contain bathroom fixtures except for a lavatory and toilet; or a lavatory, toilet, and shower if in conjunction with an on-site, permanent, in-ground swimming pool. Spas, whether in-ground or above ground, and above-ground pools are not considered swimming pools for the purposes of this Subsection.
3. Plumbing fixtures in an accessory structure other than those provided in a bathroom are limited to:
  - a. One (1) single-basin wet bar sink not exceeding one (1) cubic foot in size; or
  - b. One (1) laundry sink if located adjacent to a laundry appliance fixture.

E. USE.

Except as specified in Section 10-1-1813 for legal nonconforming structures, no accessory structure of any size shall be used for cooking or sleeping purposes. No person shall sleep or otherwise reside in an accessory structure at any time whether such use is temporary or permanent, and whether or not compensation is provided.

F. COVENANT.

Prior to the issuance of a building permit for an accessory structure that will contain bathroom or other plumbing fixtures of any kind or for the installation of bathroom or other plumbing fixtures in an existing accessory structure, a covenant must be prepared by the City Attorney, signed by the property owner(s), and recorded with the County Recorder. The covenant shall be binding upon the property owner and all future property owners and shall state that the structure shall not be used for cooking and/or sleeping purposes; and that kitchen or cooking facilities shall not be installed in the structure. [Added by Ord. No. 3139; Formerly numbered Section 31-28.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 17-3,890, eff. 2/23/17; 3669.]

**10-1-605: ADDITIONAL DEVELOPMENT STANDARDS FOR THE R-1-H ZONE:**

A. APPLICABILITY.

The development standards in this Section apply to all properties in the R-1-H Single Family Residential Horsekeeping Zone. The requirements of this Section supersede any conflicting standards in other Sections of this Division.

**B. SETBACKS FOR OPENINGS.**

1. Doors, windows, and other openings in any dwelling unit or legal nonconforming guest house must conform to the following requirements:
  - a. Such openings must be at least 10 feet from the rear and side property lines when constructed within the rear 35 feet of the lot.
2. Doors, windows, and other openings in any stable must be at least 10 feet from the rear and side property lines.
3. No structure may be constructed, added to, or otherwise modified so as to create nonconformity with Subsection (1) or increase an existing nonconformity.

**C. STANDARDS FOR NON-COMMERCIAL STABLES.**

1. Non-commercial stables must be located within the rear 35 feet of the lot.
2. Except as provided herein, non-commercial stables must be set back a minimum of three (3) feet from the rear and side property lines. Openings for stables and/or half-walls must be located at least 10 feet from the rear and side property lines. Stables may be constructed of reinforced masonry, reinforced concrete, wood, or any other construction material approved by the Building Division. The three (3) foot side and rear setbacks are not required for stables along any side or rear property line that abuts an alley, consistent with the setback requirements for accessory structures in Section [10-1-603\(F\)](#).

**D. STANDARDS FOR NON-COMMERCIAL CORRALS:**

1. Non-commercial corrals must be located within the rear 35 feet of the lot.
2. Non-commercial corrals must comply with height and setback requirements for fences and walls.

**E. RESTRICTIONS ON KEEPING HORSES.**

1. It is unlawful to keep a horse in an R-1-H Zone without a permit issued by the Animal Shelter Superintendent. A permit may not be issued unless first approved by the Community Development Director upon a finding that the property is in conformance with the requirements of this Section. The Director must notify the Animal Shelter Superintendent in writing of the decision to approve or deny a permit application.

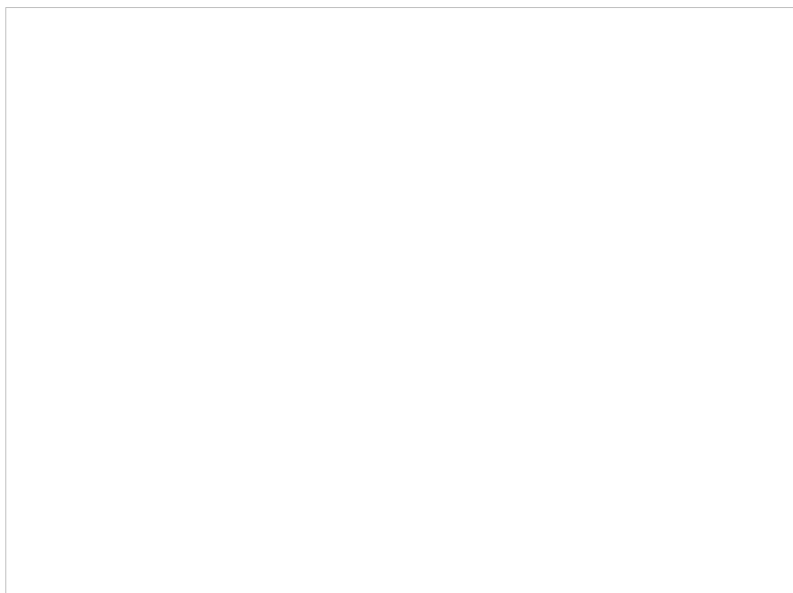
2. Each lot on which one (1) or more horses is kept must have a stable to shelter the horse(s).
3. The number of horses kept in an R-1-H Zone in a non-commercial stable may not exceed one (1) for each 3,000 square feet of lot area.
4. The number of horses kept in an R-1-H Zone in a commercial stable may not exceed one (1) horse for each 500 square feet of lot area.
5. Additional requirements for commercial stables are specified in Article 24, Division 9 of this Chapter. [Formerly numbered Section 31-29; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3829, eff. 10/19/12; 3669, 2542, 2356, 2194.]

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

**A. APPLICABILITY.**

1. The requirements of this Section apply to all R-1 zoned properties located within the hillside area, as that area is defined in Subsection (2). The requirements of this Section supersede any conflicting standards of the R-1 Zone. All non-conflicting R-1 standards apply to R-1 zoned properties within the hillside area.
2. The hillside area is defined by the area bounded by the City boundaries with Glendale and Los Angeles and by the following streets as illustrated in Diagram [10-1-606\(A\)](#): City boundary, Sunset Canyon Drive, Walnut Avenue, Bel Aire Drive, Cambridge Drive, Kenneth Road, Scott Road, City boundary.


**DIAGRAM [10-1-606\(A\)](#): HILLSIDE AREA (SHADED)**



**B. HEIGHT FOR THE HILLSIDE AREA.** Table 10-1-606(B) prescribes height standards associated with

different sloped lots. The numbers in the right hand column refer to the diagram of upslope and downslope conditions. The building height shall be measured from finished or existing grade, whichever is lower.

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

		
<i>Regulation</i>	<i>Maximum Height</i>	<i># on Diagram</i>
Maximum Height Primary Building Above Natural grade	30 ft.	①
Maximum Height Above Edge of Pavement (Downslope)	18 ft.	②

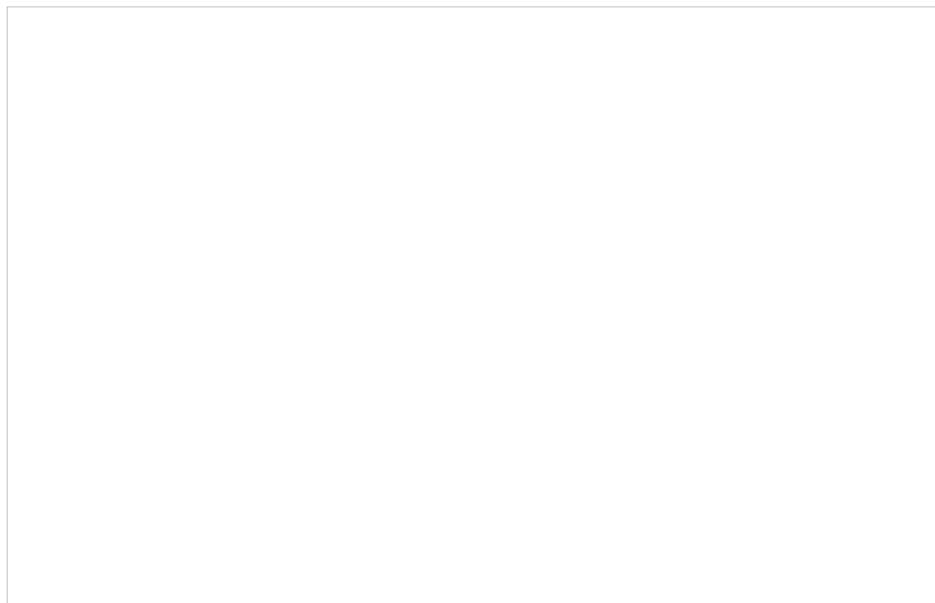
Maximum Height Above the Ground Elevation at the Rear Setback Line (Upslope)	23 ft.	③
Maximum Height from Finished or Existing Grade (whichever is lower) within 25 ft. of front lot line	14 ft.	④

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

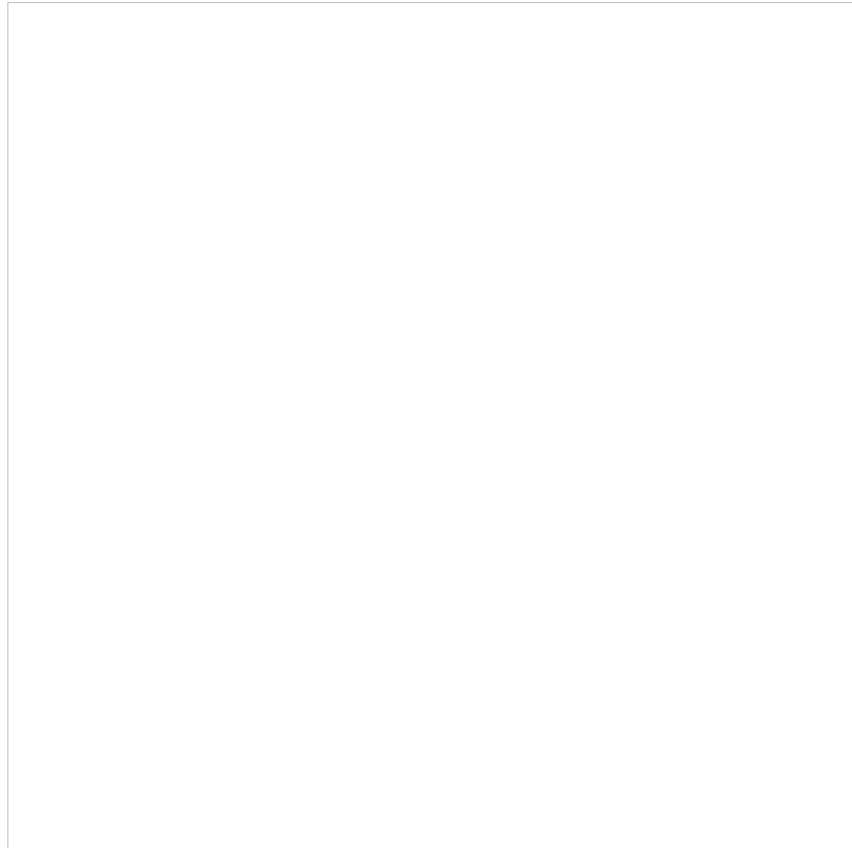
D. SETBACKS FROM RIDGELINES. No structure shall be located within 100 feet, measured vertically, of the centerline of a major ridge, or within 50 feet, measured vertically, of the centerline of a minor ridge, as delineated in Diagrams [10-1-606\(D\)\(1\)](#) and (2). When reviewing individual projects,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

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

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



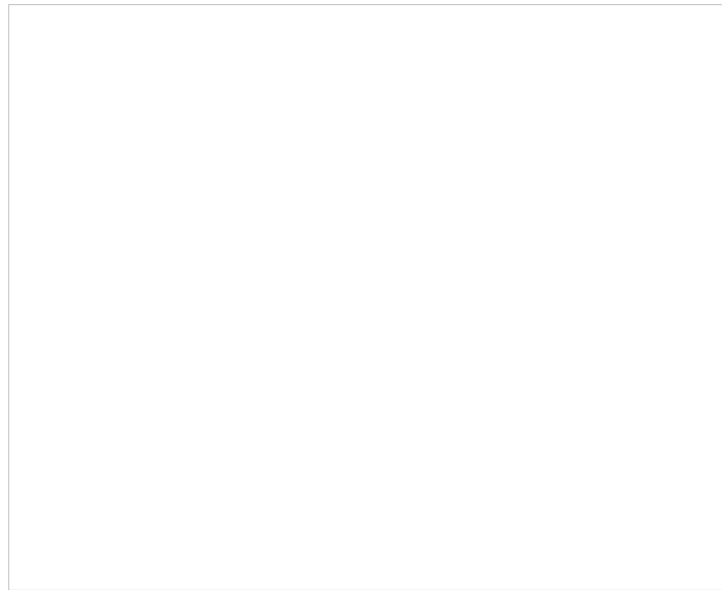
**DIAGRAM [10-1-606\(D\)\(2\)](#): RIDGELINE PROTECTION – LOCATION OF CONSTRUCTION IN RELATION TO MAJOR AND MINOR RIDGES**



E. SETBACK LINES FOR VIEW DETERMINATION.

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

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

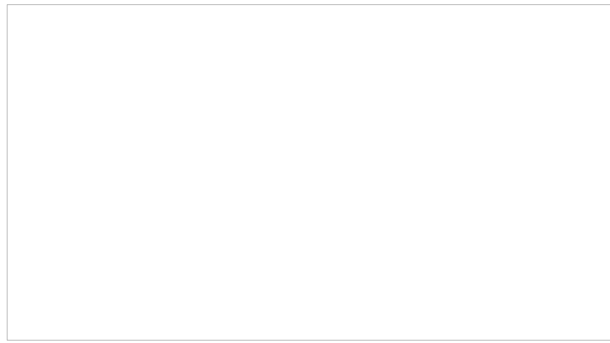


3. An approved Hillside Development Permit is required for any extension beyond the setback line per Section [10-1-606\(H\)](#). If the setback line is closer to the property line than the setback otherwise required for the R-1 Zone, the structure must observe the applicable minimum R-1 setback and encroachments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

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

1. Fences and walls in the hillside area must comply with the height requirements specified in Table 10-1-603(A). Hedges in front and street side setbacks are limited to four (4) feet in height.
2. Within the front yard setback, any portion of the fence or wall exceeding two (2) feet in height must utilize an open design. Open design is defined as follows: for any one (1)-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.
3. Only two (2) retaining walls are allowed in the front yard setback area.
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 their designee's approval to accommodate unique slope conditions existing prior to development or grading for development.

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



5. All retaining walls facing downslope areas must be screened with vegetation, and a minimum 18-inch wide planting strip provided along a front or street side-facing lot line.
6. Exceptions to the standards of height, separation, and number of walls, fences, hedges, gates, and the applicable requirements of Section 10-1-1303, may be granted through approval of a fence exception permit as specified in Article 19, Division 11: Fence Exception Permits and Enforcement.
7. Exception to the standards of retaining walls in the Hillside area can be granted by the Director or their designee with the approval of a Hillside Development Permit to accommodate unique slope conditions existing prior to development or grading for development.
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.
9. Fences and walls may be required to be shorter by conditions placed upon a Hillside Development Permit, and Minor/Major Fence Exception Permit.
10. Areas under enclosed structures must be enclosed or skirted with permanent walls. All such enclosure or skirt walls and all other structure walls facing downslope areas must provide aesthetic relief through windows, variation in texture, or similar methods approved by the Director or their designee and must be screened by vegetation.

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

H. **APPROVAL PROCESS.** Approval of a Hillside Development Permit per Section [10-1-607](#)(D) is required prior to the issuance of grading or building permits for the main dwelling structure or any other structure when

any of the following criteria is applicable. A Hillside Development Permit is required whether the criteria apply to construction of a new structure or to modifications that increase the square footage or height of an existing structure or otherwise alter the footprint, volume, mass, or dimensions of an existing structure. Grading for construction of a pool and/or a spa on a flat portion of a lot with a slope less than 5% shall be exempt from HDP.

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

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

1. The exception is not detrimental to the public health, safety, or general welfare.
2. Granting of the exception does not constitute a grant of special privilege inconsistent with the limitations upon other projects and/or properties in the vicinity.
3. The exception does not permit or encourage development inconsistent with the character of existing development in the neighborhood.
4. There are special conditions or unique characteristics applicable to the subject property and/or the surrounding neighborhood due to the location in the hillside area that justify granting of the exception. Such conditions or characteristics may be related to topography, location, orientation, or other issues that do not generally apply to properties or neighborhoods located outside of the hillside area. [Formerly numbered Section 31-30; amended by Ord. No. 22-3,983, eff. 12/16/22; 22-3,970; 17-3,890; 3810; 3774, 3750; 3748, 3688, 3669, 3643, 3488, 3399, 3058, 2858, 2598, 2355, 2194.]

**10-1-607: HILLSIDE DEVELOPMENT PERMITS:**

A. APPLICABILITY AND AUTHORITY.

1. This Section outlines the process requirements and findings for Hillside Development Permit,

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

B. SECTION RESERVED.

C. SECTION RESERVED.

D. HILLSIDE DEVELOPMENT PERMIT.

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

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

3. Required Findings. In lieu of the finding required by Section 10-1-1956, the Director, or Planning Commission if appealed, may not approve a Hillside Development Permit unless the following findings are made:

a. The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes, but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.

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

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

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

- e. 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 their 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\(D\)](#).
- f. The view impacts of the proposed project must be considered by the Director, or Planning Commission if appealed, and may be used as a basis for requiring modifications to a project or denying a Hillside Development Permit due to inability to make the required findings.
4. Conditions may be necessary for the purpose of satisfying the required findings, ensuring conformance with the applicable development standards, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare. Such conditions may be imposed. [Added by Ord. No. 2858; formerly numbered Section 31-30.1; renumbered by Ord. No. 3058, eff. 2/21/87; amended by Ord. No. 25-4,024, eff. 4/11/25; 22-3,983, 22-3,970; 17-3,890; 3669.]