

Title 10: Zoning Regulations

Chapter 1: Zoning

Article 6: Residential Uses and Standards

Division 1: Single Family Residential Zones

Section 08.1: 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. Per Burbank Municipal Code Section 10-1-602, 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. Pursuant to California Government Code Section 66499.41(h)(2), and per Burbank Municipal Code Section 10-1-602, SB 9 – Second Single-Family Dwellings shall be prohibited in the R-1-H Horsekeeping Zone.
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 their existing 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 existing single-family zoned lot into no more than two new single-family zoned 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. If the lot was established through prior exercise of an Urban Lot Split, the property shall have no more than one (1) existing Dwelling Unit.
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.
 - 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. A minimum size of 800 square feet shall be permitted.
 - b. The Floor Area Ratio and Lot Coverage requirements of the underlying R-1 Zone shall apply 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 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 building envelope 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, lined up behind one another.
- 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 Dwelling shall provide a minimum of 70 square feet of private open space. 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 but may be located on multiple levels.
- 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 is prohibited on rooftop areas.
- f. Private open space areas shall be dedicated areas separate 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.
- g. Private open space areas may not contain stairways or ramps except as necessary to provide access to the open space area or among different levels of the open space area.

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.

The SB 9 – Second Single-Family Dwelling on the property shall be connected to a common gravity-fed sewage disposal approved by the City. All utility connections (excluding electric) and water hook-ups shall be metered through the First Single-Family Dwelling; electric meters may be separated where feasible. All electric and water connections shall be in accordance with Burbank Water and Power Rules and Regulations. The Burbank Water and Power and Public Works departments will determine the utility connection process, requirements, and fees. Backflow devices are required on parcels with multiple water services.

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 project application with property owner signature.
2. Eligibility Requirements. Proof that the project meets all of the eligibility requirements identified in this Section.

3. Architectural Plans. Architectural Plans shall include a site plan, floor plans, elevations, pictures, 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.

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Section 08.2: SB 9 – Urban Lot Splits

A. APPLICABILITY.

1. This Section shall apply to all projects proposing an Urban Lot Split pursuant to California Government Code Section 66411.7.
2. Urban Lot Splits shall only be permitted in the R-1 zone, when allowed pursuant to California Government Code Section 66411.7.
3. Pursuant to California Government Code Section 66499.41(h)(2), Urban Lot Splits shall be prohibited in the R-1-H Horsekeeping Zone.
4. All Urban Lot Splits shall comply with all applicable lot design standards in the underlying R-1 Zone, except as identified in this Section. The requirements of this Section shall supersede any conflicting lot design standards of the underlying R-1 Zone.
5. To the extent that any provision in this Section conflicts with state laws that preempt local 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 their existing 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 existing single-family zoned lot into no more than two new single-family zoned 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 URBAN LOT SPLIT.

A lot shall only be eligible for an Urban Lot Split when all the following requirements are met:

1. The lot is zoned Single-Family Residential (R-1).
2. The existing lot has not been established through prior exercise of an Urban Lot Split as provided for in California Government Code Section 66411.7.
3. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in California Government Code Section 66411.7.
4. 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.
5. 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.

6. 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.
7. 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. LOT DESIGN STANDARDS FOR URBAN LOT SPLITS.

All Urban Lot Splits shall comply with all applicable lot design standards in the underlying R-1 Zone, except as identified in the paragraphs below. The requirements of this Section shall supersede any conflicting lot design standards of the underlying R-1 Zone.

1. MAXIMUM NUMBER OF PARCELS CREATED, LOT AREA AND LOT DIMENSIONS
 - a. *Maximum Number of Parcels Created:* Property subdivided by an Urban Lot Split can create no more than two (2) new parcels.
 - b. *Minimum Lot Area:* Parcels created through an Urban Lot Split shall meet the following Lot Area requirements.
 - i. Both of the newly created parcels shall be no smaller than 40 percent the lot area of the original parcel, and
 - ii. Both newly created parcels shall be no smaller than 1,200 square feet.
 - c. *Minimum Lot Dimensions (Length and Width):* Property subdivided by an Urban Lot Split shall provide the minimum lot dimensions.
 - i. Lot Width. The lot width of both of the newly created parcels shall be no smaller than 40 percent the lot width of the original parcel, or a minimum of 25-feet, whichever is greater.
 - ii. Lot Depth. The lot depth of both of the newly created parcels shall be no smaller than 50-feet.
2. FLAG LOTS
 - a. Creation of Flag Lots, as defined in Burbank Municipal Code Section 10-1-203, shall be prohibited.

- b. The lot lines being created or modified to create the subdivision shall not have any curves or angles. They shall consist of straight lines that run from either: (1) the front lot line to the rear lot line, or (2) from the one side lot line to another side lot line.

3. PUBLIC RIGHT OF WAY FRONTAGE AND VEHICLE ACCESS

- a. *Minimum Public Right-of-Way Frontage:* The minimum public right-of-way frontage for each newly created parcel shall be no smaller than 40 percent the lot width of the original parcel, or a minimum of 25-feet, whichever is greater.
- b. Each newly created parcel shall provide vehicle access onto the parcel from the public right-of way.

E. NUMBER OF DWELLING UNITS ALLOWED ON PARCELS SUBDIVIDED THROUGH AN URBAN LOT SPLIT.

A maximum of two (2) Dwelling Units shall be permitted on parcels created through the exercise of an Urban Lot Split.

F. OWNER OCCUPANY AFFADAVIT.

When a lot is subdivided through an Urban Lot Split, the owner of record of the original lot shall occupy a Dwelling Unit on one of the resulting lots as their principal residence for a minimum of three years from the date of approval of the Urban Lot Split. The owner shall submit the affidavit as described in BMC Subsection 10-1-608.2(O)(4).

This requirement shall not apply to a community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation," as described in Section 214.15 of the Revenue and Taxation Code.

G. LENGTH OF RENTAL TERM.

All rentals of any Dwelling Unit located on parcels created through the exercise of an Urban Lot Split shall be for a term longer than 30 days.

H. DEED RESTRICTION.

The owner of a lot created through an Urban Lot Split must record a deed restriction for the benefit of the City, in a form established by the City of Burbank Community Development Department and City Attorney's Office, that does each of the following:

1. Gives notice that the lot was created through an Urban Lot Split.
2. Gives notice of any site limitations resulting from an Urban Lot Split.

3. Expressly prohibits any development or construction on the lot that would be inconsistent with City adopted standards.
4. Expressly prohibits the rental of any Dwelling Unit on the lot for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the parcels created by the Urban Lot Split.
6. Expressly prohibits any separate conveyance of a First Single-Family Dwelling on the lot, any separate fee interests, and any common interest development within the lot.
7. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.

I. SEPARATE CONVEYANCE.

1. Dwelling Units on a single lot that is created by an Urban Lot Split may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an Urban Lot Split.
3. All fee interest in a lot must be held equally and undivided by all property owners.
4. Separate conveyance of the resulting lots through an Urban Lot Split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other – the Urban Lot Split boundary may separate them for conveyance purposes, if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span, or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

J. SPECIFIC ADVERSE IMPACTS.

The Community Development Department may deny a proposed Urban Lot Split upon a written finding from the Building Official, based upon a preponderance of the evidence, that the proposed Urban Lot Split 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.

K. UTILITY CONNECTION.

Each lot created through an Urban Lot Split shall have its own independent utility connections. All units on each newly created lot shall be connected to a common

gravity-fed sewage disposal approved by the City. All utility connections (excluding electric) and water hook-ups shall be metered independently. All electric and water connections shall be in accordance with Burbank Water and Power Rules and Regulations. The Burbank Water and Power and Public Works departments will determine the utility connection process, requirements, and fees.

L. EASEMENT REQUIREMENT.

When applicable, an easement may be required for each newly created parcel that is created through an Urban Lot Split to accommodate for vehicle and pedestrian access onto the site, backflow devices (if necessary), and/or utility service. When applicable, easements shall be reflected in the recorded parcel map.

M. DEDICATIONS AND OFFSITE IMPROVEMENTS.

No dedication of rights-of-way, or construction of offsite improvements, shall be required for an Urban Lot Split – except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a Specific Adverse Impact, the application shall be subject to denial.

N. ADDRESS ASSIGNMENT.

The Public Works Department will determine address assignments for all Dwelling Units that are constructed on lots that are created through the exercise of an Urban Lot Split.

O. SUBMISSION OF APPLICATION, PAYMENT OF FEES, AND PROCESSING.

An application for an Urban Lot Split 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 project application with property owner signature.
2. Eligibility Requirements. Proof that the project meets all of the eligibility requirements identified in this Section.
3. Tentative Parcel Map. A tentative parcel map that is prepared in accordance with Article 2 of Chapter 1, in Title 11(Subdivisions) of the Burbank Municipal Code.
4. Signed Affidavit. A signed affidavit stating that the applicant intends to occupy a Dwelling Unit on one of the resulting lots as the applicant's principal residence for a minimum of three years from the date of approval of the Urban Lot Split.
5. The applicable application fees.