

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1, ARTICLE 6, DIVISION 1 OF THE BURBANK MUNICIPAL CODE TO ESTABLISH DEVELOPMENT STANDARDS FOR SB 9 – SECOND SINGLE-FAMILY DWELLINGS AND URBAN LOT SPLITS IN ALL SINGLE-FAMILY RESIDENTIAL ZONES (R-1) TO ENSURE CONSISTENCY STATE LAW, INCLUDING BUT NOT LIMITED TO CALIFORNIA GOVERNMENT CODE SECTIONS 66452.6, 65852.21, AND 66411.7

(PROJECT NO. 22-0001350, ZONE TEXT AMENDMENT)

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, Article 6, Division 1, by establishing development standards regulating the City's single-family zones (R-1) to allow for SB 9 – Second Single-Family Dwellings and Urban Lot Splits on Single-Family (R-1) Zoned lots to ensure compliance with State law under Senate Bill 9, which created California Government Code Sections 66452.6, 65852.21, and 66411.7.

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

A. California Senate Bill 9 (SB 9) (California Government Code Sections 66452.6, 65852.21, and 66411.7) (collectively referred to herein as "State SB 9 Laws") was signed by Governor Gavin Newsom on September 16, 2021, and became effective January 1, 2022. State SB 9 Laws require all cities and counties to ministerially review and approve certain housing developments containing no more than two residential units within a single-family residentially zoned lot ("SB 9 – Second Single-Family Dwellings"), as well as certain subdivisions in which one existing single-family residential zoned lot is subdivided to create two single-family zoned lots ("Urban Lot Splits").

B. Pursuant to the State SB 9 Laws, all cities and counties may adopt regulations establishing objective standards for SB 9 – Second Single-Family Dwellings and Urban Lot Splits ("SB 9 Projects"). If the City fails to update its local ordinance in compliance with state law, the City may be required to apply State SB 9 Laws without local refinements to all local SB 9 Projects.

C. On April 5, 2022, pursuant to Government Code Section 65858 and Burbank Municipal Code 10-1-1996, the Burbank City Council adopted Urgency Ordinance No. 22-3,972, implementing interim regulations for SB 9 Projects consistent with the State SB 9 Laws, and thereafter extended the Urgency Ordinance on both May 17, 2022, and March 14, 2023. The interim regulations adopted under the Urgency Ordinance and extension will expire on April 4, 2024.

D. Pursuant to the State SB 9 Laws, all local agencies may adopt an ordinance providing for the creation and regulation of SB 9 Projects. The City Council desires to adopt permanent regulations codifying the City's standards for SB 9 Projects consistent with the State SB 9 Laws, while including local regulations that address the unique local characteristics of the City. The regulations included in this proposed Ordinance provide for consistency with State SB 9 Laws and add SB 9 – Second Single-Family Dwellings as permitted uses on lots in the Single-Family Residential (R-1) zones when required by state law preemption.

E. By adopting objective development and design standards for SB 9 Projects, 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 SB 9 Projects.

F. On January 8, 2024, the Planning Commission held a duly noticed public hearing on this Ordinance (Project No. 22-0001350), and at such hearing recommended that the City Council of the City of Burbank ("Council") approve the Zone Text Amendment ("ZTA").

G. On February 13, 2024, the Council at its regular meeting, held a public hearing on Project No. 22-0001350, 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 3463, 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 a "SB 9 – Second Single-Family Dwelling" as a permitted use in the City's single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The purpose of the R-1 Zone is for "...neighborhoods of single-family dwellings separated from multiple family and non-residential uses." (Burbank Municipal Code Section 10-1-601(A)). The inclusion of the use would allow for an additional by-right single-family dwelling on the property. While the use would increase the number of by-right dwelling units that are permitted in the R-1 Zone, additional single-family dwellings are currently permitted in certain R-1 zone lots subject to

Planning Commission approval of a Conditional use Permit (CUP). Further, Accessory Dwelling Units and Junior Accessory Dwelling Units are also by-right permitted uses within the R-1 zone. Therefore, the addition of the use would be in accord with the purpose of the R-1 zone.

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

The inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The inclusion of the use would allow for an additional by-right single-family dwelling on the property. While the use would increase the number of by-right dwelling units that are permitted in the R-1 Zone, additional single-family dwellings are currently permitted in certain R-1 zone lots subject to Planning Commission approval of a Conditional use Permit (CUP). Further, Accessory Dwelling Units and Junior Accessory Dwelling Units are also by-right permitted uses within the R-1 zone. Therefore, the addition of the use would be compatible with and has the same basic characteristics as the other permitted uses.

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

The inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

SB 9 – Second Single-Family Dwellings would be required to comply with development standards similar to those of typical single-family homes, except as preempted by State law. In most instances the required building heights, building separation, and floor area ratio applicable to SB 9 – Second Single-Family Dwellings will be aligned with the underlying development standards in the City’s existing R-1 zone. Through this Zone Text Amendment, the City aims to preserve local control over SB 9 – Second Single-Family Dwellings within the City and avoid the imposition of otherwise-applicable statewide development standards.

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

The inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The proposed use is not anticipated to result in a detrimental impact to public health, safety, or welfare. Any future development associated with this use would

have to comply with all applicable development standards. In addition it would also have to be in 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 inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The inclusion of the use would allow for an additional by-right single-family dwelling on the property that would be required to comply with development standards similar to those of typical single-family homes, except as preempted by State law. While the use would increase the number of by-right dwelling units that are permitted in the R-1 Zone, additional single-family dwellings are currently permitted in certain R-1 zone lots subject to Planning Commission approval of a Conditional use Permit (CUP). Further, Accessory Dwelling Units and Junior Accessory Dwelling Units are also by-right permitted uses within the R-1 zone. Therefore, the addition of the use would not adversely affect the character of the R-1 zone.

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

The inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The inclusion of the use would allow for an additional by-right single-family dwelling on the property. Adding additional dwelling units on a property can result in increased trips generated by a property. However, this is consistent with the uses currently permitted in the R-1 zone. The R-1 zone currently allows for additional single-family dwellings in certain R-1 zone lots subject to Planning Commission approval of a Conditional use Permit (CUP). Further, Accessory Dwelling Units and Junior Accessory Dwelling Units are also by-right permitted uses within the R-1 zone. Therefore, the addition of the use would not create more vehicular or other traffic than the volume normally created by any of the other permitted 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 inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The development of SB 9 – Second Single-Family Dwellings in the City’s single-family residential 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 single-family residential 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 single-family dwellings currently allowed in the City’s single-family residential 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 SB 9 – Second Single-Family Dwelling 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 inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

The development of SB 9 – Second Single-Family Dwellings in the City’s single-family residential 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 single-family residential (R-1) zone. The development of these uses 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 inclusion of a “SB 9 – Second Single-Family Dwelling” as a permitted use in the City’s single-family residential (R-1) zone is required pursuant to State law (California Government Code Section 65852.21).

It is not anticipated that the development of SB 9 – Second Single-Family Dwellings in the City’s R-1 zones will cause substantial injury to the values of property in this zone, or in any abutting zone. These residential structures will be limited to a second single-family dwelling as prescribed in the State Law, and as currently permitted in the R-1 zone through approval of a Conditional Use Permit. Allowing for a by-right SB 9 – Second Single-Family Dwelling may presumably increase the value of a property through the additional by-right development

potential. Notwithstanding, SB 9 – Second Single-Family Dwellings would be subject to development standards that establish requirements for setbacks, heights, open space, etc. that aim to preserve and protect the character of existing residential neighborhoods.

K. In accordance with California Government Code Section 65860, the proposed Zone Text Amendment, associated Ordinance have been determined to be consistent with the Burbank2035 General Plan and are compatible with the objectives, policies, general land uses and programs specified therein, and more specifically, the General Plan Land Use Element

L. Pursuant to California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating SB 9 Projects is not a “project” subject to the requirements of CEQA. As such, the adoption of the proposed Ordinance is exempt from CEQA and no further analysis under CEQA is required.

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 10-1-602 (Uses in R-1 and R-1-H Zones). The “Residential and Accessory Uses” portion of the table in BMC Section 10-1-602 (Table 10-1-602) is hereby amended by adding “SB 9 – Second Single-Family Dwelling” and footnotes (9) and (10) as follows:

Table 10-1-602

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

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

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Residential and Accessory Uses			
Single family dwelling, not to exceed one per lot, including mobile homes and manufactured homes	P	P	

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Single family dwellings, additional, on one lot	CUP ⁽¹⁾⁽⁹⁾	CUP ⁽¹⁾⁽⁹⁾	
SB 9 – Second Single-Family Dwelling, on one lot	P ⁽¹⁰⁾	---	10-1-608.1
Garages, private	P ⁽²⁾	P ⁽²⁾	
Accessory structures, including minor structures for which no building permit is required ⁽³⁾	P ⁽⁴⁾	P ⁽⁴⁾	10-1-604
Accessory uses typical for a single-family home including tennis courts and swimming pools	P	P	
Accessory dwelling unit and Junior accessory dwelling unit	P	P	Article 6, Division 3
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility (licensed, six or fewer occupants)	P	P	
Community care facility (unlicensed, six or fewer occupants)	P	P	
Supportive Housing	P ⁽⁸⁾	P ⁽⁸⁾	
Transitional Housing	P ⁽⁸⁾	P ⁽⁸⁾	

Notes/Additional Requirements:

(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.

Section 3. Amendment to BMC Title 10, Chapter 1, Article 6, Division 1.

Two new Sections, 10-1-608.1 and 10-1-608.2, titled "SB 9 – Second Single-Family Dwellings" and "Urban Lot Splits", respectively, are hereby added to the BMC and replace in its entirety, Section 10-1-608. The two new Sections are added to the BMC as shown in Exhibit 1 and 2 to this Ordinance, attached and incorporated herein.

Section 4. 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 5. Environmental Assessment This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). Under Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating SB 9 – Second Single-Family Dwellings and Urban Lot Splits is not a “project” subject to the requirements of CEQA.

Section 6. Effective Date and Expiration of Urgency Ordinance. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption. Upon that effective date, Urgency Ordinance No. 23-3,991 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 ____ day of _____, 20__.

Nick Schultz
Mayor of the City of Burbank

Attest:

Approved as to Form
Office of the City Attorney

Kimberley Clark, City Clerk

Iain MacMillan
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. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

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 its _____, 2024 adoption.

Kimberley Clark, City Clerk

EXHIBIT A TO ATTACHMENT 1

Title 10: Zoning Regulations

Chapter 1: Zoning

Article 6: Residential Uses and Standards

Division 1: Single Family Residential Zones

Section 0608.1: 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. A minimum size of 800 square feet shall be permitted.
 - b. SB 9 - Second Single-Family Dwellings shall comply with the Floor Area Ratio and Lot Coverage requirements of the underlying R-1 Zone, 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 setback 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.

EXHIBIT B TO ATTACHMENT 1

Title 10: Zoning Regulations

Chapter 1: Zoning

Article 6: Residential Uses and Standards

Division 1: Single Family Residential Zones

Section 0608.2: 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 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 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 (sewer, water and electric). The Dwelling Units as defined in this Section

on each newly created lot shall have utility connections in accordance with the Burbank Municipal Code and the Burbank Water and Power Rules and Regulations, as may be amended.

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 complete project application with property owner and applicant signature(s).
2. Eligibility Requirements. Proof that the project meets all of the eligibility requirements identified in this Section.
3. Tentative Parcel Map. A complete tentative parcel map with all required information 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.