



Initiation of Zoning Code Amendments Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)

City Council | August 20, 2024

Overview – ADUs and JADUs

- 2017 – Zoning Standards First Established
 - GMC Section 30.34.080
 - Ministerial Approval Required
 - Limited Standards Apply
- 2022 – Most Recent Update - Ordinance No. 5997
- 2023 – HCD Letter to City
 - 16 General Areas Identified that Conflict with State Law
- June 2024 – HCD Notice of Violation
 - Ordinance Adoption by November 2024



HCD Letter – December 2023

1. Dwelling Unit Size
2. Where JADUs are Permitted
3. ADUs in Proposed Multi-Family Development
4. Size Limits on Attached ADUs
5. JADUs and Development Standards
6. Accessory Living Quarters*
7. Street-Front and Street-Side Setback
8. JADUs and Short-Term Rentals
9. JADUs and Separate Sales
10. Unit Mix – Number of ADUs Allowed*
11. Architectural Compatibility*
12. ADUs Above a Detached Garage*
13. ADUs in Proposed Multi-Family Development (Similar to #3)
14. Parking
15. Covenant and Agreement Requirements
16. JADUs and Owner Occupancy



Overview – Initiation of Amendments

- Majority of HCD Claims - Clarifying Amendments in Zoning Code Required
- Seeking Council Direction in 4 Areas
 - Accessory Living Quarters
 - Unit Mix – Number of ADUs Allowed
 - Architectural Compatibility
 - ADUs Above a Detached Garage
- Gov't Code § 66326 – Findings Required for Areas Where City Disagrees with HCD



Accessory Living Quarters

Current Code

- Prohibits both an ADU and Accessory Living Quarters On a Property
 - “R” Occupancy – Guest House, Pool House, Recreation Room, etc.

HCD Claim

- No Language in State Law with Prohibition
- Includes Choice of ADU Type
 - Attached to or Conversion of Primary Building or Accessory Structure



Accessory Living Quarters

Staff Recommendation

- Not in Violation of State Law
- Keep the Language As-is
- Prepare the Required Findings under Gov't Code § 66326

Alternative

- Amend Zoning Code to Omit this Prohibition.
 - Allows an ADU and Accessory Living Quarters on a Site.
- Consider Placing a Limit on the Number of Accessory Living Quarters Allowed

Unit Mix – Number of ADUs Allowed

Current Code

- Single-Family Entitled to:
 - 1 ADU (conversion or new) **and**
 - 1 JADU
- Multi-Family Entitled to:
 - 2 New Construction ADUs **or**
 - Conversion – 1+25% of existing number of units

*Example: 4-unit Apartment Building
25% of 4 is 1 – Entitled to 2 Conversions*

HCD Claim

- Single-Family Entitled to:
 - 2 ADU (conversion and new) **and**
 - 1 JADU
- Multi-Family Entitled to:
 - 2 New Construction ADUs **and**
 - Conversion – 1+25% of existing number of units

*Example: 4-unit Apartment Building
25% of 4 is 1 – Entitled to 2 Conversions
and 2 New Construction ADUs*



Unit Mix – Number of ADUs Allowed

Staff Recommendation

- Legislative History (AB 68 and AB 881) – Intent is Clear
- Not in Violation of State Law
- Keep the language as-is
- Prepare the Required Findings under Gov't Code § 66326

Alternative

- Amend Zoning Code to Allow the Unit Mix.
- Single-Family – 4 Units
 - Existing Residence, 2 ADU, 1 JADU
- Multi-Family – At least 3 Units
 - Depends on # of existing units for conversion
 - Previous Example – Ex. 4 Units, allowed 4 ADUs = 8 Units

Architectural Compatibility

Current Code

- Must Be Architecturally Compatible with Primary Residence
- Must Use Matching or Complementary Building Materials

HCD Claim

- City's Requirements are Subjective / Vague
- State Law Requires Objective Design Standards



Architectural Compatibility

Staff Recommendation

- Omit References to Architectural Compatibility in Zoning Code
- Develop Objective Design Standards
 - Façades Directly Facing the Street
 - Second-Story Additions

Alternative

- Do Not Develop Objective Design Standards
- Historic Properties – Keep This Exception
 - Changes Prohibited if Visible from the Public Realm



ADUs Above a Detached Garage

Current Code

- New Construction ADUs Prohibited Above a Detached Garage or Carport
- Amended in 2020 by Council in Response to an Increase in Resident Complaints

HCD Claim

- City Must Allow ADUs Attached to a Detached Garage
- HCD suggests “Attached” in State Law includes “Above” or “On Top Of”



ADUs Above a Detached Garage

Staff Recommendation

- Not in Violation of State Law
- “Attached” does not mean “Above” or “On Top Of”.
- Keep the language as-is
- Prepare the Required Findings under Gov’t Code § 66326

Alternative

- Amend Zoning Code to Allow ADU Above a Detached Garage or Carport
 - Objective Design Standards Can Be Considered to Minimize Impacts



Where JADUs are Permitted

- **Current Code:**

JADUs are allowed on properties with a single-family use, regardless of zoning.

- **HCD Claim:**

State law allows JADUs in single-family zones only.

- **Staff Response:**

Intent to be fair and equitable to the many single-family use properties in the City.
Amend the Zoning Code to Prohibit JADUs outside of Single-Family Zones



Recommendation

That the City Council Provide Direction Regarding Amendments to Title 30 of the GMC Related Generally to Zoning Development Standards for ADUs and JADUs.





#MyGlendale

Junior Accessory Dwelling Units (JADU)

- **Where JADUs Are Permitted**

HCD Claim: JADUs are not Allowed in Multi-Family Zones

Staff Response: GMC Allows JADUs on Single-Family Use Properties

Proposed: Amend the Zoning Code to Prohibit JADUs outside of Single-Family Zones

- **Development Standards**

HCD Claim: GMC Missing Proper Exception for JADUs and Zoning Development Standards

Staff Response: GMC Includes Language for Exception

Proposed: Clarify Language to Include Citation of Specific Code Section

- **Short-Term Rentals**

HCD Claim: City cannot Restrict Rental Terms for JADUs

Staff Response: City Concedes This Point

Proposed: Amend the Zoning Code to Remove Restriction on JADU Rental Terms



Junior Accessory Dwelling Units (JADU)

- **Separate Sales**

HCD Claim: Clarification Required that Separate Sales of JADUs Prohibited

Staff Response: GMC Already Includes References to State Law

Proposed: Amend the Zoning Code to Clarify Prohibition of JADU Sales

- **Owner Occupancy**

HCD Claim: Property Owner Required to Reside in JADU or Residence

Staff Response: Current Code Requires Whole Property to be Rented if Owner Does Not Live There

Proposed: Amend the Zoning Code to Reflect Owner Occupancy Restrictions in State Law



Clarifying Language Recommended

- **Dwelling Unit Size**

HCD Claim: Minimum Dwelling Unit Sizes are More Restrictive than State Minimums

Staff Response: Applies to Standard Dwelling Units in Multi-Family Development

Proposed: Add a Clarifying Statement that ADUs and JADUs are not Included

- **ADUs in Proposed Multi-Family Development**

HCD Claim: Glendale Prohibits ADUs in Proposed Multi-Family Developments

Staff Response: Oversight in the Zoning Code, but Currently Practiced

Proposed: Amend Language to Clarify ADUs Permitted in Proposed Multi-Family Developments



Clarifying Language Recommended

- **Size Limits on Attached ADUs**

HCD Claim: New Construction Attached ADUs Limited to 50% of the House SF Cannot Preclude Mandatory ADUs (800 SF)

Staff Response: City Abides by this Requirement for Mandatory ADUs

Proposed: Add a Clarifying Statement that the 50% Restriction Does Not Apply to Mandatory ADUs

- **Street-Front and Street-Side Setback**

HCD Claim: City Must Allow Mandatory ADUs in Street Setback Areas

Staff Response: Current Language Already Allows This for Single-Family, Oversight in Language Excluding Multi-Family

Proposed: Amend Language to Clarify that this Includes the Mandatory ADUs in Multi-Family



Clarifying Language Recommended

- **Parking**

HCD Claim: No Parking Required for an ADU when Part of Proposed Single- or Multi-Family Development

Staff Response: City Oversight Excluded Exception

Proposed: Amend the Parking Exception for ADUs

- **Covenant & Agreement Requirements**

HCD Claim: Deed Restrictions Not Required for ADUs, only JADUs and with Limitations

Staff Response: City Concedes this Point

Proposed: Amend Language to Omit C&A Requirement for ADUs

