



# Zoning Code & General Plan Amendments Related to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)

City Council | November 19, 2024

Case Nos. PZC-0013-2024 and PGPA-003908-2024

# 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
- August 20, 2024 – City Council Initiation of Amendments
- September 19, 2024 – SB 1211 Approved by Governor



# 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
- Gov't Code § 66326 – Findings Required for Areas Where City Disagrees with HCD
- Alternatives Proposed in 3 Areas
  - Where JADUs are Permitted
  - Accessory Living Quarters
  - ADUs Above a Detached Garage



# Clarifying Amendments Proposed

1. Dwelling Unit Size
2. ADUs in Proposed Multi-Family Development
3. Size Limits on Attached ADUs
4. JADUs and Development Standards
5. Street-Front and Street-Side Setback
6. JADUs and Short-Term Rentals
7. JADUs and Separate Sales
8. Parking
9. Covenant and Agreement Requirements
10. JADUs and Owner Occupancy



# SB 1211

- **New Definition – “Livable Space”**

*Includes the space in a dwelling intended for human habitation, including living, sleeping, eating, cooking or sanitation.*

- **Expands Exception for Replacement Parking – Uncovered Parking**

*Current Law – Includes Garage, Carport, or Covered Parking*



# SB 1211 (cont.)

- Detached ADUs on Multi-Family Properties

*Expands the allowance from 2 detached ADUs to up to 8.*

*1:1 - Number of ADUs cannot exceed number of existing units.*

*Existing multi-family properties only.*

- Mandatory ADUs and Objective Design Standards

*Clarifies that cities cannot impose objective design standards on mandatory ADUs.*



# Where JADUs are Permitted

## Current Code

- JADUs are allowed on properties with a single-family use, regardless of zoning.
- Done intentionally – to be fair and equitable to the many single-family use properties in the City.

## HCD Claim

- Government Code § 66333: JADUs are restricted to lots in single-family residential zones with either an existing or proposed single-family dwelling



# Where JADUs are Permitted

## Council Direction

- No Consensus - Provide Alternatives:
  - Amend Title 30 & the DSP and Agree with HCD (*2 in favor*)
  - No Amendments and Prepare Necessary Findings (*3 in favor*)

## Alternatives

1. Amend Title 30 & DSP:  
Land Use Charts – Omit References to JADUs in all zones except ROS, R1R, R1
2. Disagree with HCD:  
Draft Resolution – Reasons Why We Do Comply

# 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.
  - Subject to Zoning Requirements (height, FAR, lot coverage, design review, 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

## Council Direction

- No Consensus – Provide Alternatives
  - Amend Title 30 and allow ADUs and Accessory Living Quarters (*2 in favor*)
  - No Amendments and Prepare Necessary Findings (*3 in favor*)

## Alternatives

1. Amend Title 30:  
Omit Prohibition - Allows an ADU and Accessory Living Quarters on a Site.
2. Disagree with HCD:  
Draft Resolution – Reasons Why We Do Comply



# Unit Mix – Number of ADUs Allowed

## Current Code

- Single-Family Entitled to:
  - 1 ADU (conversion or new) **and**
  - 1 JADU
- Multi-Family Entitled to:
  - At least 2 Detached ADUs (up to 8) **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:
  - At least 2 Detached ADUs (up to 8) **and**
  - Conversion – 1+25% of existing number of units

*Example: 4-unit Apartment Building  
25% of 4 is 1 – With SB 1211 - Entitled to 2 Conversions **and** 4 Detached ADUs*



# Unit Mix – Number of ADUs Allowed

## Council Direction

- Unanimous Vote
- Disagree with HCD:  
No Amendments to Existing Code & Prepare Required Findings

## Gov't Code § 66326 Findings

- Not in Violation of State Law
- Distinct Options for ADUs & JADUs
- “Any” vs. “Any and All”
- Legislative History (AB 68 & AB 881)



# 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



# Objective Design Standards (ODS)\* - Massing

## Roof Forms and Pitch



## Breaks in Building Volume





# 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

## Council Direction

- No Consensus – Provide Alternatives
  - Amend Title 30 and allow ADUs above a Detached Garage (3 in favor)
  - No Amendments and Prepare Necessary Findings (*2 in favor*)

## Alternatives

1. Amend Title 30:  
Omit Prohibition - Allows an ADU above a Detached Garage or Carport
2. Disagree with HCD:  
Draft Resolution – Reasons Why We Do Comply

# Additional Amendments

- Add Definitions from State Law: Nonconforming zoning conditions, objective standards, passageway, proposed dwelling, and tandem parking.
- 800 SF credit for non-mandatory ADUs
- Underlying zoning standards – height, and parking
- Clarifying statement – compliance with state law



# Planning Commission

- JADUs and Zoning - Continue to allow them in all zones (SF use)
- Unit Mix - Single-Family = 1 ADU + 1 JADU  
Multi-Family = Conversion of Existing (1+25%) or Detached ADUs (up to 8 with SB 1211)
- Objective Design Standards - Approve as Proposed



# Planning Commission

- Accessory Living Quarters - No prohibition and allow ADU and accessory living quarters
- ADUS Above a Detached Garage
  - 2 in favor of continuing prohibition
  - 3 in favor of allowing them
    - Only if no other alternatives exist on the site (Lee)
    - Come up with a way to disincentivize them (Chraghchian)



# Recap of Items Requiring Final Direction

- JADUs (where permitted):
  - Keep current Code allowing JADUs to be built in any zone with single family use and adopt findings vs. amend Code to only allow JADUs to be built in single family zones (HCD position)
- Accessory Living Quarters:
  - Keep current Code prohibiting both ADU & accessory living quarters and adopt findings vs. amend Code to allow both (HCD position)
- ADU above detached garage:
  - Keep current Code prohibiting new construction ADU above detached garage and adopt findings vs. amend to allow, but (due to new law effective 1/1/25) with objective design standards only applied to “non-mandatory” new construction ADU above detached garage (HCD position)



# Recommendation

That the City Council, review, introduce and subsequently adopt the ordinances amending Title 30 of the GMC, and the DSP as it relates generally to standards for ADUs and JADUs.





**#MyGlendale**

