



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Adoption of Ordinances Amending Title 30 of the Glendale Municipal Code, 1995, (Case No. PZC-0010-2024) and the Downtown Specific Plan (Case No. PGPA-003908-2024) Relating Generally to Standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

1. Ordinance Amending Title 30 Relating Generally to Standards for ADUs and JADUs.
2. Ordinance Amending the Downtown Specific Plan Relating Generally to Standards for ADUs and JADUs.
3. Resolution Making Findings That Certain Portions of Ordinance No. 5997 Complies with California Government Code Sections 66314, *et seq.* and 66333, *et seq.*, Despite the Findings of the California Department of Housing and Community Development, Which Findings Are Required Pursuant to California Government Code Section 66326 Prior to Re-adopting Those Portions of Ordinance No. 5997 Without Changes.

### COUNCIL ACTION

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**Item Type:** Adoption of Ordinances

**Approved for** December 3, 2024 **calendar**

### EXECUTIVE SUMMARY

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Zoning standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) were first established in 2017 and have since been amended several times to bring them into compliance with constantly evolving State law, which requires cities to ministerially approve ADUs and JADUs subject to very limited standards. The most recent update to the ordinance (Ordinance No. 5997) was adopted by City Council on November 15, 2022, and is codified in GMC Section 30.34.080 (“ADU/JADU Ordinance”). Following a comprehensive review of the City’s ADU/JADU standards, the California Department of Housing and Community Development (“HCD”) made findings identifying 16 areas in the zoning standards that are not in compliance with State law. The City Council initiated amendments to Glendale’s zoning standards for ADUs and JADUs on August 20, 2024, based on the topics HCD initially identified.

On November 19, 2024, Council introduced ordinances amending Title 30 of the Glendale Municipal Code (“GMC”), 1995, and the Downtown Specific Plan (“DSP”), as it relates to requirements for ADUs and JADUs. The motion to introduce the ordinance was made by Councilmember Brotman and included provisions to continue to allow JADUs on properties in any zone, as long as the existing use is single-family, to amend the code to eliminate the provision prohibiting construction of an ADU and accessory living quarters on a property and allow both, and to eliminate the prohibition of construction of an ADU above a detached garage or carport.

## **RECOMMENDATION**

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That the City Council review and adopt the resolution making findings and review and adopt the ordinances amending Title 30 of the Glendale Municipal Code, 1995, and the Downtown Specific Plan related generally to standards for ADUs and JADUs.

## **ANALYSIS**

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On November 19, 2024, Council introduced ordinances relating to standards for ADUs and JADUs in response to HCD’s findings of non-compliance that identified 16 areas where the City’s ADU/JADU Ordinance conflicts with State law. The proposed amendments also include provisions to address the recently adopted SB 1211 that goes into effect on January 1, 2025, which include a new definition for “livable space”, expanding the exception for replacement parking requirements to include uncovered parking, increases the number of ADUs allowed on multi-family properties to up to 8, and clarifies that objective design standards do not apply to mandatory ADUs. For the majority of the 16 areas identified by HCD, clarifying amendments to the City’s Zoning Code and DSP are included in the ordinances. During the November 19, 2024, hearing, there were three items for which staff required final direction from Council, detailed below:

- *JADUs and Zoning* – To either keep current code allowing JADUs to be built in any zone with a single-family use or to agree with HCD’s position and amend the code to only allow JADUs to be built in single-family zones. The Council was in unanimous agreement to keep the code as-is and adopt findings as to why the current code complies with State law.
- *Accessory Living Quarters* – To either keep current code, which prohibits both an ADU and accessory living quarters, or to amend the code according to HCD’s findings and allow both. Three Councilmembers supported amending the code to allow construction of an ADU and an accessory living quarters and 2 were in favor of keeping the current prohibition disallowing both an ADU and an accessory living quarters on a site.

- *ADUs Above a Detached Garage or Carport* – To either keep the current prohibition on new construction ADUs above a detached garage or carport or to amend the code in accordance with HCD’s findings and allow them. Three Councilmembers were in supported amending the code and 2 supported continuing the prohibition.

Councilmember Brotman made the motion to introduce the proposed ordinances during the November 19, 2024 hearing, which ordinances included provisions to continue to allow JADUs in any zone with single-family uses on-site, to allow both ADUs and accessory living quarters, and to allow ADUs above a detached garage. These changes have been incorporated in the final ordinance for consideration and both the “clean” (no redlines) and redline versions of each of the two ordinances are included for reference. If the Council wishes to contests any of HCD’s findings, Government Code Section 66326 requires the Council to adopt findings explaining why re-adoption of those provisions of its ordinance complies with State law. A resolution is included that addresses these necessary findings and alternative language is included depending on the final adopted ordinances.

The City’s Charter requires a four-fifths vote to adopt amendments to the Zoning Code. During the November 19, 2024 hearing, there was not a four-fifths consensus on the topics of accessory living quarters and ADUs above a detached garage or carport. As it relates to accessory living quarters, staff recommends amending the code to eliminate this prohibition. While the intent of the prohibition was to minimize a proliferation of detached accessory buildings on lots, any request for an accessory living quarters (e.g., pool house, recreation room, etc.) will continue to be limited to 500 square feet in area and regulated by zoning standards for floor area, height, setbacks, lot coverage, landscaping, and design review.

As it relates to ADUs above a detached garage or carport, the amendments in the ordinance include provisions to address height and objective design standards to minimize potential privacy impacts. Staff reviewed the language of the State law and in discussions with the City Attorney’s office came to the following conclusions, which are now codified in the amendments:

- To be considered a mandatory ADU that is exempt from the objective design standards, an ADU above a detached garage or carport would have to be limited to 16 feet in overall height, or 18 feet if within close proximity to major transit stops. This is based on the language in State law that is clear about height allowances for detached buildings versus ADUs attached to a primary dwelling. Applicants who select this option would be limited in height under the provisions of state law, and exempt from the objective design standards. Based on Building

Code requirements, building an ADU above a detached garage and staying within these height limits would be extremely difficult, but not impossible.

- A more permissive and more realistically feasible height allowance of up to 25 feet is proposed for ADUs above a detached garage or carport, with the caveat that these ADUs would be subject to the objective design standards included in the ordinance for adoption. If an applicant elected to utilize the more permissive height allowance, the ADU would not be a “mandatory” ADU and therefore, the applicant would have to comply with the objective design standards which are geared towards minimizing massing and privacy impacts to adjacent properties.

Should the Council not come to a four-fifths agreement on these two topics, staff recommends not amending the code and adopting findings pursuant to Government Code Section 66326 to keep the current code.

## **STAKEHOLDERS/OUTREACH**

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The Code requires public notice when the Council considers adoption of amendments to the Zoning Code and/or the General Plan. Staff has published all required notices for this hearing. Public notice was also provided for the Planning Commission hearing of October 16, 2024.

## **FISCAL IMPACT**

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There is no fiscal impact associated with this report.

## **ENVIRONMENTAL REVIEW (CEQA)**

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Pursuant to the California Environmental Quality Act (CEQA), staff has determined, and recommends that the City Council find, that the proposed amendments contained in the subject Ordinances and the accompanying Resolution are exempt from further review pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h) because the subject Ordinances and Resolution implement the provisions of former Government Code Sections 65852.2 and 65852.22 (now codified in Article 2 [commencing with Section 66314] and Article 3 [commencing with Section 66333] of Chapter 13 of Division 1 of Title 7 of, the Government Code), second units in a single-family or multifamily residential zone. Moreover, the subject Ordinances and Resolution are exempt from further environmental review under CEQA pursuant to Title 14 of the California Code of Regulations Section 15060(c)(1), as they implement provisions of former Government Code Sections 65852.2 and 65852.22 (now codified in Article 2 [commencing with Section 66314] and Article 3 [commencing with Section 66333] of Chapter 13 of Division

1 of Title 7 of, the Government Code), which require ministerial review and approval of accessory dwelling units and junior accessory dwelling units and therefore, do not involve the exercise of discretionary powers by the City.

## **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

## **ALTERNATIVES TO STAFF RECOMMENDATION**

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1. **Alternative 1:** Not introduce and not subsequently adopt the proposed amendments to the Zoning Code and DSP which relate generally to standards for ADUs and JADUs. This will likely cause HCD to escalate enforcement efforts that may expose the City to legal risks.
2. **Alternative 2:** Any other alternative not proposed by staff.

## **ADMINISTRATIVE ACTION**

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**Submitted by:**

Bradley Calvert, Director of Community Development

**Prepared by:**

Vista Ezzati, Principal Planner

**Approved by:**

Roubik R. Golanian, P.E., City Manager

## **EXHIBITS/ATTACHMENTS**

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None