

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA, ADOPTING A GENERAL PLAN AMENDMENT TO AMEND THE DOWNTOWN SPECIFIC PLAN (DSP) RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (CASE NO. PGPA-003908-2024)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

WHEREAS, the City of Glendale (“City”) regulates accessory dwelling units pursuant to Title 30 of the Glendale Municipal Code, 1995 (“GMC”), including Chapter 30.34, as well pursuant to the Glendale Building and Safety Code; and

WHEREAS, California Government Code (“CA Gov’t Code”) Sections 66314 et seq., allow local agencies to enact ordinances providing for the creation of accessory dwelling units and junior accessory dwelling units, and establish standards for ministerial review of such units; and

WHEREAS, the City adopted Housing Element 2021-2029 of the General Plan on February 1, 2022 and this Element was certified by the State Department of Housing and Community Development (“HCD”) on February 27, 2023; and

WHEREAS, CA Gov’t Code Section 66319 declares that accessory dwelling units in areas zoned to allow single-family or multi-family dwelling residential uses do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot; and

WHEREAS, the development of accessory dwelling units and junior accessory dwelling units will further local, regional and state goals for meeting the Regional Housing Needs Allocation set forth in the City’s Housing Element 2021-2029; and

WHEREAS, the City’s Housing Element 2021-2029, contains Policy 1.9 “Encourage flexibility in the Zoning Ordinance to promote a wide range of housing types”; Policy 1.3 “Promote the dispersion of affordable housing throughout the City while recognizing the potential for the integration of market-rate and affordable units within individual projects”; Policy 2.9 “Respect scale, historic continuity, and a sense of community in new residential development”; and, Policy 6.10 “encourage the use of sustainable building practices in residential developments” and permitted accessory dwelling units and junior accessory dwelling units implements these policies; and

WHEREAS, the Greener Glendale Plan for Community Activities was adopted by the City Council of the City of Glendale on March 12, 2012, for the purposes of promoting sustainable practices and establishing greenhouse gas reduction strategies in accordance with AB 32 (2006) and SB 375 (2008);

WHEREAS, the Greener Glendale Plan for Community Activities Objective UD4 directs Glendale to continue to promote infill development to increase

sustainability and livable environment and permitting accessory dwelling units and junior accessory dwelling units is consistent with that objective; and

WHEREAS, CA Gov't Code Section 66314 requires cities to permit accessory dwelling units and junior accessory dwelling units in areas zoned for single family and multifamily residential uses, but allows cities to designate areas where accessory dwelling units and junior accessory dwelling units may be permitted based on the adequacy of water and sewer services and the impact of accessory dwelling units and junior accessory dwelling units on traffic flow and public safety, as well as, allows cities to impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources; and

WHEREAS, on December 8, 2020, the City Council adopted Ordinance Nos. 5957 and 5958 amending permanent standards and processes for the review and approval of accessory dwelling units and junior accessory dwelling units, which Ordinance was codified in Section 30.34.080 of the GMC; and

WHEREAS, on November 15, 2022, the City Council adopted Ordinance No. 5997 incorporating state law amendments and minor modifications and clarifications related to accessory dwelling units and junior accessory dwelling units;

WHEREAS, following HCD's review of Ordinance No. 5997, HCD sent the City a series of letters, commencing with a letter dated December 7, 2023, and including a June 19, 2024 "Notice of Violation" letter with written findings alleging portions of Ordinance No. 5997 does not comply with CA Gov't Code Sections 66314, *et seq.* ("State ADU Law") to which the City responded; and

WHEREAS, pursuant to CA Gov't Code Section 66326(b), the City must consider the findings made by HCD pursuant to its review of Ordinance No. 5997 and must either amend the Ordinance to comply with State ADU Law, and/or re-adopt the Ordinance without changes, but with findings in a resolution adopting the Ordinances that explains the reasons the City believes that the Ordinance complies with State ADU Law, despite HCD's findings; and

WHEREAS, on August 20, 2024, at a regularly scheduled City Council meeting, and in response to the above-referenced written findings, the City Council considered said findings and initiated amendments to Title 30 of the GMC related to development standards for accessory dwelling units and junior accessory dwelling units as to portions of said findings, and directed staff to re-adopt Ordinance No. 5997 without changes (with findings in a resolution adopting the Ordinance explaining the reasons the City believes the Ordinance complies with State ADU Law despite HCD's findings) as to certain other portions of Ordinance No. 5997; and

WHEREAS, the City's Planning Commission considered and recommended approval of these amendments to Title 30 of the GMC, as well as readoption of portions of Ordinance No. 5997 with findings, at its meeting of October 16, 2024.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds, determines, and declares that:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.

2. All of the findings contained in Resolution No. _____ (A Resolution of the City Council of the City of Glendale, California, 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 Within Ordinance No. _____) are hereby incorporated herein by reference as if set forth in full.

SECTION 2. Downtown Specific Plan. Chapter 3 Land Use. Section 3.3 Land Uses & Permit Requirements. Table 3-A-1: Land Uses and Permit Requirements and Table 3-B-1 are amended to read as follows:

3.3 LAND USES & PERMIT REQUIREMENTS

TABLE 3-A-1: Land Uses and Permit Requirements

| Land Uses ^{1, 2} | Permit Requirements by District ³ | | | | | | | | | | See Standards in GMC Section | Frontage Ratios ⁴ | | |
|--|--|-----------------|---------------|---------------|----------|---------|-------------------|------------|----------------|--------------|------------------------------|------------------------------|-----------------------|---------------------|
| Key to Permit Requirements A = Administrative Use Permit (see Chapter 30.49) P = Permitted Use C = Conditional Use Permit (see Chapter 30.42) T = Temporary Use N = Use Not Allowed | Alex Theatre | Broadway Center | Civic Centers | East Broadway | Galleria | Gateway | Downtown " A & E" | Mid-Orange | Orange-Central | Transitional | | Primary Frontage Streets | Entertainment Streets | Residential Streets |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Accessory Buildings, Structures and Uses | | | | | | | | | | | | | | |
| Accessory buildings and structures (associated with residential uses) _ | P | P | P | P | P | P | P | P | P | P | - | N | N | P |
| Accessory dwelling unit (ADU), and/or junior accessory dwelling unit (JADU) on a lot developed with one residential dwelling unit | P | P | N | P | P | P | P | P | P | P | 30.34.080 | P | P | P |
| Accessory dwelling unit(s) (ADU) on a lot developed with more than one residential dwelling unit | P | P | N | P | P | P | P | P | P | P | 30.34.080 | P | P | P |
| Accessory uses | P | P | P | P | P | P | P | P | P | P | - | N | N | P |
| Antennas (pole type) and flagpoles | N | P | P | P | P | P | P | P | P | P | - | N | N | N |
| Carts (freestanding, non-motorized portable type) | P | P | P | P | P | P | P | P | P | P | 30.34.040 | P | P | P |
| Dish antennas | P | P | P | P | P | P | P | P | P | P | 30.34.050 | N | N | N |
| Home occupation | P | P | N | P | P | P | P | P | P | P | 30.45 | N | N | P |
| Home-sharing | P | P | P | P | P | P | P | P | P | P | 5.110 | N | N | P |
| Signs | P | P | P | P | P | P | P | P | P | P | 30.33 | P | P | P |
| Solar Energy Equipment | P | P | P | P | P | P | P | P | P | P | - | P | P | P |
| Education, Public Assembly Uses | | | | | | | | | | | | | | |
| Convention Centers | P | P | P | N | P | P | P | P | N | N | - | N | P | C |
| Cultural Arts Centers | P | P | P | P | P | P | P | P | P | P | - | P | P | P |
| Gyms and health clubs | P | P | N | C | P | P | P | P | P | C | - | N | P | P |
| Gyms and health clubs (existing prior to June 1, 2003) | P | P | N | P | P | P | P | P | P | P | - | P | P | P |
| Indoor recreation centers | P | P | N | C | P | P | P | P | P | C | - | N | P | P |
| Museums | P | P | P | P | P | P | P | P | P | P | - | P | P | P |
| Places of worship | P | P | N | C | P | P | P | P | P | C | - | N | N | P |
| Places of worship (existing prior to June 1, 2003) | P | P | N | P | P | P | P | P | P | P | - | P | P | P |
| Private clubs and lodges | P | P | N | C | P | P | P | P | P | C | - | N | P | C |
| Public dances | P | P | P | P | P | P | P | P | P | P | - | P | P | P |
| Schools, physical instruction | P | P | N | P | P | P | P | P | P | P | - | N | P | P |
| Schools, private | P | P | N | C | P | P | P | P | P | C | - | N | N | P |
| Schools, private specialized education / training | P | P | N | N | P | P | P | P | P | N | - | N | C | P |
| Theaters | P | P | P | N | P | P | P | P | N | N | - | N | P | N |

See Table 3-A-2, page 3-7 for Footnotes

SECTION 3. Pipeline Projects. Accessory dwelling unit and junior accessory dwelling unit permit applications which have been submitted to plan check prior to the adoption of this Ordinance shall be reviewed under the zoning rules and regulations which were in effect on the day prior to adoption of this Ordinance. The foregoing notwithstanding, any applicant may make a request in writing to the Director of Community Development that his or her application be reviewed under the zoning rules and regulations as amended by this Ordinance.

SECTION 4. Pursuant to the California Environmental Quality Act (CEQA) the City Council hereby finds that this Ordinance is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h) because this Ordinance implements 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, this Ordinance is exempt from further environmental review under CEQA pursuant to Title 14 of the California Code of Regulations Section 15060(c)(1), as it implements 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, does not involve the exercise of discretionary powers by the City.

SECTION 5. Severability. This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 6. Effective Date. This ordinance becomes effective on the thirtieth (30th) day after its adoption.

Passed and adopted by the Council of the City of Glendale on the _____ day of _____, 2024.

Mayor

Attest

City Clerk

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF GLENDALE)

I, DR. SUZIE ABAJIAN, City Clerk of the City of Glendale, California, certify that the foregoing Ordinance No. _____ was passed and adopted by the Council of the City of Glendale, California, by a vote of four-fifths (4/5ths) of the members thereof, at a regular meeting held on the _____ day of _____, 2024 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk