

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA ESTABLISHING INTERIM STANDARDS AND MINISTERIAL
PROCESSES FOR REVIEWING AND APPROVING ELIGIBLE SB 9 PROJECTS AND
SETTING MINIMUM SB 478 FLOOR AREA RATIO STANDARDS FOR CERTAIN
MULTI-FAMILY HOUSING DEVELOPMENT PROJECTS**

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

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed into law Senate Bill 9 ("SB 9"), that added Sections 65852.21 and 66411.7 to the California Government Code; and

WHEREAS, on September 28, 2021, Governor Gavin Newsom signed into law Senate Bill 478 ("SB 478"), that added Section 65913.11 to the California Government Code; and

WHEREAS, SB 9 mandates that a local agency ministerially approve a proposed housing development that proposes two residential dwelling units in a single-family residential zone, and/or a parcel map for an urban lot split to create no more than two new parcels of approximate equal area in a single-family residential zone, subject to certain requirements; and

WHEREAS, SB 9 allows a local agency to adopt objective zoning standards, objective subdivision standards, and objective design review standards, that do not conflict with the provisions of SB 9, upon proposed SB 9 housing developments, and also allows a local agency to deny a proposed SB 9 housing development if the building official makes written findings, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, 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; and

WHEREAS, SB 478 prohibits a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project proposed in a multifamily residential zone or a mixed-use zone that consists of three (3) to seven (7) units, or less than 1.25 on a housing development project proposed in a multifamily residential zone or a mixed-use zone that consists of eight (8) to ten (10) units, and would prohibit a local agency from imposing a lot coverage requirement that would physically preclude a housing development project from achieving such floor area ratios; and

WHEREAS, there is an urgent need for Glendale to adopt an ordinance to establish interim objective zoning, subdivision, design and other standards, criteria and procedures for ministerial approval of housing development projects proposed under SB

9, and amendments to floor area ratio standards consistent with SB 478, prior to the effective date of SB 9 and SB 478, which will otherwise take effect on January 1, 2022 without the City having any such standards in place; and

WHEREAS, the City of Glendale adopted Housing Element 2014-2021 of the General Plan on January 28, 2014 and this Element was certified by the State Department of Housing and Community Development on February 24, 2014; and

WHEREAS, the development of residential dwelling units under SB 9 will further local, regional and state goals for meeting the RHNA requirement expressed in Housing Element 2014-2021 provided the City has a mechanism to allow tracking of SB 9 dwelling units; and

WHEREAS, Housing Element 2014-2021, contains Policy 1.9 “Encourage flexibility in the Zoning Ordinance to promote a wide range of housing types”; Policy 1.2 “Assure that affordable housing is dispersed throughout the City while recognizing the potential for the integration of market-rate and affordable units within individual projects”; Policy 2.10 “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 permitting dwelling units and lot splits under SB 9 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); and

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 dwelling units proposed under SB 9 is consistent with that objective.

NOW THEREFORE, the City Council of the City of Glendale does ordain as follows:

SECTION 1. The City Council of the City of Glendale finds that the above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. The City Council of the City of Glendale finds and declares that this Ordinance establishing reasonable interim standards for permitting eligible SB 9 housing development and lot split projects ministerially is consistent with the City’s Housing Element 2014-2021, with state housing policy, and with Glendale’s adopted greenhouse gas reduction strategies.

SECTION 3. In accordance with Government Code Section 65858(a) and Glendale City Charter, Article VI, Section 7, and pursuant to the findings stated herein, the City

Council hereby finds that there exists a current and immediate threat to the public health, safety, and welfare requiring this interim urgency Ordinance; finds that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein; and declares and imposes interim regulations for the immediate preservation of the public health, safety, and welfare as set forth below.

This Ordinance shall expire, and its standards and requirements shall terminate 45 days after the date of adoption of this Ordinance, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 4. The City Council of the City of Glendale declares that an interim ordinance for reviewing and approving eligible SB 9 projects is necessary for the following purpose and adopts the following definitions:

This Ordinance is intended to provide for the creation of no more than two residential dwelling units (two new units, or adding one new unit to one existing unit) and/or an urban lot split, within a single-family residential zone in a manner that is ministerial and nondiscretionary, consistent with state law. This Ordinance shall apply to all parcels in single-family residential zones (ROS, R1R, and R1). No SB 9 project (as defined below) shall be permitted in the City of Glendale except to the extent permitted and authorized pursuant to this Ordinance.

“Unit” or “residential unit” or “residential dwelling unit” means any dwelling unit or units, as defined in Glendale Municipal Code Section 30.70.050, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.2, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

“Lot” and/or “parcel” shall have that meaning as set forth in Glendale Municipal Code Section 16.40.180.

“Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by the City, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, density bonus ordinances, and this Ordinance.

“SB 9 housing development” means the proposed addition or conversion of residential units within a single-family residential zone (ROS, R1R and R1) that meets all of the requirements contained in Government Code Section 65852.21 and/or 66411.7 and the provisions of this Ordinance, and results in no more than two residential units per parcel or lot, but in no event shall mean the proposed addition or conversion of a residential

unit within a single-family residential zone resulting in only one residential unit per parcel or lot.

“SB 9 lot split” means any subdivision of land proposed under Government Code Section 66411.7 and the provisions of this Ordinance.

“SB 9 project” means either or both a SB 9 housing development and/or SB 9 lot split.

SECTION 5. The City Council of the City of Glendale makes the following findings that establishing interim standards for ministerial approval of eligible SB 9 projects are compliant with the intent of state housing law:

- A. Residential dwelling units and lot splits proposed under SB 9 are located on parcels and/or lots zoned for single-family residential and can provide an important source of housing.
- B. Establishing reasonable interim regulations for SB 9 projects is an appropriate mechanism to properly balance the need for additional housing and compliance with State law with the need to maintain existing architectural character, community character and neighborhood quality of life.
- C. This Ordinance is necessary to ensure review and compliance with applicable zoning and safety standards.
- D. SB 9 projects are subject to objective zoning standards, objective subdivision standards, and objective design standards, except as otherwise set forth in this Ordinance.

SECTION 6. The City Council of the City of Glendale establishes the following interim fees and processes for reviewing eligible SB 9 housing development and/or SB 9 lot split applications:

- A. Application. An application for an SB 9 housing development and/or SB 9 lot split permit shall be required, and the property owner or owners shall sign the application. The following items are required to be submitted to the City to allow review of an SB 9 housing development or SB 9 lot split:
 - 1. Site Plan – The scale of the site plan shall be large enough to show clearly all details thereof, and shall show:
 - a. Site address, zone, lot size, location of the existing residential dwelling, garage, any existing junior accessory dwelling unit or accessory buildings and structures and the location of the proposed SB 9 housing development and/or SB 9 lot split.
 - b. Square footage of all existing and proposed buildings and structures.

- c. Dimensions of existing and proposed setbacks, lot coverage, landscaping, walls, driveways, and building and wall heights.
 - d. Location, size and number of parking spaces.
 - 2. Architectural drawing showing existing and proposed buildings and modifications, location of entrances, required parking, driveways, windows, setbacks, landscaping.
 - 3. Site photos showing the residential dwelling, garage, accessory buildings and structures, existing parking, and the area where the SB 9 housing development and/or SB 9 lot split is proposed.
- B. The applicant may apply for the SB 9 housing development and SB 9 lot split concurrently.
- C. A case planner will review the application for compliance with this Ordinance and applicable Zoning Code/subdivision/design standards, standards contained in this Ordinance, and standards contained in state law. In the event of a conflict between this Ordinance and a development, design or subdivision standard in the Glendale Municipal Code, this Ordinance shall control.
- D. An application for a SB 9 housing development and/or SB 9 lot split shall be approved or denied ministerially without discretionary review, but subject to compliance with all applicable objective zoning, subdivision or design standards contained in this Ordinance or the Glendale Municipal Code. Moreover, a SB 9 housing development shall be required to obtain a building permit and comply with all applicable Glendale Building and Safety Code regulations, including the requirement to obtain a grading permit; a SB 9 lot split shall comply with all application requirements of a parcel map contained in Title 16 of the Glendale Municipal Code, except as otherwise set forth in this Ordinance.
- E. A SB 9 lot split shall conform to all objective requirements of the Subdivision Map Act; and an SB 9 lot split and SB 9 housing development shall conform to all objective zoning and subdivision standards contained in Titles 30 and 16, respectively, of the Glendale Municipal Code, except as otherwise set forth in this Ordinance.
- F. When a SB 9 housing development and/or SB 9 lot split is ready to approve, the property owner shall pay all applicable permit and/or other fees set forth below and record a covenant and agreement. The applicable covenant and agreement for a SB 9 housing development shall be recorded prior to issuance of a building permit and the applicable covenant and agreement for a SB 9 lot split shall be recorded prior to final approval of the parcel map.
- G. A SB 9 housing development application is required to pay the following fees, as established by resolution of the City Council:

1. SB 9 housing development review fee, initially in the amount of \$309.00, subject to amendment by resolution adopted by the City Council.
 2. SB 9 housing development covenant and agreement fee, initially in the amount of \$364.00, subject to amendment by resolution adopted by the City Council.
 3. A public use facilities development impact fee per unit in the amount contained in the most recent Citywide Fee Schedule for "Mitigation - Residential: Multi-Family."
- H. A SB 9 lot split application is required to pay the following fees, as established by resolution of the City Council:
1. SB 9 lot split parcel map application fee, initially in the amount of \$17,006.00, subject to amendment by resolution adopted by the City Council.
 2. SB 9 lot split land development engineering and processing fee, initially in the amount of \$3,139.00, subject to amendment by resolution adopted by the City Council.
 3. SB 9 lot split covenant and agreement fee initially in the amount of \$364.00, subject to amendment by resolution of the City Council.
- I. A SB 9 lot split shall not be subject to any dedication of right-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
- J. A SB 9 lot split may be subject to any of the following conditions:
1. Easements required for the provision of public services and facilities.
 2. A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
 3. Off-street parking of up to one space per unit, except as provided in Section 9.
- K. An applicant for a SB 9 housing development and/or a SB 9 lot split shall prepare, execute and record, at its cost, a covenant, which, at minimum, creates mutual easements and reciprocal use agreements for cross-access, cross-drainage and shared public utility services or fire suppressions systems in a manner which affords adequate access, drainage and public services to/from a dedicated public street for the benefit of any lot.

SECTION 7. The City Council of the City of Glendale establishes the following interim criteria to approve a SB 9 housing development:

General Provisions

- A. A SB 9 housing development shall be permitted only in a single-family residential zone (ROS, R1R, and R1).

- B. A SB 9 housing development is permitted to have a maximum of two units on a parcel in a single-family residential zone (ROS, R1R, and R1). A maximum of two units means if the SB 9 housing development proposes no more than two new units, or if it proposes to add one new unit to one existing unit. Adding one new unit means construction of a new unit or conversion of an existing building into a unit.

Criteria to Approve a SB 9 Housing Development

A SB 9 housing development that meets all of the following criteria shall be reviewed and approved ministerially. A proposed SB 9 housing development that does not meet all the following criteria shall be denied.

- A. The SB 9 housing development shall not be located within a historic district or on property that is included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is or contains buildings, sites, objects, structures, neighborhoods, cultural landscapes, and archaeological sites, that are designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- B. The parcel on which the SB 9 housing development is proposed shall satisfy the requirements set forth in Government Code Section 65913.4(a)(6)(B-K).
- C. The SB 9 housing development shall not require demolition or alteration of any of the following types of housing:
 - 1. A dwelling unit 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;
 - 2. A dwelling unit that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
 - 3. A dwelling unit that has been occupied by a tenant in the last three years.
- D. The parcel on which the SB 9 housing development is proposed shall not be a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- E. If one or more of the units of a SB 9 housing development have been occupied by a tenant in the last three years, no more than 25 percent of the existing exterior walls shall be demolished.
- F. Any proposed SB 9 housing development with unit(s) that are or will be connected to an onsite wastewater treatment system shall be required to complete a percolation

test within the last five years, or, if the percolation test has been recertified, within the last 10 years consistent with Government Code Section 65852.21(c)(2).

- G. New construction or any addition to an existing building for one or more units of a SB 9 housing development shall not be located between any existing or proposed residential unit and the street front and street side setback line.
- H. In cases where a parcel contains an existing accessory living quarters and/or guest house, a SB 9 housing development may be built only if such building is either demolished or converted to a code-compliant residential unit.
- I. In cases where a parcel contains a SB 9 housing development, an accessory living quarters and/or guest house shall not be permitted.
- J. No accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22, shall be allowed to be constructed, converted or added to a SB 9 project that is applying for or has previously applied for both a SB 9 housing development and a SB 9 lot split, whether the application for either is concurrently or not. A lot or parcel with an existing accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22, shall be ineligible to apply for both a SB 9 housing development and a SB 9 lot split, whether the application for either is concurrently or not.
- K. Rental of any unit or part of a unit resulting from any SB 9 project shall be for a term longer than thirty (30) days. Home-sharing pursuant to Chapter 5.110 shall be prohibited in a SB 9 housing development.
- L. The units of a SB 9 housing development located on one parcel and/or lot shall not be sold separately from each other.
- M. New construction (attached or detached) of, and/or conversion of existing living area or existing accessory building to, units for a SB 9 housing development shall have a minimum square footage of an “efficiency unit”, as defined in California Health and Safety Code Section 17958.1, and a maximum square footage of 800 square feet.
- N. Notwithstanding the development standards for floor area ratio, height, lot coverage, and permanently landscaped open space set forth in Title 30 of the GMC, an applicant shall be entitled to develop a SB 9 housing development with units that are 800 square feet or less in size (for each new permitted unit), provided the unit provides 4-foot minimum interior setbacks (subject to the exception set forth in Sub-section O below for an existing living area or accessory building or a building constructed in the same location and to the same dimensions as an existing building).

- O. No additional setback shall be required for an existing living area or accessory building or a building constructed in the same location and to the same dimensions as an existing building that is converted to a SB 9 unit, and a setback of no more than four feet from an interior lot line shall be required for a SB 9 unit that is not converted from an existing building constructed in the same locations and to the same dimensions as an existing building.
- P. The following objective design standards apply to an SB 9 housing development.
1. SB 9 housing development proposing new construction of a residential dwelling unit ("new SB 9 unit") with an existing residential dwelling unit retained:
 - a. Height and Massing**
 - i. Height
 - a. The new SB 9 unit with a pitched roof (minimum three (3) feet in 12 feet) shall have a maximum height of 16 feet.
 - b. The new SB 9 unit with a flat roof shall have a maximum height of 12 feet and shall include a parapet with a minimum height of one (1) foot above the highest portion of the flat roof.
 - c. The new SB 9 unit with a combination of a pitched and flat roof shall have maximum heights of 16 feet at the pitched roof and 12 feet at the flat roof.
 - ii. Roof Form
 - a. The roof form of the new SB 9 unit shall match the roof form of the existing residential dwelling. For an existing residential dwelling with multiple roof forms, the roof of the new SB 9 unit shall match at least one of the roof forms of the existing residential dwelling.
 - iii. Breaks in Building Volume
 - a. For an interior lot, the street-facing facade of the new SB 9 unit shall have a change in plane with a minimum depth of 18 inches.
 - b. For a corner lot, the new SB 9 unit facades facing the street and street-side frontages shall have a change in plane with a minimum depth of 18 inches at each façade.
 - b. Materials**
 - i. Exterior Wall Cladding
 - a. Except as indicated in Sub-section b(i)(f) and b(i)(g) below, the new SB 9 unit shall have a minimum of two wall cladding materials at all exterior wall surfaces.
 - b. All cladding materials shall wrap exterior corners and either wrap the entire building or terminate at inside corners.

- c. The following cladding materials may be used: wood or cementitious siding (i.e. lap siding, tongue-and-groove/interlocking boards, board-and-batten, shingle), stucco, brick, veneer brick, natural stone, and pre-cast stone.
- d. If siding is located solely at only the base of the building (wainscoting), it must span from the lowest edge of the wall to the height of the window sills.
- e. Use of stucco shall be limited to a maximum of 60 percent of the total exterior wall surface of any building.
- f. If the roof of the existing residential dwelling is clad with Spanish-tiles (one- or two-piece clay or concrete tiles with a curved profile), 100 percent of exterior wall surfaces of the new SB 9 unit building shall be clad with stucco.
- g. If the existing residential dwelling is clad entirely with horizontal and/or shingle siding, 100% of exterior wall surfaces of the new SB 9 unit building shall be clad with horizontal and/or shingle siding.

ii. Roof Cladding

- a. Pitched roofs on the new SB 9 unit shall be clad with a material that matches the roof of the existing residential dwelling in terms of material, color, texture, dimensions, shape, and profiles.
- b. Flat roofs may be clad with any material permitted by the Building Code.
- c. If the flat-roofed portion of an existing residential dwelling has Spanish-tile (one- or two-piece clay or concrete tiles with a curved profile) parapet caps, any flat-roofed portion of the new SB 9 unit shall have parapet caps that match the existing parapet caps of the existing residential dwelling unit in terms of material, color, texture, dimensions, shape, and profiles.
- d. If the flat-roofed portion of an existing residential dwelling does not have Spanish-tile parapet caps, any flat-roofed portion of the new SB 9 unit shall have parapets with an upper surface designed to shed water or a sheet-metal parapet cap that is finished at its outward-facing surface to match the color of the adjacent wall cladding.

2. SB 9 housing development proposing construction of new SB 9 units on a vacant parcel or lot:

a. Height and Massing

i. Height

- a. SB 9 unit(s) with a pitched roof (minimum three (3) feet in 12 feet) shall have a maximum height of 16 feet.

- b. SB 9 unit(s) with a flat roof shall have a maximum height of 12 feet and shall include a parapet with a minimum height of one (1) foot.
- c. SB 9 unit(s) with a combination of pitched and flat roof shall have maximum heights of 16 feet at the pitched roof and 12 feet at the flat roof.

ii. Roof Form

- a. The following roof forms may be employed: front gable, side gable, cross gable, hip, cross hip, gable-on-hip, hip-on-gable, shed, gambrel, flat. The new SB 9 unit(s) may have more than one roof form.

iii. Breaks in Building Volume

- a. For an interior lot, the street-facing facade of the new SB 9 unit(s) shall have a change in plane with a minimum depth of 18 inches.
- b. For a corner lot, the new SB 9 unit(s) facades facing the street and street-side frontages must have a change in plane with a minimum depth of 18 inches at each façade.

b. Materials

i. Exterior Wall Cladding

- a. Except as indicated in Sub-section b(i)(f) below, any SB 9 unit(s) shall have a minimum of two wall cladding materials at all exterior wall surfaces.
- b. All cladding materials shall wrap exterior corners and either wrap the entire building or terminate at inside corners.
- c. The following cladding materials may be used: wood or cementitious siding (i.e. lap siding, tongue-and-groove/interlocking boards, board-and-batten, shingle), stucco, brick, veneer brick, natural stone, and pre-cast stone.
- d. If siding is located solely at only the base of the building (wainscoting), it must span from the lowest edge of the wall to the height of the window sills.
- e. Use of stucco shall be limited to a maximum of 60 percent of the total exterior wall surface of any building.
- f. If the roof is clad with Spanish-tiles (one- or two-piece clay or cement tiles with a curved profile), 100 percent of exterior wall surfaces of the new SB 9 building shall be clad with stucco.

ii. Roof Cladding

- a. Pitched roofs on new buildings may be clad with asphalt composite shingles, faux wood shingles, curved clay or lightweight concrete tile (Spanish-tile), flat clay or lightweight concrete tile, slate, synthetic slate, metal shingles, or standing-seam metal. Per Section 2(b)(i)(f) above,

Spanish-tile may only be used for buildings with exterior walls clad only with stucco.

- b. Flat roofs may be clad with any material permitted by the Building Code.
- c. Buildings incorporating both pitched- and flat-roofed areas and using Spanish-tile roof cladding, shall have parapets around the flat roof capped with the same roofing material.
- d. Buildings incorporating both pitched- and flat-roofed areas, other than those described in Sub-section 2(b)(ii)(c) above, shall have parapets around the flat roof with an upper surface designed to shed water or with a sheet-metal parapet cap that is finished at its outward-facing surface to match the color of the adjacent wall cladding.

3. Details and Design Standards Applicable to All SB 9 Housing Developments:

a. Windows

- i. Windows shall be recessed a minimum of 1-inch (1") from the face of the window frame to the face of the exterior wall material finish.
- ii. Windows shall have a sill projecting a minimum of 1-inch (1") from the exterior wall material finish.
- iii. Window at the street front and street-side facing façade shall make up a minimum of 20% of the wall area.

b. Entryways and Doors

- i. The main entry to a SB 9 unit adjacent to a street shall be located on the building façade oriented toward the adjacent street.
- ii. The main entry to a SB 9 unit not adjacent to a street may be located on any building façade.
- iii. Double doors are not permitted.

c. Covered Porches, Patios and Decks

- i. Attached covered porches or patios may not cumulatively exceed 10 percent of the square footage of the unit or 80 square feet, whichever is less.
- ii. No rooftop decks are permitted.

Q. Notwithstanding the above, the City may deny a SB 9 housing development if the Building Official makes written findings, based upon a preponderance of the evidence, that the proposed SB 9 housing development would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), 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, per the process outlined below:

- 1. Once a SB 9 housing development application is deemed complete, the application and any pertinent information shall be routed for review by the

Building Official to make a determination as to whether the proposed SB 9 housing development would have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) 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.

2. If the Building Official makes a determination that the SB 9 housing development would have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) 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, he or she shall make one or more findings of such impact or impacts, based on the preponderance of the evidence, and shall recommend denial of such project.
3. Upon review of the Building Official's findings and recommendation of denial, the Director of Community Development shall issue a written decision to deny the project. The Director of Community Development shall publish the written decision with the Building Officials' findings on the City's website, which denial shall be appealable to the Planning Commission, then to the City Council, pursuant to the procedures set forth in Glendale Municipal Code Chapter 30.62.
4. In addition to any existing objective public health or safety standards, policies or conditions, the following objective standards and policies shall apply in any review of a SB 9 housing development by the Building Official under this Section:
 - a. A SB 9 housing development that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant and unavoidable impact or effect on the environment.
 - b. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in Public Resources Code Section 5024.1(g) shall not preclude the City from determining whether the resource may be an historical resource. The resource shall be reviewed, evaluated, and processed pursuant to the factors, criteria and requirements contained in the Glendale Municipal Code related to historic preservation, including, but not limited to, factors, criteria and requirements contained in Chapter 15.20. The City may require the applicant to commission or prepare additional reports, studies or analyses in order to determine whether the resource may be an historical resource.
 - c. The City's Building Official, in consultation with the Director of Community Development and Planning Division, will evaluate and make a determination, based on substantial evidence, whether the building, structure or site being affected by the SB 9 housing development is a historic resource, and whether

a SB 9 housing development may cause a substantial adverse change in the significance of a historic resource.

- d. As used in this Section “a substantial adverse change” means demolition, destruction, relocation or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. The significance of a resource is “materially impaired” when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner.

SECTION 8. The City Council of the City of Glendale establishes the following interim criteria to approve a SB 9 lot split:

General Provisions

- A. SB 9 lot splits shall be permitted only in a single-family residential zone (R1, R1R, ROS).

Criteria to Approve a SB 9 lot split

A SB 9 lot split that meets all of the following criteria shall be reviewed and approved ministerially. A proposed SB 9 lot split that does not meet all the following criteria shall be denied.

- A. A SB 9 lot split may subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- B. A SB 9 lot split shall not create a parcel smaller than 1,200 square feet.
- C. Neither of the parcels resulting from a SB 9 lot split shall be located within a historic district or included, or contain buildings, sites, objects, structures, neighborhoods, cultural landscapes, and archaeological sites that are included, on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site, or contain buildings, sites, objects, structures, neighborhoods, cultural landscapes, and archaeological sites, that are designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- D. The parcels resulting from a SB 9 lot split shall satisfy the requirements set forth in Government Code Section 65913.4(a)(6)(B-K).
- E. The proposed SB 9 lot split shall not require demolition or alteration of any of the following types of housing:

1. A dwelling unit 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;
 2. A dwelling unit that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 3. A dwelling unit located on a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application; or
 4. A dwelling unit that has been occupied by a tenant in the last three years.
- F. The subject parcel proposed to be subdivided shall not have been created through a prior SB 9 lot split application.
- G. Neither the owner of the subject parcel proposed to be subdivided, nor any person acting in concert with the owner, shall have previously subdivided an adjacent parcel through approval of a SB 9 lot split. For purposes of this Section, "acting in concert with the owner" means participating jointly, either through actions or agreement, toward a common goal.
- H. No accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22, shall be allowed to be constructed, converted or added to a SB 9 project that is applying for or has previously applied for *both* a SB 9 housing development and a SB 9 lot split, whether the application for either is concurrently or not. A lot or parcel with an existing accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22, shall be ineligible to apply for *both* a SB 9 housing development and a SB 9 lot split, whether the application for either is concurrently or not.
- I. Any SB 9 housing development proposed on a lot resulting from a SB 9 lot split shall comply with all applicable requirements set forth in this Ordinance and the Glendale Municipal Code applicable to a SB 9 housing development. Any non-SB 9 housing development proposed on a lot resulting from a SB 9 lot split shall comply with all applicable requirements set forth in the Glendale Municipal Code applicable to development of one residential dwelling unit. An accessory dwelling unit, as defined in Government Code Section 65852.2, or a junior accessory dwelling unit, as defined in Government Code Section 65852.22, remaining on a lot by itself (i.e., without the primary dwelling unit) as a result of a SB 9 lot split, shall count as a "unit" for purposes of this Ordinance.
- J. The following objective subdivision standards apply to a SB 9 lot split.

1. Lot Lines. The lot lines of any SB 9 lot split shall be at right angles to the street which the lot faces, or radial if the street is curved.
 2. Lot Frontage. Lots resulting from a SB 9 lot split shall front on a dedicated improved public street or private street. For the purposes of this Ordinance, "improved" means any public street that has curb and gutter and asphalt pavement.
 3. Minimum lot width. The lot frontage of lots resulting from a SB 9 lot split shall have a minimum width of 12 feet.
 4. Double Frontage Lots. Lots resulting from a SB 9 lot split shall not have double frontage, except on corner lots.
- K. Notwithstanding the above, the City may deny a SB 9 lot split if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed SB 9 lot split would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), 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, per the process outlined below:
1. Once a SB 9 lot split application is deemed complete, the application and any pertinent information shall be routed for review by the Building Official to make a determination as to whether the proposed SB 9 housing development would have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) 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.
 2. If the Building Official makes a determination that the SB 9 lot split would have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) 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, he or she shall make one or more findings of such impact or impacts, based on the preponderance of the evidence, and shall recommend denial of such project.
 3. Upon review of the Building Official's findings and recommendation of denial, the Director of Community Development shall issue a written decision to deny the project. The Director of Community Development shall publish the written decision with the Building Officials' findings on the City's website, which denial shall be appealable to the Planning Commission, then to the City Council, pursuant to the procedures set forth in Glendale Municipal Code Chapter 30.62.
 4. In addition to any existing objective public health or safety standards, policies or conditions, the following objective standards and policies shall apply in any review of a SB 9 lot split by the Building Official under this Section:

- a. A SB 9 lot split that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant and unavoidable impact or effect on the environment.
- b. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in Public Resources Code Section 5024.1(g) shall not preclude the City from determining whether the resource may be an historical resource. The resource shall be reviewed, evaluated, and processed pursuant to the factors, criteria and requirements contained in the Glendale Municipal Code related to historic preservation, including, but not limited to, factors, criteria and requirements contained in Chapter 15.20. The City may require the applicant to commission or prepare additional reports, studies or analyses in order to determine whether the resource may be an historical resource.
- c. The City's Building Official, in consultation with the Director of Community Development and Planning Division, will evaluate and make a determination, based on substantial evidence, whether the building, structure or site being affected by the SB 9 lot split is a historic resource, and whether a SB 9 lot split may cause a substantial adverse change in the significance of a historic resource.
- d. As used in this Section "a substantial adverse change" means demolition, destruction, relocation or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. The significance of a resource is "materially impaired" when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner.

SECTION 9. The City Council of the City of Glendale establishes the following interim parking criteria to approve a SB 9 projects:

Parking Criteria to Approve SB 9 Projects

- A. A maximum of one off-street parking space shall be provided per dwelling unit except:
 1. If the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or
 2. If the parcel is located within one block of a car share vehicle.
- B. Unless otherwise exempt by this Ordinance, off-street parking for a SB 9 housing development shall comply with the following standards:

1. Any uncovered parking space shall have a minimum width of eight (8) feet and a length of eighteen (18) feet.
 2. Parking may be located in any configuration on the same lot as the SB 9 housing development, including covered spaces, uncovered spaces, or tandem spaces.
 3. An uncovered parking space may be located within setback areas on an existing driveway and shall not encroach on the public right-of-way.
 4. A covered or enclosed parking space shall comply with zoning standards.
- C. To prevent additional curb-cuts for access to required parking, a SB 9 housing development shall share the driveway with the existing residential dwelling unit, where one exists. The driveway to the existing residential dwelling unit may be modified to accommodate onsite parking and shall comply with Section 30.32.130. A separate driveway for the SB 9 housing development shall not be provided, except where the lot is adjacent to an alley, in which case a driveway to the alley may be added to serve the SB 9 unit.
- D. A SB 9 housing development proposed on a vacant lot shall accommodate required onsite parking provided by a singular shared driveway subject to Glendale Municipal Code Section 30.32.130.
- E. On shared driveways that provide access for multiple lots, such as flag lots, parking shall not be permitted on portions of the driveway that are used to provide access to more than one lot.
- F. Shared driveways required for SB 9 projects shall execute a reciprocal access agreement.

SECTION 10. The City Council of the City of Glendale establishes the following interim requirement that a covenant and agreement be recorded for a SB 9 project:

- A. The property owner applying for a SB 9 housing development shall execute and record a covenant and agreement that shall contain the following:
1. The residential dwelling units that constitute the SB 9 housing development shall not be sold separately from each other.
 2. All required onsite parking for the lot identified in the SB 9 housing development permit shall remain available for the residential dwelling unit(s) and shall not be rented separately to non-residents.
 3. The property owner shall comply with one of the following requirements: (i) the property owner must be an owner-occupant and reside in at least one of the residential dwelling units that constitute the SB 9 housing development, or; (ii) if the property owner does not reside in at least one of the residential dwelling units that constitute the SB 9 housing development, then the property owner shall only rent or lease the property as a single rental property and shall not rent or lease the residential dwelling units separately from each other.

4. Short-term rentals thirty (30) days or less are prohibited for either of the residential dwelling units that constitute the SB 9 housing development. Home-sharing pursuant to Chapter 5.110 shall be prohibited.
 5. The SB 9 housing development permit and covenant shall run with the land and is binding and enforceable on future property owners.
 6. The residential units that constitute the SB 9 housing development shall be removed at the expense of the property owner if either of the units are terminated or upon violation of this Ordinance or upon cessation of the primary land use as multifamily residential dwellings.
- B. The property owner of a parcel applying for a SB 9 lot split shall execute and record a covenant and agreement that shall contain the following:
1. All required onsite parking for the lot identified in the SB 9 lot split approval shall remain available for the existing or proposed residential dwelling unit(s) and shall not be rented separately to non-residents.
 2. Short-term rentals thirty (30) days or less are prohibited for any of the residential dwelling units resulting from the SB 9 lot split. Home-sharing pursuant to Chapter 5.110 shall be prohibited.
 3. The SB 9 lot split approval and covenant shall run with the land and is binding and enforceable on future property owners.
 4. The residential units resulting from the SB 9 lot split shall be removed at the expense of the property owner if either of the units are terminated or upon violation of this Ordinance or upon cessation of the primary land use as multifamily residential dwellings.
 5. A written statement signed under penalty of perjury (affidavit) attesting that the property owner intends to occupy at least one of the residential dwelling units resulting from the SB 9 lot split as his/her/its principal residence for a minimum of three years from the date of the approval of the SB 9 lot split application. This requirement shall not apply to an owner or applicant that is a "community land trust," as defined in Section 402.1(a)(11)(C)(ii) of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code. This statement shall not be a covenant that runs with the land and shall only be binding and enforceable upon the current property owner.

SECTION 11. The City Council of the City of Glendale establishes the following interim requirement that applies to Floor Area Ratio minimums to the following multi-family housing development project proposals:

- A. Any development of three (3) to seven (7) multiple residential dwelling units shall not have a floor area ratio standard that is less than 1.0.

- B. Any development of eight (8) to ten (10) multiple residential dwelling units shall not have a floor area ratio standard that is less than 1.25.
- C. To be eligible for the provisions in Section A and B above, a multi-family housing development project shall meet all of the following conditions:
 - 1. The project consists of at least three (3), but not more than ten (10), units.
 - 2. The project is located in a multifamily residential zone, commercial zone, or a mixed-use zone, and is not located in either of the following:
 - a. Within a single-family zone.
 - b. Within a historic district or property that is included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is or contains buildings, sites, objects, structures, neighborhoods, cultural landscapes, and archaeological sites, that are designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- D. This section shall not be construed to prohibit the City from imposing any zoning or design standards, including, but not limited to, building height and setbacks, on a housing development project that meets the requirements of this Section, other than zoning or design standards that establish floor area ratios or lot size requirements that expressly conflict with the standards contained in this Section.
- E. The City may not impose a lot coverage requirement that would physically preclude a housing development project that meets the requirements of this Section from achieving the floor area ratio allowed herein.

SECTION 12. Compliance with California Environmental Quality Act.

The City Council hereby finds that this interim ordinance implements the provisions of Government Code Sections 65852.21 and 66411.7 and pursuant to Government Code Sections 65852.21(j) and 66411.7(n), is therefore not a project under Division 13 (commencing with Section 21000) of the Public Resources Code. The City Council further finds that this interim ordinance implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15305 (minor alterations to land use limitations), Class 5 Exemption, as the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment; (2) exempt from further environmental review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as

regulated by existing zoning, or otherwise allow for or promote physical changes in the environment, and therefore, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment; and (3) not intended to apply to specifically identified housing development projects and as such it is speculative to evaluate any such future project now. Moreover, the Ordinance is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of a slightly more generous floor area ratio in certain zones; any such projects subject to the Ordinance will be subject to appropriate environmental review at such time as approvals for those housing project are considered. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 13. 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 14. Urgency Measure.

By making the findings of the hereinbefore findings of fact, which facts are hereby declared to constitute an urgency, for the immediate preservation of the public health, safety or welfare, this Ordinance is hereby declared to be an urgency measure and shall become effective on January 1, 2022.

Adopted by the Council of the City of Glendale on the ____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA) SS.
COUNTY OF LOS ANGELES)

I, ARAM ADJEMIAN, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was 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 _____, 2021, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

City Clerk