ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA AMENDING SECTIONS 30.11.020, 30.11.050 AND 30.34.080, AND REPEALING AND REPLACING 30.34.110 OF TITLE 30 TO THE GLENDALE MUNICIPAL CODE, 1995 ESTABLISHING STANDARDS AND MINISTERIAL PROCESSES FOR REVIEWING AND APPROVING ELIGIBLE SB 9 PROJECTS, MINIMUM FLOOR AREA RATIO STANDARDS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENT PROJECTS (SB 478) AND INCORPORATION OF STATE LAW AMENDMENTS AND MINOR MODIFICATIONS AND CLARIFICATIONS RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (CASE NO. PZC-0001-2022)

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

WHEREAS, Government Code Sections 65852.2 and 65852.22 permit local governments to establish standards for ministerial review of accessory dwelling units and junior accessory dwelling units and directs that accessory dwelling units and junior accessory dwelling units be approved subject to minimal state standards when existing local standards or process for accessory dwellings conflict with state standards; and

WHEREAS, Government Code Section 65852.2 was amended by SB 897 and AB 2221 to reduce permitting hurdles for accessory dwelling unit applicants and increase the minimum height limits that local governments may impose on accessory dwelling units, effective January 1, 2023; and

WHEREAS, Planning Division staff has identified additional amendments to Section 30.34.080 related to standards for accessory dwelling units that will contribute to the general welfare of the City and that are allowed under State law; and

WHEREAS, the City of Glendale adopted Housing Element 2021-2029 of the General Plan on February 1, 2022, which is pending certification by the State Department of Housing and Community Development; and

WHEREAS, the development of accessory dwelling units, junior accessory dwelling units, and residential dwelling units under SB 9 will further local, regional and state goals for meeting the RHNA requirement expressed in Housing Element 2021-2029; and

WHEREAS, 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 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; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards to protect public health, safety, and welfare; and

WHEREAS, City Council received a staff report and testimony on October 26, 2021 and December 7, 2021, discussed the process and standards for SB 9 units and SB 478 floor area ratio standards, initiated code amendments to prepare a permanent process and criteria for approval of SB 9 projects, and introduced the interim urgency ordinance to establish interim standards and ministerial processes for review and approval of SB 9 projects and SB 478 floor area ratio standards; and

WHEREAS, on December 14, 2021, the City Council adopted Ordinance No. 5981 as an urgency ordinance to establish interim standards and ministerial processes for reviewing and approving SB 9 projects and setting minimum SB 478 floor area ratio standards for certain multi-family housing development projects that was effective on January 1, 2022; and

WHEREAS, on January 25, 2022, following a duly noticed public hearing held on January 18, 2022, the City Council adopted Ordinance No. 5985 that extended Ordinance No. 5981 by for a period of ten months and fifteen days, extending the effective date of such ordinance through and including December 13, 2022; and

WHEREAS, on December 8, 2020, the City Council adopted Ordinance No. 5957 amending permanent standards and processes for the review and approval of accessory dwelling units and junior accessory units, contained in Section 30.34.080 of the Glendale Municipal Code; and

WHEREAS, it is now necessary that the City Council adopt permanent standards and ministerial processes for reviewing and approving SB 9 projects, codify the provisions of SB 478, as well as amend standards and processes for the review and approval of accessory dwelling units and junior accessory units; and

WHEREAS, this Ordinance is not a project under the California Environmental Quality Act (CEQA) because it 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. Additionally, the Ordinance is exempt from CEQA review because it implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under 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 projects 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. The Ordinance also implements the provisions of Government Code Sections 65852.2 and 65852.22, second units in a single-family or multifamily residential zone, and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h). 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 Government Code Sections 65852.2 and 65852.22, 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.

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 permanent standards for permitting eligible SB 9 housing development and lot split projects, codifying floor area ratio and other prohibitions set forth in SB 478, and amending standards for permitting accessory dwelling units and junior accessory dwelling units ministerially, is consistent with the City's Housing Element 2021-2029, with state housing policy, and with Glendale's adopted greenhouse gas reduction strategies.

SECTION 3. Section 30.11.020 of the Glendale Municipal Code, 1995 is hereby amended as follows:

30.11.020 – Residential District Land Uses and Permit Requirements

A. Permitted Primary Uses and Structures. No building, structure or land shall be used and no building, structure or use in the residential zoning districts shall be erected, structurally altered, enlarged or established except the following permitted uses, buildings and structures identified with a “P” in Table 30.11 – A.

B. Conditional Uses and Structures. The following uses and structures identified with a “C” in Table 30.11 – A may be permitted in the residential zoning districts subject to approval of a conditional use permit (Section 30.42). The development standards of this zone shall apply except as otherwise provided herein.

C. Temporary Uses. Temporary uses (identified with a “T” in Table 30.11 – A), allowed subject to approval and compliance with all applicable provisions of this Zoning Code.

D. Permitted Accessory Uses and Structures. Accessory uses, buildings and structures shall be permitted in zones identified with a “P” in Table 30.11 – A.

E. Wireless Telecommunications Facilities. Wireless telecommunications facilities, identified with a “W” in Table 30.11-A may be permitted subject to the approval of a wireless telecommunications facility permit as set forth in Chapter 30.48 of this Code.

F. Standards for Specific Uses. Where the last column in the following tables (“See standards in Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may apply as well.

G. Historic Resources. Uses listed as permitted or conditionally permitted within a historic resource included on the Glendale Historic Register only (identified in Table 30.11 – A) are permitted or conditionally permitted only within a designated historic resource on the Glendale Register of Historic Resources.

Table 30.11 – A
RESIDENTIAL DISTRICTS AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY ZONE							
Residential Uses	**ROS**	**R1R**	**R1**	**R3050**	**R2250**	**R1650**	**R1250**	**See Standards in Section**
Domestic Violence Shelter	P	P	P	P	P	P	P	
Multiple residential dwellings				P	P	P	P	30.11.050
One (1) residential dwelling per lot	P	P	P	P	P	P	P	30.34.110
Residential congregate living, Limited	P	P	P	P	P	P	P	
Residential congregate living, Medical					C	C	C	
Residential congregate living, Non-medical				C	C	C	C	
Senior housing				P	P	P	P	
Education, Public Assembly, Recreation								
Community gardens	P	P	P	P	P	P	P	30.34.045
Day care center, only where operated at a church, synagogue, temple, or other house of worship, religiously affiliated or nonsectarian preschool. In determining whether to grant or deny a conditional use permit for a day care center hereunder, the content of any curriculum and every aspect of an organization's operations which are religious in nature shall not be considered				C	C	C	C	
Parks and playgrounds, operated by a homeowners' association and approved in connection with a subdivision	P	P	P	P	P	P	P	
Parks and playgrounds, private	C	C	C	C	C	C	C	
Parks and playgrounds, public	P	P	P	P	P	P	P	
Places of worship	C	C	C	C	C	C	C	
Schools, private					C	C	C	

Key to Permit Requirements	Symbol	See Chapter
Permitted use	P	
Conditional use – Conditional Use Permit required.	C	30.42
Temporary Use	T	
Use not allowed		

Notes: (1) See 30.03.010 regarding uses not listed
(2) See 30.70 for definitions of the land uses

Table continues on next page.

RESIDENTIAL DISTRICTS AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY ZONE							
Open Space and Resources	**ROS**	**R1R**	**R1**	**R3050**	**R2250**	**R1650**	**R1250**	**See Standards in Section**
Open Space	P	P	P					
Transportation & Communication Uses								
Utility and transmission facilities	C	C	C	C	C	C	C	
Wireless telecommunication facilities	W	W	W	W	W	W	W	Chapter 30.48
Accessory Buildings, Structures and Uses								
Accessory dwelling unit (ADU) and/or junior accessory dwelling unit (JADU) on a lot developed with one residential dwelling unit	P	P	P	P	P	P	P	30.34.080
Accessory dwelling unit(s) (ADU) on a lot developed with more than one residential dwelling unit	P	P	P	P	P	P	P	30.34.080
Accessory living quarters or guest house not to exceed an aggregate area of five hundred (500) square feet of floor area	P	P	P	P	P	P	P	
Accessory buildings or structures, other than garages or carports, not to exceed five hundred (500) square feet of floor area	P	P	P	P	P	P	P	
Accessory uses	P	P	P	P	P	P	P	
Antennas (pole type)	P	P	P	P	P	P	P	
Dish antennas	P	P	P	P	P	P	P	30.34.050
Home occupations	P	P	P	P	P	P	P	30.45
Home-sharing	P	P	P	P	P	P	P	5.110
Signs	P	P	P	P	P	P	P	30.33
Solar energy equipment	P	P	P	P	P	P	P	30.30.050
Temporary Uses								
Contractor's office and/or storage, temporary	T	T	T	T	T	T	T	
Temporary subdivision sales offices, sales trailers and model dwellings or trailers proposed for use as temporary sales offices shall be registered with the Director of Community Development by an application for conditions of use. The Director of Community Development may establish conditions for operations and maintenance including but not limited to restrictions on hours of operation, lighting and promotional restrictions and reasonable termination of the temporary use. The decision of the Director of Community Development shall be appealable.	T	T	T	T	T	T	T	

Key to Permit Requirements	**Symbol**	**See Chapter**
Permitted use	P	
Conditional use – Conditional Use Permit required.	C	30.42
Temporary Use	T	
Wireless Telecommunications Facilities Permit Required	W	30.48
Use not allowed		

Notes: (1) See 30.03.010 regarding uses not listed
(2) See 30.70 for definitions of the land uses

RESIDENTIAL DISTRICTS AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY ZONE							
Uses within a Historic Resource	**ROS**	**R1R**	**R1**	**R3050**	**R2250**	**R1650**	**R1250**	**See Standards in Section**
Cultural Art Centers	C	C	C	C	C	C	C	
Day care centers	C	C	C	C	C	C	C	
Museum	C	C	C	C	C	C	C	
Office	C	C	C	C	C	C	C	
Residential congregate living, Non-medical					C	C	C	
Restaurants, full service not to exceed a seating capacity of forty (40) persons				C	C	C	C	
Retail stores, general merchandise	C	C	C	C	C	C	C	
Schools, physical instruction	C	C	C	C	C	C	C	
Schools, private specialized education and training	C	C	C	C	C	C	C	

Key to Permit Requirements	**Symbol**	**See Chapter**
Permitted use	P	
Conditional use – Conditional Use Permit required.	C	30.42
Temporary Use	T	
Wireless Telecommunications Facilities Permit Required	W	30.48
Use not allowed		

Notes:
(1) See 30.03.010 regarding uses not listed
(2) See 30.70 for definitions of the land uses

SECTION 4. Section 30.11.050 of the Glendale Municipal Code, 1995, is hereby amended to read as follows:

30.11.050 – Residential District Additional R-3050, R-2250, R-1650, and R-1250 Development Standards. The following standards shall apply in the R-3050, R-2250, R-1650, and R-1250 zones.

A. Dwelling Unit Size.

The gross floor area of any dwelling unit shall be not less than provided herein. For the purpose of this section, dens, studies or other similar rooms which may be used as bedrooms shall be considered as bedrooms. Living rooms, dining rooms, kitchens, or bathrooms shall not be considered as bedrooms except that separate dining rooms in efficiency units or rooms that could be converted into additional bedrooms shall be considered as bedrooms.

1. Efficiency and one (1) bedroom units: six hundred (600) square feet.

2. Two (2) bedroom units: eight hundred (800) square feet.

3. Three (3) or more bedroom units: one thousand (1,000) square feet.

B. Private Outdoor Space.

A minimum private outdoor space of forty (40) square feet shall be provided for each dwelling unit. Such private outdoor space shall be designed as a patio, deck, or balcony and shall have a minimum length or width of four (4) feet and shall be directly accessible and an integral part of the dwelling unit which it serves.

C. Common Outdoor Space.

A minimum common outdoor space of two hundred (200) square feet shall be provided per dwelling unit for the first twenty-five (25) dwelling units on a lot; a minimum common outdoor space of one hundred fifty (150) square feet shall be provided per dwelling unit for the second twenty-five (25) dwelling units on a lot; a minimum common outdoor space of one hundred (100) square feet shall be provided per dwelling unit for each additional dwelling unit above fifty (50) on a lot. Any common outdoor space shall have a minimum level surface dimension of ten (10) feet and a minimum area of two hundred (200) square feet.

Landscaping and seating shall be permanently integrated into all required common outdoor spaces. No street front setback area or street side setback area shall be used for common outdoor space. The developer shall pay an amount of money, established by the city council as a parks fee, to be used by the city for the purpose of fulfillment of recreational demand created by the project.

D. Distance Between Dwellings.

Exterior walls of separate buildings containing dwelling units on the same lot shall be separated by a minimum distance of twelve (12) feet. The windows or window/doors of any one (1) dwelling unit may not face the windows or window/doors of any other dwelling unit unless separated by a distance of twelve (12) or more feet except where the angle between the wall of the separate dwelling units is ninety (90) degrees or more. Walls parallel to each other shall be considered to be at a zero (0) degree angle.

E. Rooftop Equipment.

For regulations concerning rooftop equipment, see Section 30.30.020 of this title.

F. Fences and Walls.

For regulations concerning fences and walls, see Chapter 30.30.010.

G. Trash Collection Areas.

For regulations concerning trash collection areas, see Chapter 30.30.030.

H. Access to Dwelling Units.

An elevator shall be provided to serve all stories in a building containing more than three (3) dwelling units where the floor area of any dwelling unit is located only on the third story and other dwelling units are located on the first and second stories.

I. Laundry Facilities.

Laundry facilities shall be provided to serve all dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected to utilities, shall be provided in the individual dwelling units where there are three (3) or less dwelling units on a lot. Where there are more than three (3) dwelling units on a lot, laundry facilities shall either be provided in the individual dwelling units or in a common laundry room. A common laundry room shall be in an accessible location and shall have at least one (1) washer and one (1) dryer for each ten (10) dwelling units, maintained in operable condition and accessible to all tenants daily between the hours of 7:00 a.m. and 10:00 p.m.

J. Storage Space-Private.

A minimum of ninety (90) cubic feet of private storage space shall be provided for each dwelling unit outside such unit unless a private attached garage serving only the dwelling unit is provided. Such private storage space shall have a minimum horizontal surface area of twenty-four (24) square feet and shall be fully enclosed and lockable.

K. Additional Standards for Floor Area Ratio Minimums

1. 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.

2. 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.

3. To be eligible for the provisions in Subsection 1 and 2 above, a multi-family housing development project shall meet all of the following conditions:

   a. The project consists of at least three (3), but not more than ten (10), units.

   b. 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:

      i. Within a single-family zone.

      ii. 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.

4. This Subsection 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 Subsection, other than zoning or design standards that establish floor area ratios or lot size requirements that expressly conflict with the standards contained in this Subsection.

5. The City may not impose a lot coverage requirement that would physically preclude a housing development project that meets the requirements of this Subsection from achieving the floor area ratio allowed herein.

SECTION 5. Section 30.34.080 of the Glendale Municipal Code, 1995, is hereby repealed and replaced to read as follows:

30.34.080 – Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Intent and Purpose

This Section is intended to provide for the creation of accessory dwelling units and junior accessory dwelling units in a manner that is ministerial and nondiscretionary consistent with State Law.

1. Accessory dwelling units and/or junior accessory dwelling units, as applicable, are located on lots developed or proposed with dwelling units in areas zoned for single-family and multifamily residential (including mixed-use residential) uses and can provide an important source of affordable housing. For purposes of this Section, the existing one residential dwelling on property zoned single family residential or property with an existing single family dwelling on it shall also be known as the primary dwelling.

2. Accessory dwelling units and junior accessory dwelling units, when appropriately sized and located, have little impact on neighborhood quality of life or upon real property that is listed, or identified on a historic survey as potentially eligible on the National Register of Historic Places, California Register of Historical Resources, Glendale Register of Historic Resources, and in a City of Glendale designated or nominated Historic District.

3. Establishing reasonable regulations for accessory dwelling units and junior accessory dwelling units is an appropriate mechanism to properly balance the need for additional affordable housing with the need to maintain existing architectural character, community character and neighborhood quality of life.

4. Accessory dwelling units and junior accessory dwelling units are not considered for purposes of General Plan density calculation.

5. Accessory dwelling unit and junior accessory dwelling unit permits are necessary to enable tracking of affordable housing and to ensure review and compliance with zoning, fire, and life safety standards contained in state and local law.

B. Applicability

This Section shall apply to all zones that allow single family or multifamily residential use(s).

C. Definitions.

The following definitions shall apply to the requirements of this Section any term not defined herein shall have the same meaning as defined in Chapter 30.70:

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
- A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, and shall in no event be contained within a detached accessory building or structure. For purposes of this definition, "contained entirely within a single-family residence" means enclosed uses within the residence, such as attached garages. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

D. General Provisions

1. Accessory dwelling units shall be permitted in any zone that allows residential uses and is developed with residential uses or, in the case of single family zones only, is proposed to be developed with a residential dwelling unit. Where two (2) or more contiguous lots in the same ownership are developed as one (1) building site with residential dwellings and where an accessory dwelling unit is proposed, a lot line

adjustment or parcel map, as applicable, shall be required to create one lot by relocating or eliminating existing lot lines.

2. Junior accessory dwelling units shall only be permitted on lots developed with one residential dwelling or proposed to be developed with one residential dwelling. Where two (2) or more contiguous lots in the same ownership are developed as one (1) building site with residential dwellings and where a junior accessory dwelling unit is proposed, a lot line adjustment or parcel map shall, as applicable, be required to create one lot by relocating or eliminating existing lot lines.

3. Accessory dwelling units and junior accessory dwelling units are subject to the underlying zoning development standards for setback, floor area ratio, lot coverage, height, parking, open space and landscaping that are applicable to the primary residential dwelling, or dwellings, except as otherwise set forth in this Section.

4. 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 an accessory dwelling unit, and a setback of no more than four feet from an interior lot line shall be required for an accessory dwelling unit that is not converted from an existing building constructed in the same locations and to the same dimensions as an existing building.

5. An accessory dwelling unit shall include:
   a. A bathroom.
   b. A kitchen.
   c. Independent access.
   d. Comply with building codes, including sufficient setbacks for fire.
   e. May not be smaller than identified in Section 17958.1 of the California Health & Safety Code.
   f. Must be served by utilities, including sewer, water and electric.

6. All new construction attached or detached accessory dwelling units shall have a maximum square footage as follows.
   a. 850 square feet; or
   b. 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

7. All new construction accessory dwelling units attached to the existing primary dwelling shall not exceed fifty percent (50%) of the existing floor area of the primary dwelling, but in no event shall an accessory dwelling unit exceed the maximum square feet stated in Subsection D.6.

8. A junior accessory dwelling unit shall include:
   a. An efficiency kitchen, which shall include a sink and a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

b. Independent access.
c. Comply with building codes, including sufficient setbacks for fire.
d. May not be smaller than identified in Section 17958.1 of the California Health & Safety Code.
e. Must be served by utilities, including sewer, water and electric.
f. If the junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

9. A lot where only one residential dwelling unit exists may have either an accessory dwelling unit or ~~one~~ an accessory living quarters, but not both. For the purposes of this section, other accessory buildings which are defined as "R" Occupancy per Chapter 3 of the California Building Code such as, a cabana, pool house, recreation room, workshop, studio, rumpus room and similar shall be considered accessory living quarters. An accessory living quarters may be converted to an accessory dwelling unit. Nothing herein shall prohibit the creation of a junior accessory dwelling unit on such a lot that contains an accessory living quarters.

10. In no case shall new construction of an accessory dwelling unit be located between the primary residential dwelling(s) and the street front and street side setback. Notwithstanding such prohibition, in cases where a lot has more than one street front (through lot), a new construction attached or detached accessory dwelling unit may be located between the street front setback and the side or rear façade of the primary residential dwelling(s). Further, no additional driveway shall be allowed from any street frontage. These prohibitions do not apply when compliance with this Section precludes development of an accessory dwelling unit or junior accessory dwelling unit that qualifies under Subsection E.4 below.

11. Any rental of an accessory dwelling unit and/or junior accessory dwelling unit created pursuant to this Section shall be for a term longer than 30 days.

12. Except as provided in Government Code Section 65852.26, t~~T~~he accessory dwelling unit and/or the junior accessory dwelling unit cannot be sold separately from the residential dwelling(s).

13. Fire sprinklers shall be required for the accessory dwelling unit and/or junior accessory dwelling unit if fire sprinklers are or were required for the residential dwelling. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing single- or multifamily dwelling.

14. No passageway shall be required between an entrance of the accessory dwelling unit and the street right-of-way as defined in State law.

15. The property owner shall pay all sewer, water, school district, and other applicable fees.

16. Notwithstanding Chapter 4.10 and any development impact fee resolutions adopted thereunder:

    a. Any accessory dwelling unit under 750 square feet shall be exempt from any Development Impact Fee, including but not limited to the Parks and Libraries Development Impact Fee; and

    b. Any accessory dwelling unit of 750 square feet or greater shall be charged a Parks and Library Development Impact Fee in an amount proportionally related to the square footage of the primary dwelling unit or the average square footage of the existing multifamily dwelling units, as applicable, not to exceed that amount set forth in the Development Impact Fee Resolution adopted pursuant to Chapter 4.10.

17. The property owner may install new or separate utility connections between the accessory dwelling unit(s) or junior accessory dwelling unit and the utility, and pay all applicable connection fees or capacity charges.

18. An accessory dwelling unit or junior accessory unit shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer, unless the accessory dwelling unit or junior accessory dwelling unit is constructed with a new single-family dwelling.

19. When an accessory dwelling unit or junior accessory dwelling unit qualifies under Section E.4 or Section F.2, installation of new or separate utility connections, including related connection fees or capacity charges, directly between the accessory dwelling unit or junior accessory dwelling unit shall not be required unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family dwelling.

20. When an accessory dwelling unit or junior accessory dwelling unit does not qualify under Section E.4 or Section F.2, installation of a new or separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit or junior accessory dwelling unit, based upon either it's square footage or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

E. Additional standards specific only to an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit where only one residential dwelling unit exists or is proposed on a lot.

The following standards and criteria apply to accessory dwelling units and/or junior accessory dwelling units where only one residential dwelling unit exists or is proposed on a lot.

1. Except as otherwise set forth in this Section, accessory dwelling units and junior accessory dwelling units are subject to all zoning development standards that apply in the underlying zone to the primary residential dwelling, including but not limited to, setbacks, floor area ratio, lot coverage, height, parking, landscaping, open space, and ungraded open space, except that no more than a minimum of four (4) foot interior setbacks shall be required.

2. Notwithstanding the development standards for floor area ratio, lot coverage, and open space (when not required for minimum landscaping requirements) for the underlying zone, a new construction attached or detached accessory dwelling unit shall be permitted that is 800 square feet or less in size, provides 4-foot minimum interior setbacks and does not exceed ~~16 feet in height.~~ the following height limitations:

   a. A height limit of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit.

   b. A height limit of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. In no case shall the accessory dwelling unit exceed two stories.

   c. A height of 25 feet or the height limitation of the underlying zoning district, whichever is lower, for an accessory dwelling unit that is attached to the primary dwelling. In no case shall the accessory dwelling unit exceed two stories.

3. For properties listed on the California Register of Historic Places, the Glendale Register of Historic Properties, any property in an adopted or nominated historic district overlay zone, or any property identified as significant or potentially significant on a historic survey meeting the requirements of Public Resources Code Section 5024.1(g), any exterior changes to an existing property to create an accessory dwelling unit and/or a junior accessory dwelling unit shall not be visible from the public street or sidewalk right-of-way immediately adjacent to the property and shall not alter any defining historical characteristic unless compliance with this Section precludes development of an accessory dwelling unit or junior accessory dwelling unit that qualifies under Subsection E.4 below.

4. Notwithstanding Subsection E.1 above:

a. One accessory dwelling unit and one junior accessory dwelling unit shall be allowed when all of the following apply:
   i. The accessory dwelling unit or junior accessory dwelling unit shall be located within the proposed space of a single-family dwelling or existing space of a single-family dwelling, or the accessory dwelling unit shall be located within the existing space of an accessory building and may include an expansion of an accessory building not to exceed 150 square feet beyond the same physical dimensions as the existing accessory building. An expansion of an accessory dwelling unit beyond the physical dimensions of the existing accessory building shall be limited to accommodating ingress and egress;
   ii. The space has exterior access from the proposed or existing single-family dwelling;
   iii. For fire safety purposes, at least one of the existing interior setbacks has minimum of three (3) feet; and
   iv. The junior accessory dwelling unit complies with all other junior accessory dwelling unit requirements outlined in this Ordinance.

b. One detached new construction accessory dwelling unit shall be allowed subject to the following:
   i. A minimum 4-foot interior setback;
   ii. A maximum square footage of 800 square feet; and
   iii. A height limit as set forth in Subsection E.2 above~~of 16 feet~~.

   An accessory dwelling unit constructed under subparagraph (b) above may be combined to also allow a junior accessory dwelling unit in the manner described in subparagraph (a) above, but only where one residential dwelling unit exists, or is proposed to be constructed.

5. Alterations and/or additions to any existing primary residential dwelling which do not propose an additional story and/or change to a façade, including addition of a door, directly facing a street may be permitted to accommodate an accessory dwelling unit or junior accessory dwelling unit. In cases where a lot has more than one street front (through lot), a new construction attached or detached accessory dwelling unit may be located between the street front setback and the side or rear façade of the primary residential dwelling(s) and may add a door directly facing a street. These prohibitions do not apply when compliance with this Section precludes development of an accessory dwelling unit or junior accessory dwelling unit that qualifies under Subsection E.4 above.

6. Accessory dwelling units and junior accessory dwelling units that are new construction, or propose exterior modifications to an existing primary residence or to a permitted accessory building shall be architecturally compatible with the existing primary residence and must use matching or complementary building materials unless compliance with this Section precludes development of an accessory dwelling unit or junior accessory dwelling unit that qualifies under Subsection E.4 above.

7. New construction attached or detached accessory dwelling units shall be limited to a single-story, except when constructed under the height limits enumerated in Subsection E.2(b)-(c). New construction accessory dwelling units shall not be permitted above a detached garage or carport.

8. When an accessory dwelling unit and/or junior accessory dwelling unit is proposed with an attached balcony, porch or patio cover structure, the attached balcony, porch or patio cover structure shall be limited to no more than five (5) percent of the square footage of the accessory dwelling unit and/or junior accessory dwelling unit or 60 square feet, whichever is less.

9. Rooftop deck located above any new construction (attached or detached) or converted accessory and/or junior accessory dwelling unit are prohibited. Further, when a parapet is used for the accessory dwelling, the parapet height shall not exceed 18".

F. Additional standards specific only to Accessory Dwelling Units on lots developed with existing multiple residential dwelling units.

The following standards and criteria apply to accessory dwelling units on lots developed with existing multiple residential dwelling units.

1. Except as otherwise set forth in this Section, accessory dwelling units are subject to all zoning development standards that apply in the underlying zone, including but not limited to, setbacks, floor area ratio, lot coverage, height, parking, landscaping, open space, and ungraded open space, except that no more than a minimum of four (4) foot interior setbacks shall be required. In such cases, no more than three (3) new construction accessory dwelling units with a maximum square footage set forth in Subsection D.6 above shall be allowed.

2. Notwithstanding F.1 above, the applicant is entitled to build accessory dwelling units under either subparagraph (a) or (b) below, but not both:

   a. At least one accessory dwelling unit and up to 25 percent of the existing multifamily dwelling units shall be allowed within portions of existing multifamily dwelling structures (excluding existing dwelling units) that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings; or

   b. Not more than two (2) detached accessory dwelling units with ~~a height limit of 16 feet and~~ minimum 4-foot interior setbacks shall be allowed. These accessory dwelling units may be attached or detached from each other and shall be located where existing garage or carports are located and are proposed to be demolished and where this demolition is necessary to physically accommodate the accessory dwelling unit(s). In addition, the following height limitations shall apply:

i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing multifamily dwelling unit.

ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit(s) that is aligned with the roof pitch of the primary dwelling unit. In no case shall the accessory dwelling unit exceed two stories.

iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. In no case shall the accessory dwelling unit exceed two stories.

3. Junior accessory dwelling units are prohibited on lots developed with existing multiple residential dwelling units.

4. For properties listed on the California Register of Historic Places, the Glendale Register of Historic Properties, any property in an adopted or nominated historic district overlay zone, or any property identified as significant or potentially significant on a historic survey meeting the requirements of Public Resources Code Section 5024.1(g), any exterior changes to an existing property to create accessory dwelling units shall not be visible from the public street or sidewalk right-of-way immediately adjacent to the property and shall not alter any defining historical characteristic unless compliance with this Section precludes development of an accessory dwelling unit(s) that qualifies under Subsection F.2 above.

5. Accessory dwelling units that are new construction, or that propose exterior modifications to an existing multi-family building or to a permitted accessory building shall be architecturally compatible with the existing multi-family building and must use matching or complementary building materials unless compliance with this Section precludes development of an accessory dwelling unit(s) that qualifies under Subsection F.2 above.

6. Accessory dwelling units shall be limited to a single-story, except when constructed under the height limits enumerated in Subsection F.2.b(ii)-(c). . New construction accessory dwelling units shall not be permitted above detached garages or carports.

7. When an accessory dwelling unit(s) is proposed with an attached balcony, porch or patio cover structure, the attached balcony, porch or patio cover structure shall be limited to no more than five (5) percent of the square footage of the accessory dwelling unit and/or junior accessory dwelling unit or 60 square feet, whichever is less.

8. Rooftop decks located above any new construction (attached are detached) or converted accessory dwelling unit are prohibited. Further, when a parapet is used for the accessory dwelling unit, the parapet height shall not exceed 18".

G. Parking Standards for an Accessory Dwelling Unit

1. Off-street parking for an accessory dwelling unit shall comply with the following standards:
    a. A maximum of one off-street parking space shall be provided per accessory dwelling unit or per bedroom, whichever is less, except as otherwise provided in this Section.
    b. Any uncovered parking space shall have a minimum width of 8 feet and a length of 18 feet.
    c. Parking may be located in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
    d. If a mechanical automobile parking lift is used, it shall be enclosed and may not be located within any setback area.
    e. An uncovered parking space may be located within setback areas on an existing driveway and shall not encroach on the public right-of-way.
    f. A covered or enclosed parking space shall comply with zoning standards.

2. An accessory dwelling unit shall share the driveway with the existing primary residential dwelling or multiple residential dwelling units. The driveway to the primary residential dwelling or multiple residential dwelling units may be modified to accommodate onsite parking and shall comply with Section 30.32.130. A separate driveway for the accessory dwelling unit shall not be provided, except where the lot is adjacent to an alley, in which case a driveway from the alley may be added to serve the accessory dwelling unit.

3. 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.

4. No onsite parking is required for an accessory dwelling unit when one or more of the following is applicable:

    a. The property is located within one-half mile walking distance of a public transit stop.
    b. The property is listed on the California Register of Historic Places, Glendale Register of Historic Properties, or any property in an adopted historic district overlay zone with a building identified as a contributing building or structure in an adopted historic resources survey.
    c. When the accessory dwelling unit is located within the existing primary residence or accessory living quarters.
    d. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.
    e. When there is a car share vehicle lot, such as ZIP car, located within one block of the accessory dwelling unit.
    f. When it is a junior accessory dwelling unit.

g. When an accessory dwelling unit(s) qualifies for approval under Sections 30.34.080.E.4 or 30.34.080.F.2.

5. Parking spaces shall not be required to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit. For purposes of this Section, "in conjunction with" means construction of an accessory dwelling unit(s) or conversion that falls within the footprint of the original garage, carport, or covered parking structure that is proposed to be demolished/converted for an accessory dwelling unit.

H. Covenant and Agreement

1. A covenant and agreement shall be executed by the property owner and recorded for an accessory dwelling unit and/or junior accessory dwelling unit prior to final approval of the building permit. The covenant and agreement shall include the following:

   a. The accessory dwelling unit and junior accessory dwelling unit shall not be sold separately from the primary residential dwelling~~.~~, except as provided in Government Code Section 65852.26.

   b. All required onsite parking for the lot identified in the accessory dwelling unit permit shall remain available for the primary residential dwelling and accessory dwelling unit and shall not be rented separately to non-residents.

   c. For properties with junior accessory dwelling units, at all times, the property owner shall comply with one of the following requirements: (i) the property owner must be an owner-occupant and reside in either the residential dwelling or in the junior accessory dwelling unit, or; (ii) if the property owner does not reside in either the residential dwelling or the junior accessory dwelling unit, 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 and junior accessory dwelling unit separately from each other.

   d. Short-term rentals less than 30 days are prohibited for the primary residential dwelling, accessory dwelling unit, and junior accessory dwelling unit.

   e. The accessory dwelling unit and junior accessory dwelling unit permit shall run with the land and the accessory dwelling unit and junior accessory dwelling unit permit is binding and enforceable on future property owners.

   f. The accessory dwelling unit and junior accessory dwelling unit shall be removed at the expense of the property owner if the accessory dwelling unit permit or junior accessory dwelling unit permit is invalidated or terminated, upon violation of this Section, or upon cessation of the primary land use as a single-family residential dwelling and/or multifamily residential dwellings, as applicable.

SECTION 6. Section 30.34.110 of the Glendale Municipal Code, 1995, is hereby repealed and replaced to read as follows:

30.34.110 – SB 9 Projects

A. Intent and Purpose

This Section 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 Section shall apply to all parcels in single-family residential zones (ROS, R1R, and R1).

B. Applicability

This Section shall apply to all single-family zones (ROS, R1R, and R1).

C. Definitions

"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 Section.

"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 Section, 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 Section.

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

D. General Provisions for SB 9 projects

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

2. 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.

3. A SB 9 housing development and a SB 9 lot split may be applied for concurrently.

4. 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 Section.

5. Notwithstanding the provisions of this Section, the City may deny a SB 9 housing development or SB 9 lot split (collectively, "SB 9 project") if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed SB 9 housing development or 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:

    a. Once a SB 9 project 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 or 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.

    b. If the Building Official makes a determination that the SB 9 project 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.

c. 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 SB 9 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.

d. 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 project by the Building Official under this Section:

   i. A SB 9 project 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.

   ii. 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.

   iii. 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 project is a historic resource, and whether a SB 9 project may cause a substantial adverse change in the significance of a historic resource.

   iv. 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.

E. Standards Specific to SB 9 Housing Developments

The following standards apply to SB 9 Housing Developments.

1. 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.

2. 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).

3. The SB 9 housing development shall not require demolition or alteration of any of the following types of housing:

    a. 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;

    b. 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

    c. A dwelling unit that has been occupied by a tenant in the last three years.

4. 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.

5. 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.

6. 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).

7. 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.

8. In cases where a parcel contains an existing accessory building which is defined as “R” Occupancy per Chapter 3 of the California Building Code, such as living quarters and/or guest house, cabana, pool house, recreation room, workshop, studio, rumpus room and similar, a SB 9 housing development may be built only if such building(s) is either demolished or converted to a code-compliant residential unit.

9. In cases where a parcel contains a SB 9 housing development, an accessory building which is defined as “R’” Occupancy per Chapter 3 of the California Building Code, such as living quarters and/or guest house, cabana, pool house, recreation room, workshop, studio, rumpus room and similar shall not be permitted.

10. 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.

11. The units of a SB 9 housing development located on one parcel and/or lot shall not be sold separately from each other.

12. 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.

13. 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 Subsection E.14 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).

14. 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.

F. Design Standards for SB 9 Housing Developments

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 which shall not be more than 18 inches 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 Subsection 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 which shall not be more than 18 inches.

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 Subsection 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 Subsection 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.

G. Standards Specific to SB 9 Lot Splits

The following standards and criteria apply to SB 9 Lot Splits.

1. 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.

2. A SB 9 lot split shall not create a parcel smaller than 1,200 square feet.

3. 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.

4. 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).

5. The proposed SB 9 lot split shall not require demolition or alteration of any of the following types of housing:

    a. 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;

    b. 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;

    c. 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

    d. A dwelling unit that has been occupied by a tenant in the last three years.

6. The subject parcel proposed to be subdivided shall not have been created through a prior SB 9 lot split application.

7. 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.

8. A SB 9 lot split shall result in a maximum total of four (4) units on the lot as it existed prior to the SB 9 lot split, inclusive of any existing, converted or new accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22. In no event shall a SB 9 lot split that results in a maximum of four (4) units on the lot as it existed prior to the SB 9 lot split be allowed to add any new unit(s), inclusive of any existing, converted or new units, as defined in this Section.

9. 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 Section 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 Section.

10. 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 SB 9 lot split.

11. A SB 9 lot split may be subject to any of the following conditions:

    a. Easements required for the provision of public services and facilities.

    b. A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

    c. Off-street parking of up to one space per unit, except as provided in Subsection G.

12. The following objective subdivision standards apply to a SB 9 lot split.

    a. 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.

    b. 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 Section, "improved" means any public street that has curb and gutter and asphalt pavement.

    c. Minimum lot width. The lot frontage of lots resulting from a SB 9 lot split shall have a minimum width of 12 feet.

    d. Double Frontage Lots. Lots resulting from a SB 9 lot split shall not have double frontage, except on corner lots.

G. Parking Standards for SB 9 Projects

1. A maximum of one off-street parking space shall be provided per dwelling unit except:

    a. 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

    b. If the parcel is located within one block of a car share vehicle.

2. Unless otherwise exempt by this Section, off-street parking for a SB 9 housing development shall comply with the following standards:

    a. Any uncovered parking space shall have a minimum width of eight (8) feet and a length of eighteen (18) feet.

b. 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.

c. An uncovered parking space may be located within setback areas on an existing driveway and shall not encroach on the public right-of-way.

d. A covered or enclosed parking space shall comply with zoning standards.

3. 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.

4. 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.

5. 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.

6. Shared driveways required for SB 9 projects shall execute a reciprocal access agreement.

H. Covenant and Agreement

1. The property owner applying for a SB 9 housing development shall execute and record a covenant and agreement that shall contain the following:

   a. The residential dwelling units that constitute the SB 9 housing development shall not be sold separately from each other.

   b. 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.

   c. 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.

d. 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.

e. The SB 9 housing development permit and covenant shall run with the land and is binding and enforceable on future property owners.

f. 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 Section or upon cessation of the primary land use as multifamily residential dwellings.

2. 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:

   a. 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.

   b. 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.

   c. If the SB 9 lot split results in the maximum total of four (4) units on the lot as it existed prior to the SB 9 lot split, inclusive of any existing, converted or new accessory dwelling unit, as defined in Government Code Section 65852.2, or junior accessory dwelling unit, as defined in Government Code Section 65852.22, in no event shall any new unit(s), inclusive of any existing, converted or new unit(s) (as defined herein) be added.

   d. The SB 9 lot split approval and covenant shall run with the land and is binding and enforceable on future property owners.

   e. 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 Section or upon cessation of the primary land use as multifamily residential dwellings.

   f. 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 if 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.

3. The property owner 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. 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 8. Compliance with California Environmental Quality Act.

The City Council hereby finds that this Ordinance is not a project under the California Environmental Quality Act (CEQA) because it 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. Additionally, the Ordinance is exempt from CEQA review because it implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under 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 projects 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.

The Ordinance also implements the provisions of Government Code Sections 65852.2 and 65852.22, second units in a single-family or multifamily residential zone, and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h). 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 Government Code Sections 65852.2 and 65852.22, 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 9. 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 10. Effective Date.

This ordinance becomes effective on the thirtieth (30th) day after its passage.

Adopted by the Council of the City of Glendale on the ___ day of _____, 2022.

_____

Mayor

Attest

_____

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Suzie Abajian, Ph.D., City Clerk of the City of Glendale, California, certify that the foregoing Ordinance No. _____ was passed 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 _____, 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____

City Clerk