

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 10, 2026

Dennis Joe, Principal Planner
Community Development Department
City of Glendale
633 E. Broadway, Room 103
Glendale, CA 91206

Dear Dennis Joe:

RE: Glendale – 1316 North Pacific Avenue – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding a proposed Senate Bill 9 (SB 9) two-unit development¹ application at 1316 North Pacific Avenue. The property currently has one single-family dwelling and one accessory dwelling unit (ADU), and it has not previously been subdivided through an SB 9 urban lot split.² The applicant asked whether the City of Glendale (City) is correct in determining that the property is not eligible to add a second primary dwelling pursuant to Government Code section 65852.21 because the site already contains one existing primary unit and one existing ADU. This letter provides technical assistance to clarify that, under Government Code section 65852.21, a property that has not undergone an urban lot split is eligible for up to two primary dwelling units on a single lot – regardless of whether an ADU or junior ADU (JADU) is also present. In such cases, SB 9 and ADU law can work together to allow up to two primary dwelling units on one parcel and multiple ADUs as permitted under ADU law.³

Background

HCD understands that the applicant has attempted to submit an application for the development of an SB 9 primary dwelling at 1316 North Pacific Avenue, and that the City has refused to accept or consider the application for approval or denial. In an email dated April 11, 2025, the City provided a response to the applicant regarding application PSB9-004777-2025, stating that prior to invoicing the fees and reviewing the application, "...the property is currently ineligible for an SB 9 housing development." In the email from the City, the following two sections of the Glendale Municipal Code (GMC) were cited as justification:

¹ Gov. Code, § 65852.21.

² Gov. Code, § 66411.7.

³ Gov. Code, §§ 66323 and 66314.

GMC 30.34.110(D)(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.

GMC 30.34.110(C) - “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.

In the same email, the City stated, “If an additional unit for the existing property is desired, then a concurrent SB 9 lot split application is required to be submitted in addition to PSB9-004777-2025. This concurrent application would allow up to four units (two existing and two SB 9 units) to be developed on the lot as it currently exists.”

In a meeting with the City on August 29, 2025, HCD provided verbal technical assistance to the City clarifying that, while “...a local agency shall not be required to permit more than two units on a parcel...,”⁴ this provision applies only if an SB 9 urban lot split occurs; the provision does not apply absent an urban lot split. HCD also clarified that the definition of “units” as provided in Government Code section 66411.7, subdivision (j)(2), applies only to projects involving an urban lot split. The City acknowledged this information and indicated that it has also reviewed HCD’s SB 9 Fact Sheet.⁵ The City further indicated that it disagreed with HCD’s interpretation of the relevant statute and expressed its intention to continue to implement the law consistent with its own interpretation.

Application of SB 9 Duplex and Urban Lot Split Law

The duplex portion of SB 9 specifies that a housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially.⁶ It goes on to state that a local agency shall not be required to permit an ADU or a JADU on parcels that use both the authority contained within this section (duplex portion of SB 9) and the authority contained in Section 66411.7 (lot split portion of SB 9).⁷ In other words, on a lot created using SB 9 that already has two primary units, the local agency can choose to not allow any ADUs or JADUs on that lot. However, this

⁴ Gov. Code, § 66411.7, subd. (j)(1).

⁵ Available at: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-9-fact-sheet.pdf>

⁶ Gov. Code, § 65852.21, subd. (a).

⁷ Gov. Code, § 65852.21, subd. (f).

same restriction does not apply if the lot was not created using the SB 9 lot split provisions contained in Government Code section 66411.7. In that case, the lot would be eligible for up to two primary dwellings under SB 9 and any number of ADUs as permitted under ADU Law.

While the duplex portion of SB 9 does not define a unit explicitly, Government Code section 65852.21 subdivisions (a) – (c), do apply development standards specific to “residential dwelling units,” which are separate and distinct from development standards applied to ADUs. The lack of development standards applicable to ADUs in Government Code section 65852.21 demonstrates that the term “units,” as used in this section, is intended to mean primary dwelling units, separate and distinct from ADUs.

Government Code section 66411.7, the urban lot split portion of SB 9, specifies what limitations a local agency may impose when approving or disapproving an SB 9 urban lot split. Specifically, urban lot split law provides the following:

Notwithstanding any provision of Section 65852.21, 65915, Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority *contained within this section*.⁸ (Emphasis added.)

For the purposes of this section, “unit” means any dwelling unit, 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 subdivision (a) of Section 66313, or a junior accessory dwelling unit as defined in subdivision (d) of Section 66313.⁹ (Emphasis added.)

Critically, the word “section” in the excerpts above refers only to Government Code section 66411.7 (applicable to urban lot splits) and not Government Code section 65852.21 (applicable to two-unit developments). Government Code section 66411.7, subdivisions (j)(1) and (j)(2), allow a local agency to limit development on a parcel to no more than two units — but this authority applies only to projects that involve an urban lot split under that section. Therefore, when a project does not involve an urban lot split and instead proceeds solely under Government Code section 65852.21 (SB 9’s two-unit development provision), a local agency may not use section 66411.7 to deny the development of accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs). In other words, if a property is not being subdivided through an SB 9 urban lot split, the local agency must apply ADU law independently and cannot impose a two-unit cap that includes ADUs or JADUs. While a local agency may limit the total number of units to two only when both SB 9 provisions (two-unit development and urban lot split)

⁸ Gov. Code, § 65852.21, subd. (f)

⁹ Gov. Code 66411.7, subd. (j)(2)

are used together, no such limitation exists when a project uses only the two-unit development provision under section 65852.21.

Lastly, Government Code section 65852.21, subdivision (h)(1), requires that a completed application for an urban lot split be considered and approved, or considered and denied, within 60 days from the date the local agency receives a completed application.¹⁰ The City must accept submission of an SB 9 application and subsequently approve or deny the application pursuant to Government Code section 65852.21, subdivision (h), even if it believes the application to be ineligible for the benefits and protections of SB 9.

Conclusion

The subject property, currently containing one primary dwelling and one ADU, is eligible to apply to construct one additional primary dwelling under SB 9 and additional ADUs under ADU Law. In addition to processing this and similar applications, the City must amend the Glendale Municipal Code so that sections 30.34.110(D)(2) and 30.34.110(C) comply with SB 9 and SB 450 (i.e., to establish an applicant's ability to exercise SB 9 and ADU Law on a parcel that does not involve an urban lot split in a manner consistent with SB 9 and ADU Law).

HCD remains committed to supporting the City of Glendale in facilitating housing at all income levels and hopes the City finds this clarification helpful. In addition, HCD has enforcement authority over Government Code sections 65852.21 and 66411.7, among other state housing laws. Accordingly, HCD may review local government actions to determine consistency with these laws. Pursuant to Government Code section 65585, subdivision (j), if HCD finds that a jurisdiction's actions do not comply with state law, HCD may notify the California Office of the Attorney General.

HCD requests a written response from the City by March 9, 2026, indicating how the City plans to implement the guidance provided in this letter. If you have any questions about this letter or require additional technical assistance, please contact Brandon Estes at Brandon.Estes@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Heaton", with a stylized flourish at the end.

Brian Heaton,
Section Chief, Land Use Policy
Housing Accountability Unit

¹⁰ Gov. Code, § 66411.7, subd. (C).