



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

### AGENDA ITEM

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Report: Public Hearing Regarding Request for Approval of a Density Bonus, Discretionary Bonus and Inclusionary Housing Plan Pursuant to State and City Density Bonus Law, to Construct a New 33-unit Residential Housing Development Project, Providing a Total of Eight Affordable Units Reserved for Very Low Income Households Located at 413, 417 and 419 Irving Avenue (Density Bonus Housing Plan Case No. PDBP-000174-2022)

1. Motion to approve Density Bonus, Discretionary Bonus and Inclusionary Housing Plan;
2. Motion to deny Density Bonus, Discretionary Bonus and Inclusionary Housing Plan

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** February 27, 2024 **Calendar**

### EXECUTIVE SUMMARY

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The applicant is seeking approval of a Density Bonus, Discretionary Bonus and Inclusionary Housing Plan for a housing development project located at 413, 417 and 419 Irving Avenue with a request for a 371.4% total density bonus (of which 321.4% is discretionary), as well as three concessions and one waiver, pursuant to California Government Code §§ 65915, *et seq.* ("State Density Bonus Law"). State Density Bonus Law allows developers that restrict at least 15 percent of the units in a housing development as rentals to very-low income households a mandatory 50% density bonus, as well as three concessions and unlimited waivers.

The applicant is requesting a greater than 50% density bonus, and thus, pursuant to GMC § 30.36.060(D) it is subject to City Council approval following a public hearing. The City Council may approve or deny a discretionary density bonus at its sole discretion, taking into consideration factors including, but not limited to: the number and type of affordable units proposed, the housing type, the underlying zone, and neighborhood conditions and compatibility.

The housing development project involves the demolition of five existing residential structures, and the construction of a new 33-unit multi-family density bonus housing

development totaling 46,622 square feet (SF) with a total of 49 parking spaces, including one level of surface (on-grade) parking containing 18 spaces (inclusive of three tandem spaces) and one level underground, semi-subterranean parking structure containing 31 residential parking spaces and providing eight affordable units reserved for very-low income households (“Project”). The Project qualifies for reduced parking inclusive of guest and handicapped spaces, under the State Density Bonus Law and the Glendale Municipal Code.

**Housing:** The City Council recently adopted an eight-year Housing Element of the Glendale General Plan. The proposed 33-unit multi-family residential housing development provides eight affordable units reserved for very-low income households, which is consistent with Goal 3 of the Housing Element, to increase opportunities for affordable housing by continuing density bonus programs meant to encourage the private development of affordable housing.

**RECOMMENDATION**

That the City Council approve the Density Bonus, Discretionary Bonus and Inclusionary Housing Plan application after review and consideration of the associated environmental review.

**ANALYSIS**

This is a request for approval of a Density Bonus, Discretionary Bonus and Inclusionary Housing Plan seeking a 371.4% total density bonus (of which 321.4% is discretionary), as well as three concessions pursuant to State Density Bonus Law.

**GENERAL INFORMATION**

**Applicant:** ONYX Architects  
c/o. Hrag DerHovagimian & Luisa Salazar  
2540 E. Colorado Blvd.  
Pasadena, CA 91107

**Property Owner:** RL Consulting Services, LLC  
c/o Rick Lemmo for Irving-Mar  
83 Via Ricardo  
Newbury Park, CA 91320

**Location/APN:** 413, 417 and 419 Irving Avenue  
APNs: 5625-009-019 and 5625-009-020

**Legal Description:** Lot 32, and Portions of Lot 33 and 34, Tract No. 8620

**Zone:** R-3050 (Moderate Density Residential)

**Land Use Element:** Moderate Density Residential

**Site Description:**

Project is addressed as 413, 417 and 419 Irving Avenue, Glendale, CA 91201 (“Project Site”). It is located approximately four miles northwest of Downtown Glendale and approximately one mile from the Walt Disney Creative Campus. The Project Site is located within the R-3050 (Moderate Density Residential) zone and has a Moderate Density General Plan designation. The Project Site is approximately 18,369 square feet (SF) in size and is currently improved with a total of five residential dwelling units spread across three lots. The Project Site is bordered by multi-family residential development directly to the north, south, east, and west.

**Surrounding Uses/Zoning:**

	Zoning	Existing Uses
North	R-3050 (Moderate Density) Residential	Multi-family residential
South	R-3050 (Moderate Density) Residential	Multi-and single-family residential
East	R-3050 (Moderate Density) Residential	Multi-family residential
West	R-3050 (Moderate Density) Residential	Multi- and single-family residential
Project Site	R-3050 (Moderate Density) Residential	Multi- and single-family residential

**Utilities and Public Services:** All municipal and private utilities are in place serving the neighborhood and other public services are currently provided in the vicinity.

**Project Description:**

As described above, the Project involves the demolition of five existing residential dwelling units on site and the construction of a new, four-story (with mezzanine), 55-foot, 11-inch, 33-unit multi-family residential project totaling 46,622 square feet (SF), with a total of 49 parking spaces, including one level of surface (on-grade) parking containing 18 spaces (inclusive of three tandem spaces) and one level underground, semi-subterranean parking structure containing 31 residential parking spaces (refer to project plans, attached hereto as Exhibit 2). The Project will provide eight affordable units reserved for very low income households. The Project will require future Design Review Board approval.

**DENSITY BONUS, DISCRETIONARY BONUS AND INCLUSIONARY HOUSING PLAN**

State Density Bonus Law (CA Govt Code § 65915, *et seq.*) allows up to an automatic 50% density bonus and three incentives in exchange for the provision of at least 15% of

the base units restricted as rentals for very-low income households. The applicant's request for the grant of a density bonus is greater than the State Density Bonus Law mandatory maximum of 50%, which is available to the applicant per a State Density Bonus Law provision allowing an applicant to request a discretionary density bonus above this mandatory maximum if local ordinance allows. (See Cal. Gov't Code § 65915(n)). Pursuant to GMC § 30.36.060(D), an applicant may seek a density bonus in an amount greater than that required by State Density Bonus Law, which shall be heard and decided by the City Council following a noticed public hearing. The City Council may approve or deny this request for a discretionary density bonus at its sole discretion, taking into consideration factors including, but not limited to: the number and type of affordable units proposed, the housing type, the underlying zone, and neighborhood conditions and compatibility. (GMC § 30.36.060(D)).

The applicant is entitled to request, and is requesting three concessions as follows, to:

- (1) Increase the maximum allowed floor area ratio (FAR);
- (2) Increase the maximum allowed building height and stories; and
- (3) Provide above-grade parking.

The applicant may not request additional concessions. However, the applicant may request unlimited waivers. In this case, the applicant is requesting one waiver, as follows:

Increase the maximum allowed lot coverage.

### **Discretionary Density Bonus Findings Can Be Made:**

The Project is located within the R-3050 (Moderate Density Residential) zone. Multiple residential dwelling units are permitted in this zone. Sites zoned R-3050 are permitted one unit per 3,050 square feet of lot area. Consequently, by right, the applicant has a maximum base density of seven units ( $18,369 / 3,050 = 6.02$  rounded up to 7).

The applicant is entitled to a 50% density bonus by providing at least two very low income units (15 percent of the base density of 7 = 1.05 rounded up to 2), and is requesting a 371.4% in exchange for providing a proportionate number of bonus (of which 321.4% is discretionary) and restricted units, calculated as eight very low income units ( $((15\% \times 7) \times (371.4\% / 50\%)) = 7.79$  rounded up to 8). State Density Bonus Law allows up to an automatic 50% density bonus and three incentives in exchange for the provision of at least 15% of the base units restricted as rentals for very low income households. Applicant's request complies with State Density Bonus Law, as there is a positive correlation and proportionality between the requested density bonus and the number of very low income units to be provided, and State Density Bonus Law allows the city to grant a discretionary density bonus above 50%. (CA Govt Code § 65915(n)).

The applicant is seeking a 371.4% density bonus (of which 321.4% is discretionary), which will allow the density to reach 33 units. In exchange for the additional density, the applicant will provide a proportionate number of restricted units, calculated as eight very low income units ( $((15\% \times 7) \times (371.4\% \text{ divided by } 50\%)) = 7.79$  (rounded up to 8)). In order for Council to approve the discretionary density bonus, Council would need to weigh

the following factors: 1) the number and type of affordable units proposed; 2) the housing type, 3) the underlying zone, and 4) neighborhood conditions and compatibility. (GMC § 30.36.060(D)). City Council could consider other factors not listed, and has the sole discretion to approve or deny the discretionary density bonus request, including the discretion to grant a discretionary bonus in a lower amount than requested. Moreover, the Council could impose additional conditions on the Project, such as requiring a larger number of affordable units, altering the unit mix, and/or requiring a dispersal of the affordable and market rate units in a different ratio than that proposed.

As set forth above, staff's opinion is that the applicant has provided a proportional amount of additional affordable units, commensurate with the amount of the discretionary density bonus, all to be restricted as rental units for very-low income households. Staff believes the underlying zone and neighborhood conditions are such that the grant of the discretionary density would not be out of character and would be compatible with the existing surrounding multi-family residential uses in this R-3050 (Moderate Density Residential) zone. (See Exhibits 2 (Project Plans) and 4 (Site and neighborhood photos)). Moreover, an additional factor that Council may weigh in its decision is that the proposed 33-unit residential housing Project will help the City meet its target Regional Housing Needs Allocation (RHNA) targets by providing 8 very low income units and 33 overall housing units. In the Housing Element available sites inventory, the property addressed as 413 Irving was designated a total density capacity of two units (it currently contains one unit on site), and the property addressed as 417-419 Irving was not included since it currently exceeds the total density capacity allowed by Code (four units). Accordingly, approval of this Project will significantly increase the actual developed density of these sites, and help the City meet its target RHNA at the time it is required to report its progress to the State.

#### **The Project Exceeds Parking Required Under the Mandatory Parking Concession:**

Pursuant to California Government Code § 65915(p)(1) and GMC § 30.36.090(A), an applicant may request an automatic (mandatory) parking concession under § 65915(p)(2)(A), which provides that upon the request of an applicant, the required vehicle parking ratio, inclusive of handicapped and guest parking, is not to exceed one on-site parking space per unit for zero to one-bedroom units and one and one-half on-site parking spaces per unit for two to three-bedroom units. The Project proposes a unit mix of thirty one-bedroom and three two-bedroom units. Based on the number of units and bedrooms provided, the parking concession pursuant to CA Govt Code § 65915(p)(1) requires a minimum of thirty-five residential parking spaces  $((30 \text{ units} \times 1) + (3 \text{ units} \times 1.5) = 34.5 \text{ rounded up to } 35)$ . The Project meets the minimum requirement per CA Govt Code § 65915(p)(1) and proposes to provide forty-nine parking spaces total. Accordingly, the Project exceeds the parking requirements under CA Govt Code § 65915(p)(1).

#### **The Project Satisfies the Replacement Obligation Under State Density Bonus Law:**

Per State Density Bonus Law, an applicant is ineligible for a density bonus or any other incentives or concessions if a project is proposed on a parcel or parcels with rental dwelling units that have been vacated or demolished within a five-year period preceding

the project's development application or have been occupied by lower or very low income households, unless the proposed project replaces those units. Pursuant to California Government Code § 65915, if any dwelling units are occupied on the date of a project's development application, the proposed project is required to provide the same number of units of equivalent size (i.e., the same total number of bedrooms as the units being replaced) as affordable to the same or lower income households in occupancy. If the incomes are unknown to the applicant, there is an established rebuttable presumption per HUD's Comprehensive Housing Affordability Strategy database. This presumption amounts to 66.06%, applied to the five existing residential dwelling units and seven bedrooms. Therefore, four replacement units ( $66.06\% \times 5 = 3.303$  rounded up to 4) at five bedrooms total ( $66.06\% \times 7 = 4.624$  rounded up to 5) are required under the State Density Bonus Law. The Project is providing nine bedrooms and eight affordable units to very low income households. As such, the applicant has met the obligation and no additional units are required.

Housing staff proposes the following eight (8) affordable units as follows:

- Unit 101: 1 bedroom, at 1,013 square feet;
- Unit 103: 1 bedroom, at 978 square feet;
- Unit 202: 1 bedroom, at 912 square feet;
- Unit 203: 1 bedroom, at 761 square feet;
- Unit 207: 1 bedroom, at 762 square feet;
- Unit 304: 1 bedroom, at 642 square feet;
- Unit 305: 1 bedroom, at 702 square feet; and
- Unit 401: 2 bedrooms, at 1,073 square feet.

On average, the Project should generate at least eight affordable units at nine bedrooms to Housing. As proposed, the Project generates nine bedrooms at 6,843 square feet total, 60.43 square feet less than the required total square footage (6,903.48) for the eight affordable units combined. The average unit size is 4.01 square feet less than the average total for one-bedroom units (828 square feet) and 32.33 square feet less than the average total for two-bedroom units (1,105.33 square feet). As such, Housing approves the proposed affordable units.

### **The Project Satisfies IZO and Commercial DIF Is Not Applicable:**

GMC Chapter 30.35, the Inclusionary Zoning Ordinance ("IZO"), requires a housing development (a rental development project of eight or more dwelling units proposed to be constructed in the City) to provide 15% of the units as affordable to low-income households. Though the Project is not subject to the IZO due to the base density being below the eight units (base density is seven units), the Project is providing 15% of the base number of units as rent-restricted very-low income units, and thus, satisfies the IZO.

Per GMC 4.11, the Affordable Housing Commercial Development Impact Fee (the "Commercial DIF") is not applicable to the Project as it does not entail a permitted commercial component.

**Recorded Density Bonus Housing Agreement Will Ensure Affordability for 55 Years:**

The owner will be required to enter into a Density Bonus Housing Agreement (“DB Agreement”) in which the owner will covenant eight (8) very low income units ((15% x 7) x (371.4% / 50%) = 7.79 rounded up to 8) to be restricted to rental to very-low income households. The DB Agreement with the City will be a recorded restriction on the property on which the affordable units and density bonus are constructed. In addition, the DB Agreement will run with the land and bind all future owner and successors in interest for a period of 55 years.

**Incentives/ Concessions Required Findings Can Be Made:**

Pursuant to State Density Bonus Law and § 30.36.080(A) of the GMC, when an applicant for a density bonus requests incentives or concessions, the approving body, here the City Council, shall grant the requested incentives or concessions, unless written findings are made, based upon substantial evidence, of any one or more of the following:

1. The incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs or to provide affordable rents.
2. The incentive or concession would have a “specific adverse impact upon public health and safety,” as defined in paragraph (2) of subdivision (d) of California Government Code § 65589.5, or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactory mitigate or avoid the specific, adverse impact without rendering the housing development unaffordable to low-income and moderate-income households. As used herein, “specific adverse impact upon public health or safety” means 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. Inconsistency with the Zoning ordinance or the land use designation in the General Plan shall not constitute a specific, adverse impact upon public health or safety.
3. The incentive or concession will be contrary to the state or federal law. The granting of an incentive or concession shall not require or be interpreted, in and of itself, to require a General Plan amendment, zoning change, study or other discretionary approval. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition.

The applicant is seeking approval of **three** concessions, pursuant to Government Code § 65915 (amended by AB 1287), *et seq.* and GMC Chapter 30.36 (Density Bonus Incentives).

**The three requested concessions are as follows:**

1. Increase maximum allowed floor area ratio (FAR): In accordance with GMC § 30.11.020 Table 30.11-B, the maximum allowable floor area ratio (FAR) for multi-family projects in the R-3050 zone is 0.65 (maximum 11,939 square feet for the

subject Project). The applicant is requesting to exceed the maximum allowable floor area ratio. As proposed, the Project features a total FAR of 2.53 (46,622 square feet), exceeding the maximum allowable FAR by 1.88 (34,683 square feet).

2. Increase the maximum height and stories: In accordance with GMC § 30.11.030 Table 30.11-B, the maximum allowed height is three stories and 36 feet. The Project proposes to increase the maximum allowed number of stories to four (with mezzanine) and the overall building height to 55 feet, 11-inches (19 feet, 11-inch height increase) measured to the top of the elevator shaft.
3. To provide on-grade (surface) residential parking spaces: In accordance with 30.32.040(B)(4), when there is more than one dwelling unit for each 2,500 square feet of lot area or when there are more than four dwelling units in one building on a lot, all required off-street parking spaces for such dwelling units shall be provided in subterranean or semi-subterranean garages, except guest parking spaces which may be located above or below grade. The Project features 18 residential, above-grade parking spaces (inclusive of 3 tandem spaces) located behind residential units on the first level.

### **Concessions (Incentives) Findings**

*When an applicant for a density bonus requests incentives or concessions, the Council shall grant the requested incentives or concessions, unless it makes written findings, based upon substantial evidence, of any one or more of the following three findings:*

1. **The concessions/incentives must be granted *unless* the Council finds, based on substantial evidence, that the concessions *do not* result in identifiable and actual cost reductions to provide for affordable housing costs or to provide affordable rents.**

This denial finding cannot be made, as there is no evidence that the incentives will not result in actual cost reduction. Since there is no evidence that the incentives will not reduce costs to provide affordable housing, this denial finding cannot be made. Indeed, the incentives (FAR, height/stories, and on-grade parking) will all, individually and as a whole, likely result in identifiable and actual cost reductions to provide affordable rents. The requested incentives, taken as a whole, are required to allow for the additional density requested and a greater number of units to be constructed on the total square footage of the lot area. The incentives will reduce costs to the applicant for providing affordable units by creating construction efficiencies and inherent reductions in costs by allowing the construction of a greater number of units. An increase of FAR and height/stories will allow more units to be built. The additional units will result in actual and identifiable cost reductions because the additional units will take advantage of construction efficiencies when being built, and will generate rental income to offset the cost of providing the units at an affordable rent. Moreover, allowing on-grade parking will result in cost reductions since building subterranean parking generally costs more than building at-grade parking. If the Project were to comply with the Zoning Code

regulations associated with maximum allowed floor area ratio and building height/number of stories, the footprint of the new building would be significantly impacted, and would subsequently likely affect the viability of the Project and the proposed development build-out. With the requested incentives, the owner/applicant will realize cost reductions that will allow it to provide the eight housing units at an affordable rent.

The Density Bonus Housing Plan meets the requirements of Government Code § 65915, *et seq.* because at least 15% of the total units of the housing development will be restricted to very low income households, as defined in Section 50105 of the Health and Safety Code. The Project is located in the R-3050 (Moderate Density Residential) zone. In accordance with GMC § 30.11.030, Table 30.11-B, the maximum density allowed is one unit per 3,050 square feet of lot area. By right, the applicant has a maximum base density of seven units ( $18,369 / 3,050 = 6.02$  rounded up to 7). The applicant is entitled to a 50% density bonus by providing two very low income units (15 percent of the base density of 7 = 1.05 rounded up to 2). The applicant is requesting a 371.4% total density bonus and is requesting to provide a proportionate number of restricted units, calculated as eight very low income units ( $(15\% \times 7) \times (371.4\% / 50\%) = 7.79$  rounded up to 8). State Density Bonus Law (CA Govt Code § 65915, *et seq.*) allows up to an automatic 50% density bonus and three incentives in exchange for the provision of at least 15% of the base units restricted as rentals for very low income households. Accordingly, this denial finding cannot be made.

- 2. The concessions/incentives must be granted *unless* the Council finds, based on substantial evidence, that they will have a “specific adverse impact upon public health and safety,” as defined in paragraph (2) of subdivision (d) of California Government Code § 65589.5, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the housing development unaffordable to low-income and moderate-income households. Specific, adverse impact is defined as “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.” (Government Code § 65589.5(d)(2)). Inconsistency with the zoning ordinance or the land use designation in the General Plan shall not constitute a specific, adverse impact upon public health safety.**

The applicant is seeking approval of three incentives pursuant to Government Code § 65915, *et seq.* and GMC Chapter 30.36 (Density Bonus Incentives), discussed in detail above, in exchange for providing eight affordable units for very low income households. This denial finding cannot be made as there is no evidence that the incentives will have any adverse impacts. To the contrary, no specific adverse impacts upon public health or safety or on the physical

environment or on any real property that is listed in the California Register of Historical Resources would occur by granting the requested concessions for increased floor area ratio, number of stories and building height, and to provide on-grade residential parking spaces on the first level. The Project Site has not been listed on the National Register of Historic Places, California Register of Historical Resources, or Glendale Register of Historic Resources, and has not been identified as a historic resource in any survey. Moreover, an individualized analysis by Planning staff was conducted and staff concluded there is no evidence the Project Site or the structure on the Project Site are historic. (See Exhibit 6).

Moreover, the incentives do not include or necessitate reductions in standards to any state or local Building and Safety Division (Community Development Department), Fire department or Engineering Division (Public Works Department) requirements or any other objective, identifiable written requirements pertaining to health and safety. The existing residential buildings on the Project site which are proposed to be demolished, are not historically or culturally significant. Therefore, demolition of the existing buildings would not be considered a significant impact. Additionally, the proposed Project is exempt from further CEQA review based on the fact that it meets the requirements to qualify for a Class 32 "In-fill Development Project" (see Exhibit 6, attached hereto) and thus, does not exceed thresholds for noise, traffic, air quality and water and will not result in significant cumulative impacts. Furthermore, the provided setbacks are in compliance with the Zoning Code in order to provide light, air and ventilation for adjacent buildings, which consist of similar multi-family residential buildings to the north, south, east and west of the subject site.

Furthermore, the incentives allow for additional buildable area on the site, which will then accommodate additional dwelling units. The additional density will, in fact, promote the City's health and safety in that there will be greater housing opportunities for low income family households. Moreover, the Project will advance the goals and policies of the General Plan, Housing Element (2021-2029), including, but not limited to, Goal 1 ("A City with a Wide Range of Housing Types to Meet the Needs of Current and Future Residents), Goal 3 ("A City with Increased Opportunities for Affordable and Special Needs Housing Development) Housing Services that Address Groups with Special Housing Needs) and Policies 3.1 and 3.2 ("Encourage both the private and public sectors to produce or assist in the production of affordable housing for special needs groups such as: persons with disabilities, the elderly, large families, single-parent households, and formerly homeless) and ("Promote the development of extremely low, very low, low and moderate income housing by allowing developers density bonuses or other financial incentives for providing units for low and moderate income residents. The unit mix and location of affordable housing units in density bonus projects must be approved by the City and included in an affordable housing agreement.")). Accordingly, this denial finding cannot be met.

3. **The concessions/incentives must be granted unless the Council finds, based on substantial evidence, that the incentives will be contrary to state or federal law.**

The requested incentives will not be contrary to state or federal law and do not require any other discretionary entitlement other than Design Review Board review and approval. The Project is designed to comply with Building and Safety codes and the proposed 33-unit affordable housing residential Project is consistent with the General Plan. The Project meets the goals and policies in the Housing Element to provide affordable housing. There is no evidence of state or federal laws being violated. Accordingly, this denial finding cannot be met.

Since there is no substantial evidence to support any of the three findings for denial, the Council must grant the requested concessions/incentives.

### **Waiver Findings Can Be Made:**

Per State Density Bonus Law and GMC §§ 30.36.040 and 30.36.080(B), an applicant may request waivers or reductions in development standards in addition to the incentives or concessions requested. Under this provision, the applicant is requesting one waiver:

1. To exceed maximum allowed 50 percent lot coverage.

Pursuant to GMC § 30.11.020, Table 30.11-B, the maximum allowed lot coverage for multi-family projects in the R-3050 zone is 50 percent (9,184 sq. ft. for the Project). The applicant is requesting to exceed the maximum allowable lot coverage by 4,918 sq. ft., for a total lot coverage area of 14,102 sq. ft., representing a lot coverage percentage of 76.7.

The City Council shall grant the request for waivers or reductions in development standards pursuant to this section only if the City Council makes all of the following written findings:

1. The application of said development standard(s) will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter;
2. The waiver or reduction in development standards will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code § 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
3. The waiver or reduction in development standards will not have an adverse impact on any real property that is listed in the California Register of Historical Resources; and

4. The waiver or reduction in development standards will not be contrary to state or federal law.

The four required findings can be made in support of the requested waivers for increased lot coverage, as described below.

- 1. The application of said development standard(s) will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter.**

The application of said development standards will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to GMC Chapter 30.36. The requested waiver is required to allow construction of a larger building footprint. The Zoning Code allows 50% lot coverage in the R-3050 zone, which would allow a development to cover only 9,184 SF of the total lot area, and would reduce the overall Project by 4,918 SF. The requested waiver is necessary to physically construct the Project as designed, consisting of larger one-bedroom dwelling units (plus den) versus the alternative of smaller studio dwelling units. and to construct two-bedroom units with mezzanines. According to the latest revised architectural drawings submitted by the applicant on February 2, 2024, on sheet DR-21 there is shown the following unit mix: 18 one-bedroom units (total 13,461 SF), 12 one-bedroom + den (and mezzanines on the 4<sup>th</sup> floor units) (total 11,388 SF), and 3 two-bedroom units (total 14,704 SF). Additionally, the Project features 14,188 SF of underground parking and 9,114 SF above-grade parking. (See Exhibits 2 and 5, attached hereto). As designed, complying with the maximum 50% lot coverage would physically preclude the Project from being built. The increase in lot coverage enables a greater capacity of the site to be developed with the multi-family dwelling units. Mandating compliance with the lot coverage standards would physically preclude construction of the Project, which is designed to optimize density with a balanced unit mix consisting of one-bedroom, one-bedroom with den and mezzanine, and two-bedroom unit apartments within the proposed density of 33 units (with the density bonus). The requested waiver to exceed the maximum lot coverage of 50 percent is necessary to accommodate the proposed floor area to achieve a more balanced unit mix. If the Project were to comply with the lot coverage of 50 percent, the Project would necessarily include smaller residential units with less total bedrooms.

As proposed and presented in the architectural drawings provided by the applicant on February 1, 2024, the proposed Project has a total floor area of 46,622 SF so that it can construct an additional 34,683 square feet needed for 33 units as requested through an incentive to increase the maximum allowed floor area ratio (FAR). Without the waiver requesting to exceed the maximum allowed 50 percent lot coverage, the Project could

not be constructed at 14,102 SF and would be limited to no larger than 9,184 SF. Reducing the size of the building by 4,918 SF, results in the loss of potentially two residential units and potentially affordable units. The requested deviation allows for all 33 units with eight on-site affordable units, as well as amenities and open spaces shown on the proposed Project plans.

Without the additional 4,198 SF lot coverage, the unit sizes also shrink, and the Project cannot be built as designed and with the incentives granted. Simply put, the waiver requested will provide the necessary building square footage and unit size/count to allow for the desired Project size, the desired Project unit-mix, and the desired Project amenities to bring the Project to fruition, as envisioned with the density and requested incentives allowed under the State Density Bonus Law. To state the converse, denying the requested waiver from the lot coverage requirement will physically preclude the Project from being built per the desired unit mix, per the desired number of bedrooms, per the desired net livable area and per the desired net average unit size, and with the density and incentives permitted under the State Density Bonus Law. Accordingly, this finding can be made.

2. **The waiver or reduction in development standards will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code § 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.**

The granting of the proposed lot coverage waiver will not have a specific adverse impact upon public health or safety or on the physical environment. The Project is exempt from further CEQA review as a Class 32- "In-fill Development Projects" exemption, pursuant to State CEQA Guidelines § 15332, because the Project meets all the conditions for an in-fill development project. While the lot coverage is greater than allowed by right, this waiver does not rise to the level of a specific, adverse impact under the law, which requires a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. The proposed lot coverage waiver does not include waiver of Building and Safety, Fire Department Engineering or other requirements pertaining to health or safety. The proposed lot coverage will allow additional density to accommodate a growing population, improving the City's public health and safety by establishing greater opportunity for residents to age within their community, as well as providing greater opportunities for low income family households. Further, as the Project is exempt from further CEQA review as a Class 32 "In-Fill Development Project," it does not exceed

thresholds identified for environmental impacts including noise, traffic, and air quality and will not result in significant cumulative impacts.

The waiver or reduction in development standards will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code § 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The Project is exempt from the California Environmental Quality Act and no significant environmental impacts have been identified. The Project is designed to comply with the various sections of the Glendale Municipal Code as administered by different City Departments (e.g. Fire, Glendale Water & Power, Public Works, Building & Safety, etc.). Aside from the three incentives/concessions requests and waiver, the Project otherwise fully complies with the Zoning Code (GMC Title 30). Further, the provision of additional housing and affordable housing benefits the public health and safety, and is consistent with the General Plan Housing Element goals of providing a wide range of housing types including affordable housing.

Additionally, the Project's impact in terms of increased lot coverage is mitigated by certain factors. For example, the building uses several design techniques that reduce the apparent massing and scale of the building, including a variation in building form and façade, and a variety of exterior finish materials that help break up the apparent building size. Further, there has been increased interest in the housing market for smaller units and/or micro-housing that lend support to the proposal in order to assist in the provision of affordable housing. Accordingly, this waiver finding can be made.

**3. The waiver or reduction in development standards will not have an adverse impact on any real property that is listed in the California Register of Historical Resources.**

The waiver or reduction in development standards will not have an adverse impact on any real property that is listed in the California Register of Historical Resources. As discussed in detail above, as well as in Exhibit 6, the existing five units and garage on the site which are proposed to be demolished have not been identified as being historically or culturally significant and the Project does not impact any real property listed on the California Register of Historical Resources. Thus, this finding can be made.

**4. The waiver or reduction in development standards will not be contrary to state or federal law.**

The waiver or reduction in development standards will not be contrary to state or federal law and does not require any other discretionary entitlement other than design review approval. The Project complies with Density Bonus Law, the California Environmental Quality Act (CEQA), and the City's Density Bonus Ordinance, and is designed to comply

with the various sections of the Glendale Municipal Code, as administered by City Departments (e.g. Fire, Glendale Water & Power, Public Works, Building & Safety, etc.). No other known federal or state laws would be in conflict with granting of the incentives/concessions, and thus, this waiver finding can be made.

### **STAKEHOLDERS/OUTREACH**

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Not applicable.

### **FISCAL IMPACT**

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There is no fiscal impact associated with the action recommended in this report, other than the additional property tax or other revenue that may be generated if the Project is approved and ultimately developed in the future.

### **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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The Director and Community Development Department staff have conducted environmental review for the Project pursuant to the California Environmental Quality Act (“CEQA”) and have determined that the Project is exempt from further environmental review under CEQA pursuant to § 15332 of the State CEQA Guidelines contained in Title 14 of the California Code of Regulations (Class 32 “In-fill Development Projects” exemption) because the Project meets all of the conditions for an in-fill development project as follows, as analyzed in detail with supporting evidence and technical studies, in the attached Exhibit 6 (Class 32 Infill Exemption Analysis):

- a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a site of no more than five acres substantially surrounded by urban areas;
- c) The Project site has no value as a habitat for endangered, rare or threatened species;
- d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The Project site can be adequately served by all required utilities and public services.

### **CAMPAIGN DISCLOSURE**

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The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are set forth in the attached in Exhibit 7, in accordance with the City Campaign Finance Ordinance No. 5744.

## **ALTERNATIVES**

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Alternative 1: Approve the Density Bonus, Discretionary Bonus and Inclusionary Housing Plan, inclusive of the discretionary density bonus, with or without modifications or additional conditions.

Alternative 2: Deny the Density Bonus, Discretionary Bonus and Inclusionary Housing Plan, inclusive of the discretionary density bonus.

Alternative 3: Any other alternative not proposed by staff.

## **ADMINISTRATIVE ACTION**

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**Submitted by:**

Bradley Calvert, Director of Community Development

**Prepared by:**

Milca Toledo, Senior Planner

**Approved by:**

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

## **EXHIBITS/ATTACHMENTS**

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Exhibit 1: Location Map

Exhibit 2: Project Plans

Exhibit 3: Draft Density Bonus, Discretionary Bonus and Inclusionary Housing Plan

Exhibit 4: Site and neighborhood photos

Exhibit 5: Additional documentation provided by the Applicant

Exhibit 6: Class 32 Infill Exemption Analysis

Exhibit 7: Campaign Disclosure Form