

### **MOTION**

Moved by Council Member Asatryan and seconded by Council Member Devine, that upon review and consideration of Density Bonus, Discretionary Bonus and Inclusionary Housing Plan Case No. PDBP-000174-2022 ("Density Bonus Housing Plan Case"), located at 413, 417 and 419 Irving Avenue, Glendale, CA 91201 ("Site"), and after having conducted a public hearing on said case pursuant to the Glendale Municipal Code, 1995 ("GMC"), and receiving testimony, the City Council of the City of Glendale, California, based upon all of the evidence in the record, hereby **APPROVES** the Density Bonus Housing Plan Case for all of the reasons outlined in the February 27, 2024 staff report from the Director of Community Development, including any attachments thereto ("Report") and any other evidence presented at the hearing, including any additional Council comments at the hearing, subject to the conditions below and pursuant to the facts and findings as follows:

The housing development project involves the demolition of five existing residential structures on site, 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 ("Project"). Pursuant to State and City Density Bonus Law, the Project will provide eight (8) affordable units reserved for very low income households.

The City Council has reviewed and considered analysis and evidence to support that the Project is exempt from further environmental review under the California

Environmental Quality Act ("CEQA") pursuant to § 15332 of the State CEQA Guidelines contained in Title 14 of the California Code of Regulations ("Class 32 In-fill Development Project") and hereby approves such exemption, and finds that the Project meets all of the conditions of a Class 32 In-fill Development Project, as analyzed in detail with supporting evidence and technical studies in Exhibit 6 to the February 27, 2024 staff report.

This approval is based on the authority provided in State Density Bonus Law (California Government Code §§ 65915, *et seq.*) and GMC Chapter 30.36 (Density Bonus Incentives), that allows an applicant that seeks and agrees to provide at least fifteen (15) percent of the units in a housing development to very low-income households a mandatory fifty (50) percent density bonus, as well as three incentives. Cal. Govt. Code § 65915(d)(2)(C) & f(2); GMC § 30.36.070(A)(3). State Density Bonus Law and the GMC also allow the City Council to grant or deny a discretionary density bonus above fifty (50) percent. Government Code § 65915(n) states that "[i]f permitted by local ordinance, nothing in this section shall be construed to prohibit a city . . . from granting a density bonus greater than what is described in this section . . .". 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 therefore eligible for the mandatory fifty (50)

percent density bonus, but has requested a 371.4% density bonus (of which 321.4% is discretionary, since 50% is mandatory), which will allow the density of the Project to reach 33 units.

Based on the above, the City Council hereby finds and determines that it has considered factors including, but not limited to, the number and type of units, the housing type, the underlying zone, and neighborhood conditions and compatibility. The Council finds that the number of affordable units proposed is sufficient in number, in unit type, in unit mix and in unit location, in comparison to the total number of units requested. The Council further finds that 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, as depicted in Exhibits 2 (Project Plans) and 4 (Site and neighborhood photos) of the Report. The Council also finds that the grant of the discretionary density bonus that would allow the Project to be built would provide certain public benefits that include, but are not limited to: 1) the provision of affordable housing (more than the applicant is required to provide by law and in proportion to the added density being granted to the project); and 2) the provision of market-rate housing; both of which will contribute to the City's share of RHNA and provide needed affordable and market-rate housing to help alleviate the State-wide housing crisis, consistent with the City's General Plan. These public benefits of the Project support the grant of the discretionary density bonus.

The Council additionally determines that it cannot make any of the findings to deny the incentives/concessions requested, and therefore, must grant the incentives/

concessions, pursuant to GMC § 30.36.080(A) because there is no evidence in the record that: (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 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; and (3) the incentive or concession will be contrary to state or federal law. The Council hereby adopts and incorporates the incentives/concessions findings set forth in the February 27, 2024 staff report from the Director of Community Development.

The Council additionally determines that it can make the findings to grant the requested waiver, pursuant to GMC § 30.36.080(B) because substantial evidence in the record supports that: (1) the application of the development standard sought to be waived will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted; (2) the waiver 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 will not have an adverse impact on any real property that is listed in the California Register of Historical Resources; and (4) the waiver will not be contrary to state or federal law. The Council hereby adopts and

incorporates the waiver findings set forth in the February 27, 2024 staff report from the Director of Community Development.

**APPROVAL** of this Density Bonus shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary permits shall be obtained from the Permit Services Center and all construction shall be in compliance with the Glendale Building and Safety Code and all other applicable regulations.

3. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti, both during construction and at all times thereafter.

4. That any expansion or modification of the facility or use shall require a new Density Bonus application. Expansion shall constitute adding of additional units, floor area, or any physical change as determined by the Director of Community Development.

5. That the applicant shall work with the City's Community Development Department and the City Attorney's Office to make any permissible or required amendments to the of Density Bonus, Discretionary Bonus and Inclusionary Housing Plan and to execute and record a Density Bonus Housing Agreement pursuant to GMC § 30.36.140, to the satisfaction of the Community Development Director or his designee and subject to approval as to form and content by the City Attorney. Such Density Bonus Housing Agreement shall restrict the rental or sale of the required percentage of

dwelling units in the housing development to persons or families of very-low income households identified in this approval. The applicant shall record such Density Bonus Housing Agreement prior to issuance of any and all required building permits.

6. That all affordable units shall be reasonably dispersed throughout the Project Site (e.g. throughout the different floors) and shall be comparable with the other dwelling units in the Project in terms of appearance, finished quality and materials. Subject to requested changes necessary to comply with health and safety standards approved by the Director of Community Development or his designee, the unit type, size and location of the affordable units shall be as approved by the City Council.

7. That the affordability term shall not start until the date of recordation of the Housing Notice of Completion. The applicant shall notify the City's Housing Division at least six months prior to the anticipated date of the Certificate of Occupancy so that affordable units may be marketed in a timely manner.

8. That approval of the Design Review Board shall be obtained prior to applying for or obtaining permits.

9. That the premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Service, etc.) for inspection to ascertain that all conditions of approval of this Density Bonus application are complied with.

10. That the applicant shall comply with all Section/Department requirements as specified in their memos to the satisfaction of the City or Department Director. These memos include, but are not limited to, Glendale Water and Power (July 13, 2022), Public Works Engineering (July 28, 2022), Traffic Engineering (August 12, 2022), Maintenance Services/Urban Forester (July 12, 2022), Building and Safety Division

(date unknown), Community Development Housing Division (October 31, 2023), Mobility Division (October 19, 2022), Community Services and Parks (date unknown) and Fire Prevention Engineering (July 18, 2022).

11. That if any buildings, sidewalks, curb or gutter, fence or landscaping areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Director of Public Works for public property.

12. That any proposed exterior lighting shall be directed on the driveways, walkways and parking areas within the development and away from adjacent properties and the public-right-of-way to the satisfaction of the Director of Community Development.

13. That the applicant and/or the owner of the Site and/or real property located at 413, 417 and 419 Irving Avenue, Glendale, CA 91201, and any of their successors and/or assigns (collectively, "Developer") agrees to defend, indemnify, and hold harmless the City, and each of its agents, officers, council members, commissioners, attorneys, employees and representatives, with counsel reasonably acceptable to the City, from any claim, action or proceeding brought against the City to attack, set aside, void or annul any City land use approval for the Project located at 413, 417 and 419 Irving Avenue, Glendale, CA 91201. At its sole discretion, the City may participate at its own expense in the defense of any such action, but such participation shall not relieve the Developer of any obligation imposed by this condition. The Developer's indemnity, defense and hold harmless obligations shall include, without limitation, payment of all damages awarded against the City, if any, costs of suit,

attorney's fees, and other costs and expenses incurred in connection with such action or proceeding. In the event that a claim, action or proceeding referenced herein is brought, the City shall promptly notify the Developer of the existence of the claim, action or proceeding and will cooperate fully in the defense of such claim, action or proceeding. As used herein, "land use approval" refers to decisions of the City approving requests for planning permits for the Project including, but not limited to, density bonus housing plans (including requests for density bonus, incentives and/or waivers), design review, general plan amendments, zone changes, zoning ordinance text amendments, tentative maps, vesting tentative maps, tentative parcel maps, reversions to acreage, final maps, final map modifications or amendments, time extensions, parcel map waivers, lot line adjustments, boundary line adjustments, certificates of compliance, conditional certificates of compliance, development agreements, conditional use permits, conditional use permit modifications, conditional use permit extensions, variances, variance modifications, precise plan of design, specific plans, sign permits, site plans, temporary use permits, any administrative or discretionary permit or any accompanying California Environmental Quality Act determinations pertaining to the type of approval referred to in this section, and any other similar approval. Notwithstanding the above, the Developer shall, within five (5) business days of this approval, execute a formal agreement with the City setting forth the above defense, indemnification and hold harmless provisions in substance.

Ayes: Asatryan, Devine, Kassakhian, Najarian


Noes: Brotman

Absent: None

None

Abstain:

APPROVED AS TO FORM

  
CITY ATTORNEY  
DATE 3/1/24

THE MOTION WAS ADOPTED AT THE REGULAR CITY COUNCIL MEETING OF:  
TUESDAY, FEBRUARY 27, 2024.