



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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June 7, 2021

Rodney Khan  
2233 Honolulu Avenue #209  
Montrose, CA 91020

**E: 306 EAST HARVARD STREET (ALSO 200 SOUTH LOUISE STREET)  
DENSITY BONUS REVIEW CASE NO. PDBP 2017607**

(Also see: Parking Reduction Permit Case No. PPRP2017608)

Dear Mr. Khan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.36, the Planning Division has processed your application for a Density Bonus to construct a new three (3)-story, 14-unit, 6,263 square-foot, residential building, featuring two affordable units and 12 market rate units and a one-level subterranean parking garage. The project will be attached to the existing two-story, approximately 6,500 square-foot office building (to remain), located on a 12,000 square-foot lot, located at **200 South Louise Street (306 East Harvard Street)**, zoned DSP/EB (Downtown Specific Plan/East Broadway District), described as Lot 5 and Portions of Lot 6, Block 60, Portion of Town of Glendale, in the City of Glendale, County of Los Angeles, State of California.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from CEQA review as a Class 32 "Infill Development Projects" exemption pursuant to Section 15332 of the State CEQA Guidelines because the project meets all the conditions for an in-fill development project as follows:

- 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 project 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 site can be adequately served by all required utilities and public services.

## BACKGROUND/ANALYSIS

The applicant is seeking approval of a Density Bonus Housing Plan, as well as a single concession, pursuant to California Government Code Sections 65915, *et seq.* ("Density Bonus Law"). The Density Bonus Housing Plan meets the requirements of the Density Bonus Law and Glendale Municipal Code (GMC) Section 30.36.050 because the project is providing 14 percent of the total base density units of the housing development as affordable units which will be restricted to very-low income households, as defined in Section 50105 of the Health and Safety Code.

The project involves the demolition an existing 14 space, at-grade, surface parking lot to construct a new three-story, 14-unit Density Bonus rental housing project with 2 affordable units being reserved for very-low income households. The site is approximately 12,000 square-feet and currently developed with a two-story, 6,517 square-foot, general office building. The existing general office building is proposed to remain on the site. The project site is located in the DSP/EB (Downtown Specific Plan/East Broadway District) zone. In accordance with Chapter 7 - Community Benefit of the Downtown Specific Plan, the maximum density is 90 dwelling units per acre for SB1818 projects. The subject property is 12,000 square feet (0.275 acre) in size and the maximum density allowed on this lot is 24.7 units, which is rounded up to 25 units in accordance with Density Bonus Law. However, the applicant is proposing an affordable housing project below the maximum base density at 14 units. The applicant will be required to designate two of the rental units for very-low income households (at least 11 percent of 14 base density units, resulting in 1.54, rounded up to two units). The applicant is providing 14.2% of the base density units as affordable to very low-income households.

The Developer is required to enter into a Density Bonus Housing Agreement ("DB Agreement") in which the Developer will covenant that at least 11 percent of the 14 base density units (two units) will 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.

Additionally, as regulated by GMC Chapter 30.35, the project is subject to the Inclusionary Zoning Ordinance (the "IZO"), which requires a housing development (a rental development project of eight or more dwelling units proposed to be constructed in the City) to provide 15 percent of the units as affordable to low-income households. The IZO would require the project to provide 15 percent of the 14 base density units (2.1 units). In accordance with GMC 30.35.060, developers of housing development projects may choose to pay a fee, or a combination of payment of a fee and the provision of units, in-lieu of providing all inclusionary units on site. In this instance, the project meets the IZO requirement because the developer will be providing a combination of two affordable units to very-low income households and paying the required in-lieu fees.

According to Table 30.36 B (Number of incentives and concessions for Density Bonus Housing Plan applications) of the Glendale Municipal Code (GMC), the project is allowed two (2) concessions from Zoning Code development standards based on the amount of very low income households provided by the project: 14% very low income (two affordable units). The applicant is seeking approval of only a single concession. The requested concession is as follows:

1. Publicly Accessible Open Space: The project requests a concession to not provide the minimum 1,200 square feet of publicly accessible open space. In accordance to the Downtown Specific Plan Section 5.3 Open Space requirements, all new development on lots with a street frontage greater than 50 feet shall provide at minimum 10% open space as a percentage of the overall site – which 50% of the required open space shall be publicly accessible with a minimum area of 1,200 square feet (minimum dimensions of 30 feet by 40 feet) located outside of the underlying zones street front setbacks.

Additionally, the project qualifies for parking concessions in accordance with GMC 30.36.090 and California Government Code Section 65915(p). In accordance with GMC 30.36.090, for housing developments that include at least twenty (20) percent low income units or eleven (11) percent very-low income units and are located within one-half mile of a major transit stop with unobstructed access, upon the request of the applicant, the required vehicle parking ratio, inclusive of handicapped and guest parking, is not to exceed one-half (0.5) space per bedroom.

The project is providing a total of 12 parking spaces within a one-level subterranean parking garage, with a total of seven parking spaces being provided for the residential units and five parking spaces provided for the existing general office.

Land Use	Parking Ratio	Size	Require Parking	Parking Provided	Deficient General Office Parking Amount
Residential (at least 11 % very-low income)	0.5 space per bedroom	14 one bed/ studio units	7 spaces	7 spaces	-
General Office (DSP)	2 spaces per 1,000 sq. ft.	6,517 sq. ft.	13 spaces	5 spaces	8 spaces
Totals			20 spaces	12 spaces	8 spaces

Based on the number of units and bedrooms provided (14 dwelling units; all one bedroom or studio units), the Parking Concession allowed by GMC 30.36.090 requires the project to provide a minimum of 7 parking spaces for the residential development. However, the project

will be deficient by eight parking spaces for the 6,517 square-foot office building that will remain. A separate Parking Reduction Permit (Case No. PPRP2017608) has been submitted and under review by the Planning Hearing Officer, and the approval of the Parking Reduction is contingent on the approval of the Density Bonus.

#### **REQUIRED/MANDATED FINDINGS**

After considering the evidence presented with respect to this application, the Director of Community Development was unable to make the necessary findings to deny any of the requested concessions for approval of the Density Bonus Housing Plan. The requested concessions are required in this case to allow the density bonus of up to 35 percent, while reducing costs to the developer. The additional density and the resulting savings that the developer realizes will be significant and will allow the affordable housing costs and rents to be reduced. The City's General Plan Housing Element encourages the production of affordable housing and provides for flexibility in creating such units. As a result, the Director of Community Development has **GRANTED** the requested concessions pursuant to Government Code § 65915(d), because at least 11 percent of the base number of units are reserved for very-low income households, as outlined in the Density Bonus Housing Plan and subject to the attached conditions. Pursuant to GMC Section 30.36.080(A), the Director of Community Development shall grant the requested incentives or concessions, unless he or she makes written findings, based upon substantial evidence, of any one (1) 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.**

The incentives or concessions do result in identifiable and actual cost reductions and are required in order to provide affordable housing costs or to provide affordable rents. The Density Bonus Housing Plan meets the requirements of Government Code Section 65915 because at least eleven (11) percent of the total units of the housing development are for very-low income households, as defined in Section 50105 of the Health and Safety Code. The project is located in the DSP/EB (Downtown Specific Plan/East Broadway District) zone that permits a maximum density of 90 dwelling units per acre for SB1818 projects – which equates to a maximum base density of 25 units on the 12,000 square-foot subject parcel. While the applicant is proposing an affordable housing project below the maximum allowable base density at 14 units, two of the 14 units are being reserved as affordable units.

According to Table 30.36 B (Number of incentives and concessions for Density Bonus Housing Plan applications) of the Glendale Municipal Code (GMC), the project will be allowed two (2) concessions from Zoning Code development standards given the amount of very low income households provided by the project: 14% very low income (two affordable units). The applicant is seeking approval of one concession pursuant to Government Code Section 65915 and GMC 30.36 (Density Bonus Incentives), and is not requesting a second concession. The single requested concession is to not provide the minimum 1,200 square feet of publicly accessible open space, as required for all new development in the Downtown Specific Plan on lots with a street frontage greater than 50 feet shall provide.



The project is located at the southeast corner of East Harvard Street and South Louise Street on a lot approximately 12,000 square feet that is currently developed with a two-story, 6,517 square-foot, general office building with an at-grade, 14 space, parking lot. The applicant proposes to demolish the existing 14-space, at-grade, surface parking lot, and to construct a new three-story, 14-unit (2 reserved for very low income and 12 market rate units: 11, one-bedroom and three studio units), 6,263 square-foot, affordable housing development with a one-level subterranean garage. The existing two-story, 6,517 square-foot, general office building will remain on the site. As such, there are limited areas on the remaining portions of the property to develop the 14 dwelling units (two reserved for affordable) project while also providing the required publicly accessible open space. If the project was to feature the required publicly accessible open space, the footprint of the new residential building would be significantly impacted, and would subsequently affect the viability of the project and the proposed development build-out. The requested concession is necessary in this case to reduce the cost to the applicant of providing affordable units. The savings that the applicant realizes will be significant and will allow the affordable housing costs and rents to be reduced. Without the requested concession, the applicant would not be able to provide for the affordable housing units.

2. **The incentive or concession would have a “specific adverse impact upon public health and safety” 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 development unaffordable to low- 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 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.**

The applicant is seeking approval of one concession pursuant to Government Code Section 65915 and GMC Chapter 30.36 (Density Bonus Incentives) in exchange of providing two affordable units for very-low income households. No specific adverse impact 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 concession to not provide the minimum 1,200 square feet of publicly accessible open space.

The subject lot is developed with a two-story, 6,517 square-foot, general office building with an at-grade, 14-space, parking lot. The project site is a corner lot, located at the southeast corner of South Louise and East Harvard. The property is approximately 12,000 square-feet in area and configured with linear frontages of 100 feet on both

streets. While the project site is a corner lot with high exposure, the opportunity for useable public open space is limited because the existing two-story general office building at the northwestern most portion of the property will remain on site. While the project's requested concession is to not provide any public open space, the proposed development will include an approximately 12-foot landscaped street front setback to enhance the appeal of the property from East Harvard and will be improved with approximately 1,500 square feet of common outdoor space on the roof for the residents of the building. The overall number of affordable units will be provided (a total of two units) and the project will exceed the minimum 5% of very low income units (14% provided). The project complies with all other Zoning Code development standards in the DSP/EB Zone, including setbacks, open space, landscaping, lot coverage, etc. The requested concessions do not include waivers of any Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety.

- 3. The incentive or concessions will be contrary to 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 single requested concession requested will not be contrary to state or federal law and do not require any other discretionary entitlement. The project is designed to comply with Building and Safety codes and the proposed 14-unit affordable housing residential project is consistent with the General Plan. The project is within the Southern California Association of Governments (SCAG) projections for housing and meets the goals and policies in the Housing Element to provide affordable housing. There is no evidence of state or federal laws being violated.

In addition to the single requested concession, the applicant is requesting to use the parking concessions under California Government Code Section 65915(p) and GMC 30.36.090. Upon request of an owner/applicant, the City must allow the following vehicular parking ratios, inclusive of handicapped and guest parking, to not exceed one-half (0.5) space per bedroom parking requirement for developments providing eleven (11) percent very-low income units and located within one-half mile of a major transit stop with unobstructed access to and from the housing development. Based on the number and units and bedrooms provided, the mandatory parking concession allows the project to provide a minimum of 7 parking spaces for the residential development, and feature 13 parking spaces for the existing office building.

Based on the above Parking Concession, the project provides the minimum of 7 parking spaces for the residential development. However, the project is deficient by eight general office parking spaces for the remaining 6,517 square-foot office building (to be maintained).

A separate Parking Reduction Permit (Case No. PPRP2017608) has been submitted and is under review by the Planning Hearing Officer. The approval of the Parking Reduction is contingent on the approval of the Density Bonus. The project is providing a total of 12 parking spaces (7 parking spaces for the 14 one bedroom/studio units; 5 parking spaces for the existing office) within a one-level subterranean parking garage.

### **CONDITIONS OF APPROVAL**

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

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein as approved by 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 Code and all other applicable regulations.
3. That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
4. That any expansion or modification of the structure or use shall require a new Density Bonus application. The phrase "modification of the structure or use" includes, but is not limited to, proposing a different percentage of the units as affordable or altering the affordability of the units (i.e., proposing the affordable units be restricted to low or moderate income households when the approval is originally for very-low income households). Expansion shall constitute adding of new floor area, reduction of parking and open spaces, or any physical changes as determined by the Director of Community Development.
5. That the applicant shall work with the Community Development Department and the City Attorney's Office to make any permissible or required additions, deletions and/or amendments to the Density Bonus Housing Plan and to execute and record a Density Bonus Housing Agreement pursuant to GMC Section 30.36.140, to the satisfaction of the Director of Community Development or his designee and subject to approval as to form and content by the City Attorney. Such Density Bonus Housing Agreement shall restrict the rentals of the required percentage of dwelling units in the housing development to persons or families of very-low income households, as specifically identified in this approval. The applicant shall be required to execute and 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 to the satisfaction of the City's Housing Division.

7. That the affordability term shall not start until the date of recordation of the Housing Notice of Completion. The applicant shall notify the 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 the premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Services, etc.) for inspection to ascertain that all conditions of approval of this Density Bonus application are complied with.
9. That approval of the Design Review Board shall be obtained prior to applying for or obtaining building permits.
10. That the developer shall comply with the City's Inclusionary Zoning Ordinance (IZO), as regulated by GMC Chapter 30.35, by providing a combination of three affordable units to very low income households and paying the required in-lieu fees for the difference.

#### **APPEAL PERIOD**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period so that imperfections/incompleteness may be corrected before the appeal period expires.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **June 22, 2021**.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the June 22, 2021 deadline (mailed to Community Development Department – Planning Division, Attention Dennis Joe, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner Dennis Joe at [DJoe@glendaleca.gov](mailto:DJoe@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

APPEAL FORM is also available on-line:



<https://www.glendaleca.gov/home/showdocument?id=11926>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website. Visit us.

### **TRANSFERABILITY**

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

### **VIOLATIONS OF THESE CONDITIONS**

Violations of conditions required by this determination may constitute a misdemeanor or infraction under Section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

### **REVOCATION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of an administrative exception at least ten (10) days' notice by mail to the applicant or permittee.

### **TERMINATION AND EXTENSION**

#### **GMC CHAPTER 30.41 PROVIDES FOR**

#### **TERMINATION**

Every right or privilege authorized by a Density Bonus Housing Plan shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

#### **EXTENSION**

An extension of the Density Bonus Housing Plan may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Density Bonus Housing Plan.

**CESSATION**

A Density Bonus Housing Plan may be terminated by the review authority upon any interruption or cessation of the use permitted by the Density Bonus Housing Plan for one year or more in the continuous exercise in good faith of such right and privilege.

**NOTICE – subsequent contacts with this office**

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The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner, **Dennis Joe**, who acted on this case. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe, Planner, during normal business hours at (818) 937-8157 or via email at [DJoe@glendaleca.gov](mailto:DJoe@glendaleca.gov).

Sincerely,



PHILIP LANZAFAME  
Director of Community Development

PL:EK:dcj

Attachments: Density Bonus Housing Plan, Class 32 Infill Exemption

CC: --City Attorney's Office (Yvette Neukian)  
--Community Development – Housing Division (Peter Zovak/Mike Fortney)