

M O T I O N

Moved by Council Member _____, seconded by Council Member _____, that upon review and consideration of Density Bonus Housing Plan Case No. PDBP2112447 ("Density Bonus Housing Plan Case"), located at 515 Pioneer Drive (the "Project 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 Joint Report to Council and Housing Authority dated August 10, 2021 from the Director of Community Development, including any attachments thereto 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 findings as follows:

The 515 Pioneer project is a 100% affordable housing project in the City of Glendale located at 515 Pioneer Drive ("Project"). The Project Site is bordered by the 134 freeway to the north, N. Kenilworth Avenue to the west, N. Pacific Avenue to the east and Pioneer Drive to the south. The Project Site is surrounded by existing urban uses, including low-scale commercial properties and multifamily residential structures. The Project Site is bordered on the east by a gas station, to the south (across Pioneer Drive) by multifamily residential buildings, to the north by the Ventura Freeway, and to the west (across N. Kenilworth Avenue) by multifamily residential buildings. The Project proposes to demolish the existing structures and parking lot and would redevelop the Project Site with three new 5-story, 75-foot high, residential buildings with 337 for-rent dwelling units reserved for low income households and three manager units, with a mix of 32 studio units, 260 one-bedroom units, 45 two-bedroom units, and 3 two-bedroom manager units. Ninety-two (92) of the units will be set aside for low income seniors. The Project will provide 13,600 square feet of private open space and 37,750 square feet of common open space, and will include multiple interior ground floor courtyards and multiple roof decks totaling 7,284 square feet. The Project will have a proposed Floor Area Ratio (FAR) of 2.45:1 with a total of approximately, 298,020 square feet of floor area for residential uses, including community rooms, lobby/mail rooms, and office/service space within the ground floor of each of the three buildings for use by the residents. Three hundred forty-two (342) automobile stalls will be provided in a two-level subterranean parking garage, including 35 EV ready stalls. While the Project is not required to provide any parking under Government Code section 65915(p)(3)(A), the Project is providing the required amount of parking per the GMC. The Project's main pedestrian and vehicular access points will be on Pioneer Drive. To the west of the Project Site is the existing Kenilworth Avenue cul-de-sac, which will be converted into a public pedestrian paseo, with

pedestrian tunnel improvements to Fremont Park, including an enhanced plaza at its terminus, overhead lighting, decorative paving, and art applied to the pedestrian tunnel walls. The Project's approximately, 31,250 square feet of common open space will include community centers, outdoor recreation stations, a tot lot playground, community gardens, outdoor courtyards with BBQ picnic areas, programmed rooftop decks and a walking path. This open space will serve as a shared open space accessible to the Project's residents and larger community. The Project has undergone review under the California Environmental Quality Act (CEQA) and has been determined to be exempt from any further CEQA review pursuant to Section 15332 of Title 14 of the California Code of Regulations (CEQA Guidelines), as a Class 32 "In-Fill Development Project", as it meets all threshold criteria set forth in sections 15332(a) through (e).

This approval is based on the authority provided in Density Bonus Law (California Government Code Sections 65915, *et seq.*) and GMC Chapter 30.36 (Density Bonus Incentives), that allows an applicant that seeks and agrees to provide one hundred (100) percent of the units in a housing development to lower income households (as defined in California Government Code Sections 65915(b)(1)(G) and (c)(1)(B)) and is located within one-half mile of a major transit stop with unobstructed access to the major transit stop, a density bonus with no maximum controls on density, no vehicular parking standards, four incentives, as well as a height increase of up to three additional stories, or thirty-three (33) feet. Cal. Govt. Code §§ 65915(c)(1)(B); (d)(2)(D); (f)(3)(D); and (p)(3).

Based on the above, the City Council hereby finds and determines that the Project is exempt from any further CEQA review pursuant to Section 15332 of the CEQA Guidelines, that it will be providing one hundred (100) percent of all units in the Project, including total units and density bonus units (but exclusive of three managers units) for rental to lower income households pursuant to California Government Code Section 65915(b)(1)(G) and (c)(1)(B), that the project is located within one-half mile of a major transit stop with unobstructed access to the major transit stop from the Project Site pursuant to California Government Code Sections 65915(o)(2 and 3) and (p)(3), and is entitled to a mandatory density bonus with no maximum control on density, four incentives, a height increase of up to three additional stories (or thirty-three (33) feet), and no vehicular parking standards. The applicant is therefore eligible for a density bonus without a maximum control on density; the applicant has requested a density bonus of seven hundred fifty (750) percent, or 300 units above the maximum allowable density of 40 units, which the Council hereby grants and approves.

The Council additionally finds and determines that, for all of the reasons set forth in the Joint Report to Council and Housing Authority dated August 10, 2021 from

the Director of Community Development, including any attachments thereto and any other evidence presented at the hearing, it cannot make any of the findings to deny the four incentives/concessions requested and therefore, must grant the incentives/concessions, pursuant to California Government Code Section 65915(d)(1) and GMC Section 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 Section 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 additionally finds and determines that pursuant to Government Code Section 65915(e)(3), it agrees to provide additional waivers, and that the findings for the two waivers requested can be made pursuant to California Government Code Section 65915(e)(1) and GMC Section 30.36.080(B) for all of the reasons set forth in the Joint Report to Council and Housing Authority dated August 10, 2021 from the Director of Community Development, including any attachments thereto and any other evidence presented at the hearing, as follows:

(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 applicant requests the following two waivers, which will allow for a building envelope to accommodate the proposed density:

1. Increase in floor area ratio (FAR) from 0.65:1 to 2.45:1 in the R-3050 zone; and
2. Increase in lot coverage from 50% to 58%.

Based on design and site constraints, without the granting of each of the waivers requested for FAR and increased lot coverage, the construction of the housing development would be physically precluded.

FAR

The GMC allows 0.65 FAR in the R-3050 zone, which would allow a development with a total area of only 79,279 square feet, with approximately

11,281 square feet being used for community, office and service spaces, leaving 68,016 square feet for residential uses. With the density granted, at that size, the average dwelling unit size would be approximately 210 square feet. This average unit size would make it physically impossible for the Project to provide one or two-bedroom units due to space constraints. This size is also a greater deviation from the City's minimum unit size requirement and would violate the unit sizes for one and two-bedroom units set by applicable funding sources such as CTCAC (minimum unit sizes are 200 square feet for an efficiency, 450 square feet for a one-bedroom and 700 square feet for a two bedroom). Accordingly, without this FAR waiver, the construction of the Project would be physically precluded.

Lot Coverage

The GMC allows 50% lot coverage in the R-3050 zone, which would allow a development to cover only 60,984 square feet, and would reduce the overall project to 257,086 square feet to maintain the Project's previously identified height and FAR. With approximately 112,700 square feet being used for community, office, service spaces, and circulation, only 144,386 square feet would remain for the dwelling units. Maintaining the density in this reduced area would result in the following average unit sizes: 270 square-foot studios, 413.5 square-foot one-bedroom units, and 587.5 square-foot two-bedroom units. These average unit sizes would make it physically impossible for the Project to provide one or two-bedroom units due to space constraints. This size is also a greater deviation from the City's minimum unit size requirement and would violate the unit sizes set by applicable funding sources such as CTCAC (minimum unit sizes are 200 square feet for an efficiency, 450 square feet for a one-bedroom and 700 square feet for a two bedroom). Accordingly, without this lot coverage waiver, the construction of the Project would be physically precluded.

The increase in FAR and lot coverage enable a greater area of the site to be developed with multi-family dwelling units. The increase in floor area ratio enables a greater capacity of the site to be developed with multi-family dwelling units. The number of units and sizes of the units proposed would not be able to be constructed without granting the waivers requested. Accordingly, mandating compliance with the FAR and lot coverage standards would physically preclude construction of this affordable housing project.

(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 Section 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 waivers 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 section 15332 because the Project meets all the conditions for an in-fill development project. While the FAR and lot coverage is greater than allowed by right, these waivers do 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 as they existed on the date the application was deemed complete. 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 FAR and lot coverage waivers do not include waivers of any Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety. The Project will undergo design review before the Design Review Board at a noticed public hearing at a future date. The proposed increased FAR and lot coverage will allow additional density to accommodate a growing senior 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 housing 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.

(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 Project will not have a specific adverse impact on any real property that is listed on the California Register of Historic Resources. Neither the Project Site nor any property at or surrounding the Project Site has been listed on the National Register of Historic Places, California Register of Historical Resources, or Glendale Register of Historic Resources, and neither have been identified as a historic resource in any survey.

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

There is no state or federal law that prevents, prohibits, limits, or in any way effects or pertains to any of the requested waivers and, therefore, the waivers are not contrary to state or federal law.

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 housing development/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 Density Bonus Housing Plan and to execute and record a Density Bonus Housing Agreement or other similar agreement pursuant to GMC Section 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 or other similar agreement shall restrict the rental or sale of the required percentage of dwelling units in the housing development to persons or families of lower income households identified in this approval. The applicant shall record such Density Bonus Housing Agreement or other similar agreement prior to issuance of any and all required building permits.
6. That approval of the Design Review Board shall be obtained prior to applying for or obtaining building permits.

Vote as follows:

Ayes:

Noes:

Absent:

Abstain: