

**ORDINANCE NO. \_\_\_\_\_**

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, PROHIBITING ISSUANCE OF ENTITLEMENTS AND/OR PERMITS FOR HOTELS IN THE DOWNTOWN SPECIFIC PLAN AREA OF THE CITY AND DECLARING THE URGENCY THEREOF**

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:**

**WHEREAS**, the Downtown Specific Plan (DSP) is a mixed-use, urban design plan that establishes the desired physical vision for Downtown Glendale through a clear and comprehensive set of policies, incentives, and requirements, adopted on November 7, 2006 and comprehensively amended on March 26, 2019; and

**WHEREAS**, as a means to create maximum community benefit and to enhance livability and quality for all residents, visitors, and those employed within the City of Glendale (“City), the DSP establishes priorities that enhance the City’s vision, defined as Community Benefits; and

**WHEREAS**, the hotel Community Benefit program contained in Chapter 7.2.3 of the DSP (“Hotel Use Incentive”) allows hotel development projects that provide ground floor designs that enhance the uses and activity of the pedestrian realm to be awarded additional height and FAR because of their role as an important component of a thriving business district, and their ability to oftentimes provide amenities (entertainment, restaurants, and meeting rooms) that are available for use by the general public; and

**WHEREAS**, the Hotel Use Incentive has been utilized to assist in the development of the following hotels: 1) Hampton Inn – 315 S. Brand (Completed 2017); 2) Hyatt Place – 225 W. Wilson (Completed 2019); 3) Residence Inn – 199 N. Louise (Completed 2020); 4) Glenmark Hotel – 1100 N. Brand (Completed 2020); resulting in a total of 499 hotel rooms; and

**WHEREAS**, there are three hotels proposing to utilize the Hotel Use Incentive that have received some level of discretionary approval: 1) Hilton Expansion – 100 W. Glenoaks (Stage I approved), 226 rooms; 2) AC Hotel – 120 W. Colorado (fully entitled and Development Agreement approved in May 2021 for an additional three years to obtain building permits by May 2024), 130 rooms; 3) Hotel Indigo – 515-523 N. Central (fully entitled and in plan check), 122 rooms; if developed, these hotels would add a total of 478 hotel rooms; and

**WHEREAS**, hotels are a permitted use in the DSP that do not require any special conditional or other use permit, and additional other hotels may be developed in the DSP that do not utilize the Hotel Use Incentive; and

**WHEREAS**, the City is considering revising or eliminating the Hotel Use Incentive, revising DSP hotel design and development standards, and amending the DSP to require hotel uses in the DSP to obtain a conditional use permit; and

**WHEREAS**, during this process, the City will be thoroughly studying and examining the potential physical, social and environmental impacts of hotel development and uses in the DSP, the impact of the current design, development and other land use standards and requirements on such development, including, but not limited to, the Hotel Use Incentive, and whether there is a need for additional hotel development in the DSP; and

**WHEREAS**, the potential exists that hotel development project applications inconsistent and in conflict with any new or eliminated DSP hotel development policies, zoning, incentives, impact fees or revised standards of property development may be filed during the term that the City is studying potential revisions to DSP hotel use and development; and

**WHEREAS**, any approval of hotel development and uses in the DSP have the potential to contravene future revised DSP hotel design, development and entitlement standards and requirements, while such revisions are being studied, which will result in a threat to the health, safety and general welfare of residents in the City; and

**WHEREAS**, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the DSP in order to provide for the reexamination within a reasonable time, of hotel design, development and entitlement standards and requirements in the DSP; and

**WHEREAS**, Government Code Section 65858 provides that a city council may adopt by a four-fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measure that the city is considering or studying, or intends to study within a reasonable time; and

**WHEREAS**, the moratorium on new hotel use or development for any hotel development projects will prevent changes to the existing physical environment within the DSP area of the city, and therefore, will not result in significant environmental impacts under CEQA, which are made in comparison to existing physical conditions (CEQA Guidelines Sections 15125(a) and 15126.2(a)).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.**

The City Council finds, determines, and declares that:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.

2. The City's Community Development Department staff have fully evaluated the potential environmental effects of adoption of this Interim Ordinance temporarily barring hotel development projects in the DSP within the City of Glendale within the meaning of and pursuant to CEQA, and the City Council finds that this action is consistent with classes of projects that do not have a significant effect on the environment and thereby approves a Categorical Exemption pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308, and certifies that this Interim Ordinance is exempt from the requirement of further environmental review or the preparation of an environmental document.

3. The City has an overriding interest in planning and regulating development projects within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods.

4. Without stable, well-planned neighborhoods, areas of the City can quickly deteriorate, with negative consequences to social, environmental, and economic values.

5. The City has adopted a General Plan and various specific plans, namely the DSP, to ensure a well-planned and safe community.

6. The City finds that the potential exists that hotel development project applications inconsistent and in conflict with any new or eliminated DSP hotel use and development policies, zoning, incentives, impact fees or revised standards of property development may be filed during the term that the City is studying potential revisions to the DSP Hotel Use Incentive, hotel design and development standards, and conditional use permit requirements (collectively, "hotel use and development standards"), and that any approval of hotel development and uses in the DSP have the potential to contravene future revised or eliminated DSP hotel use and development standards while such standards are being studied, which will result in a threat to the public health, safety and general welfare of residents in the City.

## **SECTION 2. Moratorium.**

1. There is hereby imposed a 45-day moratorium on the approval of any land use entitlement(s) and/or permits under the Glendale Municipal Code for Hotel Development Projects (projects proposing the development of a "hotel or motel", as defined in Glendale Municipal Code section 30.70.090) located in the Downtown Specific Plan area (DSP) within the City of Glendale. [OPTION 1]: Said moratorium shall not apply to any Hotel Development Project with an approved statutory development agreement prior to the effective date of this Ordinance, or that has received at least a [Stage I] OR [Stage II] design review approval by the City prior to the effective date of this Ordinance, and shall not apply to any subsequent approvals or project modifications to a project previously approved by the City. [OPTION 2]: Said moratorium shall not apply to any Hotel Development Project with an approved statutory development agreement prior to the effective date of this Ordinance, or that has received all discretionary land use entitlements and: 1) at least one building permit for a structure or substructure, or 2) at least one permit

for shoring and/or grading, necessary for the construction of the housing development project, by the City, prior to the effective date of this Ordinance, and shall not apply to any subsequent approvals or project modifications to a project previously approved by the City.]

2. It is the intent of the City Council that any proposal for a Hotel Development Project within the DSP during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use except as specifically exempted in Section 1 above.

3. City staff is directed to undertake a comprehensive study, as described above, and recommend new or amended policies, zoning or development standards, incentives or impact fees with respect to hotel uses and development in the DSP for consideration by the City Council.

4. Violations of this interim moratorium may be charged as a misdemeanor as set forth in Glendale Municipal Code Section 1.20.010, may be the subject of administrative code enforcement remedies as set forth in Chapter 1.24 of the Glendale Municipal Code, or may be deemed a public nuisance and may be enforced by an action for injunction or civil penalties as provided in the Glendale Municipal Code, or by any other remedy authorized by law.

5. The Glendale City Manager is hereby authorized to direct all City Departments, including the Community Development Department, the Police Department, and City Attorney, to facilitate compliance with the purpose and intent of this Interim Ordinance using the enforcement powers described in the preceding paragraph.

### **SECTION 3. Urgency.**

By the City Council's making the findings and determinations of fact which the Council declares to constitute an urgency for the immediate preservation of the public health, safety or welfare, the City Council hereby declares that this Ordinance is an urgency measure pursuant to City of Glendale Charter Article 6, Section 7 and Government Code Section 65858, which becomes effective immediately upon adoption by an affirmative vote of at least four-fifths (4/5<sup>ths</sup>) of the members of the City Council.

### **SECTION 4. Severability.**

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

**SECTION 5. Adoption and Incorporation.**

The findings and information contained in the City Council staff report dated October 5, 2021, are hereby adopted and incorporated by reference as though fully set forth herein.

**SECTION 6. Effectiveness.**

This Ordinance shall be of no further force and effect 45 days from its date of adoption unless timely extended by further action of the City Council.

**SECTION 7. Certification.**

The City Clerk shall certify this Ordinance's adoption and cause the Ordinance to be published in a manner consistent with the requirements of applicable state and local law.

Adopted by the Council of the City of Glendale on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )  
CITY OF GLENDALE            )        SS.

I, Aram Adjemian, City Clerk of the City of Glendale, certify that the foregoing Urgency Ordinance No. \_\_\_\_\_ was passed by a 4/5<sup>th</sup>s vote of the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
City Clerk