

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, EXTENDING, BY AN ADDITIONAL ONE YEAR, INTERIM URGENCY ORDINANCE NO. 5978 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 California Constitution, the Glendale City Charter, and the State Planning and Zoning Law (California Government Code Sections 6500, *et seq.*) broadly empower the City of Glendale (“City”) to plan for and regulate the use of land in order to provide for orderly development, the public health, safety and welfare and a balancing of property rights and desires of the community; and

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, 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 and currently studying revising the Hotel Use Incentive and is also considering amending the DSP to require hotel uses in the DSP to obtain a conditional use permit; and

WHEREAS, on or about June of 2022, PKF completed a study titled “Market Study for the City of Glendale in Glendale, CA” that studied, among other things, hotel demand, gap analysis, and potential revised incentives for hotel developments; and the City Council received a report on said study at a Special Meeting held on September 13, 2022, but determined additional study, analysis, and information regarding policy and code amendments options is needed; and

WHEREAS, during this period of study and process, the City has and will continue to thoroughly study and examine 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, a conditional use permit process, and the need for additional hotel development in the DSP with an emphasis on the type of hotels the City should incentivize or condition; 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, on October 19, 2021, the City evaluated the potential environmental effects of adoption of Interim Ordinance No. 5977 temporarily prohibiting new hotel development projects in the DSP (“Interim Ordinance 5977) within the meaning of the California Environmental Quality Act (“CEQA”), and the Council found that the adoption of Interim Ordinance 5977 was consistent with classes of projects that do not have a significant effect on the environment and thereby approved a Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3), 15307, and 15308, and certified that Interim Ordinance 5977 was exempt from additional environmental review, including from the preparation of an environmental impact report; and

WHEREAS, on October 19, 2021, the City Council, by a fourth-fifths vote, adopted Interim Ordinance No. 5977 imposing a 45-day moratorium on the approval of any new hotel development project in the DSP, with certain specific exemptions for projects that

had an approved statutory development agreement prior to the effective date of Interim Ordinance No. 5977, or that had received at least a Stage I design review approval by the City prior to the effective date of Interim Ordinance No. 5977, and for any subsequent approvals or project modifications to a project previously approved by the City; and

WHEREAS, on November 16, 2021, the City issued a “10-day report” describing the measures taken to alleviate the conditions that led to the adoption of Interim Ordinance 5977, which date was at least 10 days prior to the adoption of this extension, as required by Government Code Section 65858(d); and

WHEREAS, on November 30, 2021, following a duly-noticed public hearing, the City Council, by a fourth-fifths vote, adopted Interim Ordinance No. 5978 (“Interim Ordinance 5978”), extending, by ten months and fifteen days, Interim Ordinance 5977 imposing a moratorium on the approval of any new hotel development project in the DSP, with certain specific exemptions for projects that had an approved statutory development agreement prior to the effective date of Interim Ordinance 5978, or that had received at least a Stage I design review approval by the City prior to the effective date of Interim Ordinance 5978, and for any subsequent approvals or project modifications to a project previously approved by the City; and

WHEREAS, in order to protect the public health, safety and welfare, it is now necessary for the City to extend Interim Ordinance 5978 by an additional one year in order to continue 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, for 45 days, and may extend such moratorium following notice and public hearing for an additional 10 months and 15 days and then for an additional one year period; and

WHEREAS, the moratorium and extension of Interim Ordinance 5978 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)); and

WHEREAS, notice of the date, time and place of the public hearing for this Ordinance to extend Interim Ordinance 5978 for an additional one year was given pursuant to Government Code Sections 65090 and 65858, by publication in *Glendale Independent* on September 15, 2022, and by posting and making available all written materials referenced herein, which notified the public the City would be considering a one year extension of the adopted Interim Ordinance 5978 imposing a moratorium on all new hotel development projects in the DSP.

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 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 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. A written report was issued by the City on November 16, 2021, at least ten days prior to the expiration of Interim Ordinance 5977, describing measures taken to alleviate the condition which led to the adoption of the urgency ordinance.

7. An additional two written reports in the form of staff reports to City Council, were issued, published and presented to the City Council on September 13, 2022 and September 27, 2022, ten days prior to the expiration of Interim Ordinance 5978, describing additional measures taken to alleviate the condition which led to the adoption of the urgency ordinance and specifically describing progress made on studying 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.

8. 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 one-year extension of Interim Ordinance No. 5978 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. Said moratorium shall not apply to any Hotel Development Project with an approved statutory development agreement prior to the effective date of Ordinance No. 5978, or that has received at least a Stage I design review approval by the City prior to the effective date of Ordinance No. 5978, 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 continue 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 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^{ths}) 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 reports dated November 16, 2021, November 30, 2021, September 13, 2022, and September 27, 2022 are hereby adopted and incorporated by reference as though fully set forth herein.

SECTION 6. Effectiveness.

This Ordinance shall go into effect upon the expiration of Interim Ordinance No. 5978 and shall be of no further force and effect one year from the expiration date of Interim Ordinance No. 5978, unless otherwise lawfully reenacted or 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 _____, 2022.

Mayor

ATTEST:

City Clerk

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

I, Suzie Abajian, Ph.D., City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was passed by a 4/5^{ths} vote of the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2022, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk