

ORDINANCE NO. 5985

**AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA EXTENDING ORDINANCE NUMBER 5981, ESTABLISHING INTERIM
STANDARDS AND MINISTERIAL PROCESSES FOR REVIEWING AND
APPROVING ELIGIBLE SB 9 PROJECTS AND SETTING MINIMUM SB 478 FLOOR
AREA RATIO STANDARDS FOR CERTAIN MULTI-FAMILY HOUSING
DEVELOPMENT PROJECTS, FOR A PERIOD OF TEN MONTHS AND FIFTEEN
DAYS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed into law Senate Bill 9 ("SB 9"), that added Sections 65852.21 and 66411.7 to the California Government Code; and

WHEREAS, on September 28, 2021, Governor Gavin Newsom signed into law Senate Bill 478 ("SB 478"), that added Section 65913.11 to the California Government Code; and

WHEREAS, SB 9 mandates that a local agency ministerially approve a proposed housing development that proposes two residential dwelling units in a single-family residential zone, and/or a parcel map for an urban lot split to create no more than two new parcels of approximate equal area in a single-family residential zone, subject to certain requirements; and

WHEREAS, SB 9 allows a local agency to adopt objective zoning standards, objective subdivision standards, and objective design review standards, that do not conflict with the provisions of SB 9, upon proposed SB 9 housing developments, and also allows a local agency to deny a proposed SB 9 housing development if the building official makes written findings, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

WHEREAS, SB 478 prohibits a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project proposed in a multifamily residential zone or a mixed-use zone that consists of three (3) to seven (7) units, or less than 1.25 on a housing development project proposed in a multifamily residential zone or a mixed-use zone that consists of eight (8) to ten (10) units, and would prohibit a local agency from imposing a lot coverage requirement that would physically preclude a housing development project from achieving such floor area ratios; and

WHEREAS, the City of Glendale adopted Housing Element 2014-2021 of the General Plan on January 28, 2014 and this Element was certified by the State Department of Housing and Community Development on February 24, 2014; and

WHEREAS, the development of residential dwelling units under SB 9 will further local, regional and state goals for meeting the RHNA requirement expressed in Housing Element 2014-2021 provided the City has a mechanism to allow tracking of SB 9 dwelling units; and

WHEREAS, Housing Element 2014-2021, contains Policy 1.9 “Encourage flexibility in the Zoning Ordinance to promote a wide range of housing types”; Policy 1.2 “Assure that affordable housing is dispersed throughout the City while recognizing the potential for the integration of market-rate and affordable units within individual projects”; Policy 2.10 “Respect scale, historic continuity, and a sense of community in new residential development”; and, Policy 6.10 “Encourage the use of sustainable building practices in residential developments” and permitting dwelling units and lot splits under SB 9 implements these policies; and

WHEREAS, the Greener Glendale Plan for Community Activities was adopted by the City Council of the City of Glendale on March 12, 2012 for the purposes of promoting sustainable practices and establishing greenhouse gas reduction strategies in accordance with AB 32 (2006) and SB 375 (2008); and

WHEREAS, the Greener Glendale Plan for Community Activities Objective UD4 directs Glendale to continue to promote infill development to increase sustainability and livable environment and permitting dwelling units proposed under SB 9 is consistent with that objective; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards to protect public health, safety, and welfare; and

WHEREAS, City Council received a staff report and testimony on October 26, 2021 and December 7, 2021, discussed the process and standards for SB 9 units and SB 478 floor area ratio standards, initiated code amendments to prepare a permanent process and criteria for approval of SB 9 projects, and introduced the interim urgency ordinance to establish interim standards and ministerial processes for review and approval of SB 9 projects and SB 478 floor area ratio standards; and

WHEREAS, on December 14, 2021, the City Council adopted Ordinance No. 5981 as an urgency ordinance to establish interim standards and ministerial processes for reviewing and approving SB 9 projects and setting minimum SB 478 floor area ratio standards for certain multi-family housing development projects that was effective on January 1, 2022; and

WHEREAS, the adoption of Ordinance No. 5981 has provided staff some time to study processes and zoning standards related to ministerial approval of SB 9 projects; and

WHEREAS, additional time is necessary for staff to continue to conduct research and to develop permanent regulations to address ministerial processes for reviewing and approving SB 9 projects; and

WHEREAS, Ordinance No. 5981 will expire on its own terms on January 28, 2022, unless City Council extends the term of the interim ordinance as provided in Government Code Section 65858; and

WHEREAS, there is an urgent need for Glendale to extend Ordinance No. 5981 to maintain interim standards, criteria and procedures for ministerial approval of SB 9 projects to ensure that the legislation, does not have the effect of voiding some of the City's regulatory scheme; and

WHEREAS, pursuant to Government Code Section 65858, a ten month and fifteen day extension of Ordinance No. 5981 is necessary as an urgency measure to protect against the current and immediate threat to the public health, safety, and welfare that minimal State criteria for ministerial approval of SB 9 projects that does not recognize local zoning standards can pose to the City as described above; and

WHEREAS, on January 18, 2022, the Council held a duly noticed public hearing in accordance with Government Code sections 65090 and 65852.2 to consider an extension of Ordinance No. 5981; and

WHEREAS, it is Council's express desire to extend the interim standards and ministerial processes for reviewing and approving SB 9 projects and setting SB 478 floor area ratio standards established in Ordinance No. 5981 for an additional period of ten months and fifteen days from January 28, 2022, the last effective date of Ordinance No. 5981, to December 13, 2022; and

WHEREAS, this interim ordinance implements the provisions of Government Code Sections 65852.21 and 66411.7, and pursuant to Government Code Sections 65852.21(j) and 66411.7(n), is therefore not a project under Division 13 (commencing with Section 21000) of the Public Resources Code; further, this interim ordinance implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15305 (minor alterations to land use limitations), Class 5 Exemption, as the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment; (2) exempt from further environmental review

under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment, and therefore, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment; and (3) not intended to apply to specifically identified housing development projects and as such it is speculative to evaluate any such future project now. Moreover, the Ordinance is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of a slightly more generous floor area ratio in certain zones; any such projects subject to the Ordinance will be subject to appropriate environmental review at such time as approvals for those housing project are considered. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance; and

WHEREAS, the extension of the interim ordinance will provide City staff with time to study, draft and adopt permanent regulations, including, but not limited to, establishing a process for ministerial approval of SB 9 projects; the extension of the interim ordinance will provide City staff with time to study, draft and adopt permanent regulations, including, but not limited to, establishing a process for ministerial approval of SB 9 projects.

NOW THEREFORE, the City Council of the City of Glendale does ordain as follows:

SECTION 1. The City Council of the City of Glendale finds that the above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. The City Council of the City of Glendale finds and declares that this Ordinance establishing reasonable interim standards for permitting eligible SB 9 housing development and lot split projects ministerially is consistent with the City's Housing Element 2014-2021, with state housing policy, and with Glendale's adopted greenhouse gas reduction strategies.

SECTION 3. In accordance with Government Code Section 65858(a) and Glendale City Charter, Article VI, Section 7, and pursuant to the findings stated herein, the City Council hereby finds that there exists a current and immediate threat to the public health, safety, and welfare requiring this interim urgency Ordinance; finds that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein; and declares and imposes interim regulations for the immediate preservation of the public health, safety, and welfare as set forth below.

SECTION 4: Duration. Ordinance No. 5981 and its standards and requirements shall be in effect for a period of ten months, fifteen days from January 28, 2022 (December 13, 2022), unless extended by further action of the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Compliance with California Environmental Quality Act. The City Council hereby finds that this interim ordinance implements the provisions of Government Code Sections 65852.21 and 66411.7, and pursuant to Government Code Sections 65852.21(j) and 66411.7(n), is therefore not a project under Division 13 (commencing with Section 21000) of the Public Resources Code. The City Council further finds that this interim ordinance implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15305 (minor alterations to land use limitations), Class 5 Exemption, as the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment; (2) exempt from further environmental review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment, and therefore, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment; and (3) not intended to apply to specifically identified housing development projects and as such it is speculative to evaluate any such future project now. Moreover, the Ordinance is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of a slightly more generous floor area ratio in certain zones; any such projects subject to the Ordinance will be subject to appropriate environmental review at such time as approvals for those housing project are considered. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 6. 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 7. Urgency Measure. By making the findings of the hereinbefore findings of fact, which facts are hereby declared to constitute an urgency, for the immediate preservation of the public health, safety or welfare, this Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption.

SECTION 8. Adoption and Incorporation. The findings and information contained in Ordinance No. 5981, the City Council staff reports dated October 26, 2021, December 7, 2021, December 14, 2021 and January 18, 2022, and Council discussion, direction and motions at public meetings on October 26, 2021, December 7, 2021, December 14, 2021, January 18, 2022 and January 25, 2022 are hereby adopted and incorporated by reference as fully set forth herein.

SECTION 9. Report. The Community Development Director is directed and ordered to prepare and submit for City Council adoption, at least ten (10) days prior to the expiration of this Ordinance, or any extension hereof, a written report describing the measures taken to alleviate the conditions which led to the adoption of this ordinance.

SECTION 10. Certification. The City Clerk shall certify as to the passage of this ordinance and cause the same to be published in a newspaper of local circulation consistent with the requirements of applicable state and local law.


Adopted by the Council of the City of Glendale on the 25th day of January, 2022.


Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM


CITY ATTORNEY
DATE 2/4/22

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

) SS.
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I, ARAM ADJEMIAN, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. 5985 was adopted by the Council of the City of Glendale, California, by a vote of four-fifths (4/5ths) of the members thereof, at a regular meeting held on the 25th day of January, 2022, by the following vote:

Ayes:

Agajanian, Brotman, Kassakhian, Najarian, Devine

Noes:

None

Abstain:

None

Absent:

None



City Clerk