



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Consideration of Findings re Appeal of Design Review Board's approval of Design Review Board Case No. 2004770 located at 1248 Corona Drive. (Cont'd from 12/8/21, 1/12/21, and 2/9/21)

1. Motion Denying the Design Review Case and Making Findings in Support Thereof
2. Motion Remanding the Design Review Case to the Design Review Board for Further Consideration to Reduce the Size and Massing of the Proposed Home, with Directions
3. Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project at 1248 Corona Drive
4. Motion to sustain the Design Review Board's decision to approve the Design Review Board application with conditions

COUNCIL ACTION

Item Type: Action Item

Approved for March 9, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

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Prepared by:

Michael J. Garcia, City Attorney

Reviewed by:

Philip Lanzafame, Director of Community Development

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., Interim City Manager

RECOMMENDATION

That Council consider whether to adopt findings to deny the Design Review Case, remand the Design Review Case to the Design Review Board, or approve the Design Review Case.

BACKGROUND/ANALYSIS

On December 8, 2020, the City Council held a noticed public hearing, *de novo*, on the appeal of the Design Review Board's (DRB's) approval of Design Review Case No. 2004770, which was design review approval of a proposed single family home at 1248 Corona Drive. At the conclusion of the hearing, the Council, by a vote of 2-1 (Mayor Agajanian and Councilmember Kassakhian, recused), directed the City Attorney to prepare a motion and findings to support the reversal of the DRB's decision and denial of the Design Review Case.

Councilmember Kassakhian and Mayor Agajanian recused themselves during the December 8, 2020 hearing as they learned during the hearing that the applicant's soils engineer was an individual who had donated campaign contributions to them within the previous twelve months. Glendale Municipal Code (GMC) Section 1.10.060 generally prohibits councilmembers from participating or voting on matters if they know or have reason to know that a project's applicant, contractors, consultants, architects, and engineers have provided a campaign contribution within the previous 12 months. Councilmember Kassakhian received the campaign contribution on January 22, 2020. Thus, after January 21, 2021, Councilmember Kassakhian is not prohibited from participating in the matter. Generally, a councilmember cannot participate or vote on a matter if he or she did not attend and "hear" the evidence in the public hearing. However, consistent with due process, a councilmember may review the record and watch the recording of the hearing, and decide to participate in subsequent decisions and votes on the matter. It is the individual councilmember's decision whether to participate if he/she feels he/she can make an informed decision based upon a review of the record and watching the meeting.

Subsequent to the January 12, 2021 continuance, it was discovered that Councilmember Devine had also received a contribution from the same soils engineer on February 11, 2020. This was not known at the time of the public hearing, and the soils engineer and the contribution were not listed in the campaign disclosure form as required by the City's campaign finance ordinance. It is not a violation of the City's campaign finance ordinance if a councilmember participates in a decision affecting a contributor unless he or she knows or has reason to know of the contributor's involvement in the project. In that regard, the campaign finance ordinance provides a councilmember is only deemed to have knowledge or constructive knowledge that a project entitlement involves a contributor if the contributor's relationship to the project is identified in a City database or campaign disclosure form. GMC §1.10.060(H). Because (i) Councilmember Devine did not have actual knowledge of the campaign donation prior to the hearing, (ii) the Applicant's disclosure form did not identify the applicant's

soils engineer or his contribution to Councilmember Devine, and (iii) the contribution was not discovered until after the hearing, it is the City Attorney's assessment that Councilmember Devine's participation did not violate the campaign finance ordinance. Additionally, because the conflict has now expired, and the decision is not yet final, Councilmember Devine can continue to participate going forward.

The Staff has prepared a revised motion with findings supporting granting the appeal and denying the Design Review Case. In the alternative, the Council has the option to remand the Design Review Case to the Design Review Board with directions on reducing the mass and scale of the Project consistent with the Council direction. A motion to remand is also provided. If Council is inclined to remand, it is recommended that Council provide direction on how much of the length/width to reduce in order to reduce the mass/scale of the proposed home. Lastly, the Council may adopt the Mitigated Negative Declaration and Motion to approve the Design Review Case.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ALTERNATIVES

1. The Council can adopt the motion denying the Design Review Case and making findings in support thereof.
2. The Council can adopt the motion remanding the Design Review Case back to the Design Review Board to give further consideration to reducing the mass and scale of the Project.
3. The Council can adopt the Resolution approving the Mitigated Negative Declaration and Motion approving the Design Review Case.
4. The Council can choose an alternative not identified by staff.

CAMPAIGN DISCLOSURE

The campaign disclosure is attached as Exhibit 2 to the report.

EXHIBITS

1. Staff Report - December 8, 2020 (without Exhibits)
2. Campaign Disclosure