

**CITY OF GLENDALE  
INTERDEPARTMENTAL COMMUNICATION**

**DATE:** March 19, 2018

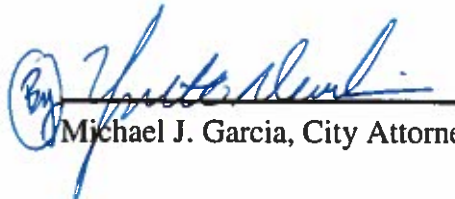
**TO:** Honorable Mayor and City Council

**FROM:** Michael J. Garcia, City Attorney

**SUBJECT:** Urgency Interim Ordinance Re DSP Development Moratorium  
Introduced March 13, 2018

On March 13, 2018, staff presented, and Council discussed, various options with respect to amending the DSP's development standards, incentives and bonuses. Staff also presented an option to adopt an urgency ordinance which would prohibit the approval of on any new residential development projects in the DSP. Under state law and the City's Charter, such an ordinance would be effective immediately upon adoption, without the need for the Council to follow the typical procedures to amend the zoning code, which normally requires notice, public hearings before the Planning Commission and Council, introduction and adoption by the City Council, and a 30-day delay between the adoption and the effective date of the new law. If adopted, the moratorium would expire automatically after 45 days, unless extended; it may thereafter be extended for a period not to exceed 10 months and 15 days, and then it may be extended once more for 1 year. These extensions would require notice and a public hearing. Council introduced the ordinance on March 13, 2018.

At the March 27, 2018 meeting, Council will be voting on adoption of the 45-day moratorium ordinance. In order to pass, 4 out of 5 Councilmembers must vote to adopt the ordinance. The purpose of the moratorium would be to place a temporary stop to all new residential development projects in the DSP to allow staff time to study amendments to the DSP desired by Council, and return for a vote on those amendments. The effect of the moratorium would be to prohibit the approval of any land use entitlement or permits for residential development projects (including barring any new design review approvals or building permits). The ordinance, as currently drafted, does not apply to residential projects that have received all required discretionary entitlements prior to March 27, 2018, as well as to subsequent approvals or project modifications to a project previously approved. Council has the discretion to change these provisions of the ordinance prior to adoption.

  
Michael J. Garcia, City Attorney

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

**AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, PROHIBITING ISSUANCE OF ENTITLEMENTS AND/OR PERMITS FOR RESIDENTIAL DEVELOPMENT PROJECTS (INCLUDING RESIDENTIAL MIXED USE PROJECTS) 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 City of Glendale (the "City") is considering comprehensively updating the Downtown Specific Plan ("DSP") with respect to development incentives and development standards, and studying the imposition of a traffic impact fee to mitigate the current significant and unavoidable traffic impacts of residential development in the DSP; and

**WHEREAS**, the City is also studying the adoption of a citywide inclusionary housing ordinance to combat the widely documented statewide affordable housing crisis, which, if adopted, will impact residential development projects in the DSP; and

**WHEREAS**, during this process, the City will be thoroughly studying and examining the potential physical, social and environmental impacts of development in the DSP; and

**WHEREAS**, the potential exists that residential development project applications inconsistent and in conflict with any new DSP 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; and

**WHEREAS**, there are significant and unavoidable traffic impacts as well as other significant and unavoidable impacts that effect the health, safety and general welfare of residents in the City that have resulted from residential development projects in the DSP and the City will be thoroughly studying and examining these impacts; and

**WHEREAS**, the DSP's residential development incentives have, in many instances, failed to produce residential projects that confer a significant public benefit, particularly with respect to public open space, and, therefore, have negatively impacted public health and welfare; and

**WHEREAS**, potential additional residential development in the DSP poses an immediate threat to the public health, safety and welfare, for the above-stated reasons; 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 residential development 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 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 entitlements for new residential 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 from 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 significant and unavoidable traffic impacts as well as other significant and unavoidable impacts that effect the health, safety and general welfare of residents in the City that have resulted from residential development projects in the DSP represent a current and immediate threat to the public health, safety and welfare and that any approval of additional residential development projects in the DSP would result in that threat to public health, safety and welfare.

**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 residential development projects (including residential mixed-use projects), including, but not limited to, subdivisions, use permits, variances, design review approvals, building permits, or any other applicable entitlement necessary for the construction of any new residential development project on any property located in the Downtown Specific Plan (DSP) area within the City of Glendale. Said moratorium shall not apply to projects that have received all discretionary land use entitlements necessary for the construction of the 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 residential 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 the DSP area 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) 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 March 13, 2018, 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 the *Glendale News-Press* consistent with the requirements of applicable state and local law.

Adopted by the Council of the City of Glendale on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

I, Ardashes Kassakhian, 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 \_\_\_\_\_, 2018, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

APPROVED AS TO FORM

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

  
Assistant City Attorney

DATE 3/21/18