



CITY OF GLENDALE, CALIFORNIA

REPORT TO THE:

Joint City Council Housing Authority Successor Agency Oversight Board

May 8, 2018

AGENDA ITEM

Report: Council-Requested Options for Exceptions to Urgency Ordinance Extending Urgency Ordinance No. 5912 Prohibiting Issuance of Entitlements and/or Permits for Residential Development Projects, Including Residential Mixed Use Projects, in the Downtown Specific Plan (DSP) Area
a) Ordinance Providing for 10 Month and 15 Day Extension of Urgency Interim Ordinance No. 5912 Prohibiting Issuance of Entitlements and/or Permits for Residential Development Projects, Including Residential Mixed Use Projects, in the Downtown Specific Plan (DSP) Area

COUNCIL ACTION

Public Hearing Ordinance Consent Calendar Action Item Report Only
Approved for 5/8/18 calendar

ADMINISTRATIVE ACTION

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Reviewed by: Erik Krause, Deputy Director of Planning

Michael J. Garcia, City Attorney

Signature
[Handwritten signatures: Philip Lanzafame, Michael J. Garcia, Yvette Neukian, Kristen Asp, Jay Platt, Yasmin K. Beers, Erik Krause, Michael J. Garcia]

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RECOMMENDATION

On May 1, 2018, Council introduced an ordinance to extend the 45-day moratorium on the issuance of permits or entitlements for residential development projects, including residential mixed-use projects, in the Downtown Specific Plan (DSP) Area by 10 months and 15 days. Council requested additional and/or alternative options for exceptions to be included and brought back prior to the May 8 vote on the ordinance. Staff has added draft language in the ordinance in strikeout/underline form, which reflects the various options for the exceptions and the pipeline provision Council requested, consistent with the May 1 discussion.

OPTIONS FOR EXCEPTIONS/PIPELINE PROVISION

During the May 1, 2018 discussion regarding the ordinance extending the moratorium, Council expressed a desire to include select exceptions to the moratorium, based on the fact that these exceptions would not add or worsen any adverse impacts.

Minor Changes Made to Strengthen Ordinance

Some minor changes were made since the ordinance was introduced to improve the content and organization of the ordinance. Language has been added on page 6 of the ordinance to clarify and strengthen the findings: this additional finding states that the specific adverse impacts were based on objective written data – namely the threshold of significance developed pursuant to CEQA in the DSP FEIR and individual project-level EIRs. In addition, Finding No. 11 on page 7 has been augmented by the addition of a statement that projects exceeding 100 or more units have contributed most significantly to the specific, adverse impacts identified in the ordinance, and that exempting smaller projects consisting of conversions with or without the addition of 50 units or less is the least burdensome and restrictive measure to address the specific, adverse impacts identified in the ordinance. Three new section headings have been added for ease of reference (Applicability/Exceptions, Comprehensive Study and Enforcement). Other than the addition of the exceptions, no new content has been added under these sections. Furthermore, the language stating the intent of the Council that the moratorium apply to all residential projects except for those specifically exempted has been moved but the content has not been changed substantively.

Options for Exceptions/Pipeline Projects

Preliminarily, it should be noted that the exception regarding the act of rezoning the 21 lots to DSP (in connection with the South Glendale Community Plan project) has been removed. Furthermore, consistent with Council's direction, staff added an exception from the moratorium for any residential development project proposing to convert residential rental units to residential condominium units, where there are no net new residential units being proposed. Staff is reasonably confident this exception can be justified based on the fact that none of the adverse impacts identified in the ordinance will worsen simply by converting already existing housing units into condominium units.

Another exception has been added, consistent with Council's discussion, which allows a residential development project to proceed if it proposes the addition of 50 or less residential units, where the applicant can demonstrate, through technical studies required to the satisfaction of the City, that it will not create significant impacts on traffic, air quality, noise, public services or visual character. Finally, exceptions have been added allowing a project to proceed despite the moratorium if it proposes to convert the commercial use of an existing building to a residential use. The Council has two options in this regard: to exempt a project proposing just a commercial to residential, with or without the new construction of 50 units. This

exception would also require the project applicant to show, through technical studies required to the satisfaction of the City, that the project will not create significant impacts on traffic, air quality, noise, public services or visual character. The inclusion of the requirement that these projects demonstrate, through technical studies, that they will not add/worsen the impacts identified in the ordinance, is advisable so that the exceptions do not undermine the ordinance's findings regarding the immediacy of the health and safety threats identified and the urgent need for the moratorium.

The ordinance includes two options for a "pipeline provision". The first option is the pipeline provision that was contained in the ordinance as introduced on May 1 (exempts projects that have all discretionary land use entitlements). The second option exempts projects that have all discretionary entitlements **and** at least one building permit for a structure or substructure. This option was added because, during the discussion, at least one Councilmember expressed a desire to exempt only those projects that were "vested", and although generally speaking a project is not vested until the developer has obtained a permit and invested a substantial amount in reliance on the permit, the City's policy has been to treat a developer as vested once a building permit for a structure or substructure has been obtained.

FISCAL IMPACT

The action of extending a moratorium on land use entitlements/future development has no direct costs or financial benefits associated with it. Indirectly, the City would not gain the financial benefits that development brings, such as increased property tax and sales tax revenue, and permit and impact fees, but would also avoid the costs in extra City services.

ALTERNATIVES

1. The Council may vote on the ordinance, as drafted or with further changes or modifications, extending, for 10 months and 15 days, a moratorium on all residential development projects, including residential mixed-use projects, in the DSP.
2. The Council may decline to vote on the ordinance, as drafted or with further changes or modifications, extending, for 10 months and 15 days, a moratorium on all residential development projects, including residential mixed-use projects, in the DSP.
3. The City Council may consider any other alternative not proposed by staff.

EXHIBITS

None

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA
EXTENDING, BY TEN MONTHS AND FIFTEEN DAYS, URGENCY INTERIM ORDINANCE
NO. 5912, 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 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 City is in the process of comprehensively amending the Downtown Specific Plan ("DSP"), and to that end, on March 13, 2018, the City Council unanimously adopted a motion to initiate the process of amending the DSP with respect to development standards, height and FAR incentives, as well as other miscellaneous amendment to update the DSP, including studying the imposition of a traffic/transportation impact fee to mitigate traffic impacts associated with development in downtown Glendale; 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 by requiring residential projects to set aside a certain percentage of units for housing that is affordable to persons and families of very low, lower and moderate income, or pay a fee in lieu of said units; and

WHEREAS, during the approximately 12-month DSP amendment 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, 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, on March 27, 2018, the City evaluated the potential environmental effects of adoption of Interim Ordinance No. 5912 temporarily prohibiting new residential development projects in the DSP ("Interim Ordinance 5912") within the meaning of the California

Environmental Quality Act ("CEQA"), and the Council found that the adoption of Interim Ordinance 5912 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 5912 was exempt from additional environmental review, including from the preparation of an environmental impact report; and

WHEREAS, on March 27, 2018, the City Council, by a fourth-fifths vote, adopted Interim Ordinance 5912 imposing a 45-day moratorium on the approval of any new residential development project in the DSP, with certain specific exemptions for projects that had already received all discretionary land use entitlements prior to the date of adoption and for any subsequent approvals or project modifications to projects previously approved by the City; and

WHEREAS, on May 1, 2018, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Ordinance 5912, which date was at least 10 days prior to the adoption of this extension, as required by Government Code Section 65858(d); and

WHEREAS, there continue to be significant, quantifiable, direct and unavoidable impacts that were identified in the DSP EIR and certain addendums thereto, as well as in other specific DSP project-level EIRs, that now currently effect the health, safety and general welfare of the residents of the City, that have resulted from residential development projects in the DSP, as follows: 1) traffic volumes; 2) air quality; 3) public services (construction of new or physically altered police and fire protection facilities); 4) visual character; and 5) noise; and during the moratorium, the City will be thoroughly studying and examining these impacts; and

WHEREAS, the DSP's residential development incentives have failed, and will likely continue to fail, to produce residential projects that confer a significant public benefit, particularly with respect to public open space, and, therefore, have negatively impacted and will likely continue to negatively impact public health and general welfare; and

WHEREAS, the DSP has failed to adequately encourage and/or has failed to require the building of affordable housing units in the downtown; and

WHEREAS, potential additional residential development in the DSP poses an immediate threat to the public health, safety and general welfare, for the above-stated reasons; and

WHEREAS, in order to protect the public health, safety and general welfare, it is necessary for the City to extend Interim Ordinance 5912 while it undertakes 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, the moratorium and extension of Interim Ordinance 5912 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 5912 for 10 months and 15 days was given pursuant to Government Code Sections 65090 and 65858, and by publication in *Crescenta Valley Weekly* on April 19

2018, and by posting and making available the written report referenced herein, which notified the public the City would be considering a 10 month and 15 day extension of the adopted Interim Ordinance 5912 imposing a moratorium on all new residential development projects in the DSP, together with issuance of a written report describing the measures taken to alleviate the condition which led to the adoption of Interim ordinance 5912.

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 has evaluated the potential environmental effects of the 10 month and 15 day extension of Interim Ordinance 5912 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 finds that this Ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308, and certifies that this 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. A written report was issued by the City on May 1, 2018, ten days prior to the expiration of Interim Ordinance 5912 describing measures taken to alleviate the condition which led to the adoption of the urgency ordinance.

7. The significant and unavoidable adverse traffic impacts as well as other significant and unavoidable adverse 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 any approval of additional residential development projects in the DSP would result in that threat to public health, safety and welfare.

8. Specifically, the continued approval of the development of residential development projects, including multifamily housing projects, would have a specific adverse impact upon the public health or safety as follows:

a. Traffic: The DSP EIR analyzed and assumed buildout of approximately 3,980 residential units (DSP EIR at p. 1-1) and identified a significant and unavoidable impact with respect to traffic. The number of residential units in the DSP that is built out to the number that was studied, under construction or entitled is closely approaching the DSP EIR buildout scenario and with the projects currently in the pipeline will exceed the analyzed buildout. A 2017 Transportation Analysis Report prepared by Fehr & Peers in connection with the South Glendale Community Plan EIR (“Fehr & Peers Traffic Study”) documented and studied the realization of the DSP EIR’s projection of the adverse traffic impacts. Specifically, the DSP EIR projected that when comparing 2030 baseline traffic conditions with 2030 conditions with the proposed DSP at the full build-out of 3,980 residential units, the additional traffic would cause a significant impact on seven of twenty-eight study area intersections. (DSP EIR at p.4.13-35). Of the seven intersections, only two were projected to operate at level of service D or better during both peak hours. In total, fourteen of the twenty-eight study intersections were forecast to operate at levels of service E or F (maximum or jammed conditions) during one or both peak hours by 2030 with the DSP build-out. No feasible mitigation measures could be identified for five of the seven intersections as follows:

- 1) Pacific Avenue and SR 134 Westbound Ramps;
 - 2) Central Avenue and SR-134 Westbound On-ramp/Goode Avenue;
 - 3) Brand Boulevard and SR-134 Westbound Off-ramp/Goode Avenue;
 - 4) Brand Boulevard and SR-134 Eastbound On-ramp/Sanchez Avenue; and
 - 5) Glendale Avenue and SR-134 Eastbound Ramps.
- (DSP EIR pp. 4.13-51-52).

As of 2018, the total number of residential units that have been built, are under construction or have received all discretionary entitlements under the DSP is 3,152 dwelling units, while adding the amount of units currently in the pipeline for discretionary review brings that number up to 4,021 units; this total represents 41 units over the 3,980 units included in the DSP EIR analysis. Additionally, the DSP EIR projected the DSP buildout scenario to occur over a 30-year time horizon and almost all of the buildout described above has occurred over the last five to eight years in the post-recession recovery, leading all of the traffic impacts to occur in a relatively short time frame. The Fehr & Peers Traffic Study concluded that with respect to the five intersections identified in the DSP EIR as incapable of being mitigated, at least some of those intersections currently operate at level of service E or F, as was projected by the DSP EIR. Accordingly, since a very recent (2017) traffic study confirmed the DSP EIR’s projected adverse traffic impacts have been realized and in some cases exceeded, the addition of residential units would continue to contribute to and worsen this adverse impact by adding vehicular traffic to those intersections (residential units have a daily trip generation rate of 6.65 trips per dwelling unit [Institute of Transportation Engineers (ITE) Land Use Code 220]).

b. Air quality: The DSP EIR concluded that the DSP would have significant and unavoidable impacts with respect to air quality as follows: 1) construction activities associated with build-out of the DSP could contribute substantially to an existing or projected air quality violation for criteria air pollutants (DSP EIR p. 4.2-17); 2) operation of the DSP would generate emissions that exceed the SCAQMD thresholds for VOC, NO_x, CO and PM₁₀, primarily due to the increase in motor vehicles traveling to and from the project site (DSP EIR at p. 4.2-21-22); and 3) construction and operation of the DSP could result in a cumulatively considerable net increase of criteria pollutants for which the region is in nonattainment under an applicable federal or state ambient air quality standard (DSP EIR p. 4.2-23). Accordingly, since the full build-out of residential units studied under the DSP EIR has occurred and will soon be

exceeded, and these adverse air quality impacts have been realized, additional residential units along with other permitted development in downtown Glendale would continue to contribute to and worsen this adverse impact.

c. Public Services: The DSP EIR concluded that implementation of the DSP would increase the demand for fire protection services and could require the construction of new or physically altered facilities to accommodate the increased demand. (DSP EIR p. 4.11-9-10). The DSP EIR also concluded that the increase in residential population as a result of the DSP could require the construction of new or physically altered police facilities to accommodate the increased demand in services. (DSP EIR p. 4.11-10-11). These impacts were projected to exist upon full residential build-out of the 3,980 residential units (approximately 7,166 new residents) and did not have any feasible mitigation measures. Thus, because the maximum residential build-out studied under the DSP EIR is closely approaching the maximum of what was studied, additional residential units beyond will continue to worsen this already significant adverse impact.

d. Visual Character: The DSP EIR concluded that buildout under the DSP would adversely alter the visual character or quality of the DSP area over the long term (e.g., increase in building heights and massing, removal or alteration of open areas, etc.) (DSP EIR 4.1-21-22). This significant and unavoidable adverse impact has been realized in that the visual character of the DSP has been altered by large increases in building heights and massing, producing an undesirable cavernous-like environment in parts of the DSP area. This is a significant and unavoidable adverse impact that will continue to worsen with additional residential development projects.

e. Noise: The DSP EIR concluded that buildout under the DSP would have several significant and unavoidable adverse cumulative effects with respect to noise such as exposure to or generation of excess ground borne vibration or noise levels (DSP EIR 4.9-27-28) and substantial permanent increase in ambient noise levels (DSP EIR 4.9-28-30). The addition of residential units beyond the residential buildout assumed in the DSP EIR in conjunction with other development permitted under the DSP will worsen this significant, unavoidable adverse impact.

f. Affordable Housing: There is an affordable housing crisis in Glendale, the region and the State of California that represents a current and immediate threat to the public health, safety and welfare, that is well-documented by the State legislature in, among other things, recent (2017) legislation that includes, but is not limited to, SB2, SB3, SB35, SB540, AB73, SB167, AB1515, AB1505, AB879, AB1397, and AB72. The DSP does not contain provisions that encourage or require affordable housing and thus, under the DSP, additional residential units will continue to be built that lack any meaningful percentage addition to the City's affordable housing stock at the level needed to satisfactorily mitigate this adverse impact. The passage of AB1505 (known as "the Palmer fix") has afforded the City an opportunity to study and eventually amend its inclusionary housing ordinance to apply citywide to both for-sale and rental projects. The Council also finds that, due largely to development in downtown Glendale, Glendale has met its Regional Housing Needs Assessment ("RHNA") housing production goals for market rate housing in the current Housing Element reporting period and that the shortfall in meeting its RHNA numbers for low and moderate income housing is almost universal across California, caused largely by state policies such as loss of funding opportunities, e.g. elimination of redevelopment set-aside funding, and the just-recently repealed prohibition on inclusionary housing requirements for rental projects discussed above.

g. Open Space Incentive Lack of Public Benefit: The DSP's open space requirements and/or incentives have not maximized public benefit from the community's perspective and the current standards do not necessarily lead to the creation of meaningful, useable public open spaces. Continued residential development projects under the current open space requirement and/or incentive will continue to have an adverse effect on the general welfare of the community by its failure to produce meaningful public open space in the DSP.

9. The specific adverse impacts identified above as significant unavoidable impacts under the DSP FEIR or project level EIRs have been determined by comparing the project impacts to "thresholds of significance" developed pursuant to CEQA. The Council finds that the thresholds of significance and other measures to determine impact significance in the DSP FEIR or project level EIRs constitute the objective, written public health or safety standards, policies, or conditions by which the specific adverse impacts have been determined.

10. This Ordinance is necessary to mitigate or avoid the specific adverse impacts identified above because unless temporarily halted to allow the City to study ways to mitigate, reduce or avoid any further immediate adverse impacts, the development of residential projects will continue unabated and the adverse impacts will continue to worsen. At the time the DSP EIR was certified, the City was willing to accept the significant unavoidable impacts that were disclosed in the EIR in favor of certain social and economic benefits of the DSP, however, in part because the rate of development under the DSP has far exceeded the City's expectations (the full build-out studied was projected to be accomplished by 2030 but the residential portion is close to being fully realized), the significant unavoidable impacts and their cumulative and compounding effects have now reached and exceeded the levels studied in the EIR and must be reevaluated to determine the nature and extent of revisions or amendments needed to mitigate or lessen the impacts. There are currently 3,152 residential units in the DSP that have either been built or are fully entitled and being built, and another 869 proposed units in the pipeline for discretionary review, well in excess of the number of residential units studied under the DSP EIR (which found the DSP to have the significant and unavoidable impacts identified above). Moreover, undeveloped or underdeveloped lots exist in the DSP that could be developed into additional residential projects, thereby adding many hundreds more residential units to the DSP, and thereby consequently worsening the already immediate and significant adverse health and safety impacts identified above. In addition, without maintaining the status quo, the City may be precluded from ensuring that new residential projects contribute their fair share to addressing the City's affordable housing priorities before the City's consideration of imposition of a citywide inclusionary housing ordinance that applies to for-sale and rental projects alike, made possible by the passage of AB1505. In addition, if the Council ultimately decides to continue to permit residential development that results in significant and unavoidable impacts, it desires to examine further public benefits to seek or require as part of its overall planning effort for downtown Glendale.

11. There is no feasible alternative to satisfactorily mitigate or avoid the specific adverse impact identified above, as well or better, with a less burdensome or restrictive effect, than the adoption of this Ordinance. The DSP EIR identified certain mitigation measures for certain impacts identified above; however, even with mitigation, impacts to traffic, air quality, public services, visual character and noise, among others, were significant and therefore unavoidable. Moreover, short of temporarily prohibiting residential development so that the City may study ways to incentivize or require affordable housing and public open space that results in a public benefit (which the current DSP development standards and incentives have failed to do to satisfactorily mitigate or avoid Glendale's, the region's, and the state's affordable housing

crisis and the DSP's lack of usable public open space), the City cannot satisfactorily mitigate the adverse impacts. Based on the rate of development of residential housing in the DSP, and based on available development sites, it is likely many more residential units will continue to be built. Without a moratorium in place, there will likely be a rush to develop these remaining sites to capitalize on the lack of revised policies, zoning requirements, development standards, and incentives, and a citywide inclusionary housing requirement the City will be studying during the moratorium to mitigate, reduce or avoid the identified adverse impacts. For example, without the moratorium in place, while the City studies the imposition of a traffic impact fee as mitigation of the adverse traffic impact, or the imposition of a citywide inclusionary housing requirement as mitigation for the lack of affordable housing in the DSP, it is reasonably probable there will be a rush to obtain approval of entitlements for residential development projects to avoid payment of such a fee or inclusion of affordable housing. The Council further finds that most of the development occurring within the DSP area since its inception have been larger, new construction projects exceeding 100 or more units and that said projects have contributed most significantly to the specific, adverse impacts identified in this Ordinance. The Council finds that exempting smaller projects consisting of conversions with or without the addition of 50 units or less is the least burdensome and restrictive measure to address the specific, adverse impacts identified in this Ordinance.

12. The City Council has initiated and staff has commenced a comprehensive update to the DSP with respect to development standards, height and FAR incentives, as well as other miscellaneous amendment to update the DSP, including studying the imposition of a traffic impact fee to mitigate the current significant and unavoidable traffic impacts of residential development in the DSP and studying an inclusionary housing requirement to mitigate the current significant and unavoidable impact to the statewide affordable housing crisis. New residential development projects may create irreversible or costly negative impacts in the community which will be inconsistent with the goals of this comprehensive update to the DSP. Absent the extension of Ordinance 5912, new residential development projects could result in and worsen the negative, harmful and adverse impacts identified above.

SECTION 2. Moratorium.

There is hereby imposed a 10 month and 15 day extension of Interim Ordinance 5912, imposing a 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.

It is the intent of the City Council that, with the exception of those projects meeting the requirements of Section 3 below, 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.

SECTION 3. Applicability/Exceptions

Said The moratorium imposed pursuant to Section 2 above shall not apply to any of the following projects:

PIPELINE EXCEPTION – OPTION 1 [Discretionary Entitlements] A. Any project that has 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; or

PIPELINE EXCEPTION – OPTION 2 [Discretionary Entitlements and Building Permit] A. Any project that has received all discretionary land use entitlements, and at least one building permit for a structure or substructure, 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; ~~The rezoning of lots previously not part of the DSP as DSP, one part of a group of actions that will be before Council in connection with the South Glendale Community Plan project, shall not in and of itself be a violation of said moratorium; however, any lots rezoned to DSP shall be subject to the moratorium (prohibiting new residential development projects) upon their rezoning, for as long as the moratorium is in effect.~~

B. Any residential development project that results in the conversion of existing rental housing units to condominium units where no net new residential units are added, because such a project will not result in the creation or worsening of any one or more of the adverse impacts the moratorium is intended to reduce or mitigate; or

C. Any residential development project that consists of the conversion of an existing commercial building into a residential building where the applicant can demonstrate, through technical studies required to the satisfaction of the City, that it will not create significant impacts on traffic, air quality, noise, public services or visual character ; or

D. Any residential development project that consists of the construction of 50 residential units or less where the applicant can demonstrate, through technical studies required to the satisfaction of the City, that it will not create significant impacts on traffic, air quality, noise, public services or visual character; or

E. Any residential development project that consists of the conversion of an existing commercial building into a residential building and construction of additional units on the same site not exceeding 50 residential units where the applicant can demonstrate, through technical studies required to the satisfaction of the City, that it will not create significant impacts on traffic, air quality, noise, public services or visual character.

~~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.~~

SECTION 4. Comprehensive Study

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

SECTION 5. Enforcement

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.

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 63. 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 74. 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 85. Adoption and Incorporation.

The findings and information contained in the City Council staff report on this topic dated March 13, 2018, and May 1, 2018, are hereby adopted and incorporated by reference as though fully set forth herein.

SECTION 96. Effectiveness.

This Ordinance shall be of no further force and effect 10 months and 15 days from the expiration date of the original moratorium (Interim Ordinance 5912) unless timely extended by further action of the City Council.

SECTION 107. Certification.

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

APPROVED AS TO FORM


Assistant City Attorney

DATE 5/3/18

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) SS.
CITY OF GLENDALE)

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Urgency Ordinance No. _____ was passed by a 4/5ths 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:

City Clerk