



February 27, 2019

Garo Minassian, Architect Inc.
140 Acari Drive
Los Angeles, CA 90049

**RE: 2817 MONTROSE AVENUE
DENSITY BONUS HOUSING PLAN CASE NO. PDBP 1823423**

Dear Mr. Minassian:

On February 6, 2019 the Planning Hearing Officer conducted and closed a public hearing for your application for concessions and waivers for development standards pursuant to Government Code 65915 and provisions of the Glendale Municipal Code, Title 30, Chapter 30.36. The Community Development Department has processed your application for a Density Bonus Housing Plan (PDBP1823423), to construct a new three (3)-story, 38-unit affordable rental housing project with two concessions and two waivers with three units being reserved for very low income households, in the "R-1650" - Medium-High Density Residential Zone, located at **2817 Montrose Avenue**, described as Lots 3 and 4 in Tract No. 2718, in the City of Glendale, in the County of Los Angeles.

NOTE: Development of the project requires the demolition of the existing church structures and Design Review Board approval. In addition, the existing Oak Tree and river rock wall along Montrose Avenue will be preserved and maintained.

CODE REQUIRES

Concessions (Incentives)

- (1) Maximum building height and stories of 36 feet and three (3) stories.
- (2) Minimum and average setbacks:
 - a. Interior Setbacks
 - i. Five feet minimum and eight feet average for the first residential floor.
 - ii. Eight feet minimum and 11 feet average for the second residential floor.

Modification of Development Standards (Waivers)

- (1) Maximum floor area ratio (FAR) of 1.0.
- (2) Maximum lot coverage of 50 percent.

APPLICANT'S PROPOSAL

Concessions (Incentives)

- (1) Increase the maximum height to 56 feet (three stories permitted by right).

- (2) Decrease the minimum required interior setbacks on all residential floors:
 - a. Minimum interior setback of five feet and average of six feet along the east, minimum interior setback of six feet and average of 14 feet along the north, and minimum interior setback of five feet and average of 16 feet along the west.

Modification of Development Standards (Waivers)

- (1) Increase the maximum allowable floor area ratio (FAR) to 1.14 (living area only), 1.78 (including at-grade garage).
- (2) Increase the maximum allowable lot coverage to 53 percent (living area only), 74 percent (including garage).

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 32-“In-fill Development Projects” exemption pursuant to State CEQA Guidelines Section 15332 because the Project meets all the conditions for an in-fill development project.

REQUIRED/MANDATED FINDINGS

The granting of density bonus request is subject to findings of Section 30.36.080 of the Glendale Municipal Code and Government Code Section 65915. After consideration of the staff report, public testimony and review of the proposal, the Planning Hearing Officer determined that findings for the requested concessions and waivers can be made. Therefore, **THE TWO CONCESSIONS AND TWO WAIVERS ARE APPROVED SUBJECT TO FOLLOWING FINDINGS AND THE ATTACHED CONDITIONS:**

Incentives or Concessions

- 1. The incentive or concession results in identifiable and actual cost reductions to provide for affordable housing costs or to provide affordable rents; and,**

The two concessions are for additional height up to 56 feet (where 36 is permitted for flat roofs) for the three-story project (two residential levels above the at-grade garage podium) and for reduced average and minimum interior setbacks for both residential floors as follows: minimum interior setback of five feet and average of six feet along the east, minimum interior setback of six feet and average of 14 feet along the north, and minimum interior setback of five feet and average of 16 feet along the west. The Code requires five-foot minimum and eight-foot average for the first residential floor, and an eight-foot minimum and 11-foot average for the second residential floor.

The incentives/concessions for additional height and reduced interior setbacks do result in identifiable and actual cost reductions and are required in order to provide for affordable housing costs or to provide affordable rents. Without the additional height incentive, excessive excavation and grading would be mandatory for the sloped lot and the rear part of the building would be substantially lower than natural grade; the additional height allows the building to be designed to follow the natural grade of the uphill-sloped site which features a 25-foot height difference from the street to the rear. The requested concession for reduced interior setbacks is necessary to allow for additional buildable area to provide more units that would reduce the costs to the developer owner of providing the affordable units. The project's two-story units have been designed in a town-house style; if the required interior setbacks had to be met,

the building would have to be designed as a three-story project above the garage podium, with complicated access to units at the third level, resulting in significant cost increases and an additional incentive/waiver for the number of stories.

Furthermore, the reduced interior setbacks create more usable open space within the building courtyard and provide more light and ventilation for the dwelling units, while the proposed project's exterior massing is similar to many of the existing multi-family residential developments in the immediate neighborhood. The savings that the owner and developer realize will be significant and will allow the affordable housing costs to be reduced to a point where the development will be economically feasible.

Furthermore, the additional height and reduced minimum and average setbacks will allow for larger apartment units that create a variety of unit configurations and sizes, attract larger families to the project, reduce unit turnover, and distinguish the project from the large number of smaller market rate units within the City. The Density Bonus Housing Plan meets the requirements of Government Code Section 65915 because at least 11 percent of the base units of the housing development are for very low income households, as defined in Section 50105 of the Health & Safety Code.

2. **The incentive or concession would not have a “specific adverse impact upon public health and safety” or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low and moderate-income households. As used herein, “specific adverse impact upon public health or safety” means a significant, quantifiable, direct; and unavoidable impact, based on conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or the land use designation in the general plan shall not constitute a specific, adverse impact upon public health or safety; and,**

The applicant is seeking approval of two concessions pursuant to California Government Code Section 65915 and GMC Chapter 30.36 (Density Bonus Incentives) in order to provide three units affordable to very low income households. No specific adverse impacts upon public health or safety or on the physical environment or on any real property that is listed in the California Register of Historical Resources would occur by granting the requested incentives or concession. While slightly taller than surrounding developments, the three-story building will meet building and safety codes and there are similarly sized multi-family residential buildings along Montrose Avenue. The requested concessions do not include waivers of any Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety.

3. **The incentive or concession will not be contrary to state or federal law.**

The two incentives will not be contrary to state or federal law and does not require any discretionary entitlement.

Waivers

- 1. The application of said development standard(s) will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter.**

Based on design and site constraints, without the granting of each of the waivers requested for FAR and lot coverage, the construction of the housing development would be physically precluded. The waiver requests are linked to the State law's allowance of uncovered parking for affordable housing projects to reduce the cost of housing construction. In this case, the garage is proposed to be covered and on-grade in order to lower costs of construction. Per the Zoning Code, at-grade parking is not exempted from the floor area ratio calculation, as is the case for semi- and subterranean parking garages. With the proposed parking garage built into the hillside, the project's FAR is 1.78, when 1.0 is permitted by right in the R-1650 zone. The proposed FAR based on the habitable space / living area only is 1.14, still above the allowable FAR. The residential parking garage also results in the requested waiver to exceed the 50 percent maximum lot coverage allowed by Code. The proposed 74 percent (approximately) lot coverage is necessary to allow the residential parking garage to be located at grade. With the garage footprint aside, the habitable building footprint is 53 percent, which is closer to the maximum 50 percent allowed by Code. In conclusion, given that the applicant is proposing parking at-grade which counts as floor area towards the floor area ratio, the waivers for lot coverage and FAR are necessary because the parking is not subterranean, and its square footage is included in the lot coverage and floor area calculation; mandating compliance of the FAR and lot coverage standards would physically preclude construction of this affordable housing project.

- 2. The waiver or reduction in development standards will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.**

The granting of the proposed FAR and lot coverage waivers will not have a specific adverse impact upon public health or safety or on the physical environment. The project is exempt from CEQA review as a Class 32-"In-fill Development Projects" exemption, pursuant to State CEQA Guidelines Section 15332, and because the project meets all the conditions for an in-fill development project. While the lot coverage and FAR is greater than allowed by right, these waivers do not rise to the level of a specific, adverse impact under the law, which requires a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

3. The waiver or reduction in development standards will not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

According to the City's Historic Preservation staff, the existing church and attached structures on the site are not eligible for listing on the local, state or national register of historic resources. Therefore, because the buildings are not historic resources, the project will not impact any historic resource.

4. The waivers or reduction in development standards will not be contrary to state or federal law.

There is no state or federal law that prevents, prohibits, limits or in any way effects or pertains to any of the requested waivers, and therefore, the waivers are not contrary to state or federal law.

CONDITIONS OF APPROVAL

Conditions of Approval for Density Bonus Incentives and Waivers:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That all necessary permits shall be obtained from the Permit Services Center and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
4. That any expansion or modification of the facility or use shall require a new density bonus application. Expansion shall constitute adding of additional units, floor area, or any physical change as determined by the Planning Hearing Officer.
5. That the applicant shall work with the Community Development Department and the City Attorney's Office to make any permissible or required additions, deletions and/or amendments to the Density Bonus Housing Plan and to execute and record a Density Bonus Housing Agreement pursuant to GMC Section 30.36.140, to the satisfaction of the Community Development Director or his designee and subject to approval as to form and content by the City Attorney. Such Density Bonus Housing Agreement shall restrict the rental or sale of the required percentage of dwelling units in the housing development to persons or families of very-low income households identified in this approval. The applicant shall be required to execute and record such Density Bonus Housing Agreement prior to issuance of any and all required building permits.

6. That all affordable units be reasonably dispersed throughout the project site (e.g., throughout the different floors) and shall be comparable with the other dwelling units in the project in terms of appearance, finished quality and materials. Subject to requested changes necessary to comply with health and safety standards approved by the Director of Community Development or his designee, the unit type, size and location of the affordable units shall to the satisfaction of the City's Housing Division.
7. That the affordability term shall not start until the date of recordation of the Housing Notice of Completion. The applicant shall notify the City's Housing Division at least six months prior to the anticipated date of the Certificate of Occupancy so that affordable units may be marketed in a timely manner.
8. That approval of the Design Review Board shall be obtained.
9. That the existing oak tree located within the front of the property shall be preserved subject to the review and approval of the City's Urban Forester and maintained.
10. That the existing river rock wall located along Montrose Avenue shall be preserved and maintained in its current location.
11. That adequate landscaping including trees be included along the interior property lines to create a buffer between this project and the existing adjacent multi-family buildings on neighboring properties, subject to the approval of the Design Review Board.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency. Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within **fifteen (15) days** following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before MARCH 14, 2019**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday through Friday 12:00 p.m. to 5:00 p.m.

APPEAL FORMS available on-line <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a Density Bonus Housing Plan shall terminate two years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Cessation

A Density Bonus Housing Plan may be terminated by the review authority upon any interruption or cessation of the use permitted by the Density Bonus Housing Plan for one year or more in the continuous exercise in good faith of such right and privilege.

Extension

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Density Bonus Housing Plan.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Density Bonus Housing Plan (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least Ten (10) days' notice by mail to the applicant or permittee.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Vilia Zemaitaitis, during normal business hours at (818) 937-8154 or via email at vzemaitaitis@GlendaleCA.Gov.

Sincerely,
Philip Lanzafame
Director of Community Development


Bradley Collin
Planning Hearing Officer

BC:VZ:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); Housing - P. Zovak; A. Hairapetian-owner; Alice-Foothill Car Service; H. Chircorian; S. Alexanian; C.Jurca; T.C.Kim; G.Michals; D.Machicado; and case planner - Vilia Zemaitaitis.