



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

April 3, 2024

Armen Kazanchyan
3786 La Crescenta Avenue, Suite 201
Glendale, CA 91208

**RE: 1301 – 1303 NORTH PACIFIC AVENUE &
501 GLENWOOD ROAD
DENSITY BONUS & INCLUSIONARY HOUSING PLAN
CASE NO. PDBP-000356-2022**

Dear Applicant:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.36 and California Government Code Sections 65915, *et seq.* ("Density Bonus Law"), the Community Development Department has processed your application for a Density Bonus Housing Plan to construct a new 3-story, 11,241 square-foot multi-family residential project with fourteen (14) residential units, featuring two (2) affordable units restricted to very low-income households ("Project"). Parking will be provided within an under-ground (semi-subterranean) garage with 19 parking spaces (inclusive of 8 tandem spaces). The three existing residential dwelling units and garage on-site (built circa 1946) will be removed in conjunction with the project. The project site is 10,700 square feet and located at **1301-1303 North Pacific Avenue and 501 Glenwood Road**, in the R-1650 (Medium-High Density Residential) zone and described as A Portion of Lot 21, Lot 22, Tract No. 4969, as per Map recorded in Book 53-46 in the Office of the Recorder of Los Angeles County.

ENVIRONMENTAL DETERMINATION

The Project has undergone environmental review required by the California Environmental Quality Act ("CEQA") and has been determined to be exempt from further CEQA review under a Class 32 "In-fill Development Project" exemption pursuant to State CEQA Guidelines Section 15332, because after review and consideration of all required technical reports and/or studies, staff determined the Project meets all the conditions for an infill development project, as follows:

- a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban areas;
- c) The Project site has no value as a habitat for endangered, rare or threatened species;
- d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.
(See Attachment 2, "Class 32 Infill Exemption Analysis").

DENSITY BONUS REQUEST

The applicant is seeking approval of a Density Bonus Housing Plan with a request for a density bonus, as well as three concessions, pursuant to California Government Code Sections 65915, *et seq.* ("Density Bonus Law"), that allows developers that seek and agree to provide at least 15 percent of the units in a housing development to very-low income households, a mandatory 50 percent density bonus, as well as three concessions. The Density Bonus Housing Plan meets the requirements of the Density Bonus Law because the Project is providing 15 percent of the total base density units of the housing development as affordable units which will be restricted to very low-income households, as defined in Section 50105 of the Health and Safety Code.

The Project involves the demolition of three residential dwelling units (triplex) and a detached garage (built circa 1946) located on the property addressed as 1301-1303 N. Pacific Avenue and 501 Glenwood Road. The 10,700 square-foot site is located on the northwest corner of North Pacific Avenue and Glenwood Road. The proposed residential development consists of a new 11,241 square-foot density bonus rental housing project, consisting of a new three-story, structure, totaling fourteen (14) multi-family residential dwelling units (the "Project"). Parking will be provided on-site within a one-level, semi-subterranean parking structure containing 19 parking spaces (inclusive of 8 tandem spaces). The Project will provide two (2) affordable units (15 percent of the total number of units of the base density of 9, which is 1.35, rounded up to 2) reserved for rent to very low-income households. The Project site is located in the R-1650 (Medium-High Density Residential) zone. In accordance with GMC 30.11.020, the maximum density allowed on a lot where the width is greater than 90 feet is one dwelling unit for every 1,320 square feet of lot area. The Project's site is 10,700 square feet in size, with a lot width of approximately 92.35 feet along North Pacific Avenue and 121.08 feet along Glenwood Road. By right, the Project has a maximum density allowed of 9 units ($10,700 / 1,320 = 8.1$ rounded up to 9 (CA Govt Code § 65915(q) requires all density bonus calculations to be rounded up)).

Per the Density Bonus Law, an applicant is ineligible for a density bonus or any other incentives/concessions if a project is proposed on a parcel with all rental dwelling units that have been vacated or demolished within five (5) years from the Project's development application, or any rental dwelling units that have been occupied by lower or very low-income households, unless the proposed Project replaces those units.

Pursuant to Density Bonus Law, if any dwelling units are occupied on the date of a project's development application, the proposed Project is required to provide the same number of units of equivalent size (i.e., the same number of bedrooms) as affordable to the same or lower income households in occupancy. If the incomes are unknown to the applicant, there is an established rebuttable presumption per HUD's Comprehensive Housing Affordability Strategy database. Using the most recent data (2016-2020) for Extremely Low, Very Low, and Low Renter households (32,600 households) on <https://www.huduser.gov/portal/datasets/cp.html> and dividing the total households from those three categories by the total renter households within the City of Glendale (49,350), the presumption amounts to 66.06% of renter households at or below 80% AMI. Per the Los Angeles County Assessor, there are currently three (3) existing residential dwelling units at seven (6) bedrooms total. The Project is subject to the 66.06% presumption set forward by HUD. By applying the rebuttable presumption of 66.06% to the three (3) residential dwelling units, 2 replacement units ($66.06\% \times 3 = 1.9818$ rounded up to 2) at 4 bedrooms total ($66.06\% \times 6 = 3.964$ rounded up to 4) are required under State Density Bonus Law. The Project is required to provide four (4) bedrooms through the requirement to provide two (2) affordable units to very low income households under GMC 30.36. As such, Applicant has met the replacement obligation, and no additional units are required.

The applicant is required to designate two (2) units with at least four (4) bedrooms as affordable to very low income households. The applicant proposes two (2) affordable units – Unit 102 (two (2)-bedrooms at 981 square feet) and Unit 104 (two (2)-bedrooms at 981 square feet). The average unit size is forty-six (46) square feet less the average total for two-bedroom units (1,027 square feet) in the Project. The Project is required to generate at least than two (2) affordable units at four (4) bedrooms. As proposed, the Project would generate two (2) affordable units at four (4) bedrooms to Housing at 981 square feet. Housing preliminarily approves the Applicant's requested affordable units.

Per GMC Chapter 30.35, the Inclusionary Zoning Ordinance (the "IZO"), a housing development (a rental development project of eight (8) or more dwelling units proposed to be constructed in the City) must provide fifteen percent (15%) of the units as

affordable to low-income households. The Project is subject to the IZO. The Project is required to provide two (2) affordable units to low-income households (15 percent of 9 base density units (1.35 rounded up to 2)). Therefore, the Project will meet the IZO requirement through the requirement to provide two (2) affordable units to very low-income households. No additional affordable units are required under the IZO.

Per GMC 4.11, the Affordable Housing Commercial Development Impact Fee (the "Commercial DIF") is not applicable to the Project as it does not entail a permitted commercial component.

The applicant is entitled to a fifty percent (50%) density bonus by providing two (2) very low-income units (15 percent of the base density of 9 = 1.35 rounded up to 2). The applicant is requesting a fifty percent (50%) density bonus and this request complies with Density Bonus Law, which allows up to a fifty percent (50%) maximum density bonus, as well as three (3) incentives in exchange for the provision of two (2) very low-income units. With a fifty percent (50%) density bonus, the Project is permitted fourteen (14) units ($9 \times 1.50 = 13.5$). With a 15% affordability level, the applicant is entitled to and is requesting three (3) concessions pursuant to the Density Bonus Law and GMC Chapter 30.36. The Developer will be required to enter into a Density Bonus Housing Agreement ("DB Agreement") in which the Developer will covenant that at least 15 percent of the nine base density units (1.35 rounded up to 2) will be restricted to rental to very low-income households. The DB Agreement with the City will be a recorded restriction on the property on which the affordable units and density bonus are constructed. In addition, the DB Agreement will run with the land and bind all future owner and successors in interest for a period of 55 years.

The applicant has requested the following three (3) concessions:

- 1) Increase maximum allowed floor area ratio (FAR);
- 2) Reduce required minimum and average street front setback (all floors); and
- 3) Reduce required common open space

The applicant is requesting an automatic parking concession under CA Govt Code 65915(p)(1), which states that an applicant of a housing development meeting the minimum requirements to qualify for a density bonus may apply for a parking concession, inclusive of handicapped and guest parking, pursuant to the following ratios: one (1) on-site parking space per unit for zero (0) to one (1)-bedroom units and one and one-half (1.5) on-site parking spaces per unit for two (2) to three (3)-bedroom units. The Project proposes a unit mix of nine (9) one (1)-bedroom units and five (5) two (2)-bedroom units. Based on the number of units and bedrooms provided, the parking concession pursuant

to CA Govt Code § 65915(p)(1) requires a minimum of seventeen (17) residential parking spaces ((9 units x 1) + (5 units x 1.5) = 16.5 rounded up to 17). The Project exceeds the minimum requirement per CA Govt Code § 65915(p)(1) and proposes to provide nineteen (19) parking spaces total. Accordingly, the Project meets and exceeds the parking concession requirements under CA Govt Code § 65915(p)(1).

In sum, and as stated above, the applicant is seeking approval of three concessions pursuant to Government Code Section 65915, *et seq.* and GMC Chapter 30.36 (Density Bonus Incentives). The three requested concessions are as follows:

1. Increase maximum allowed floor area ratio (FAR): In accordance with GMC Section 30.11.030 Table 30.11-B, the maximum allowed floor area ratio (FAR) for multi-family projects in the R-1650 zone is 1.0. (maximum 10,700). The applicant is requesting to exceed the maximum allowable floor area ratio. As proposed, the Project features a total FAR of 1.1 (11,241 square feet), exceeding the maximum allowable FAR by 0.1 (541 square feet).
2. Decrease required minimum and average street front setback (all floors): In accordance with GMC Section 30.11.020 Table 30.11-B, the minimum required street front setback is 20 feet minimum and an average of 23 feet for any garage or first residential floor, including walls greater than 18-inches must be setback a minimum of 20 feet; not less than 23 feet and an average of 26 feet for the second and third residential floors). The project proposes the building to be setback from the street front property line: minimum 15 ft, 6-inches and average 29 ft. 4-inches (first level); 20 ft, 5-inches and average 30 ft, 11-inches (second level); and minimum 16 ft., 6-inches and average 29 ft., 4-inches (third level); and proposes an approximate four-foot high planter wall within the required 20 ft. setback area.
3. Reduce common open space: Pursuant to GMC Section 30.11.050, a minimum 200 square feet of common open space is required per unit (200 sq. ft x 14 units=2800 sq ft.). The project proposes to reduce the reduce the total common outdoor space by 278 square feet by proposing 2,522 square feet where 2,800 square feet is the minimum required.

CONCESSIONS/INCENTIVES FINDINGS

After considering the evidence presented with respect to this application, the Director of Community Development was unable to make the necessary findings to deny any of the requested concessions for approval of the Density Bonus Housing Plan. The requested concessions are required in this case to allow the density bonus requested, while reducing costs to the developer. The additional density and the resulting savings that the developer realizes will be significant and will allow the affordable housing costs and

rents to be reduced. The City's General Plan Housing Element encourages the production of affordable housing and provides for flexibility in creating such units. As a result, the Director of Community Development has **GRANTED** the requested concessions pursuant to California Government Code Sections 65915, *et seq.* and GMC Section 30.36.050 because the Project is providing 15 percent of the total base density units of the housing development as affordable units, which will be restricted to very low-income households, as defined in Section 50105 of the Health and Safety Code. Pursuant to GMC Section 30.36.080(A), the Director of Community Development shall grant the requested incentives or concessions, unless he or she makes written findings, based upon substantial evidence, of any one (1) or more of the following:

- 1. The concessions (incentives) must be granted *unless* the Director finds, based on substantial evidence, that the concessions do not result in identifiable and actual cost reductions to provide for affordable housing costs or to provide affordable rents.**

This denial finding cannot be made, as there is no evidence that the incentives will not result in actual and identifiable cost reductions to build the housing and/or provide affordable rent. The Density Bonus Housing Plan meets the requirements of Density Bonus Law because at least 15% of the total units of the housing development will be restricted to very low-income households, as defined in Section 50105 of the Health and Safety Code. The Project is located in the R-1650 (Medium-High Density Residential) zone. In accordance with GMC section 30.11.030, Table 30.11-B, the maximum density allowed on a lot where the width is greater than 90 feet is one dwelling unit for every 1,320 square-feet of lot area. The Project's site is 10,700 square feet in size, with a lot width of approximately 92.35 feet along North Pacific Avenue and 121.08 feet along Glenwood Road. By right, the Project has a maximum density allowed of 9 units ($10,700 / 1,320 = 8.1$ rounded up to 9 (CA Govt Code § 65915(q) requires all density bonus calculations to be rounded up)). The applicant is requesting a fifty percent (50%) density bonus and is requesting to provide two (2) very low-income units. This request complies with Density Bonus Law, which allows up to a fifty percent (50%) maximum density bonus, as well as three (3) incentives in exchange for the provision of two (2) very low-income units.

With a fifty percent (50%) density bonus, the Project is permitted fourteen (14) units ($9 \times 1.50 = 13.5$). With a fifteen percent (15%) affordability level, the applicant is entitled to three (3) concessions pursuant to the Density Bonus Law and GMC Chapter 30.36. The Density Bonus Housing Plan meets the requirements of GMC Section 30.36.050. The Project applicant will be required to execute a Density Bonus Housing Agreement, which provides for long-term affordability, subject to review and approval by the City Attorney.

The applicant is seeking approval of three concessions pursuant to Government Code Section 65915, et seq. and GMC Chapter 30.36 (Density Bonus Incentives) for, 1) increasing the maximum allowed FAR to 1.1 (11,241 square feet), where the maximum allowed is 1.0 (exceeding the maximum allowable FAR by 0.1 (541 square feet); 2) decreasing the minimum and average street front and average setback at the front of the building (facing Pacific Avenue) on all floors where the requirement is 20 feet minimum and an average of 23 feet for any garage or first residential floor, including walls greater than 18-inches must be setback a minimum of 20 feet; not less than 23 feet and an average of 26 feet for the second and third residential floors). The project proposes the building to be setback from the street front property line: minimum 15 ft, 6-inches and average 29 ft. 4-inches (first level); 20 ft, 5-inches and average 30 ft, 11-inches (second level); and minimum 16 ft., 6-inches and average 29 ft., 4-inches (third level); and proposes an approximate four-foot high planter wall within the required 20 ft. setback area; and 3) reducing common open space by 278 square feet (proposing 2,522 square feet total), where a minimum 200 square feet per unit common open space is required (2,800 square feet total).

This denial finding cannot be made, as there is no evidence that the concessions will not result in actual cost reductions to provide for affordable rents. To the contrary, it is highly likely that the concessions will result in identifiable and actual cost reductions to provide affordable rents. The requested concessions, taken as a whole, are required to allow for the additional density requested and a greater number of including affordable units to be constructed on the same amount of lot area consistent with State Law. The concessions, together, will reduce costs to the applicant for providing affordable units by creating construction efficiencies and inherent reductions in costs by allowing the construction of a greater number of units. The additional units will result in actual and identifiable cost reductions because the additional units will take advantage of construction efficiencies when being built and will generate rental income to offset the cost of providing the units at an affordable rent. If the Project were to comply with the Zoning Code regulations associated with maximum allowed floor area ratio, minimum and average front setback regulations, and minimum common open space, the footprint of the new building would be significantly impacted and would subsequently affect the viability of the Project and the proposed development build-out. With the requested concessions, the owner/applicant will realize cost reductions that will allow it to provide the two (2) housing units at an affordable rent.

- 2. The concessions (incentives) must be granted *unless* the Director finds, based on substantial evidence, that they will have a “specific adverse impact upon public health and safety,” as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, 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 housing development unaffordable to low-income and**

moderate-income households. Specific, adverse impact is defined as “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.” (Government Code section 65589.5(d)(2).) 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.

The applicant is seeking approval of three concessions pursuant to Government Code Section 65915, et seq. and GMC Chapter 30.36 (Density Bonus Incentives), discussed in detail above, in exchange for providing two (2) affordable units for very-low-income households. This denial finding cannot be made as there is no evidence that the incentives will have any adverse impacts. To the contrary, 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 concessions for increasing floor area ratio, decreasing the minimum and average street front setback on all floors, and reducing common open space. The Project Site has not been listed on the National Register of Historic Places, California Register of Historical Resources, or Glendale Register of Historic Resources, and has not been identified as a historic resource in any survey. Moreover, an individualized analysis by Planning staff was conducted and staff concluded there is no evidence the Project Site or the structure on the Project Site are historic. Accordingly, this denial finding cannot be met.

The concessions do not include or necessitate reductions in standards to any state or local Building and Safety Division (Community Development Department), Fire department or Engineering Division (Public Works Department) requirements or any other objective, identifiable written requirements pertaining to health and safety. The existing residential buildings on the Project site which are proposed to be demolished, are not historically or culturally significant. Therefore, demolition of the existing buildings would not be considered a significant impact. Moreover, the proposed Project is exempt from further CEQA review based on the fact that it meets the requirements to qualify for a Class 32 “In-fill Development Project” and thus, does not exceed thresholds for noise, traffic, air quality and water and will not result in significant cumulative impacts. (See Attachment 2, “Class 32 Infill Exemption Analysis”). The remaining setbacks - interior and street side setbacks - are in compliance with the Zoning Code in order to provide light, air and ventilation for adjacent buildings, especially along the north side adjacent to single family residential and the rear (west) side adjacent to multi-family residential building.

Furthermore, the concessions allow for additional buildable area on the site, which will then accommodate additional dwelling units. The additional density will, in fact, promote the City's health and safety in that there will be greater housing opportunities for low-income households. Moreover, the Project will advance the goals and policies of the General Plan, Housing Element (2021-2029), including, but not limited to, Goal 1 ("A City with a Wide Range of Housing Types to Meet the Needs of Current and Future Residents"), Goal 3 ("A City with Increased Opportunities for Affordable and Special Needs Housing Development") and Policies 3.1 and 3.2 ("Encourage both the private and public sectors to produce or assist in the production of affordable housing for special needs groups such as: persons with disabilities, the elderly, large families, single-parent households, and formerly homeless") and ("Promote the development of extremely low, very low, low and moderate income housing by allowing developers density bonuses or other financial incentives for providing units for low and moderate income residents. The unit mix and location of affordable housing units in density bonus projects must be approved by the City and included in an affordable housing agreement.").

- 3. The concessions (incentives) must be granted *unless* the Director finds, based on substantial evidence, that the concessions will be contrary to state or federal law.**

The requested concessions will not be contrary to state or federal law and do not require any other discretionary entitlement other than Design Review Board review and approval. The Project is designed to comply with Building and Safety codes and the proposed 14-unit affordable housing residential project is consistent with the General Plan. The Project meets the goals and policies in the Housing Element to provide affordable housing. There is no evidence of state or federal laws being violated. Accordingly, this denial finding cannot be met. In addition to the three requested concessions, the applicant is requesting to use the Parking Concessions in accordance with Density Bonus Law. Per California Government Code section 65915(p), the Project qualifies for reduced parking inclusive of guest and handicapped spaces, and tandem parking, and is required to provide seventeen (17) parking spaces for the residential units; the Project is providing in excess of the requirement – a total of nineteen (19) parking spaces total are proposed, and thus, exceeds the Parking Concession requirement with 19 parking spaces (inclusive of 8 tandem spaces) within a one-level semi-subterranean parking garage for the residents.

Since there is no substantial evidence to support any of the three findings for denial, the Director of Community Development must grant, and does hereby grant, the requested concessions.

CONDITIONS OF APPROVAL

APPROVAL of this Density Bonus Housing Plan shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein as approved by the Director of Community Development.
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 be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
4. That any expansion or modification of the structure or use shall require a new Density Bonus application. The phrase "modification of the structure or use" includes, but is not limited to, proposing a different percentage of the units as affordable or altering the affordability of the units (i.e., proposing the affordable units be restricted to low- or moderate-income households when the approval is originally for very low-income households). Expansion shall constitute adding of new floor area, reduction of parking and open spaces, or any physical changes as determined by the Director of Community Development.
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 Director of Community Development or his/her designee and subject to approval as to form and content by the City Attorney. Such Density Bonus Housing Agreement shall restrict the rentals of the required percentage of dwelling units in the housing development to persons or families of very low-income households, as specifically 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 shall 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 be to the satisfaction of the City's Housing Division.

7. That the affordability term of 55 years shall not start until the date of recordation of the Housing Notice of Completion. The applicant shall notify the 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 the premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Services, etc.) for inspection to ascertain that all conditions of approval of this Density Bonus application are complied with.
9. That the applicant shall comply with all Section/Department requirements as specified in their memos to the satisfaction of the City or Department Director. These memos include but are not limited to GWP (July 17, 2023), Public Works Engineering (August 8, 2023), Traffic Engineering (August 28, 2023), Maintenance Services/Urban Forester (July 17, 2023 & March 14, 2024), (Building and Safety Division (July 31, 2023) Community Development Housing Division (August 8, 2023), Community Services and Parks (July 17, 2023), and Fire Prevention Engineering (July 28, 2023).
10. That approval of the Design Review Board shall be obtained prior to applying for or obtaining building permits.
11. That if any buildings, sidewalks, curb, or gutter, fencing or landscaping areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Director of Public Works for public property.
12. That any proposed exterior lighting shall be directed on the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Director of Community Development.
13. That the developer shall comply with the City's Inclusionary Zoning Ordinance (IZO), as regulated by GMC Chapter 30.35.
14. That the applicant, the owner of the Site, 1301-1303 North Pacific Avenue and 501 Glenwood Road, and any of their successors and/or assigns (collectively, "Developer") agrees to defend, indemnify, and hold harmless the City, and each of its agents, officers, council members, commissioners, attorneys, employees and representatives, with counsel reasonably acceptable to the City, from any claim, action or proceeding brought against the City to attack, set aside, void or annul any City land use approval for the Project located at 1301-1303 North

Pacific Avenue and 501 Glenwood Road, Glendale, CA 91202 (the "Project"). At its sole discretion, the City may participate at its own expense in the defense of any such action, but such participation shall not relieve the Developer of any obligation imposed by this condition. The Developer's indemnity, defense and hold harmless obligations shall include, without limitation, payment of all damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action or proceeding. In the event that a claim, action or proceeding referenced herein is brought, the City shall promptly notify the Developer of the existence of the claim, action or proceeding and will cooperate fully in the defense of such claim, action or proceeding. As used herein, "land use approval" refers to decisions of the City approving requests for planning permits for the Project including, but not limited to, density bonus housing plans (including requests for density bonus, incentives and/or waivers), design review, general plan amendments, zone changes, zoning ordinance text amendments, tentative maps, vesting tentative maps, tentative parcel maps, reversions to acreage, final maps, final map modifications or amendments, time extensions, parcel map waivers, lot line adjustments, boundary line adjustments, certificates of compliance, conditional certificates of compliance, development agreements, conditional use permits, conditional use permit modifications, conditional use permit extensions, variances, variance modifications, precise plan of design, specific plans, sign permits, site plans, temporary use permits, any administrative or discretionary permit or any accompanying California Environmental Quality Act determinations pertaining to the type of approval referred to in this section, and any other similar approval. Notwithstanding the above, the Developer may be required, at the City's election, to execute a formal agreement with the City setting forth the above defense, indemnification and hold harmless provisions in substance, within five (5) business days of this approval.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **APRIL 18, 2024**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before APRIL 18, 2024. Information regarding appeals and appeals fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Milca Toledo, at MiToledo@glendaleca.gov or 818-937-8181.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a Density Bonus Housing plan shall terminate two (2) 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 (1) 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 (2) 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.

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 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.

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. of conditions required by this determination may be grounds for a revocation.

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, Milca Toledo, who acted on this case. 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.

You may contact the case planner, Milca Toledo, during normal business hours at (818) 937-8181 or via e-mail at MiToledo@glendaleca.gov.

Sincerely,



BC
Bradley Calvert
Director of Community Development

Attachments

1. Density Bonus Housing Plan
2. Class 32 Infill Exemption Analysis

Cc: City Attorney's Office (Yvette Neukian)
Community Development – Housing Division (Peter Zovak/Mike Fortney/Michelle Yekikian)