



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

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Rodney Khan
Khan Consulting, Inc.
2033 Oak Valley Road
Glendale, CA 91208

**RE: 117-121 EAST FAIRVIEW AVENUE
DENSITY BONUS & INCLUSIONARY HOUSING PLAN
CASE NO. PDBP 002254-2023**

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 five (5)-story, 40,489 square-foot multi-family residential project with 36 residential units, featuring three (3) affordable units restricted to very low-income households and two (2) affordable units restricted to moderate income households ("Project"). Parking will be provided within an under-ground (subterranean) garage with 43 parking spaces. The seven (7) existing buildings addressed as 117 East Fairview Avenue, 117 East Fairview Ave - Apartment A, 117 East Fairview Avenue - Apartment B, 119 East Fairview Avenue, 121 East Fairview Avenue, 121 East Fairview Avenue – Apartment A, and an accessory building (constructed circa 1911, 1922, 1923 and 1924) will be removed in conjunction with the project. The project site is 18,260 square feet and located at **117-121 East Fairview Avenue**, in the "R-1250" - (High Density Residential) zone and described as Lots 39 and 41 of the Fairview Tract, as per Map recorded in Book 11, Page 15 of Maps, in the City of Glendale, and both 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.

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% of the units in a housing development to very-low income households, a mandatory 50% density bonus, as well as agrees to provide an additional 10% of the units in a housing development to moderate-income households for an additional 32.5% density bonus (second density bonus) pursuant to Assembly Bill No. 1287 to amend Section 65915 of the Government Code to allow additional density bonus and incentives or concessions. The Density Bonus Housing Plan meets the requirements of the Density Bonus Law because the Project is providing 15% of the total base density units of the housing development as affordable units which will be restricted to very low-income households and an additional 32.5% of the total base density units to moderate-income households, as defined in Section 50105 of the Health and Safety Code.

The Project involves the demolition of seven buildings addressed as 117 E. Fairview, 117 East Fairview Avenue - Apartment A, 117 East Fairview Avenue – Apartment B, 119 East Fairview Avenue, 121 East Fairview, 121 East Fairview Avenue - Apartment A, and an accessory building (constructed circa 1911, 1922, 1923 and 1924). The Project site has a lot area of 18,260 square feet located on the north side of Fairview Avenue. The proposed residential development consists of a new five (5)-story, 36-unit multi-family residential project totaling 40,489 square feet over a two (2)-level, semi-subterranean parking structure containing 43 residential parking spaces. The Project will provide three (3) affordable units reserved for rent to very low-income households and two affordable units restricted to moderate income households.

The Project site is located in the R-1250 (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 1,000 square feet of lot area. The Project's site

is 18,260 square feet in size, with a lot width of approximately 107.5 feet. By right, the Project has a base density allowed of 19 units ($18,260 / 1,000 = 18.26$ rounded up to 19 (CA Govt Code § 65915(q) requires all density bonus calculations to be rounded up)). The Project is requesting a 50% density bonus ($19 \text{ base density} \times 1.50 = 28.5$ rounded up to 29 units) and is requesting to provide three very low-income units. Given three (3) very low-income units ($3 \text{ very low-income units} / 19 \text{ maximum density} = 15\%$ level of affordability) are set aside, the project is entitled to three concessions. Further, the applicant is requesting to utilize the additional second density bonus by CA Govt Code 65915(v), which allows an additional density bonus for additional rental or for sale units affordable to very low- or moderate-income households. By CA Govt Code 65915(v)(2), the Project is requesting an additional 32.5% density bonus ($19 \text{ maximum density} \times 32.5\% = 6.175$ rounded up to 7 additional units) in exchange for the provision of setting aside 10% or two of the units for moderate-income households ($10\% \times 19 \text{ base density} = 1.9$ rounded up to 2 moderate-income units). Combining the Project's requested 50% density bonus and 32.5% additional second density bonus, the overall density bonus request includes a total of 36 units.

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 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 on <https://www.huduser.gov/portal/datasets/cp.html> and dividing the total households from those three categories (32,600 households) by the total renters within the City of Glendale (49,350 households), this presumption amounts to 66.06% ($32,600 / 49,350 = 66.06\%$) of renter households at or below 80% AMI. Per the Los Angeles County Assessor, there are currently seven existing residential dwelling units at 10 bedrooms total on parcels 5644-011-009 and 5644-011-010. The Project is subject to the 66.06% presumption set forward by HUD.

By applying the rebuttable presumption of 66.06% to the seven existing residential dwelling units, this calculated to 5 replacement units ($66.06\% \times 7 = 4.62$ rounded up to 5) at seven bedrooms total ($66.06\% \times 10 = 6.606$ rounded up to 7) were to be replaced under State Density Bonus Law. With three of the seven existing units being proven to be

over-income and exempt from the replacement obligation calculation and one unit being known to be a lower income unit, three of the units will now be subject to the State Density Bonus Law replacement obligation via rebuttable presumption and one unit will be required to be replaced. Two units ($66.06\% \times 3 = 1.98$ rounded up to 2) at three bedrooms total ($66.06\% \times 4$ bedrooms subject to the replacement obligation (10 existing bedrooms - 5 over income bedrooms - 1 known replacement unit)) = 2.64 rounded up to 3) are required to be replaced under State Density Bonus Law's rebuttable presumption. The total replacement obligation requires three lower-income units, comprising a total of four bedrooms, to be set aside for lower incomes in order to satisfy the State Density Bonus Law replacement obligation. The Project is required to provide four bedrooms through the requirement to provide three affordable units to very low-income households and three bedrooms through the requirement to provide two affordable units to moderate income households under CA Govt Code § 65915. As such, Applicant has met the replacement obligation.

Per GMC 30.35, the Inclusionary Zoning Ordinance (the "IZO") requires a housing development (a rental development project of eight or more dwelling units proposed to be constructed in the City) to provide 15% of the units as affordable to low-income households. The Project is subject to the IZO. The Project is required to provide three affordable units to low-income households [15% of 19 base density units (2.85 rounded up to 3)]. Therefore, the Project will meet the IZO requirement through the requirement to provide three affordable units to very low-income households under GMC 30.36. 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 the Project does not entail a permitted commercial component.

The applicant is entitled to a 50% density bonus by providing three very low-income units (15 percent of the base density of 19 = 2.85 rounded up to 3). With a 15% affordability level, the applicant is entitled to and is requesting three concessions pursuant to the Density Bonus Law and GMC Chapter 30.36. Further, the applicant is entitled to a 32.5% additional density bonus on top of the existing maximum 50% density bonus provided by Density Bonus Law by setting aside two moderate-income units ($10\% \times 19$ base density = 1.9 rounded up to 2 moderate-income units). While the AB1287 increases the number of available incentives or concessions for mixed-income, and 100% affordable housing developments, the Project does qualify for the fourth incentive or concession for mixed-income projects because it does not include at least 16% of the units for very low-income households in a development in which the units are for rent nor does the Project include for the sale or at least 45 percent of the units for moderate-income households in a development in which the units are for sale. And the Project does not qualify for the fifth incentive or concession because the Project

does not satisfy the criteria of a 100% affordable housing development. 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% of the 19 base density units (2.85 rounded up to 3) restricted to rental to very low-income households and at least 10% of the 19 base density units (10% x 19 base density = 1.9 rounded up to 2) restricted to moderate-income units. 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 building height and stories;
2. increase maximum allowed floor area ratio (FAR); and
3. decrease the amount of required common outdoor space.

As stated above, the applicant is seeking approval of three concessions (3) 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 the maximum height and stories: In accordance with GMC Section 30.11.030 Table 30.11-B, the maximum allowed height is three stories and 36 feet. The Project proposes to increase the maximum allowed number of stories to five and the overall building height to approximately 60 feet, 11-inches (24-foot, 3-inch height increase).
2. Increase maximum allowed floor area ratio (FAR): In accordance with GMC Section 30.11.020 Table 30.11-B, the maximum allowable floor area ratio (FAR) for multi-family projects in the R-1250 zone is 1.2 (maximum 21,912 square feet for the subject Project). The applicant is requesting to exceed the maximum allowable floor area ratio. As proposed, the Project features a total FAR of 2.2 (40,489 square feet), exceeding the maximum allowable FAR by 1.0 (18,577 square feet).
3. Decrease the amount of required common outdoor space: Pursuant to GMC Section 30.11.050(c) a minimum common outdoor space of 200 square feet shall be provided per dwelling unit for the first 25 dwelling units on a lot; a minimum common outdoor space of 150 square feet shall be provided per dwelling unit for the second 25 dwelling units on a lot (the Project provides a total of 36 units is required to provide 6,650 square feet). As proposed, the Project will provide 3,220 square-feet of open space and will be deficient by 3,430 square-feet of common outdoor space.

In addition to these concessions, and as detailed above, the Project qualifies for the mandatory Parking Concession.

Pursuant to California Government Code section 65915(p) and GMC section 30.36.090, an applicant may request an automatic (mandatory) parking concession. Section 65915(p)(2)(A) of the California Government Code provides that upon the request of an applicant, the required vehicle parking ratio, inclusive of handicapped and guest parking, is not to exceed one parking space per studio for studio and one bedroom units and no more than one and one-half (1.5) parking spaces for two to three bedroom units for a development providing at least 11% very low-income units located within one-half mile of a major transit stop with unobstructed access ("Parking Concession"). The Parking Concession requires the applicant to provide a minimum of 40 residential parking spaces (29, one-bedroom units x 1.0 plus 7, two-bedroom units x 1.5 = 40). The Project exceeds the Parking Concession requirement by providing 43 parking spaces total. Accordingly, the Project meets and exceeds the Parking Concession minimum under Density Bonus Law, CA Govt Code Section 65915(p)(2)(A).

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% 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 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 and 10% will be restricted to moderate income households, as defined in Section 50105 of the Health and Safety Code. The Project is located in the R-1250 (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 1,000 square-feet of lot area. The Project's site is 18,260 square feet in size, with a lot width of 107.5 feet. By right, the Project has a maximum density allowed of 19 units ($18,260 / 1,000 = 18.26$ rounded up to 19). The applicant is entitled to a 50% density bonus by providing three very low-income units (15% of the base density of 19 = 2.85 rounded up to 3). The applicant is also requesting a 50% density bonus providing three very-low-income units and a 32.5% additional density bonus with two moderate-income units. Combining the Project's requested 50% density bonus and 32.5% additional density bonus, the overall density bonus request includes a total of 36 units. This request complies with Density Bonus Law, which allows up to a 50% maximum density bonus, as well as three incentives in exchange for the provision of three very low-income units. 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 building height to 60 feet, 11-inches (20-ft., 11-inch height increase) and five stories; 2) increasing the maximum allowed FAR to 2.2 (40,489 SF), where the maximum allowed is 1.2 [exceeding the maximum allowed by 1.0; (21,912 SF)]; and 3) decrease the amount of common outdoor space to 3,220 SF, where the minimum amount of common outdoor space shall be 200 square feet per dwelling unit for the first 25 dwelling units on a lot and 150 square feet shall be provided per dwelling unit for the second 25 dwelling units on a lot (6,650 SF of common outdoor space required; decrease of 3,430 SF).

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, there is substantial evidence 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 units to be constructed on the same amount of lot area. 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 building height/number of stories, maximum allowed floor area ratio and provide common outdoor 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 five housing units including three very-low-income units and two moderate-income 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 three affordable units for very-low-income households and two moderate-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 increased number of stories and building height and floor area ratio, and reduced amount of common outdoor 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. A Historical Resources Assessment Report (HRA) was prepared by Sapphos Environmental, Inc. (dated October 26, 2022) for the Project to determine if the subject property constitutes as a historical resource. The HRA determined that it does not appear to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the City of Glendale Register of Historic Resources, or as a local historic district. This finding is based on the substantial alterations made to the property over the years. Different buildings have different levels of alteration, with changes to windows and siding being typical throughout, despite some areas being relatively unchanged. Several units suggest a "modernization" campaign was conducted in the 1950s or 1960s, with the addition of *brises soleils* and other porch alterations, the application of wide horizontal siding and wood framing elements at some facades, and the construction of exposed concrete piers in one area that support wooden elements that appear to be primarily design features, rather than functional elements. Staff agrees with the finding of the HRA because the site's changes result in a lack of architectural cohesion that negatively affects its historic integrity, including the aspects of design, setting, materials, workmanship, and feeling. While the property is outside the area covered in the South Glendale Historic Context, that document's registration standards for pre-World War II multi-family residential properties are applicable in this case. The Context identifies the bungalow court as a rare typology, but the registration standards nonetheless now require that most aspects of integrity be present and that is no longer the case at this property. In addition, no significant events are known to have occurred at the site and it is not associated with any persons of historic significance. Therefore, the subject property does not meet one or more eligibility criteria and is not a historic resource pursuant to Section 15064.5(a) of the CEQA Guidelines. 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"). Furthermore, the provided setbacks are in compliance with the Zoning Code in order to provide light, air and ventilation for adjacent buildings, which consist of similar multi-family residential buildings to the west and southwest, commercial buildings to east and south, and

institutional buildings (Saint Mark's Episcopal Church and Preschool) abutting north of the subject site.

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 and moderate-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 36-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 is required to provide 40 parking spaces for the residential units; the Project is providing in excess of the requirement – a total of 43 parking spaces within a two-level 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 and moderate 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 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 applicant shall comply with California Government Code Sections 66300 (d) (2) (C) and (D) in regard to existing occupants of the buildings proposed to be demolished.
9. 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.
10. 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 (October 24, 2023), Public Works Engineering (November 21, 2023), Traffic Engineering (October 31, 2023), Maintenance Services/Urban Forester (October 11, 2023), (Building and Safety Division (October 15, 2023) Community Development Housing Division (revised July 16, 2024), Community Services and Parks (October 11, 2023), and Fire Prevention Engineering (October 20, 2023).
11. That approval of the Design Review Board shall be obtained prior to applying for or obtaining building permits.
12. 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.
13. 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.
14. That the developer shall comply with the City's Inclusionary Zoning Ordinance (IZO), as regulated by GMC Chapter 30.35.
15. That the applicant, the owner of the Site, 117-121 East Fairview Avenue, 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 117-121 East Fairview Avenue,

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, on **SEPTEMBER 4, 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 SEPTEMBER 4, 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, Dennis Joe, at DJoe@glendaleca.gov or 818-937-8157.

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, Dennis Joe, 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, Dennis Joe, during normal business hours at (818) 937-8157 or via e-mail at DJoe@glendaleca.gov.

Sincerely,


Bradley Calvert
Director of Community Development

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Attachments

1. Density Bonus Housing Plan
2. Historic Resources Assessment Report (Sapphos Environmental, Inc., dated October 26, 2022)
3. Class 32 Infill Exemption Analysis

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