Final Sustainable Communities Environmental Assessment (SCEA)

Prepared for:

Glendale Unified School District Site Apartment Project

223–241 N. Jackson Street & 206–220 N. Kenwood Street, Glendale, CA 91206

City of Glendale, Community Development Department

December 2018

1.1 COMMENT LETTERS RECEIVED

The following comment letters/email correspondence was received on the Draft Sustainable Community Environmental Assessment (SCEA) during the 30-day public review period.

Table 1.0-1
Comment Letters on Draft SCEA

Name of Commenter	Date Comment Received	Comment Letter No.
Roben Torosyan	October 26, 2018	1
Anahit Sargsyan	October 27, 2018	2
Noel J. Johnson	November 5, 2018	3
Naira Soghbatyan	November 7, 2018	4
Todd McClintock	November 7, 2018	5
Mig	November 7, 2018	6
Ali Jones	November 7, 2018	7
Emilie Pallos	November 7, 2018	8
Gayane Soghbatyan	November 7, 2018	9
Darlene Sano	November 7, 2018	10
Tamara and John O'Connor	November 8, 2018	11
Priscilla Carde'	November 8, 2018	12
Cathy Jurca	November 8, 2018	13
Meredith Gold	November 8, 2018	14
Lusine Soghbatyan, MD	November 9, 2018	15
Brian Watters	November 9, 2018	16
Tim Watters	November 9, 2018	17
Lili Amiryan	November 9, 2018	18
Penelope Lundholm	November 9, 2018	19
Leonard Davidian, President Park Lexington Homeowners Association	November 9, 2018	20
Aram Amiryan	November 9, 2018	21
Hmayak Sargsyan	November 9, 2018	22
Anahit Safaryan	November 9, 2018	23

Toledo, Milca

From:	Rouben Torosyan <parl1am@yahoo.com>
Sent:	Friday, October 26, 2018 7:48 PM
To:	Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Cc:	Rouben Torosyan
Subject:	The full support of Ms. Naira Soghbatyan's letter

From: Ruben Torosyan <parl1am@yahoo.com>

To: Paula Devine <pdevine@glendaleca.gov>; Vrej Agajanian <vagajanian@glendaleca.gov>; Vartan Gharpetian <vgharpetian@glendaleca.gov>; Zareh Sinanyan <zsinanyan@glendaleca.gov>; Ara Najarian <anajarian@glendaleca.gov>; Ardashes Kassakhian <akassakhian@glendaleca.gov>; Michael Garcia <mjgarcia@glendaleca.gov>; Erik Krause <ekrause@glendaleca.gov>; Milca Toledo <mitoledo@glendaleca.gov>

Sent: Friday, October 26, 2018, 8:23:09 AM

Subject: The full support of Ms. Naira Soghbatyan's letter to your address of October 24, 2018 with the addition of our observations on the inadmissibility of the approval of the project "206-220 North Kenwood Street и 223-241 North Jackson Street" 1-1

Dear Mayor and Councilmembers,

Our family consists of four people and we are against the construction of this project for the following reasons:

1. the project does not have an elementary justification for the provision of standards for the protection of nature, exhaust gases, population density and vehicles in this part of the city; 1-2

2. the project was made without calculating the incidence of natural light on our building; 1-3

3. the design process is carried out without reasonable warning of the inhabitants of this part of the city; 1-4

4. Construction company uses illegal methods of project propaganda: unreliable and anti-Semitic. 1-5

As a result of the foregoing, our constitutional rights are grossly violated, including, and first of all for my disabled daughter.

About all of this, ten days ago, I informed that you didn't even react. Dear Board members,

we have chosen you to protect our constitutional rights of life, to receive reliable information, to free speech and to express, etc. Proceeding from this and the above-stated, we demand do not approve the mentioned project. Moreover, we ask you to take measures to investigate the reasons for the unlawful propaganda by the building organization.

Sincerely

Ruben Torosyan

The former parliamentarian of Armenia

Toledo, Milca

From:	Anahit Sargsyan <bw_ngo@yahoo.com>
Sent:	Saturday, October 27, 2018 2:31 PM
To:	Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Cc:	Anahit Sargsyan
Subject:	Support to Ms Naira Soghbatyan 's Petition to Reject the Project

From: Anahit Sargsyan bw_ngo@yahoo.com
To: Paula Devine <pdevine@glendaleca.gov>; Vrej Agajanian <vagajanian@glendaleca.gov>; Vartan Gharpetian <vgharpetian@glendaleca.gov>; Zareh Sinanyan <zsinanyan@glendaleca.gov>; Ara Najarian <anajarian@glendaleca.gov>; Ardashes Kassakhian <akassakhian@glendaleca.gov>; Michael Garcia <mjgarcia@glendaleca.gov>; Erik Krause <ekrause@glendaleca.gov>; Milca Toledo <mitoledo@glendaleca.gov>
Sent: October 27, 2018,
Subject Support to Ms Naira Soghbatyan 's Petition to Reject the Project

Dear Mayor and Councilmembers:

I support to Ms Naira Soghbatyan's Petition to **Reject the** Carmel Partners Project PDBP 1809922 and ask you to STOP destroying our neighborhood. 2-1
1

We do not need more development in our city! We don't need another mega apartment structure in Glendale. Do you live in Glendale and don't see huge traffic in Glendale, especially in downtown Glendale? 2-2

Sincerely
Anahit Sargsyan

Noel J. Johnson
412 N. Kenwood Street, # 303
Glendale, California 91206-3272
818/ 240-4297 jnoelj2000@yahoo.com

November 5, 2018

City of Glendale, Community Development Department
633 E. Broadway, Room 103
Glendale, CA

Attn: Milca Toledo, Senior Planner

Subject: Sustainable Communities Environmental Assessment (SCEA)
Density Bonus Case No. PDBP1809922
Applicant: CP VI Jackson Street LLC)
Property: 206-220 Kenwood Street, 223-241 Jackson Street

Dear Ms. Toledo:

The purpose of this letter is to request that the above-referenced SCEA not be approved until the issues discussed below are specifically and adequately addressed by your Department.

First, the development, as proposed, would violate the basic principle of municipal land-use of maintaining continuity in the 'City 3-1

Center' neighborhood [bounded by Maryland and Geneva Streets, Wilson Avenue and the 134 Freeway, and zoned R-1250] in that:

1. The project would be the LARGEST (192 units) to be built in the neighborhood since 1973;
2. It would be FOUR TIMES LARGER than any apartment complex built therein in the last 45 years; and
3. It would be the ONLY such complex comprised of four residential stories EVER built in the neighborhood.

3-1

Second, the number of parking spaces to be provided in the Project will not accommodate the true number of vehicles to be garaged therein:

1. Zoning regulations for this 'hood normally require TWO spaces per unit (G.M.C. 30.36.050);
2. The developer (Carmel Partners) posits that ONE parking space per unit is appropriate under the proposed plan;
3. The rents likely to be charged by Carmel [b/o those in effect at its Altana project one-half mile N/W of the subject property] would range from $2,000 to more than $5,000 per month, requiring the income of TWO WORKING ADULTS per unit to cover the monthly rent; most probably, each adult would drive a vehicle, necessitating more than one space per unit;
4. At least SEVENTY VEHICLES would end up parked overnight on the surrounding streets [one per studio, two per 2bdrm, and approximately 1.5 per 1bdrm.

3-2

5. Currently, there are sixty-seven parking spots on Kenwood and Jackson Streets between Wilson Avenue and California Street, all occupied 24/7; the additional seventy-plus vehicles would OVERWHELM the neighborhood parking situation. 3-2

Once constructed, the structure can't be reduced in size; it also would become a precedent in analyzing future developments in this residential neighborhood.

For the reasons cited above, the proposed project would negatively impact the numerous residents of the 'City Center' neighborhood and violate a core principle of land-use planning.

I urge your Department to find that the SCEA is insufficient until these issues are directly addressed.

Sincerely,

Noel J. Johnson

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Toledo, Milca
Sent: Wednesday, November 07, 2018 12:51 PM
To: Krause, Erik
Subject: FW: Opposition to GUSD Apartment Project - Case No. PDBP1809922

From: Naira Soghbatyan [mailto:nairas2003@yahoo.com]
Sent: Wednesday, November 07, 2018 10:30 AM
To: Toledo, Milca; Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Councilmembers:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));
6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;
7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is <u>fuly</u> occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;

13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,
Naira Soghbatyan, Esq.

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Please refer to Letter No. 10 for bracketed comments.

Krause, Erik

From: Todd McClintock <todd2289@gmail.com>
Sent: Wednesday, November 07, 2018 11:13 AM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Ms. Toledo and dear Councilmembers:

As a resident and property owner of Glendale, living and working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

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There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential

population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));
6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;
7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
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Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
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Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer:
the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
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3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
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10) increase of the floors of the building from 3 floors to 5 floors;
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12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,
Todd and Jessica McClintock

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Mig <migdia.chinea@gmail.com>
Sent: Wednesday, November 07, 2018 11:15 AM
To: Devine, Paula; Gharpetian, Vartan; Agajanian, Vrej; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Krause, Erik; Toledo, Milca; Garcia, Michael
Subject: Fwd: Opposition to GUSD Apartment Project - Case No. PDBP1809922

I'm Opposed to GUSD Apartment Project — case # **PDBP1809922**

Planner Milca Toledo.

Please, take the time to email the City to express your objections to this project. If you know anyone who may be interested to send their opposition, please feel free to forward this email to them and please ask them to do the same.

Please feel free to copy/paste my own writing into the body of your email, change your name, and email.

Subject line: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

To:
Paula Devine <pdevine@glendaleca.gov>; Vrej Agajanian <vagajanian@glendaleca.gov>; Vartan Gharpetian <vgharpetian@glendaleca.gov>; Zareh Sinanyan <zsinanyan@glendaleca.gov>; Ara Najarian <anajarian@glendaleca.gov>; Ardashes Kassakhian <akassakhian@glendaleca.gov>; Michael Garcia <mjgarcia@glendaleca.gov>; Erik Krause <ekrause@glendaleca.gov>; Milca Toledo <mitoledo@glendaleca.gov>

Thank you!

Also, if you have not signed the ipetition, please do so at:

Petition Stop The Sale of School Public Property to Developer and Another Monstrosity in Glendale!

Petition Stop The Sale of School Public Property to Developer and Anothe...

This is petition for Join the movement! Sign now!

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The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (818-450-6552), and delete the original message. Thank you.

----- Forwarded Message -----
From: Naira Soghbatyan <nairas2003@yahoo.com>
To: Milca Toledo <mitoledo@glendaleca.gov>; Paula Devine <pdevine@glendaleca.gov>; Vrej Agajanian <vagajanian@glendaleca.gov>; Vartan Gharpetian <vgharpetian@glendaleca.gov>; Ara Najarian <anajarian@glendaleca.gov>; Zareh Sinanyan <zsinanyan@glendaleca.gov>; Philip Lanzafame <planzafame@glendaleca.gov>
Sent: Wednesday, November 7, 2018, 10:30:19 AM PST
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Councilmembers:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
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In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density

bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.
The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,
Naira Soghbatyan, Esq.

==========
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (818-450-6552), and delete the original message. Thank you.

Toledo, Milca

Please refer to Letter No. 10 for bracketed comments.

From: ali jones <ali_jones5@yahoo.com>
Sent: Wednesday, November 07, 2018 12:03 PM
To: Toledo, Milca; Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Council members:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and

lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));
6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;
7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the

Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is <u>fuly</u> occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;

15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Kindest Regards,
Ali Jones

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Krause, Erik

From:	Emilie Pallos <epd2@charter.net>
Sent:	Wednesday, November 07, 2018 4:13 PM
To:	Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca; Beers, Yasmin K; Rich Garner
Subject:	Opposition to Case No. PDBP1809922 - GUSD Apartments Project

To the Mayor, Councilmembers, City Manager Yasmin Beers, City Clerk Ardy Kassakhian, Milca Toledo, Michael Garcia and Erik Krause,

I have been a Glendale resident for 48 years. I am a local business owner, a graduate of the public schools and a longtime member of the First United Methodist Church (since 1986). Glendale is my home.

Today I learned of the revised, proposed property swap between GUSD and Carmel Partners. This deal would include demolishing the GUSD's Administration Center in order to build a 207-unit residential development across the street from the church - four stories plus mezzanine - in reality, five stories tall. The original proposal planned for 286 units but has since been scaled back by developer Carmel Partners because of community opposition.

I continue to stand against the revised property swap and demolition proposal for several reasons.

1. Scale. GUSD building is four stories with a much smaller footprint and square footage, and set back from Wilson Ave. by a large parking lot. The scale fits the neighborhood. 8-1

2. Parking is a major issue for our church. Our parish has only 70 dedicated spaces on the large campus. The sanctuary seats 1,100 and the multipurpose Carlson Fellowship Center, where services and special events are held regularly, can accommodate 175 guests. The 100-member Los Angeles Master Chorale uses the Carlson for rehearsals throughout the year. Events, classes and meetings are also held in the Education Building every day. We require parking.

For years, the School District has generously provided parking on Sundays and for events. Without access to this large and convenient lot, our church could become truly inaccessible to members and visitors. We need parking close-by to continue to do our ministries. 8-2

I am asking for the city to require supplemental parking if this new residential project is approved. Please **require** Carmel Partners to provide extra well-marked, non-metered, convenient parking spaces for our church members and visitors on a **consistent basis**. This new development will require more than parking spaces for residents.

3. Quality of Life
Also, I ask that Council, city management and planners take a realistic, impartial, intelligent look at the true environmental impact of greenlighting so many large residential developments. Glendale has thousands of new units, built (or now under construction) in the last several years. When is 'enough' actually enough? 8-3

The north-south streets near the Methodist church are relatively narrow, and parking is at a premium now. A hotel at the corner of Wilson and Louise now under construction and located one block west, will impact traffic even more. 8-4

Thank you for your help with these important issues, and for sensible decisions regarding the future of our city. Please do not continue to grant developers carte blanche just because they have the means to build anything they want.

Sincerely,
Emilie Pallos

.....

Emilie Pallos Graphic Design
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Office (818) 242-9055
E-mail studio@emiliepallosdesign.com

Web emiliepallosdesign.com
Blog designerbird.blogspot.com

Good design is good business

.....

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Gayane Soghbatyan <gayanka.88@mail.ru>
Sent: Wednesday, November 07, 2018 10:18 PM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

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2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));
6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;
7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

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e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby

residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is fuly occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.
The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Gayane Soghbatyan
215 N Kenwood st., Apt. 311, Glendale, CA

Krause, Erik

From: Darlene Sano <dsano3@gmail.com>
Sent: Wednesday, November 07, 2018 11:25 AM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Council Members and Ms. Toledo:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff. 10-1
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS). 10-2
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count. 10-2

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g., 10-3

1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1); 10-4

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3)); 10-5

3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4)) 10-6

4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5)) 10-7

5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C)); 10-8

6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards; 10-9

7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many 10-10

adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E)) 10-10

8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7)) 10-11

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2)) 10-12

10) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5)) 10-13

11) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B)) 10-14

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations. 10-15 10-16 10-17 10-18

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

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e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc. 10-20

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Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

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g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan. 10-23

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction. 10-24

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. 10-25
The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Darlene Sano
212 N. Jackson St.

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Tammy <fouroconnors@earthlink.net>
Sent: Thursday, November 08, 2018 2:22 PM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP 1089922- GUSD Apartments Project

Dear Councilmembers and City Planners,

My husband and I have owned our five unit building on Kenwood for close to nineteen years.

As you can imagine, we are strongly opposed to the aforementioned project and ask that you deny both the sustainable communities environmental assessment (SCEA) and the density bonus and associated incentives and waivers requested by applicant Carmel Partners.

The SCEA must be denied for numerous reasons, including but not limited to the fact art TPP projects must be within 1/2 miles of a major transit stop. SCEA conclusively states that the Project meets this requirement yet confuses a major transit stop with a transit priority area. There is no major transit stop identified anywhere in the 2016 regional transportation plan. Identified intersections to not form a major transit stop nor does our local Beeline qualify.

The project does not meet all requirements of environmental subdivision and land use subdivision. The Project is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead. The site is next to the dense residential population and a high school as well as preschools, churches, and YMCA. The site has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soil. The project involves massive demolition and is in the heart of a thriving community.

The Project is being pushed as an Affordable Housing Project. Yet, The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the new construction that will heavily impact the community.

SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is fuly occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.

SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Many Glendale residents in the neighborhood note that there is a moratorium on development in downtown Glendale. But this area is out of the DSP. If this Project is allowed to move forward, what kind of message are you sending to our community?

Respectfully,

Tamara and John O'Connor

Toledo, Milca

Please refer to Letter No. 10 for bracketed comments.

From: Priscilla <pcardeot_@hotmail.com>
Sent: Thursday, November 08, 2018 3:54 PM
To: Toledo, Milca; Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Ms. Toledo and Councilmembers:

As a resident of Glendale, living in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.

- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).

Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meetsall requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,

1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));

3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))

4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))

5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));

6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;

7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E));

8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2));

10) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5));

11) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B)).

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.

SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a

mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is fuly occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
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SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
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2) an about 80% increase in Floor Area Ratio;
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4) a decrease of setbacks on both Kenwood;
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12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
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In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not

qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Respectfully yours,

Priscilla Carde'

Krause, Erik

From: Catherine Jurca <cathjurca@gmail.com>
Sent: Thursday, November 08, 2018 11:55 PM
To: Toledo, Milca
Cc: Krause, Erik; Lanzafame, Philip
Subject: comments on draft SCEA for GUSD project at 223 N. Jackson, etc.

Dear Milca,

Thank you for the opportunity to comment.

Didn't your office prepare the wrong document? I wasn't familiar with the Sustainable Communities Environmental Assessment, but I looked up the requirements in the Public Resources Code.

Under Section 21155.1 (b)(2) the proposed transit priority project must meet the following criterion: "does not contain more than 200 residential units."

Forgive me for stating the obvious, but 207 is more than 200. The new construction is 198 units, including the reuse of the office building. But "the project" is 207 units, as the draft SCEA makes clear. The nine units in the existing apartment building, and the lot, are very important to the applicant's plans; they can't appear for the affordable housing calculation and then disappear when the appropriate environmental clearance document is to be determined. 13-1

I also wonder about the requirement under Section 21155.1 (a) (4), that the project is "subject to a preliminary endangerment assessment." I am not an expert, but it sounds like this is a specific type of document. The draft SCEA states that CEQA requires mitigation of any "significant effects related to the release of any hazardous substances on the site...evaluated in a preliminary endangerment assessment." But it then describes the results of "geophysical and soil sampling" to argue that "no additional studies," including a "preliminary endangerment assessment were required or prepared." The problem is that according to CEQA, the endangerment assessment is not "an additional study"; it is the mechanism to be used to identify the presence of hazardous materials. Given that these lots have been identified as hazardous in the past, the endangerment assessment does not seem like a document that can be avoided, especially not based on a soil analysis prepared by a consultant hired by a former developer who had an obvious financial interest in the outcome. 13-2

I hope that you will see that the appropriate documents, either by the City or an objective consultant, are prepared in line with the City's requirements under CEQA.

Thank you for your consideration.

Best wishes,
Cathy Jurca

Krause, Erik

From:	Meredith Gold <mpoweryounow@gmail.com>
Sent:	Thursday, November 08, 2018 11:09 PM
To:	Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject:	Please Say NO To The GUSD Project

To The Honorable Mayor and City Council Members,

I know you have received other emails from residents with a far greater understanding of the legality (or lack thereof) and environmental impact of this proposed GUSD project and I am grateful for their expertise in those areas, but I am writing to you simply as a frustrated and exhausted constituent and resident of a part of Glendale that has seen a LOT of growth and construction in recent years. I have spoken in front of City Council before, as well as the Board of Education, regarding this matter and with time running out now, I thought I would take this last opportunity to implore you all to rethink, delay or abandon this project.

I live in the large apartment building that is catty-corner to the location of the GUSD. Over the last several years our building has endured the massive ACE/121 apartment complex construction (we were literally the only residential building on the block with this behemoth of a project) and we are now being subjected to the construction of the hotel at the corner of Louise and Wilson streets. The negative impact of these massive construction projects on this neighborhood cannot be overstated, with increased traffic and noise (6 days a week!) and decreased street parking (due to street closures and the construction workers taking up tons of street spaces) for months and even years on end. With the proposed GUSD project we can add inhaling potentially dangerous and toxic dust resulting from tearing down a building that contains asbestos and other hazardous materials. Once the projects are finished we are left with increased traffic and a serious parking shortage that grows worse every time a project is Okd that does not include enough parking, as the ACE/121 project didn't and the GUSD project certainly does not. 14-1

So many of your current residents are tired and angry and demoralized by the relentless pace of the construction and the seeming disregard the city has for the impact all of this has on us. Of course there must be progress and of course the city always wants the revenue generated by construction projects, but at what cost (literally and figuratively) to the current residents? On top of that, the look and feel of this city are being dramatically changed and not in a good way. The charm and sweetness of Glendale is being completely replaced by the homogenous, ultra-pricey, mixed use boxes that are becoming ubiquitous in this city. A few were interesting, but now so much of the city just looks cold and unattractive, two things that would never have been said of Glendale in the past.

Please say no to the GUSD project and show your current residents that you do care and are listening to us.

Respectfully,

Meredith Gold
141 N. Kenwood St. #25
Glendale, CA 91206

Krause, Erik

From:	lusine soghbatyan <lusinesog@gmail.com>
Sent:	Friday, November 09, 2018 12:29 AM
To:	Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject:	Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Glendale City Council Members,

I am a resident and property owner in Downtown Glendale, with an extensive experience in the medical field. As a physician, I treat patients with cancer, acute and chronic heart/lung disease, stroke and many other comorbidities.

Knowing how air pollution is related to human health, morbidity, and mortality, I am writing this letter to urge you to reject Carmel Partners' Project at the School District site, in view of its potential of grave consequences mentioned below.

It is much easier to prevent an illness rather than to treat it after it already affected a person, their quality of life.

It is undisputed – and you have acknowledged it with the Moratorium in the Downtown – that the construction and population in Downtown Glendale has significantly increased and far exceeded the scope of what is safe. Being next to the Downtown Specific Plan area, the School District site is subject to the same health and safety concerns in the DSP. Based on the R1250 zoning of the site, the Developer can construct maximum 84 units; and with a density bonus – even though the Developer does not qualify for one – the Developer can construct a maximum 35%. The Developer is asking you to grant more than 106% increase in density – and this is in an area which you yourselves admitted has a problem of exceeding density. 15-1

Moreover, it is the area with the high density zone, with numerous residential buildings, a school with over 200 young students, as well as numerous preschools, churches, YMCA, and elderly population. All these people – especially young and elderly population, who are more susceptible to diseases – will be significantly affected!

More residents with their families in over 200 new apartments will bring more cars on those narrow streets, more potential crashes, injuries and death of motorists, bike riders, and pedestrians.
Per National Safety Council, since 2007, more than 40,000 people died in motor vehicle crashes in a single year. Research shows, that accidents and injury are number 1 cause of early disability and death in age 1-44. (For this and other references, please see below.) Per statistics, about 90 people die each day in the US related to auto crashes, the incidence will definitely increase having more congested narrow streets.

Even though you suggest alternative transportation means – a bike or bus ridership – those are not practical or safe in this densely populated area of Downtown Glendale, in view of cancer causing polluted air exposure on the roads, bike related accident risk, cancer, early disability and death. 15-2

The increase in the number of vehicles increases traffic congestion, worsens the already present shortage of parking, increases the ambient noise, stress level, causing high blood pressure, narrowing of vessels (atherosclerosis), acute heart disease, stroke, that are most common killers in the US.

Most of the residential apartments in the subject area are designated only 1 parking space per unit, and most homes have 2 or more family members with cars that needs parking outside of the building area on the street. Again, it is impracticable and unsafe to require people not to have a car and to rely on transit or other means. 15-3

The proposed Project – in its mass and scale – will significantly increase demolition and construction related pollution, asbestos/lead exposure, which may cause lung cancer, irreversible and deadly lung fibrosis, asthma attacks, and other respiratory complications. It is proven in multiple articles, including the one from New York Post below, that New York population has the highest rate of pollution related deaths and they are 60% more likely to get cancer from air pollutants than people nationwide. 15-4

Population growth related to new residents, with increased number of vehicles, increases air pollution, causing lung, breast, liver, pancreatic, bladder cancer.
Per International Agency for Research of Cancer (IARC) team, World Health Organization (WHO) updates from 2013, air pollution causes 223,000 lung cancer deaths annually.
Lung cancer is the most deadly cancer compared with the mortality rate related to all other common cancers combined.

Population increase, causing heavier rush-hour traffic, threatens with delays in emergency medical services/911 arrival time, please see the referenced video. Since 2014, we have had about 20% increase in traffic collisions that have occurred while first responders have been going to calls for emergency service during heavy traffic time in LA, jeopardizing lives of first responder, driver on the road and 911 caller.

If it is a life threatening emergency, especially when the heart stops, every second and minute counts. If the prompt medical care is delayed by 4 minutes, the chance of recovery of a person decreases by 8-10 % per minute, and if the patient does not get advanced care and get to hospital within 4- 10 minutes, the chance of survival is 0-2% after 10 minutes, leading to death. 15-5

In such an emergency, every second that brain does not get blood and oxygen 32,000 brain cells die, every minute of lack of blood/oxygen 1.9 million brain cells die, and in 10 minutes, the affected person become brain dead.

If we realize that it can occur to ourselves or our loved ones, the delay of timely medical access becomes really crucial. There are testimonies that such 911 delays happen in Glendale.

Statistics indicate, that lengthy police response times related to heavy congested traffic deflate and miss the number of crimes reported.

There are many ways to assist GUSD and low income residents, but doing it at the expense of the community's health and safety is unacceptable.

The above mentioned health and safety issues have been a major concern among not only the local residents, but also the School students, their parents, and parents of children of nearby preschool.

In view of the above-noted health and safety risks and the community concerns, I urge you to reject the irresponsible and oversized Project at the School District site to avoid its irreversible and deadly consequences.

Sincerely,

Lusine Soghbatyan, MD

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Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Brian Watters <briancwatters@gmail.com>
Sent: Friday, November 09, 2018 8:52 AM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Ms. Toledo and Council Members,

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:

1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.

Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.

- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,

1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));

3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))

4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))

5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));

6) the project is subject to a seismic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;

7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))

8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))

10) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))

11) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is <u>fully</u> occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.

The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:

1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;

7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.

The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, Glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Sincerely,

Brian Watters

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Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Tim <tim@thecurating.com>
Sent: Friday, November 09, 2018 9:05 AM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Ms. Toledo and Council Members,

As a resident and property owner of Glendale, living and working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:

1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.

Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.

- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,

1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));

3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))

4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))

5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));

6) the project is subject to a seismic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;

7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))

8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))

10) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))

11) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is <u>fully</u> occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.

The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:

1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;

7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.

The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, Glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you for your time,

Tim Watters

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Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Lily Amiryan <lamiryan@yahoo.com>
Sent: Friday, November 09, 2018 9:35 AM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Councilmembers:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential

population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
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9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
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The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer:
the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Lili Amiryan
234 N Kenwood St.
Glendale, CA 91206
Homeowner

Toledo, Milca

Please refer to Letter No. 10 for bracketed comments.

From: Penelope Lundholm <pennylundholm@me.com>
Sent: Friday, November 09, 2018 10:40 AM
To: Toledo, Milca
Cc: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: OPPOSITION TO CASE NO. PDBP1809922 - GUSD APARTMENTS PROJECT

Dear Ms. Toledo and Council Members,

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:

1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.

Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.

- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,

1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));

3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))

4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))

5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));

6) the project is subject to a seismic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;

7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))

8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))

10) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))

11) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity

and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

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1) a 106% and more increase in density;
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Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal.

Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.

The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, Glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Sincerely,

Penelope Lundholm

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Leonard Davidian <ldavid@sonic.net>
Sent: Friday, November 09, 2018 3:35 PM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to Case No. PDBP1809922 - GUSD Apartments Project

Dear Councilmembers and dear Ms. Toledo,

As a resident and property owner of Glendale, living in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

a. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
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7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of foundation failure is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2)) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))

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SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer:
the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
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3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
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9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
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In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and

therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest.
The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, Glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Leonard Davidian, President
Park Lexington Homeowners Association
500 E. Lexington Dr., #208
Glendale, CA 91206

Krause, Erik

Please refer to Letter No. 10 for bracketed comments.

From: Aram Amiryan <aamiryan00@gmail.com>
Sent: Friday, November 09, 2018 5:02 PM
To: Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Sinanyan, Zareh; Najarian, Ara; Kassakhian, Ardashes; Garcia, Michael; Krause, Erik; Toledo, Milca
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Councilmembers:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. **Defective Notice:** Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. **Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.**
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);
2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential

population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
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9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016 RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

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g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

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i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Aram Amiryan
234 N Kenwood St.
Glendale, CA 91206

Toledo, Milca

Please refer to Letter No. 10 for bracketed comments.

From: Hamik Sargsyan <hamiksargsyan@yahoo.com>
Sent: Friday, November 09, 2018 10:44 PM
To: Toledo, Milca; Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

Dear Ms. Toledo and dear Councilmembers:

As a resident and/or property owner of Glendale, living/working in the neighborhood of the above-noted Project, I hereby express my strong opposition to the Project and ask you to DENY both: 1) the sustainable communities environmental assessment (SCEA), and 2) the density bonus and associated incentives and waivers requested by the Applicant Carmel Partners.

I. The Sustainable Communities Environmental Assessment (SCEA) should be denied for numerous reasons, including but not limited to:
1. Defective Notice: Violation of the Notice requirement under 21155.2, which sets the requirement for a public hearing for such cases, as well as makes the notice requirement the same as for an EIR or an MND under Pub. Res. Code 21092, requiring the notice to specify the date and time of the hearing. Based on unofficial sources, the hearing on this Project may be on November 20, 2018, the week of Thanksgiving, but this date has not been confirmed by the Staff.
Further, the notice for public comments was defective because it was for less than 30 days; the notice was posted on the site only in the morning of October 12, and set November 9 as the deadline to submit written comments. The notice was not mailed to the nearby residents, which is typically the case with EIR and MND procedures in Glendale.
Adopting a SCEA with such a defective notice will be a violation of the law and violation of our due process rights.

2. Project Does Not Qualify as a TPP for a SCEA review and requires a full Environmental Impact Report under Pub. Res. Code 21155 et seq.
There are numerous statutory requirements for a Project to qualify as a Transit Priority Project and for a SCEA review (i.e. to be exempt from the environmental impact report), but the Project does not meet those requirements.
- Under 21155, the TPP project must be within 1/2 miles of a major transit stop, which has a specific definition. SCEA conclusively states that the Project meets this requirement and yet misleadingly mixes up the major transit stop with a transit priority area. These are not the same. Contrary to what SCEA suggests in this case, there is no major transit stop identified anywhere in the 2016 regional transportation plan (RTP/SCS).
Moreover, even though Glendale&Broadway intersection has numerous bus routes, those do not form a major transit stop, as defined: they do not form an intersection of two or more major bus routes with a service interval of 15 minutes or less on average in each direction. Bus routes 180/181/780 running east-west are all one major route; they do not intersect. Bus routes 3/31/32 and 90/91 are all one route; they do not meet the service intervals and they do not have stops in both directions to calculate the exact time intervals.

The intersection of Brand&Broadway similarly does not qualify as a major transit stop because 180/181/780 are all one route and and bus routes 183, 201 and 92 exceed the mentioned service interval requirements. Again, local beelines are not major bus routes and do not count.

b. Project does not meet TPP requirements in Pub. Res. Code 21155.1: Pub. Res. Code requires the legislative body (i.e. Council) - through a public hearing - to find that the Project meets all requirements of environmental subdivision (a) and land use subdivision (b). The project does not meet those; e.g.,
1) the Project cannot be adequately served by existing utilities (at present, the project site is a parking structure and includes commercial use with relatively small use of utilities as compared with a residential 207 apartment project) 21155.1(a)(1);

2) the Project site is listed on Haznet as a hazardous waste site and is presumed to have asbestos and lead (21155.1(3));
3) the site is subject to a preliminary endangerment assessment to determine the existence of hazardous substance on the site (Carmel's both reports indicate that the site is a hazardous waste site and yet was subject only to a limited visual inspection and no samples were taken to inspect) (21155.1(4)); despite the glaring facts that the site has asbestos and lead, and the asbestos/lead containing building is planned for demolition, SCEA reports that no preliminary endangerment assessment is needed and therefore does not provide any mitigation measures. The site is next to the dense residential population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
5) the Project will have a high risk of public health exposure due to the fact that the Project site is a Haznet listed site, producing tons of hazardous waste, has an underground storage tank threatening with the contamination of underground waters, used to be a gas station and may have contaminated soils, and the project involves massive demolition, and is steps away from the 200+ high school (21155.1(6(C));
6) the project is subject to a sesimic risk as a result of being in a seismic zone 4 (with historically active earthquake faults) and in fact GUSD's headquarters at the Project site were once demolished as a result of the 1971 earthquake, and were rebuilt afterwards;
7) the site is subject to a landslide hazard because, based on the correspondence between Ms. Toledo and a tribal representative, the soils at the project site "are not suitable for a new construction" and will require additional support measures. The fact that the Project proposes more than double the density the area is marked for and two floors higher, the risk of landslide is increased. The land does not need to be in a steep zone for the building to fail. In view of so many adjacent buildings, as well as the school and the narrow streets, the failure of the proposed monstrosity may impact the surrounding structures. (21155.1(6)(E))
8) The site is located on a developed open space - i.e. public open space of the GUSD, which is heavily used by the surrounding neighborhood kids as a playground over the weekend or after-school hours. the site is also used now by the high school students to socialize and is used by the community for numerous community events. The site also contains a garden used by students for recreation and class activities(21155.1(7))

9) the project contains more than 200 residential units (based on the project description, this is a 207-unit Project) (21155.1(b)(2))
8) the prior environmental impact report of SGCP is presently in litigation for being defective; plus, it identified 7 adverse environmental impacts which were found to be not feasible for mitigation. SGCP EIR cannot be used as a valid mitigation measure for the Project. (21155.1(b)(5))
9) The Project will not provide 5% of units for very low-income population, because there is no assurances that those affordable units will be located in the very new construction that will heavily impact the community. (21155.1(c)(A-B))

c. The Project Is Not Exempt from CEQA or EIR under 21155.4: The Project is 1) not proposed within a transit priority area as defined in 21099(a)(1) for the same reasons listed above; 2) the Site is not consistent with a specific plan for which an environmental impact report has been certified and is final - the present SGCP EIR - which is presently being litigated and facing de-certification for being inadequate and which does not provide any mitigation measures to reduce the significant levels on 7 adverse environmental impacts - cannot be relied upon for this project (21155.4(a)(2)); 3) the project is not consistent with the general use designation, density, building intensity and applicable policies in the 2016

RTP/SCS - The RTP/SCS, which is relied upon, does not identify any land use designations, density, building intensity and policies for Glendale at all. Compare it with Los Angeles, where the entire City is identified with the land use designations.

Note: the analysis of the transit priority area in the SCEA is misleading and incomplete. Apart from the conclusory allegations that the intersections of Glendale&Broadway, or Brand&Broadway, or Brand&Harvard or Brand&Colorado qualify as a major transit stop because have 15 minute or less service interval, the SCEA does not provide any analysis how this conclusion was reached, which bus routes indeed contain 15 minute service intervals, and which form an intersection. Besides, the distance from the project site is misrepresented on all intersections.

d. The Project Engages in Piecemealing to Qualify for a TPP exemption, disallowed under Pub. Res. Code 21159.27. It is a settled law and a statutory requirement that a project cannot be divided into smaller projects to qualify for one or more exemptions. Presently, the Project includes many parts, judged by the standard of reasonable foreseeability, including but not limited to: 1) the property swap with GUSD - the completion of the swap is a necessary precedent for the Project, which is now proposed on a site still owned by GUSD; 2) potential closure/transfer of the Allan Daily High School; 3) potential creation of the joint-use park; 4) potential develop6ment of the 316 W. Palmer St. TPP is only about a residential or employment project of a maximum 200 units.

e. Project description is incomplete, inaccurate and non-finite: The Project includes many uncertain elements: 1) creation of the joint park or continued use of it as a parking lot on Lot 4; 2) the mixed-use proposed by the Developer, which may be replaced from the present office use to any other use - including retail; 3) the potential closure of the school and development of the school into units; 3) potential development of Lot 4, for which no assurances are given at present, etc.

These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is fuly occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.

SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,
Hmayak Sargsyan

Toledo, Milca

Please refer to Letter No. 10 for bracketed comments.

From: Anahit Safaryan <angaluna@mail.ru>
Sent: Friday, November 09, 2018 11:06 PM
To: Toledo, Milca; Devine, Paula; Agajanian, Vrej; Gharpetian, Vartan; Najarian, Ara; Sinanyan, Zareh; Lanzafame, Philip
Subject: Opposition to GUSD Apartment Project - Case No. PDBP1809922

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population and a high school with a high turnover of 200 and more students, as well as preschools, churches, YMCA, post office; (21155.1(4))
4) the Project will have a significant effect on at least 2 historical resources in close proximity, one of which - YMCA - actually uses the GUSD's parking lot and will lose its significance as a cultural center if it lacks adequate parking, the nearby US Post Office - the second historical resource - also does not have any parking lot and relies on the scarce street parking, already affected by ACE 21; Please, note that significant impact on historic resources is not limited only to the demolition or alteration of the resource itself; but extends to significant impact - aesthetic or otherwise - on the historic resource. Moreover, the fact that GUSD's headquarters are not listed as a historical resource does not mean they are not covered; the site may be presumed to be a historical resource and should be in view of its cultural significance to the community all these years and the fact that it was built in a certain architectural style by prominent architects. The fact that the building is re-built in 1975 because of the earthquake does not take away its significance as a cultural or architectural resource. The site is also in the area of the traditional Tataviam ancestral territory where the tribal villages were located and therefore will have a significant impact on the cultural and tribal resources deemed to be historic (21155.1(a)(5))
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These issues make the Project non-finite and therefore the Project's environmental impacts cannot be duly analyzed. For example, if the mixed-use is just a continued office use by GUSD staff, then the place is vacant after office hours and on weekends; but where the mixed use is replaced into a retail or restaurant, then that site will require more public services and will attract many more people into the residential neighborhood and into the park - if any, next door. The park is in close proximity to residential buildings and will expose the nearby residents to a lot of noise, lighting, and potentially homeless camping. Also, whether the site remains as a school or is transformed into yet other units is also significant for the same reasons.

f. SCEA is inaccurate and incomplete in its statements: The SCEA for the Project misrepresents the baseline conditions (e.g., the surrounding 1-3 story residential uses are misrepresented as a Church, Alex Theater and 5-level buildings); the traffic analysis on the site is misrepresented because it does not account for the change in traffic on Kenwood st. due to the high school kids driving or being dropped off, which is now controlled by the parking structure allowing for both parking and a drive-through for students being dropped off. The traffic analysis also understates the cumulative traffic impact of the numerous developments.
SCEA misrepresents or does not clearly disclose all the development standards that the Developer seeks to change. For example, the residential height of 36 feet in the area is misrepresented as 41 feet; further, the SCEA does not clearly disclose that the building is full 5 floos and instead repeats the Developer's flawed description that the project is 4 floors with mezzanine. To wit, based on the architectural plans, the first 4 floors are only 10 foot 1 inch, then there is a mezzanine floor of 8 foot, and ironically, there is a 12 foot roof on top! In the meantime, the architectural plans are ambiguous: while they represent that the first floor is only 10 foot 1 inch, the first floors are showing raised as they would be in case of first floor retail. Also, based on the picture drawings and renderings, there is a great distance between the high school and the proposed 60-foot building, whereas based on the architectural plans, the entire parking structure in front of the high school is <u>fuly</u> occupied by the new building. This is a discrepancy of significant importance: this endangers the school students and deprives the school from proper emergency access or exit.
The Project drawings of the area also misrepresent the baseline settings: the pictures of all the narrow streets of Jackson and especially Kenwood are taken from the parking driveways, which are typically empty and do not have the sidewalk border. This conceals the actual narrowness of the street.
SCEA misrepresents and does not duly address whether the site's soils are suitable for construction, whether the site is actually subject to an earthquake, whether the site can be adequately served by existing utilities or will require the construction of new water pipes or power lines, etc.

Finally, SCEA misrepresents the number and scope of density bonus and incentives requested by the Developer: the developer seeks to change each and every development standard of the R1250 zone, just like last time in 2017. The Developer seeks:
1) a 106% and more increase in density;
2) an about 80% increase in Floor Area Ratio;
3) an enormous 600% decrease in Wilson setback, and
4) a decrease of setbacks on both Kenwood;
5) decrease of setbacks on Jackson - all to count separately;
6) elimination of the additional setback requirement for second, third and subsequent floors on Wilson;
7) same on Jackson;
8) same on Kenwood;
9) increase of the height of building from 36 to 60 feet;
10) increase of the floors of the building from 3 floors to 5 floors;
11) above level parking instead of the subterranean or semi-subterranean;
12) reduced parking - despite the fact that the Project does not construct 11% affordable units, is not within 1/2 mile of the major transit stop, and there are specific adverse impacts that will be caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA;
13) non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor;
14) reduction of the minimum required landscape;
15) increase of the maximum allowed occupancy, etc.

In other words, all the above are variances - which under the Density Bonus Law are called incentives and waivers. However, since the Developer does not meet the density bonus law requirements of constructing the 5% affordable units in the new construction, the above should be treated as variances and denied as outrageously dangerous.

The above list of variances (aka incentives and waivers) is non-inclusive.

As a final note, the Project does not qualify for the Density Bonus under Cal. Govt. Code 65915 or under GMC because the Developer does not construct at least 5% affordable units and instead relies on the old existing apartment unit building and the conversion of an office building into 6 units. The latter are not construction and do not meet the legal requirement. Rehabilitation - or rather substantial rehabilitation - is within the purview of only the public agency, it is applicable only to places unfit for human habitation, they are associated with the displacement of the tenants during the "substantial rehabilitation" and the financial assistance to them while they are away. None of this is included in this case. Moreover, the substantially rehabilitated units have to be on contiguous lots with the new construction; here, the 9-unit apartment building to be "substantially rehabilitated" is separated by a lot that does not even belong to the Developer.

Moreover, the developer improperly counts all lots - contiguous and non-contiguous and even those that do not yet belong to the Developer in order to maximize the square footage of the lots and to get the highest amount of base units. This is outrageous and an insult to Glendale community and to the Planning staff. The developer's new construction is based only on an 84,000 sf. lot and therefore only and therefore, by law, it is entitled only to 84 units. So the Developer's request for incentives and waivers to accommodate about 2.5 times more development should be rejected.

Should the Project be even acceptable by the Council, it should undergo a full environmental review since SCEA assessment is incomplete and misleading and since the Project does not qualify for such for the above reasons.

g. The Project is inconsistent with the General Plan: For the above reasons, the Project is inconsistent with the general plan density for the area (which increase is unsupported by the density bonus law since the Developer does not qualify); the policies in the general plan and the fact that the general plan has been specifically amended in 1991 to reduce the densities in R1250 area to provide for the quality of life of residents. The Project is also inconsistent with the safety, open space/recreation and other elements of the general plan.

h. The Project presents a significant threat due to its massive demolitions: As mentioned above, the Project's massive demolition of the asbestos/lead containing 4-level building, which has been specifically reinforced after the earthquake in 1971 poses an enormous threat to the nearby school, preschools, and densely populated and patronized area. Asbestos is known for causing the deadliest lung cancer, which effects are fully demonstrated after 15 years. Moreover, young children are more prone to diseases. The Project area is in a level 2 radon zone, contains lead, and underground storage tank; breaking of the ground there poses a danger of contamination through air and underground waters. Moreover, based on the new OEHHA standards, the 6 months of construction will cause significant risks for cancer due to air pollution. The Project envisages 2-3 months of demolition and clean up, followed by two years of construction.

i. Project is in violation of numerous laws. The Project must be rejected also because it is in violation of numerous laws associated with the property swap between the GUSD and the Developer. Under the Education Code and the Government Code on the sale of surplus property, the GUSD lot must have been first offered to public agencies for a park or recreation area and must have adhered to numerous procedural requirements assuring the transparency of the deal. Until this day, Moreover, the Project - its property swap part - is in violation of law for waste of public property and public funds, since GUSD will be giving away 3 times more land and $7 million dollars, and incur more than $5 million in expenses and about another $1 million in fees to the real estate agent based on the 1% commission of the appraised value of 6 properties (which appraisals are not disclosed by GUSD), the Project has numerous conflicts of interest. The City's approval of the Project will promote these violations and the rejection of the Project will duly stop those.

For all the above reasons and more, I respectfully urge you to DENY the SCEA environmental assessment, the Project, and to establish a good precedent that the safety, health, and quality of life of the community, as well as the immediate school and preschool young population cannot be compromised, and that the public lands are not for sale. This decision is a mandate of the law, glendale municipal code, general plan, CEQA, as well as moral ethics.

At the very minimum, please order a full environmental impact report, which will identify all the significant impacts, and will find alternatives to mitigate or reduce those. The Project's flawed and misleading SCEA does not provide such a deep-level analysis.

Thank you.

Sincerely,

Anahit Safaryan

1.2 RESPONSE TO COMMENTS

The following provides responses to comment letters/email correspondence received on the Draft Sustainable Community Environmental Assessment (SCEA). Each letter/email was assigned a number as shown in the Table 1.0-1 above. Each comment was then assigned a number based on the letter number followed by the comment number. For example, the first comment in letter one is identified by 1-1, the second 1-2 etc.

Comment Letter 1

1-1 Please see the responses to the comments in Letter No. 10 from Darlene Sano. As discussed in these responses, the City's SCEA was prepared in accordance with all applicable provisions of the California Environmental Quality Act ("CEQA"). The SCEA determined that the potential environmental effects of the proposed Project would to be less than significant with the identified mitigation measures.

1-2 The City's SCEA includes analysis of the potential environmental effects of the proposed Project, including local and regional air quality impacts, the consistency of the population growth associated with the Project with adopted population projections for the City of Glendale, and traffic and transportation impacts. The potential environmental effects of the proposed Project related to these and other environmental topics were determined to be less than significant with the identified mitigation measures.

1-3 See page 5.0-4 of the SCEA which includes analysis of the changes in existing shade and shadow patterns that would result from the new proposed multi-family residential building and the potential effects on surrounding buildings and uses. The proposed new building, with a height of 60 feet, will be slightly lower than the existing GUSD Administrative building, which is 66' 8" tall. While the new building will extend further south towards Wilson Street than the existing building, because of the solar orientation of the existing building and existing surrounding buildings, there will be no substantial change in existing shading patterns that will affect surrounding buildings and uses.

1-4 The City has provided notice in accordance with local and state requirements for review of the SCEA and the public hearings on the Project.

1-5 Any community outreach conducted by the Project applicant is in addition to the City's noticing for this Project.

Comment Letter 2

2-1 Please see the responses to the comments in Letter No. 10 from Darlene Sano. As discussed in these responses, the City's SCEA was prepared in accordance with all applicable provisions of CEQA. The SCEA determined that the potential environmental effects of the proposed Project would to be less than significant with the identified mitigation measures.

2-2 The City's SCEA includes analysis of the potential effects of the proposed Project on existing and future traffic conditions based on a traffic study prepared under the direction of City staff. This study determined the Project would not result in significant impacts on traffic conditions with the identified mitigation measures.

Comment Letter 3

3-1 See discussion of the Project's consistency with the City's General Plan land use designations for the Project site and the surrounding area on Page 5.0-50 of the SCEA. The current General Plan designation is High Density Residential. This designation is generally applied to the residential property north of Broadway that abut commercial uses and is intended to allow the development of relatively large residential complexes at a density of 35 to 60 dwelling units to the acre. The Project is seeking a discretionary density bonus pursuant to California Government Code Section 69515 *et seq.* and GMC Chapter 30.36, and is consistent with the General Plan. Please note that the proposed new residential building, with a height of 60 feet, will be slightly lower than the existing GUSD Administrative building, which is 66' 8" tall.

3-2 The Project includes 244 on-site parking spaces for the 198 new residential units proposed (consisting of 192 units in the new residential building and 6 units in the existing office building that will remain on the Project site). The Project applicant is requesting to use the parking concession under GMC 30.36.090. Pursuant to Government Code §65915(p)(1) and GMC § 30.36.090(A), upon request, the City cannot require a vehicle parking ratio greater than one (1) space per unit for studios and one-bedroom units, and two (2) spaces per unit for two and three bedroom units, inclusive of guest and handicap parking, for a density bonus project. Per Government Code §65915(p)(2) and GMC §30.36.090(B), the applicant is entitled to even further reduced parking: if a development restricts at least 11% of the base units to very low income households and is located within one-half mile of a major transit stop (and there is unobstructed access to the major transit stop from the development. Then, upon the request of the developer, the City cannot impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds one-half (1/2) spaces per bedroom. Here, the applicant qualifies for this further reduced parking of one-half (1/2) space per bedroom.

The GMC normally requires two (2) spaces per unit for studios, one-bedroom, and two bedroom units, and 0.25 spaces per unit for guest parking, when a development has four or more units. Therefore, a project that does not seek to utilize the reduced parking available for certain affordable residential development under Government Code §65915(p) would be required to provide 446 parking spaces. Under the requested reduced parking requirements described in the above paragraph (under the Government Code and the GMC), 116 spaces are required for the project. The project will provide 244 parking spaces for the 198 total new (192 new construction and 6 existing office building) residential units. The provided parking for the Project is 128 spaces above what is required by the provisions of the Government Code and Glendale Municipal Code Section 30.36.090. Pursuant to Public Resources Code §20199, subdivision (d)(1), the Project's parking impacts "shall not be considered significant impacts on the environment" under CEQA since

it is a mixed-use residential project on an infill site within a transit priority area. (See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712.)

Comment Letters 4-7

Comment Letters 4-7 contain the same comments as Letter 10. Please refer to response to Letter 10 below for responses.

Comment Letter 8

8-1 The proposed new building, with a height of 60 feet, will be slightly lower than the existing GUSD Administrative building, which is 66' 8" tall. The footprint of the proposed new residential building will extend further south towards Wilson Street than the existing office building where the existing surface parking lot is located. There are three story residential and commercial buildings to the east and west of this portion of the site. Overall, the scale of the proposed new residential building, given the architectural design and massing of the building, is not considered out of scale with the area. Per Public Resources Code section 20199, subdivision (d)(1), the Project's aesthetics impacts "shall not be considered significant impacts on the environment" since it is a mixed-use residential project on an infill site within a transit priority area. Nonetheless, the SCEA analyzed the Project's aesthetic impacts for informational purposes and determined that they were less than significant. With regard to compatibility, the SCEA analyzed the Project's compatibility with the surrounding neighborhood and determined it would be consistent because, for example, it would be consistent with the City's design guidelines. (SCEA, pp. 5.0-3 through 5.0-5.)

8-2 As discussed in Response 3-2, the City's code requires 165 parking spaces for the number of residential units proposed. As proposed, the Project includes 79 spaces more than the amount required. The Project is not required to provide parking for uses not located on the Project site.

8-3 The City's SCEA includes analysis of the consistency of the growth associated with the Project with current population projections for the City of Glendale and takes into account the potential cumulative effects of other related projects in the City. The growth associated with the proposed Project was determined to be consistent with projected growth for the City. Project and cumulative impacts were also determined to be less than significant with implementation of the identified mitigation measures.

8-4 The City's SCEA includes analysis of the potential effects of the proposed Project on existing and future traffic conditions based on a traffic study prepared under the direction of City staff. This analysis takes into account other related approved and under construction projects, including the hotel at Wilson/Louise. This study determined the Project would not result in significant impacts on traffic conditions with implementation of the identified mitigation measures.

Comment Letter 9

Comment Letter 9 contains the same comments as Letter 10. Please refer to response to Letter 10 below for responses.

Comment Letter 10

10-1 Public Resources Code ("PRC") § 21155.2 (b)(3) provides that "[a] draft of the sustainable communities environmental assessment shall be circulated for public comment for a period of not less than 30 days. Notice shall be provided in the same manner as required for an environmental impact report pursuant to Section 21092." PRC §21092 (b)(1) provides that "[t]he notice shall [i] specify the period during which comments will be received on the draft environmental impact report or negative declaration, and shall [ii] include the date, time, and place of any public meetings or hearings on the proposed project, [iii] a brief description of the proposed project and its location, the significant effects on the environment, if any, anticipated as a result of the project, [iv] the address where copies of the draft environmental impact report or negative declaration, and all documents referenced in the draft environmental impact report or negative declaration, are available for review, and [v] a description of how the draft environmental impact report or negative declaration can be provided in an electronic format."

With respect to the claim of noncompliance with PRC §21092(b)(1)subsection [ii] above, this requirement pertains to meetings or hearings that have already been set by the local agency. Because the City had not yet scheduled any public meetings or hearings on the Project at the time the notice was published, it could not include a date, time and place of any public meetings or hearings The City will provide a separate public notice of the public hearing on the proposed Project, consistent with the requirements of the Glendale Municipal Code and Government Code. (See, e.g., Glendale Municipal Code, Chapter 30.61; Gov. Code, § 65090 [notice of public hearing].) The City's notice document complied with all requirements of Public Resources Code section 21092 and is not defective.

This comment also claims that the review period was not 30 days because it is alleged that the notice was posted on the Project site on October 12 – this is incorrect; the site was posted on October 11th. Although PRC §21092 (b)(3)(A)-(C) sets forth three methods for providing public notice—publication, posting, or direct mailing to contiguous properties—it only requires one of those methods. The City provided notice by two of these methods (1) publication, and (2) posting.

The City published its Notice of Intent (see Attachment 1) to Adopt a Sustainable Communities Environmental Assessment on October 11, 2018 (the "Notice"), in the *Glendale Independent*, a newspaper of general circulation in the area affected by the proposed Project. The proof of the publishing of the Notice is shown in Attachment 1.. The SCEA was made available for public review on October 11, 2018.

As stated in the Notice, written comments would be accepted "for a period of 30 days after publication of this notice." (Bold in original) Consistent with that notice, the City accepted all written comments on the SCEA not just through November 9th, but through Monday, November 12,

2018, thus providing *more than* 30 days for public review and comment. Contrary to the claim in this comment, and although not required by CEQA, the Notice was also posted on the site on October 11, 2018.. Because public notice was provided through both publication and posting, the City was not required under CEQA to also direct mail notice to contiguous property owners. The City provided the legally required comment period on the SCEA.[1]

10-2 As stated in p. 3.0-3 of the SCEA, the proposed Project is located within a High-Quality Transit Area (HQTA) as defined by Southern California Association of Governments (SCAG) and a Transit Priority Area (TPA) as defined in SB 743, which was signed into law to support transit opportunities and promote a walkable environment. PRC §21155 (b) states that, for the purposes of this section, the definition of a major transit stop also includes major transit stops included in the applicable regional transportation plan. Figure 3.0-1: Major Transit Stops and Transit Priority Areas in the City of Glendale in the SCEA, identifies the locations of the major transit stops and transit priority areas within the City of Glendale as identified in Exhibit 7[2] in the 2016-2040 RTP/SCS, which identifies the 15 minute transit network access and the transit network access in the SCAG region.

Figure 3.0-1 shows that major transit stops are located at the intersection of Broadway and Glendale Avenue, 0.21 mile to the southeast of the Project site, Broadway and Brand Boulevard, 0.21 miles to the west of the Project site, Brand Boulevard and Harvard Street, 0.33 miles to the southwest of the Project site, and Brand Boulevard and Colorado Street, 0.43 miles to the southwest of the Project site. Accordingly, the Project site complies with the criterion in PRC § 21155 (b) (2).

10-3 This comment states the Project does not meet TPP requirements in Pub. Res. Code (PRC) §21155.1. This section of the PRC contains the requirements for a Sustainable Communities Project to qualify for an **exemption** from the requirements for environmental review under CEQA.

To qualify for the exemption defined in PRC §21155.1, a Sustainable Communities Project has to comply with the eight environmental criteria in PRC §21155.1 (a) and the seven land use criteria in PRC §21155.1 (c). This comment states the project does not meet certain of these criteria to qualify for this exemption.

The Project is not seeking this exemption and, for this reason, does not need to comply with the criteria in PRC §21155.1. Instead a Sustainable Communities Environmental Assessment was prepared for the Project in accordance with PRC § 21155.2.

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[1] It should also be noted that Public Resources Code § 21092(b)(2) specifies that the "section shall not be construed in any manner that results in the invalidation of an action because of the alleged inadequacy of the notice content if there has been substantial compliance with the notice content requirements of this section."

[2] 2016 – 2040 SCAG RTP/SCS, *Exhibit 7 2012 15 Minute network Access by TAZ*

While the Project is not required to comply with the criteria in PRC §21155.1 for the Sustainable Communities Project exemption, the consistency of the Project with the criteria referenced in this comment is provided below for information purposes.

10-4 A "Will Serve" letter has been issued by Glendale Water & Power providing confirmation that the City has sufficient potable water supplies to meet the needs of the proposed Project. The City's existing water system around the Project site includes 8-inch potable water lines in both Kenwood and Jackson Streets with sufficient capacity to serve the Project. While the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-5 HAZNET is a California Department of Toxic Substances Control (DTSC) database that records annual hazardous waste shipments, as required by the Federal Resources Conservation Recovery Act (RCRA). PRC §21155.1 (a)(3) states that a project cannot be included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code to qualify for this exemption. This section of the Government Code identifies specific government databases and the DTSC HAZNET database is not one of the databases identified in this section. HAZNET is a database of information documenting the source of hazardous waste shipments and is not a database of sites identified as contaminated by hazardous materials.

As stated in the SCEA, a Phase I Environmental Site Assessment (ESA) was prepared for the site in July 2017 and is provided in Appendix D. The Phase I ESA did not identify any recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or historical recognized environmental conditions (HRECs) of concern on or around the Project site. The Phase I ESA included a review of all standard federal, state, county, and city environmental record sources.

As stated in this comment, 223 North Jackson Street is listed on the HAZNET database as a site that has previously generated hazardous waste for off-site disposal under manifest. This information is disclosed in the Phase I ESA provided in Appendix D to the SCEA. Based on the characteristics of the waste reported and the lack of violations or releases, the HAZNET entries related to the site do not indicate, and the Phase I ESA does not indicate, that the site is contaminated with hazardous materials. The required reporting of shipment of hazardous wastes from the site reported in the HAZNET database, which is not one of the lists of facilities and sites compiled pursuant to Section 65962.5 of the Government Code identified in this criterion, does not indicate the site contains hazardous materials or contamination that pose a risk. No violations or releases of any hazardous material on the site have been reported.

With regard to any existing building materials containing asbestos and lead, these materials would be removed and disposed of in accordance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation activities. The requirements for demolition and renovation activities include asbestos surveying, notification, asbestos-containing material (ACM) removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACQM). All operators would be required to

maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings. Operators are required to be certified by the Environmental Protection Agency (EPA). EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovations, repair and painting that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices. While the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-6 As discussed below, while the Project is not required to comply with this criterion for the Sustainable Communities Project exemption. However, the Project does comply with this criterion as there is no evidence of the release of a hazardous substance on the site or that the site may be subject to the potential for exposure to significant hazards from surrounding properties.

This comment does not present an accurate summary of the investigations completed for the site. A Phase I Environmental Site Assessment (ESA) was prepared. This investigation included more than a "limited visual inspection" as stated in this comment. The Phase I ESA was completed in conformance with the scope detailed in the ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies and data bases.

The research completed as part of the Phase I ESA identified records from the Glendale Fire Department of the issuance of an undated permit to fill a 550-gallon underground storage tank (UST) with sand at 227 N. Jackson Street.

Contrary to the assertion in this comment, soil samples were taken. A Geophysical Survey and Limited Soil Assessment was conducted to locate this UST and determine if there was any contaminated soil associated with this UST. The geophysical survey identified anomalous soil conditions in the general location where the UST was located based on the permit records. Soil samples were collected at this location, and two other locations where disturbed soil was identified during the geotechnical survey. No odor or staining in these soil samples were evident and analysis of these samples showed no detectable concentrations of total petroleum hydrocarbons.

PRC §21155.1 (a)(4) requires the preparation of a PEA and mitigation of any significant effects related to the release of any hazardous substances on the site or if there is a potential for significant hazards from surrounding properties or activities evaluated in a preliminary endangerment assessment. Based on the results of the Phase I ESA and onsite soil sampling, no evidence of the presence of hazardous materials on or near to the site was identified and the preparation of additional studies, including a Phase II Environmental Site Assessment, or preliminary endangerment assessment, was determined not to be required or warranted. The Project is consistent with this criterion.

10-7 CEQA Guidelines §15064.5 (b) defines what constitutes a significant impact to a historic resource. A significant impact results when substantial adverse change in the significance of an historical resource occurs from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Impacts can also be significant if the significance of a historic resource is materially impaired by direct alteration of the physical characteristics of a project that convey its historic significance. The loss of the use of parking currently on the site that may be used by visitors to the YMCA or customers of the Post Office does not constitute the alteration of the physical characteristics of the YMCA or Post Office buildings or their settings in a manner that would meet this CEQA definition of a significant impact on a historic resource.

Appendix B of the SCEA contains a historic resource assessment of the existing buildings on the site. Contrary to the assertion in this comment, this study found the 1938 warehouse building, the 1971 office building at 223 (both at 223 N. Jackson Street) and the apartment building at 241 Jackson Street are not eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or for designation as Glendale Historic Resource. None of these buildings represent excellent examples of architectural style or property type and none was found to have important historic associations. As such, these properties were determined not to be historic resources as defined CEQA.

The comment also states the site is in the area of the Traditional Tataviam ancestral territory. As stated in the SCEA, tribal consultant was sought in compliance with AB 52, the NAHC recommended that nine Native American Individuals and/or tribal groups be notified of the opportunity to consult with the City if these tribes had information indicating the site may contain tribal cultural resources that could be impacted by the Project. In response to this notification, the City received a letter from one tribe, the Fernadeño Tataviam Band of Mission Indians. The letter states that the Project area is located within the traditional Tataviam ancestral territory, which encompasses the lineage village from which members of the Tribe descend. The Tataviam Historic and Cultural Preservation Department reviewed the information provided and had no further comments. Therefore, no further consultation is required; however, the Fernadeño Tataviam Band of Mission Indians would like to be notified if any cultural resources are encountered during grading or excavation activities during construction of the project.

There is no evidence the Project would result in significant impacts to historic or tribal cultural resources. While the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-8 The comment states that because the Project site is identified on the HAZNET database, there is a high risk of public health exposure. As discussed in detail in the discussion of the consistency of the Project with Criterion 2 above, there is no information available that indicates the site contains, or is contaminated with, any hazardous materials that pose a risk to the public. The Project is consistent with this criterion.

Contrary to the assertion in this comment, the existing GUSD Administration facilities on the site do not produce "tons of hazardous waste". The HAZNET database entries for the site report the generation and removal of hazardous waste from the site in 1998, 2003, and 2013. The materials removed from the site included a small amount of laboratory waste chemicals in 1998 (220 pounds), asbestos containing waste in 2003, oil/water separation sludge in 2003 and other water materials in 2013. No violations or releases related to these materials have been reported. Based on the nature of the listings and the lack of violations or releases, the generation and removal of these waste materials from the site were not identified as an environmental risk in the Phase I ESA prepared for the site.

The demolition of the existing administration building and related site improvements is fully evaluated in SCEA, which determined that all demolition will be conducted in accordance with existing regulations and no significant impacts will result.

The Project will not result in any risk of a public health exposure at a level that would exceed the standards established by any state or federal agency. While the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-9 It should be noted that this criterion specifically defines seismic risk as: (1) being within a delineated earthquake fault zone, as determined pursuant to Section 2622, or (2) a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.

The Uniform Building Code (UBC) defined seismic zones for purposes of defining the level of seismic design needed in different areas. These seismic zone maps were last issued by the United States Geologic Survey in 1969. The California Uniform Building Code still uses these zones. These seismic design zones are not equivalent to, or the same as the earthquake fault zone or seismic hazard zone identified in PRC 21155.1 (a) (6) (d). The Project site is not located in an earthquake fault zone or seismic hazard zone as defined by the California Geologic Survey.

As discussed in the GUSD SCEA, there are no known active faults that cross the site, nor is the site located in any defined Alquist-Priolo (AP) Special Studies Zone. The Project is subject to regulatory compliance measures, which will avoid or reduce the potential for significant effects from earthquake related seismic ground failure to less than significant.

While the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-10 The Project site is not located in a landslide hazard zone as defined in the maps and studies completed by the California Department of Mines and Geology Division of Mines and Geology for the Pasadena 7.5-Minute Quadrangle, Los Angeles County, California. Areas that are most susceptible to earthquake-induced landslides are steep slopes in hillside areas in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing

landslide deposits. The Project site is not located near any hillside areas where landslide risks have been identified.

The Project is subject to regulatory compliance measures which will avoid or reduce to less than significant the potential effects from earthquakes, and seismic related ground-failure, such as liquefaction. These regulatory compliance measures include submitting a geology/soils report, for review and approval prior or to any issuance of permit, that identifies design recommendations for the proposed grading/construction along with an evaluation by the project geologist. The Project engineering geologist will also be required to observe all excavations that expose the natural alluvial soils and bedrock to verify the conclusions of the geotechnical investigations.

The Project is not located in landslide hazard zone and, further, subject to building code and other regulations that will ensure the seismic safety of the new residential building. Therefore, while the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-11 This is the environmental criterion for the Sustainable Communities Project exemption defined in PRC §21155.1 (a) (7). The comment states the Project does not comply with this criterion because the site meets the definition of developed open space contained in this section. However this section states that, for purposes of this section, developed open space means land that meets <u>all</u> of the following criteria:

> (i) Is publicly owned, or financed in whole or in part by public funds.
>
> (ii) Is generally open to, and available for use by, the public.
>
> (iii) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities.

While the Project site is owned by the GUSD, the site currently contains the GUSD Administrative Headquarters and parking lots. For this reason, the site does not meet criterion (iii) above because the site is predominately developed with structures, as opposed to "predominately lacking is structural development" as defined in this criterion. Further, the Project site does not contain structures associated with open spaces, such as playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities, and is not generally open to, and available for use by the public.

The Project site does not meet the definition of developed open space. Therefore, while the Project is not required to comply with this criterion for the Sustainable Communities Project, the Project is consistent with this criterion.

10-12 This is the land use criterion for the Sustainable Communities Project exemption defined in PRC §21155.1(b)(1). A proposed project has to contain 200 or fewer units to qualify for the exemption from environmental review under PRC §21155.1. The Project does not seek this exemption and is

not required to contain 200 or fewer units to qualify for environmental review through the preparation of an SCEA.

10-13 This is the land use criterion for the Sustainable Communities Project exemption defined in PRC §21155.1(b)(5). This criterion requires that any applicable mitigation measures or performance standards or criteria set forth in prior environmental impact reports, and adopted in findings, be incorporated into the project. Since the City did not determine the Project was exempt from environmental review under PRC §21155.1, the Project is not required to incorporate applicable mitigation measures, performance standards or criteria from the South Glendale Community Plan EIR or other prior EIRs. The SCEA identifies specific mitigation measures for the Project. The consistency of these measures with the programmatic mitigation measures in the South Glendale Community Plan EIR is discussed in the SCEA for information purposes, but the SCEA does not incorporate, and was not required to incorporate, the South Glendale Community Plan EIR mitigation measures directly to the Project.

10-14 This is the land use criterion for the Sustainable Communities Project exemption defined in PRC §21155.1(c). This section requires that a project meet at least one of three identified land use criteria to qualify for the exemption. One of these criteria (PRC §21155.1(c)(3)) requires the provision of public open space. The other two criteria address affordable housing. PRC §21155.1(c)(2) requires the payment of affordable housing in-lieu fees pursuant to a local ordinance. The specific criterion addressed in PRC §21155.1(c)(A-B) requires at least 10 percent of rental housing to be rented to families of low income, or not less than 5 percent of the housing to be rented to families of very low income.

Because the City has not determined the Project to be exempt from environmental review under PRC §21155.1, the Project is not required to meet this land use criteria.

Nonetheless, the Project is consistent with these criteria because it will provide 5 percent of the units for rental to families of very low income. As discussed in the SCEA, of the 207 multi-family residential units, 17 units (8 percent) would be affordable units with the majority of the affordable units in the new residential building and the remaining affordable units to be located in the existing 9-unit building at 241 N. Jackson Street.

10-15 This is a separate section of the Public Resources Code that identifies other types of projects that are exempt from the requirements for environmental review under the Sustainable Communities Strategy. One of the criteria a project has to meet to qualify for an exemption under Section 21155.4 requires that a project be located within a transit priority area.

The Project is not seeking any exemption from CEQA, whether under Section 21155.4 or otherwise.

10-16 As discussed above, the Project site is located within a transit priority area as defined in the SCAG 2016-2040 RTP/SCS.

10-17 One of the criteria a project has to meet to qualify for an exemption under PRC §21155.4 requires that a project be consistent with a specific plan for which an environmental impact report has been certified.

Because the City is not considering the Project to be exempt from environmental review under PRC Section 21155.4, the Project is not required to meet this criterion.

10-18 One of the criteria a project has to meet to qualify for an exemption under PRC §21155.4 requires that a project be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy.

Because the City is not considering the Project to be exempt from environmental review under PRC §21155.4, the Project is not required to meet this criterion. Nonetheless, as described in SCEA §5.2-10 Land Use and Planning, pages 5.0-46 to pages 5.0-53, the Project is consistent with the general use designation, density, building intensity, and applicable policies in the SCAG 2016-2014 RT/SCS, which is the applicable sustainable communities strategy. Further, as discussed above, the Project site is located within a transit priority area as defined in the SCAG 2016-2040 RTP/SCS.

10-19 As discussed in the responses to the previous comments, the City is not considering the Project as exempt from environmental review under PRC §§ 21155.1 or 21155.4. The City prepared a SCEA in accordance with PRC §21155.2 to evaluate the potential environmental effects of the proposed Project.

The SCEA contains a full description of the proposed Project in Section 2.0, pages 2.0-1 to 2.0-13. This description properly defines the Project for purposes of analyzing its potential environmental effects. As described on page 2.0-4 of the SCEA, the GUSD Board passed a resolution of intent in July 2018 to consider the development of a joint use park with the City of Glendale on the property currently containing the parking lot on N. Jackson Street located immediately south of the existing apartment building at 241 Jackson Street. If constructed, a mini park on this site would be developed for use by the public and Daily High School students. At this time, there is no program of facilities or a design for this potential mini park. A plan for this park would be developed after the City and GUSD enter into a joint use agreement and would incorporate the pedestrian easement described above. If a mini park is not developed on this property, it would remain a parking lot for use by Allan F. Daily High School. The SCEA considers the potential future development of a mini-park by the GUSD and uses the City's mini-park standards for this purpose.

The property swap, in and of itself, is exempt from CEQA. On August 15, 2017 the GUSD Board approved a resolution (refer to Attachment 3) finding the Exchange of Real Property exempt from CEQA pursuant to Section 15132 of the CEQA Guidelines, which exempts the sale of surplus government property from environmental review.

Neither GUSD, nor any other entity, has disclosed any proposal to close Allan F. Daily High School and develop the site with any other use. The applicant is not proposing redevelopment of the Daily

High School as part the project defined and evaluated in the SCEA, nor is the redevelopment of Daily High School a reasonably foreseeable outcome of the Project as currently proposed.

The Property swap also includes an apartment complex owned by GUSD at 316 W. Palmer Avenue. This property is a 12,064-square-foot, 16-unit apartment building on 0.65 acres. The applicant will take ownership of this property under the terms of the property swap and intends to sell it as this property is currently developed with the highest and best use allowed by the current zoning. No changes to this property are proposed by the applicant as a part of the current project nor are changes to this property a reasonably foreseeable outcome of the project as currently proposed.

Thus, the SCEA properly defines and considers the potential environmental effects of the project as proposed by the applicant.

10-20 As discussed in the previous response, the SCEA properly defines and evaluates the proposed Project and also considers the potential future development of a mini-park by the Glendale Unified School District even though this is not a part of the Project as proposed by the applicant. Furthermore, as discussed in the May 15, 2018, GUSD Board Hearing (refer to Attachment 2) the District and Carmel Partners have tentatively agreed to exclude Lots 5 and 7 from the property exchange transaction, leaving ownership of the lots with GUSD. The Board may discuss the possibility of creating a joint-use park space in the best interest of the GUSD, City of Glendale and the Community. The May 15, 2018 Board Agenda and the Information Reports for these items are attached.

As stated in the SCEA Project Description the Project includes the partial conversion of the existing office building to residential use. The remaining portion will continue to be used as office space. The Project as proposed does not include a request to convert this remaining office space to retail commercial or any other commercial use. Accordingly, conversion of this remaining office space to another use is not requested and is not permitted by the current Project. The description of concessions and waivers presented in the SCEA document is accurate, as discussed below:

<u>Density 106%: density calculation is accurately stated in the SCEA; 37.5% based on the applicant's proposal, and 99% based if the base density only includes lots 1,2, and 3 (the development site, existing office, and 9-unit apartment).</u>

<u>Floor Area Ratio</u>: same as above.

<u>Setback</u>: Table 1.0-1 clearly lists setbacks provided vs. required. "Setbacks" is included as a waiver.

<u>Height</u>: increase from 36 to 60 feet. SCEA Section 1.0-2 states the Applicant is seeking an increase from 41' to 60'. The base height in R-1250 is actually 36', but an additional 5' are allowed for a pitched roof. Table 2.0-1 of the SCEA breaks down this calculation.

<u>Increase of floor from 3 to 5</u>: The base floor in the R-1250 zone is 3 stories. The Project proposes 4 plus a mezzanine. As described in Table 2.0-1, a "Mezzanine shall not be considered a story."

Above ground parking instead of subterranean or semi-subterranean: The R-1250 standard is subterranean or semi-subterranean. The proposed Project does not have above ground parking as a separate waiver. Section 30.36.090 of the GMC states "For purposes of this chapter only, a housing development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking." An above ground parking garage is equivalent to an uncovered parking lot.

10-21 This comment does not accurately represent the descriptions of the baseline conditions provided in the SCEA. The existing (baseline) conditions are described appropriately throughout the SCEA as relevant for the environmental topic being addressed and evaluated (e.g. land use).

The general description of uses surrounding the Project site presented on SCEA page 2.0-1 describes all uses around site and accurately describes the range of the heights of the multi-family buildings and Daily High School as 1 to 5 stories:

"Uses around the Project site include: (1) to the north multi-family residential uses and the Zion Lutheran Church (northeast); (2) to the south the First United Methodist Church of Glendale; (3) to the east multifamily residential uses along N. Jackson Street; and (4) to the west the Allan F. Daily High School and multi-family residential uses along N. Kenwood Street. The surrounding buildings range from 1 to 5 stories in height."

The detailed discussion of the height of the Proposed building in relation to surrounding uses on SCEA Page 5.0-50 also accurately describes the heights of the existing surrounding buildings as:

Surrounding buildings range from 1 to 5 stories in height with taller buildings located along and south of

Wilson Avenue and on Jackson and Kenwood Streets near Wilson Avenue."

The existing width of all the streets around the Project site are accurately described in the traffic study, site plan, and survey included with the SCEA.

The traffic study for the Project, provided in Appendix F to the SCEA, considers cumulative traffic impacts from 79 related projects, and fully assesses the potential cumulative effects of these projects.

Based on trip generation calculations provided in the traffic study, the proposed Project is estimated to generate 40 less inbound trips during the morning peak hour due to the elimination of the GUSD administrative office. Those 40 existing trips are currently from both Kenwood Street and Jackson Street due to the existing GUSD parking lot driveways. In the future, there will only be one Project driveway on Jackson Street. Therefore, the traffic activities on Kenwood Street would be reduced, while the proposed Project traffic will be using Jackson Street. As a result, the intersection of California Avenue and Jackson Street is recommended to be signalized as a Project mitigation measure. Traffic activities associated with the high school occur from 2:15 PM to 3:00 PM, which

does not coincide with the p.m. commuter travel peak period of 5:00 PM to 7:00 PM. Therefore, the school activities will not affect the afternoon traffic peak.

A geotechnical review of the Project site was prepared and is provided in Appendix E to the SCEA. Information from this study is included in 5.2-6 Geology and Soils of the SCEA on pages 5.0-24 to 5.0-28. This study concluded the soils on the site are suitable for development of the proposed residential building. In addition, as discussed in detail in Response 1 above, the Project is subject to regulatory compliance measures which will avoid or reduce to less than significant the potential effects from earthquakes, and seismic related ground-failure, such as liquefaction. These regulatory compliance measures include submitting a geology/soils report, for review and approval prior or to any issuance of permit, that identifies design recommendations for the proposed grading/construction along with an evaluation by the project geologist.

10-22 This comment states that the Project does not qualify for a density bonus under Government Code section 65915 ("Density Bonus Law") or the Glendale Municipal Code because it does not construct at least 5% affordable units. The Density Bonus Law directs cities to adopt ordinances governing density bonuses in their jurisdiction. (Gov. Code, § 65915, subd. (a)(1).) The City of Glendale has complied with this directive by adopting Chapter 30.36 of the Glendale Municipal Code, titled "Density Bonus Incentives."

When calculating the base density, both the Density Bonus Law and Glendale Municipal Code look to the maximum number of residential units permitted by the applicable zoning designation. (Gov. Code, § 65915, subd. (f); GMC § 30.36.030.) Base units do not include units added by density bonuses awarded pursuant to state law or any local law granting a greater density bonus. (Gov. Code, § 65915, subd. (b)(3); see *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933, 944.)

With respect to the Project site, the City analyzed the applicable density bonus under two scenarios. (SCEA, pp. 1.0-1 through 1.0-4, 2.0-4 through 2.0-7.) The first was as a 2.39 acre site (103,971 square feet). The second was as a 3.42 acre site (149,054 square feet) proposed by the applicant. The applicable zoning designation for the Project site—R-1250 High Density Residential—remains the same under either scenario. The R-1250 zoning designation allows residential density up to 1 dwelling unit per 1,000 square feet of lot area where, as here, the site is wider than 90 feet. (SCEA, p. 2.0-5.) Thus, under the first scenario, base density is 104 units, and under the second scenario, base density is 150 units. (SCEA, p. 2.0-5; see Gov. Code, § 65915, subd. (q) [each component of density calculation is rounded up];GMC § 30.36.050, subd. (C) [same].)

The proposed Project includes 17 affordable units, all of which are reserved for very-low income households. Under the first scenario, therefore, the affordable units equal 16% of the base density. Under the second scenario, the affordable units equal 11% of the base density. Thus, under either scenario, the Project provides more than 5% affordable units.

The comment also states the Project does not qualify for a density bonus because, in addition to new construction, a component of Project involves substantial rehabilitation of existing buildings. To qualify for a density bonus, an applicant must construct a "housing development" and agree to

provide, as pertinent here, at least 5% of the total units of the housing development for very-low income households. (GMC §30.36.050(A)(2); Gov. Code, § 65915, subd. (b)(1)(B).) "Housing development" means a development project for 5 or more dwelling units, and expressly includes "substantial rehabilitation" and "conversion" of existing uses. (GMC §30.36.030; see also Gov. Code, §65915(i).) As explained in the SCEA, the Project consists of 192 residential dwelling units as new construction, the conversion of a portion of an existing office building to 6 residential units (while retaining the remaining space as office uses), and the substantial rehabilitation of an existing 9-unit apartment building. (SCEA, p. 1.0-1.) The Project therefore qualifies as a "housing development" because it would develop the Project site with more than 5 dwelling units through a mix of new construction, "substantial rehabilitation," and conversion" of existing uses to residential uses, creating a net increase in available residential units. Accordingly, the Project qualifies for a density bonus because it would construct a "housing development" that provides at least 5% of total base density units for very-low income households.

This comment challenges the use of multiple parcels to create one Project for density bonus purposes. The Glendale Municipal Code and Density Bonus Law allow housing developments to include individual parcels and provide for an allocation of the density bonus from where the lower income units are located to other "geographic areas" of the housing development. (GMC § 30.36.030 (For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located); Gov. Code, § 65915, subd. (i).) Thus, those laws permit density bonus projects to include multiple parcels and allocation of density bonus among those parcels. For the Project, the majority of affordable units will be in the new construction, and the affordable units being substantially rehabilitated will be similar to the new construction. (SCEA 1.0-2.) Contrary to the commenter's suggestion, the Project does consist of contiguous sites, either by sharing a boundary or by connecting with a permanent easement for resident access, and is the subject of a single development application. (SCEA, p. 1.0-2.) The Project's density bonus was therefore allocated correctly pursuant to the Glendale Municipal Code and Density Bonus Law.

This comment also claims that substantial rehabilitation is restricted to public agencies and places unfit for human habitation, and is associated with displacement of tenants and financial assistance. However, neither the Density Bonus Law nor the Glendale Municipal Code contain such restrictions, and the "associated" items do not relate to whether the Project qualifies for a density bonus.

The Density Bonus Law also permits a city to grant a density bonus greater than what is required by state law. (See Gov. Code, § 65915, subd. (n).) The courts have upheld this aspect of the Density Bonus Law, as well as projects receiving such density bonuses. (See *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 823 [interpreting subdivision (n) and concluding that cities have discretion to award a density bonus higher than the maximum amount set forth in the Density Bonus Law]; *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933, 944 [same].) Therefore, the Project's request for a density bonus under Glendale Municipal Code section 36.30.060 is

consistent with the Density Bonus Law and applicable case law. It should also be noted that the California Legislature has declared that the Density Bonus Law shall be interpreted liberally in favor of producing the maximum number of total housing units. (Gov. Code, § 65915, subd. (r).)

The following responses addresses comments related to the density bonus and incentives requested by the Developer.

1) *A 106% and more increase in density*. The comment is not clear what land area was used for this calculation. The SCEA's description at Section 2.2 page 2.0-4 through 2.0-7 is accurate.

2) *An about 80% increase in Floor Area Ratio*. The comment is not clear what area was used for this calculation. The SCEA's description at Section 2.2 page 2.0-4 through 2.0-7 is accurate.

3) *An enormous 600% decrease in Wilson setback*. The setback otherwise provided under Code is 20 feet and the applicant is providing 3 feet, which is an 85% reduction.

4) *A decrease of setbacks on both Kenwood*. The Project would meet the ground floor minimum setback on Kenwood, but the applicant is requesting a waiver for average setback at the first floor, and minimum and average setbacks on floors 2 and above, as shown in Table 1.0-1 in the SCEA.

5) *Decrease of setbacks on Jackson – all to count separately*. The Project would exceed the ground floor minimum on Kenwood, but the applicant is requesting a waiver for average setback at the first floor, and minimum and average setbacks on floors 2 and above, as shown in Table 1.0-1 of the SCEA.

6) *Elimination of the additional setback requirement for second, third and subsequent floors on Wilson*. This comment is correct.

7) *Same on Jackson*. This comment is correct.

8) *Same on Kenwood*. This comment is correct.

9) *Increase of the height of building from 36 to 60 feet*. The allowed height is 41 feet with a pitched roof.

10) *Increase of the floors of the building from 3 floors to 5 floors*. Per the Glendale Municipal Code Section 30.11.030 (note 5), Residential district general development standards, a mezzanine is not a story.

11) *Above level parking instead of the subterranean or semi-subterranean*. Uncovered parking is allowed as a by-right incentive per Glendale's density bonus code. City Planning considers the garage equivalent to uncovered parking and therefore no separate waiver or incentive/concession is required.

12) *Reduced Parking. Despite the fact the Project does not construct 11% affordable units, is not within ½ mile of the major transit stop, and there are specific adverse impacts that will be*

caused by the incentives based on the findings of the Moratorium in the DSP area, as well as significant impacts under CEQA. Refer to Response 8 for discussion regarding affordable units. Refer to Response 2 for discussion regarding major transit stops.

13) *Non-conforming mixed use which may change any time into a retail and may even extend to the rest of the Project, based on the architectural plans of the raised first floor*. Refer to Response 6 for discussion regarding how the Project does not include a request for retail commercial or any other commercial use.

14) *Reduction of the minimum required landscape*. This comment is correct.

Increase of the maximum allowed occupancy, etc. This comment is correct.

10-23 As discussed in the previous responses and in the SCEA, the Project qualifies for a discretionary density bonus pursuant to California Government Code Section 69515 *et seq*. and GMC Chapter 30.36, and is consistent with the General Plan.

As discussed on Page 5.0-50 of the SCEA, the Project is consistent with the Glendale General Plan. The current General Plan designation is High Density Residential. This designation is generally applied to the residential property around the Central Business District north of Broadway that abuts commercial uses and is intended to allow the development of relatively large residential complexes at a density of 35 to 60 dwelling units to the acre, with an overall average density of 45 dwelling units per acre. For the 2.39 acre project site, this equates to a maximum of 104 base density units (44 units per acre). The Applicant is proposing the allowable base density be determined based on the 3.42 acres (149,054 square feet) of property currently owned by GUSD, which includes the 2.39 acres (103,971 square feet) the Applicant is purchasing from GUSD and the remaining 1.03 acres (45,083 square feet) of property GUSD will retain ownership of containing Daily High School and the surface parking lot on N. Jackson Street proposed for development of a mini-park by GUSD. If the allowable density is determined based on this definition of the site, then this equates to a maximum of 150 base density units (44 units per acre).

The proposed Project would include a total of 207 residential units, consisting of 192 units in the new multi-family residential building, 6 new units in the existing office building, and the 9 units in the existing apartment building that will be renovated. Approval of a discretionary density bonus pursuant to California Government Code Section 69515 *et seq*. and GMC Chapter 30.36 is being requested as part of the Project to allow the number of residential units proposed.

The Project is consistent with applicable goals and related objectives in the Land Use Element adopted for the purpose of avoiding or mitigating environmental effects, including forming an urban environment which will provide for residential diversity and opportunity (General Goal 1); supporting the creation of higher density residential development and alternative forms of medium and high density housing in suitable areas (Residential Goal 4); and providing opportunities for a diversity in housing styles for all economic segments of the community (Residential Goal 5). The proposed Project is also consistent with applicable goals and related objectives in other elements of the General Plan, 2); assisting in providing a wide range of housing types to meet the needs of

current and future residents (Housing Element Goal 1); providing higher density residential development in close proximity to public transportation, services, and recreation (Housing Element Goal 1 Policy 1.3); and assisting the City in providing increased opportunities for affordable housing (Housing Element Goal 1).

10-24 As stated in the SCEA, if any building materials containing asbestos or lead paint is present in the existing buildings, those materials would be removed during the renovation of these buildings as part of the Project and be disposed of in accordance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation activities. The requirements for demolition and renovation activities include asbestos surveying, notification, asbestos-containing material (ACM) removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACQM). All operators would be required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings. Operators are required to be certified by the Environmental Protection Agency (EPA). EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovations, repair and painting that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices.

The comment also states that six months of construction will cause significant risks for cancer due to air pollution according to the new OEHHA standards. OEHHA's guidance is intended to implement the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) and establishes protocols for analysis, but does not establish when project must prepare a cancer risk assessment. SCAQMD recommends, as pertinent to the Project, that cancer risk assessment be considered for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions. Since the Project is not the type that would emit substantial diesel particulate matter (DPM), no cancer risk assessment is required under the applicable SCAQMD guidance. Further, the Project does not quality as a "facility" subject to AB 2588.

The AB 2588 program, per SCAQMD guidance, applies to stationary sources permitted through the New Source Review program or other applicable entitlement rules and regulations. The 10 in one million risk threshold is used for the permitting of stationary sources and represents the trigger at which such new or modified sources must apply Best Available Control Technology to reduce emissions from industrial, manufacturing, or other applicable processes associated with the stationary source. The Project would not include any stationary sources of air pollutant emissions as defined by applicable regulations.

10-25 This comment claims that the Project violates laws under the Education Code and Government Code related to the sale of surplus property, waste of public funds, and conflict of interest.

This comment does not raise any alleged deficiencies with the SCEA document, nor does it allege any environmental impacts related to implementation of the Project. CEQA requires agencies to identify and focus on the significant environmental impacts of the proposed project. (CEQA

Guidelines §15126.2; see also Pub. Resources Code §21065 [CEQA requires consideration only of "physical change[s]" in the environment].) The CEQA Guidelines expressly state that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment." (§ 15131, subd. (a).) Thus, comments that do not raise significant environmental questions do not require a response under CEQA. (*Citizens for E. Shore Parks v State Lands Comm'n* (2011) 202 Cal.App.4th 549, 568.) Further, the courts have held that the type of economic contentions the commenter makes are outside CEQA's scope. (See, e.g., *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205.) In addition, the cursory allegation fails to identify any specific grounds. CEQA mandates that any "objections be sufficiently specific so that the agency has the opportunity to evaluate and respond to them." (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 530-31.) Because the commenter raises issues outside the scope of environmental review under CEQA, and does not identify any specifics, no further response is required by CEQA.

Comment Letters 11-12

Comment Letters 11-12 contain the same comments as Letter 10. Please refer to response to Letter 10 above for responses.

Comment Letter 13

13-1 Section 21155.1 (b)(2) is a land use criterion for the Sustainable Communities Project exemption. A proposed project has to contain 200 or fewer units to quality for the exemption from environmental review under Public Resources Code section 21155.1. The Project does not seek this exemption and is not required to contain 200 or fewer units to qualify for environmental review through the preparation of an SCEA.

13-2 Public Resources Code Section 21155.1 (a)(4) is an environmental criterion for the Sustainable Communities Project exemption, which requires the preparation of a Preliminary Endangerment Assessment (PEA). The Project does not seek this exemption and is not required to prepare a PEA per section 21155.1. Moreover, based on the results of the Phase I Environmental Assessment (ESA) that was prepared for this Project and onsite soil sampling, there was no evidence of the presence of hazardous materials on or near to the site identified. Therefore, the preparation of additional studies such as a Phase II ESA or PEA, was determined not to be required or warranted.

Comment Letter 14

14-1 A traffic study for the project, provided in Appendix F to the SCEA, considers cumulative traffic impacts from 79 related projects, and assesses the potential cumulative effects of future related projects. Based on the trip generation calculations provided in the traffic study, the proposed Project is estimated to generate 40 less inbound trips during the morning peak hour due to the elimination of the GUSD administrative office. As a Project mitigation measure (MM TR-1), a Construction Traffic Management Plan would be prepared which will include a Construction Traffic Control Plan, Construction Parking Plan, and a Haul Routes Plan. In addition, as a Project mitigation measure, construction would implement equipment noise control (MM NOISE-1), provide

temporary noise barriers (MM NOISE-2), limit the number of noise generating heavy-duty off-road construction equipment (MM NOISE-3) to further reduce any potentially impacts related to noise.

With regard to any existing building materials containing asbestos, these materials would be removed and disposed of in accordance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation activities which provides requirements for asbestos surveying, notification, asbestos-containing material (ACM) removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACQM).

Comment Letter 15

15-1 Refer to Response 10-22 above for discussion related to density bonus.

15-2 Refer to Response 14-1 above for discussion related to traffic.

15-3 Refer to Response 3-2 above for discussion related to parking.

15-4 Refer to Responses 10-5 and 10-8 for discussion of the health impacts related air quality, which were determined to be less than significant, and Response 14-1 for discussion related to removal of existing building material containing asbestos/lead, which were determined to be less than significant.

15-5 These statements do not identify a specific environmental analysis or CEQA issue relative to the draft SCEA. As discussed in SCEA Section 5.2-3 Air Quality emissions related to construction and operation of the Project would not exceed the South Coast Air Quality Management District's (SCAQMD's) recommended daily emissions thresholds, including Local Significance Thresholds ("LSTs"). (SCEA, pp. 5.0-10 through 5.0-12.) LSTs are used to assess the potential air quality impacts that would result in the near vicinity of the Project. They represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of pollutants for each source receptor area and distance to the nearest sensitive receptor. The Project is also consistent with the SCAQMD air quality management plan, which was prepared to comply with the federal and state Clean Air Acts and amendments, accommodate growth, reduce pollutants in the South Coast Air Basin, and meet federal and state air quality standards. (SCEA, pp. 5.0-8) Furthermore, as a project mitigation measure (MM AQ-1), off-road construction equipment greater than 50 horsepower and use for a total of five (5) days or more shall meet at a minimum USEPA Tier 3 emissions standards and equipped with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent control device to further reduce potential construction related emission, strongly correlated with diesel particulate matter. Accordingly, the SCEA appropriately determined that the Project's air quality impacts would be less than significant after implementation of mitigation.

With respect to emergency response, the SCEA determined that the Project would not interfere with emergency response times. The Project does not involve changes to the existing street network or to existing emergency response plans. (SCEA, p. 5.0-79.) In addition, no changes to the City's Disaster Response Routes would occur. (SCEA. P. 5.0-79.) In the event of an emergency, all lanes would be opened to allow for traffic flow to move in one direction and traffic would be controlled by the appropriate agencies, such as the City of Glendale Police Department. (SCEA, p. 5.0-80.) During construction, the construction contractor will notify the City of Glendale Police and Fire Department of construction activities that would impede movement (such as movement of equipment and temporary lane closures) along Jackson Street and/or Wilson Avenue to allow for these first emergency response teams to reroute traffic to an alternative route, if needed. (SCEA, p. 5.0-80, see also p. 5.0-40.) Further, implementation of the Project would neither result in a reduction of the number of lanes along response routes in the Project area nor result in the placement of an impediment to the flow of traffic such as medians. (SCEA, p. 5.0-40.) The SCEA also assessed the Project's impacts on Pubic Services, including fire and police protection, and determined that the Project would result in a minor, insignificant increase in the ratio of firefighter and police to residents in the City. (SCEA, pp. 5.0-68 through 5.0-67.) Accordingly, the Project's impacts on emergency response were correctly determined to be less than significant. Refer also to Response 14-1 above for discussion related to traffic.

Comment Letters 16-23

Comment Letters 16-23 contain the same comments as Letter 10. Please refer to response to Letter 10 above for responses.

2.0 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared, pursuant to the requirements of the State CEQA Guidelines[3], to identify the monitoring actions to be taken to ensure the implementation of the mitigation measures adopted by the City to reduce potential significant impacts as identified in the Draft Sustainable Communities Environmental Assessment (SCEA) for the Glendale Unified School District Site Apartment Project located at 223–241 N. Jackson Street and 206–220 N. Kenwood Street, Glendale, CA 91206.

The State CEQA Guidelines require public agencies to adopt a program monitoring or reporting to ensure that the mitigation measures it has imposed to mitigate or avoid significant environmental effects are implemented.

Table 1: Summary of Project Impacts, Mitigation Measures, and Implementation Responsibility will guide the City in its documentation of the implementation of mitigation measures. This MMRP is organized as follows:

- **Mitigation Measure:** Provides the text of the mitigation measure identified in the SCEA.
- **Timing/Schedule**: Identifies the timeframe for implementation of the mitigation measure.
- **Implementation Responsibility**: Identifies the entity responsible for monitoring the implementation of each mitigation measure.
- **Action**: Describes the type of action taken to verify implementation.
- **Date Completed**: Provides for the acknowledgement of completion of each mitigation measure as it is implemented. Entries will be dated and initialed by City personnel based on the documentation noted in the mitigation measure and provided by the individual or entity responsible for monitoring the implementation of the measure.

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures according to the provided specifications and for demonstrating that each action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor.

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[3] California Code of Regulations, sec. 15074(b)(6), State CEQA Guidelines.

Table 1
Summary of Project Impacts, Mitigation Measures, and Implementation Responsibility

Mitigation Measure	Timing/Schedule	Implementation and Verification		
		Implementation Responsibility	Action	Date Completed
Air Quality				
AQ-1 Construction Equipment: Off-road diesel-fueled heavy-duty construction equipment greater than 50 horsepower (hp) used for this Project and located on the Project site for a total of five (5) days or more shall meet at a minimum the USEPA Tier 3 emission standards and the equipment shall be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent control device.	Throughout construction activities.	Project Applicant	Requirements shall be included in construction documents and verified during construction activities.	
Cultural Resources				
CUL-1 Paleontological/Archaeological Finds: In the event that paleontological/archaeological resources are unearthed during grading and excavation activities, all work within 50 feet of the resources shall be halted and shall consult with a qualified paleontologist/archaeologist to assess the significance of the find. The designated paleontologist/archaeologist would consult with the Fernandeño Tataviam Band of Mission Indians with regard to the identification of any cultural resources present. After the resources have been addressed appropriately, work in the area may resume.	Throughout construction activities.	Project Applicant	Monitor grading and construction activities; halt or relocate work if resources encountered.	
Noise				
NOISE-1 Equipment Noise Control: The Project contractor(s) shall equip all construction equipment, fixed or mobile with properly operating and maintained noise mufflers, consistent with manufacturers' standards and specifications. Optimal muffler systems for all equipment and the break in light of sight to a sensitive receptor would reduce construction noise levels by approximately 10 dBA.	Throughout construction activities.	Project Applicant	Requirements shall be included in construction documents and verified during construction activities.	
NOISE-2 Construction Noise Barrier: The Project shall provide a temporary 15-foot tall construction noise barrier (i.e., wood, sound blanket) between the Project construction site and off-site noise	Throughout construction activities.	Project Applicant	Requirements shall be included in construction documents and verified during construction	

Mitigation Measure	Timing/Schedule	Implementation and Verification		
		Implementation Responsibility	Action	Date Completed
sensitive uses along the area of work, with a performance standard (STC values ranging from 29 to 36, NRC values ranging from 0.65 to 0.75) of achieving 29 to 36 dBA noise level reduction. The temporary noise barriers shall be used during Project construction phases when the use of heavy equipment is prevalent. The Project shall avoid locating or using stationary construction equipment near off-site noise sensitive uses.			activities.	
NOISE-3 Limit Construction Equipment: The Project shall limit the number of noise generating heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the Project site within 100 feet of off-site noise sensitive receptors adjacent to the Project site to generally no more than two to three pieces of heavy-duty off-road equipment.	Throughout construction activities.	Project Applicant	Requirements shall be included in construction documents and verified during construction activities.	
NOISE-4 Construction Vibration: The Project shall limit the distance of vibration generating equipment to be at a minimum 50 feet from off-site vibration sensitive receptors.	Throughout construction activities.	Project Applicant	Requirements shall be included in construction documents and verified during construction activities.	
Transportation and Traffic				
TR-1 Construction Traffic Management Plan: The applicant shall prepare a Construction Traffic Management Plan which will include a Construction Traffic Control Plan, a Construction Parking Plan, a Haul Routes Plan, and would include construction hours.	Prior to construction activities.	Project Applicant	Prepare Construction Traffic Management Plan to include Traffic Control Plan, a Construction parking Plan, and a Haul Routes Plan, and would include construction hours.	
TR-2 Traffic Signal – California Avenue and Jackson Street: The applicant would install a traffic signal at the intersection of California Avenue and Jackson Street to mitigate the impact of the Project prior to the issuance of the occupancy permit.	Prior to the issuance of the occupancy permit.	Project Applicant	Install traffic signal at the intersection of California Avenue and Jackson Street	