glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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September 14, 2016

Sakina Basrai
10344 Samoa Avenue
Tujunga, CA 91042

RE: 1479 EAST BROADWAY
CONDITIONAL USE PERMIT NO. PCUP 1612244

Dear Ms. Basrai:

On August 24, 2016, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the continued operation of a daycare center in conjunction with a place of worship located at **1479 East Broadway**, in the "R-2250" - Medium Density Residential Zone, described as Lots 7, 8, and 9 of Tract No. 4491 and Lot 16 of Tract No. 4866, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

1) Approval of a Conditional Use Permit is required for daycare centers where operated at a church, synagogue, temple or other place of worship, when located in the "R-2250" - Medium Density Residential Zone.

APPLICANT'S PROPOSAL

1) To allow the continued operation of a daycare center in conjunction with a place of worship located in the "R-2250" – Medium Density Residential Zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The applicant is proposing to continue the operation of a daycare center in an existing church facility. The Land Use Element of the General Plan designates this area for medium-density residential use. The use of a daycare center when operated at a church is a use subject to the approval of a Conditional Use Permit. Child-care facilities provide an important service to residents in the community, provided certain criteria are met to ensure compatibility. Conditions attached to the project approval will ensure this criteria is met and the day care center will continue to be an asset to the community.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

Most activity at the day care center is conducted inside the building. The operation of this daycare center within the church has not proven to have negative effects on the surrounding neighborhood since it was first approved in 1985. The existing use meets the intent of the zoning ordinance. The continued use of the facility, with no operational changes, is a benefit to the community and the surrounding environment. The existing daycare center has been operating at this location without any major issues or concerns. Similar uses exist in other areas of the City and have not proven to be detrimental to the public health and general welfare of the community.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The use and facilities will not adversely affect or conflict with the adjacent uses or impede the normal development of the surrounding establishments and properties, provided that the conditions of approval are followed. The existing daycare center is compatible with the surrounding uses since there have been no complaints from the surrounding neighborhood.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as loading, utilities, landscaping, parking spaces, open space, and traffic circulation measures are existing and are well provided for the use. The site has a parking lot sufficient for the traffic volume anticipated to be generated by the continued daycare center. Other public and

private utilities at the daycare center, such as water and electricity are existing and do not need improvement at this time.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing <u>except</u> for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2. That any expansion or modification of the facility or use shall require a new conditional use permit application. Expansion shall constitute adding of an additional floor area or any physical change as determined by the Planning Hearing Officer.

3. That not more than 35 children shall be allowed at the day care center at any time.

4. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

5. That the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. weekdays only.

6. That children shall not use or be allowed to congregate in the parking area behind the existing building.

7. That noise be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

8. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale.

9. That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

10. That all daycare center staff shall be trained in emergency contact procedures in order to obtain necessary police, fire, or ambulance services; a telephone for emergency purposes shall be readily accessible to staff whenever children are on the premises.

11. That the parking areas be maintained and accessible for the parking of automobiles during church and school functions and special events.

12. That any lights used to illuminate the exterior area be adequately shielded so as not to shine on adjacent properties.

13. That the authorization granted herein shall be valid for a period of ***TEN (10) YEARS, UNTIL SEPTEMBER 14, 2026,*** at which time, a reapplication must be made.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **, SEPTEMBER 29, 2016,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS

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

REVOCATION, CONTINUING JURISDICTION

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Variance which is or has been granted and may revoke any Conditional Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by a Conditional Use Permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the Conditional Use Permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Conditional Use Permit.

Cessation

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

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive

service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,

Roger Kiesel
Planning Hearing Officer

RK:DM:sm

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (A. Jimenez); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra); and case planner-Danny Manasserian.