CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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March 6, 2019

Rodney Khan
1111 North Brand Boulevard – Suite 403
Glendale, CA 91202

RE: 404 SOUTH LOUISE STREET
VARIANCE CASE NO. PVAR1830391
(Holy Family Elementary School)

Dear Applicant:

On March 6, 2019, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Setback Variance to allow the construction of a new fence within the street-front and street-side setback areas of an existing private school (Holy Family Elementary School), located at **404 South Louise Street,** in the "R-1650" – Medium-High Density Residential Zone, described as Portion of Lot 58, all of Lots 59-61, Grider and Hamilton's Lomita Park Tract. The new fence will range in height from 8 to 11 feet, in the City of Glendale, County of Los Angeles.

CODE REQUIRES
Setback Variance
(1) The minimum required street-front setback for a new fence is 20 feet in the R-1650 Zone.
(2) The minimum required street-side setback for a new fence is five feet in the R-1650 Zone.

Setback Variance
(1) To construct a new fence (overall height of eight feet) with a 16'-2" setback from the street-front property line.
(2) To construct a new fence (overall height ranging from 8 to 11 feet) with a zero setback from the street-side property lines.

ENVIRONMENTAL DETERMINATION
The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to Section 15303 (e) of the State CEQA Guidelines, because the proposal is to construct a new accessory (appurtenant) structure, a fence.

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 application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. That the strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The existing project site is a 50,108 square-foot property with frontage on three streets: South Louise Street, East Elk Avenue, and East Lomita Avenue. Located in the R-1650 (Medium-High Density Residential) Zone, the site was originally developed in 1924 and since that time has operated as a private school - Holy Family Elementary School. The site currently features a chain link fence that is located in the setback area along all three street frontages. The applicant is proposing to replace this existing chain link fence that encompasses the campus with a new decorative fence which will allow use of the campus and associated playground areas by students and staff in a safe and secure environment.

In accordance with GMC 30.11.030, Table 30.11-B, the minimum required street-front setback for a new fence along South Louise Street is 20'-0" and the minimum required street-side setback along East Elk Avenue and East Lomita Avenue is 5'-0", measured from the property line. The applicant's request is to replace the existing chain-link fence around the project site, provide a minimum 16'-2" street-front setback along South Louise Street and maintain the existing zero setback along the street-sides (East Elk and Lomita Avenue). Currently, along South Louise Street, the existing chain-link fence has a zero setback from the property line, and the request will modify the location of the fence along the street-front to be setback 16'-2" to bring it in line with the existing building and provide greater visibility for vehicular traffic approaching the intersections along East Elk Avenue and East Lomita Avenue. Denying the requested variance would result in a loss of outdoor space currently used by the staff and students of the school, including the existing kindergarten play yard area along East Lomita Avenue and existing outdoor seating area along East Elk Avenue. To require the applicant to comply with Zoning Code setback requirements for the new fence would require impractical changes to the existing site that would unduly restrict the use of the site as a private school.

B. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The project site is located in the R-1650 (Medium-High Density Residential) Zone and was originally developed in 1924 as a private school, Holy Family Elementary School. Directly to the south of the project site is Holy Family Girl's High School, and to the west is Holy Family Church. The remainder of the immediate neighborhood features single-family and multi-family residential uses. There are exceptional circumstances and conditions applicable to the subject property that would not apply generally to other property in the same zone or neighborhood. Firstly, the project site is larger in comparison to most of properties in the surrounding neighborhood and has frontage on three streets (East Elk Avenue, East Lomita

Avenue, and South Louise Street). Secondly, the project site has been in operation as a private school in a residential zone since 1924, with development and operational needs that differ from a residential use. The location of the new fence in the setback areas of the site will maintain the usable outdoor areas of the private school, and provide safety and security for students and staff. Lastly, the applicant's request involves replacing an existing chain link fence with a new decorative fence at roughly the same height and same location. The location of a fence in the street-front and street-side setback areas has already been established by the current fence being replaced. In addition to providing safety and security for staff and students, the location of the new fence around the project site will maintain the existing outdoor play area for the students for the grade school.

C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. The applicant's request involves removal of an existing chain-link fence and construction of a new decorative fence that will be architecturally compatible to the existing school building. Additionally, along South Louise Street, the location of the fence will be pulled back from the property line which allows for improved visibility for vehicular traffic as they approach the intersections along East Elk Avenue and East Lomita Avenue. The new fence will meet all code requirements and will be required to obtain design review approval prior to the issuance of a building permit to ensure that the new fence is architecturally compatible with the buildings on-site.

D. That the granting of the variance will not be contrary to the objectives of the ordinance.

Granting of the variance will be in keeping with the character of the existing private school, and will not be contrary to the objectives of the ordinance. The objective of prohibiting most development within the street-front and street-side setback areas is to maintain the open streetscape of residential neighborhoods. For this current situation, the openness of the streetscape will be maintained as the proposal involves replacing an existing chain link fence with a new decorative fence. The new fence will feature a vertical wrought iron design that allows for transparency through the fence. Additionally, the intent of the ordinance prohibiting development in the street-front and street-side setback areas applies to residential uses in residential neighborhoods. The subject property has been in operation as a private school in a residential zone since 1924 and the new fence will allow for the maximum use of the site's outdoor yard areas in a secure environment. Outdoor yard areas, including playgrounds and seating, are common ancillary uses for a private school. Conditions of approval have been included to mitigate any potential negative impacts from replacement fencing.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be

required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2. That all necessary permits (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.

3. That approval of a design review board exemption shall be obtained prior to the issuance of a building permit.

4. That landscaped areas shall be maintained in good condition with live plants and free of weeds and trash.

5. That the new trash enclosure shall comply with the provisions of GMC 30.30.030.

6. That all new landscaping shall comply with the provisions of GMC 30.31.020.

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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **MARCH 21, 2019,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (COD), 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/appeal

TRANSFERABILITY

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

GMC CHAPTER 30.41 PROVIDES FOR

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

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

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

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 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner (Roger Kiesel *at 818-937-8152*) first and then,

the Planning Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Vista Ezzati at (818) 937-8180 or vezzati@glendaleca.gov.

Sincerely,

Laura Stotler

Laura Stotler
Planning Hearing Officer
LS:VE:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (Larry Tan/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 (Rene Sada); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Vista Ezzati