



May 16, 2018

Rodney Khan  
Khan Consulting, Inc.  
1111 North Brand Boulevard, #403  
Glendale, CA 91202

RE: **312-324 RIVERDALE DRIVE**  
**USE VARIANCE CASE NO. PVAR1723096**  
**(My Wonder Years)**

Dear Applicant:

The Planning Commission of the City of Glendale, at its meeting held on May 16, 2018, conducted a public hearing on Use Variance Case No. PVAR 1723096, requesting for a renewal of an expired Use Variance application to allow the continued operation of a day care center/preschool for children ages two through five, where a day care center is not a permitted use on the portion of the project site, located at 312-324 Riverdale Drive, zoned "R-2250" - Medium Density Residential and "C3" - Commercial Service zones, and described as Portions of Lots 31 and 32, Riverdale Heights Tract in the City of Glendale, County of Los Angeles.

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 Commission **APPROVED WITH CONDITIONS** your application for a Use Variance Case No. PVAR 1723096.

APPLICANT'S PROPOSAL

Use Variance

- (1) To allow the continued operation (renewal) of an existing day care center/preschool located in the "R-2250" - (Medium Density Residential) Zone.

CODE REQUIRES

Use Variance

- (1) Day care center is not a permitted use in the "R-2250" - (Medium Density Residential) Zone (30.11, Table 30.11 – A).

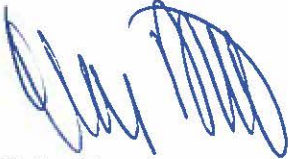
ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301 of the State CEQA Guidelines because the project involves no expansion of an existing use.

A motion adopted by the Planning Commission is attached.

If you have any questions or need additional information on filing an appeal please contact the undersigned, in the Community Development Department at (818) 937-8163.

Sincerely,  
Philip Lanzafame  
Director of Community Development



Kathy Duarte  
Planner

KD: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 (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power- Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power- Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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-and case planner- Kathy Duarte.

## MOTION

Moved by Planning Commissioner Manoukian, seconded by Planning Commissioner Lee, that upon consideration of Use Variance Case No. PVAR 1722701, and after reviewing the records, files, reports, and all documentary evidence submitted with regard to said variance, that Use Variance Case No. PVAR 1722701 is hereby approved subject to compliance with the six (6) conditions listed below; and the Planning Commission hereby makes each and all of the following findings of fact:

- 1. 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.**

A day care facility has operated on this site for approximately 22 years. The original entitlement to allow the operation of a day care center on this site was approved on June 18, 1996. The facility has been run by the current operator since 2012 and serves 130 children between the ages of 2-5 from all segments and income levels of the community. The intent of the ordinance is to provide day care center/community facilities for all Glendale residents. Strict application of the ordinance would prevent the facility from continuing to operate and provide a needed educational and community service. Since the use has been in operation for an extended period of time and provided a service to the surrounding community, denying the application would cause unnecessary hardship and practical difficulty.

- 2. 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 larger size of the site and the use and development of the property as a day care with multiple zoning designations is unique when compared to other properties in the neighborhood. A portion of this site is zoned C3 (Commercial Service) and the other is zoned R-2250 (Medium Density Residential). The property consists of five lots and is 34,684 square feet in size with approximately 208 feet of frontage along Riverdale Drive. The parking lot was re-stripped to be Code compliant with 18 parking spaces and the required drop-off and pick-up area will be provided. Other uses in the neighborhood do not have multiple zoning designations. Day care facilities are permitted uses in the C3 zone. Therefore, there are exceptional circumstances applicable to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

- 3. 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.**

The granting of the variance to allow the continued use of the property as a day care is not expected to be detrimental to the public health or safety, the general

welfare, or the environment, since an existing day care/preschool use has been in operation at this site since 1996 without detriment. The facility will continue the current operation with no increase in building square footage, number of students, or hours of operation and the existing play areas and will remain. The will serves 130 children between the ages of 2-5 with 10-15 on-site teachers. The hours of operation will be from 7:30 a.m. to 5:30 p.m. Monday through Friday. Parents will generally drop off their children between the hours of 7:30 a.m. and 9:30 a.m., and pick them up between the hours of 3:00 p.m. and 4:30 p.m. Since these times are staggered, traffic can be accommodated on adjacent streets. The parking lot was re-striped to meet current Code requirements and the configuration of what was approved in the previous application (18 parking spaces). Therefore, approval of this project will be beneficial to the community as it fulfills a need for toddler and pre-school care and education in Glendale and provides a public benefit for 130 children.

**4. The granting of the variance will not be contrary to the objectives of the ordinance.**

The intent of the ordinance is to provide needed social services and educational opportunities, which will be provided for 130 children between the ages of 2 and 5. The preschool and child care use is consistent with the various elements of the General Plan, which recognizes the need for day care centers/community facilities. A goal of the Land Use Element is to improve the livability of the total community for all Glendale residents as expressed in living, working and shopping areas, as well as community facilities. This facility will improve livability by providing a neighborhood day care facility with a comprehensive child development program and subsidized childcare for qualified families. A goal of the Community Facilities Element is to expand opportunities for the provision of needed social services by both public and service organizations. Therefore, with an approved use variance and implementation of conditions, the day care use will be an appropriate use within a residential zone.

**CONDITIONS OF APPROVAL**

**APPROVAL** of this Use Variance 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 except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Commission.
2. That all necessary licenses, permits are required or approvals from Federal, State, County or City authorities shall be obtained and kept current at all times. A Business Registration Certificate shall be obtained from the Building and Safety section.
3. That the landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.



4. That the parking area shall be maintained in accordance with the plans submitted and previous approval (providing a minimum of 18 parking spaces), and the required drop-off and pick-up area shall be provided within three (3) months of approval, to the satisfaction of the Director of Community Development.
5. That the location of the power poles shall be clearly shown on the proposed plans for approval. The project is to maintain a minimum of five (5) feet clearance from face of power pole in all horizontal directions. Clearance shall extend from below ground level and clear to sky.
6. That this Use Variance shall expire within 10 years, on May 16, 2028. Any extension beyond this time shall require another public hearing and approval by the Code designated authority.

Adopted this 16th day of May, 2018.

This motion shall take effect and be in force upon the tenth (15th) day after its passage.

**VOTE**

Ayes: Lee, Manoukian, Satoorian, Shahbazian, Astorian

Noes: None

Abstain: None

Absent: None

**APPEAL PERIOD, TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION**

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 City Council 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 **May 29, 2018**, 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 (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

**APPEAL FORMS available on-line: <http://www.glendale.ca.gov/appeals>**

## **GMC CHAPTER 30.41 PROVIDES FOR**

### **TERMINATION**

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

### **EXTENSION**

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

## **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.

## **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.

## **REVOCAION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Use Variances. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Use Variance at least ten (10) days' notice by mail to the applicant or permittee.

**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 first and then, the 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.

You may contact the case planner, Kathy Duarte, during normal business hours at (818) 937-8163 or via e-mail at [kduarte@glendaleca.gov](mailto:kduarte@glendaleca.gov).