



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

August 2, 2019

Liouba and Robert Gasparian
544-546 West Broadway
Glendale, CA 91204

**RE: 544-546 WEST BROADWAY
CONDITIONAL USE PERMIT NO. PCUP 1828380
(ARTEK CHILD EDUCATION CENTER INC.)**

Dear Ms. Liouba and Mr. Robert Gasparian

On July 31, 2019 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 an existing private school (kindergarten) located in the "SFMU" - Commercial/Residential Mixed Use zone, in conjunction with a legal non-conforming day care center, described as Portions of Lots 4 and 5, Tract No. 4527, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) A Conditional Use Permit to allow a private school in the "SFMU" Zone (GMC 30.14.020).

APPLICANT'S PROPOSAL

- (1) Approval of a Conditional Use Permit to allow a private school at the subject site.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from environmental review per Section 15301 of the State California Environmental Quality Act Guidelines, as a Class 1 Existing Facility because it is an existing facility involving no expansion of use.

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

The proposed use will be consistent with the various elements and objectives of the General Plan. The General Plan Land Use Element designation for the subject site is Mixed Use. The Zoning Code, the implementation tool for the General Plan, designates the property as SFMU (Commercial/Residential Mixed Use) and describes the zone as a district that "allows for a mix

of residential and commercial, or just commercial, or just residential (standalone) land uses. The only exception to this provision applies to lots fronting San Fernando Road, Broadway, and Colorado Street, which requires that commercial uses be located along the street frontage." The private school is a commercial use that would support the surrounding residences and employees, and thus is an appropriate land use in the zone.

Operation of the private school shall be required to comply with the City's Noise Ordinance (Chapter 8.36 Noise Control), and, as such, will be consistent with the General Plan Noise Element. No other elements of the General Plan, including the Circulation, Historic Preservation, Housing, Open Space and Conservation, Recreation, and Safety Elements, will be negatively impacted as a result of the proposed land use. Therefore, the proposed use is consistent with the various elements and objectives of the General Plan.

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.

The proposed continuation of the existing private school in the SFMU zone, and its associated structures and facilities, are not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. As mentioned above, the use is compatible with the Land Use Element's land use designation for the area. The use is also compatible with the surrounding development which consists of commercial and residential uses. Further, the Neighborhood Services Division and Police Departments had no comments about the permit application, and the associated structures and facilities have been operating since 2001 with no evidence of being detrimental to the community. No changes are proposed to the structures and facilities.

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

Approval of the conditional use permit will not adversely impact nearby uses, nor impede the normal development of surrounding properties. No physical changes to the exterior of the building are proposed as part of the project, so no physical impact will be created that would impede the development of surrounding properties. Further, no evidence has been presented that indicates the continued operation of the kindergarten is or will cause adverse impacts or impede development of surrounding properties. Standard conditions of approval have been recommended to help prevent potential negative impacts to nearby uses.

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 utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The site has appropriate utilities and infrastructure necessary for commercial uses to continue operating at the site. No changes are proposed that would render existing utilities and infrastructure inadequate or require them to be upgraded. The site has nine parking spaces which are legal non-conforming. The current parking space striping paint is faded, so a condition of approval has been added to correct this condition.

CONDITIONS OF APPROVAL

APPROVAL of the 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 except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
3. 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.
4. That a Business Registration Certificate (BRC) be applied and issued for the daycare center and private school, subject to the Conditions of Approval of this Conditional Use Permit (CUP).
5. That the existing parking striping shall be repainted.
6. That sufficient measures shall be enforced to effectively eliminate parking congestion, disturbing noise, disturbing light, loud conversation, or any other activity that may adversely impact nearby uses.
7. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
8. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
10. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
11. That the authorization granted herein shall be valid for a period of **FIFTEEN (15) YEARS, UNTIL AUGUST 2, 2034**, 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 **AUGUST 19, 2019**, at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the 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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over 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 Conditional Use Permit 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.

GMC CHAPTER 30.41 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.

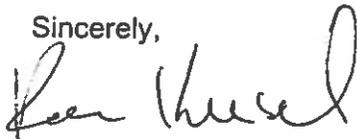
CESSATION

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 who acted on this case. 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:CP: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 – Cassandra Pruett.