



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

May 28, 2020

Samuel Oh
8430 Santa Monica Boulevard
West Hollywood, CA 90069

**RE: 626 NORTH PACIFIC AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1828110**

Dear Mr. Oh:

On May 13, 2020, 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 at an existing church located at **626 North Pacific Avenue**, in the "R-1650"- (Medium-High Density Residential) Zone, described as Portion of Lot 16, Oliver's West Glendale Tract, in the City of Glendale, County of Los Angeles

APPLICANT'S PROPOSAL

Conditional Use Permit

(1) To allow the continued operation of a daycare center at an existing church.

CODE REQUIRES

Conditional Use Permit

(1) The operation of a daycare center within a church or other house of worship religiously affiliated or nonsectarian preschool requires a Conditional Use Permit in the R-1650 zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this project is proposing to allow the continued operation of an existing daycare center within an existing church and involves no expansion of the use or building.

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 applicant's request to continue the operation of a children's day care is consistent with the various elements and objectives of the general plan. The Zoning land use designation and the General Plan Land Use Element designation for the subject property is R-1650 (Medium-High Density Residential), which is intended for medium-high density residential development. Under special consideration by a Conditional Use Permit, the R-1650 zone allows day care centers within this zone when operated by a church or similar place of worship to accommodate the concentration of population with day care services. According to City records, a day care center has operated at this church location since 1965 subject to the approval a Conditional Use Permit. Given the day care center has operated at the subject site for the past 55 years without major incident, the continued use of a day care center is compatible with the surrounding neighborhood.

The existing day care center (Sharon Daycare Center) operates within an existing 1,746 square-foot, detached, classroom building centrally located on the property. Sharon Daycare Center cares for children between ages two to five years old with a capacity for 30 children. The hours of operation for the day care are from 7:30 a.m. to 6:00 p.m., Monday through Friday. The applicant's request does not propose any changes to the existing day care or on-site church buildings and operations.

The subject site is adjacent to North Pacific Avenue and Pioneer Drive. As identified in the Circulation Element, North Pacific Avenue is a Minor Arterial and Pioneer Drive is a Local street. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The subject use shall be required to comply with the City's Noise Ordinance (Chapter 8.36 Noise Control) and, as such, will be consistent with the Noise Element. Thus, the continued operation of a child day care is not anticipated to increase the existing noise levels above and beyond the current conditions. Since the site is already developed and the Conditional Use Permit application only involves the continued operation of an existing child day care center associated with an existing church with no changes to the use or the building, other elements of the General Plan, including the Open Space, Recreation and Housing Element will not be impacted as a result of the project. This application does not include any floor area or modifications to the existing building. Therefore, allowing Sharon Daycare Center to continue its operations will be consistent with the 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 continued operation of an existing day care center will not be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. The site is fully improved and the day care has operated at this church location for several years with no apparent negative impacts. The project has been reviewed by the Fire Department, Police Department, Public Works Department, and the Divisions of

Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. No major concerns were expressed by the various City divisions and departments with the use continuing its operation. The City's Traffic Engineering Section suggested condition to provide an on-site pick-up and drop-off area is included as part of this approval. The day care center use has not proven to have any negative impacts on the surrounding community, including adjacent residential uses and no changes are being proposed to the associated 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 to continue operating a children day care center will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed. No changes are proposed to the existing on-site church buildings as part of this application. A day care center has operated on the site previously with no apparent adverse impacts or conflicts. No evidence was submitted nor presented at the public hearing that would indicate that the subject conditional use permit to continue operating a child day care center has been or will be a problem in the future provided that the conditions of approval are followed. Approval of the subject conditional use permit to continue operating a day care at the subject site will not adversely impact nearby uses, nor impede the normal development of surrounding properties since these properties are already developed. The immediate vicinity surrounding the subject property is developed with residential uses and a few commercial uses. It is bounded by single-family residences and a gas station to the west, a parking lot to the north, and multi-family residential buildings to the east and south. There are no known parks, day care facilities, churches, or libraries within quarter mile of the existing day care center; however, there are two public parks (Fremont Park and Milford Mini-Park) and a public school (Columbus Elementary School) in the vicinity, within half mile of the subject day care center.

The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses, since the subject property is already developed. The existing church has been in operation at this site since 1935 per City records and a day care center has been in operation for more than five decades since 1965. Subsequent Conditional Use Permits have been granted to allow the continued operation of a day care center at this location, with the most recent approval granted in 2008 (expired 2018). The continued operation of the day care center is not anticipated to draw major traffic or create conflicts with the adjacent uses and no substantial evidence was submitted to indicate that the facility would adversely impact existing facilities. The existing day care center is desirable for public convenience and welfare, because it will continue to provide wholesome care and instruction for children in the community. A series of conditions included with this approval will regulate hours of operation and maximum enrollment, further ensuring compatibility.

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

Adequate public and private facilities, such as utilities, parking spaces, and traffic circulation measures are provided for the use. Development of a church at the project site has existed since 1935, and a day care center has been in operation since 1965. For the past 85 years, the site has been developed with utilities such as gas, electricity, water, sewer, and landscaping. A total of 17 existing surface parking spaces are provided on site to service the church and day care center use. This request does not propose any new floor area, alterations to the parking lot, or modifications to the business operations. As a result, the use does not require the existing parking conditions to be brought up to code. The applicant's request will not create a negative parking or traffic impact, as the continued operation of the existing day care center operations will remain unchanged. All existing utilities, landscaping, parking spaces and traffic circulation measures are adequate as they are already in place.

APPROVAL of the Conditional Use Permit 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 licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. That the facility shall be provided continuous adult supervision of all children on premises during hours of operation and until the last child leaves the premises, in the care of an adult.
5. That the child day care hours of operation shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday.
6. That no children shall be out of doors unless supervised by two adults.
7. Children shall not be allowed to play in areas which are not fenced so as to be segregated from traffic or cars.
8. That all day care 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.
9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.

10. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer.
11. That flags, banners, or pennants, which are prohibited by the Glendale Municipal Code shall not be displayed on the premises at any time.
12. That compliance with all requirements of the Federal Department of Health and Human Services and the Los Angeles County Superintendent of Schools shall be required.
13. That certificates to operate the day care center shall be obtained and kept current at all times.
14. That day care enrollment be limited to 30 children at any given time.
15. That on-site pick-up and drop-off area be provided for the day care center to the satisfaction of the City's Traffic and Transportation section as specified in their memo dated January 8, 2019.
16. That the parking lot shall not be used for recreation and no outdoor recreational equipment shall be located in the parking lot.
17. That all signs shall comply with the sign ordinance.
18. That no outdoor storage is allowed on the site.
19. That the facility shall not be rented, leased or otherwise occupied for purposes not specified.
20. That a Business Registration be obtained and kept current during the operation of the day care center.

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 **JUNE 12, 2020**.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the JUNE 12, 2020 deadline (mailed to Community Development Department – Planning Division, Attention Minjee Hahm, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Minjee Hahm at mhahm@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. *Note:* The standard 2.5% fee for credit card payment applies.

APPEAL FORMS available on-line

<https://www.glendaleca.gov/home/showdocument?id=11926>.

If you have any questions, please do not hesitate to call me at (818) 937-8178.

(email: mhahm@glendaleca.gov).

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 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 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.

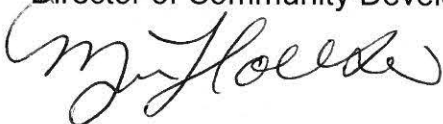
CESSATION

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,
 Phil Lanzafame
 Director of Community Development



Milca Toledo
 Planning Hearing Officer

MT:MH: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.

626 NORTH PACIFIC AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1828110

Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); D.Gokcen; L.Lederma; F.Mitchell; and case planner – Minjee Hahm.