

May 13, 2016

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

**RE: 1058 RUBERTA AVENUE  
CONDITIONAL USE PERMIT NO. PCUP 1603272**

Dear Mr. Khan:

On May 11, 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 demolish an existing single-family residence and construct a new two-story, 12 bed residential congregate living facility, medical on an 8,787 square-foot lot, located at **1058 Ruberta Avenue**, in the "R-2250" – Medium Density Residential Zone, described as Lots 9 and 10 of Glen-Ina Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) Approval of a Conditional Use Permit is required for Residential Congregate Living Facilities, Medical in the R-2250 – Medium Density Residential Zone.

APPLICANT'S PROPOSAL

- 1) To allow the construction of a Residential Congregate Living Facilities, Medical in the R-2250 – Medium Density Residential Zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to State CEQA Guidelines Section 15303.

**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 subject site is located in the R-2250 (Medium Density Residential) Zone and the General Plan Land Use Element designation is Medium Density Residential. The size of the lot is approximately 8,787 square feet. The applicant proposes to construct a medical residential congregate living facility, which will include eight bedrooms and up to 12 beds. The proposed use is conditionally permitted in the R-2250 zone. The project is consistent with the General Plan – Land Use Element, as it is considered one dwelling unit on a lot which can accommodate three units. The City's Housing Element Eight-Year Housing Plan (2014-2021) includes goals to provide housing opportunities for persons with special needs, including the handicapped, elderly and homeless populations. The proposed use will serve up to 12 people with medical assisted living accommodations and assist the City achieve its goals of providing a wide range of housing types to meet the needs of its current and future residents.

**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 use will operate under a program administered by the California Department of Aging (CDA). The program serves older adults, adults with disabilities and long term care residents to live in group homes, in lifestyles as independently as possible. The facility will enhance the general welfare of the public by offering housing opportunities for a segment of the community currently underserved. The proposed facility will not be detrimental to the public health, safety or the environment, as the project has been designed to comply with R-2250 standards for minimum/average setbacks, height, floor area ratio, lot coverage, open space, parking and landscaping.

**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 adjacent uses or impede the normal development of surrounding property. The surrounding neighborhood consists of commercial offices to the north, multi-family dwellings to the south and east, and a combination of single-family and multi-family dwellings to the west. The applicant proposes to construct a two-story facility

designed in a Spanish-style, a prominent design in the surrounding residential neighborhood. To reduce the mass of the building and maintain the visual interest of the design along Ruberta Avenue, the first floor is broken into separate volumes and the second floor is stepped back from the street. The proposed use will not conflict with the adjacent uses, given the residential nature of the neighborhood and that it is well designed in terms of site planning, mass and scale, and style to cohesively fit within the surrounding properties.

**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.**

The proposed project provides adequate private facilities for utilities, landscaping, parking spaces and traffic circulation. The subject site is accessed from Ruberta Avenue, which is identified as a local street by the City's Circulation Element. Local streets are designed to function and accommodate vehicular, bicyclist and pedestrian traffic and carry low volumes of traffic to and from collector and arterial streets, including nearby Glenoaks Boulevard. The facility is a residential use that can be adequately served by a local street. The project proposes a maximum of 12 beds. The zoning code requires one parking space for every three beds. The project provides two attached two-car garages (four enclosed parking spaces) and an additional single parking space. Access to these parking spaces is provided by an existing alley adjacent to the north property line. The minimum landscape requirement for residential developments in the R-2250 zone is 25%. A total of 2,570 square-feet (29%) of landscaping is provided.

## **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 except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.
2. That all necessary licenses, permits as required, or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.

4. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
5. That outdoor storage of tools, equipment, supplies or materials is prohibited.
6. 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, additional beds exceeding 12 beds, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer with concurrence by the Community Development Director.
7. That the premises shall be operated in full accord with applicable State, County, and local laws.
8. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
9. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.
10. That all Dial-A-Ride services, food delivery trucks, maintenance vehicles or similar service vehicles shall park in the on-site parking spaces accessed from the alley immediately north of the project site.
11. That the authorization granted herein shall be valid for a period of five years until **May 13, 2021**, 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 , **MAY 31, 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.

### **REVOCAION, 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.

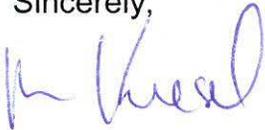
Cessation

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:DJ: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-Dennis Joe.