



July 10, 2019

Nicole Lee
211 South Pacific Avenue
Glendale, Ca. 91204

**RE: 211 SOUTH PACIFIC AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1828190
(Growing Years Children's Academy)**

Dear Ms. Lee:

On July 10, 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 for a child day care center within an existing church facility, which is located in the Moderate Density Residential "R-3050" Moderate Density Residential Zone, located at **211 South Pacific Avenue**, described as Lot 1, Lots 2 and 3, Glendale Valley View Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) To continue to operate a child day care center at an existing church facility in an R-3050, Moderate Density Residential Zone.

CODE REQUIRES

Conditional Use Permit

- (1) A Conditional Use Permit application is required for a child day care center within a church facility in the R-3050 zone (G.M.C. 30.11.020 B, Table 30.11-A)

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

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the continued operation of a day care center at an existing church facility located in the R-3050 (Moderate Density Residential) Zone. The proposed continued operation of the day care center (Growing Years Children's Academy) at the existing church facility (Grace Korean United Methodist Church) will continue to be consistent with the various elements and objectives of the General Plan. The Land Use Element of the General Plan designates the area for moderate density residential use. A day care center is a conditionally permitted use where operated at a church or other house of worship. Therefore, the applicant's request to continue operating a day care center (in conjunction with a church) requires approval of a conditional use permit in the R-3050 Zone.

The property is located on the north-west corner of South Pacific Avenue and Oak Street. In the Circulation Element, South Pacific Avenue is classified as a Minor Arterial and Oak Street is classified as a Local Street. Surrounding land uses include moderate, medium, medium-high and high density residential and community commercial uses in the San Fernando Mixed-Use Zone along portions of South Pacific Avenue. The continuance of the existing day care center and any related traffic has and will continue to be accommodated by both streets. Furthermore, no changes are being proposed to the existing 16 on-site parking spaces utilized by the day care center. Therefore, the proposed project will be consistent with the Circulation Element.

Operation of the day care center 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. No other elements of the General Plan, including the Historic Preservation, Housing, Open Space and Conservation, Recreation, and Safety Elements will be negatively impacted as a result of the continued operation of the day care center at the existing church facility. Therefore, the proposed continued operation of the day care center at the existing church facility is in keeping with the various elements and objectives of the General Plan.

B. 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 applicant's request to continue the operation of the day care center at the existing church facility is not expected to be detrimental to the public health or safety, the general welfare, or the environment. The existing church use has been in operation at this site since 1950. A child day care center use has been in operation for more than 30 years at this site since 1984 when a conditional use permit was approved (Case No. 7540-CU). Subsequent Conditional Use Permits have been granted to allow the continued operation of a day care center at this location with its most recent approval in 2008. The day care center use has not proven to have any negative impacts on the surrounding community, including adjacent residential uses. In addition, no public facilities are located in the immediate area. The closest public facility is Glendale City Fire Station 21 located on South Columbus Avenue 0.2 miles west of the subject site. The closest public school (Thomas Edison Elementary School), community center (Pacific Park), and public library (Pacific Park Library) are all located approximately 0.25 miles south from the subject site. First Evangelical Church of Glendale is located approximately 0.2 miles from "Growing Years Children's Academy."

The existing day care center will continue to fulfill a need for such services in Glendale and provide a public benefit for up to 30 children. The Divisions of Building & Safety, Traffic Engineering, and Neighborhood Services, and the Departments of Police and Fire did not express concern with the applicant's request. No changes are being proposed to the associated structures and facilities (including the 16 on-site parking spaces). Staff's recommended conditions ensure that potential negative impacts to the public health, safety, general welfare, or the environment are properly mitigated. Given these facts, the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

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

The request to continue operating a child day care center associated with the existing church at the subject site is not anticipated to adversely conflict with adjacent uses or with the community's normal development of surrounding property. A child day care has operated at its present location since 1984 (more than 30 years) without incident and has not adversely affected or conflicted with the adjacent residential uses or impeded the normal development of surrounding establishments and property. Therefore, the request for a conditional use permit to allow the continued operation of the child day care center at the existing church facility is not expected to adversely affect or conflict with adjacent uses or impede the normal development of surrounding property in the future. The existing church and day care center facilities and structures have not precluded new development in the area, and no changes are being proposed to the associated structures and facilities. The hours of operation will continue to be from 7:45 a.m. to 6:00 p.m. Monday through Friday; parents can drop off and pick up their children between the hours of operation. The day care center encourages parents to drop children before 9:00 a.m. The Traffic Engineering Division did not express concern with the hours of operation or the 16 on-site parking spaces, and no negative parking impact is anticipated.

In addition, the closest public facility is Glendale City Fire Station 21 located on South Columbus Avenue 0.2 miles west of the subject site. The closest public school (Thomas Edison Elementary School), community center (Pacific Park), and public library (Pacific Park Library) are all located approximately 0.25 miles south from the subject site along South Pacific Avenue. First Evangelical Church of Glendale is located approximately 0.2 miles from "Growing Years Children's Academy." Conditions include measures to help prevent any such potential impacts on the community from this project. Given these facts, the use and its associated structures and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of the surrounding property.

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

Adequate private and public facilities, such as utilities, landscaping and parking, are provided for the existing child day care center, which is located on the same site as and associated with the existing church building where all utilities are in place. No changes are proposed to the existing landscaping or the 16 on-site parking spaces, and it is anticipated that adequate parking and traffic circulation will continue to be provided. Furthermore, the Traffic Engineering Division did not express concern with the existing 16 on-site parking spaces—no negative parking impact is anticipated. This application does not propose any added floor area to the existing building or changes to the establishment's operations,

consequently no increase in parking demand is expected. As a result, the existing utilities, landscaping, parking spaces and traffic circulation measures are adequate as they are already in place.

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 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 facilities shall not be rented, leased or otherwise occupied for purposes not specified.
5. That the facility shall adhere to the City's Fresh Air Ordinance. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
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, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer.
7. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale.
8. That adequate measures be taken to provide necessary facilities to handle storm water runoff.
9. That noise be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
10. That proposed lighting on the building or parking areas shall not shine or reflect onto adjacent properties.
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 the proprietor and his/her employees shall make an active conscientious effort to keep patrons and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

13. That no speaker systems shall be installed in the parking area.
14. That patrons shall not be permitted to remain in the parking area after closure or to loiter in the parking area while business is open.
15. That day care enrollment be limited to 30 children at any given time.
16. That for the Day Care Center required parking spaces; one space for each 12 clients the center is licensed to serve must be marked as "Drop-Off Parking Space – Ten Minute Parking Only – 7:45-9:30 a.m. and 4-6 p.m."
17. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL JULY 10, 2029,** 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 **July 25, 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.

REVOCATION, 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,

Bradley M. Collin
Planning Hearing Officer

BC:BB: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 – Betty Barberena