



APPEAL APPLICATION

Case No. PVAR001880-2023

Date 5/29/24

Submit this form on the Glendale Permits site at www.glendaleca.gov/permits (Click "Apply," "Skip..." and then search for "Appeal of Planning Decision"). For more information about this form and related fees, please call the Planning Division at (818) 548-2115. Please complete (PRINT or TYPE) the following information:

PART 1 – NOTICE TO APPELLANT (please read carefully)

- A. This form must be prepared and filed, within 15 days of the date of the decision being appealed. Sub-division applications must be appealed within 10 days of the date of decision.
- B. Every question must be answered.
- C. If a question does not apply, you must answer "does not apply" or words to that effect.
- D. Failure to properly fill out this notice or failure to make a sufficient statement of a case in this notice, even if in fact you have valid and sound grounds for appeal, may cause your appeal to be dismissed forthwith.
- E. Attach additional pages for long answers.
- F. Prior to completing this form, read the Glendale Municipal Code, Title 2, Chapter 2.88 Uniform Appeal Procedure on the City's webpage at https://library.qcode.us/lib/glendale_ca/pub/municipal_code/item/title_2-chapter_2_88

PART 2 – APPELLANT INFORMATION

A. SETH LAWRENCE ST.LAWRENCE.104CGMAIL.COM
 First Name Last Name Email Address
 B. 3918 COMMUNITY AVE GLENDALE CA 91214 (818) 485-2534
 Street Address City State Zip Code (Area Code) Phone Number

PART 3 – APPEAL BACKGROUND INFORMATION

A. State the name or title of the board, commission, or officer from which this appeal is taken Planning Commission

B. Were you given written notice of the action, ruling or determination? Yes ☒ No ☐

If "Yes," attach a copy of the written notice and write the date you received it here April 19, 2024

If "No," give the following information concerning your receipt of notice of the action, ruling or determination.

Date _____ Time _____ Location _____ Manner _____

C. State generally what kind of permit, variance, ruling, determination, or other action was the basis for the decision from which the appeal is taken Use Variance Request. To continue operation of a private school located at 4444 Lowell Ave in a R1 zone

D. State the specific permission or relief that was originally sought from the board, commission, or officer Approval of a Use Variance request. To keep student enrollment capped at 700 students, to include TK in grades offered, to remove gym busing requirement, to make the use variance indefinite, all for school at 4444 Lowell Ave.

E. Were you the party seeking the relief that was originally sought? Yes ☐ No ☒

If "No," how are you involved with the permit, variance, ruling, determination, or other action referred to above?

I live in the neighborhood where the school/property at question is located.

F. Does this matter involve real property? Yes ☒ No ☐

If "Yes," give the address, or describe the real property affected 4444 Lowell Ave Glendale, CA 91214. It is the Cheumbian Armenian School, a private school.

PART 4 – STATEMENT OF ERROR

A. Do you contend that there was a violation of a specific provision of law, which forms the basis for this appeal? Yes ☒ No ☐

If "Yes", state each specific provision of law that you contend was violated: See attached

B. Do you contend that the board, commission, or officer exceeded its authority by virtue of any of the provisions of law given in answer "A"? Yes ☐ No ☒ If "Yes", state which provisions, and state specifically each act that was in excess of authority:

C. Do you contend that the board, commission, or officer failed to fulfill a mandatory duty by any provision of law given in answer "A"? Yes ☐ No ☒ If "Yes", state which provision, and the specific duty that it failed to exercise:

D. Do you contend that the board, commission, or officer refused to hear or consider certain facts before rendering its decision? Yes ☒ No ☐ If "Yes", state each such fact, and for each fact, state how it should have changed the act, determination, or ruling: See attached

E. Do you contend that the evidence before the board, commission or officer was insufficient or inadequate to support its action, determination or ruling or any specific finding in support thereof? Yes ☐ No ☒ If "Yes", state what evidence was necessary, but lacking:

F. Do you contend that you have new evidence of material facts not previously presented, which if considered should change the act, determination or ruling? Yes ☒ No ☐ If "Yes", state each new material fact not previously presented to the board, commission, or officer. For each fact, state why it was not available, or with the exercise of reasonable diligence could not have been discovered and previously presented by the appellant: See attached

Statement of additional facts related to the appeal: See attached

The foregoing statements, contained in PARTS 2, 3 and 4 above, are true and correct to the best of my knowledge and belief.

Seth Lawrence

Appellant's Name – Please Print

[Signature]

Appellant's Signature

5/29/24

Date Signed

FOR STAFF USE ONLY

Date Stamp

Date received in Permit Services Center _____ Received by _____

Fee paid _____ Receipt No. _____

ATTACHMENT TO APPEAL APPLICATION

PART 4 – STATEMENT OF ERROR

A. The violations of law are from the City of Glendale Municipal Code (bold added):

§ 30.43.030 – A variance shall be granted only if the review authority first finds that:

A. 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;

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use of development of the property that do not apply generally to other property in the same zone or neighborhood;

C. 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; and

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

§ 30.42.030 - A conditional use permit shall be granted only if the review authority first finds that each of the following exists:

A. That the proposed use will be 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.

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

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.

§ 30.41.010 – Duration of variance, conditional use permit [. . .]

A. Termination. Every right or privilege authorized by a variance [or] a conditional use permit [. . .] shall terminate two years after the granting of such variance [or] conditional use permit [. . .] unless the exercise of such right or privilege has commenced in good faith prior to such time [. . .]

It is our contention that the Planning Commission wrongfully granted the 2024 Use Variance to Applicant representing Western Prelacy of the Armenian Apostolic Church of America (hereinafter “Owner”), which operates a private school, Vahan & Anoush Chamlian Armenian School (hereinafter

“Chamlan”), in a R1 zone so that Owner could continue operating Chamlan. The Planning Commission erred in granting the 2024 Use Variance based on the following reasons:

- The Planning Commission wrongfully granted the 2024 Use Variance because said variance is injurious to the neighborhoods surrounding Chamlan.
- The Planning Commission wrongfully granted the 2024 Use Variance because the Planning Commission failed to properly assess that Chamlan’s continued use of the property has been and will continue to be detrimental to the public health and safety, the general welfare, and the environment of the neighborhoods surrounding Chamlan.
- The Planning Commission did not discuss the traffic violations referenced in emails submitted by community members, nor did the Planning Commission question the health impacts of having at least 500 cars idling for over 2 hours each day in a limited area has on those living in that area.
- The Planning Commission wrongfully granted the 2024 Use Variance because Chamlan’s use does in fact adversely affect and conflict with adjacent uses of surrounding property.
- The Planning Commission wrongfully granted the 2024 Use Variance because the Planning Commission did not assess whether there would be sufficient parking spaces or traffic circulation measures in place for the continued use. In fact, the Planning Commission has removed all such requirements in the 2024 Use Variance.

As evidence for the above stated reasons, we have attached photos and other documents. All of the attached photos show the general problem Chamlan poses on the community. There is heavy traffic along Lowell at drop off and pick up. Residents along Lowell have stated that it is a solid line of cars all the way to the 210 off-ramp at drop off and pick up. There are regular traffic violations, Chamlan parents running stop signs at the Altura and Lowell intersection and at the intersection of Community, Fourth, Abella, and Acampo. Photos 1-9 show the regular red zone parking and blocked driveways at just 2 residences, but this is a widespread problem. The entire Hamilton cul-de-sac off of Lowell is regularly blocked by Chamlan parents. Photo 10 shows property damage caused by one of the Chamlan parents during pick up to a resident’s car. Photos 11 and 12 show the amount of traffic regularly seen on Community Ave, a connecting street to Lowell. These photos show the Chamlan parents partially blocking the intersection at Community, Fourth, Abella, and Acampo. Photo 13 shows a car double parked in the northbound lane, just north of Chamlan, which causes northbound traffic to drive in the southbound lane to get through. All of these factors create an unsafe environment that would be alleviated if Chamlan instituted busing as required by the 2014 Use Variance. Chamlan has also caused some flooding to homes along Abella due to its negligence regarding a storm drain on its property and the lack of a necessary berm until fairly recently. Based on the above reasons and attached evidence, we content there is a substantial and well-documented detriment to the public welfare.

We also believe that Chamlan has acted in bad faith, and should therefore not receive a use variance for longer than 2 years according to § 30.41.010. We have attached an article from the LA Times dated August 1, 1991, by Amy Louise Kazmin. Ms. Kazmin points out that, at that time, Chamlan was restricted to 425 students, according to a 1984 zoning permit. However, Chamlan was operating at

above 500 students. She also points out that Chamlian was limited to providing schooling for those enrolled from K-8 grades. However, Chamlian had a class of ninth-graders. Ms. Kazmin explains that City Zoning Administrator Kathleen Marcus required the school to provide buses for its students at that time. Over the last 10 years, Chamlian has been in open violation of a number of the conditions of its 2014 Use Variance. Chamlian has used the entrance on Second Avenue for regular access to its campus in violation of Condition #19. Chamlian has had maintenance and construction traffic access its campus via Second Avenue before 9:00am in violation of Condition #25. Chamlian has not required any of its students over the 500 enrollment number to bus or carpool as required by Condition #23. Finally, at the hearing on May 15, 2024, Chamlian claimed that it had no affiliation with the entity that purchased the property across from it on Lowell Avenue. We know that both are owned by the same entity: Western Prelacy of the Armenian Apostolic Church of America. We ask that you refer Exhibit 8. Therefore, if a Use Variance is granted, it should only be for 2 years according to § 30.41.010.

ATTACHMENT TO APPEAL APPLICATION

PART 4 – STATEMENT OF ERROR

D. The Planning Commission refused to consider the following facts:

1. Chamlian is a private school and not a public school. Public schools are a permitted use in R1 zones. Private schools are not. Even though private schools and public schools are both schools, they have inherently different impacts on residential zones, which is precisely why a private school needs a conditional use permit to operate. Chamlian has nearly 100% of its students driven in from various cities throughout Los Angeles County. The Chamlian and the Planning Commission made multiple comparisons to nearby public schools in the northern Glendale area. The key difference between Chamlian and public schools in this area is that public schools largely service the communities in which they are located, thereby inherently reducing the impact of traffic. Chamlian is primarily a commuter school, that is very few of its students live in the area and are able to walk to school. Instead, a vast majority of them commute by car.

2. Chamlian has been in violation of multiple conditions in the 2014 Use Variance:

a. “Access from Second Avenue shall be limited to maintenance vehicles and parking for occasional special events after school hours” (Condition #19). **Chamlian has used that area as a regular drop off and pick up access point throughout the 2023-2024 academic year. Chamlian even had a security guard stationed there to facilitate this violation.**

b. “That the applicant shall provide a student shuttle service to offset the increase in trips associated with the increase in enrollment to 700 students, such that at no point shall the number of trips to and from the campus exceed the total number of existing trips established in the submitted Traffic and Transportation Plan.” (Condition #23). **Chamlian has not provided for a shuttle service that alleviates any amount of the traffic Chamlian creates on Lowell or neighboring streets connecting to Lowell. In fact, Chamlian advertises that it can only accommodate busing for 70 of its students in direct violation of Condition #23. See Exhibit 9.**

c. This same portion of Condition #23, cited above, effectively established 2014 as the traffic cap, the maximum amount of traffic Chamlian is allowed to create. A base year survey was conducted in 2014 to determine the number of cars at pick up and at drop off. The survey established that Chamlian is allowed no more than 342 cars at drop off in the morning and 309 at pick up in the afternoon. According to Condition #23, Chamlian is required to provide and mandate that students take buses or shuttles to school, provided by Chamlian, in order to keep the car count at or below the levels established in the 2014 base year survey. Chamlian has violated Condition #23 in 2019 and again in 2023. The only reason Chamlian did not violate Condition #23 in 2020,

2021, or 2023 is because Chamlian was not fully functioning during the COVID 19 Pandemic, which was the case for every school in GUSD.

d. According to the minutes from the 2014 Use Variance meeting, Chamlian was required and committed to provide bussing for students who enrolled above the former 500 enrollment limit: “[. . .] after the 500 student limit, **the new students will be required to carpool or take the bus.**” (p.6 (bold added)). And in the same meeting, Mr. Haghani, the then Director of Community Development, explained that “**if there are any violations of conditions, the project can be revoked at any time.**” (p. 6 (bold added)). **Chamlian has failed to require their students above the 500 limit to carpool or bus. Given their multiple violations of the conditions of the 2014 Use Variance, the 2024 Use Variance should not have been granted at all, let alone granted with more lenient conditions.**

e. “The applicant shall conduct a traffic survey to ensure that the project is in compliance with this condition.” (Condition #23). **Chamlian conducted a traffic survey from years 2015-2019, and claimed at the May 15, 2024, hearing that the traffic survey was impractical to conduct during 2020, 2021, and 2022. However, Chamlian has been in full operation for all of the 2023-2024 academic school year and has not published a traffic survey as required by this Condition #23. At least, one was not presented to the Planning Commission for review. It also might be a better idea for the Planning Commission to conduct its own traffic survey, rather than rely on Chamlian given a clear conflict of interest.**

3. The 2014 Use Variance included an Environmental Review that contained a Mitigated Negative Declaration. That Mitigated Negative Declaration is heavily referenced in the 2014 Use Variance Motion. The Mitigation Measures specifically mentioned include a requirement that the “School enrollment shall not exceed 500 students **without first securing the necessary buses needed to transport students to and from the campus.** The number of buses shall be determined by the number of students enrolled . . .” (Environmental Review: Mitigated Negative Declaration, Mitigation Measure #2 (bold added)). Chamlian has increased their enrollment from 493 in 2014 to 697 in 2023. Chamlian is not busing or shuttling students to offset the traffic impact.

4. The traffic created by Chamlian poses a serious threat to the health and safety of the nearby neighborhoods. There is no question that any emergency vehicles trying to access the neighborhoods surrounding Chamlian would be severely impeded. Postal service has been delayed due to the traffic surrounding Chamlian. Many emails were sent expressing experiences individual community members have had watching children cross Lowell, which is a major artery street connecting Foothill Blvd to the 210 Freeway, unaccompanied. Parents double parking on Lowell, forcing cars in the northbound lane to drive in the southbound lane to get around the blockage. Parents running stop signs located at the intersection of Lowell and Altura and at the intersection of Community, Abella, Fourth, and Acampo. Parents blocking driveways along Lowell and Community Ave, and blocking streets such as Hamilton. Community members also expressed concern about how rude the parents are when they are asked to move.

5. The community has also expressed a lot of concern regarding the amount of noise created at pick up time in the afternoon. It is every day for nearly 2 hours. The decibel level is too high given the R1 zoning.

ATTACHMENT TO APPEAL APPLICATION

PART 4 – STATEMENT OF ERROR

F. Additional material facts not previously presented to or discussed before the Planning Commission:

1. The 2024 Use Variance claims that there are no “changes to the operation of the school” and “no increases in the maximum enrollment” and “no new buildings” proposed. Representatives of Chamlian also testified at the Hearing on May 15, 2024, that Chamlian is not affiliated with the entity that purchased the property located directly across the street on Lowell. However, it has come to the attention of the community that Chamlian is affiliated with the entity that purchased the property directly across the street on Lowell. In fact, the community also knows that Chamlian has been advertising that the newly acquired property will serve as an expansion of the school, that the proposed pre-school will be an “addition to the Chamlian campus.” Chamlian has been fundraising for the purchase of that property and has included it in school-related materials and press releases. Chamlian has been accepting mail addressed to the acquired property. For all intents and purposes, the property across the street is a direct addition to Chamlian’s campus and is in violation of the 2014 Use Variance and 2024 Use Variance. Including an associated pre-school would greatly increase the effective enrollment at Chamlian. And this greatly increased enrollment would only create more of a traffic issue. We have provided screenshots that demonstrate incredibly close ties Chamlian has with the property located at 4459 Lowell Ave. Simply put, the legal owner of Chamlian and the entity that purchased the property at 4459 Lowell Ave is the Western Prelacy of the Armenian Apostolic Church of America.
2. In 2014, Chamlian received a Use Variance to increase enrollment from 500 students to 700 students. Chamlian argued that public schools in the area were also growing and that Chamlian should be allowed to function similar to those public schools. Current enrollment for Chamlian is 697. Current Enrollment for nearby public schools are 562 at Dunsmore Elementary, 455 at Valley View Elementary, 509 at Lincoln Elementary, and 411 at La Crescenta Elementary. The nearby private school of Holy Redeemer-Saint James has 72 students. It is clear that Chamlian is no longer in line with the public school enrollments in the area. One solution to this problem is to require Chamlian to refuse to admit additional students and let those currently enrolled continue through the school until graduating, thereby allowing Chamlian to gradually return to an enrollment cap of 500 students.
3. At the Hearing on May 15, 2024, Lieutenant Topadzhikyan testified that the amount of complaints received regarding Chamlian were no more or less than complaints received regarding any other school. Officers at the Glendale Police Department have since stated in phone calls that complaints regarding Chamlian far outweigh complaints received regarding any other school in GUSD. The traffic created by Chamlian is a known problem to the GPD. Officers in the Traffic Bureau have also explained that enforcement is difficult and dangerous

because of retaliation the officers experience from the parents in line waiting to pick up their child. We have obtained records of complaints called in to the GPD regarding Chamlian and a number of other schools in the northern Glendale area (Dunsmore, Valley View, Abraham Lincoln, and Holy Redeemer – Saint James). See Exhibits 11-15. There have been 70 calls regarding Chamlian since 2020, as compared to 36 for Dunsmore, 37 for Valley View, 5 for Abraham Lincoln, and 2 for Holy Redeemer – Saint James over the same period. The majority of calls regarding Chamlian involve traffic, parking, or noise complaints. Very few if any of the calls at the other schools involve traffic, parking, or noise complaints. Chamlian has nearly 2x as many calls to GDP as any other school in the area.

4. We have also included an article from the LA Times, dated August 1, 1991. See Exhibit 10. This article, written by Amy Louise Kazmin, highlights the wanton disregard Chamlian has expressed through its actions over the years it has been located at 4444 Lowell Ave. The Planning Commission should read this article in full to better understand the community's issue with Chamlian. But the major point is this: even back in 1991, the City of Glendale required that Chamlian bus its students to class, when enrollment was capped at 425. The city again in 2014 required Chamlian to bus or carpool students over the 500 enrollment number. Now, the enrollment is 700, there have been no regular buses, and now the Planning Commission has removed any busing or carpooling requirement.

ATTACHMENT TO APPEAL APPLICATION

PART 4 – STATEMENT OF ERROR

STATEMENT OF ADDITIONAL FACTS RELATED TO THE APPEAL

What the members of the community want is a safe neighborhood. The amount of traffic created by Chamlian is unreasonable, even when considering that there are certain external factors that come with living near a school. If 4444 Lowell were a public school today, the children in the community would be attending Lowell Elementary and there would be far less traffic at drop off or pick up times. Members of the community would not be complaining about blocked driveways, traffic violations, and unsafe conditions anywhere near as often because we would be the ones creating and dealing with the issues. It is unfair to claim that just because Chamlian is a school, they are allowed to continue to conduct themselves at the expense of the community that houses them. Private schools and public schools pose inherently different burdens on their communities, which is why Chamlian needs a use variance.

We are asking the Planning Commission to look at the cumulative effects of the current and future conditions on Lowell Avenue as it extends from Foothill Blvd to the 210 Freeway. There are other projects in the pipeline that will greatly affect traffic along Lowell, such as the already approved mixed-use project (34 residential and 4 large commercial units) at 3950 Foothill Blvd. where there is already heavy traffic: 210 Freeway, In 'N Out, future condos and commercial area, a church, a public storage facility, a utility storage facility, Albertsons, and Wells Fargo. Expansion projects should never be segmented and evaluated separately as if nothing around them is affected. Please reconsider this Use Variance approval carefully.

That is why we are appealing the 2024 Use Variance. We are asking the Planning Commission to properly reevaluate the costs Chamlian poses on the community. We are asking the Planning Commission to reject the notion that conditions for Chamlian will not change. Chamlian is already advertising and promoting the preschool expansion planned for the 4459 Lowell Ave property. We are asking that the ten-year-old Mitigated Negative Declaration be deemed insufficient for current conditions at Chamlian, and that a new one be commissioned to examine the effects of two schools in the neighborhood. We are asking the Planning Commission to conduct its own traffic assessment rather than rely on Chamlian to provide one, given the clear conflict of interest. We are asking that Chamlian be required to keep their access point on Second Avenue closed as per the 2014 Use Variance. We are asking the Planning Commission to require Chamlian to mandate busing for its students, at their own cost. At the very least, we are asking the Planning Commission to require Chamlian to abide by the 2014 Use Variance and mandate that the student body above 500 students be bussed, shuttled, or carpool to school to alleviate the serious health, safety, and traffic issues Chamlian imposes.

Thank you.

ATTACHMENT TO APPEAL APPLICATION

PART 4 – STATEMENT OF ERROR

LIST OF EXHIBITS

1. Notice of Hearing originally scheduled for May 1, 2024
2. Photo 1, blocked driveways and heavy stationary traffic on Community Ave near Lowell intersection
3. Photo 2, heavy traffic on narrow street with cars parked on both sides on Community Ave near Lowell intersection
4. Photos 3-9, traffic parked in red zone and partially blocking driveway
5. Photo 10, property damage to resident's car caused by a Chamlian parent during pick up
6. Photo 11 and 12, partially blocked intersection at Community, Fourth, Abella, and Acampo
7. Photo 13, double parked black Ford SUV on Lowell at pick up
8. Chamlian Expansion pdfs
9. Chamlian Busing, Vanpool, and Carpooling webpage
10. 1991 LA Times Article
11. Calls for Service at GPD regarding Chamlian
12. Calls for Service at GPD regarding Dunsmore Elementary
13. Calls for Service at GPD regarding Abraham Lincoln Elementary
14. Calls for Service at GPD regarding Valley View Elementary
15. Call for Service at GPD regarding Holy Redeemer – Saint James School
16. Signatures from community members requesting Chamlian implement mandatory busing for its students
17. Signatures from community members requesting Chamlian take significant steps to alleviate traffic issue



















7:25



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