

MOTION

Moved by Council Member _____, seconded by Council Member _____, that upon review and consideration of all documents, materials, exhibits and testimony relative to the appeal of the Planning Commission's approval with conditions of Use Variance Case No. PVAR 001880-2023 to allow the continued operation of a private school (Chamlan Armenian School) located at 4444 Lowell Avenue (the "Use Variance Case"), and after having conducted a public hearing on said appeal on March 18, 2025, pursuant to the Glendale Municipal Code, 1995, and receiving testimony, the City Council, based upon all of the evidence in the record, hereby **SUSTAINS** the Planning Commission's decision to **APPROVE** the Use Variance Case with conditions (the "Project"), based on the findings and conclusions set forth in the March 18, 2025, report to Council from the Director of Community Development, including any attachments thereto, and including any additional findings and conditions set forth below in this motion. Further, the Council hereby adopts, and incorporates herein by this reference, the analysis, findings, conclusions and conditions of the Planning Commission in its Motion approving the Use Variance Case dated May 15, 2024 (Exhibit 3 to the staff report to Council).

FINDINGS

In approving the Use Variance Case, the Council hereby makes the following findings:

A. That 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.

Strictly applying the permitted uses to the subject site, which is zoned R1 will result in practical difficulties and unnecessary hardship inconsistent with the intent of the ordinance because the site has been a school use for over 60 years and there are no proposed changes to the operation or the school campus or increases in enrollment of Vahan and Anoush Chamlian Armenian School ("Chamlian School"). The general purpose of the R1 zone and the ordinances which regulate the development and uses in this zone is to provide a high-quality residential environment for a "traditional low density residential zone". The zone includes development standards that "allow new low-density development in order to promote the public health, safety and general welfare." The subject site has existed as a school use since 1960. Initially, the site was developed as a public school, Lowell Elementary School. Since 1983, Chamlian School, a private school, has operated on the site after the public school closed and the site was sold. While continuation of the existing private school, as contemplated in the requested use variance, is not a typical use in the R1 zone, the school's maximum enrollment of 700 students will be consistent with the intended use of the site when it was first developed. The enrollment will be similar to most public elementary schools, which are commonly located in residential zones. Also, the school proposes no increases in the maximum enrollment allowed nor changes to the operation of the school as a result of the use variance application. Conditions of approval, including limitations on enrollment and grades taught at the school, traffic management, phasing student start and end times and designating a school employee/school e-mail for area residents to contact with concerns, will ensure that the quality of the surrounding neighborhood will be maintained.

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

There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other properties in the same zone or neighborhood because an elementary school has existed on the site for 60 years and the site exhibits unique characteristics. The subject site has contained an elementary school for approximately 60 years. Chamlian School has operated on the site for approximately 40 years. The subject site is zoned R1. It is unique to have a private school located in this zone. The size of the subject site is 4.5 acres, which is rare for the R1 zone. The topography of the surrounding area is such that land terraces down from the commercial neighborhood along Foothill Boulevard to the school site. The area further terraces to the single-family neighborhood immediately south, which is at a lower elevation compared with the school. The area's topography and the large site size allow the existing school to operate with fewer impacts in close proximity to residential uses.

C. *That 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.*

The granting of the variance would 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 because a school has operated on the site for over 60 years, no changes are proposed in the operation of Chamlian School, nor in enrollment

requested, and no new buildings are proposed and conditions of approval of the project will address adverse impacts. The requested use variance is simply to “renew” the existing use variance, which recently expired (but the application for renewal was timely). The operation of the school will remain the same as present. Enrollment at the school is presently capped at 700 students. The present use variance request does not seek to change this. No new buildings are proposed on the site. A school has been located on the site since 1960, first as the public Lowell Elementary School and, since 1983, as the private Chamlian School. Schools have certain impacts on the surrounding neighborhood, unique to their use. Given the length of time the subject site has been utilized as a school, these impacts, to varying degrees, have been around for a long time. Chamlian School does an admirable job mitigating these impacts. Conditions of approval assist in reducing, regulating, and smoothing the flow of traffic created by dropping off/picking up students from the school campus. These conditions of approval include: limiting grades taught at the school from transitional kindergarten to eighth grade, undertaking morning and afternoon traffic management, offering incentive-based carpooling/ridesharing programs (which are proposed to be enhanced), phasing student start and end times and providing student shuttle services. Additionally, a school employee/school e-mail shall be designated for the surrounding community should concerns arise related to the operation of Chamlian School.

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

The granting of the variance would not be contrary to the objectives of the ordinance because objectives of this zone include protecting single-family residences

from deleterious impacts and promoting the health, safety and welfare of residential neighborhoods and the conditions of approval will address this. To protect single-family residences in the R1 zone from adverse impacts, uses allowed in this zone are very limited. The request to renew the existing use variance seeks no changes to the enrollment or operation of the school and no new buildings will be constructed. The school will run the same as it has the past 10 years, since approval of the previous use variance (PVAR 1403259). Conditions of approval including, limitations on enrollment and grades taught at the school, undertaking morning and afternoon traffic management, implementing car-pooling/ridesharing/shuttle programs, phasing student start and end times, and providing a school point person/e-mail for neighborhood concerns will ensure smooth school operations and meeting the objectives of the R1 zone.

CONDITIONS OF APPROVAL

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.
2. That Chamlian School enrollment is limited to a maximum of seven hundred (700) students.
3. That grades taught shall be limited to transitional kindergarten through eighth grade only.
4. That in order to document and monitor compliance with student enrollment maximums and grade level limitations, the Chamlian School and/or its Board of Directors shall furnish the Director of Community Development with attendance records

and attendance affidavit(s) by grade once a year for each school year. Such attendance records/affidavit(s) shall contain a signed declaration under penalty of perjury that the information is true and correct to the best of the declarant's knowledge.

5. That Chamlian School shall continue to undertake afternoon pick-up traffic management through the walkie-talkie/bullhorn system instituted in the 1991-92 school year, including sending parents out of the circular driveway to try again if the child has not arrived when the parent is ready. In addition, for the first four (4) to six (6) weeks of each semester, parents shall place an index card on their dashboard, visible through the front window, with the student name (or names) clearly visible in large block letters, to assist school staff in matching students with parents during the afternoons.

6. That the Board of Directors/School Principal of Chamlian School shall institute an incentive-based car-pooling/ride-sharing program, offering an incentive of at least \$75.00 a month per family for a two-household carpool and at least \$100.00 a month per family for a three-household carpool.

7. That there shall be a minimum of 30 minutes between the first student start times and the last student start times and the first student end times and the last student end times in the school day phasing schedule. There shall be phased recess times and lunch times such that no more than 50% of the maximum enrollment is permitted outside at any one time.

8. That the Board of Directors/School Principal of Chamlian School shall designate a school employee as the "point person" (and provide contact information for such person) and/or shall designate a dedicated school e-mail address for neighborhood residents to contact when concerns arise. The school shall send letters to property

owners and occupants within 500 feet of the school by the beginning of the 2024 - 2025 school year announcing this point person/e-mail and its purpose. Additional letters shall be sent when the school point person/e-mail changes.

9. That the two slope/irrigation access openings in the south side playground perimeter block wall shall be equipped with locked gates of opaque and durable material, satisfactory to the Director of Community Development.

10. That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

11. That landscaping areas shall be maintained in good condition with live plants and a functioning irrigation system. Drainage devices shall be kept clean and all weeds and trash rapidly eliminated.

12. That any proposed exterior lighting shall be directed away from adjacent properties and the public right-of-way to the satisfaction of the Director of Community Development.

13. That the four (4) parking spaces in front on the northwest corner of the site and the proposed fifty-three (53) parking spaces in the eastern portion of the site shall be for staff use only during school hours. The four (4) parking spaces with access directly from the drop off/pick up driveway shall be used for visitors. The School Principal shall continuously encourage all staff to use the on-site parking at all times.

14. That the facilities shall not be rented, leased or otherwise occupied by any use other than a private school for grades transitional kindergarten through eighth only.

15. That there shall be no expansion of facilities or enrollment without reconsideration of this variance and its conditions by reapplication.

16. That all licenses and 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.

17. That, with the exception of an on-site caretaker household, no sleeping accommodations shall be permitted for children or adults.

18. That all accessory activities on the premises shall be clearly incidental to the school's primary educational function and shall be limited to back-to-school night for parents, open house events, graduation programs, two to three special holiday programs annually, sporting events and two to three annual fund-raising events. The abovementioned activities shall not be permitted to continue beyond 10:00 p.m. in any instance.

19. That access from Second Avenue shall be limited to maintenance vehicles and pedestrians only.

20. That Chamlian School shall provide parking attendants to safely direct cars to the surface parking lot and asphalt play area when events, such as graduations, parent meetings, opening ceremonies, sports tournaments, school festivals and similar gatherings are scheduled for exclusive use by Chamlian School. Refer to condition No. 18 above.

21. That Chamlian School shall comply with the mitigation measures contained in the Mitigation Monitoring and Reporting Program, dated March 26, 2014 for the project.

22. That Chamlian School shall use its best efforts to implement other programs, including, but not limited to, "walk to school" events, aimed at decreasing traffic and/or parking impacts.

23. That Chamlian School shall annually publish (including online/on their website) and distribute to parents and students of the school, guidelines and rules regarding traffic, parking and safety issues.

24. That Chamlian School shall explore the effectiveness and feasibility of a mid-block crossing of Lowell Avenue adjacent to the school with the City's Public Works Department. Should this mid-block crossing be found potentially effective and feasible, the school shall implement this crossing.

25. That the Western Prelacy of the Armenian Apostolic Church of America, Vahan and Anoush Chamlian Armenian School, Khan Consulting, or Rodney Khan (Applicant/Owner), and their respective successors; owners by deed, deed-in-lieu of foreclosure, foreclosure or otherwise; assigns; and/or any real party in interest with an interest in the property or organization/school that is the subject of this approval, and/or with an interest in the Project site, that is named as a party in any suit (hereinafter collectively the "Developer"), agree to and shall defend, indemnify, and hold harmless the City of Glendale (the "City"), and each of its agents, officers, council members, commissioners, attorneys, employees and representatives (the "Indemnitees") from any claim, action or proceeding brought against the City and/or the Indemnities to attack, set aside, void or annul any City land use or California Environmental Quality Act approval for the Project. The Developer agrees to use legal counsel reasonably acceptable to the City. The foregoing shall include, without limitation, payment of all damages awarded against the City and/or the Indemnitees, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action or proceeding. In the event that a claim, action or proceeding referenced herein is brought, the City shall promptly

notify the Developer of the existence of the claim, action or proceeding and will cooperate fully in the defense of such claim, action or proceeding. As used herein, "land use approval" shall refer to decisions of the City approving requests of applicants for planning permits, including, but not limited to, general plan amendments, annexations, zone changes, zoning ordinance text amendments, tentative maps, vesting tentative maps, tentative parcel maps, reversions to acreage, final maps, final modifications or amendments, time extensions, parcel map waivers, lot line adjustments, boundary line adjustments, certificates of compliance, conditional certificates of compliance, design review approvals, development agreements, conditional use permits, conditional use permit modifications, conditional use permit extensions, variances, variance modifications, precise plan of design, specific plans, density bonus review/housing plan applications, sign permits, parking reduction permits, site plans, temporary use permits, any administrative or discretionary permit pertaining to a land use approval, and/or any accompanying California Environmental Quality Act determination(s) pertaining to the type of approval referred to in this section, and any other similar approval.

Vote as follows:

Ayes:

Noes:

Absent:

Abstain: