



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Appeal of Planning Commission's approval of Use Variance Case No. PVAR-001880-2023 located at 4444 Lowell Avenue

1. Motion to sustain the Planning Commission's decision of May 15, 2024, to approve the project with conditions;
2. Motion to continue the matter, directing the City Attorney to draft findings reversing the Planning Commission's decision and denying the project.

COUNCIL ACTION

Item Type: Public Hearing

Approved for March 18, 2025 **calendar**

EXECUTIVE SUMMARY

This hearing is an appeal of a decision made by the Planning Commission on May 15, 2024, to approve with conditions Use Variance Case No. PVAR 001880-2023 to allow the continued operation of a private school (Chamlan Armenian School) located at 4444 Lowell Avenue with no changes to the operation or increase in enrollment proposed. The subject site is zoned R1 (Low Density Residential) and private schools are not a permitted use in this zone. The site was first developed as a public elementary school in 1960 and has operated with a private school since 1983 with an extensive history of planning approvals. The Planning Commission approved a use variance for the (continued) operation of Chamlian School on April 16, 2014, which expired on April 16, 2024, thus requiring the instant use variance application.

The appellant is requesting that the City Council overturn the Planning Commission's decision to approve the Use Variance.

The appellant's arguments focus on the belief that the Planning Commission violated specific provisions of law and refused to hear or consider certain facts before rendering their decision and that the appellant has new evidence of material fact that was not previously presented, which if considered, would change the decision of the Planning Commission.

RECOMMENDATION

That the City Council sustain the Planning Commission's approval of Case No. PVAR 001880-2023 with conditions, based on the rationale and findings set forth in the May 15, 2024, Planning Commission staff report, hearing, and corresponding decision letter.

BACKGROUND

This hearing is an appeal of a decision made by the Planning Commission on May 15, 2024, to approve Use Variance Case No. PVAR 001880-2023 to allow the continued operation of a private school at 4444 Lowell Avenue, which is zoned R1.

General Information

Appellant: Seth Lawrence/Johnny Ventura

Status of Appellant: Neighbors

Applicant: Khan Consulting
Rodney Khan
PO Box 816
Montrose, CA 91021

Owner: Western Prelacy of the Armenian Apostolic Church of America
6252 Honolulu Avenue
La Crescenta, CA 91214

Requested Action:

The appellant is requesting that the City Council overturn the Planning Commission's decision to approve Use Variance Case No. PVAR 001880-2023 with conditions.

Legal Description: Lot 1, Tract 17100 in the City of Glendale, County of Los Angeles

APN: 5604-011-023

Zone: "R1" Low Density Residential Zone, Floor Area District II

Land Use Element: Low Density Residential

Lot Size and Frontage: The project site is approximately 4.59 acres and has a frontage of approximately 328 feet along Lowell Avenue (west) and at the cul-de-sac of Second Avenue (east).

Existing Site Characteristics: The project site is located in the La Crescenta area of Glendale, south of Foothill Boulevard and north of Abella Street with frontage on Lowell and Second Avenues. The site is relatively flat (graded when it was initially developed), a parallelogram and contains Vahan and Anoush Chamlian Armenian School (Chamlian School), a private school. The campus includes an administration building, multi-

purpose building, gymnasium, dining hall, classrooms and surface parking. No changes to the operation or enrollment of the school are proposed as a result of the present use variance application.

Circulation: Lowell Avenue is classified as a minor arterial and Second Avenue is classified as a local street in the City's Circulation Element of the General Plan. Main access to Chamlian School is taken from Lowell Avenue. As conditioned, there is limited vehicle access from Second Avenue.

Surrounding Land Use/Zoning: Properties north of the subject site are zoned CH (Commercial Highway) and are developed with commercial uses including a self-storage facility, day care and retail and services outlets. Properties to the south, east and west of the subject site are zoned R1 and are developed with single-family homes, aside from a church building and undeveloped land west of the site.

Utilities and Public Services: All municipal and private utilities are in place serving the neighborhood and other public services are currently provided in the vicinity.

PROJECT HISTORY

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| February 7, 1983 | The Zoning Administrator granted Conditional Use Permit No 7345-CU to establish a parochial school on the site of a former elementary school constructed in 1960. Mitigated Negative Declaration 82-33 was incorporated into the conditional use permit approval. |
| May 18, 1984 | The Zoning Administrator granted Conditional Use Permit No. 7578-CU to expand the existing parochial school. Mitigated Negative Declaration 82-33 was incorporated into the conditional use permit approval. |
| February 14, 1987 | The Zoning Administrator granted Use Variance No. 8180-U to allow two temporary portable classroom buildings without providing additional on-site parking at the existing parochial school. Mitigated Negative Declaration 82-33 was incorporated into the use variance conditions. |
| July 30, 1991 | The Zoning Administrator held a revocation hearing for Conditional Use Permit No 7578-CU due to violations of the conditions. The school was allowed to continue operation subject to compliance with the conditions of approval. |
| March 25, 1992 | The Zoning Administrator partially granted Use and Standards Variance No. 8850-U&S to allow increased enrollment without providing required parking. |

July 14, 1997	The Zoning Administrator granted Use and Standards Variance No. 9662-U&S to allow the school's continued operation without providing the required parking.
May 12, 2008	The Zoning Administrator granted Use Variance No. PVAR 2007-033 to allow the school's continued operation.
May 12, 2008	The Zoning Administrator granted Parking Reduction Permit No. PPR 2007-013 to allow the school's operation without providing the required parking.
October 12, 2010	The applicant applied for a use variance to allow construction of a school gymnasium in the R1 zone, standard variance to allow the gymnasium to exceed height standards and the site to exceed floor area ratio standards of the R1 zone, floor area ratio district II, a parking reduction permit to allow construction of the gymnasium without providing the minimum number of parking spaces and a design review application.
January 19, 2011	The Planning Commission denied Use Variance No. PVAR 2010-023 to allow construction of a gymnasium in the R1 zone and Standard Variance No. PVAR 2010-028 to allow the gymnasium to exceed the height limit in the R1 zone and for the site to exceed the floor area ratio in the R1 zone, floor area ratio district II.
February 2, 2011	The applicant filed an appeal regarding the Planning Commission's denial of the variances.
May 31, 2011	The City Council approved Use Variance No. PVAR 2010-023 and Standard Variance No. 2010-028.
July 27, 2012	The Planning Hearing Officer granted Parking Reduction Permit No. PPRP 2010-008.
January 26, 2012	The Design Review Board denied Design Review No. 2010-051 regarding constructing a gymnasium at the school.
February 7, 2012	The applicant filed an appeal regarding the Design Review Board's denial of the project.
February 28, 2012	The City Council approved Design Review No. 2010-051 on appeal.
April 16, 2014	The Planning Commission approved with conditions Use Variance No. 1403259, Standards Variance No. 1403260 and Parking Reduction Permit No. PPRP 1403257 and adopted a Mitigated Negative Declaration and addendum to increase the student enrollment at Chamlian School from 500 to 700 students.

May 15, 2024	The Planning Commission approved with conditions Use Variance Case No. PVAR 001880-2023 to allow the continued operation of a private school (Chamlian School).
May 29, 2024	The appellant submitted an appeal application requesting the City Council overturn Planning Commission's approval of the variance application.

ANALYSIS

SUMMARY OF PLANNING COMMISSION'S MEETING AND DISCUSSION FROM MAY 15, 2024:

- Four of the five Planning Commissioners attended the May 15, 2024, meeting at which the subject use variance was discussed. Commissioner Lee was absent.
- There was significant public comment, both in support of and in opposition to the use variance application, with 60 e-mails, 40 speakers and 15 callers.
- Commission Member Chraghchian stated that the Planning Commission's job is to make sure that the variance findings are met. He reviewed each of the four findings. He concluded that the first finding relating to practical difficulties or unnecessary hardship could be met because Chamlian School is located on property zoned R1 (single-family residential) where private schools are not a permitted use, thus necessitating the request of a use variance. Mr. Chraghchian noted that the subject property is a unique, large property zoned R1, where there were no similar uses in the surrounding area, and concluded these facts met the second variance finding with regard to exceptional circumstances or conditions applicable to the property involved. The third variance finding is related to whether granting the variance will be materially detrimental to the public welfare or neighborhood in which the property is located. Mr. Chraghchian concluded that this use variance would not be materially detrimental, given that a school has existed on the site for 60 years and that Chamlian School has been on the site for 50 years. Additionally, school guards and security personnel enhance the safety and security of the school and surrounding area. Mr. Chraghchian concluded that the fourth finding, granting of the variance will not be contrary to the objectives of the ordinance, can also be found in the affirmative. He stated that this case is unique and has particular challenges and that not granting this variance would pose challenges.

Mr. Chraghchian also highlighted some proposed conditions of approval for the project, including the school enrollment cap of 700 students, limitation on grade levels taught (transitional kindergarten – 8th grade), limitations on the type and timing of school events, and that no expansion of the school or number of students would be allowed without first receiving approval of a new use variance.

Mr. Chraghchian cited the applicant's "tiered carpool system" as a good idea and believed that the suggested new condition that the school provide a "point person" for the neighborhood was very important. He suggested broadening a condition to allow either a bus or shuttle (rather than both) to carpool students to and from the school, whichever was deemed more effective. With regard to the term limit of the variance (10 years), Mr. Chraghchian supported either a longer approval duration or an indefinite duration, citing the City's revocation process as well as the inconvenience of Chamlian School reapplying to the City every decade. Finally, Mr. Chraghchian liked the idea of the school exploring a mid-block crossing (at Lowell Avenue) with the City to determine the feasibility of this improvement and whether it would have a positive impact on traffic and safety in the neighborhood surrounding the school.

- Commission Member Fuentes agreed with Mr. Chraghchian's statements. She leaned toward granting the variance with no time limit (as the applicant desired in his presentation) and reminded the Commission of the City's revocation process for discretionary permits.
- Commission Members Minassian and Shahbazian did not participate to any significant extent in the Commission's discussion beyond the points set forth above.

After all Planning Commission members had a chance to speak, Commissioners discussed potential amended and new conditions of approval as follows:

- requiring a tiered carpool system;
- requiring a shuttle service or a bus, but not both;
- removing an expiration date for the use variance; and
- exploring with the City the suitability and feasibility of the mid-block crossing.

The Planning Commission voted to approve the use variance (4 - yes, 0 - no, 1 - absent) with 25 conditions.

SUMMARY OF APPELLANT'S DISCUSSION and STAFF'S ANALYSIS OF APPEAL:

In the appeal application, the appellant states that the Planning Commission violated specific provisions of law and refused to hear or consider certain facts regarding the case before rendering their decision and that the appellant has new evidence of material facts not previously presented, which if considered, should change the Commission's approval decision regarding the use variance. Below is a summary of the arguments made by the appellant in his appeal application, as required by GMC § 2.88.030, and staff's analysis of those arguments. For clarity, staff has labeled arguments contained in the appellant's appeal application alphabetically A through D.

- A. The appellant believes that the Planning Commission violated specific provisions of the law in that one of the variance findings cannot be made to approve the variance. That finding is:

“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 appellant believes that Chamlian School is injurious to the neighborhood surrounding the school and the Planning Commission failed to properly assess that the school has been and will continue to be detrimental to the public health and safety, the general welfare and the environment of the surrounding neighborhoods. The appeal application cites the Planning Commission not discussing traffic violations referenced in e-mails nor the health impacts of cars idling in the neighborhood. Further, the appellant claims the Planning Commission did not assess the sufficiency of parking spaces or traffic circulation measures and that the Commission removed such requirements in approving the present use variance. The appellant provides as evidence photos and other documents that are attached as Exhibit 5 to this staff report and concludes that instituting bussing, as required by the 2014 use variance, would alleviate these issues.

The appellant also states that until recently the school has caused flooding issues to some Abella Avenue homes due to negligence regarding storm drain maintenance and lack of a berm, until recently.

The appellant cites § 30.41.010 of the GMC, which regulates the duration of certain discretionary approvals, including variances. This code section states:

“Termination. Every right or privilege authorized by a variance, a conditional use permit, administrative use permit, parking exception, parking reduction permit, parking use permit, development projects in the SR special recreation zone, or density bonus housing plan shall terminate two years after the granting of such variance, conditional use permit or density bonus housing plan unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided in this section.”

“Cessation. For variances, conditional use permits, administrative use permits, parking exception, parking reduction permits, parking use permits, development projects in the SR special recreation zone, and density bonus housing plan such rights and privileges shall also be terminated at such time as the applicable review authority may designate in the approval of the variance, conditional use permit, parking reduction permit, parking use permit, or development projects in the SR special recreation zone review. A variance or a parking use permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the variance for one year or more in the continuous exercise in good faith of such right or privilege. A parking reduction permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the parking use permit in accordance with Section 30.50.070.”

The appellant contends that Chamlian School has acted in bad faith and should not receive approval of the use variance for longer than two years based on the above-cited code section. As evidence, the appellant cites the lack of compliance with certain conditions of approval of previous use variances, including limits on student enrollment and grades taught at the school, the lack of bussing and carpooling, and the use of Second Avenue as an access point to the school.

The appellant states that while Chamlian School claimed no affiliation with the entity that purchased the property across the street at 4459 Lowell Avenue during the Planning Commission hearing, both the school and the church properties are owned by the Western Prelacy of the Armenian Apostolic Church of America.

The appellant also cites three findings required to approve a conditional use permit as evidence that the Planning Commission violated provisions of the law.

Staff's Response:

The Planning Commission concluded, in affirmatively making the first variance finding, that the granting of the use variance would not be materially detrimental to the public welfare or injurious to property or improvements in the zone or neighborhood because a school has existed on the site for 60 years with Chamlian School operating on the site for 50 years. Additionally, there was evidence that there are no changes to the operation of the campus or increases in enrollment at the school, and that school guards and security personnel are on staff to enhance the safety and security of the school and surrounding area. Further, conditions of approval (limiting enrollment and grades taught at the school, traffic management, student start and end time phasing and designating a school contact employee), will ensure that the quality of the surrounding neighborhood is maintained. The appellant accurately states that the Planning Commission did not discuss traffic violations or health impacts of idling cars; and, it appears that the Commission weighed more heavily on the school's longevity, the lack of change in operation and enrollment, and its employment and use of security when making this finding in the affirmative.

The appellant also accurately notes that Planning Commission did not discuss the sufficiency of parking spaces or traffic circulation measures after conclusion of the public hearing and laments removal of such requirements in approval of the present use variance. The present use variance application (a "renewal" to allow Chamlian School to continue operation on the subject site) does not require additional parking for the school. The City's Zoning Code requires private schools (up to 9th grade) to provide 3 parking spaces per 1,000 square feet of floor area. The current application does not include an increase in floor area of the school which would trigger this parking requirement. Additionally, in April 2014, the Commission approved a parking reduction permit for the school, which is an active entitlement necessary for the site's operation; nothing requested in the present application would invalidate this approval.

With regard to traffic circulation, the Traffic and Transportation Plan for the school describes bussing students between Saint Mary's Armenian Church, located at 500 South Central Avenue and Chamlian School to provide transportation between the two facilities for the students. While the Planning Commission made some amendments to the conditions of approval of the Chamlian School use variance, many conditions have been maintained to assist with traffic circulation related to the school and the surrounding neighborhood. The school's enrollment continues to be limited to 700 students up to 8th grade. Afternoon pick-up will continue to operate in the same manner, where names of students are called when their pick-up driver arrives at the school. Carpool incentives have been enhanced with the present use variance that allow for a \$75.00 per month, per family for a two-household carpool and at least \$100.00 per month, per family for a three-household carpool. Staggered start and end times for various grade levels are also required. The school is also exploring the feasibility of a mid-block Lowell Avenue crosswalk with the City to balance the direction of car line and provide safer pedestrian crossing.

It is staff's understanding that former flooding issues arising from a lack of storm drainage maintenance and berms have been resolved at this point between the school and some of the residents on Abella Avenue. On-going maintenance of this area will be necessary as conditioned in the variance approval, and the school has committed to this maintenance.

The appellant believes that Chamlian School has acted in bad faith by not complying with certain conditions of approval from the last variance and should not receive approval of the requested use variance renewal for longer than two years based on § 30.41.010 of the GMC. Staff does not dispute that the school may not have satisfied some of the conditions of the 2014 use variance approval. This fact was noted in the May 15, 2024, use variance staff report to the Planning Commission. However, the appellant has misinterpreted the cited GMC code section. Paragraph A of this section requires implementation of the use enabled by the use variance approval within two years of the approval of the use variance. In the present case, Chamlian School has been operating continuously at the subject site since the early 1980's, and, therefore, the cited GMC code section is not applicable. Paragraph B provides that a variance may be terminated if a use ceases for a period of at least one year. As noted above, the school has operated without interruption since the early 1980's, and, therefore, this code section does not apply. Past use variance approvals have had expiration dates but at the request of the applicant at the public hearing, the Planning Commission did not impose an expiration date on the present use variance. The Planning Commissioners believed that requiring the school to return to the Commission to "renew" their use variance was onerous and that the revocation process was an effective means to ensure compliance with conditions of approval. Ten years is the typical expiration date for use variances and the City Council has the ability to impose a time frame whereby the use variance is reviewed again should they desire.

The Chamlian School site is owned by the Western Prelacy of the Armenian Apostolic Church of America. The appellant correctly notes that the Western Prelacy of the Armenian Apostolic Church of America also owns the site across the street at 4459

Lowell Avenue. This site contains a church building, parking lot and vacant land. There is also a separate parcel adjacent to and part of this church site that contains a separate church building, which is located in the city of Los Angeles and is owned by Western Prelacy of the Armenian Apostolic Church of America.

To the appellant's final point in Part A, the present project does not require approval of a conditional use permit (only a use variance) so the three findings cited by the appellant required for approval of a conditional use permit are not applicable. The Planning Commission determined that all of the applicable findings required for approval of the use variance could be made.

- B. The appellant believes that the Planning Commission refused to consider facts regarding the use variance application prior to its approval, including that Chamlian School is a private school and that it has violated various conditions of the 2014 use variance approval. The appellant states that private and public schools have inherently different impacts, particularly with regard to traffic. Few Chamlian students live in the neighborhood, commuting to the school by car and thereby increasing neighborhood traffic, whereas public schools largely service the communities in which they are located, reducing traffic impacts.

The appellant cites violations of several of the conditions from the 2014 use variance, including limited access to the school from Second Avenue, requiring shuttle/bus service to offset traffic impacts related to increases in enrollment, and conducting traffic surveys.

While not related to a condition of approval, the appellant also cites noise concerns related to the school's pick-up procedures in the afternoon that resulted in decibel levels being too high given the surrounding R1 zoning.

Staff's Response:

As was stated in the Planning Commission staff report (Exhibit 4), Chamlian School has operated as a private school for 41 years. The Planning Commission was also aware that the school may have failed to satisfy some conditions of approval of the 2014 use variance, as these facts were noted in the staff report. Operational characteristics of the school that may have violated conditions of approval were:

- Offering transitional kindergarten (TK), where grades were limited to kindergarten to 8th grade;
- Providing carpool incentives of \$40.00 instead of the minimum \$50.00;
- School start and end times; and
- Shuttle/bus services with additional fees.

The appellant states that Chamlian School draws students from Glendale as well as from surrounding areas, which creates different impacts, particularly with regard to traffic, as students commute to the school by car whereas public schools typically draw students from smaller and more immediate areas. Staff spoke with various public

schools (Dunsmore, Valley View, Abraham Lincoln, La Crescenta and Monte Vista) in the Glendale Unified School District relatively near Chamlian School. While these schools do not formally track how their students arrive to and depart from their campuses, anecdotally, school personnel noted the majority of students arrive by car unless they live very close to their campuses. Two school campuses with special needs student populations stated that these children arrive by busses to their schools. Given this information, it appears that public schools largely mimic the traffic impacts of Chamlian School, although as discussed later, the surveyed public schools tend to have a smaller enrollment than Chamlian School.

In addition to the violations of conditions of approval cited earlier in this staff report, the appellant contends that Chamlian School violates the condition limiting access to the school from Second Avenue, utilizing shuttle/bus services to offset traffic impacts related to increases in enrollment and conducting traffic surveys. In the corresponding motion to approve the use variance, Condition No. 20 states:

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

This condition has not changed since the previous approval of the variance in 2014 (Condition No. 19). To staff’s knowledge, the school is abiding by this condition. A portion of upper-level students are dropped off/picked up on Boston Avenue and walk to/from school along Second Avenue. School security personnel are stationed at the terminus of Second Avenue to monitor the walking students and to dissuade cars from utilizing Second Avenue for drop off/pick up.

Staff has fielded occasional complaints from residents regarding “quality-of-life” issues (blocking driveways, littering, speeding). To help address these issues, a new condition of approval requires the school to designate an employee as a “point person” for neighborhood residents to contact when concerns arise. To disseminate this contact information, the school is required to send a letter to property owners and occupants within 500 feet of the school.

Chamlian School has had mixed success with offsetting traffic impacts due to the previous enrollment increase. In implementing the increase in enrollment, Chamlian School was to maintain automobile trips such that at no point the number of trips to and from the campus exceed the total number of existing trips during the base 2014 year. Traffic surveys are required to determine the number of trips to and from the Chamlian campus. These traffic surveys were prepared after the 2014 use variance approval for the years 2015 through 2019. Because of the COVID pandemic, surveys were not taken from 2020 through 2023, as the school did not operate as normal during these years. The base year survey counted an average of 342 cars at drop off and 309 cars at pick up. Since 2014, drop off trips were exceeded in 2019 (352 trips) and pick up trips were exceeded in 2016 (334 trips), 2017 (312 trips) and 2019 (354 trips).

The appellant’s final point in Part B relates to noise impacts. The statement made (decibel levels being too high given the surrounding R1 zoning) are general in nature

and the appellant did not support their contention with noise studies or similar documentation, which would support their claim. As conditioned in previous use variance approvals, during afternoon pick up, the school uses a speaker to call the names of students when their ride arrives at the Lowell Avenue circular driveway at front of the campus. Cars have the name(s) of the student(s) on their dashboards. School/security personnel use the speaker to call the students who are waiting within the campus to exit and get into their cars.

- C. The appellant believes that there is new evidence of material facts that were not previously presented, which if considered should change the approval decision of the Planning Commission, including Chamlian School's association with the church property across Lowell Avenue, comparable enrollment in nearby public and private schools, conflicting information regarding Police Department complaints and a 1991 Los Angeles Times article, particularly detailing a condition of approval that the school provide bussing as enrollment increases.

Staff Response:

As previously mentioned, the Chamlian School site is owned by the Western Prelacy of the Armenian Apostolic Church of America. This is the same owner as the site across the street at 4459 Lowell Avenue. This site contains a church building, parking lot and vacant land and is located in the city of Glendale. A separate parcel located behind this site to the west contains a church building and is located in the city of Los Angeles and is part of this site. The appeal application states that Chamlian has advertised the property as a proposed pre-school. While staff has seen no such advertisement, the site (within Glendale city limits) is zoned R-1 (Single-family residential) and a pre-school/day care center is not a permitted use in that zone. Further, applications for new use variances are not permitted in the R1 (Single-family zone). No application for development has been submitted to the City regarding a day care center/pre-school at the 4459 Lowell site. The City has received no correspondence from the city of Los Angeles regarding any proposals to develop the parcel in Los Angeles.

As noted, Chamlian School is permitted to have up to 700 students enrolled at the school and its current enrollment is 699. Staff surveyed nearby schools to determine their enrollment and the numbers obtained were relatively consistent with the figures provided by the appellant. Nearby public schools and their enrollment figures include:

Dunsmore Elementary School 4717 Dunsmore Avenue (approx. 1 mile)	590 students
Valley View Elementary School 4900 Maryland Avenue (approx.. 2 miles)	463 students
Abraham Lincoln Elementary School	501 students

4310 New York Avenue (approx.. 1.3 miles)

La Crescenta Elementary School 407 students
4343 La Crescenta Avenue (approx. 2.4 miles)

Monte Vista Elementary School 723 students
2620 Orange Avenue (approx. 3.1 miles)

There is one private school in the vicinity of Chamlian School and its enrollment is:

Holy Redeemer -Saint James 65 students
4635 Dunsmore Avenue (approx. 1 mile)

With the exception of Monte Vista Elementary School, all the other nearby schools have a lower enrollment than Chamlian School. With other characteristics being equal, it would follow that Chamlian School generates more traffic during drop off and pick up times than the smaller schools.

Interdepartmental communication is typically requested from other City divisions and departments when discretionary applications, such as use variances, are submitted. The Police Department had no comments regarding this use variance application in their April, 2023 interdepartmental communication response. During the May 2024 use variance public hearing, a Police Department Traffic Bureau representative was available for questions from the Planning Commission. The representative stated that there was nothing particularly unusual regarding traffic incidents at Chamlian School that weren't also occurring at other schools located in residential areas. Upon complaints from the neighborhood, Traffic Bureau officers visited the area to assess the situation. The officers noted some minor infractions on Lowell Avenue and the nearby side streets, including stopping in red zones, but otherwise were complimentary regarding the school's efforts.

As part of the appeal application, the appellant submitted statistics from the Police Department documenting that Chamlian School had far more calls for service than nearby schools. Staff contacted the Police Department and confirmed that Chamlian School had more calls for service than did other schools, due to traffic, parking and alarms, rather than direct safety threats.

In 1991, the Los Angeles Times wrote an article regarding Chamlian School. This 35-year-old newspaper article resulted from the June, 1991, Planning Hearing Officer revocation hearing of Conditional Use Permit No.7578-CU that was performed due to violations of the school's conditions of approval. The article summarized the conditions imposed on the school as a result of the hearing. These conditions included:

- Reducing school enrollment by approximately 100 students. At the time, the school's enrollment was limited to 425 students and was determined to have

over 500 students. Increases in the school's enrollment were later approved in 1992 to 500 students and in 2014 to 700 students.

- Eliminating 9th grade enrollment at the school. Chamlian School's 1983 conditional use permit approval limited the grades taught at the school to 8th grade. This limitation is still in place today.
- Limiting the number of 7th and 8th grade students to no more than 20% of the school's overall enrollment. This condition was installed on the school because older students were noisier, more rebellious and more defiant than younger students and these characteristics can affect the neighborhood. Some version of this condition was in place until the present use variance request. During the writing of the 2024 use variance staff report to the Planning Commission, staff was unaware of this newspaper article, did not understand why this condition was in place and recommended to the Planning Commission to eliminate this condition, which they did with the present approval. The City Council may wish to reconsider implementing this condition.
- Building a 6-ft. to 8-ft. high wall around the east and south sides of the playground to reduce noise impacts.
- Reducing traffic congestion by arranging for student bussing, building another driveway, hiring a crossing guard, installing school crossing signs and adding 25 parking spaces on the property.
- Requiring the school to submit weekly attendance records and transportation records as to how students travel to and from the school.

D. The appellant has provided a statement of additional facts related to the appeal generally expressing the community's desire for a safe neighborhood and claims the amount of traffic that Chamlian School creates is unreasonable and greater than if the school was a public school. The appellant is requesting that the cumulative effects of current and future conditions on Lowell Avenue between Foothill Boulevard and the 210 Freeway be reviewed and the conditions of approval of the 2014 use variance, including keeping the Second Avenue access closed and mandating bussing/shuttling/carpooling in excess of 500 students, be imposed and maintained.

Staff Response:

As previously noted, student attendance at Chamlian School is greater than all but one (public and private) school in the area. In speaking with public school representatives, anecdotally, the majority of students at these schools arrive to their respective campuses by car. It may be true that Chamlian School generates more traffic than most neighborhood public schools, given that the number of students attending the school is greater than all but one of the public schools (which makes sense because these elementary schools go up to 5th grade and Chamlian goes to 8th grade). The school has a circular driveway at its entrance that is staffed by school employees and volunteers to assist with drop off and pick up of students at the beginning and end of the school day, which makes the process as safe, efficient and smooth as possible. Also, as

mentioned, during afternoon pick up, the school uses a speaker to call student's names so the car line moves as quickly as possible. Security guards are stationed on Lowell Avenue south of the school to assist the car line. Staff did note that not everyone uses the car line and a percentage of cars drop off/pick up students on both sides of Lowell Avenue.

Reviewing the cumulative effects of current and future development on Lowell Avenue is difficult, given no applications for development or use have been submitted. This street from its southern terminus at the 210 Freeway to its northern terminus at its intersection with Markridge Road is zoned R1 (single-family Residential), with the exception of a small area around the intersection with Foothill Boulevard, which is zoned CH (Commercial Hillside). A density bonus project located on the southeast corner of Foothill and Lowell (3950 Foothill Blvd.) was approved in 2020. This project is currently in plan check and will be three and four stories and include 34 apartments over commercial development. The west side of Lowell Avenue north of Foothill Boulevard is located in the city of Los Angeles. Given the predominate current zoning of properties adjacent to Lowell Avenue, it is not anticipated that significant development will occur on this street, with the exception of the density bonus project described above.

The 2014 use variance included a condition (Condition #19) that stated:

"Access from Second Avenue shall be limited to maintenance vehicles and pedestrians."

This condition did not change and was not eliminated in the Planning Commission's most recent approval of the use variance.

The 2014 use variance also included a condition (Condition #23) that stated:

"That the applicant shall provide a student shuttle service to offset the increase in trips associated with the increase in enrollment to 700 student, 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. All buses shall be provided to the students free of charge. The number of buses, bus stop locations and routes shall be included in the traffic control plan approved by the Directors of Public Works and Community Development. The applicant shall conduct a traffic survey to ensure that the project is in compliance with this condition."

This condition was eliminated in the Planning Commission's most recent approval of the use variance. However, the school continues to provide bus service to the school in the morning and from the school in the afternoon between Saint Mary's Armenia Church, located at 500 South Avenue and Chamlian School. Additionally, there is a private "carpool" service that provides pick up/drop off for students attending the school from the Pasadena area. That being said, the Mitigated Negative Declaration, adopted with the 2014 use variance approval and valid with the present use variance, requires Chamlian School to institute a bus service to provide transportation to and from the school to mitigate against trips generated by the enrollment expansion such that the

total number of existing trips established in the Traffic and Transportation Plan is not exceeded.

SUMMARY

Based on the analysis of the appeal and the reasoning contained in the May 15, 2024, staff report and the discussion by the Planning Commission, staff recommends that the City Council sustain the Planning Commission's approval decision with conditions, and with the eliminated expiration date of the use variance.

STAKEHOLDERS/OUTREACH

The Code requires public notice when the Council considers approval of entitlements such as design review. Staff has mailed copies of the notice to all property owners and occupants within 500 feet of the project. Also, a public notice was posted on-site.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The Planning Commission adopted a Mitigated Negative Declaration (MND) for the previous use variance on April 16, 2014. The current use variance proposes no expansion or change to the enrollment or operation of the school. Because there are no substantial changes to the project or project circumstances, and there is no new information that could not have been known at the time the MND was adopted that would require major revisions to the previously approved MND because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no additional environmental review is required for the proposed use variance. (Pub. Res. Code § 21166; CEQA Guidelines §15162(a).)

CAMPAIGN DISCLOSURE

The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are attached in Exhibit 6, in accordance with the City Campaign Finance Ordinance No. 5744.

ALTERNATIVES TO STAFF'S RECOMMENDATION

Alternative 1. Approve Use Variance Case No. PVAR 001880-2023, either with the findings and conditions of the Planning Commission, or with additional or amended/modified conditions.

Alternative 2. Continue Use Variance Case No. PVAR 001880-2023, directing the City Attorney to draft findings supporting denial.

ADMINISTRATIVE ACTION

Prepared by:

Roger Kiesel, Senior Planner

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

- Exhibit 1: Location Map
- Exhibit 2: Project Plans
- Exhibit 3: May 2024 Planning Commission Staff Report & Decision Letter/Motion (with findings)
- Exhibit 4: Appeal Application
- Exhibit 5: Appellant Photos and Documentation
- Exhibit 6: Campaign Finance Disclosure Form