

CHAPTER 30.42 – CONDITIONAL USE PERMITS

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30.42.010 – Purpose

The purpose of the conditional use permit is to allow special consideration for certain uses to be located in zones other than those in which they are classified as permitted because of their particular characteristics: the size of the area required for full development of such uses; traffic problems incidental to their operation; and/or the effect such uses may have on adjoining land uses and on the growth and development of the area in which they are proposed to locate.

Such uses may only be suitable in specific locations in a zoning classification or only if such uses are designed or laid out in a particular manner on the site or are subjected to specific conditions to assure compatibility within the zone and its surroundings. Since it would be impractical and detrimental to the peace, health, safety and general welfare to permit such uses in all areas of the city in any one or more zones, the peace, health, safety and general welfare will be promoted if such uses are authorized only by conditional use permit in accordance with the standards hereinafter set forth.

30.42.020 – Authority

- A. For any project located entirely or partially in a redevelopment project area, as adopted by the Legislative Body/Glendale Redevelopment Agency or in the DSP zone, for which an associated application for design review is required for which the Glendale Redevelopment Agency is the design review authority (or, if the Redevelopment Agency is suspended or eliminated, the City Council), the City Council may grant conditional use permits upon making the findings of fact listed below. In granting a conditional use permit, the City Council may impose conditions to safeguard and protect the public health, safety and promote the general welfare.
- B. For any project located entirely or partially in the DSP zone not located in a redevelopment project area, as adopted by the Legislative Body/Glendale Redevelopment Agency, for which an associated application for design review is required for which the Glendale City Council is the design review authority, the City Council may grant conditional use permits upon making the findings of fact listed below. In granting a conditional use permit, the City Council may impose conditions to safeguard and protect the public health, safety and promote the general welfare.
- C. In cases involving a conditional use permit and variance related to a use, the Director of Community Development may authorize the entitlement requests to be considered by the Planning Commission rather than both the Hearing Officer and the Planning Commission. In all other cases, the Hearing

Officer may grant conditional use permits upon making the findings of fact listed below. In granting a conditional use permit, the Hearing Officer or Planning Commission may impose conditions to safeguard and protect the public health, safety and promote the general welfare.

30.42.030 – Findings of Fact

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.
- E. For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection a. through d. above:
 - 1. That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration;
 - 2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district;
 - 3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area;
 - 4. That adequate parking and loading facilities are or will be provided for the existing or proposed use, or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use; and
 - 5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.
- F. Applications for new multi-family residential uses proposed to be located within the IMU-R zone shall consider the following criteria in making the findings in addition to subsection a. through d. above:

1. That the proposed multi-family housing development is allowed within the respective zoning district with the approval of a conditional use permit and complies with all other applicable provisions and performance standards identified in this Zoning Ordinance and the Municipal Code.
 2. That the proposed multi-family housing development would not result in the displacement of existing, or limit future, employment on the subject site or on surrounding sites.
 3. That the subject site is physically suitable for the type and density/intensity of the proposed multi-family housing development.
 4. That the proposed multi-family housing development will be compatible with the surrounding existing and future land uses allowed in the IMU-R zoning district.
- G. Applications for live/work units to be located in the IND, IMU, IMU-R, and SFMU zones shall consider the following criteria in making the findings in addition to subsection a. through d. above:
1. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;
 2. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
 3. Any changes proposed to the exterior appearance of an existing structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.
- H. Applications for nightclubs shall consider the following criteria in making findings in addition to subsection A. through D and F. above:
1. The proposed nightclub is designed to ensure the reduction of noise impacts by using techniques such as double doors; and
 2. An area for outdoor smoking be designed and located in an area to not impact surrounding uses.
- I. Decisions related to development in the ROS and R1R zones shall consider the hillside development review policy contained in sub-section 30.11.040.A.

30.42.040 – Applicability – Exception

Whenever a conditional use permit is required for a public dance, the following organizations shall be exempt from the requirements to obtain such conditional use permit: the Glendale Unified School District, schools, academies, and other educational organizations including the student body organizations thereof, except dancing schools and academies; churches and religious organizations; fraternal orders, charitable and social clubs and organizations which conduct dances on a nonprofit basis and limit attendance to members of such organizations, families of members and bona fide guests, and which organization has for its principal purpose the betterment and advancement of its members otherwise than by the conducting of dances, and conducts such dances as merely incidental to its principal purpose and does not solicit or permit attendance by the general public; and, the City of Glendale and nonprofit civic

organizations.

30.42.050 – Authorization for Initiation, Application Filing and Filing Fees

For authorization for initiation, application filing and filing fees, see Chapter 30.40.

30.42.060 – Public Hearing and Notice

For public hearing and notice, see Chapter 30.61.

30.42.070 – Decision of the Review Authority

The review authority shall hold a public hearing on the proposed conditional use permit and consider all evidence presented for and against the proposal. The review authority shall make findings of fact and determinations in writing and shall place in the mail a copy thereof, addressed to the applicant and those persons speaking at the hearing who submitted their correct mailing addresses. A decision of the Hearing Officer shall become final fifteen (15) days following the date of the decision unless an appeal to the Planning Commission is filed as herein provided. Where the Council has, acting as the initial review authority, approved or denied a conditional use permit for a project located entirely or partially in a redevelopment project area or located entirely or partially in the DSP Zone outside of a redevelopment project area, any interested person may make a written request for a Council rehearing in accordance with Section 2.88.060 of the Glendale Municipal Code.

30.42.080 – Appeal Procedure

For appeals procedure, see Chapter 30.62.

30.42.090 – Resubmittal of Applications

No conditional use permit application which has been denied in whole or in part shall be filed again within six (6) months from the date of such denial except upon proof of changed conditions or by permission of the Director of Community Development.

30.42.100 – Duration of Conditional Use Permit

For duration of conditional use permits, see Chapter 30.41.