

**ACTION MINUTES OF THE REGULAR MEETING OF  
THE ADMINISTRATIVE HEARING HELD ON May 23, 2019**

**ROLL CALL**

Hearing Officer present: Ben Fu, Acting Community Development Director

Staff present: Erika Poveda, Assistant Planner

Applicant(s) present: Maria Tzankova (agent for Omei Preschool)

**APPROVAL OF MINUTES:**

1. April 25, 2019

The minutes of April 25, 2019 were approved as written

**POSTPONEMENTS/REMOVAL FROM CALENDAR:**

None

**ORAL COMMUNICATIONS:**

None

**WRITTEN COMMUNICATIONS:**

One email was received regarding Item #2

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**PUBLIC MEETING ITEMS:**

2. Application No.(s): M-2019-02, DIR-2019-05

Applicant: Maria Tzankova (Burall USA, LLC)

Location: 21685 Granada Ave APN# 357-17-139

Amendment to Conditional Use Permit (U-2013-07) to allow for a modification of the type of childcare provided and operational hours at an existing childcare center; and a Director's Minor Modification to legalize an unpermitted deck

*Administrative Hearing Officer's decision final unless appealed.*

Staff member Poveda addressed the Hearing Officer. She explained that the site has been a childcare facility in operation since 2013 for special needs children. The Use Permit issued at that time was for childcare from 2pm to 6:30pm Monday through Friday and on Saturday from 1pm to 4pm for 13 children ranging in age from 5 to 22 years. The applicant would like to modify the Use permit to change the hours of operation to 7am to 6pm Monday through Friday (with no operational hours on Saturday), change the designation from "special needs" to "preschool" and change the age to 3 to 5 years. In October 2018, the school received a Notice

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of Code Violation for a 6' front yard fence and a front and side yard deck. In response to the notice, the applicant removed the front yard deck and the front yard fencing. They will be installing a 3' front yard white picket fence and have applied for permits to legalize the side yard deck. Both the new fence and the deck will be in conformance to the City's Monta Vista Design Guidelines and Municipal Code. A noise study was conducted by the City's Noise Consultant. The Consultant concluded that the noise from the children at play (a maximum number of 7 at any given time) would not be greater than the City's Noise Ordinance allows. The City's Traffic Consultant reviewed the proposal and determined that there would be no additional trip generations as the number of students allowed at the facility has not changed. Parents will be assigned designated drop off and pick up times such that the only parking that will occur is on-site in the 2 designated parking spaces.

Hearing Officer Fu asked for clarification of the location of the existing deck. He also asked if the pickup and drop off instructions for the parents was documented. Staff member Poveda said it was in the Business Plan, but she would also have that language included in the Traffic Management Plan Condition of Approval. The Hearing Officer also wanted to have the name of the responsible on-site contact person listed for Staff or the neighbors to call should any complains arise. He also wanted sheet A.02 of the Site Context to be clarified to indicate that the driveway leads to the parking and that there is no parking along the driveway.

The Hearing Officer opened the public comment period.

There were no speakers.

The Hearing Officer closed the comment period.

The Hearing Officer confirmed the number of students will not change, the deck will be conformance once the proper permits have been obtained, and that the project site is in good use as a preschool.

DECISION: The application was approved by the Hearing Officer, with the above mentioned additional language to the Draft Resolution.

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## ADJOURNMENT

Respectfully submitted:

\_\_\_\_\_/s/Beth Ebben

Beth Ebben

Deputy Board Clerk