February 4, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bob MacNamara
Sunrise Development
13258 Ocean Vista Road
San Diego, CA  92130

RE:  CONDITIONAL USE PERMIT CASE NO. 00-163-(5)
     To authorize the construction, operation and maintenance of a 55-unit adult
     residential facility with subterranean parking.
     8332 Huntington Drive, San Gabriel

Dear Applicant:

PLEASE NOTE: This document contains the Planning Commission's findings and order
and conditions relating to APPROVAL of the above referenced case.  CAREFULLY
REVIEW EACH CONDITION.

Condition 2 requires that the permittee must file an affidavit accepting the conditions before
this grant becomes effective.  USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.

The applicant or ANY OTHER INTERESTED PERSON may APPEAL the Regional
Planning Commission’s decision to the Board of Supervisors through the office of Violet
Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500
West Temple Street, Los Angeles, California, 90012.  Contact the Executive Office for the
necessary forms and the amount of the appeal fee at (213) 974-1426.  The appeal must be
postmarked or delivered in person within fifteen days after this notice is received by the
applicant.
If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. Upon completion of the fifteen-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Frank Meneses
Supervising Regional Planner
Zoning Permits Section

FM:kms

**Attachments:** Findings and Conditions
Affidavit

**c:** ASL Consulting Engineers, Steve Sheldon, Testifiers, Board of Supervisors, Department of Public Works (Building and Safety), Department of Public Works (Subdivision Mapping), Zoning Enforcement
CONDITIONAL USE PERMIT CASE NO. 00-163-(5)

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: FEBRUARY 28, 2001, NOVEMBER 26, 2001

SYNOPSIS:
The applicant is requesting authorization for the construction, operation and maintenance of an adult residential facility with subterranean parking. The facility will provide 24-hour-a-day non-medical care and supervision to adults fifty-five years of age and older. The proposed two-story 37,000 square foot facility, “Sunrise Assisted Living of San Gabriel” contains fifty-five resident units. Per the applicant, the facility has both single-occupancy and double-occupancy rooms, for a total maximum of 74 residents. In addition to the resident units, the proposed facility will include necessary services and amenities including activity rooms, hair care, dining rooms, library, and offices and staff rooms.

The project also includes the demolition of the existing one-story office building on the subject property. There will be 3,600 cubic yards of earth movement with 3,400 cubic yards of soil exported to another construction site owned by the applicant. In addition, there is an existing approved approximately 1,000 square foot unmanned wireless telecommunications facility that will remain on the subject property. The project as currently proposed is a revision to an earlier, larger project.

This case as originally proposed was heard before the Regional Planning Commission on February 28, 2001. At that public hearing three people testified in favor and nine people in opposition to the request. The concerns of the project opponents included: 1) that the proposed three-story structure would be too massive in comparison to the single-family residences in the area, 2) that the additional traffic caused by project residents, visitors, and emergency vehicles will add to the traffic problem already existing in the area, 3) that the additional traffic will be dangerous to those residents who have their garages off the alley, and to others who drive and walk in the alley, and 4) that the height of the building will impair the neighbors’ views of the mountains. After discussion, the Commission voted 4-0 to close the public hearing and to direct staff to prepare findings and conditions for approval.

Subsequent to the public hearing but prior to final Commission approval of the project, a community meeting was held to try to resolve community concerns about the proposal, including the height and mass of the building, the number of residential units, parking and traffic. Representatives from Supervisor Antonovich’s office, staff, and approximately 160 residents of the community were in attendance. As many of the issues discussed at the community meeting were land use issues that would best be addressed by the Commission, Supervisor Antonovich requested that the Commission reopen the public hearing and reconsider the project, so that the community would have another opportunity to voice their concerns. On August 22, 2001 the Regional Planning Commission voted to reopen the public hearing, and the applicant submitted a revised proposal, which reduced
the height and mass of the building and the number of units. Public notice of a new hearing was given and the revised project was considered by the Commission at a public hearing on November 26, 2001.

PROCEEDINGS BEFORE THE COMMISSION

November 26, 2001 Public Hearing
A duly noticed hearing was held before the Regional Planning Commission. The public hearing was held at San Marino High School, San Marino. This hearing site was selected as it is in close proximity to the subject property (approximately one mile). All Commissioners were present. Eighteen people testified, two persons representing the owner, Sunrise Development, and sixteen in opposition to the revised proposal for an adult residential facility.

There was discussion regarding the existing traffic problems arising from the two elementary schools in the vicinity of the subject property, the amount of traffic expected to be generated from the proposed use, and other uses that could be developed on the subject property without a conditional use permit. There being no further testimony, the Commission closed the public hearing and voted (3-0, Commissioners Valadez and Rew abstained) to close the public hearing, indicate its intent to approve the project, and instruct staff to prepare the final environmental documentation and findings and conditions for approval.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the construction, operation, and maintenance of a 55-unit adult residential facility with subterranean parking located at 8332 Huntington Drive, San Gabriel, and in the East San Gabriel Zoned District, pursuant to Section 22.28.160 of the County Code (Zoning Ordinance).

2. The subject property is an .84-acre irregularly shaped flat parcel. The site is currently developed with a one-story office building with a basement, parking, landscaping, and an unmanned wireless telecommunications facility consisting of a monopalm (monopole disguised as a palm tree) and equipment cabinets. Access to the parcel is via Sunny Slope Drive to the east and Huntington Drive to the north.

3. Zoning on the subject property is C-2 (Neighborhood Business). The subject property falls within the boundaries of the Northeast San Gabriel Community Standards District (CSD), but this CSD does not contain development standards applicable to residential uses that are located in the Neighborhood Business (C-2) Zone.

4. Surrounding zoning consists of R-1 (Single Family Residence) to the north, south, east and west. The City of San Marino is also located directly adjacent the subject
property to the west.

5. The subject property is currently developed with an office building.

6. Surrounding land uses consist of commercial uses and single-family residences to the north, single-family residences to the south, a school to the east, and a temple to the west (within the City of San Marino).

7. There are two previous zoning permit cases on the subject property, ZEC 2047 and CUP 97-175-(5). Conditional Use Permit 97-175-(5) was approved in June of 1998 for an unmanned wireless telecommunications facility that exists, and will remain, on the subject property.

8. The subject property is classified as “Low Density Residential” in the Countywide General Plan. The intent of the Low Density Residential classification is to maintain the character of existing low density neighborhoods and to provide additional areas to accommodate future market demand. This plan designation also allows for community and neighborhood serving commercial and service uses. An adult residential facility is consistent with this land use category.

9. The site plan, marked Exhibit “A” page 1 of 4, depicts a .84 acre parcel developed with a two-story 37,000 square foot adult residential facility, 33 parking spaces (4 surface parking, 29 subterranean), and landscaped areas. The building is depicted as a “U” shape, with an open courtyard in the center. Vehicular access to the site is via an access alley from Sunny Slope drive to the east. The pedestrian entrance to the facility is shown off of Sunny Slope Drive. There is an unmanned wireless telecommunications facility developed in the southwest corner of the property.

10. The applicant’s elevation, marked Exhibit “A” page 2 of 4, depicts the proposed facility from the north, south, east and west. The north elevation depicts the facility from Huntington Drive, the overall height of the building is shown as 29’0” above finished grade. The east elevation depicts the facility from Sunny Slope Drive; the elevation also depicts the existing single-family residence located south of the proposed facility. The building is Spanish Style architecture.

11. The applicant’s floor plans, marked Exhibit “A” pages 3.a. through 3.c., depict the two resident unit floors and the garage floor of the proposed facility.

12. The applicant has submitted a conceptual landscape plan, marked Exhibit “A” page 4 of 4. The landscape plan depicts the types and locations of ground covers, shrubs, vines, and trees. The landscape plan also depicts areas of enhanced concrete paving and the locations of wood trellises.

13. Numerous telephone calls, letters and petitions in opposition to the revised project have been received. The opposition’s concerns include: that the proposed 55-unit
facility is too dense for a low-density residential neighborhood, that the building setbacks should be equal to the adjacent uses, and traffic that the proposed facility could generate.

14. The applicant stated that it has held three community meetings, canvassed the neighborhood door-to-door, and talked to the Headmasters of the two schools located in close proximity to the project site regarding the project proposal in an effort to obtain community input regarding the proposal. The applicant has redesigned the building, which was previously a three-story building, to a two-story building in an effort to reduce the mass of the structure. The applicant marked off the footprint of the proposed building on the subject property so the local residents could “see” where it would be placed. The applicant has maximized the setbacks to five and twelve feet on Huntington Drive and five feet on Sunny Slope Drive. The applicant has also reduced the number of units from 59 to 55. According to the applicant, a further reduction in residential units would not make the project financially feasible for Sunrise Development.

15. Pursuant to Section 22.28.170 of the County Code, no more than 90 percent of the net area shall be occupied by buildings with a minimum of 10 percent of the net area landscaped. The applicant’s site plan shows 22 percent of the net area as landscaped.

16. Pursuant to Section 22.28.170 of the County Code, parking facilities are to be developed as required by Part 11 of Chapter 22.52. Chapter 22.52 states that for adult residential facilities one automobile space for each staff member on the largest shift and one parking space for each vehicle used directly in conducting such use shall be provided. Per the applicant, sixteen employees are on the largest shift, and one van would be used for transporting the residents. Based on the information provided, seventeen parking spaces are required, one of which shall be van accessible. The applicant’s site plan is in compliance as it shows four parking spaces on grade level (two of which are handicapped accessible, one van accessible) and twenty-nine parking spaces in the subterranean parking area.

17. Pursuant to Section 22.28.170 of the County Code, a building or structure shall not exceed a height of 35 feet above grade in the C-2 Zone. The applicant’s elevations show the two-story structure as 29’0” above grade. The applicant’s proposal is in compliance with the height limitations of the C-2 zone.

18. Section 22.52.870 of the County Code provides that each ground floor business establishment fronting a public street is permitted a maximum of three square feet of wall sign area for each one linear foot of building frontage. The subject property has 191 linear feet of frontage on Huntington Drive, permitting 573 square feet of signage on that frontage. The subject property has 148 linear feet of frontage on Sunny Slope Drive, permitting 444 square feet of signage on that frontage. The elevations submitted by the applicant do not depict any signs. As a condition of
approval, the applicant will be required to submit plans and elevations of any proposed signs.

19. The applicant will be required to obtain a license from the California Department of Social Services granting a total capacity of 74 residents ages 55 and older prior to proceeding with the construction of the facility.

20. The facility provides housing for elderly individuals; the minimum age for the facility’s residents would be 55. The facility proposes to operate seven days a week on a 24-hour basis. Per the applicant, Sunrise Development, in addition to the proposed adult residential facility on the subject property operates other “upscale senior facilities”, the closest example being on Towne Avenue in Claremont, California.

21. During the construction of the proposed project, the applicant will need to export 3,400 cubic yards of soil. The applicant is proposing to transport the soil to a construction site they own located at 9515 Baseline Avenue, Rancho Cucamonga. The applicant has submitted a haul route from the subject property to the Foothill Freeway.

22. Katz, Okitsu & Associates, traffic engineers and transportation planners, prepared a traffic study dated February 25, 2001 for the proposed development. The study was prepared to be in conformance with the procedures mandated by the County of Los Angeles Congestion Management Program (CMP). The CMP requires that traffic studies be prepared to document impact to all CMP monitoring intersections where the proposed project will add 150 or more peak hour trips. The traffic study concludes that the project will not generate significantly more trips than the existing use resulting in no significant increase in area traffic and the project will not have significant impact on CMP intersections in the vicinity of the project site.

23. The applicant has agreed to initiate a resident vehicle ownership policy to ensure that residents may not keep automobiles at the adult residential facility if the facility does not have available on-site parking.

24. Community representatives requested a no parking zone along Sunny Slope Drive in front of the proposed development. Although the applicant is also in favor of this, except for a drop-off zone at the main entrance to the facility, the curb is not within the subject property and would be the Department of Public Works’ jurisdiction to determine if a no parking zone is appropriate at that location. The applicant will follow-up to the extent possible with said Department.

25. The applicant recognizes there is an existing traffic problem in the vicinity of the project site and that pedestrian safety is a concern; it was discussed with the community that striping of crosswalks and the use of a crossing guard would alleviate some of these concerns. The applicant agrees to match community funds, up to a cap of $3,500.00 per year, to finance such a program once the community
establishes the program.

26. An initial study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles. The initial study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the initial study, the Department of Regional Planning has prepared a Negative Declaration for this project.

27. The Commission finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to Section 711.2 of the California Fish and Game Code.

28. The Commission finds that, with appropriate conditions of approval, the proposed facility will be compatible with the surrounding area and is a more appropriate use in its location than many uses that are permitted in the C-2 zone.

29. The Commission acknowledges that there is an existing traffic problem in the area due to inadequate parking for the two schools located in the vicinity, but there is no substantial evidence that the proposed use will have a significant impact on the traffic in the area.

30. The Commission finds that staggering the times the project's employees start and end their shifts, and staggering the timing of deliveries, will reduce the project's contribution to traffic during potentially congested periods.

31. The Commission finds there is a need for adult residential facilities to assist in providing housing for an aging sector of the population. This project would assist in alleviating that need.

32. The Commission finds, based on the background and operational history of the applicant, Sunrise Development, the facility would be an asset to the community.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

A. That the proposed use will be consistent with the adopted general plan for the area:

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. That the proposed site is adequate in size and shape to accommodate the
prescribed development features, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 00-163-(5) is APPROVED, subject to the attached conditions.

VOTE: 3-0-1-1

Concurring: Commissioners Helsley, Rew, Bellamy

Dissenting: None

Abstaining: Commissioner Modugno

Absent: Commissioner Valadez

Action Date: January 30, 2002

FM:KMS
02-04-02
1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and the fees have been paid pursuant to Condition Nos. 8 and No. 22.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the appropriate fee before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. **This grant will terminate January 30, 2012.**

   Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$1,500.00**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for **10 annual inspections**.

   If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject
property must be complied with unless specifically modified by this permit, as set forth in these conditions or shown on the approved plans.

12. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

14. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

16. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.

17. The permittee shall develop the subject parcel with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Incidental walkways, if needed, may be developed in the landscaped areas. The permittee shall submit for approval three copies of a landscape plan, which may be incorporated into the Exhibit “A” discussed in Condition No. 18, to the Director of Planning within sixty days of the approval date of this grant. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan shall also indicate landscaping surrounding the existing unmanned wireless telecommunications site. Prior to development of the landscape plan the applicant shall meet with the neighbors adjacent to the subject property to discuss the appropriate types of buffering landscaping.

18. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of revised plans, similar to Exhibit “A” page 1 of 3, as presented at the public hearing and showing the following: 1) sign locations, if any proposed, 2) a landscaping table which lists the overall site area,
building lot coverage, parking lot area, and landscaped areas, and 3) accurate depiction of any proposed walls, fences, or gates on all property lines. The property shall be developed and maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.

19. Although the unmanned wireless telecommunications facility is authorized under a separate grant, Conditional Use Permit 97-175, as the lessee of the telecommunications facility is leasing land from the permittee of this grant, the permittee shall ensure that it is also kept in a neat and clean condition including removal of litter.

20. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed signs on the subject property. Signs shall be in conformance with Section 22.52.870 of the County Code. In addition, the permittee shall hold a community meeting to discuss the placement and type of signs to be installed prior to preparing the sign plans.

21. The permittee shall remit a $25.00 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.

22. This grant allows for the construction, operation and maintenance of an adult residential facility to be developed in accordance with the approved Revised Exhibit “A”, and subject to the following conditions:

a. The permittee will provide care and supervision to the residents consistent with the definition of an adult residential facility in Section 22.08.010 of the Zoning Ordinance. Care and supervision may include such services as room and board, recreational therapy, assistance essential for sustaining the activities of daily living, and other therapeutic services. Services that are not permissible include a resident or on-duty physician, diagnosis, x-ray, nuclear medicine, pathology laboratory, and surgical services;

b. The adult residential facility is permitted to have a maximum of seventy-four residents subject to the issuance of the necessary license by the State of California Department of Social Services. The permittee will obtain such license prior to obtaining a Certificate of Occupancy for the building;

c. The permittee will comply with all staffing, rules, regulations and facility requirements established and regulated by the State of California Department of
d. The permittee will maintain a minimum of 33 on-site automobile parking spaces including two handicapped accessible parking spaces (one of which is to be van accessible);

e. Project construction shall conform with Chapter 12.08 Noise Control, Title 12 Environmental Protection, of the County Code;

f. The permittee shall provide to the Director of Planning a copy of its proposed policies regarding how the available parking spaces will be allocated (employees, visitors, residents) and how those policies will be controlled and/or enforced, prior to the approval of the Revised Exhibit “A”;

g. The applicant shall pursue with the Department of Public Works, to the extent possible, the development of a “No Parking” zone along Sunny Slope Drive in front of the subject property, except for a drop-off area directly in front of the main entrance to the facility;

h. All deliveries to the facility shall be scheduled between the hours of 9:00 a.m. to 7:00 p.m.;

i. The applicant shall match community funding (to a maximum of $3,500.00 per year) for a pedestrian safety program to be instituted by the community which includes the use of crossing guards during the adjacent school’s peak a.m. traffic hours;

j. The applicant shall maintain the trash dumpsters as depicted on the applicant’s garage plan. Smaller “fork lift” type trash collectors are to be used to bring the dumpster to ground level for emptying only; the dumpsters shall be kept in the garage, not on ground level.

FM:kms
02-04-02
February 4, 2001

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Sunrise Development
13258 Ocean Vista Road
San Diego, CA  92130

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COUNTY OF LOS ANGELES

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November 26, 2001 Public Hearing
A duly noticed hearing was held before the Regional Planning Commission. The public hearing was held at San Marino High School, San Marino. This hearing site was selected as it is in close proximity to the subject property (approximately one mile). All Commissioners were present. Eighteen people testified, two persons representing the owner, Sunrise Development, and sixteen in opposition to the revised proposal for an adult residential facility.

There was discussion regarding the existing traffic problems arising from the two elementary schools in the vicinity of the subject property, the amount of traffic expected to be generated from the proposed use, and other uses that could be developed on the subject property without a conditional use permit. There being no further testimony, the
Commission closed the public hearing and voted (3-0, Commissioners Valadez and Rew abstained) to close the public hearing, indicate its intent to approve the project, and instruct staff to prepare the final environmental documentation and findings and conditions for approval.

Findings

The applicant is requesting a Conditional Use Permit to authorize the construction, operation, and maintenance of a 55-unit adult residential facility with subterranean parking located at 8332 Huntington Drive, San Gabriel, and in the East San Gabriel Zoned District, pursuant to Section 22.28.160 of the County Code (Zoning Ordinance).

The subject property is an .84-acre irregularly shaped flat parcel. The site is currently developed with a one-story office building with a basement, parking, landscaping, and an unmanned wireless telecommunications facility consisting of a monopalm (monopole disguised as a palm tree) and equipment cabinets. Access to the parcel is via Sunny Slope Drive to the east and Huntington Drive to the north.

Zoning on the subject property is C-2 (Neighborhood Business). The subject property falls within the boundaries of the Northeast San Gabriel Community Standards District (CSD), but this CSD does not contain development standards applicable to residential uses that are located in the Neighborhood Business (C-2) Zone.

Surrounding zoning consists of R-1 (Single Family Residence) to the north, south, east and west. The City of San Marino is also located directly adjacent the subject property to the west.

The subject property is currently developed with an office building.

Surrounding land uses consist of commercial uses and single-family residences to the north, single-family residences to the south, a school to the east, and a temple to the west (within the City of San Marino).

There are two previous zoning permit cases on the subject property, ZEC 2047 and CUP 97-175- (5). Conditional Use Permit 97-175-(5) was approved in June of 1998 for an unmanned wireless telecommunications facility that exists, and will remain, on the subject property.

The subject property is classified as "Low Density Residential" in the Countywide General Plan. The intent of the Low Density Residential classification is to maintain the character of existing low density neighborhoods and to provide additional areas to accommodate future market demand. This plan designation
also allows for community and neighborhood serving commercial and service uses. An adult residential facility is consistent with this land use category.

The site plan, marked Exhibit “A” page 1 of 4, depicts a .84 acre parcel developed with a two-story 37,000 square foot adult residential facility, 33 parking spaces (4 surface parking, 29 subterranean), and landscaped areas. The building is depicted as a “U” shape, with an open courtyard in the center. Vehicular access to the site is via an access alley from Sunny Slope drive to the east. The pedestrian entrance to the facility is shown off of Sunny Slope Drive. There is an unmanned wireless telecommunications facility developed in the southwest corner of the property.

The applicant's elevation, marked Exhibit “A” page 2 of 4, depicts the proposed facility from the north, south, east and west. The north elevation depicts the facility from Huntington Drive, the overall height of the building is shown as 29’0” above finished grade. The east elevation depicts the facility from Sunny Slope Drive; the elevation also depicts the existing single-family residence located south of the proposed facility. The building is Spanish Style architecture.

The applicant’s floor plans, marked Exhibit “A” pages 3.a. through 3.c., depict the two resident unit floors and the garage floor of the proposed facility.

The applicant has submitted a conceptual landscape plan, marked Exhibit “A” page 4 of 4. The landscape plan depicts the types and locations of ground covers, shrubs, vines, and trees. The landscape plan also depicts areas of enhanced concrete paving and the locations of wood trellises.

Numerous telephone calls, letters and petitions in opposition to the revised project have been received. The opposition’s concerns include: that the proposed 55-unit facility is too dense for a low-density residential neighborhood, that the building setbacks should be equal to the adjacent uses, and traffic that the proposed facility could generate.

The applicant stated that it has held three community meetings, canvassed the neighborhood door-to-door, and talked to the Headmasters of the two schools located in close proximity to the project site regarding the project proposal in an effort to obtain community input regarding the proposal. The applicant has redesigned the building, which was previously a three-story building, to a two-story building in an effort to reduce the mass of the structure. The applicant marked off the footprint of the proposed building on the subject property so the local residents could “see” where it would be placed. The applicant has maximized the setbacks to five and twelve feet on Huntington Drive and five feet on Sunny Slope Drive. The applicant has also reduced the number of units from 59 to 55. According to the applicant, a further reduction in residential units would not make the project financially feasible for Sunrise Development.
Pursuant to Section 22.28.170 of the County Code, no more than 90 percent of the net area shall be occupied by buildings with a minimum of 10 percent of the net area landscaped. The applicant’s site plan shows 22 percent of the net area as landscaped.

Pursuant to Section 22.28.170 of the County Code, parking facilities are to be developed as required by Part 11 of Chapter 22.52. Chapter 22.52 states that for adult residential facilities one automobile space for each staff member on the largest shift and one parking space for each vehicle used directly in conducting such use shall be provided. Per the applicant, sixteen employees are on the largest shift, and one van would be used for transporting the residents. Based on the information provided, seventeen parking spaces are required, one of which shall be van accessible. The applicant’s site plan is in compliance as it shows four parking spaces on grade level (two of which are handicapped accessible, one van accessible) and twenty-nine parking spaces in the subterranean parking area.

17. Pursuant to Section 22.28.170 of the County Code, a building or structure shall not exceed a height of 35 feet above grade in the C-2 Zone. The applicant’s elevations show the two-story structure as 29’0” above grade. The applicant’s proposal is in compliance with the height limitations of the C-2 zone.

1. Section 22.52.870 of the County Code provides that each ground floor business establishment fronting a public street is permitted a maximum of three square feet of wall sign area for each one linear foot of building frontage. The subject property has 191 linear feet of frontage on Huntington Drive, permitting 573 square feet of signage on that frontage. The subject property has 148 linear feet of frontage on Sunny Slope Drive, permitting 444 square feet of signage on that frontage. The elevations submitted by the applicant do not depict any signs. As a condition of approval, the applicant will be required to submit plans and elevations of any proposed signs.

2. The applicant will be required to obtain a license from the California Department of Social Services granting a total capacity of 74 residents ages 55 and older prior to proceeding with the construction of the facility.

20. The facility provides housing for elderly individuals; the minimum age for the facility’s residents would be 55. The facility proposes to operate seven days a week on a 24-hour basis. Per the applicant, Sunrise Development, in addition to the proposed adult residential facility on the subject property operates other “upscale senior facilities”, the closest example being on Towne Avenue in Claremont, California.

3. During the construction of the proposed project, the applicant will need to export
3,400 cubic yards of soil. The applicant is proposing to transport the soil to a construction site they own located at 9515 Baseline Avenue, Rancho Cucamonga. The applicant has submitted a haul route from the subject property to the Foothill Freeway.

4. Katz, Okitsu & Associates, traffic engineers and transportation planners, prepared a traffic study dated February 25, 2001 for the proposed development. The study was prepared to be in conformance with the procedures mandated by the County of Los Angeles Congestion Management Program (CMP). The CMP requires that traffic studies be prepared to document impact to all CMP monitoring intersections where the proposed project will add 150 or more peak hour trips. The traffic study concludes that the project will not generate significantly more trips than the existing use resulting in no significant increase in area traffic and the project will not have significant impact on CMP intersections in the vicinity of the project site.

5. The applicant has agreed to initiate a resident vehicle ownership policy to ensure that residents may not keep automobiles at the adult residential facility if the facility does not have available on-site parking.

24. Community representatives have requested a no parking zone along Sunny Slope Drive in front of the proposed development. Although the applicant is also in favor of this, except for a drop-off zone at the main entrance to the facility, the curb is not within the subject property and would be the Department of Public Works' jurisdiction to determine if a no parking zone is appropriate at that location. The applicant will follow-up to the extent possible with said Department.

25. The applicant recognizes there is an existing traffic problem in the vicinity of the project site and that pedestrian safety is a concern; it was discussed with the community that striping of crosswalks and the use of a crossing guard would alleviate some of these concerns. The applicant agrees to match community funds, up to a cap of $3,500.00 per year, to finance such a program once the community establishes the program.

26. An initial study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles. The initial study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the initial study, the Department of Regional Planning has prepared a Negative Declaration for this project.

27. The Commission finds that the project is de minimus in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to Section 711.2 of the California Fish and Game Code.
28. The Commission finds that, with appropriate conditions of approval, the proposed facility will be compatible with the surrounding area and is a more appropriate use in its location than many uses that are permitted in the C-2 zone.

29. The Commission acknowledges that there is an existing traffic problem in the area due to inadequate parking for the two schools located in the vicinity, but there is no substantial evidence that the proposed use will have a significant impact on the traffic in the area.

30. The Commission finds that staggering the times the project’s employees start and end their shifts, and staggering the timing of deliveries, will reduce the project’s contribution to traffic during potentially congested periods.

31. The Commission finds there is a need for adult residential facilities to assist in providing housing for an aging sector of the population. This project would assist in alleviating that need.

32. The Commission finds, based on the background and operational history of the applicant, Sunrise Development, the facility would be an asset to the community.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. That the proposed use will be consistent with the adopted general plan for the area:

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. That the proposed site is adequate in size and shape to accommodate the prescribed development features, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
AND, THEREFORE, the information submitted by the applicant and presented at the
public hearing substantiates the required findings for a Conditional Use Permit as set
forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning
Ordinance).
REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.

28. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 00-163-(5) is APPROVED, subject to the attached conditions.

VOTE: 3-0-1-1

Concurring: Commissioners Helsley, Rew, Bellamy

Dissenting: None

Abstaining: Commissioner Modugno

Absant: Commissioner Valadez

Action Date: January 30, 2002

FM: KMS
02-04-02

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and the fees have been paid pursuant to Condition Nos. 8 and No. 22.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government
Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the appropriate fee before the expiration date.

6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. **This grant will terminate January 30, 2012.**

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of $1,500.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this permit, as set forth in these conditions or shown on the approved plans.

12. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
14. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

16. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.

17. The permittee shall develop the subject parcel with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Incidental walkways, if needed, may be developed in the landscaped areas. The permittee shall submit for approval three copies of a landscape plan, which may be incorporated into the Exhibit “A” discussed in Condition No. 18, to the Director of Planning within sixty days of the approval date of this grant. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan shall also indicate landscaping surrounding the existing unmanned wireless telecommunications site. Prior to development of the landscape plan the applicant shall meet with the neighbors adjacent to the subject property to discuss the appropriate types of buffering landscaping.

18. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of revised plans, similar to Exhibit “A” page 1 of 3, as presented at the public hearing and showing the following: 1) sign locations, if any proposed, 2) a landscaping table which lists the overall site area, building lot coverage, parking lot area, and landscaped areas, and 3) accurate depiction of any proposed walls, fences, or gates on all property lines. The property shall be developed and maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.

19. Although the unmanned wireless telecommunications facility is authorized under a separate grant, Conditional Use Permit 97-175, as the lessee of the
telecommunications facility is leasing land from the permittee of this grant, the permittee shall ensure that it is also kept in a neat and clean condition including removal of litter.

20. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed signs on the subject property. Signs shall be in conformance with Section 22.52.870 of the County Code. In addition, the permittee shall hold a community meeting to discuss the placement and type of signs to be installed prior to preparing the sign plans.

21. The permittee shall remit a $25.00 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.

22. This grant allows for the construction, operation and maintenance of an adult residential facility to be developed in accordance with the approved Revised Exhibit “A”, and subject to the following conditions:

a. The permittee will provide care and supervision to the residents consistent with the definition of an adult residential facility in Section 22.08.010 of the Zoning Ordinance. Care and supervision may include such services as room and board, recreational therapy, assistance essential for sustaining the activities of daily living, and other therapeutic services. Services that are not permissible include a resident or on-duty physician, diagnosis, x-ray, nuclear medicine, pathology laboratory, and surgical services;
**CONDITIONS**

b. The adult residential facility is permitted to have a maximum of seventy-four residents subject to the issuance of the necessary license by the State of California Department of Social Services. The permittee will obtain such license prior to obtaining a Certificate of Occupancy for the building;

c. The permittee will comply with all staffing, rules, regulations and facility requirements established and regulated by the State of California Department of Social Services;

d. The permittee will maintain a minimum of 33 on-site automobile parking spaces including two handicapped accessible parking spaces (one of which is to be van accessible);

e. Project construction shall conform with Chapter 12.08 Noise Control, Title 12 Environmental Protection, of the County Code;

f. The permittee shall provide to the Director of Planning a copy of its proposed policies regarding how the available parking spaces will be allocated (employees, visitors, residents) and how those policies will be controlled and/or enforced, prior to the approval of the Revised Exhibit “A”;

g. The applicant shall pursue with the Department of Public Works, to the extent possible, the development of a “No Parking” zone along Sunny Slope Drive in front of the subject property, except for a drop-off area directly in front of the main entrance to the facility;

h. All deliveries to the facility shall be scheduled between the hours of 9:00 a.m. to 7:00 p.m.;

i. The applicant shall match community funding (to a maximum of $3,500.00 per year) for a pedestrian safety program to be instituted by the community which includes the use of crossing guards during the adjacent school’s peak a.m. traffic hours;

j. The applicant shall maintain the trash dumpsters as depicted on the applicant’s garage plan. Smaller “fork lift” type trash collectors are to be used to bring the dumpster to ground level for emptying only; the dumpsters shall be kept in the garage, not on ground level.