

BACKGROUND AND JUSTIFICATION DETAIL

ZA 2013-2186(CU) (ZV) 1A ^{1/2/}

BACKGROUND

Use

Existing childcare facility located at 5128 N. Hazeltine Avenue that operates, pursuant to Case No. ZA 2013-2186-CU-ZV-1A, Monday through Friday, from 8:30 to 4:00 pm. (Plans approve by City Planning on [December 17, 2015](#)).

Interior ^{3/}

The interior of a single-family dwelling was converted for use as a childcare facility. The fire inspector approved the capacity of 24 children as requested, based on the maximum number under the Certificate of Occupancy issued by the City.

The center is comprised of two large classrooms that open onto each other. Classroom No. 1 is measured to be: $(19.4 \times 14.1) + (12.8 \times 24.1) + (9.5 \times 7.7) = 273.54 + 308.48 + 73.15 = 655.17$ sq. ft. There is a fireplace in this room that was made inaccessible by a fish tank placed inside. Classroom No. 2 (to the left of the entrance from the main door) is measured to be: $(29.6 \times 17) - (3.5 \times 8.10 - \text{adult restroom area}) = 503.2 - 28.35 = 474.85$ sq. ft. The classrooms are typically set up with age appropriate toys and equipment. There are children's cubbies to store their belongings.

The office is located adjacent to Classroom No. 1, which is also used to isolate/rest sick children.

A full size kitchen is used to prepare snacks. The kitchen is equipped with full size refrigerator and a sink with hot and cold running water. The kitchen is completely off limits to the daycare children by childproof gates installed at both entrances of the kitchen.

There is a children restroom accessible through Classroom No. 1, as well as from the yard. There are three toilets and three sinks to accommodate 45 preschoolers. Sick children use the adult restroom adjacent to this room as well.

The total indoor space of 1,130.02 square feet allowing a maximum capacity of 32 preschoolers, as limited by state law.

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- ¹ The use of "Hypertext" in this document is to access related documents without having to scour through the case file. Hypertext is only available on the CD submitted with the application and used with Adobe or Adobe Reader.
 - ² [CF 15-0288](#) Vote Action: Adopted, Vote Given: (12 - 0 - 3) City Council Official Action ([May 29, 2015](#))
 - ³ Measurements (interior and exterior) prepared by state licensing agent.

Exterior

The backyard is completely fenced with no bodies of water. The outdoor space is set up with different types of activities, and separated with short fence and ramp. There is a large play equipment with two large slides. One slide is covered. There is cushioning material under the play equipment and other parts of the yard. On the other side of the yard, there is a large stage set up for performances by the children.

The back part of the property includes parking spaces and detached garage. These areas are completely off limits to the daycare children and children are not received from this end of the property.

There are large shade structures installed to provide shade on most part of the yard.

The outdoor space is measured to be $(61.3 \times 31.5) + (35 \times 29) = 1930.95 + 1015 = 2,945.95$ sq. ft. which accommodates 39 preschoolers.

Case No. ZA 2013-2186-CU-ZV-1A Grant Clause: (SVAPC Action [February 17, 2015](#)), upheld by City Council on appeal)

Pursuant to Los Angeles Municipal Code Section 12.24-W,51 J, Conditional Use Permit authorizing the conversion of a 1,666 square-foot single family dwelling into a child care facility serving up to 24 children, on a 9,011 square foot lot in the R1-1 Zone, and; .

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, a Zone Variance granting two (2) parking spaces within the front yard setback and more than 50% of the required front yard to be used for driveway and access not otherwise allowed per Section 12.21-C,1(g).

Condition No. 8, Case No. ZA 2013-2186(CU) (ZV) 1A (Approval of Plans Review).

“The applicant shall file a Plan Approval application no sooner than 8 months but within 12 months from the effective date of this determination. The Plan Approval application shall be subject to filing fees established pursuant to the Los Angeles Municipal Code Section 19.01-E. A public hearing may be required at the discretion of the Zoning Administrator. The purpose of the Plan Approval is to review the effectiveness of, and compliance with, the express terms of the conditions of this authorization. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a conduct the public hearing for nuisance abatement/revocation purposes.”

JUSTIFICATION DETAIL

- 1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The benefit of childcare was well stated by Linda Asato, Executive Director of the California Child Care Resource & Referral Network (“Network”) in a November 2015 news release (*20 Years Later: Child Care Remains Out of Reach for Working Families in California*). She said, “Preparing California for a prosperous future begins with recognition that our youngest children must get what they need today to become the adults who will strengthen our communities and build our economy. ... California needs to care about having an adequate supply of affordable and subsidized access to child care, and to ensure that young children and their families are supported when a child’s development matters most.”

In Case No. ZA 2013-2186(CU)(ZV)1A, the Zoning Administrator reported a study prepared in 2013 found zip code 91423 with a shortfall of 29 daycare spaces. The Los Angeles County Child Care Planning Committee of Los Angeles County has not updated “Capacity for Preschool Age Children of Working Families of All Income Levels – 2013.” However, California Child Care Resource & Referral reported on November 19, 2015 that California’s childcare system loss the capacity to serve over 18,000 children state wide (www.rrnetwork.org). Hence, demand for childcare in San Fernando Valley continues to remain high. Specific to the project, a waiting list suggests the need for childcare in the immediate area continues to high.

Thus, the applicant is seeking to continue the childcare use and serve an additional four (4) children. It is noted that the limitation on 24 was actually a typographical error in Case No. ZA 2013-2186(CU) (ZV) that the applicant did not correct at South Valley Area Planning Commission in order to reduce concerns of the appellant’s. (See Letter of Determination pgs. 24, 26, 27, 28, 29, 30, and 32) It is also noted that affirmative Findings in Case No. ZA 2013-2186(CU) (ZV) were based on 28 children, as currently requested.

Therefore, authorizing continued use of the site for childcare with a slight increase to 28 children (i.e., additional four) provides an essential service.

- 2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

In the City of Los Angeles, a Conditional Use Permit is required for the use. Case No. ZA 2013-2186(CU)(ZV)1A, approved May 29, 2015 upon appeal by City Council, imposed standards used for Large Family Day Care. Additional conditions were volunteered by the applicant and imposed in order to address concerns presented at public hearings.

Condition No. 8 of Case No. ZA 2013-2186(CU) (ZV) 1A required future Plan Approval review. “The purpose of the Plan Approval is to review the effectiveness of, and compliance with, the express terms of the conditions of this authorization. Upon review of

the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.” (Condition No. 8)

The use has continuously operated in substantial compliance with the conditions and no complaints were received since utilizing Case No. ZA 2013-2186(CU) (ZV) 1A. A [Condition Compliance Report](#) confirms substantial compliance.

The following conditions are requested to be modified:

Grant Clause: “a Conditional Use Permit authorizing the conversion of a 1,666 square-foot single family dwelling into a child care facility serving up to ~~24~~ 28 children, on a 9,011 square foot lot in the R 1-1 Zone (pursuant to Los Angeles Municipal Code Section 12.24- W,51) ... “

Justification: The applicant is seeking to serve 28 children in order that more children can join the program and fully utilize the existing license from the State of California, which permits up to 32 children. It is noted that the limitation on 24 was actually a typographical error that the applicant did not correct at the South Valley Area Planning Commission in order to reduce the concerns raised by the public. (See Letter of Determination pgs. 24, 26, 27, 28, 29, 30, and 32)

Condition 7.b: “The maximum number of children shall be limited to ~~24~~ 28 except 14 children between the hours of 1:30 p.m. to 4:00 p.m.

Justification: The applicant is seeking to serve 28 children in order that more children can join the program and fully utilize the approved license from the State of California. It is noted that the limitation on 24 was actually a typographical error that the applicant did not correct at the South Valley Area Planning Commission in order to reduce concerns. (See Letter of Determination pgs. 24, 26, 27, 28, 29, 30, and 32)

Condition No. 12.b: ~~“On the north and south sides of the property, there shall be rows of ficus trees, 24 gallon size which shall not be less than 15 feet in height upon planting, not more than 3 feet apart, to mitigate noise and visual impacts. (Applicant, July 23, 2014)”~~ Continue to maintain landscape as implemented.

Justification: The applicant and adjoining neighbors to the north and south have agreed that ficus trees would potentially damage the foundation of the masonry wall and require excessive maintenance. A private agreement has been made; and therefore, the condition should be deleted and instead acknowledge the measure agreed upon by my two adjoining neighbors. ([Ficus Tree Matter](#))

Condition 16.e: Use of the outside backyard area shall be limited to between 12:30 p.m. to 1:30 p.m. and 3:00p.m. to 4:00p.m. ~~and no more than 18 students shall be in the play area at one time. (Applicant, July 23, 2014, Modified and Adopted by SVAPC)~~

Justification: The applicant is requesting to allow 28 children in the play yard at one time in order to encourage greater connection and interaction between the children during playtime. It is noted that the Department of Social Services standard for the outside area permits 39 children to be in the play area at any given time. Additional children in the play yard should not significantly increase the noise level. (Refer to [Decibel Readings](#)).

~~**Condition No 8:** Approval of Plans Review. “The applicant shall file a Plan Approval application no sooner than 8 months but within 12 months from the effective date of this determination. The Plan Approval application shall be subject to filing fees established pursuant to the Los Angeles Municipal Code Section 19.01-E. A public hearing may be required at the discretion of the Zoning Administrator. The purpose of the Plan Approval is to review the effectiveness of, and compliance with, the express terms of the conditions of this authorization. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.”~~

Justification: The use has continuously operated in substantial compliance with the conditions and no complaints were received since utilizing Case No. ZA 2013-2186(CU) (ZV) 1A. Additional support for this request is found in CF 16-0738 where City Council instructed the City Attorney and City Planning to study the use of Approval of Plan Review and its impact on small businesses. The Department of City Planning subsequently decreased imposing this condition.

~~**Condition 18.c.2:** The drop-offs shall be staggered between the hours of 8:30 a.m. and 9:30 a.m. for half-day children and between 9:30 a.m. and 10:30 a.m. for full-day children.~~

Justification: Use of staff to assist with all drop-off and pick-up of children has been very effective. Reducing the time for drop-offs is a more efficient use of staff by compressing the time. This permits staff to have greater contact with the children and oversight of outdoor activities. This would also reduce the span of time of potential traffic, noise, visual impacts.

3. **That the project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The property is located in the Van Nuys-North Sherman Oaks Community Plan Area and designated Low Residential. The Community Plan Map Community Plan does not specifically address childcare nor does any Plan directly regulate land use. Generally, the goal of the General Plan is to provide for the location of services to address the needs of the existing and future population. In this instance, the Code allows childcare in the R1 Zone Classification pursuant to a Case No. ZA 2013-2186(CU) (ZV) 1A.