

# JUSTIFICATION DETAIL DISCUSSION<sup>1/</sup>

## Property

The property is near Fallbrook Avenue and Oxnard Street [[Vicinity Map](#)]. The property at 6037 N. Fallbrook Avenue is located on the west side of Fallbrook Avenue [[Street View](#)]. The property is a level, rectangular-shaped, interior two parcels of land [[Aerial Map](#)], totaling approximate 11,361.2 square feet, with 59.7 feet of frontage along the west side of Fallbrook Avenue and a depth of 130.6 feet [[ZIMAS Report](#)]. The property and block has a 25-foot Building Line [[Radius Map](#)].

The property is in the Canoga Park-Winnetka –Woodland Hills- West Hills Planning Area Very Low Residential [[Generalized Plan Map](#)] with corresponding zones of RE20, RA, RE15, and RE11. The subject site is zoned RA-1. [[Generalized Zoning Map](#)]

## Existing Use

The entire site is used as Large Family Day Care [[City Planning Verification](#)] with a maximum of 14 children on-site at any one time operating consistent with criteria established in Section 12.22-A,3(b) Large Family Day Care Homes) of the Los Angeles Municipal Code. [[Municipal Code](#)]

“Notice of Intention to Operate Large Family Day Care Home. (Amended by Ord. No. 173,492, Eff. 10/10/00.) A Notice of Intention to Operate a Large Family Day Care Home shall be filed in the public office of the Department of City Planning, on forms provided by the Department. The forms shall be accompanied by all information deemed necessary by the Department. The notice shall include verification provided by the Department of Recreation and Parks that the large family day care home is in compliance with the concentration and spacing condition set forth in Section 12.22 A.3.(b)(1)(x) above. (Sentence Amended by Ord. No. 181,192, Eff. 7/27/10.) No fee shall be charged and no public hearing shall be required in connection with the filing of the notice.”]

The childcare center in an approximate 2,307 square foot single-family dwelling converted into childcare consisting of three (3) classrooms.

Measurements of California Department of Social Services, Community Care Licensing Division (*Measured to determine maximum capacity for children*)

Interior Area – Total = 2,307 square feet (1,190.3, as calculated by Community Care Licensing Division to determine facility could accommodate 34 children)

- Social Hall/Dining-room:  $(20.1 \times 12.1) = 243.21 / (12.8 \times 16.8) = 215$  s.f.

---

<sup>1</sup> 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.

- Room 1: 18.9 x 11 .5) = 217 s.f.
- Room 2 10.7 x 12) = 128 s.f.
- Room 3 13 x 14.4) = 187 s.f. and 10.7 x 2.11 – 21.1 s.f.
- Room 4 13.4 x 13.4 = 179 s.f.

Exterior (Backyard Play Area) – Total = 4,174.6 square feet (Could accommodate 55 children)

- (95.9 x 30.1) = 2886.6 s.f.
- (59.1 x 21.8) = 1288 s.f.

#### NARRATIVE:

Total outdoor space could accommodate 55 preschool children.  
 The following was also observed during the inspection: one bathroom in Room 1 that includes one sink and one toilet. Room 1 was also observed to have one sink.  
 One bathroom in the hallway area that includes one sink and one toilet.  
 One bathroom in Room 4 that includes two sinks and one toilet.  
 Total sinks = four. Total toilets = three.  
 Total sinks and toilets could accommodate 45 preschool children.  
 One office area across the hall from Room 2

The front of the property is partially paved and used for parking with three (3) surface parking spaces. There is one driveway intended for use by employees and invited guests. A 6-foot wood fence is located along the property frontage. The outdoor play area is located at the rear of the property separated from adjoining properties by 6-foot high fence and landscape.

#### Streets

Fallbrook Avenue, adjoining the property to the east, is a Boulevard I (Major Highway Class I) with an existing width of 100 feet and improved with curb, gutter, and sidewalk. A five (5) foot street dedication will be required in the future.

#### Discretionary Actions – Childcare

**Within 300-foot Radius of Subject Site** - [Case No. CPC 2000-2685\(CU\)](#) – 6104 N. Fallbrook Avenue. Continued use and maintenance of an existing preschool/day care/child development facility accommodating a maximum of 79 children between the ages of two and six years and having hours of operation from 7 a.m. to 6 p.m., Monday through Friday.

**Outside of 300 feet within 500-foot Radius of Subject Site** – None.

**Outside of 500 feet within 1,500-foot Radius of Subject Site** - [Case No. CPC 2001-4136\(CU\)](#) - 22555 Oxnard Street. Increase in enrollment from 200 Students (Pre-School Thru Grade 3) to 385 students (pre-school thru grade 6) for an existing school and summer camp. Also, to permit the construction of 8,400 S.F. new classroom and administration Buildings. (See subsequent [Letters of Determination](#))

## Background

When California passed the Welfare-to-Work Act in 1997, officials realized that welfare recipients added to the workforce would place an added burden on the already tight availability of day care. In response, officials included a child-care component to help address the anticipated need.

As part of the program, the Los Angeles County Department of Public Social Services in 1998 setup a child-care training institute and provided funds to existing centers for supplies. The County also provided the local Community Care Licensing Division of the state Department of Social Services money to expedite the opening of child-care facilities in the neediest communities.

Using a study that identified 102 zip codes - representing most of the City of Los Angeles along with portions of Pomona, Compton, Pasadena, Long Beach, the Antelope Valley and other areas as those most in need of the services - a special section of the licensing division was set up to recruit day-care operators and speed up the processing of their licensing applications.

By July 2000, about 1,000 new day-care centers were opened annually statewide since the CalWorks program began in 1998. The L.A. region alone succeeded in helping to open 1,269 new facilities in the targeted zip codes, creating 12,583 new day-care slots for children since then. (*Los Angeles Time* article "New Day care Centers Going Bust" Shelly Garcia, June 26, 2000)

Prior to July 1, 2000, the Office of Zoning Administration had authority over childcare facilities, pursuant to Section 12.24-C, 6 of the Los Angeles Municipal Code. After Charter Reform, the authority was transferred to the City Planning Commission, pursuant to Section 12.24-U, 4 of the Los Angeles Municipal Code. In this process, an Associate Zoning Administrator was assigned to conduct the public hearing and advise the City Planning Commission on the matter. The decision of the Commission was appealable to City Council.

Subsequently, the Planning and Zoning Code was amended (Ordinance No. 176,545) in June 2, 2005 returning authority to the Office of Zoning Administration. Robert Janovici, Chief Zoning Administrator, explained the reason for the change in an October 21, 2004 letter to the City Attorney. He stated, "[o]n September 13, 2002, the City Planning Commission issued its written approval of a draft ordinance to make technical corrections, clarify the use allowed in urban parks, and reassign the decision-makers for childcare facility determinations. This reassignment is intended to provide more convenient local hearings on applications and to direct appeals to the local Area Planning Commission (APC). Reassigning the decision-makers will reinforce the prescribed roles of the various tiers of authority defined in the City Charter, in addition to expediting project reviews. These amendments were derived from the ongoing review of the status of Charter revisions and APC operations. This attached ordinance would require reviews of these detailed neighborhood-oriented issues with the Zoning Administrator (ZA) and appeals to the local APC."

## Request

**Conditional Use Permit** - The request is for a Conditional Use Permit, pursuant to Section 12.24-W, 51 of the Los Angeles Municipal Code, to expand the existing Large Family Child Care currently serving a maximum of 14 children to increase to 34 children.

**Environmental Clearance** - The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The area in which the project is located is not environmentally sensitive. Therefore, the Project is exempt from CEQA pursuant to City CEQA Guidelines, Section 1, Article III, Class 5, Category 23, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. <sup>2/</sup>

## Justification

- 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 2013, California Child Care Resource & Referral Network (“Network”) estimated a surplus of childcare spaces for children 3 to 5 years in the same zip code as the subject site. The Network explained that some zip codes have a surplus because: 1) there are few resident children, but service capacity may address children in adjacent zip codes; 2) the services are on a college campus or a business site where there are no resident children; 3) over a period of time, service capacity has grown, but the population of children has changed; or 4) there is a mismatch between market rate spaces and children needing subsidized care. In this instance, the facility fulfills a demand for childcare that teaches Jewish traditions, of which there are few options of this size in the area. Further, parents chose this facility because it is a non-commercial environment (100%), near their home (100%), and/or near to their work or school (9%).

---

<sup>2</sup> Class 5. Alterations in Land Use Limitations, Category 23. Granting or renewal of a variance or conditional use for a non-significant change of use of land. Not an “Exemption by Location,” Section 4a of Article III (*Adopted: July 31, 2002, CF02-1507*)

Thus, the project will perform a function or provide a service that is essential or beneficial to the community, city, or region.

**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.**

American Planning Association PAS Report No. 521/522, stated, "[a] common fault of zoning codes is to treat all child care facilities as if they were large commercial operations. Zoning definitions of child care facilities should distinguish between home-based child care and larger child care centers. These distinctions should be based on the number of children to be served at the facility. When possible, the classifications should correspond to those included in state law pertaining to the licensing and regulation of child care."<sup>3/</sup>

The importance of distinguishing childcare facilities and not treating them all as large commercial operations is that in not doing so would characterize many childcare facilities as an intrusion into residential areas. To the contrary, proper planning is to locate selected childcare in or close to residential areas for two reasons. Firstly, it reduces vehicle trips. In fact, parents of this facility chose this childcare facility because it is near to their home, near to their work/school, or near to the child/children school(s). Secondly, placing childcare in or near residential also provides a residential surrounding for the children so to replicate the home environment.

Regulations related to childcare in the City of Los Angeles were drafted in response to State requirements, to consider the intensity of the use, and compatibility of the zone.<sup>4/</sup> The Los Angeles Municipal Code created a by-right process for Small and Large Family Day Care facilities.<sup>5/</sup> The subject facility currently operates as a Large Family Day Care not exceeding 14 children. The request is to expand by twenty (20) children, which requires a Conditional Use Permit.

A Conditional Use Permit (CUP) is a discretionary permit for a particular use, which is not allowed as a matter of right within the zone. The CUP process singles out types of uses that are essentially desirable, but because of potential impacts are not desirable in every location, in unlimited numbers, or in a location without restrictions tailored to them. The CUP process is used to balance the needs of an applicant with the legitimate governmental purpose of reducing the potential of adverse impacts to surrounding sensitive uses while providing a needed service to the community. Thus, the CUP process

---

<sup>3/</sup> Readers seeking additional information about childcare center definitions and regulations should consult PAS Report No. 422, *Zoning for Child Care*, by Ann Cibulskis and Marsha Ritzdorf.

<sup>4/</sup> June 2, 2005, RE: Returning authority to the Office of Zoning Administration, Robert Janovici, Chief Zoning Administrator.

<sup>5/</sup> FAMILY DAY CARE HOME, SMALL - A family day care home for 8 or fewer children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.44. (Amended by Ord. No. 176,545, Eff. 5/2/05.)

FAMILY DAY CARE HOME, LARGE - A family day care home for 9 to 14 children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.465. (Amended by Ord. No. 176,545, Eff. 5/2/05.)

serves an important planning tool to ensure the proposed use is in harmony and compatible with the surrounding area.

In this instance, a single-family dwelling was initially converted to a Large Family Day Care, pursuant to Section 12.22-A, 3(b) of the Los Angeles Municipal Code. The requested Conditional Use is pursuant to Section 12.24-W,51 of the Los Angeles Municipal Code for an increase from 14 to 34 children.

The conversion from single-family dwelling to Large Family Day Care did not significantly alter the exterior of the dwelling and only minor interior changings were made; thereby, the single-family development character of the neighborhood has been maintained.

There is only one childcare facility within 300 feet of the subject site ([Case No. CPC 2000-2685\(CU\)](#)) at 6104 N. Fallbrook Avenue. It is located on the northeast corner of Fallbrook Avenue and Calvert Street. Its proximity to the subject site will not adversely affect traffic caused by drop-off/pickup because it is north of the subject site and across the street.

The applicant will continue to comply with standard conditions of Large Family Day Care that reduce potential adverse noise, traffic, and visual impacts. The applicant recommends additional conditions, which are known to harmonize the proposed use with its surroundings. The applicant has requested Los Angeles Department of Transportation to mark the curb along the frontage in order to accommodate drop-off and pickup. There is a bike lane along the street that provides additional safety for drop-off/pickup by keeping moving vehicles at a distance. The applicant has designed an operational plan using staff and parent volunteers so to expedite drop-off/pickup. Lastly, the playground and open space activities are located in the rear yard for the safety of the children.

The applicant conducted community outreach through InfoPost, which is a more informative way to comply with legal noticing requirements. InfoPost enhances public outreach and communication and reduces uncertainty in what may occur during public hearings. InfoPost enables the public to learn about the project 24/7 and comment. This proactive process seeks to encourage balanced communication aided by readers' understanding of the project, entitlement request, and justification. There were five visits to InfoPost website and preparation of one comment.<sup>6/</sup> It is also noted that the adjoining neighbors to the north and south have signed a letter in support.

---

<sup>6</sup> Thank you for your comment regarding your concerns on parking on public streets. Mali and Osi, the operators of the childcare facility, share in your concern. This is why they will take the following steps:

- Onsite parking will be created to allow parking for 4 or 5 vehicles.
- A lease has been entered into with New Life Church to provide off-site parking 250 feet from the facility.
- A request will be made to Los Angeles Department of Transportation to paint the curb and install signage-allowing passenger loading and unloading during the hours of operation of the facility, but no parking. There will be no parking restrictions in the evenings and weekends.
- A Transportation Demand Management Plan will be drafted and implemented encouraging parents to reduce the number of vehicles coming to the facility.

We hope these measures give you comfort that your concerns are being addressed. ...

Therefore, authorizing the Conditional Use Permit for the proposed expansion from 14 to 34 children will be compatible and proper in relation to adjacent residential uses and development in the area.

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

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The property is in the Canoga Park-Winnetka–Woodland Hills–West Hills Community Planning Area that designates the property for Very Low Residential. Generally, the overall goal of the Land Use Element is to promote an arrangement of land uses, circulation and services to encourage and contribute to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the Plan area and guide development of the community to meet existing and projected needs and conditions.

The General Plan overarching guide is the Framework Element, which is one of the seven state-mandated elements and additional element adopted by the City Council. The Framework Element establishes the broad policy and guidance for the General Plan. Approval of the proposed expansion to from 14 to 34 children is consistent with the following Framework Element objectives:

- Objective 3.1: “Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors” *in that data from the California Child Care Resource & Referral Network confirms the need for childcare care in this area. Importantly, the facility fulfills a demand for childcare that teaches Jewish tradition.* (Refer to Finding No. 1)
- Objective 3.2: “Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution” *in that many of the parents have chosen this childcare facility because it is near to home, near to the parents’ work/school, or near to the child/children school(s). Furthermore, childcare helps create family-friendly communities.* <sup>7/</sup>
- Objective 3.5: “Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing

---

<sup>7</sup> “Communities engage in long-range planning to ensure the appropriate location of uses needed by residents, workers, and visitors. Family-friendly communities plan for those facilities and services families need to thrive and stay in the community, including housing and transportation, schools, parks, and child care (Israel and Warner 2008). Failure to consider child care results in supply gaps, increased development costs, poorer linkages to families' housing and transportation, and neighborhood resistance when projects are proposed in built-out areas.” American Planning Association The Importance of Ensuring Adequate Child Care in Planning Practice, by Kristen Anderson (child care coordinator, Redwood City, California) and Ellen Dektar (LINCC coordinator, Alameda County Child Care Planning Council, California).

development” *in that no additional exterior floor area was created to the 1953 building and the facility appears as a single family residence. Further, its hours of operation are mainly when the majority of surrounding residents are not at home.*

The General Plan and its elements do not specifically address childcare nor does any Plan directly regulate land use. Rather, the Los Angeles Municipal Code regulates this specific use. The use conforms to the Definitions, Section 12.03 in that:

CHILD CARE FACILITY. A facility in which non-residential care is provided for children, 16 years of age or under, when licensed as a day care facility for children by the State of California or other agency designated by the State, under the categories defined in Section 30019 of Title 22 of the State of California Administrative Code. (Added by Ord. No. 145,474, Eff. 3/2/74.)

Further, the Los Angeles Municipal Code, pursuant to Section 12.24-W, 51, authorizes the Zoning Administrator to approve a Conditional Use Permit for:

Child care facilities or nursery schools in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3, RAS3, or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of businesses/industries in the vicinity. (Added by Ord. No. 176,545, Eff. 5/2/05.)

With affirmative Finding Nos. 1 and 2 herein made, an affirmative Finding No. 3 can also be made regarding conformance with the General Plan.



## Recommended Conditions

**Authorization:** Maximum of 34 children not exceeding six years of age. Operation hours shall not exceed the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday.

### Complaint Response/Community Relations:

- Monitoring of complaints. The property owner/operator shall monitor complaints concerning activities associated with the subject facility and to ensure security of the property.
- Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
  - 1) Posted at the gate or wall.
  - 2) Mailed to abutting property owners and tenants.
  - 3) Provided to the Office of Zoning Administration, schools, Certified Neighborhood Council, and local neighborhood homeowner/renter associations, if any.

### Compliance with other agencies:

- The use of the property as an authorized child day care shall comply with all requirements of the State Department of Social Services, Los Angeles Department of Building and Safety, and the Fire Department.

### Conditions Standard for Large Family Day Care Home:

- Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children.
- The day care home complies with all applicable State and local laws and requirements relating to childcare facilities.
- The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents.
- All play equipment and structures are located in the rear yard only.
- No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

### **Design Considerations:**

- The site shall retain the appearance of a single-family home and be maintained in an attractive manner at all times.
- Two covered parking spaces shall be provided upon termination of the use of the Childcare facility and reversion to a single-family dwelling.

### **Lighting:**

- All lighting shall be shielded and directed onto the site and no floodlighting shall be located that shines directly onto any adjacent property. This condition shall not preclude the installation of low-level security lighting.

### **Maintenance:**

- The subject property, including any associated parking facilities and abutting streets, sidewalks and alleys, shall be maintained in a neat and attractive condition at all times and shall be kept free of trash and debris on a daily basis.

**Megan's Law:** Within 45 days of the effective date of this determination, a letter shall be submitted that verifies that applicant/operator has reviewed the results of the Register of California's Convicted Sex Offenders Database for the zip code of the subject site

**Noise:** Regulating noise shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

**On-site signs:** Comply with Section 12.22-A, 7 of the Los Angeles Municipal Code.

### **Parking/Circulation:**

- Three (3) onsite parking spaces shall be provided (one for each classroom).
- Maintain the current contract for five (5) off-site parking spaces at new Life Church or other permitted location with 750 feet of the subject site.
- A request shall be made to Los Angeles Department of Transportation for curb painting for drop-off/pick-up use along the property frontage.
- Drop-off/pick-up shall occur at the curb.
- Vehicles shall not block the driveways of adjoining properties.
- Drop-off times shall be staggered when possible to avoid traffic congestion by arriving at the same time.

**Special Events** per calendar year shall not exceed the following: (Parents included/2017 and 2018)

October 9 -	Sukkot under the stars 5:30 p.m.
December 13 -	Chanukah celebration 5:30 p.m.
May	Graduation

**Transportation Demand Management:**

- Include information in brochures programs and flyers advertising activities encouraging the alternative transportation and as well offer incentives to users who use alternative means of transportation other than single occupancy vehicles.
- Use due diligence in seeking additional sites for parking, if other mitigation measures are found deficient.
- To reduce potential spillover parking in residential areas, place signs or notices in key locations on-site or other means presenting parking policies and warning drivers of the possibility of being towed for noncompliance with Municipal Code parking laws.
- Parking Overflow. A parking plan/valet plan has been prepared indicating how overflow parking would be managed by use of on-site tandem parking and an off-site location at Life Church or other permitted location within 250 feet of the subject site.

**Trash Storage:** Trash storage bins shall be located behind a gated enclosure constructed unable to be easily view from the public domain.

**Walls and fences:** Per the Municipal Code, as amended by Ordinance No. 146,030 (Effective July 11, 1974 ), the fence/wall shall be maintained in good repair and kept vertical, uniform and structurally sound, and all repairs shall blend in with said fence or wall and be compatible therewith in color and material. Fences and walls shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration.