

# Condition Compliance Review<sup>1/</sup>

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

**Compliance** as confirmed by review of **DBAS Clearances** ([See Exhibit](#))

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

**Compliance** as confirmed by **Summary Clearance Signoff** ([See Exhibit](#))

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

To Be Determination by the Decision-maker.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

**Compliance** as confirmed by photographs of subject site. (**Photo Nos. 01, 02, 03, 04**)

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

**Compliance** as confirmed by **Summary Clearance Signoff** ([See Exhibit](#))

6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

**Compliance** as confirmed by vesting Case No. ZA 2013-2186(CU)(ZV)1A.

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<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.

7. Authorization/Grant.

- a. The maximum number of children on the premises shall not exceed that permitted by the State Department of Social Welfare or the City Department of Building and Safety or as below, whichever is the more restrictive.

**Compliance** as confirmed by **State License and Evaluation** ([See Exhibit](#))

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

**Compliance** as confirmed by **State License and Evaluation** ([See Exhibit](#))

- c. The ages are limited to children between 2-1/2 and 6 years. (Applicant, July 23, 2014)

**Compliance** as confirmed by **Applicant**

- d. The childcare shall be limited to between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday only. The use is expressly prohibited on Saturdays and Sundays. (Applicant, July 23, 2014)

**Compliance** as confirmed by **Admission Agreements** ([See Exhibit](#))

- e. There shall be no more than five (5) Special Events per calendar year as follows: (Applicant, July 23, 2014)

- 1) Open House in February that is limited to the hours of day care use.
- 2) Graduation in June that is limited to the hours of day care use. Use of the outside areas for not more than three (3) rehearsals not exceeding one hour in the mornings of day care use shall be allowed for graduation.
- 3) Back to School in October that is limited to the hours of 6:00 p.m. to 8:00p.m.
- 4) Two School Plays (May and December) limited to the hours of day care use. Use of the outside areas for not more than three (3) rehearsals not exceeding one hour in the mornings of day care use shall be allowed for each of such school plays.

**Compliance** as confirmed by **Parents Handbook** ([See Exhibit](#))

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 conduct the public hearing for nuisance abatement/revocation purposes.

**Compliance** pursuant to subject application. **Postponed submission.** Refer to Justification Details

9. Complaint Response/Community Relations

- a. Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.
- b. 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 entry.
  - 2) Mailed to abutting property owners and tenants and names listed on the Public Hearing Interested Parties List.
  - 3) Provided to the schools, Neighborhood Council, and local neighborhood homeowner/renter associations, if any.
- c. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator at the Approval of Plans Review.

**Compliance** with Condition 9b.a as confirmed by photographs of subject site. **(Photo No. 17)**

**Compliance** as confirmed by **Trash Can Incident** ([See Exhibit](#)),

10. Design Considerations. The site shall retain the appearance of a single-family home and be maintained in an attractive condition at all times. (Applicant, July 23, 2014)

**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 01, 02, 03, 04)**

11. Environmental Mitigation Measures. Comply with the environmental mitigation measures of Mitigated Negative Declaration No. ENV-2013-2187-MND, attached (complete copy of mitigation measures in Environmental case file). Pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any

mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring. **(Refer to below)**

12. Landscape. All landscape areas shall be prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor and approved by the Development Services Center. If required, the Zoning Administrator shall determine whether the plan is in compliance with all provisions below.
  - a. General. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan.
  - 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)
  - c. Turf block shall be installed and maintained under the two parking spaces in the front yard setback.

**Compliance** with Condition 12.a as confirmed by photographs of subject site. **(Photo Nos. 01, 02, 03, 04)**

**Compliance** with Condition 12.b as confirmed by **Ficus Tree Matter** ([See Exhibit](#)), Refer to Justification Detail for deviation from Condition 12.b.

**Compliance not required** for Condition 12.c until construction of parking allowed by Zone Variance to be located in the front yard.

13. Lighting.
  - a. The parking area shall be illuminated in order to make easily discernible the appearance and conduct of all persons on or about the property.
  - b. All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to shine directly onto any adjacent property. This condition shall not preclude the installation of low-level security lighting.

**Compliance** as confirmed by **photographs** of subject site.

14. Maintenance.
  - a. 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.
  - b. The applicant shall have monthly rodent control that includes but is not limited to the vegetation on the east side of the property. (Applicant, July 23, 2014)

**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 02, 03, 04)**  
**Compliance** as confirmed by **Hydrex Contract** ([See Exhibit](#))

15. 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.

**Compliance** as confirmed by **Sex Offender** ([See Exhibit](#))

16. Noise.
- a. 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.
  - b. Notwithstanding the above, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following: (Article 6, Section 116.1 Los Angeles Municipal Code)
    - 1) The level of noise;
    - 2) Whether the nature of the noise is usual or unusual;
    - 3) Whether the origin of the noise is natural or unnatural;
    - 4) The level and intensity of the background noise, if any;
    - 5) The proximity of the noise to residential sleeping facilities;
    - 6) The nature and zoning of the area within which the noise emanates;
    - 7) The density of the inhabitation of the area within which the noise emanates;
    - 8) The time of the day and night the noise occurs;
    - 9) The duration of the noise;
    - 10) Whether the noise is recurrent, intermittent, or constant; and
    - 11) Whether the noise is produced by a commercial or noncommercial activity.
  - c. In no event shall there be any loudspeaker or public address system installed or operated on site any portion of the premises and that any phonograph, radio or other music used in connection with any activity on the premises shall be sufficiently modulated so as not to be disturbing or detrimental to persons residing in the immediate vicinity.
  - d. No play equipment, swings, sandboxes, or structures shall be located front yard.
  - 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)

- f. Parents shall be instructed to turn-off car motors and not call out to children to come to the car.

**Compliance** with Condition Nos. 16a, 16b, 16c as confirmed by **Decibel Readings** ([See Exhibit](#))

**Compliance** with Condition No. 16d as confirmed by **Photo Nos. 01, 04, and 07**

**Compliance** with Condition No. 16e as confirmed by **Parents Handbook** ([See Exhibit](#))

**Compliance** with Condition No. 16f as confirmed by **Newsletters** ([See Exhibit](#)) and **Parents Handbook** ([See Exhibit](#))

17. Other Departments and Agencies.

- a. The facility must be licensed to operate by the State of California.
- b. All requirements of the State Department of Social Welfare and City Departments of Building and Safety and Fire shall be complied with in the use of the property as herein authorized.
- c. Provide minimum staff to child ratio in compliance with as State of California, Health and Human Services Agency, Department of Social Services regulations.

**Compliance** as confirmed by **DBAS Clearances** ([See Exhibit](#))

**Compliance** as confirmed by **State License and Evaluation** ([See Exhibit](#))

18. Parking/Circulation

- a. No variance for reduction in parking is granted herein. The amount, circulation, and design of parking shall comply with the Municipal Code as enforced by the Department of Building and Safety.

**Compliance** as confirmed by review of **DBAS Clearances** ([See Exhibit](#))

- b. The Department of Transportation shall review and approve the driveway and parking lot access/egress.

**Compliance** as confirmed by review of **DBAS Clearances** ([See Exhibit](#))

- c. The drop-off and pick-up of day care children shall be subject to the following conditions: (Applicant, July 23, 2014)
  - 1) The applicant shall provide one adult staff on the driveway to assist with all drop-off and pick-up of children and shall further direct all drivers to make a right turn only from the driveway and not to make any illegal, mid-block, U-turns on Hazeltine.

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

**Compliance** with Condition No. 18.c.1 (**Photo No. 5**) all others as confirmed by **Parents Handbook** ([See Exhibit](#)) and **Admission Agreements** ([See Exhibit](#))

- 3) The pick-ups shall be staggered between the hours of 12:30 p.m. and 1:30 p.m. for half-day children and between 3:00p.m. and 4:00p.m. for full-day children.
- 4) There shall be no blocking of the sidewalk along Hazeltine adjacent to the circular driveway. Use of Hazeltine for parking shall be limited to drop-offs and pickups that do not exceed 30 minute parking except as follows:
  - (i) Prospective parents not exceeding 4 vehicles who are making a site visit and meeting with staff but limited to select Mondays and Tuesdays only between the hours of 9:00 a.m. and 10:30 a.m.
  - (ii) On Special Events set forth below There shall be no other parking of vehicles by staff on Hazeltine north of Hartsook during the day care hours of use.

**Compliance** with Condition No. 18.c.1) (**Photo No. 05**) all others as confirmed by **Parents Handbook** ([See Exhibit](#)) and **Admission Agreements** ([See Exhibit](#))  
**Compliance** as confirmed by **Driveway Regulation Agreement** ([See Exhibit](#))  
**Compliance** as confirmed by **Driveway Regulation** ([See Exhibit](#))

- d. The applicant shall instruct its staff, visitors, and parents not to park on Hartsook and that any parking on Hazeltine shall be south of Hartsook. (Applicant, July 23, 2014, Modified and Adopted by SVAPC)

**Compliance** with Condition No. 18.c.1) (**Photo No. 05**) all others as confirmed by **Parents Handbook** ([See Exhibit](#)) and **Admission Agreements** ([See Exhibit](#))  
**Compliance** as confirmed by **Newsletters** ([See Exhibit](#))

- e. The applicant shall provide a copy of all conditions of approval to all parents of day care children and shall further require the parents to sign an agreement promising that they will comply with those conditions relating to the drop-off and pick-up of their children; the prohibition of mid-block u turns on Hazeltine; and the prohibition of parking for more than 30 minutes for drop-off and/or pick-up on Hazeltine. (Applicant, July 23, 2014, Modified and adopted by SVAPC)

**Compliance** as confirmed by **Driveway Regulation Agreement** ([See Exhibit](#))  
**Compliance** as confirmed by **Driveway Regulation** ([See Exhibit](#))  
**Compliance** as confirmed by **Newsletters** ([See Exhibit](#))  
**Compliance** as confirmed by **Admission Agreements** ([See Exhibit](#))



- f. Transportation Demand Management.
- 1) 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.
  - 2) Use due diligence in seeking additional sites for parking, if other mitigation measures are found deficient.
  - 3) 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.
  - 4) Parking Overflow. A parking plan/valet plan shall be submitted indicating how overflow parking would be managed by use of on-site tandem parking or use of an off-site location.

**Compliance** confirmed by **Valet-It** ([See Exhibit](#))

**Compliance** confirmed by **Parents Handbook** ([See Exhibit](#))

**Compliance** confirmed by **Parking Request** ([See Exhibit](#))

**Compliance** confirmed by **Drop-off/Pickup Reminders** ([See Exhibit](#))

**Compliance** confirmed by **Church Parking** ([See Exhibit](#))

**Compliance** confirmed by **Newsletters** ([See Exhibit](#))

- g. The parking area closest to the single-family residential dwelling shall be for employees only. (Added and Adopted by SVAPC)

**Compliance not required:** Not required until construction of parking allowed by Zone Variance to be located in the front yard.

19. Rooftop Mechanical Equipment and/or ductwork that exceed the roof ridge or Case No. ZA-2013-2186-CU-ZV-1A c -7 parapet wall, whichever is higher, shall be screened from horizontal view with materials compatible with the design of the building.

**Compliance** as confirmed by photographs of subject site. **(Photo No. 01)**

20. Signs There shall be no signage on the site promoting or reflecting the authorized day care use. (Applicant, July 23, 2014)

**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 01, 02, 03, 04)**

21. Trash Storage. Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building.

**Compliance** as confirmed by photographs of subject site. **(Photo No. 18)**



22. Walls/Fences.

- a. The applicant shall install and maintain a 6-foot high block wall on the east side of property abutting the alley and the south side abutting the single-family dwelling. (Applicant, July 23, 2014, Modified and Adopted by SVAPC)
- b. 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.

**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 07, 08, 10, 11, 12, 13)**

## MITIGATED NEGATIVE DECLARATION ENV-2013-2187- MND

1-10. Aesthetics (Landscape Plan) • Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a less than significant level by the following measure: • All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

**Compliance** as confirmed by **Summary Clearance Signoff** ([See Exhibit](#))  
**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 01, 02, 03, 04)**

1-20. Aesthetics (Landscape Buffer) • Environmental impacts to adjacent residential properties may result due to the proposed use on the site. However, the potential impact will be mitigated to a less than significant level by the following measures: • A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.

**Compliance** as confirmed by **Summary Clearance Signoff** ([See Exhibit](#))  
**Compliance** as confirmed by photographs of subject site. **(Photo Nos. 01, 02, 03, 04)**

1-150. Aesthetics • The project will result in aesthetic impacts. However, the impact(s) can be reduced to a less than significant level through compliance with the following measure(s): • Decision Maker to consider permeable decorative paving, and/or grass crete for the proposed front parking spaces.

**Compliance** as confirmed by photographs of subject site. (Photo Nos. 01, 02, 03, 04)

**Compliance not required:** Permeable decorative paving or grass crete not required until construction of parking allowed by Zone Variance to be located in the front yard.

III-60. Objectionable Odors (Commercial Trash Receptacles) • Environmental impacts may result from project implementation due to the location of trash receptacles near adjacent residences. However, these impacts will be mitigated to a less than significant level by the following measure: • Trash bins shall be covered at all times and kept on site except for trash pick-up day.

**Compliance** as confirmed by photographs of subject site. **(Photo No. 18)**

XII-230. Increased Noise Levels • Environmental impacts to the adjacent residential properties may result due to noise generated on the site. However, this potential impact will be mitigated to a less than significant level by the following measure: • Decision Maker to consider time of day/duration for outdoor activities. • No more than 18 students shall be allowed in the play area at one time.

**Compliance** with Condition Nos. 16a, 16b, 16c as confirmed by **Decibel Readings** ([See Exhibit](#))

XVI-40. Safety Hazards • Environmental impacts may result from project implementation due to hazards to safety from design features {e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a less than significant level by the following measure: • Staggered drop off and pick up times shall be required.

**Compliance** as confirmed review of **DBAS Clearances** ([See Exhibit](#))

XVII-20. Utilities (Local Water Supplies -All New Construction) \_ • Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures: • Install high efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. • Install restroom faucets with a maximum flow rate 0~1.5 gallons per minute.

**Compliance** as confirmed review of **DBAS Clearances** ([See Exhibit](#))

XVII-90. Utilities (Solid Waste Recycling) • Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a less than significant level by the following measure: • (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the .project's regular solid waste disposal program. • (Construction/Demolition)·Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition

and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

**Compliance** as confirmed review of **DBAS Clearances** ([See Exhibit](#))  
**Compliance** as confirmed by photographs of subject site. **(Photo No. 18)**

## PHOTOGRAPHS



Photo No. 01



Photo No. 02



Photo No. 04



Photo No. 03



Photo No. 05

5128 Hazeltine



Photo No. 06



Photo No. 09



Photo No. 07



Photo No. 10



Photo No. 08



Photo No. 11





Photo No. 12



Photo No. 15



Photo No. 13



Photo No. 16



Photo No. 14



Photo No. 17

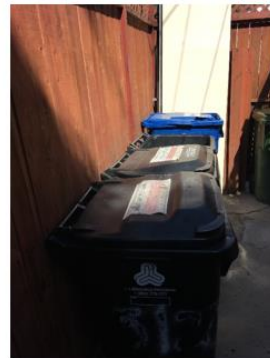


Photo No. 18