

PROFECT ANALYSIS AND JUSTIFICATION REPORT CONDITIONAL USE PERMIT

UNIVERSAL PRESCHOOL 11841 W. Burbank Blvd., 91607

A. BACKGROUND - Need for Childcare Facilities and Municipal Code

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, legislators 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 Municipal 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.”

Currently, Los Angeles Municipal Code, Section 12.24-W,51 requires 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.)”

B. PROPOSED PROJECT

The subject site (i.e., 11841 Burbank Ave.) and adjoining property to the west (i.e., 11849 Burbank Ave.) were under single ownership and the seller was not willing to sell them separately. The applicant purchased both properties (ownership changed May 22, 2018); otherwise, she would had to relocate her existing legally non-conforming preschool at 11849 Burbank Ave. She intends to continue operating her existing preschool and lease the subject site at 11841 Burbank Ave. as a separate childcare facility.

On August 18, 2018, the applicant filed for a Conditional Use Permit (i.e., Case No. ZA-2018-5055(CU)) to allow the establishment, use, and maintenance of a preschool facility for 60 children ages 2 to 6 years with the hours of operation from 6:30 pm to 6:00 pm, Monday through Friday. Subsequently, she filed a Waiver of Dedication and Improvement (WDI). Through the process of research for the WDI, Los Angeles Department of Transportation determined a traffic study is not necessary, if the number of children does not exceed 31. Therefore, the applicant is amending the August 18, 2018 application to request 31 children and is submitting this Supplemental Information to create internal consistency in the CUP, WDI, and associated documents.

The Proposed Project (Project) is a Change of Use from a single-family dwelling to a childcare for 31 children with operating hours of 6:30 am to 6:00 pm, Monday through Friday. Construction includes demolishing a 330 square foot garage, addition of 580 square feet to the rear of the building, and new carport. The Project includes making street improvements including installing a sidewalk configuration (approximately 58 inches in width) as currently measured along the frontage of 11849 Burbank Avenue and remove and reconstruct any damaged or off-grade asphalt cement pavement, sidewalk, curb and gutter along the property frontage, pursuant to an A-Permit obtained prior to construction.

C. PROJECT SITE

The subject property is a level, rectangular-shaped, interior, parcel of land, having a frontage of 100 feet along the north side of Burbank Boulevard and a uniform depth of 130 feet. Improvements on the property include a single-family dwelling detached

garage with a driveway entrance located in the southeast corner of the parcel. The dwelling is currently rented.

D. SURROUNDING PROPERTIES

Northerly, the adjoining property is classified in the R1-1 zone and improved with two, one-story, single-family dwellings having frontage along Radford Avenue and Carpenter Avenue.

Easterly, the adjoining property is classified in the RD1.5-1 zone and improved with a three-story over garage 10-unit apartment building.

Southerly, across Burbank Boulevard, the property is classified in the R3-1 zone and improved with a three-story, 5-unit apartment building.

Westerly, the adjoining property is developed with a private pre-school.

E. STREETS AND CIRCULATION:

Burbank Boulevard II, adjoining the subject property to the south, is a designated Boulevard II dedicated to a variable width of 100 to 102-feet and improved with curb, gutter and parkway. Mobility Plan 2035 requires a Right-of-Way full width of 110 feet, Roadway full width of 80 feet, and sidewalk of 15 feet. (*Refer to WDI for detail*)

Carpenter Avenue, 60-feet easterly of the subject property, is a designated Local Street, dedicated to a width of 60-feet and improved with curb, gutter and sidewalk.

F. CASES ON-SITE

There are no planning or zoning case numbers affixed to the subject property having relevance to the instant request.

Department of Building and Safety Permit No. 1941 04689- Issued February 19, 1941 to erect a new single-family dwelling.

Department of Building and Safety Permit No. 1966VN00671- Issued June 10, 1966 for an addition to an existing single-family dwelling.

Department of Building and Safety Permit No. 18042-90000-04971- Issued February 27, 2018 to install a seismic gas valve.

G. RELATED CASES OFF-SITE

There are no other relevant discretionary entitlements within a 500-foot radius of the Project site.

H. JUSTIFICATION (FINDINGS) FOR CONDITIONAL USE PERMIT LOS ANGELES MUNICIPAL CODE, SECTION 12.24-W,51.

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.”

The Department of City Planning also realizes a benefit in that “[s]tudies have found that high-quality early childcare and education improves educational achievement among children and contributes to their long-term success. These academic gains are particularly significant for children of low-income families.”^{1/}

Los Angeles County Child Care Planning Committee of Los Angeles County data evidences a shortage of childcare spaces in the subject zip code and three adjoining zips.^{2/} Specific to the Project, a waiting list for the adjoining childcare suggests the need for childcare in the immediate area continues to be high.

Upon approval of the CUP, the applicant intends to modify the single-family dwelling by adding 580 square feet to rear part of building, demolish the detached garage, and construct a carport. The building will include three (3) classrooms totaling 1,500 square feet of space. The outdoor playing area will be at the rear of the site. Drop off/pickup and parking are all onsite accessed from an existing driveway along the Burbank Boulevard frontage.

The Project provides 1,500 square feet of interior space (i.e., accommodates 43 children) and 2,325 square feet of exterior space (i.e., accommodates 31 children). Based on State of California licensing standards, the subject property is of adequate size to accommodate the proposed number of children (i.e., interior 35 square feet per child and exterior 75 square feet per child).

There is demand for childcare in the area greater than supply.^{3/} The proposed childcare will cater to families in the surrounding community. Establishing a

^{1/} Plans for a Healthy Los Angeles, A Health and Wellness Element of the General Plan. March 2015, pg. 100

^{2/} Capacity for Preschool Age Children of Working Families of All Income Levels – 2016

^{3/} County of Los Angeles, Child Care Planning Committee, Capacity and Demand – Family Child Care Homes and Centers for Preschool Children in Working Families of All Income Levels 2016.

childcare at this location will **perform a function or provide a service that is essential or beneficial to the community, city or region** and to the parents it will serve.

2. **That 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."^{4/}

The importance of distinguishing childcare facilities and not treating them all as 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 would choose 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 uses provides a residential surrounding for children so to replicate the home environment.

Regulations related to childcare in the City of Los Angeles were drafted in response to State requirements and to consider the intensity of the use and compatibility of the zone classification.^{5/} The Los Angeles Municipal Code created a by-right process for Small and Large Family Day Care facilities.^{6/}

A Conditional Use Permit is required to operate the proposed childcare with 31 children. 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

^{4/} 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.

^{5/} June 2, 2005, RE: Returning authority to the Office of Zoning Administration, Robert Janovici, Chief Zoning Administrator.

^{6/} 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.)

without restrictions tailored to them. The CUP process is used to balance the needs of an applicant with the legitimate governmental purpose of reducing potential adverse impacts to surrounding sensitive uses while providing a needed service to the community. Thus, the CUP process serves as an important planning tool to ensure the proposed use is in harmony and compatible with the surrounding area.

The Project is a Change of Use from a single-family dwelling to a childcare for 31 children with operating hours of 6:30 am to 6:00 pm, Monday through Friday. Construction includes demolishing a 330 square foot garage, addition of 580 square feet to the rear of the building, and new carport. The Project includes making street improvements including installing a sidewalk configuration (approximately 58 inches in width) as currently measured along the frontage of 11849 Burbank Avenue and remove and reconstruct any damaged or off-grade asphalt cement pavement, sidewalk, curb and gutter along the property frontage, pursuant to an A-Permit obtained prior to construction.

The three significant potential impacts of childcare are visual, noise, and traffic. In regards to visual impact, the building will continue to appear as a single-family dwelling and no alternations will occur hampering future conversion to a single-family dwelling, if so desired.

In regards to noise, it is first noted that the existing childcare on the adjoining west property never received a complaint regarding noise. In both cases, the playground and open space activities are located in the rear yard for the safety of the children. The ambient sound of the helps conceal the sound of children when they are outdoors. In addition, outdoor activities are limited to only several hours during the day and the facility does not operate on weekends.

In regards to traffic, the Los Angeles Department of Transportation (LADOT) determined a traffic study is not necessary, if the number of children does not exceed 31. An impact on traffic is associated with drop off/pickup. Originally, the drop-off/pickup was lengthen onto 11849 Burbank Ave to create onsite drop-off/pickup that currently does not exist. This design feature would have greatly improve vehicle circulation and pedestrian safety. It would have required a Shared Drive affidavit and/or Lot Tie. However, the applicant was instead instructed by City Staff to file a Conditional Use Permit and Waiver of Dedication and Improvement for the existing childcare resulting in it losing nonconforming rights. This would have created uncertainty from not knowing additional requirements imposed by the decision-maker and by Administrative Regulatory Requirements, whereby jeopardizing continued operation of the existing childcare.

Nevertheless, a less efficient design is proposed with drop off/pickup on site. Further, LADOT was instrumental in creating a curbside drop-off/pickup reserve area for the exiting childcare, which will also be used for the Project. Lastly, the applicant has designed an operational plan using staff and parent volunteers so to expedite drop-off/pickup

In conclusion, the applicant will comply with Large Family Day Care conditions, which are minimum standards for childcare. In addition, the application includes recommended conditions to further reduce potential impacts. Therefore, the Project **will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety** due to its design and conditions imposed on its operation.

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 North Hollywood – Valley Village Community Plan Map designates the subject property for Low Medium II Residential land use with its corresponding zone of RD1.5 and Height District No. 1.

North Hollywood – Valley Village Community Plan “encourages the location of childcare centers on or near school sites in order to provide for the needs of working mothers and single- parent families. (pg. III-6) Adat Ari El Day School and Burbank Boulevard Elementary School are nearby.

Community Plans do not directly regulate land use. 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 request 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 and Los Angeles County Child Care Planning Committee of Los Angeles County confirms the need for childcare care in this area. (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 would choose this childcare facility because it is near to home, near to the*

parents' work/school, and/or near to the child/children school(s). Furthermore, childcare helps create family-friendly communities.^{7/}

- 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 development” *in that the building will appear as a single-family residence. Further, its hours of operation are when the majority of surrounding residents are not at home.*

Rather than the Community Plan, 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 made, an affirmative Finding No. 3 can also be made **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 FOLLOWING QUESTIONS APPLY TO APPLICATIONS FOR PRIVATE SCHOOLS, CHILD CARE, NURSERY OR PRESCHOOL FACILITY

1. Describe the type of school (e.g., elementary, junior high school, nursery, etc.)

Response: The applicant proposes to establish a childcare as defined in Section 12.03 of the Los Angeles Municipal Code.

^{7/} “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).

2. What is the maximum number of students (children) to be enrolled at each grade and age level?

Response: The facility will accommodate 31 children with an age level from 2 to 5 years old and a maximum of 6 years old.

3. What are the hours of operation? Indicate whether Monday through Friday only or also weekends.

Response: The childcare will observe hours of operation from 6:30 a.m. to 6 p.m., Monday through Friday.

4. What are the number of classrooms and teachers?

Response: The childcare will contain three classrooms and three teachers.

5. What are the number of administrative staff?

Response: The preschool facility will employ one administrative person.

6. Will there be busses, and, if so, where will they be stored?

Response: No buses will be utilized.

7. Where will cars load and unload students? How many cars?

Response: Vehicles drop-off/pickup completely on-site. The area can queue three vehicles at once.

8. Describe the size and location of signs.

Response: The applicant proposes an identification sign in compliance with the Los Angeles Municipal Code.

9. Does anyone live on the premises; if so, where?

Response: No persons will reside on the property.

10. Are there to be special events, e.g., fund-raising events, parent-teacher nights, graduation ceremonies or athletic events? How often are these proposed?

Response:

- Two (2) parent-teacher nights during the months of November and April.
- One (1) Back-to-School night during the month of August.
- One (1) graduation ceremony the month of June.
- Thanksgiving potluck during the month of November
- Winter Holiday Show during the month of December.

11. Is there a main place of assembly, e.g., auditorium, gymnasium or stadium, and if so, how many fixed seats?

Response: No.

12. Is there to be night lighting and/or a public address system (please identify on your plot plan as well as discussing in the application)?

Response: Night lighting will be installed along the facades of the building for security. Fixtures will be shielded in a downward direction to prevent spillover light onto adjacent properties. No public address system will be used.