

# BACKGROUND REPORT AND JUSTIFICATIONS

## 10824 Topanga Canyon Blvd, 91311

([Hyperlink<sup>1/</sup>](#))

### PROJECT

The applicant seeks to operate a childcare facility for 94 children ages 2 ½ -5 years old. It would operate Monday-Friday, 6:30 am to 6:00 pm., on a property with an existing House of Worship. No construction is proposed, nor an increase in square feet.

### REQUEST

Pursuant to Section 12.24-W,51, request for a Conditional Use Permit to operate a childcare facility for 94 children ages 2 ½ -5 using nine (9) existing classrooms and two (2) offices of approximately 6,353 square feet on a property with an existing House of Worship, Monday-Friday 6:30 am to 6:00 pm, in the A2-1 Zone Classification.

### BACKGROUND

Mr. Noesh Hordagoda currently operates two childcare centers with approximately 76 children. One in Canoga Park serving for five years, and the other in Torrance serving for two years. Like other educational experts, he believes the first five years of a child's life are one of the most pivotal times for development and can have a lasting impact on a child's transition into adulthood. His facilities offer a learning approach that blends Montessori and a strong curriculum geared toward academic achievement. He has a waiting list of approximately 21 families, of which 8-9 live in the Reseda and Chatsworth area.

Mr. Hordagoda selected the subject site for several reasons. He is experience in working with church elders gained from his other locations. The site is very peaceful near Stoney Point and provides a less urban environment. Third, the site has existing buildings perfect for childcare with a surplus of parking and space for vehicle circulation, and the site allows on-site pickup/dropoff. Additionally, the site is near 118 Highway, which provides quick access for families to leave their children and then commute to work.

The Property is improved with a single-family dwelling (pastor's residence), a chapel, and classrooms on a 4.8-acre parcel. The arrangement of the classrooms creates an open space at the rear of the buildings, whereby providing a safe and spacious play area. The classrooms have existing sinks and storage to accommodate staff's needs. Bathrooms are located between classrooms and adjacent to the office.

In 1976, a nursery school and elementary school for grades one and two were added to the House of Worship. In 1984, the Office of Zoning Administration approved expansion

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<sup>1/</sup> Hyperlink enables readers to review desired documents and return to the Background and Supplemental Information Report. All files must be in the same folder (download the contents of the CD) and use Adobe Reader or Acrobat for seamless integration of the documents.

from 30 to 150 children. In 2019, the City Planning Commission authorized Case No. CPC 2014-2144-CU permitting the operation of a private, special needs school K through 12th grade for a maximum of 40 students.

## **JURISDICTIONAL AND PLANNING/ZONING INFORMATION**

Community Plan Area Chatsworth - Porter Ranch – Very Low I Residential  
Area Planning Commission North Valley  
Neighborhood Council Chatsworth  
Council District CD 12 - John Lee  
Census Tract # 1132.11

Zoning A2-1

Zoning Information (ZI) ZI-2438 Equine Keeping in the City of Los Angeles

## **RELEVANT MUNICIPAL CODE SECTIONS**

**Section 12.03 (Definition) 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.)*

**Section 12.24-W,51** 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.)*

## **GUIDING LAND USE POLICY**

In American Planning Association PAS Report No. 521/522, it is 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>2/</sup>

The importance of distinguishing childcare facilities from commercial or institutional uses is that not doing so would characterize many childcare facilities as an intrusion into residential areas. On the contrary, proper planning is to locate childcare in or close to residential areas.

In 2020 and 2021, City Council adopted several motions regarding childcare, including:

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<sup>2/</sup> Readers seeking additional information about childcare facility definitions and regulations should consult PAS Report No. 422, *Zoning for Child Care*, by Ann Cibulskis and Marsha Ritzdorf.

**CF 20-0652** - (Early Childhood Education (ECE) / Child Care Facilities / Citywide By-Right or Administrative Approval Process / Pre-Submittal Review Process / Public Parks as Outdoor Space Requirement / Residential Change of Use Fee) (*Read SATT [Complete Chronology](#)*)

On August 10, 2021, the Planning and Land Use Management (PLUM) Committee considered a Department of City Planning (DCP) report, dated May 25, 2021, relative to Early Childhood Education (ECE) programs and the approval process for child care facilities. Staff from the DCP, Department of Recreation and Parks (RAP), and Los Angeles Department of Building and Safety (LADBS) provided an overview.

One intent of the Motion is to create an administrative approval process for childcare facilities if the applicant complies with licensing requirements and agrees to a set of standard conditions, such as the proposed standard conditions detailed in Motion (Krekorian – Martinez), attached to the Council file. Also, implement a pre-submittal review process with ECE providers such as the City of Santa Monica’s program.

After providing an opportunity for public comment, the PLUM Committee approved the following:

1. INSTRUCT the Community Investment for Families Department, with the assistance of the DCP, RAP, and LADBS, to create a comprehensive webpage to serve as a centralized ECE hub and planning guide, similar to that of the City of Santa Monica. (*Underline for emphasis*)
2. INSTRUCT the involved City departments to report back to the PLUM Committee with specific recommendations for adoption. (*Underline for emphasis*)

**CF 21-0867** – August 3, 2021 (Large Family Day Care Homes / SB 234 / Keeping Kids Close to Home Act / Los Angeles Municipal Code / Amendment) (*Read SATT’s [Complete Chronology](#)*)

“Motion relative to requesting the City Attorney, with assistance from the Department of City Planning and any other supportive City departments, to prepare and present an Ordinance to amend Los Angeles Municipal Code (LAMC) Section 12.22 and any other provisions of the LAMC concerning Large Family Day Care Homes to comport with California Senate Bill 234.”(*Underline for emphasis*)

On March 2, 2022, the Office of Zoning Administration issued ZA Memorandum No. 138 concluding “[b]ased on the provisions of SB 234 and changes to the California State Health and Safety Code, the Departments of City Planning and Building and Safety will no longer require forms and code sections that implement unique and specific treatment of Large Family Day Care Homes. Per Section 1597.45 paragraph (a), large family day care

homes cannot have special conditions applied for their operation that are different from those required of small family day care homes; as follows ....”

[CF 20-0829](#) – August 31, 2020 (Affordable Childcare Services / Department of Recreation and Parks Facilities / COVID-19 Pandemic Recovery) (*Read SATT’s [Complete Chronology](#)*)

The Motion instructed the Department of Recreation and Parks to report back on using some of their facilities as child care centers as the economy reopens. It also instructed the Chief Legislative Analyst to report back on strategies and resources, such as CARES Act CRF funding, for supporting the childcare industry during and after the COVID-19 recovery. (*Underline for emphasis*)

## PROJECT SITE AND SURROUNDING PROPERTIES

### Subject Property

The subject property (Property) is an interior, through parcel, with approximately 344 feet of frontage on the easterly side of Topanga Canyon Boulevard and a depth varying from 483 to 792 feet and frontage of 219 feet along the westerly side of Andora Avenue. It is classified in the A2-1 Zone with adjoining northerly, southerly, and westerly properties.

The site is improved with a single-family dwelling, a chapel, and classrooms on a 4.8-acre parcel. A one-story building on the southerly side of the site contains the sanctuary, social hall, and offices. Two buildings on the northern side of the site include classrooms and offices. A breezeway connects the two one-story buildings proposed for the childcare center. The one-story pastor's residence is located on the easterly side of the site with frontage on Andora Avenue.

The Property has a rustic appearance, with many plantings and trees, and the buildings are well hidden from surrounding properties by landscaping. The 80 parking spaces are not striped, and several areas are not paved.<sup>3/</sup>

### Surrounding Properties

Surrounding properties are within the A2-1 Zone Classification and are characterized by level topography and unimproved streets. Adjoining properties have been granted land-use entitlements, as noted below.

## STREETS AND CIRCULATION

Topanga Canyon Boulevard, adjoining the Property to the west, is a Boulevard II and a State Highway, dedicated a width of 100 feet and approved with asphalt roadway, curb, gutter, and water diversion channel.

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<sup>3/</sup> Required parking is 13 spaces based on 1/500 of 6,353 square feet.

Andora Avenue, adjoining the Property to the east, is a Local Street dedicated 30 feet in width and fully improved only on the southeasterly side. A 30-foot-wide dedication for future street widening is necessary.

## **RELATED CASES ON-SITE**

**Case No. CPC 2014-2144-CU** On January 24, 2019, the Los Angeles City Planning Commission approved a private, special needs school (K through 12th grade) for 40 students, operating within seven classrooms for teaching and physical therapy. The school will operate from 8:00 am to 4:00 pm with educational hours of 9:00 am to 3:00 pm, Monday through Friday.

**Case No. ZA 2004-1308(CU)** - On June 17, 2004, the Office of Zoning Administration approved a wireless telecommunications facility in the A2-1 Zone Classification.

**Case No. ZA 1984-0707(CUZ)** On February 22, 1985, the Office of Zoning Administration approved a Conditional Use Permit for the continued use and maintenance of an existing nursery school originally approved under Case Nos. ZA 21070 and 21840, which expired January 1, 1981, the entitlement allowed the expansion of the said facility, including children ages two to five, and the establishment of a preparatory school, including grades one through 12, utilizing the existing church facility for a total of 150 students in both facilities with hours of operation from 8 am and 6 pm, Monday through Friday, in conjunction with the permitted church use.

## **RELATED CASES IN SURROUNDINGS (500-foot Radius)**

**Case No. ZA 2014-3921(CU)(PA1)** - On February 9, 2021, the Office of Zoning Administration approved a Plan Approval reviewing the compliance with the Conditions of Approval for Case No. ZA-2014-3921-CU-1A-PA1 authorized the continued use and maintenance of a House of Worship and caretaker's unit on a lot in the A2-1 Zone Classification. (10854 Topanga Canyon Boulevard)

**Case No. ZA 2014-3921(CU)** - On February 26, 2016, the Office of Zoning Administration approved a conditional use to authorize the use and maintenance of a church and caretaker's unit on a lot in the A2-1 Zone Classification. (10854 Topanga Canyon Boulevard)

**Case No. ZA 2008-4496(CU)(ZV)(ZAA)(PA1)** - On September 6, 2012, the Office of Zoning Administration approved plans for the continued use of commercial boarding and horse-keeping facility in the A2-1 Zone Classification. (10860 Topanga Canyon Boulevard)

**Case No. ZA 2011-1616(ZV)** - On March 20, 2012, the Office of Zoning Administration granted a Variance for the continued sales, preparation, and storage of firewood in the RA Zone Classification as not otherwise permitted in the A2-1 Zone Classification. (10801 North Andora Avenue)

Case No. ZA-2008-4496(CU) – on May 20, 2009, the Office of Zoning Administration approved a Conditional Use Permit authorizing the establishment, use, and maintenance of commercial boarding and horse keeping and approved the keeping of equines less than 35 feet from the habitable room of the caretaker's quarters otherwise not permitted in the A2-1 Zone Classification. (10860 North Topanga Canyon Boulevard)

Case No. ZA 2002-5483(CU)(ZV)(PA1) - On November 16, 2004, the Office of Zoning Administration approved the continued horse boarding and training in the A2-1 Zone Classification (22101 Tulsa Street)

# CONDITIONAL USE PERMIT JUSTIFICATIONS

## Request

Pursuant to Section 12.24-W,51, request for a Conditional Use Permit to operate a childcare facility for 94 children ages 2 ½ -5 using nine (9) existing classrooms and two (2) offices of approximately 6,353 square feet on a property with an existing House of Worship, Monday-Friday 6:30 am to 6:00 pm, in the A2-1 Zone Classification.

## Justifications

### 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.

In 2017, the Los Angeles County childcare needs assessment identified a shortfall of 977 childcare spaces in centers in the area.<sup>4/</sup> Besides the undeniable need by the community, the applicant has a waiting list for vacancies of approximately 21 families, of which 8-9 live in the Reseda and Chatsworth area. The applicant is seeking to meet this demand for childcare, which would **provide a service that is essential to the community, city, and 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 the 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.”<sup>5/</sup>

Furthermore, the Cornell Linking Economic Development and Child Care Project determined that childcare benefits the economy, parents, and children.<sup>6/</sup> In regards to the economy, childcare is an “economic driver” in that: <sup>7/</sup>

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<sup>4/</sup> Los Angeles Council 2017 Needs Assessment Technical Report

<sup>5/</sup> Plans for a Healthy Los Angeles, A Health and Wellness Element of the General Plan. March 2015, (pg. 100)

<sup>6/</sup> <http://www.mildredwarner.org/econdev/child-care>

- it supports a robust future economy by preparing children to enter K-12 education ready to learn the skills necessary to succeed in school and become productive workers,
- it enables employers to attract and retain employees and increase their productivity, and
- it provides a significant number of jobs that generates considerable revenue.<sup>8/</sup>

In City Council's August 11, 2021 Motion (i.e., [CF 20-0652](#)), they proposed to reduce regulatory hindrances affecting the number of childcare spaces by instructing City Planning to create an administrative approval process for childcare facilities. An applicant would have a by-right project if it complies with licensing requirements and agrees to standard conditions. It is also noted that City Council recognizes that childcare performs a function or provides a service that is essential or beneficial to the community, city, or region.

Approval of the applicant's requests benefits the existing House of Worship by supplementing its revenue. A 2021 study from [Lifeway Research](#) determined that more Protestant churches closed in 2019 than opened, continuing a decades-long congregational loss expected to accelerate. One of the reasons for closure is "the increasing cost of maintaining aging buildings and paying for capital improvements and a post-pandemic reluctance to return to in-person services. Some congregations will continue to thrive, especially those that convert their sacred space to mixed use or sell part of their land for housing."<sup>9/</sup>

Lastly, the Property has twice been entitled to operate a similar use as proposed. (i.e., Case Nos. CPC 2014-2144-CU and ZA 1984-0707(CUZ)). Both have ceased operating.

In conclusion, the proposed facility will **perform a function or provide a service that is essential or beneficial to the community, city or region.** For the parents, it serves because the demand for childcare in the area is greater than the supply.

- 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.**

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<sup>7/</sup> <http://www.buildingchildcare.net/uploads/pdfs/ca-county-eirs/LA%20Economic%20Impact%20Report.pdf>

<sup>8/</sup> As of a May 2017 wage report by the U.S. Bureau of Labor Statistics (BLS), early childcare special education teachers could see an employment growth of eight percent from 2016-2026, while preschool and childcare center directors could see an 11 percent growth in jobs during these same years. (See [What is the Job Outlook for Early Childhood Education Workers](#))

<sup>9/</sup> Protestant Church Closures Outpace Openings in U.S., Church Life and Practice| Lifeway Research, May 25, 2021.



A Conditional Use Permit is required to operate the proposed childcare with 94 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 balances an applicant's needs with the legitimate governmental purpose of reducing potential adverse impacts to surrounding sensitive uses while providing a needed service to the community. The CUP process singles out essentially desirable services. Still, they are not desirable in every location, in unlimited numbers, or in locations without restrictions tailored to them because of potential impacts. Thus, the CUP process serves as an essential planning tool to ensure the proposed use is in harmony and compatible with the surrounding area.

City Planning Commission most recently authorized Case No. CPC 2014-2144-CU on the Property permitting the operation of a private, special needs school K through 12th grade for a maximum of 40 students. Before City Planning Commission's authorization, the Office of Zoning Administration approved Case Nos. ZA 21070 and 21840 for using the site for a nursery school for children ages 2-5. The authorization also established a preparatory school, including grades one through 12, for 150 students. There is no history of these uses **adversely affect[ing] or further degrad[ing] adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

Typically, traffic/parking and noise are the potential impacts common to a childcare center. Regarding traffic/parking, the Los Angeles Department of Transportation determined no traffic study is required. The Property has 80 parking spaces that exceed the required 13 parking spaces.<sup>10/</sup> Besides a surplus of parking, there is ample room for vehicle queuing, allowing all pickup and dropoff entirely on-site. Pickup/dropoff, which takes 2-3 minutes, would be next to a gated open space area allowing for quick access to the classrooms. Queuing vehicles during peak dropoff times would occur safely and without blocking parking spaces. Vehicle circulation would occur in areas already marked with arrows identifying the direction of travel. Lastly, in considering off-site circulation, Topanga Canyon Blvd. has a dedicated center lane allowing for safe turning for ingress and egress.

Regarding noise, the playground and open space activities would occur behind the classrooms, adjacent to a House of Worship to the north and single-family-dwelling to the east., A typical childcare facility may produce 51 decibels of noise on average (refer to Case No. 2017-3914(CU)), which is less than normal conversation). The existing 6-foot masonry wall along the north and east property lines acts as a noise buffer that reduces sound by at least 5 decibels.

Lastly, the applicant will comply with Large Family Day Care standards found in Section 12.22-A,3 of the LAMC and will conform to the standards recommended

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<sup>10</sup> A child care facility most resembles an elementary school in its function and use. Therefore, the parking requirement for a child care facility will be the same as that of an elementary school, i.e. one parking space per classroom. In addition, the parking requirement for a child care facility should be based on one space per 500 sq. ft. of floor area if it exceeds the number of spaces obtained using one space per classroom, whichever is greater. (Chief Z.A. memo 7-15-85)

by City Council in its August 11, 2021 Motion CF 20-0652. (*Refer to Recommended Conditions*)

In conclusion, 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.**

A General Plan is a comprehensive long-term document that provides principles, policies, and objectives to guide future development to meet the current and future needs of the City. The General Plan consists of documents, including seven elements mandated by California: Land Use, Transportation, Noise, Safety, Housing, Open Space, and Conservation. The City's General Plan includes elements that address Air Quality, Infrastructure Systems, Public Facilities and Services, Health and Wellness, and the Citywide General Plan Framework Element (Framework Element).

The Property is located within the area governed by the Chatsworth – Porter Ranch Community Plan, updated and adopted by the City Council on September 7, 2016. The Community Plan designates the subject property Very Low I Residential with RE20 and RA Zone Classifications. The existing A2-1 Zone Classification is more restrictive than the zones identified as corresponding. The Community Plan is silent on childcare; however, the use is not prohibited in the Zone Classification.

The Project is a pre-school. "The Zoning Administrator has determined that community-oriented uses such as parochial schools, nursery schools, head start programs, child care centers, and day nurseries can be considered as customarily incidental to a church or House of Worship." (*LADBS, Zoning Manual, pg. 9*) However, the proposed use is not by-right because the House of Worship does not operate it.

The request conforms to the LAMC 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.)*

The **Framework Element** identifies childcare as “neighborhood-serving” in Neighborhood Districts and states, “[t]he clustering of uses minimizes automobile trips and encourages walking to and from adjacent residential neighborhoods. *(Framework Map, pg. 3-13, 3-20)*

The Framework Element provides goals, objectives, and policies for the siting of public schools but does not address the siting of childcare. The Framework Element includes the following:

Goal 9N: Public schools that provide a quality education for all of the City's children, including those with special needs, and adequate school facilities to serve every neighborhood in the City so that students have an opportunity to attend school in their neighborhoods.

Objective 9.32: Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.

Policy 9.33.1: Encourage a program of decision-making at the local school level to provide access to school facilities by neighborhood organizations.

Policy 9.32.2: Explore creative alternatives for providing new school sites in the City, where appropriate. Objective 9.33: Maximize the use of local schools for community use and local open space and parks for school use.

Policy 9.33.1: Encourage a program of decision-making at the local school level to provide access to school facilities by neighborhood organizations.

Policy 9.33.2: Develop a strategy to site community facilities (libraries, parks, schools, and auditoriums) together.

While not specific to childcare, the Framework Plan encourages attending school in their neighborhoods in Goal 9N. Further, the intent of Objective 9.33 is to utilize space creatively so that schools and other community facilities can operate on sites together, thereby maximizing the use of a site.

With affirmative Findings made in Justification Nos. 1 and 2, affirmative Findings for No. 3 can also be made. Therefore, the **project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project will not result in significant impacts when viewed in connection with the effects of past projects, the effects of other current projects, and 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. There is no substantial evidence demonstrating an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. <sup>11/</sup>

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<sup>11</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*)