

# **BACKGROUND AND JUSTIFICATION REPORT**

## **15451 W. LA MAIDA STREET, 91403**

### **CONDITIONAL USE PERMIT (Hyperlink<sup>1/</sup>)**

PROPERTY (Detail in ZIMAS Report: [Hyperlinked](#))

The subject property (Property) is located at 15451 W. La Maida Street. It is a 6,026.7-size parcel, 47.30 feet in width by 153 feet in depth, fronting on a local street. Improvements include a 1,538 square-foot single-family dwelling, built-in 1956, attached 170 square-foot garage, detached 360 square-foot carport, and 457.2 square-foot detached structure located at the rear of the Property.

The Los Angeles County Assessor Use Code is 0100 – Residential – Single Family Residence. The dwelling is currently being used as a Large Family Day Care pursuant to Section 12.22-A.3(b) of the Los Angeles Municipal Code.

#### **GENERAL PLAN, ZONE CLASSIFICATION, OTHER CLASSIFICATIONS**

Community Plan: Encino-Tarzana Community Plan  
Zone: R1-1  
Community Plan Designation: Low 1 Residential  
ZI-2452 Transit Priority Area in the City of Los Angeles  
ZI-2427 Freeway Adjacent Advisory Notice for Sensitive Uses  
ZI-2462 Modifications to SF Zones and SF Zone Hillside Area  
Regulations

#### **REQUESTED ENTITLEMENT**

A Conditional Use Permit, pursuant to Section 12.24-W, 51 of the Los Angeles Municipal Code, to expand the number of children in an existing 1,995.2 square-foot Large Family Child Care currently serving a maximum of 14 children to 32 children between the ages of infant to school age with hours of operation 6:30 am – 6:00 pm, Monday-Friday including providing one required parking in carport within the front yard setback pursuant to Section 12.24-F of the Los Angeles Municipal Code.

#### **SUBJECT PROPERTY AND SURROUNDINGS**

##### **PROPERTY**

See the above section on PROPERTY

##### **SURROUNDINGS (Data source, ZIMAS)**

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<sup>1/</sup> Hyperlink enables readers to review desired documents and return to the Project Analysis and Justification. 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.

Generally, the Property is bordered by single family dwellings in the R1-1 zone classification.

North: (Adjoining) Parcel 12,0774 square-feet in size, in R1-1 zone category with 1,666 single-family-dwelling, built in 1953.

South: (Abutting) Parcel 11,718 square-feet, in R1-1 zone category with 2,736 single-family-dwelling, built in 1940.

East: (Adjoining) Parcel 6,027.7 square-feet in size, in R1-1 zone category with 1,528 single-family-dwelling, built in 1956.

West: (Adjoining) Parcel 6,300.9 square-feet in size, in R1-1 zone category with 2,116 single-family-dwelling, built in 1946.

## STREETS AND CIRCULATION

La Maida, a Local Street, local standard of 60 feet right-of-way and 36 feet roadway width, improved with curb and gutter.

## RELATED CASES

Onsite: Building Permit Records (See attached)

Off-Site – None within 1,500-foot radius

## JUSTIFICATIONS BASED ON REQUIRED FINDINGS CONDITIONAL USE PERMIT

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 applicant has operated two classrooms with a detached playroom totaling 1,995.2 square feet as a Large Family Day Care since 2018 for up to 14 children.<sup>2/</sup> Upon approval of the requested Conditional Use Permit, the applicant intends to expand the number of children to 32. No new construction is proposed.

Licensed Family Child Care Homes (FCCH) have been on a steady decline since 2008 throughout the state. In 2008 there were 39,000 family child care homes; eleven years later that number declined to 25,900. The state's biggest county, Los Angeles, has also experienced significant decreases, losing almost 4,200 FCCHs. This reduction in the number of FCCHs resulted in a 29% decrease in spaces, meaning over 109,000 children will not have access to early learning programs.<sup>3/</sup> In the most recent Needs Assessment Report, it was determined that zip code 91403 has a shortfall of 27 Licensed Family Child Care Homes spaces and 87 Center spaces.<sup>4/</sup>

The applicant is seeking to meet the demand for childcare by expanding enrollment, which would **provide a service that is essential to the community, city and region.** A survey was taken of parents at the facility established that 7 of 8 parents use the facility because it is near their home. Two of the eight parents drive to work or school after dropping off their child(ren), which means the facility is desirable because it's in the path of travel between home and destination.

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

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<sup>2/</sup> State of California [Owner consent](#). Department of City Planning [Intent to Operate](#)

<sup>3/</sup> California Child Care Resource & Referral Network (childcare Supply Datasheet, 2008-2019)

<sup>4/</sup> Los Angeles County 2017 Needs Assessment, Technical Report, County of Los Angeles, Child Care Planning Committee.

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 has benefits for the economy, parents, and children.<sup>6/</sup> In regards to the economy, childcare is an “economic driver” within our City in that it:”<sup>7/</sup>

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

In conclusion, there continues to be demand for childcare in the area greater than supply. The proposed childcare will accommodate families in the surrounding community. The applicant has a waiting list of 85 families seeking to enroll their child(ren) in this facility. Permitting the expansion of this Large Family Day Care will **perform a function or provide a service that is essential or beneficial to the community, city or region** and for the parents it serves.

**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.**

The Los Angeles Municipal Code has a by-right process for Small and Large Family Day Care facilities.<sup>9/</sup> These and other regulations related to childcare were

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<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>

<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> 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.)

drafted in response to State requirements and to consider the intensity of the use and compatibility of the zone classification.<sup>10/</sup>

A Conditional Use Permit is required to operate the proposed childcare with 32 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 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 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.

Three potential impacts common of childcare are traffic/parking, noise, and visual:

In regards to traffic, the applicant obtained an unofficial assessment from the Los Angeles Department of Transportation (LADOT) that a traffic study would not be necessary and therefore not have a significant impact. The existing facility has operated since 2018 with no safety incident nor complaint of inconvenience to neighbors. Dropoff and pickup are onsite and curbside. Three on-site parking spaces are provided per Chief Z.A. Memo 07/15/1985.<sup>11/</sup> The applicant has applied to LADOT for a green curb for exclusive use by the facility during peak dropoff/pickup times. Lastly, the applicant has designed an operational plan using staff and parent volunteers so to expedite dropoff.

In regards to noise, it is first noted that the existing childcare has operated since 2018 and has not received a noise complaint.<sup>12/</sup> The playground and open space activities will continue to be in the rear yard surrounded by fencing and landscape with a detached structure providing a noise buffer. Outdoor playtime is limited to three hours with no more than 14 children at any one time. The facility will not operate in the evening hours when most residents are home nor be open Saturday and Sunday. Lastly, the ambient noise from the street and nearby highway help reduce the sound of children when they are outdoors.

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<sup>10/</sup> June 2, 2005, RE: Returning Authority to the Office of Zoning Administration, Robert Janovici, Chief Zoning Administrator.

<sup>11/</sup> According to Chief ZA Memo of July 15, 1985, "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."

<sup>12/</sup> While not directly communicated to the applicant, it was recently learned that a neighbor is concern about the noise. Similar to other Letters of Determination for Childcare, this concern is address by imposing reasonable conditions.

In regards to visual impact, the building will continue to appear as a single-family dwelling and no alternations will occur hindering future conversion to a single-family dwelling if so desired.

Lastly, the applicant will continue to comply with Large Family Day Care conditions, which are minimum standards for any childcare use.

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.

This request includes permitting a required parking space in the front yard pursuant to Section 12.24-F. A total of three (3) parking spaces are required. This is the only area to provide parking due to the location of the dwelling and carport and without removal of the landscape.

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

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 **Housing Element** provides a plan for the City's existing and future housing needs to ensure a range of housing choices for residents of all income levels. The Housing Element determined the City was facing an unprecedented housing crisis" due to the high demand for housing and the lack of affordable options. The Housing Element provides decision-makers policy guidance to evaluate discretionary housing applications.

In this instance, a dwelling unit is temporarily converted for childcare, which is important to a sustainable city. The City has taken great strides to increase housing opportunities and create a healthy Los Angeles. A healthy Los Angeles includes neighborhoods that meet residents' basic needs, including (*Plan for a Healthy Los Angeles, pg. 7*) (*underline added for emphasis*)

- Access to health-promoting goods and services, which include affordable grocery stores, comprehensive medical services for both physical and mental health, park space, and childcare, among others.
- Community design that promotes healthy living for people of all ages, income levels, cultural backgrounds, and geographies.
- Access for individuals with disabilities and across the age spectrum.
- Use of community resources such as schools and underused assets to promote health and well-being.

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>13/</sup>

The importance of distinguishing childcare facilities from commercial is that not doing so would characterize many childcare facilities as an intrusion into residential areas. On the contrary, proper planning is to locate certain childcare in or close to residential areas for two reasons and the City of Los Angeles has a Conditional Use permit process to do such. First, childcare in residential areas reduces vehicle trips. Second, childcare in residential areas replicates the home environment for the children.

The **Land Use Element of the General Plan** divides the City into 35 Community Plan areas. The Northeast Los Angeles Community Plan Map designates the subject property for Low Residential land uses with the corresponding zones of RE9, RS, R1, RD6, RD5, and RU Zones. Generally, the Plan seeks to promote compatible design and ensure public safety.

The Encino – Tarzana Community Plan, a part of the General Plan's Land Use Element, sets various objectives for the planning and development of the area and seeks to guide development to be in character with the community. The Community Plan is silent regarding childcare. Rather than the Community Plan, the Los Angeles Municipal Code (LAMC) regulates this specific use.

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 daycare 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:

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<sup>13/</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.

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 Findings made in Justification Nos. 1 and 2, affirmative Findings for 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.**