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CALIFORNIA



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October 28, 1999

Margaret Grundstein (A)(O)
First Years Preschool
1010 Amoroso Place
Venice, CA 90291

Department of Building and Safety

CASE NO. ZA 99-0645(CUZ)
CONDITIONAL USE
1010 Amoroso Place
Venice Planning Area
Zone : R1-1VLD
D. M. : 108B149
C. D. : 6
CEQA : CE 99-0708-CUZ
Fish and Game: Exempt
Legal Description: Lot 7,
Tract 6609

Pursuant to Los Angeles Municipal Code Section 12.24-C,46, I hereby APPROVE:

a conditional use to permit the continued operation of a preschool facility in the R1-1 Zone,

upon the following additional terms and conditions:

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

5. The children attending the day care home or nursery school on the site shall be limited to those between the ages of one and four years, inclusive.
6. In no event shall enrollment exceed 26 children at any given time.
7. A minimum of three parking spaces shall be maintained on the site at all times.
8. An 8-foot high solid masonry wall shall be constructed along the northeasterly side lot line of the subject property where no wall currently exists. Said side yard shall be secured by the installation of a 6-foot high solid wooden gate between the front of the involved single-family dwelling and said wall.
9. All mitigation measures contained in Mitigated Negative Declaration 93-0396-CUZ, dated January 5, 1994, shall be strictly complied with.
10. The hours of operation for the facility shall not exceed 8 a.m. to 6 p.m. on Monday through Friday and 10 a.m. to 12 Noon on Saturdays, except for the teacher preparation, building maintenance or for occasional affairs specifically intended for parent participation. In no event shall there be any overnight lodging of children.
11. As permitted herein, occasional affairs, specifically intended for parent participation, shall be limited to 12 evenings or weekend functions in any one year period with no function lasting past 9:30 p.m. on any given evening.
12. In no event shall any loudspeaker or public address system be installed or operated on any open portion of the premises, and any phonograph, radio or other recorded music used in connection with any activity be sufficiently modulated so as to not be disturbing or detrimental to persons residing in the immediate vicinity.
13. In order to provide for reexamination of the matter in the light of any changed conditions in the neighborhood, the authority herein granted shall be valid for a period of 10 years from the effective date hereof, and null and void thereafter.

At the end of the initial 10 year term, the applicant may make application for continuation of the use for an additional ten (10) year term period through the filing of an Approval of Plans Application pursuant to provisions of Section 12.24-G of the Los Angeles Municipal Code. Such filing shall be accompanied by an approximate filing fee of \$523 and an ownership list of both property owners and occupants within a 500-foot radius of the subject property. Upon investigation and input from the office of the District Councilmember, the Zoning Administrator may set the Approval of Plans request for a public hearing.

14. Any signs displayed on the premises shall be limited to a conservative identification or directional type only, in keeping with the sign provisions of Section 12.21-A,7 of the Municipal Code, and shall be submitted to and approved by the Office of Zoning Administration prior to installation.

15. At least two qualified adults shall be maintained on the staff of the involved preschool facility and all children shall remain under the constant supervision of these qualified adults at all times.
16. In the event the involved preschool facility is ever closed or abandoned, the interior of the single-family dwelling shall be completely restored for use for single-family dwelling purposes. Further, the herein authorized conditional use shall in no way be construed as permitting any use of the property for commercial or industrial purposes other than for the preschool facility authorized.
17. The external facade of the involved structure including, but not limited to, landscaping, fencing, walls, lawn areas, etc., shall be maintained to continue the outward appearance of a single-family dwelling. The location of play equipment or any related structure in the front yard area of the property shall be strictly prohibited.
18. Prior to the effectuation of this action by the Zoning Administrator, the applicant shall secure the review and approval of plot and floor plans by the Los Angeles City Fire Department.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. THE ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER NOVEMBER 12, 1999, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. IT IS STRONGLY ADVISED THAT APPEALS BE FILED EARLY DURING THE APPEAL PERIOD AND IN PERSON SO THAT IMPERFECTIONS/ INCOMPLETENESS MAY BE CORRECTED BEFORE THE APPEAL PERIOD EXPIRES. ANY APPEAL MUST BE FILED ON THE PRESCRIBED FORMS, ACCOMPANIED BY THE REQUIRED FEE, A COPY OF THE ZONING ADMINISTRATOR'S ACTION, AND RECEIVED AND RECEIPTED AT A PUBLIC OFFICE OF THE DEPARTMENT OF CITY PLANNING ON OR BEFORE THE ABOVE DATE OR THE APPEAL WILL NOT BE ACCEPTED. SUCH OFFICES ARE LOCATED AT:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

NOTICE

THE APPLICANT IS FURTHER ADVISED THAT ALL SUBSEQUENT CONTACT WITH THIS OFFICE REGARDING THIS DETERMINATION MUST BE WITH THE ZONING ADMINISTRATOR WHO ACTED ON THE CASE. THIS WOULD INCLUDE CLARIFICATION, VERIFICATION OF CONDITION COMPLIANCE AND PLANS OR BUILDING PERMIT APPLICATIONS, ETC., AND SHALL BE ACCOMPLISHED BY APPOINTMENT ONLY, IN ORDER TO ASSURE THAT YOU RECEIVE SERVICE WITH A MINIMUM AMOUNT OF WAITING. YOU SHOULD ADVISE ANY CONSULTANT REPRESENTING YOU OF THIS REQUIREMENT AS WELL.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on October 14, 1999, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, interior, record lot, consisting of approximately 0.13 acres, having a frontage of approximately 41 feet on the east side of Amoroso Place and a depth of 143 feet. The subject site is developed and landscaped with a one-story single-family dwelling and detached garage accessed off of the alley.

Surrounding properties are within the R1-1VLD and [Q]C2-1 Zones and are characterized by level topography and improved streets. The surrounding properties are developed with one-story single-family dwellings, commercial buildings and parking.

Properties to the north of the subject site are zoned R1-1VLD and are developed with one-story single-family dwellings.

Properties to the south of the adjoining 20-foot wide alley are zoned [Q]C2-1 and are developed with one- and two-story commercial buildings and a parking lot, fronting and occupied by Party Ballons, Chiropractor, Health Center and Sign and Banners businesses.

Adjoining properties to the east of the adjoining 20-foot wide alley are zoned R1-1VLD and are developed with one-story single-family dwellings.

Properties across Amoroso Place to the west are zoned [Q]C2-1 and R1-1VLD and are developed with one-story single-family dwellings, commercial buildings and a parking lot occupied by a Vacuum Sales and Service business.

Amoroso Place, adjoining the subject property to the west, is a Local Street dedicated a width of 60 feet and improved with curb, gutter and sidewalk.

The alley, adjoining the subject property to the south and east, is a through alley and is improved with asphalt pavement and concrete gutter within a 20-foot dedication.

Previous zoning related actions on the site/in the area include:

Subject Property:

Case No. ZA 93-1096(CUZ) - On March 3, 1994, the Zoning Administrator approved a conditional use for five years to permit the continued operation of a preschool facility for 30 children between the ages of one to five years on an R1-1 zoned site with said facility having three on-site parking spaces, a maximum of five staff members and hours of operation from 8 a.m. to 6 p.m., Monday through Friday.

Case No. ZA 88-0872(CUZ) - On September 13, 1980, the Zoning Administrator approved a conditional use for five years to permit a preschool facility for 20 children between the ages of one to five years. On September 27, 1980 a Letter of Correction was mailed increasing the number of children from 20 to 25.

Surrounding Properties:

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

The Zoning Administrator's public hearing on the matter was held on October 14, 1999. Speaking in support of the request, the applicant testified that the project involved a third application to permit continued operation of a preschool facility in the R1-1 Zone first approved by the Zoning Administrator in 1988, noting that the prior approvals both allowed the use for a term period of five years. She requested that the Zoning Administrator consider a longer time limit under the current action due to the heavy expense involved in reapplying every five years. She also requested consideration of modification of the previously imposed conditions relating to hours and days of operation in order to accommodate a proposed parenting class for working parents for a two-hour period on Saturday mornings and, on several occasions in the evening hours throughout the year.

A representative of the District Council Office testified that the continuation of the preschool on the site had been reviewed by the Councilmember's Community Plan Advisory Committee (CPAC) for the area and had received unanimous support. He testified that the Council Office too supported the request and was proud to have a facility of the quality involved within the District boundaries. He urged the Administrator to approve the operation of the facility in perpetuity.

No other persons attended the hearing and no communications either in support or in opposition to the request were received.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-C of the Los Angeles Municipal Code. In order for a particular request to be authorized, certain designated findings have to be made. In certain cases, specific conditional use categories have additional or unique findings only applicable to that specific use beyond the four standard findings for other conditional use categories.

FINDINGS

In order for a conditional use permit for continued operation of a preschool to be approved the mandated findings delineated in Municipal Code Section 12.24-C must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The proposed location will be desirable to the public convenience or welfare and proper in relation to adjacent uses or the development of the community.**

The involved site was approved for preschool purposes under Case No. ZA 88-0782(CUZ) dated September 13, 1988 which terminated on September 28, 1983. In March, 1994, the Zoning Administrator approved its continuation for another five year term, noting that field investigation of the site indicates that the property was well maintained and that the testimony offered at the public hearing indicated no controversy or concern from the school's operation. Based upon the most recent inspection and hearing the school continues to provide a desired neighborhood service; preschool facilities are needed; and, all conditions of operation have been complied with. Therefore, it can only be concluded that continued operation of the preschool facility without an increase in enrollment is proper in relation to adjacent uses and the development of the community.

2. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

As stated previously, the preschool facility for 26 children has operated since 1988. There is no indication that the adjoining single-family area has been affected in an adverse manner by the school's operation. Rather, there is every indication that the facility has been properly managed having the wide support from adjacent neighbors and the District Councilmember and its continued operation appears to be reasonable and appropriate. Conditions have been imposed on the operation limiting the general hours of operation on Monday through Friday and to a two-hour period on Saturday in order to allow the applicant to work with students and parents in small, informal groups; with continued authorization for a limited number of special events during the evening hours.


3. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Venice Community Plan designates the site for Low Residential with corresponding zones of R1 and RD6. However, said plan also recognizes the need for neighborhood facilities such as preschools in order for a community to grow and maintain itself. In the instant case, the involved preschool facility has operated in this location for approximately 10 years fulfilling this community need which should continue into the future.

ADDITIONAL MANDATORY FINDINGS

4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
5. On August 5, 1999, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 99-0708-CUZ, for a Categorical Exemption, Class 1, Category 22, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.

6. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.


SARAH A. RODGERS
Associate Zoning Administrator
Direct Telephone No. (213) 580-5488

SAR:Imc

cc: Councilmember Ruth Galanter
Sixth District
Adjoining Property Owners
County Assessor