

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

02-2054

CD 4

CPC 2002-3158-CA
RETD. PLAN COMM.

PLACE IN FILES

MAR 30 2005

DEPUTY

March 23, 2005

All Councilmembers
Office of the Mayor
Bureau of Engineering,
Land Development Group
Department of Building & Safety,
c/o Zoning Coordinator
cc: Residential Inspection Unit
Planning Department,
Attn: Simon Pastucha
cc: Community Planning Section
cc: Geographic Information Section
Attn: Fae Tsukamoto

City Attorney,
Attn: Kenneth T. Fong
Department of Transportation,
Traffic/Planning Sections
Bureau of Street Lighting,
"B" Permit Section
Fire Department
Planning Commission,
Attn: Gabriele Williams
(w/copy of ordinance)
Director of Planning
Office of Zoning Administration

RE: AMENDING THE LOS ANGELES MUNICIPAL CODE TO FACILITATE THE PROCESSING
OF APPLICATIONS FOR CHILD CARE FACILITIES.

At the meeting of the Council held March 9, 2005, the following
action was taken:

Attached report adopted.....	_____	X
To the Mayor FORTHWITH.....	_____	X
Ordinance adopted.....	_____	X
Ordinance Number.....	_____	176545
Posted date.....	_____	3-23-05
Effective date.....	_____	5-02-05
Mayor approved.....	_____	3-18-05
Mayor failed to act - deemed approved.....	_____	
Findings adopted.....	_____	X
Categorically exempt.....	_____	
Generally exempt.....	_____	X

Frank T. Martinez

City Clerk
dng



OFFICE OF THE MAYOR
Mayor's Time Stamp
RECEIVED
2005 MAR 10 PM 4:16
CITY OF LOS ANGELES

TIME LIMIT FILES
ORDINANCES

FORTHWITH

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Office Stamp
2005 MAR 10 PM 3:53
CITY CLERK
BY _____
DEPUTY

COUNCIL FILE NUMBER 02-2054 COUNCIL DISTRICT _____
COUNCIL APPROVAL DATE MARCH 9, 2005 LAST DAY FOR MAYOR TO ACT MAR 21 2005
ORDINANCE TYPE: Ord of Intent Zoning Personnel General
 Improvement LAMC LAAC CU or Var Appeals - CPC No _____

SUBJECT MATTER: AMENDING SECTIONS 12.03, 12.04.05, 12.22, 12.24 AND 19.01 OF THE LOS ANGELES MUNICIPAL CODE TO FACILITATE THE PROCESSING OF APPLICATIONS FOR CHILD CARE FACILITIES

	APPROVED	DISAPPROVED
PLANNING COMMISSION	<u>X</u>	_____
DIRECTOR OF PLANNING	<u>X</u>	_____
CITY ATTORNEY	_____	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
PLANNING AND LAND USE MANAGEMENT COMMITTEE	<u>X</u>	_____

RECEIVED
CITY CLERK'S OFFICE
2005 MAR 18 PM 1:00
CITY CLERK
BY _____
DEPUTY

MAR 18 2005

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO: _____
*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b)(c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR MAR 18 2005 ORDINANCE NO. 176545
DATE PUBLISHED _____ DATE POSTED MAR 23 2005 EFFECTIVE DATE MAY 02 2005
ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: Yes [] No []

ORDINANCE NO. 176545

An ordinance amending sections 12.03, 12.04.05, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1: The definitions of "Family Day Care Home, Large", and "Family Day Care Home, Small" in Section 12.03 of the Los Angeles Municipal Code are hereby amended to read:

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.

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.

Sec. 2. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, childrens' play areas, child care facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Sec. 3. Paragraph (a) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(a) **Small Family Day Care Homes:** Any dwelling unit may be used as a small family day care home, with up to eight children, as defined in Section 12.03, if it is licensed by the State of California as a small family day care home.

Sec. 4. Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(b) Large Family Day Care Homes: Any dwelling unit may be used as a large family day care home, with up to 14 children, as defined in Section 12.03, if it is licensed by the State of California as a large family day care home, and if it complies with the conditions set forth in Subparagraph (1) below.

Sec. 5. Subparagraph (3) of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(3) Exemption from Concentration and Spacing Condition. If a proposed Large Family Day Care Home is not in compliance with the concentration and spacing condition set forth in Section 12.22A3(b)(1)(x) above, then the operator may apply to the Zoning Administrator for an exemption from this condition pursuant to Section 12.24 X 25.

Sec. 6. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted.

Sec. 7. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Sec. 8. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. Child care facilities. A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 9. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

25. Large Family Day Care Home.

(a) Pursuant to Section 12.22A3(b)(3), a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 10. Rows 4 and 5, Subsection E of Section 19.01 of the Los Angeles Municipal Code are hereby amended by changing the name of the "Type of Application":

Type of Application	Flat Fee	For First Block Or Portion Of A Block	For Each Additional Block Or Portion Of A Block	Appeal
Child Care Facility for 21 to 50 Children in the R3 or RAS3 Zone (Section 12.24 X.24.)	\$884.00	None	None	
Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 X.25.)	\$515.00	None	None	

(#93139)

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 09 2005.

FRANK T. MARTINEZ, City Clerk

By *Marie Pacheco*
Deputy

Approved MAR 18 2005

James Hahn
Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By *Kenneth T. Fong*
KENNETH T. FONG
Deputy City Attorney

Date Feb. 9, 2005

File No. 02-2054

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted

Feb. 15, 2005

see attached report.

Con Howe
CON HOWE
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176545 - Amending Sections 12.03, 12.04.05, 12.22, 12.24 & 19.01 of the L.A.M.C. - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on March 9, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on March 23, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on March 23, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23rd day of March 2005 at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: May 2, 2005

Council File No. 02-2054

8

3-8-05

TO THE COUNCIL OF THE CITY OF LOS ANGELES

FILE NO. 02-2054

Your PLANNING AND LAND USE MANAGEMENT Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

GENERAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to facilitate the processing of applications for child care facilities.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is generally exempt from California Environmental Quality Act (CEQA) pursuant to Article III, Section 2(m) of the City's Guidelines.
2. ADOPT the October 21, 2004 FINDINGS of the Director of Planning as the Findings of Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, amending Sections 12.03, 12.04.05, 12.22, 12.24 and 19.01 of the LAMC to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities and includes an increase in the fees for the child care facilities applications.
4. NOT PRESENT and ORDER FILED ORDINANCE signed by the Director of Planning on November 16, 2004.

Fiscal Impact Statement: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Summary:

At its meeting held October 1, 2002, the Planning and Land Use Management Committee considered the September 13, 2002 City Planning Commission report and proposed ordinance relative to amending the LAMC to facilitate the processing of applications for childcare facilities, to reassign the decision-makers of childcare facility applications, and to provide a further authority of the Zoning Administrator for childcare facilities that house 21 to 50 children in the R3 and RAS3 zones.

The Committee requested the City Attorney to prepare a final draft ordinance necessary to effectuate amendments to the LAMC, as written in the Commission's proposed ordinance. The Committee further requested the City Attorney, with the assistance of the Planning Department, to include in the ordinance provisions to protect residential uses located near child care facilities. In addition to the provisions as noted, the Director of Planning reported that on September 13, 2002, the City Planning Commission issued its written approval of a draft ordinance also to make technical corrections, and to clarify use as allowed in urban parks.

At its meeting held February 9, 2005, the Planning and Land Use Management Committee considered and recommended that Council approve the accompanying final draft ordinance amending Sections 12.03, 12.04.05, 12.22, 12.24 and 19.01 of the LAMC, approved by the Director of Planning on behalf of the City Planning Commission, and the City Attorney as to form.

Planning staff at the meeting, spoke in support of the ordinance.

The final draft ordinance is hereby transmitted to the full Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Eel P. Reyes

Tony Cardenas

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
CARDENAS:	YES
WEISS:	ABSENT

BG:ys
2-15-05
Enc: CPC 2002-3158 CA
Ordinances

#022054

*Rept, ORD
& FINDINGS*
ADOPTED

MAR 09 2005

LOS ANGELES CITY COUNCIL

Gen Exemption Approved

TO THE MAYOR FORTHWITH

COUNCIL VOTE

Mar 9, 2005 10:52:15 AM, #3

ITEM NO. (6)

Voting on Item(s): 6-12, 62-66

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Yes
LUDLOW	Yes
*MISCIKOWSKI	Yes
PARKS	Absent
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Absent
WEISS	Yes
ZINE	Yes
PADILLA	Yes

Present: 12, Yes: 12 No: 0

PLANNING AND LAND USE MANAGEMENT COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. 02-2054

sign

Applicant/Appellant/Owner	Representative

--See attached

- Council Member(s) all
- Office of the Mayor (w/file) - Section _____
- City Attorney (w/blue slip) - Attn: Kenneth T. Fong
- City Administrative Officer (CAO)
- Chief Legislative Analyst (CLA)
- City Planning Department - Attn: Simon Pastucha
- City Planning Commission - Attn: Gabriele Williams (w/copy of Ordinance)
(ZC, HD, BL, HE, HPOZ, GPA, SPE, CPU, CPR, CA, ICO, TOD, SP, CDO)
- Director of Planning (same as Commission)
- Office of Zoning Administration - (all ZA cases, CU, ZV)
- Advisory Agency - (PM; TT, CPU; CPR, CA, ICO, TOD, SP, CDO)
- Community Planning Section - (DRB, CPU, CPR, CPE, TT, PM, CA, ICO, CDO, HE)
- Geographic Information Section - Attn: Fae Tsukamoto - (same as Commission)
- Information Technology Agency - (large projects)
- Bureau of Engineering, Land Development & Mapping Division - (generally most cases)
- Department of Transportation, Traffic/Planning Sections - (generally most cases)
- Department of Building & Safety c/o Zoning Coordinator - (generally most cases)
- Residential Inspection Unit - Mail Stop 115 - (SPE, HE, CU, ICO, ZC, generally most cases)
- Bureau of Street Lighting, "B" Permit Section - (all zoning cases)
- Department of Water and Power - (DB & large projects)
- Fire Department - (all zoning & hillside cases)
- Police Department (beer & wine, adult entertainment, revocations)
- Community Development Department
- Los Angeles County Assessor - (CU appeals & large projects)

ORDINANCE NO. _____

An ordinance amending sections 12.03, 12.04.05, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The definitions of "Family Day Care Home, Large", and "Family Day Care Home, Small" in Section 12.03 of the Los Angeles Municipal Code are hereby amended to read:

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.

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.

Sec. 2. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, childrens' play areas, child care facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Sec. 3. Paragraph (a) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(a) **Small Family Day Care Homes:** Any dwelling unit may be used as a small family day care home, with up to eight children, as defined in Section 12.03, if it is licensed by the State of California as a small family day care home.

Sec. 4. The first unnumbered paragraph of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

"OLD"

(b) Large Family Day Care Homes: Any dwelling unit may be used as a large family day care home, with up to 14 children, as defined in Section 12.03, if it is licensed by the State of California as a large family day care home, and if it complies with the conditions set forth in Subparagraph (1) below.

Sec. 5. Subparagraph (3) of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(3) Exemption from Concentration and Spacing Condition. If a proposed Large Family Day Care Home is not in compliance with the concentration and spacing condition set forth in Section 12.22A3(b)(1)(x) above, then the operator may apply to the Zoning Administrator for an exemption from this condition pursuant to Section 12.24 X 25.

Sec. 6. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted.

Sec. 7. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Sec. 8. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. Child care facilities. A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 9. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

25. Large Family Day Care Home.

(a) Pursuant to Section 12.22A3(b)(3), a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 10. Rows 4 and 5, Subsection E of Section 19.01 of the Los Angeles Municipal Code are hereby amended by changing the name of the "Type of Application":

Type of Application	Flat Fee	For First Block Or Portion Of A Block	For Each Additional Block Or Portion Of A Block	Appeal
Child Care Facility for 21 to 50 Children in the R3 or RAS3 Zone (Section 12.24 X.24.)	\$884.00	None	None	
Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 X.25.)	\$515.00	None	None	

(#93139)

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By Kenneth T. Fong
KENNETH T. FONG
Deputy City Attorney

Date NOV 19 2004

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted

November 16, 2004

see attached report.

CON HOWE
CON HOWE
Director of Planning

File No. CF 02-2054; CPC 2002-3158-CA

(When required)

RECORDING REQUESTED BY AND MAIL TO:

LOS ANGELES DAILY JOURNAL
- SINCE 1888 -

915 E FIRST ST, LOS ANGELES, CA 90012
Mailing Address: P.O. Box 54026, Los Angeles, California 90054-0026
Telephone, (213) 229-5300 / Fax (213) 680-3682

This space for filing stamp only

RECEIVED
CITY CLERK'S OFFICE

205 FEB 24 AM 8:49

CITY CLERK

BY _____ DEPUTY

maria rico
CITY OF LA, CITY CLERK, ADMIN SER
200 N SPRING ST ROOM 395
LOS ANGELES, CA - 90012

DJ#: 781515

PROOF OF PUBLICATION

(2015 C C P.)

State of California)
County of Los Angeles) ss

Notice Type GPN - GOVERNMENT PUBLIC NOTICE

Ad Description 02-2054

NOTICE OF PUBLIC HEARING
On Tuesday, March 8, 2005 at its regular Council session, the Los Angeles City Council will hold a public hearing at **10:00 a.m.**, or as soon thereafter as the matter can be heard in John Ferraro Council Chamber, Room 340, City Hall at 200 North Spring Street, relative to a proposed Ordinance amending Sections 12 03, 12 04 05, 12 22, 12 24, and 19 01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities. The proposed Ordinance includes an increase in the fees for child care facilities applications. Copies of the City Attorney and City Planning Commission reports, as well as the proposed Ordinance, may be examined in the Office of the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012-4870. Written comments may also be forwarded to this same address prior to the hearing. Frank T. Martinez, City Clerk of the City of Los Angeles
C F 02-2054
C D Citywide
By Barbara Greaves
Deputy City Clerk
02/16/2005, 02/23/2005

DJ-781515#

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the LOS ANGELES DAILY JOURNAL, a newspaper published in the English language in the city of LOS ANGELES, county of LOS ANGELES, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of LOS ANGELES, State of California, under date 04/26/1954, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

02/16/2005, 02/23/2005

Executed on: 02/23/2005
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct



Signature

NOTICE OF PUBLIC HEARING

Publication dates: Wednesdays - February 16, and February 23, 2005

On Tuesday, March 8, 2005, at its regular Council session, the Los Angeles City Council will hold a public hearing at 10 a.m., or as soon thereafter as the matter can be heard in John Ferraro Council Chamber, Room 340, City Hall at 200 North Spring Street, relative to a proposed Ordinance amending Sections 12.03, 12.04.05, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities. The proposed Ordinance includes an increase in the fees for child care facilities applications.

Copies of the City Attorney and City Planning Commission reports, as well as the proposed Ordinance, may be examined in the Office of the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012-4870. Written comments may also be forwarded to this same address prior to the hearing.

Frank T. Martinez, City Clerk
of the City of Los Angeles

C.F. 02-2054

CD: Citywide

By: Barbara Greaves

Deputy City Clerk

#022054pub

CITY OF LOS ANGELES SPEAKER CARD

Date
2/9/05

Council File No., Agenda Item, or Case No.
CF02-205A ITEM 2

I wish to speak before the PLUM Cmte
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal
() Against proposal
Name: LIM MEQUISTON General comments

Business or Organization Affiliation: EHCA

Address: 6212 YUCCA ST L A CA 90028-5223
Street City State Zip

Business phone: 323-464-6792 Representing: EHCA

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER CARD

Date 2/9/04

Council File No., Agenda Item, or Case No.
#1 and #2

~~02-0706~~
02-2054

I wish to speak before the PLUM Committee
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
 General comments

Name: Melissa Lawton

Business or Organization Affiliation: Public Counsel

Address: 601 S Ardmore Ave. LA Cal 90005
Street City State Zip

Business phone: 213-385-2977 Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
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DOMINIQUE QUEVEDO
LOUIS A. RAFTI

February 3, 2005

VIA EMAIL AND U.S. MAIL

Councilmember Ed Reyes, Chair
Councilmember Tony Cardenas, Member
Councilmember Jack Weiss, Member
Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street
Los Angeles CA 90012

RE: SUPPORT OF Proposed Ordinance to Facilitate
the Processing of Applications for Child Care Facilities;
Council File No. 02-2054
February 9, 2005 Agenda

Dear Chair Reyes and Honorable Members of the Planning and Land Use
Management Committee:

Public Counsel writes this letter in support of the above-referenced proposed
ordinance that is intended to facilitate the processing of applications for
certain child care facilities.

Public Counsel is the largest pro bono law office in the nation. We are the
Southern California Affiliate of the Lawyers' Committee for Civil Rights
under the Law. Each year, our staff of 27 attorneys, together with thousands
of volunteer lawyers, law students, and legal professionals assists over 25,000
impoverished children, youth, adults and families, as well as eligible
community organizations.

Public Counsel's Child Care Law Project ("CCLP"), now in its nineteenth
year, is the only legal services provider in Southern California that specializes
in legal issues impacting child care providers. By providing education,
advocacy, legal advice and representation, CCLP works to create and improve
the quality, availability and affordability of child care for low-income families
in Los Angeles County.

Ed R Chair
Planning and Land Use Management Committee
February 3, 2005
Page 2

Throughout the County of Los Angeles, including within the City of Los Angeles, there is a shortage of quality, affordable child care. While there are many reasons for this, one of the most difficult barriers to overcome is the local planning process. Child care centers are established by persons with tremendous experience in child care, but little experience in development. Therefore, a lengthy planning process that may pose no problem for a wealthy developer may instead become an insurmountable obstacle to a child care professional attempting to start a small business.

The proposed ordinance before you is a modest first step in the City of Los Angeles in reducing those barriers. In particular, it shifts the initial hearing and decision-making process for certain applications relating to child care facilities from the City Planning Commission to the Zoning Administrator. Under the proposed ordinance, an appeal from a decision of the Zoning Administrator will be heard by the Area Planning Commission, rather than City Council as the Zoning Code currently provides.

As noted in the staff report this will expedite hearings in these matters, make it more likely that the hearings will be held closer to the proposed facility and at more convenient times. The proposed ordinance also permits child care facilities of up to 50 children in R3 and RAS3 zones, provided certain conditions are met.

We therefore urge your support of the proposed ordinance.

Sincerely,



Pamela S. Schmidt
Directing Attorney, Child Care Law Project
Public Counsel

cc: (via email)
Simon Pastucha
Carlene Davis

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BY _____
DEPUTY

02-2054
9



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 04-0477

NOV 19 2004

REPORT RE:

DRAFT OF ORDINANCE AMENDING SECTIONS 12.03, 12.04.05, 12.22, 12.24, and 19.01 OF THE LOS ANGELES MUNICIPAL CODE TO FACILITATE THE PROCESSING OF APPLICATIONS FOR CHILD CARE FACILITIES AND REASSIGN THE DECISION MAKERS FOR DIFFERENT TYPES OF CHILD CARE FACILITIES.

The Honorable Los Angeles City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

(Council File No. 02-2054)
(CPC File No. 2002-3158-CA not transmitted)

Honorable Members:

Attached to this report is a final draft ordinance, approved as to form and legality, amending the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities.

Background and Summary

This ordinance is the result of a staff recommendation that amendments be made to the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and to designate the Zoning Administrator to be the initial decision maker for every discretionary approval required for a child care facility.

This draft of ordinance was approved by the City Planning Commission on July 25, 2002, after a public hearing. On October 1, 2002, your Planning and Land Use Management Committee requested that our Office prepare a report and final draft Ordinance, which are presented to you now.

PLAN & LAND USE MGT.

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Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft of ordinance on behalf of the City Planning Commission and recommended that the City Council adopt it. Should the City Council adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his letter dated October 21, 2004, or by making its own findings.

Council Rule 38 Referral

A copy of the final draft of ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety for its comments. The Department had no comments.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning recommended adoption of the finding that the adoption of this ordinance is generally exempt from the provisions of CEQA under Article II, Section 2, Subsection (m) of the City's CEQA Guidelines. The Department reports that it can be seen with reasonable certainty that this ordinance will not have an impact on the physical environment, because each individual project will have its own environmental clearance. If the City Council concurs, it should adopt this finding prior to or concurrent with its action on the ordinance.

Increasing Existing Fee

The final draft ordinance includes an increase in the fees for child care facilities applications. Prior to adopting a new fee or increasing an existing fee, the Council must conduct a public hearing concerning the matter, as required by Government Code Section 66016. Notice of the time and place of the meeting at which the hearing will be held, including a general description and of the matter to be considered, must be published in accordance with Government Code Section 6062a. At least ten (10) days prior to the meeting, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee is levied and the revenue source anticipated to provide the service, must be made available to the public. After conducting the hearing, the Council should determine whether the amounts of the fees contained in the ordinance are appropriate. The Council may impose such fees so long as they do not exceed the expected cost of implementing this City program.

The Honorable Los Angeles City Council
of the City of Los Angeles
Page 3

A member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
TERREE A. BOWERS
Chief Deputy City Attorney

TAB:KTF:zra(#106111dset3)
Transmittal

ORDINANCE NO. _____

An ordinance amending sections 12.03, 12.04.05, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The definitions of "Family Day Care Home, Large", and "Family Day Care Home, Small" in Section 12.03 of the Los Angeles Municipal Code are hereby amended to read:

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.

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.

Sec. 2. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, childrens' play areas, child care facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Sec. 3. Paragraph (a) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(a) **Small Family Day Care Homes:** Any dwelling unit may be used as a small family day care home, with up to eight children, as defined in Section 12.03, if it is licensed by the State of California as a small family day care home.

Sec. 4. The first unnumbered paragraph of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(b) **Large Family Day Care Homes:** Any dwelling unit may be used as a large family day care home, with up to 14 children, as defined in Section 12.03, if it is licensed by the State of California as a large family day care home, and if it complies with the conditions set forth in Subparagraph (1) below.

Sec. 5. Subparagraph (3) of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(3) **Exemption from Concentration and Spacing Condition.** If a proposed Large Family Day Care Home is not in compliance with the concentration and spacing condition set forth in Section 12.22A3(b)(1)(x) above, then the operator may apply to the Zoning Administrator for an exemption from this condition pursuant to Section 12.24 X 25.

Sec. 6. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted.

Sec. 7. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Sec. 8. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. **Child care facilities.** A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 9. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

25. Large Family Day Care Home.

(a) Pursuant to Section 12.22A3(b)(3), a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 10. Rows 4 and 5, Subsection E of Section 19.01 of the Los Angeles Municipal Code are hereby amended by changing the name of the "Type of Application":

Type of Application	Flat Fee	For First Block Or Portion Of A Block	For Each Additional Block Or Portion Of A Block	Appeal
Child Care Facility for 21 to 50 Children in the R3 or RAS3 Zone (Section 12.24 X.24.)	\$884.00	None	None	
Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 X.25.)	\$515.00	None	None	

(#93139)

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By Kenneth T. Fong
KENNETH T. FONG
Deputy City Attorney

Date NOV 19 2004

File No. CF 02-2054; CPC 2002-3158-CA

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted

November 16 2004

see attached report.

Con Howe
CON HOWE
Director of Planning

ITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

EXECUTIVE OFFICES

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(213) 978-1271

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ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 978-1274

FAX: (213) 978-1275

INFORMATION
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www.lacity.org/PLN

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

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GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

October 21, 2004

Council File No. 02-2054 - (not transmitted),
CPC File No. 2002-3158-CA (not transmitted)

The Honorable Rockard J. Delgadillo
City Attorney
Room 1800, City Hall East
Mail Stop 140

Attention: Kenneth T. Fong *LA's the Place*
Deputy City Attorney

RE: AN ORDINANCE TO CHANGE THE LOS ANGELES MUNICIPAL CODE BY AMENDING SECTIONS 12.03, 12.04.05, 12.22, 12.24, and 19.01 TO FACILITATE THE PROCESSING OF APPLICATIONS FOR CHILD CARE FACILITIES AND REASSIGN DECISION MAKERS FOR DIFFERENT TYPES OF CHILD CARE FACILITIES.

Dear Mr. Delgadillo:

On September 13, 2002, the City Planning Commission issued its written approval of a draft ordinance to make technical corrections, clarify the use as allowed in urban parks, and reassigns 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.



Subsequently, the City Attorney has prepared, per the PLUM action on October 1, 2002, a final draft of the attached ordinance. The subject of this ordinance is the same as that approved by the City Planning Commission on September 13, 2002. This letter contains Findings for the attached ordinance to be incorporated in your transmittal to the City Council.

City Charter and C.E.Q.A. Findings

1. In accordance with Charter Section 556, the attached ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that revisions will implement the following Citywide General Plan Framework Element principles: "Clear and Consistent Rules" and "Effective Implementation", and the Housing Element goal of "Liveable Communities." The attached ordinance will provide for "clear and consistent rules governing both public and private sector development." Proposed implementation provisions would "provide predictability to anyone who develops property, including small businesses and individual homeowners," as called for in the Framework Principles. It will also implement Policy 9.23.5 of the General Plan Framework to "re-evaluate the current park standards and develop modified standards which recognize urban parks, including... more intense use of land, public/private partnerships and so on." Further, these proposals implement the Citywide General Plan Framework Element Economic Development Objective 7.4, to "Improve the provision of governmental services, expedite the administrative processing of development applications" in order to "develop and maintain a streamlined development review process to assure the City's competitiveness within the ... region" (policy 7.4.1), and objective 7.8, "maintain and improve municipal service levels throughout the city to support current residents' quality of life and enable Los Angeles to be competitive when attracting desirable new development." The attached ordinance will allow, per Objective 2.3, "Encourage the location of housing, jobs and services in mutual proximity. Accommodating a diversity of uses that support the needs of the City's existing and future residents" and Policy 2.3.4 to "encourage the development of childcare facilities adjacent to park and ride facilities, in conjunction with new residential and commercial development in locations consistent with the Community Plans" as stated in the General Plan Housing Element; and
2. in accordance with Charter Section 558 (b)(2), that the attached ordinance will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the attached ordinance is consistent with the General Plan and carries out its goals, policies and objectives discussed above. There will be no substantive changes made to the existing L.A.M.C., therefore there will be no effects on any above-referenced plans; and
3. in accordance with Charter Section 558 (b)(2), that the attached ordinance will be in conformity with the public necessity, convenience, general welfare and good zoning practice. This ordinance will change the decision makers in the approval

process for childcare facilities to provide more convenient initial application and appeal hearings, reinforce the prescribed roles of the various tiers of authority defined in the City Charter and expedite project reviews. The ordinance will make technical corrections in conformance with existing state law and clarify the use as allowed in urban parks; and

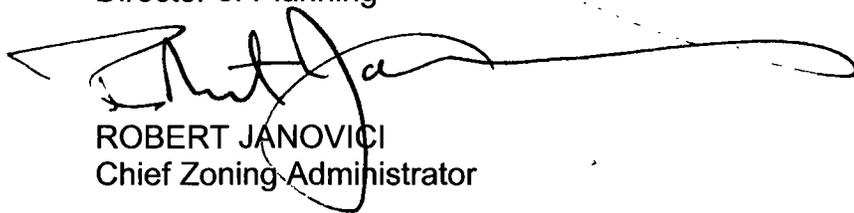
4. that the attached ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment). The standards are similar to those currently required for a CPC review of such facilities. The attached ordinance applies only to future development projects and does not specify an area for development. All projects are still subject to zoning, environmental, and land use laws that regulate development throughout the City at the time the applications are filed. Each individual project will have its own environmental review and clearance.

City Charter Section 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and CPC Case No. 2002-3158-CA, I find that my action conforms with all applicable portions of the General Plan and with the September 13, 2002 written action of the Planning Commission, and I, therefore, approve this ordinance (attached) and recommend that it be adopted by the City Council.

Very truly yours,

CON HOWE,
Director of Planning

A handwritten signature in black ink, appearing to read 'Robt Janovici', with a long horizontal flourish extending to the right.

ROBERT JANOVICI
Chief Zoning Administrator

SP:sp

Enclosure

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

file

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

CF 02-2054

October 31, 2002

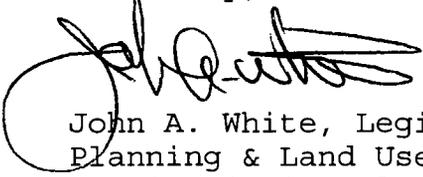
Rockard J. Delgadillo, City Attorney
City Hall East, Room 1800
Attn: Jeri Burge

**REQUEST FOR AMENDMENT: AMENDING THE LOS ANGELES MUNICIPAL CODE
(LAMC) TO FACILITATE THE PROCESSING OF
APPLICATIONS FOR CHILDCARE FACILITIES**

At its meeting held October 1, 2002, the Planning and Land Use Management Committee considered the attached communication from the City Planning Commission relative to amending the LAMC to facilitate the processing of applications for childcare facilities, to reassign the decision-makers of childcare facility applications, and to provide a further authority of the Zoning Administrator for childcare facilities that house 21 to 50 children in the R3 and RAS3 zones. At that time, the Committee requested that you prepare the ordinance necessary to effectuate these LAMC amendment, as written in the Commission's draft ordinance. The Committee further requested that you, with the assistance of the Planning Department, include provisions to protect residential uses located near child care facilities.

Please transmit your report and final draft Ordinance to the Planning and Land Use Management Committee, in care of the City Clerk's Office, Room 395, City Hall.

Sincerely,


John A. White, Legislative Assistant
Planning & Land Use Management Committee, 213.978-1068
e-mail: jwhite@clerk.lacity.org

attachment

cc: Ralph Avila, CD1
Con Howe, Director of Planning
Roberto Mejia

#022054ltr.wpd





Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012 (213) 978-1300
www.cityofla.org/PLN/index.htm

Date: **SEP 13 2002**

Planning and Land Use Management Committee of the Council of the City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

ATTN: John White, Legislative Analyst

CITY PLAN CASE NO. 2002-3158-CA

Transmitted herewith is a modified draft ordinance (Appendix A), which amends the Los Angeles Municipal Code to reassign the decision makers of childcare facility applications and to provide a further authority of the Zoning Administrator for childcare facilities that house 21-50 children in the R3 and RAS3 Zones.

On July 25, 2002, following a public hearing, the City Planning Commission adopted the Planning Department staff report and findings, and **approved the proposed ordinance (Appendix A) with a modification**. The modified proposed ordinance stipulates that a discretionary permit is required for childcare facilities in an R3 Zone with an enrollment between 21-50 children. This permit will be Under Further Authority of the Zoning Administrator in Section 12.24 X of the L.A.M.C. and thus appealable to the Area Planning Commission.

This action was taken by the following vote:

- Moved: Chang
- Seconded: Menzer
- Ayes: Brown, Klein, Lopez, McCallum
- Absent: Dominguez, Scott, Weil



Gabriele Williams, Commission Executive Assistant
City Planning Commission

Attachments: Findings, Appendix A (Ordinance)

cc: Jeri Burge, Deputy City Attorney

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FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Section 558, find that the attached, proposed ordinance (Appendix A) is:

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance (Appendix A) will allow for the provision of services to support the projected needs of the City's population and businesses and to encourage the development of childcare facilities adjacent to park and ride facilities, in conjunction with new residential and commercial development in locations consistent with the Community Plans as stated in Objective 2.3 of the General Plan Housing Element; and
2. In accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the proposed ordinance is consistent with the General Plan and carries out its goals, policies and objectives discussed above. There will be no substantive changes made to the existing L.A.M.C., therefore there will be no effects on any above-referenced plan; and
3. In accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare and good zoning practice. This ordinance will change the decision makers in the approval process for childcare facilities and will increase the number of children in childcare facilities permitted by right in the R3 and RAS3 Zones. The ordinance will result in local Area Planning Commissions having the authority on all appeals.
4. That the proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment). The standards are similar to those currently required for a CPC review of such facilities. Additionally, each discretionary project permit will have its own environmental clearance.

PROPOSED ORDINANCE FOR DISCUSSION

A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code with a technical change to Section 12.04.05 B, two subdivision deletions in Section 12.24 U, a new subdivision in Section 12.24 W, two new subdivisions in Section 12.24 X, and technical changes to Section 19.01 E. These modifications are intended to facilitate the processing of applications for childcare facilities and reassign the decision makers for different types of childcare facilities to more accurately reflect the various tiers of authority.

THE PEOPLE OF THE CITY OF LOS ANGELES**DO ORDAIN AS FOLLOWS:**

Section 1. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children's play areas, childcare facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Section 2. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted:

~~3. **Child Care Facilities.** The City Planning Commission may grant an application to permit childcare facilities for no more than 50 children in the R3 Zone, or permit a large family day care home within 300 feet of any existing large family day care home.~~

~~(a) **Standards.** The application shall include information to show that the proposed use will meet the following standards:~~

~~(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and~~

~~(2) The facility complies with all applicable State and local laws and requirements relating to child care facilities; and~~

~~(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties; and~~

~~(4) All play equipment and structures are located in the rear yard only; and~~

~~(5) No loud speaker or public address system shall 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 shall be significantly modulated to~~

~~ensure that the use does not disturb the adjoining and neighboring residences.~~

~~(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for conditional uses set forth in Section 12.24 D except that notice of the hearing before the City Planning Commission need only be given to owners and residents within 150 feet of the proposed use. The public hearing may be waived if the applicant submits with the application a written waiver of public hearing from all the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.~~

~~4. **Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3 or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of industries in the vicinity.~~

Section 3. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Section 4. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. **Child Care Facilities.** A Zoning Administrator may grant an application to permit a childcare facility for 21-50 children in the R3 and RAS3 zones.

(a) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Section 5. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

25. **Large Family Day Care Home.**

(a) A Zoning Administrator may grant an application to permit a large family day care home within 300 feet of any existing large family day care home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises or any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Section 6. Row 4, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Childcare facility for 21 to 50 Children in the R3 or RAS3 Zones. (Section 12.24 ~~U-3~~ X 24)

Section 7. Row 5, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 ~~U-3~~ X 25)

Section 8. The City Clerk shall certify...

02-2054

3

CPC 2002-3158-CA
MAIL OUT DATE 9-13-02

DON SCHULTZ
P.O. BOX 3528
VAN NUYS, CA 91407

PAT BOWERS THOMAS
943 SOUTH BURNSIDE AVENUE
LOS ANGELES, CA 90036

ALICE CASSIDY
932 S. BURNSIDE AVENUE
LOS ANGELES, CA 90036

MARK BROWN
1275 PENNSYLVANIA AVE., 9TH FLOOR
WASHINGTON, DC 20004

GORDON MURLEY
4128 MORRO DRIVE
WOODLAND HILLS, CA 91364

JOHN CRALL
7039 CANTALOUIE
VAN NUYS, CA 91405

JAMES O'SULLIVAN
P.O. BOX 361295
LOS ANGELES, CA 90036-9495

SIMON PASTUCHA
CASE MANAGEMENT
CITY HALL, 7TH FLOOR
MAIL STOP 395

THOMAS ROTHMANN
CODE STUDIES
CITY HALL, 7TH FLOOR
MAIL STOP 395

COUNCIL DISTRICT NO. 4
TOM LABONGE, COUNCILMEMBER
CITY HALL, ROOM 480
MAIL STOP 206

GIS SECTION
FAE TSUKOMOTO
CITY HALL, ROOM 825
MAIL STOP 395

VALLEY PUBLIC COUNTER
6251 VAN NUYS BLVD.
VAN NUYS, CA 91401
MAIL STOP 366A

*Jeri Bunge
City Attorney Office
18th floor, CHE
Mail Stop 140*

MAILED 10-1-02 P&LUM
AGENDA ON 9-26-02
BY [Signature] (8)

MAIL OUT DATE
CPC 2002-3158-CA

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

02-2054

September 19, 2002

PLANNING & LAND USE MANAGEMENT COMMITTEE

His Ho Place

In accordance with Council Rules, communication from the City Planning Commission relative to a modified draft ordinance amending the Los Angeles Municipal Code to reassign the decision makers of childcare facility applications and to provide a further authority of the Zoning Administrator for childcare facilities that house 21-50 children in the R3 and RAS3 Zones, was referred on September 19, 2002, to the PLANNING & LAND USE MANAGEMENT COMMITTEE.

J. Michael Carey

City Clerk
amm





Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012 (213) 978-1300
www.cityofla.org/PLN/index.htm

Date: **SEP 13 2002**

Planning and Land Use Management Committee of the Council of the City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

ATTN: John White, Legislative Analyst

CITY PLAN CASE NO. 2002-3158-CA

Transmitted herewith is a modified draft ordinance (Appendix A), which amends the Los Angeles Municipal Code to reassign the decision makers of childcare facility applications and to provide a further authority of the Zoning Administrator for childcare facilities that house 21-50 children in the R3 and RAS3 Zones.

On July 25, 2002, following a public hearing, the City Planning Commission adopted the Planning Department staff report and findings, and **approved the proposed ordinance (Appendix A) with a modification**. The modified proposed ordinance stipulates that a discretionary permit is required for childcare facilities in an R3 Zone with an enrollment between 21-50 children. This permit will be Under Further Authority of the Zoning Administrator in Section 12.24 X of the L.A.M.C. and thus appealable to the Area Planning Commission.

This action was taken by the following vote:

Moved: Chang
Seconded: Menzer
Ayes: Brown, Klein, Lopez, McCallum
Absent: Dominguez, Scott, Weil

Gabriele Williams, Commission Executive Assistant
City Planning Commission

Attachments: Findings, Appendix A (Ordinance)

cc: Jeri Burge, Deputy City Attorney

RECEIVED
CITY CLERK'S OFFICE
2002 SEP 16 AM 10:31
CITY CLERK
BY _____
DEPUTY

PLAN & LAND USE MGT.

SEP 19 2002

FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Section 558, find that the attached, proposed ordinance (Appendix A) is:

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance (Appendix A) will allow for the provision of services to support the projected needs of the City's population and businesses and to encourage the development of childcare facilities adjacent to park and ride facilities, in conjunction with new residential and commercial development in locations consistent with the Community Plans as stated in Objective 2.3 of the General Plan Housing Element; and
2. In accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the proposed ordinance is consistent with the General Plan and carries out its goals, policies and objectives discussed above. There will be no substantive changes made to the existing L.A.M.C., therefore there will be no effects on any above-referenced plan; and
3. In accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare and good zoning practice. This ordinance will change the decision makers in the approval process for childcare facilities and will increase the number of children in childcare facilities permitted by right in the R3 and RAS3 Zones. The ordinance will result in local Area Planning Commissions having the authority on all appeals.
4. That the proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment). The standards are similar to those currently required for a CPC review of such facilities. Additionally, each discretionary project permit will have its own environmental clearance.

PROPOSED ORDINANCE FOR DISCUSSION

A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code with a technical change to Section 12.04.05 B, two subdivision deletions in Section 12.24 U, a new subdivision in Section 12.24 W, two new subdivisions in Section 12.24 X, and technical changes to Section 19.01 E. These modifications are intended to facilitate the processing of applications for childcare facilities and reassign the decision makers for different types of childcare facilities to more accurately reflect the various tiers of authority.

THE PEOPLE OF THE CITY OF LOS ANGELES**DO ORDAIN AS FOLLOWS:**

Section 1. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children's play areas, childcare facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Section 2. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted:

~~3. **Child Care Facilities.** The City Planning Commission may grant an application to permit childcare facilities for no more than 50 children in the R3 Zone, or permit a large family day care home within 300 feet of any existing large family day care home.~~

~~(a) **Standards.** The application shall include information to show that the proposed use will meet the following standards:~~

~~(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and~~

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~~ensure that the use does not disturb the adjoining and neighboring residences.~~

~~(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for conditional uses set forth in Section 12.24 D except that notice of the hearing before the City Planning Commission need only be given to owners and residents within 150 feet of the proposed use. The public hearing may be waived if the applicant submits with the application a written waiver of public hearing from all the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.~~

~~4. **Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3 or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of industries in the vicinity.~~

Section 3. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Section 4. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. **Child Care Facilities.** A Zoning Administrator may grant an application to permit a childcare facility for 21-50 children in the R3 and RAS3 zones.

(a) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

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(a) A Zoning Administrator may grant an application to permit a large family day care home within 300 feet of any existing large family day care home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

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(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Section 6. Row 4, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Childcare facility for 21 to 50 Children in the R3 or RAS3 Zones. (Section 12.24 ~~U-3~~ X 24)

Section 7. Row 5, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 ~~U-3~~ X 25)

Section 8. The City Clerk shall certify...

LOS ANGELES CITY PLANNING DEPARTMENT
RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: July 25, 2002
TIME: after 8:30 a.m.*
PLACE: Airtel Plaza Hotel
 7277 Valjean Avenue
 Van Nuys, CA 91423

CASE NO: CPC-2002-3158-CA
CEQA: ENV-2002-3159-CE
LOCATION: Citywide
COUNCIL DISTRICTS: All
PLAN AREAS: All

PUBLIC HEARING REQUIRED

REQUEST: Amendments to Sections 12.04.05, 12.10, 12.24, and 19.01 of the Los Angeles Municipal Code.

SUMMARY: A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code to facilitate the processing of childcare facility applications and to reassign the decision makers to allow appeals to be heard by an Area Planning Commission. The proposed ordinance will also increase the by-right number of children for childcare facilities from 20 to 50 in R3 and RAS3 Zones with required standards for operation.

RECOMMENDATION:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the attached findings.
3. **Approve** the proposed ordinance (Appendix A) and recommend City Council adoption.


 Simon Pastucha, City Planner 213/978-1475


 Thomas Rothmann, Project Coordinator 213/978-1338

Table of Contents		Page
I	Summary	2
II	Findings	3
III	Staff Report	5
	Request	5
	Discussion	5
	Conclusion	7
	Environmental Impact	7
Appendix A		attached

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012* (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

SUMMARY

The proposed ordinance (Appendix A) reassigns the decision makers for childcare facility determinations. This reassignment, requiring seven modifications to the Zoning Code, is intended to provide more convenient local hearings on initial 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 reflect a request of the City Planning Commission and were derived from City Planning staff suggestions stemming from the ongoing review of the Charter revision status and APC operations. This proposed ordinance would require reviews of these detailed neighborhood-oriented issues with the Zoning Administrator (ZA) and, in some cases, the local APC.

The proposed ordinance returns childcare determination authority back to the ZA, with appeals going to the local APC. The Zoning Code amendments that were part of the new Charter in 2000 moved the conditional use permit authority for childcare facilities from the ZA to the City Planning Commission (CPC) and combined several types of childcare discretionary permits. At the time, the Department of City Planning recommended that the ZA retain this decision-making ability. However, childcare facility sitings were put into a group of discretionary permits having citywide issue (similar to schools, airports, hospitals, etc.) and that they should require a review by the citywide CPC, appealable to the City Council.

Applying for a conditional use permit is available to applicants of those projects that do not meet the by-right standards for childcare facilities as defined in the R3 section of the Zoning Code. The current conditional use procedure is a discretionary review process that involves notification, a hearing officer hearing, a public hearing, and action by the CPC and may be appealed to the Planning and Land Use Management (PLUM) Committee and the City Council. Moving this authority to the ZA will not alter the public input but will change the decision maker, allowing more flexibility with regards to scheduling.

The relatively narrow scope and local detail of these applications coupled with the mandatory CPC review sometimes result in lengthy citywide hearings on local issues. The conditions associated with siting a childcare facility are, primarily, of local concern and should be under the authority of the ZA, who can hold a hearing in the project area and on any day of the week in a location convenient to residents. Additionally, the appeals under the new ordinance would be made to the local APC's, where any unresolved issues on these specific local projects could be addressed. The APC's meet during the late afternoon and early evening at a location closer to the project area. The location of the CPC hearings are dictated by the scheduling on its calendar, which rotates the meetings strictly between downtown City Hall and a Valley location, altogether omitting CPC meetings in farther reaches of the City. Additionally, in those cases where outstanding issues exist and there is a likelihood of resolution, the Zoning Administrator can take the case under advisement pending discussions rather than have requests for last minute continuances hearings made to the CPC which require return trips to CPC meetings by applicant, the public, etc.

FINDINGS:

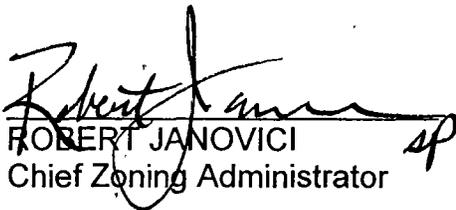
1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance (Appendix A) will allow for the provision of services to support the projected needs of the City's population and businesses and to encourage the development of childcare facilities adjacent to park and ride facilities, in conjunction with new residential and commercial development in locations consistent with the Community Plans as stated in Objective 2.3 of the Housing Element of the General Plan; and
2. in accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the proposed ordinance is consistent with the General Plan and carries out the General Plan goals, policies and objectives discussed above. There will be no substantive changes made to the existing Los Angeles Municipal Code, therefore there will be no effects on any above-referenced plan; and
3. in accordance with Charter Section 558 (b)(2), that the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare and good zoning practice. This ordinance will change the decision makers in the approval process for childcare facilities and will increase the number of children in childcare facilities permitted by right in the R3 and RAS3 Zones. The ordinance will result in local Area Planning Commissions having the authority on all appeals.

4. that the proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment). The proposed increase of the number of children, from 20 to 50, in a childcare facility is allowed by-right in conformance with standards of operation. These standards are similar to those currently required for a CPC review of such facilities. Additionally, each discretionary project permit will have its own environmental clearance.

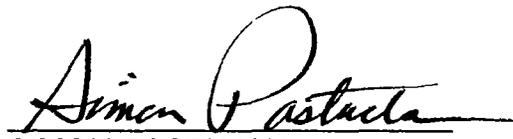
CON HOWE
Director of Planning


FRANKLIN P. EBERHARD
Deputy Director

APPROVED BY:


ROBERT JANOVICI
Chief Zoning Administrator

REVIEWED BY:


SIMON PASTUCHA
City Planner

PREPARED BY:


THOMAS ROTHMANN
Project Manager

STAFF REPORT

REQUEST:

At the request of the City Planning Commission, the Department staff has drafted this proposed ordinance, which is intended to expedite childcare facility determinations. This proposed ordinance would transfer the initial decision making authority from the City Planning Commission (CPC) to the Office of Zoning Administration. This transfer of authority will subsequently change the appellate body for these application appeals from the City Council to the Area Planning Commissions (APC).

Additionally, this proposed ordinance would increase the allowable number of children permitted by right in childcare facilities in the R3 Zone. This reduction is intended to lessen the number of discretionary reviews, thereby reducing the burden on the approval process for those childcare facilities for over 50 children, which will remain as conditional uses. Currently, the CPC may grant permits for childcare facilities for up to 50 children in R3 Zones, when certain standards are met. This proposed ordinance will continue to allow by-right childcare facilities for up to 20 children, in addition to permitting by right childcare facilities for 21 to 50 children, when certain standards are met.

DISCUSSION:

The Department of City Planning mission is to provide sound professional land use guidance and the highest level of technical service to achieve safe and healthy residential neighborhoods and service a business climate, which fosters sustained economic growth. It is for this reason that the Charter changes of 2000 added the APC's as appellate bodies for discretionary applications concerning projects with relatively narrow scopes and focused local concerns. It was intended that where local issues were not resolved by the Zoning Administrator (ZA), that each APC would review those appeals.

As part of the Charter changes, the City Council moved the conditional use permit authority for childcare facilities from the Zoning Administrator (ZA) to the CPC. This required that childcare facility sitings be reviewed by the full CPC and appealable to the City Council. It was viewed that the placement of childcare facilities, although each being location specific, was a citywide programmatic matter rather than a local matter and therefore required a comprehensive citywide review. In reviewing the applications that appeared before the CPC, staff noted hours spent on local issues such as siting driveways, pick-up and drop off areas, and noise from play areas. Returning the authority back to the ZA is intended to provide faster decisions and more convenient and local hearings for these projects. This reassignment will also reinforce the intended role of the APC's as local arbitrators.

At the time of the Charter changes, the Department of City Planning recommended that the ZA retain decision-making authority over childcare facilities. However, given that it was perceived by some to be a citywide issue (similar to schools) the recommendation to keep the authority with the ZA was not implemented and, subsequently, the CPC has been reviewing each childcare permit. The CPC believes that a proliferation of location specific applications has interfered with the Commission's intended citywide functions and that ZA reviews for local projects would be a more efficient use of resources.

This ordinance will also allow childcare facilities for up to 50 children that are located in R3 and RAS3 Zones to be established by right. Currently, the code only allows childcare facilities in the R3 Zone a maximum of 20 children by right or up to 50 children when certain performance standards are met. The Department of City Planning previously approved increasing the by right maximum number of children from 20 to 50 in 1997, however that proposal was denied by the City Council. In response to the continuing need for more childcare facilities, this proposed ordinance is again requesting that the number of allowable children be increased to 50. Currently, the CPC has the authority to grant permits for those childcare facilities for up to 50 children if the facilities meet required findings. The applicable findings have been turned into by right standards of operation.

Application for a conditional use permit is necessary for childcare facilities that do not meet the by-right standards defined in the R3 and RAS3 sections of the Zoning Code. The current conditional use procedure, under the authority of CPC, is a discretionary review process that involves notification, a hearing officer hearing, a public hearing, and action by the CPC and may be appealed to the City Council. Moving this authority to the ZA will not alter the public input but will change the decision makers, thereby allowing more flexibility.

The relatively narrow scope for these applications, the site-specific local concerns, and the current mandatory CPC review may cause delayed determinations in deference to more crucial citywide projects. It remains the Department's position that the conditions associated with siting a childcare facility should be under the authority of the ZA. Additionally, the sitings of childcare facilities are local issues that should be reviewed at locations throughout the City and on a more regular basis than the meetings of the CPC. Also, the appeals will now be made to the local APC's, where any unresolved issues on these specific local projects could be addressed.

This proposed ordinance deems that the ZA will be the decision maker on conditional use permits for childcare facilities with greater than 50 children in R3 and RAS3 Zones. Childcare facilities for fewer than 51 children will be by right when located in the R3 and RAS3 Zones, with those facilities for 21-50 children being required to meet performance standards. The proposed ordinance also designates the ZA to be the decision maker on conditional use permits for childcare facilities for any number of children in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3, RAS3, RD, CM, and M Zones only when such facilities provide care for children of those people employed in the vicinity.

In addition to childcare facilities, determination authority for large family day care homes will also be moved to the ZA. These family day care homes, categorized as large (7 to 14 children) or small (eight or fewer children), regularly provide care, protection, and supervision for children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away. Other than changing the decision-making authority for these facilities, no existing regulations will be altered.

The Department of City Planning believes that re-instituting the conditional use permit authority for childcare facilities to the Office of Zoning Administration will improve efficiency. Bestowing the ZA with this conditional use authority will give the CPC greater flexibility when reviewing citywide projects. The imposition of reviewing every childcare facility siting raises questions that could be better addressed by a more local discretionary review.

CONCLUSION:

The proposed ordinance (Appendix A) enables the Department of City Planning to rectify an existing situation in the L.A.M.C., which impedes the efficient approvals of childcare facilities throughout the City. The City Planning Department believes that by making the decision makers for such projects more local, it will increase options for managers of childcare facilities and expedite the approvals for these much needed facilities. Additionally, reducing the number of applications by raising the by right number of children permitted in childcare facilities will open up the process for larger projects.

ENVIRONMENTAL IMPACT:

The attached proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines (ordinances which have no negative impact on the physical environment). The proposed by-right increase from 20 to 50 children for childcare facilities contains standards of operation for those facilities housing 21-50 children. These standards are similar to those currently required for a CPC review of such facilities. Each individual discretionary project permit will have its own environmental clearance.

PROPOSED ORDINANCE FOR DISCUSSION

A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code with a technical change to Section 12.04.05 B, an amendment to Section 12.10 A, two subdivision deletions in Section 12.24 U, a new subdivision in Section 12.24 W, two new subdivisions in Section 12.24 X, and technical changes to Section 19.01 E. These modifications are intended to facilitate the processing of applications for childcare facilities and reassign the decision makers for different types of childcare facilities to more accurately reflect the various tiers of authority.

THE PEOPLE OF THE CITY OF LOS ANGELES**DO ORDAIN AS FOLLOWS:**

Section 1. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children's play areas, childcare facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Section 2. Subdivision 5.5 of Subsection A of Section 12.10 of the Los Angeles Municipal Code is hereby amended to read:

5.5 Childcare facilities.

- (a) For no more than 20 children
- (b) For no more than 50 children when the proposed use meets the

following standards:

(1) The facility complies with all applicable State and local laws and requirements relating to child care facilities; and

(2) no loud speaker or public address system shall be installed or operated on any open portion of the premises or any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents; and

(3) the facility is not located within 300 feet of any existing childcare facility with more than 20 children.

Section 3. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted:

~~3. **Child Care Facilities.** The City Planning Commission may grant an application to permit childcare facilities for no more than 50 children in the R3 Zone, or permit a large family day care home within 300 feet of any existing large family day care home.~~

~~(a) **Standards.** The application shall include information to show that the proposed use will meet the following standards:~~

~~(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and~~

~~(2) The facility complies with all applicable State and local laws and requirements relating to child care facilities; and~~

~~(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties; and~~

~~(4) All play equipment and structures are located in the rear yard only; and~~

~~(5) No loud speaker or public address system shall 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 shall be significantly modulated to ensure that the use does not disturb the adjoining and neighboring residences.~~

~~(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for conditional uses set forth in Section 12.24 D except that notice of the hearing before the City Planning Commission need only be given to owners and residents within 150 feet of the proposed use. The public hearing may be waived if the applicant submits with the application a written waiver of public hearing from all the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.~~

~~4. **Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3 or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of industries in the vicinity.~~

Section 4. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

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.

Section 5. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

24. **Child Care Facilities.** A Zoning Administrator may grant an application to permit a childcare facility for 21-50 children when it is located within 300 feet of any existing childcare facility with more than 20 children.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Section 6. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

25. **Large Family Day Care Home.**

(a) A Zoning Administrator may grant an application to permit a large family day care home within 300 feet of any existing large family day care home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises or any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Section 7. Row 4, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Childcare facility for No More Than 50 Children in the R3 or RAS3 Zone.
(Section 12.24 ~~U-3~~ X 24)

Section 8. Row 5, Column 1 of Subdivision 1 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is hereby amended to read:

Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 ~~U-3~~ X 25)

Section 9. The City Clerk shall certify...