DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT

City Planning Commission

Case No.: CPC-2004-6045-CU-PA1
CEQA No.: ENV-2016-4119-CE
Related Cases: CPC-2004-6045-CU
Council No.: 5 – Koretz
Plan Area: Reseda - West Van Nuys
Certified NC: Encino
GPLU: Low Residential
Zone: RA-1-RIO
Applicant: Jaswinder Brara, Shilo Enterprises, DBA Private Education Group
Representative: Jeffer Mangels Butler & Mitchell, LLP, Attn: Neill Brower

Date: March 23, 2017
Time: After 8:30 a.m.*
Place: Los Angeles City Hall
City Council Chambers, Room 340
200 North Spring Street
Los Angeles, CA 90012

Public Hearing: Friday, February 10, 2017
Appeal Status: Plan Approval appealable to City Council
Expiration Date: April 1, 2017
Multiple Approval: No

PROJECT LOCATION:
6134 North Lindley Avenue and 18062 West Calvert Street

PROPOSED PROJECT:
The continued use and maintenance of an existing school/day care facility in the RA-1-RIO zone, approved by the City Planning Commission on April 13, 2005. This Plan Approval does not propose any operational or physical changes; it is for the purpose of complying with Condition of Approval No. 4 of the previous approval, “if the operator of the facility changes, the new operator shall file for a Plan Approval within 90 days of assuming the facility.”

REQUESTED ACTION:
1. Pursuant to the Los Angeles Municipal Code Section 12.24 U.24, and Condition No. 4 of case CPC-2004-6045-CU, a Plan Approval for the purpose of reviewing compliance with the conditions, and to modify, delete, or add conditions as may be warranted; and

2. Determine that based on the whole of the administrative record, the project is Categorically Exempt from environmental review pursuant California Environmental Quality Act (CEQA) Guideline 15301, City CEQA Guidelines, Article III, Section I, Class 1, Category 22, and City CEQA Guidelines, Article III, Section I, Class 5, Category 23, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

RECOMMENDED ACTIONS:

1. Pursuant to the Los Angeles Municipal Code Section 12.24 U.24, and Condition No. 4 of case CPC-2004-6045-CU, Approve a Plan Approval and find that the use and operating requirements of the Conditional Use Permit with regard to the above-mentioned School/Daycare continue to be effective; and

2. Modify Condition No. 4 of case CPC-2004-6045-CU, to remove future Plan Approval requirements for changes in ownership of the facility; and

3. Determine that based on the whole of the administrative record, the project is Categorically Exempt from environmental review pursuant California Environmental Quality Act (CEQA) Guideline 15301, City
CEQA Guidelines, Article III, Section I, Class 1, Category 22, and City CEQA Guidelines, Article III, Section I, Class 5, Category 23, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP
Director of Planning

Shana Bonstin, Principal City Planner

Kevin Jones, Senior City Planner

Thomas Lee Glick, City Planner

Valentina Knox-Jones, Hearing Officer
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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 Department of City Planning Commission Secretariat, 200 North Spring 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 out 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 not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.
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PROJECT ANALYSIS

PROJECT SUMMARY

The applicant is seeking a Plan Approval to comply with the conditions of a 2004 Conditional Use permit, as required by Condition No. 4 of the approval. As part of that approval, a condition was placed on the facility which would require a new owner to file for a Plan Approval process within 90 days of a change of ownership on the site. The change of ownership occurred in August 2016, and the Plan Approval case was filed in October 2016, thereby complying with Conditions of Approval for Case No. CPC-2004-6045-CU-PA1.

The school has been in existence since approximately 1978, when the facility was approved to operate with 35 children and a 5 year Conditional Use grant. The facility has been approved multiple times since then to continue operating as a childcare/school facility, with the last approval as of March 2004.

As part of this filing, the applicant has not requested any changes to the original Conditions of Approval. However, this Staff Recommendation report suggests removing the Plan Approval requirement for future changes of ownership.

BACKGROUND

Site attributes: The subject property is comprised of two parcels that are approximately 11,540 square feet in area in the RA-1-RIO Zone. The property is developed with a one-story structure housing two classrooms, a crafts room, an office, and a kitchen for the daycare/school, and an associated surface parking lot. The property has 130 feet along of frontage along Calvert Street and 90 feet of frontage along Lindley Avenue.

To the south are single-family residences and a private school (also owned by the applicant/new owner) in the RA-1-RIO, R1-1-RIO, and RS-1-RIO Zones. To the east are single-family residences in the R1-1-RIO and RA-1-RIO Zones. The Metro Orange Line Busway is located to the south, alongside single- and multi-family residences in the PF-1XLRI0, R1-1-RIO and RD2-1-RIO Zones. Single-family residences are to the west in the R1-1-RIO Zone. The facility is a converted single-family residence, with the former yards developed as play areas and parking, and is therefore compatible with the character and intensity of surrounding development.

Access/Parking and Circulation: The student drop-off/pick-up area is located on the northern portion of the site within an existing parking lot; it is fully enclosed and provides six parking spaces. Per the existing conditions - parking, pick-up, and drop-off is required to be on-site, thereby minimizing impacts to traffic along Calvert Street and Lindley Avenue.

General Plan Land Use Designation: The Reseda-West Van Nuys Community Plan designates the subject property for Low Residential land uses with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The property is located within the River Improvement Overlay District (RIO), however the continued use of the site as a daycare does not qualify as a "project" within the RIO. The property is not located within a Specific Plan area or within another Supplemental Use District.

Zoning: The RA-1-RIO Zone allows for a number land uses associated with limited agriculture, single-family uses, and home occupations which are permitted through an administrative permit process (non-discretionary). Daycares/schools are permitted by Conditional Use Permit which is a discretionary action. Height District 1 allows for a maximum height of 45 feet.
Surrounding Properties:

North and West of the subject site are single-family residences; zoned (T)RS-1-RIO, (T)R1-1-RIO, RA-1, and R1-1-RIO.

South and East of the subject site are single-family residences and a private daycare/preschool (also owned by the applicant/new owner) zoned RA-1-RIO, (T)(Q)R1-1-RIO, and RA-1; and parcels associated with the Metro Orange Line Busway, zoned PF-1XL-RIO.

RELATED CASES ON-SITE

CPC 2004-6045 CU: On March 24, 2005, the City Planning Commission granted a Conditional Use Permit for the continued use and maintenance of an existing/daycare facility in the RA-1 zone, with no limitation on the timeframe of the grant.

ZA 94-0555-CUZ: On November 17, 1994, the Zoning Administrator granted a Conditional Use permit (pursuant to 12.24 C.6) to allow the continued use and maintenance of a childcare/nursery school on the site, subject to various conditions of approval. The time frame of the grant was for a 10 year period.

ZA 88-1380-CUZ: On March 8, 1989, the Zoning Administrator granted the continued use of a childcare/nursery school on the site for a five year period and permitted an increase in enrollment from 35 to 45 children.

ZA 83-209-CUZ: On November 4, 1983, the Zoning Administrator granted the continued use of a childcare/nursery school on the site for a five year period.

ZA 78-243-CUZ: On September 28, 1978, the Zoning Administrator granted a Conditional Use permit for the conversion of a single-family home into a preschool/Kindergarten for 35 children. The grant was for a five year period.

Violations/Orders of Compliance: Research of Building and Safety records indicate no open cases regarding violations and/or orders of compliance.

No other cases of note on the subject property.
PUBLIC HEARING SUMMARY

The public hearing was conducted by the Department of City Planning on Friday, February 10, 2017 at 1:00 pm at the Marvin Braude Constituent Service Center. The public hearing was attended by approximately six (6) individuals, including the applicants and the applicant’s representatives. Representatives from the Council District were not present. Of the six individuals who attended the meeting, three were associated with the project, one was a community member, and two were neighbors who reside at the site immediately east of the site on Calvert Street.

The hearing lasted approximately 1 hour. No written correspondence was received. For further details, see Public Hearing and Communications, Page P-1 of this staff report.

CONCLUSION

The subject site is well served by the existing conditions which limit the use of the site by limiting the enrollment, the size of the structure, the hours of operation; by prohibiting outdoor sound systems; and by requiring drop-off and pick-up to occur on-site.

Based on the previous analysis which included information submitted to the record, the surrounding uses, input from the public hearing, and good planning and zoning practices, staff recommends that the City Planning Commission approve the Plan Approval for the subject use, and make the modification to the existing Conditions of Approval to remove the requirement for future Plan Approvals if changes in ownership occur.
CONDITIONS OF APPROVAL

The project continues to be subject to all conditions of approval as required by CPC-2004-6045-CU, except as modified below (strikeouts are for text to be removed and underlined text is for text to be added):

1. **Entitlement.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit “E-3” and dated March 2, 2005, attached to the file. Deviations may be allowed in order to comply with provisions of the Municipal Code.

2. **Use limitations:** The use and development of the subject property shall be limited to a private school/day care facility;
   
   a. Total child occupancy shall not exceed 45 children (ages 2 through 6).
   b. Operating hours shall be limited to Monday through Friday, 7:00 am to 6:00 pm.
   c. The square-footage of the home shall not be expanded beyond the current 1,935 square-feet.
   d. The project shall provide 6 on-site parking spaces.
   e. All drop-off and pick-up shall occur onsite.
   f. No outdoor bells or speakers systems shall be permitted.
   g. Applicant shall comply with all Federal and State regulations for the operation of a private school/day cafe.

3. **Fire Department:** The applicant shall submit a plot plan showing compliance with the necessary fire code requirements for approval by the Fire Department. The applicant shall incorporate the necessary fire protection requirements for residential structures which are used for a private school/day care purposes, to the satisfaction of the Fire Department.

4. **Change of Operator:** If the operator of the facility changes, the new operator shall file for a Plan Approval within 90 days of assuming the facility. If the new operator does not file a Plan Approval application, this grant shall be terminated with 180 days of the new operator assuming the facility. Plan Approvals. Future subsequent Plan Approval applications, if any, shall be delegated to the Director of Planning as the decision-maker.

**Administrative Conditions**

5. **Code Compliance.** Area, height and use regulations of the RA-1 zoning classification of the subject property shall be complied with, except where herein conditions are more restrictive.

6. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder’s Office. The agreement shall run with the land and shall be binding on any Recorder’s Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to
the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

7. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

8. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

9. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

10. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

11. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

12. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

13. **Indemnification and Reimbursement of Litigation Costs.**

   Applicant shall do all of the following:

   a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City’s processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

   b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City’s processing and approval of the entitlement, including but not limited to payment of all court costs and attorney’s fees.
costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (a).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (i).

e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.
FINDINGS

A. General Plan/Charter Findings

1. General Plan Land Use Designation. The subject property is located within the area covered by the Reseda - West Van Nuys Community Plan, updated and adopted by the City Council on November 17, 1999. The Plan designates the subject property for Low Residential uses corresponding to the RE9, RS, R1, RU, RD6, RD5 Zones. The existing zoning is consistent with the land use designation of the General Plan as reflected in the adopted community plan. The use relative to the zoning is consistent with those uses allowed under the provisions of a Conditional Use Permit which are codified under Section 12.24 of the Los Angeles Municipal Code.

2. General Plan Text. The Reseda - West Van Nuys Community Plan text does not specifically address private schools. However, the Plan does address public schools relative to special needs, providing educational quality for all of the City's children serving all neighborhoods in manner consistent with good siting of school facilities, including the following relevant goals, objectives and policies:

   Goal 4: PUBLIC SCHOOLS THAT PROVIDE A QUALITY EDUCATION FOR ALL OF THE CITY’S CHILDREN, INCLUDING THOSE WITH SPECIAL NEEDS, AND ADEQUATE SCHOOL FACILITIES TO SERVE EVERY NEIGHBORHOOD IN THE CITY.

   Objective 4-1: Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.

   Policy 6.1.1: Explore creative alternatives for providing new school sites in the City, where appropriate.

   Objective 6-2: Maximize the use of local schools for community use and local open space and parks for school use.

   Policy 6-2.1: Formulate/update plans to address issues relating to siting and the joint use of facilities.

Relative to the context of the General Plan Text, the project meets the policies and programs of the Reseda - West Van Nuys Community Plan by providing opportunities for developing school sites as needed in conjunction with those of the Los Angeles Unified School District. LAUSD has historically indicated that private schools help relieve overcrowding at local public schools.

The subject school serves ages 2 through 6. The continuation of the existing daycare/school provides childcare and instruction for children, and relieves demand on other public preschools and daycares in the area. The daycare/school is located adjacent to residential uses. Surrounding the subject site are single-family residences and another daycare, also owned by the applicant/new owner. These uses have been thoroughly considered and the design and layout of the daycare/school provides proper placement of vehicular access, drop-off areas and landscape treatment. The project has been conditioned to protect the neighboring single-family neighborhood.
3. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goal relevant to the instant request:

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

**Objective 9.31:** Work constructively with the Los Angeles Unified School district to monitor and forecast school service demand based upon actual and predicted growth.

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

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

**Policy 9.32.2:** Explore creative alternatives for providing new school sites in the City, where appropriate.

**Objective 9.33:** Maximize the use of local schools for community use and local open space and parks for school use.

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

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

As previously mentioned, relative to the context of the Framework Element, the project meets the policies and programs by providing opportunities for developing school sites as needed in conjunction with those of the Los Angeles Unified School District, relieving overcrowding at local public schools through the continued maintenance of a daycare/school.

### B. Conditional Use Findings Plan Approval

1. **That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The subject property is located at the southeast corner of the intersection of Calvert Street and Lindley Avenue, in the Reseda-West Van Nuys Community Plan area. The
daycare/school facility has operated in this location since 1978, originally with an enrollment of 35 children. The current owner has also operated in the neighborhood, immediately south of the site, since the late 1970s within five former single-family dwellings.

The daycare/school is located in the RA-1-RIO Zone which requires approval of a conditional use. These uses are desirable in residential communities because they are conveniently located near the residents that need and use their services. The conditions of approval previously imposed by the City Planning Commission, regulate the facility to minimize impacts to traffic or parking.

The previous owner made substantial improvements to the site including construction of parking, walls, and landscaping. The entire frontage on Lindley Avenue has been landscaped and will be maintained by the property owner. The entire site is secure with walls and fences.

The benefit provided by the ongoing private preschool, is desirable to the public convenience and welfare by providing additional childcare resources to the community. Since the school is utilizing existing structures on the site, it does not detract from the built environment. Additionally, hours of operation and uses on the site are carefully thought out in order to avoid noise or traffic impacts to the surrounding neighborhood. Given such structure, the public welfare and neighboring community will not be negatively affected. For the reasons discussed above, the continued daycare/school is desirable to the public convenience and welfare. With the current conditions of approval in place the daycare/school will continue to provide an essential service and will remain beneficial to the community and the City.

2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject property is comprised of two parcels that are approximately 11,540 square feet in area in the RA-1-RIO Zone. The property is developed with a one-story structure housing two classrooms, a crafts room, an office, and a kitchen for the daycare/school, and an associated surface parking lot. The property has 130 feet of frontage on the south side of Calvert Street and 90 feet of frontage on the east side of Lindley Avenue.

To the south are single-family residences and a private school (also owned by the applicant) in the RA-1-RIO, R1-1-RIO, and RS-1-RIO Zones. To the east are single-family residences in the R1-1-RIO and RA-1-RIO Zones. The Metro Orange Line Busway is located to the south, along with single- and multi-family residences in the PF-1XLRIO, R1-1-RIO and RD2-1-RIO Zones. Single-family residences are to the west in the R1-1-RIO Zone. The facility generally consists of a converted single-family residence, with the former yards developed as play areas and parking, and is therefore compatible with the character and intensity of surrounding development. Operational conditions will continue to protect the neighboring community including: on-site drop-off and pick-up of children, maintenance of 6 parking spaces, limited hours of operation, and a maximum enrollment of 45 students.

At the public hearing, a community member spoke in support of the site continuing to be used as a daycare by the new owners. She indicated that as a Neighborhood Councilmember, she had previous experience with the new owners from their other
facilities in the Encino area, and she spoke in support of their business practices. Neighbors from the adjacent property to the east of the subject site spoke in opposition to the project as they were concerned that a daycare/school would negatively affect their property values; and they believed the site was generating traffic, noise, and trash. As the site has not been in operation during the change of ownership, it is unclear whether the neighbor’s perception is the result of activities generated on-site or off-site.

The original conditions of approval associated with the use limit the size of the structure, the number of students allowed on-site, and the operating hours. The conditions also require drop-off and pick-up to occur on-site and prohibit outdoor bells or speaker systems. The conditions ‘run with the land’ and are binding on the use for any subsequent property owners. A Plan Approval process for changes in ownership is not necessary as any future property owners will be notified of the Conditions of Approval through the Covenant which was required as part of the original approval.

As conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Los Angeles Municipal Code requirements. Except for the entitlements described herein, the project does not propose to deviate from any LAMC requirements. The General Plan is comprised of the Framework Element, seven state mandated elements, and additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use element of the General Plan divided the City into 35 Community Plans. The Reseda-West Van Nuys Community Plan designates the subject property for Low Residential land uses with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The property is located within the River Improvement Overlay District (RIO), although the continued use of the site as a daycare/school does not qualify as a "project" within the RIO. The property is not located within a specific plan area.

A child care facility has operated on the subject property since 1978, consistent with the conditionally permitted uses allowed in the RA Zone. Further, the project meets Policy 1-1.2 of the Reseda- West Van Nuys Community Plan in that it protects existing single-family residential neighborhoods from new out of scale development. The structure, landscaping, and driveways for the facility continue to have the appearance of being a single family residence. With the original conditions of approval, the project will continue to preserve the single-family neighborhood and will conform to the purpose intent and provisions of the General Plan and the Reseda West Van Nuys Community Plan.

C. CEQA Findings

The Director of Planning has determined that that based on the whole of the administrative record, the project is Categorically Exempt from environmental review pursuant California
Environmental Quality Act (CEQA) Guideline 15301, City CEQA Guidelines, Article III, Section I, Class 1, Category 22, and City CEQA Guidelines, Article III, Section I, Class 5, Category 23. There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Specifically, the project is located in an already built environment. It continues to be located in the same neighborhood that it has been located for many years, surrounded by single family residences and an existing private school. Further there is no evidence the project is located on a scenic highway, a hazardous waste site, or a historic site.
PUBLIC HEARING AND COMMUNICATIONS

PUBLIC HEARING

The public hearing was conducted by the Department of City Planning on Friday, February 20, 2017 at 1:00 pm at the Marvin Braude Constituent Service Center. The public hearing was attended by approximately six (6) individuals, including the applicants and the applicant’s representatives. Representatives from the Council District were not present and did not provide written testimony. Of the six individuals who attended the meeting, three were associated with the project, one was a community member, and two were neighbors who reside at the site immediately east of the site on Calvert Street.

SUMMARY OF PUBLIC TESTIMONY

At the public hearing, the applicant’s representative, Mr. Neill Brower of Jeffer Mangels Butler & Mitchell, LLP, presented an overview of the original approval and indicated that the site was not currently operating as they were awaiting approval of the Plan Approval, but confirmed that the applicant would abide by all the conditions associated with the original approval.

Kathy Delle Donne, the Chair for the Ventura/Cahuenga Corridor Specific Plan and previous member of the Tarzana Neighborhood Council, was in full support of the project and spoke of her past experience with the Levi family daycare centers in Encino. She indicated that the Levi’s were responsible business owners who are supportive of the community, follow conditions associated with their other sites, and are well respected by parents who utilize their sites.

Khosrow Benyamin and Kamal Benjamin are neighbors located immediately east of the site at 18050 Calvert Street and they spoke in opposition of the project. The indicated that they were concerned the use would affect property values of the surrounding site and complained about the noise, trash, and traffic generated by the site.

The applicant’s representative responded to the neighbor’s complaints and indicated that the site has been closed since August, as the new owners were awaiting approval of the Plan Approval before enrolling students. Since the site was not open, the representative was not able to comment on the issues regarding noise, trash, and traffic which was perceived to be generated on-site. The representative also indicated that he was not aware of any neighbor complaints regarding noise, trash, or traffic for the previous operator of the site.

COMMUNICATIONS RECEIVED

No written correspondence was received.
Exhibit A:
ZIMAS Parcel Profile Report
City of Los Angeles
Department of City Planning

2/22/2017
PARCEL PROFILE REPORT

PROPERTY ADDRESSES
18062 W CALVERT ST
6134 N LINDLEY AVE

ZIP CODES
91316

RECENT ACTIVITY
CPC-2004-6045-CU-PA1

CASE NUMBERS
CPC-2008-3125-CA
CPC-2007-3036-RIO
CPC-2004-6045-CU
CPC-11708
ORD-183145
ORD-183144
ORD-119865
ORD-109603
ZA-20640
ZA-1994-555-CUZ
ZA-1988-1380-CUZ
ZA-1983-209
ZA-1978-243
ENV-2016-4119-CE
ENV-2007-3037-ND
ENV-2004-6046-CE
CND-78-222-CUZ-ZV
ND-83-238-CUZ
AFF-23133

Address/Legal Information

| PIN Number | 177B125 560 |
| Lot/Parcel Area (Calculated) | 9,457.7 (sq ft) |
| Thomas Brothers Grid | PAGE 531 - GRID A7 |
| Assessor Parcel No. (APN) | 2123024040 |
| Tract | TR 5947 |
| Map Reference | M B 63-96/97 |
| Block | None |
| Lot | FR 58 |
| Arb (Lot Cut Reference) | 1 |
| Map Sheet | 177B125 |

Jurisdictional Information

| Community Plan Area | Reseda - West Van Nuys |
| Area Planning Commission | South Valley |
| Neighborhood Council | Encino |
| Council District | CD 5 - Paul Koretz |
| Census Tract # | 1329.00 |
| LADBS District Office | Van Nuys |

Planning and Zoning Information

| Special Notes | None |
| Zoning | RA-1-RIO |
| Zoning Information (ZI) | ZI-2358 River Improvement Overlay District |
| ZI-2438 Equine Keeping in the City of Los Angeles |
| ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations |
| General Plan Land Use | Low Residential |
| General Plan Footnote(s) | Yes |
| Hillside Area (Zoning Code) | No |
| Specific Plan Area | None |
| Special Land Use / Zoning | None |
| Design Review Board | No |
| Historic Preservation Review | No |
| Historic Preservation Overlay Zone | None |
| Other Historic Designations | None |
| Other Historic Survey Information | None |
| Mills Act Contract | None |
| CDO: Community Design Overlay | None |
| CPIO: Community Plan Imp. Overlay | None |
| District | None |
| Subarea | None |
| CUGU: Clean Up-Green Up | None |
| NSO: Neighborhood Stabilization Overlay | No |
| POD: Pedestrian Oriented Districts | None |
| SN: Sign District | No |
| Streetscape | No |
| Adaptive Reuse Incentive Area | None |
| Ellis Act Property | No |
| Rent Stabilization Ordinance (RSO) | No |

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.
<table>
<thead>
<tr>
<th><strong>Assessor Information</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Assessor Parcel No. (APN)</strong></td>
<td>2123024040</td>
</tr>
<tr>
<td><strong>Ownership (Assessor)</strong></td>
<td><strong>LEVI FAMILY PARTNERSHIP LP C/O C/O EVAN LEVI</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>17719 PALORA ST ENCINO CA 91316</td>
</tr>
<tr>
<td><strong>Ownership (Bureau of Engineering, Land Records)</strong></td>
<td><strong>BRARA, JASWINDER S. ET AL C/O GERALD GRANOF, ESQ.</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>1840 CENTURY PARK EAST 8TH FLOOR LOS ANGELES CA 90067</td>
</tr>
<tr>
<td><strong>APN Area (Co. Public Works)</strong></td>
<td>0.265 (ac)</td>
</tr>
<tr>
<td><strong>Use Code</strong></td>
<td>7200 - Private School</td>
</tr>
<tr>
<td><strong>Assessed Land Val.</strong></td>
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<tr>
<td><strong>Assessed Improvement Val.</strong></td>
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<tr>
<td><strong>Last Owner Change</strong></td>
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<td><strong>Last Sale Amount</strong></td>
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<tr>
<td><strong>Tax Rate Area</strong></td>
<td>16</td>
</tr>
<tr>
<td><strong>Deed Ref No. (City Clerk)</strong></td>
<td>943588 712217 684072 407929 407928 2396229 1-605</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building 1</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year Built</strong></td>
<td>1957</td>
</tr>
<tr>
<td><strong>Building Class</strong></td>
<td>D6C</td>
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<tr>
<td><strong>Number of Units</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Number of Bedrooms</strong></td>
<td>4</td>
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<tr>
<td><strong>Number of Bathrooms</strong></td>
<td>2</td>
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<tr>
<td><strong>Building Square Footage</strong></td>
<td>1,950.0 (sq ft)</td>
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<td><strong>Building 2</strong></td>
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<td><strong>Building 3</strong></td>
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</tr>
<tr>
<td><strong>Building 4</strong></td>
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</tr>
<tr>
<td><strong>Building 5</strong></td>
<td>No data for building 5</td>
</tr>
</tbody>
</table>

**Additional Information**

| **Airport Hazard** | 250' Height Limit Above Elevation 790 |
| **Coastal Zone** | None |
| **Farmland** | Urban and Built-up Land |
| **Very High Fire Hazard Severity Zone** | No |
| **Fire District No. 1** | No |
| **Flood Zone** | None |
| **Watercourse** | No |
| **Hazardous Waste / Border Zone Properties** | No |
| **Methane Hazard Site** | None |
| **High Wind Velocity Areas** | No |
| **Special Grading Area (BOE Basic Grid Map A-13372)** | No |
| **Oil Wells** | None |

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**Seismic Hazards**

Active Fault Near-Source Zone

| Nearest Fault (Distance in km) | 11.8497096 |
| Nearest Fault (Name)           | Hollywood Fault |
| Region                         | Transverse Ranges and Los Angeles Basin |
| Fault Type                     | B |
| Slip Rate (mm/year)            | 1.00000000 |
| Slip Geometry                  | Left Lateral - Reverse - Oblique |
| Slip Type                      | Poorly Constrained |
| Down Dip Width (km)            | 14.00000000 |
| Rupture Top                    | 0.00000000 |
| Rupture Bottom                 | 13.00000000 |
| Dip Angle (degrees)            | 70.00000000 |
| Maximum Magnitude              | 6.40000000 |
| Alquist-Priolo Fault Zone      | No |
| Landslide                      | No |
| Liquefaction                    | Yes |
| Preliminary Fault Rupture Study Area | No |
| Tsunami Inundation Zone        | No |

**Economic Development Areas**

| Business Improvement District | None |
| Promise Zone                  | No |
| Renewal Community             | No |
| Revitalization Zone           | None |
| State Enterprise Zone         | None |
| Targeted Neighborhood Initiative | None |

**Public Safety**

Police Information

| Bureau                       | Valley |
| Division / Station           | West Valley |
| Reporting District           | 1034 |

Fire Information

| Bureau | Valley |
| Battalion | 10 |
| District / Fire Station | 100 |
| Red Flag Restricted Parking | No |

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CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Required Action(s)</th>
<th>Project Descriptions(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPC-2008-3125-CA</td>
<td>CA-CODE AMENDMENT</td>
<td>Data Not Available</td>
</tr>
<tr>
<td>CPC-2007-3036-RIO</td>
<td>RIO-RIVER IMPROVEMENT OVERLAY DISTRICT</td>
<td>THE ESTABLISHMENT OF AN ORDINANCE THAT FACILITATES DEVELOPMENT WITHIN THE LA-RIO BOUNDARIES TO ENHANCE THE WATERSHED, URBAN DESIGN AND MOBILITY OF THE AREA. THESE BOUNDARIES ARE ADJACENT TO, NOT INSIDE, THE LOS ANGELES RIVER ON LAND ALREADY ZONED FOR DEVELOPMENT.</td>
</tr>
<tr>
<td>ZA-1994-555-CUZ</td>
<td>CUZ-ALL OTHER CONDITIONAL USE CASES</td>
<td>FOR THE CONTINUANCE OF USE UNDER CUZ-ZA 88-1380 TO BE GRANTED IN PERPETUITY OF AN EXISTING NURSERY SCHOOL IN THE RA-1 ZONE.</td>
</tr>
<tr>
<td>ZA-1988-1380-CUZ</td>
<td>CUZ-ALL OTHER CONDITIONAL USE CASES</td>
<td>APPROVAL FOR THE CONTINUED USE AND MAINTENANCE OF A CHILD-CARE/NURSERY SCHOOL IN AN EXISTING ONE-STORY SINGLE-FAMILY DWELLING, WITH AN ENROLLMENT OF 35 CHILDREN BETWEEN THE AGES OF THREE AND SIX YEARS, WITH THE FACILITY TO OPERATE FROM 7 A.M TO 6 P.M. MON-FRI.</td>
</tr>
<tr>
<td>ZA-1983-209</td>
<td>Data Not Available</td>
<td></td>
</tr>
<tr>
<td>ZA-1978-243</td>
<td>Data Not Available</td>
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<tr>
<td>ENV-2007-3037-ND</td>
<td>ND-NEGATIVE DECLARATION</td>
<td>THE ESTABLISHMENT OF AN ORDINANCE THAT FACILITATES DEVELOPMENT WITHIN THE LA-RIO BOUNDARIES TO ENHANCE THE WATERSHED, URBAN DESIGN AND MOBILITY OF THE AREA. THESE BOUNDARIES ARE ADJACENT TO, NOT INSIDE, THE LOS ANGELES RIVER ON LAND ALREADY ZONED FOR DEVELOPMENT.</td>
</tr>
<tr>
<td>CND-78-222-CUZ-ZV</td>
<td>CUZ-ALL OTHER CONDITIONAL USE CASES</td>
<td>ZV-ZONE VARIANCE</td>
</tr>
<tr>
<td>ND-83-238-CUZ</td>
<td>CUZ-ALL OTHER CONDITIONAL USE CASES</td>
<td>Data Not Available</td>
</tr>
</tbody>
</table>

DATA NOT AVAILABLE

CPC-11708
ORD-183145

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(*) - APN Area is provided “as is” from the Los Angeles County’s Public Works, Flood Control, Benefit Assessment.
Address: 18062 W CALVERT ST
APN: 2123024040
PIN #: 177B125 560
Tract: TR 5947
Block: None
Lot: FR 58
Arb: 1
Zoning: RA-1-RIO
General Plan: Low Residential
LAND USE

RESIDENTIAL
- Minimum Residential
- Very Low / Very Low I Residential
- Very Low II Residential
- Low / Low I Residential
- Low II Residential
- Low Medium / Low Medium I Residential
- Low Medium II Residential
- Medium Residential
- High Medium Residential
- High Density Residential
- Very High Medium Residential

COMMERCIAL
- Limited Commercial
- Limited Commercial - Mixed Medium Residential
- Highway Oriented Commercial
- Highway Oriented and Limited Commercial
- Highway Oriented Commercial - Mixed Medium Residential
- Neighborhood Office Commercial
- Community Commercial
- Community Commercial - Mixed High Residential
- Regional Center Commercial

GENERAL PLAN LAND USE

INDUSTRIAL
- Commercial Manufacturing
- Limited Manufacturing
- Light Manufacturing
- Heavy Manufacturing
- Hybrid Industrial

PARKING
- Parking Buffer

PORT OF LOS ANGELES
- General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
- General / Bulk Cargo - Hazard
- Commercial Fishing
- Recreation and Commercial
- Intermodal Container Transfer Facility Site

LOS ANGELES INTERNATIONAL AIRPORT
- Airport Landside
- Airport Airside
- Airport Northside

OPEN SPACE / PUBLIC FACILITIES
- Open Space
- Public / Open Space
- Public / Quasi-Public Open Space
- Other Public Open Space
- Public Facilities

FRAMEWORK

COMMERCIAL
- Neighborhood Commercial
- General Commercial
- Community Commercial
- Regional Mixed Commercial

INDUSTRIAL
- Limited Industrial
- Light Industrial
Exhibit B:
Site Photographs
Exhibit C:
CPC-2004-6045-CU Determination and Conditions of Approval
Determination Mailing Date: APR 13 2005

Department of Building and Safety
201 N. Figueroa Street
Counter B, Fourth Floor

CASE NO. CPC 2004-6045-CU
Location: 6134 Lindley Avenue
Council District: No. 12
Plan Area: Reseda-West Van Nuys
Request(s): Conditional Use

Applicant: Jaswinder S. Brara

At its meeting on March 24, 2005, the following action was taken by the City Planning Commission:

Approved a Conditional Use, pursuant to Section 12.24 U.24 of the Los Angeles Municipal Code, to permit the continued use and maintenance of an existing school/day care facility in the RA-1 zone.

Modified and adopted the attached Conditions of Approval.

Modified and adopted the Categorical Exemption No. ENV-2004-6046-CE.

Adopted the attached Findings:

Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Mindlin
Seconded: Schiff
Ayes: Atkinson, Burg, Cardenas, Chang, Cline, George, Mahdesian

Vote: 9-0

Gabrielle Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals: The Commission’s determination will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department’s Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City’s decision becomes final.

Attachments: Findings, Conditions

c: Notification
Conditions of Approval

1. **Entitlement.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "E-3" and dated March 2, 2005, attached to the file. Deviations may be allowed in order to comply with provisions of the Municipal Code.

2. **Use limitations:** The use and development of the subject property shall be limited to a private school/day care facility;
   
   a. Total child occupancy shall not exceed 45 children (ages 2 through 6).
   
   b. Operating hours shall be limited to Monday through Friday, 7:00 am to 6:00 pm.
   
   c. The square-footage of the home shall not be expanded beyond the current 1,935 square-feet.
   
   d. The project shall provide 6 on-site parking spaces.
   
   e. All drop-off and pick-up shall occur onsite.
   
   f. No outdoor bells or speakers systems shall be permitted.
   
   g. Applicant shall comply with all Federal and State regulations for the operation of a private school/day care.

3. **Fire Department:** The applicant shall submit a plot plan showing compliance with the necessary fire code requirements for approval by the Fire Department. The applicant shall incorporate the necessary fire protection requirements for residential structures which are used for a private school/day care purposes, to the satisfaction of the Fire Department.

4. **Change of Operator:** If the operator of the facility changes, the new operator shall file for a Plan Approval within 90 days of assuming the facility. If the new operator does not file a Plan Approval application, this grant shall be terminated with 180 days of the new operator assuming the facility.

Administrative:

5. **Code Compliance.** Area, height and use regulations of the RA-1 zoning classification of the subject property shall be compiled with, except where herein conditions are more restrictive.

6. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any
Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

7. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

8. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

9. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
FINDINGS

1. General Plan Land Use Designation. The subject property is located within the area covered by the Reseda - West Van Nuys Community Plan, updated and adopted by the City Council on November 17, 1999. The plan designates the property for Low density residential (R1, RS, RE9, RU, RD6 and RD5). The requested Conditional Use is a permitted use within the Low plan designation.

2. Conditional Use findings pursuant to Municipal Code Section 12.24 E:

That the proposed location will be desirable to the public convenience or welfare, is proper in relation to adjacent uses or the development of the community, will not be materially detrimental to the character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan.

a. The location of the project will be desirable to the public convenience and welfare.

The property has been continuously used as a private school/day care for over 25 years. It is a single-story structure on a corner location that was initially determined to be appropriate for the subject use in 1978 and has continued to serve the ongoing need for child care services in the area. The Conditional Use grant has been extended periodically since then and has recently expired in December of 2004. The private school/day care, with a maximum enrolment of 45 children, is properly located and continues to provide a needed service to the community.

b. The proposed project will be proper in relation to adjacent uses of the development of the community.

The facility was created from the conversion of a single family dwelling. Single family residential uses surround the site and the establishment has retained its outward appearance as a dwelling. There have been no impacts to any of the adjacent uses and no adverse affect on the residential character of the neighborhood; it blends in well with the neighborhood. The scale of the facility is such that it does not create traffic or other vehicular impacts. For the area residents or passing traffic the facility appears to be a single-family home.

c. The proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

As noted above, the facility has been in operation at the location for over 25 years. When the initial Conditional Use was granted in 1978, the term was limited and the use has been reviewed many times since then and consistently approved to continue operations. The latest review for the last ten years has yielded no opposition or objections to its continued operation.
The District Plan of the area seeks to preserve and protect the existing residential character of the district, and child care facility has been determined to be appropriate in this single family residential area. The subject use has determined to be appropriate for the location for the last 25 years. The continued operation of the facility at the location will not be in conflict with any element of the General Plan or objectives of the Community Plan.

This approval shall not have an expiration date, as did the previous grants. The applicant has demonstrated through the previous public hearings and Conditional Use approvals that they operate a facility that is compatible with the neighborhood and maintains the single-family character of the area.

3. **Environmental.** For the reasons set forth in Categorical Exemption No. 2004-6046, the project will not have a significant effect on the environment.

4. **The Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

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

6. Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.
Exhibit D:
Existing/Previously Approved Site Plan