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November 9, 1990

Hathaway Children's Services, Inc. Re: CASE NO. ZA 90-0512(CUZ)(ZV)  
Attn: Brian Cahill CONDITIONAL USE AND ZONE  
P.O. Box 923670 VARIANCE  
Sylmar, CA 91392-3670 840 - 866 North Avenue 66  
Northeast Los Angeles  
Planning Area

Joel B. Miller  
Psomas and Associates  
3420 Ocean Park Boulevard  
Santa Monica, CA 90405

Zone: R1-1  
D. M.: 156 B 233  
C. D.: 14  
EIR: ND 90-0461(CUZ)(ZV)  
Legal Description: Portions  
of Lots 1, 2, 3 and 4, of the  
Parkdale Tract No. 2

Department of Building and Safety

In the matter of the application of Hathaway Children's Services for conditional use approval and zone variance on a site located in the R1-1 Zone, please be advised that based upon the findings of fact hereinafter set forth and by virtue of authority contained in Section 98 of the City Charter and Sections 12.24-C and 12.27-B of the Municipal Code, the Zoning Administrator hereby authorizes, as a conditional use, the use of the site described as portions of Lots 1, 2, 3 and 4 of the Parkdale Tract No. 2, as more specifically described in the file, located at 840-866 North Avenue 66, Northeast Los Angeles Planning Area, for:

a conditional use permit, pursuant to the provisions of Section 12.24-C,1(g) of the Comprehensive Zoning Ordinance, to permit the use and maintenance of a pre-school/day-care facility for a maximum of 40 students and head-start program for a maximum of 40 students, having hours of operation from 7 a.m. to 9 p.m., Monday through Friday, with 40 on-site parking spaces,

and also grants a variance from the provisions of Article 2, Chapter 1 of said Code, but only insofar as said variance is necessary to permit:

a variance from the provisions of Section 12.08-A of the Comprehensive Zoning Ordinance to permit the use and maintenance of a family counseling and health center in the R1-1 Zone,

upon the following additional terms and conditions:

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".

2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. That the authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. That the maximum number of children on the premises shall not exceed that permitted by the State Department of Social Welfare or the City Department of Building and Safety, whichever is the more restrictive, and in no event exceed 40 children on the premises at any one time in the day-care center portion of the facility.
5. That the day-care center shall not be operated or the grounds used for activities in connection therewith before 7 a.m. or after 7 p.m., Mondays through Fridays, and on Saturdays or Sundays, except for teacher preparation, school building maintenance or occasional affairs specifically intended for parent participation. Further, in no event shall there be any overnight lodging of children or students.
6. That a minimum of 40 off-street parking spaces shall be provided to serve the subject facility.
7. That any signs displayed on the premises shall be limited to a conservative identification or directional type only, in keeping with the sign provisions of Section 12.21-A,7 of the Municipal Code, and shall be submitted to and approved by the Office of Zoning Administration prior to the installation.
8. That all persons transporting children to and from the day-care center facility shall be instructed to load and unload children within the subject property adjacent to the new preschool play yard area, with the driveway entrance and exit to be from North Avenue 66, and no children shall be required to board or alight from a vehicle from within a public street. Further, the residents on the property, teachers and employees, as well as parents, shall be instructed to park their automobiles upon that portion of the premises which is improved for automobile parking purposes.
9. That parents arriving for drop-off and pick-up shall use the driveway along the site's westerly property line and arrival times shall be staggered when possible to minimize traffic congestion.
10. That all exterior lights be shielded and directed onto the site.
11. That in no event shall there be any loudspeaker or public address system installed or operated on any open portion of the premises, and that any phonograph, radio or other recorded music used in

connection with any activity be sufficiently modulated so as to not be disturbing or detrimental to persons residing in the immediate vicinity.

12. That the children attending the day-care home shall be limited to those between the ages of one year and six years, inclusive.
13. That all requirements of the State Department of Social Welfare and the City Departments of Building and Safety and Fire shall be complied with in the use of the property as herein authorized.
14. That a parking plan for the facility be approved by the Department of Transportation prior to the issuance of a Certificate of Occupancy.
15. That all open space not paved shall be attractively landscaped with ground cover, bushes and trees served by a watering system and attractively maintained at all times.

The use hereby authorized is conditional upon the privileges' being utilized (i.e., the use approved being lawfully conducted on the site) within 180 days after the effective date hereof, and if they are not utilized or construction work (i.e., actual substantial physical improvements installed) is not begun within said time and carried on diligently to completion this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit (the request for the extension having been submitted prior to the expiration of the grant and accompanied by the appropriate fee), after sufficient evidence has been submitted indicating that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly observed. Furthermore, this conditional use approval shall be subject to revocation in the manner as provided under Section 12.24-1 of the Municipal Code if the conditions imposed are not strictly observed.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. The Zoning Administrator's determination in this matter will become effective after November 26, 1990, unless an appeal therefrom is filed with the Board of Zoning Appeals. Any appeal must be filed on the prescribed forms, accompanied by the required fee and received and receipted at a Public Office of the Department of City Planning on or before the above date or the appeal will not be accepted.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on September 20, 1990, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the zoning regulations would result from a strict enforcement thereof, and that the five requirements and prerequisites for granting a variance as enumerated in the City Charter and in Section 12.27-B,1 of the Municipal Code and the requirements for authorizing a conditional use under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

1. The subject property is located at 840 through 866 North Avenue 66, and is legally described as Lots 1, 2, 3, and the easterly 33 1/3 feet of Lot 4 of the Parkdale Tract No. 2, and portion of Lot 64, Tract No. 25730, and a portion of Lot 3 of the Unsubdivided Portion of the A.R. Campbell-Johnston Estate. The subject property consists of an irregular-shaped, 1.92 net acre parcel of land observing a 333.33-foot frontage on the southeast side of Avenue 66 with a maximum depth of approximately 265 feet in the R1-1 Zone. The subject property has a gradual descending slope to the southeast and then sharply descends along the southeasterly and northeasterly property lines. The property is improved with the former Hathaway Home for Children consisting of seven one- and two-story structures and swimming pool with open areas and many trees and other landscaping enclosed by a variety of 6-foot-high chain-link fencing and block walls of varying heights. The designated Building No. 1 is historically significant and is referenced as Monument No. 145-411. The designated Building Nos. 2 and 3 as shown on the submitted plot plan are proposed for demolition. Presently, the existing site is used for single-family residence and is not used for institutional purposes.

The properties on the northwest side of Avenue 66 and Easy Street are zoned R1-1 and are improved with one- and two-story, single-family dwellings on sloping properties.

The properties adjoining to the northeast are zoned R1-1 and are improved with one-story, single-family dwellings observing reduced front yard setbacks. The most immediately adjoining single-family dwelling is separated by a 7- to 8-foot-high block wall from the subject property. The rear portion of the adjoining single-family properties descends steeply to the southeast into a ravine.

The properties adjoining to the southeast are zoned R1-1 and are improved with older one-story, single-family dwellings located many feet below the grade of the subject property.

The property adjoining to the southwest located at 838 Avenue 66 was formerly owned by the applicant and is zoned R1-1 and is improved with a two-story, single-family dwelling with no garage.

The rear portion of the property is paved under the grant of Case No. ZA 13261.

Avenue 66, adjoining the subject property, is designated a collector street, is dedicated a variable 80 feet in width and is fully improved.

Previous cases, affidavits, permits, etc.:

Case No. ZA 10512 was granted November 15, 1948, to permit the construction of additional dormitory facilities in connection with existing nonconforming philanthropic children's home located at 840 Avenue 66 together with a variance from the area requirements to permit a portion of the supposed dormitory addition to observe a reduced rear yard of 20 feet subject to five conditions.

Case No. ZA 13261 was granted December 10, 1954, to permit the existing dwelling and premises located in the R2 Zone located at 838 North Avenue 66 to be utilized for administrative offices and housing administrative personnel in connection with the Hathaway Home located on the adjoining property to the northeast and with said offices and living quarters observing a southwesterly side yard reduced to 22.57 feet instead of the 25 feet required for philanthropic institution subject to seven conditions. Approval of plans were approved March 9, 1955 under the subject case.

Yard Case No. 11538 was granted April 28, 1961, to permit the proposed development approved under extant Case Nos. ZA 10512 and 13261, to observe a reduced northerly side yard subject to two conditions.

Building Permits have been issued in 1987, for a change of use and occupancy and building permits were issued in 1928.

2. The applicant proposes to open a family resource center on the subject property to promote and achieve healthy growth and development to underprivileged and neglected children through a continuum of care. As envisioned, the facility will open in phases. Beginning in 1991, Phase I will offer family oriented counseling services for children, a Head Start program, and in-home counseling to reach isolated families. Staff will include a public health nurse, a school liaison, and a community worker to interact with all of the families. In 1992, Phase II will include day care for 40 infants and toddlers and a Head Start center for another 40 children. The proposed hours of operation for the facility will be 7 a.m. to 9 p.m. Monday through Friday. The intended use will be less intense than the prior use which was a 24-hour residential care facility for emotionally disturbed children. The current property does not include use of the property in any manner related to boarding.

The property is currently improved with a large two-story home divided into meeting rooms, offices and a large kitchen with a dining room. This structure will become a counseling center. In

addition, there are two buildings having three Los Angeles Unified School District approved classrooms. These buildings will be used for the Head Start program. Also, there are several barrack-style dormitories, an arts and crafts building, a swimming pool, and a large playground on the subject property. Two of the existing dormitory buildings at the southwesterly corner of the site will be demolished and improved with off-street parking. The third dormitory will be converted to a day care center. No additional construction is anticipated at this time. The structures and landscaping on the premises are attractively maintained in a manner compatible with other properties in the immediate vicinity.

Since 1919 the main building on the subject property has been used as a children's home. Hathaway Home for Children was established on the subject property in 1928 as a boarding home for mentally disturbed children. Subsequently, conditional use, variance and plan approvals were granted for the site in conjunction with the site's use which was continuous until 1988. In 1928 when the Hathaway Home was established, the property was classified in a zone (Zone B) which permitted the facility, which at that time provided boarding for mentally disturbed children. By 1988, the applicant determined that the living units at the site required extensive renovation in order to continue to meet State standards for a 24-hour residential treatment facility and elected to close the facility.

At the public hearing conducted for the subject application on September 20, 1990, four people spoke in support of the application. The applicant's representative outlined the intended use of the subject property and the schedule of phases for implementation. Further that the project site will be maintained in a manner consistent with the existing neighborhood and the intended use will not change the character of the community. Furthermore, that the intended hours of operation would extend to 9 p.m. in order to accommodate parents who work late and that very little traffic is anticipated on a given day during the last three hours of operation. The site can accommodate up to 40 automobile parking spaces, however, the applicant expects to need that many spaces only once or twice a year and therefore wishes to stripe only 15 spaces.

The applicant said that the principals of the four elementary schools serving the area have all expressed support for the project. A neighbor who has lived across from the project site since 1976 expressed strong support for the project and is impressed with the level of service and professional manner in which the facility has been operated in the past. A representative of Councilman Alatorre, Council District 14, expressed the strong support of the Councilman for the project and indicated that advance work in the community regarding the project had been done before the project gained his support. Further, that the citizen advisory committee currently working on the Northeast Los Angeles District Plan revision is planning to make recommendations which will encourage the establishment of similar facilities in the area to meet community needs.

One letter in partial opposition to the subject request was received from a neighbor who lives directly across from the project site and who thinks he is the one neighbor most impacted by the subject project. His major concerns relate to traffic safety relative to vehicular ingress and egress to the site's parking lot and wants careful location of the driveway and speed bumps in the street to reduce accident risk and to dissuade speeders. Also he is concerned that the intended hours of operation will extend to 9 p.m. and recognized that while the previous use of the site was on a 24 hour basis, there was very little traffic after normal business hours. He is also concerned that sufficient parking be provided to serve the facility in order that employees and visitors minimize on-street parking.

The subject authorization has been conditioned to require a driveway and parking plan approval from the Department of Transportation for proper location of driveways and parking layout. The Department of Transportation has advised that traffic from the facility should not have a significant impact on local circulation. The project includes 40 off-street parking spaces which will be sufficient to meet the needs of the facility.

The adopted Northeast Los Angeles District Plan designates the subject property for Low-Medium II residential land use, however, under the AB283 Program the City Council adopted the R1-1 Zone, including the subject property.

Given the tenure of the facility in the community at its present location, its relative isolation from adjacent improvements and previous compatibility with the neighborhood, the granting of the subject request should not adversely affect the existing character of the neighborhood. Therefore, based on the foregoing, I find that for the subject request, the location is proper in relation to adjacent uses and to the various elements and objectives of the General Plan and that the use will not be materially detrimental to the character of the development in the immediate neighborhood.

3. The strict application of the provisions of the Zoning Ordinance would, in this case, result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The strict enforcement of the R1 Zone would result in denial of a use viewed as beneficial to the community. To deny the use of this "ready made" facility will prevent this needed individualized program and treatment center which the community is seeking.

4. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The property is ideally situated for the intended purpose. It is isolated from any residence or future residential development by virtue of a ravine on the east. It is located at the dead end of the street which has no through traffic. This is an especially important factor given the intended presence of children.

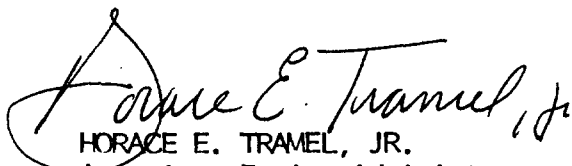
5. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same size and zone classification, but is denied the property in question because of the special circumstances described in Findings 3 and 4 above.
6. The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The establishment of the requested use is essential to the public convenience and welfare since desirable training, health care and readjustment facilities offered to underprivileged children is in great demand. This facility will offer a package of necessary and useful services. Hathaway has existed on the site for the past 62 years, and its continued use will not change the character of the neighborhood. The site is relatively isolated from adjacent properties and has been maintained in an attractive manner consistent with the surrounding neighborhood.

On May 16, 1990, the Environmental Review Committee under the provisions of the California Environmental Act 1976 as amended and the City CEQA Guidelines has determined that ND-90-0461(CUZ)(ZV) would not have a significant effect upon the environment, with which I concur and hereby certify.

7. The granting of the variance will not adversely affect any element of the General Plan inasmuch as the matter is not dealt with directly in any General Plan Element but the plan recognizes the need and desirability for such facilities to be located close to the intended service area and recommends the establishment of multi-purpose social service facilities.

The subject property does not lie in an area for which a flood insurance rate map has been prepared.

  
HORACE E. TRAMEL, JR.  
Associate Zoning Administrator

HET:lmc

cc: Director of Planning  
County Assessor  
Councilman Richard Alatorre  
Fourteenth District  
Adjoining Property Owners  
Paul Mullis