



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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September 7, 2017

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE17-073 and approve a Conditional Use Permit modification request (CUP17-005) to construct a 6,000-square-foot addition to an existing 7,000-square-foot preschool (Little Owl) by demolishing a two-story apartment building located at 3426 and 3470 Linden Avenue. A Lot Merger (LM17-014) is included to merge the two existing lots into one. (District 7)

APPLICANT: Janet Watt
Watt Development
4201 Chestnut Avenue
Long Beach, CA 90807
(Application No. 1703-32)

DISCUSSION

The subject site is located on the east side of Linden Avenue between Wardlow Road and 35th Street (Exhibit A – Location Map). The project site has a zoning designation of R-4-N (High Density Residential) and currently contains a preschool and a two-story apartment building. The site is surrounded by residential uses to the north, south, and west, and commercial uses (office and car wash) to the east.

The request is to expand an existing preschool (State licensed child care center) located at 3426 Linden Avenue by merging the site with the property to the north (Lot 3) with the existing child care center property (Lot 1) and building a 6,000-square-foot addition to the existing preschool (Exhibit B – Lot Merger Plot Map). The existing two-story apartment building would be demolished as part of the request.

The existing preschool was approved by means of a Conditional Use Permit (CUP) (Application No. 0602-06) in 2006. The CUP approval allowed for the care of 65 children, and included 5,107 square feet of play area and seven on-site parking spaces. The preschool was designed in a modern architectural style, and utilized natural lighting to the interior space, an extensive green roof system, and an irrigated living wall at the front façade to obtain a LEED silver certification.

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The proposed addition to the preschool will be designed to blend architecturally with the existing pre-school, and will allow the preschool to increase the number of children cared for from 65 to 110 (an increase of 45 children) (Exhibit C – Plans and Photos). The hours of operation will not change and will remain from 7:00 am to 5:30 pm Monday through Friday.

In considering an application for a preschool (childcare center) in a residential zoning district, Section 21.52 requires evaluation of the amount of outdoor play area per child, the number of parking spaces, and the proximity of similar childcare centers within a half-mile of the proposed site (Exhibit D – Findings and Conditions). These issues are described below:

Play Area

A total of 75 square feet of play area is required per child according to Chapter 21.52 of the zoning ordinance. With the proposal to add 6,000 square feet, the applicant is anticipating accommodating an additional 45 children. With a total of 110 children being cared for, a total of 8,350 square feet of outdoor/indoor play area is required. The applicant is proposing to provide a total of 8,395 square feet of play area in the rear yard of both lots.

Parking

According to Section 21.41 (Off-Street Parking) of the zoning ordinance, one parking space per ten children is required, plus two loading spaces. With a total of 110 children requested, 11 parking spaces, plus 2 loading spaces are required. Eleven parking spaces are proposed onsite and two loading spaces are existing on the street. The drop-off and pick-up spaces are currently placed directly in front of the lot, adjacent to the proposed curb approach. As a condition of approval, two additional on-site loading spaces are required.

Child Care Center within one-half mile of the project site

According to Chapter 21.52 of the Long Beach Municipal Code, in a residential district no other childcare facility may be located and operating within one-half mile of the proposed site. Since the property is currently used as a child care center, the separation of uses is not required. The use is not required to be buffered from other sensitive uses since the use is considered a commercial use.

RECOMMENDATION

The project site is consistent with the General Plan and Zoning Regulations and all special development standards for child care centers as explained in the discussion. Therefore, staff recommends that the Planning Commission approve the request with the attached conditions of approval.

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PUBLIC HEARING NOTICE

A total of 1,2677 public hearing notices were distributed on August 7, 2017, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

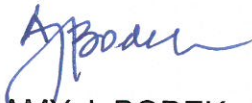
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 17-073) was issued for the proposed project (Exhibit D - Categorical Exemption).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv

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Attachments: Exhibit A – Location Map
 Exhibit B – Lot Merger Plot Map
 Exhibit C – Plans and Photos
 Exhibit D – Findings and Conditions
 Exhibit E – Categorical Exemption CE 17-073

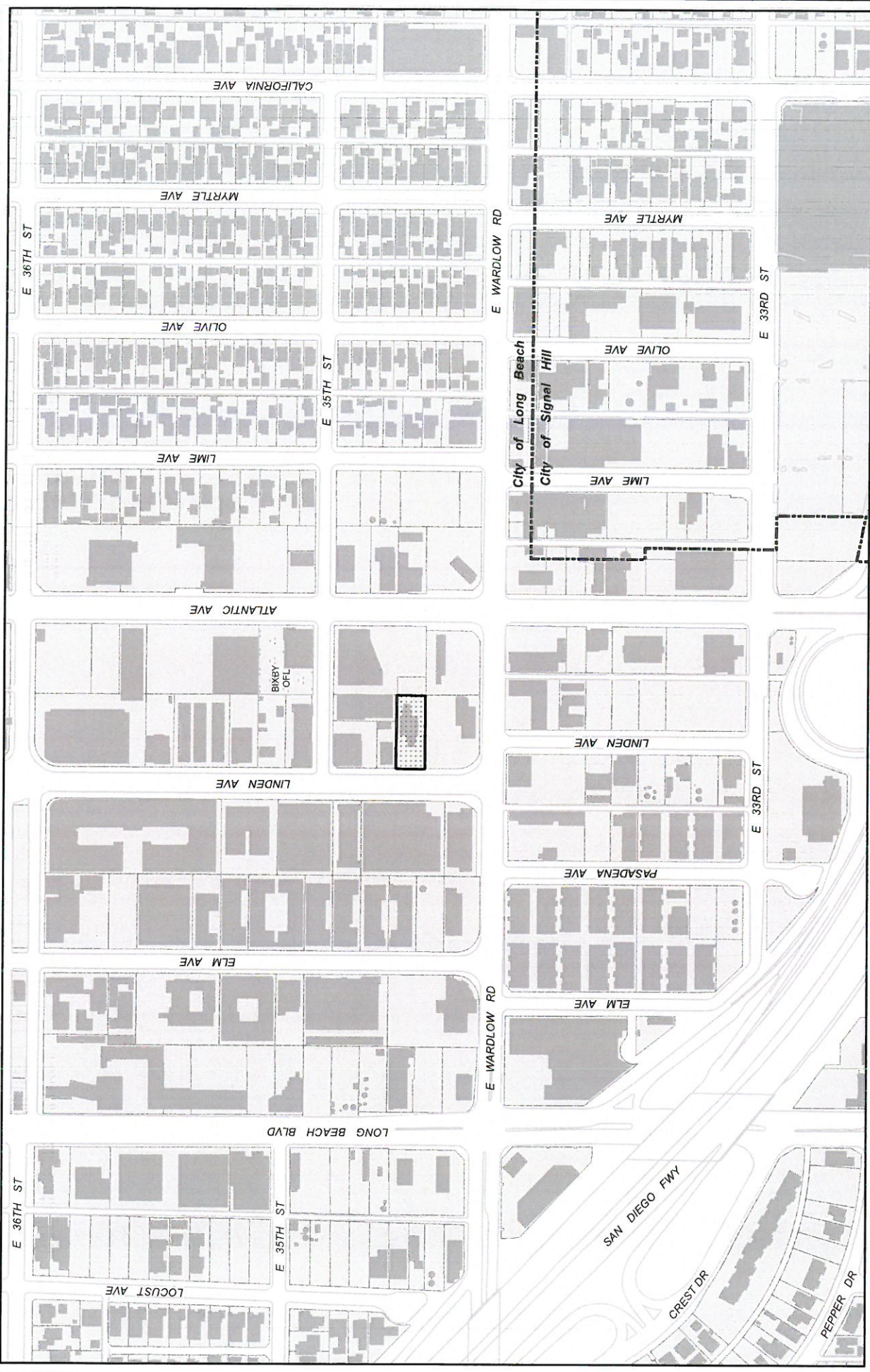


Exhibit A



Subject Property:
 3426 Linden Ave
 Application No. 1703-32
 Council District 7
 Zoning Code : R-4-N



CONDITIONAL USE PERMIT FINDINGS

3426-3470 Linden Avenue
Application No. 1703-32, CUP17-005
September 7, 2017

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS, SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The subject site has a General Plan designation of LUD #4, High Density Residential, which allows Multi Family homes. The expansion of a preschool (child care center) with over 14 children is consistent with the General Plan and Zoning Regulation with a Conditional Use Permit modification.

This proposal is consistent with the General Plan, as it is a conditionally-permitted use in the R-4-N zone, which implements Land Use District 8 of the General Plan.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE;

With the enforcement of the maximum number of children on-site, the requirement to meet Fire, Building, Police, and Public Works standards, the use will not be detrimental to the surrounding community. The conditions of approval will incorporate the hours of operation, the number of children allowed on-site, use of the playground area, and the number of parking spaces required, along with conditions that address issues with loading and unloading, and parking on-site. Additional enforcement will be done through the State of California Department of Social Services.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, a Categorical Exemption (CE 17-073) was prepared for this project.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

Section 21.52.249 states that the following conditions shall apply to child care centers:

- A. A minimum of seventy five (75) square feet of outdoor play area per child shall be provided on the site;**

With 8,385 square feet of play areas proposed, the proposed 110 children (45 additional) have an adequate amount of play areas based on a 1 child for every 75 square feet ratio.

B. In residential districts, no other similar facility may be located and operating within one-half (1/2) mile of the proposed site;

The child care center is within one-half mile of a proposed day care center. However, this requirement does not apply to the expansion of an existing child care center.

C. The hours of operation shall be limited to the hours between 6:30 a.m. and 6:30 p.m.; and

The child care center is open between the hours of 7:00 a.m. and 5:30 p.m. and is consistent with this requirement.

D. Adequate off-street loading spaces shall be provided to prevent adverse effects upon the neighborhood.

Adequate off-street parking is provided for full-time and part-time staff members. Loading and unloading activities are conditioned to be monitored by staff at all times (Condition No.4 and 7).

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN [SECTION 21.45.400](#).

This requirement only applies to mixed use, or nonresidential buildings that that are fifty thousand (50,000) gross square feet or more in size.

LOT MERGER FINDINGS
3426 and 3470 Linden Avenue
Application. No. 1703-32, LM 17-014
September 7, 2017

Pursuant to Section 20.228.030 of the Long Beach Municipal Code (Title 20, Subdivision Ordinance), Lot Mergers shall be required if the Zoning Administrator, at a public hearing, makes any of the following findings:

1. **ANY ONE OF SUCH CONTIGUOUS PARCELS OR UNITS HELD BY THE SAME OWNER DOES NOT CONFORM TO THE MINIMUM SIZE STANDARDS AS REQUIRED BY THE ZONING REGULATIONS, AND AT LEAST ONE OF SUCH CONTIGUOUS PARCELS IS NOT DEVELOPED WITH A SEPARATE BUILDING FOR WHICH A PERMIT HAS BEEN ISSUED BY THE CITY; OR**

The proposed Lot Merger will allow the consolidation of three lots, into a 22,131-square-foot (0.508 acres) lot (minimum size 18,000 square feet) and will exceed the minimum lot size in the R-4-N zoning district. The Lot Merger will allow the addition to the preschool and existing play areas to be placed on one contiguous lot.

2. **A SINGLE PROJECT IS DEVELOPED ON CONTIGUOUS LOTS IN SUCH A MANNER THAT ONE OR MORE OF THESE RECORDED LOTS COULD BE SOLD SEPARATELY FROM THIS PROJECT BUT WILL RESULT IN REDUCTION OF REQUIRED PARKING, SETBACKS, OPEN SPACES, OR VIOLATION OF OTHER DEVELOPMENT STANDARDS AS SPECIFIED IN THE CURRENT ZONING REGULATIONS.**

The merger will allow the property to become one contiguous lot that contains one commercial building (childcare center) with sufficient off-street parking. With the Lot Merger, the property cannot be sold separately from the project, or lead to a reduction in required parking, setbacks, open space, play areas or any zoning code violation. The merger will allow the building and parking to become more compliant.

**CONDITIONAL USE PERMIT MODIFICATION
CONDITIONS OF APPROVAL
Application No. 1703-32, CUP17-005 and LM17-014
Date: September 7, 2017**

1. A request to approve a Conditional Use Permit modification to add a 6,000-square-foot addition to an existing 7,000-square-foot preschool (Little Owl) by demolishing a two-story apartment building, and constructing a 6,000-square-foot preschool addition located at 3426 and 3470 Linden Avenue.
2. The Lot Merger required along with the expansion of the childcare center shall be approved and recorded prior to issuance of a Building Permit.
3. The use permitted on the subject site, in addition to other uses permitted in the R-4-N zoning district, shall be a child daycare center with a maximum of 110 children. No retail, office, or social service land uses shall be permitted at any time. Second floor office uses shall be ancillary to the childcare center.
4. The applicant shall provide for the use of eleven on-site spaces, of which two shall be designated for drop-off and pick-up.
5. This permit and all development rights hereunder shall terminate two years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
6. The applicant shall fully comply with all Building Code requirements to the satisfaction of the Superintendent of Building and Safety, including Title 24 compliance.
7. On-site parking and loading spaces shall be monitored on a daily basis by staff, including the two designated on-site parking spaces utilized for drop-off and pick-up.
8. There shall be direct access from both on-street drop-off and pick-up spaces via a walking path. The walking paths shall not be placed in the parking lot.
9. The existing irrigated living wall and green grid roof system shall be maintained as a fully-planted wall with drought tolerant plants. Any dead or decaying plants shall be replaced to the satisfaction of the Director of Development Services
10. During play hours, all children in the play area shall be supervised by a staff member, to the satisfaction of the Chief of Police.

11. The applicant shall file a separate plan check and 850-form submittal to the Long Beach Fire Department for their review and approval, prior to the issuance of a building permit.
12. The following conditions shall be met to the satisfaction of the Director of Public Works:

PUBLIC RIGHT-OF-WAY

- a) The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
 - b) The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
13. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
 14. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
 15. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
 16. This approved land use is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall be available for periodic re-inspections, conducted at the discretion of City

officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.

17. All operational conditions of approval for this permit must be posted in a location visible to the public in such a manner as to be readable when the use is open for business.
18. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
19. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. No substantial changes shall be made without the prior written approval of the Planning Commission.
20. Site development, including landscaping, shall conform to the approved plans on file in the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
21. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, additional lighting or private security guards.
22. Prior to the issuance of a building permit, the applicant must depict all utility apparatus such as, but not limited to, backflow devices and Edison transformers on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
23. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.

24. All landscaped areas shall be planted with drought tolerant plant materials and comply with Smartscape and City water efficiency standards. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
25. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
26. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
27. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
28. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
29. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
30. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
31. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees, Construction and Demolition Fees and Transportation Impact Fees.
32. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:

33. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - a. Water material being excavated and stock-piled.
 - b. Water grading and cover materials being transported.
 - c. Maintain grading and construction equipment in proper tune.
 - d. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - e. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)
34. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission.
35. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
36. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
37. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
38. Any graffiti found on site must be removed within 24 hours of its appearance.
39. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
40. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;

- b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
41. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.