

CONDITIONAL USE PERMIT FINDINGS

2325 E. 3rd Street

Case No. 1803-06 (CUP18-006)

June 21, 2018

In order to approve the requested Conditional Use Permit, the Planning Commission is required to make certain findings in support of an approval decision. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

A. 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 Land Use Designation of the subject site is LUD #1 Single-Family Residential with a Single-Family Residential (R-1-N) District zoning designation. The existing church currently has a special use permit approved in 1965. The Single-Family Zoning District, which implements the General Plan, allows a church use with approval of a CUP. The proposal to offer childcare and health and wellness programming to the community as part of the church may be permitted with a conditional use permit in the Single-Family Residential District. The subject site is outside the Coastal Zone and not within a specific plan area.

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

The church is located within a well-established residential neighborhood consisting of a mixture of single-family and multi-family residential uses. The proposed childcare and community programming services are a related function of the existing church at this location and as as conditioned will not be detrimental to the surrounding community. The conditions of approval will incorporate hours of operation, limit the number of children, establish operating standards for the use of the outdoor playground, require loading and unloading on-site. There is a total of 58 parking spaces located on both lots. The existing parking is legal non-conforming as 281 parking spaces would be required today based on the fixed seating of the assembly area. Operation of the childcare and community programming services alone requires 21 spaces. To ensure the operations do not negatively affect the neighbors, the proposed programming (childcare and wellness programs) would not occur during the use of primary assembly area within the rotunda and this operating standard has been incorporated as a condition of approval. The site is within the parking impacted area of the city, to ensure that the use does not impact the on-street availability of parking the use has been conditioned to require the loading and unloading of

children being transported to and from the vicinity on the private property. In addition, the applicant will be required to identify four parking stalls for loading.

The subject site is located within a residential neighborhood. The applicant is proposing to utilize the northernmost portion of the parking lot adjacent to two single-family homes as an outdoor play area. To ensure the operations are not impactful on the residences the following conditions of approval are necessary: 1) the use of the outdoor play area shall be limited to 10:00 a.m. to 4:00 p.m. only Monday through Friday; 2) the number of kids outside shall be restricted to no more than 10 children at one time with one adult supervisor; 3) the use of outdoor area shall be prohibited for use with games involving balls. The proposed use as conditioned will not be detrimental to the health, safety or general welfare, or quality of life for the community.

C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

In addition to the required findings for a Conditional Use Permit (Section 21.25.306) the Planning Commission shall not approve a Conditional Use Permit for certain uses including churches and child care facilities unless it complies with the conditions established in the Chapter 21.52 or written findings are made by the decision-making body to waive the requirement. The following establishes the findings of compliance or waiver of the required standards:

Pursuant to Long Beach Municipal Code Section 21.52.213, Churches and other places designed and intended primarily for religious worship are subject to the following conditions except where waived:

A. In a residential zone, the proposed use may consist only of an expansion of an existing church or similar religious facility on the site or on the abutting site;

The proposed use involves the expansion of the existing church to provide ancillary services consisting of a childcare and wellness programs for the community. The services may be provided by an outside provider as conditioned.

B. A master plan for long range development shall be submitted;

The property is currently developed and no further physical expansion of the buildings are planned at this time. The approval of a master plan is therefore not necessary and this requirement is waived.

C. In a residential zone, the site shall be limited to forty thousand (40,000) square feet in size; and

The site size limitation is established to prevent the disruption of neighborhoods. The existing church buildings is located on a 38,572 square-foot lot at 2325 E. 3rd Street with off-site parking located at 275 Junipero Avenue on a 11,845 square-foot lot. This is an existing place of religious worship and this limitation is not applicable.

D. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.

There is no new addition or construction proposed as a part of this application.

E. Parking shall be provided in accordance with Chapter 21.41. However, in recognition of the provisions of the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the Zoning Administrator shall provide reasonable relief from the parking requirements of Chapter 21.41 provided the Zoning Administrator finds that strict compliance with Chapter 21.41 would impose a substantial burden upon the religious exercise of a person or assembly, and that said relief is not detrimental to the health, safety or welfare of surrounding residential or other uses. Relief from parking requirements may include tandem or joint use parking where appropriate, or relief from the distance and guaranteed permanence requirements as set forth in Subsections 21.41.222.A and 21.41.222.B.

The existing church is non-conforming with regards to parking; there are a total 58 existing parking spaces between the two parcels where 281 parking spaces would be required today. It is unnecessary to provide parking relief under RLUIPA as this is an existing use with legal non-conforming parking. However, to facilitate the childcare and wellness programming the operators will stagger operations so that the primary assembly area within the rotunda building would not be utilized at the same time as the operation of the childcare and wellness programming. Since the proposed childcare and wellness programming requires a total of 21 parking spaces there will be sufficient parking to support the operations.

Pursuant to Section 21.52.249 of the Long Beach Municipal Code the following additional conditions shall also apply to all nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar used for daytime care and education unless waived. Although the proposed childcare services are an extension of the church operations it is appropriate to evaluate the childcare services based on the following criteria which is applicable unless waived:

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

The applicant proposes programming for a maximum of 60 children at any one time requiring 4,500 square feet of outdoor play area. Due to the existing conditions there is a limitation on the ability to provide all the play area outdoors and meet all development requirements including maintaining the required accessible parking. The total play area requirements will be satisfied by providing a combination of indoor and outdoor play area. Specifically, a 1,720 square-foot area at the north end of the parking lot will be cordoned off during the childcare operations. The proposed use has been conditioned to limit the number of children within the outdoor area to no more than ten children with not less than one adult supervising always. The indoor gymnasium, stage area, and cafeteria (former banquet room) area provides a contiguous area that can be utilized for indoor play area totaling 3,678 square feet and will provide for adequate recreation area. square feet in area. The requirement for all 4,500 square feet outdoors is waived based on the combined total indoor and outdoor area satisfying this requirement.

B. In residential districts, no other similar facility may be located and operating within one-half (½) mile of the proposed site;

City records indicate there are four locations within a one-half mile radius from the project site that have active licenses for a variety of childcare services. The proposed childcare services will operate within an existing place of religious worship in a residential neighborhood, the impact of the childcare facility use will be negligible from that of the church. Especially, since the primary assembly area will band its operations would be as such its operation from the location would not be disruptive to the neighborhood. Furthermore, within the adopted Housing Element of the General plan there is a documented need for childcare that is accessible to families, particularly single-parent households. Compliance with this condition is not required.

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

The child care services will be provided between 6:30 a.m. and 6:30 p.m. and is consistent with this requirement.

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

The project has been conditioned to ensure there will be adequate loading and unloading and has been conditioned accordingly.

D. 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.

The Green Building Standards are applicable to: 1) the alternation or construction of 50 dwelling units or more; or 2) the construction or alternation of a mixed use or non-residential development of 50,000 square feet or more. The proposed project will establish a childcare and wellness programming within an existing church and does not meet the threshold requiring compliance with the Green Building standards.

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
Case No. 1803-06 (CUP 18-006)
Date: June 21, 2018**

Special Conditions:

1. A request to approve a Conditional Use Permit to allow a childcare and community wellness programming with an outdoor play area at an existing church at 2325 E. 3rd Street.
2. 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 the use 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.
3. Hours of operation for the approved child care use shall be limited to 6:30 a.m. – 6:30 p.m. Monday through Friday. Wellness programming including sports clinics shall be permitted within the building from 6:30 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 7:00 p.m. Saturday.
4. The childcare facility shall be restricted to no more than 60 children at any one time.
5. The outdoor area shall consist of a 1,720 square-foot area generally located in the northern portion of the parking lot as identified on the plans on file with this application. The applicant shall ensure that the use of the parking lot for an outdoor play area conforms with the following conditions:
 - a) A temporary barrier shall be installed to separate the play area from the parking area that is to remain useable when in use.
 - b) The designated outdoor area may only be used between the hours of 10:00 a.m. to 4:00 p.m. Monday through Friday.
 - c) No more than ten children may be outside at any one time with not less than one adult supervisor.
 - d) The use of the outdoor area for ball games is strictly prohibited.
 - e) The applicant shall post and maintain a minimum of two informational signs (each less than three sq.ft.) that inform users of conditions 5.b through and 5.d within the outdoor play area.
6. If substantiated complaints of excessive noise or other nuisances are received by the City, the applicant shall work with City staff to implement changes to the use of the outdoor area, including but not limited to prohibiting the use of the outdoor play area and reducing the total number of

children served.

7. The applicant shall provide a landscape and irrigation buffer that includes trees and/or hedges within the parking lot. The landscaping shall be provided along the garden wall on the north and east side of the parking lot area that is to be utilized as an outdoor play area before a business license can be approved. The landscape buffer shall be provided to the maximum extent feasible without eliminating on-site parking.
8. The applicant shall maintain a minimum of 51 (including 4 for loading) of 58 existing parking spaces at the project site and off-site parking at the south west corner of Junipero Avenue and 3rd Street during the operation of the childcare and/or wellness programming.
9. All staff of the childcare and wellness programming shall park in the off-site parking lot located at the south west corner of Junipero Avenue and 3rd Street.
10. The childcare and wellness programming shall not operate concurrently with the use of the primary assembly area at any time.
11. The childcare and wellness programming are an extension of the services provided by the church and may be operated by an outside provider so long as the established place of worship remains the principal use.
12. The applicant shall construct a trash enclosure which shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code within nine months from the issuance of the business license for the use. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
13. The applicant must provide signage (temporary or fixed) clearly identifying two parking spaces for childcare loading and two parking spaces for shuttle van parking/loading only.
14. The vehicles used in transporting children as part of the childcare programming must be parked on-site when at this location and not within the public right-of-way.
15. All vehicles used for transporting children must be parked on private property when loading and unloading.
16. The applicant shall notify parents as part of the registration packet that pick-up and drop-off shall occur on private property. This notification shall require the parent's signature acknowledging they will abide by this policy.

17. The applicant shall fix and repair any missing or broken blocks from the garden wall along the property perimeter before a business license is approved.
18. The project site is located within the Carrol Park Historic district, the applicant shall obtain all necessary permits including a Certificate of Appropriateness for the wrought iron fencing enclosing the arcade along E. 3rd street and any other exterior modifications prior to issuance of business license, unless the fencing is removed.

Standard Conditions:

19. 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).
20. 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.
21. 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.
22. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, 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 City Council (Long Beach Municipal Code Section 21.25.212).
23. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
24. All operational conditions of approval of 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.

25. The Director of Long Beach 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. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
26. All landscaped areas must be maintained in a neat and healthy condition. 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 healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
27. 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).
28. New exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited. Existing unpermitted security bars, scissor gates applied to pedestrian building entrance must be removed.
29. Any graffiti found on site must be removed within 24 hours of its appearance.
30. 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.
31. 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 Planning and Building may require additional preventative measures such as but not limited to, additional lighting.
32. 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.

33. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
34. 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 and Transportation Impact Fees.
35. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
36. 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
37. Any unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
38. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.