

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
Case No. 1804-13 (CUP18-009)
Date: July 19, 2018**

1. This Conditional Use Permit approval consists of a private elementary school with three classrooms with an enrollment of 60 students and an outdoor play area at an existing commercial building at 927 Pine Avenue.

Special Conditions:

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 herein.
3. The applicant shall obtain a City of Long Beach Business License prior to operation of the school use.
4. Hours of operation for the approved school use shall be limited to 8:00 a.m. - 4:00 p.m. Monday through Thursday, and 8:00 a.m. - 2:00 p.m. on Fridays. Administrative work will take place from 9:00 a.m. to 5:00 p.m.
5. After hours (evening) workshops shall be restricted to two times a quarter. These events shall be restricted to workshops and community events, such as parenting support, youth art shows, lectures, and similar topics/events. The number of attendees for these events shall be limited to 30 people.
6. The school facility shall be restricted to no more than 60 children on-site at any one time, subject to official building occupancy determinations. Any requests for increases in enrollment shall require review and approval of the Director of Development Services.
7. The existing fence at the rear outdoor play area includes gates that swing over the public right-of-way. The gate swing shall be reversed for all gates to avoid swinging over the public right-of-way. Any changes to the gates shall be consistent with all Building and Fire Codes for egress. The applicant shall demonstrate compliance with this requirement prior to the issuance of a business license.
8. The outdoor area, a 2,475-square-foot area generally located in the western (rear) portion of the site, as identified on the plans on file with this application, shall be maintained at all times while the school is in operation.

The applicant shall ensure that the use of the outdoor play area conforms with the following conditions:

- a. An occupancy determination shall be made by a licensed design professional to establish the maximum number of students allowed in the play area. The occupancy shall be included on a sign posted in the outdoor play area.
 - b. The designated outdoor area may only be used between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.
 - c. The applicant shall post and maintain a minimum of two informational signs (each less than three square feet) that informs users of Condition 7.b. within the outdoor play area.
9. 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 play area, including but not limited to prohibiting the use of the outdoor play area and reducing the total number of children served.
 10. The operator of the school shall offer transit incentives, such as a transit stipend or transit pass, to all staff due to the lack of on-site staff parking. The operator of the school shall provide documentation to demonstrate that transit incentives were offered to all staff prior to issuance or renewal of a business license.
 11. The applicant shall relocate the trash receptacles onto the private property when not scheduled for regular pick-up. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
 12. The applicant must provide signage (temporary or fixed) clearly noting that the loading and unloading of students is not permitted in the alleys. The alley shall be kept clear of parked vehicles.
 13. The applicant shall notify parents/caregivers as part of the registration packet that pick-up and drop-off shall not occur in the public alley. This notification shall require the parent/caregiver's signature acknowledging they will abide by this policy.
 14. The applicant shall replace or fix/repair any fence areas along the rear play area that are in a state of disrepair before a business license is approved.
 15. The applicant shall remove the screen affixed to the fence at the rear play area before a business license is approved.

Building and Safety Bureau:

16. The specific scope of work for the proposed project will require a licensed professional to design the building's fire-life safety and structural systems. As such, the applicant will be required to obtain the service of a registered design professional (e.g., architect, civil engineer, structural engineer, etc.) licensed in the State of California to analyze, design, prepare, sign and stamp the construction documents as part of the plan review and permitting process. The subsequent approval of the proposed project will be contingent upon the satisfaction of this requirement. For more information on this requirement, please see Information Bulletin BU-013 Policy on When a Registered Design Professional is Required, at http://www.lbds.info/home_page/information_bulletins.asp.

17. The applicant needs to determine the anticipated use and occupancy of the building or structure, or portion thereof, and classify the use and occupancy into one or more distinct occupancy classifications in accordance with the CBC Chapter 3. This information will assist the applicant to determine if individual occupancies are required to be separated from adjacent occupancies in accordance with the CBC Table 508.4.

The proposed project appears to be of an E Occupancy. Additional analysis should be provided to substantiate the proposed occupancy classification.

18. An occupant load analysis in accordance with the CBC Section 1004 should be provided to determine the occupant load for the proposed project. This information should assist the applicant to determine the impact, if any, to the design for features such as, but not limited to, the following:

- a. Egress features such as common path of egress travel, the number of required exits, required exit width, continuity of exits, travel distance within or to exits, etc.
- b. Fire protection features such as, but not limited to, fire alarms, fire sprinklers, exit signs, panic and exit hardware on exit doors, etc.

The project appears to have an occupant load of 50 or more. At least two exits should be considered in the design.

19. The occupant load of the courtyard (play area) should be considered when determining the number of required exits. If the occupant load is 50 or more, two exits from the courtyard must be provided. If the exit is through the building, separation of the exits and travel distance should be considered and may potentially impact the design of the exits. If the building exit is through the courtyard, the courtyard shall provide the number of required exits to account for both the building and courtyard without re-entering the building.

Public Works:

20. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, construction staging and the routing of construction vehicles (concrete and other deliveries).
21. All door openings swinging into the public right-of-way shall be adjusted in swing direction, set back outside of the public right-of-way, or eliminated to the satisfaction of the Director of Public Works.
22. At the discretion of the City Traffic Engineer, the Developer shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage block along Pine Avenue, or contribute a fair share fee to the City for future implementation.
23. The Developer shall contact the Traffic & Transportation Bureau at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.

Standard Conditions:

24. 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).
25. 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.
26. 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.
27. 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).

28. 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.
29. 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.
30. 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. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
31. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants material 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.
32. The property shall be maintained in a neat, quiet, clean, 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).
33. New exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
34. Any graffiti found on site must be removed within 24 hours of its appearance.
35. 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.
36. 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 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.

37. 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.
38. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
39. 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.
40. 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.
41. 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. Saturdays: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
42. 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.
43. 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.