



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

May 5, 2016

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE 16-100 and approve a Conditional Use Permit to allow a 7,500 square-foot, for-profit, private charter school for grades 7 to 12, with a maximum of 50 students, 6 teachers, and 3 support staff members, in an existing commercial building located at 3501 N. Atlantic Avenue, in the Community Commercial Automobile-Oriented (CCA) zoning district. (District 7)

APPLICANT: Opportunities for Learning
320 N. Halstead, Suite 150
Pasadena, CA 91107
(Application 1511-05)

DISCUSSION

The project site is located at the northwest corner of the intersection of 35th Street and N. Atlantic Avenue. (Exhibit A – Location Map). The property is improved with a 7,500-square-foot commercial building and a parking lot located behind the building that is accessible from both 35th Street and Atlantic Avenue. The subject property is located in the Community Commercial Automobile-Oriented (CCA) zoning district and abuts commercial uses to the north and the south. The site also abuts a multi-family residential area to the east. The applicant is seeking to establish a charter school in the existing commercial building (Exhibit B - Floor Plans and Photographs).

The proposed facility will have a total of six teachers and three support staff on site during business hours. Hours of operation are Monday through Friday from 8:00 AM to 5:00 PM and is closed on Saturdays and Sundays, except for special prep testing classes held four times a year on Saturday mornings.

The proposed charter school will serve a maximum of 50 students in grades 7-12 in a non-traditional setting. Students attend two 90-minute appointments per week at the school location, at which time they receive their curriculum packets, take tests, attend small group instruction, and meet with counselors or tutors, if necessary. The school would offer independent study and small-group study as an alternative to conventional high school classes. Because the school operates in this non-traditional manner, it does not include services typically associated with traditional high schools such as transportation, food service, and gymnasiums.

The applicant's project description (Exhibit C – Applicant Project Description) indicates that the school, Opportunities for Learning (OFL), is registered as an active charter school with the California Department of Education (CDE), and is accredited by the Western Association of Schools and Colleges (WASC). Students earn course credits and are enrolled until they either transfer back to a traditional school or graduate from OFL with a high school diploma or obtain a General Education Diploma (G.E.D.).

Conditional Use Permit

In considering a Conditional Use Permit (CUP) application to establish a private elementary or secondary school, staff must find that the proposed facility is located on a major, secondary, or minor highway; must conform to the development standards of the zoning district in which it is located, including parking; and, if the applicant is seeking to convert an existing commercial building into a school, they must confer with the Building and Safety Bureau to ensure there are no code compliance issues with the change in occupancy.

The proposed charter school is located on Atlantic Avenue, which is classified as a major arterial, and the Building Safety Bureau has determined there are no major issues to prevent conversion of the building from a commercial use to an institutional use. The existing building is non-conforming as to the required street side setback requirements of the CCA commercial zone, but is considered legal, non-conforming as it was built with permits in compliance with the standards in place at the time of construction. Finally, based on the floor plan (Exhibit B), it has been determined there are five spaces that could function as classrooms. The Zoning Code requires seven parking spaces per classroom, for a total of 35 required parking spaces; the existing parking lot includes 45 on-site parking spaces. The applicant's plans indicate the designation of spaces #3 through #6 as student drop-off and pick-up spaces. The applicant indicates that most of the students travel to the school by foot or by public transportation. Long Beach Transit provides service to the intersection of Wardlow Road and Atlantic Avenue, approximately a two-minute walk from the project site.

The applicant's operations plan includes measures to maintain a private, safe educational environment for the students. For example, the exterior windows of the school are tinted with anti-graffiti film to minimize distractions. Also, each center is equipped with a monitored alarm system that triggers police action if an incident occurs. Furthermore, security cameras are installed to enable staff to monitor the immediate vicinity.

The building has been vacant for some time and as such, has signs of deferred maintenance. As part of the CUP process, the applicant will also be required to repaint the building as well as repave and restripe the parking lot.

As conditioned, the approval of this application will have minimal impact, if any, upon the surrounding area. Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to the findings and conditions, (Exhibit D – Findings and E - Conditions of Approval).

PUBLIC HEARING NOTICE

Public Hearing notices were distributed on April 20, 2016, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

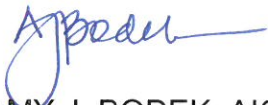
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 16-100) was issued for the proposed project (Exhibit F - Categorical Exemption).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans and Photos
- Exhibit C – Applicant Project Description
- Exhibit D – Findings
- Exhibit E – Conditions of Approval
- Exhibit F – Categorical Exemption 16-100

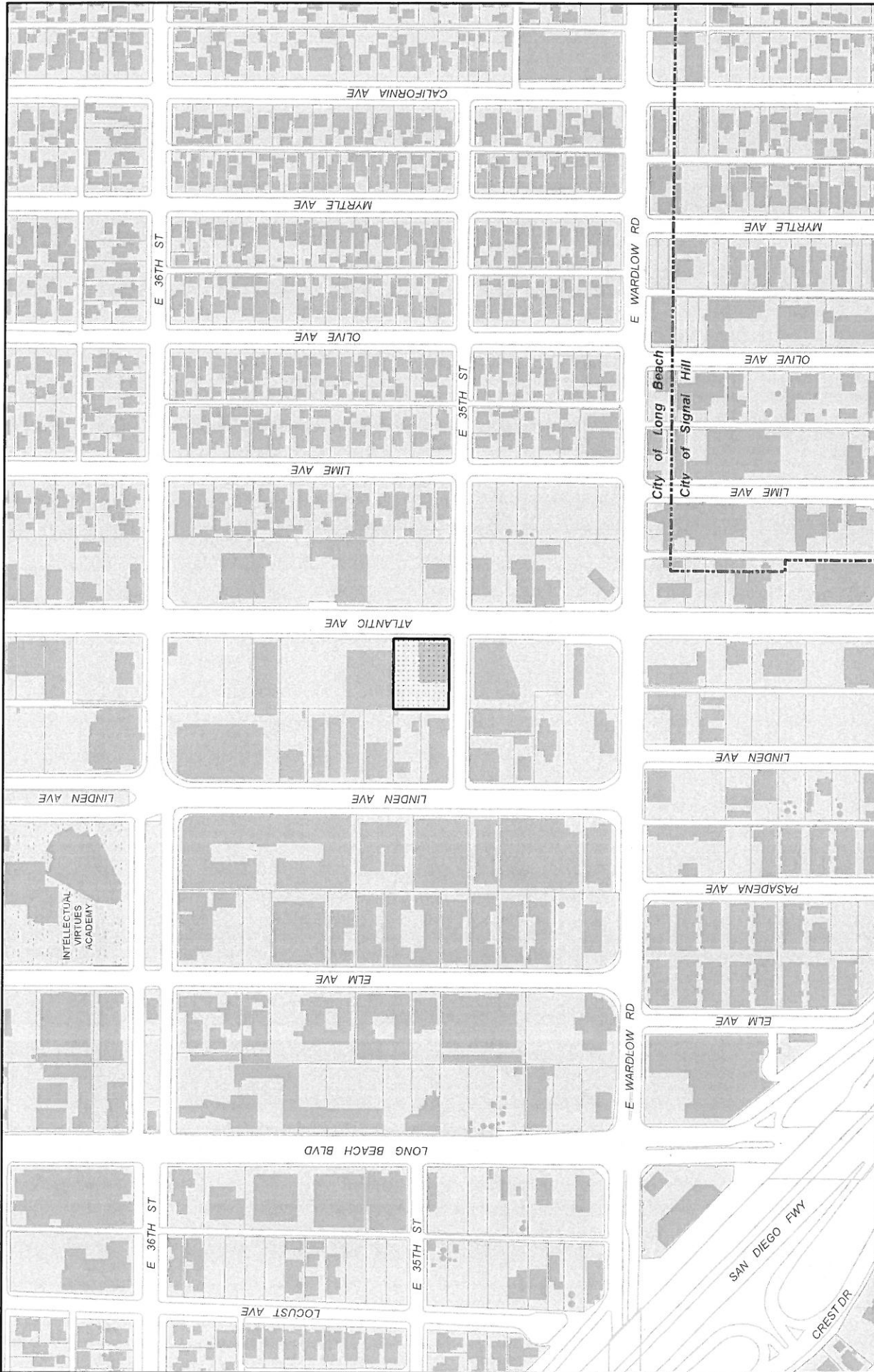


Exhibit A



150 75 0 150 300 Feet

Subject Property:
3501 Atlantic Ave
Application No. 1511-05
Council District 7
Zoning Code : CCA



Opportunities for Learning

3501 Atlantic Ave. Long Beach

Opportunities for Learning (OFL), a public charter school program, is leasing a 7,500 square foot existing commercial space at 3501 Atlantic Ave., to be used as an independent study learning center. The OFL program is a for-profit charter school compliant with state ADA regulations to serve non ambulatory students in grades 7-12.

As a registered active charter school with the California Department of Education (CDE), Opportunities for Learning is accredited by the Western Association of Schools and Colleges (WASC). Students who attend OFL earn course credits and are enrolled at OFL until either they transfer back to a traditional school or graduate from OFL with a high school diploma.

OFL students attend school for two 1.5 hour appointments per week. During these appointments, students receive their curriculum from their teachers. Additionally, students are able to attend small group instruction classes, take tests, meet with a college advisors, and, if needed, receive additional instruction from a tutor. Students are required to study and complete coursework independently for 4-6 hours each day.

One primary characteristic that makes OFL unique is that students attend OFL schools by choice. All students sign a contract stating their commitment by voluntarily adhering to the enrollment requirements, which include: attendance, work production, test performance, on-site rules, regulations and graduation. The aforementioned rules and regulations enforced at all OFL schools addresses student behavior within the vicinity of each center.

Additionally, in an effort to maintain a private, safe educational environment for each student, OFL centers are built to current building code requirements and contain various features and amenities. For example, the exterior windows of each center are equipped with tint and anti-graffiti film. Due to the nature of OFL's business model, this type of protection is imperative to prevent potential gang activity, window etching and perversion. Also, each center is equipped with a monitored alarm system that triggers police action if an incident occurs. Furthermore, security cameras are installed around the center in an effort to deter and monitor the immediate vicinity. Finally, all third party vendors are required to check in and out of the center when in operation. These preventative measures are in place to ensure a safe and secure environment for all OFL students and faculty.

At the proposed center, there will be a maximum of 45-50 students with 6 teachers and 3 support staff members. Each teacher serves a maximum of 7-8 students per 1.5 hour appointment. Typical student appointments are at 9:00 am, 10:30 am, 1:00 pm and 2:30 pm.

OFL centers are open Monday – Friday from 8:00 am – 5:00 pm, closed for lunch from 12:00 pm-1:00 pm, and closed most Saturdays and all Sundays. Additionally, OFL offers Saturday school 4 times a year for SAT and CASHEE prep testing from 9:00 am – 12:00 pm.

OFL currently operates several learning centers in the Arleta, Bellflower, Santa Clarita, City of Industry, Compton, Dana Point, Monrovia, Encino, Fresno, Cudahy, Long Beach, Lancaster, Simi Valley, the vast majority of which are in Los Angeles County. In accordance to the 2025 Fresno General Plan, graduating students will receive an accredited diploma, which would be eligible for attendance at community colleges, technical school, and 4 year universities; creating educated and respectful members of the greater community.

Main Office:

320 N. Halstead
Pasadena, CA 91107
(626) 685-9300



**Opportunities For Learning
Public Charter Schools**

CONDITIONAL USE PERMIT FINDINGS

3501 N. Atlantic Avenue

Application No. 1511-05

May 5, 2016

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 project site is located within the General Plan Land Use District #8 (Major Commercial Corridor) and the zoning designation of Community Commercial Automobile-Oriented District (CCA). The CCA zone allows for private elementary and secondary schools subject to the approval of a Conditional Use Permit. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations.

LUD #8 is specifically designed for use along several major commercial corridors in the City, establishing linear conglomerations of larger scale office and retail. The proposed charter school will serve a maximum of 50 students in grades 7-12. According to the applicant, the proposed charter school offers an alternative to conventional classroom programs. Students attend two 90-minute appointments per week at the school location, at which time they receive their curriculum packets, take tests, attend small group instruction, and meet with counselors or tutors, if necessary. As such, the proposed charter school does not provide many of the services associated with traditional high schools such as transportation, food service, gymnasiums, et cetera.

This proposal is consistent with the General Plan as it is a conditionally-permitted use in the CCA 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;

The proposed use will not be detrimental to the surrounding community. With the proposed Conditions of Approval incorporated, the use will not be detrimental as it incorporates a number of operational requirements that address potential negative impacts from the proposed use. Approval of the requested Conditional Use Permit will enable the City to enforce these conditions and address potential nuisances that may arise in the future.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA

guidelines, a Categorical Exemption (CE 16-100) was prepared for this project.

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

Section 21.52.263 states that the following conditions shall apply to all private and secondary schools:

- A. Such facilities shall be located on a major, secondary, or minor highway.

The subject property is located on Atlantic Avenue. Per the City of Long Beach's Functional Classification of Streets, Atlantic Avenue is a major arterial and meets the required condition.

- B. Such facilities shall conform to the development standards of the district in which they are located including parking.

The subject site has a commercial zoning designation of CCA (Community Automobile-Oriented district). The CCA zone requires a 10-foot setback from the front and the street side property lines; here, the existing structure is built with a zero-setback on the street side, but given that it is an existing condition, it is considered legal, non-conforming. Required parking for a secondary school is seven spaces per classroom. Based on the floor plan, there are five classrooms in the proposed facility, requiring a total of 35 parking spaces. The existing parking lot has 45 spaces and will also designate spaces #3 through #6 as student pick-up/drop-off spaces.

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

The subject site is located within a commercial zone (CCA); therefore this finding does not apply.

- D. An applicant seeking to convert an existing commercial building into a school shall file a request with the Building Bureau for a special code compliance inspection. The report shall address all building code issues related to establishing a school in a commercial building. The report must be received by the Planning Bureau before an application for a Conditional Use Permit is considered complete.

In processing the subject request for a Conditional Use Permit, the Building and Safety Bureau indicated that there were no major issues that would prevent the conversion of the existing commercial building to an institutional use. Based on that, no major building code issues were identified and the Planning Bureau deemed the application complete.

EXHIBIT E

CONDITIONS OF APPROVAL

3501 N. Atlantic Avenue

Application No. 1511-05

May 5, 2016

1. The use permitted on the subject site, in addition to the other uses permitted in the CCA zoning district, shall be to allow a charter school for grades 7-12 for a maximum of 50 students to operate Monday through Friday 8:00 AM to 5:00 PM with occasional Saturday morning hours, closed Sundays.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. 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 Acknowledgement 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).

Special Conditions:

4. The subject location shall be maintained as a charter school for grades 7-12 that operates in a non-traditional manner. Students meet with teachers twice a week on-site for an hour-and-a-half each; staff is limited to six teachers and three support staff with teachers not meeting with more than five students at any one time. The school shall not provide transportation, food service, gymnasiums, or playground facilities. The school shall be limited to five classrooms, including the large assembly area in the main area of the building, requiring a minimum of 35 on-site parking spaces and 4 student drop-off/pick-up spaces. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications shall be reviewed by the Planning Commission.
5. The site shall be improved per the plans on file with the Planning Bureau revised as of March 10, 2016, indicating that 45 parking spaces will be provided.
6. The hours of operation shall be limited to:
 - a. Monday-Friday: 8:00 AM to 5:00 PM.
 - b. Saturday: 9:00 AM to 12:00 PM. (4 per year)
 - c. Sunday: closed

7. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after the hours of operation.
8. The applicant shall include the following measures on their tenant improvement plans, in order to maintain a private, safe educational environment.
 - a. The exterior windows for the study areas and classrooms shall be tinted with anti-graffiti film. The windows for the reception area shall remain transparent and visible from the street.
 - b. Each center shall be equipped with a monitored alarm system that triggers police action if an incident occurs.
 - c. Security cameras shall be installed around the center to enable the staff to monitor the immediate vicinity.
9. The applicant shall repaint the building to rectify any paint deterioration.
10. The applicant shall repave and restripe the parking lot to rectify deterioration.
11. The applicant shall obtain annual business licenses and provide proof of California Department of Education charter as well as accreditation from Western Association of Schools and Colleges.

Standard Conditions:

12. 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.
13. 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.
14. 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 (Sec. 21.25.412, 21.25.212).

15. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
16. The Director of Development Services is authorized to approve minor modifications to the approved design plans or the any of the conditions of approval if such modifications shall not significantly change or alter the approved design and project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
17. 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).
18. Any graffiti found on site must be removed within 24 hours of its appearance.
19. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of 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.



CITY of LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
 333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
 (562) 570-6194 FAX: (562) 570-6068
 lbs.longbeach.gov

TO: ☐ Office of Planning & Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

FROM: Department of Development Services
 333 W. Ocean Blvd, 5th Floor
 Long Beach, CA 90802

☐ L.A. County Clerk
 Environmental Fillings
 12400 E. Imperial Hwy. 2nd Floor, Room 2001
 Norwalk, CA 90650

Categorical Exemption CE- 16-100

Project Location/Address: 3501 Atlantic Ave. Long Beach, CA 90807

Project/Activity Description: Tenant Improvement on existing one-story commercial building. Scope of work includes interior demolition, interior partition, wall construction, plumbing, electrical, HVAC, T-bar and finishes.

Purpose of tenant improvement is for a charter school.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Opportunities for Learning

Mailing Address: 320 N. Halstead Street Suite 150 Pasadena, CA 91107

Phone Number: 626-710-2679

Applicant Signature: *[Signature]*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1511-05 Planner's Initials: *CP*

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Existing Facilities

Statement of support for this finding: This project consists of a charter school in an existing commercial building, with interior improvements only.

Contact Person: Carrie Tai

Contact Phone: (562) 570-6411

Signature: *[Signature]*

Date: 4/25/2016