

**CONDITIONAL USE PERMIT
FINDINGS
245 West Wardlow Road (APN: 7204-008-011)
Application No. 1912-09 (CUP19-044)
August 5, 2021**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below 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 site is located on the northeast corner of West Wardlow Road and Cedar Avenue, between Pacific Avenue to the east and Cedar Avenue to the west, south of the 405 Freeway (Exhibit A – Vicinity Map). The site is within the Moderate-Density Multiple Residential (R-4-R) Zoning District and has a General Plan PlaceType of Transit-Oriented Development - Low (TOD-L). The site is not within a Specific Plan or the Local Coastal Program, therefore those do not apply to this application.

The surrounding uses include multi-family residential, abutting directly to the north and, across the alley to the northeast; senior housing across the alley to the east; a nursing facility to the west; and a business office to the south, across West Wardlow Road. The overall site is 47,870 square feet in area and developed with three structures and an accessory structure; a church/Sunday school, a daycare building and a detached garage. The existing 'L-Shaped' church was completed in 1964, as two buildings, connected by a breezeway. The church/Sunday school and daycare buildings are arranged around a central courtyard with artificial turf, rubberized paving, planters, concrete paths, a wood shade structure, and mature trees. The church and daycare building occupy the central portion of the parcel and are bounded to the north and south by surface parking areas paved in asphaltic concrete and surrounded by low brick walls with built-in planters.

The applicant is requesting a Conditional Use Permit to operate a community assembly use for religious worship. Within the R-4-R zone, the operation of a community assembly use for religious worship requires approval of a Conditional Use Permit (CUP). The use of the site will remain as a religious use but due to the demolition of the main assembly area within the residential zone the proposal requires a new Conditional Use Permit. A CUP is consistent when it carries out the intent of the zoning district which it is located, and otherwise complies with the required findings of the Zoning Code. The applicant is demolishing part of the existing church and rebuilding a new religious assembly use of approximately 3,000 square feet. As proposed, the height of the building will be 26'-3" where a maximum of 28' is permitted. The building would be setback 15' from Cedar Avenue and 130' from Wardlow Road. The required parking for the overall site is 56 spaces and the

applicant proposes to provide 72 parking spaces. The construction and use of a new religious assembly hall meet the applicable zoning regulations.

, the project will be developed in a manner consistent with the standards for the R-4-R Zoning District. Approval of a CUP is consistent when it carries out the intent of the General Plan, and otherwise complies with the required findings for the Zoning Regulations. The TOD-L PlaceType encourages a range of uses that includes higher density multifamily housing and a variety of community-serving uses. The proposed construction of a church and religious assembly use is consistent with the General Plan TOD-L PlaceType goal to encourage a mix of uses that provide services and amenities to area residents. Therefore, the use is consistent with Land Use Policy 10-1, which “ensure(s) neighborhood contain a variety of functional attributes that contribute to residents’ day-to-day living...” The overall project is consistent with and carries out the goals and policies of the General Plan.

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

The project will be developed in a manner consistent with the standards of the R-4-R Zoning District and the below operational standards for a Community assembly use and therefore staff does not anticipate the project to be a detrimental to the surrounding community. Overall, the proposed religious assembly use is developed in a manner that is consistent with context with the surrounding neighborhood, and, therefore, staff does not anticipate any public health or safety issues.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52; AND

Community assembly uses shall be located, developed, and operated in compliance with the following standards:

A. In a residential zone:

1. The proposed use may consist only of an expansion of an existing facility on the site or on the abutting site; and

The existing use has been operating on the site since 1964. The proposed project would replace an existing 4,800-square-foot assembly use with a 3,000 square foot assembly use. The proposed use of a religious assembly is consistent with all development standards, including setbacks, height, parking, and landscaping standards.

2. The site shall be limited to forty thousand (40,000) square feet in size;

The proposal is to modify a portion of an existing religious use. Although the project site is 47,870 square feet in size; this finding is not applicable because of the size of the addition therefore this finding does not apply.

3. A long-range development plan consistent with the requirements of [Section 21.34.020](#) shall be submitted for Planning Commission review and approval for any new or expanded use on any site larger than forty

thousand (40,000) square feet. New construction and additions with five thousand (5,000) square feet of floor area or more must be consistent with the long-range plan.

The existing religious assembly use has been operating on site since 1964. The facility consists of three structures and an accessory structure. The existing 'L-Shaped' church was completed in 1964, as two buildings, connected by a breezeway. The church/Sunday school and daycare buildings are arranged around a courtyard. The proposed project consists of the demolition of approximately 4,800 square feet of the existing assembly area to rebuild a new religious assembly building of approximately 3,000 square feet area in addition to parking and upgraded landscaping to the overall site. The use of the site will remain as a religious use but due to the demolition of the main assembly area within the residential zone the proposal requires a new Conditional Use Permit. Overall, the existing lot is over 40,000 square feet, with no proposed expansion of the lot. The proposal for the construction of the religious assembly use of 3,000 square feet would not require Site Plan Review or an overall Master Plan because it is an addition of less than 5,000 square feet. Additionally, the applicant has indicated there are no further plans to develop the property.

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

As proposed, the height of the building will be 26'-3", with the proposed setback of 15' from cedar and 130' from Wardlow Road. As proposed, the required parking for the overall site is 56 spaces, the applicant is proposing 72 spaces. The proposed use of a religious assembly is consistent with all development standards, including setbacks, height, parking, and landscaping standards.

C. Any new construction or additions with five thousand (5,000) square feet of floor area or more shall be subject to site plan review pursuant to [Chapter 21.25](#), Division V.

The applicant is proposing to demolish the existing 4,800 church sanctuary building to construct a new 3,000-square-foot chapel, therefore this finding does not apply. The proposal is a reduction of the overall square footage.

D. A buffer at least twenty (20) feet in width shall be provided adjacent to the boundary of any residential zone or property line of any residential use. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities. The minimum buffer requirement may be reduced subject to the review and approval of a Conditional Use Permit pursuant to [Chapter 21.25](#), Division II, as long as the reduced buffer maintains the minimum setback requirement of the district in which the facility is located. Parking areas shall be screened consistent with the requirements of [Chapter 21.42](#).

As proposed, the new chapel is more than 20 feet away from the existing multifamily residential to the north, and to the east. To the North, the proposed assembly use will have a separation of approximately 60-feet and will be separated by a parking and landscaping. To the east, there will be an approximate separation of 40 feet and will be separated by landscaping and

a 20-foot alley. There is no existing residential to the South or to the West, regardless there is an approximate separation of 45 feet to the west, and 100-foot separation to the south.

E. Outdoor areas used for recreation, meetings, services or other activities involving groups of persons shall be at least fifty (50) feet from the boundary of any residential zone or property line of any residential use.

The proposed meditation garden is located on the eastern side of the property. The proposed garden is buffered by landscape and a 20-foot alley. As proposed, the garden cannot be used as a meeting space.

F. Parking shall be provided in accordance with [Chapter 21.41](#).

As proposed, they are required to have 59 parking spaces and are providing 72 parking spaces and therefore the project meets this requirement.

F. To ensure compliance with the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the Planning Commission or the Zoning Administrator shall have the authority to grant exceptions and waivers to the requirements of this Code when necessary to accommodate religious assembly uses

1. A request for an exception or waiver shall be submitted and processed in the same manner as an application for an Administrative Use Permit consistent with the requirements of [Chapter 21.25](#), Division IV, Administrative Use Permits.

No waiver or exception is being requested, therefore this finding does not apply.

2. If necessary to reach a determination on the request for exception or waiver, the Zoning Administrator may request further information from the applicant, specifying in detail what information is required.

No waiver or exception is being requested, therefore this finding does not apply.

3. Findings required. The following findings must be analyzed, made and adopted before any action is taken to approve or deny a request for a modification or waiver and must be incorporated into the record of the proceeding relating to such approval or denial:

a. The requested exception or waiver will not impose an undue financial or administrative burden on the City.

No waiver or exception is being requested, therefore this finding does not apply.

- b. The requested exception or waiver will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City.**

No waiver or exception is being requested, therefore this finding does not apply.

- c. There are no alternatives to the requested waiver or modification that could provide an equivalent level of function related to religious worship with less potential detriment to surrounding owners and occupants or to the general public.**

No waiver or exception is being requested, therefore this finding does not apply.

- d. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest.**

No waiver or exception is being requested, therefore this finding does not apply.

- e. That denial of the requested exception or waiver would impose a substantial burden on religious worship or would conflict with any State or federal statute.**

No waiver or exception is being requested, therefore this finding does not apply.

- f. For religious assembly uses located in the coastal zone, a request for reasonable accommodation under this Section shall be approved by the City if it is consistent with all of the applicable provisions of this Division, and the certified Local Coastal Program. Where a request for a modification or waiver is not consistent with the certified Local Coastal Program, the City may waive compliance with an otherwise applicable provision of the Local Coastal Program and approve the request for reasonable accommodation if the City finds that the request is consistent, to the maximum extent feasible, with the certified Local Coastal Program.**

The project site is not located within the coastal zone and no waiver or exception is being requested, therefore this finding does not apply.

- 4. Conditions of approval. In approving an exception or waiver to accommodate religious assembly use, the decision-maker may impose any conditions deemed necessary to:**

- a. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;**

- b. Achieve the general purposes of this Section or the specific purposes of the zoning district in which the project is located;
- c. Achieve the findings for an exception or waiver granted; or
- d. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act

No waiver or exception is being requested, therefore this finding does not apply.

5. Exceptions or waivers approved pursuant to this section may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance. To ensure this, the property owner shall record a covenant demonstrating that the improvement with which the exception or waiver is associated shall be removed or modified to comply with City regulations at the expense of the property owner when said circumstance or occupancy changes.

No waiver or exception is being requested, therefore this finding does not apply.

6. Appeals. The applicant or any aggrieved party may appeal decisions pursuant to this section or any conditions or limitations imposed by the Zoning Administrator.

a. All appeals shall contain a statement of the grounds for the appeal.

b. Appeals shall be to the Planning Commission, in accordance with Division V of [Chapter 21.21](#) - Administrative Procedures.

No waiver or exception is being requested, therefore this finding does not apply.

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.**

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed project consists of approximately 3,000 square feet of new building area which is well below the 50,000-square-foot threshold which for non-residential uses requiring compliance with Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.