



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

FAX (562) 570-6068

December 18, 2014

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow a charter school for grades 7-12 to operate in an existing commercial structure located at 400 E. Willow Street on a property with a mixed zoning designation of Community Automobile-Oriented commercial district (CCA) and two-family residential district (R-2-N) and accept Categorical Exemption 14-104. (District 6)

APPLICANT: Opportunities for Learning, BP II LLC  
320 N. Halstead Street, Suite 220  
Pasadena, CA 91107  
(Application No. 1409-03)

## DISCUSSION

The project site is located on the south side of Willow Street one block east of Long Beach Boulevard at the corner of Willow Street and Elm Avenue (Exhibit A – Location Map). The property is improved with a commercial building that fronts Willow Street and a parking lot located behind the building that is accessible off of Elm Avenue.

The subject property has a split zoning designation wherein the front half of the lot that fronts Willow Street has a commercial zoning designation (CCA) and the south, rear portion has a residential zoning (R-2-N) where the parking lot is located. The subject property has residential uses located to the south and east of the parcel with intense commercial uses to the west and north. The applicant is seeking to establish a charter school in the existing 5,200-square-foot commercial building (Exhibit B – Floor Plans and Photographs).

The proposed charter school will serve students in grades 7-12 in a non-traditional setting. According to the applicant, the proposed charter school offers a hybrid format that includes independent study, small group, and online instruction as an alternative to conventional classroom programs. Given this hybrid format, students are only present at the school location twice a week to attend 90 minute appointments during which 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.

In considering a 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; the facility 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 Bureau to ensure there are no code compliance issues with the change in occupancy.

Here, the proposed charter school is located on Willow Street, which is classified as a major arterial, and the applicant has met with officials from the Building Bureau and Fire Departments who have determined there are no major issues to prevent the conversion from a commercial to an institutional use. The structure itself is non-conforming as to the required front and 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, it has been determined there are three classrooms that require seven parking spaces each under the Zoning Code for a total of 21 required parking spaces; the applicant is providing 23 parking spaces on site.

The proposed facility will have a total of four teachers and four support staff on site during business hours and operates 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.

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

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on December 3, 2014. No responses have been received as of the date this report was prepared.

### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-104) was prepared for the proposed project (Exhibit D).

CHAIR AND PLANNING COMMISSIONERS

December 18, 2014

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Respectfully submitted,



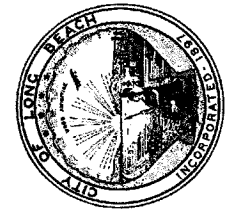
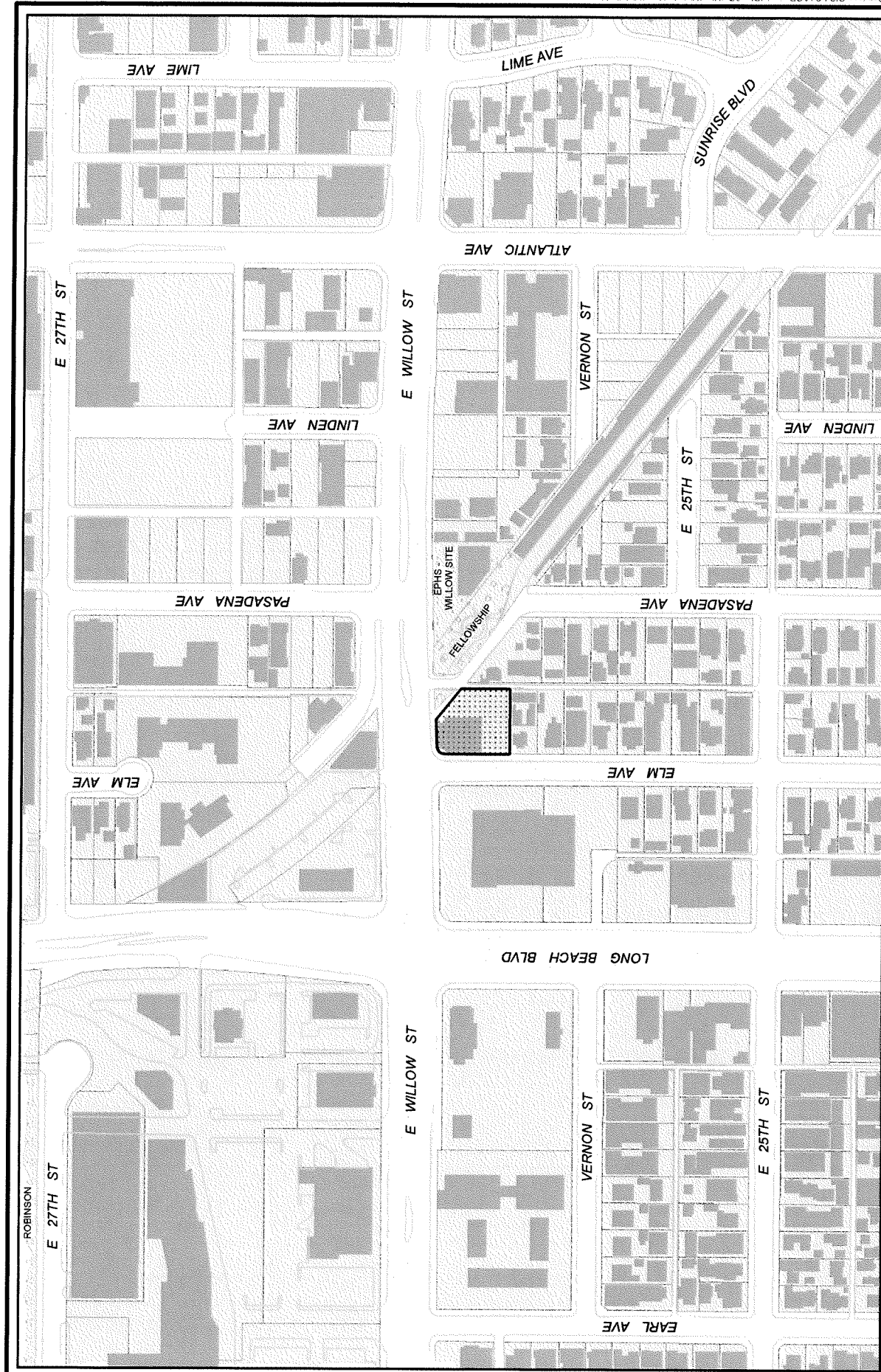
JEFF WINKLEPLECK  
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

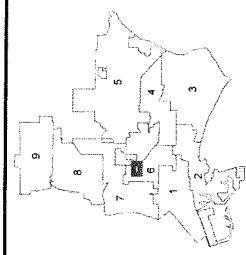
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- Exhibits:
- A. Location Map
  - B. Floor Plan & Photographs
  - C. Findings and Conditions of Approval
  - D. Categorical Exemption CE 14-010



**Subject Property:**  
 400 E Willow St  
 Application No. 1409-03  
 Council District 6  
 Zoning Code : CCA & R-2-N

## Exhibit A



## CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

400 E. Willow Street  
Application No. 1409-03  
Date: December 18, 2014

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 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. Instruction includes independent study off-site, small group classes and teacher meetings on-site, and online instruction. Students meet with teachers twice a week on-site for an hour-and-a-half each; staff is limited to four teachers and four 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 three classrooms, including the large assembly area in the main area of the building, requiring a minimum of 21 on-site parking spaces. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications, including expansion of the tasting event area, 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 November 25, 2014, indicating that 23 parking spaces, parking lot landscaping, and a trash/recycling enclosure will be provided, except as amended herein.
6. The non-conforming free-standing pole sign on site shall be removed and may be replaced with a conforming free-standing or monument sign approved by the Site

Plan Review Committee or its designee.

7. The existing signage on the building shall be removed and the walls patched, repaired, and repainted. New signage shall be reviewed and approved by the Site Plan Review Committee or its designee.
8. 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.
  - c. Sunday: closed.
9. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
10. Installation of any exterior newsstand and vending machines shall be prohibited.
11. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
12. 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 hours of operation.
13. Each parking stall located adjacent to a building, fence, wall, or landscaping shall provide a wheel stop. Wheel stops shall be construed of concrete or other materials, as approved by the Superintendent of building and Safety.
14. A new masonry block wall, to match the existing wall, shall be constructed along the east property line to screen the parking from the adjacent residential uses across the alley.
15. Plans shall indicate that the existing security grilles shall be removed and that any new metal security doors and exterior security grilles are prohibited.
16. New landscaping areas shall be planted with minimum 15-gallon trees of a species known to have broad canopies.
17. The existing asphalt drive adjacent to the northeast corner of the lot is a City-owned public right-of-way and no proposed improvements on the subject site should interfere with access to this area.

**Standard Conditions:**

18. 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.
19. 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.
20. 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).
21. 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.
22. The Director of Development Services is authorized to make minor modifications to the approval design plans or the 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.
23. 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).
24. Any graffiti found on site must be removed within 24 hours of its appearance.
25. 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.

**CONDITIONAL USE PERMIT  
FINDINGS  
Application No. 1409-03  
Address: 400 E. Willow Street  
Date: December 18, 2014**

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 #8A (Traditional Retail Strip Commercial) and the zoning designations of Community Automobile-Oriented District (CCA) and Two-Family Residential District (R-2-N). 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 #8A establishes a commercial district that is smaller in scale and serves local/neighborhood needs rather than community/regional needs. The land use district recognizes the continuing need to provide commercial uses along the frontages of certain streets for the service and convenience of persons needing local services.

The proposed charter school will serve students in grades 7-12 in a non-traditional setting. According to the applicant, the proposed charter school offers a hybrid format that includes independent study, small group, and online instruction as an alternative to conventional classroom programs. Given this hybrid format, students are only present at the school location twice a week to attend 90 minute appointments during which 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 small institutional use operating in a non-traditional manner that serves the community.



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

In accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, a Categorical Exemption (CE 14-104) was prepared for this project.

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.

**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 Willow Street. Per the City of Long Beach's Functional Classification of Streets, Willow Street 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 is unusual in that it has a split zoning designation with the north half of the lot, where the existing structure is located, possessing a commercial zoning designation of CCA (Community Automobile-Oriented district) and the south half of the lot occupied by the parking lot having a residential zoning (R-2-N, two-family residential 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, but given that it is an existing condition, it is considered legal, non-conforming and will be allowed.

Required parking for a secondary school is seven spaces per classroom. Based on the floor plan, there are three classrooms in the proposed

facility requiring a total of 21 parking spaces. The applicant is proposing 23 spaces.

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

The subject site has a split zoning designation wherein the north half of the lot is located within a commercial zone (CCA) and the rear portion is within a residential zone (R-2-N), however, the lot is less than 40,000 square feet in area and therefore this condition does not apply.

- D. An applicant seeking to convert an existing commercial building into 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 applicant for conditional use permit is considered complete.**

In processing the subject request for a conditional use permit, it was discovered that the Building Bureau no longer provides special code compliance inspections for commercial structures. In lieu of providing this required inspection and report, the applicant met with officials from the Building Bureau and Fire Department to determine if there were any major issues that would prevent the conversion of the existing commercial building to an institutional use. Based on that meeting, no major building code issues were identified and the Zoning Administrator determined this meeting met the requirements of this condition and deemed the application complete.



# NOTICE of EXEMPTION from CEC EXHIBIT D

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU  
333 W. OCEAN BLVD., 5<sup>TH</sup> 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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

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

Categorical Exemption CE- 14-104

Project Location/Address: 400 E. Willow St.

Project/Activity Description: Conversion of existing commercial structure to a private charter school for grades 7-12

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

Applicant Name: Thomas Tan

Mailing Address: 320 N. Halstead Pasadena, CA 91107

Phone Number: (626) 710-2679

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1409-03 Planner's Initials: A.Z.

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: Proposal for charter school consists of converting an existing commercial/retail to a school - no new square footage is proposed.

Contact Person: ANGIE ZETTERQUIST

Contact Phone: 562 570 6553

Signature: [Signature]

Date: \_\_\_\_\_