

CONDITIONAL USE PERMIT FINDINGS

**757 Pacific Avenue
Case No. 2205-18 (CUP22-019)
November 17, 2022**

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 subject site is located in General Plan Place Type Downtown, and is within the PD-30 Downtown Plan Planned Development District. The Land Use Element Placetype of Downtown is intended to permit a mix of land uses and housing types. A combination of land uses intended for this district include, active ground-floor shops, restaurant and cafes, higher density residences, visitor-serving facilities, personal and professional services, or recreational facilities. The previously approved uses on the subject property operated mainly as office space. The existing uses along Pacific Avenue in the vicinity of the project site include a business office, high- and low-density residential uses. The proposed preschool would be an example of an activity center generally included in the examples of visitor-serving facilities.

The subject site would also align with the Land Use element, which introduces city wide goals, strategies, and policies to guide the use of land and urban form. Goal four of the land use element is to support Neighborhood preservation and enhancement by supporting uses that support safe, diverse, and healthy communities. Land Use Element Policy 10-3 of Goal Four would accommodate neighborhood-serving goods and services, learning facilities, public amenities and transit stops within walking distance of most residences. The proposed use would align with this goal and policy by providing a safe neighborhood serving learning facility for the surrounding community.

PD-30, which implements the Downtown PlaceType of the General Plan, permits daycare or pre-schools by right. But it is subject to the approval of a Conditional Use Permit (CUP) when there are 14 or more children. This Conditional Use Permit approval is consistent with the goal of the general plan by providing neighborhood and visitor serving facilities and with the zoning code, when the special conditions are met with respect to required outdoor area per child, proximity to like uses, hours of operation, and parking standards.

In addition, the project is consistent with the City Council's 2018 Everyone Home Initiative. Everyone Home, is a citywide plan to address homelessness. The plan outlines goals and recommended actions that can be taken to support the unhoused, individuals and families who are experiencing housing insecurity. Because homelessness, poverty, and domestic violence can have life-long impacts on a child's well-being, supporting families and children who are at-risk or experiencing homelessness is identified as essential component to addressing the housing crisis. Goal 5 of the plan calls for increasing childcare opportunities for low-income and homeless families particularly infants and toddlers, including at provider sites support family access to services. This preschool would provide tuition free childcare to qualifying families helping to fill this needed service in the community. The subject site is outside the Coastal Zone and not within a specific plan area.

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 existing building is located within a neighborhood consisting of a mixture of commercial, office, and high- and low-density residential uses. The building has been used as office space and the proposed use would be contained within an existing building and a gated playground area.

The proposed school, as conditioned, will not be detrimental to the surrounding community and will provide an added benefit to the surrounding community. The conditions of approval will incorporate hours of operation, establish operating standards for the use of the outdoor playground, and address loading and unloading on-site. The proposed operations would not negatively affect the neighbors, as a majority of the preschool participants utilize the blue line metro located conveniently close by.

The subject site is located within a mix of uses. The applicant is proposing to utilize the south portion of the property as an outdoor play area. To ensure the operations are not impactful on the nearby uses the following conditions of approval are necessary: 1) the use of the outdoor play area shall be limited to 9:30 a.m. to 2:30 p.m. only Monday through Friday; and 2) the number of kids outside shall be restricted to no more than the maximum occupancy determination performed by a licensed design professional with one adult supervisor.

The proposed use, as conditioned, will not be detrimental to the health, safety or general welfare, or quality of life for the community.

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

Section 21.52.249 states that the following conditions shall apply to all Preschool, day care, and similar uses requiring a Conditional Use Permit:

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

With the proposed number of 41 children, 3,075 square feet of outdoor play area is required and a total of 3,443 square feet of outdoor play area will be provided. The outdoor play area will be split up into two sections Play Area A and Play Area B. Play Area A will be 2,290 square feet and function for twenty-eight (28) children from the ages of three (3) to five (5) years old. Play Area B will be a total of 853 square feet and function for eleven (11) children from the ages of one (1) to three (3) years old.

B. In residential districts, no other similar facility may be located and operating within one-half (1/2) mile (2,640 feet) of the proposed site;

Project site is in the PD-30 Zoning district, which permits mixed uses. The location is not located in solely residential zoning and this condition would not apply.

C. The hours of operation shall be limited to the hours between six o'clock (6:00) a.m. and seven-thirty (7:30) p.m.; and

The proposed use would operate Monday through Friday from the hours of 7:30 AM to 4:00 PM. The preschool facility would be closed on Saturday and Sunday.

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

The proposed preschool use would include thirteen (13) onsite parking stalls, including two (2) unloading and loading parking spaces, two (2) accessible parking spaces, and nine (9) standard parking spaces to accommodate onsite staff, parents, and unloading and loading requirements. Due to the nature of the programs offered the majority of preschool parents do not own vehicles and utilize public transit that is located nearby and on Pacific Avenue.

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.

The proposed project will establish a preschool within an existing building and does not meet the threshold requiring compliance with the Green Building standards. The provisions of Section 21.45.400 would not apply to the proposed project.