

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL  
Case No. 2205-18 (CUP22-019)  
757 Pacific Avenue  
Date: November 17, 2022**

**Special Conditions:**

1. This approval is for a Conditional Use Permit to allow a preschool with an outdoor play area in an existing commercial building at 757 Pacific Avenue.
2. As provided in Section 21.21.406 of the Long Beach Municipal Code, every right or privilege authorized under this permit shall terminate three (3) years after the granting of the request and be of no further force and effect if the right or privilege has not been commenced within that three-year period. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by publicly declared emergency, fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.
3. Hours of operation for the approved preschool use shall be limited to 6:00 a.m. – 7:30 p.m. daily.
4. 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.
5. The childcare facility shall be restricted to no more than 41 children on-site at any one time, subject to official building occupancy determinations.
6. The existing trash enclosure fence at the southeast corner of the lot 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.
7. The outdoor area shall consist of a 3,143-square-foot area generally located in the south-east portion of the site, as identified on the plans on file with this application. The applicant shall ensure that the use of the outdoor play area conforms with the following conditions:
  - a) A 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. The applicant shall submit this documentation to the Zoning Administrator prior to approval of the business license.

- b) The designated outdoor area may only be used between the hours of 9:30 a.m. to 4:30 p.m. Monday through Friday.
  - c) The applicant shall post and maintain a minimum of two informational signs (each less than three sq.ft.) that inform users of condition 7.b within the outdoor play area.
- 8. 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.
  - 9. The applicant shall provide signage clearly noting that the loading and unloading of students is not permitted in the alleys. The alley shall be kept clear of parked vehicles.
  - 10. The applicant shall notify parents as part of the registration packet that pick-up and drop-off shall not occur in the public alley and be occur in the two (2) noted drop off parking stalls. This notification shall require the parent's signature acknowledging they will abide by this policy.
  - 11. The applicant shall provide all proposed perimeter fencing as shown on the plans.
  - 12. The applicant shall remove the non-confirming pole sign located along Pacific Avenue, as stated on the plans, prior to issuance of a Business License for the use.
  - 13. The applicant shall note what type of material will be used to cover the outdoor play areas. If landscaping is proposed, any landscaping 500 Square feet or greater shall submit for an MWELO landscape submittal.
  - 14. The applicant shall remove or fully screen all roof mounted mechanical equipment. Screening shall be at least the height of the equipment, compatible materials to match architectural style, and be painted to match.
  - 15. The applicant shall make note of all the existing and proposed utilities on site to ensure all utilities comply with LBMC.
  - 16. The applicant shall address if the existing four (4) AC units along the west building elevation will be maintained or removed. If kept, Ac units must be

screened from street view.

**Public Works:**

17. 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).
18. 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.
19. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.

**Gas:**

20. Provide new total gas loads to see if existing meter(s) and service line(s) need to be upsized.
21. The enclosure size for the meter set assembly may need to be increased to accommodate a bigger meter and most recent clearance requirements and standards for the gas facilities.

**Water:**

22. Developer shall protect in place or relocate per approved plans all existing water and sewer services affected by this development.
23. Plumbing plans shall be approved by LBWD prior to construction.

**Police:**

24. Lighting shall be added at pedestrian entrances, buildings perimeter, vehicle entrances, and walkways on Pacific Avenue and 8<sup>th</sup> Street. Also, on the north/south alley rear of the location (N Park Court).
25. Landscaping in the front portion of the building shall not completely obstruct the windows.
26. Defensive plants (Barrel Cactus, Barberry, Blackthorn, etc.) shall be added to the landscape design for business security.
27. Applicant shall Install security cameras inside the building facing the entrance and exits, along the building's perimeter. Recommended camera

system specifications can be found at:  
<http://www.longbeach.gov/police/media-library/documents/crime-info/lbcop---community-camera-partnership/recommended-camera-system-specs-handout/>

28. Applicant shall register cameras with the Long Beach Police Department's Community Camera Partnership program. Additional Information is available at: <http://www.longbeach.gov/police/crime-info/lbcop-community-camera-partnership/>
29. Applicant shall maintain security fencing at an appropriate and lawful height to prevent unauthorized access into the pedestrian walkway. Consider gates to eliminate alcoves at the location.

**Standard Conditions:**

30. 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).
31. 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.
32. 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.
33. 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).

34. 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.
35. 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.
36. The Director of Long Beach 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.
37. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials 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.
38. 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).
39. New exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited. Existing unpermitted security bars, scissor gates applied to pedestrian building entrance must be removed.
40. Any graffiti found on site must be removed within 24 hours of its appearance.
41. 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.
42. 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 the 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 Planning and Building may require additional preventative measures such as but not limited to, additional lighting.

43. 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.
44. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
45. 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.
46. 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.
47. 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. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed
48. 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.
49. 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.