

## **CONDITIONAL USE PERMIT FINDINGS**

**927 Pine Avenue  
Application No. 1804-13 (CUP18-009)  
July 19, 2018**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, 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 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 Land Use District No. 7 (Mixed Use District) and within the PD-30 (Downtown Plan) District. The Land Use Element designation of LUD No. 7 is intended to include vital activity centers. A combination of land uses intended for this district include employment centers such as retail, medical facilities, higher density residences, visitor-serving facilities, personal and professional services, or recreational facilities. The previously approved uses on the subject property operated as a private school/learning facility. The existing uses along Pine Avenue in the vicinity of the project site include business offices, retail, and residential uses. The proposed school would be an example of an activity center generally included in the examples of visitor-serving facilities.

PD-30 (Downtown Plan) District zone, which implements the General Plan, allows elementary and secondary schools subject to the approval of a Conditional Use Permit (CUP). The proposal to operate a private elementary school may be permitted with a CUP approval. A CUP is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the Zoning Regulations with respect to location, size, parking, and building code standards. 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 residential uses. The building has been used as a school or education facility in the past. 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. The conditions of approval will incorporate hours of operation, limit the number of children, establish operating standards for the use of the outdoor playground, require transit incentives for staff, and address loading and unloading on-site.

There are no off-street parking spaces located on the site. The existing parking is legal non-conforming, as 16 parking spaces and two loading and unloading spaces would be required today based on the previously approved number of classrooms. Operation of the proposed school alone requires six spaces and two loading and unloading spaces.

To ensure the operations do not negatively affect the neighbors, the applicant/operator would provide transit incentives such as a transit stipend or transit pass for staff, to encourage the use of public transit, which has been incorporated as a condition of approval. There is one 30-minute parking site along Pine Avenue directly in front of the project site and additional, existing 30-minute parking spaces along the west side of Pine Avenue south of the project site. The applicant/operator has documented typical drop-off and pick-up times for the school. Because the school is structured on a “drop-in” schedule, the arrival and departure times are staggered throughout the day, unlike a typical school setting. In addition, as conditioned, the applicant would be required to inform parents/caregivers and post signage that all alleys are to be kept clear of parked vehicles. The conditions of approval serve to ensure that the use does not impact the on-street availability of parking.

The subject site is located in an area of the PD-30 District that includes a mix of commercial, office, and residential uses. The applicant is proposing to utilize the western (rear) 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 8:00 a.m. to 4:00 p.m. only, Monday through Friday; and 2) 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.

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

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

Section 21.52.263 states that the following conditions shall apply to all private elementary and secondary school uses requiring a Conditional Use Permit:

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

The project site is located on Pine Avenue, which is classified as a Key Mobility Street in the Downtown Plan (PD-30) (Figure 2-2, Connectivity Network). Transit options, such as the Metro Blue Line or Long Beach Transit/Metro Bus routes, are within walking distance of the project site.



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

The existing building features a door and storefront windows along the east elevation on Pine Avenue. No changes are proposed to the exterior of the building. The portion of Pine Avenue adjacent to the project site is designated for Pedestrian-Oriented Uses: Secondary Streets. On Secondary-designated streets, the ground-floor street fronts shall contain active uses. Private elementary schools are allowed uses on Main or Secondary-designated streets. The storefront along Pine Avenue is the main point of entry for the Lab Learning Center.

The existing fence around the rear outdoor play area includes gates that swing over the public right-of-way (alley). As conditioned, the gate swing shall be reversed to avoid swinging over the public right-of-way. In addition, the applicant will be required to repair/fix or replace any portion of the rear fence in disrepair prior to the issuance of a business license.

Trash receptacles are currently stored in the public alley, outside the rear fence area. As conditioned, the applicant/operator would be required to relocate the trash receptacles within the fenced area when not out for pick-up.

The project site does not include any off-street parking. The previous uses established in the existing building include the Progress School (established in 1960) and other interim school uses, such as a Head Start facility. The new school use would require less parking than the previous use. Therefore, the proposed school use would not be required to add additional parking as part of this approval.

Due to the absence of off-street parking, the applicant has included transit incentives, a \$50 monthly transit stipend, for employees to reduce the number of parking spaces dedicated for staff use.

Existing painted 30-minute parking spaces along Pine Avenue would be utilized by parents/caregivers as drop-off and pick-up locations. When these spaces are occupied, parents utilize on-street parking spaces for pick-up and drop-off activities. As conditioned, no parking or loading shall occur in the alleys adjacent to the project site.

As conditioned, the proposed use would conform to the development standards of the PD-30 District, including parking.

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

The proposed project is not in a residential zone, and this finding would not apply to the proposed project.

- 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 application for conditional use permit is considered complete.**

The previous uses established in the existing building include the Progress School (established in 1960) and other interim school uses, such as a Head Start facility. Building permits were issued in 1960 to convert the store building into school classrooms. Since the issuance of this building permit, the building has been occupied by school uses and the Head Start Program. Therefore, the proposed use would not require the conversion of the existing building into a school occupancy. While the special code compliance inspection was not required, the applicant is required to meet all requirements for building codes, including determining the appropriate occupancy of the building and play area. The City of Long Beach Fire Department has issued a Fire Protection & Life Safety Equipment Performance Certificate for the Lab Learning Space (Exhibit C – Fire Protection & Life Safety Equipment Performance Certificate).

- 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 private school 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.