

CONDITIONAL USE PERMIT FINDINGS

**1179 East Wardlow Road
Application No. 1811-01 (CUP18-033)
January 17, 2019**

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 within the Community Automobile-Oriented (CCA) Zoning District and in General Plan Land Use District No. 8M (Mixed Office/Residential Strip District).

The Community Commercial Zoning Districts provide medium scale uses which may require buffering to ensure compatibility with adjacent neighborhood uses. These districts are located on major or minor arterials, located on larger lot sizes and adjoining larger scale residential neighborhood uses or are buffered from smaller scale residential neighborhoods. The CCA District permits retail and service uses for an entire community including convenience and comparison shopping goods and associated services.

The Land Use Element designation of LUD No. 8M is intended to encourage a mix of free-standing office buildings with freestanding residential buildings, with the provision for some retail uses in the ground floors.

The existing building is a freestanding, one-story commercial building that was constructed in 1936. The existing uses within the building include business offices, a beauty salon/barber, and a restaurant. The proposed use would occupy an existing tenant space along the East Wardlow Road frontage.

The CCA Zoning District, which implements the General Plan, allows veterinary uses with boarding subject to the approval of a Conditional Use Permit (CUP). The General Plan designation allows for some retail uses in the ground floor. The proposed facility would be an example of a community-serving personal service use with the retail sale of kitten care items as an accessory use. The use would be located in an existing commercial building where no substantial modifications to the exterior of the building are proposed. As conditioned, the business would fully operate within the commercial building, which would lessen potential impacts on the other tenants and nearby residential uses.

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 treatment activities, types of animals, compliance with noise standards, and buffering from residential use districts. The proposed veterinary use would be for treatment and boarding of kittens only. According to the provisions of the special conditions, all activities related to treatment and boarding would occur entirely within a fully air conditioned building. A monitoring program is included in the conditions of approval to ensure that the use would not exceed the provisions of the noise ordinance. In addition, the subject site and all adjoining/abutting properties are within the CCA zone, which prohibits single- and multi-family residential uses. While there are non-conforming residential uses adjacent to the subject property, the lack of exterior windows, implementation of a monitoring program, and operation within an air-conditioned building would prevent noise from emanating from the building that could violate the noise ordinance.

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 one-story commercial building is located adjacent to non-conforming multi-family residential uses. The existing building consists of a mix of office, retail, restaurant, and personal service uses. The subject tenant space has been used as a business office in the past.

The proposed veterinary use with boarding, as conditioned, will not be detrimental to the surrounding community. The conditions of approval include, but are not limited to, provisions for a complaint monitoring program, periodic re-inspections, maintenance of operational air-conditioning and proper ventilation, interior security gates, and durable interior building materials to allow for sanitary operations.

The applicant has included specific information on how the veterinary use and boarding of kittens will be operated, including hours of operation, onsite staffing, age of kittens, and maximum number of kittens at one time. In addition, the operator shall provide a new staff/volunteer orientation to the facility conditions of approval to verify that staff is aware of the policies addressing noise, sanitation, and staffing requirements.

The conditions of approval require the maintenance of air-conditioning, proper ventilation, and durable flooring materials to ensure that the tenant space is suitable to address noise and sanitary concerns associated with the presence of multiple kittens in an indoor space. These conditions are established to ensure that the proposed use would not be detrimental to the general quality of life for patrons of the commercial building as well as the existing tenants.

Therefore, with the proposed conditions of approval, the veterinary use with boarding would not be detrimental to the surrounding community including public health, safety, general welfare, environmental quality or quality of life.

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

Section 21.52.286 states that the following conditions shall apply to all veterinary uses requiring a Conditional Use Permit:

A. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets, but exotic animals and species of equine are excluded;

The proposed use includes the medical treatment and boarding for unweaned kittens. A limited number of mother cats can be boarded with their kittens to provide nursing during the length of the kittens' boarding. Mother cats shall only be boarded in the tenant space while nursing kittens. In addition to veterinary treatment, nursing, and boarding, limited adoptions by the public and accessory sales of kitten supplies and toys shall be permitted in the tenant space.

B. All activities must be confined within a building that is fully air-conditioned and sound-proofed to the standards of the noise ordinance, Chapter 8.80 of the Municipal Code; and

The existing tenant space features a single door along the south elevation on East Wardlow Road. There are no exterior windows within the existing tenant space. No extensive building renovations are proposed as part of this application.

The proposed use would be confined within a building that is fully air-conditioned and has solid walls on all sides, except for the entry door along East Wardlow Road. Due to the age of the kittens and existing tenant space conditions, substantial noise is not anticipated to emanate from the new use. The lack of exterior windows and the indoor operation of the use (within a fully air-conditioned building) would baffle all potential noise that could result from the use. As conditioned, a 12-month complaint monitoring program, monthly inspections by the City of Long Beach Animal Care Services Bureau of the Department of Parks, Recreation and Marine (ACS), and annual Planning Bureau inspections would verify compliance with the noise ordinance and all additional requirements included in the conditions of approval.

C. The site shall not adjoin or abut a residential use district.

The subject site is in the CCA Zoning district, which prohibits single- and multi-family residential uses. Therefore, the existing residential uses to the north and across the alley to the west are non-conforming uses. As uses change over time, the non-conforming rights to the abutting and adjacent residential uses shall be lost if these uses are abandoned per the provisions of the Municipal Code. Therefore, the site does not adjoin or abut a use district that permits residential uses.

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 veterinary use with boarding 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.