



Legislation Details (With Text)

**File #:** 07-0001      **Version:** 1      **Name:** PB - Hearing appeal Plng Com 85 W. Del Amo Blvd.  
**Type:** Public Hearing      **Status:** Concluded  
**File created:** 1/3/2007      **In control:** City Council  
**On agenda:** 1/9/2007      **Final action:** 1/9/2007  
**Title:** Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Jesse Brown, and sustain the decision of the City Planning Commission to approve a Conditional Use Permit and Standards Variance to allow the operation of a child care center with less than code required parking at 85 West Del Amo Boulevard (Case No. 0602-06). (District 8)  
**Sponsors:** Planning Commission, Planning and Building  
**Indexes:** Permits  
**Code sections:**  
**Attachments:** 1. 010907-H-3sr&att.pdf, 2. 010907-H-3handout-smith, 3. 010907-H-3handout-poke, 4. 010907-H-3handout-angel, 5. 010907-H-3handout-pressburg

Date	Ver.	Action By	Action	Result
1/9/2007	1	City Council	approve substitute motion	Pass

Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Jesse Brown, and sustain the decision of the City Planning Commission to approve a Conditional Use Permit and Standards Variance to allow the operation of a child care center with less than code required parking at 85 West Del Amo Boulevard (Case No. 0602-06). (District 8)

This is an appeal of a Planning Commission decision to approve a Conditional Use Permit for a commercial child care center and a Standards Variance to waive the requirement for three required onsite parking spaces. The property is developed with a 1,704 square foot, fivebedroom, one-story single-family home with a detached two-car garage. The home had been used as a single-family residence until the subject child day-care center opened in March 2006.

Blessings Child Care is currently approved by the State of California to care for a maximum of fourteen (14) children as a large family day care residence. However, with morning and afternoon programs the total number of children onsite varies throughout the day. The applicant is requesting approval of a total of 31 children. Child care is provided in four rooms designated for children of different ages (toddlers, 2-3 year olds, 3-4 years old, and infants). There are a total of four (4) full-time employees, and two (2) part-time employees. Of these employees, two live in the neighborhood and walk to work, and one is a relative of the operator. One company vehicle is parked on the street and is also used for child pick-up and drop-off services as needed. The driveway off Del Amo Boulevard provides space for two vehicles, primarily for pick-up and drop-off. Hours of operation are from 6:30 a.m. to 6:30 p.m., Monday through Friday.

The Planning Commission discussed the proposal at a public hearing on October 19, 2006, after continuing the matter from their meetings of September 21 and October 5, 2006. The matter was continued once again to November 16, 2006, and staff was directed to review traffic patterns, trash pick-up hours and other child care centers in the city.

With regard to traffic, staff conducted eight field visits during the morning and afternoon rush hours in order to observe any potential conflicts with the drop off and pick up schedule submitted by the applicant. Staff found that westbound traffic was heaviest between 7:30 a.m. and 8:00 a.m., occurring after the busiest drop off and pick up times for the child care center. Traffic was not a problem in the afternoon since it was primarily eastbound. Use of the loading space in the driveway, in conjunction with the proposed curb-side loading area, immediately in front of the center, is expected to provide adequate short-term parking. No conflicts with trash pick-up are anticipated, since pick-up is on Mondays from 8:00 a.m. -12:00 p.m. Staff also observed during site visits that on-street parking spaces were always available in the immediate vicinity of the facility. In comparing other child care centers located in residential neighborhoods, staff found that Blessings Child Care center was unique because most other centers in residential zones were, situated either on school property or away from major arterial streets.

At the continued public hearing on November 16, 2006, the Planning Commission reviewed the additional analysis prepared by staff as well as public testimony. Four letters were received in opposition, and one petition with 28 signatures was received in support of the request (see Attachment 2). Mr. Jesse Brown, the appellant, spoke in opposition and four people spoke in support of the request.

The Commission discussed the issues of play yard/open space and parking availability on the project site. A motion was made by Commissioner Winn to approve the Conditional Use Permit and Standards Variance to permit a total of 31 children. This motion included a condition to remove the detached garage as a means to meet minimum play area standards of 75 square feet per child. That motion was seconded by Commissioner Stuhlbarg and passed unanimously. In taking this action, the Planning Commission found that the child care center with 31 children would not have a significant negative impact on the neighborhood, based upon the loading area in the driveway and the proposed 24-minute green curb directly in front of the facility. Furthermore, the removal of the garage would allow for an increased play yard sufficient to meet the 75 square feet per child minimum requirement. Additionally, the Planning Commission found that the proposed use would provide a beneficial service to the community.

An appeal was filed by Mr. Brown on November 22,2006. In his appeal, Mr. Brown contends that the traffic data presented was incomplete and that the conversion of a residential building into a commercial use is not desirable, and that the use should not be approved without adequate on-site parking.

Assistant City Attorney Michael J. Mais reviewed this report on December 28,2006.

The Long Beach Municipal Code requires that an appeal of the Planning Commission's decision be heard within 60 days of filing of the appeal, or by January 22,2007.

A 10-day public notice of the hearing is required.

None.

Approve recommendation.

LESLIE GENTILE, CHAIR CITY PLANNING COMMISSION

NAME Suzanne Frick  
TITLE Director of Planning and Building

APPROVED:

\_\_\_\_\_  
GERALD R. MILLER  
CITY MANAGER