



## Legislation Text

---

**File #:** 18-0650, **Version:** 1

---

Recommendation to receive supporting documentation into the record, conclude the public hearing, consider a third-party appeal (APL18-002) from James Richardson; accept Categorical Exemption (CE18-079); and, uphold the Planning Commission's decision to approve a Conditional Use Permit (CUP18-006) for childcare services, health and wellness programming, and a 1,760 square-foot outdoor play area at an existing church at 2325 East 3rd Street, in the Single-Family Residential District (R-1-N) Zone. (District 2)

On June 21, 2018, the Planning Commission approved a Conditional Use Permit (CUP) to allow childcare services, health and wellness programming, and a 1,760-square-foot outdoor play area at an existing church (Attachment A - Planning Commission Staff Report). The proposed childcare services consist primarily of before and after school care. Additionally, childcare services in the form of day camp would be offered during extended school breaks. To support the childcare services, an outdoor play area of 1,760 square-feet is proposed in conjunction with the indoor recreation space.

The applicant also proposes health and wellness programming, which would consist of sports practices and clinics for children, group exercise classes, and basic cardio and strength fitness equipment for use by adults. The church use is supported by 58 parking spaces; 21 spaces located onsite and 37 spaces located in an offsite parking lot 85-feet away. The church currently makes its parking available on a permit basis to nearby residents for overnight parking.

The Planning Commission received a staff report, took public testimony, and conducted a public hearing on the proposed daycare operation. Both written and oral comments in support and opposition to the project were received (Attachment B - Public Communication Received). The Planning Commission approved (4-0) the CUP subject to conditions of approval. (Attachment C - Conditional Use Permit Findings; Attachment D - Conditional Use Permit Conditions of Approval).

On June 29, 2018, Mr. James Richardson (Appellant), filed an appeal and subsequently submitted a revised description of the appeal on July 2, 2018 (Attachment E - Application for Appeal). The Appellant's statement appeals the health and wellness programming portion of the CUP approval only. The Appellant asserts that the Planning Commission's decision was flawed because it failed to consider the following:

1. That health and wellness programming is not permitted in the Land Use Table 31-1 of the Zoning Ordinance.

However, churches are a permitted use within the single-family residential zone subject to the approval of a CUP. Pursuant to LBMC Section 21.15.510, a church is:

*“an institutional land use providing facilities for worship or the assemblage of the public for worship. Accessory uses include personal counseling and education in subjects relating to personal life and the building or buildings where such activities take place. This definition includes cathedral, mosque, shrine, synagogue or temple, and other religious worship places.”*

The subject church has operated from this location since 1904 with a special permit approved by the City in 1965 to re-establish the assembly use following a fire.

The health and wellness programming is proposed to occur on the lower level of the church, which previously has been used for sports and fitness classes. A portion of the lower level was converted in 1950 from a banquet room to a recreation room/gymnasium that exists today. The health and wellness programming, whether operated by the church or an outside provider, in this case, the YMCA, constitutes an expansion of the church’s current use, which requires a CUP.

2. That the use does not provide parking in accordance with the code.

The code requires 22 parking spaces for the childcare and health and wellness programming area, which will include cardio and weight equipment and 58 parking spaces will be available (Attachment F - Plans).

Use	Parking Requirement	Required
<b>Childcare</b> (60 children)	1 space per every 10 children, plus 2 loading and unloading spaces.	6
		4*
<b>Health and Wellness Room</b> (1,470 sq. ft.)	5 spaces, plus 4 spaces per 1,000; or 1 per 3 spectator seats, whichever is greater, plus 20 per 1,000 square feet of gross floor area of exercise floors.	10.9
<b>Gymnasium</b> (1 basketball court)	5 per court	5
<b>Total</b>		22
*An additional two spaces for loading were required to accommodate the two shuttle vans during hours of operation.		

The Appellant also notes the potential loss of the church’s parking lot availability to residents within a parking impacted area. However, the church has no legal obligation to allow overnight parking by permit. Its willingness to do so is a voluntary community benefit.

The Appellant has made several other assertions related to previously permitted site conditions and the Building Code, which have no bearing on the consideration of the CUP application.

Staff finds the appeal to be without merit, in that it is based on inaccurate assumptions and issues not pertaining to the CUP application. The health and wellness programming is consistent with the Healthy Communities Policies adopted by the City on October 14, 2014. Staff recommends that the City Council uphold the Planning Commission's decision.

Public hearing notices were distributed on July 18, 2018, and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption CE 18-079 was issued for the proposed project (Attachment G - Categorical Exemption).

This matter was reviewed by Assistant City Attorney Michael J. Mais on July 20, 2018 and by Budget Management Officer Rhutu Amin Gharib on July 19, 2018.

City Council action is requested on August 14, 2018. Section 21.25.103.A.1 of the Zoning Ordinance of the Long Beach Municipal Code requires a public hearing for an appeal within 60 days of the filing. As previously noted, the appeal was filed on June 29, 2018.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER