

## **CONDITIONAL USE PERMIT FINDINGS**

**1208-1250 Pacific Avenue and 135-141 West 12th Street  
Application No. 2402-08 (CUP24-002)  
July 18, 2024**

Pursuant to Section 21.25.206 of the Zoning Regulations, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings:

**A. 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 proposed project consists of the operation of a daycare facility (over 14 children) within three existing commercial buildings (16,697 square feet) addressed as 1208-1250 Pacific Avenue and 135-141 West 12<sup>th</sup> Street in the Downtown Plan Planned Development District (PD-30). The project includes the replacement of the installation of 4,429 square feet of playground equipment on formerly paved onsite areas. The subject site is located on the northeast corner of Pacific Avenue and West 12<sup>th</sup> Street. The 1.31-acre site is comprised of six lots (APN's APN: 7273-004-037, -001, -004, -005, -006, -007)) addressed as 1208, 1230, 1248, and 1250 Pacific Avenue and 135 and 141 West 12<sup>th</sup> Street. The site measures approximately 280 feet in length and 140 feet in width and totals 37,961 square feet in area. The northern portion of the subject site (APN: 7273-004-037 and 7273-004-004) abuts the intersection of two alleys (Solana Court and Regal Way) along the eastern property line. Solana Court is a 16-foot-wide named alley (north-south) and Regal Way is a 20-foot-wide (east-west) alley.

The site is developed with three detached buildings and surface parking. The larger of the buildings is a two-story office building (addressed as 1250 Pacific Avenue) that totals 14,273 square feet in size. This two-story building has been used as a medical office use since 1992. The two detached single-story buildings (addressed as 1218 Pacific Avenue and 135 West 12th Street) were originally constructed for residential use. The single-story building addressed as 1218 Pacific Avenue totals 1,138 square feet and the single-story building addressed as 135 West 12<sup>th</sup> Street totals 1,286 square feet. According to records maintained by the Building and Safety Bureau, all three buildings onsite are now permitted for office use.

The site is located within the PD-30 District and is designated as Downtown (DT) Placetype in the Land Use Element (LUE) of the General Plan. The surrounding land uses include commercial uses to the north; multi-family residential uses to the

south across West 12<sup>th</sup> Street; single-family residential and religious uses to the west across Pacific Avenue; and multi-family residential uses to the east.

The proposed daycare facility, Precious Lamb Pre-School, provides faith-based, full-day education and care for children 0-months to five years of age specifically for families experiencing homelessness. The day care facility offers care at no cost to the parent. The daycare facility will provide care for approximately 30 children and will operate Monday through Friday from 7:30 am to 4:00 pm. The facility will employ six full-time and three part-time employees.

The subject site and existing buildings will be modified to facilitate the change in use to a daycare facility. All three existing buildings will be utilized for childcare. The two-story building (1250 Pacific Avenue) will be used for the care of older children (one to five years old). The two smaller buildings (1218 Pacific Avenue and 135 West 12th Street) will be used for infant care (0 to 12 months). The ground floor of the two-story building will be modified to create eight new classrooms/activity rooms, new offices, restrooms, kitchen facilities and dining space. No physical changes are proposed to the second floor of the office building or the two detached office buildings. A 4,429-square-foot playground area will be constructed in the paved area between the two-story building (1250 Pacific Avenue) and the single-story building (1218 Pacific Avenue). Site improvements include the installation of a 4,429-square-foot of outdoor play area consisting of consisting of two playgrounds with children's climbing equipment. The parking lot improvements would include restriping for 25 parking spaces and two (2) loading spaces, removal of perimeter shrubs and fencing, and installation of new wrought iron fencing and drought tolerant plants. The existing four-foot-wide landscape planter along the Pacific Avenue and West 12th Street frontages would be replanted with drought tolerant plants as part of this project. New perimeter fencing will be installed behind the landscape planter. The new low wrought iron fence will be decorative featuring colorful "cutout" images of children.

The applicant is requesting a CUP for the operation of a daycare facility with a maximum of 30 children on-site. Precious Lamb Pre-School provides faith-based, full-day education and care for children 0-months to five years of age, specifically for families experiencing homelessness. The day care facility offers care at no cost to the parent. The daycare facility will provide care for approximately 30 children and will operate Monday through Friday from 7:30 am to 4:00 pm. The facility will employ six full-time and three part-time employees.

The LUE DT Placetype provides a mix of land uses and housing types with a focus on providing active ground-floor shops, restaurants and cafes. The DT Placetype promotes a highly-urbanized core featuring compatible uses, building types and developments. The DT Placetype includes a street system allows for easy access by automobiles, Light Rail stations/train stops and numerous bus lines. The subject site would align with the LUE, which introduces city wide goals, strategies, and

polices to guide the use of land and urban form. Goal four of the LUE is to support Neighborhood preservation and enhancement by supporting uses that support safe, diverse, and healthy communities. LUE Policy 10-3 would accommodate neighborhood-serving goods and services, learning facilities, public amenities and transit stops within walking distance of most residences. The proposed use would align with this goal and policy by providing a safe neighborhood serving learning facility for the surrounding community. Goal No. 5 has policies that support the creation of diverse housing opportunities for individuals. The proposed daycare facility will support families with childcare opportunities for low-income and homeless families particularly infants and toddlers, and will support family access to services.

The operation of a daycare facility would help fill this community need by providing tuition free childcare to qualifying families. The project is consistent with the City Council's 2018 Everyone Home Initiative. This plan outlines goals and recommended actions that can be taken to support unhoused, individuals and families who are experiencing housing insecurity. Supporting families and children who are at risk of experiencing homelessness is identified as an essential component to addressing the housing crisis.

PD-30, which implements the DT PlaceType of the General Plan, permits daycare or pre-schools by right under a certain threshold for occupancy. Daycare uses are subject to the approval of a Conditional Use Permit (CUP) when there are 14 or more children. This CUP approval is consistent with the goal of the General Plan by providing neighborhood serving facilities and with the zoning code, when the special conditions are met with respect to required outdoor area per child, proximity to like uses, hours of operation, and parking standards. The daycare facility will provide ample outside play area for the children, loading and unloading vehicle parking, and sufficient onsite parking. Therefore, approval of the CUP for a daycare facility is an appropriate use, as it would provide a community serving use in the downtown area.

The subject site is outside the Coastal Zone and is not within a specific plan area.

**B. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The existing building is located within a neighborhood consisting of a mixture of commercial, office, and high- and low-density residential uses. The onsite buildings have been used as office space and the proposed use would be contained within existing buildings and a gated playground area.

The proposed daycare facility, as conditioned, would not be detrimental to the surrounding community and will provide an added benefit through the provision of

affordable childcare in a mixed-use area of the City. The conditions of approval will incorporate hours of operation, establish operating standards for the use of the outdoor playground, and address loading and unloading on-site. The proposed operations would not negatively affect the neighbors, as a majority of the preschool participants utilize the Metro A-Line located conveniently close by.

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

**C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52; AND**

In addition to the above findings, Section 21.52.249 of the Zoning Regulations states that the following conditions shall apply to all preschool, daycare, and similar uses requiring a Conditional Use Permit:

**A. A MINIMUM OF SEVENTY-FIVE (75) SQUARE FEET OF OUTDOOR PLAY AREA PER CHILD SHALL BE PROVIDED ON THE SITE;**

With the proposed number of 30 children, 2,250 square feet of outdoor play area is required. The proposed project includes construction of 4,429 square feet of new outdoor play area between the two existing buildings (addressed as 1250 Pacific Avenue and 1218 Pacific Avenue). The outdoor play area would include two play areas each with climbing equipment.

Based on the size of the outdoor area, a maximum of 59 children could be allowed in the facility. As conditioned, the proposed facility would be permitted for a maximum of 30 children onsite within the daycare facility, but the Applicant could apply for a minor modification to an approved permit if they wanted to expand the use.

**B. IN RESIDENTIAL DISTRICTS, NO OTHER SIMILAR FACILITY MAY BE LOCATED AND OPERATING WITHIN ONE-HALF (1/2) MILE (2,640 FEET) OF THE PROPOSED SITE;**

Project site is in the PD-30 District, which permits a mix of uses. The location is not located in solely residential zoning and this condition does not apply.

**C. THE HOURS OF OPERATION SHALL BE LIMITED TO THE HOURS BETWEEN SIX O'CLOCK (6:00) A.M. AND SEVEN-THIRTY (7:30) P.M.; AND**

The proposed use would operate Monday through Friday from the hours of 7:30 AM to 4:00 PM. The preschool facility would be closed on Saturday and Sunday. As conditioned, the daycare facility would be able to operate

during hours consistent with the requirements of Section 21.52.249 of the Zoning Regulations.

**D. ADEQUATE OFF-STREET LOADING SPACES SHALL BE PROVIDED TO PREVENT ADVERSE EFFECTS UPON THE NEIGHBORHOOD.**

Daycare facilities requiring a CUP require one parking space for every 10 children plus two loading and unloading spaces for daycare facilities. Based on proposed 30 children maximum, a total of three parking spaces plus two for loading and unloading is required by this code requirement. The site plan includes 25 parking stalls upon completion of the project, which include two spaces dedicated for loading and unloading. In addition, the site is located within an Assembly Bill (AB) 2097 area, which prohibits local jurisdictions from imposing parking minimums on uses when located high-quality transit areas. The site is located 1,610 feet from the Los Angeles County Metropolitan Transportation Authority (Metro) Anaheim Street A-Line Transit Station and 245 feet from the Anaheim and Pacific bus stop served by Long Beach Transit (LBT). These transit stops are within ½ mile of the site and are considered high quality transit. Therefore, the site complies with parking requirements.

**D. 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.**

Section 21.45.400 of the Zoning Regulations specifies specific types of projects that require compliance with green building standards. The proposed project will establish a preschool within an existing building and does not meet the threshold requiring compliance with Section 21.45.400 of the Zoning Regulations, and therefore, this section of the Municipal Code would not be applicable to the proposed project.