

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL**

**1208-1250 Pacific Avenue and 135-141 West 12th Street**

**Application No. 2402-08 (CUP24-002)**

**July 18, 2024**

1. This approval is for a Conditional Use Permit to allow the operation of a daycare facility (over 14 children) within three existing commercial buildings (14,697 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 area on formerly paved onsite areas.
3. This permit and all development rights hereunder shall terminate three years from the effective date of this permit unless construction is commenced, or a time extension is granted, based on a written and approved request submitted prior to the expiration of the three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgement Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

**Special Conditions:**

5. The proposed project shall conform to the plans reviewed by the Planning Commission on July 18, 2024; except as modified by the subject conditions of approval.
6. Hours of operation for the approved daycare facility shall be limited to 6:00 a.m. – 7:30 p.m. daily, pursuant to Section 21.52.249 of the Zoning Regulations.
7. After hours (evening) workshops shall be restricted to two times a quarter. These events shall be restricted to workshops and community events, such as parenting support, youth art shows, lectures, and similar topics/events.
8. The childcare facility shall be restricted to a maximum enrollment of 30 children, subject to official building occupancy determinations.
  - a. If the applicant/operator chooses to increase enrollment up to a maximum of 59 children, the Zoning Administrator is authorized to administratively review a request for increased enrollment as a minor modification to an approved permit. The Zoning Administrator shall review the request for consistency with the applicable findings and conditions approved by the

Planning Commission and applicable development standards at the time of request.

9. The applicant shall install signage and striping for two (2) off-street parking spaces within the surface parking lot to be used as loading spaces for the daycare facility during operating hours.
10. Prior to issuance of Certificate of Occupancy and Business License for the daycare facility operations, the applicant shall record a final map to merge the six lots into one lot, subject to the satisfaction of the Community Development Director and the City Engineer.
11. The applicant shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations.
12. The existing trash enclosure fence at the southeast corner of the lot includes gates that swing over the public right-of-way. The gate swing shall be reversed for all gates to avoid swinging over the public right-of-way. Any changes to the gates shall be consistent with all Building and Fire codes for egress. The applicant shall demonstrate compliance with this requirement prior to the issuance of a business license.
13. The outdoor area shall consist of a 4,429-square-foot playground area generally located between the two-story building and single story building adjacent to the alley, as identified on the plans on file with this application. The applicant shall ensure that the use of the outdoor play area conforms with the following conditions:
  - a. An occupancy determination shall be made by a licensed design professional to establish the maximum number of students allowed in the play area. The occupancy shall be included on a sign posted in the outdoor play area. The applicant shall submit this documentation to the Zoning Administrator prior to approval of the business license.
  - b. The designated outdoor area may only be used between the hours of 6:00 a.m. – 7:30 p.m. daily.
  - c. The applicant shall post and maintain a minimum of two informational signs (each less than three square feet) that inform users of condition 14 within the outdoor play area.
14. 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, including but not limited to prohibiting the use of the outdoor play area and reducing the total number of children served.
15. The applicant shall provide signage clearly noting that the loading and unloading of students is not permitted in the alleys. The alley shall be kept clear of parked vehicles.

16. The applicant shall notify parents as part of the registration packet that pick-up and drop-off shall not occur in the public alley and be occur in the two (2) noted loading and unloading parking stalls. This notification shall require the parent's signature acknowledging they will abide by this policy.
17. The applicant shall provide all proposed perimeter fencing as shown on the plans.
18. The applicant shall remove the non-conforming pole sign located along Pacific Avenue, as stated on the plans, prior to issuance of a Business License for the use.
19. The applicant shall note what type of material will be used to cover the outdoor play areas. If landscaping is proposed, any landscaping 500 square feet or greater shall submit for a Model Water Efficient Landscape Ordinance (MWELO) landscape submittal.
20. Minor amendments to any Plans referenced in these Conditions of Approval shall be subject to the approval of the Director of Community Development. Any significant change, as determined in the sole discretion of the Director of Community Development, in the approved Plans or concept shall be subject to Planning Commission review. No expansion or reconfiguration in the number of seats, the intensity of operation, or the outdoor seating area shall occur without the prior approval of the City.

#### Building and Safety Conditions

21. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated June 24, 2024.

#### Long Beach Utilities

22. Water / Sewer Division - The applicant shall comply with all comments from the Long Beach Utilities dated April 11, 2024.

#### Gas Engineering & Regulatory Compliance Bureau

23. The developer/owner is responsible in coordinating with Long Beach Utilities, Gas Department, to make sure there is a plan in place for the relocation, or cut and cap of gas facilities.
24. The developer is to review and get approval for proposed meter(s) locations with an LBU gas inspector.
25. Developer to provide gas loads for proposed development and to confirm that the new meter(s) locations meet all Long Beach Utilities requirements.

### Fire Department Conditions

26. The applicant shall comply with all comments from the Long Beach Fire Department dated June 13, 2024

- a. Where a portion of the facility or building constructed is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants shall be provided.
- b. The location of the Double Check Detector Assembly (DCDA) is solely decided upon by the Long Beach Water Department. (Contact Dennis Santos, with the Long Beach Water Department.) The Fire Department requires that the valves on the DCDA, be electronically supervised, to a listed central station monitoring company.
  - i. Fire Department Connections (FDC) is required for automatic fire sprinkler systems. Fire department connections shall be located on the address side of the building (on the name of the street) and shall be within 150 feet of a public fire hydrant. A hydrant may be required to be installed to meet this requirement.
  - ii. FDC is required within approximately 10 feet from a fire lane or public road and unobstructed.
  - iii. Where located in landscaping or other similar areas, shall be provided with a minimum 3-foot pad around the FDC.
  - iv. An approved concrete pathway leading to the FDC.
  - v. FDC shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings or other fire engines.
  - vi. The exterior alarm device shall be a horn and strobe device, located on the address side of the building, closest to the location of the FDC.
- c. Fire Protection System. The proposed project will require the following fire protection system(s):
  - i. An approved automatic sprinkler system and Standpipes designed and installed in accordance with the CFC Chapter 9, the CBC Section 903.3 and the NFPA 13 standard.
  - ii. Fire Alarm System
- d. 903.1.2 Existing buildings. An automatic sprinkler system shall be installed in all existing occupancies as required by this section, if any of the following occurs: a.) There is a change in occupancy classification to one that would require an automatic sprinkler system per the Fire Code in the new occupancy or b.) The Fire Code Official determines that an automatic sprinkler system is required to provide a minimum level of public safety.

- e. Due to the change in occupancy classification. The California Building and Fire Codes have architectural changes and requirements to door swing direction, and hardware, and signage.
  - 1. These requirements require a building permit. Plans are required to be submitted at City Hall for building department review. (The Building department will require a licensed architect to submit plans.)
  - 2. Plans are required to be approved prior to any construction or changes to the building.
  - 3. The plans shall cause an inspection to occur, and the requirements on the plans must signed off and approved for occupancy by the Building inspector and Fire inspector, prior to any use and occupancy.

#### Department of Public Works Conditions

- 27. The developer shall provide for the following to the satisfaction of the Director of Public Works:

#### **GENERAL REQUIREMENTS**

- a. Applicant should provide a plan or illustration for the drop off/pick up zones and practices if this activity is taking place at the curb, a white-curb passenger loading zone on Pacific Avenue or West 12<sup>th</sup> Street would need to be reviewed and approved.
- b. The westerly pedestrian access (gate) to the site is immediately adjacent to the parking lot exit and pedestrians exiting at that point may be partially obscured from the parking lot by fencing, depending on the material. The pedestrian gate should be placed farther north so children are less likely to be walking along the path of the red arrows, and more likely to be in the path of green arrows where they would be more easily identified.

#### **Standard Conditions - Plans, Permits, and Construction:**

- 28. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Community Development.
- 29. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Community Development. These conditions shall be printed on the site plan or a subsequent reference page.
- 30. The plans submitted for plan review shall explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that

were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.

31. The Director of Community Development is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
32. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan shall be submitted for approval by the Director of Community Development prior to the issuance of a building permit.
33. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
34. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
35. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
36. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
37. The applicant shall file a separate landscaping plan check submittal to the Department of Community Development for review and approval prior to issuance of a building permit.
38. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
39. Any construction shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
40. Site development, including landscaping, shall conform to the approved plans on file with the Department of Community Development. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.

41. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Community Development prior to application for a temporary certificate of occupancy, or certificate of occupancy. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. On-site landscaping shall comply with Chapter 21.42 (Landscaping Standards), as applicable, to the satisfaction of the Director of Community Development.
42. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
43. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
44. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
45. Energy conserving equipment, lighting, and construction features shall be utilized in this project.  
  
Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
46. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions - General:**

47. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
48. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the Long Beach Municipal Code.
49. The operation shall be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking (if any) or other actions. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.
50. There shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00 pm to 7:00 am daily. Trash containers shall be secured with locks.
51. Any graffiti found on site must be removed within 24 hours of its appearance.
52. The applicant shall be responsible for maintaining the premises and adjoining sidewalks free of debris and litter.
53. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
54. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
55. All conditions of approval must be printed verbatim on all plans submitted for plan review to the of the Community Development Department. These conditions must be printed on the site plan or subsequent reference page.
56. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
57. The Director of Community Development is authorized to make minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.



58. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
59. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.