

1 Allen J. Bell, Esq.  
 Law Offices of Allen J. Bell & Associates  
 2 P.O. Box 221868  
 Santa Clarita, CA 91322  
 3 (818) 313-9991  
 4 Hearing Officer

5

6

7

8

**BEFORE THE ADMINISTRATIVE HEARING OFFICER  
 FOR THE CITY OF LONG BEACH, CALIFORNIA**

9

10

11 IN THE ADMINISTRATIVE APPEAL )  
 OF DECLARATION OF NUISANCE )  
 12 FOR GLORIOUS MANOR, INC. ) NOTICE OF HEARING OFFICER'S  
 LOCATED AT 420 GRAND AVENUE, ) DECISION AND FINDINGS  
 13 LONG BEACH )  
 )  
 14 )  
 )  
 15 )

16

I.

17

**BACKGROUND**

18

19 On May 9, 2007, Glorious Manor, Incorporated (hereinafter  
 "GMI") was served by the City of Long Beach (hereinafter "City"),  
 20 with a Notice of Declaration of Nuisance Activity and Abatement  
 21 for property located at 420 Grand Avenue, Long Beach, California  
 22 90814 (hereinafter "420").

23

24 In response to this notice, GMI requested an Administrative  
 25 hearing to appeal the City's Declaration of Nuisance. The  
 26 Administrative hearing took place on June 28, 2007 in the Long  
 Beach City Hall Council Chambers.

27

28 Appearing on behalf of GMI was Gloria Vite Calixto, in Pro

# 07-02481

1 Per. Ms. Calixto brought to the hearing three individuals who  
2 were identified as Pete D. Fajardo, Perry Nicholas Barit and Pete  
3 Guira Aguinaldo.

4 Representing the City was Cristyl Meyers, Deputy City  
5 Attorney.

6 All parties and witnesses were sworn at the outset of the  
7 hearing.

8 Gloria Calixto identified herself as the owner of GMI  
9 and the property located at 420 Grand Avenue, Long Beach.

10 The Hearing Officer notified all parties of the general  
11 procedures that would be followed in the conduct of the hearing  
12 including the right to call witnesses, cross examine witnesses,  
13 make opening statements, make closing arguments, etc.

14 II

15 OPENING STATEMENTS

16 City Attorney, Cristyl Meyers, made an opening statement.  
17 GMI and Gloria Calixto were given the opportunity to give an  
18 opening statement but declined.  
19

20 II

21 WITNESSES CALLED BY CITY

- 22 1. Jeannine Montoya, City Business License Supervisor;
- 23 2. Susan Price, representative of the City, Department of  
24 Health & Human Services, Homeless Services Officer;
- 25 3. Carolyne Bihn, Zoning Administrator of the City,  
26 Department of Planning & Building;
- 27 4. Rita Hooker, City Nuisance Abatement Officer, Long  
28 Beach Police Department;

- 1 5. Don Olmstead, Senior City Building Inspector;
- 2 6. Richard Bartlett, City Business Services Officer;
- 3 7. Nathan Honda, City Special Events Coordinator, Long
- 4 Beach Fire Department;
- 5 8. Felicia Williams, resident at 420;
- 6 9. Lori Ellett, resident at 420;
- 7 10. Paul Forman, neighborhood resident;
- 8 11. Frank Goodman, neighborhood resident;
- 9 12. Richard McNicholas, neighborhood resident;
- 10 13. Steven Eperthener, neighborhood resident;
- 11 14. Joy Smith, LAPD Sgt., sister of neighborhood resident;
- 12 15. Penny Smith, FBI Agent, neighborhood resident;
- 13 16. Barbara Brady, neighborhood resident;
- 14 17. Kathryn Russell-Hart, neighborhood resident;
- 15 18. Marilyn Payne, neighborhood resident;
- 16 19. Jennifer Perez, neighborhood resident.

III

WITNESSES CALLED BY GMI AND GLORIA CALIXTO

None.

IV

EXHIBITS PRESENTED BY CITY

- 22 A June 5, 2007 Notice of Hearing and Proofs of Service.
- 23 B June 18, 2007, Notice of Change of Hearing Date and
- 24 Proofs of Service.
- 25 C August 11, 2003, Glorious Manor, Inc. Business License
- 26 Application.
- 27 D Black & white photocopies of California Driver's

28

- 1 Licenses of Pete Aguinaldo, Pete Fajardo, Perry Barit
- 2 and Gloria Calixto.
- 3 E Business License Summary for Glorious Manor, Inc.
- 4 F California Secretary of State Corporations records for
- 5 Glorious Manor.
- 6 G Food Distribution Advertisement of August 6, 2006 for
- 7 Glorious Manor, Inc.
- 8 H October 9, 2006, Nuisance Abatement Meeting Sign-in
- 9 Sheet.
- 10 I Glorious Manor Home for Children Program and Services
- 11 Pamphlet.
- 12 J Provisional State of California Department of Social
- 13 Services Group Home License.
- 14 K California Secretary of State Corporations records for
- 15 Glorious Manor Home For Children.
- 16 L October 3, 2006, letter from neighborhood resident
- 17 Jennifer Perez.
- 18 M October 10, 2006, letter from Gloria Calixto re 420
- 19 Grand Avenue.
- 20 N October 9, 2006 letter from Gloria Calixto re 420 Grand
- 21 Avenue.
- 22 O Secretary of State Corporations Records provided to
- 23 Rita Hooker from Gloria Calixto.
- 24 P (withdrawn)
- 25 Q Long Beach Police Calls for Service and Incident/Arrest
- 26 Reports.
- 27 R March 20, 2006, Inspection Photos.
- 28

- 1 S June 12, 2007, Notice of Code Violations.
- 2 T May 9, 2007, Notice of Declaration of Nuisance.

V

EXHIBITS PRESENTED BY GMI AND GLORIA CALIXTO

None.

VI

EVIDENCE PRESENTED BY CITY

The City presented the following evidence through witness testimony and exhibits:

1. That on August 11, 2003, Gloria Calixto submitted a business license application for GMI claiming to be doing business as a residential Nursing Care facility located at 420 Grand Avenue in the city of Long Beach.

2. The business application listed Gloria Calixto, Pete and Gilross Calixto as corporate officers.

3. Ms. Calixto, under penalty of perjury, signed this document as President of GMI.

(The City provided certified documentation in support of items 1-3 above)

4. On October 9, 2006 there was a meeting regarding complaints at 420. On a City sign-in sheet, Ms. Calixto and Pete A. signed-in on this sheet as CEO and President of GMI.

5. On October, 9, 2006, Ms. Calixto provided to Rita Hooker, the City's Nuisance Abatement Officer, correspondence on GMI letterhead identifying Ms. Calixto as the Executive Director.

6. Ms. Calixto provided to Ms. Hooker an expired Group Home license issued to GMI for a facility doing business as

1 Glorious Manor Home For Children. Ms. Hooker testified that Ms.  
2 Calixto advised her that GMI was unable to obtain a license to  
3 operate a home for children and were instead using 420 as a  
4 homeless shelter.

5 7. Susan Price, the City's Homeless Services Officer,  
6 testified that GMI did not have a permit to operate a homeless  
7 shelter and that in April of 2006 she advised GMI's manager,  
8 Peter Farajo that such a use was an unpermitted land use and a  
9 breach of GMI's business license

10 8. Carolyn Bihn, the City's Zoning Administrator testified  
11 that she had advised GMI that 420 was not zoned for a homeless  
12 shelter. She further testified that the manner in which GMI was  
13 charging for rooms was not proper.

14 9. Testimony was provided that GMI continues to utilize 420  
15 as a homeless shelter.

16 10. Between November 23, 2006 to May 17, 2007, the Long  
17 Beach Police Department logged 17 calls for service responding to  
18 420. These calls occurred at various hours of the day and night  
19 with incidents ranging from stabbings to child abuse.

20 11. Police officers who arrived at 420 described the  
21 location as consisting of 18 hospital rooms being utilized as  
22 individual family dwellings.

23 12. On March 20, 2007, Ms. Hooker, along with CITY code  
24 inspector Greg Litherland, visited 420. They observed multiple  
25 families residing in the single-type hospital rooms. The rooms  
26 did not provide adequate access, proper electrical wiring,  
27 appropriate ventilation, kitchen facilities, toilets or baths.

28

1 On the second floor was a non-ambulatory female living without a  
2 toilet or kitchen facilities.

3 13. On March 26, 2007, Fire inspector Nathan Honda visited  
4 420. Inspector Honda observed a woman on the second floor who  
5 he described as bedridden and locked in an unpermitted upstairs  
6 room that looked very unsafe. Inspector Honda stated that if  
7 there was a fire at the location it would probably result in a  
8 "body recovery".

9 14. Inspector Honda advised Peter Fajardo, who was present  
10 at the location and who identified himself as GMI's manager, of  
11 the illegal and unpermitted occupancies he observed including  
12 somewhere between 3-5 persons in each hospital room.

13 15. Inspector Honda testified that six days earlier he  
14 observed non-functioning smoke alarms and directed GMI to correct  
15 the problem within 48 hours. However, upon reinspection,  
16 Inspector Honda reported that GMI failed to undertake corrective  
17 measures. He further stated that 90% of the fire extinguishers  
18 at the location were non-functional as was the sprinkler system.

19 16. Inspector Honda issued a Violation notice requiring  
20 immediate corrections and removal of all residents by April 14,  
21 2007. He had further advised Peter Fajardo that 420 was being  
22 placed on Fire Watch.

23 17. Between March 26 and April 23, 2007 Inspector Honda  
24 conducted site inspections at 420 on six occasions. On each  
25 occasion he noticed violations. Inspector Honda did not believe  
26 that GMI was going to take any corrective action until they were  
27 threatened with a fine and possible criminal sanctions. Finally,

28

1 Inspector Honda submitted the matter to the office of the Long  
2 Beach city prosecutor.

3 18. Felicia Williams testified that she is a resident at  
4 420 and that she was being charged a cash only monthly rent of  
5 \$1,100 for two hospital rooms.

6 19. Lori Ellett testified that she is a resident at 420 and  
7 being charged \$700 per month for a single hospital room for a  
8 family of five. Additional testimony asserted that Gloria  
9 Calixto had requested Medi-cal cards from both Felicia Williams  
10 and Lori Ellett for "counseling" services that never  
11 materialized.

12 20. Felicia Williams and Lori Ellett testified that they  
13 were aware of the disabled female resident living upstairs at 420  
14 who did not have access to a bathroom and that the disabled  
15 woman's son, had to carry bags of human waste downstairs.

16 21. Felicia Williams and Lori Ellett testified that they  
17 continued to reside at 420 along with the bedridden woman on the  
18 second floor.

19 22. Twelve neighbors, including an FBI agent and an LAPD  
20 Sgt. testified to various activities occurring at 420. Some of  
21 the witnesses contacted the City to complain.

22 23. These activities complained of included loud music,  
23 loitering, abandoned property, discarded beer bottles, double  
24 parking, screaming, child abuse, criminal activity, public  
25 consumption of alcohol and use of illegal drugs on and about the  
26 420 property.

27 24. Paul Forman, a neighborhood resident, testified that  
28



1 he observed individuals at 420, "many times" leave shopping carts  
2 in front of the location after removing items and taking them  
3 inside; that he heard loud music from the location, including  
4 screams and fighting, and called the police on two occasions.

5 25. Frank Goodman, a neighborhood resident, testified that  
6 he lives approximately 15 yards away from 420, and has lived in  
7 the area for 44 years. He testified to loitering and loud noise,  
8 and that shopping carts would be left on his lawn from  
9 individuals at 420. He was concerned for the safety of his  
10 seven and nine-year old grandchildren.

11 26. Steven Eperthener, a neighborhood resident, testified  
12 that he observed loitering at 420, heard yelling and obscenities  
13 and that vehicles would park in the middle of the street in front  
14 of 420 and be left in the roadway after their occupants left  
15 their cars and entered 420. He also heard very loud music  
16 coming from these vehicles

17 27. Joy Smith, an LAPD Sgt. and sister of a neighborhood  
18 resident, testified that she was familiar with the 420 location.  
19 She has heard loud music, yelling, and screaming from the  
20 location; observed speeding vehicles; observed persons smoking  
21 "blunt" (street vernacular for illegal drugs), and a person at  
22 the location who appeared to be "looking into parked cars" while  
23 riding a bike. She was concerned for the safety of her sister  
24 and her niece who lived nearby.

25 28. Other neighbors testified that they were in fear of  
26 their safety and that of their families as a result of the  
27 aforementioned activities.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VII

**GMI AND GLORIA CALIXTO RESPONSE TO EVIDENCE AT HEARING**

29. GMI and Gloria Calixto did not present any evidence to explain, justify or dispute any of the claimed activity at 420 or to refute or contradict any of the testimony presented by the City.

30. GMI and Gloria Calixto did not call any witnesses to testify on their behalf at the hearing.

31. GMI and Gloria Calixto were given the opportunity to cross-examine each witness who testified. GMI and Gloria Calixto declined to cross-examine any witness.

32. GMI and Gloria Calixto were given the opportunity to testify at the hearing. GMI and Gloria Calixto declined to testify.

33. GMI and Gloria Calixto were asked by the Hearing Officer if they objected to the admission any of the exhibits the City presented and sought to admit into evidence. GMI and Gloria Calixto did not object to admission of any of the exhibits. All exhibits were admitted into evidence.

34. At one point during the hearing, Gloria Calixto indicated she wanted to obtain an attorney and continue the hearing.

35. The Hearing Officer heard argument on the request for a continuance from both Ms. Calixto and the City. After considering the arguments from each side, the hearing officer concluded, and ruled, that the request by Ms. Calixto was untimely and prejudicial to the City and was denied.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VIII

CLOSING ARGUMENT

36. The City, GMI and Gloria Calixto, were given the opportunity to make closing arguments. Cristyl Meyers, Deputy City Attorney, made a closing argument on behalf of the City.

37. Gloria Calixto made a closing argument on behalf of GMI and herself, individually.

IX

FINDINGS AND CONCLUSIONS

The Hearing Officer finds as follows:

A. Each witness who appeared and testified at the hearing appeared to be credible and have first knowledge of the events.

B. The activity of which the City complains and for which sufficient evidence was presented at the hearing, constituted a nuisance.

C. Pursuant to Long Beach Municipal Code (LBMC) Section 9.37.040, GMI and Gloria Calixto individually as property owner, are the responsible parties for maintaining or permitting a nuisance activity or condition at 420 Grand Avenue.

D. GMI and Gloria Calixto individually as property owner caused, permitted and allowed 420 Grand Avenue to be used in a manner that constitutes a nuisance as defined in LBMC Sections 9.37.090(A), 9.37.090(B), 9.37.090(C), 9.37.090(G), 9.37.090(H), 9.37.090(M) and 9.37.090(U).

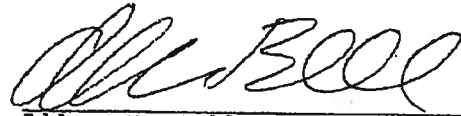
E. GMI and Gloria Calixto have not corrected or abated the nuisance activities or conditions.

1 F. Based on the history of complaints and the attempts by  
 2 the City to obtain voluntary compliance from GMI and Gloria  
 3 Calixto, the 30-day time specified in the May 9, 2007 Notice of  
 4 Declaration of Nuisance Activity And Abatement for Property at  
 5 420 Grand Avenue Long Beach, California 90814, (hereinafter  
 6 "Notice") was reasonable.

7 G. Unless GMI and Gloria Calixto shall cause the abatement  
 8 of the nuisance activity and the conditions complained of, as set  
 9 forth in the Notice, the nuisance shall be abated.

10 H. The Hearing Officer conforms the Notice of Abatement  
 11 dated May 9, 2007, in its entirety and authorizes imposition of  
 12 administrative penalties and costs against GMI and Gloria Calixto  
 13 individually as the property owner.

14 Dated: July 24, 2007



Allen J. Bell, Esq.  
 Hearing Officer

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I am employed in the aforesaid county, State of California;  
I am over eighteen years of age and not a party to the within  
action; my business address is P.O. Box 221868, Santa Clarita,  
California 91322, which is located in Los Angeles County.

On July 24, 2007, I served the foregoing:

1. NOTICE OF HEARING OFFICER'S DECISION AND FINDINGS.

by placing a true copy thereof, enclosed in a sealed envelope  
with postage thereon fully prepaid, in the United States mail at  
Acton, California, addressed as follows:

City Clerk  
City of Long Beach  
333 West Ocean Blvd.  
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the  
State of California that the foregoing is true and correct.

Dated: July 24, 2007





OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

July 6, 2007

**VIA FACSIMILE & FIRST CLASS U.S. MAIL**

Allen Bell  
Attorney At Law  
P.O. Box 221868  
Santa Clarita, CA 91322

Re: **Witness and Exhibit List for June 28, 2007 Appeal  
of Nuisance Declaration for Glorious Manor, Inc.  
Located at 420 Grand Avenue, Long Beach, CA 90814**

Dear Mr. Bell:

As a courtesy, the City is providing the following list of the witnesses (in order of appearance), and exhibits marked for identification, introduced into evidence, or withdrawn during the June 28, 2007 proceedings involving the above entitled matter:

**CITY WITNESSES**

1. Jeannine Montoya, Long Beach Business License Supervisor
2. Susan Price, Long Beach Dept of Health & Human Services, Homeless Services Officer
3. Carolyn Bihn, Long Beach Dept. of Planning & Building, Zoning Administrator
4. Rita Hooker, Long Beach Nuisance Abatement Officer, Long Beach Police
5. Don Olmstead, Long Beach Senior Combination Building Inspector
6. Richard Bartlett, Long Beach Business Services Officer
7. Nathan Honda, Long Beach Special Events Coordinator, Long Beach Fire
8. Felicia Williams, 420 Grand Avenue Resident
9. Lori Ellett, 420 Grand Avenue Resident
10. Paul Forman, Neighborhood Resident for 23 Years
11. Frank Goodman, Neighborhood Resident for 44 Years
12. Richard McNicholas, Neighborhood Resident for 16 Years
13. Steve Eperthener, Neighborhood Resident
14. Joy Smith, LAPD Sgt and Sister of Neighborhood Resident
15. Penry Smith, FBI Agent and Neighborhood Resident

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes  
J. Charles Parkin

DEPUTIES

Gary J. Anderson  
Richard F. Anthony  
Christina L. Checcl  
Alysha P. Choi  
Lori A. Conroy  
Randall C. Fudge  
Charles M. Gale  
Monte H. Machit  
Anne C. Lattine  
Lisa Peskay Malmsten  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin

CITY WITNESSES (Continued)


16. Barbara Brady, Neighborhood Resident
17. Kathryn Russell-Hart, Neighborhood Resident
18. Marilyn Payne, Neighborhood Resident for 12 Years
19. Jennifer Perez, Neighborhood Resident for 3 years

CITY EXHIBITS

- A June 5, 2007 Notice of Hearing and Proofs of Service (6 pp.)
- B June 18, 2007 Notice of Change of Hearing Date and Proofs of Service (6 pp.)
- C August 11, 2003 Glorious Manor, Inc. Business License Application
- D California Driver's License Photocopies
- E Business License Summary for Glorious Manor, Inc. Account No. 20338420
- F Sec. of State Corp. Records for Glorious Manor, Inc. (7 pp.)
- G August 6, 2006 Glorious Manor, Inc. Food Distribution Advertisement
- H October 9, 2006 Nuisance Abatement Meeting Sign-in Sheet
- I Glorious Manor Home For Children Program and Services Pamphlet (2 pp.)
- J Provisional State of California Dept. of Social Services Group Home License
- K Sec. of State Corp. Records for Glorious Manor Home for Children, Inc. (5 pp.)
- L October 3, 2006 Letter from Neighborhood Resident Jennifer Perez (2 pp.)
- M October 10, 2006 Letter from Gloria Calixto Re: 420 Grand Ave. (4 pp.)
- N October 9, 2006 Letter from Gloria Calixto Re: 420 Grand Ave. (2 pp.)
- O Sec. Of State Corp. Records Provided to Rita Hooker from Gloria Calixto (2 pp.)
- P (Withdrawn) Dept. of Social Services Inspection Records (5 pp.)
- Q Long Beach Police Calls for Service and Incident/Arrest Reports (26 pp.)
- R March 20, 2006 Inspection Photos (19)
- S June 12, 2007 Notice of Code Violations (2 pp.)
- T May 9, 2007 Notice of Declaration of Nuisance (9 Attached Exhibits)

Very truly yours,

ROBERT E. SHANNON, City Attorney

By   
CRISTYL MEYERS  
Deputy City Attorney

cc: Glorious Manor, Inc.  
420 grand Avenue  
Long Beach, CA 90814



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAJS  
Assistant City Attorney

VIA PERSONAL SERVICE

May 9, 2007

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes

DEPUTIES

Gary J. Anderson  
Richard F. Anthony  
Christina L. Chesel  
Alysha Park Choi  
Randall C. Fudge  
Charles M. Gale  
Everett L. Glenn  
Donna F. Guin  
Monte H. Machit  
Anne C. Lattime  
Lisa Peskay Malinien  
Barry M. Meyers  
Cristyl Meyers  
J. Charles Parkin  
Howard D. Russell  
Tiffani L. Shin

Glorious Manor, Incorporated  
c/o Peter Aguinaldo  
Agent for Service of Process  
420 Grand Avenue  
Long Beach, CA 90814

RE: **NOTICE OF DECLARATION OF NUISANCE ACTIVITY AND  
ABATEMENT FOR PROPERTY LOCATED AT 420 GRAND AVENUE  
LONG BEACH, CALIFORNIA 90814**

Dear Property Owner(s) and Business Operator(s),

Our office is contacting you regarding your property located at 420 Grand Avenue, Long Beach, California. This property has and continues to be the source of ongoing nuisance activity as reported by neighbor complaints of criminal activity, tenant/occupant intimidation, loud noise, and violation(s) of Long Beach Municipal Codes and State law(s). Based on these conditions, it appears your property poses a substantial threat to the safety and well being of the immediate neighborhood and its residents.

The City's involvement with this property began in August 2003 when Glorious Manor, Inc. (doing business as Glorious Manor, Inc.) applied for a business license to operate 420 Grand Avenue as a State licensed residential care facility with six (6) employees. (Exh. A). At the time of application, Glorious Manor, Inc. did not possess the requisite State license. It was not until June 17, 2005, that the State of California, Department of Social Services, issued Glorious Manor, Inc. ("Glorious Manor") provisional group home license number 197804756. This license authorized Glorious Manor to operate and maintain a group home at 420 Grand Avenue, Long Beach, California 90814, while doing business as "Glorious Manor Home for Children." (Exh. B) The State license was granted to serve a total capacity of fifteen (15) ambulatory children ages 7-18 years. (Exh. B) However, State license number 197804756 expired on June 17, 2006. (Exh. B)

Pursuant to Long Beach Municipal Code Section 21.15.2290, a residential care facility is determined by the Director of the State Department of Social Services, and "provides twenty-four (24) hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Residential care facility includes shelters, board and care facilities, halfway houses, wards of the juvenile court and the like." (Exh. C)



On October 9, 2006, Glorious Manor advised City staff that it re-opened the residential care facility in 2005, and was currently "taking appropriate steps" to address the City's concerns, and "to comply with existing [C]ity regulations." (Exh. D)

On November 2, 2006, Glorious Manor met with members from the Long Beach City Departments of Nuisance Abatement, Business License, Health, and Zoning, as well as the Office of the Long Beach City Attorney. During this meeting, Glorious Manor stated business operations, at 420 Grand Avenue, did not commence until July or August of 2006, well after its provisional State license number 197804756 expired.

Glorious Manor described its current 420 Grand Avenue business operations as providing temporary and transitional housing for homeless pregnant women and their children. Glorious Manor advised the City it was currently housing four (4) such families. These families utilized the pre-existing residential care facility communal kitchen, communal bathrooms and showers, and Glorious Manor was paid some form of monetary rent. However, Glorious Manor at no time provided care based services or twenty-four (24) on-site staff.

Based on this change in use, City staff advised Glorious Manor to submit necessary applications, documents, and evidence to obtain a hearing for a conditional use permit. During this same November 2, 2006 meeting, Glorious Manor also expressed interest in possibly changing the property use to commercial office space rentals. City staff likewise advised Glorious Manor to submit all necessary applications, documents, and evidence to facilitate this possible use. To date, no such applications or documentation have been submitted. However, Glorious Manor did agree to cease operations of its then existing food distribution program. (Exh. E)

Following this meeting, the City received continued complaints regarding individuals residing at 420 Grand Avenue. Complaints included criminal activity including assault with a deadly weapon, child abuse, and domestic violence; occupants heard screaming at one another; loud blaring music; high transient foot and vehicular traffic; loitering; tenants impeding residential traffic; and the existence of shopping carts deposited outside the facility. This activity has promoted a sense of concern, fear and intimidation throughout the neighborhood to the extent that residents are reluctant to leave their homes. Many residents reportedly prefer to remain inside their homes rather than face an encounter with your tenants.

Amidst this nuisance activity, the City continued its attempts to work with Glorious Manor based on the corporation's representations. Among these attempts was a subsequent meeting convened March 13, 2007. During this meeting, Glorious Manor was unable to demonstrate any form of progress. Moreover, Executive Director, Gloria Calixto, advised City staff that Glorious Manor was never able to realize its intended and previously state licensed use, because it was unable to obtain the necessary Department of Children and Family Services certification and/or licencing. Ms. Calixto then advised City staff that Glorious Manor now intended to provide either drug and alcohol or child counseling. Once again, City staff advised Glorious Manor to follow appropriate procedures for a change in use.

On March 20, 2007, Glorious Manor allowed City Staff to tour 420 Grand Avenue. The tour amply evidenced that Glorious Manor was operating 420 Grand Avenue as what amounted to a residential hotel and/or boarding house for adults and minors, with occupancies well in excess of Glorious Manor's previous disclosures. Glorious Manor accomplished this by filling seven (7) of the fifteen (15) rooms with between 1-6 tenants each. The rooms are apparently rented on a weekly and/or monthly basis. Although these rooms contained sinks, none were configured with kitchens or bathrooms/toilets.

Rather, tenants utilize communal restrooms, one for women and one for men, with toilets and showers. One of these tenants resides on the second floor. Although this tenant is bed ridden and recuperating from surgery, has no access to a second story bathroom/toilet, is further limited by the fact 420 Grand Avenue is without an elevator, Glorious Manor described this tenant as the on-site live-in caretaker. Tenants also utilized the commercial residential care facility kitchen containing large walk-in freezers (the doors of which were secured with nothing more than removable rubber cords), industrial stoves and ovens, large sinks, and storage.

In addition to occupancy and use violations, City staff also observed building code violations including but not limited to inadequate electrical protections for outlets adjacent to sinks; broken, cracked and missing windows; deficient caulking of toilets, showers, baths, and sinks; and un-permitted construction and tenant improvements throughout the second floor.

Thereafter, on March 26, 2007, the Long Beach Fire Department determined that Glorious Manor failed to maintain its fire extinguishers, smoke detectors, and fire sprinkler system at 420 Grand Avenue. These violations, deficiencies and non-functioning fire alarms, required Long Beach Fire to place the entire facility on "fire watch." (Exh. F) Fire returned on March 29, 2007 for a reinspection, and although it was determined that smoke detectors were operational, the fire alarm system remained inoperable. (Exh. G) Based on the gravity of these violations, and to ensure public safety, Long Beach Fire Inspectors returned to 420 Grand Avenue on April 2, 4, 5, 23, and 30. (Exh. H)

On April 23, 2007, the Long Beach Fire Department returned to 420 Grand Avenue and criminally cited Glorious Manor for non-compliance. On April 30, 2007, Long Beach Fire was again on-site, and were advised by Glorious Manor's commercial fire sprinkler representative, that the existing sprinkler system could not be certified any sooner than three (3) additional weeks. Of equal concern, neither Long Beach Fire nor the sprinkler representative had access to the second floor, due in large part to the fact that there was no on-site manager, nor was there a Glorious Manor agent present to assist. (Exh. H)

Finally, on May 4, 2007, Glorious Manor met with the City's Zoning Administrator, Ms.Carolyn Bihn, to discuss future property use. However, Glorious Manor failed to present any form of evidence supporting a specific use. It also failed to request a hearing date for a possible conditional use permit ("CUP"). Rather, Glorious Manor again reiterated possible property uses including a child care center, counseling center, and/or office rental.

The aforementioned evidence supports the City's premise that Glorious Manor is operating and/or maintaining or permitting the operation and/or maintenance of a non-permitted land use, compounded by a litany of code violations, as well as criminal and nuisance activity.

Therefore, **PLEASE TAKE NOTICE** that as the owner(s)/operator(s) of this property, you are responsible for the activities occurring at this location. However, in an attempt to avoid potential civil and administrative consequences and/or penalties, our office is placing you on formal notice of this illegal and un-permitted conduct.

Also, please be advised that pursuant to California Civil Code sections 3479 and 3480, nuisance activity includes those acts which are injurious to health including but not limited to conditions which are indecent or offensive to the senses, create an obstruction to the free use of property, interfere with the comfortable enjoyment of life or property, or which unlawfully obstruct the free passage or use of any public square, street, or highway. Moreover, a public nuisance is that which affects an entire community or neighborhood, or any considerable number of persons therein, an example of which currently exists at 420 Grand Avenue, Long Beach.

Further, on June 13, 1997, the City of Long Beach passed the Nuisance Abatement Ordinance, Title 9, Chapter 9.37 which allows "a person or responsible party" to be held liable for nuisance related activities or conditions which affect the social and economic stability of neighborhoods, impair property values, and are injurious or detrimental to the health, safety, and general welfare of Long Beach citizens. (Please find a copy of Long Beach Municipal Code Chapter 9.37 attached to this notice as exhibit I.)

The Long Beach Nuisance Abatement Officer, Ms. Rita Hooker, has determined that the aforementioned activities constitute a nuisance pursuant to Long Beach Municipal Code section 9.37.090, subsections "A," "B," "C," "G," "H," "M," and "U."

**ONCE AGAIN, IN AN ATTEMPT TO AVOID CIVIL CONSEQUENCES,  
NOTICE IS HEREBY GIVEN AND YOU ARE REQUESTED TO  
IMMEDIATELY ABATE SAID NUISANCE ACTIVITY WITHIN  
30 DAYS FROM THE SERVICE DATE OF THIS NOTICE.**

Abatement requires action to terminate, remove, stop, cease, repair, replace or otherwise remedy nuisance related activities or conditions by such means and in such manner as is necessary to the interests of the health, safety, or general welfare of the public. Failure to abate and/or remedy the above referenced nuisance activity can result in civil and/or administrative actions initiated by the Office of the Long Beach City Attorney, as well as by the Long Beach Neighborhood Nuisance Abatement Officer, pursuant to Chapter 9.37 of the Long Beach Municipal Code.

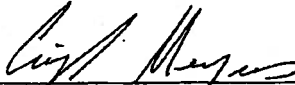
**In the event the nuisance is not abated within this time frame, you may be held liable for administrative penalties not to exceed \$5,000.00 per nuisance event, plus all associated costs incurred by the City regarding this matter. Pursuant to section 9.37.100 of the Long Beach Municipal Code, you may, within seven (7) calendar days of service of notice, make a written application to Ms. Hooker for a hearing on the question of whether nuisance activity and/or conditions exist; whether the person to whom this notice was directed is a responsible person for the property; and whether the City Manager or his designee provided sufficient time to correct and/or abate the nuisance conditions and/or activity.**


Upon receipt of a timely written application for hearing, Ms. Hooker shall establish the date and time of the hearing and shall notify you in writing. Failure to make a timely application for a hearing shall be deemed a conclusive admission that the nuisance activities and/or conditions exist, the person to whom the notice was directed is in fact responsible for the property, and the abatement/correction time frame specified on the notice was reasonable.

Therefore, your prompt attention regarding this matter is essential. In the event you have questions regarding this matter, please contact either Rita Hooker at (562) 570-5257, or myself at (562) 570-2200.

Sincerely,

ROBERT E. SHANNON, City Attorney

By   
CRISTYL MEYERS  
Deputy City Attorney

  
RITA HOOKER  
Neighborhood Nuisance Abatement Officer  
400 West Broadway, Long Beach, CA 90802  
(562) 570-5257, (562) 570-6583 FAX

Attachment

cc: Gary DeLong, Councilman District 6  
Laura Farinella, East Div. Cmdr. LBPD  
Henry Teran, Dep. Fire Chief/Marshall  
Carolyn Bihn, Zoning Admin.  
Richard Barlett, Fin. Mgt.  
Jeannine Montoya, Bus. Lic.  
James Young, Dep. City Prosecutor

EXHIBIT A



CITY OF LONG BEACH BUSINESS LICENSE APPLICATION

4th Floor, City Hall

333 W. Ocean Boulevard, Long Beach, CA 90802

www.ci.long-beach.ca.us

(562) 570-6211

TDD (562) 570-6793

GENERAL INFORMATION

OWNER'S NAME (If corporation, use corporate name. If partnership - principal)
DRIVER'S LICENSE NUMBER
STATE
SOCIAL SECURITY NUMBER
BUSINESS NAME (D.B.A.)
TYPE OF BUSINESS (Be specific)
HOME OCCUPATION
BUSINESS ADDRESS
MAILING ADDRESS (if different)
RESIDENCE ADDRESS (if different)
LIST OF PRINCIPLE OFFICERS' OR PARTNERS' NAMES AND ADDRESSES
New Business Address Change Ownership Change Secondary License Sole Owner Partnership Corporation L.L.P. L.L.C.

BUSINESS OPERATIONS INFORMATION

START DATE
NO. OF EMPLOYEES
NO. OF VEHICLES
FEDERAL TAX ID NUMBER
SALES TAX (SELLER'S PERMIT) NUMBER
Does your business have a Calif State Lic?
STATE LICENSE NUMBER
CLASSIFICATION(S)
RENEWAL DATE

FOOD / ALCOHOL / ENTERTAINMENT

Do you plan to sell or serve food?
If selling food, are there more than 10 square feet of food products displayed?
If serving food, how many seats?
Do you plan to sell or serve alcoholic beverages?
Does your business involve amusement machines, video games and/or pool tables?
Does your business have vending machines?
Will you have: dancing, music (live or amplified)?

SERVICES / FUND RAISING

Will you provide a towing service?
Will you offer massage, bodywrap, escort or other similar personal services?
Will you engage in fund raising?
Will you deal in coins, stamps, firearms, jewels, or second-hand property?
HAZARDOUS MATERIALS / MEDICAL WASTE
Will you use, store, or transport chemicals (new or waste state)?
Will you manage or produce biohazardous materials or waste?
BUILDING AND FACILITY INFORMATION
Business sq. ft.:
Do you own or rent/lease your business property?
Does your business require construction and/or remodeling?

ACKNOWLEDGMENT

I have received a copy of "OPERATING A BUSINESS IN LONG BEACH". I understand that before I can operate my business in Long Beach, my establishment must comply completely or I will be in violation of the L. B. M. C., Section 3.80.421.5. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.

SIGN and return this statement with your remittance.

Make checks payable to City of Long Beach

Owner or Authorized Agent

Gloria V. Calixto (Signature)

8-11-03 (Date)

GLORIA V. CALIXTO - PRESIDENT (Print Name/Title)

DO NOT WRITE BELOW THIS LINE

Review Path: Min Mod Com
Inspection(s): Bldg Fire Alth PD Oth
Date/time:
Init:
Basic Tax
Employees
Vehicles
Other
DPIA, BSPA, BKBA base
PIA Employees
Regulatory
Investigation
Misc. Fees
Sub Total
Zoning
Building Inspection
Total
Prev Use:
Exp Date:
Prev Lic:
Exp date:
District:
CRT:
SIC:
Entered by:
Date:
Zoning Review
By:
Date:
New construction Reuse
Zone:
Comments:

NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED. THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY CONTACTING 562/570-6211

Y881 BC15UNLM BC0117 BUS LICENSE SUMMARY - INQUIRY 05/07/07 15:23  
TC: BL FUNCTION: P SYSTEM: BU ACCOUNT: 20338420  
SEARCH: KEY: GLORIOUS MANOR INC PR: PR42  
STATUS: ACTIVE EXEMPT: START: 08 13 03 NEW CODE: A3 SRCE CODE: 2 I/C: N  
CONAME: INCL:  
DEA: GLORIOUS MANOR INC NTC#: PREV LIC:  
CRT: 201509 RESIDENTIAL CARE FACILITY PRODUCT: RESIDENTIAL CAR H/O: N ORG: C  
SIC: 008059 NURSING & PERSONAL CARE FACILITIES  
NURSING & PERSONAL CARE FACILITIES, NEC  
HSE# FRA D STREET NAME TYPE S UNIT NAICS:  
BUS ADDR: 00420 GRAND AVE VALIDATE: X  
CITY: LONG BEACH ST: CA ZIP: 90814 BUS PH: 562 427 8298  
RES ADDR: -----> OWNED BY <-----  
FEM: MIN: SBA:  
ALC: N SQFT => BLDG: PUB: HAZ/QTY: N EPA: N  
PRINCIPAL OFFICER NAMES: ADDRESSES:  
GLORIA V CALIXTO  
PETE AGUINALDO  
GILROSS CALIXTO  
FED TAX ID: 810610780 STATE SALES TAX#: - SOC SEC:  
CONTRACTOR => LIC: RENEW DATE: CLASS:  
REFERRALS => BUILDING: C FIRE: C HEALTH: N HAZ: C POLICE: N OTHER: N  
NBR OF => EMPS: 6 VNDNG MCHNS: SQ FT: UNITS: VEHS:



**State of California**  
Department of Social Services

Facility Number: 197804756  
Effective Date: 06/17/05 Total Capacity: 15

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations; the Department of Social Services hereby issues GH-PROVISIONAL - EXPIRATION DATE: 06/17/06

**this License to**

GLORIOUS MANOR, INC.

to operate and maintain a GROUP HOME

**Name of Facility**

GLORIOUS MANOR HOME FOR CHILDREN  
420 GRAND AVE.  
LONG BEACH CA 90814

This License is not transferable and is granted solely upon the following:

LICENSED TO SERVE CHILDREN AGES 7-18 YEARS OLD, AMBULATORY ONLY.  
PROVISIONAL LICENSE EXPIRES 6-17-06.

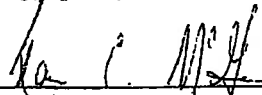
Client Groups Served: WARD/DEPENDENTS

Complaints regarding services provided in this facility should be directed to:

LA & TRI-COASTAL CR DISTRICT OFFICE (323) 981-3300

Jo Frederick

Deputy Director,  
Community Care Licensing Division

  
Authorized Representative  
of Licensing Agency

POST IN A PROMINENT PLACE



**EXHIBIT B**

EXHIBIT C

**21.15.2290 Residential care facility.**

"Residential care facility" means any family home, group care facility or similar facility as determined by the Director of the State Department of Social Services. A residential facility provides twenty-four (24) hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Residential care facility includes shelters, board and care facilities, halfway houses, wards of the juvenile court and the like.

**GLORIOUS MANOR INC.**

420 Grand Avenue, Long Beach, CA 90814 (Residential Facility) 1(562) 621-6484

2703 Seventh Street, Long Beach, CA 90804 (Counseling Facility) 1(562) 433-0454

Gloria Calixto, Executive Director

Fax: 1(562) 433-0545

~~OCTOBER~~  
September 9, 2006

Ms. Rita Hooker  
Nuisance Abatement Officer  
400 W. Broadway  
Long Beach, CA 90802

Re: 420 Grand Avenue, Long Beach, CA 90814

Dear Ms. Hooker,

Thank you so very much for giving us the opportunity of meeting with you and discussing some of the concerns raised by our neighbors.

We are in the process now of taking the appropriate steps to meet these concerns as well as to comply with existing city regulations.

Per your request, we are faxing you the following:

- 1) Copy of the Articles of Incorporation of Glorious Manor Inc.
- 2) Copy of the house rules that we require residents to read/sign before they move in. This is in addition to what we showed you this morning.

Also, we would like you to take the following for your consideration:

- 1) The facility for many years was utilized as a residential care facility for elderly and was issued a State license for residential facility with a capacity for 26 beds. The business was closed in 2003 and I reopened the business in 2005 and I was issued a license by the City to operate a residential facility. The license issued by the City did not indicate any capacity although the facility has a total of 15 rooms exclusive of kitchen, dining room, three bathrooms and 3 office rooms.
- 2) The 6 people capacity that you mentioned pertains to a license issued to group homes (Sec. 21.15.12000) But the facility is not a group home!

80 18 147 01 100 5000

EXHIBIT D

- 3) The City code permits room rental as a permitted use in this area and I fully believe that our facility falls under this category since our contract with LAHSA was simply to provide rooms.
- 4) Our food distribution is held once a month (first Sunday) and the venue has been approved by the Food Bank of Southern California. We are a non-profit tax exempt entity and as such is allowed to provide this service to the community.

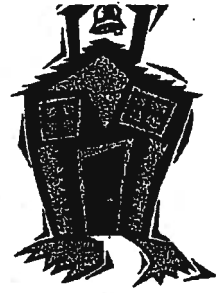
Thank you very much and if you have any question, please call me anytime.

Sincerely,

  
Gloria Calixto  
Executive Director

Cc: Office of Councilman Gary DeLong





# FOOD DISTRIBUTION PROGRAM

AUGUST 6, 2006

SUNDAY

FROM 10:00AM TO 12:00PM

AT

GLORIOUS MANOR INC.

420 GRAND AVENUE/CORNER 4th STREET,  
LONG BEACH, CA 90814



FOR LOW-INCOME SENIORS AND FAMILIES;  
DISABLED, HOMELESS AND VETERANS

A SERVICE TO THE COMMUNITY  
BY GLORIOUS MANOR INC,  
1(562) 621-6484; 1(562) 433-0454





**LONG BEACH FIRE DEPARTMENT** Fire Inspection Report **FPR 2546**  
 Bureau of Fire Prevention • 925 Harbor Plaza, Suite 100 • Long Beach, CA 90802 • (562) 570-2660

SECTION: <b>RES</b>	UNIT: <b>A-100</b>	INSPECTOR: <b>POTERL</b>
Business Address: <b>420 GRAND</b>	City: <b>LONG BEACH</b>	State: <b>CA</b>
Business Name: <b>GIORGIO MANDALINI</b>	City: <b>LONG BEACH</b>	State: <b>CA</b>
Business / Property Owner/Management Company: <b>GIORGIO MANDALINI</b>	City: <b>LONG BEACH</b>	State: <b>CA</b>
Address: <b>420 GRAND</b>	City: <b>LONG BEACH</b>	State: <b>CA</b>
City: <b>LONG BEACH</b>	State: <b>CA</b>	Zip: <b>90802</b>
Emergency Contact: <b>POTERL</b>	Phone: <b>562-570-2660</b>	Date: <b>3/28/07</b>
Emergency Contact: <b>POTERL</b>	Phone: <b>562-570-2660</b>	Date: <b>3/28/07</b>

CHECK EACH VIOLATION THAT APPLIES — MAKE SURE ALL CORRECTIONS ARE COMPLETED BEFORE ABATING

FIRE EXTINGUISHERS	
<input checked="" type="checkbox"/>	1. Service fire extinguishers annually. C.G.R. T19 597.1
<input type="checkbox"/>	2. General Business — Provide at least one 2A10-BC or larger extinguisher within 75 feet of travel and on every floor. CFC 1002.1
<input type="checkbox"/>	3. Provide additional extinguishers as needed for special hazards. FC Standard 10-1 or Class K for commercial cooking. CFC 1005.2.7
FIRE EXTINGUISHING SYSTEMS	
<input type="checkbox"/>	4. Fire Protection systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. CFC 1001.5.1
<input type="checkbox"/>	5. FDC damaged / obstructed / missing caps. CFC 1001.6.2
<input type="checkbox"/>	6. Sprinkler control valves shall remain open. CFC 1001.5.1
<input type="checkbox"/>	7. Service fixed fire suppression systems semi-annually (Dry / Wet Chemical, Halon, CO <sub>2</sub> ). CFC 1001.5.2
<input type="checkbox"/>	8. Clean filters and hoods over cooking areas. FC1003.2.8
FIRE ALARM SYSTEMS	
<input checked="" type="checkbox"/>	9. Fire alarm systems shall be operational at all times. T-19 3.24
<input type="checkbox"/>	10. Post fire alarm operating / reset instructions. CFC 1006.3.4.3
EXITING	
<input type="checkbox"/>	11. Exit doors shall be operable from the inside by single motion, no key or special knowledge required. CFC 1207.3
<input type="checkbox"/>	12. Remove storage and obstructions from exits, aisles, corridors, and stairways. CFC 1203, 1204.2.2, and 1103.3.2.3
<input type="checkbox"/>	13. Maintain lighted exit signs and exit way lighting. CFC 1211.1 & 1212.4
<input type="checkbox"/>	14. Bars on bedroom windows not allowed unless operable from the inside without a key or special knowledge. CFC 1206
SIGNS	
<input type="checkbox"/>	15. Address numbers shall be plainly visible. CFC 901.4.4
<input type="checkbox"/>	16. Post "No Smoking" and hazard warning signs as required. CFC 1109.4.1 and 7901.9
<input type="checkbox"/>	17. Label doors to Electrical Rooms. CFC 8509.3
<input type="checkbox"/>	18. Post Occupant Load signs in assembly occupancies. CFC 2301.16.1
ELECTRICAL AND HEATING EQUIPMENT	
<input type="checkbox"/>	19. Extension cords shall not be used as a substitute for permanent wiring. CFC 8506.1
<input type="checkbox"/>	20. Extension cords shall not extend through walls, floors, ceilings, or under doors. CFC 8508.3
<input type="checkbox"/>	21. Power lags / surge protectors shall be connected directly to an outlet. CFC 8508.3
<input type="checkbox"/>	22. Maintain 30-inch clearance to electrical panels. CFC 8509.2
<input type="checkbox"/>	23. Provide adequate clearance between heat producing appliances and combustible material. CFC 1107.1
<input type="checkbox"/>	24. Water heaters shall be secured to resist movement from earthquakes. CFC 1107.1 and LBMC 18.40.10
FLAMMABLE / COMBUSTIBLE LIQUIDS	
<input type="checkbox"/>	34. Flammable or combustible liquids shall not be stored in or near exit ways or stairways. CFC 7902.5.5
<input type="checkbox"/>	35. Flammable liquids shall not be stored in basements. CFC 7902.5.11.6
<input type="checkbox"/>	36. Flammable and combustible liquids to be limited to amounts necessary for maintenance and operation of equipment. CFC 7902.5.7.2
<input type="checkbox"/>	37. Flammable or combustible liquids for use, over 10 gallons, shall be stored in approved flammable liquid storage cabinets. CFC 7902.5.8
PLANS / PERMITS	
<input type="checkbox"/>	38. Plans are required for installation, alterations or repairs of building systems or fire protection systems. CFC 1001.3
<input type="checkbox"/>	39. Annual fire permits are required. CFC 105.8 (see back page)
COMPRESSED GASES (LPG)	
<input type="checkbox"/>	40. Secure compressed gas cylinders to prevent cylinders from falling or being knocked over. CFC 7401.8.4
<input type="checkbox"/>	41. LP-Gas shall not be located near exits or stairs. CFC 8212.4
<input type="checkbox"/>	42. The largest filled propane or butane container in buildings open to the public shall not exceed 2 1/2 pounds. CFC 8212.9
SMOKE DETECTION	
<input checked="" type="checkbox"/>	43. Smoke detectors shall be installed in every sleeping room, outside every sleeping room, at the top of all stairways and basements. CFC 1006.2.9.3.3
<input checked="" type="checkbox"/>	44. Smoke detectors shall be operational at all times. T-19 3.24 & CFC 1001.5.1

NOTE: This document is NOT a complete list of all violations; refer to the CA Fire Code.

**ADDITIONAL VIOLATIONS / COMMENTS**  Fire Watch Posted: CFC 1001.5.3.1 DATE

- 1. RESERVE THE EXTINGUISHER IN THE KITCHEN + UPSTAIRS**
- OBTAIN A ZONING CHANGE FROM AN I TO AN R OCCUPANCY**
- OR REMOVE ALL CLIENTS BY APRIL 14<sup>th</sup> 2007**
- PROVIDE ANNUAL TEST FOR THE FIRE ALARM**

The scheduled re-inspection date is not an expressed or implied permit to allow the continuation of any unsafe condition or code violation. Orders and reports shall be completed with by the owner / responsible party, correct all violations prior to the reinspection date. CFC 103.4.2 Any code violations shall be corrected upon receipt of this inspection notice. Non-compliance by the re-inspection date is a misdemeanor and may result in a re-inspection fee and possible citation CFC 101.2.2.2.

NOTICE RECEIVED BY: <b>POTERL</b>	NO RP AVAILABLE <input type="checkbox"/>	PRINT NAME: <b>POTERL FAJARDO</b>	Resident / Employee <input type="checkbox"/> Owner / Manager <input checked="" type="checkbox"/>
INITIAL INSPECTION CONDUCTED BY: <b>M. HONDA</b>	DATE: <b>3/28/07</b>	DID # <b>70853</b>	FIRST RE-INSPECTION ON OR AFTER DATE: <b>3/28/07</b>
FIRST RE-INSPECTION CONDUCTED BY: <b>M. HONDA</b>	DATE: <b>3/28/07</b>	DID # <b>70853</b>	SECOND RE-INSPECTION ON OR AFTER DATE: <b>3/28/07</b>
REFERRED TO FP DATE: <b>3/28/07</b>	<input type="checkbox"/> ABATED / IN COMPLIANCE	<input type="checkbox"/> NO VIOLATIONS OBSERVED	INSPECTOR OFFICER # <b>70853</b>

EXHIBIT G



**LONG BEACH FIRE DEPARTMENT FIRE INSPECTION REPORT**  
Bureau of Fire Prevention • 925 Harbor Plaza, Suite 100 • Long Beach, California 90802 • (562) 570-2580

SECTION	UNIT	INITIAL INSPECTION BY	FIRST RE-INSPECTION BY	SECOND RE-INSPECTION BY
	CE5	N. HONDA		

Business Address 480 GRAND.

CORRECTIVE ACTION	FPR # <u>2546</u>
	<u>3/29/07</u>

- RE INSPECTED THE SMOKE DETECTORS + THE FIRE ALARM.
- THE SMOKE DETECTORS ARE ALL OPERABLE + THE ALARM
- WILL BE FIXED BY TUES 4/3. [Signature]
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

The scheduled re-inspection date is not an expressed or implied permit to allow the continuation of an unsafe condition or code violation. Orders and reports shall be completed only by the owner/responsible party correct all violations prior to the re-inspection date. O.P.C. 113.2 Any code violations shall be corrected upon receipt of this inspection Notice. Non-compliance by the re-inspection date is a misdemeanor and may result in a re-inspection fee and possible citation. O.P.C. 113.2.2.

NOTICE RECEIVED BY: <input type="checkbox"/> NO RP AVAILABLE		PRINT NAME:	Resident / Employee <input type="checkbox"/> Owner / Manager <input type="checkbox"/>	
X				
INITIAL INSPECTION CONDUCTED DATE <u>3/29/07</u>	BY <u>N HONDA</u>	DID # <u>70853</u>	FIRST RE-INSPECTION ON OR AFTER DATE	SECOND RE-INSPECTION ON OR AFTER DATE
FIRST RE-INSPECTION CONDUCTED DATE	BY	DID #	SECOND RE-INSPECTION CONDUCTED DATE	BY
REFERRED TO CP DATE	<input type="checkbox"/> ABATED / IN COMPLIANCE <input type="checkbox"/> NO VIOLATIONS OBSERVED		INSPECTING OFFICERS #	
DATE	BY	DID #	<u>(562) 570 2578</u>	

EXHIBIT H



LONG BEACH FIRE DEPARTMENT Fire Inspection Report

Bureau of Fire Prevention • 926 Harbor Plaza, Suite 100 • Long Beach, California 90802 • (562) 570-2860

SECTION: UNIT: CES INITIAL INSPECTION BY: N. Honda FIRST REINSPECTION BY: N. Honda SECOND REINSPECTION BY:

Business Address: 420 GRAND


OPERATION: FPR #: 2546

- 4/2 RE INSPECTION ALL SMOKE WERE WORKING, FIRE ALARM STILL NON-OPERABLE (REMAINING ON FIRE WATCH)
4/4-2 SMOKE DETECTORS HAVE LOW BATTERIES FIRE ALARM IS STILL NON FUNCTIONAL (WILL REMAIN ON FIRE WATCH)
WILL REINSPECT ON 4/5 IF THE DETECTORS + THE FIRE ALARM IS NOT FUNCTIONING PROPERLY & FINE OF \$350 WILL BE GIVEN
4/5 SPOKE TO ALARM CO ON THE PHONE / ISSUE RESOLVED
4/5 SPOKE TO ALARM CO. & THE ALARM IS ONLY LOCALIZED / MANUAL PULL ONLY, NO COURT REQUIRED.
4/23 PROVIDE ACCESS KEYS FOR THE FACILITY & RE CERTIFY THE EXTINGUISHERS IN THE DINING AREA.
PROVIDE CERT (5 YEAR TEST) FOR THE SPRINKLER SYSTEM.
3 CLIENTS STILL REMAIN ABOVE THE DEADLINE, A FINE WILL BE GIVEN IN THE AMOUNT OF \$350 FOR NON-COMPLIANCE.
WILL REINSPECT ON 4/30/07
4/30 RE INSPECTED THE EXTINGUISHERS + SPOKE TO THE SPRINKLER CO. & THEY SAID IT WOULD TAKE 3 WEEKS TO CERTIFY THE SYSTEM.
NO ONE AT THE FACILITY TO GIVE A REPORT TO / ALSO DID NOT HAVE ACCESS TO THE 2ND FLOOR. TENANTS STILL ON SITE. WILL RE INSPECT IN 3 WEEKS AT INSPECTION: HONDA

The scheduled reinspection date is not an expressed or implied permit to allow the continuation of any unsafe condition or code violation. Orders and reports shall be complied with by the owner/responsible party, correct all violations prior to the reinspection date. CFC 103.2 Any code violations shall be corrected upon receipt of this inspection. Non-compliance by the reinspection date is a misdemeanor and may result in a re-inspection fee and possible citation CFC 101.2.2.2.

NOTICE RECEIVED BY: PETER FAJARDO Resident / Employee [ ] Owner / Manager [X]
INITIAL INSPECTION CONDUCTED DATE: 2/2/07 BY: N. Honda DID # 70853
FIRST REINSPECTION CONDUCTED DATE: 4/2/07 BY: N. Honda DID # 70853
SECOND REINSPECTION CONDUCTED DATE: 4/5/07 BY: DID #
REFERRED TO CP DATE: [ ] ABATED / IN COMPLIANCE [ ] NO VIOLATIONS OBSERVED
INSPECTING OFFICERS: (562) 577-9046

**LONG BEACH FIRE DEPARTMENT Fire Inspection Report** FPR 2546  
 Bureau of Fire Prevention • 925 Harbor Plaza, Suite 100 • Long Beach, California 90802 • (562) 870-2580

	SECTION: <b>055</b>	UNIT: <b>N Honda</b>	INITIAL INSPECTION BY: <b>N Honda</b>	FIRST RE-INSPECTION BY:	SECOND RE-INSPECTION BY:
Business Address: <b>420 GRAND</b>	Address Validity: <b>Y</b>	High Rise: <input type="checkbox"/>	Occupancy Classification / Use: <b>R-2/3 CONDO</b>	Est. Sq. Ft.:	Incident Number:
Business Name: <b>STICIOUS MANDAL</b>	Phone: <b>562 421 6284</b>	Knock Box: <input type="checkbox"/>	Key checked: <input type="checkbox"/>	Retained: <input checked="" type="checkbox"/>	Annunciator Panel Checked: <input type="checkbox"/>
Business / Property Owner or Management Company:	Phone: <b>( )</b>	Accessibility: <input type="checkbox"/>	Keys: <input type="checkbox"/>	Reason: <input type="checkbox"/>	NA: <input type="checkbox"/>
Address:	City:	State:	Zip:	Fire Alarm any certification current: <input type="checkbox"/>	DATE:
Emergency Contact 1: <b>PETER FAJARDO</b>	Phone: <b>562 421 6284</b>	Standby / Service 5-year certification current: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	DATE:	
Emergency Contact 2: <b>STICIOUS</b>	Phone: <b>562 421 6284</b>	Alarm Monitoring / Maintenance Company:	Phone:		

CHECK EACH VIOLATION THAT APPLIES - MAKE SURE ALL CORRECTIONS ARE COMPLETED BEFORE ABATING

FIRE EXTINGUISHERS	STORAGE
<input checked="" type="checkbox"/> 1. Service fire extinguishers annually. C.C.R. T19 537.1	<input type="checkbox"/> 25. City tags shall be kept in metal containers with tight fitting lids. Empty containers daily. CFC 1103.2.1.3
<input type="checkbox"/> 2. General Business - Provide at least one 2A10-BC or larger extinguisher within 75 feet of travel and on every floor. CFC 1002.1	<input type="checkbox"/> 26. Remove combustibles stored in boiler, mechanical or electrical equipment rooms. CFC 1103.3.2.4
<input type="checkbox"/> 3. Provide additional extinguishers as needed for special hazards. FC Standard 50-7 or Class K for commercial cooking. CFC 1005.2.7	<input type="checkbox"/> 27. Reduce storage height to at least 24 inches below ceilings or 18 inches below soffits. CFC 1103.3.2.2
<input type="checkbox"/> 4. Fire Protection systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. CFC 1001.5.1**	<input type="checkbox"/> 28. Dumpsters shall not be placed near openings or under roof eaves, unless protected by fire sprinklers. CFC 1103.2.2
<input type="checkbox"/> 5. FDC damaged / obstructed / missing caps. CFC 1001.5.2	<input type="checkbox"/> 29. Fire doors shall not be obstructed altered or removed. CFC 1111.2.1
<input type="checkbox"/> 6. Sprinkler control valves shall remain open. CFC 1001.5.1	<input type="checkbox"/> 30. Fire doors shall not be held open by doorstops or other unapproved means. CFC 1111.2.2
<input type="checkbox"/> 7. Service fixed fire suppression systems semi-annually (Dry / Wet Chemical, Halon, CO2). CFC 1001.5.2	<input type="checkbox"/> 31. Fire doors shall be self-closing or automatic closing. CFC 1111.2.1
<input type="checkbox"/> 8. Clean filters and hoods over cooking areas. FC 1005.2.8	<input type="checkbox"/> 32. Roll-up & sliding fire doors to be tested yearly by the owner for proper operation. Maintain written record. CFC 1111.2.4
<input checked="" type="checkbox"/> 9. Fire alarm systems shall be operational at all times. T-19 334**	<input type="checkbox"/> 33. Poke-through construction: repair required fire doors, firewalls or ceilings. CFC 1111.1
<input type="checkbox"/> 10. Post fire alarm operating / reset instructions. CFC 1005.3.4.3	<input type="checkbox"/> 34. Flammable or combustible liquids shall not be stored in or near exit ways stairways. CFC 7902.5.5
<input type="checkbox"/> 11. Exit doors shall be operable from the inside by single motion, no key or special knowledge required. CFC 1207.3	<input type="checkbox"/> 35. Flammable liquids shall not be stored in basements. CFC 7902.5.11.6
<input type="checkbox"/> 12. Remove storage and obstructions from exits, stairs, corridors, and stairways. CFC 1203, 1204.2.2, and 1103.3.2.3	<input type="checkbox"/> 36. Flammable and combustible liquids to be limited to amounts necessary for maintenance and operation of equipment. CFC 7902.5.7.2
<input type="checkbox"/> 13. Maintain lighted exit signs and exit way lighting. CFC 1211.1 & 1212.4	<input type="checkbox"/> 37. Flammable or combustible liquids for use, over 10 gallons, shall be stored approved flammable liquid storage cabinets. CFC 7902.5.8
<input type="checkbox"/> 14. Bars on bedroom windows not allowed unless operable from the inside without a key or special knowledge. CFC 1206	<input type="checkbox"/> 38. Plans are required for installation, alterations or repair of building system or fire protection systems. CFC 1001.3
<input type="checkbox"/> 15. Address numbers shall be plainly visible. CFC 901.4.4	<input type="checkbox"/> 39. Annual fire permits are required. CFC 105.8 (see back page)
<input type="checkbox"/> 16. Post "No Smoking" and hazard warning signs as required. CFC 1108.4.1 and 7901.3	<input type="checkbox"/> 40. Secure compressed gas cylinders to prevent cylinders from falling or be knocked over. CFC 7401.6.4
<input type="checkbox"/> 17. Label doors to Electrical Rooms. CFC 8509.3	<input type="checkbox"/> 41. LP-Gas shall not be located near exits or stairs. CFC 8212.4
<input type="checkbox"/> 18. Post Occupant Load signs in assembly occupancies. CFC 2501.16.1	<input type="checkbox"/> 42. The largest filled propane or butane container in buildings open to the public shall not exceed 2 1/2 pounds. CFC 8212.9
<input type="checkbox"/> 19. Extension cords shall not be used as a substitute for permanent wiring. CFC 8506.1	<input type="checkbox"/> 43. Smoke detectors shall be installed in every sleeping room, outside over sleeping room, at the top of all stairways and basements. CFC 906.2
<input type="checkbox"/> 20. Extension cords shall not extend through walls, floors, ceilings, or under doors. CFC 8506.3	<input checked="" type="checkbox"/> 44. Smoke detectors shall be operational at all times. T-19 324 & CFC 100
<input type="checkbox"/> 21. Power taps / surge protectors shall be connected directly to an outlet. CFC 8508.3	
<input type="checkbox"/> 22. Maintain 30-inch clearance to electrical panels. CFC 8509.2	
<input type="checkbox"/> 23. Provide adequate clearance between heat producing appliances and combustible material. CFC 1107.1	
<input type="checkbox"/> 24. Water heaters shall be secured to resist movement from earthquakes. CFC 1107.1 and LABC 18.40.10	

NOTE: This document is NOT a complete list of all violations; refer to the CA FPR

ADDITIONAL VIOLATIONS / COMMENTS:  Fire Watch Posted - CFC 1001.5.3.1

1. RESERVE THE EXTINGUISHER IN THE KITCHEN + UPSTAIRS

OBTAIN A ZONING CHANGE FROM AN I TO AN R OCCUPANCY

OR REMOVE ALL CLIENT BY APRIL 14th 2007

PROVIDE ANNUAL CERT FOR THE FIRE ALARM.

The scheduled re-inspection date shall be expressed or implied penalty to allow the continuation of any unsafe condition or code violation. Orders and reports shall be completed by the owner / responsible party, correct all violations prior to the re-inspection date. CFC 1001.2 Any code violations shall be corrected upon receipt of this inspection report. Non-compliance by the re-inspection date is a misdemeanor and may result in a re-inspection fee with possible citation. CFC 1001.2

NOTICE RECEIVED BY: <b>[Signature]</b>	NO RP AVAILABLE: <input type="checkbox"/>	PROF. NAME: <b>PETER FAJARDO</b>	Resident / Employee: <input type="checkbox"/>	Owner / Manager: <input type="checkbox"/>
INITIAL INSPECTION CONDUCTED BY: <b>N Honda</b>	DATE: <b>10/26/07</b>	DD # <b>70853</b>	FIRST RE-INSPECTION ON OR AFTER DATE: <b>2/28/07</b>	SECOND RE-INSPECTION ON OR AFTER DATE: <b>4/22/07</b>
FIRST RE-INSPECTION CONDUCTED BY: <b>N Honda</b>	DATE: <b>1/23/07</b>	DD # <b>70853</b>	SECOND RE-INSPECTION CONDUCTED BY:	DATE:

EXHIBIT I



Title 9 PUBLIC PEACE, MORALS AND WELFARE

---

**Chapter 9.37 LONG BEACH NUISANCE CODE**

9.37.010 Purpose and intent.

9.37.020 Additional enforcement remedies.

9.37.030 City Manager/ Administrative Abatement Officer.

9.37.040 Person/ responsible person/ party.

9.37.050 Abate/abatement.

9.37.060 Premises.

9.37.070 Service of notice.

9.37.080 Abatement of nuisance related activities or condition.

9.37.090 Nuisance defined.

9.37.100 Notification of nuisance and abatement thereof.

9.37.110 Notice of administrative penalty.

9.37.120 Administrative penalties.

9.37.130 Administrative costs.

9.37.140 Abatement by City Manager.

9.37.150 Record of administrative penalties and costs; cost of abatement; hearing.

9.37.160 Expenses and administrative penalties and costs a lien against the property.

9.37.170 Notice of lien.

9.37.180 Alternative method of collection.

9.37.190 Right of judicial review.

**9.37.010 Purpose and intent.**

The purpose of this Chapter is to provide for the administrative abatement of nuisance related activities or conditions which affect the social and economic stability of neighborhoods, impair property values and which are injurious or detrimental to the health, safety and general welfare of the citizens of Long Beach. (Ord. C-7479 § 1, 1997).

**9.37.020 Additional enforcement remedies.**

The procedures provided for in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in this Code or by State law for the abatement of nuisance related activities or conditions.

Nothing in this Chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable Civil, Penal or Municipal Code provisions as an alternative or alternatives to the proceedings set forth in this Chapter. (Ord. C-7479 § 1, 1997).

### **9.37.030 City Manager/ Administrative Abatement Officer.**

As used in this Chapter, "Administrative Abatement Officer" shall mean the City Manager and any other person or persons designated by the City Manager as being an Administrative Abatement Officer. (Ord. C-7479 § 1, 1997).

### **9.37.040 Person/ responsible person/ party.**

A. As used in this Chapter, "person"/"responsible person"/"party" shall mean any individual, business or entity who is responsible for causing, maintaining or permitting a nuisance activity or condition. The terms "person", "responsible person" or "responsible party" include, but are not limited to, a property owner, tenant, person with a legal interest in real property or person in possession or occupying real property, the president or other officer of a corporation, a business owner or manager of a business.

B. Any act of negligent or willful conduct of a minor which results in the creation or maintenance of a condition or activity which constitutes a nuisance within the meaning of this Chapter shall be imputed to the parent or guardian having custody and control of the minor for all purposes, including the duty to abate the nuisance(s) and the imposition of administrative penalties and costs as provided for herein. The parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor for any and all penalties or costs imposed pursuant to this Chapter. (Ord. C-7479 § 1, 1997).

### **9.37.050 Abate/abatement.**

As used in this Chapter, the terms "abate" and "abatement" shall mean action to terminate, remove, stop, cease, repair, replace or otherwise remedy a nuisance related activity or condition by such means and in such manner as is necessary to the interests of the health, safety or general welfare of the public. (Ord. C-7479 § 1, 1997).

### **9.37.060 Premises.**

As used in this Chapter, the term "premises" shall mean any location, building, structure, residence, garage, room, shed, shop, store, dwelling, lot, parcel, land or portion thereof whether improved or unimproved. (Ord. C-7479 § 1, 1997).

### **9.37.070 Service of notice.**

A. Whenever any notice, amended notice, supplemental notice, order, statement or other document is required to be served upon any person, by the provisions of this Chapter, such service shall be either by personal service or by delivery into the United States mail, postage prepaid, certified or registered mail, to the person's last known address. If service is by mail, the service is complete at the time of the deposit, but any period of notice and any right or duty to do any act or make any response within any period or on a date certain shall be extended five days if the place of address is within the State of California or ten days if the place of address is outside the State of California.

B. In lieu of personally serving the person or service by certified or registered mail, service of any notice, amended notice, supplemental notice, order, statement or other document may be made as follows:

1. In the event that the responsible person refuses to accept certified or registered mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the document, notice may be served by leaving a copy during usual office hours at the person's usual place of business with the individual who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy of the notice was left. Or, a document may be served by leaving a copy at the person's dwelling or usual place of abode in the presence of a competent member of the household, at least eighteen years of age, and thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy was left.

2. In the event a person refuses to accept certified or registered mail or cannot be personally served or served by substituted service and has a property manager or rental agency overseeing the premises, substituted service may be made as set forth in Subsection 9.37.070.B.1 upon the property manager or rental agency.

3. If a person lives out of State and will not accept certified or registered mail, then service may be made by first-class mail. (Ord. C-7479 § 1, 1997).

### **9.37.080 Abatement of nuisance related activities or condition.**

Any activity, condition or premise(s) maintained as described herein is declared to be a public nuisance and shall be abated by cessation of the activity, rehabilitation, demolition, removal, repair or other appropriate remedy pursuant to the procedures set forth in this Chapter. (Ord. C-7479 § 1, 1997).

### **9.37.090 Nuisance defined.**

It is hereby declared a public nuisance, or an act in the nature of a public nuisance, for any person or party to cause, permit, abet or otherwise allow any premises in this City to be used in such a manner that any one or more of the activities or conditions described in the following Subsections are found to occur thereon:

A. Any condition or activity which is a "nuisance" or a "public nuisance" as defined in Sections 3479 and 3480 of the Civil Code of the State of California or which is specifically declared to constitute a nuisance or public nuisance by any statute of the State of California or by any ordinance of the City.

B. The violation of any provisions of the following Uniform Codes which have been adopted, as amended, by the City:

1. Uniform Building Code;
2. National Electrical Code;
3. Uniform Fire Code;
4. Uniform Housing Code;
5. Uniform Plumbing Code;
6. Uniform Mechanical Code.

C. The violation of any provision of Title 18 (Buildings and Construction) or Title 21 (Zoning) of this Code.

D. The operation or maintenance of any business, trade or profession in violation of Title 5 of this Code.

E. The frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on or at any premises in this City.

F. Participation in a criminal street gang as proscribed by California Penal Code Section 186.22.

G. The making or continuing, or causing to be made or continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

H. The occurrence of criminal activity at any premises which threatens the life, health, safety or welfare of the residents of the premises, neighbors or the public.

I. Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction.

J. Overgrown vegetation causing detriment to neighboring properties or property values or which is likely to attract rodents, vermin or other pests, or which causes a hazardous condition to pedestrian and/or vehicular traffic.

K. Premises including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping and disposing of or the scattering over the property or premises of any of the following: (1) lumber, junk, trash or debris; (2) abandoned or discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; (3) stagnant water or excavation(s); (4) any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or inappropriate location; or (5) permitting or allowing any graffiti to remain on any building, wall fence or structure.

L. The use of any premises for the purpose of illegal gambling, lewdness, assignation, or prostitution as proscribed by State law or this Code.

M. The maintenance, use, rental or lease of any premises, or sub-unit thereof, including single-family dwellings, where persons are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity of the property.

N. The use of any premises for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance, precursor, or analog as those terms are defined by State law.

O. Noise disturbances in violation of Chapter 8.80 of this Code.

P. The sale, purchase or possession of marking pens or etching tools in violation of Chapter 9.57 of this Code.

Q. The sale, purchase or possession of pressurized paint containers in violation of Chapter 9.56 of this Code.

R. Loitering or loitering for drug activities or graffiti in violation of Chapter 9.36 or Chapter 9.58 of this Code.

S. The discharge of any gun, compressed air gun, rifle, pistol or other firearm in violation of Chapter 9.62 of this Code.

- T. The violation of any provision of Title 12 (Oil Production Regulations) of this Code.  
 U. Maintenance of properties or premises in such a manner as to cause substantial diminution of the enjoyment, use, or property values of adjacent properties. (Ord. C-7479 § 1, 1997).

### **9.37.100 Notification of nuisance and abatement thereof.**

- A. Whenever the City Manager or his authorized designee declares or finds that any nuisance activity or condition is being maintained or carried on at any premises in the City contrary to the provisions of this Chapter, the City Manager or his authorized designee shall give written "Notice of Abatement" to any and all responsible persons or parties setting forth a brief description of the activity or condition constituting the nuisance and the sections of this Chapter that are being violated.
- B. The notice shall set forth a reasonable time limit not to exceed thirty days for correcting or abating the nuisance and may also set forth:
1. Suggested methods of correction or abatement and the fact that the City will take steps to abate the nuisance if the person fails to do so; and
  2. That administrative penalties and/or administrative costs will be assessed against the responsible person in the event the nuisance activity or condition is not corrected or abated within the time frame established by the notice for correcting or abating the nuisance.
- C. Except in the case of an emergency situation wherein the nuisance condition or activity poses an immediate threat to the health, safety, or general welfare of the public, the time permitted for correction or abatement shall be at least fifteen calendar days.
- D. The City Manager or his authorized designee may grant an extension of time to abate a nuisance if, in his/her opinion, good cause for an extension exists.
- E. The person or party who has been served with notice pursuant to this Section may, within seven calendar days, make a written application to the City Manager or his authorized designee for a hearing on the question of whether a nuisance activity or condition in fact exists; whether the person to whom the notice was directed is responsible for the creation or maintenance of such nuisance; and whether the City Manager or his authorized designee has provided sufficient time to correct or abate the nuisance condition or activity.
- F. Upon receipt of a timely written application for hearing, the City Manager or his authorized designee shall establish the date and time of the hearing and shall so notify the applicant in writing. Failure to make timely application for a hearing as provided for in this Section shall be deemed a conclusive admission that: (1) the nuisance activity or condition described in the notification of nuisance does or did exist, (2) that the person(s) to whom the notice was directed is in fact the person(s) responsible for creating or maintaining the nuisance condition or activity, and (3) that the time specified in the notice for the correction or abatement of the nuisance is, in fact, reasonable under the circumstances.
- G. The hearing provided for in this Section shall be conducted by a hearing officer appointed by the City Manager or his authorized designee. At the time stated in the notice of hearing, the hearing officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the applicant, owners, City personnel, neighbors, witnesses or other interested parties, and may consider staff reports or other written materials relative to the matter. The hearing may be continued from time to time as appropriate and the strict rules of evidence shall not apply. Proof of the existence of a nuisance condition or activity must be by a preponderance of the evidence and the burden of proof on this issue is upon the City.
- H. At the conclusion of the hearing, the hearing officer may confirm, amend or modify the "Notice of Abatement" or order, or extend the time for compliance. The decision of the hearing officer shall be final and conclusive. Written notice of the hearing officer's decision and findings shall be given and said notice shall state clearly and concisely the basis for the hearing officer's findings with respect to the existence of the nuisance activity or condition. The notice shall further state that unless the person or party shall cause the abatement of the nuisance activity or condition, pursuant to the orders contained in the notice, the nuisance shall be abated, if appropriate, by the City at the expense of the owner, and that administrative penalties and/or costs will be assessed against the person for noncompliance with the order. (Ord. C-7479 § 1, 1997).

### **9.37.110 Notice of administrative penalty.**

- A. After the time for abatement or correction has expired, the City Manager or his authorized designee shall determine whether the person or party has taken the necessary abatement or corrective action and whether the nuisance activity or condition has in fact been abated.
- B. If the City Manager or his authorized designee determines that the person has complied with the "Notice of Abatement" or order and that the nuisance has been abated, the person shall be notified in writing of such determination and the administrative action shall be suspended. If the City Manager or his authorized designee suspends the administrative action, he/she may continue to monitor the premises or activity associated with it for a period not to exceed eighteen months.
- C. If the City Manager or his authorized designee determines that the person has failed to comply with the

initial abatement order or any extension thereof or that the nuisance activity or condition has recurred within eighteen months of the suspension of the case, the City Manager or his authorized designee may impose, after a hearing, an administrative penalty and/or administrative costs as provided in this Chapter. In the event administrative penalties or costs are imposed by the City Manager or his authorized designee, the responsible person shall be notified in writing of the amount of the administrative penalty imposed in accordance with the provisions set forth in this Chapter. The hearing provided for in this Subsection shall be in substantial conformity with the hearing procedures established in Subsection 9.37.100.G, and the decision of the hearing officer shall be final and conclusive.

D. In addition to imposing administrative penalties or costs, the City Manager or his authorized designee may issue another order to correct or abate the nuisance condition or activity for the existence of any nuisance which has not been abated, or which has recurred within the eighteen month period the action was held in suspension. (Ord. C-7479 § 1, 1997).

#### **9.37.120 Administrative penalties.**

A. Administrative penalties imposed by the City Manager or his authorized designee are not to exceed a maximum of two hundred fifty dollars per day for each on-going violation, except that the total administrative penalty shall not exceed five thousand dollars, exclusive of any administrative costs, for any violation or related series of violations.

B. In determining the amount of administrative penalty, the City Manager or his authorized designee shall take any or all of the following factors into consideration:

1. The duration of the violation;
2. The frequency, recurrence and number of violations, related or unrelated, by the same violator;
3. The seriousness of the violation;
4. The good faith efforts of the violator to abate the nuisance or otherwise come into compliance;
5. The economic impact of the penalty on the violator;
6. The impact of the violation on the community;
7. Such other factors as justice may require.

C. Administrative penalties imposed shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the City Manager or his authorized designee.

D. The City Manager or his authorized designee, in his/her discretion, may suspend the imposition of applicable administrative penalties for any period of time during which:

1. The violator has filed for necessary permits; and
2. Such permits are required to achieve compliance; and
3. Such permit applications are actively pending before the City, State or other appropriate governmental agency. (Ord. C-7479 § 1, 1997).

#### **9.37.130 Administrative costs.**

A. In addition to the imposition of administrative penalties, the City Manager or his authorized designee may assess administrative costs against the person when it is determined that a violation has occurred and that compliance has not been achieved within the time specified in the initial compliance order or that a violation has recurred within eighteen months of the suspension of the case.

B. The administrative costs may include any and all actual costs incurred by the City in connection with the matter before the City Manager or his authorized designee including, but not limited to, costs of investigation, staffing costs or staffing overhead incurred in preparation for the hearing and for the hearing itself, and costs incurred for all inspections or reinspections necessary to enforce the compliance order. (Ord. C-7479 § 1, 1997).

#### **9.37.140 Abatement by City Manager.**

If the nuisance related condition or activity is not completely abated in the manner and within the time set forth in the "Notice of Abatement" or order of the City Manager or his authorized designee, then the City Manager or his authorized designee, in addition to the imposition of administrative costs or penalties, may cause the nuisance to be abated by City forces or private contractor. The cost of the abatement shall be assessed to the responsible party and shall reflect the actual cost incurred by the City in effecting the abatement. (Ord. C-7479 § 1, 1997).

#### **9.37.150 Record of administrative penalties and costs; cost of abatement; hearing.**

A. The City Manager or his authorized designee shall keep an itemized account of any administrative penalty or administrative cost assessed as well as the cost incurred by the City in abating a nuisance and shall also give written notice to the responsible party or parties of any such penalty or costs assessed, together with a notice of the time and place when a hearing will be held by a hearing officer appointed by the City Manager or his authorized designee to determine the appropriateness of the penalties and/or costs assessed.

B. At the time fixed for the hearing concerning the appropriateness of the penalties and/or costs assessed, the hearing officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the person assessed, City personnel or other interested parties, and may consider staff reports or other written materials relative to the matter. Proof of the appropriateness of the costs or penalties assessed must be by a preponderance of the evidence and the City shall have the burden of proof on this issue. At the conclusion of the hearing, the hearing officer shall confirm, revise, correct or modify the amount of the penalties or costs assessed. The decision of the hearing officer shall be final and conclusive, and the responsible party or parties shall be notified in writing of the hearing officer's determination. (Ord. C-7479 § 1, 1997).

**9.37.160 Expenses and administrative penalties and costs a lien against the property.**

If a property owner does not pay the administrative penalties, administrative costs or the expense of abating the nuisance within ten days after the hearing officer confirms the administrative penalty, administrative costs or costs of abatement, the costs and penalties shall become a lien against the real property upon which the nuisance was abated. The lien shall continue until it is paid, together with interest at the legal rate per year computed from the date of confirmation of the costs or penalties until payment. The lien may be collected at the same time and in the same manner as ordinary Municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary Municipal taxes. All acts applicable to levy, collection and enforcement of Municipal taxes apply to this lien. (Ord. C-7479 § 1, 1997).

**9.37.170 Notice of lien.**

The City shall file in the office of the County Recorder a certificate substantially in the following form:

**NOTICE OF LIEN**

Under the authority of Government Code Sections 38773.5 and 53069.4, as well as Chapter 9 of the Long Beach Municipal Code, the City did on \_\_\_\_\_, 19\_\_\_\_, abate a nuisance upon the real property hereafter described and also on \_\_\_\_\_, 19\_\_\_\_, did impose the cost of the abatement and administrative costs and penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for the expense of doing the work in the amount of \$\_\_\_\_\_ and for the amount of \$\_\_\_\_\_ for administrative costs and \$\_\_\_\_\_ for administrative penalties, for a total amount of \$\_\_\_\_\_. This amount is a lien against the real property until it is paid, with interest at the legal rate per year from \_\_\_\_\_, 19\_\_\_\_ (insert date of confirmation of statement), and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows:

\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_, 19\_\_\_\_\_.

City of Long Beach

By

\_\_\_\_\_

(Ord. C-7479 § 1, 1997).

**9.37.180 Alternative method of collection.**

Administrative penalties, administrative costs and the cost of abatement incurred by the City are a personal debt and obligation owed to the City and, in addition to any other means of enforcement, the City Attorney is authorized to bring an action on behalf of the City against the responsible party or parties for collection of administrative penalties, administrative costs or for the collection of the expense of abatement in any court of competent jurisdiction. (Ord. C-7479 § 1, 1997).

**9.37.190 Right of judicial review.**

A person contesting a final administrative order or decision of the City Manager or his authorized designee regarding the imposition, enforcement or collection of the administrative fines or penalties provided for in this Chapter may, within twenty days after service of the final administrative order or decision, seek review by filing an appeal to be heard by the Municipal court in accordance with the provisions and procedures established by California Government Code Section 53069.4. (Ord. C-7479 § 1, 1997).

<< previous | next >>



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**COPY** of Document Recorded

03/19/08



20080475319

Has Original Proceed

LOS ANGELES COUNTY REGISTRAR - RECORDER

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

March 19, 2008

Registrar-Recorder/County Clerk HQ  
12400 East Imperial Highway  
Norwalk, CA 90640

**RECORDING REQUESTED BY  
THE CITY OF LONG BEACH**

'No Fee' Govt. Code § 6103

When Recorded, Mail To:  
Long Beach City Attorney  
Attn: Cristyl Meyers  
333 Ocean Blvd., 11th Floor  
Long Beach, CA 90802

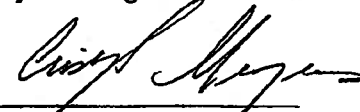
- DEPUTIES
- Gary J. Anderson
  - Richard E. Anthony
  - Christina L. Checel
  - Alysha P. Choi
  - Lori A. Conway
  - Randall C. Fudge
  - Charles M. Gale
  - Monte H. Macht
  - Anne C. Lattime
  - Lisa Peskay Malmsten
  - Barry M. Meyers
  - Cristyl Meyers
  - Howard D. Russell
  - Tiffani L. Shin

**NOTICE OF LIEN**

Pursuant to the authority of California Government Code sections 37104 et seq., 38773.5, and 53069.4; Chapter 9.37 of the Long Beach Municipal Code; and the powers granted to the City of Long Beach pursuant to its City Charter, the City did on July 24, 2007, abate a nuisance upon the real property hereinafter described, and also on September 7, 2007, did impose the costs of the abatement and administrative penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for administrative costs in the amount of \$5,000.00, and \$23,157.00 for administrative penalties, for a total amount of **\$28,157.00**. This amount is a lien against the real property until it is paid, with interest at the rate of 12 percent per annum per year commencing November 1, 2007; and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows: LOT: EASTERN TRACT N 58 FT OF LOTS 22, 23 AND LOT 24 as per maps or miscellaneous records recorded in the Office of the County Recorder of Los Angeles County, known as 420 GRAND AVENUE, Long Beach, California 90814.

A.P.N.: 7255-016-014  
OWNER: GLORIA CLAIXTO  
DATED: March 19, 2008

City of Long Beach

By   
Cristyl Meyers  
Deputy City Attorney  
Office of the Long Beach City Attorney



July 3, 2007

Jim  
All Pro Attorney Service  
2410 Fair Oaks Boulevard  
Suite #125  
Sacramento, CA 95825

RE: **PAYMENT RE: INVOICE FOR BUSINESS ENTITIES RECORDS**  
Case Name: GLORIOUS MANOR  
File No.: 07-02481

Dear Jim:

Attached please find a check in the amount of \$127.00 for reimbursement of costs and fees regarding records from the Secretary of State pertaining to the following Corporations:

- 1) GLORIOUS MANOR, INC.
- 2) GLORIOUS MANOR FOR CHILDREN, INC., and
- 3) GLORIOUS MANOR, INC. II.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:

LACHELLE MOORE, Assistant to  
CRISTYL MEYERS, Deputy City Attorney



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

February 12, 2009

PRINCIPAL DEPUTIES

Dominic Holzhaus  
Anne C. Lattime  
Monte H. Machit  
J. Charles Parkin

DEPUTIES

C. Geoffrey Allred  
Gary J. Anderson  
Richard F. Anthony  
Amy R. Burton  
Christina L. Cheel  
Randall C. Fudge  
Charles M. Gale  
Barbara J. McTigue  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffany L. Shin  
Linda Trang  
Theodore B. Zinger

Gloria Calixto  
3001 Maine Avenue  
Long Beach, CA 90806

RE: 420 Grand Avenue, Long Beach

Dear Ms. Calixto,

This letter follows our conversation held today discussing your property located at 420 Grand Avenue in the City of Long Beach. This property was subject to a protracted nuisance abatement action resulting in the imposition of costs and penalties. You were personally served with the October 31, 2007, notice which advised that failure to timely satisfy payment would result in imposition of a lien against the real property.

The lien was recorded in the amount of \$28,157 plus 12% interest which began accruing on November 1, 2007. The current amount owed to the City of Long Beach, including interest calculated through January 2009, is \$32,481.92. Today, you once again proposed to satisfy payment via installments. To that end, our office proposes six equal monthly payments in the amount of \$5,413.65 beginning March 1, 2009, with final payment made not later than August 1, 2009. Payments shall be in the form of a cashier's check or money order made payable to the City of Long Beach. Payments shall be remitted to the Office of the Long Beach City Attorney, 333 West Ocean Boulevard, 11<sup>th</sup> Floor, Long Beach, California 90801, clearly marked to the attention of Deputy City Attorney Cristyl Meyers. Be advised the lien will not be removed until full satisfaction is rendered.

During this payment period, you may submit an Administrative Use Permit application regarding 420 Grand Avenue. However, as previously discussed, the City's Zoning Administrator is prohibited from scheduling an AUP hearing until your application is fully complete. If there are questions regarding this matter, I may be contacted at (562) 570-2231.

Sincerely,

ROBERT E. SHANNON, City Attorney

By:

  
CRISTYL A. MEYERS,  
Deputy City Attorney

cc: Gary DeLong, Councilman 3<sup>rd</sup> District  
Rita Hooker, Nuisance Abatement Officer  
Erik Sund, Business Services  
Derek Burnham, Zoning Administrator



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhus  
Belinda R. Mayes  
J. Charles Parkin

DEPUTIES

Gary J. Anderson  
Richard F. Anthony  
Christina L. Cheel  
Alysha P. Choi  
Lori A. Contony  
Randall C. Fudge  
Charles M. Gale  
Monte H. Machit  
Anne C. Lattime  
Lisa Peskay Malmsten  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin

April 14, 2008

VIA FIRST CLASS U.S. MAIL

Gloria Calixto  
3001 Maine Avenue  
Long Beach, CA 90806

RE: **Satisfaction of Recorded Property Lien & February 28, 2008 AUP  
Application for Property Located at 420 Grand Avenue, Long Beach CA**

Ms. Calixto,

This letter is in response to your correspondence dated April 7, 2008, regarding satisfaction of the lien placed on your property located at 420 Grand Avenue. Please understand that the City does not issue administrative use permits (AUP) absent compliance with administrative procedures and requisite hearings set forth in Long Beach Municipal Code, Title 21. As such, your proposal that the City issue your AUP in exchange for your lien satisfaction by means of six monthly installments is unacceptable. Please be advised that the AUP application will not be processed until the lien, and all interest accrued, is paid in full. You may contact me with any questions at (562) 570-2231.

Sincerely,

ROBERT E. SHANNON, City Attorney

By:

  
CRISTYL A. MEYERS  
Deputy City Attorney

cc Gary DeLong, Councilman 3rd District  
Rita Hooker, Nuisance Abatement  
Carolyne Bihn, Zoning Administrator  
Richard Bartlett, Business Services



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes  
J. Charles Parkin

DEPUTIES

Gary J. Anderson  
Richard F. Anthony  
Christina L. Checel  
Alysha P. Choi  
Lori A. Conroy  
Randall C. Fudge  
Charles M. Gale  
Monte H. Machit  
Anne C. Lattime  
Lisa Peskay Molmsten  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin

July 24, 2008

VIA FIRST CLASS U.S. MAIL

Gloria Calixto  
3001 Maine Avenue  
Long Beach, CA 90806

RE: **July 14, 2008 Correspondence Regarding Incomplete AUP  
Application for Property Located at 420 Grand Avenue, Long Beach CA**

Dear Ms. Calixto,

This letter is in response to correspondence dated July 14, 2008, in which you appear to be lodging a request for an appeal stemming from notice that your AUP application was closed. Attached are copies of three notices previously submitted to you on the dates of March 20<sup>th</sup>, April 2<sup>nd</sup> and June 4<sup>th</sup> of this year advising you that your AUP application packet was incomplete, and that failure to provide the requested information would result in application closure. Despite these requests, you failed to complete your application.

Please be advised that closure of your AUP application is not subject to appeal. Pursuant to Long Beach Municipal Code Sections 21.25.401 through 21.24.409, the City's Zoning Administrator is prohibited from setting an AUP hearing date until a "completed" application is received. In the event you wish to complete your application as previously requested, you may contact the City's Planning Bureau and Community Design & Development Division at (562) 570-6194. I may also be contacted at (562) 570-2231.

Sincerely,

ROBERT E. SHANNON, City Attorney

By:

  
CRISTYL A. MEYERS  
Deputy City Attorney

cc: Derek Burnham, Acting Zoning Administrator  
Lynette Ferenczy, Product Planner



# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-8194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

March 20, 2008 (First Notice)  
April 2, 2008 (Second Notice)  
June 4, 2008 (Third Notice)

## **NOTICE OF INCOMPLETE APPLICATION**

**Case No.:** 0802-08  
**Applicant:** Gloria Calixto  
**Project Address:** 420 Grand Avenue  
Long Beach, CA 90814

Dear Ms. Calixto:

**Your application for an Administrative Use Permit has been found to be *incomplete* with the following deficiencies:**

Please submit the following items to complete the application:

1. The Categorical Exemption (CE) must be signed by the applicant and is signed by Robert Potts III. The applicant, Gloria Calixto, must sign and date the CE form and complete the proposed project/activity description. The submitted form is included with this letter.
2. The site plan shall include the property dimensions (58'x150'), location of trash enclosure, building area by floor measured in square feet, location of building footprints on adjoining and abutting lots noting the height and number of stories, and identify the adjoining street and alley showing centerline of the alley.
3. The floor plan shall specify room sizes with square footage and dimensions noted. If the five guest rooms will be used for the storage of supplies or equipment as indicated in your letter of April 7, 2008, please submit a revised floor plan labeling the use of the guest rooms as storage and date the plans.
4. Prior to processing any discretionary permit all fees due to the City for the code enforcement action against this property shall be paid in full. A lien has been recorded against the title of the property. For payment information please contact Cristyl Meyers of the City Attorney's office at (562) 570-2231.

This application was submitted on February 28, 2008. A Notice of Incomplete Application was mailed on March 20, 2008, and a second Notice of Incomplete Application on April 2, 2008. As of June 4, 2008, the application remains incomplete. The City's goal is to process applications in a timely manner. If the application is not complete within approximately 30 days, or by July 7, 2008, approximately five (5) months after the application was initially submitted to the City, this case will be closed. Please feel free to contact me at (562) 570-6273 with any questions.

Sincerely,

Lynette Ferenczy  
Project Planner  
(562) 570-6273  
lynette\_ferenczy@longbeach.gov

LF



# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6184

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

March 20, 2008 (First Notice)

April 2, 2008 (Second Notice)

## ***NOTICE OF INCOMPLETE APPLICATION***

**Case No.:** 0802-08  
**Applicant:** Gloria Calixto  
**Project Address:** 420 Grand Avenue  
Long Beach, CA 90814

Dear Ms. Calixto:

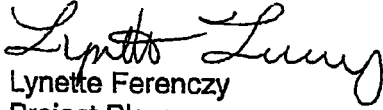
**Your application for an Administrative Use Permit has been found to be *incomplete* with the following deficiencies:**

Please submit the following items to complete the application:

1. A letter providing the number of employees, use of the five guest rooms and purpose of the full kitchen. Please indicate if the proposed use is for the existing floor plans or renovated floor plans. Until a complete project description is submitted to the City the specific type and number of permits required cannot be determined.
2. The Categorical Exemption (CE) must be signed by the property owner and is signed by Robert Potts III. The property owner must sign and date the CE form and complete the proposed project/activity description. The submitted form is included with this letter.
3. The site plan shall include the property dimensions (58'x150'), setback dimensions from the building to the property line, location of trash enclosure and how it will be accessed, all existing street trees, building area by floor measured in square feet, parking space size, location of building footprints on adjoining and abutting lots noting the height and number of stories, and all contiguous properties, streets, alleys showing centerline, curb lines, street widths, and street names.
4. The floor plan shall specify room sizes with square footage and dimensions noted.
5. Prior to processing any discretionary permit all fees due to the City for the code enforcement action against this property shall be paid in full. A lien has been recorded against the title of the property. For payment information please contact Cristyl Meyers of the City Attorney's office at (562) 570-2231.

The City will process this application when all required items have been submitted. Please feel free to contact me at (562) 570-6273 with any questions.

Sincerely,



Lynette Ferenczy  
Project Planner  
(562) 570-6273  
lynette\_ferenczy@longbeach.gov

LF





# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

March 20, 2008

## **NOTICE OF INCOMPLETE APPLICATION**

**Case No.:** 0802-08  
**Applicant:** Gloria Calixto  
**Project Address:** 420 Grand Avenue  
Long Beach, CA 90814

Dear Ms. Calixto:

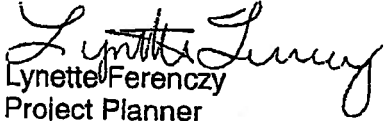
**Your application for an Administrative Use Permit has been found to be *incomplete* with the following deficiencies:**

Please submit the following items to complete the application:

1. A letter providing a thorough description of the proposed use of the property. This letter needs to include the number of employees, number of clients that are served, number of clients for group counseling sessions, the use of the five guest rooms, purpose of the full kitchen, if any overnight care of patients is proposed and the hours of operation. Please indicate if the proposed use is for the existing floor plans or renovated floor plans. Until a complete project description is submitted to the City the specific type and number of permits required cannot be determined.
2. The Categorical Exemption (CE) must be signed by the property owner and is signed by Robert Potts III. The property owner must sign and date the CE form and complete the proposed project/activity description. The submitted form is included with this letter.
3. The site plan shall include the property dimensions (58'x150'), setback dimensions from the building to the property line, location of trash enclosure and how it will be accessed, all existing street trees, building area by floor measured in square feet, parking space size, location of building footprints on adjoining and abutting lots noting the height and number of stories, and all contiguous properties, streets, alleys showing centerline, curb lines, street widths, and street names.
4. The floor plan shall specify room sizes with square footage and dimensions noted.
5. Prior to processing any discretionary permit all fees due to the City for the code enforcement action against this property shall be paid in full. A lien has been recorded against the title of the property. For payment information please contact Cristyl Meyers of the City Attorney's office at (562) 570-2231.

The City will process an application when all required items have been submitted. Please feel free to contact me at (562) 570-6273 with any questions.

Sincerely,



Lynette Ferenczy

Project Planner

(562) 570-6273

lynette\_ferenczy@longbeach.gov

LF

To: City/Myers

GLORIA CALXTO  
3001 Maine Avenue  
Long Beach, CA 90806  
(562) 843-6028

---

December 22, 2008

The Honorable Bob Foster  
Mayor of the City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802

Re: Property Site: 420 Grand Avenue, Long Beach 90813

Dear Mayor Foster,

Please accept my heartfelt congratulations for your great efforts in reaching out and providing assistance to families with young children who have no where to go in the City of Long Beach.

We are very proud of your accomplishments and we are looking forward to your leadership in this critical issue in 2009.

In 2006, our office developed a program for the homeless at the above indicated location. However, because of neighbor's complaints and some zoning problem, the program was shut down by the City Attorney's Office. Because the program opened for a few weeks under questionable circumstances, the City is now seeking nearly \$30,000.00 in fines, costs and other fees. Apparently, the City Attorney has determined that the business permit/license that I have on the property is different from those that houses the homeless population.

I would like to request your help in this regard. I am in the process of opening up a business at the same facility but the application process is not going anywhere unless the lien on the property is fully paid for. I have written a couple of letters to the City Attorney requesting payment of the lien within a six month period but it was turned down.

Kindly please look into this matter and I would appreciate very much any information or assistance that your office may provide.

Sincerely,

  
Gloria Calixto