



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

December 2, 2010

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny a request for a Conditional Use Permit to establish a teen counseling center (18 years and under) to include tutoring, substance abuse and general counseling services in an existing legal nonconforming commercial building located at 420 Grand Avenue within the R-3-T residential zone. (District 3)

APPLICANT: Gloria Calixto
420 Grand Avenue
Long Beach, CA 90814
(Application No. 1004-04, CE 10-032)

DISCUSSION

The subject property is located on the east side of Grand Avenue between 4th and 5th Streets, within the townhouse or row house residential district (R-3-T) (Exhibit A – Location Map). The site is an 8,700-square-foot lot (58 feet by 150 feet) improved with a two-story 6,950-square-foot commercial building with 6,074 square feet on the first floor and 876 square feet on the second floor. Surrounding land uses are two-story multifamily residential structures. The site is located in the Parking Impacted Area. The building was originally constructed in 1954 as a nursing home. In 1976 a one-story 198-square-foot recreation room was added to the rear of the building. The property was last licensed in 2007 as a residential care facility.

In 2008, the applicant, Gloria Calixto, submitted an Administrative Use Permit application to establish a counseling service. The project file was eventually closed due to inactivity.

In April 2010, Ms. Calixto submitted an application for a Conditional Use Permit to establish a counseling center in the building. In September, after the Notice of Public Hearing was mailed, the applicant changed the request from an adult counseling center to a teen counseling center. The Zoning Code allows a nonconforming (commercial) building in a residential zone that has been abandoned for a period greater than twelve

months to be used for another commercial purpose with the approval of a Conditional Use Permit.

The project would involve the reuse of the existing building as an outpatient counseling center for teens (18 years and under). The proposed facility would provide a number of services, including: tutoring, computer lab and job skills, employment services, college preparatory classes, behavioral modification, sex education, and substance abuse counseling. Group counseling for up to seven individuals would be proposed with three sessions per day. Individual counseling will be provided on an as needed basis. Proposed hours of operation are Monday through Saturday 10:00 a.m. to 7:00 p.m. On-site staff would include a licensed medical doctor, state licensed social worker, state certified substance abuse counselor, tutoring coordinator, office staff and college students to work in internship positions. The applicant has indicated that no overnight accommodations of any kind, medical counseling, distribution of medication or blood testing would be provided. Additionally, no cooking would be done on site with only beverages and prepackaged snacks available to clients. The counseling center would provide free transportation to the facility with four company owned vehicles. Minor building alterations to convert the existing structure from a residential care facility to an office for counseling services are proposed (Exhibit B – Plans and Photographs). The alterations would include converting existing rooms to individual and group counseling offices of approximately 130 to 243 square feet in area, general offices, entertainment room, break room, and computer labs. No new square footage is proposed.

The applicant has owned the property since 2002 and is the executive director of Glorious Manor, Inc. (GMI). Glorious Manor, Inc. applied for a City business license in August 2003 to operate a residential care facility in this location, although this use was not licensed by the State of California until June 17, 2005. The state license, (No. 197804756), was issued for fifteen ambulatory children ages 7-18 years; however, the state license expired one year later on June 17, 2006. The Long Beach Police Department logged seventeen calls for service between November 23, 2006 and May 17, 2007, at 420 Grand Avenue. Although licensed by the City as a residential care facility, and with no State license in place, the building was being used as an unpermitted homeless shelter/boarding house with each room being individually rented out.

On March 26, 2007, the Fire Inspector observed between three and five people living in each hospital room and multiple fire code violations. A City code enforcement inspector also observed multiple building code violations on the same day. This unpermitted use resulted in numerous neighborhood complaints beginning in October 2006 and the filing of a Notice of Declaration of Nuisance Activity and Abatement case in 2007. Twelve neighbors testified to the activities occurring at the site. Complaints against the facility included: loud music and noises, food distribution, child abuse, loitering, criminal activity, double parking, and public consumption of alcohol and illegal drugs. The nuisance case was filed May 9, 2007 with the hearing held on June 28, 2007 (Exhibit C – Notice of Hearing Officer's Decision and Findings). The Hearing Officer confirmed the notice in its

CHAIR AND PLANNING COMMISSIONERS

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entirety and authorized the imposition of fees and administrative penalties against GMI and Gloria Claxito, individually, as the property owner. The decision resulted in penalties of nearly \$30,000.00 and required the business to close.

The record of the June 28, 2007 administrative hearing includes statements by Ms. Claxito that she was operating a homeless shelter/boarding house at 420 Grand Avenue. The City's Homeless Services Officer informed Ms. Claxito that GMI did not have a permit to operate a homeless shelter and that the use was illegal in April of 2006; however, she continued the operation of the facility until after the hearing in July of 2007. At the hearing the City's Homeless Services Officer testified that GMI did not have a permit to operate a homeless shelter and advised GMI's manager, Peter Farajo, that such a use was unpermitted and a breach of GMI's business license.

The City's Zoning Officer also informed Ms. Claxito that 420 Grand Avenue was not licensed for a homeless shelter/boarding house and it was illegal to charge for rooms. However, GMI continued to operate. The Police Department described the location as 18 hospital rooms being utilized as individual dwelling units. The City tried to obtain voluntary compliance from the operator and property owner without success. Compliance was only achieved after the administrative hearing and eventual closure of the facility.

Staff is requesting the Planning Commission deny the request for a Conditional Use Permit. The history of the operator has shown a consistent disregard for City regulations, codes and laws. The lack of action to comply with City Zoning, Fire and Health Codes has resulted in hundreds of hours of City staff time and a Nuisance Abatement hearing in order to achieve compliance. As stated above, Ms. Claxito operated an unpermitted and unlicensed homeless shelter at this location for well over a year after she was informed the use was illegal and unlicensed.

Ms. Claxito, the same owner and operator of the previous use, would now like to establish another counseling service in a building that can accommodate an extremely large number of clients with numerous offices in 6,950 square feet of floor area. In addition, only three compact on-site parking spaces exist for this building, which is located in the Parking Impacted Area. As previously stated, the applicant had proposed an adult counseling service when the application was originally submitted in April 2010. After the Notices of Public Hearing were mailed and the site posted for the September 16, 2010 public hearing, the applicant changed the proposed use to teen counseling services. The proposed project covers an extremely wide range of uses that may be difficult to enforce and regulate. Staff believes that the approval of the Conditional Use Permit application will have a detrimental effect upon the public safety, general welfare and quality of life for the surrounding neighborhood. Based on the history of this operator at this site and proposed use as a substance abuse and counseling service, staff does not support the request for a Conditional Use Permit and recommends the Planning Commission deny this request (Exhibit D - Findings)


PUBLIC HEARING NOTICE

A Notice of Application was sent to the Belmont Heights Community Association and Bridgeport Homeowners Association and public hearing notices were distributed on November 12, 2010, in accordance with the provision of the Zoning Ordinance. As of the preparation of this report, sixteen letters have been received in opposition to this request (Exhibit E - Letters).

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 10-032) was issued for the proposed project (Exhibit F – Categorical Exemption).

Respectfully submitted,



AMY J. BODEK, AICP

DIRECTOR OF DEVELOPMENT SERVICES

AJB: DB: LF

Attachments

- Exhibit A - Location Map
- Exhibit B - Plans
- Exhibit C - Minutes from Administrative hearing 2007 and attachments
- Exhibit D - Findings
- Exhibit E - Letters
- Exhibit F - Categorical Exemption



Exhibit A



Subject Property:
 420 Grand Ave
 Application No. 1004-04
 Council District 3
 Zoning Code : R-3-T



CONDITIONAL USE PERMIT FINDINGS

**420 Grand Avenue
Application No. 1004-04
December 2, 2010**

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

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The project site is located in Land Use District (LUD) #8R-Mixed Retail/Residential Strip. The purpose of LUD #8R is to provide a land use environment in which residential uses predominate the frontages of certain main streets, but in which some retail uses may occupy the ground floors of the residential buildings, or may be in free-standing retail buildings.

The permitted retail uses are those listed in LUD 8P (Pedestrian-Oriented) district with parking located behind the buildings or next to the buildings. Uses common to the pedestrian-oriented retail district are fairly small and provide shoppers with a variety of convenience goods such as bakery, delicatessen, flowers, dresses, beachwear clothing, small scale services and small restaurants and bars, for adjacent residential neighborhoods. Commercial uses that may adversely affect adjoining residential uses are subject to a Conditional Use Permit.

The zoning classification of the project is R-3-T (Townhouse or row house residential district on small shallow lots.) A counseling service is classified as an "other professional service." This type of use is allowed in this zone through the approval of a Conditional Use Permit provided positive findings can be made to support the request.

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

The previous use operated by Gloria Calixto at this location was extremely detrimental to the surrounding community including public health, safety, general welfare and quality of life. The proposed use has the potential to also be detrimental to the surrounding community including public health, safety, general welfare and quality of life. The applicant's previous business at this site became a public nuisance requiring a nuisance abatement hearing resulting in closure of the business and substantial fines due to the City. The applicant operated an illegal homeless shelter at this site for years after the City informed her that the use was illegal and was operated without a City business license. These actions resulted in seventeen calls to the Police Department in a six-month period. This business owner caused substantial

inconvenience to the neighborhood for a number of years due to excessive noise, drug sales, public safety, trash, and damage to property, crime, and police calls for service. The previous use had a substantial negative impact on the quality of life and property values of the surrounding neighborhood. Approval of a similar type service providing substance abuse counseling and outpatient teen counseling services would likely have similar effects upon the community.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

There are no special conditions of approval listed in Chapter 21.52 for the reuse of an existing commercial building in a residential zone.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 10-032

Project Location/Address: 420 GRAND Ave. LONG BEACH CA 90813

Project/Activity Description: CONVERT AN EXISTING BUILDING FACILITY INTO A COUNSELING OFFICE

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

X Applicant Name: GLORIA CALIXTO
X Mailing Address: 3001 MAINE Ave, LONG BEACH 90801
X Phone Number: 562 428 8436 Applicant Signature: Gloria Calixto

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1004-04 Planner's Initials: LF
Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION Class 1, 15301

Statement of support for this finding: Interior alteration of an existing commercial building with no change in square footage.

Contact Person: Lynette Ferenczy Contact Phone: 562-570-6194
Signature: Lynette Ferenczy Date: Nov 8, 2010