



# CITY OF LONG BEACH

# H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

February 8, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, deny the appeal and uphold the decision of the Planning Commission to deny 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)

## DISCUSSION

On December 2, 2010, the Planning Commission considered a Conditional Use Permit request 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 in the R-3-T zone (town house or row house residential district on small lots). After a lengthy hearing where surrounding residents and property owners spoke in opposition to the project and 16 letters of opposition were submitted (Exhibit A – Planning Commission Adopted Findings and Letters), the Planning Commission unanimously denied the request. The applicant filed an appeal on December 13, 2010 (Exhibit B - Appeal Form) and contends that the decision was based on prior unrelated conduct and should be reversed.

The subject property is located on the east side of Grand Avenue north of 4<sup>th</sup> Street within a residential district (R-3-T)(Exhibit C - Location Map). The site is an 8,700-square-foot lot (58 feet by 150 feet) and improved with a two-story 6,950-square-foot commercial building originally constructed as a nursing home in 1954. The surrounding properties to the north, east and south are all residentially zoned and improved with residential structures. The property to the west is zoned commercial, but also improved with a residential structure. The site is also located in the Parking Impacted Area. The property was last licensed as a residential care facility in 2007.

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 proposed project would involve the reuse of the existing building as an outpatient counseling center for teens (18 years and under). The youths would be referred to this facility by group homes, parents, walk-ins and the Los Angeles County Department of Mental Health. 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. Minor building alterations to convert the existing structure from a residential care facility to an office for counseling services are proposed (Exhibit D - Plans and Photographs).

The applicant, Gloria Calixto, has owned the property since 2002 and has a history of non-compliance that includes operating a residential care facility without the proper state licenses and operating an unlicensed homeless shelter/boarding house with each room being individually rented without any City approvals. This unpermitted use resulted in numerous neighborhood complaints involving the Police Department, Fire Department, Planning Department and Code Enforcement. The unpermitted homeless shelter complaints began in October 2006 and resulted in the filing of a Notice of Declaration of Nuisance Activity and Abatement case in 2007. 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 City tried to obtain voluntary compliance from the operator and property owner without success. The nuisance case was filed May 9, 2007, with the hearing held on June 28, 2007 (Exhibit E—Notice of Hearing Officer's decision and findings). Twelve neighbors testified to the activities occurring at the site. The hearing officer confirmed the notice in its 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 and required the business to close. Compliance with Section 9.37.090 Public Nuisance Code of the Long Beach Municipal Code was only achieved after the administrative hearing and eventual closure of the facility.

At the Planning Commission hearing on December 2, 2010, there was substantial opposition to the proposed project. The primary issues raised at the hearing include the following:

- The current zone of the site is residential (R-3-T), not commercial.
- The use is located in a residential neighborhood surrounded by residential structures on all sides and the property is located on a 60-foot-wide local street, not a major arterial street.
- The building is large, nearly 7,000 square feet, with only three on-site compact parking spaces. The size of the building could accommodate a large number of clients with a very small number of on-site parking spaces.
- The applicant has a history of disregard for compliance with City regulations, codes and laws, including the Notice of Declaration of Nuisance Activity and Abatement case filed in 2007. No efforts were made to address neighborhood concerns resulting from the illegal use or cease operations, although the City made numerous attempts to resolve the problem. Shortly after the Nuisance Activity and Abatement hearing, the applicant closed the unpermitted homeless shelter and, subsequently, the public nuisance violations ceased.

- The description of the proposed use cannot be confirmed due to continuous revision of the proposed uses by the applicant. During the application process, and even at the Planning Commission public hearing, the proposed use changed from an adult counseling center to a teen counseling center, from group counseling of seven to groups of ten, and the use includes behavioral counseling, a learning academy with tutoring and college education classes. The proposed project covers an extremely wide range of uses that may be difficult to enforce and regulate.

Based on the testimony of the speakers, written documentation and the issues listed above, the Planning Commission voted unanimously to deny the request for a Conditional Use Permit. Staff believes that the approval of the Conditional Use Permit application would have a detrimental effect upon the public safety, general welfare and quality of life for the surrounding neighborhood. All residents who testified were in opposition to the project. After careful analysis, staff was unable to make the necessary findings to support the request for a Conditional Use Permit, particularly those findings which relate to the general health, safety and welfare of the surrounding community. The history of the operator has shown a consistent disregard for City regulations, codes and laws. The lack of action to comply with these codes has resulted in hundreds of hours of City staff time and a Nuisance Abatement hearing in order to achieve compliance.

Staff recommends that the City Council uphold the decision of the Planning Commission to deny the request for a Conditional Use Permit based on the issues listed above and negative findings regarding the proposed use as indicated in the attached documents (Exhibit F- Planning Commission Report).

This letter was reviewed by Assistant City Attorney Michael Mais on January 21, 2011 and by Budget Management Officer Victoria Bell on January 24, 2011.

#### TIMING CONSIDERATIONS

The Municipal Code requires City Council action within 60 days of receiving an application for appeal, which was received on December 13, 2010.

#### FISCAL IMPACT

There is no fiscal impact as a result of the recommended action and this action will have no local job impact.

Page 4 of 4

Approve recommendation.

*Arader*

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER

P:\U:\My Documents\2010 Cases\100404.CCLTR2010.doc

Attachments: Exhibit A- Planning Commission Adopted Findings and Letters  
Exhibit B- Appeal Form  
Exhibit C- Location Map  
Exhibit D- Plans and Photographs  
Exhibit E- Notice of Hearing Officer's Decision and Findings  
Exhibit F- Planning Commission Report



## **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.

**GLORIOUS MANOR**

Larry Troxel

to:

lynette.ferenczy

09/03/2010 07:05 PM

Cc:

**TERRYBETTE**

Show Details

September 3, 2010

Lynette Ferenczy  
333 Ocean Blvd,  
5th Floor  
Long Beach, CA 90802

**RE: GLORIOUS MANOR**

Dear Ms. Ferenczy:

We are writing in response to the request for a Conditional Use Permit at 420 Grand Avenue (Glorious Manor). It is our understanding that the original request has been changed from a counseling center to a substance abuse and learning academy, all of which we are adamantly opposed to.

This is a residential neighborhood where home owners take pride in their property. We already have to deal with the post office workers parking their cars in front of our homes and dumping their trash on the street when they leave; renters from the apartments on 4th street parking in front of our homes; and other people using our street as their long term parking lot. Allowing this permit to go forward would increase the amount of traffic on our street.

In the past, we've had to call the police due to the loitering of groups of teenagers smoking, drinking and leaving trash on neighbor's lawns. We've had an increase in burglaries and car break-ins and having this type of business operating in our neighborhood would only increase this unsavory type of activity.

To further exacerbate the situation, when Glorious Manor was operating a couple of years ago, we had to deal with excessive noise, unruly people, trash, tagging and small burglaries. To go back to that would be unfair to the neighborhood and would probably have a negative effect on the property values of our neighborhood as well.

Therefore, by copy of this email letter, we respectfully request that the application before the Planning Commission for a permit to operate a substance abuse center, or any other type of counseling center, be denied.

Sincerely,

Mr. and Mrs. Larry Troxel  
3716 E. 5th Street  
Long Beach, CA 90814

Glorious Manor conditional use permit

Bonnie Johnson

to:

lynette.ferenczy

09/04/2010 11:28 AM

Cc:

Julie.maleki

Show Details

We are opposed to the granting of the Conditional Use Permit for the property at 420 Grand Avenue requested by Gloria Calixto.

The operation of a counseling center in a residential neighborhood is inappropriate.

In addition, Ms. Calixto's history of violation of the rules of permits she has been granted previously and her disregard for our neighborhood do not inspire confidence that her behavior will be any better this time around.

Thank you for your attention to this matter.

Steve and Bonnie Johnson

3701 E. 5th Street

Long Beach, CA 90814

Glorious Manor  
Cara Ryke  
to:  
lynette.ferenczy  
09/12/2010 09:02 AM  
Cc:  
Julie.maleki  
Show Details

3644 East Fifth St.  
Long Beach, CA 90814

September 12, 2010

Lynette Ferenczy  
333 W. Ocean Blvd., 5<sup>th</sup> Floor  
Long Beach, CA 90802

Dear Ms Ferenczy:

I am writing about the request for a permit to establish a substance abuse counseling and learning academy for middle and high school at 420 Grand. My house is located around the corner from 420 Grand in the stated residential zone. Yes, this is a residential zone where homeowners take pride in their homes and strive to improve their properties.

Gloria Calixto has a history of disregarding city ordinances, zoning laws, and her neighbors in this residential zone. Previously she operated a shelter that caused a nightmare of problems in the neighborhood. Abandoned shopping carts, trash, tagging, and small burglaries in the neighborhood were common during her tenure, along with excess noise and fights that required a police presence. Some of the nuisance issues could not be directly linked to Glorious Manor; however, there was a sudden decrease in activity when the city closed this unlicensed facility. There was a strong neighborhood reaction to this blight on our quality of life. Gloria has shown only callous behavior toward us, her neighbors in this residential zone. I am very concerned about this permit; given this is a residential neighborhood zone, given Gloria's history, given that the city does not have the resources to monitor this facility in the future, and so I strongly urge the Department of Development Services to deny this application.

Sincerely,

Ryan and Cara Ryke

c/ Gary deLong



**FORMAN ASSOCIATES, INC.**

*Commercial/Industrial/Investment Properties*

3838 Atlantic Avenue  
Long Beach, California 90807

Tel (562) 427-0100

Fax (562) 424-4807

September 15, 2010

Ms. Lynette Ferenczy  
Department of Planning & Building  
City of Long Beach  
333 West Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802

Re: Application No. 1004-04

Gloria Calixto, 420 Grand Avenue, Long Beach, CA 90814

Dear Lynette and Members of the Planning Commission,

I am writing regarding the above noted application originally filed on April 5, 2010. You indicated in our telephone conversation that this application had been amended, and that the Planning Commission hearing originally scheduled for September 16<sup>th</sup> would be rescheduled. I assume another public notice is required to be sent out with what is now being proposed and the rescheduled date of the hearing. If not, please let us know the new date and time as our family would like to attend if we can.

My wife and I live around the corner from 420 Grand Avenue. As shown by the call to service records with LBPD and City of Long Beach Code Enforcement, our neighborhood and City of Long Beach personnel has had much experience with Ms. Calixto and her previous "counseling services". Allowing the conditional use as proposed by Ms. Calixto has already proven to be a bad example of the use of "spot zoning". In view of this, coupled with the current stress on our police department, allowing it to occur again would be ridiculous. No matter how she tries to amend the verbiage of her "counseling services", the applicant remains the same. Ms. Calixto showed clear disregard for our neighborhood by not responding to our constant requests that she remove shopping carts & trash, and control the behavior of her clients who constantly made noise and had fights all hours of the night. When the City finally succeeded in shutting her down two years ago, everything became quiet, and since then we have been able to enjoy this quiet established Belmont Heights neighborhood.

Please do the right thing. Deny this conditional use permit so that we may preserve the integrity and safety of our neighborhood. There are no "conditions of approval" that can successfully deal with the issues surrounding this applicant.

Respectfully yours,

Paul D. Forman  
President

Craig Starnes  
3826 East 5<sup>th</sup> Street  
Long Beach, CA 90814  
(562) 434-5264

City of Long Beach  
Department of Development Services  
Attn: Lynette Ferenczy

Re: Conditional use permit request for 420 Grand Avenue

To whom it may concern, I am writing this letter to express my concern about the possible conditional use permit requested by Gloria Calixto located at 420 Grand Avenue. I have lived at 3826 East 5<sup>th</sup> Street for 14 years and there have been problems related to and coming from 420 Grand in the past. My garage is on the alley and I drive by 420 Grand everyday, so I am very aware of what happens at this property. Though the property has been very quiet over the last several months, some of quality of life issues I experienced in the past while people were living at 420 Grand are: trash in the alley, excessive noise and yelling from 420 Grand, tagging of property including my garage, inoperable cars parked in the alley, the countless shopping carts left everywhere and domestic violence in front of the building on Grand. Since all of the tenants have moved out, our neighborhood returned to normalcy. Though I cannot prove that the tagging and trash was done by tenants at 420 Grand, it has decreased significantly since the vacancy of tenants.

I have no idea what kind of counseling services Ms. Calixto wants to provide at the facility. Frankly, based on her past, I am not convinced that she will follow the permit as issued and we will be having issues again in the future. I understand that the building is in a residential neighborhood and has been there for many years. I don't have a problem with the "right" business being there - I just don't have faith that Ms. Calixto will operate a business under the proper permit and keeping the quality of life of her neighbors in mind while operating her business.

Thank you for your time,  
Craig Starnes

Glorious Manor  
Barbara Brady  
to:  
lynette.ferenczy  
09/01/2010 07:20 AM  
Show Details

Dear Lynette,

My name is Barbara Brady and i live across the street from Glorious Manor. I recieved a notice that Gloria Calixto is attempting to open a counseling center at 420 Grand Ave.

Myself and my husband Michael strongly oppose any business that Gloria runs due to past horrible experience with her former "counseling center".

We, as a neighborhood fought hard to shut down her former business dealings due to the effect it had in our neighborhood.

Gloria was housing homeless people, sometimes five to a room. There were countless times when the police were called to 420 grand due to violence, drug dealing, fights etc. One incident involved a man in a stolen car with a gun waiting for someone inside of 420 Grand.

On a daily basis there were shopping carts left on neighbors lawns, increased auto break ins, people looking in neighbors windows, and again, police being called several times. We had a hard time sleeping at night and wondering if our home would be broken into or thay we would be harmed in some way.

Gloria does'nt live here, she has no regard for this neighborhood, at all. We have lived here for 11 years and have NEVER had such a horrible experience as when Gloria opperated her "business" before.

We had worked closely with Rita Hooker in the past to shut her down. We, as a neighborhood, are upset at the thought of her,  
Gloria Calixto, operating anything at all.

Thank you for reading my concerns. We will see you at the hearing on September 16th.

Barbara Brady  
425 Grand ave.  
Long Beach, ca 90814





Gloria Calixto/Conditional Use Permit  
Ronald Belkin to: lynette.ferenczy

09/02/2010 08:51 AM

Dear Ms.Ferenczy,

The nature of Gloria Calixto's business in the past attracted undesirable types to this quite stable residential neighborhood. What we have experienced were her clientel coming and going at all times of the day and night as well as those loitering out front and in the alley. They often were eating and drinking and usually left their trash. Smoking was regular and cigarette butts on the sidewalk were plentiful and frequent.

Never out of my mind was the threat of a day or night scuffle or fire. Even though the fire department is only two blocks away look at what happened recently at 3801 E.5th Street where a house fire killed both inhabitants and destroyed an historic house which will soon be torn down.

We feel that giving a permit to Gloria Calixto would only repeat her past performances and therefore harmful to this neighborhood.

Sincerely,

Charles B. Tate

Ronald A. Belkin

Owners of the property at 3801 E.4th Street  
Long Beach, Ca. 90814  
Northeast corner of 4th. and Grand.

=====  
Email scanned by PC Tools - No viruses or spyware found.  
(Email Guard: 7.0.0.18, Virus/Spyware Database: 6.15600)  
<http://www.pctools.com/>  
=====

Glorious Manor - my letter  
Terrybette  
to:  
lynette.ferenczy  
09/02/2010 11:09 AM  
Show Details

3719 East Fifth St.  
Long Beach, CA 90814  
September 1, 2010

Lynette Ferenczy  
333 W. Ocean Blvd., 5<sup>th</sup> Floor  
Long Beach, CA 90802

Dear Ms Ferenczy;

I am writing about the request for a Conditional Use Permit to establish a counseling service at 420 Grand. My house is located around the corner from 420 Grand in the stated residential zone. Yes, this is a residential zone where homeowners take pride in their homes and strive to improve their properties.

Gloria Calixto has a history of disregarding city ordinances, zoning laws, and her neighbors in this residential zone. Previously she operated a shelter that caused a nightmare of problems in the neighborhood. Abandoned shopping carts, trash, tagging, and small burglaries in the neighborhood were common during her tenure, along with excess noise and fights that required a police presence. Some of the nuisance issues could not be directly linked to Glorious Manor; however, there was a sudden decrease in activity when the city closed this unlicensed facility. There was a strong neighborhood reaction to this blight on our quality of life. Gloria has shown only callous behavior toward us, her neighbors in this residential zone. I am very concerned about this Conditional Use Permit; given this is a residential neighborhood zone, given Gloria's history, given that the city does not have the resources to monitor this facility in the future, and so I strongly urge the Department of Development Services to deny this application.

Sincerely,

Bette McKinney

c/ Gary deLong

Conditional Use Permit 420 Grand Avenue

Dr. Frank M. Goodman

to:

lynette.ferenczy

09/02/2010 01:51 PM

Cc:

Julie.maleki

Show Details

Planning Commissioner Lynette Ferenczy:

I am deeply concerned about Gloria Calixto's application to open a counseling center at 420 Grand. I have been a resident of Long Beach for 78 years and have resided in Belmont Heights, 3800 E. 5th St. for 47 years. This 420 Grand Facility was previously operated by the applicant. Under her management we, neighbors and residents of Belmont Heights, became the victims of inexcusable Glorious Manner resident behavior, vandalism, and frequent circumstances that required the presence of law enforcement personnel. The past daily functioning of this facility at 420 Grand, gave rise to a climate of fear among our neighbors. We cannot a permit a return to this environment . Please deny the Conditional Use Permit to the applicant.

Respectfully,

Frank M. Goodman

Lynette Ferenczy  
[lynette.ferenczy@longbeach.gov](mailto:lynette.ferenczy@longbeach.gov)  
333 W. Ocean Blvd. 5<sup>th</sup> Floor  
Long Beach, CA 90802  
562-570-6273

Dear Lynette Ferenczy and members of the Planning Commission

I am writing you today concerning Gloria Calixto's application to open a counseling center at 420 Grand, Glorious Manor. When Gloria last operated Glorious Manor, the operation created a major nuisance in the neighborhood and crime. I personally witnessed tenants abandoning shopping carts in my yard, leaving trash in my neighbor's yard, tagging, and also small burglaries in the neighborhood were common during her tenure, along with excess noise and fights that required a number of police calls.

Sincerely

Richard E. McNicholas  
562-239-7650  
3737 E. 5<sup>th</sup> Street Long Beach, CA 90814

CC: [Julie.maleki@longbeach.gov](mailto:Julie.maleki@longbeach.gov)

November 14, 2010

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

RE: 420 Grand Avenue

Lynette,

I am very concerned with the conditional use permit being requested by Gloria Calixto at 420 Grand Avenue.

I live at 3831 E. 4<sup>th</sup> Street, which is directly behind the 420 Grand Ave. property. We share a back wall with them. Unfortunately we had a horrible experience with Gloria's last venture at that facility.

The whole experience was horrible between continuous trash being thrown in our yard, loud fighting, continuous police presence and even one of our neighbors witnessing a fight with a knife being pulled out on someone. Essentially, all in our backyard!

I moved to this neighborhood because it is known to be a safe environment and I have always felt safe and know most of my neighbors. I think this proposed permit would be very negative and very dangerous for our neighborhood.

I am very against this conditional permit and will make every effort to attend the hearing on 12/2.

Thank You,

A handwritten signature in black ink, appearing to be 'Jessica Bermudez', with a stylized, cursive script.

Jessica Bermudez

November 14, 2010

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

RE: 420 Grand Avenue

Lynette,

We <sup>are</sup> very concerned with the conditional use permit being requested by Gloria Calixto at 420 Grand Avenue.

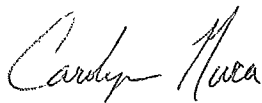
We live at 3827 1/2 E. 4<sup>th</sup> Street, which is directly behind the 420 Grand Ave. property. We share a back wall with them. Unfortunately we know that our neighbors had a horrible experience with Gloria's last venture at that facility.

We have been informed that there was continuous trash being thrown in our yard, loud fighting and continuous police presence. Essentially, all in our backyard!

We moved to this neighborhood because it is known to be a safe environment and we have always felt safe and know most of my neighbors. We also have two young nephews that come over often and we would be concerned with their safety. We think this proposed permit would be very negative and very dangerous for our neighborhood.

We are very against this conditional permit and will make every effort to attend the hearing on 12/2/10.

Thank You,



Carolyn Mura



Larry Mura

**Belmont Heights Community Association**

375 Redondo Avenue #332

Long Beach, CA 90814

[www.mybelmontheights.org](http://www.mybelmontheights.org)

November 17, 2010

Lynette Ferenczy  
Planner  
Long Beach Development Services  
333 West Ocean Blvd.  
Long Beach, CA 90802

Dear Ms. Ferenczy:

I am writing on behalf of the Belmont Heights Community Association, a volunteer group dedicated to maintaining and improving the quality of life for those living in our neighborhood.

Over the past several years, it has come to our attention on numerous occasions that the business conducted at 420 Grand created a very disruptive environment for those living in the surrounding area. Complaints that were brought to our attention at our monthly meetings or via email, included excessive and loud noise at all hours of the day, increased littering, property defacement, abandoned shopping carts, and other behaviors that ultimately resulted in the business being closed through the "nuisance abatement" process. Although we cannot, with certainty, say that all of these problems were caused by the business at 420 Grand, it seems likely that such was the case as most of the issues were resolved once the business closed. Furthermore, the owner, Ms. Gloria Calixto, was unresponsive to the concerns of her neighbors and made no effort to address the problems.

For these reasons, the Board of the Belmont Heights Community Association is asking that the City not approve the current application for a conditional use permit at 420 Grand. We recognize the right of a commercial property owner to conduct business; however, the rights of the immediate neighbors cannot be taken lightly. If Ms. Calixto's past performance and unresponsiveness is any indication of how she will conduct a future - and similar - business in the same location, there is no reason to expect the end result to change. Ms. Calixto has not demonstrated to her neighbors that she deserves to conduct such a business in our community.

Sincerely,

*Dianne Sundstrom*

President  
Belmont Heights Community Association

November 14, 2010

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

RE: 420 Grand Avenue

Lynette,

I am very concerned with the conditional use permit being requested by Gloria Calixto at 420 Grand Avenue.

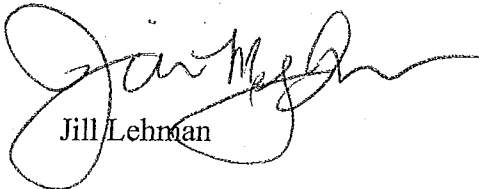
I live at 3827 E. 4<sup>th</sup> Street, which is directly behind the 420 Grand Ave. property. We share a back wall with them. Unfortunately we had a horrible experience with Gloria's last venture at that facility.

The whole experience was horrible between continuous trash being thrown in our yard, loud fighting, continuous police presence and I even witnessed a fight with a knife being pulled out on someone. Essentially, all in our backyard!

I moved to this neighborhood because it is known to be a safe environment and I have always felt safe and know most of my neighbors. I think this proposed permit would be very negative and very dangerous for our neighborhood.

I am very against this conditional permit and will make every effort to attend the hearing on 12/2/10.

Thank You,



Jill Lehman



Glorious Manor  
Michael Lawson  
to:  
Lynette.Ferenczy  
11/16/2010 10:51 AM  
Show Details

Hi Lynette,

My name is Michael Lawson and I live at 3729 East 5<sup>th</sup> Street in Long Beach, California. I understand that the City is reviewing a Conditional Use Permit to establish a counseling service at 420 Grand Avenue. My property is located around the corner from 420 Grand. Please let this e-mail serve in lieu of a formal letter with respect to my stance on this issue.

The applicant has a history of disregard to city ordinances, zoning laws, and her neighbors in this residential zone. A shelter the applicant previously operated caused a nightmare of problems in the neighborhood. Events requiring the resources of our public safety officers occurred with greater frequency and while not all nuisance issues could be linked to Glorious Manor; there was an apparent decrease in activity when this unlicensed facility was closed.

The proposed use of this facility will bring blight on the quality of our residential neighborhood's life and will reduce the family friendly environment we work hard to provide as property owners. I am thoroughly concerned this Conditional Use Permit is being considered and given our residential neighborhood zone and the applicant's history, as well as the City having negligible resources to monitor this facility on an on-going basis. I urge the Department of Development Services deny this application. The proposed teen counseling center (including *substance abuse*) use should not be permitted in this neighborhood with an administrative (AUP) or conditional (CUP) use permit.

Thank you for the opportunity to express my concern regarding this application in advance of your hearing on this issue. While I will not be able to attend the hearing in person due to a conflict with work, I would appreciate if this letter, along with the others my neighbors and fellow concerned citizens have written with respect to the application, use and proposed applicant, would be read into the record. Please contact me if I need to send a formal letter in versus this e-mail to register a formal response to our Notice of Hearing notice.

Sincerely,

Michael R. Lawson  
3729-3735 E. 5<sup>th</sup> St  
Long Beach, CA  
310.849.5045 mobile

November 14, 2010

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

RE: 420 Grand Avenue

Lynette,

My husband and I are very concerned with the conditional use permit being requested by Gloria Calixto at 420 Grand Avenue.

We live at 3829 E. 4<sup>th</sup> Street, which is directly behind the 420 Grand Ave. property. We share a back wall with them. Unfortunately we had a horrible experience with Gloria's last venture at that facility. She initially said she was going to do one thing, which was work with young kids and then ended up doing something completely different.

The whole experience was horrible between continuous trash being thrown in our yard, loud fighting, continuous police presence and even one of our tenants witnessing a fight with a knife being pulled out on someone. Essentially, all in our backyard!

I was there for the last hearing against Gloria when her permits were revoked and I know that there are many neighbors concerned with this.

We have a 3-year-old son that we are very concerned with his safety if Gloria is allowed to try and establish this proposed counseling center for teens. Last time she said she was going to do the same thing for little children and then ended up housing families in an unsafe and unauthorized fashion, putting everyone, including her neighbors at risk.

We also have four tenants on our property that we are concerned with. We do not want them to feel unsafe and have to move either. This puts an emotional and financial burden on us.

We live in a safe neighborhood and we pay a lot of taxes for our property and I don't think that one person should be able to jeopardize our safety nor our investment for their own financial gain. I do not believe that this project is being done for the good of others based on her past conduct and how she treated people that lived in her facility and how she allowed them to live there. At the last hearing, two of Gloria's tenants testified on how the living conditions were sub standard and many did not have their own restroom to use and how Gloria was trying to obtain more of their financial and personal records in order to obtain more government money on their behalf. It was all negative feedback.

We are very against this conditional permit and will make every effort to attend the hearing on 12/2.

Thank You,

Joaquin and Jennifer Perez

562-773-7027 cell

**Alan & Darcy Holden**

505 Loma Ave  
Long Beach, CA 90814  
(562) 930-1300

---

Lynette Ferenczy  
LONG BEACH DEVELOPMENT SERVICES  
333 West Ocean Blvd.  
Long Beach, CA 90802

Saturday, November 13, 2010

Dear Ms. Ferenczy,

This letter is to register our opposition to the most recent application for a conditional use permit at 420 Grand. As you know, surrounding neighbors have had very negative experiences with this landlord and are not in favor of this permit.

In your job, you probably receive a fair amount of "NIMBY" protests in response to development and use applications. Please understand the difference that our opposition takes from these.

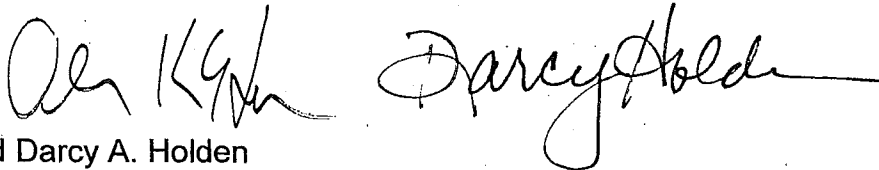
NIMBY letters will often identify a perceived threat, regarding things that *might or could* happen if the proposal is approved.

Our opposition is based on *demonstrated and documented* behavior. These are real events which have already occurred in and around the streets we share and the homes we sleep in.

We are not presenting our fears of things that the applicant *might allow*; we are fighting to stop the continuance of the things this applicant has *already failed* to prevent.

Thanks for reading. Please present these views on our behalf to the proper personnel.

Sincerely,



Alan K. and Darcy A. Holden  
AKH/msw

cc:

Hon Councilperson Gary DeLong  
340 Nieto Avenue  
Long Beach, California 90814

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State law number, and address): <b>Gloria Calixto</b> <b>2703 E. 7th Street</b> (562) 433-0454 <b>Long Beach, CA 90804</b> TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>In Pro Per</b>		FOR COURT USE ONLY  <b>CONFIRMED COPY</b> <b>OF ORIGINAL FILED</b> <b>Los Angeles Superior Court</b>  <b>JUN 04 2007</b>  John A. Claine, Executive Officer/Clerk Deputy By: <b>M. TRAN</b> <b>07 U 01295</b>  Ref. No. or File No.:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: MAILING ADDRESS: <b>415 W. Ocean Blvd.</b> CITY AND ZIP CODE: <b>Long Beach, CA 90802</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>GLORIA CALIXTO</b> DEFENDANT/RESPONDENT: <b>FELICIA WILLIAMS, PHILIP HOLMES,</b> <b>LORI HOLMES, MARY FAIR, REGINA WHITE</b> <b>DOES I to 20</b> <b>PROOF OF SERVICE OF SUMMONS</b>		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. ☒ summons  
 b. ☒ complaint  
 c. ☐ Alternative Dispute Resolution (ADR) package  
 d. ☐ Civil Case Cover Sheet (served in complex cases only)  
 e. ☐ cross-complaint  
 f. ☐ other (specify documents):

3. a. Party served (specify name of party as shown on documents served):

**FELICIA WILLIAMS**

b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served: **420 Grand Avenue, Long Beach, CA 90814**

5. I served the party (check proper box)

- a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party: (1) on (date): **05/16/07** (2) at (time): **10:00 am**  
 b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):

- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.  
 (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.  
 (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.  
 (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.  
 (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Submitted at PC.  
 12/16/2010

ILBERT A. PHILIPS, ESQ.  
LAW OFFICE OF ILBERT A. PHILLIPS  
6080 Center Drive, Sixth Floor  
Los Angeles, California 90045  
Tel: 310-442-5191  
Fax: 310-202-9202  
Cell: 310-308-3916

December 2, 2010

Chair and Planning Department  
333 W. Ocean Blvd., 4<sup>th</sup> Floor  
Long Beach, California 90802

Attn: Lynette Frerency  
(562-570-6068)

Dear Ms. Frerency:

This office represents Gloria Calixta (Application No. 1004-004, CE 10-032) and I will be appearing at the hearing tonight. Ms. Calixta received your paperwork, mailed to her on November 24, 2010, on November 29, 2010. I met with my client yesterday, December 1, 2010 and have prepared a response to the Staff's recommendation in opposition to the permit. I called you yesterday and your colleague said you were out but that I should prepare the response and deliver it tonight.

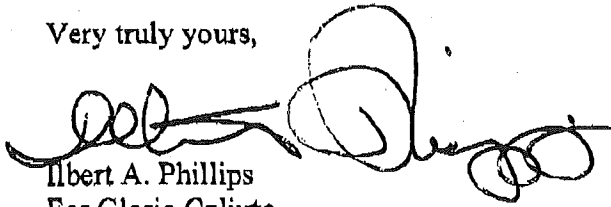
I am faxing you a courtesy copy of my client's response. You will note that my major objection to this proceeding is that the matter should be handled in an Administrative Use Permit process and not a Conditional Use Permit (CUP) process. Your basis for declaring that the Administrative Use Permit process is not applicable does not appear rational on its face since the building in question is not "abandoned." The term "abandoned" has a very specific meaning in the law and because a building not occupied does not mean it is "abandoned." I address the issue in more detail in the response.

My objection to the Staff's position on the CUP is you are attributing the conduct of people who lived in the Los Angeles County funded homeless shelter as the basis for denying a permit for a completely different (and legal ) use. In addition, your history of my client's cooperation in complying with shutting down the facility is simply untrue in some very significant ways, but your selected and misstated facts are merely there to support your position.

Planning Department City of Long Beach  
Re: Hearing December 2, 2010 &  
Response of Gloria Calixto  
December 2, 2010  
Page 2

While I will bring sufficient copies of the document to the meeting tonight, would you please distribute my client's response to the Commissioners?

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ilbert A. Phillips', with a large, stylized flourish extending from the end of the signature.

Ilbert A. Phillips  
For Gloria Calixto

Enclosure

cc: Gloria Calixto

ILBERT A. PHILIPS, ESQ.  
LAW OFFICE OF ILBERT A. PHILLIPS  
6080 Center Drive, Sixth Floor  
Los Angeles, California 90045  
Tel: 310-442-5191  
Fax: 310-202-9202

December 2, 2010

Chair and Planning Commissioners  
City of Long Beach  
California

The applicant received the staff's written report and recommendations, on Monday, November 29, 2010. This response has been written as quickly as possible. I have been authorized to file this report on the evening of the hearing when I called the City. According to the envelope, it was mailed on November 24, 2010 the day before Thanksgiving and received on Monday, November 29, 2010.

Application:

The Applicant requests that the Planning Commission issue a Permit to establish a teen counseling Center (18 years and under) to include tutoring, general and substance abuse counseling services at an existing (since 1954) conforming commercial building located at 420 Grand Avenue ("Grand Avenue Property") within the R-3-T close to the corner of Grand Avenue and ½ block from 4<sup>th</sup> Street which is more closely associated with the commercial properties and not the residential properties. You will note that I have not identified whether it is a Condition Use Permit or an Administrative Use Permit for the reasons stated below. It is my client's assertion that the matter should be completed under the Administrative Use Permit, but if that is rejected at this proceeding, the Conditional Use Permit should be allowed.

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

ISSUES:

1. Is the proposed business consistent with other commercial businesses in the area and does it carry out the General Plan and Zoning Regulations of the Applicable District? Yes.

Chair and Planning Commissioners, City of Long Beach  
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Response of Gloria Calixto  
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2. Has the Grand Avenue Property been abandoned for a period greater than twelve months? No.
3. Has the applicant been improperly denied the Administrative Use Permit process? Yes.
4. Has the Applicant met the objections regarding the use of the Grand Avenue Property even under a conditional use permit? Yes.
5. Has the staff fairly described the character of the applicant who has successfully and lawfully operated a drug abuse program at a different site in the City of Long Beach for four years in compliance with all city, county, state and federal laws? No.
6. Did the Applicant comply with the city's finding that the property at 420 Grand Avenue was being improperly used and fully paid a fine of over \$25,000 in a timely manner? Yes. In fact the Applicant stopped using the facility in a non-compliant manner as soon as it was practicable, given the homeless population needed some time to relocate. It was done before the administrative hearing started.

### SUMMARY OF HISTORY

#### Applicant's Filing History

The Applicant Gloria Calixto (referred to herein as either "Calixto" or the "Applicant"), a Filipino American, is the owner of title of real property at 420 Grand Avenue, Long Beach California, (referred to herein as the Grand Avenue building) which is located on the east side of Grand Avenue between 4<sup>th</sup> street and 5<sup>th</sup> street, but closer to 4<sup>th</sup> Street, which contains a number of commercial businesses, not inconsistent with the proposed use of said building. Glorious Manor, Inc. had previously had a permit for various uses as described in the staff report and in fact filed for a permit under the Administrative Use Permit process. It is a fact that the original permits were in the name of Glorius Manor, Inc. (GMI) and not "Calixto". Calixto is now the person, entity, filing for this permit.

As stated in the staff's report, Gloria Calixto submitted an application for an Administrative Use Permit to establish a counseling center. She worked with a consultant and architect who prepared drawings, but who informed Ms. Calixto that the fine, described below, had to be paid by GMI, which is owned by Calixto, and before she



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could move forward with the project (the fine was substantial, approximately \$25,000, and it took several months before Ms. Calixto raise the money for GMI to pay the fine in full. The agency unilaterally withdrew the application because Ms. Calixto could not move forward until the lien was paid in full.

#### Current Status of Property (Abandonment Issues)

The fire permit for a residential care facility on the property is current. The applicant stopped paying the license fees for a living center through the year 2007 for the building because she was informed by her consultant (who was working with her on getting an Administrative Use Permit) that she could not get a license of any kind because of an existing fine (secured by the property and issued by the City). The fine was paid in full. The property had a lien against it as a result of a ruling at a hearing and GMI paid the fine.

The applicant is currently paying and is current on approximately \$5,000 a month mortgage and owes a balance of approximately \$500,000 on the property. The property currently has the utilities turned on: water, gas and electricity. The real property taxes are current and the applicant has a caretaker who visits the property daily to maintain the property and do the gardening. There are no complaints about broken windows, landscape issues, graffiti, or the condition of the building. The property is not a nuisance, is being properly cared for and is not subject to condemnation proceedings because it is not being properly cared for.

The building is not occupied today by a business, because it is not presently licensed for any use. It has a care taker who visits the building, daily to ensure that the building is not being improperly occupied, used by any trespassers or invaders and is not damaged. Under no legal definition is the building "abandoned." Applicant has not stopped caring for the property or issued any assertion that she intends to abandon the property. The assertion that it is "abandoned" by the staff is to force the owner to use the Conditional Use Permit process and not the Administrative Use Permit process to get a permit. I hereby object to the Conditional Use Permit process and request this commission to order the Department of Development Services to deal with this issue through the Administrative Use Permit process.

#### Applicant's History of Business in Long Beach

The applicant is the owner of Glorious Manor, Inc. which operates a successful substance abuse center, located at 2703 E. Seventh Street, Long Beach, California. The Center has been there since 2006.

#### Applicant's History with the Subject Property

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The Applicant acquired the Grand Avenue building in 2002. It was an operating nursing facility and operated as such for a short period after Calixto acquired the building.

The applicant applied for a license for a group home (room and board as a part of the service) as is the case with an assisted living center or is the case with any homeless shelter) which was approved in June 2005. Because that business did not work out (GMI could not get funding), and without advice of counsel, GMI assumed that it could run a homeless shelter, funded by the County, on the site beginning June 2006 since such a service is clearly needed in the City. The neighbors began to complain about the clientele in October 2006 and it was then (after October 2006), and not before (as asserted by the staff, the staff says April 2006) that the applicant was informed that she was not licensed to run a county sponsored homeless facility regardless of the county funding. The Applicant was not running a homeless shelter and had no homeless clients before October 2006.

The City's Homeless Services Officer informed Ms. Calixto, after the October 2006 date (which was probably April 2007), after the facility came to the attention of the City that GMI did not have a City permit to run the facility as a County homeless facility, even though it had a County permit.

*Applicant removed the residents as soon as she could. I believe it is important to let the commissioners know that the clientele were predominately black and the neighbors are predominately white. There was clearly a clash of cultures, which in part led to the complaints.*

Contrary to the staff report, the applicant did shut down the homeless care facility as quickly as possible and the facility was closed prior to the hearings which began in June 2007. *The staff report that the facility remained open until and after the hearing is just incorrect.*

After the hearing, the Administrative officer issued a Notice of Declaration and Nuisance Activity and Abatement (which was in effect moot since the building had been vacated by then). In addition, GMI was fined in the amount of approximately \$25,000, which fine caused a lien to be placed against the property and which fine was eventually paid in full and the lien was finally released.

While it is true that neighbors complained about the alleged activities of the residents and presumably their visitors, there are no assertions that Applicant made loud music, participated in child abuse, loitered, participated in criminal activity or consumed alcohol or illegal drugs, in public or in private. The assertion about food distribution is simply untrue. There was never any food distributed to the community from this location or any other location by anyone associated with the applicant.

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The alleged assertions are part and parcel to the homeless shelter since visitors cannot be controlled by the owner of the property. But Applicant is not applying for a homeless shelter and I submit that the assertions are irrelevant, particularly since the staff's assertions about significant facts, after Calixto was informed that she was not licensed to operate the County funded shelter, are simply not true.

**Chronological Order of Facts:**

The staff's order of facts is confusing:

1. Property was purchased by applicant in 2002.
2. GMI applied for a City business license in August 2003 for a residential care facility.
3. The state issued its license to GMI for fifteen ambulatory children ages 7-18 years for the facility on June 17, 2005.
4. The state license terminated on June 17, 2006 since GMI did not get the funding for care of the ambulatory children.
5. Beginning in 2006, GMI (of which Calixto is a major shareholder) opened a drug abuse facility on Seventh Street (a different location) in Long Beach where there have been no complaints.
6. Beginning in June 2006, applicant began to house the homeless, under a County program that included men, women and children, primarily African Americans, funded by the Los Angeles County Housing Authority pursuant to its methods and procedures.
7. According to the staff report, in October 2006, neighbors began to make allegations about the residents or the visitors of the residents (since they were predominately African American, they all must have looked alike to the complaining residents), a factor the staff seemed to ignore.
  - a) making loud noises and playing loud music,
  - b) participating in unproven child abuse
  - c) loitering (anti-loitering laws are generally unconstitutional since they are a means of controlling unpopular populations)

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- d) criminal activity (whatever that means)
  - e) double parking and
  - f) public consumption of alcohol and illegal drugs (it is not clear how they knew which drugs were involved).
8. On March 26, 2007 the Fire Department conducted an inspection and found issues of non-compliance because of the homeless shelter.
9. The applicant believes that it was in April 2007, when the City representative informed GMI that it could not operate the homeless center under the residential care facility license, but that GMI needed a different city license to operate its facility, notwithstanding the fact that Los Angeles County was funding the program.
10. Los Angeles County informed Ms. Calixto that GMI could not just abandon the homeless, but that GMI had to help the residents move.
11. On or about May 2007, before the hearing on June 28, 2007, GMI managed to remove the homeless men, women and children from the building,

### **The Conditions of the License**

#### **Services to be Provided:**

As indicated in the staff's report, the project would involve the use of the existing building as an outpatient counseling center (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 classes, sex education, and substance abuse counseling. Group counseling for up to seven individuals would occur with three sessions per day. Individual counsel would be provided on an as needed basis.

#### **Hours of Operation**

The proposed hours of operation would be from 10:00 a.m. to 7:00 p.m. Most of the teenage hours during school will be from 4:00 p.m. to 7:00 p.m. during the week. There will be no overnight accommodations of any kind for the teenagers.

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### **Staff**

The on site staff will 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. As a result there will be medical counseling, distribution of medication or blood testing where indicated will be provided.

### **Use of Kitchen Facilities:**

No cooking will be done on the site with only beverages and prepackaged food available to the clients.

### **Transportation to and From Facility**

The teenagers would have access to and from the facility only by way of a shuttle provided by the applicant, using four company owned vehicles. No teenager will be allowed to travel by car or bus to the facility. This is to address the limited parking issue. In addition, the teenagers will be under strict supervision. Noise in the neighborhood will be at a minimum.

### **Funding of the Program**

In order for this project to work, the Applicant intends to seek government grants.

## **ARGUMENT**

1. The proposed business is consistent with the other commercial businesses in the area.

The Applicant is requesting that she be given a license to use her property to conduct a counseling center for teen agers to be opened limited hours. The children will be transported to and from the facility by shuttles owned by the Applicant. The business is, as admitted by the staff, allowed in the zoning of the area. The Applicant has complied with the operation of another business in the City of Long Beach and the staff report ignores that point because it is inconvenient. This staff has gone out of its way to castigate a Filipino American and to in fact not accurately state all of the facts. In addition, the staff assumes that problems that existed with a completely different type of business will exist with this new business. That assumption is simply not rational.

Uses common to the district are pedestrian oriented retail with a variety of "fairly" small an provide shoppers with a variety of convenience goods, such as a bakery, delicatessen, flowers, dresses, beachwear, clothing, small scale services,

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small restaurant and bars. The staff has not demonstrated as planned why this facility would adversely affect adjoining residential uses when the children would be bussed in and bussed out and would have little affect on the surrounding neighborhood.

Rather than deal with the merits of the use, the staff has attacked an individual who has conducted another business in this city in compliance with the laws of the city.

2. The Grand Avenue Property has not been abandoned for any period, let alone for a period greater than twelve months.

The assertion that the subject property has been abandoned is insulting to our intelligence and is simply untrue. Since when is an unoccupied building deemed to be abandoned? The staff assertion that the building is abandoned should be rejected by this commission.

There are no facts to support abandonment. The property is cared for, the real property taxes paid, the mortgage payments of \$5,000 a month are current, the utilities are on, and a care taker visits the property daily to care for it and its landscape and to make sure no trespassers (or homeless) are occupying the property.

A definition of "abandonment" under American Jurisprudence is as follows: "Legal abandonment of property is premised on determining the intent to abandon. Generally, abandonment of property requires an intentional relinquishment of a known right or an intention to abandon without an intention to again possess the property or right. As sometimes stated, the intent to relinquish property permanently is an essential element to its abandonment. Otherwise stated, property is formally abandoned only if it has been renounced utterly. On the other hand, ignorance, inadvertence, or unawareness militates against a finding of abandonment."

"The intent to abandon is considered the first and paramount inquiry, and actual intent to abandon must be shown. However, if there is no expressed intent, the intent may be inferred from the acts of the owner. Mere nonuse does not, in itself, constitute abandonment. A party's intent may be discerned from its conduct."

3. The applicant has been improperly denied the Administrative Use Permit process.

The only reason that we are here on a Conditional Use Permit process is because the staff has unilaterally determined that the building has been abandoned. This is because "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."

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The property is not abandoned and this commission should make that finding.

4. The applicant has met the objections regarding the use of the property.

The applicant is Filipino. The clients who will be using the facility will be members of all ethnic groups and races. They will be driven to the facility and driven back to the home base. Their impact on the neighborhood will be minimal. The staff is essentially stating that the Applicant (while operating a business for over four years on Seventh Street in Long Beach) is a good citizen on Seventh Street, but will not be a good citizen on Grand Avenue. This is not rational.

The Applicant paid the price for operating a homeless shelter without a license. What the staff is suggesting that Applicant cannot be trusted to obey the rules. What is this based upon: speculation and a hint of racism? The fact is the applicant in fact stopped the County sponsored homeless shelter, shut down the facility and paid the fine at great sacrifice. In addition, the shelter was closed before the hearings started. To assert otherwise is untrue.

5. The staff has not fairly described the character of the Applicant. There are misstatements in the staff's report:

- A. Exhibit A of the Conditional Use Permit Findings: "The applicant operated an illegal homeless shelter on this site for years after the City informed her that the use was illegal and was operated without a city license." Their own facts in the recommendation do not make that outrageous assertion. While operating without a city license, they had the permission of the County of Los Angeles. The shelter was there for a few months and not years.
- B. The Report is silent on the fact that the County of Los Angeles supported the facility.
- C. The Staff makes the unsupported claim that the property is abandoned, when in fact it is being cared for by the Applicant.
- D. The Staff claims each room was being individually rented out. This assertion makes no sense. In Homeless shelters, each family has its own space. The method of payment is determined by the County of Los Angeles.
- E. While there were a lot of complaints about the homeless shelter, they provide no basis for recommendation, other than some very strange

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assertion because of the type of people being counseled, these new and strange people pose a threat to the community, so that the teenagers will pose some unknown threat to the community. These assertions borders on unsupported hysteria.

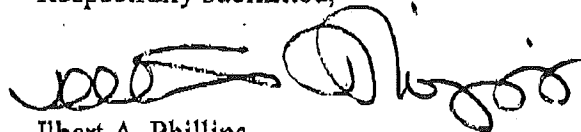
#### Conclusion

It is my client's position, that the Staff has manipulated the facts in this case to deny my client her constitutional right to get a license to operate a business clearly within the use allowed by the City's zoning laws. This is not a popularity contest. It seems that my client's race and the race of her clientele seem have a lot to do with the manipulation of the facts and the law.

The Commissioners should first of all find that this is the wrong process. I request that it the Commissioner send this matter back to the staff and they should be directed to utilize the Administrative Use Permit process.

Even if the Commissioners find that a Conditional Use Process is acceptable, they should in fact grant the conditional use permit on the grounds that no basis exist in fact and law that would allow the previous operation of a homeless shelter sponsored by the County of Los Angeles to reflect on the Applicant. This is a totally different type of project. My client has minimized the impact on the community of the teenagers coming onto the premises and has limited the number of hours they will be there. The objections of the staff are not based upon rational facts, but on prejudice and disingenuous assessments.

Respectfully submitted,



Ilbert A. Phillips  
For Gloria Calixto





# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

Long Beach, CA 90802

(562) 570-5184

FAX (562) 570-6068

## APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

☐ Zoning Administrator

☒ Planning Commission

☐ Cultural Heritage Commission

☐ Site Plan Review Committee

on the 2<sup>nd</sup> day of DECEMBER 20 10

Appellant(s): GLORIA CALIXTO

Project Address: 420 Grand Ave, LONG BEACH CA 90814

Reasons for Appeal: Applicant has sought A  
CONDITIONAL USE PERMIT TO OPERATE A  
TEEN COUNSELING CENTER AT THE  
LOCATION. THE PLANNING COMMISSION DENIED THE  
APPLICATION FOR PRIOR UNRELATED CONDUCT.  
THE COMMISSION AND STAFF ADMIT THE REQUESTED  
USE IS APPROPRIATE FOR ZONE. APPLICANT  
BELIEVES NO COMMISSION MADE AN INCORRECT  
DECISION ON IMPROPER GROUNDS. THE CONDITIONAL  
USE PERMIT SHOULD BE GRANTED.

Your appellant herein respectfully requests that Your Honorable Body ☒ Approve ☐ Deny this application.

	Appellant 1	Appellant 2
Name:	<u>GLORIA CALIXTO</u>	
Address:	<u>420 GRAND AVE</u>	
City/ZIP:	<u>LONG BEACH CA</u>	
Phone:	<u>(562) 433-0454</u>	
Signature:	<u>Gloria Calixto</u>	
Date:	<u>12/10/10</u>	

Attach additional sheets if necessary for further appellants.

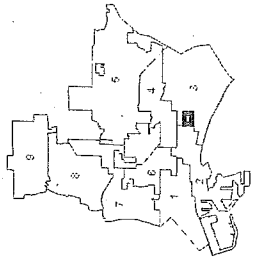
Appeals must be filed within 10 days after the decision is made (LBMC 21.21.302).

(Staff Use Only Below This Line)

Received by: LF App. No.: 1004-04 Filing Date: 12/13/2010

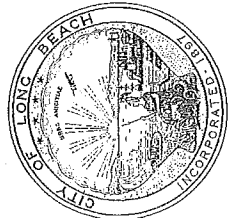
Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

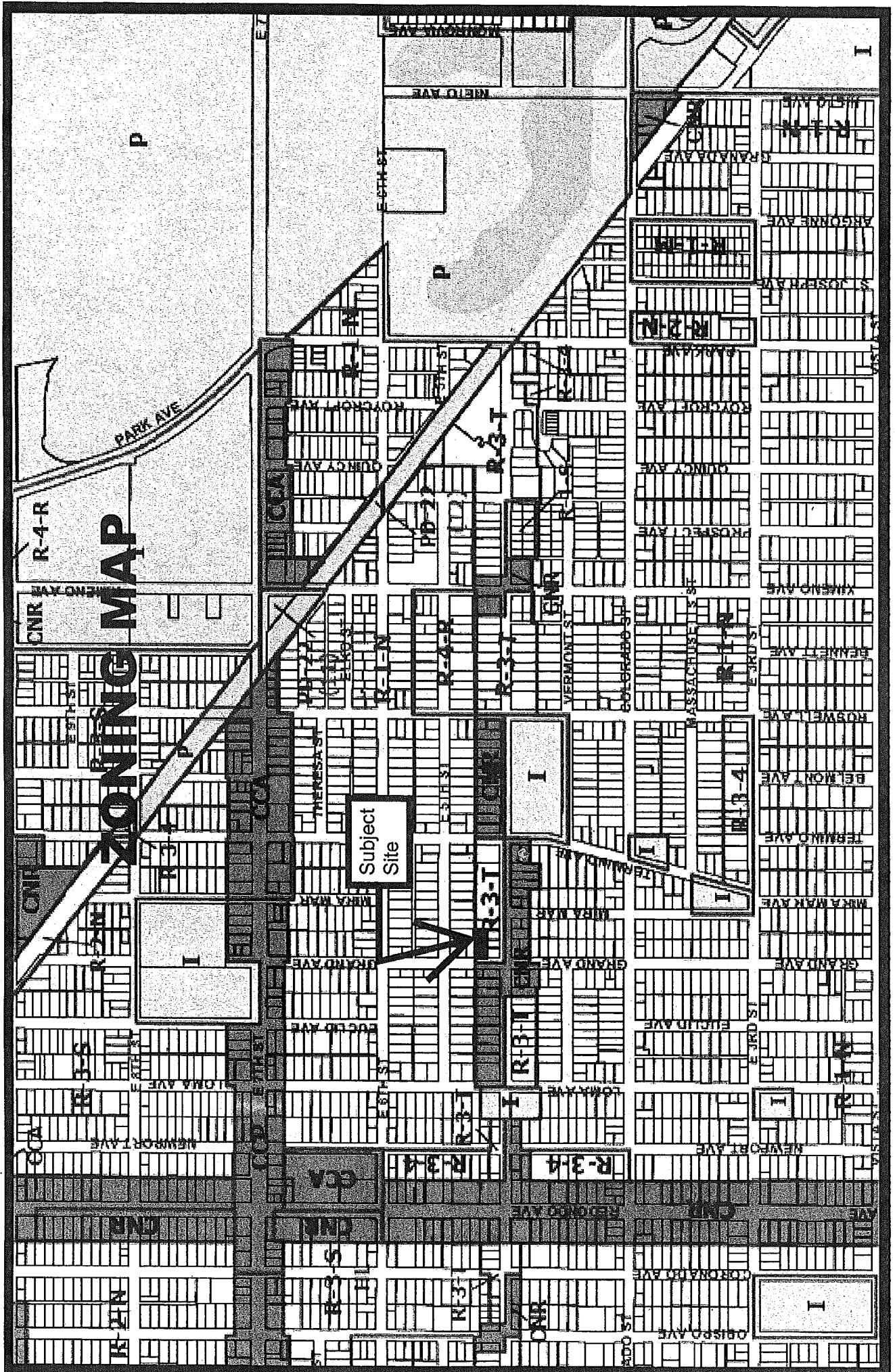
Fee: 3,685.60 ☒ Fee Paid (10 sheets) Project (receipt) No.: POTIT 19443



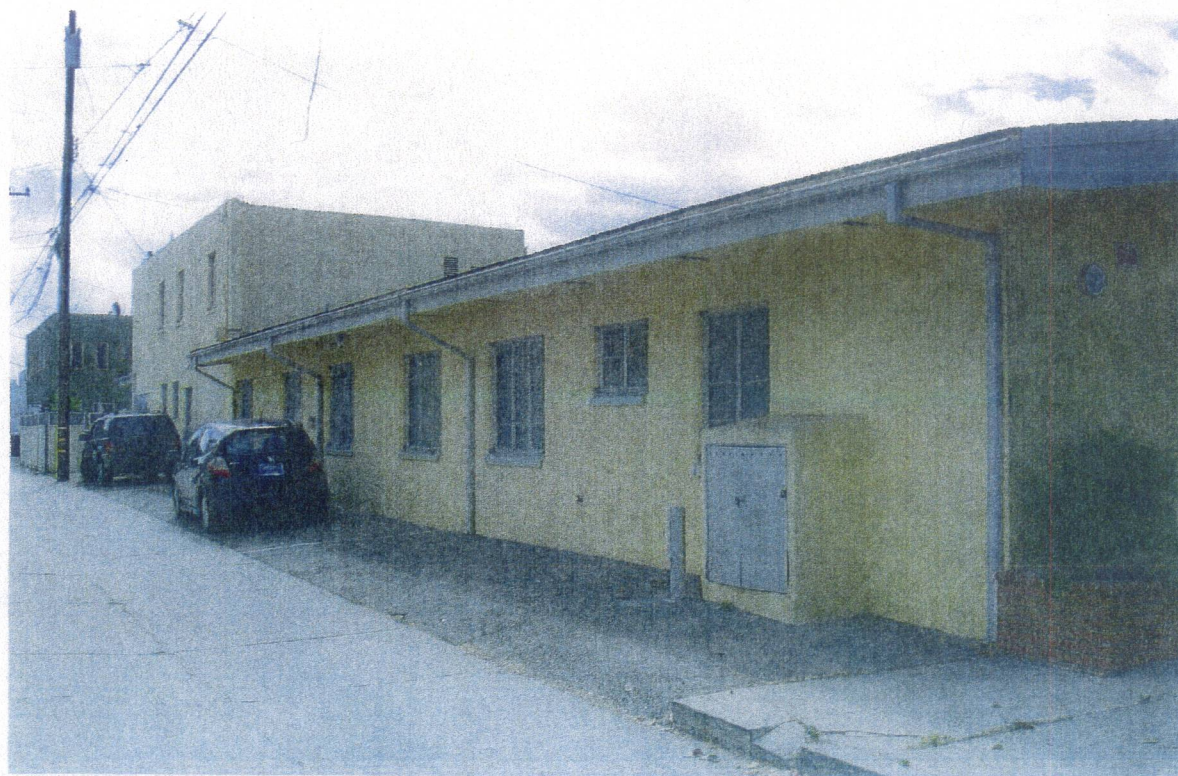
### Exhibit C

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













PLAN DATA:

- LOT SIZE: 58'-0" X 150'-0" FT.
- LOT AREA: 8,700 SQ. FT.
- (E) DWELLING: 6,074 SQ. FT.

WORK DESCRIPTION:

- CHANGE OF USE (EXISTING HOMELESS SHELTER)
- TO: OFFICES AND COUNSELING OFFICES

GENERAL INFORMATION:

- PROPERTY INFORMATION:
  - ASSESSOR'S ID. # 7755-016-014
  - PROPERTY BOUNDARY DESCRIPTION:
    - TRACK # EASTERN LOT 22,23,24 . BLOCK :
  - PROPERTY TYPE: OTHER
  - REGION /CLUSTER 26/26614

TABLE OF CONTENTS

- PAGE A-1 PLOT PLAN & GENERAL NOTES
- PAGE A-2 FLOOR PLAN
- PAGE A-3 ELEVATIONS & SECTION
- EXISTING WALLS TO REMAIN
- DEMO EXISTING WALLS, DOOR & WINDOWS
- PROPOSED NEW AREA OF CONSTRUCTION
- FACP FIRE ALARM CONTROL PANEL
- F FIRE ALARM PULL STATION
- Fire Alarm Sprinkler Bell
- Fire Alarm Smoke Detector
- EXISTING

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION

ACTIVITIES

- Storm Water Pollution Control Requirements for Construction Activities
- Minimum Water Quality Protection Requirements for All Development Construction

Projects/Certification Statement

The following is intended minimum notes or as attachment for construction and grading plans and represent the minimum standards of good housekeeping which must be implemented on all construction sites regardless of size.

- Eroded sediments and other pollutants must be retained on site and must not be transported from the site via sheetflow, swales, area drains, natural drainage courses or wind.
- Stockpiles of earth and other construction related materials must be protected from being transported from the site by forces of wind or water.
- Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
- Excess or waste concrete may not be washed into he public way or any other drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.
- Trash and construction related solids wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadway must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not washed down by rain or other means.
- Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.

- Other:

As the project owner or authorized agent of the owner, I have read and understand the requirements listed above, necessary to control storm water pollution from sediments, erosion and construction materials, and I certify that I will comply with these requirements.

Print Name (Owner or authorized agent of owner) \_\_\_\_\_ Date \_\_\_\_\_  
Signature (Owner or authorized agent of owner) \_\_\_\_\_

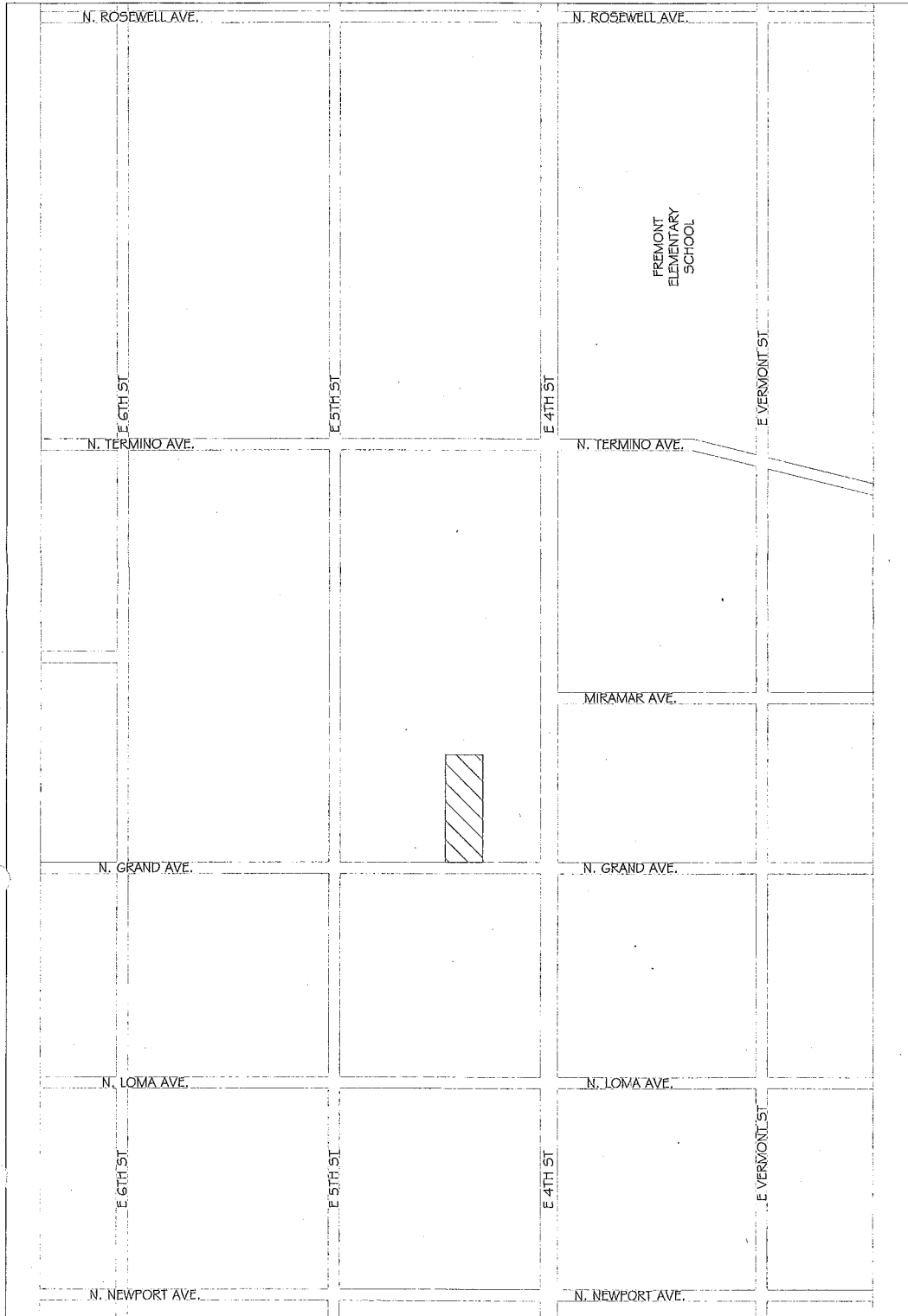
# PLOT PLAN

**I & I DESIGNS**  
6530 COVARR AVE  
DUBL GARDENS 90201  
(213) 453 - 9781

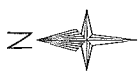
**Project Name and Address**  
**GLORIA**  
420 N. GRAND AVE  
LONG BEACH, CA 90810  
562-943-6026  
B66453-0454

Project	0910004
Date	09/28/09
State	AS NOTED

Sheet	A-12
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**SITE PLAN**  
SCALE N.T.S.





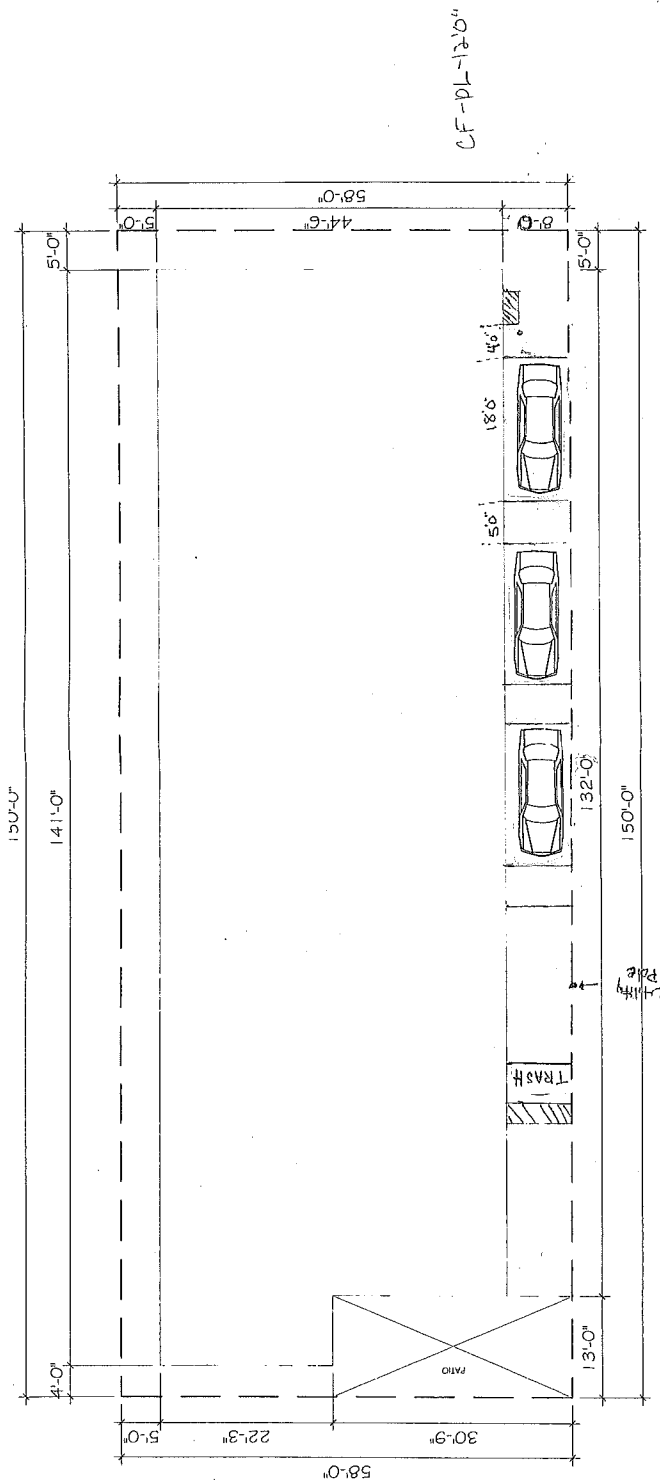
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**I & I DESIGNS**  
6520 CEDAR AVE  
DEL GARDENS 50201  
(213) 433 - 9701

**GLORIA**  
420 N. GRAND AVE  
LONG BEACH, CA 90810  
(562) 433-0025  
(562) 433-0454

Project: 0900004  
Date: 08/23/09  
Scale: AS NOTED

Sheet:  
**A-1.3**



CF-PL-120"



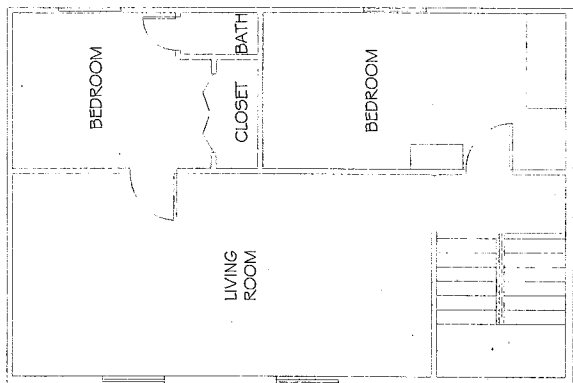
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1 & I DESIGNS  
6320 COLMAR AVE  
BILL GARDENS 90201  
(213) 453 - 9781

Project Name and Address  
GLORIA  
430 N. GRAND AVE.  
LONG BEACH, CA 90810  
(562) 433-4454  
(562) 433-4454

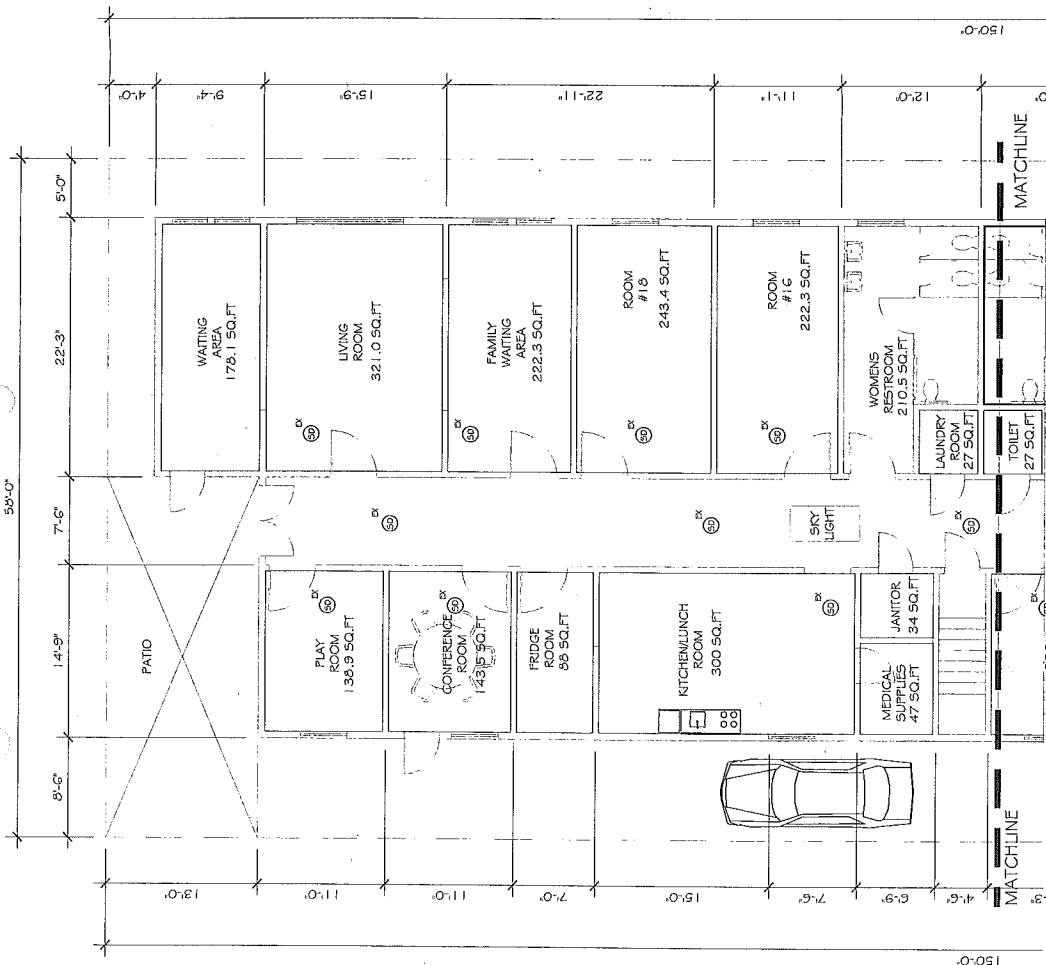
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Sheet: AS-1012D

Sheet: A-2.1



## EXISTING HOMELESS SHELTER

SCALE 1/8" = 1'-0"



## EXISTING HOMELESS SHELTER

SCALE 3/32" = 1'-0"



# FLOOR PLAN

**I4I DESIGNS**

6520 COLMAR AVE  
BELL GARDENS 90201  
(213) 453-5781

**Project Name and Address**

**GLORIA**  
420 N. GRAND AVE.  
LONG BEACH, CA 90810  
562-943-6025  
562-943-0454

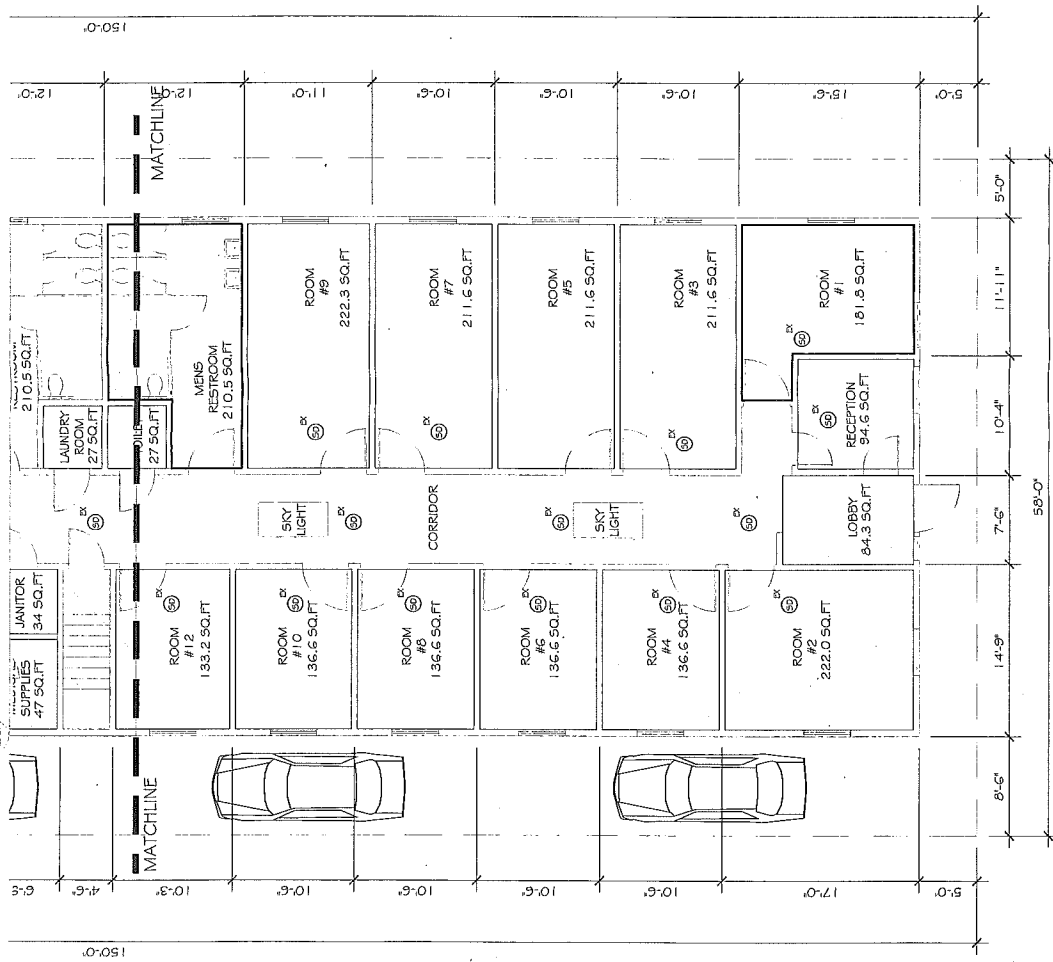
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**Title** 09/25/09

**Date** AS NOTED

**Sheet**

A-2.2



## EXISTING HOMELESS SHELTER

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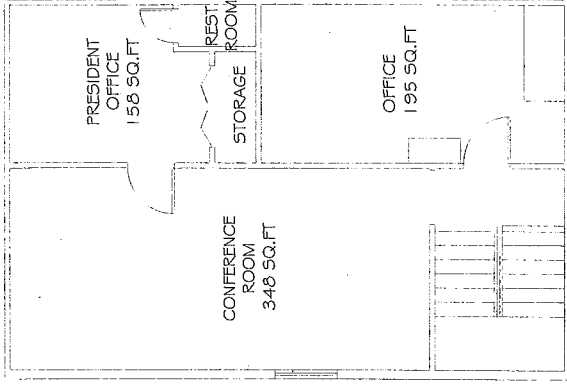
# FLOOR PLAN

**141 DESIGNS**  
6520 CHAMAK AVE  
BELL GARDEN 60021  
(213) 453-5701

**Project Name and Address**  
**GLORIA**  
4201 N. GRAND AVE.  
LOS ANGELES, CA 90010  
(562) 443-0028  
(562) 443-0454

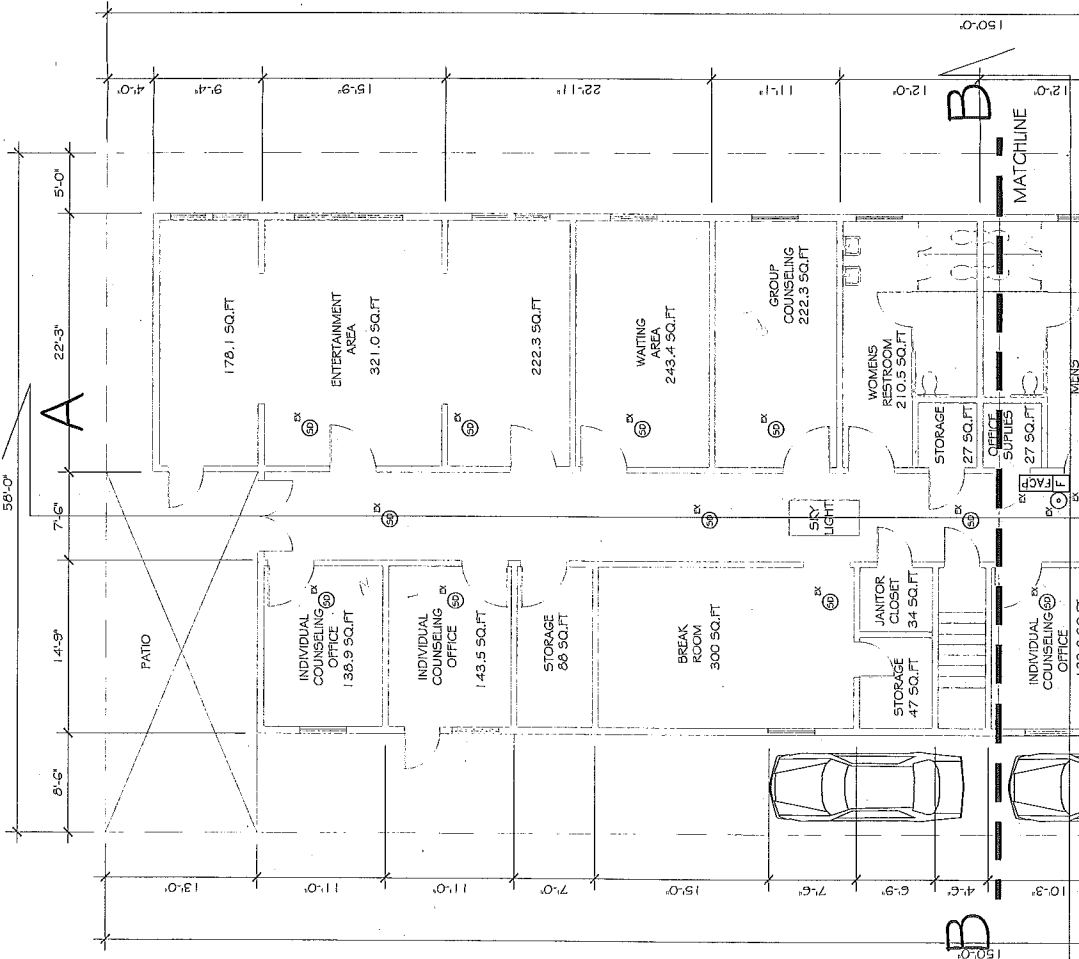
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**Task** 090209  
**Issue** AS NOTED

**Sheet**  
A-2.3



## NEW OFFICES

SCALE 1/8" = 1'-0"



## NEW COUNSELING OFFICES

SCALE 3/32" = 1'-0"



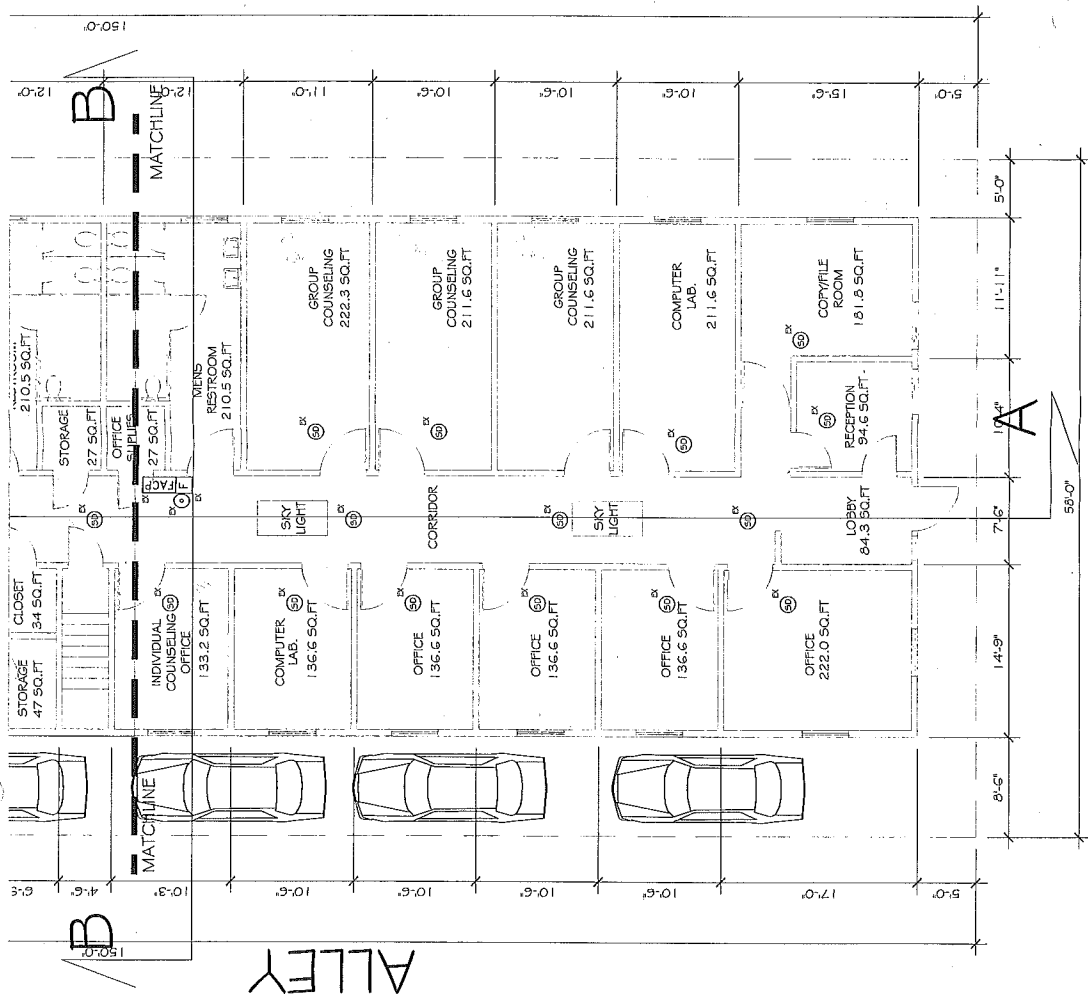
# FLOOR PLAN

**1 & I DESIGNS**  
 6520 COLUMBIA AVE  
 BELL GARDENS 90201  
 (213) 453-9761

**GLORIA**  
 420 N. GRAND AVE.  
 LONG BEACH, CA 90810  
 (562) 433-0423  
 (562) 433-0424

Project: 000004  
 Date: 09/25/09  
 Rev: AS NOTED

Sheet: A-2.4



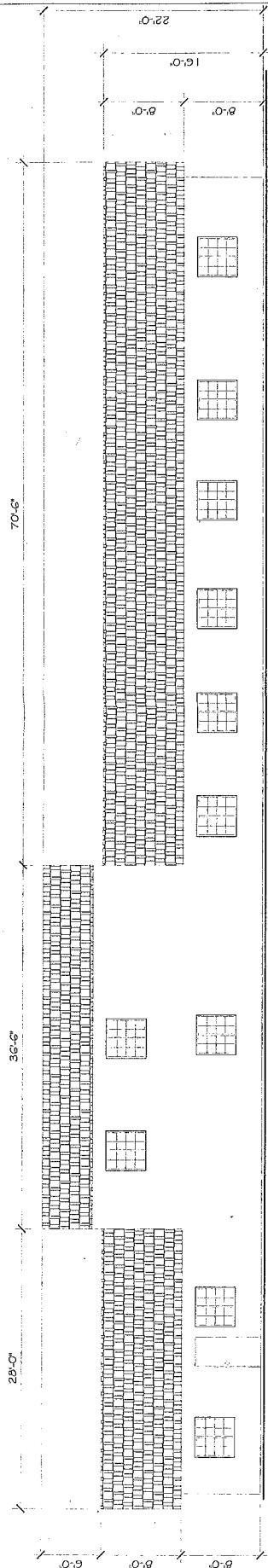
## NEW COUNSELING OFFICES

SCALE 3/32" = 1'-0"



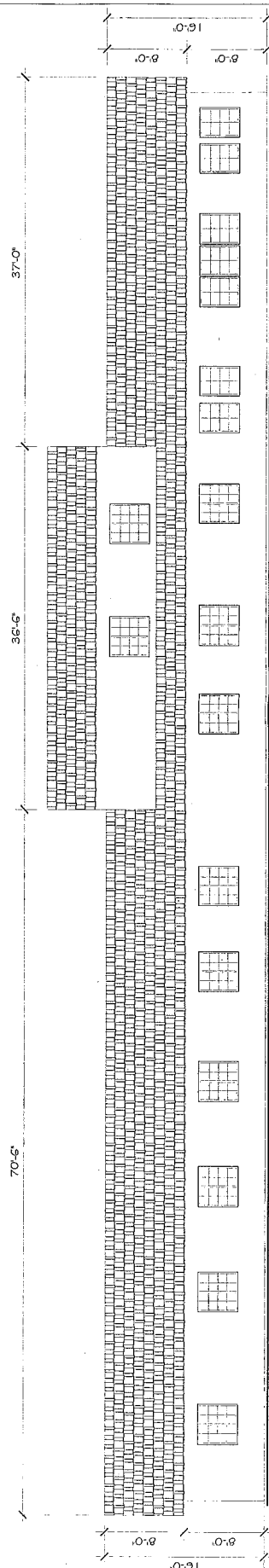
GLORIA  
420 N. GRAND AVE.  
LONG BEACH, CA 90801  
(562) 843-6028  
(562) 433-0454

A-3.1



LEFT ELEVATION

SCALE 3/32" = 1'-0"



RIGHT ELEVATION

SCALE 3/32" = 1'-0"

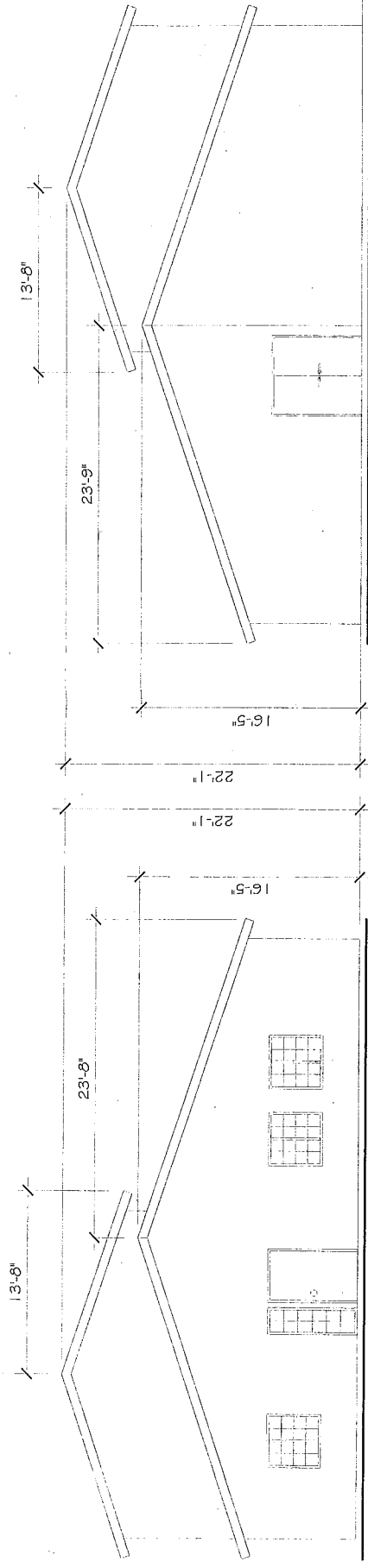
# ELEVATIONS

**I & I DESIGNS**  
6530 CUMAR AVE  
DUBL GARDENS 90201  
(213) 453 - 9761

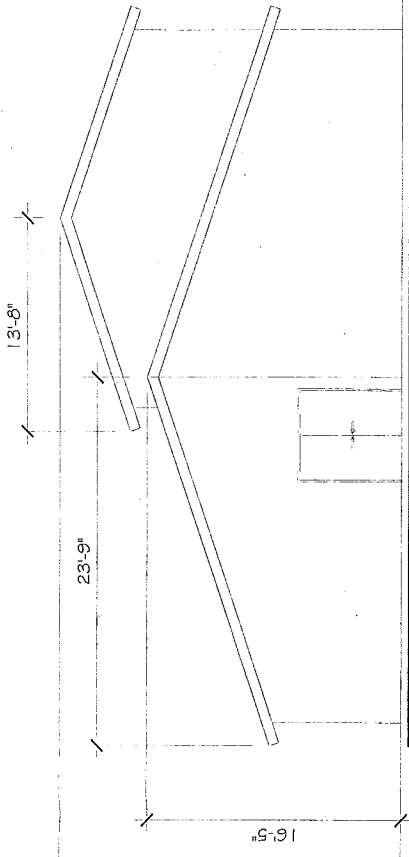
**Project Name and Address**  
**GLORIA**  
420 N. GRAND AVE.  
LONG BEACH, CA 90810  
(562) 433-6026  
B67435-0004

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Date	08/29/09
Drawn	AS NOTED

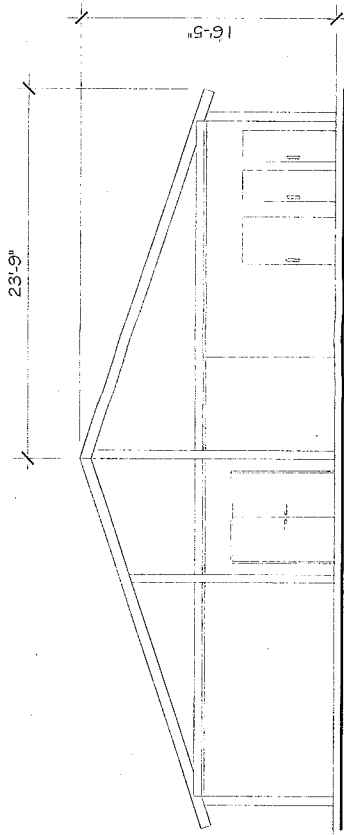
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**A-3.2**



**FRONT VIEW**  
SCALE 1/8" = 1'-0"



**BACK VIEW**  
SCALE 1/8" = 1'-0"



**SECTION B-B**  
SCALE 1/8" = 1'-0"

General Notes

# ELEVATIONS

Firm Name and Address

I & I DESIGNS

6520 COLMAR AVE

REDWOOD CITY, CA 94061

(650) 433-9791

Firm Name and Address

GLORIA

420 N. GRAND AVE.

LOS ANGELES, CA 90010

(213) 433-0454

Project

080004

Date

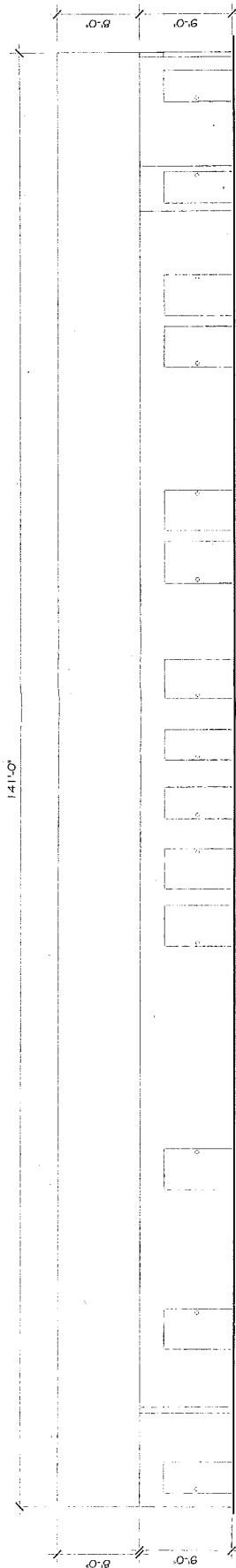
08/28/09

Scale

AS NOTED

Sheet

A-3.3



## SECTION A-A

SCALE 1/8" = 1'-0"

Jul 24 2007 2:52PM LAW OFFICE OF ALLEN BELL 1234

1 Allen J. Bell, Esq.  
 2 Law Offices of Allen J. Bell & Associates  
 3 P.O. Box 221868  
 4 Santa Clarita, CA 91322  
 5 (818) 313-9991

6 Hearing Officer

7  
 8 **BEFORE THE ADMINISTRATIVE HEARING OFFICER**  
 9 **FOR THE CITY OF LONG BEACH, CALIFORNIA**

10  
 11 IN THE ADMINISTRATIVE APPEAL )  
 12 OF DECLARATION OF NUISANCE )  
 13 FOR GLORIOUS MANOR, INC. ) NOTICE OF HEARING OFFICER'S  
 14 LOCATED AT 420 GRAND AVENUE, ) DECISION AND FINDINGS  
 15 LONG BEACH )  
 16 )  
 17 )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )  
 26 )  
 27 )  
 28 )

I.

BACKGROUND

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

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

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

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. Carolyn 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.

17 III

18 WITNESSES CALLED BY GMI AND GLORIA CALIXTO

19 None.

20 IV

21 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



## 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.

## 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).

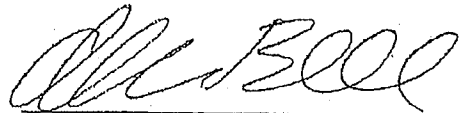
E. GMI and Gloria Calixto have not corrected or abated the nuisance activities or conditions.

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

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:

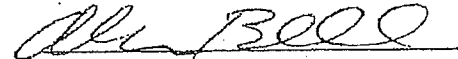
## 1. NOTICE OF HEARING OFFICER'S DECISION AND FINDINGS.

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

PRINCIPAL DEPUTIES

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

DEPUTIES

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

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. Penny Smith, FBI Agent and Neighborhood Resident

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. MAIS  
Assistant City Attorney

VIA PERSONAL SERVICE

May 9, 2007

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)

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Bellinda R. Mayes

DEPUTIES

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

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 licensing. 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.

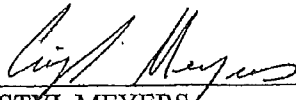
In the event the nuisance is not abated within this time frame, you may be held liable for administrative penalties not to exceed \$5,000.00 per nuisance event, plus all associated costs incurred by the City regarding this matter. Pursuant to section 9.37.100 of the Long Beach Municipal Code, you may, 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,

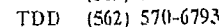
ROBERT E. SHANNON, City Attorney

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



Revised 11/12/99

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:  
DBA: 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.

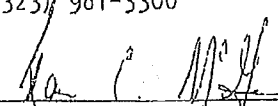
Client Groups Served: WARD/DEPENDENTS

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

**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

*Handwritten: 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 forgiving us the opportunity of meeting with you  
and discussed 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!

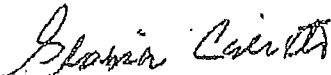
80 18 127 01 125 9233



- 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.

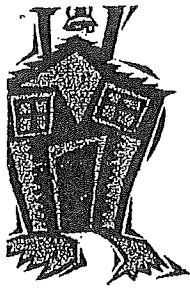
Thank you very much and if you have any question, please call me anytime.

Sincerely,

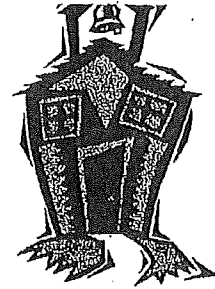


Gloria Calixto  
Executive Director

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, California 90802 • (562) 570-2560

SECTION	SUBSECTION	INITIAL INSPECTION BY	DATE	SECOND RE-INSPECTION BY	DATE
1	2	3	4	5	6
Business Address: 420 GRAND					
Business Name: GIGI'S MANOR					
Business / Property Owner or Management Company: [blank]					
Address: [blank]					
City: [blank]					
State: [blank]					
Zip: [blank]					
Emergency Contact: PETER FAJARDO					
Emergency Contact: [blank]					

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

<input checked="" type="checkbox"/> 1. Service fire extinguishers annually. C.G.R. T19 597.1	<input type="checkbox"/> 26. City rags 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 10-1 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 sprinklers. CFC 1103.3.2.2	
<b>FIRE EXTINGUISHING SYSTEMS</b>		
<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 1001.6.2	<b>DOORS &amp; CONSTRUCTION</b>	
<input type="checkbox"/> 6. Sprinkler control valves shall remain open. CFC 1001.5.1	<input type="checkbox"/> 29. Fire doors not to be obstructed altered or removed. CFC 1111.2.1	
<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"/> 30. Fire doors shall not be held open by doorstops or other unapproved means. CFC 1111.2.2	
<input type="checkbox"/> 8. Clean filters and hoods over cooking areas. FC1005.2.8	<input type="checkbox"/> 31. Fire doors shall be self-closing or automatic closing. CFC 1111.2.1	
<b>FIRE ALARM SYSTEMS</b>		<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 3.24	<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	<b>FLAMMABLE &amp; COMBUSTIBLE LIQUIDS</b>	
<b>EXITING</b>		<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"/> 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, aisles, 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 in 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	<b>PLANS / PERMITS</b>	
<b>SIGNS</b>		<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"/> 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 1109.4.1 and 7901.9	<b>COMPRESSED GASES (CFC)</b>	
<input type="checkbox"/> 17. Label doors to Electrical Rooms. CFC 8509.3	<input type="checkbox"/> 40. Secure compressed gas cylinders to prevent cylinders from falling or being knocked over. CFC 7401.8.4	
<input type="checkbox"/> 18. Post Occupant Load signs in assembly occupancies. CFC 2501.16.1	<input type="checkbox"/> 41. LP-Gas shall not be located near exits or stairs. CFC 8212.4	
<b>ELECTRICAL AND HEATING EQUIPMENT</b>		<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	<b>SMOKE DETECTORS</b>	
<input type="checkbox"/> 20. Extension cords shall not extend through walls, floors, ceilings, or under doors. CFC 8506.3	<input 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 type="checkbox"/> 21. Power taps / surge protectors shall be connected directly to an outlet. CFC 8509.3	<input checked="" type="checkbox"/> 44. Smoke detectors shall be operational at all times. T-19 3.24 & CFC 1001.5.1	
<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		

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

ADDITIONAL VIOLATIONS / COMMENTS		<input checked="" type="checkbox"/> Fire Watch Posted. CFC 1001.6.3.1		PAT	
<input checked="" type="checkbox"/> 1. RESERVE THE EXTINGUISHER IN THE KITCHEN + UPSTAIRS					
<input checked="" type="checkbox"/> OBTAIN A ZONING CHANGE FROM AN I TO AN R OCCUPANCY					
<input type="checkbox"/> OR REMOVE ALL CLIENTS BY APRIL 14 <sup>th</sup> 2007					
<input checked="" type="checkbox"/> PROVIDE ANNUAL CERT 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 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. Failure to comply with 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: [Signature]	NO RP AVAILABLE <input type="checkbox"/>	PRINT NAME: PETER FAJARDO	Resident / Employee <input type="checkbox"/>	Owner / Manager <input type="checkbox"/>	
INITIAL INSPECTION CONDUCTED BY: M. Honda	DID # 70853	FIRST RE-INSPECTION ON OR AFTER DATE: 3/28/07	SECOND RE-INSPECTION ON OR AFTER DATE:		
FIRST RE-INSPECTION CONDUCTED DATE:	BY:	DID #	SECOND RE-INSPECTION CONDUCTED DATE:		
REFERRED TO FP DATE: [blank]					
[ ] ABATED / IN COMPLIANCE [ ] NO VIOLATIONS OBSERVED. [ ] INSPECTING OFFICER'S #					

SECTION	UNIT	INITIAL INSPECTION	FIRST RE-INSPECTION BY	SECOND RE-INSPECTION BY
	RES	NHONDA		

Business Address 420 GRAND.

COCOA-01	FPR#	
	2546	
	53/29/07	

[illegible]

NOTICE RECEIVED BY: NO RP AVAILABLE <input type="checkbox"/>				PRINT NAME:		Resident / Employee <input type="checkbox"/> Owner / Manager <input type="checkbox"/>	
INITIAL INSPECTION CONDUCTED DATE 3/29/09 BY M Honda		DID # 70853		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		DID #	
REFERRED TO CP DATE		<input type="checkbox"/> ABATED / IN COMPLIANCE <input type="checkbox"/> NO VIOLATIONS OBSERVED				INSPECTING OFFICERS # (562) 570 2528	
DATE		BY		DID #			

FR-202 (7/06)

FIIE PREVENTION COPY

LONG BEACH FIRE DEPARTMENT Fire Inspection Report					
Bureau of Fire Prevention • 926 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	N. Honda		
Business Address 420 GRAND					
RPR # 2546					
<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 4/2 RE INSPECTION ALL SMOKE WERE WORKING, <input type="checkbox"/> <input type="checkbox"/> FIRE ALARM STILL NON-OPERABLE (REMAINING ON FIRE WATER) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 4/4-2 SMOKE DETECTORS HAVE LOW BATTERIES <input type="checkbox"/> <input type="checkbox"/> FIRE ALARM IS STILL NON FUNCTIONAL (STILL REMAIN ON FIRE WATER) <input type="checkbox"/> <input type="checkbox"/> WILL REINSPECT ON 4/5 IF THE DETECTORS + THE FIRE ALARM <input type="checkbox"/> <input type="checkbox"/> IS NOT FUNCTIONING PROPERLY & FINE OF \$350 <sup>00</sup> WILL BE GIVEN <input type="checkbox"/> <input type="checkbox"/> 4/5 SPOKE TO ALARM CO ON THE PHONE / ISSUE RESOLVED <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 4/5 SPOKE TO ALARM CO. & THE ALARM IS ONLY LOCALIZED / MANUAL <input type="checkbox"/> <input type="checkbox"/> PULL ONLY, NO CO2 REQUIRED <input checked="" type="checkbox"/> <input type="checkbox"/> 4/23 <input checked="" type="checkbox"/> <input type="checkbox"/> PROVIDE ACCESS KEYS FOR THE FACILITY & RE CERTIFY THE <input type="checkbox"/> <input type="checkbox"/> EXTINGUISHERS IN THE DINING AREA. <input type="checkbox"/> <input type="checkbox"/> PROVIDE CERT (5 YEAR TEST) FOR THE SPRINKLER SYSTEM. <input type="checkbox"/> <input type="checkbox"/> 3 CLIENTS STILL REMAIN PAST THE DEADLINE, A FINE WILL <input type="checkbox"/> <input type="checkbox"/> BE GIVEN IN THE AMOUNT OF \$350 <sup>00</sup> FOR NON-COMPLIANCE. <input type="checkbox"/> <input type="checkbox"/> WILL REINSPECT ON 4/30/07 <input type="checkbox"/> <input type="checkbox"/> OK <input type="checkbox"/> <input type="checkbox"/> 4/30- RE INSPECTED THE EXTINGUISHERS + SPOKE TO THE SPRINKLER CO. <input type="checkbox"/> <input type="checkbox"/> & THEY SAID IT WOULD TAKE 3 WEEKS TO CERTIFY THE SYSTEM. <input type="checkbox"/> <input type="checkbox"/> NO ONE AT THE FACILITY TO GIVE A REPORT TO / ALSO DID NOT HAVE ACCESS <input type="checkbox"/> <input type="checkbox"/> TO THE 2ND FLOOR. TENANTS STILL ON SITE, WILL RE INSPECT IN <input type="checkbox"/> <input type="checkbox"/> 3 WEEKS AT INSPECTION: HONDA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
<p>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 complied with by the owner/responsible party, correct all violations prior to the re-inspection date. CFC 103.2 Any code violations shall be corrected upon receipt of this inspection. 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.</p>					
NOTICE ISSUED BY:		PRINT NAME:		Resident / Employee <input type="checkbox"/> Owner / Manager <input checked="" type="checkbox"/>	
X		PETER FAJARDO			
INITIAL INSPECTION CONDUCTED		DID #		FIRST RE-INSPECTION ON OR AFTER	
DATE 2/28 BY N. Honda		DID # 70853		DATE 4/4/07	
FIRST RE-INSPECTION CONDUCTED		DID #		SECOND RE-INSPECTION ON OR AFTER	
DATE 4/4/07 BY N. Honda		DID # 70853		DATE 4/5/07	
REFERRED TO CP DATE		<input type="checkbox"/> ABATED / IN COMPLIANCE <input type="checkbox"/> NO VIOLATIONS OBSERVED		INSPECTING OFFICERS #	
		DATE BY DID #		(562) 577-9016	

LONG BEACH FIRE DEPARTMENT Fire Inspection Report								FPR 2546																																																																																																																																																																																																																																																																																																																																																				
Bureau of Fire Prevention • 925 Harbor Plaza, Suite 100 • Long Beach, California 90802 • (562) 670-2560																																																																																																																																																																																																																																																																																																																																																												
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<table border="1"> <thead> <tr> <th colspan="5">FIRE EXTINGUISHERS</th> <th colspan="5">HOUSEKEEPING &amp; STORAGE</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>1. Service fire extinguishers annually. C.C.R. T-19 597.1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>25. Only rugs shall be kept in metal containers with tight fitting lids. Empty containers daily. CFC 1103.2.1.3</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>26. Remove combustibles stored in boiler, mechanical or electrical equipment rooms. CFC 1103.3.2.4</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>2. General Business - Provide at least one 2A10-BC or larger extinguisher within 75 feet of travel and on every floor. CFC 1002.1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>27. Reduce storage height to at least 24 inches below ceilings or 18 inches below sprinklers. CFC 1103.3.2.2</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>28. Dumpsters shall not be placed near openings or under roof eaves, unless protected by fire sprinklers. CFC 1103.2.2</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>3. Provide additional extinguishers as needed for special hazards. FC Standard 40.1 or Class K for commercial cooking. CFC 1005.2.7</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">DOORS &amp; CONSTRUCTION</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>4. 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CFC 7902.5.5</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>35. Flammable liquids shall not be stored in basements. CFC 7902.5.11.6</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>8. Clean filters and hoods over cooking areas. FC 1005.2.8</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>36. Flammable and combustible liquids to be limited to amounts necessary for maintenance and operation of equipment. CFC 7902.5.7.2</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>37. Flammable or combustible liquids for use, over 10 gallons, shall be stored approved flammable liquid storage cabinets. 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CFC 105.8 (see back page)</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>10. Post fire alarm operating / reset instructions. CFC 1006.3.4.3</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">COMPRESSED GASES (LPG)</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">EXITWAYS</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>40. Secure compressed gas cylinders to prevent cylinders from falling or be knocked over. CFC 7401.6.4</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>11. Exit doors shall be operable from the inside by single motion, no key or special knowledge required. 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CFC 1206</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">NOTE: This document is NOT a complete list of all violations; refer to the CA Fire</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">SIGNS</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="2">FIRE WATCH POSTED CFC 1001.5.3.1</td> <td>DATE</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>15. Address numbers shall be plainly visible. CFC 901.4.4</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">ADDITIONAL VIOLATIONS / COMMENTS</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>16. Post "No Smoking" and hazard warning signs as required. 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CFC 2501.16.1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">OR REMOVE ALL CLIENTS BY APRIL 14<sup>th</sup> 2007</td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5">ELECTRICAL AND HEATING EQUIPMENT</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="2">PROVIDE ANNUAL CERT FOR THE FIRE ALARM</td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>19. Extension cords shall not be used as a substitute for permanent wiring. CFC 8508.1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td colspan="5"></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>20. Extension cords shall not extend through walls, floors, ceilings, or under doors. 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CFC 1103.3.2.4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	27. Reduce storage height to at least 24 inches below ceilings or 18 inches below sprinklers. CFC 1103.3.2.2	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Provide additional extinguishers as needed for special hazards. FC Standard 40.1 or Class K for commercial cooking. CFC 1005.2.7	<input type="checkbox"/>	<input type="checkbox"/>	DOORS & CONSTRUCTION					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	29. Fire doors not to be obstructed altered or removed. CFC 1111.2.1	<input type="checkbox"/>	<input type="checkbox"/>	30. Fire doors shall not be held open by doorstops or other unapproved means. CFC 1111.2.2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. FDC damaged / obstructed / missing caps. CFC 1001.5.2	<input type="checkbox"/>	<input type="checkbox"/>	31. Fire doors shall be self-closing or automatic closing. CFC 1111.2.1	<input type="checkbox"/>	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. 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CFC 105.8 (see back page)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Post fire alarm operating / reset instructions. CFC 1006.3.4.3	<input type="checkbox"/>	<input type="checkbox"/>	COMPRESSED GASES (LPG)					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EXITWAYS					<input type="checkbox"/>	<input type="checkbox"/>	40. Secure compressed gas cylinders to prevent cylinders from falling or be knocked over. CFC 7401.6.4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	41. LP-Gas shall not be located near exits or stairs. CFC 8212.4	<input type="checkbox"/>	<input type="checkbox"/>	42. 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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 complied with by the owner / responsible party, correct all violations prior to the re-inspection 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.																																																																																																																																																																																																																																																																																																																																																												
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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.

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9.37.180 Alternative method of collection.

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**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 >>



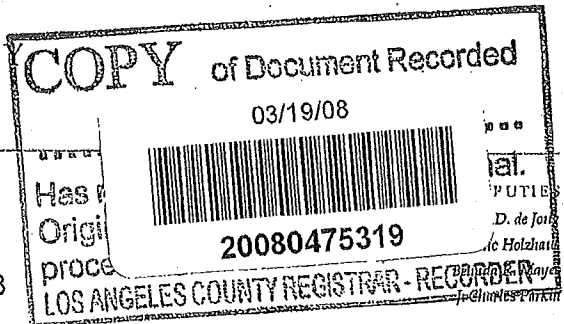
OFFICE OF THE CITY ATTORNEY  
Long Beach, California

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 F. Anthony  
Christina L. Cheek  
Alysha P. Choi  
Lori A. Conway  
Randall C. Fudge  
Charles M. Gale  
Monte H. Machit  
Anne C. Lattime  
Lisa Peskay Malnisten  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffany 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

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

PRINCIPAL DEPUTIES

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

DEPUTIES

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





OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
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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  
Carolyn Bihn, Zoning Administrator  
Richard Bartlett, Business Services



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

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Anne C. Lattine  
Lisa Peskay Malinsten  
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,

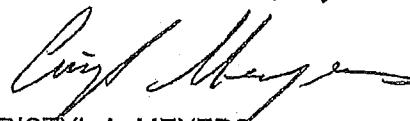
This letter is in response to correspondence dated July 14, 2008, in which you appear to be lodging a request for an appeal stemming from notice that your AUP application was closed. Attached are copies of three notices previously submitted to you on the dates of March 20<sup>th</sup>, April 2<sup>nd</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., 6<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:

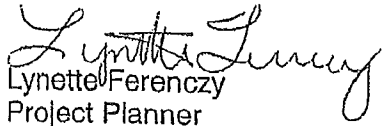
**Your application for an Administrative Use Permit has been found to be *incomplete* with the following deficiencies:**

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 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 (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.

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) 570-6194 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:

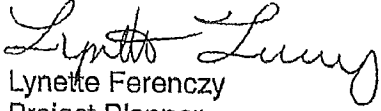
**Your application for an Administrative Use Permit has been found to be *incomplete* with the following deficiencies:**

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.

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,

A handwritten signature in cursive script, appearing to read "Lynette Ferenczy".

Lynette Ferenczy

Project Planner

(562) 570-6273

[lynette\\_ferenczy@longbeach.gov](mailto:lynette_ferenczy@longbeach.gov)

LF



To: City/Myers

GLORIA CALIXTO  
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



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> 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 4<sup>th</sup> and 5<sup>th</sup> 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

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

## **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 EX

**Exhibit F**  
**TO PLANNING COMMISSION**  
**STAFF REPORT**

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> 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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

☐ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> 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: X 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



**Belmont Heights Community Association**

375 Redondo Avenue #332

Long Beach, CA 90814

[www.mybelmontheights.org](http://www.mybelmontheights.org)

January 24, 2011

Gary DeLong

Councilman, 3<sup>rd</sup> District

City of Long Beach

333 West Ocean Blvd.

Long Beach, CA 90802

Dear Councilman DeLong:

Re: Appeal of the Planning Commission's Decision to Deny a Conditional Use Permit at  
420 Grand Avenue

I am writing on behalf of the Belmont Heights Community Association, a volunteer group dedicated to maintaining and improving the quality of life for those living in our neighborhood.

Over the past several years, it has come to our attention on numerous occasions that the business conducted at 420 Grand created a very disruptive environment for those living in the surrounding area. Complaints that were brought to our attention at our monthly meetings or via email, included excessive and loud noise at all hours of the day, increased littering, property defacement, abandoned shopping carts, and other behaviors that ultimately resulted in the business being closed through the "nuisance abatement" process. Although we cannot, with certainty, say that all of these problems were caused by the business at 420 Grand, it seems likely that such was the case as most of the issues were resolved once the business closed. Furthermore, the owner, Ms. Gloria Calixto, was unresponsive to the concerns of her neighbors and made no effort to address the problems.

For these reasons, the Board of the Belmont Heights Community Association is asking that the Mayor and City Council uphold the Planning Commission's decision to deny a conditional use permit at 420 Grand Avenue. We recognize the right of a commercial property owner to conduct business; however, the rights of the immediate neighbors cannot be taken lightly. If Ms. Calixto's past performance and unresponsiveness is any indication of how she will conduct a future, and similar, business in the same location, there is no reason to expect the end result to change. Ms. Calixto has not demonstrated to her neighbors that she deserves to conduct such a business in our community.

Sincerely,

*Dianne Sundstrom*

President, Belmont Heights Community Association

cc: Mayor and all Council Members

**Glorious Manor Inc.**

2703 East 7th Street  
Long Beach, CA 90804  
Gloria Calixto, Executive Director

Tel: 1 (562) 433-0454  
Fax: 1 (562) 433-0545  
Cell: 1 (562) 843-6028

---

January 25, 2011

Honorable Bob Foster, Mayor of the City of Long Beach  
Honorable Members of the City Council

Re: Public Hearing (CUP) on the proposed Learning Academy/Teen  
Counseling Center at 420 Grand Avenue, Long Beach 90813

My name is Gloria Calixto and I am the CEO and president of Glorious Manor Inc., a non-profit tax-exempt agency providing a variety of community services to the residents of the City of Long Beach since 2006.

I am a widow raising a child. My husband passed away in 1980. I have been a resident of the City of Long Beach for more than 30 years. I own a home located on Maine Avenue where my family lives; and a vacant building on Grand Avenue, Long Beach.

Since 2006, I have been operating Glorious Manor Inc. a non-profit community-based agency assisting low-income, unemployed, students and disabled residents who are suffering from the effects of substance abuse. Throughout these past years, the business has assisted hundreds of families and individuals....helping them cope with their problem...guiding them and leading toward a life of sobriety and at the same time...helping them find solutions to some of their other unmet needs such as housing, food and employment. Glorious Manor Inc., has been cited for exemplary service many times by community-based agencies in the Long Beach area. The business has provided employment as well as opportunities for internships to college students.

I own the building located at 420 Grand Avenue which is the subject matter of the hearing. For years I operated successfully a nursing home for the elderly at the location that was licensed by the State and by the City of Long Beach. I decided to close the business in 2003 to focus on providing residential services to foster children who were abandoned, neglected and abused. The facility was licensed by the State of California Department of Public Social Services and by the City of Long Beach. The business, however, did not push through because of our inability to obtain

a contract with the County of Los Angeles.

Sometime in March or April 2007, I ventured into the business of providing shelter for the homeless by utilizing the State license and City license for group home for families that I was able to obtain at that time as well as the State license for Nursing home that was also valid at that time. That was a mistake...on my part for which I have admitted before the City officials on many occasions.

I honestly believed at that time that providing temporary shelter for the homeless especially for families with children...with nowhere to go but at the park and on the streets is an idea worth pursuing. Yes, I admit I was guilty for helping families...a violation of helping homeless Long Beach residents find a safe place for their children. I paid dearly for that mistake...I paid nearly \$35,000.00 in fines to the City of Long Beach.

The place has been vacant for almost 4 years now and I am paying for the mortgage, for the property taxes that are current and for the maintenance and a caretaker to take care of the property.

As property owner, I would like to utilize this particular property. The business that is being proposed, a Learning Academy for Children, is allowed and permitted in that location. The Academy is an after-school program for children, ages to 10 to 18, who come from low-income families who live in the area. The primary focus of the Learning Center is to provide a multi-faceted services such as tutoring on educational problem areas, college preparation, life-long skills, academic and computer literacy, and counseling students in the areas of sex education, parenting, anger management, substance abuse and education, and conflict resolution.

The proposed Learning Academy will be managed by a non-profit tax exempt organization and it will be staffed by professionals, social workers, licensed counselors, medical doctor and teachers and mentors. Interns from CALSTATE Long Beach and other schools will coming in for their training.

Having this proposal denied by the Planning Commission was devastating to me. Why would the community for which I have been a part of for nearly 30 years and where the other business that I am successfully operating for 5 years delivering a variety of much-needed services to those who cannot afford it, deny the proposal for a Learning

Center for children?

Could my previous mistakes prevent me now to open a facility for helping the community of Long Beach particularly the young children who would not be able to avail of these services because there is really not enough places in Long Beach where children can go and learn these activities.

I have made my intentions before the Planning Commission that I am willing to accept all kinds of reasonable terms, conditions and restrictions that the City may impose as a condition for approval of the business license and permit. The City can, at any time, cancel or suspend the business permit or impose a fine and I am perfectly willing to abide.

Long Beach is the city where I raised my family, where I buried my husband, a city to watch my grandchildren grow up. I've always been a strong believer that a strong education will benefit my community. That is why I am so passionate on having this Learning Academy for Children to open. I am asking the Honorable Mayor and members of the City Council to help me help the community,

Respectfully Submitted,



Gloria Calixto

3001 Maine Avenue

Long Beach, CA 90806