

**ADMINISTRATIVE USE PERMIT
FINDINGS
Case No. 1809-05 (Mod 18-018/AUP 0703-18)
1368 Oregon Avenue
January 3, 2019**

- 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 subject site's General Plan Land Use Designation is LUD #9G, General Industry, which is an industrial use designation. The use is consistent with the policies of the City's Housing Element, specifically Policy 2.2 calling support for continued efforts to implement and expand the Continuum of Care program for homeless persons. The zoning district is IG, General Industrial, which requires approval of an Administrative Use Permit for institutional land uses, such as a homeless shelter. The Planning Commission has the ability to determine a use that is subject to an Administrative Use Permit to be consistent with the General Plan if it can be found that the proposed use will not be detrimental to other uses in the vicinity. The homeless shelter has been in continuous use since 2005 with no detrimental impacts to the area. There are no specific plans or zoning overlays for this site and it is not located in the Coastal Zone.

- 2. The approval will not be detrimental to the surrounding community including public health, safety, general welfare, environmental quality or quality of life;**

By means of discretionary Administrative Use Permit conditions, measures have been placed on this application since 2005 to mitigate impacts to the surrounding community. There has been no indication that the homeless shelter has been detrimental to public health, safety, general welfare, environmental quality or quality of life. The shelter does not provide services for drop-in clients, but assists individuals that have been identified through the Coordinated Entry System (CES). The operator, Catholic Charities, provides case management to clients to access housing assistance, employment readiness and services, and other available resources. Operating procedures at the shelter do not allow clients to loiter outside the building or on nearby streets. Residents are not permitted to have visitors on site. Security staff will be on-site 24-hours a day, seven (7) days a week to monitor the facility. As conditioned, the proposed modification request will not impact the surrounding community.

3. The approval is in compliance with the special conditions for the use enumerated in Chapter 21.52; and

Chapter 21.52 of the LBMC does not provide special conditions pertinent to this application.

As defined in Zoning Code Section 21.15.2475, a “shelter” is a residential land use for more than six (6) transient occupants and is classified as one type of special group residence. Pursuant to Zoning Code Section 21.52.271, the following conditions apply to special group residences:

A. **Density.** In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district multiplied by the number indicated in Table 52-2. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area; In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district multiplied by the number indicated in Table 52-2. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area;

The project site is located in a nonresidential zone (IG), and the proposed shelter does not meet the Section 21.15.910 definition of a dwelling unit, including “separate, self-contained, permanent living quarters” and “which occupants live and eat separately from any other person in the building.” Furthermore, the shelter is existing and the number of clients serviced is being reduced. As the shelter does not provide separate residential units, and tenancy is limited to 90 days for clients, this condition does not apply to this proposal.

B. **Location.** In a residential district, no other similar facility may be in operation within one-half (1½) mile of the proposed project site. If the use is a fraternity or sorority, the use shall be sufficiently isolated from other residential uses so as not to potentially disturb the neighborhood;

The project site is not located in a residential district and therefore this condition does not apply to this project proposal.

- C. **Concerns.** Consideration of the conditional use permit shall address crime rate, concentration of similar uses, and the style and scale of the proposed building in relation to other buildings in the immediate vicinity;

There are no similar shelter uses in the immediate vicinity of the project site. The closest social service providers are Catholic Charities at 123 E. 14th Street and Goodwill Industries at 800 W. Pacific Coast Highway, which provides education and job preparation and training. Feedback from the Long Beach Police Department regarding this existing shelter was positive, and supportive of the shelter in the area.

- D. **Continuation of Use.** The applicant shall provide evidence that the use will remain as that use applied for through deed restriction or other method suitable to the Planning Commission;

The project is a homeless shelter that is currently operating with an Administrative Use Permit. This condition is not applicable to this project proposal.

- E. **Open Space.** Each facility shall provide not less than three hundred (300) square feet of common open space and one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150) square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space added to the required three hundred (300) square feet of common open space;

The project is an existing homeless shelter. The facility has an outdoor patio area abutting the northern building wall. This communal area is over 1,500 square feet in size and improved with tables, chairs, and landscaping. The open space standards are not applicable to this use as the project is a group facility meant to provide temporary housing up to 90 days. The existing common open space provides outdoor access to clients.

- F. **Public Transit Stop.** The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and

There is an existing bus stop located at the northeast corner of Anaheim Street and Oregon Avenue, approximately 300-feet from the project site.

- G. **Parking.** Parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).

Chapter 21.41 of the Zoning Code specifies the required number of off-street parking spaces for various types of residential and non-residential land uses. However, there is no listing for a homeless shelter parking requirement, and therefore the number of parking spaces would be determined on a case by case basis through the Administrative Use Permit process.

The project site presently provides four parking spaces. Typically, no more than four staff members are anticipated to be on-site at any one time. The shelter does not provide walk-in services, and the clients served by the facility do not typically have private automobiles. Therefore, the existing number of parking spaces are found to be adequate for the facility.

4. The related development approval, if applicable, is consistent with the green building standards for public and private development, as listed in Section 21.45.400.

Section 21.45.400 specifies specific types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable.

**ADMINISTRATIVE USE PERMIT
CONDITIONS OF APPROVAL
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1. This permit and all development rights hereunder shall **terminate two years** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. The use permitted on the site, in addition to other uses permitted in the IG zone, shall be a 40-bed year-round homeless shelter.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
5. This approved use is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow **periodic re-inspections**, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council Zoning Code Section 21.25.212). At a minimum, the City shall inspect the facility on an annual basis or whenever a complaint is received. If violations are found to exist, the operator shall be given 30 days to bring the facility into full compliance. Failure to bring the use into compliance shall result in the Director of Development Services scheduling a hearing before the Planning Commission for the purpose of determining whether to commence revocation procedures.

6. In the event of **transfer of ownership** of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
7. AU operational conditions of approval for this permit **must be posted** in a location visible to the public, in such a manner as to be readable when the use is open for business.
8. AUP conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
9. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Zoning Administrator, respectively.
10. Site development shall conform to the approved plans on file in the Development Services Department. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Health Department stamps **shall be maintained at the job site** at all times for reference purposes during construction and final inspection.
11. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City of the inspection cost as per the special building inspection specifications established by the City Council.
12. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
13. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
14. Any graffiti found on site must be removed within 24 hours of its appearance.

15. The applicant shall submit a **Parking Plan** for the review and approval of the Director of Development Services. The Plan shall provide at a minimum the following parking spaces: 1) one parallel parking space abutting the northern building wall between the northwestern entry and the loading/unloading area; and 2) three side-by-side parking spaces in the western portion of the loading/unloading area, with one space complying with minimum required disabled accessible dimensions. All parking spaces shall conform to current standards relative to current screening, landscaping, paving, striping and lighting development standards. All on-site parking areas serving the site shall provide appropriate **security lighting** with light and glare shields to avoid any light intrusion onto adjacent or abutting properties pursuant to Zoning Code Section 21.41.259.
16. **No loud noises** in violation of the City's Noise Ordinance shall be permitted on the subject site at any time. The operator of the approved use shall **prevent loitering, disruptive behavior and loud noises** on the subject site and the public rights-of-way abutting the subject site. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, additional lighting/private security guards or alteration of business hours/number of clients served.
17. **Energy conserving equipment**, lighting and construction features shall be utilized on the building.
18. All structures shall conform to the Long Beach Building Code Requirements. Notwithstanding this subject permit, all other required by the building Code for roof repairs and other structural improvements.
19. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole mounted yard lighting foundations and planters.
20. Any and all rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors, and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Development Services prior to the issuance of building permit.
21. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not

limited to, sewer capacity charges, Park Fees and Transportation Impact Fees. In addition, a National Pollutant Discharge Elimination System permit may be required prior to any storm waters being discharged from the project site.

22. Demolition, site preparation, and construction activities are limited to the following:
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. – 6:00 p.m.; and
 - c. Sundays: not allowed
23. All refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services. All trash and refuse collection shall be on a pick-up schedule which will minimize the amount of time discarded food products remain on-site. The operator shall submit a refuse collection schedule for the review and approval of the Director of Development Services.
24. Adequate toilet and shower facilities shall be provided to all homeless adults to the satisfaction of the Director of Development Services and the Health Department.
25. The applicant shall provide **dining facilities** adequate to accommodate in one evening the maximum number of homeless clients permitted under this approval to the satisfaction of the Health Department and the Director of Development Services.
26. All bedding and overnight sleeping accommodations shall be continuously provided to all homeless clients to the satisfaction of the Health Department and the Director of Development Services.
27. The homeless shelter is permitted to operate as a 24-hour, 7-days a week facility. Clients are allowed to stay on-site throughout the day, and/or leave the premises as needed for job-related activities, appointments, etc. However, no loitering outside the building or immediate area shall be permitted.
28. The entire facility shall accommodate no more than 40 homeless adults (ages 18 or over only; no persons under 18 shall be eligible for client services at any time) per night OR the maximum occupancy established by the Fire Marshal, whichever is lower.
29. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit. The applicant shall provide the following to the satisfaction of the Fire Chief:
 - a. Establish building occupancy type;
 - b. Identify locations of nearest fire hydrants;
 - c. Justify locations and dimensions of all exits for the men's area;

- d. Justify the location and dimensions of the loading dock exit;
 - e. Provide and maintain adequate alarm systems and panic hardware;
 - f. Provide security locks for all electrical boxes.
30. The following shall be provided to the satisfaction of the Director of Public Works:
- a. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic striping and signing, street tree removals and plantings in the public right-of-way shall be performed under an approved Public Works permit only;
 - b. Any off-site improvements found to be damaged as a result of construction activities shall be reconstructed by the applicant to the satisfaction of the Director of Public Works;
 - c. The public sidewalk adjacent to the project site shall meet ADA minimum standards. The applicant shall verify that the existing curb ramp and surrounding public sidewalk shall meet those standards and make any modifications and dedications necessary;
 - d. The applicant shall provide one street tree with root barriers in a four foot by four foot tree well on Oregon Avenue adjacent to the site. The applicant and/or successors shall privately maintain all required street trees as well as all landscaping and sprinkler systems required as part of this project;
 - e. The location of any proposed driveway shall be review and approved by the Director of Public Works;
31. The following shall be completed to the satisfaction of the Superintendent of Building and Safety:
- a. All project site facilities shall be accessible to and usable by the physically disabled per Title 24, California Code of Regulations;
 - b. The applicant shall have a Special Building Inspection performed for the proposed change of use prior to approval of any building permits;
 - c. The applicant shall comply with all applicable requirements of the National Floor Insurance Program.
32. Homeless clients residing at the facility may enter and exit the site from 7:30 a.m. – 9:30 p.m. No walk-in services shall be provided at any time. Facility staff shall prevent unnecessary loitering outside the facility and surrounding area.
33. The operator shall submit a Security Plan for the review and approval of the Chief of Police and the Director of Development Services prior to the issuance of a business license, which shall include the following:

- a. Security staff shall be present at the site on a 24-hour basis to the satisfaction of the Director of Development Services and the Chief of Police. At least one uniformed and bonded security guard shall be stationed at the project facility and shall monitor the outdoor areas at least every half-hour on a continuous basis. The Security Plan shall specify the number of security personnel and overnight staff at the project site and the supervision procedures for both indoor and outdoor (loading/unloading into facility vehicles and short term smoking areas) activities.
 - b. The facility shall be wired and adequately equipped with alarm systems;
 - c. The interior office doors shall be of solid core construction with dead bolt style locks;
 - d. Viewers shall be installed on all office doors and any doors where deliveries are made;
 - e. No external mailboxes shall be permitted on the project site (to prevent identity theft). All mail shall be delivered directly into the property at a locked and secured area;
 - f. No shrubbery shall be planted along the perimeter of the project site that exceeds two (2) feet in height. No shrubbery shall be placed under any window in a manner that could provide concealment. No tree canopies shall fall below seven (7) feet;
 - g. All exterior lighting shall be of metal halide type. All doors (including sliders) shall be equipped with photosensitive light fixtures to remain on during all hours of darkness;
 - h. All exterior lighting shall be a minimum of four (4) candle foot lighting, with wall pack lighting on the exterior walls. The Security Plan shall include a security lighting plan for the review and approval of the Chief of Police prior to the approval of any building permits;
 - i. All addresses shall be clearly marked throughout the project site;
 - j. All addresses and signage shall remain lit, free of any obstructions such as landscaping, and protected from the weather;
 - k. No unauthorized roof access shall be permitted;
 - l. All trash enclosures shall be enclosed on all four sides with a secured top; and
 - m. The shelter shall participate the City's Neighborhood Watch program.
34. The applicant shall fully comply with all mitigation measures set forth in the Mitigated Negative Declaration (ND 17-04) prepared for this project as required for AUP 0703-18, which are as follows:
- a. All personal belongings of shelter clients shall be stored on-site and out of public view. Any exterior storage of belongings shall be limited to the fenced-in portion of the property located along the northern half of the project site. For privacy and security, battens or another form of screening shall be incorporated into the existing fencing or an alternative form of screened fencing shall be installed.

TIMING: Field inspection prior to issuance of occupancy permits

ENFORCEMENT: Planning Bureau

- b. Prior to the issuance of building permits, the applicant/property owner shall satisfy the request of the California Regional Water Quality Control Board (Regional Board) for a detailed letter explaining and justifying the intended change of use for the project site. Further, the applicant/property owner shall obtain from the Regional Board a "No Further Requirements" letter for 1368 Oregon Avenue for the proposed residential land use. The letter shall be submitted to the Environmental Health Bureau of the City's Department of Health and Human Services.

TIMING: Prior to issuance of building permits

ENFORCEMENT: Environmental Health Bureau, Department of Health and Human Services

- c. Prior to the issuance of building permits, the applicant/property owner shall have contacted the Department of Toxic Substance Control and completed the required process for environmental clearance for a residential land use, including the preparation of a Human Health risk Assessment (HHRA) for the project site. All completed documentation shall be submitted to the Environmental Health Bureau of the Department of Health and Human Services.

TIMING: Prior to issuance of building permits

ENFORCEMENT: Environmental Health Bureau, Department of Health and Human Services

- d. Prior to the issuance of certificates of occupancy, the applicant shall prepare, and submit for review and approval, an evacuation plan that addresses all aspects of a necessary evacuation from the shelter due to a hazard or emergency. The plan shall be prepared to the satisfaction of the Fire Chief or his appointee and shall be submitted to the Fire Department to be kept on file.

TIMING: Prior to issuance of building permits

ENFORCEMENT: Fire Department

35. The applicant shall provide and continuously maintain four (4) on-site parking spaces, including one disabled accessible parking space, in compliance with all applicable code requirements for parking space and aisle dimensions.
36. The applicant shall submit a Services Plan for the review and approval of the Director of Development Services. The Plan shall specify all services to be available to all clients and detailing the following information:

- a. All types of counseling services, identifying each service as voluntary or mandatory to clients;
 - b. The location of all services, identifying which services are to be provided at the project site and which services are to be provided off-site;
 - c. The typical session time, frequency and overall duration of each client service and
 - d. Criteria used to assess client needs for provision of services.
37. This Administrative Use Permit is only valid for Catholic Charities and only for 24-hour homeless shelter for up to 40 clients. This Administrative Use Permit shall not be transferable.
38. Both the applicant and property owner shall execute a written waiver restricting all rights granted by this Administrative Use Permit to Catholic Charities only. This waiver shall be recorded as a covenant on the subject property to the satisfaction of the City Attorney.
39. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.