



CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

H-5

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6194 FAX (562) 570-6068

August 3, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Hearing on Appeals of an Administrative Use Permit Request for Establishment of a Homeless Shelter in an Existing Industrial Building, Located at 1368 Oregon Avenue (District 1).

DISCUSSION

The applicant (Institute of Urban Research and Development) is requesting approval of an Administrative Use Permit to establish a permanent homeless shelter for adults only in a vacant industrial building located at 1368 Oregon Avenue. The zoning designation for the subject site is IG, General Industrial, which requires approval of an Administrative Use Permit for all institutional land uses, such as a homeless shelter.

The Institute of Urban Research and Development would operate the proposed shelter under their Project ACHIEVE program, which provides a case management approach to address the multiple needs of homeless persons. This proposed shelter would provide a maximum of 59 beds with separate sleeping and restroom areas for men and women (maximum 44 men and 15 women). While this would be a permanent homeless shelter facility, client services are intended to be on a short-term basis not to exceed 90 days for each individual client.

On July 1, 2004, the Planning Commission conducted a public hearing on this Administrative Use Permit request. Staff recommended approval of this request based on the findings that the proposed shelter provides a needed public service for the City's homeless population and the recommended conditions of approval would provide adequate safeguards against noise, loitering and other potential adverse effects to the project site and surrounding areas. During the public hearing, the Commission heard testimony from several dozen business owners and concerned citizens regarding the potential impact of the proposed shelter upon the surrounding area. The motion to approve the applicant's request was made by Commissioner Jenkins and seconded by Commissioner Winn. The motion passed 4-2, with Commissioners Gentile, Greenberg, Jenkins and Winn voting for approval and Commissioners Rouse and Sramek voting in opposition (Commissioner Stuhlberg was absent from this hearing).

A total of 19 appeals of the Planning Commission's approval were submitted within the required 10 day appeal period. The appellants and the reasons for filing their appeals are as follows:

1. George Janich, Magnolia Industrial Group: the area is zoned for industrial uses and should not have any residential uses;
2. Philip Raymond Jebbia, Seven J. Investment Company: possible loss of tenants and increased crime;
3. John Matovich, J & B Properties: project would have a negative impact on the surrounding area;
4. Barry Potechin: shelter would be detrimental to the area;
5. George Pappas, G & B Wholesale Foods: shelter would create unsafe conditions for area employees;
6. Jane Kelleher: location inappropriate for a homeless shelter;
7. John Abazis: shelter will lower neighboring property values;
8. Henry Tucker, Body, Frame and Wheel: shelter will drive away customers and businesses;
9. Dan Berns, as both Chair of the Westside Project Area Committee and as President of The Berns Company: shelter will have negative impact on neighborhood and Commission hearing was unfair;
10. Ken Mason: shelter will increase crime and loitering;
11. Ken Wirtz, California Swaging & Cable Products Company: will present case against shelter approval to the City Council;
12. Frank Ernendes, JF Fixtures & Design: unsuitable for industrial area and will pose safety risks;
13. Steve Marderosion, Hand Made Wood: site is a bad location and inadequate in size;
14. Geoff Bennett, Caravan Manufacturing Company: wrong site for this facility;
15. Leonard Chudacoff, Magnolia Industrial Group: shelter is not compatible with industrial land uses;
16. Candace Mead: inappropriate site with known toxins, ethically and fiscally irresponsible;
17. Jack C. Smith: not appropriate for an industrial area and a toxic site which could expose the City to litigation;
18. Bob Stilwell, Long Beach Seafood Company: more time is needed to present case for opposition; and
19. Annie Greenfeld-Wisner, Neighborhood Advisory Group: too many unanswered questions on site and proposed services.

Michael J. Mais, Assistant City Attorney, reviewed this report on July 19, 2004.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Mitigated Negative Declaration (ND 17-04) was prepared for this project on June 10, 2004 and certified by the Planning Commission at their July 1, 2004 meeting. As documented in ND 17-04, the site underwent remediation work for removal of hexavalent chromium contaminated soil and received clearance from the California Regional Water Quality Control Board for future industrial uses. Mitigation measures were set forth in ND 17-04, and incorporated into the project conditions of approval, which require the applicant to obtain approval from the regulatory agencies having

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jurisdiction over remediation of contaminated sites and fully comply with all directives of such agencies prior to obtaining permits to establish the proposed shelter operations.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that the Planning Commission's recommendation must be transmitted to the City Clerk for presentation to the City Council within 60 days of the July 1, 2004 Planning Commission action.

A 14-day public notice of the hearing is required.

FISCAL IMPACT

Not applicable.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1) Receive the supporting documentation into the record and conclude the public hearing; and
- 2) Uphold the decision of the Planning Commission and deny the appeal requests.

Respectfully submitted,

CHARLES GREENBERG, CHAIR
CITY PLANNING COMMISSION

BY: 

FADY MATTAR

ACTING DIRECTOR OF PLANNING AND BUILDING

Attachments:

1. Planning Commission staff report, ND 17-04 and attachments for July 1, 2004 Planning Commission meeting
2. Appeal forms