



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

FAX (562) 570-6068

APRIL 4, 2013

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve an Administrative Use Permit (AUP) to establish an administrative office and professional services for an off-site social service use in an existing non-conforming, non-residential structure located at 420 Grand Avenue within the townhouse or row house residential district (R-3-T) zone. (District 3)

APPLICANT: Juan Manuel Correa  
114 W. Market Street  
Long Beach, California 90805  
(Application No. 1212-14)

## DISCUSSION

The project site is located on the east side of Grand Avenue between 4<sup>th</sup> Street to the south and 5<sup>th</sup> Street to the north (Exhibit A – Location Map) and is surrounded by multi-family residential to the north, commercial uses to the south and east, and a mixture of single-family and multi-family residential to the west. Located within a residential zone (R-3-T), the subject property is improved with an approximately 7,000-square-foot building originally constructed in 1954 as a nursing home/convalescent hospital. The property is considered a non-conforming, non-residential structure, as it is a commercial building within a residential zone.

The subject property has not had an active business license for more than twelve months; consequently, rights from any previous non-conforming use have been abandoned. When a property has lost its rights to a non-conforming use by abandonment, the Zoning Code allows an Administrative Use Permit (AUP) application to be submitted to establish a use permitted within the neighborhood pedestrian (CNP) zone. In this case, the applicant is proposing to establish an administrative office and professional services at the subject property for an existing off-site social service facility located at 2703 E. 7<sup>th</sup> Street.

According to the information provided by the applicant, the proposed use will not be open to the public and all clients from the off-site location will be transported to the subject property via a shuttle service where they will enter and exit the facility from the designated loading space at the rear of the property that provides direct access into the building (Exhibit B – Plans & Photographs). No walk-ins or drop-offs and pick-ups by personal vehicles will be permitted. Staff is recommending that a minimum ratio of one staff person to eight clients

must be maintained during business hours, which are limited to 10:00 A.M. to 5:00 P.M. Monday through Friday. There will be no night or weekend activity.

Professional services that will be provided on site to clients include: physical activity classes such as aerobics, yoga, meditation, and strength training; artistic and educational activities such as painting, reading and writing, computer classes, and tutoring; 12-Step group sessions (limited to eight people maximum at one time); and parenting classes. These services will be provided for adult clients from 10:00 A.M. to 2:00 P.M., and for youths age 10-18 from 2:00 P.M. to 5:00 P.M..

The subject property has been the focus of neighborhood nuisance abatement activity in the recent past that has negatively affected the community and which resulted in cessation of previous business activities. The applicant has applied for a use that is more appropriate for this location. The proposed project has been presented to the Belmont Heights Community Association (BHCA) on two occasions. As a result, the applicant is aware of the community's concern that the proposed uses may bring a return of the problems which led to the formal action by the City to abate the previous nuisances. In response, the applicant has worked with staff to establish clear operating guidelines, which are memorialized in the recommended Conditions of Approval.

The operating parameters set forth in the Conditions of Approval will ensure that the approved uses should not be detrimental to the surrounding community. Further, the conditions will also provide a metrics as to whether the applicant is operating within the agreed upon guidelines in the event there is a question or complaint from the community in the future. This approach balances the needs of the applicant to be able to utilize the property and avoid economic hardship while ensuring the uses do not negatively impact the surrounding neighborhood.

Staff believes that approval of this application will have a minimal impact upon the surrounding area assuming the applicant operates within the conditions of approval. Staff therefore recommends that the Planning Commission approve, subject to conditions, the Administrative Use Permit for the proposed administrative office and professional services (Exhibit D – Findings and Conditions of Approval).

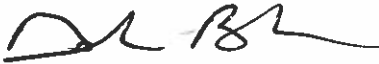
### **PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community group on December 30, 2012, and January 7, 2013, and public hearing notices were distributed on March 18, 2013. Staff has received several phone calls and letters regarding the proposed use. Letters and emails received as of the date of the writing of this report are attached (Exhibit E – Public Comments).

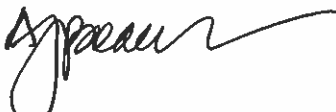
### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 12-097) was prepared for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



DEREK BURNHAM  
PLANNING ADMINISTRATOR



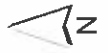
AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:SG:AZ

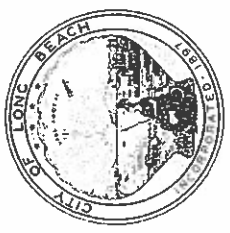
Attachments: Exhibit A – Location Map  
Exhibit B – Plans & Photographs  
Exhibit C – Conditions of Approval & Findings  
Exhibit D – Categorical Exemption (CE12-097)  
Exhibit E – Public Comments



# Exhibit A



**Subject Property:**  
 420 Grand Ave  
 Application No. 1212-14  
 Council District 3  
 Zoning Code : R-3-T



## ADMINISTRATIVE USE PERMIT CONDITIONS OF APPROVAL

Application No.: 1212-14

Address: 420 Grand Avenue

Date: April 4, 2013

1. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request approved by the Zoning Administrator, 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 subject site, subject to the conditions listed below, is as follows:
  - An administrative office and personal services for an office-site social service use located at 2703 E. 7<sup>th</sup> Street.
  - Hours of operation for the approved use shall be limited to 10:00 A.M. – 5:00 P.M. Monday through Friday only.
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).

### SPECIAL CONDITIONS

4. In addition to the *Conditions of Approval Acknowledgment Form* required pursuant to Condition #3, the property owner, business owner, and applicant shall sign and notarize an *Affidavit of Compliance* form provided by the Department of Development Services whereby they acknowledge they have read, understood, and agree to abide by all Conditions of Approval required pursuant to the Planning Commission's approval of the subject Administrative Use Permit. This permit shall be invalid if the property owner, business owner, and applicant fail to return the signed and notarized *Affidavit of Compliance* within 30 days from the effective date of approval.
5. The permitted use is not open to the public and is an administrative office and professional service solely for staff and clients of the social service use located at 2703 E. 7<sup>th</sup> Street.
6. All clients, both adult and youth, of the social service use located at 2703 E. 7<sup>th</sup> Street shall be transported from 7<sup>th</sup> Street by the applicant to the

subject property at 420 Grand Avenue in order to utilize the professional service facilities. No walk-ins are allowed. No drop-offs or pick-ups by personal vehicles allowed.

7. The shuttle used to transport clients from 7<sup>th</sup> Street to 420 Grand Avenue shall not use any public street or alley to load or unload passengers.
8. At 420 Grand Avenue, loading and unloading of passengers shall occur only in the designated loading zone parking space at the rear of the building located behind the gate. Client entry to and exit from the facilities shall be from the back door located adjacent to the loading/unloading space.
9. Applicant shall install an automatic, electric gate at the back of the building for access in and out of the designated loading area.
10. Clients waiting to be transported back to 2703 E. 7<sup>th</sup> Street shall wait inside the building. No loitering outside is permitted.
11. No outdoor activity is permitted.
12. Administration staff and instructors arriving in their personal vehicles must park in the on-site parallel parking stalls on the north side of the building. On-site staff-to-client ratio shall be to the satisfaction of the State licensing requirements but shall not exceed a minimum ratio of 1-staff member per 8 clients.
13. The hours of operation stated in Condition #2 must be strictly adhered to. No night activities are permitted, not even for special events. Generally, the applicant has indicated that between the hours of 10:00 A.M. and 2:00 P.M. adult client services will be available and from 2:00 P.M. to 5:00 P.M. youth clients aged 10-18 will be utilizing the professional services.
14. The professional services permitted at the subject property include: physical activity classes such as aerobics, yoga, meditation, and strength training; artistic and educational activities such as painting, reading and writing, computer classes, and tutoring; 12-Step group sessions (limited to less than 8 people); and parenting classes.
15. The exterior paint and signage for the building shall be upgraded prior to the issuance of a business license and is subject to the approval of the Director of Development Services.
16. The existing landscaping in the planters shall be removed, replaced with drought tolerant plants, and maintained in good condition at all times. Applicant is also responsible for maintaining the street trees and keeping all landscape areas free of weeds, garbage, and the like.

17. Applicant shall submit plans to the Building Bureau and Fire Department for a change of use permit and to ensure the building conforms to minimum building, plumbing, fire, housing, electrical and earthquake provision as necessary to protect public health and safety.
18. Prior to the issuance of a business license, applicant shall have paid all outstanding administrative penalties, fines, costs, and other fees that may be owed to the City due to previous nuisance abatement actions and code violations.
19. All exterior security bars shall be removed from the structure prior to the issuance of a business license and should be part of the scope of work for the change-of-use building permit.
20. Applicant shall provide on-site security personnel during business hours.
21. As indicated on the plans submitted for the Administrative Use Permit, the applicant shall install exterior security cameras. The installation of those security cameras shall be pursuant to the Long Beach Police Department's **Video Surveillance System Guidelines**:

- A video surveillance system should be installed to assist with monitoring the property. However, it must be understood that a video surveillance system should not take the place of good security practices. Most outdoor surveillance systems are useful in assisting with the remote monitoring of an area, but less effective in helping with the identification of suspects. This is due to the greater distance involved and lack of adequate light available after dark. Therefore, the cameras should be positioned to monitor more narrow and controlled areas such as indoor applications and doorways.

The purpose of the following guidelines are to increase the likelihood that images captured will assist in the apprehension of suspects. The following guidelines are not all-inclusive, and a licensed video surveillance expert should be consulted to assist in designing and installing the system.

- **Camera Locations**
  - All main common area entries and exits
  - Parking lots and garages
  - Elevator lobbies
- **Camera Specifications**
  - Record in color with output of at least 480 lines resolution.
  - Automatic exposure for day/night conditions.
  - Positioned where they are vandal and tamper resistant.

- Use vandal resistant housings where necessary
- **Video Recording Equipment Specifications**
  - A Digital Video Recorder (DVR) should be used.
  - Capable of exporting images in TIFF, BMP or JPG format.
  - DVR capable of exporting video to uncompressed non-proprietary AVI file, maintaining original aspect ratios.
  - Recordings should be retained for no less than 10 days.
  - Use the least amount of compression possible to maintain high-resolution image quality. A lower quality image to save storage space is highly discouraged, as the low quality images will be useless to law enforcement.
  - The DVR units must be stored in a secure place.

**STANDARD CONDITIONS:**

22. 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.
23. 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 that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
24. This approval 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 City Council (Sec. 21.25.412, 21.25.212).
25. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
26. Prior to 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.

27. All operational conditions of approval of 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.
28. The Director of Long Beach 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 Zoning Administrator or Planning Commission, respectively.
29. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
30. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants 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 for the inspection cost as per the special building inspection specifications established by the City Council.
31. 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).
32. Exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
33. Any rooftop equipment shall be located behind a screening device attached to the roof of the building and shall not exceed 10' in height above the existing roof. The equipment shall be screened behind a screening device that matches the color and texture and is architecturally compatible with the existing building, to the satisfaction of staff.
34. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.

35. Any graffiti found on site must be removed within 24 hours of its appearance.
36. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
37. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Planning and Building may require additional preventative measures such as but not limited to, additional lighting or private security guards.
38. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
39. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
40. 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.
41. 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.
42. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - 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
43. Any unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.

44. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



# NOTICE of EXEMPTION from CEQA

# EXHIBIT D

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- 12-097

Project Location/Address: 420 GRAND AVE.

Project/Activity Description:  
ADMINISTRATIVE PROFESSIONAL OFFICES;  
SPORTS; AEROBICS, YOGA MEDITATION, WEIGHTS

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

Applicant Name: JUAN HANVEL CORREA

Mailing Address: 114 W. MARKET ST. REAR, LONG BEACH, CA. 90805

Phone Number: (562) 477-3046 Applicant Signature:

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1212-14 Planner's Initials: AZ

Required Permits: Administrative Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15.301: Existing Facilities

Statement of support for this finding: Applicant is proposing to establish an office and professional services at an existing non-conforming, non-residential structure in a residential zone. There is no change to the physical structure.

Contact Person: ANGIE ZETTERQUIST Contact Phone: 562 570 6553

Signature: Date: March 19 2013



**Fw: 420 grand Ave.**  
Amy Bodek to: amy.bodek@longbeach.gov

03/26/2013 08:33 AM

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Councilman Delong

As a resident that would be impacted by the project at 420 grand Ave, My wife and I oppose the Administrative use permit.

The property owner has in the past illegally used this property in her substance abuse program. In a conversation with an East Division Police Officer the property/substance abuse business at 7th and Obispo was called "a cancer on the community". This is a testimate to both what type of clients we would expect in our neighborhood and the way this business is operated. The 7th street business is owned by the same person who owns 420 Grand..

While the 420 grand ave. property was used illegally in this substance abuse business, the surrounding neighborhood had an increase in burglaries, tagging, fights in the street in front of 420 grand and increased police presence.

The property owner has a right to use her property commercially however she does not have a right to use it in a manner that would impact the residential property values and safety for the residents of the neighborhood. Parking is already a growing problem and I do not believe that this business has a plan that would address this problem or the impact they will bring.

Robert Kittel  
3836 east 5th st

Gay M. Keating  
3943 E. 4<sup>th</sup> St., #5  
Long Beach, CA 90814

March 21, 2013

Planning Commission

City of Long Beach

333 W. Ocean Blvd.

Long Beach, CA 90802

Re: Proposed Administrative Use Permit @ 420 Grand Ave., Long Beach

Dear Planning Commission:

I am strongly opposed to the proposed change of use at 420 Grand Ave. The property is currently zoned R-3-T and it is proposed to turn this fairly large sized building into a commercial use.

The building has no parking except street parking. This alone will very negatively impact a quiet residential neighborhood.

Business people going in and out of the above building with slamming doors, car alarms going off,

And so forth will very negatively impacts residents nearby.

Allowing such a use would set an onerous precedent for all Long Beach residents.

Please deny this proposed Administrative Use Permit.

Sincerely,



Gay Keating