



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

FAX (562) 570-6068

MAY 2, 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 proposed Administrative Use Permit (AUP) for the subject property was initially presented to the Planning Commission on April 4, 2013. During the presentation, a number of questions regarding the proposed use were posed to the applicants and nearly a dozen community members spoke in opposition to the proposal.

At the conclusion of public comments, the Planning Commission brought the item behind the rail, moved to continue the item to May 2, 2013, and instructed staff to meet with the applicant to clarify the professional services that would be provided if the AUP is approved. The Planning Commission also directed staff to return with Findings for approval and revise the draft Conditions of Approval to include additional conditions limiting the number of shuttle trips per day, the number of groups per day, the number of people in a group at any one time, and including a requirement that the proposed use is brought back to the Commission in six months for review.

Staff met with the applicant, Juan Manuel Correa, and the Administrator of the proposed facility, Peter Fajardo, on Monday, April 15, 2013, to define and clarify the proposed professional uses. The educational programs and physical health classes will be offered only to high-functioning clients coming from the existing addiction treatment facility at 2703 E. 7<sup>th</sup> Street. The applicants explained that a high-functioning client is one who has completed the core rehabilitation program at the 7<sup>th</sup> Street location and is being transitioned out of that program. The educational and physical classes offered at 420 Grand Avenue are meant to assist those clients about to leave the program to transition successfully back into a life free of addiction.

The applicants also clarified the scope of the educational programs and physical health classes that will be offered: classes on HIV/AIDS, anger management, domestic violence, and teen pregnancy; college and job preparation, coping and stress management, computer classes; and yoga, aerobics, and strength training. The applicants provided a tentative monthly schedule that reflects the educational programs and physical health offerings that would be offered at the site (Exhibit A – Tentative Schedule).

In addition to clarifying the proposed professional uses at the subject site, the applicants agreed to limit the number of trips from their main facility at 2703 E. 7<sup>th</sup> Street to the subject property. Trips will be limited to two round trips between 10:00 A.M. and 2:00 P.M. for adult clients and two round trips between 2:00 P.M. and 5:00 P.M. for their youth clients (ages 11-18). At no time will there be more than 16 people, including group facilitators and instructors, participating in the professional services being offered at the site. This number does not include staff working in the administrative offices, which is a separate function. Additionally, at no one time will there be more than 8 people, including instructors or facilitators, participating in any single group activity, session, or class.

As discussed at the April 4, 2013, hearing, 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 12-seat passenger van 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. No walk-ins or drop-offs and pick-ups by personal vehicles will be permitted. The business hours are limited to 10:00 A.M. to 5:00 P.M. Monday through Friday. There will be no night or weekend activity.

Many members of the community testified at the April 4, 2013, hearing recalling their personal experiences of living through serious nuisance issues that have occurred at the subject property. Those nuisance issues were the focus of a formal neighborhood nuisance abatement response by the City, which resulted in cessation of previous business activities and the assessment of fines. To avoid a recurrence of the previous nuisance, the proposed Conditions of Approval include operating parameters that will ensure the approved uses are not detrimental to the surrounding community so long as the applicant complies with all conditions. Further, the conditions will also provide a metric 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 activities 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 B – Findings and Conditions of Approval).

May 2, 2013

Page 3 of 3

Respectfully submitted,



DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:SG:AZ

Attachments: Exhibit A – Tentative Schedule  
Exhibit B – Conditions of Approval & Findings

# EXHIBIT A

## SCHEDULE FOR 2013

	Monday	Tuesday	Wednesday	Thursday	Friday
AM 10:00AM to 12:00PM PM 2:00PM to 5:00PM	<b>AM - ODF</b> Group Interaction Computer Lab. <b>PM - DCH</b> Weekend Sharing Computer Lab.	<b>AM - ODF</b> HIV/AIDS/STDS PE/Aerobics/Yoga <b>PM - DCH</b> HIV/AIDS/STDS PE/Aerobics/Yoga	<b>AM - ODF</b> JOB Prep. Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.	<b>AM - ODF</b> 12 STEPS PE Exercise <b>PM - DCH</b> Teen Issues PE Exercise	<b>AM - ODF</b> Spiritual Guidance Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.
AM 10:00AM to 12:00PM PM 2:00PM to 5:00PM	<b>AM - ODF</b> Group Interaction Computer Lab. <b>PM - DCH</b> Sharing Computer Lab.	<b>AM - ODF</b> Domestic Violence PE Exercise <b>PM - DCH</b> Teen Issues PE Exercise	<b>AM - ODF</b> JOB Prep. Computer Lab. <b>PM -</b> Tutoring Computer Lab.	<b>AM - ODF</b> Anger Issue PE Exercise <b>PM -</b> Teen Issues PE Exercise	<b>AM - ODF</b> Video/Intervention Computer Lab. <b>PM -</b> Tutoring Computer Lab.
AM 10:00AM to 12:00PM PM 2:00PM to 5:00PM	<b>AM - ODF</b> Group Interaction Computer Lab. <b>PM - DCH</b> Sharing Computer Lab.	<b>AM - ODF</b> Family Issue PE/Aerobics/Yoga <b>PM - DCH</b> Teen Issues PE/Aerobics/Yoga	<b>AM - ODF</b> JOB Prep. Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.	<b>AM - ODF</b> Q/A on Drugs PE Exercise <b>PM - DCH</b> Teen Issues PE Exercise	<b>AM - ODF</b> Spiritual Guidance Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.
AM 10:00AM to 12:00PM PM 2:00PM to 5:00PM	<b>AM - ODF</b> Group Interaction Computer Lab. <b>PM - DCH</b> Weekend Sharing Computer Lab.	<b>AM - ODF</b> Relapse Issue PE Exercise <b>PM - DCH</b> Teen Issues PE Exercise	<b>AM - ODF</b> JOB Prep. Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.	<b>AM - ODF</b> Anger Issue PE Exercise <b>PM - DCH</b> Teen Issues PE Exercise	<b>AM - ODF</b> Video/Intervention Computer Lab. <b>PM - DCH</b> Tutoring Computer Lab.
AM 10:00AM to 12:00PM PM 2:00PM to 5:00PM	<b>AM - ODF</b> Group Interaction Computer Lab. <b>PM - DCH</b> Weekend Sharing	<b>AM - ODF</b> Sobriety Issue PE/Aerobics/Yoga <b>PM - DCH</b> Teen Issues	* <b>ODF</b> Outpatient Drug- Free Program * <b>DCH</b> Day Care Habilitative		

**ADMINISTRATIVE USE PERMIT  
CONDITIONS OF APPROVAL****Application No.: 1212-14****Address: 420 Grand Avenue****Date: May 2, 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 professional services for an off-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 approved use shall be subject to a six-month review hearing in front of the Planning Commission to ensure compliance with the Conditions of Approval. The hearing shall be scheduled six (6) months after operations commence at the location, but not more than eight (8) months from the effective date of approval.

6. 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.
7. 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.
8. The shuttle service is limited to a total of four (4) roundtrips per business day as follows: two roundtrips between 10:00 A.M. and 2:00 P.M. for adult clients and two roundtrips between 2:00 P.M. and 5:00 P.M. for youth clients.
9. 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.
10. 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.
11. Applicant shall install an automatic, electric gate at the back of the building for access in and out of the designated loading area.
12. Clients waiting to be transported back to 2703 E. 7<sup>th</sup> Street shall wait inside the building. No loitering outside is permitted.
13. No outdoor activity is permitted.
14. At no time shall there be more than sixteen (16) people, including clients and group facilitators and/or instructors, participating in the professional services being offered at the site. This number does not include the staff working in the administrative offices, which is a separate function.
15. Any single group activity, session, or class is limited to less than 8 people, including instructors or facilitators.
16. 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.
17. 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.

18. 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 classes on the HIV/AIDS, Anger Management, Domestic Violence, Teen Pregnancy, College and Job Preparation, Coping and Stress Management, Parenting Skills, 12-Step group session, computer classes, and tutoring.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. Applicant shall provide on-site security personnel during business hours.
25. 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:**

26. 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.



27. 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.
28. 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).
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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).
36. Exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
37. 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.
38. 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.
39. Any graffiti found on site must be removed within 24 hours of its appearance.
40. 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.
41. 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 Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
42. 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.
43. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
44. 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.

45. 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.
46. 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
47. 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.
48. 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.

**ADMINISTRATIVE USE PERMIT  
FINDINGS  
APPLICATION No. 1212-14  
Address: 420 Grand Avenue  
Date: April 4, 2013**

- 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 property is located within the R-3-T zone (townhouse or rowhouse residential district) with an underlying General Plan designation of Mixed Retail/Residential Strip (803). The R-3-T zone is typically located in areas in transition from commercial to residential uses whereas the purpose of the Mixed Retail-Residential Strip District is to provide a land use environment in which residential uses predominate on 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 subject property is improved with a 7,300 square-foot building originally constructed in 1954 as a nursing home/convalescent hospital. The non-residential structure is considered to be legal non-conforming as it is a commercial structure within a residential zone. The property 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.

The property has not had a valid business license in over twelve months, consequently, the previously licensed use is considered abandoned pursuant to 21.27.050 A. of the Zoning Code. When a property has lost its rights to a non-conforming use by abandonment, the Code at 21.27.505 A.1. allows for an Administrative Use Permit (AUP) application to be submitted to establish a CNP (neighborhood pedestrian) permitted use.

The applicant has submitted an AUP application seeking to establish administrative offices and professional services for an off-site social service located at 2703 E. 7<sup>th</sup> Street.

Allowing an administrative office and professional service use at the subject property is consistent with the Zoning Code as the code allows, through the AUP process, to establish a CNP permitted use at an abandoned nonconforming, nonresidential structure. Further, office commercial is a discretionarily allowed use in the R-3-T zone and, although the General Plan designation allows for free-standing commercial, an office and professional service use that is not open to the public will have less impact on the surrounding residential uses than a free-

standing retail allowed under the Mixed Retail-Residential Strip District of the General Plan.

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

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. To address the past issues and to prevent future nuisance issues, the applicant has applied for a use that is more appropriate for this location. Additionally, the applicant has presented the proposal 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.

Knowing the history of the subject property, as part of the application submittal package for the Administrative Use Permit to establish a CNP permitted use at a nonconforming, nonresidential structure abandoned for more than 12 months, the applicant has included specific information on the how the administrative office and professional service use will be operated. Included in the applicant's information on how the site will be operated includes hours of operation (10:00 A.M. to 5:00 P.M., Monday through Friday) and a provision for shuttle transportation for clients from their off-site location. The parameters provided by the applicant in addition to conditions of approval required by the City will ensure that the approved use will not be detrimental to the surrounding community. Further, the conditions of approval, which will include the applicant's specific operational information, will also provide a metrics as to whether the applicant is operating appropriately in the event there is a question or complaint from the community in the future.

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

Chapter 21.52 does not provide special conditions to establish a CNP permitted use in nonconforming, nonresidential structure abandoned for more than 12 months.