



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

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

January 19, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, deny the appeal, and uphold the Planning Commission decision to approve a Conditional Use Permit for a check cashing use located at 4200 Atlantic Avenue. (District 8)

DISCUSSION

On October 15, 2009, the Planning Commission voted 5-2 to approve a Conditional Use Permit request for a check cashing use located within a multi-tenant commercial building at 4200 Atlantic Avenue (Exhibit A – Planning Commission Staff Report). The project was appealed on October 21, 2009 (Exhibit B – Appeal). The appellants contend that the existing exterior canopy is compromised and the signage is excessive and unacceptable. Planning staff met with the applicant and appellants in an attempt to find a solution to the signage issue, and no agreement could be made. To address the issues with the signage, staff added condition of approval, No. 12, requiring that all signage be modified/replaced to the satisfaction of the Director of Development Services. The building was also cited by Code Enforcement for illegal signage and a compromised canopy.

The applicant is requesting approval of a Conditional Use Permit to legalize the business. The payday advance business consists of a 242-square-foot customer waiting area with approximately 1,000 square feet of office (Exhibit C – Plans & Photographs). The business has been operating at the current location since 2005. The Police Department has reviewed the request and has no objection to approval.

Check cashing uses were reviewed last year by staff during a one-year moratorium. The moratorium was approved to address a proliferation of check cashing uses throughout the city. The proliferation issue was reviewed by staff and it was determined that there were over 106 illegal check cashing businesses citywide. This finding led the City Council to deny the proposed extension of the one-year moratorium and instead directed staff to bring all illegal check cashing businesses into conformance. In response to City Council's direction, staff sent letters to all illegal businesses asking them to apply for a Conditional Use Permit or lower their fees to under two dollars per check.

The Conditional Use Permit is required to assist staff in addressing issues including security, crime, and as a means of notifying the public of the proposed use. To mitigate

issues that are typically associated with check cashing uses, staff consults with the Police Department to determine if there are any site-specific issues with crime. Staff will also request significant upgrades to the building, signage and landscaping, and will work with the applicant on operational conditions of approval, such as limited hours of operation, security issues and a limit on fees.

The applicant, in order to mitigate existing site issues, has agreed as conditions of approval, to paint the exterior of the building, replace non-conforming signage and replace/modify trees in the public-right-of-way. These proposed improvements are consistent with changes required for other check cashing uses and will help to significantly improve the appearance of the site. With the incorporated conditions of approval, staff is recommending approval (Exhibit D-Conditions of Approval).

This letter was reviewed by City Attorney Michael Mais on December 28, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on December 30, 2009.

TIMING CONSIDERATIONS

The Municipal Code requires a City Council hearing within 60 days of a Planning Commission decision. A City Council hearing also is required within 60 days of receipt of an appeal of Planning Commission action. The applicants requested a date after the holidays, thus allowing a hearing to be conducted outside of the required 60-day period.

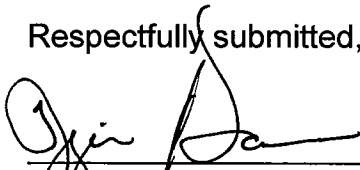
FISCAL IMPACT

All fees associated with the Conditional Use Permit will be deposited in the Development Services Fund (SR 137) in the Development Services Department (DV). The appellant will be responsible for all costs associated with this project.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



REGINALD I. HARRISON
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

RH:DB:SV

P:\Planning\City Council Items (Pending)\Council Letters\2010-01-19\4200 Atlantic Avenue- January 19, 2009 CCV3.doc

- Attachments:
- Exhibit A – Planning Commission Staff Report
 - Exhibit B – Appeal
 - Exhibit C – Plans and Photographs
 - Exhibit D – Conditions of Approval



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

October 15, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request for an existing check cashing business located within a multi-tenant commercial building at 4200 Atlantic Avenue. (District 8)

APPLICANT: Cash Advance America, Inc.
c/o Doug Otto
111 W. Ocean Blvd, Suite 1300
Long Beach, CA 90802
(Application No. 0908-04)

DISCUSSION

The subject site is located at 4200 Atlantic Avenue (Exhibit A – Location Map) at the corner of a multi-tenant commercial building within the Neighborhood Pedestrian Commercial District (CNP) and is developed with a total building area of 9,782 square feet. The applicant has been operating a payday advance business since 2005. Money order, check cashing and money transfer services are also provided. The applicant is requesting approval of a Conditional Use Permit to legalize the existing payday advance business. The payday advance business consists of a 242-square-foot customer waiting area with approximately 1,000 square feet of office (Exhibit B – Plans & Photographs). The hours of operation for the payday advance business are Tuesday-Thursday 9:30 a.m.- 7:30 p.m., Monday and Friday 9:30 a.m. – 7:30 p.m., Saturdays 9:30 a.m. – 5:00 p.m. and closed on Sundays.

The business has been operating since 2005 without adverse impacts to the neighborhood. The Police Department has reviewed the request and has no objection to approval. The store has one public entrance that faces the corner of Atlantic and Cartagena Avenues. Approval of this request will result in a number of on-site improvements including new paint to the exterior of the building, replacement of non-conforming signs and replacement/addition of landscaping trees in the public-right-of-way. In addition, the property would be subject to operating conditions of approval along with the Police Department security requirements. The applicant must also obtain a City business license. These conditions will improve the appearance of the site and allow the City to

better regulate the business to ensure that no problems arise. With the conditions incorporated, staff is recommending approval (Exhibit C – Findings & Conditions).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on August 26, 2009, and public hearing notices were distributed on September 24, 2009, in accordance with the provision of the Zoning Ordinance. No responses have been received at this time.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-061) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a horizontal line extending to the right.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:sv

- | | |
|-------------|--|
| Attachments | Exhibit A – Location Map |
| | Exhibit B – Plans & Photos |
| | Exhibit C – Findings & Conditions |
| | Exhibit D – Categorical Exemption 09-061 |



CITY OF LONG BEACH

PSPR 9082

Department of Development Services

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

APPLICATION FOR APPEAL

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

<input type="checkbox"/> Zoning Administrator	on the <u>15th</u> day of <u>OCTOBER</u> , 20 <u>09</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): JOHN DEATS AND JOY TUZZOLINO

Project Address: 4200 ATLANTIC AVENUE, LONG BEACH, CA. 90807

Project Description: APPROVAL OF A CONDITIONAL USE PERMIT TO LEGALIZE THE EXISTING PAYDAY ADVANCE BUSINESS.

Reasons for Appeal: (1) THE "NEW" SIGNAGE AS APPROVED BY THE PLANNING COMMISSION IS UNACCEPTABLE. THE "PAYDAY ADVANCE" SIGNAGE SHOULD BE REMOVED ALTOGETHER OR REDUCED TO NOT MORE THAN 12 INCHES IN HEIGHT.

(2) THE STRUCTURAL INTEGRITY OF THE CANOPY UPON WHICH THE SIGNAGE IS MOUNTED HAS BEEN COMPROMISED BY YEARS OF NEGLECT. THE CANOPY SHOULD BE THOROUGHLY INSPECTED AND REPAIRS MANDATED IN THE INTEREST OF THE SAFETY OF PASSERSBY.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

<input type="checkbox"/> Approve	this application.
<input checked="" type="checkbox"/> Deny	

Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>JOHN DEATS</u>	<u>JOY TUZZOLINO</u>	
Address:	<u>3600 PACIFIC AVENUE</u>	<u>4134 ATLANTIC #206</u>	
City/ZIP:	<u>LONG BEACH, 90807</u>	<u>LONG BEACH 90807</u>	
Phone:	<u>(562) 822-1265</u>	<u>562 424-8273</u>	
Signature:	<u>John Deats</u>	<u>Joy Tuzzolino</u>	

(Staff Use Only/Below This Line)

Received by: SV Case No.: 0907-27 Date of Appeal: 10/21/09

Materials Required: Plans Photographs Special Materials

Fee: 50.00 Fee Paid Date of Appeal Hearing: 60 Days

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

4200 Atlantic Avenue
Application No. 0908-04
October 15, 2009

1. This use permitted on the site, in addition to other uses permitted in the CNP zone, shall be a payday advance, check cashing, money transfer and money order business.
2. 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 submitted to and approved by the Zoning Administrator prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
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. The hours of operation are limited to Monday-Sunday 8:00 a.m. to 7:30 p.m.
5. In the event of an increase of crime as determined by the Chief of Police, additional security measures shall be established to the satisfaction of the Long Beach Chief of Police. A review of crime shall take place annually and or as needed bases.
6. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
7. Exterior phones, security bars and roll up doors shall be prohibited.
8. The applicant shall maintain a customer waiting/service area of sufficient size to fully accommodate anticipated queuing lines. Such waiting/service area shall provide not less than fifty square feet for each teller window.
9. The Department of Development Services, the Department of Community Development, and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments shall have the power to require additional security measures including, but not limited to, security guards, security cameras, and additional security lighting if problems develop at the site.

10. Prior to issuance of a business license the exterior of the building shall be touched – up with new paint and cleaned where necessary, to the satisfaction of the Director of Development Services.
11. If more than three persons are in line to cash a check, obtain a money order or pay day advance, an additional cashier or check stand shall be open to prevent customer queuing.
12. All existing signage of the applicant on the building shall be modified/replaced to the satisfaction of the Director of Development Services.
13. A detailed, complete and unambiguous schedule of all fees shall be posted in a location that can be easily read by the public both in English and Spanish. The information shall be clear and legible and letters not less than 1/8 inch.
14. Prior to issuance of a business license all dying or dead plants must be replaced to the satisfaction of the Director of Development Services.

Standard Conditions:

15. 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.
16. 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.
17. 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).
18. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
19. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Zoning Administrator and/or the Planning Commission.

20. 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 Zoning Administrator or Planning Commission; respectively.
21. 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.
22. Any graffiti found on site must be removed within 24 hours of its appearance.
23. 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 Director of Development Services prior to the issuance of a building permit.
24. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
25. 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.
26. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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.
28. 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

29. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or 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.