



AGENDA ITEM No.

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

May 6, 2010

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request to allow a check cashing use at 1162 E. 7th Street located in the CCP (Community Commercial Pedestrian Oriented) zoning district. (District 2)

APPLICANT: Jae Man Im
1162 E. 7th Street
Long Beach, CA 90813
(Application No. 0904-07)

DISCUSSION

The subject site is located at 1162 E. 7th Street (Exhibit A – Location Map) at the southwest corner of 7th Street and Orange Avenue. The site has a zoning designation of Community Commercial Pedestrian Oriented (CCP) and is developed with a neighborhood commercial shopping center (Exhibit B- Plans). The applicant currently operates a check cashing business within an existing retail use and has been operating at the site since 2005. The applicant was unaware of the Conditional Use Permit requirement for a check cashing use in this zone until he received a violation letter from the City. This violation letter was issued after City Council directed City staff in 2009 to assist all illegal check cashing businesses citywide to comply with the City's check cashing standards.

The check cashing use complies with both the intent of the General Plan and the Zoning Regulations as the service type is appropriate in the LUD # 8N and the CCP zone with a Conditional Use Permit. The check cashing hours of operation will be limited from 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday and Sunday. Several improvements have been made at the site: payphones have been removed, the metal roof has been power washed, and additional landscaping has been planted.

With the added Conditions of Approval requiring the signs to be refurbished, new irrigation system, new paint and limits on check cashing fees, staff recommends approval of the Conditional Use Permit since no adverse effects are expected as a result of the check

CHAIR AND PLANNING COMMISSIONERS

May 6, 2010

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cashing use. In order for the Planning Commission to approve this request, positive findings must be made as indicated in the attached documents (Exhibit C-Findings & Conditions).

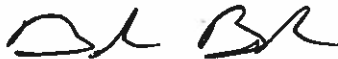
PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on April 12, 2010, and public hearing notices were distributed on April 19, 2010, in accordance with the provision of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-025) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



REGINALD I. HARRISON *for*

INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:MM

P:\Planning\PC Staff Reports (Pending)\2010-5-6\1162 E. 7th Street

Attachments

Exhibit A – Location Map

Exhibit B – Plans

Exhibit C – Findings & Conditions

Exhibit D – Categorical Exemption 09-025

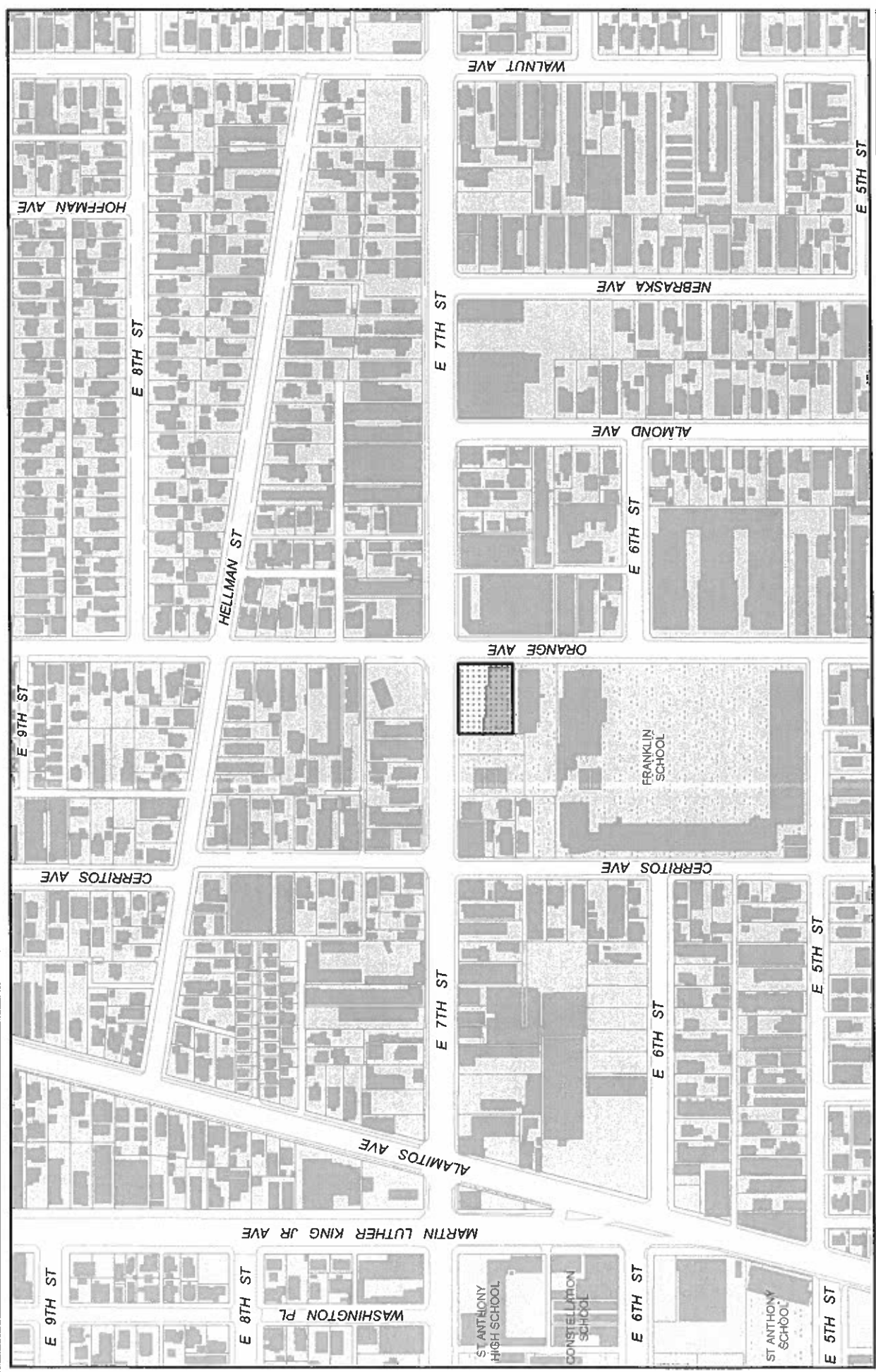
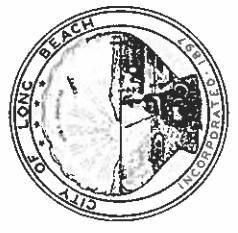


Exhibit A



Subject Property:
1162 E 7th St
Application No. 0904-07
Council District 2
Zoning Code : CCP



CONDITIONAL USE PERMIT FINDINGS

1162 E. 7th Street

No. 0904-07

May 6, 2010

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 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 project site is located in Land Use District #8N—Shopping Nodes. LUD #8N accommodate retail and service uses exclusively, primarily in small clusters. The zone classification of the project is Community Commercial Pedestrian Oriented (CCP) district. A check cashing service is allowed in this zone through the Conditional Use Permit process, subject to the special conditions enumerated in Section 21.52.212 of the Municipal Code. Approval of this project would be consistent with the General Plan and the Zoning regulations.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use will not be detrimental to the surrounding community. The applicant has been conducting business within the shopping center since 2005. No adverse impacts have been reported at the location therefore no public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

- 3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

Section 21.52.212 states that the following conditions shall apply to check cashing services:

- A. Off street parking for check cashing businesses shall be the same as for banks and savings and loans as required by chapter 21.41.**

Chapter 21.41 requires a ratio of 5/1000 square feet. The owner of the development received an approval for a variance of parking requirements in

July 24, 1989, allowing the site to maintain 41 parking spaces. Therefore, the applicant is requesting a waiver this finding.

B. If established in an existing shopping center, off street parking shall be provided as required for a shopping center by chapter 21.41.

Similarly, Chapter 21.41 requires a ratio of 5/1000 square feet for a shopping center. The owner of the shopping center received an approval for a variance of parking requirements in July 24, 1989, allowing the site to maintain 41 parking spaces. Therefore, the applicant is requesting a waiver of this finding.

C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.

The proposed location has storefront windows and the windows are clear. Condition number 6 prohibits any obstruction to windows.

D. Exterior phones, security bars and roll up doors shall be prohibited.

No exterior phones are located outside of the shopping center. Conditions number 7 prohibits exterior phones, security bars and roll up doors.

E. The floor plan shall include a customer waiting/service area of sufficient size to fully accommodate anticipated queuing lines. Such waiting/service area shall provide not less than fifty (50)-square feet for each teller window.

The floor plan indicates only one-window teller therefore requires 50 square feet of area to accommodate queuing lines. The applicant is requesting a waiver of this condition since he services no more than two clients per hour for check-cashing service and the majority of his cliental primarily purchase general retail. His current waiting area is 30 square feet.

F. The hours of operation shall be stated in the application and shall be subject to review.

The hours of operation are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m. and on the Weekends 9:00 a.m. to 2:00 p.m.

CONDITINAL USE PERMIT CONDITIONS OF APPROVAL

1162 E. 7th Street

No. 0904-07

May 6, 2010

1. This use permitted on the site, in addition to other uses permitted in the CCP zone, shall be a check cashing business within an existing shopping center.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless all conditions of approval have been completed 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. All Conditions of Approval from Application 8802-04 shall remain in effect unless otherwise specified herein and any other applicable applications. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition (s) shall take precedence.
5. The existing freestanding sign located at the corner of 7th street and Orange Avenue shall be refurbish to include: cleaning, new paint, new face signs (replace faded sign) new address sign and repairs to the electrical components.
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 check cashing hours of operation are limited to Monday through Friday 9:00 a.m. – 7:00 p.m., Weekends 9:00 a.m. – 2:00 p.m.
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. The developer shall provide 1 street tree for each 25 feet of street frontage in the public right of way along 7th street to the satisfaction of the Department of Public Works and Director of Development Services.
11. The landscape areas shall maintain berms of at least 2' high. The landscape plans shall include low shrub hedge for the screening of the parking area.
12. The landscape area shall provide a design of annual plants that are drought tolerant along the corner of 7th Street and Orange Avenue. The plants cannot be less than 5-gallons and the area shall be lush and full with working automated sprinkler system.
13. The owner shall incorporate a new irrigation system to the site to maintain a healthy landscape area.
14. The repaving on the site shall consist of light-colored pavement or concrete. The pavement material shall be submitted to the Director of Development Services for approval prior to issuance of a building permit.
15. Repainting of the exterior building shall be completed within four months of the approval of this permit to the satisfaction of the Director of Development Services. The owner shall be required to initially submit color samples to be approved to the satisfaction of the Director of Development Services prior to applying the paint to the building.
16. The installation of a new bike racks shall be installed at the site.
17. A permanent sitting waiting area shall be designed at the site to accommodate the existing laundry use.
18. Fees for check cashing shall not exceed 1% of the face value of the check.
19. A detailed, complete and unambiguous schedule of all fees shall be posted in a location that can be easily read by the public in both English and Spanish. The information shall be clear and legible and letters not less than 1/8 in inch.

Standard Conditions:

20. 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.
21. 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.

22. 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.
23. 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).
24. 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.
25. 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.
26. 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.
27. 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.
28. Any graffiti found on site must be removed within 24 hours of its appearance.

29. 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.
30. 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.
31. 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.
32. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
33. 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.
34. 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
35. 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.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH 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, 5th Floor
Long Beach, CA 90802

☐ L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 09-025

Project Location/Address: 1162 E 7th St. Long Beach CA 90813

Project/Activity Description:

for check cashing Permit
New land use added to existing retail market
with minor interior modifications

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

Applicant Name: JAE MAN IM

Mailing Address: 1162 E 7th St. Long Beach CA 90813

Phone Number: 562-432-4379 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0904-07 Planner's Initials: MM

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Check cashing land use added to existing
retail market with minor interior alterations.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 4/27/10