



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

September 16, 2010

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Approve a Conditional Use Permit request to establish a check cashing and money order business within an existing convenience store located at 4360-62 Stearns Street in the Neighborhood Pedestrian (CNP) District. (District 4)

APPLICANT: Sherrie Olson for Stearns Liquor
4360 Stearns Street
Long Beach, CA 90819
(Application No. 1007-19 and CE 10-058)

DISCUSSION

The subject site is located at 4360-62 Stearns Street (Exhibit A – Location Map), just east of Lakewood Boulevard. The site is located within the Neighborhood Pedestrian (CNP) District and is developed with two commercial buildings. The first structure (the subject building) was constructed in 1947 as a retail store; the second building was built in 1948 as a cleaning and pressing shop. The applicant currently operates a check cashing business within the existing market and charges one percent of the face value of the check. Money order services are also provided along with the check cashing and retail use. The business has been operating with no adverse effects under the current ownership since 2006. The applicant applied for a Conditional Use Permit to legalize the check-cashing portion of the business and recently remodeled the building by painting, removing signage and reducing the amount of signage on the windows (Exhibit B – Plans & Photos). The Police Department has also reviewed the request and has no issues with the request. Thus, with the added conditions of approval requiring the removal of graffiti, limited check cashing fees, and reduced signage, staff is recommending approval of the Conditional Use Permit.

The current request with conditions of approval is consistent with the General Plan and the requirements of the Zoning Regulations (Exhibit C – Findings & Conditions).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on August 23, 2010, and public hearing notices were distributed on August 27, 2010, in accordance with the provisions of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 10-058) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AB:DB:sv

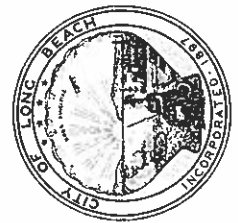
Attachments

- Exhibit A – Location Map
- Exhibit B – Plans & Photos
- Exhibit C – Findings & Conditions
- Exhibit D – Categorical Exemption 10-058



Exhibit A

Subject Property:
4360 Stearns St
Application No. 1007-19
Council District 4
Zoning Code : CCP



CONDITIONAL USE PERMIT FINDINGS

4360-62 Stearns Street

No. 1007-19

September 16, 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 was created to accommodate retail and service uses, exclusively, primarily in small clusters. A neighborhood retail cluster is intended by this plan for every community within one-half mile of each residence, if feasible. The existing check cashing use and market meets the intent of Land Use District No.8N by providing financial services and convenience supplies to nearby residence.

The zone classification of the project is Neighborhood Pedestrian Commercial (CNP) 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 applicant has been conducting a check cashing business within the existing market since 2007 and no adverse impacts have been reported at the site. With the incorporation of condition of approval, which includes the removal of graffiti, reducing signage, maintenance of landscaping, a limit on check cashing fees and Police security measures, the use will not be detrimental to the surrounding community. Thus, 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 parking ratio of 5 spaces for every 1000 square feet of gross floor area, similar to a shopping center. The existing market is considered legal non-conforming because it was built before our current parking standards were in place. No additional parking can be provided due to the current configurations of the buildings on the lot. Therefore, staff is requesting that the Planning Commission waive this standard.

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

The check cashing use is not located within a shopping center and is considered legal non-conforming in terms of parking.

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

The subject site has storefront windows and the windows are conditioned to be at least 10% clear. Condition number five prohibits any obstruction to windows.

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

Condition number six requires the removal of existing phones and prohibits the placement of 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 cashing of checks is processed at an existing cash register with sufficient space to accommodate five customers. Condition number seven was added, requiring the applicant to provide a customer waiting/service area of sufficient size to fully accommodate large queuing lines. The condition also requires that a new cashier line be opened when more than three people are in line. With this condition, staff asked that this condition be waived.

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- Sunday 8:00 a.m. – 8:00 p.m.

CONDITINAL USE PERMIT CONDITIONS OF APPROVAL

4360-62 Stearns Street

No. 1007-19

September 16, 2010

1. This use permitted on the site, in addition to other uses permitted in the CNP zone, shall be a check cashing business within an existing market.
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. In the event of an increase of crime as determined by the Chief of Police, additional security matures shall be established to the satisfaction of the Long Beach Chief of Police. A review of crime shall take place annually or on an as needed bases.
5. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
6. Exterior phones, security bars and roll up doors shall be prohibited.
7. The applicant shall maintain a customer waiting/service area of sufficient size to fully accommodate anticipated queuing lines. If more than three customers are in line, a new cashier line shall be opened.
8. 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.
9. Signage in excess of 10% of the window shall be removed.

10. If more than three persons are in line to cash a check, an additional cashier or check stand shall be open to prevent customer queuing.
11. Fees for check cashing shall not exceed 1% of the face value of the check.
12. A detailed, complete and unambiguous schedule of all fees shall be posted in a location that can be easily read by the public. The information shall be clear and legible and letters not less than 1/8 in inch.
13. All graffiti shall be removed from walls, rooftop enclosures and signs within a 24-hour period.

Standard Conditions:

14. 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.
15. 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.
16. 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).
17. 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.
18. 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.

19. 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
20. 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
lbds.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- 10-058

Project Location/Address: 4360-62 Stearns Street., Long Beach CA 90819

Project/Activity Description: _____

The applicant is requesting a conditional use permit to allow the continued use of check cashing
in conjunction with newly remolded convenience market. Hours 7am -Midnight Mon-Sat
Sunday 7am-10

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

Applicant Name: Stearns Liquor

Mailing Address: 4360-62 Stearns Street., Long Beach, CA 90819

Phone Number: 562-597-3984

Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1007-19 Planner's Initials: SV

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: Continued operations at existing
commercial land use.

by staff 9/9/10

Craig Chalfant 562-570-6368

Contact Person: Sharrice Olson

Contact Phone: 909 519-1899

Signature: _____

Date: 7/21/10