



AGENDA ITEM No. 2

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

December 17, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request to allow a check cashing use at 1425 Magnolia Avenue located in the Light Industrial (IL) zoning district. (District 1)

APPLICANT: Jong H. Park
1425 Magnolia Avenue
Long Beach, CA 90813
(Application No. 0904-04 and CE 09-023)

DISCUSSION

The subject site is located at 1425 Magnolia Avenue (Exhibit A – Location Map) at the southwest corner of Magnolia Avenue and Spring Street. The site has a zoning designation of Light Industrial (IL) and is developed with an industrial building, convenience store, and office buildings. The convenience store has been in operation at the site, under the current ownership since 2002. The applicant currently operates a check cashing business within the existing market and charges one percent (1%) of the face value of the check. Money order services are also provided along with the check cashing use. The applicant applied for a Conditional Use Permit to legalize the check-cashing portion of the business (Exhibit B – Plans & Photos). With added Conditions of Approval requiring the removal of signs, new landscaping, new paint, and limits on alcohol sales areas and check cashing fees, staff recommends approval of the Conditional Use Permit since the business has been operating within the shopping center with no adverse effects since 2002. The current request with conditions of approval is consistent with the General Plan and the requirements of the Zoning Regulations (Exhibit C – Findings).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on April 30, 2009, and public hearing notices were distributed on November 16, 2009, in accordance with the provision of the Zoning Ordinance. As of the date of preparation of this report, no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-023) 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 long horizontal stroke 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 09-023

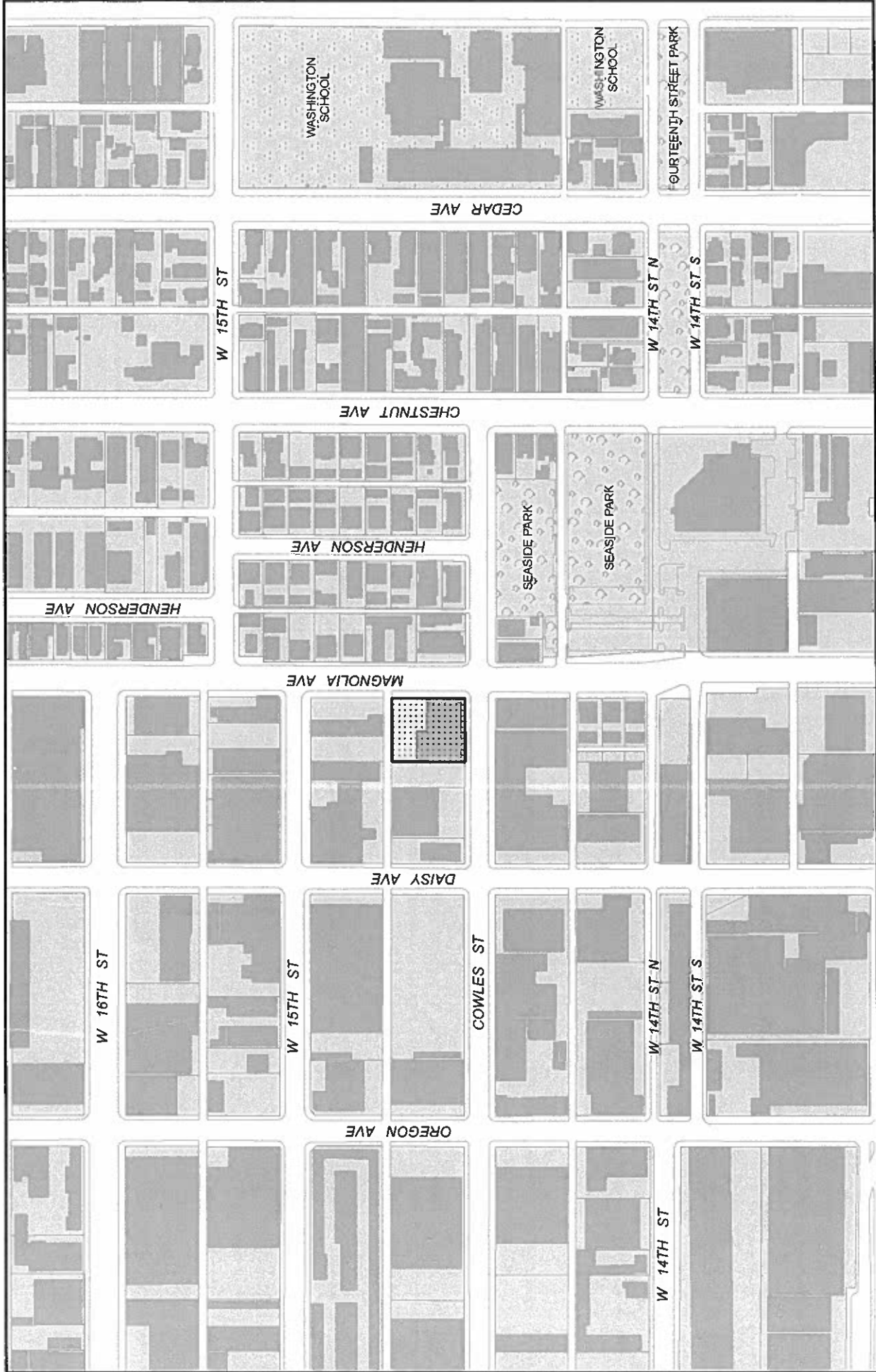
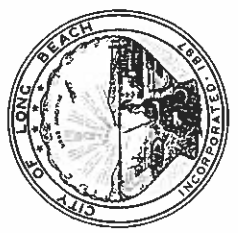


Exhibit A



Subject Property:
 1425 Magnolia Ave
 Application No. 0904-04
 Council District 1
 Zoning Code : IG, IL



CONDITINAL USE PERMIT CONDITIONS OF APPROVAL

1425 Magnolia Avenue

No. 0904-04

December 17, 2009

1. This use permitted on the site, in addition to other uses permitted in the IL zone, shall be a check cashing business within an existing neighborhood 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. The hours of operation are limited to M-S 8 am – 8 pm, and Sundays 8 am – 6 pm.
5. 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.
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 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. All deteriorated or dilapidated signage shall be replaced to the satisfaction of the Director of Development Services.
10. New landscaping shall be provided along both street frontages.

11. The exterior of the building shall be painted to match and cleaned.
12. The beer/wine liquor sales area is limited to six cooler areas and shall not be expanded.
13. Signage in excess of 10% of the window shall be removed from the front door.
14. 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.
15. Fees for check cashing shall not exceed 1% of the face value of the check.
16. 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.
17. Two street trees shall be provided in the public right-of-way on Magnolia Avenue to the satisfaction of the Department of Public Works and Director of Development Services.
18. All rooftop equipment shall be screened to the satisfaction of the Director of Development Services.
19. All graffiti shall be removed within 24 hours of placement.

Standard Conditions:

20. 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.
21. 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.
22. 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).

23. 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.
24. 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.
25. 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.
26. 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.
27. Any graffiti found on site must be removed within 24 hours of its appearance.
28. 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.
29. 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.
30. 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.
31. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
32. 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.

33. 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

34. 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.

CONDITIONAL USE PERMIT FINDINGS

1425 Magnolia Avenue

No. 0904-04

December 17, 2009

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 #9G—General Industrial. LUD #9G was established in order to maintain a strong industrial employment component in the city's economic base by accommodate a diverse range of businesses which employ many different processes, creating a wide variety of products.

The zone classification of the project is General Industrial (IG). 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 existing convenience store since 2002. No adverse impacts have been reported at the existing 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 similar to a shopping center. The current market is legal non-conforming in terms of parking because no on-site parking provided. Since there are no locations on the lot for additional parking to be added, staff is asking that the Planning Commission waive 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.

The proposed check cashing use is legal nonconforming with no parking spaces provided onsite. Since the use is not located in a shopping center, the finding does not apply.

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 conditioned to remain clear. Condition number 6 prohibits any obstruction to windows.

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

All exterior phones, security bars and roll up doors are required to be removed and prohibited, according to Conditions number 7 of the Conditions of Approval.

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.

There are no waiting areas proposed on-site. The addition of waiting areas is not relevant, since additional check stands will open if there is more than one person waiting to cash a check. Condition number 14 requires that the applicant open an additional check stand if more than three persons are waiting in line.

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 Saturday, 8:00 a.m. to 8:00 p.m.; and Sundays 8:00 a.m. to 6:00 p.m..



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- 09.023

Project Location/Address: 1425 Magnolia AVE Long Beach CA 90813

Project/Activity Description: CHECK CASHING BUSINESS WITHIN AN EXISTING MARKET.

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

Applicant Name: JONG H PARK

Mailing Address: 1425 Magnolia AVE Long Beach CA 90813

Phone Number: 562-432-5617 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0904-04 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: Minor addition to existing market.

Contact Person: Craig Chalkant

Contact Phone: 562-570-6369

Signature: [Signature]

Date: 12/9/09