



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 18, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request and accept Categorical Exemption 14-109 to establish and operate a pawn shop in conjunction with an existing jewelry store at 1006 E. Anaheim Street within the Regional Highway District (CHW) zone. (District 6)

APPLICANT: Bopha Song Phan
Phnom Pich Jewelry and A Check Cashing
1006 E. Anaheim Street
Long Beach, CA 90813
(Application 1409-07)

DISCUSSION

The subject site is located at 1006 E. Anaheim Street on the southeast corner of Anaheim Street and Martin Luther King Junior Avenue (Exhibit A – Location Map). The site is located within the Regional Highway (CHW) zone and is developed with a 3,896-square-foot retail shopping center. The shopping center, which was approved in 2003 with a Site Plan Review approval, currently has four lease spaces with a total of 18 parking spaces. The current tenant in one of the lease spaces, the jewelry store, is requesting approval of a Conditional Use Permit to add pawn shop services to an existing jewelry store. If approved, this will be the seventh business in the City to provide pawn shop services (Exhibit B – List of Pawnshops and Secondhand dealers).

A pawnshop is defined by the Long Beach Municipal Code as any use where a person, other than banks, trust companies, or bond brokers, who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a pawn office, or engages in, or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans, or as security, or in pawn for the repayment of monies, and exacts an interest for such loans, or who purchases articles or personal property and agrees to resell such articles so purchased to the vendors thereof, or their assigns, at prices agreed upon at or before the time of such purchases, respectively. Pawn shop also includes any use engaging in cash for gold and the like.

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A secondhand store means any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances.

A pawnshop is distinguished from a secondhand store by how a product is bought for sale. If a product is purchased from a customer in the store, then sold at a later time, the use is considered a pawnshop. If a user does not purchase a product from individuals for sale in the store, the use is considered a secondhand store, or thrift shop. Although an establishment may be considered a secondhand store, according to State regulations, the City does allow certain exceptions from the entitlement process for businesses that sell used clothing, antiques, art, books, clothes, collectables, jewelry, and photographic equipment. These exempt uses are considered retail establishments, and do not require the approval of a use permit.

The existing jewelry store currently provides jewelry sales, cash for gold, money transfer and check cashing services (charging less than \$2.00 dollars per check) (Exhibit C – Plans & Photographs). The jewelry store is located within a newly constructed shopping center, and conforms to all current zoning standards, including parking. The existing location was reviewed by staff and was determined to be in good condition. However, staff felt that standard operating conditions were necessary to prevent potential problems. Thus, Conditions of Approval # 15 and # 16 have been incorporated to prevent loitering and other related nuisances at the site. Operating hours for the establishment will be from 9:00 am to 5:00 pm Monday through Saturday and closed on Sunday.

The Police Department also reviewed the request and had no objection to the approval at this location given there has been no adverse impact on the neighborhood. The pawn shop will be ancillary to the jewelry store and check cashing business and no interior changes are being proposed. The business will utilize existing counters for all business transactions, and are required to meet State Department of Justice Regulations for Pawn Shops and Secondhand dealers. Approval of this request will result in the removal of window signage, including the consolidation of overall building signage. In addition, the property will be subject to operating conditions of approval, along with Police Department security requirements. These conditions will improve the appearance of the site and allow the City to better regulate the business to ensure that no problems arise. In staff's opinion, the pawn shop will be sufficiently regulated and properly operated, so it will not constitute a threat to neighborhood safety. For these reasons, staff recommends the Planning Commission approve the Conditional Use Permit subject to conditions (Exhibit C – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on November 21, 2014. No comments have been received as of the preparation of this report.

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ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 14-109) was issued for the proposed project (Exhibit D).

Respectfully submitted,



JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:JW:sv

Attachments: Exhibit A – Location Map
Exhibit B – Plans & Photos
Exhibit C – Findings & Conditions
Exhibit D – Categorical Exemption 14-109

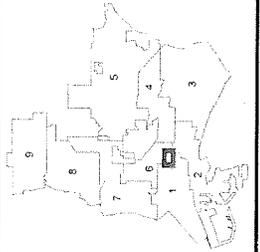
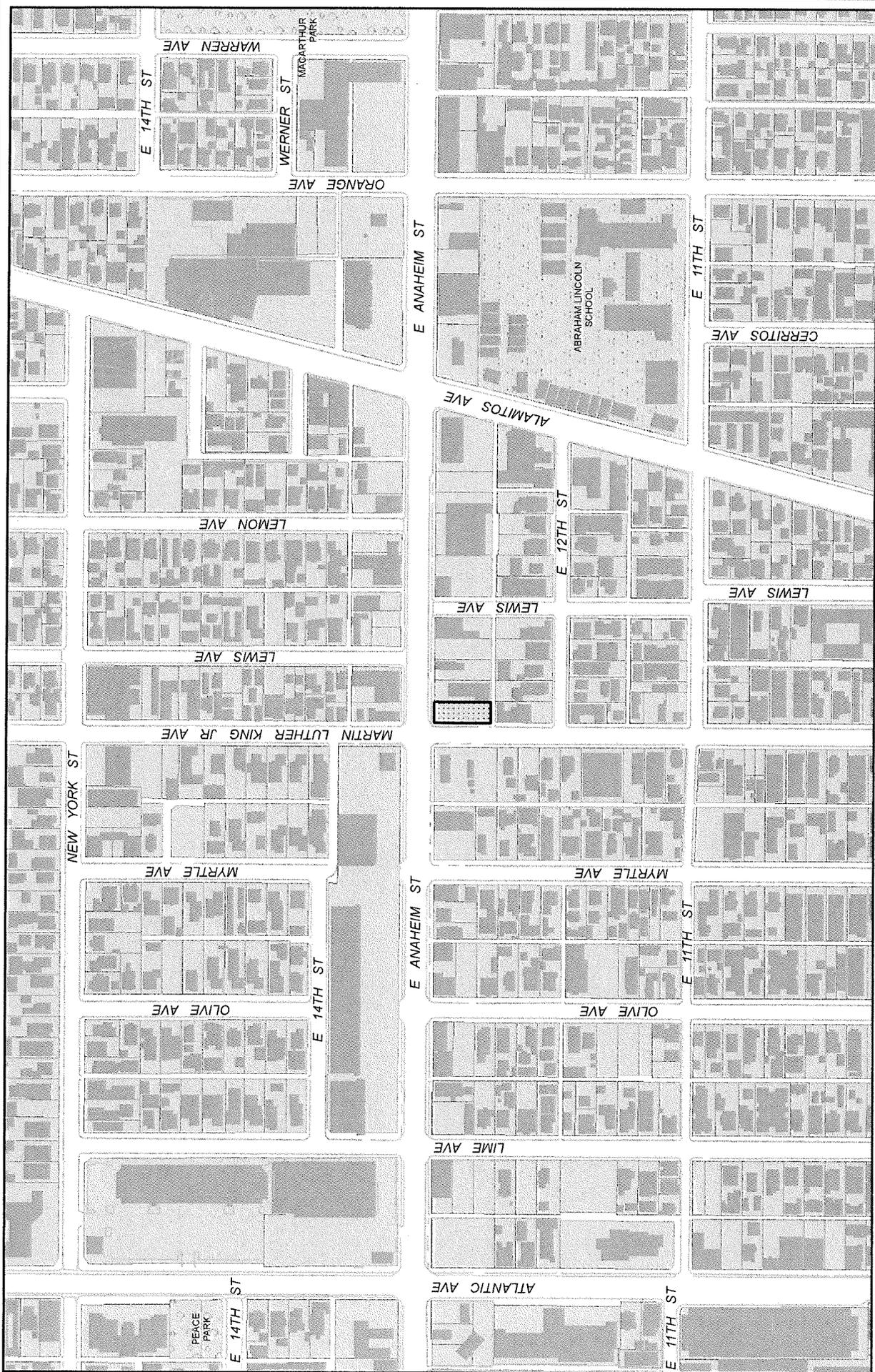
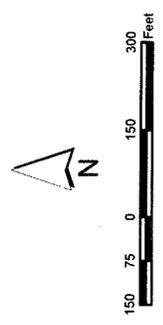
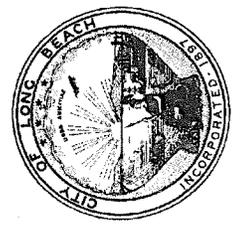


Exhibit A



Subject Property:
 1006 E Anaheim St
 Application No. 1409-07
 Council District 6
 Zoning Code : CHW



CONDITIONAL USE PERMIT FINDINGS

**1006 E. Anaheim Street
Application No. 1409-07
December 18, 2014**

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 #8A – Traditional Retail Strip Commercial District. LUD #8A is intended to serve local neighborhood needs rather than regional needs, and is established to recognize the need to provide commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car, and needing local services. The General Plan states that commercial uses which may adversely affect adjoining residential uses are subject to Conditional Use Permits. Furthermore, this approval is consistent with all zoning regulations of the CHW district, as the use of a pawn shop is allowed through the Conditional Use Permit process in the district.

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

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 14-109) was prepared for this project and is attached for your review.

All business transactions at the pawn shop will be regulated by the Long Beach Police Department. This includes the periodic review of the shop and all associated records. With the proposed conditions, the proposed pawn shop is not expected to be detrimental to the surrounding community. No physical expansion of the building is proposed, and Conditions of Approval are included to ensure the mitigation of any negative impacts. Conditions include prevention of nuisances and loitering.

- 3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

Section 21.52.281 states that the following requirements are related to the sales of used merchandise:

A. All sales and display of merchandise shall be permitted only within a building.

Condition of Approval #10 prohibits the outdoor sale of merchandise as well as outdoor storage. Sales of merchandise and storage shall only be allowed within the building.

B. The building occupied by the use shall be improved to conform to the standards of the community.

Condition of Approval #7 will require the operator to paint the exterior of the building to the satisfaction of the Director of Development Services and repair all broken windows.

C. The building and site shall be maintained in a neat, clean and orderly condition.

Conditions of Approval #15 and #31 will require the operator to prevent loitering and other related nuisances.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

**1006 E. Anaheim Street
Application No. 1409-07
Date: December 18, 2014**

1. The use permitted on the subject site, in addition to the other uses permitted in the CHW zoning district, shall be a jewelry store with ancillary check cashing, cash for gold and pawn shop services.
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 and approved request submitted 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 Acknowledgement 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. Hours of operation shall be limited from 9:00 AM to 4:00 PM Monday-Saturday. The applicant may submit for a modification from this requirement one year from the date listed on the Notice of Final Action.
5. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions. All signage blocking visibility into the store shall be removed to the satisfaction of the Director of Development Services.
6. A numbered address sign shall be located at the side of the building, to the satisfaction of the Long Beach Police Department.
7. The building exterior shall be repainted and broken windows shall be repaired, to the satisfaction of the Director of Development Services.
8. The applicant shall remove the illegal roof sign prior to issuance of a business license.
9. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.

10. Outdoor sales of merchandise and outdoor storage shall be prohibited.
11. During the hours of operation, the front door of the establishment shall remain closed at all times.
12. The applicant shall comply with Chapter 5.64 of the Long Beach Municipal Code (Pawnshops).
13. The operator shall install an alarm system at the exit doors.
14. The applicant shall bring all wall signs into conformance with the Long Beach Municipal Code to the satisfaction of the Director of Development Services. This includes the removal of A Check Cashing Sign, to allow compliance with on-site sign standards.
15. The operator of the approved use shall prevent loitering on the property during regular business hours. The operator must also clean all areas of the property of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, private security guards.
16. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where the operator provides parking for its patrons. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
17. No security bars/doors shall be installed at any time. Any existing security bars shall be removed, prior to issuance of a City business license.
18. The applicant shall install lights on the exterior walls of the building.
19. The applicant shall paint the address on the rooftop for emergency helicopter response.
20. The applicant shall file a permit application with the Police Department, which includes personal background information and fingerprints.
21. The applicant shall make records of all goods pawned and make them accessible to the Long Beach Police Department on a daily basis.

22. The applicant shall allow periodic inspection by the Police Department.
23. The applicant shall require that all intended sellers provide photo identification, such as a valid passport or current driver's license at the time of the transaction.
24. The applicant shall submit a sign program pursuant to Chapter 21.44 of the Long Beach Municipal Code prior to the issuance of a permit for any sign.

Standard Conditions:

25. 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.
26. 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.
27. 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).
28. 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.
29. The Director of Development Services is authorized to make minor modifications to the approved design plans or 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.
30. 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).

31. Any graffiti found on site must be removed within 24 hours of its appearance.
32. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the 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.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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

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

Categorical Exemption CE- 14409

Project Location/Address: 1006 E ANAHEIM STREET LONG BEACH CA 90801

Project/Activity Description: Pawn shop add to existing Jewelry Shop.

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

Applicant Name: BOPHA SONG PHAN

Mailing Address: 1006 E ANAHEIM STREET LONG BEACH CA 90801

Phone Number 562-714-5999 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1409-07 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: New accessory land use within an existing commercial lease space.

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: [Signature] Date: 12/9/14