



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

June 18, 2009

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request to legalize an existing check cashing business located within a market at 449 West Anaheim Street, #B. (District 1)

APPLICANT: Bryan Kim
c/o Samuel S. Yang for El Ahorro Store
449 West Anaheim Street, #B
Long Beach, CA 90813
(Application No. 0904-13, CE 09-028)

DISCUSSION

The subject site is located at 449 West Anaheim Street, #B (Exhibit A - Location Map) at the northeast corner of Anaheim Street and Magnolia Avenue. The site is located within the Community Commercial Automobile Oriented District (CCA) and developed with a total building area of 11,985 square feet. The applicant is operating a check cashing business inside the existing 4,950-square-foot market. Other uses on the site include a 2,385-square-foot freestanding tire shop built in 1971, and a 4,650-square-foot retail furniture store. The site area is 22,720 square feet with 19 on-site parking spaces.

The applicant is requesting approval of a Conditional Use Permit to legalize an existing check cashing business located within a full service market with fresh fruits, vegetables and a meat counter. Liquor is not sold from this site. The check cashing service located within the market consists of a 100-square-foot office with one teller window, located near the front entrance of the store (Exhibit B - Plans & Photographs). The hours of operation for the check cashing business are Monday-Saturday 7:00 a.m.- 8:00 p.m. and Sunday 8:00 a.m. - 8:00 p.m.

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

The business has been operating for a number of years without adverse impacts to the neighborhood. The Police Department has reviewed the request and has no objection to approval, subject to a number of security conditions. The market has one public entrance that faces the parking lot fronting on Magnolia Avenue. Approval of this request will also result in a number of on-site improvements and subject the property to operating conditions of approval and Police Department security requirements. In addition, the applicant must 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.

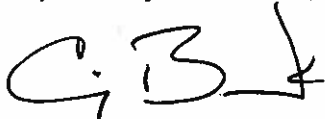
PUBLIC HEARING NOTICE

A Notice of Public Hearing was sent to local community groups on May 26, 2009 and the property owners and occupants within the required radius on June 1, 2009.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementation of the California Environmental Quality Act, a Categorical Exemption (Exhibit D - CE 09-028) has been issued for the proposed project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a stylized flourish at the end.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:lf
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Attachments Exhibit A - Location Map
Exhibit B - Plans & Photographs
Exhibit C - Findings and Conditions of Approval
Exhibit D - Categorical Exemption CE 09-028

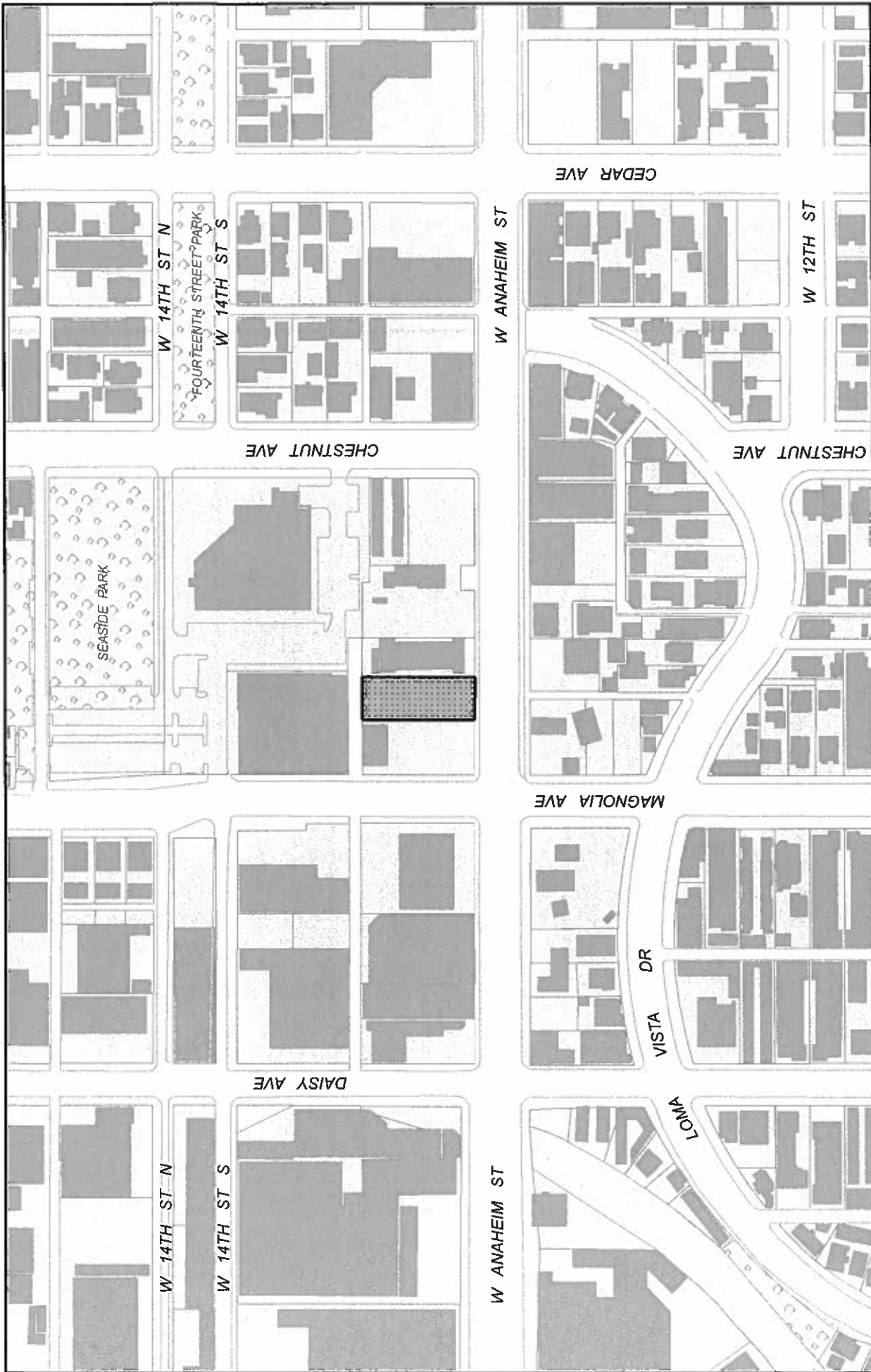
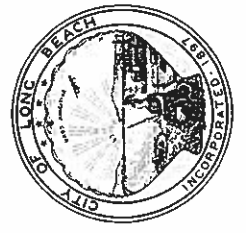


Exhibit A



Subject Property:
 449 W Anaheim St
 Application No. 0904-13
 Council District 1
 Zoning Code : CCA



CURRENT ACTION REQUESTED

The applicant is requesting approval of a Conditional Use Permit. In order to approve the Conditional Use Permit request, the Planning Commission is required to make certain findings in support of an approval decision. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

CONDITIONAL USE PERMIT FINDINGS

A. 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. LUD #8A accommodates smaller scale commercial uses along arterial streets to serve local neighborhood needs rather than community and regional needs. The uses in this land use district shall be primarily auto-oriented for the service and convenience of persons traveling by car and needing local services.

The zone classification of the project is Community Automobile-Oriented (CCA) 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.

B. 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 at this location within the existing market for approximately three years. Since February 2009, there have been no calls for service at this site. 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.

C. 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 five parking spaces for every 1,000 square feet of gross floor area (GFA) for banks and savings and loan. The subject site is improved with a 9,600 square foot one-story commercial building containing a furniture store and market, and a 2,385 square foot commercial building housing a tire shop. At a rate of 5/1,000 the existing improvements would require sixty (60) parking spaces. Nineteen (19) on-site parking spaces currently exist. The parking is considered legal nonconforming and there is no ability to provide additional on-site parking. Staff suggests Planning Commission waive this requirement to increase the parking to meet that for banks and savings and loans as the 100 square foot check cashing office within the market is not expected to increase parking demand for this shopping center.

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 business is located within the existing market. The shopping center was developed with nineteen on-site parking spaces and is considered legal nonconforming for off street parking. As the check cashing business is an accessory use to the market, staff recommends this finding be waived.

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

The proposed location has approximately 30 linear feet of storefront windows on the west building elevation. Condition of approval #6 has been added to prohibit any obstruction of the windows.

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

No exterior phones are located on this site. Condition of approval #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 shows an area in front of the single teller window of at least 50 square feet to accommodate the waiting area and queuing lines complying with this requirement. Condition of approval #8 requires maintaining a customer waiting/service area based on the number of window tellers. The Police Department has also required merchandise to be relocated to provide a clear path to the window and to limit stacking of merchandise in front of the windows to a maximum height of three feet from the inside grade of the store.

- 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, 7:00 a.m. to 8:00 p.m.; and Sunday 8:00 a.m. to 8:00 p.m.

CONDITINAL USE PERMIT CONDITIONS OF APPROVAL

449 West Anaheim Street #B
Application No. 0904-13
June 18, 2009

1. This use permitted on the site, in addition to other uses permitted in the CCA zone, shall be a 100 square foot check cashing office with one teller window located within an existing market selling fresh fruits, vegetables and meats.
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- Saturday 7:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 8:00 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 or on an as needed bases.
6. Prior to issuance of a business license, the applicant shall ensure windows are not obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions. If merchandise is displayed in front of the windows, the maximum height of the merchandise shall be 3' from the inside of the store.
7. Exterior phones, security bars and roll up doors shall be prohibited. Prior to issuance of a business license, the exterior security bars shall be removed.
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. Merchandise shall be relocated in front of the teller window as required by the Police Department.

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 applicant shall remove all signage that exceeds current code requirements. All nonconforming wall signs shall be removed.
Can signs are prohibited and any new signage shall be individual channel letters.
11. The applicant shall install street trees on Magnolia Avenue 25' on center to the satisfaction of the Director of Public Works.
12. Prior to issuance of a business license and within 60 days of final action, the applicant shall provide a block wall trash enclosure.
13. The outdoor storage of crates, boxes, pallets and trash is prohibited. All these items shall be removed from the public alley.
14. Prior to issuance of a business license, the applicant shall either provide proof that the two lots have been tied together or a lot tie to merge 1300 Magnolia Avenue (7269-042-003) and 449 West Anaheim Street (7269-042-004) shall be completed.
15. The applicant shall remove the unused curb cut on Magnolia Avenue.
16. Prior to issuance of a business license the applicant shall comply with all Police Department requirements. Please see the Police Department letter dated May 15, 2009.

Standard Conditions:

17. 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.
18. 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.
19. 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.

20. 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).
21. 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.
22. 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.
23. Any graffiti found on site must be removed within 24 hours of its appearance.
24. 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.
25. 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.
26. 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.
27. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
28. 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.

29. 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

30. 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- 09-028

Project Location/Address: 449 W ANAHEIM ST. #B LONG BEACH CA 90813

Project/Activity Description: Check Cashing

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

Applicant Name: SAMUEL S. YANG

Mailing Address: 449 W ANAHEIM ST #B LONG BEACH CA 90813

Phone Number: 562-599-1533 Applicant Signature: [Signature]
213-364-5959

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0904-13 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

Statement of support for this finding: Minor alteration to an existing commercial building.

Contact Person: Craig Chalfant Contact Phone: 562-570-6194

Signature: _____ Date: 6-9-2009