



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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August 6, 2009

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve a Conditional Use Permit request to allow an existing check cashing use in an existing convenience store at 2218 E. 7<sup>th</sup> Street in the Automobile Oriented Commercial (CCA) zoning district. (District 1)

APPLICANT: Dae Kee Lee  
2218 E. 7<sup>th</sup> Street  
Long Beach, CA 90804  
(Application No. 0905-05 and CE 09-037)

## DISCUSSION

The subject site is located at 2218 E. 7<sup>th</sup> Street (Exhibit A – Location Map & Plans and Photos) on the south side of 7<sup>th</sup> Street, just east of Dawson Avenue. The site is located within the Automobile-Oriented Commercial (CCA) zoning district and is developed with a 12,000 square foot commercial shopping center. The shopping center was constructed in 1958 and a façade improvement was completed in 2006. The applicant currently operates a check cashing business within the existing market and charges one percent of the face value of every check. Money order services are also provided along with the check cashing use. The applicant is requesting approval of a Conditional Use Permit to legalize an existing check cashing and money order business within a full service convenience store. The check cashing service area is located behind the cashier counter and is shared with the cashier for the store. (Exhibit B – Plans & Photos). The hours of operation for the check cashing business are Monday – Friday 8:00 a.m. – 8:00 p.m. and Saturday- Sunday 8:00 a.m. – 8:00 p.m.

The business has been in operation since 1995 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. Approval of this request will result in a number of on-site improvements, including the placement of new wheel stops, re-striping of parking spaces, removal of signs, limits on alcohol sales areas and check cashing fees. The applicant must also 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. With the incorporation of conditions of approval, staff is recommending approval (Exhibit C – Findings & Conditions).

**PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on June 29, 2009, and public hearing notices were distributed on July 16, 2009, in accordance with the provision of the Zoning Ordinance. No responses have been received at this time.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-037) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



GRAIG BECK

DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:sv

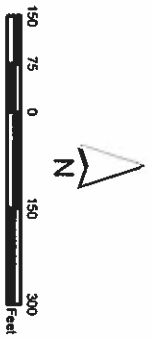
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Attachments            Exhibit A – Location Map and Plans & Photos  
                                 Exhibit B – Findings & Conditions  
                                 Exhibit C – Categorical Exemption 09-037



**Subject Property:**  
2218 E 7th St  
Application No. 0905-05  
Council District 2  
Zoning Code : CCA

**Exhibit A**



## **CONDITIONAL USE PERMIT FINDINGS**

**2218 E. 7<sup>th</sup> Street**

**No. 0905-05**

**August 6, 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 #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 LUD #8N by providing financial services to nearby residence in need.

The zone classification of the project is Automobile-Oriented Commercial (CCA). 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 with added condition of approval and police security measures. The applicant has been conducting business within the existing market since 1995 and no adverse impacts have been reported at the site. 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-spaces/1000 square feet, similar to a shopping center. The current market legally conforms to parking because it is located within a shopping center. No additional parking is required.

**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 shopping center was developed with the required 5-spaces/1000 square feet ratio, which meets the off street-parking requirement in chapter 21.41.

**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 be 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 market. Condition 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.**

There is no space available for customer waiting/services areas within the existing market and none proposed on-site. All checks cashed on-site are provided as a convenience to customers buying groceries. Customer waiting areas added to the site would reduce the useable sales area and would significantly reduce the retail space. Staff is asking that the Planning Commission waive this requirement and approve Condition number 12, which 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 – Friday 8:00 a.m. – 8:00 p.m. and Saturday- Sunday 8:00 a.m. – 8:00 p.m.

**CONDITINAL USE PERMIT  
CONDITIONS OF APPROVAL**

2218 E. 7<sup>th</sup> Street

No. 0905-05

August 6, 2009

1. This use permitted on the site, in addition to other uses permitted in the CCA 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-F 10 am – 6 pm, Saturday 10 am – 3 pm and Sundays closed.
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. The beer/wine liquor sales area shall not be expanded and is limited 72 linear feet in length.
10. Signage in excess of 10% of the window shall be removed from the front door.

11. 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.
12. Fees for check cashing shall not exceed 1% of the face value of the check.
13. The hours of operation for the check cashing business are Monday – Friday 8:00 a.m. – 8:00 p.m. and Saturday- Sunday 8:00 a.m. – 8:00 p.m.
14. 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.

**Standard Conditions:**

15. 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.
16. 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.
17. 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).
18. 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.
19. 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.
20. 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.

21. 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.
22. Any graffiti found on site must be removed within 24 hours of its appearance.
23. 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.
24. 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.
25. 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.
26. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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.
28. 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
29. 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.