



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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October 7, 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 1732 E. 15th Street in the Single Family Residential (R-1-N) District. (District 5)

APPLICANT: Dong Choi
1732 E. 15th Street
Long Beach, CA 908070
(Application No. 1006-19 and CE 10-077)

DISCUSSION

The subject site is located at 1732 E. 15th Street (Exhibit A – Location Map), west of Rose Avenue within a Single Family Residential (R-1-N) District. The site is developed with one commercial building that was constructed in 1925 as a retail store. A retail use has been operating in the commercial building since 1925. The existing convenience store is considered a legal non-conforming use to the district, while the check cashing use is accessory to the convenience store. A Conditional Use Permit for a check cashing use is required in a residential zone for a non-conforming commercial use, according to the zoning regulations.

The accessory check cashing use was established in 2007 at the request of nearby residents who have limited access to financial services. Along with the check cashing use, groceries, produce and other convenience items are provided in the market (Exhibit B – Plans & Photos). In response to a violation notice, the applicant is requesting approval of a Conditional Use Permit to allow the continued operation of a check cashing business within the existing market. The applicant currently charges a fee of one percent of the face value of the check. The Police Department has reviewed the request and has no issues with approval given that the business has been in operation under the current ownership, with no adverse effects, since 2001. The current tenant has made some modifications to the building and a number of conditions have been added that will require the removal of excess signage, the repainting of the building, removal of shelves/racks from windows, and the removal of vending machines and pay phones from the front of the building. The applicant has agreed to the conditions of approval and will be moving forward with the changes as soon as the property is purchased from the current owners.

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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 22, 2010 and public hearing notices were distributed on September 9, 2010, in accordance with the provisions of the Zoning Ordinance. No comments have been received as of the preparation of this report

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 10-077) 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 10-077

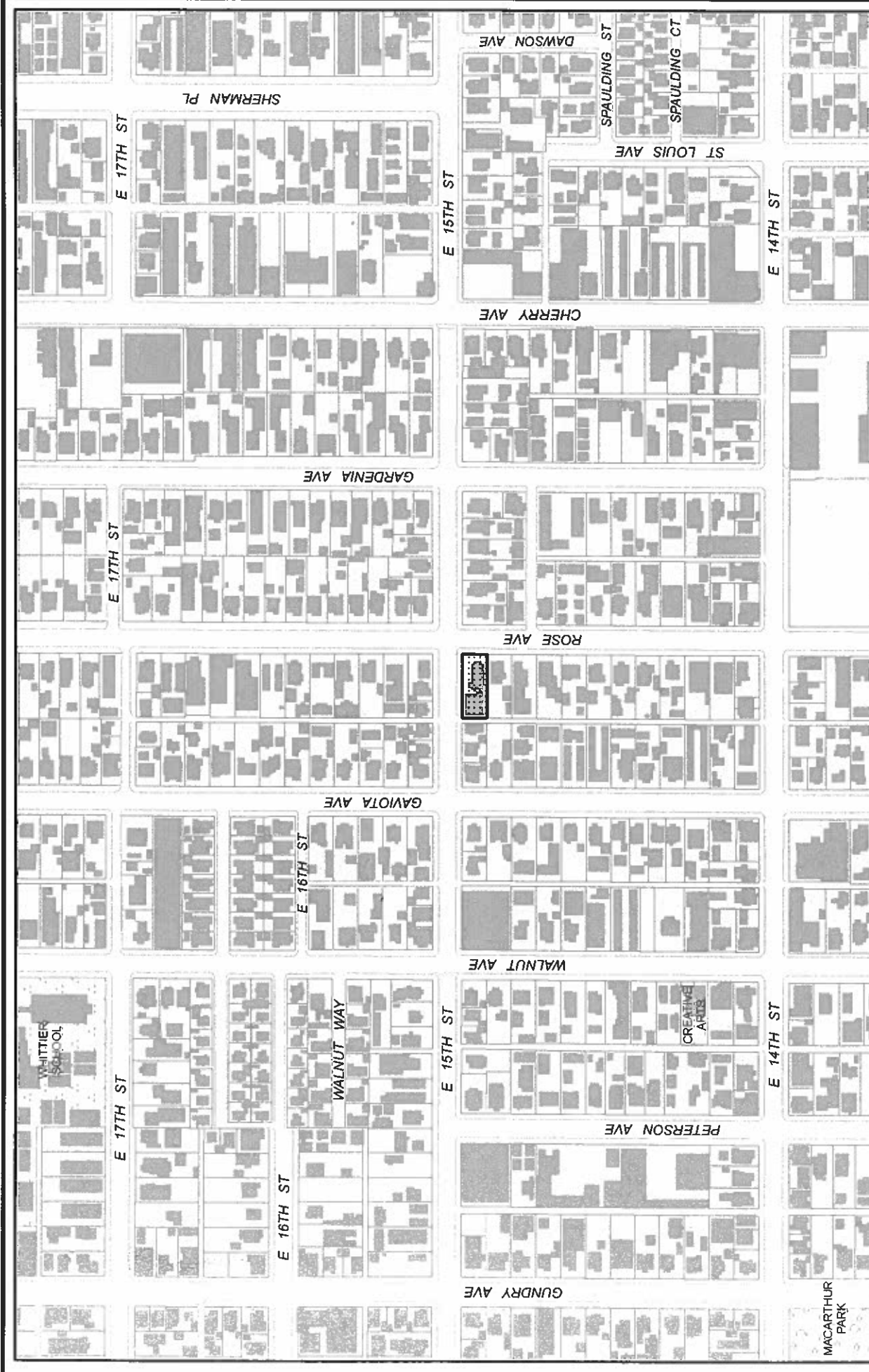


Exhibit A



Subject Property:
1732 E 15th St
Application No. 1006-19
Council District 6
Zoning Code : R-2-N



CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

1732 E. 15th Street

No. 1006-19

October 7, 2010

1. This use permitted by the Conditional Use Permit 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. Exterior phones, security bars and roll up doors shall be prohibited.
5. 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.
6. 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. A review of crime shall take place annually.
7. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions. Signage in excess of 10% of the window shall be removed.
8. 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.
9. Fees for check cashing shall not exceed 1% of the face value of the check.

10. 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.
11. All graffiti shall be removed from walls, rooftop enclosures and signs within a 24-hour period.
12. The building shall be painted to the satisfaction of the Director of Development Services.
13. The applicant shall relocate vending machines located near the front entry door and remove shelves and racks on the inside of doors/windows on the front façade, to the satisfaction of the Director of Development Services.
14. The exterior facade, roofing, stucco and signage shall be repaired to the satisfaction of the Director of Development Services.
15. Trashcans shall be placed on the side yard and be placed at the curb only on trash pick up days.
16. The hours of operation for the check cashing portion of the business shall be limited from 8:00 a.m. to 8:00 p.m. Monday- Sunday.

Standard Conditions:

17. 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.
18. 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.
19. 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).
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. 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
23. 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

1732 E. 15th Street

No. 1006-19

October 7, 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 #1—Single Family Residential District. LUD #1 was created in response to the majority of the public's preference for single-family homes, and in recognition of reality that a majority of the city contains single-family homes. The existing market and proposed check cashing use is a use that was approved prior to the creation of the Single Family Residential District. Therefore the use is considered a legal non-conforming use in the district. To expand on a non-conforming use, the use which was originally established in a zone district by right and reclassified as a discretionary use in that district shall obtain a conditional use permit prior to expansion of the use, 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, at the request of nearby residents, and no adverse impacts have been reported at the site. With the incorporation of conditions of approval, which includes the removal of graffiti, reduced signage, maintenance of landscaping and future remodeling of the entire commercial building, 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 the current parking standards were in place. Since the building covers almost the entire lot, no additional parking can be provided. The parking is legal non-conforming; therefore 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 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 seven prohibits any obstruction to windows.

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

Condition number four 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 three to four customers. Condition number five 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 is requesting that the Planning Commission waive this condition.

F. The hours of operation shall be stated in the application and shall be subject to review.

The hours of operation for the check cashing portion of the business are limited to 8:00 a.m. – 8:00 p.m. Monday- Sunday.



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- 10-077

Project Location/Address: 1732 E. 15th ST Long Beach CA 90813
Project/Activity Description: Conditional Use Permit to Allow
a CHECK CASHING USE in conjunction with a Convenience
Store

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

Applicant Name: Dong Cho
Mailing Address: 1732 E 15th ST Long Beach CA 90813
Phone Number: 714-614-2009 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1006-19 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: Additional commercial service in
existing commercial structure

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 9/17/10