



# CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

**H-3**

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6194 FAX (562) 570-6068

May 16, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, overrule the appeal, and sustain the decision of the City Planning Commission to approve a Conditional Use Permit for a check cashing/payday advance business at 2201 Lakewood Blvd, Suite "B" (Case No. 0510-12). (District 5)

## DISCUSSION

This proposal was first heard at the Planning Commission meeting of February 2, 2006. At that meeting two residents, Nate Zahn and Dave Zahn, spoke in opposition to the proposal. Both requested that the proposal be continued to allow residents more time to learn about the payday advance business. Dave Zahn also felt that the use would create a dangerous situation for clients with cash. In addition to public testimony, two letters were received in opposition to the proposal (Attachment 1). After hearing testimony, the Planning Commission continued the request to allow staff to gather additional information and conduct a community meeting to discuss the proposal.

The community meeting was held on February 28, 2006, and was attended by approximately nine (9) persons. All residents present were in opposition to the proposal. Some of the concerns expressed at the meeting were related to decreased property values, increased crime, and location. Many residents felt the check cashing use was being placed in the wrong location and that no one in their neighborhoods would use the facility.

On March 16, 2006, the Planning Commission conducted a second public hearing after considering testimony and the additional information provided by staff. Staff again recommended the denial of the check cashing use based on the proximity of the check cashing use to other financial institutions (ex. banks, credit unions). There was no public testimony. Commissioner Greenberg made the motion to approve the project and Commissioner Stuhlberg seconded the motion. This motion passed 4-1 with Commissioner Sramek voting in opposition. Commissioners Gentile and Jenkins were absent. Additional background information, including findings for approval and for denial, are included in the attached staff report to the Planning Commission. (Attachment 2)

The Planning Commission approved the proposal, because they believe there was little difference in impact from a check cashing operation vs. a payday advance, when comparing police data. The Commission also felt that payday advance operations

HONORABLE MAYOR AND CITY COUNCIL

May 16, 2006

Page 3

provide different services than banks and thus sufficient banking services were not being provided to all residents, specifically those without bank accounts. An aggrieved resident, Mrs. Lani Merlina, filed an appeal on March 27, 2006 (Attachment 3). Mrs. Merlina is requesting that the City Council overturn the decision of the Planning Commission and deny the Conditional Use Permit.

This application involves the occupancy of a payday advance (deferred deposit advance) store (Check Into Cash). A payday advance business is defined in the City of Long Beach, and the State of California, as a check cashing operation. According to Section 21.15.475 of the Long Beach Municipal Code, a commercial land use that generally includes some or all of a variety of financial services including cashing of checks, warrants, drafts, money orders, or other commercial paper servicing the same purpose and deferred deposit of personal check, whereby the check casher refrains from deposition of a personal check written by a customer until a specific date, are defined as check cashing businesses.

The subject site is located on the southwest corner of Lakewood Blvd. and Stearns Street, and is developed with a five-suite, 6,245 square foot neighborhood commercial building. Other tenants include a Curves fitness center, an insurance store, a UPS store, and Quiznos restaurant. The proposed check cashing use (Check Into Cash) is to occupy Suite "B" in the neighborhood shopping center. Proposed hours of operation are 10 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 3 p.m. on Saturdays.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 05-192) was issued on March 16, 2006.

Assistant City Attorney Michael J. Mais reviewed this report on May 3, 2006.

#### TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that an appeal of the Planning Commission's decision be heard within 60 days of filing of the appeal, or by May 4, 2006.

A 14-day public notice of the hearing is required.

#### FISCAL IMPACT

None.

#### SUGGESTED ACTION:

Approve recommendation.

HONORABLE MAYOR AND CITY COUNCIL

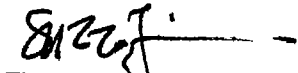
May 16, 2006

Page 3

Respectfully submitted,

MATTHEW JENKINS, CHAIR  
CITY PLANNING COMMISSION

BY:



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SUZANNE M. FRICK  
DIRECTOR OF PLANNING AND BUILDING

Attachments:

- 1) Opposition Letters
- 2) Planning Commission staff report and minutes of February 2 and March 16, 2006
- 3) Appeal Form