



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

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August 2, 2012

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow a financial service operation (Title Loan Company) to locate within an existing one-story commercial building at 201 West Pacific Coast Highway in the Community Automobile-Oriented (CCA) District and the Regional Highway (CHW) District. (District 6)

APPLICANT: David Carlat for
Pennbrooke Financial Services, LLC.
3440 Preston Ridge Road, Suite #500
Alpharetta, GA 30005
(Application No.1203-06 and CE 12-016)

DISCUSSION

The subject site is located at 201 West Pacific Coast Highway (Exhibit A – Location Map) on the northwest corner of Pacific Coast Highway and Pacific Avenue. The site is located in the Community Automobile-Oriented (CCA) District and the Regional Highway (CHW) District and is developed with a 2,020-square-foot, one-story commercial building. The commercial building was constructed in 1969 with a total of 44 on-site parking spaces. The property has been vacant since September 2006 (Exhibit B – Plans & Photos).

The applicant proposes to offer loans on car titles. This use is considered "other financial services" under the Municipal Code and therefore requires a Conditional Use Permit (CUP). As a matter of definition, car title loans are regulated by the State Department of Finance under Division 9, and are not in the same category of other financial services as check cashing (regulated by Division 10) or payday advance businesses (regulated by Division 10).

In considering a CUP for a loan service operation that is new to the city, staff asked the applicants to present the proposed use to nearby neighborhood groups so feedback about the use could be gathered. The applicants agreed and presented to Wrigley, Wrigley Area Neighborhood Alliance (WANA), Neighborhood Advisory Group (NAG), and Central Project Area Council (CPAC) on several occasions. The responses received from the

community meetings were both positive and negative. However, the majority of responses received by mail, email and voicemail were overwhelmingly in opposition to the proposed use based on the types of loans offered and the feeling that the use would detract from the community.

The Planning Commissioner's role is strictly limited to determining whether the proposed land use will have a negative impact on the surrounding neighborhood, and what conditions should be included in the CUP.

In response to community concerns and the need to enhance a dilapidated property, staff is recommending that the Planning Commission approve the title company use for a five-year time frame. Staff believes the five-year time frame will allow the dilapidated lot to be improved and allow the community to determine if the use is a good fit in the neighborhood. If the use is determined not to be a good fit, based upon complaints to the City and increased calls for service from the Police Department after the five year time period, the applicant would be required to apply for a new CUP to continue operation. With the proposed time limitations, and property improvements, which include the removal of graffiti, the repainting of the building, a new trash enclosure, and re-striping and re-slurring of the parking lot, staff recommends approval of the CUP (Exhibit C – Findings & Conditions).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on March 19, 2012, and public hearing notices were distributed on July 18, 2012, in accordance with the provision of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 12-016) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



DEREK BURNHAM
PLANNING ADMINISTRATOR



AMY J. BODEK
DIRECTOR OF DEVELOPMENT SERVICES

AB:DB:sv

Attachments Exhibit A – Location Map
 Exhibit B – Plans & Photos
 Exhibit C – Findings & Conditions
 Exhibit D – Categorical Exemption 12-016

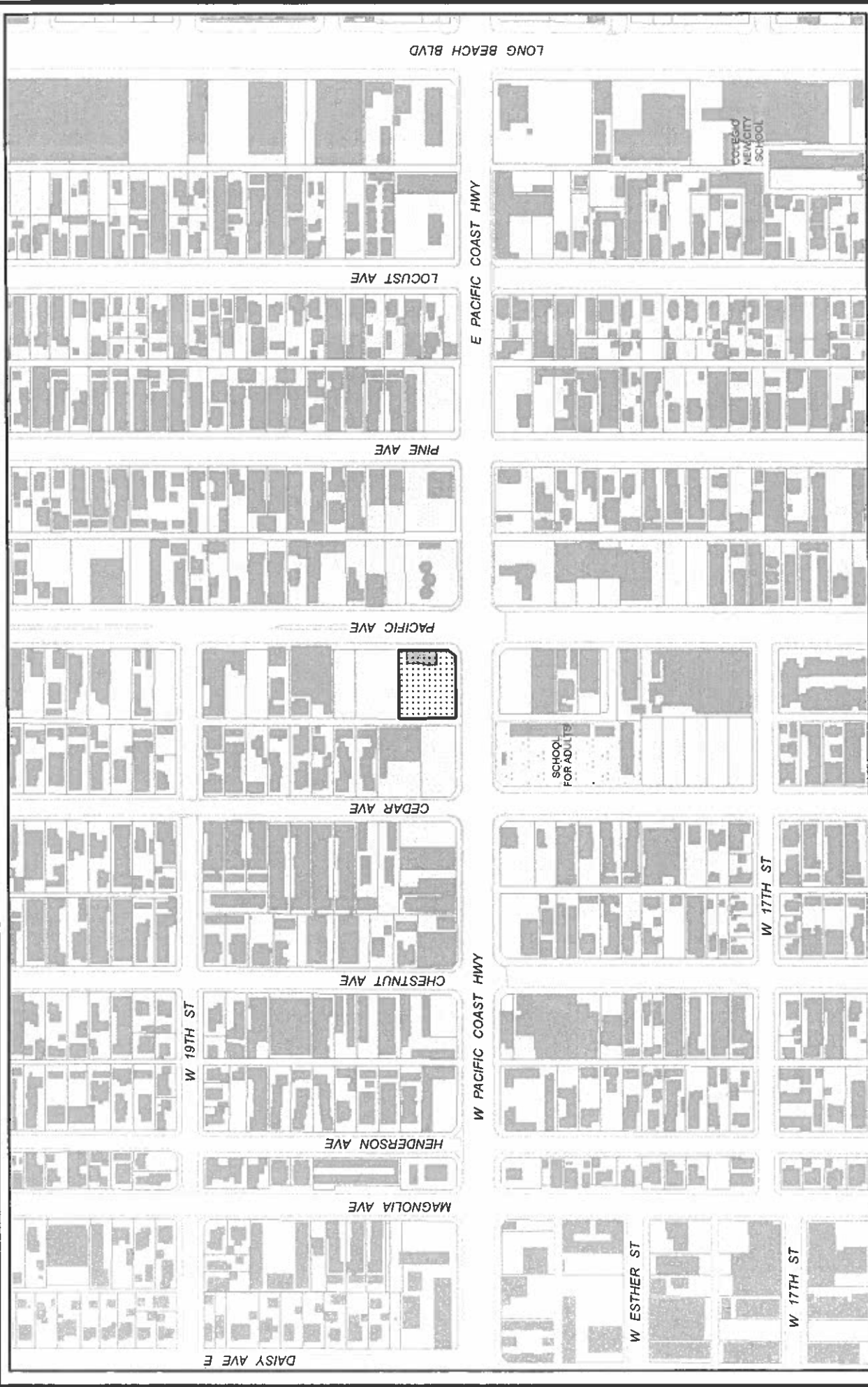
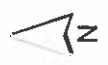
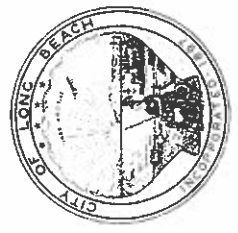


Exhibit A



Subject Property:
 201 W Pacific Coast Hwy
 Application No. 1203-06
 Council District 6
 Zoning Code : CCA, CHW



CONDITIONAL USE PERMIT FINDINGS

201 West Pacific Coast Highway.

No. 1203-06

August 2, 2012

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 title loan company meets the intent of LUD #8N by providing financial services to residents within a one-half mile radius of the site. No other financial services are located within the one-half radius of the proposal.

The subject property is located within the CCA and CHW zoning districts. A title loan company or other financial service use is allowed in both zones, subject to the approval of a Conditional Use Permit. Approval of this project would be consistent with the General Plan and the Zoning regulations with approval of the Conditional Use Permit.

- 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 existing commercial building on the subject property has been vacant for at least six years. The occupancy of a vacant site will be an improvement with the proposed conditions, which include, the removal of graffiti, security surveillance, repainting of the entire building, re-slurring and re-striping the parking lot, new landscaping, and Police security measures. Although much needed exterior repairs will be a major improvement, the proposed use may not be the most appropriate use on a major commercial corridor. Therefore staff asked the applicant to present their request to nearby community groups to gather feedback from the neighborhood. The applicants presented to Wrigley, WAN, NAG and CPAC on several occasions. There were both negative and positive responses from the community. Staff has received four letters in opposition to the request. In response to the concerns of the neighborhood and the need to

enhance a dilapidated property, staff is recommending that the Planning Commission approve the title loan company. This approval is limited to an initial five year period. The five year period will allow staff to monitor the use on a yearly basis, to determine if the use is a good fit to the neighborhood. After the five-year time period, the applicant would need to apply for a new Conditional Use Permit to continue operations. With the proposed time limitations, included with the proposed operational conditions of approval, staff believes the use will not be detrimental to the surrounding community, public health, safety, or quality of life.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

There are no special conditions for other financial services.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

201 W. Pacific Coast Highway

Application No. 1203-06

August 2, 2012

1. The title loan company approved by the subject Conditional Use Permit shall be limited to a five-year time frame.
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. Prior to the issuance of a City Business License, the owner of the property shall voluntarily agree to, and will record a covenant/deed restriction to the satisfaction of the City Attorneys Office, limiting operation of the approved use (i.e., "Title Loan Company") to a maximum five (5) year period. The five-year period will commence on the date that the City issues the Notice of Final Action and shall expire five (5) years from the date that the Notice of Final Action is issued. At the end of the five (5) year period the approved use will immediately cease to operate unless a new Conditional Use Permit is applied for and granted in accordance with normal City administrative processes.
5. The paved area located in front of the building, that is not required parking shall be landscaped and a walkway added connecting the front door to the Pacific Coast Highway sidewalk, to the satisfaction of the Director of Development Services.
6. The applicant shall remove front yard chainlink fences and install a minimum five-foot-wide landscaping strip along Pacific Avenue and Pacific Coast Highway, street frontages, except within required drive aisles.
7. The existing parking lot shall be re-slurried and re-stripped to the satisfaction of the Director of Development Services. The parking lot shall be designed to accommodate 44 parking spaces as was initially approved in 1969. Wheel stops

- and handicap parking shall be included and approved to the satisfaction of the Director of Development Services.
8. The existing pole sign shall be removed and replaced with a maximum 8-foot-high monument sign, in the same location, to the satisfaction of the Director of Development Services.
 9. Along both interior property lines, a three-foot-wide landscaping strip shall be installed, except within required drive aisles.
 10. All required landscaped areas shall be planted with native and/or drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
 11. The existing commercial building shall be redesigned to look like a financial center or bank building. To do this, more windows or openings shall be provided along street frontages. The changes shall be approved to the satisfaction of the Director of Development Services, prior to obtaining a City Business License. The changes shall also include improvements to the paint, roofing, roof screening, and signage.
 12. Remove existing exterior pay phone on Pacific Coast Highway.
 13. Security bars and roll up doors are prohibited.
 14. Security cameras shall be placed inside and outside the building to the satisfaction of the Chief of Police. The security system shall be approved to the satisfaction of the Chief of Police, prior to the installation.
 15. 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.
 16. The Department of Development Services 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 activity shall take place annually.
 17. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions. Signage in excess of 10 percent of the window surface shall be removed.
 18. Fees for title loans shall not exceed those established by the State of California.

19. A detailed, complete and unambiguous schedule of all fees in English, Spanish, and Tagalog shall be posted in a location that can be easily read by the public. The information shall be clear and legible, and consist of letters not less than 1/8- inch in size.
20. All graffiti shall be removed from walls, rooftop enclosures and signs within a 24-hour period of its appearance.
21. The building shall be painted to the satisfaction of the Director of Development Services.
22. The hours of operation for the title loan business shall be limited to 9:00 a.m. to 6:00 p.m., Monday- Sunday.

Standard Conditions:

23. 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.
24. 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.
25. 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).
26. 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.

27. 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.

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.



NOTICE of EXEMPTION from CEQA

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 Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 12-016

Project Location/Address: 201 West Pacific Coast Highway, Long Beach 90806

Project/Activity Description: Allow a "Financial Institution-Not Listed", per the City Land Use Matrix, including loans secured by automobile title to occupy an existing vacant commercial space in the CHW zone.

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

Applicant Name: Pennbrooke Financial Services, LLC

Mailing Address: 3440 Preston Ridge Rd. #500 Alpharetta GA 30005

Phone Number: 323-463-0377

Applicant Signature: 

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1203-06 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 Class I 15301 EXISTING FACILITIES

Statement of support for this finding: Does Interior Alterations to an Existing Commercial Building, Including Interior & Exterior work, under Class I (a).

Contact Person: Steven Valdez

Contact Phone: 3 562-570-6571

Signature: 

Date: 7/25/12