



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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July 19, 2012

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request to establish a consumer finance lender located at 2004 Ximeno Avenue, Suite 200, within the Community Automobile-Oriented (CCA) zoning district. (District 4)

APPLICANT: Dollar Loan Center of California
c/o Ernest Barela
8860 W. Sunset Road, Suite 100
Las Vegas, NV 89104
(Application No. 1203-23)

DISCUSSION

The project site is located at 2004 Ximeno Avenue, Suite 200 (Exhibit A – Location Map). This site is zoned Community Automobile-Oriented District (CCA) and has a General Plan land use designation of Mixed Use (LUD #7). The proposed use is to be located in a small lease space area (approximately 640 square feet) at the northern corner of a one story commercial building situated within the parking lot of the shopping center (Exhibit B – Plans & Photos).

The applicant is requesting approval of a Conditional Use Permit to allow a consumer finance lender operation involved in providing unsecured short-term loans of \$2,500 to individuals, with no title loans and no collateral held on any loans. Customers pay only interest for the time the loan is outstanding on the principal amount with no prepayment penalty. Interest charges are approximately \$14 per day and about \$400 per month. Loans are fully amortized, with each payment on principal reducing the amount of interest that accrues, and no balloon payment. The proposed operation does not involve any check cashing or payday lending. The lender is a licensed lending institution subject to the California Finance Lenders Law.

A community meeting on this project proposal was held on May 31, 2012 at the subject site. Approximately ten members of the public were in attendance. The public was able to walk through the improved suite to observe the proposed business layout and security

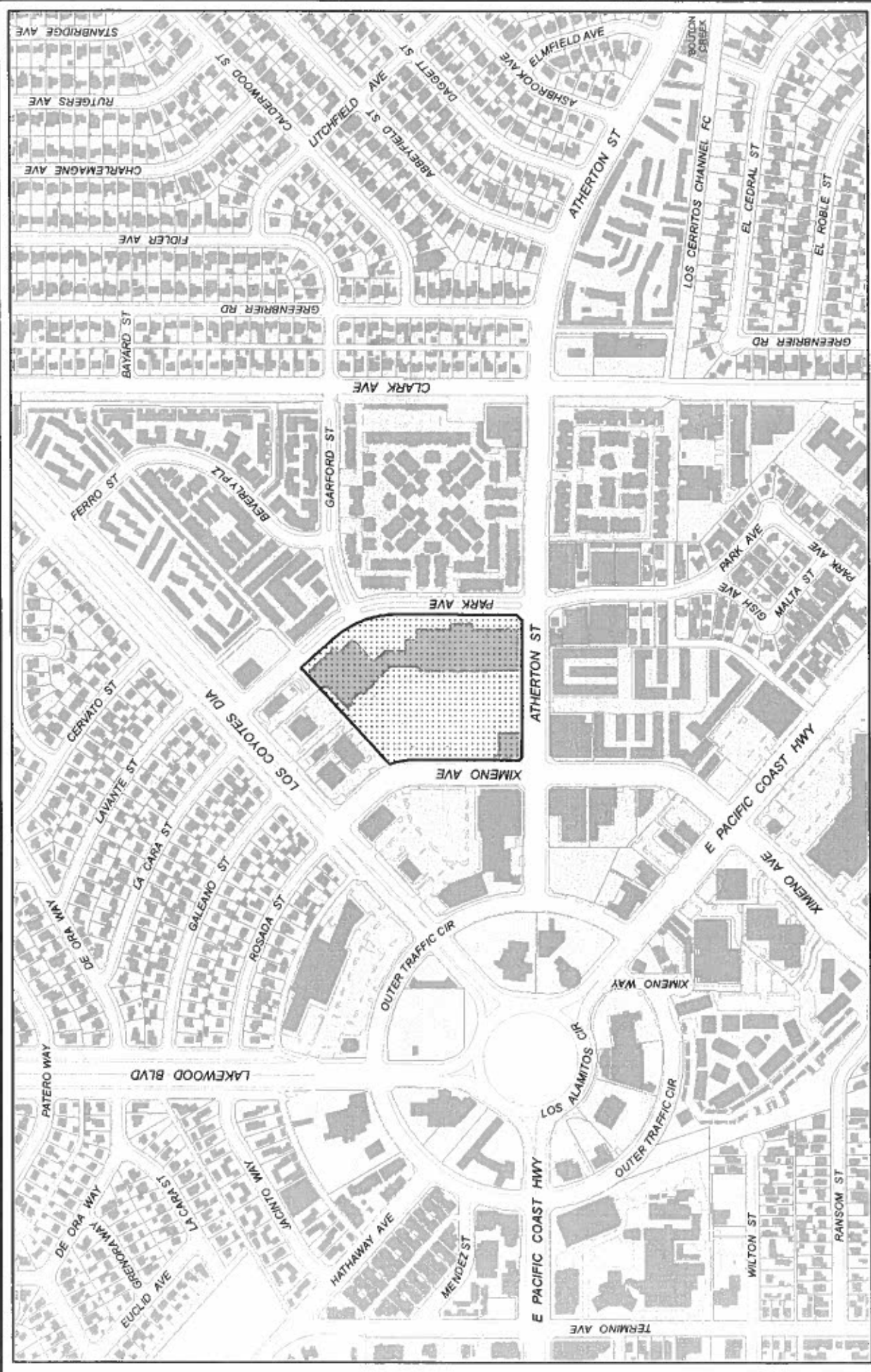


Exhibit A



Subject Property:
 2004 Ximeno Ave
 Application No. 1203-23
 Council District 4
 Zoning Code : CCA



**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

2004 Ximeno Avenue, Suite 200

Application No. 1203-23

July 19, 2012

1. The use permitted by the subject Conditional Use Permit, in addition to other uses permitted in the CCA zoning district, shall be a consumer finance lender for short-term loans with no check cashing or payday lending activities.
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. Security cameras shall be placed inside and outside the building to the satisfaction of the Long Beach Police Department. The security system shall be approved to the satisfaction of the Long Beach Police Department, prior to the installation.
6. 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 customer line shall be opened and serviced.
7. 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 shall take place annually.
8. 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 area of any window shall be prohibited.

9. Interior lighting sufficient to provide clear visibility into the interior of this lease space and shall be maintained during all non-business hours to allow for adequate security surveillance as deemed necessary by the Long Beach Police Department.
10. 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.
11. All graffiti shall be removed from walls, rooftop enclosures and signs within a 24-hour period of its appearance.
12. The hours of operation for this consumer finance lender shall be from 9:00 a.m. to 6:00 p.m. Monday through Friday, and from 10:00 a.m. to 2:00 p.m. on Saturday.

Standard Conditions:

13. 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.
14. 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.
15. 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).
16. 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.
17. 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

18. 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

2004 Ximeno Avenue, Suite 200

Application No. 1203-23

July 19, 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 General Plan Land Use District #7 – Mixed Use. LUD #7 is intended for large, vital multi-purpose activity centers such as the shopping center location of this project site. Various land uses intended for this district include retail, restaurant, offices, visitor-serving facilities, and personal and professional services. This proposed consumer finance lender meets the intent of LUD #7 by providing convenient financial services in a multi-use commercial activity center.

The zoning classification for this project site is CCA Community Automobile-Oriented District. The CCA zoning district permits retail and service uses for an entire community including convenience and comparison shopping goods and associated services. The proposed consumer finance lender is permitted in the CCA district with the approval of a Conditional Use Permit. Therefore, approval of this project would be consistent with the General Plan and the zoning regulations. The project site is not in the Coastal Zone and there are no specific plans or zoning overlay zones applicable to this site.

- 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**

With the incorporation of conditions of approval, which includes security cameras, security lighting, window visibility, and Police review of security measures, 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.

While none of the provisions of Chapter 21.52 of the Long Beach Municipal Code were specifically intended for this type of consumer finance lender, portions of certain sections of this Chapter that are for other types of financial services would apply as follows:

Section 21.52.208 Bank, credit union, savings and loan.

A. The project must comply with Section 21.32.230 Design of Buildings.

This provision applies only to new or remodeled commercial buildings. The project does not involve any new building construction or remodel of the existing building exterior, but rather only interior modifications to the project lease space area. Therefore, this provision does not apply to this project.

B. Drive-thru windows or drive-thru automated teller machines are prohibited.

No drive-thru windows or drive-thru automated teller machines are permitted as part of this project.

C. No new curb cuts shall be permitted for a new or existing bank, credit union, or savings and loan in Local Coastal Planning Area D (Second Street, between Livingston and Bayshore).

The project site is not located in Local Coastal Planning Area D.

D. Interior and exterior lighting, window displays, and other architectural features shall be included in the project street frontage to provide pedestrian interest during non-operational hours.

The approval conditions include a requirement for interior security lighting during non-operational hours. The project lease space area does not have street frontage and adequate exterior lighting exists in the shopping center for pedestrian interest in the project site during non-operational hours.

E. Projects in the Local Coastal Planning Area D (Second Street, between Livingston and Bayshore) that qualify for the one-half rate parking standard pursuant to Section 21.41.226.A shall make their parking facilities available for public parking during non-operational hours.

The project site is not located in Local Coastal Planning Area D.

Section 21.52.212 Check Cashing.

- 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.**

The project is not a check cashing business and check cashing is specifically prohibited as part of the conditions of approval.

- 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 project site is an existing lease space in an existing shopping center. No new expansion of shopping center floor area or removal of any existing shopping center on-site parking spaces would result from this project. Therefore, the existing on-site parking areas for this shopping center would not be altered by this project.

- 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 conditions of approval include a requirement (Condition #8) that windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions. This condition also prohibits signage in excess of 10% of the area of any window.

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

The conditions of approval prohibit exterior phones, security bars and roll up doors (Condition #4).

- 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 conditions of approval require the applicant to maintain a customer waiting/service area of sufficient size to fully accommodate anticipated queuing lines and to open a new customer line if more than three customers are in line (Condition #6). No teller windows are included in the interior floor layout.

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

The hours of operation for this consumer finance lender shall be from 9:00 a.m. to 6:00 p.m. Monday through Friday, and from 10:00 a.m. to 2:00 p.m. on Saturday (Condition #12).



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

Categorical Exemption CE- 12-025

Project Location/Address: 2004 Ximeno Suite 200 Long Beach, California 90815

Project/Activity Description: Consumer finance lender licensed under CFLL offering unsecured installment loans.

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

Applicant Name: Dollar Loan Center of California, LLC

Mailing Address: 8860 W. Sunset Rd. Ste. 100 Las Vegas, Nevada 89148

Phone Number: (702) 940-5146

Applicant Signature: *[Signature]*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1203-23 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 Conditions

Statement of support for this finding: New financial service establishment in existing commercial lease space.

Contact Person: Craig Chaffert

Contact Phone: 562-570-6769

Signature: *[Signature]*

Date: 7/6/12