



Legislation Text

File #: 12-0995, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing, consider the appeal by Pennbrooke Financial Services LLC, and approve a Conditional Use Permit (CUP) request for an "other financial service" (auto title loan) business located at 201 West Pacific Coast Highway within the Community Automobile-Oriented (CCA) and Regional Highway District (CHW) zones; or

Receive supporting documentation into the record, conclude the hearing, consider the appeal by Lee Fukui, Mauna Eichner, Lisa Wibroe, Annie Greenfeld, Colleen McDonald, Sam Portillo and Jack Smith, and deny the Conditional Use Permit (CUP) request for an "other financial service" (auto title loan) business located at 201 West Pacific Coast Highway within the Community Automobile-Oriented (CCA) and Regional Highway District (CHW) zones. (District 6)

A Conditional Use Permit (CUP) application was received on March 6, 2012, for an "other financial service" (auto title loan) business. The subject site is located at 201 West Pacific Coast Highway (Exhibit A - Plans & Photographs) 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 District (CHW) zoning districts.

The applicant applied for a CUP to establish an "other financial service", in this case, an auto title loan business within a vacant building. As a loan company which provides loans on car titles, a CUP was required for an "other financial service" operation because the use is not defined under the Municipal Code. This request is the first auto title loan business to apply for a CUP to operate in the City; there are no other legally established auto title loan companies in the City. Auto title loan operations are regulated by the State of California, under Division 9 of the State Finance Code (Section 22150-22172).

Since this is a relatively new type of business in the City, the impacts associated with the proposed use are unknown and potentially controversial. Thus, planning staff advised the applicant to present their proposal to neighborhood groups in the Wrigley community. The applicant agreed and presented to the Wrigley Association, Wrigley Area Neighborhood Alliance, Neighborhood Advisory Group, and Central Project Area Council 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

in opposition to the proposed use based on the types of loans offered and the sense that the use would detract from the community.

On August 2, 2012, the Planning Commission conducted a public hearing on the proposed CUP request. At that time, staff recommended that the Planning Commission approve the auto title loan use subject to a five-year time frame in concurrence with the property owner and the proposed tenant. This was in addition to standard conditions, such as remodeling the building into a financial

office, providing landscaping buffers, and new fences and paving. Staff concluded the five-year time frame would allow the dilapidated lot to be improved and allow the community to determine if the use is a good fit in the neighborhood. After five years, the applicant would be required to apply for a new CUP to continue operation. After considering testimony from the applicants and the public, the Planning Commission received the supporting documentation into the record, concluded the hearing and voted 3-2 to deny the CUP application. As a part of the motion, staff was directed to return at a later date with revised findings to support the denial of the CUP request.

After denial findings were drafted, the project was re-noticed and the Planning Commission conducted a public hearing on September 20, 2012. After hearing public testimony and discussing the proposed application in detail, the Planning Commission's vote resulted in a 3-3 tie. As a tie, there was not a majority approval of the project and the request failed. Because of this, either the applicant or project opponents could appeal the tie result to the City Council for approval or denial.

The Planning Commission's decision was appealed on September 28, 2012, by both the applicant and project opponents (community appellants) (Exhibit B - Appeals). The applicant contends that the use would be appropriate for the area. The community appellants contend that the use would detract from the community and the proposed plan for the Wrigley area.

The Planning Commission's tie resulted in no decision. Therefore, findings for denial and approval, as well as conditions of approval are attached to allow the Council flexibility in considering the request (Exhibit C - Denial and Approval Findings and Conditions of Approval).

This matter was reviewed by Assistant City Attorney Michael Mais on November 5, 2012 and by Budget Management Officer Victoria Bell on November 1, 2012.

The Municipal Code Section 21.21.504 requires City Council action within 60 days of receiving an application for appeal. The subject appeal was received on September 28, 2012, and will be heard within the 60 day time frame.

There is no fiscal impact and no local job impact as a result of the recommended action.

Approve recommendation.

AMY BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER