



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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October 27, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE ALTERNATIVE FINANCIAL SERVICES ORDINANCE
PROJECT NUMBER R2020-000078-(1-5)
ADVANCE PLANNING CASE NUMBER RPPL2020000655
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The recommended action is to amend Title 22 (Planning and Zoning) with the Alternative Financial Services Ordinance (Ordinance) to define and establish operational and development standards for alternative financial services (high-cost lenders) in the unincorporated areas of the County. A project summary is included as Attachment 1 and the proposed Ordinance is included as Attachment 2.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Find that Advance Planning Case No. RPPL2020000655 is categorically exempt pursuant Section 15308 (Class 8 Exemption) of the California Environmental Quality Act (CEQA) and the County environmental guidelines.
2. Approve the recommendation of the Regional Planning Commission (RPC) to amend Title 22 of the Los Angeles County Code as reflected in the proposed Ordinance.
3. Indicate the Board of Supervisors' (BOS) intent to approve the proposed Ordinance (Advance Planning Case No. RPPL2020000655).

4. Instruct County Counsel to prepare the final documents for the proposed Ordinance amending the County Code as recommended by the RPC and submit to the Board for its consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

High-cost lenders include payday lenders, auto title lenders, and check cashers. A high-cost lender is a commercial business that charges a percentage fee to provide a loan or cash a check at interest rates that are higher than those of other financial institutions, such as federally- or state chartered banks, credit unions, mortgage lenders, savings and loan associations, or industrial loan companies.

The proposed Ordinance, which was initiated by the BOS on October 16, 2018, is an amendment to Title 22 to address the potential impacts of high-cost lenders on vulnerable communities in the unincorporated areas of the County. Currently, high-cost lenders are not defined in Title 22 and the Department of Regional Planning (DRP) regulates this use in a similar way to banks, savings and loans, credit unions, and other financial institution type uses. In addition, when a high-cost lender establishes a location within an existing retail space, review and approval by DRP is not required unless tenant improvements or a change to the number of parking spaces are proposed. In order to reduce impacts to vulnerable communities from high-cost lenders, the proposed Ordinance defines and regulates high-cost lenders as “alternative financial services” and establishes operational and development standards for these uses, including spacing requirements to avoid overconcentration of these uses, limits on operating hours, and standards for security features.

On December 12, 2017, the Board directed the Department of Consumer and Business Affairs (DCBA) to report on options for curbing the effects of high-cost loans in the County. On September 3, 2018, DCBA issued a report to the Board titled, “Curbing the Effects of High-Cost Loans in Los Angeles County,” which indicated the need to address the negative economic impact of high-cost loan products on Los Angeles County’s most vulnerable communities. As the proposed Ordinance may reduce financial services options for vulnerable communities, the BOS directed several County Departments to develop alternatives to high-cost lenders for vulnerable communities.

On April 29, 2020, the RPC held a public hearing to consider the proposed Ordinance and recommended that the BOS consider and adopt the Ordinance, with a vote of (4-1). The RPC instructed DRP to provide additional outreach for the proposed Ordinance in the First and Second Districts prior to the BOS public hearing. A summary of the RPC’s hearing proceedings is included as Attachment 3, and the RPC’s resolution is included as Attachment 4.

Key Components

The proposed Ordinance will:

- Define high-cost lenders as alternative financial services.
- Restrict new alternative financial services to the following zones:

Zone	Review Required
C-3 (General Commercial)	Conditional Use Permit
C-M (Commercial-Manufacturing)	Conditional Use Permit
M-1 (Light Manufacturing)	Site Plan Review
M-1.5 (Restricted Heavy Manufacturing)	Site Plan Review
M-2 (Heavy Manufacturing)	Site Plan Review

- Reduce overconcentration by requiring new alternative financial services to maintain a minimum buffer of 1,320 feet (1/4 mile) from the property boundary of any other existing high-cost lenders.
- Establish operational and development standards for new alternative financial services, including:
 - Alternative financial services will be required to post their loan rates in multiple languages adjacent to the customer service window.
 - Hours of operation will be limited to the hours of 8:00 a.m. and 8:00 p.m. daily.
 - Security bars and grills on the exterior of the storefront, and exterior cashier windows, shall be prohibited.
 - Video security cameras shall be required to monitor the customer service areas and exterior areas surrounding the building, with 30 days of recorded video footage available to the Sheriff's Department upon request.

According to the California Department of Business Oversight, 43 alternative financial service businesses are operating in unincorporated Los Angeles County. Once the proposed Ordinance is adopted and in effect, lawfully established, existing alternative financial service businesses may continue to operate in compliance with Section Chapter 22.172 (Nonconforming Uses, Buildings and Structures). According to Section 22.172.050.B.1, any existing alternative financial service that is a nonconforming use in a conforming structure shall be discontinued and removed from the site within five years of the effective date of the proposed Ordinance.

ADDITIONAL STAFF RECOMMENDATIONS

For clarification purposes, Regional Planning made revisions to the proposed Ordinance heard by the RPC on April 29, 2020. These changes are shown in Attachment 5, including:

- Updated the definition for “check casher” and “check cashing service” to be consistent with California Civil Code Section 1789.31.(a).
- Corrected an error for permit requirements in Zone C-M to meet the intent of the proposed Ordinance.
- Deleted redundant requirements in operating and development standards.

Prior to the BOS public hearing, as instructed by the RPC, DRP conducted additional outreach to 41 individuals and groups in the First and Second Districts, including:

- Economic opportunity centers
- Banks and credit unions
- Consultants
- Facility operators that hosted “Small Business Development Center” meetings
- Business resource centers
- Women’s business centers
- Ethnic and hyperlocal media

A full list of individuals and groups that have been contacted is included as Attachment 6 (64 total).

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed Ordinance promotes Goal I, Make Investments That Transform Lives, Goal I.1.8 Promote Consumer Financial Stability, by defining and establishing operational and development standards for alternative financial services in order to address the potential impacts of high-cost lenders on vulnerable communities in unincorporated Los Angeles County.

FISCAL IMPACT/FINANCING

Adoption of the proposed Ordinance will not result in additional costs to the County. Implementation and enforcement of the Ordinance is an ongoing responsibility of the DRP and thus covered by the DRP’s operating budgets.

LEGAL REQUIREMENTS

In addition to the public hearing conducted by the RPC on April 29, 2020, a public hearing before the BOS is required pursuant to Section 22.232.040.B.1 of the County Code and Section 65856 of the Government Code. Required notice was given pursuant to the procedures and requirements set forth in Section 22.222.180 of the County Code.

ENVIRONMENTAL DOCUMENTATION

The adoption of the Ordinance is exempt from CEQA per Section 15308 (Class 8 Exemption) of the CEQA and the County environmental guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed Ordinance will not significantly impact County services.

For further information, please contact Bruce Durbin, Supervising Regional Planner, at (213) 974-6432 or bdurbin@planning.lacounty.gov.

Respectfully submitted,



AMY J. BODEK, AICP
Director of Regional Planning

AJB:BS:CC:BD:AN:el

Attachments:

1. Project Summary
2. Proposed Ordinance
3. RPC Hearing Proceedings
4. RPC Resolution
5. RPC Ordinance (Redlined)
6. Notification List

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Public Works
Department of Consumer and Business Affairs

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING**

PROJECT SUMMARY

PROJECT DESCRIPTION: Alternative Financial Services Ordinance: Proposed amendment to the Los Angeles County Code (Title 22) to define and establish operational and development standards for alternative financial services (high-cost lenders) in the unincorporated areas of the County.

REQUEST: Approval and adoption of the proposed Ordinance.

LOCATION: Countywide (unincorporated areas)

STAFF CONTACT: Mr. Bruce Durbin, Supervising Regional Planner at (213) 974-6432

RPC HEARING DATE(S): April 29, 2020

RPC RECOMMENDATION: Approval and recommendation to the Board to consider adoption of the proposed Ordinance.

MEMBERS VOTING AYE: Modugno, Shell, Smith, Louie

MEMBERS VOTING NAY: Moon

MEMBERS ABSENT: None

MEMBERS ABSTAINING: None

KEY ISSUES: The proposed Ordinance amends Title 22 (Planning and Zoning) of the County Code to: define high-cost lenders as “alternative financial services”; restrict alternative financial services to Zones C-3 (General Commercial) and C-M (Commercial-Manufacturing), subject to a Conditional Use Permit (CUP) and to Zones M-1 (Light Manufacturing), M-1.5 (Restricted Heavy Manufacturing), and M-2 (Heavy Manufacturing), subject to a Ministerial Site Plan Review (SPR); and establish operational and development standards for alternative financial services in the unincorporated areas of the County.

MAJOR POINTS FOR: The proposed Ordinance will protect Los Angeles

County's vulnerable communities from the negative economic impacts of high-cost loan products from alternative financial services.

Because the proposed Ordinance may reduce financial services options for vulnerable communities, the Board directed several County Departments to develop alternatives to high-cost lenders for vulnerable communities.

MAJOR POINTS AGAINST:

As an alternative to the proposed Ordinance, the Department of Consumer and Business Affairs is engaged in a multi-year, wide-ranging multimedia campaign designed to alert consumers about the risks of entering into high-cost loan agreements and educate consumers on available alternatives to high-cost loan agreements.

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to implement the Alternative Financial Services Ordinance which defines and establishes performance and development standards for alternative financial services (high-cost lenders) in the unincorporated areas of the County.

SECTION 1. Section 22.14.010 – A is hereby amended to read as follows:

22.14.010 – A.

...

Alternative Financial Services. The following terms are defined solely for Section 22.140.690 (Alternative Financial Services):

Alternative financial service. A use that charges a percentage fee to provide a loan or cash a check. This term includes, but is not limited to, deferred deposit transaction (payday) lender, check casher, and motor vehicle (auto) title lenders. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit financial institution.

Bank. This term shall have the same meaning as set forth in Section 1561 of the California Financial Code.

Check casher. A business that for compensation engages, in whole or in part, in the cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit financial institution.

Check cashing service. A retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose of business.

Credit union. This term shall have the same meaning as set forth in Section 14002 of the California Financial Code.

Deferred deposit transaction (payday) lender. An individual or corporation licensed by the commissioner of the California Department of Business Oversight that engages in the business of selling checks, drafts or money orders, or receives money as an agent of a customer bound by contract, for the purpose of paying bills, invoices or accounts of such customer or to accept money in payment of utility bills except as an authorized agent for a utility company.

Industrial loan company. This term shall have the same meaning as set forth in Section 18003 of the California Financial Code.

Mortgage lender. A bank or trust company, mortgage banker, federally- or state chartered savings and loan association, service corporation, or other financial institution or governmental agency which is deemed capable of providing service or otherwise aiding in the financing of construction loans and mortgage loans.

Motor vehicle (auto) title lender. A business that grants a short-term loan to a borrower in exchange for repaying the principal amount borrowed plus interest. To obtain the loan, the borrower offers the title to their car, motorcycle, mobile home, truck, van, or other vehicle operated on public highways and streets, as collateral should the borrower default in repaying the loan within the agreed upon time.

Savings and loan association. This term shall have the same meaning as an “eligible savings and loan association” as set forth in Section 16600 of the California Government Code.

...

SECTION 2. Section 22.16.030 is hereby amended to read as follows:

22.16.030 - Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.

...

C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Service Uses						
<u>Alternative financial services</u>	-	-	-	-	-	<u>Section 22.140.690</u>
Barber shops	-	-	-	CUP ^{4,9}	-	
...

SECTION 3. Section 22.18.030 is hereby amended to read as follows:

22.18.030 - Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4, and R-5.

...

C. Use Regulations.

1. Principal Uses. Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
Service Uses							
<u>Alternative financial services</u>	=	=	=	=	=	=	<u>Section 22.140.690</u>
Cemeteries	CEM	CEM	CEM	CEM	CEM	-	
...

SECTION 4. Section 22.20.030 is hereby amended to read as follows:

22.20.030 - Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

...

C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
...								
Service Uses								
Alcohol beverage sales, for on-site consumption	-	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140.030
<u>Alternative financial services</u>	=	=	=	<u>CUP</u>	<u>CUP</u>	=	=	<u>Section 22.140.690</u>
...

SECTION 5. Section 22.22.030 is hereby amended to read as follows:

22.22.030 - Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5.

...

C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
Service Uses					
Alcohol beverage sales, for on-site consumption	CUP	CUP	CUP	CUP	Section 22.140.030
<u>Alternative financial services</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	=	<u>Section 22.140.690</u>
...

SECTION 6. Section 22.24.030 is hereby amended to read as follows:

22.24.030 - Land Use Regulations for Rural Zones.

...

C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
Service Uses			
Alcohol beverage sales, for on-site consumption	CUP	CUP	Section 22.140.030
<u>Alternative financial services</u>	=	=	<u>Section 22.140.690</u>
...

SECTION 7. Section 22.26.020 is hereby amended to read as follows:

22.26.020 - Institutional Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.020-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
Service Uses		
<u>Alternative financial services</u>	=	<u>Section 22.140.690</u>
...

SECTION 8. Section 22.26.030 is hereby amended to read as follows:

22.26.030 - Mixed Use Development Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses.

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		

Service Uses		
Alcohol beverage sales, for on-site consumption	CUP	Section 22.140.030
<u>Alternative financial services</u>	-	<u>Section 22.140.690</u>
...

ii. Table 22.26.030-C, below, identifies the permit or review required to establish each principal use. These uses may be established in commercial-only development projects or properties.

TABLE 22.26.030-C: PRINCIPAL LAND USE REGULATIONS FOR ZONE MXD IN COMMERCIAL-ONLY DEVELOPMENT PROJECTS OR PROPERTIES		
		Additional Regulations
...		
Service Uses		
<u>Alternative financial services</u>	-	<u>Section 22.140.690</u>
...		...

SECTION 9. Section 22.26.050 is hereby amended to read as follows:

22.26.050 - Scientific Research and Development Zone.

A. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.050-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.050-B: PRINCIPAL USE REGULATIONS FOR ZONE SR-D		
Use Category		Additional Regulations
...		
Service Uses		

<u>Alternative financial services</u>	-	<u>Section 22.140.690</u>
...		...

SECTION 10. Section 22.26.060 is hereby amended to read as follows:

22.26.060 - Parking Restricted Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.060-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.060-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R		
		Additional Regulations
<u>Alternative financial services</u>	=	<u>Section 22.140.690</u>
...		...

SECTION 11. Section 22.60.030 is hereby amended to read as follows:

22.60.030 - Prohibited Uses.

In addition to uses listed in Section 22.22.030.E (Prohibited Uses), premises in Zone ()-IP shall not be used for the following uses listed in Table 22.60.030-A:

TABLE 22.60.030-A: USES PROHIBITED IN ZONE ()-IP	
<u>Alternative financial services</u>	Ice cream shops
Amphitheaters, theaters, and other auditoriums, as principal uses	...

...

SECTION 12. Table 3-2 in Section 22.46.3100 (Willowbrook TOD Specific Plan) is hereby amended to read as follows:

Table 3-2: Principal Use Regulations for Mixed Use Zones

Use	MU-1	MU-2	Additional Regulations
Service Uses			
Banks and financial institutions	SPR	SPR	
...
Check cashing	SPR	--	
...

SECTION 13. Section 3.5.B.8 in Section 22.46.3100 (Willowbrook TOD Specific Plan) is hereby amended to read as follows:

...

B. Land Use Regulations.

8. Prohibited uses. Uses expressly prohibited in the Mixed Use Zones are as follows:

a. Alternative financial services

b. Bars and cocktail lounges

...

SECTION 14. Section 3.3.5 in Section 22.46.3200 (West Carson TOD Specific Plan) is hereby amended to read as follows:

3.3.5 Alternative Financial Service

"Alternative Financial Service" means a use that charges a percentage fee to provide a loan or cash a check. This term includes, but is not limited to, deferred deposit transaction (payday) lender, check casher, and motor vehicle (auto) title lenders. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit

financial institution. Alternative Financial Services are prohibited within the Specific Plan area.

...

SECTION 15. Section 22.140.690 is hereby added to read as follows:

22.140.690 - Alternative Financial Services

A. **Purpose.** This Section establishes standards for alternative financial services, which may have a detrimental effect the on the health, safety, or welfare of the community, to minimize overconcentration while permitting these activities in specific Commercial and Industrial Zones.

B. **Definitions.** Specific terms used in this Section are defined in Section 22.14.010 of Division 2 (Definitions), under “Alternative Financial Services.”

C. **Applicability.** This Section applies to alternative financial services in Zones C-3, C-M, M-1, M-1.5, and M-2.

D. **Prohibited Areas.** Alternative financial services are prohibited within any area regulated by a Specific Plan.

E. **Existing Uses.**

1. Alternative financial services that were lawfully existing as of (effective date of the ordinance), the effective date of this Section, may remain in their present condition, subject to the provisions of Chapter 22.172 (Nonconforming Uses, Buildings, and Structures).

2. Alternative financial services that were lawfully existing as of (effective date of the ordinance), the effective date of this Section, may be enlarged, expanded, or relocated only if the business is brought into compliance with the development and performance standards of this Section.

F. **Application Requirements.**

1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required for alternative financial services in Zones M-1, M-1.5, and M-2.

2. Conditional Use Permit.

a. Application. A Conditional Use Permit (Chapter 22.158) application is required for alternative financial services in Zones C-3 and C-M.

b. Additional Findings.

i. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

c. Public Convenience or Necessity.

i. In addition to the findings required by Subsection F.2.b, above, findings of public convenience or necessity pursuant to this Subsection F.2.c.ii, below, shall be made when an alternative financial service business is located within 1,320 feet of another alternative financial service business.

ii. A finding of public convenience or necessity shall be based upon review and consideration of relevant factors, which, shall include, but not be limited to, the following:

(1) The extent to which the requested use would duplicate services and, therefore, contribute to an over-concentration of similar uses;

(2) The extent to which the requested use will enhance the economic viability of the area;

(3) The ability of the requested use to serve a portion of the market not served by other uses in the area; and

(4) The extent to which the requested use, location, surrounding area, and/or operator has a history of law enforcement problems.

G. **Additional Application Materials.** In addition to any information required by this Title 22, an application for an alternative financial institution shall include a site plan depicting the location of all businesses within a 1,320 foot radius of the subject property.

H. **Development Standards.** Alternative financial services shall comply with the following development standards:

1. **Buffer.** The property boundary of an alternative financial service shall be a minimum of 1,320 feet from the property boundary of all other alternative financial services.

2. **Sign Requirements.** Alternative financial services shall post their loan rates in multiple languages including, but not limited to, English, Spanish, Korean, Chinese, Armenian, and Tagalog, adjacent to the customer service window using a letter height of not less than one-half (1/2) inch.

I. **Performance Standards.** Alternative financial services shall comply with the following performance standards:

1. **Hours of Operation.** All alternative financial service activities shall be confined to the hours between 8:00 a.m. and 8:00 p.m., daily.

2. **Security.**

a. **Security bars and accordion folding grilles installed on the exterior of a storefront are prohibited.**

b. **Exterior cashier windows shall be prohibited.**

c. **Building security grilles may be placed within the interior of the building if the grilles are concealed so that they are not visible from the exterior of the building when not in use during business hours.**

d. Video security cameras shall be installed to monitor the customer service area and exterior areas surrounding the business. The cameras shall record video for a minimum of 30 days and be available to Sherriff officers upon request.

DRAFT

**REGIONAL PLANNING COMMISSION
SUMMARY OF PUBLIC HEARING PROCEEDINGS**

ALTERNATIVE FINANCIAL SERVICES ORDINANCE

On April 29, 2020, the Regional Planning Commission (RPC) conducted a duly-noticed public hearing to consider the Alternative Financial Services Ordinance (Ordinance), which is an amendment to Title 22 that defines and establishes operational and development standards for alternative financial services (high-cost lenders) in the unincorporated areas of the County.

During the hearing, Regional Planning Staff (Staff) provided an overview of the Ordinance. No public comments were received for the Ordinance. Staff indicated to the RPC that during outreach presentations, the majority of the feedback received was in support of the Ordinance. Staff received one verbal comment that was opposed to the new regulations directed at these businesses. Instead, the individual suggested that the County provide education to help consumers make informed financial decisions.

The RPC asked if the proposed Ordinance is consistent with regulations for high-cost lenders in other jurisdictions. Staff stated that the research for the proposed Ordinance included reviewing regulations for jurisdictions across and outside of California. Staff noted that the regulations for the separation of high-cost lenders range from 500 feet to 2,000 feet or more, and that a buffer of 1,320 feet would reduce the concentration of high-cost lenders and not eliminate all high-cost lenders in the unincorporated areas.

The RPC closed the public hearing and adopted the resolution to recommend the Board of Supervisors to consider and adopt the proposed Ordinance at a public hearing with a vote of (4-1). The RPC also instructed Staff to provide additional outreach for the proposed Ordinance in the First and Second Districts prior to the Board of Supervisors public hearing.

VOTE:

Concurring: Modugno, Shell, Smith, Louie

Dissenting: Moon

Abstaining: None

Absent: None

Action Date: April 29, 2020

**RESOLUTION
COUNTY OF LOS ANGELES
REGIONAL PLANNING COMMISSION
ALTERNATIVE FINANCIAL SERVICES ORDINANCE
PROJECT NO. R2020-00078
ADVANCE PLANNING CASE NO. RPPL2020000655**

WHEREAS, the Regional Planning Commission (hereinafter, the "Commission") of the County of Los Angeles has conducted a duly noticed public hearing on April 29, 2020 to consider an ordinance, (hereinafter, the "Alternative Financial Services Ordinance" or the "Ordinance") that amends Title 22 (Planning and Zoning) of the Los Angeles County Code (hereinafter, the "County Code") to establish the land use, "Alternative Financial Services" and associated standards; and

WHEREAS, the Commission finds as follows:

1. On October 16, 2018, the Board of Supervisors (hereinafter, the "Board") directed the Director of Regional Planning (hereinafter, the "Director") to study the impacts of high-cost loans and prepare amendments to Title 22 of the County Code that:
 - a. Defines "high-cost lenders";
 - b. Establishes development standards for high-cost lenders, such as limits on hours of operation and signage; and
 - c. Requires a minimum distance between high-cost lenders to prevent overconcentration of the establishments.
2. Staff conducted a study of 28 cities and counties in California. These jurisdictions defined and regulated check cashers, payday lenders, vehicle title lenders, and alternative financial services. A minimum separation distance (buffer) between high-cost lenders is not consistently required by the jurisdictions reviewed in this study. Of jurisdictions that do regulate spacing of such uses:
 - a. Long Beach and Norwalk require a 1,320-foot buffer;
 - b. La Mirada, Oakland, and Sacramento require a 1,000 foot buffer; and
 - c. Pico Rivera requires a 2,640 foot buffer.
3. The State of California, Department of Corporations licenses and regulates high-cost lenders.
4. The Ordinance defines Alternative Financial Services (AFS) as a use, other than a state or federally chartered bank, credit union, mortgage lender,

savings and loan association, or industrial loan company, that charges a percentage fee to provide a loan or check cashing service. The term "Alternative Financial Service" includes, but is not limited to, deferred deposit transaction (payday loan) lender, check cashing services, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. The term "Alternative Financial Service" does not include: 1) non-profit financial institutions, or 2) retail businesses primarily selling consumer goods, with incidental check cashing by a check cashier, for a fee not exceeding two dollars (\$2.00) as a service to its customers.

5. A total of 440 AFS are operating in the County, with 43 located within the unincorporated areas of the County. The distribution of these businesses within the unincorporated areas are:
 - a. 1st Supervisorial District – 20
 - b. 2nd Supervisorial District – 11
 - c. 3rd Supervisorial District – 0
 - d. 4th Supervisorial District – 6
 - e. 5th Supervisorial District – 6
6. A separation distance of less than 1,320 feet between AFS is considered an overconcentration, which is consistent with the requirements of the cities of Long Beach and Norwalk.
7. The Ordinance allows AFS in the M-1 (Light Manufacturing), M-1.5 (Restricted Heavy Manufacturing), and M-2 (Heavy Manufacturing) zones with approval of a Site Plan Review. Alternative financial services will also be allowed in the C-3 (General Commercial) and C-M (Commercial-Manufacturing) zones with approval of a Conditional Use Permit.
8. The Ordinance includes provisions to reduce impacts of AFS on unincorporated communities including: AFS separation requirements, loan rate posting requirements, operating hours restrictions, security camera requirements, and prohibition of security bars and exterior cash windows.
9. DRP conducted outreach for the Ordinance with chambers of commerce and advisory committees of communities that have an overconcentration of AFS, including the following groups:
 - a. Financial Capability Summit – May 15, 2019;
 - b. East Los Angeles Consumer Affairs Advisory Committee – September 19, 2019;

- c. Office of Small Business Commission – October 9, 2019;
 - d. California Department of Business Oversight – December 11, 2019;
 - e. Los Angeles South Chamber of Commerce – February 12, 2020; and
 - f. Florence-Firestone/Walnut Park Chamber of Commerce – March 18, 2020
10. The Ordinance is compatible with and supportive of policies of the Los Angeles County General Plan, which promote equitable communities by addressing the potential impacts of AFS on unincorporated areas of the County.
 11. The Ordinance qualifies for a Categorical Exemption (Section 15308, Class 8 Exemption) under the California Environmental Quality Act (CEQA) and the County environmental guidelines.
 12. Pursuant to Sections 22.222.120 of the County Code, the public was appropriately notified of the public hearing by a posting in 11 newspapers of general circulation.
 13. On April 29, 2020 the Commission conducted a duly-noticed public hearing to *[Reserved for Hearing Proceedings]*

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider adopting the Alternative Financial Services Ordinance that amends Title 22 of the Los Angeles County Code to establish the land use, “Alternative Financial Services” and associated standards;
2. That the Board adopt the Alternative Financial Services Ordinance and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan; and
3. That the Board find that this project is not subject to the California Environmental Quality Act, in that it can be seen with certainty that there is no possibility that the attached proposed ordinance may have a significant effect on the environment.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on April 29, 2020.



Rosie O. Ruiz, Commission Secretary

County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By _____
Elaine Lemke
Assistant County Counsel
Property Division

VOTE:

Concurring: Smith, Louie, Modugno, Shell

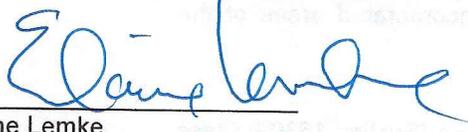
Dissenting: Moon

Abstaining:

Absent:

Action Date: April 29, 2020

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By 

Elaine Lemke
Assistant County Counsel
Property Division

VOTE:

Concurring: Smith, Louie, Modugno, Shell

Dissenting: Moon

Abstaining:

Absent:

Action Date: April 29, 2020

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to implement the Alternative Financial Services Ordinance which. ~~The ordinance defines and establishes performance and development standards for alternative financial services (high-cost lenders) in the unincorporated areas of the County is intended to control the potential impacts caused by high-cost lenders, which include payday lenders, auto title lenders, and check cashers in the unincorporated areas of the County.~~

SECTION 1. Section 22.14.010 – A is hereby amended to read as follows:

22.14.010 – A.

...

~~Alley. A public or private right-of-way less than 40 feet wide that provides vehicular access to the side or rear of properties abutting a street or highway.~~

Alternative Financial Services. The following terms are defined solely for Section 22.140.~~640690~~ (Alternative Financial Services):

~~Alternative Financial Service. A use, other than a state or federally chartered bank, credit union, mortgage lender, savings and loan association, or industrial loan company that charges a percentage fee to provide a loan or check cashing service. The term "Alternative Financial Service" includes, but is not limited to, deferred deposit transaction (payday loan) lender, check cashing services, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. The term "Alternative Financial Service" does not include: 1) non-profit financial institutions, or 2) retail businesses primarily selling consumer goods, with incidental check cashing by a check cashier, for a fee not exceeding two dollars (\$2.00) as a service to its customers.~~

Alternative financial service. A use that charges a percentage fee to provide a loan or cash a check. This term includes, but is not limited to, deferred deposit transaction (payday) lender, check casher, and motor vehicle (auto) title lenders. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit financial institution.

Bank. This term shall have the same meaning as set forth in Section 1561 of the California Financial Code.

Check casher. A business that for compensation engages, in whole or in part, in the cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit financial institution. This term shall not include a state or federally chartered bank, savings association, credit union, or industrial loan company. This term shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose or business. A retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose of business.

Check cashing service. A business that for compensation engages, in whole or in part, in the cashing of checks, warrants, drafts, money orders, or other commercial

~~paper serving the same purpose. This term shall not include a state or federally chartered bank, savings association, credit union, or industrial loan company. This term shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose or business.~~ A retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose of business.

Credit union. This term shall have the same meaning as set forth in Section 14002 of the California Financial Code.

Deferred deposit transaction (payday) lender. An individual or corporation licensed by the commissioner of the California Department of Business Oversight that engages in the business of selling checks, drafts or money orders, or receives money as an agent of a customer bound by contract, for the purpose of paying bills, invoices or accounts of such customer or to accept money in payment of utility bills except as an authorized agent for a utility company.

Industrial loan company. This term shall have the same meaning as set forth in Section 18003 of the California Financial Code.

Mortgage lender. A bank or trust company, mortgage banker, federally- or state- chartered savings and loan association, service corporation, or other financial institution or governmental agency which is deemed capable of providing service or otherwise aiding in the financing of construction loans and mortgage loans.

Motor vehicle (auto) title lender. A business that grants a short-term loan to a borrower in exchange for repaying the principal amount borrowed plus interest. To obtain the loan, the borrower offers the title to their car, motorcycle, mobile home, truck, van, or other vehicle operated on public highways and streets, as collateral should the borrower default in repaying the loan within the agreed upon time.

Savings and loan association. This term shall have the same meaning as an “eligible savings and loan association” as set forth in Section 16600 of the California Government Code.

~~Amateur Radio Antennas. The following terms are defined solely for Section 22.140.040 (Amateur Radio Antennas):~~

...

SECTION 2. Section 22.16.030 is hereby amended to read as follows:

22.16.030 - Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.

...

C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES

	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Service Uses						
Alternative Financial Services	-	-	-	-	-	Section 22.140.690

...								
Service Uses								
Alcohol beverage sales, for on-site consumption	-	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140.030
<u>Alternative Financial Services</u>	=	=	=	<u>CUP</u>	<u>CUPS</u> <u>PR</u>	=	=	<u>Section 22.140.640690</u>
...

SECTION 5. Section 22.22.0430 is hereby amended to read as follows:

22.22.0430 - Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5-Purpose.

...

C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
Service Uses					
Alcohol beverage sales, for on-site consumption	CUP	CUP	CUP	CUP	Section 22.140.030
<u>Alternative Financial Services</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	=	<u>Section 22.140.640690</u>
...

SECTION 6. Section 22.24.030 is hereby amended to read as follows:

22.24.030 - Land Use Regulations for Rural Zones.

...

C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
Service Uses			
Alcohol beverage sales, for on-site consumption	CUP	CUP	Section 22.140.030
<u>Alternative Ffinancial Sservices</u>	=	=	<u>Section 22.140.690</u>
...

SECTION 7. Section 22.26.020 is hereby amended to read as follows:

22.26.020 - Institutional Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.020-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
Service Uses		
<u>Alternative Ffinancial Sservices</u>	=	<u>Section 22.140.690</u>
...

SECTION 8. Section 22.26.030 is hereby amended to read as follows:

22.26.030 - Mixed Use Development Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses.

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Service Uses		
Alcohol beverage sales, for on-site consumption	CUP	Section 22.140.030
<u>Alternative Financial Services</u>	=	Section 22.140.690
...

ii. Table 22.26.030-C, below, identifies the permit or review required to establish each principal use. These uses may be established in commercial-only development projects or properties.

TABLE 22.26.030-C: PRINCIPAL LAND USE REGULATIONS FOR ZONE MXD IN COMMERCIAL-ONLY DEVELOPMENT PROJECTS OR PROPERTIES		
		Additional Regulations
...		
Service Uses		
<u>Alternative Financial Services</u>	=	Section 22.140.690
...		...

SECTION 9. Section 22.26.050 is hereby amended to read as follows:

22.26.050 - Scientific Research and Development Zone.

A. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.050-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.050-B: PRINCIPAL USE REGULATIONS FOR ZONE SR-D	
Use Category	Additional Regulations
...	
Service Uses	
Alternative F financial S services	- Section 22.140.690
...	...

SECTION 10. Section 22.26.060 is hereby amended to read as follows:

22.26.060 - Parking Restricted Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.060-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.060-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R	
	Additional Regulations
Alternative F financial S services	- Section 22.140.690
...	...

SECTION 11. Section 22.60.030 is hereby amended to read as follows:

22.60.030 - Prohibited Uses.

In addition to uses listed in Section 22.22.030.E (Prohibited Uses), premises in Zone ()-IP shall not be used for the following uses listed in Table 22.60.030-A:

TABLE 22.60.030-A: USES PROHIBITED IN ZONE ()-IP	
Alternative financial services	Ice cream shops
Amphitheaters, theaters, and other auditoriums, as principal uses	...

...

SECTION 12. Table 3-2 in Section 22.46.3100 (Willowbrook TOD Specific Plan) is hereby amended to read as follows:

Table 3-2: Principal Use Regulations for Mixed Use Zones

Use	MU-1	MU-2	Additional Regulations
Service Uses			
Banks and financial institutions	SPR	SPR	
...
Check cashing	SPR	---	
...

SECTION 13. Section 3.5.B.8 in Section 22.46.3100 (Willowbrook TOD Specific Plan) is hereby amended to read as follows:

...

B. Land Use Regulations.

8. Prohibited uses. Uses expressly prohibited in the Mixed Use Zones are as follows:

- a. Alternative financial services
- b. Bars and cocktail lounges

...

SECTION 14. Section 3.3.5 in Section 22.46.3200 (West Carson TOD Specific Plan)

is hereby amended to read as follows:

3.3.5 Alternative Financial Service

"Alternative Financial Service" means a use that charges a percentage fee to provide a loan or cash a check. This term includes, but is not limited to, deferred deposit transaction (payday) lender, check casher, and motor vehicle (auto) title lenders. This term shall not include a check cashing service or any federally- or state chartered bank, credit union, mortgage lender, savings and loan association, industrial loan company, or non-profit financial institution., ~~other than a state or federally chartered bank, credit union, mortgage lender, savings and loan association, or industrial loan company, that charge a percentage fee to provide a loan or check cashing service. The term "Alternative Financial Service" includes, but is not limited to, deferred deposit transaction (payday loan) lender, businesses, check cashing services, businesses, and motor vehicle title lenders who offer a short term loan secured by the title to a motor vehicle. The term "Alternative Financial Service" does not include: 1) non-profit financial institutions, or 2) retail businesses primarily selling consumer goods, with incidental check cashing by a check cashier, for a minimum fee, not exceeding two dollars (\$2.00), as a service to its customers.~~ Alternative Financial Services are prohibited within the Specific Plan area.

...

SECTION 15. Section 22.140.~~640~~690 is hereby added to read as follows:

22.140.690 - Alternative Financial Services

A. **Purpose.** This Section establishes standards for alternative financial services, which may have a detrimental effect the on the health, safety, or welfare of the

community, to minimize overconcentration while permitting these activities in specific eCommercial and iIndustrial zZones.

B. **Definitions.** Specific terms used in this Section are defined in Section 22.14.010 of Division 2 (Definitions), under “Alternative Financial Services.”

C. **Applicability.** This Section applies to alternative financial services in Zones C-3, C-M, M-1, M-1.5, and M-2.

D. **Prohibited Areas.** Alternative financial services are prohibited within any area regulated by a Specific Plan. ~~for Alternative Financial Services. Notwithstanding the zones permitting or conditionally permitting these activities in Divisions 3 and 4, these activities shall be prohibited within all residential and agricultural zones, and any area regulated by a Specific Plan.~~

~~E. **Exemptions.** This Section shall not apply to:~~

- ~~1. A state or federally chartered bank;~~
- ~~2. Credit union;~~
- ~~3. Mortgage lender;~~
- ~~4. Savings and loan association;~~
- ~~5. Check casher.~~

~~F.E. **Existing Establishments/Uses.**~~

~~1. Except as otherwise provided in this Chapter, aAlternative financial services that were lawfully existing as of (effective date of the ordinance), at the time of the effective date of this Section, may remain in their present condition, subject to the provisions of Chapter 22.172 (Nonconforming Uses, Buildings, and Structures).~~

~~2. Existing aAlternative financial services that were lawfully existing as of (effective date of the ordinance), the effective date of this Section, established and not subject to the provisions of Chapter 22.172 (Nonconforming Uses, Buildings and Structures)~~

may be enlarged, expanded, or relocated only if the business is brought into compliance with the development and performance standards of this Section.

G.F. Application Requirements.

1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required for alternative financial services in Zones M-1, M-1.5, and M-2.

2. Conditional Use Permit.

a. Application. A Conditional Use Permit (Chapter 22.158) application is required for alternative financial services in Zones C-3 and C-M.

b. Additional Findings.

i. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and.

c. Public Convenience or Necessity.

i. In addition to the findings required by Subsection GF.2.b, above, findings of public convenience or necessity pursuant to this Subsection GF.2.c.ii, below, shall be made when an alternative financial service business is located within 1,320 feet of another alternative financial service business.;

ii. A finding of public convenience or necessity shall be based upon review and consideration of relevant factors, which, shall include, but not be limited to, the following:

(1) The extent to which the requested use would duplicate services and, therefore, contribute to an over-concentration of similar uses;

(2) The extent to which the requested use will enhance the economic viability of the area; and

(3) The ability of the requested use to serve a portion of the market not served by other uses in the area; and

(4) The extent to which the requested use, location, surrounding area, and/or operator has a history of law enforcement problems.

H.G. Additional Application Materials. In addition to any information required by this Title 22, an application for an alternative financial institution shall include a site plan depicting the location of all businesses within a 1,320 foot radius of the subject property.

H.H. Development Standards. Alternative financial services shall comply with the following development standards:

1. Buffer. The property boundary of an alternative financial service shall be a minimum of 1,320 feet from the property boundary of all other alternative financial services.

2. Sign Requirements. Alternative financial services shall post their loan rates in multiple languages including, but not limited to, English, Spanish, Korean, Chinese, Armenian, and Tagalog, adjacent to the customer service window using a letter height of not less than one-half (1/2) inch.

H.I. Performance Standards. Alternative financial services shall comply with the following performance standards:

~~1. The use shall be operated and maintained in accordance with this Title 22 and all other applicable federal, State, or local codes, laws, rules, regulations, and statutes.~~

2.1. Hours of Operation. All alternative financial service activities shall be confined to the hours between 8:00 a.m. and 8:00 p.m., daily.

3.2. Security.

- a. Security bars and accordion folding grilles installed on the exterior of a storefront are prohibited.
- b. Exterior cashier windows shall be prohibited.
- c. Building security grilles may be placed within the interior of the building if the grilles are concealed so that they are not visible from the exterior of the building when not in use during business hours.
- d. Video security cameras shall be installed to monitor the customer service area and exterior areas surrounding the business. The cameras shall record video for a minimum of 30 days and be available to Sherriff officers upon request.

Alternative Financial Services Ordinance Notification List

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