ITEM NO. 17

STAFF REPORT

CITY OF OCEANSIDE

DATE: December 8, 2010

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **A RESOLUTION APPROVING CONDITIONAL USE PERMIT (RCUP-10-00002) AND REGULAR COASTAL PERMIT (RRP-10-00002) TO ALLOW FOR A PAWN SHOP LOCATED AT 205 NORTH COAST HIGHWAY – COAST JEWELRY AND MORE - APPLICANT: DAVID MUELLER**

SYNOPSIS

The item under consideration is a Conditional Use Permit and Regular Coastal Permit to allow for a pawn shop located at 205 North Coast Highway. Staff is recommending that the Commission adopt a resolution of approval to confirm the Commission's action of November 3, 2010.

BACKGROUND

The applicant requested approval of a 1,766-square-foot pawn shop located at 205 North Coast Highway. The proposed pawn shop would sell new and used high-end jewelry, watches, musical instruments and electronic equipment.

At their meeting of November 3, 2010, the Commission recommended approval of the pawn shop on a 4-1 vote, overturning staff's recommendation of denial.

ANALYSIS

The Community Development Commission determined that the project, as conditioned, would not be detrimental to the surrounding neighborhood and therefore supported the applicant's request.

COMMISSION OR COMMITTEE REPORTS

Not applicable.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) for a pawn shop located at 205 North Coast Highway.

PREPARED BY:

Shan M. Babick
Associate Planner

SUBMITTED BY:

Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Jane McVey, Economic and Community Development Director
Kathy Baker, Redevelopment Manager

EXHIBITS/ATTACHMENTS

1. Resolution

RESOLUTION NO. 10-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT TO ALLOW FOR A PAWN SHOP LOCATED AT 205 NORTH COAST HIGHWAY – COAST JEWELRY AND MORE -APPLICANT: DAVID MUELLER

WHEREAS, on November 3, 2010, the Community Development Commission held its duly noticed public hearing, considered an application for a Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) for a pawn shop located at 205 North Coast Highway;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on October 13, 2010 review and recommended denial of Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) on a 5-0 vote;

WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City of Oceanside for this application pursuant to the California Environmental Quality Act of 1970 and the State Guidelines implementing the Act. Pursuant to Section 15301 (B) of the CEQA guidelines the project is situated in an area (infill) that is not environmentally sensitive and therefore will not have a detrimental effect on the environment.

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective upon its adoption.

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve as follows:

FINDINGS:

For the Conditional Use Permit:

1. The project is located within Subdistrict 1 of the Redevelopment Project Area as identified by Zoning Ordinance 095-006. The specific purpose for the Subdistrict is to provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. The proposed pawn shop is consistent with the uses established within Subdistrict 1, i.e. retail sales, and is therefore consistent with the goals and the objectives of the Redevelopment Plan.

2. The proposed pawn shop is consistent with the General Plan and the Redevelopment Plan in that retail sales is a use that is allowed within this Subdistrict. In addition, the approved business operation is subject to certain conditions and limitations, whereby, the approved operations and activities will not constitute a public nuisance or be a detriment to neighboring persons, property, improvements or the general welfare of the City.

3. The proposed pawn shop complies with the provisions of the Zoning Ordinance including any specific condition required for the proposed use in the district in which it is located.

For the Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976. The proposed use, a pawn shop, is consistent with the designated General Commercial uses of the Local Coastal Plan. In addition, the project location does not impede public access to the beach or impact public coastal views.

2. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. The proposed pawn shop is consistent with the General Commercial uses as depicted in the Local Coastal Program Land Use Map. The project will not substantially alter or impact the existing coastal views through the public rights-of-way view corridors because the project does not propose to increase the size or height of the existing building.

3. The proposed project will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act. The subject site is located substantially east of any public access/view corridor and, therefore, the proposed project will not obstruct and/or block any existing and/or proposed public beach access.

SECTION 1. That Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) are hereby approved subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check (Currently the 2007 California Building Code and 2007 California Electrical Code).

2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.

3. All outdoor lighting must comply with Chapter 39 of the City Code. (Light Pollution Ordinance) Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.

4. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time Pending disposal.

5. Tenant improvements or other construction to the existing building requires permits (including all required inspections and approvals and issuance of Certificate of Occupancy) from the Building Department.

Economic/Redevelopment:

6. This Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) shall expire on November 3, 2012, unless implemented as required by the Zoning Ordinance.

7. This Conditional Use Permit and Regular Coastal Permit approve only the pawn shop as shown on the plans and exhibits presented to the Community Development Commission for review and approval. No deviation from these approved plans and exhibits shall occur

without Economic and Community Development Department approval. Substantial deviations shall require a revision to the Conditional Use Permit and Regular Coastal Permit or a new Conditional Use Permit and Regular Coastal Permit.

9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City 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.

10. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

11. All commercial development projects shall dispose of or recycle solid waste in a manner provided in City Ordinance 13.3.

12. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant developer and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

13. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

14. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002).

15. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

16. The project shall prepare a Management Plan. The Management Plan is subject to the review and approval of the Economic and Community Development Director and the Police Chief prior to the occupancy of the project, and shall be recorded as CC&R's against the property. The Management Plan shall cover the following:

a) Security - The Management Plan, at a minimum, shall address on-site management, hours-of-operation and measures for providing appropriate security for the project site.

b) Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti and site and exterior building, landscaping, parking lots, sidewalks, walkways and overall site maintenance measures and shall ensure that a high standard of maintenance at this site exists at all times. The maintenance portion of the management plan shall include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

c) Any graffiti within the center shall be removed by management or its designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.

17. Pawn sales shall not exceed 50 percent of the overall sales.

18. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. Sunday through Saturday.

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19. There shall be 12-cameras surveillance system (operation 24 hours a day – 7 days a week) placed throughout the building. All information shall be accessible to the Police Department.

20. The use permit shall expire in 5 years (November 3, 2015) unless an amendment is approved by the Commission to extend the time frame.

21. No use of the word "Pawn" shall be placed on the exterior signage nor anywhere else on the exterior or interior of the building.

~~22. There shall be no sales, purchasing, pledging, loaning on or other similar action~~ of firearms or weapons.

23. Selling of any known stolen goods will require the immediate review of the use permit by the Commission at a public hearing held at the applicant's expense and may result in the revocation of the use permit.

24. The façade of the building shall be renovated and substantial improvements shall be made to both the exterior and interior of the building, per the elevations as depicted in the brochure presented to the Commission prior to occupancy of the building. The applicant shall prepare a Historic Report prior to construction and or demolition of the building.

25. All pawnshops transaction shall be recorded on a Leads Online tracking system and the results transmitted electronically to the Police Department. All loan contracts shall include the customer thumbprint.

26. All provisions within Chapter 22 of the Municipal Code, Pawnbrokers and Secondhand Dealers, as amended, shall be in full effect and enforced in this Conditional Use Permit.

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27. The applicant shall be required to obtain a pawn shop license through the review of the Chief of Police per Section 22.13 of the Municipal Code.

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___day of _____ 2010 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Chairman

ATTEST:

_____
Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by_____
General Counsel