



DATE: October 3, 2012

TO: Chairman and Members of the Community Development Commission

FROM: City Manager Office

SUBJECT: **A RESOLUTION DENYING CONDITIONAL USE PERMIT (RCUP12-00005) AND REGULAR COASTAL PERMIT (RRP12-00007) FOR A PAWN SHOP LOCATED AT 222 NORTH COAST HIGHWAY – OCEANSIDE JEWELERS – APPLICANT – CHAD COOGAN**

**SYNOPSIS**

Staff recommends that the Commission deny Conditional Use Permit and Regular Coastal Permit for a pawn shop located at 222 North Coast Highway. Staff is recommending that the Commission deny the project and adopt the resolution as attached.

**BACKGROUND**

The subject site is located at 222 North Coast Highway and currently houses Oceanside Jewelers which has been operating at this site since 1989. In 2008, the business was purchased by Chad and Cara Coogan.

The subject site is situated within the North Coast Highway commercial corridor which consists of a mix of retail, offices and restaurants.

**Land Use and Zoning:** The subject site is located within Subdistrict 1 of the "D" Downtown District. Subdistrict 1 provides 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. Residential Uses are encouraged when and where appropriate.

Regular Coastal Permit: This project is situated within the Coastal Zone and as such requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as General Commercial. The General Commercial category allows for a variety of retail, service and office uses.

**Project Description:** The applicant is requesting approval of a pawn shop located at 222 North Coast Highway. The pawn shop will be housed within the same confines of the existing 736-square-foot Oceanside Jewelers retail store. Currently, Oceanside Jewelers engages in the buying, selling of and repairing jewelry. The "pawn shop" will allow for limited collateral lending services. These services would be limited to loans (pawn) on items associated with a jewelry store. Such items would include jewelry, watches,

diamonds, gold, silver coins and bullion. The applicant has no intention to pawn items such as electronics, televisions, computers, musical instruments, furniture, tools and motorized equipment. The project does not propose any changes to either the exterior or interior of the building nor to the existing signage. In addition, the project does not propose any changes to the business operation. The business will continue to operate under the current time frames of Tuesday through Saturday from 11:00 a.m. to 7:00 p.m. Oceanside Jewelers operates with two full time employees and two part time employees.

Security is provided by a closed circuit camera system 24 hours a day, 365 days a year, with camera data backed up and secured and stored for a minimum of 90 days. In addition, merchandise and identification numbers are stored in a United Laboratories TL-30 vault which is rated against theft and fire.

The operation of the "pawn portion" of the business would include, but not necessarily, all of the following steps:

- . Check customer identification;
- . Log in information on the goods, i.e. description;
- . Take pictures of the goods;
- . Sign a loan contract with customer. The contract includes thumbprint;
- . Give the money to the customer;
- . The contract is valid for 4 months. The contract can be extended an additional 4 months if the customer pays all of the interest on the initial loan;
- . The Police check the goods within 30 days against stolen property.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and the discretionary action of the Conditional Use Permit "triggers" the coastal permit.

Environmental Determination: A Certificate of Exemption has been prepared for the project and in accordance to Article 19 Categorical Exemption; Section 15332 (a through e) of the California Environmental Quality Act (CEQA) the project is considered exempt. Under the provisions of CEQA, the Community Development Commission will consider the exemption during its hearing on the project.

## **ANALYSIS**

Staff's analysis focused on the compatibility of the project with the existing building design and the project's consistency with the underlying Zoning Ordinance and the Local Coastal Program.

General Plan: Section 1.35 of the General Plan states that the City's objective is to promote the long-term viability and rejuvenation of the Downtown District consistent with the overall policies and improvements of the City. The proposed use is consistent with the objectives of the General Plan in that the use will allow for the increase of economic activity in the downtown area.

Conditional Use Permit: Staff has reviewed the operational characteristics for the pawn shop and believes that the proposed project will not have a negative impact on the surrounding neighborhood. The proposed pawn shop fronts on North Coast Highway and is situated one block north of the intersection of the two major commercial corridors located within the downtown area (Mission Avenue and Coast Highway 101). The proposed use, pawn shop, is consistent with the surrounding area land uses which are mainly retail, office and restaurants.

The Police Department has reviewed the operational characteristics of the proposed pawn shop and has determined that they cannot support the use due to problems of increased crime located within a high crime area. In addition, pawn shops and second hand dealers require a considerable amount of time to research databases and open investigations to determine if an item is stolen property. Current staffing levels do not allow for the assignment of a full-time equivalent to pawn shop investigations. This type of investigation is ancillary in nature and detracts from other investigative functions.

Local Coastal Plan: Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The subject site is situated toward the middle of the block between Mission Avenue and Pier View Way; therefore, the proposed project will not obstruct or block any existing or proposed public beach access. Staff also evaluated the proposed project and its effect on public coastal views. There are no proposed changes to the building's exterior; therefore, public coastal views will not be compromised.

In conclusion, staff believes that the project does not meet the intent of the Zoning Ordinance and the underlying subdistrict goals, in that the proposed use is incompatible with retail and office uses within this subdistrict.

**COMMISSION OR COMMITTEE REPORTS**

On September 26, 2012, the project was reviewed by the Downtown Advisory Committee (DAC). The result of their review will be presented orally to the Commission.

**FISCAL IMPACT**

Not applicable.

**CITY ATTORNEY'S ANALYSIS**

Pursuant to Oceanside Zoning Ordinance Article 41, Section 4102, and Public Resources Code 30200 et seq., and the City of Oceanside Local Coastal Program Land Use Plan, the Community Development Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall

approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

**RECOMMENDATION**

Staff recommends that the Commission adopt the resolution denying Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit (RRP12-00007) for a pawn shop located at 222 North Coast Highway. Staff is recommending that the Commission deny the project and adopt the resolution as attached.

PREPARED BY:

SUBMITTED BY:

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Shan M. Babick  
Associate Planner

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Peter A. Weiss  
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager \_\_\_\_\_  
Kathy Brann, Downtown Development Manager \_\_\_\_\_

**EXHIBITS/ATTACHMENTS**

- 1. Resolution
- 2. Floor Plans
- 3. Letters

1 RESOLUTION NO. 12-

2 A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
3 COMMISSION OF THE CITY OF OCEANSIDE DENYING  
4 CONDITIONAL USE PERMIT AND REGULAR COASTAL  
5 PERMIT FOR A PAWN SHOP LOCATED AT 222 NORTH  
6 COAST HIGHWAY- OCEANSIDE JEWELRY – APPLICANT:  
7 CHAD COOGAN

8 WHEREAS, on October 3, 2012, the Community Development Commission held its  
9 duly noticed public hearing, considered an application for a Conditional Use Permit (RCUP12-  
10 00005) and Regular Coastal Permit (RRP12-00007) for a pawn shop located at 222 North Coast  
11 Highway.

12 WHEREAS, the Downtown Advisory Committee (DAC) of the City of Oceanside, at its  
13 September 26, 2012, meeting reviewed Conditional Use Permit (RCUP12-00005), and Regular  
14 Coastal Permit (RRP12-00007) and voted to approve the resolution recommending denial;

15 WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City  
16 of Oceanside for this application pursuant to the California Environmental Quality Act (CEQA)  
17 1970 and the State Guidelines implementing the Act. Pursuant to Section 15301 (B) of the  
18 CEQA guidelines the project is situated in an area that is not environmentally sensitive and  
19 therefore will not have a detrimental effect on the environment;

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

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

24 **For the Conditional Use Permit:**

25 1. The project is located within Subdistrict 1 of the Downtown Project Area as  
26 identified by Zoning Ordinance 095-006. The specific purpose for the Subdistrict is to provide a  
27 commercial/retail and office complex offering a wide variety of goods and services to both the  
28 community at large and to tourists and visitors. The proposed pawn shop is inconsistent with the  
Zoning Ordinance (Article 12) in that the proposed use may cause blighted conditions with the  
potential for an increase of crime and therefore cause a detrimental effect to the surrounding  
neighborhood. In addition, the surrounding area is over saturated with pawn shops and secondhand  
dealers in that there are 6 of these businesses within a 10-block radius of the subject site.

1           2.       The proposed pawn shop is inconsistent with Section 1.35 of the General Plan  
2 and the Zoning Ordinance. Section 1.35 of the General Plan states that the City's objective is to  
3 promote the long-term viability and rejuvenation of the Downtown District consistent with the  
4 overall policies and improvements of the City. The proposed use is inconsistent with the  
5 objectives of the General Plan in that the use will not promote the long-term viability and  
6 rejuvenation of the Downtown District. In addition, the business operation has the  
7 potential to increase crime and therefore the proposed use will constitute a public  
8 nuisance and be a detriment to neighboring persons, property, improvements or the  
9 general welfare of the City. There is an over saturation of pawn shops and secondhand  
10 dealers within the vicinity of the subject site. There are 6 pawn shops and/or second  
11 hand dealers within a 10-block radius of the subject site. Studies have indicated that the  
12 presence of certain land uses is predictive of crime levels in the surrounding  
13 neighborhood. Drug markets tend to prosper at locations near pawn shops where the  
14 cash required for drug purchases can be easily obtained from stolen property. The  
15 proposed pawn shop is also situated within an area (downtown) of high crime. In  
16 addition to the potential for increase of crime, the presence of a pawn shop will have a  
17 negative impact on the property values for both the commercial and residential  
18 properties located within the surrounding neighborhood. Finally, pawn shops and  
19 second hand dealers require constant monitoring from the Police Department which is a  
20 drain on their fiscal resources.

21           3.       The proposed pawn shop is inconsistent with the provisions of the Zoning  
22 Ordinance.

23 **For the Regular Coastal Permit:**

24           1.       The granting of the Regular Coastal Permit is not consistent with the policies and  
25 objectives act of the California Coastal Act of 1976 in that, the proposed pawn shop is  
26 inconsistent with the general retail land use.

27           2.       The proposed project is consistent with the policies of the Local Coastal Program  
28 as implemented through the City Zoning Ordinance in that the proposed project does not  
increase the building size and therefore will not affect any public coastal views.

1           3.       The proposed project will not obstruct any existing or planned public beach  
2 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal  
3 Act.

4           SECTION 1. That Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit  
5 (RRP12-00007) are hereby denied.

6           PASSED AND ADOPTED by the Oceanside Community Development Commission of  
7 the City of Oceanside this \_\_\_day of \_\_\_\_\_ 2012 by the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

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13 ATTEST:

\_\_\_\_\_  
Chairman

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\_\_\_\_\_  
Secretary

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16 APPROVED AS TO FORM:  
17 OFFICE OF THE CITY ATTORNEY  
by \_\_\_\_\_  
General Counsel

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