

STAFF REPORT*CITY OF OCEANSIDE*

DATE: November 7, 2012

TO: Chairman and Members of the Community Development Commission

FROM: City Manager Office

SUBJECT: **A RESOLUTION APPROVING 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 approve a Conditional Use Permit and Regular Coastal Permit for a pawn shop located at 222 North Coast Highway. Staff is recommending that the Commission approve 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.

On October 17, 2012, the Commission on a 4-1 vote overturned staff recommendation of denial and approved the project.

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 pawn shop will be housed within the same confines of the existing 736 square foot Oceanside Jewelers retail store located at 222 North Coast Highway. 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 stores such as jewelry, watches, diamonds, gold, silver coins and bullion. 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.

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: The proposed use, pawn shop, is consistent with the surrounding area land uses which are mainly retail, office and restaurants. In addition, staff has reviewed the operational characteristics for the pawn shop and believes that the proposed project as conditioned, will not have a negative impact on the surrounding neighborhood. Two of the proposed conditions (No. 14 and 17) will ensure neighborhood compatibility which are as follows:

14. No use of the word “Pawn” shall be placed on the exterior signage nor anywhere else on the exterior or interior of the building.
17. Collateral lending shall be limited to jewelry only and shall exclude all other items such as firearms, electronics, televisions, computers, tools, art, motorized equipment, cell phones, etc.

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 meets the intent of the Zoning Ordinance and the underlying subdistrict goals, which encourages retail that offers a variety of goods to the public. The project use is also consistent with the land use policies of the Local Coastal Plan.

COMMISSION OR COMMITTEE REPORTS

On September 26, 2012, the project was reviewed by the Downtown Advisory Committee (DAC) and a motion was made to deny staff recommendation and move approval of the pawn shop use permit with a condition that the signage will have no reference to the pawn shop use. The motion was approved on a 4-2 vote.

FISCAL IMPACT

Not applicable.

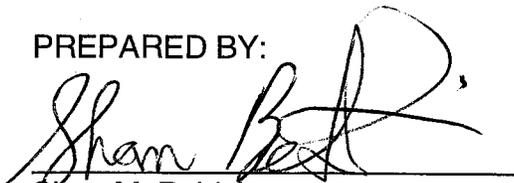
CITY ATTORNEY'S ANALYSIS

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 held a public hearing on this project's applications on October 17, 2012, and approved the project by a 4-1 vote. A revised resolution approving the project has been approved as to form by the City Attorney.

RECOMMENDATION

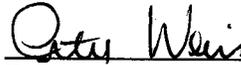
Staff recommends that the Commission adopt the resolution approving Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit (RRP12-00007) for a pawn shop located at 222 North Coast Highway. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

PREPARED BY:



Shan M. Babick
Associate Planner

SUBMITTED BY:



Peter A. Weiss
Executive Director

REVIEWED BY:

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



EXHIBITS/ATTACHMENTS

1. Resolution

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RESOLUTION NO. 12-

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 222 NORTH COAST HIGHWAY - OCEANSIDE JEWELERS - APPLICANT: CHAD COOGAN

WHEREAS, on October 17, 2012, the Community Development Commission held its duly noticed public hearing, considered an application for Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit (RRP12-00007) for a pawn shop located at 222 North Coast Highway;

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 (a through e) 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 Downtown Project Area as identified by Zoning Ordinance 095-006. The specific purpose for this 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 General Plan.

2. The proposed pawn shop is consistent with the General Plan and the Downtown "D" District Zoning Ordinance 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,

1 the approved operations and activities will not constitute a public nuisance or be a detriment to
2 neighboring persons, property, improvements or the general welfare of the City.

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

5 **For the Regular Coastal Permit:**

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

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

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

21 SECTION 1. That Conditional Use Permit (RCUP12-00005) and Regular Coastal
22 Permit (RRP12-00007) are hereby approved subject to the following conditions:

23 **Downtown Development:**

24 1. This Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit
25 (RRP12-00007) shall expire on October 17, 2014, unless implemented as required by the
26 Zoning Ordinance.

27 2. This Conditional Use Permit and Regular Coastal Permit approve only the pawn
28 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 Downtown Development approval. Substantial deviations shall require a revision to the
Conditional Use Permit and Regular Coastal Permit or a new Conditional Use Permit and

1 Regular Coastal Permit.

2 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and
3 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
4 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
5 an approval of the City, concerning Conditional Use Permit (RCUP12-00005) and Regular
6 Coastal Permit (RRP12-00007). The City will promptly notify the applicant of any such claim,
7 action or proceeding against the City and will cooperate fully in the defense. If the City fails to
8 promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully
9 in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
10 harmless the City.

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

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

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

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

25 8. Failure to meet any conditions of approval for this development shall constitute a
26 violation of the Conditional Use Permit (RCUP12-00005) and Regular Coastal Permit (RRP12-
27 00007).

28 9. 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

1 application, unless specifically waived by an adopted condition of approval.

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

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

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

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

20 11. Pawn sales shall not exceed 50 percent of the overall sales.

21 12. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. Monday through
22 Sunday.

23 13. There shall be a surveillance system (operation 24 hours a day – 7 days a week).

24 All information shall be accessible to the Police Department.

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

27 15. There shall be no sales, purchasing, pledging, loaning on or other similar action
28 of firearms or weapons.

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20. 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 _____ 2012 by the following vote:

AYES:

NAYS:

ABSENT:

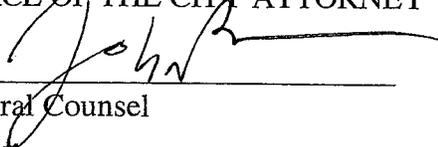
ABSTAIN:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by 

General Counsel