



PLANNING COMMISSION AGENDA REPORT

VI.7

MEETING DATE: MARCH 9, 2009

ITEM NUMBER:

**SUBJECT: ZONING APPLICATION ZA-09-05
1860 NEWPORT BOULEVARD**

DATE: FEBRUARY 26, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

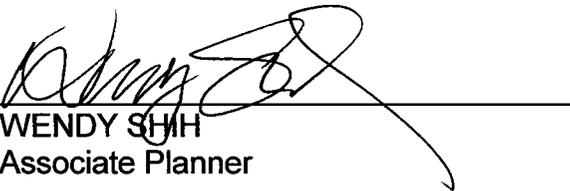
The applicant is requesting approval of an amendment to the conditions of approval for Conditional Use Permit PA-08-24 to allow the word "loan" to be used in exterior signage and to decrease the minimum loan amount from \$2,500 to \$500, for an existing watch and jewelry store with ancillary pawnbroker services.

APPLICANT

Scott Mitchum is the authorized agent for property owner Murrey Seidner.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

On October 27, 2008, Planning Commission by a 3 to 2 vote (Commissioners Clark and Egan voting no) approved Conditional Use Permit PA-08-24 to allow incidental pawnbroker services in conjunction with a watch and jewelry store. Commission included two conditions of approval (numbers 4 and 5) prohibiting loan amounts less than \$2,500 (as originally proposed by the applicant) and prohibiting exterior signs to include the words "loan" or "pawn".

Commission also approved Conditional Use Permit PA-08-27 for ancillary pawnbroker services at 1808 and 1872 Newport Boulevard for Estate Watch Jewelry & Loan at the October 27, 2009 meeting. The store at 1808 Newport Boulevard closed its business in January 2009. However, since the conditional use permit runs with the land, another watch and jewelry store with ancillary pawnbroker services may occupy the building at a future date, resulting in the following four locations in the 1800 block of Newport Boulevard that are allowed pawnbroker services:

1808 Newport (currently vacant) Formerly Estate Watch Jewelry & Loan	Approved under PA-08-27.
1836 Newport Coast Jewelry & Loan	Legal, nonconforming. Business established prior to CUP requirement.
1860 Newport (subject site) Newport Watch & Jewelry Center	Approved under PA-08-24.
1872 Newport Estate Watch Jewelry & Loan	Approved under PA-08-27.

The applicant is requesting an amendment to the conditions of approval to allow the minimum loan amount be decreased to \$500 and the exterior signs to include the word "loan". Minor amendments to conditional use permits are typically processed as minor conditional use permits. However, since the applicant wishes to modify the conditions added by Commission, the Zoning Administrator determined it was appropriate for Commission to review the proposed modifications.

ANALYSIS***Condition 4 – Reducing Loan Amount***

Commission approved PA-08-24 based on the pawnbroker services being ancillary to the primary watch and jewelry retail business. Therefore, a condition was included prohibiting loan amounts below \$2,500. The same condition was also applied to 1808 and 1872 Newport Boulevard. It was expected that customer traffic for pawnbroker/loan services would be minimal because the minimum loan amount proposed by the applicant was \$2,500.

Condition 5 – "Loan" in Exterior Signage

There are currently two similar establishments in the immediate area that include "loan" in their exterior signage (Coast Jewelry & Loan at 1836 Newport Boulevard and Estate

Watch Jewelry & Loan at 1872 Newport Boulevard). However, Coast Jewelry & Loan is a legal nonconforming business without any conditions on its signage, and Commission did not place a sign copy restriction on the conditional use permit for Estate Watch Jewelry & Loan because the signs were permitted and installed prior to consideration of the conditional use permit. Although the City does not typically regulate sign copy, during the public hearing, the applicant agreed to the condition prohibiting the words “loan” or “pawn” to be used in exterior signage.

Staff believes reducing the minimum loan amount to \$500 and advertising “loan” on the building exterior would further promote the pawnbroker activity at the business so that it is no longer ancillary to the primary retail business.

GENERAL PLAN AND REDEVELOPMENT PLAN CONFORMITY

General Plan Objective LU-1F encourages standards that minimize blighting influences and maintain the integrity of stable neighborhoods. Approval of the requested amendments would reduce the standards necessary to ensure that pawnbroker services remain ancillary to the primary retail business and to minimize blighting influences to the surrounding area.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Deny the application. If Commission denies the amendment request, the business may continue to operate under the conditions of PA-08-24. A similar request may not be submitted for six months.
2. Approve the application. Approval of the application would allow a reduction of the minimum loan amount from \$2,500 to \$500 and incorporation of the word “loan” into the exterior signs.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.

CONCLUSION

Commission approved incidental pawnbroker services for a watch and jewelry store with conditions to ensure that the primary business remains retail. Staff believes the requested amendments are inconsistent with the intent of the original approval of ensuring that the pawn broker activities are not the primary component of this business.

Attachments: 1 Draft Planning Commission Resolutions
 2 Applicant’s Project Description Letter
 3 Zoning/Location Map
 4 Plans

5 Resolution No. PC-08-75

cc: Deputy City Manager - Dev. Svs. Director
Senior Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Scott Mitchum
1860 Newport Boulevard
Costa Mesa, CA 92627

Murrey Seidner
1949 Auto Centre Drive
Glendora, CA 91740

File: 030909ZA0905	Date: 022609	Time: 2:00 p.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING ZONING APPLICATION ZA-09-05

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Scott Mitchum, authorized agent for property owner Murrey Seidner, with respect to the real property located at 1860 Newport Boulevard, requesting an amendment to the conditions of approval for conditional use permit PA-08-24 to allow the word "loan" to be used in exterior signage and to decrease the minimum loan amount from \$2,500 to \$500, in a C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Zoning Application ZA-09-05 with respect to the property described above.

PASSED AND ADOPTED this 9th day of March 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (denial)

- A. The proposed amendments to PA-08-24 do not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposal is not compatible and harmonious with uses on surrounding properties.
 - 2. The use is not consistent with the General Plan and Redevelopment Plan.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.

- B. The information presented substantially does not comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed amendments are not compatible with developments in the same general area. Granting the amendments to Conditional Use Permit PA-08-24 will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the requested amendments are inconsistent with the intent of the PA-08-24 approval because they would promote pawnbroker services to a primary component of the business, which is contrary to the conditional use permit approval which allows only ancillary pawnbroker services at a watch and jewelry store, and could contribute to a negative impression of the general area.

- C. The Costa Mesa Planning Commission has denied ZA-09-05. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING ZONING
APPLICATION ZA-09-05**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Scott Mitchum, authorized agent for property owner Murrey Seidner, with respect to the real property located at 1860 Newport Boulevard, requesting an amendment to the conditions of approval for conditional use permit PA-08-24 to allow the word "loan" to be used in exterior signage and to decrease the minimum loan amount from \$2,500 to \$500, in a C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Zoning Application ZA-09-05 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Zoning Application ZA-09-05 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 9th day of March 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (approval)

- A. The proposed amendment to PA-08-24 complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposed use is compatible and harmonious with uses on surrounding properties.
 - 2. The proposal is consistent with the General Plan and Redevelopment Plan.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.

- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the amendments to Conditional Use Permit PA-08-24 will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.

- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL(if application is approved)

- PIng.
1. The use shall comply with conditions and Code requirements of PA-08-24 with the following modifications:
Condition 4 – No loans less than \$500 shall be permitted.
Condition 5 – No exterior signs stating "pawn" shall be permitted.
 2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request.

NEWPORT WATCH & JEWELRY

1860 Newport Boulevard, Costa Mesa, California 92967
(949) 673-3888

ATTACHMENT 2

January 26, 2009

Hand Delivered

Mr. Melvin E. Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626

Re: Minor Modification Request Regarding:
Planning Application PA-08-24 Approved October 27, 2008
Newport Watch & Jewelry
1860 Newport Boulevard
Costa Mesa, CA 92626

Dear Mr. Lee:

This letter is submitted on behalf of Newport Watch & Jewelry Center requesting two modifications to our present zoning and permitted use as approved by the Planning Commission on October 27, 2008. Our application, "PA-08-24" was approved:

Request 1: We request that the Planning Commission recognize that application "PA-08-24" for Newport Watch & Jewelry was worded and approved identically to that of application "PA-08-27" heard and approved at the same time, October 27, 2008. The recommendation by Staff for approval stated:

"... [t]o allow ancillary pawn broker services at a watch and jewelry store, located at 1860 Newport Boulevard, in a C2 zone. Environmental determination: exempt."

This is essentially identical language pertaining to Planning Application "PA-08-27" submitted on behalf of "Estate Watch, Jewelry & Loan" and applicable to a near-by property at 1808 and 1872 Newport Boulevard, Costa Mesa, CA which application was also approved and read,

"...[f]or Jack Schechter, authorized agent for Kathleen Lockhart and Michael Hughes, for a conditional use permit to allow ancillary pawn broker services at a watch and jewelry store, at two separate locations, located at 1808 and

Mr. Melvin E. Lee, AICP
Senior Planner
The City of Costa Mesa
Minor Modification Request PA-08-24
January 26, 2009
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1872 Newport Boulevard, in a C2 zone. Environmental determination:
exempt.”

Our business is identical – with the exception that Mr. Schechter’s business “Estate Watch, Jewelry & Loan” *incorporates the word “loan” in the signage.*

Our request is that our permit approval be modified to enable Newport Watch & Jewelry to *also be permitted to use the word “loan” in our signage.* The new signage we request would read as follows,

“Newport Watch, Jewelry & Loan”

This modification is consistent with other pawn shops located along Newport Boulevard and would be consistent with fair competition permitting the public to visually read similar signage amongst each location. Our signage would be in keeping with the existing style and size. Additionally, we have received our permit for installation of our signs, Permit No. SB09-00001; this request is simply for the addition of the word “loan” which will make our sign consistent with our competitors – who already have *and use* the word “loan” in their signage.

Request 2: Our second request is to permit our location to advertise loan amounts from five hundred (\$500) dollars. The current economy has impacted more of our community residents – who seek temporary loans – in amounts as low as \$500. Again, to us to remain competitive our business needs to be able to advertise the ability to make a loan from \$500. In doing so, we will continue our high level of integrity and professionalism for all our customers.

Summary:

Neither of these two requests would alter the nature, character or visible appearance of the existing Building or our operations other than to permit fair competition in signage and in customer loan dollar amounts.

Attached are examples of the new signage and our standard advertisement which would indicate loan amounts “from \$500.” (See example attachments)

We respectfully request the modification of our signage to permit the use of the word, “Loan” and secondly, the ability to make and advertise customer loan amounts from \$500. Additionally, this is in keeping and would be consistent with the statements made by the City Attorney, at the hearing on October 27, 2009.

Mr. Melvin E. Lee, AICP
Senior Planner
The City of Costa Mesa
Minor Modification Request PA-08-24
January 26, 2009
Page 3 of 3

On behalf of Newport Watch & Jewelry we appreciate your consideration and ask that this request be granted.

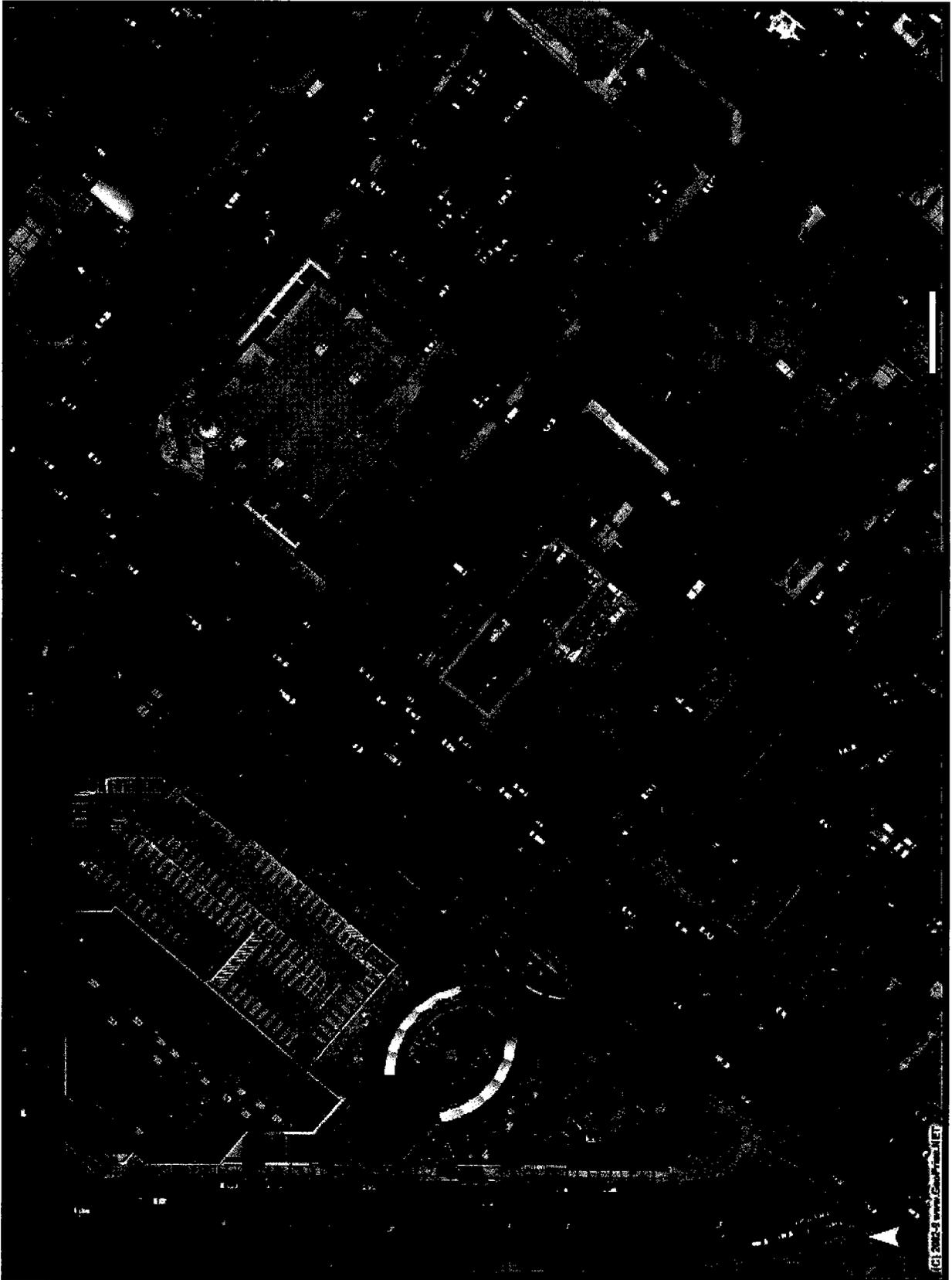
Respectfully submitted,


Murrey Seidner


Scott Mitchum

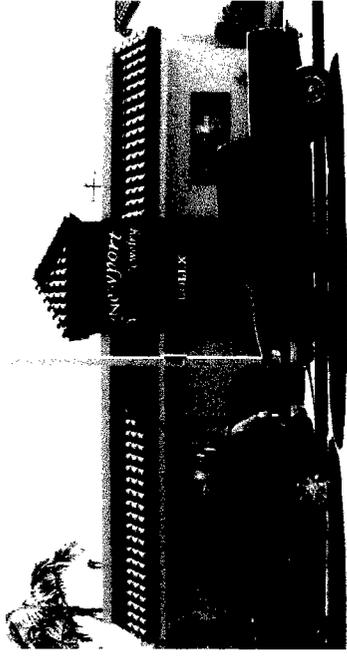
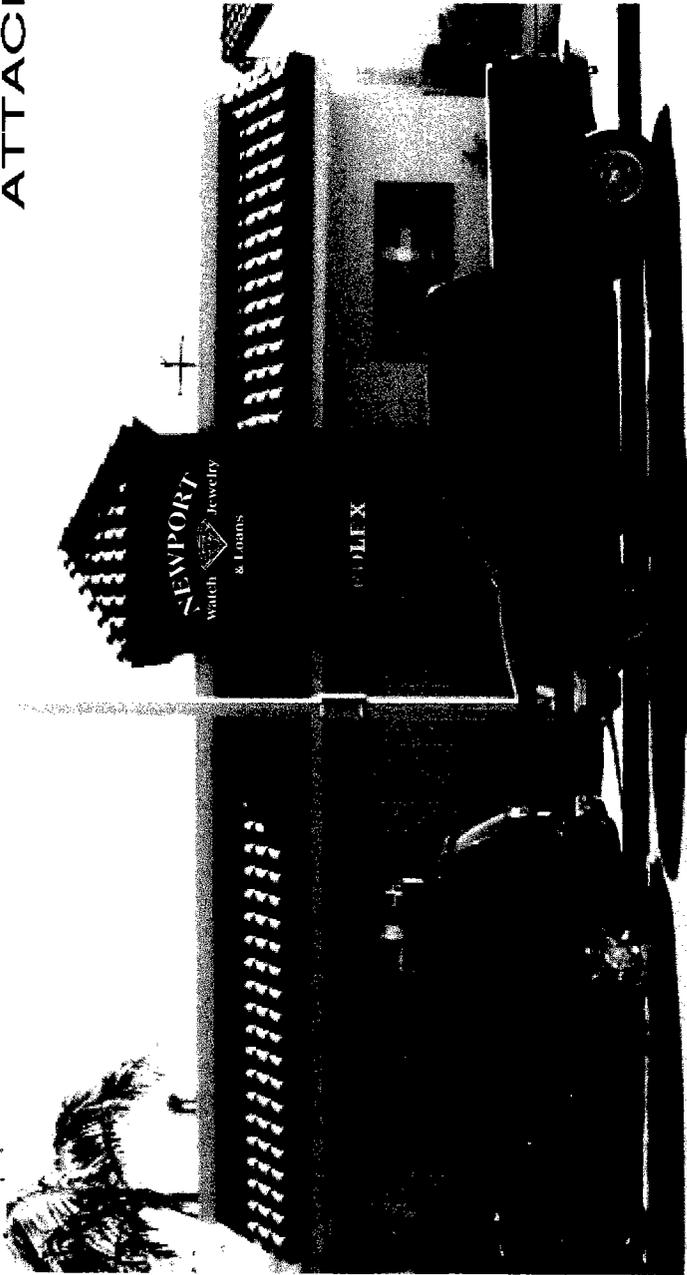
ATTACHMENT 3

LOCATION/AERIAL MAP



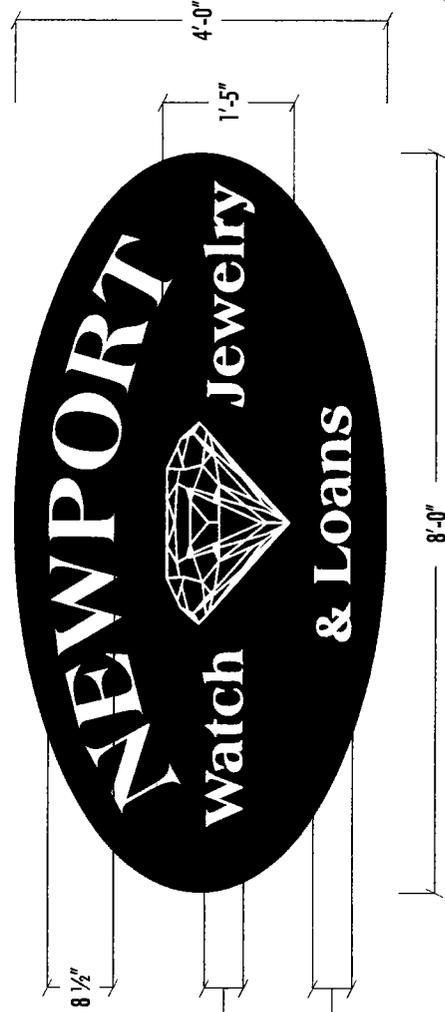
ATTACHMENT 4

sign 1.
internally illuminated cabinet sign
design option 1.



FRONT ELEVATION
SCALE : 1/8" = 1'-0"

EXISTING SIGN
SCALE : 1/16" = 1'-0"



SIGN DETAIL
SCALE : 1/2" = 1'-0"

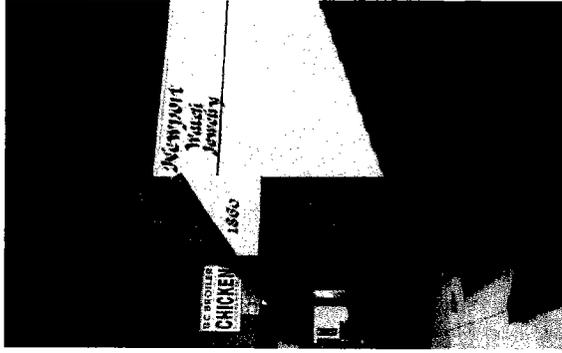
- 4" DEEP ALUMINUM CABINET SIGN
- INTERNALLY ILLUMINATED BY WHITE NEON
- ROUTED-OUT LETTERS & LOGOS w/ ACRYLIC BACKING & VINYL GRAPHICS
- PAINTED FINISH, DARK BRONZE
- ALL MEASUREMENTS TO BE FIELD VERIFIED FOR FITMENT
- EXISTING DIGITAL L.E.D. CLOCK WILL BE RELOCATED

WESGO
SIGNS, INC.
2444 W. 205th St. Suite 5
Torrance, CA 90501
O: (310) 538-5538 F: (310) 538-8505

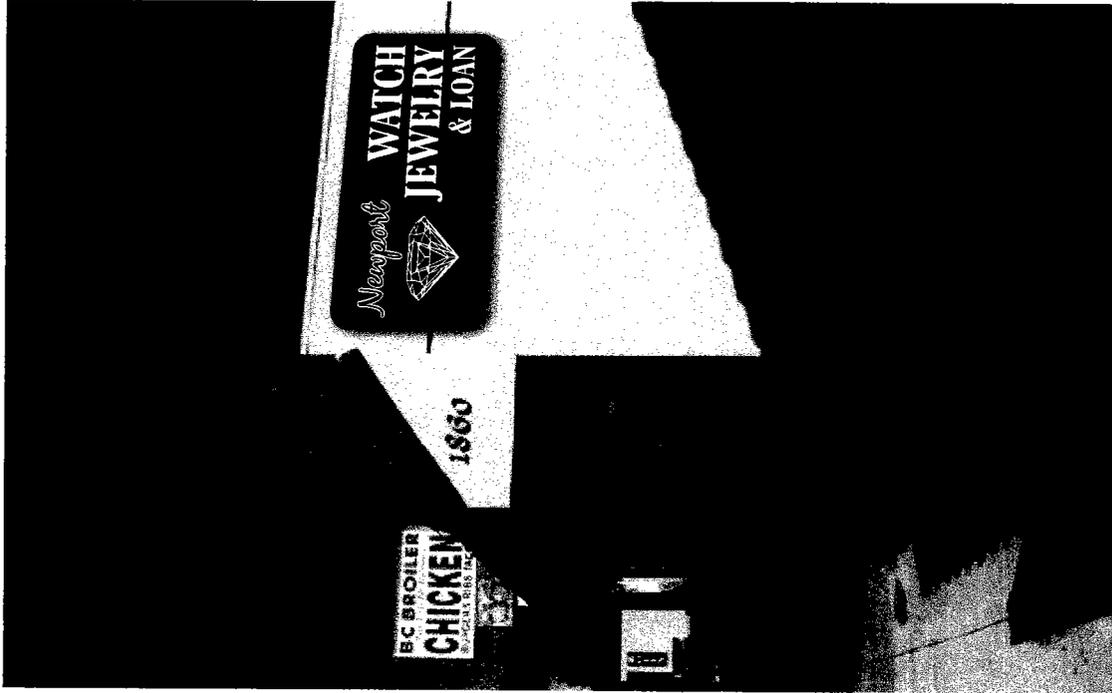
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DRAWING #:	-			LANDLORD APPROVAL	DATE
DRAWN BY:	SJ			REVISIONS	
SCALE:	NOTED			SALESPERSON	JS

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PROPERTY OF:
WESGO
SIGNS, INC.

sign 2.
internally illuminated cabinet sign
design option 2. shown

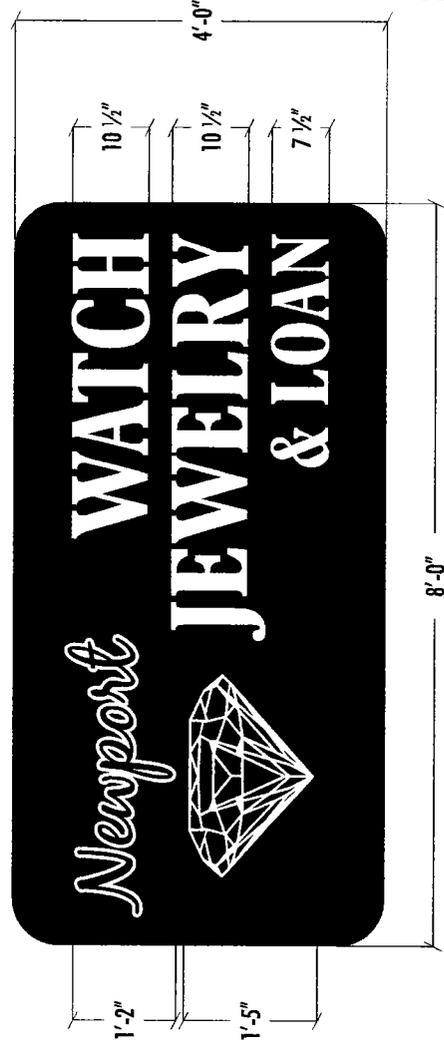


EXISTING SIGN
NTS



SIDE ELEVATION
NTS

- 4" DEEP ALUMINUM CABINET SIGN
- INTERNALLY ILLUMINATED BY WHITE NEON
- ROUTED-OUT LETTERS & LOGOS w/ ACRYLIC BACKING & VINYL GRAPHICS
- PAINTED FINISH, DARK BRONZE
- ALL MEASUREMENTS TO BE FIELD VERIFIED FOR FITMENT



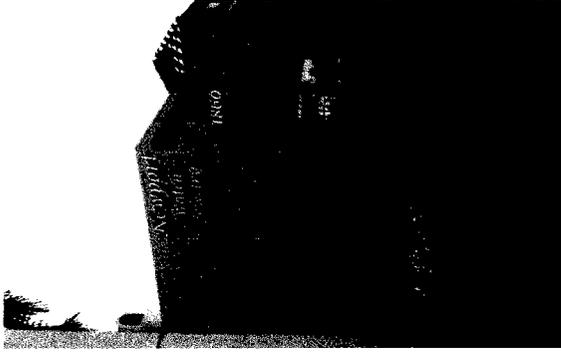
SIGN DETAIL
SCALE : 1/2" = 1'-0"

WESCO
SIGNS, INC.
2444 W. 205th St, Suite 5
Torrance, CA 90501
O: (310) 538-5538 F: (310) 538-8505

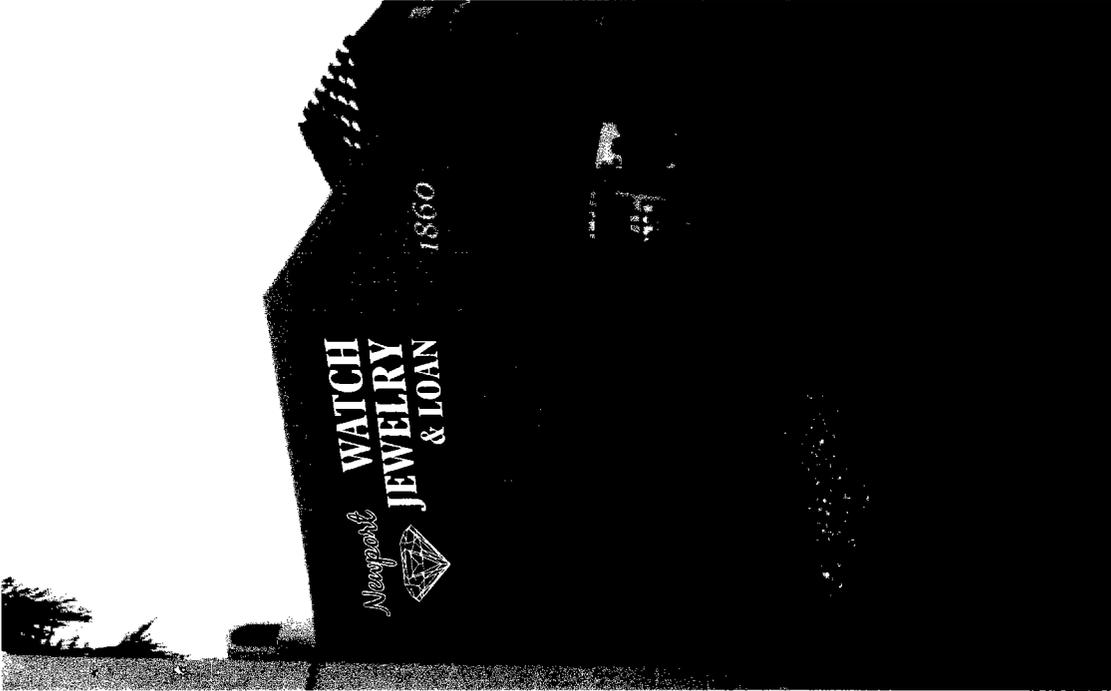
DATE:	01/14/09	CUSTOMER/PROJECT/ADDRESS:	NEWPORT WATCH JEWELRY	CUSTOMER APPROVAL	DATE
DRAWING #:	-			LANDLORD APPROVAL	DATE
DRAWN BY:	SJ			REVISIONS	
SCALE:	NOTED			SALESPERSON	JS

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sign 3.
internally illuminated cabinet sign
design option 2. shown

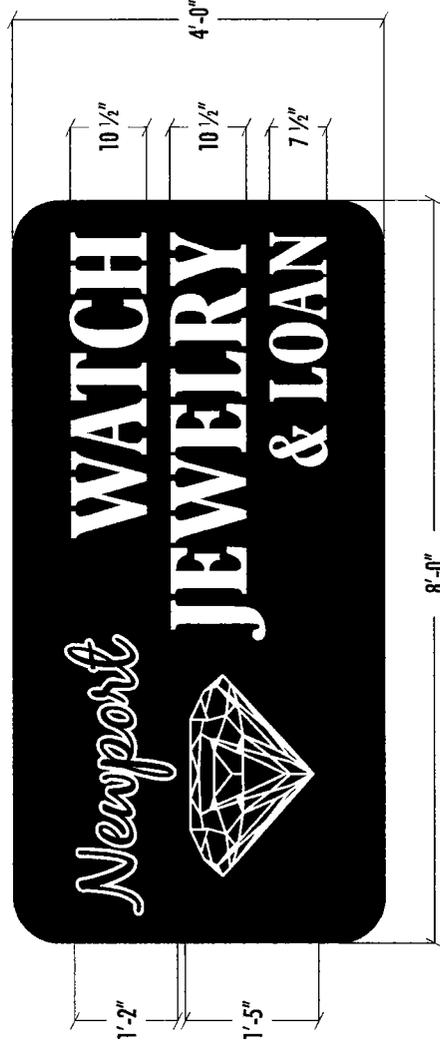


EXISTING SIGN
NTS



SIDE ELEVATION
NTS

- 4" DEEP ALUMINUM CABINET SIGN
- INTERNALLY ILLUMINATED BY WHITE NEON
- ROUTED-OUT LETTERS & LOGOS w/ ACRYLIC BACKING & VINYL GRAPHICS
- PAINTED FINISH, DARK BRONZE
- ALL MEASUREMENTS TO BE FIELD VERIFIED FOR FITMENT



SIGN DETAIL
SCALE: 1/2" = 1'-0"

WESCO
SIGNS, INC.
2444 W. 205th St. Suite 5
Torrance, CA 90501
O: (310) 538-5538 F: (310) 538-8505

DATE: 01/14/09		CUSTOMER/PROJECT/ADDRESS: NEWPORT WATCH JEWELRY		CUSTOMER APPROVAL	
DRAWING #: -		-		LANDLORD APPROVAL	
DRAWN BY: SJ		-		REVISIONS	
SCALE: NOTED		-		SALESPERSON JS	
DATE		DATE		DATE	

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show size as close as possible will allow. Always
show size as close as possible to actual.
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ZA-09.05

ATTACHMENT 5

RESOLUTION NO. PC-08-75

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-08-24

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

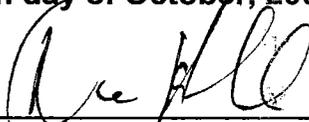
WHEREAS, an application was filed by Scott Mitchum, authorized agent for Murray Seidner, requesting approval of a conditional use permit to allow ancillary (i.e., incidental) pawnbroker services for a watch and jewelry store located at 1860 Newport Boulevard in a C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 27, 2008; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-08-24 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-24 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 27th day of October, 2008.



Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

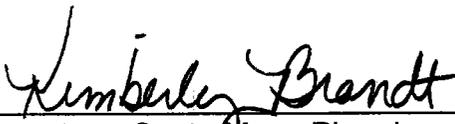
I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 27, 2008, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, RIGHEIMER

NOES: COMMISSIONERS: CLARK, EGAN

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa Planning
Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use will comply with the performance standards as prescribed in the Zoning Code.
 - 3. The proposed use is consistent with the General Plan and Redevelopment Plan.
 - 4. The cumulative effect of all the planning applications have been considered.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood. Specifically, pawnbroker services will be ancillary to the primary jewelry and watch retail business and the conditions of approval will ensure the use is compatible with the intent of the City's Zoning Code and the surrounding neighborhood.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA per Section 15301 for Existing Facilities.

- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in this staff report. i.e., a jewelry store with ancillary pawnbroker services. Any change in the operational characteristics shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 2. Pawnbroker services shall be limited watches and jewelry only.
 3. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
 4. No loans less than \$2,500.00 shall be permitted.
 5. No exterior signs stating "loans" or "pawn" shall be permitted.