



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: APRIL 27, 2009

VII. 7

ITEM NUMBER:

**SUBJECT: REVIEW, MODIFICATION, AND/OR REVOCATION OF PLANNING APPLICATION
PA-08-27-1
1808 NEWPORT BOULEVARD**

DATE: APRIL 16, 2009

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

DESCRIPTION

Review, modification, and/or revocation of a conditional use permit (CUP) for a watch and jewelry store with ancillary pawnbroker services.

APPLICANT

The request for revocation was initiated by the City of Costa Mesa; Michael D. Hughes is the owner of the property.

RECOMMENDATION

1. Revoke Planning Application PA-08-27-1 by adoption of Planning Commission resolution due to discontinuance of use.



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

The property is located in the 1800 block of Newport Boulevard within the City's Downtown Redevelopment Project Area. On October 27, 2008, a conditional use permit (CUP) application for Estate Watch Jewelry & Loan, a watch and jewelry store with ancillary pawnbroker services was approved for this location as Planning Application PA-08-27-1; a similar business by the same operator was approved at a separate location on the same block, at 1872 Newport Boulevard, as Planning Application PA-08-27-2.

The use at the 1808 Newport location ceased operation in January 2009. Once approved, use permits "run with the land"; in other words, a similar use can establish on the property without having to obtain approval of a new use permit if no modifications to the use are proposed.

Code Section 13-29(o) allows the Planning Commission to modify or revoke any planning application if it is found to be a public nuisance or not in compliance with the conditions of approval. In this case, however, staff has initiated the revocation at the direction of the Commission because the use no longer operates at the site. If the revocation of PA-08-27-1 is approved, a new conditional use permit application would be required if a similar use is proposed for the building. Planning Application PA-08-27-2 for 1872 Newport Boulevard will remain in effect for the business at that location.

The staff report for the above application can be found on the City's website at the below link:

<http://www.ci.costa-mesa.ca.us/council/planning/2008-10-27/102708PA0827Notice.pdf>

The minutes of the October 10, 2008 Commission meeting can be found at this link:

http://www.ci.costa-mesa.ca.us/council/planning/pm_081027.pdf

ENVIRONMENTAL DETERMINATION

The revocation is exempt from the provisions of the California Environmental Quality Act under Section 15321 for Enforcement Actions by Regulatory Agencies.

ALTERNATIVES

Commission may take no action to revoke the use permit; if the use permit is not revoked, it would continue to remain in place for the property. A similar use can establish on the property without having to obtain approval of a new use permit. Planning Application PA-08-27-2 for 1872 Newport Boulevard will remain in effect for the business at that location.

CONCLUSION

Revocation of the existing use permit will require that, if a similar use is proposed for the building, a new planning application be submitted and approved, subject to conditions of approval.

Attachments: 1. Draft Planning Commission Resolution
2. Location Map and Photos

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

Michael D. Hughes Trust
187 North 100 West
St. George, UT 84770-2803

File: 042709PA0827Revoc	Date: 041609	Time: 1:45 p.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING PLANNING APPLICATION PA-08-27-1

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

WHEREAS, staff initiated revocation of Planning Application PA-08-27-1 to allow ancillary (i.e., incidental) pawnbroker services for a jewelry store located at 1808 Newport Boulevard in a C2 zone, because the use no longer operates on the property; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 27, 2009 to review, modify, and/or revoke the use permit.

BE IT RESOLVED that, based on the evidence in the record and subject to the findings contained in Exhibit "A", the Planning Commission hereby **REVOKES** Planning Application PA-08-27-1 with respect to the property described above.

PASSED AND ADOPTED this 27th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

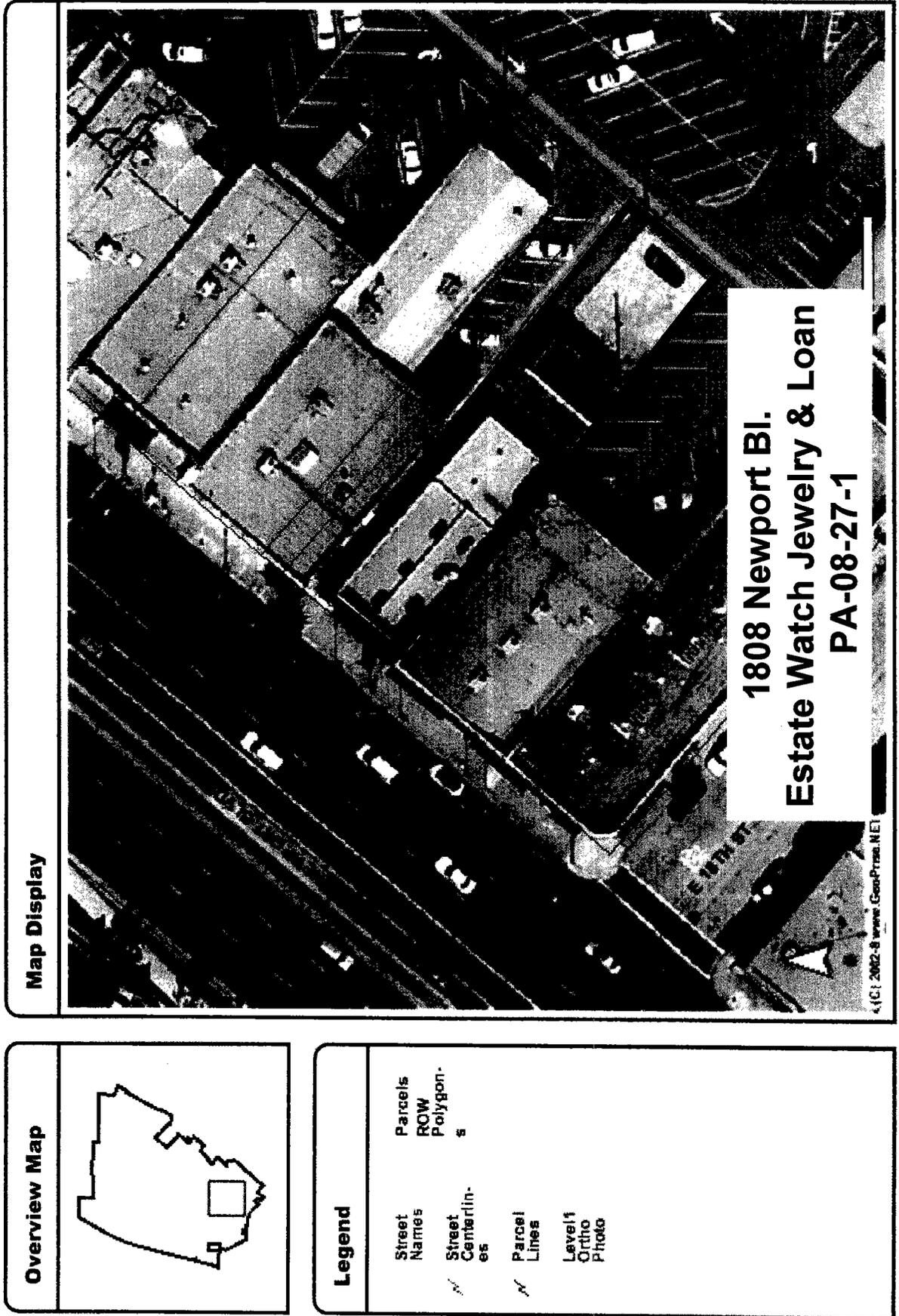
FINDINGS

- A. Revocation was initiated because the use approved under PA-08-27-1 no longer operates at the property. Because a planning application continues to be in effect regardless if the use is abandoned (i.e., "runs with the land"), a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties. Revocation of the existing conditional use entitlement will require that, if a similar use is proposed for the building, a new planning application be submitted and approved.
- B. 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 15321 for Enforcement Actions by Regulatory Agencies.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

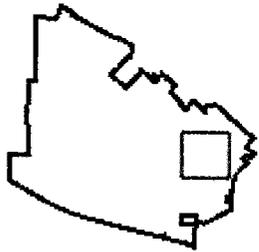
ATTACHMENT 2

City of Costa Mesa

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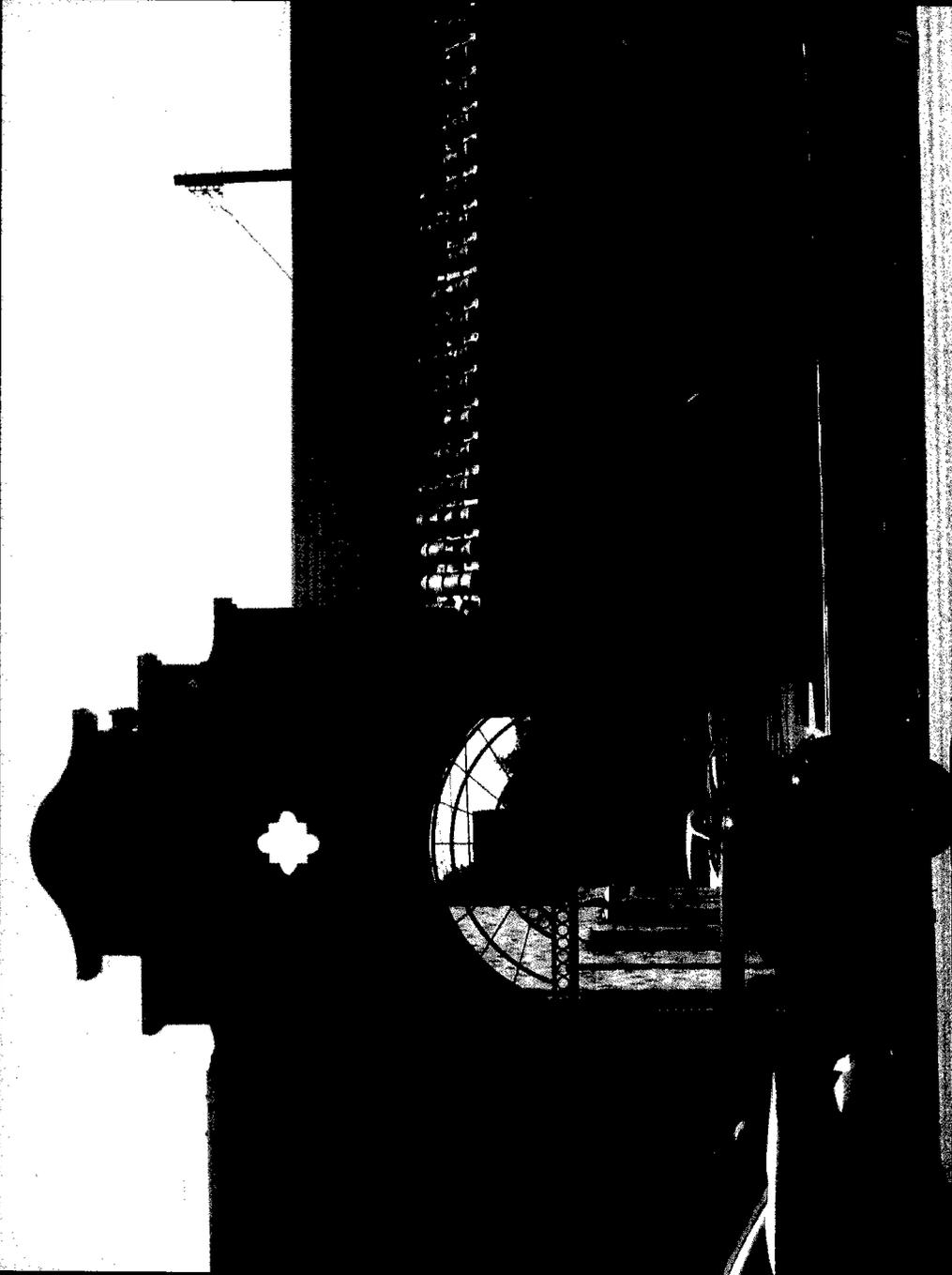


Overview Map



Legend

- Street Names
- Street Centerlines
- Parcel Lines
- Level 1 Ortho Photo
- Parcels
- ROW Polygons



1808 Newport Bl.
Estate Watch Jewelry & Loan
PA-08-27-1
CLOSED 1/09