



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner

DATE: October 6, 2011

SUBJECT: Planning and Zoning Permit No. 11-520-02 (Minor Special Use Permit), Old Town Pawn Shop, located at 140 West Fourth Street, Suite “G”.

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 11-520-02, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit the operation of a pawnshop within an existing 1,160 square foot commercial suite, located at 140 West Fourth Street, Suite “G”. Filed by Designated Agent Nathan Gapper, 25857 McBean Parkway, Suite 68, Santa Clarita, CA 91355, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The pawnshop is proposed within an existing multi-tenant commercial building. This lease area is currently vacant. The following table describes the land uses immediately adjacent to the site.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Central Business District (CBD)	Central Business District (CBD)	Multi-Tenant Commercial
North	CBD	CBD	United States Post Office
South	CBD	CBD	Commercial
East	CBD	CBD	Public Parking Lot
West	CBD	CBD	Multi-Tenant Commercial (Woolworth Building and Centennial Plaza)

- 4) **Background Information:** The building was constructed in 1925 as a store. In 1953, a 1,920 square foot addition was constructed. The Downtown Oxnard Historic Resources Survey has designated the property “5D3”, describing that the building “appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation”.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving the permitting of “existing facilities” may be found to be exempt from the requirements of CEQA. This proposal would permit a pawnshop use in a tenant space within an existing commercial building. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: The pawnshop is proposed as the sole tenant of the 1,160 square foot suite within the 13,700 square foot multi tenant commercial building. The main entrance is accessed from the alley, adjacent to a parking lot at the southwest corner of Oxnard Boulevard and Fourth Street. The interior of the unit would be used as display/retail space and for merchandise storage. No changes are proposed to the exterior of the building.

The Applicant’s proposed use is consistent with the definition of “pawnshop” recently adopted by the City Council, that is: “An establishment that engages in the business of loaning of money on the security of pledges of personal property, and purchasing and selling personal property.” Although the new ordinance is not yet in effect, pawnshops have been a related use in the CBD zone district since at least 1987. Thus, the proposed use is consistent with both the new ordinance and the existing zoning for the site.

Proposed hours of operation for the pawnshop are 9:00 AM to 8:00 PM, Monday through Sunday. The business would be staffed by one shift of three employees.

In June 2005, the City Council adopted the Downtown Strategic Plan, which establishes goals for downtown Oxnard. The Plan designates the subject property as within the “A” Street Retail District. Within this district, retail is an encouraged use and “required on ground floor of all buildings, between Fourth Street and Sixth Street, on “A” Street. Staff finds that the Applicant’s objectives are consistent with the goals of the City’s adopted Strategic Plan, and therefore, would recommend approval of the requested use.

7) General Plan Consistency: The 2020 General Plan land use designation of the subject property is Central Business District. The use is consistent with this designation.

The Safety Element of the 2020 General Plan lists policies consistent with the City’s goal of the, “Maintenance and enhancement of a safe community” (IX-16). Of these policies, number 35 states that, “The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations” (IX-20). Consistent with this, the Police Department has reviewed the proposed use for compliance to its safety and security requirements and is requiring the business to comply with all state mandated policies and procedures for the operation of a pawnshop.

a) Conformance with Zoning Standards: The subject property is located in the Central Business District (CBD) zone district. In accordance with City Code Section 16-

148(M), a pawn shop may be permitted with an approved special use permit provided that it is located within the rear two-thirds of the building, if on “A” Street between Third Street and Sixth Street.

- b) Parking:** The building is served by two parking spaces adjacent to the suite’s entrance. A public parking lot is also located across the alley, to the east. The space was previously occupied by an office for a nonprofit corporation which has a higher parking requirement than the pawn use. Therefore, no intensification to parking is proposed.
- c) Signs:** No signs are currently being proposed with this request. Condition of Approval No. 7 requires the applicant obtain a sign permit from the City prior to installing any signage.
- d) Public Outreach and Feedback:** On August 5, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Wilson Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on August 15, 2011. Several people spoke in opposition to the project and one in support. Objections primarily pertained to the perception of pawnshops in general as a public nuisance and associated policing and security concerns and as being contrary to the desires for a revitalized downtown.

The Police Department has considered this proposal and has included conditions in the resolution (Attachment “E”) to address their concerns.

The individual speaking in support of the project stated that the space is currently vacant and should be occupied by a viable business, such as a pawnshop.

The Planning Division received an email (Attachment “D”) from a downtown business owner expressing opposition to the use due to perceived security and public safety concerns.

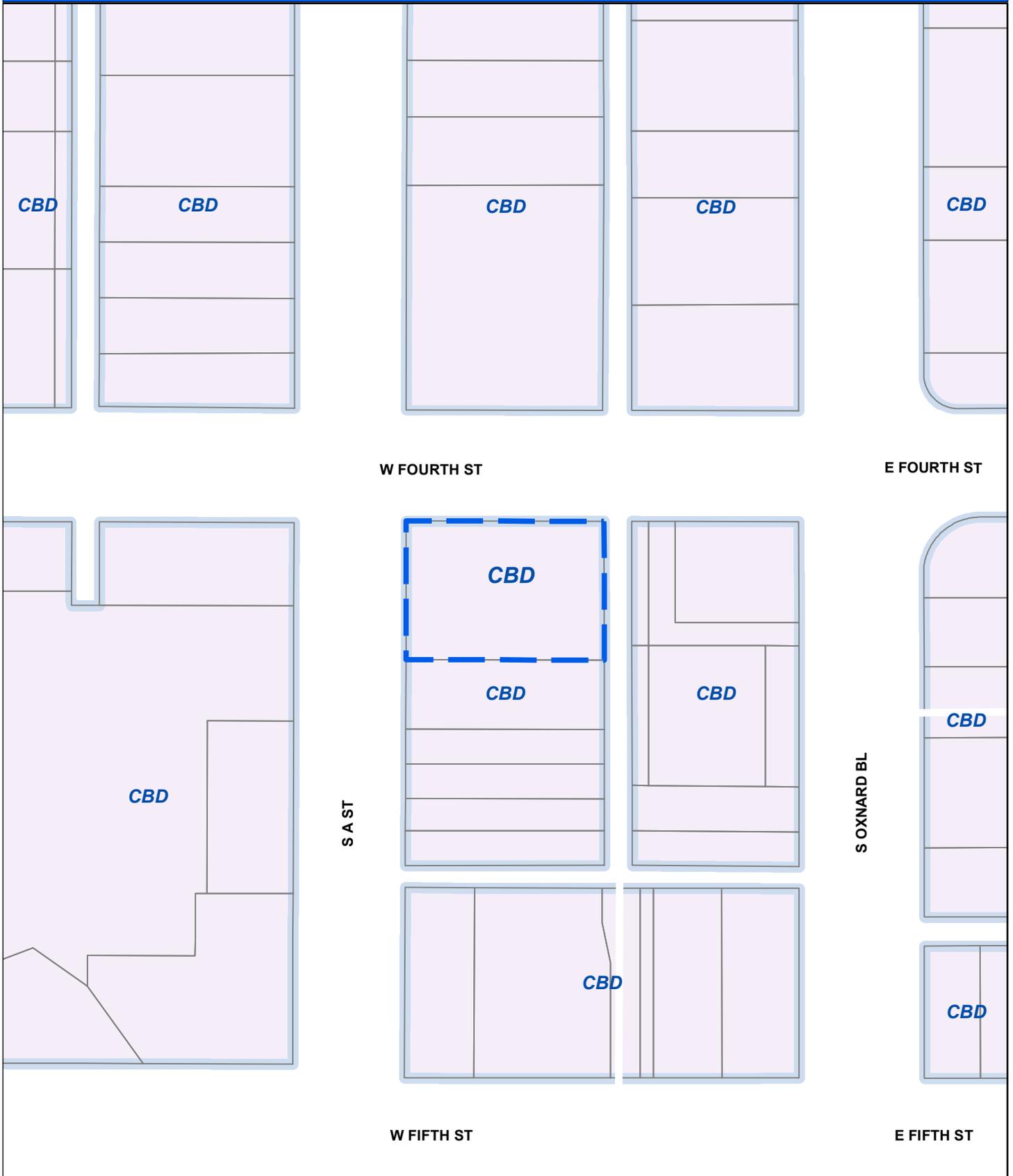
- 8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission’s action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

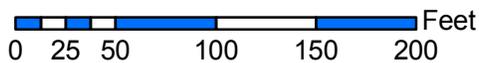
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Public Correspondence - Letter of Opposition
- E. Resolution

Prepared	by:
_____	SD
Approved	by:

General Plan Map



PZ 11-520-02
Location: 140 W Fourth St
APN: 202010614



General Plan Map



1:1,147

Zone Map



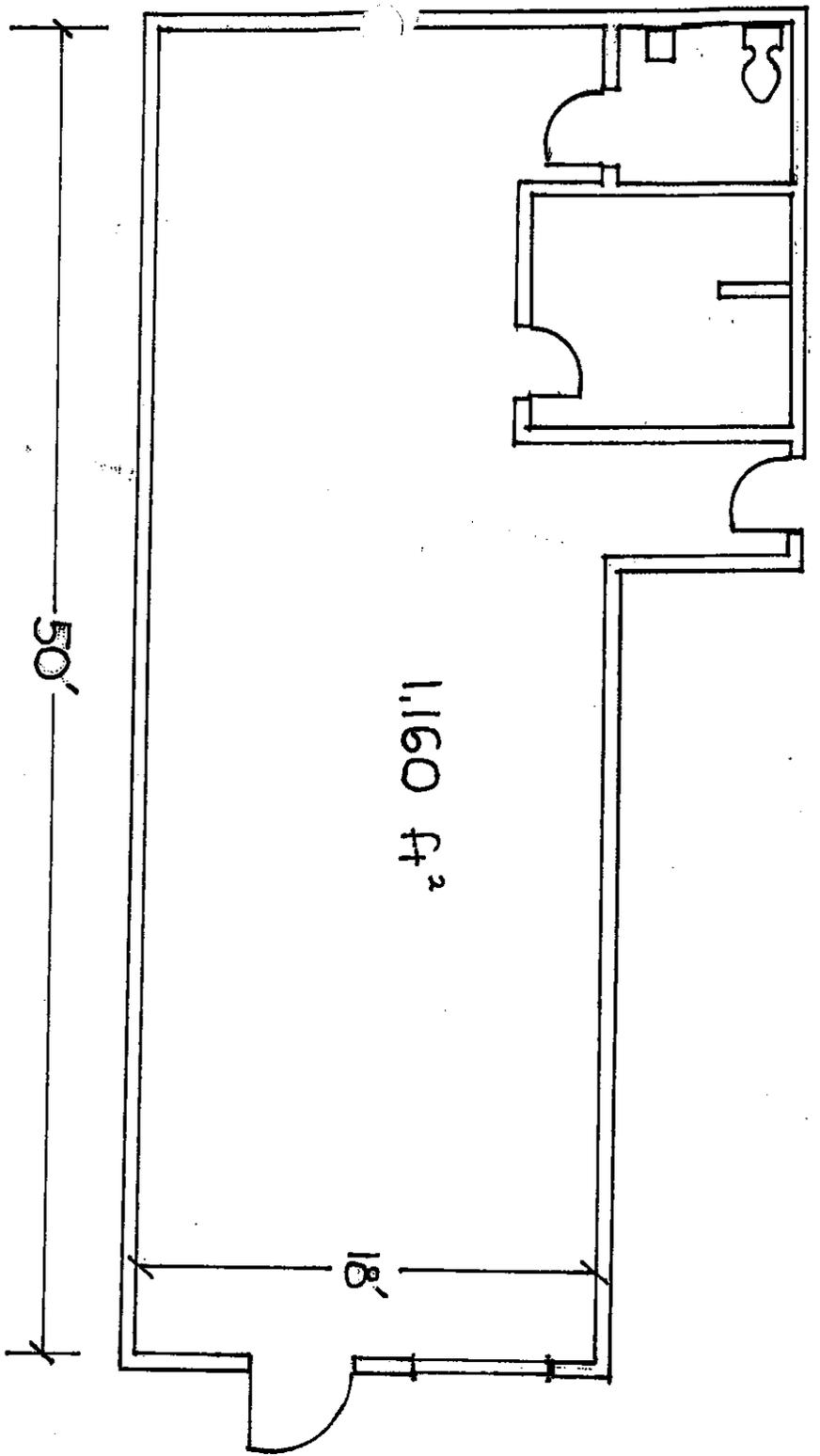
Zone Map



PZ 11-520-02
Location: 140 W Fourth St
APN: 202010614



1:1,154



IN 3/16" : 1'

FLOOR PLAN

PAWN SHOP
GRIGOR AVSHARIAN
140 W. FOURTH ST.
OXNARD, CA.

Nathan Gapper, Land Use Planner
Gapper and Associates
323-515-4890



NOTICE OF EXEMPTION

Project Description:

Planning & Zoning Permit No. 11-520-02 (Special Use Permit) – A request to permit the operation of a pawnshop within an existing 1,160 square foot commercial suite, located at 140 West Fourth Street, Suite “G”. Filed by Designated Agent Nathan Gapper, 25857 McBean Parkway, Suite 68, Santa Clarita, CA 91355, on behalf of the property owner.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, §15301 – Existing Facilities
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving the permitting of “existing facilities” may be found to be exempt from the requirements of CEQA. This proposal would permit a pawnshop use in a tenant space within an existing commercial building. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager

From: Veronica Munoz <bgscafe@gmail.com>
To: Doug.Spondello@ci.oxnard.ca.us
Date: 8/18/2011 5:55:25 PM
Subject: Pawn Shop at 140 West Fourth Street

Hello Doug,

(If need be would you please forward this to whoever need be.)

I would like to express very strong opposition to the pawn shop that would be opening at 140 West Fourth Street.

The entryway to this business would be in an alley, already a very concerning element. We are afraid that the efforts that we have made as business owners to contribute to the positive growth and prosperity in downtown Oxnard would be thwarted by the impact that such a business would have in the surrounding area. The clientele that this business attracts has been expressed by the OPD to be of suspicious nature, even in areas where pawn shops have long existed, such as on Oxnard Boulevard and Fifth Street. Police reports from these areas should demonstrate that certain criminal and suspicious activity should not be allowed to enter into a city block that is currently opening businesses that are more fitting to a downtown pedestrian environment.

I was unable to attend the meeting on August 15, but please let me know if I can be present at any other meetings concerning this pawn shop.

Thanks you for your time with this matter.

Kindest Regards,

Veronica Munoz

Owner
BG's Cafe
The Favorite Downtown Hangout Since 1971
428 South A Street
Oxnard, Ca 93030
(805) 304-0655

CC: abel@downtownoxnard.org

RESOLUTION NO. 2011- (11-520-02)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-520-02 (SPECIAL USE PERMIT), TO PERMIT THE OPERATION OF A PAWNSHOP WITHIN AN EXISTING 1,160 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 140 WEST FOURTH STREET, SUITE "G". FILED BY DESIGNATED AGENT NATHAN GAPPER, 25857 MCBEAN PARKWAY, SUITE 68, SANTA CLARITA, CA 91355.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-520-02, a special use permit, filed by Designated Agent Nathan Gapper on behalf of the property owner and in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts existing facilities from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Division (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. (PL, *G-2*)
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)
4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
5. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)
6. Developer shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

7. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)
8. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
10. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)
12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

PLANNING DIVISION STANDARD CONDITIONS

13. Permittee may not modify any use approved by this permit unless the Planning Division Manager determines that Permittee has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
14. Prior to issuance of building permits, Permittee shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

PLANNING DIVISION SPECIAL CONDITIONS

15. Permittee shall not install or operate any opening through which services are provided to persons outside of the building. This includes 24-hour windows, payment windows, and walk-up counters.

POLICE DEPARTMENT STANDARD CONDITIONS

16. The business must fully comply with all the provisions regarding second hand dealers set forth in the California Business and Professions Code Sections 21625-21647.
17. The Applicant shall submit all appropriate forms to the Oxnard Police Department's pawn website on a daily basis or within one working day after receipt or purchase of property. Access to the website can be arranged through the Oxnard Police Department pawn detail.
18. The Applicant shall provide the Police Department with clear digital photographs of each new item of jewelry that is not otherwise serialized or traceable. Such jewelry may include but is not limited to rings, necklaces, bracelets, pins, watches, and earrings. Jewelry already filed or held for loans

originating prior to issuance of this permit shall not be required to be photographed if the loan is renewed or modified.

19. The Applicant shall cooperate fully with the Oxnard Police Department Pawn Detail and shall provide further detail or photographs of specific items as requested in accordance with California Business and Professions Code Sections 21625-21647.
20. All tangible personal property accepted must have a complete and reasonably accurate description. When additional detail is requested by the Police Department, the Applicant will comply in a reasonable amount of time (preferably within 24-hours of the request).
21. All hard copies of JUS 123 forms must be complete and accurate. All JUS 123 forms should be signed by the seller/pledger, have a legible fingerprint (right thumb print) of the seller/pledger, and must be initialed by a representative who verifies all the information on the JUS123. The JUS 123 forms (hard copy) shall be provided in numerical order to the Oxnard Police Department within one week of the original transaction.
22. The Applicant shall provide the Police Department with the location where all tangible personal property will be stored.
23. Applicant shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
24. Applicant shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
25. Adequate identification must be provided by the customer for all pawn or purchase transactions. Forms of identification must be currently valid or have been issued within five years and contain a photograph or description (or both) of the person named on it and, where applicable, is signed by the person and bears a serial or other identifying number. Acceptable forms of identification include:
 - a. Passport of the United States
 - b. Driver's license issued by any state, or Canada
 - c. Identification card issued by any state
 - d. Identification card issued by the United States
 - e. Passport from any other country in addition to another item of identification bearing an address
 - f. Matricula Consular in addition to another form of identification bearing an address
26. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards:
 - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.
 - b. The system shall utilize a Digital Video Recorder (DVR). The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30

days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

27. The Applicant shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
28. Any graffiti painted or marked upon the premises or on any adjacent area under the reasonable control of the Applicant shall be removed or painted over within twenty-four (24) hours of being applied.
29. The Applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business.
30. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area.
31. The Applicant shall regularly police the area under their reasonable control (including the rear of the business) and shall not allow the loitering of persons about the premises.
32. Applicant shall contact the Oxnard Police Department's Crime Prevention Officer to discuss enrollment in the Crime Free Business program.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 6^h day of October, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioner:

Patrick Mullin, Chairman

ATTEST: _____
Susan L. Martin, Secretary