Meeting Date: 7 /26/2011

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	X Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Stephanie Diaz, SD Agenda Item No. K-1

Reviewed By: City Manager SLB City Attorney SMF Finance JC Other *(Specify)*

DATE: July 17, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager SM
Development Services Department

SUBJECT: **Planning and Zoning Permit 11-580-02 (Zone Code Text Amendment) to Define and Add Pawnshops as an Allowed Use in Specified Zones.**

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance to authorize a Zone Code Text Amendment regarding pawnshops.

DISCUSSION

The proposed Zone Text Amendment, Chapter 16 (Zoning Ordinance), that applies City-wide, defines "pawnshop" and provides zoning regulations related to pawnshops. The City Zone Code (Chapter 16) currently does not define "pawnshop." In the absence of a definition, Planning staff has been applying standards that take into account the land use impacts of businesses that propose pawn-related activities. A pawnshop typically loans money on the security of personal property and will engage in buying and selling personal property. Without a definition of "pawnshop," it is unclear which types of retail transactions should be considered a "pawnshop" use for purposes of issuing a Zone Clearance and the appropriate zone in which to allow such uses.

The proposed definition for a pawnshop is as follows:

> *"PAWNSHOP - An establishment that engages in the business of loaning money on the security of pledges of personal property, and purchasing and selling personal property."*

Currently, the Zone Code allows pawnshops only in the Central Business District (CBD) upon approval of a special use permit, though there is no definition of "pawnshop." The proposed draft ordinance (attached) would also allow pawnshops as a "related" use permitted with a special use permit in the General Commercial zone (C-2) and the Commercial and Light Manufacturing zone (C-M). It is staff's

opinion that inclusion of pawnshops in these zones would be consistent with other retail sales and financial service uses currently allowed in those zones.

The proposed pawnshop ordinance is consistent with the current 2020 General Plan Land Use Element with its descriptions of commercial land use districts and their locations throughout the City. The ordinance is also consistent with the Draft 2030 General Plan Land Use Element which provides for retail/service use within a General Plan designated commercial district.

The proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Adoption of this ordinance will not create a significant effect and is, therefore, exempt. The ordinance does not relate to development of specific projects. Requests for pawnshops will be considered on a case-by-case basis. These requests will undergo CEQA analysis at the time of application submittal and review.

FINANCIAL IMPACT

Permit fees as adopted in the *Planning Fee Schedule* should cover the costs of permit applications for pawnshops.

SD/sd

Attachment #1 - Draft City Council Ordinance – Pawnshop Zone Text Amendment
#2 - Planning Commission Resolution No. 2011-28 (minus attachments)
#3 - Planning Commission Staff report (minus attachments)

G\PLNG\SDiaz\Pawnshop ZTA\CC Staff Report

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADD A DEFINITION OF PAWNSHOP AND ASSOCIATED LAND USE REGULATIONS.

WHEREAS, on July 7, 2011, the Planning Commission of the City of Oxnard considered at a noticed public hearing Planning and Zoning Permit No 11-580-02, filed by the City of Oxnard, to amend Chapter 16 of the City Code concerning pawnshops, and adopted Resolution No. 2011-28 recommending approval of PZ 11-580-02; and

WHEREAS, the City finds that the zone text amendment is consistent with the 2020 General Plan; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2011-28 recommending approval of PZ 11-580-02; and

WHEREAS, on July 26, 2011 the City Council conducted a noticed public hearing and received and reviewed written and oral comments related to proposed PZ 11-580-02, and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ 11-580-02; and

WHEREAS, the City Council has determined that zone text amendment PZ 11-580-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definition, which subsection shall be reordered alphabetically and renumbered accordingly:

"PAWNSHOP - An establishment that engages in the business of loaning money on the security of pledges of personal property, and purchasing and selling personal property."

Part 2. Subsection (A) of section 16-136 of the City Code is amended by adding the following subsection and reordering the subsection accordingly:

"(A)(20) Pawnshops; and"

Part 3. Section 16-163 of the City Code is amended by adding the following subsection and reordering the subsection accordingly:

"(K) Pawnshops; and"

Part 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 5. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on July 26, 2011, and finally adopted on _____ , 2011, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

RESOLUTION NO. 2011-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF PZ 11-580-02, AMENDING CHAPTER 16 OF THE CITY CODE TO ADD A DEFINITION OF PAWNSHOP AND ASSOCIATED ZONING. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-11-580-02, filed by the City of Oxnard, to amend Chapter 16 of the City Code concerning pawnshops; and

WHEREAS, on July 7th the Planning Commission held a noticed public hearing on PZ 11-580-02; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of PZ 11-580-02; and

WHEREAS, the Planning Commission recommends the City Council find that the amendments conform to the 2020 General Plan; and

WHEREAS, the Planning Commissions finds that the California Environmental Quality Act (CEQA) does not apply to PZ 11-580-02 pursuant to the general rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and there is no possibility that the adoption of this ordinance and resolution may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of PZ 11-580-02 as set forth in the ordinance attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of July, 2011 by the following vote:

AYES: Commissioners: Guevara, Stewart, Nash, Murguia, Huber, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: Medina

Patrick Mullin, Chairman

ATTEST: SMartin
Susan L. Martin, Secretary

ATTACHMENT 2
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PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner

DATE: July 7, 2011

SUBJECT: Planning and Zoning Permit 11-580-02 (Zone Code Text Amendment) to Define and Add Pawnshops as an Allowed Used in Specified Zones.

1) **Recommendation:** That the Planning Commission adopt a resolution recommending City Council approval of PZ 11-580-02 for text amendments to Chapter 16 of the Zone Code.

2) **Project Description and Applicant:** The proposed Zone Text Amendment (PZ 11-580-02) to Chapter 16 (Zoning Ordinance), that applies City-wide, defines "pawnshop" and provides zoning regulations related to pawnshops. Filed by the City of Oxnard, 305 W. Third Street, Oxnard CA, 93030.

3) **Environmental Determination:** The proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Adoption of this ordinance will not create a significant effect and is therefore exempt. The ordinance does not relate to development of specific projects. Requests for pawnshops will be considered on a case-by-case basis. These requests will undergo CEQA analysis at the time of application submittal and review.

4) **Consistency with General Plan Policies:** The proposed pawnshop ordinance is consistent with the current 2020 General Plan Land Use Element with its descriptions of commercial land use districts and their locations through out the City. The ordinance is also consistent with the Draft 2030 General Plan Land Use Element which provides for retail/service use within a General Plan designated commercial district:

   <u>SECTION 3.5 Land Use Designation and Standards – Provides designations of land use districts within the City including commercial uses.</u>

GOAL CD-4 Compatible Commercial Development – Commercial uses compatible with surrounding land uses to meet the present and future needs of Oxnard residents.

5) **Analysis:** The City Zone Code (Chapter 16) currently does not define "pawnshop." In the absence of a definition, Planning staff has been applying standards that take into account the land use impacts of businesses that propose pawn-related activities. The Zone Code allows for typical retail uses such as grocery sales and services such as banks. Thrift stores/secondhand stores typically purchase or take in donated goods from customers but do not provide loans against such goods as a pawnshop does. A pawnshop typically loans money on the security of personal property and will engage in buying or selling personal property. Without a definition of "pawnshop," it is unclear which types of retail transactions should be considered a "pawnshop" use for purposes of issuing a Zone Clearance and the appropriate zone to allow such uses. In addition, the Zone Code Amendment would designate whether such uses are to be permitted or conditionally permitted with a special use permit in particular zones.

a) **Definition.** The suggested definition for a pawnshop is as follows:

> *"PAWNSHOP - An establishment that engages in the business of loaning money on the security of pledges of personal property, and purchasing and selling personal property."*

This definition includes the various services, sales and money lending that are part of a pawnshop operation and differentiates the use from other solely retail stores, such as grocery sales, or financial service businesses such as a banks. This definition of "pawnshop" has been developed from *A Planners Dictionary* published by the American Planning Association. The proposed definition would be added to the list of definitions in the City's Zone Code through a Zone Code Text Amendment as outlined in the attached draft ordinance.

b) **Zoning:** Currently the Zone Code allows pawnshops only in the Central Business District (CBD) upon approval of a special use permit. There are two businesses that would be considered "pawnshops" under the proposed definition currently located in the CBD. There is also a pawnshop operating in the General Commercial zone (C-2) zone as a nonconforming use. The proposed draft ordinance (attached) would allow pawnshops as a related use permitted with a special use permit in the C-2 and the Commercial and Light Manufacturing zone (C-M). It is staff's opinion that inclusion of pawnshops in these zones would be consistent with other retail sales and financial service uses currently allowed in those zones. The proposed land use designations would be added to the allowed land uses in the C-2 and C-M Zones through the proposed Zone Code Text Amendment as outlined in the attached draft ordinance.

Attachment:

A. Resolution with Draft Ordinance Attached.

Prepared by: SLD
SLD

Approved by: SM
SM