



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: June 11, 2012
Board Meeting Date: June 26, 2012
Special Notice / Hearing: 10 days; newspaper
notice/interested parties
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: Adopt a Resolution and Ordinance amending Chapter 1 (General Provisions), Chapter 15 (Neighborhood Business Districts), and Chapter 16 (General Commercial Districts) of the County Ordinance Code (Zoning Regulations) to add "Non-Chartered Financial Institutions" as a use requiring a Use Permit, and establishing performance criteria for said permits.

County File Number: PLN 2012-00014
(Planning and Building Department)

RECOMMENDATION:

1. Adopt a Resolution amending Chapter 1 (General Provisions), Chapter 15 (Neighborhood Business Districts), and Chapter 16 (General Commercial Districts) of the County Ordinance Code (Zoning Regulations) to add "Non-Chartered Financial Institutions" as a use requiring a Use Permit, and establishing performance criteria for said permits.
2. Adopt an Ordinance amending Chapter 1 (General Provisions), Chapter 15 (Neighborhood Business Districts), and Chapter 16 (General Commercial Districts) of the County Ordinance Code (Zoning Regulations) to add "Non-Chartered Financial Institutions" as a use requiring a Use Permit, and establishing performance criteria for said permits.

BACKGROUND:

Proposal: The Planning Department is proposing amendments to the San Mateo County Zoning Regulations (Chapters 1, 15, and 16 of the San Mateo County Ordinance Code) to regulate the establishment of Non-Chartered Financial Institutions in commercial zoning districts within unincorporated San Mateo County. The amendments will (1) define "Non-Chartered Financial Institutions"; (2) require that they obtain a use permit to operate; and (3) establish performance criteria for their location and operation.

Planning Commission Action: The Planning Commission considered the proposed Ordinance at its May 9, 2012 public hearing and unanimously recommended approval of the project.

Report Prepared By: Michael Schaller, Senior Planner

Applicant: San Mateo County Planning and Building Department

Location: Countywide

Environmental Evaluation: The proposed Ordinance Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the Zoning Ordinance will have a significant impact on the natural or built environment.

DISCUSSION:

A. THE PROPOSED AMENDMENT

The key issues are divided into three categories: (1) defining “Non-Chartered Financial Institutions”; (2) use permit requirements for establishing Non-Chartered Financial Institutions in the C-1 and C-2 zoning districts; and (3) performance standards applicable to all permitted Non-Chartered Financial Institutions.

1. Definition of Non-Chartered Financial Institutions

A “Non-Chartered Financial Institution” is defined as a use, other than State or Federally chartered bank, credit union, mortgage lender, savings and loan association, or industrial loan company that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. The term “non-chartered financial institution” does not encompass non-profit financial institutions.

2. Use Permit Requirements for Establishing “Non-Chartered Financial Institutions”

The proposed Ordinance stipulates that new “Non-Chartered Financial Institutions” may only be established through the granting of a use permit,

subject to the standard use permit findings contained in Section 6503 of the Zoning Ordinance. This use permit requirement is applicable in all Neighborhood Commercial (C-1) and General Commercial (C-2) zoning districts. Non-chartered financial institutions are not allowed in any other zoning districts within the County.

3. Performance Standards Applicable to all Permitted “Non-Chartered Financial Institutions”

The proposed Ordinance establishes the following performance standards for all new “non-chartered financial institutions”:

- a. No new “Non-Chartered Financial Institution” may be located within one thousand (1,000) feet of the nearest existing Non-Chartered Financial Institution.
- b. No new “Non-Chartered Financial Institution” may be located within a radius of five hundred (500) feet from the following land uses:
 - (1) Residentially zoned parcels.
 - (2) Any State or Federally chartered bank, savings association, credit union, or industrial loan company.
 - (3) Religious institution.
 - (4) School or Day Care Facility.
 - (5) Bar or Liquor Store, excluding full service restaurants and alcoholic beverage sales establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.
 - (6) Pawn Shops.
- c. That each new “Non-Chartered Financial Institution” must meet the following performance standards which are included as standard conditions of approval and are obligations of the business owner. These performance standards, as they are applied to individual locations and projects, may be amended or expanded by the decision-making body:

- (1) A lighting plan shall be reviewed and approved by the County Planning and Building Department prior to issuance of building permits and all lights required by the approved plan shall be installed prior to a final on the building permit. Exterior lighting shall be provided on all frontages. Exterior lighting shall be designed so as not to cast glare off-site.
- (2) Storefronts shall have glass or transparent glazing in the windows and doors. No more than ten (10) percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind.
- (3) Days and hours of operation shall be no earlier than 7:00 a.m. nor later than 7:00 p.m., seven days a week. Patrons shall be discouraged from loitering prior to, during and/or after hours. At least one no loitering sign with letters at least two (2) inches tall shall be installed and maintained where it will be most visible to pedestrians on each side of the building in which the activity is located including, but not limited to, street frontages and parking lots.
- (4) Graffiti shall be removed from the building that houses the Non-Chartered Financial Institution within seventy-two (72) hours of application.
- (5) Litter shall be removed at least two (2) times daily or as needed from in front of and for twenty (20) feet beyond the building along adjacent street(s). Crates, mattresses, and all other material placed within this area shall be removed immediately.
- (6) The applicant shall post at least one (1) uniformed security guard on duty at all times the business is open. The security guard shall patrol the interior and all exterior portions of the property under control of the owner or operator of the Non-Chartered Financial Institution including, but not limited to, parking lots and any open public spaces such as lobbies.

B. ENVIRONMENTAL REVIEW

The proposed Ordinance Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the Zoning Ordinance will have a significant impact on the natural or built environment.

C. REVIEWING AGENCIES

County Counsel

County Counsel has reviewed and approved the proposed materials as to form.

The approval of the proposed amendments to the County's commercial zoning districts to regulate Non-Chartered Financial Institutions contributes to the 2025 Shared Vision outcome of a Livable Community by preventing blight, over concentration and other negative impacts on local neighborhoods, surrounding communities and the County.

FISCAL IMPACT:

There is no anticipated fiscal impact to the County as a result of this amendment.

ATTACHMENT:

A. Recommended Findings

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS

Permit File Number: PLN 2012-00014

Board Meeting Date: June 26, 2012

Prepared By: Michael Schaller
Planner Senior

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Environmental Review, Find:

1. That the proposed Ordinance Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the Zoning Ordinance will have a significant impact on the natural or built environment.

Regarding Adoption of Amendments to Chapter 1 (General Provisions), Chapter 15 (Neighborhood Business Districts), and Chapter 16 (General Commercial Districts) of the San Mateo County Ordinance Code (Zoning Regulations), Find:

2. That in order to protect the public health, safety, and welfare, it is in the public's interest for the County to establish rules and regulations relating to the location and operation of Non-Chartered Financial Institutions and their compatibility with surrounding land uses.
3. That the proliferation of Non-Chartered Financial Institutions within confined commercial zoning districts could create significant, adverse visual impacts and perceptions of blight. Therefore, there is a need to regulate the proximity of such uses to each other and to adjacent non-commercial land uses, and to regulate the operating characteristics of these businesses with regard to lighting and graffiti and trash removal.
4. That the proposed Ordinance addresses these findings, and furthermore is consistent with the Commitments and Goals of the County's Shared Vision 2025 document, as stated in the Vision Alignment Section of the staff report.