REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent
March 24, 2009

Honorable Mayor and
Members of the City Council

Title: Check Cashing Centers (M07-070)

Location/Council District: Citywide

Recommendation: 1) Review a) a **Resolution** determining the project exempt from environmental review, and b) an **Ordinance** amending the Zoning Code to establish regulations for check cashing centers, and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c and continue to March 31, 2009 for adoption.

Contact: Jennifer Glen, Assistant Planner, (916) 808-4771; Sandra Yope, Senior Planner, (916) 808-7158.

Presenters: Not applicable

Department: Development Services

Division: Current Planning

Organization No: 21001221

Description/Analysis

Issue: On October 16, 2007, the Sacramento City Council approved a moratorium on the establishment or modification of check cashing centers in the City of Sacramento. On October 7, 2008, City Council extended the previously established moratorium on these centers for a period of one year. The additional time allotted with this extension was needed to continue the research focused on the negative impacts these centers have on surrounding neighborhoods and to develop regulations to address these negative impacts.

The proposed ordinance includes revisions to the Zoning Code that would include a more specific definition for check cashing centers, impose a requirement for a special permit, and place upon them specific regulations for operation as a part of the discretionary approval of the special permit.

To address the impacts these centers have on surrounding areas, the proposed ordinance would prohibit the establishment of a check cashing center within 1,000 feet of another check cashing center, church/faith congregation, school, or

financial institution and within 500 feet of any residentially zoned or used parcel. Additionally, the proposal stipulates that there be a reduction in the time allowed for a legally established check cashing center to re-establish after discontinued use, from two years to one year, without the need for a special permit. The hours of operation will be limited to seven a.m. to seven p.m.

To reduce the proliferation of these types of facilities, the distance requirement between check cashing centers was added. In regards to the distancing requirements between residentially zoned or used properties, the regulations set forth are needed to reduce blight and retain neighborhood integrity. Churches and schools are traditionally family-oriented uses geared toward the advancement of individual and community of which the potential blighting affects of check cashing centers could have a negative influence. The time reduction for the re-establishment of a discontinued use without the need for a special permit will assist in the goals of reducing proliferation of these centers. The hours of operation restrictions will assist to mitigate issues pertaining to loitering, criminal activity, and the general welfare of the establishment and surrounding neighborhoods.

Additionally, the proposed ordinance will repeal the moratorium on these businesses that is currently in force, at the time in which the permanent ordinance takes effect. This will be 30 days after City Council approval of the ordinance.

Policy Considerations: While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. The applicable guiding principle that this proposal complies with is to "Maintain and improve the quality and character of residential neighborhoods in the City".

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that the proposed ordinance will not itself have a significant effect on the environment and, therefore, is not subject to CEQA review.

Sustainability Considerations: Requiring a special permit with locational and operational requirements for check cashing centers provides at risk neighborhoods with tools to avoid proliferation of a less desired use in order to encourage the location of other uses that can positively change the neighborhood character.

Commission/Committee Action: On February 12, 2009, by a vote of eight ayes and one no, the Planning Commission recommended approval of the ordinance with modifications. On March 3, 2009, the Law and Legislation Committee recommended to City Council approval of the ordinance with the following modifications:

- No check cashing center shall be located within 1,000 feet of any other check cashing center, church/faith congregation, school or financial institution;
- No check cashing center shall be located within 500 feet of any residentially zoned or used property;
- An applicant shall submit lighting, sign, and security plans, as well as a good neighbor policy with their special permit application for a check cashing center; and
- If the operation of the check cashing center is voluntarily or involuntary interrupted for a period in excess of one year, the permit shall be deemed automatically revoked.

These changes are incorporated in the attached proposed ordinance. The committee also asked for a list of typical special permits so the council could consider reducing the time frame for automatic revocation from two years to one year for other types of special permits. This list is attached as Attachment 2.

Rationale for Recommendation: The failure to properly regulate check cashing businesses can undermine the City's efforts to improve areas experiencing blight and plagued by the over-proliferation of uses that can contribute negatively to the community.

Financial Considerations: There are no financial considerations associated with this ordinance.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: David W. Kwong
DAVID KWONG
Planning Manager

Approved by: David W. Kwong For:
WILLIAM THOMAS
Director of Development

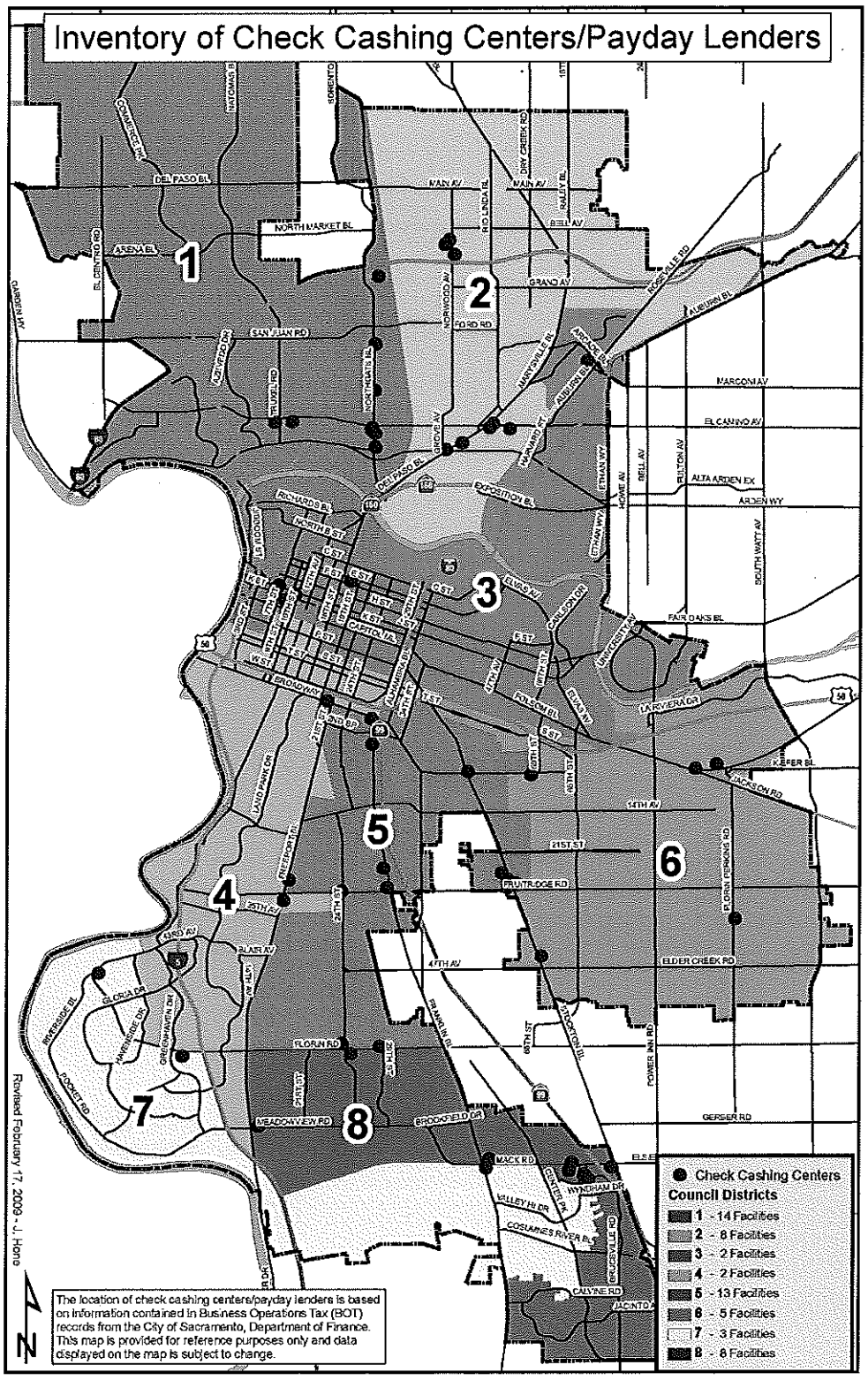
Recommendation Approved:

RAY KERRIDGE
City Manager

Table of Contents:

	Staff Report	Pg. 1
Attachments		
1	Map	Pg. 5
2	Background	Pg. 6
3	List of Typical Special Permits	Pg. 7
4	Resolution Regarding CEQA Exemption	Pg. 8
5	Ordinance - Redlined	Pg. 9
6	Ordinance – Clean Copy	Pg. 19

ATTACHMENT 1



ATTACHMENT 2

Background

Staff originally proposed an ordinance with the following provisions:

- New, expanding, or relocating check cashing centers shall require a special permit;
- No check cashing center shall be established or located within one thousand (1,000) feet of any other check cashing center, church, school, residential zone, residential use, or financial institution; and
- Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

Planning Commission recommended approval of the ordinance with the following modifications:

- Delete the 1,000 foot separation requirement between check cashing centers and schools, churches, and financial institutions;
- Reduce the staff-proposed 1,000 foot separation requirement between check cashing centers and residential zones to 500 feet;
- Limit the residential separation requirement to residential zones only, and not residential uses; and
- Add a requirement that an applicant for a check cashing center special permit include lighting, sign, and security plans, as well as a good neighbor policy, with the application and that the Planning Commission consider these plans in its review and impose conditions as it finds necessary or appropriate to ensure that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

Law and Legislation Committee recommended approval of the ordinance with the following modifications:

- Include the 1,000 foot separation requirement between check cashing centers and any church/faith congregation, school, or financial institution, as originally proposed by staff;
- Apply the 500 foot separation requirement to both residentially zoned and residentially used parcels; and
- Add an additional provision to reduce from two years to one year the time that a check cashing center with a special permit or a deemed special permit can discontinue, suspend, or interrupt the use before triggering the need for application for a new special permit to re-establish the check cashing center.

ATTACHMENT 3

Typical Special Permits

This list is not inclusive of all uses that require special permits. It is provided for the purpose of identifying some of the typical special permits as required by code.

- Churches, et al.
- Drive-thru Facilities
- Restaurants
- Residential and Non-Residential Care Facilities
- Schools - Public or Private (K-12)
- Mobile Home Parks
- Amusement Centers – Outdoor
- Boat Docks/Marina – Private
- Community Centers – Public or Private
- Kennels
- Produce Stands
- Social Clubs – Public or Private
- Hospitals

ATTACHMENT 4

RESOLUTION NO. 2009-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (M07-070)

BACKGROUND

A. On February 12, 2009, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve an Ordinance relating to check cashing centers.

B. On March 31, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a) (publication) and received and considered evidence concerning the Ordinance relating to check cashing centers.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section **15061(b)(3)** of the California Environmental Quality Act Guidelines as follows:

Under section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, an activity is exempt from CEQA when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed ordinance relates to continuing administrative activities relating to the future processing of land use applications for check cashing centers, which applications will be subject to independent environmental review. It can be seen with certainty that the proposed ordinance will not itself have a significant effect on the environment and, therefore, is not subject to CEQA review.

ATTACHMENT 5

Redlined

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, AND 17.124.040 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO CHECK CASHING CENTERS AND REPEALING ORDINANCE NO. 2007- 080, AS EXTENDED BY ORDINANCE NO. 2007-089 AND ORDINANCE NO. 2008-048 (M07-070)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for "check cashing center" set forth in Section 17.16.010 is amended to read as follows:

"Check cashing center" means~~ an~~:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose~~. This classification~~, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.

2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A "deferred deposit transaction" is a transaction whereby a person defers depositing a customer's personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution~~. This classification does not include~~, or retail stores or other establishments selling consumer goods, including consumables, ~~where the cashing of~~that incidentally charge a fee not exceeding $2.00 to cash checks or money orders ~~is incidental to the main purpose of the business.~~ as a service to customers.

B. The definition for "check cashing facility" set forth in Section 17.16.010 is deleted.

~~"Check cashing facility" means an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks, not including banks, credit unions or savings and loans.~~

C. Except as specifically amended as set forth in subsections A. and B., above, section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 (Commercial Land Use Chart) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add "Check cashing center" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Check cashing center*											7/84	69/84		18/84

B. The matrix set forth in Table 17.24.030 B is amended to add "Check cashing center" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84							

C. Except as specifically amended for the uses indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 84 is added to section 17.24.050 to read as follows:

84. Check Cashing Centers.

a. A special permit shall be required to establish a check cashing center in this zone pursuant to and subject to the findings required by Chapter 17.212.

b. Locational Requirements. In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for a check

cashing center unless the proposed location satisfies all of the following locational requirements:

i. Proximity to Other Specified Establishments.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any other check cashing center, church/faith congregation, school, or financial institution including a state or federally chartered bank, savings association, or credit union.

ii. Proximity to Residential Zones.

No check cashing center shall be established or located within five hundred (500) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

iii. Definitions.

For purposes of the locational requirement, the following definitions shall apply:

"Church/faith congregation" means a structure or place which is used primarily for religious worship and related religious activities.

"School" means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

iv. Relevant Date for Determining Compliance with Locational Requirements.

Only those uses lawfully established as of the date that the application for a check cashing center special permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

c. Hours of Operation.

Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

d. Operational Considerations.

The application for a special permit for a check cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the special permit, the planning commission shall consider the proposed security plan, sign program, lighting plan, and good neighbor policy and, if it determines to approve the special permit, shall impose conditions as it finds necessary or appropriate to ensure that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

e. Discontinuance.

Notwithstanding the provisions of section 17.212.100(G), a special permit for a check cashing center, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of one year, shall be deemed automatically revoked.

B. Except as specifically amended by adding footnote 84, section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 4. Section 17.94.030 (Broadway/Stockton Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.94.030 is amended to read as follows:

C.- Prohibited Uses.

In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto sales;

2. Auto storage;

3. Bar;

4. Bus and other transit vehicle maintenance storage;

5. Check cashing ~~facility~~center;

6. Liquor store—Fifteen thousand (15,000) feet or less of gross floor area;

7. Towing service;

8. Used tire sales.

B. Except as specifically amended by the amendments to subsection (C), section 17.94.030 shall remain unchanged and in full force and effect.

SECTION 5. Section 17.98.030 (McClellan Heights and Parker Homes Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;

b. Adult related establishment;

c. Auto sales (new or used), service, repair, storage, or rental;

d. Check cashing center;

e. ~~Check cashing facility;~~

~~f.~~ Cleaning plant;

~~g~~f. Equipment rental/sales yard;

~~h~~g. Laundry, commercial plant;

~~i~~h. Mini-storage/locker building;

~~j~~i. Money lender;

~~k~~j. Pawnshop;

~~l~~k. Reclamation operation;

~~m~~l. Recycling facilities, except convenience recycling;

~~n~~m. RV /mobilehome sales yard;

~~o~~n. RV storage (commercial);

~~p~~o. Tire shop; and

~~q~~p. Towing service and vehicle storage yard.

B. Subsection (E)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;

b. Adult related establishment;

c. Animal slaughter;

d. Auto dismantler;

e. Auto sales (new or used), service, repair, storage, or rental;

f. Check cashing center;

g. ~~Check cashing facility;~~

~~h.~~ Concrete batch plant;

~~i~~h. Hazardous waste facility;

~~j~~i. Junkyard;

~~k~~j. Livestock sales yard;

~~l~~k. Mini-storage/locker building;

~~m~~l. Money lender;

~~n~~m. Pawnshop;

~~o~~n. Planing mill

~~p~~o. Solid waste landfill; and

~~q~~p. Solid waste transfer station.

C. Except as specifically amended by the amendments to subsections (D)(2) and (E)(2), section 17.98.030 shall remain unchanged and in full force and effect.

SECTION 6. Section 17.100.030 (Northgate Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.100.030 is amended to read as follows:

C. Prohibited Uses. Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD.

1. Drive-through service facility;

2. Mini-storage/locker building;

3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;

4. Towing service and vehicle storage yard;

5. RV mobile home sales yard;

6. RV storage (commercial);

7. Check cashing center~~ and check cashing facility~~;

8. Pawn shops; and

9. Money lenders.

B. Except as specifically amended by the amendments to subsection (C), section 17.100.030 shall remain unchanged and in full force and effect.

SECTION 7. Section 17.108.020 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.020 is amended to read as follows:

A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Mini storage/surface storage;

11. Used tire storage and sales;

12. Check cashing center~~ and check cashing facility~~;

13. Money lender;

14. Mortuary;

15. Card room;

16. Bingo activities licensed under Chapter 5.24 of this code;

17. Retail tobacco store;

18. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.020 shall remain unchanged and in full force and effect.

SECTION 8. Section 17.108.030 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.030 is amended to read as follows:

A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with M-1 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Recycling facilities;

11. Auto dismantler;

12. Used tire storage and sales;

13. Check cashing center ~~and check cashing facility~~;

14. Money lender;

15. Pawn shop;

16. Mortuary;

17. Card room;

18. Bingo activities licensed under Chapter 5.24 of this code;

19. Retail tobacco stores;

20. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.030 shall remain unchanged and in full force and effect.

SECTION 9. Section 17.124.040 (Sacramento Railyards Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (E) of Section 17.124.040 is amended to read as follows:

E. Prohibited Uses. The following uses are prohibited in the Sacramento Railyards SPD:

1. All uses, unless otherwise specified above, listed in the Industrial and Agricultural

land use tables in sections 17.24.040(A) and 17.24.040(B);

2. Mobile home park;

3. Penal institution;

4. Check cashing center ~~and check cashing facility~~.

B. Except as specifically amended by the amendments to subsection (E), section 17.124.040 shall remain unchanged and in full force and effect.

SECTION 10. Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048, establishing a moratorium on check cashing centers, is repealed.

ATTACHMENT 6

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, AND 17.124.040 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO CHECK CASHING CENTERS AND REPEALING ORDINANCE NO. 2007- 080, AS EXTENDED BY ORDINANCE NO. 2007-089 AND ORDINANCE NO. 2008-048 (M07-070)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for "check cashing center" set forth in Section 17.16.010 is amended to read as follows:

"Check cashing center" means:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.

2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A "deferred deposit transaction" is a transaction whereby a person defers depositing a customer's personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution, or retail stores or other establishments selling consumer goods, including consumables, that incidentally charge a fee not exceeding $2.00 to cash checks or money orders as a service to customers.

B. The definition for "check cashing facility" set forth in Section 17.16.010 is deleted.

C. Except as specifically amended as set forth in subsections A. and B., above, section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 (Commercial Land Use Chart) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add "Check cashing center" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Check cashing center*											7/84	69/84		18/84

B. The matrix set forth in Table 17.24.030 B is amended to add "Check cashing center" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84							

C. Except as specifically amended for the uses indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 84 is added to section 17.24.050 to read as follows:

84. Check Cashing Centers.

a. A special permit shall be required to establish a check cashing center in this zone pursuant to and subject to the findings required by Chapter 17.212.

b. Locational Requirements. In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for a check cashing center unless the proposed location satisfies all of the following locational requirements:

i. Proximity to Other Specified Establishments.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels,

of any other check cashing center, church/faith congregation, school, or financial institution including a state or federally chartered bank, savings association, or credit union.

ii. Proximity to Residential Zones.

No check cashing center shall be established or located within five hundred (500) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

iii. Definitions.

For purposes of the locational requirement, the following definitions shall apply:

"Church/faith congregation" means a structure or place which is used primarily for religious worship and related religious activities.

"School" means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

iv. Relevant Date for Determining Compliance with Locational Requirements.

Only those uses lawfully established as of the date that the application for a check cashing center special permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

c. Hours of Operation.

Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

d. Operational Considerations.

The application for a special permit for a check cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the special permit, the planning commission shall consider the proposed security plan, sign program, lighting plan, and good neighbor policy and, if it determines to approve the special permit, shall impose conditions as it finds necessary or appropriate to ensure

that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

e. Discontinuance.

Notwithstanding the provisions of section 17.212.100(G), a special permit for a check cashing center, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of one year, shall be deemed automatically revoked.

B. Except as specifically amended by adding footnote 84, section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 4. Section 17.94.030 (Broadway/Stockton Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.94.030 is amended to read as follows:

C. Prohibited Uses.

In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto sales;

2. Auto storage;

3. Bar;

4. Bus and other transit vehicle maintenance storage;

5. Check cashing center;

6. Liquor store—Fifteen thousand (15,000) feet or less of gross floor area;

7. Towing service;

8. Used tire sales.

B. Except as specifically amended by the amendments to subsection (C), section 17.94.030 shall remain unchanged and in full force and effect.

SECTION 5. Section 17.98.030 (McClellan Heights and Parker Homes Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;

b. Adult related establishment;

c. Auto sales (new or used), service, repair, storage, or rental;

d. Check cashing center;

e. Cleaning plant;

f. Equipment rental/sales yard;

g. Laundry, commercial plant;

h. Mini-storage/locker building;

i. Money lender;

j. Pawnshop;

k. Reclamation operation;

l. Recycling facilities, except convenience recycling;

m. RV /mobilehome sales yard;

n. RV storage (commercial);

o. Tire shop; and

p. Towing service and vehicle storage yard.

B. Subsection (E)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;

b. Adult related establishment;

c. Animal slaughter;

d. Auto dismantler;

e. Auto sales (new or used), service, repair, storage, or rental;

f. Check cashing center;

g. Concrete batch plant;

h. Hazardous waste facility;

i. Junkyard;

j. Livestock sales yard;

k. Mini-storage/locker building;

l. Money lender;

m. Pawnshop;

n. Planing mill

o. Solid waste landfill; and

p. Solid waste transfer station.

C. Except as specifically amended by the amendments to subsections (D)(2) and (E)(2), section 17.98.030 shall remain unchanged and in full force and effect.

SECTION 6. Section 17.100.030 (Northgate Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.100.030 is amended to read as follows:

C. Prohibited Uses. Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD.

1. Drive-through service facility;

2. Mini-storage/locker building;

3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;

4. Towing service and vehicle storage yard;

5. RV mobile home sales yard;

6. RV storage (commercial);

7. Check cashing center;

8. Pawn shops; and

9. Money lenders.

B. Except as specifically amended by the amendments to subsection (C), section 17.100.030 shall remain unchanged and in full force and effect.

SECTION 7. Section 17.108.020 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.020 is amended to read as follows:

A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Mini storage/surface storage;

11. Used tire storage and sales;

12. Check cashing center;

13. Money lender;

14. Mortuary;

15. Card room;

16. Bingo activities licensed under Chapter 5.24 of this code;

17. Retail tobacco store;

18. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.020 shall remain unchanged and in full force and effect.

SECTION 8. Section 17.108.030 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.030 is amended to read as follows:

A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with M-1 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Recycling facilities;

11. Auto dismantler;

12. Used tire storage and sales;

13. Check cashing center;

14. Money lender;

15. Pawn shop;

16. Mortuary;

17. Card room;

18. Bingo activities licensed under Chapter 5.24 of this code;

19. Retail tobacco stores;

20. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.030 shall remain unchanged and in full force and effect.

SECTION 9. Section 17.124.040 (Sacramento Railyards Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (E) of Section 17.124.040 is amended to read as follows:

E. Prohibited Uses. The following uses are prohibited in the Sacramento Railyards SPD:

1. All uses, unless otherwise specified above, listed in the Industrial and Agricultural land use tables in sections 17.24.040(A) and 17.24.040(B);

2. Mobile home park;

3. Penal institution;

4. Check cashing center.

B. Except as specifically amended by the amendments to subsection (E), section 17.124.040 shall remain unchanged and in full force and effect.

SECTION 10. Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048, establishing a moratorium on check cashing centers, is repealed.