

**ORDINANCE NO. 3002-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO PAYDAY LENDING ESTABLISHMENTS**

SECTION 1. SECTION 19.12.070 AMENDED. Section 19.12.070 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.070. “F”**

(1)-(5) [Text unchanged.]

(6) “Financial institution” means establishments such as, but not limited to, state or federally-chartered banks, savings and loan associations, credit unions, credit agencies, mortgage lenders, investment companies, non-profit financial institutions and brokers and dealers of securities and commodities. ”Financial institution” does not include “Payday lending establishments”.

(7)-(10) [Text unchanged.]

SECTION 2. SECTION 19.12.170 AMENDED. Section 19.12.170 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.170. “P”**

(1) – (2) [Text unchanged]

(3) “Payday lending establishment” means a retail business owned or operated by a "licensee" as that term is defined in California Financial Code section 23001(d), as amended from time to time.

(3) – (15) [Renumber (4) – (16) consecutively. Text unchanged]

SECTION 3. TABLE 19.18.030 AMENDED. Table 19.18.030 of Chapter 19.18 (Residential Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.18.030  
Permitted, Conditionally Permitted and Prohibited Uses in Residential  
Zoning Districts**

In the table, the letters and symbols are defined as follows:

**P** = Permitted use

**MPP** = Miscellaneous Plan Permit required

**UP** = Use Permit required

**SDP** = Special Development Permit required

**N** = Not permitted, prohibited

<b>RESIDENTIAL ZONING DISTRICTS</b>	<b>R-0/R-1</b>	<b>R-1.5</b>	<b>R-1.7/PD</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-MH</b>
<i>1-6. [Text unchanged.]</i>								
<i>7. Other Uses</i>								
<i>A- N. [Text unchanged.]</i>								
<b>O. Payday Lending Establishment</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

SECTION 4. TABLE 19.20.030 AMENDED. Table 19.20.030 of Chapter 19.18 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.20.030  
Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts**

In the table, the letters and symbols are defined as follows:

- P** = Permitted use
- UP** = Use permit required
- MPP** = Miscellaneous plan permit
- N** = Not permitted, prohibited

<b>COMMERCIAL ZONING DISTRICTS</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>
<i>1 – 9 [Text Unchanged]</i>				
<i>10. Other</i>				
<b>A-K [Text Unchanged]</b>				
<b>L. Payday lending establishment</b>	<b>N</b>	<b>MPP<sup>9</sup></b>	<b>N</b>	<b>N</b>

1-8. [Text unchanged.]

9. Subject to the provisions of Section 19.20.050

SECTION 5. SECTION 19.20.050 ADDED. Section 19.20.050 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.20.050. Payday Lending Establishments.**

(a) **Distance Requirement.** Payday lending establishments are prohibited within 1,000 feet of the parcel boundaries of any other payday lending establishment.

(b) **Maximum Number of Payday Lending Establishments.** The maximum number of payday lending establishments that may be operating at any one time is six.

(c) **Operational Standards.** Payday lending establishments must meet the following minimum operational standards at all times, which are the obligation of the owner of the payday lending establishment:

(1) The approved lighting plan for the tenant space must be maintained (plan required with the submittal of the applicable planning permit application);

(2) Hours of operation must be between the hours of 7 a.m. to 7 p.m. daily;

(3) At least one sign (minimum four sq. ft.) shall be posted in the business that is clearly visible to patrons from the entrance of the store with information on alternatives to payday loans. The exact language for the sign will be uniform and created by the Community Development Director. All payday lending establishments will be subject to comply with this operational standard 6 months after of adoption of this ordinance.

SECTION 6. SECTION 19.22.030 AMENDED. Section 19.22.030 of Chapter 19.22 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.22.030  
Permitted, Conditional Permitted and Prohibited Uses in Industrial  
Zoning Districts**

In the table, the letters and symbols are defined as follows:

- P** = Permitted use
- MPP** = Miscellaneous plan permit required
- UP** = Use permit required
- N** = Not permitted, prohibited
- FAR** = Floor area ratio restrictions
- >** = Greater than
- N/A** = FAR does not apply

Use Regulations by Zoning District USE	M-S Zoning Districts FAR <sup>3</sup>	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR <sup>3</sup>	M-3 Zoning Districts
<i>1 – 5 [Text Unchanged]</i>					
<b>6. Other</b>					
<b>A – R [Text Unchanged]</b>					
<b>S. Payday lending establishment</b>	N/A	N	N	N/A	N

**TABLE 19.24.030**  
**Permitted, Conditionally Permitted and Prohibited Uses in Office and Public Facilities Zoning Districts**

In the table, the letters and symbols are defined as follows:

- P** = Permitted use
- UP** = Use permitted required
- MPP** = Miscellaneous plan permit required
- N** = Not permitted, prohibited

<b>OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS</b>	<b>O</b>	<b>P-F</b>
<i>1 – 5 [Text Unchanged]</i>		
<b>6. Other</b>		
<b>A – M [Text Unchanged]</b>		
<b>N. Payday lending establishment</b>	<b>N</b>	<b>N</b>

SECTION 8. SECTION 19.28.070 AMENDED. Section 19.28.070 of Chapter 19.28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.28.070**  
**Permitted, Conditionally Permitted and Prohibited Uses in Mixed Use, Commercial and Office DSP Blocks**

In the table, the letters and symbols are defined as follows:

- P** = Permitted use
- SDP** = Special development permit required
- MPP** = Miscellaneous plan permit required
- N** = Not permitted, prohibited

<b>DSP MIXED USE, COMMERCIAL AND OFFICE BLOCKS</b>	<b>1</b>	<b>1a</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>13</b>	<b>18</b>	<b>20</b>
<i>1 – 5 [Text Unchanged]</i>								
<b>6. Other Uses</b>								
<b>A – O [Text Unchanged]</b>								
<b>P. Payday lending establishment</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

SECTION 9. SECTION 19.29.050 AMENDED. Section 19.29.050 of Chapter 19.29 (Moffett Park Specific Plan Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Table 19.29.050  
Permitted, Conditionally Permitted and Prohibited Uses  
in MPSP Subdistricts**

In the table, the letters and symbols are defined as follows:

**P** = Permitted use. A Moffett Park Design Review Permit is required pursuant to Section 19.29.050(c). Development exceeding the standard FAR limit must be reviewed through a major permit.

**SDP** = Special development permit. A Moffett Park Special Development Permit is required.

**MPP** = Miscellaneous Plan Permit. A Miscellaneous Plan Permit is required.

**N** = Not permitted. Prohibited.

Use	Specific Plan Subdistrict			
	MP-TOD	MP-I	MP-C	
	<i>1 – 7 [Text Unchanged]</i>			
<b>8.</b>	<i>Other</i>			
	<b>A – U [Text Unchanged]</b>			
<b>V.</b>	<b>Payday lending establishment</b>	<b>N</b>	<b>N</b>	<b>N</b>

SECTION 10. EXEMPTION FROM CEQA. The City Council finds that although the modifications to the ordinance are considered a project under the California Environmental Quality Act (CEQA) analysis of the Initial Study checklist has led to a conclusion that adopting the proposed ordinance modifications is exempt from CEQA under Guideline 15061(b)(3), because it can be seen with certainty it will not have a significant impact on the environment.

SECTION 11. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 12. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

SECTION 13. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance,

and a list of places where copies of this ordinance are posted, within 15 days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on September 24, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on October 8, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney