

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING
CODE) OF THE SAN JOSE MUNICIPAL CODE TO ADD
PART 11.5 TO CHAPTER 20.80 REGARDING
PAWNBROKERS**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure & Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 20.80 of Title 20 of the San José Municipal Code is amended to add a new Part to be numbered, entitled, and to read as follows:

**Part 11.5
PAWNBROKERS**

20.80.950 Pawnbrokers

A. A conditional use permit may be issued pursuant to the applicable provisions of this Title for the establishment of a Pawnbroker only if the decision-making body first makes the following additional findings, where applicable:

1. If a proposed Pawnbroker location is within five hundred (500) feet of another Pawnbroker, it cannot result in a total of more than three (3) Pawnbroker establishments within a one thousand (1,000) foot radius from the proposed location; or
2. If a proposed location results in more than three (3) Pawnbrokers within a one thousand (1,000) foot radius, even if none are within five hundred (500) feet of another Pawnbroker, a finding that the resulting concentration of such uses will not:
 - a) Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
 - b) Impair the utility or value of property of other persons located in the vicinity of the area; or
 - c) Be detrimental to public health, safety, or general welfare.

B. A conditional use permit may be issued pursuant to the applicable provisions of this Title for the establishment of a Pawnbroker only if the decision-making body first finds that the building in which the proposed use would be located is situated and oriented in such a manner that it would not adversely affect the area or nearby uses, under the following circumstances:

1. If a proposed Pawnbroker is within five hundred (500) feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, neighborhood revitalization area designated by the City for targeted neighborhood enhancement services or programs, parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development, or within one hundred fifty (150) feet from any residentially zoned property; or

2. If a proposed Pawnbroker is located within an area in which the Chief of Police has determined based upon quantifiable information that the proposed use would be:
 - a) Detrimental to the public health, safety, or welfare of persons located in the area; or

 - b) Would increase the severity of existing law enforcement or public nuisance problems in the area.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk