



Planning Commission Staff Report

September 9, 2009
Item 6.a.

SUBJECT: PRZ-46

APPLICANT: City of Pleasanton

PURPOSE: Review and consideration of amendments to Chapter 18.104 (Home Occupations) and various related sections of the Pleasanton Municipal Code regarding home occupations

GENERAL PLAN: Citywide

ZONING: Citywide

ATTACHMENTS: Exhibit A: Proposed Redline Changes to Chapter 18.104

BACKGROUND

The Planning Division currently processes two types of permits for home-based businesses: exempt and non-exempt home occupations. An exempt home occupation most often consists of a resident applying to operate an office out of their home or the home productions of arts and crafts. A non-exempt home occupation may consist of a more active non-residential use, such as a resident applying to sell specialty clothing out of his/her home and the customer occasionally coming to the home. The code outlines specific guidelines that distinguish the two categories. Non-exempt home occupation permit requests are evaluated relative to potential impacts that surrounding residents may experience. If such impacts are anticipated, the non-exempt home occupation permit may have conditions of approval that assist in preserving the residential character of the neighborhood. If surrounding residents express concern, staff will often impose conditions to mitigate those concerns; however, the application may be elevated or appealed to the Planning Commission for action which may modify the conditions further.

PROJECT DESCRIPTION

The subject code amendment is to clarify the procedures for exempt and non-exempt home occupations. Currently, the Pleasanton Municipal Code (PMC) does not provide specific procedural guidance regarding the processing for exempt and non-exempt home occupation permits. No specific submittal requirements are identified and no

process for review is described. Additionally, the code implies that requirements for non-exempt home occupations may only be modified by the Planning Commission. Staff finds that the zoning administrator should have the ability to add conditions to non-exempt home occupations at the time of approval.

ANALYSIS

The current process for an exempt home occupation consists of the applicant completing a zoning certificate form and attesting that s/he meets requirements for an exempt home occupation. This process works well.

The proposed code amendment would establish a process for non-exempt home occupations, as the PMC currently does not delineate a procedure. Submittal requirements, such as a site plan, floor plan, and written narrative have also been described.

The process for a non-exempt home occupation is proposed to consist of:

- (1) the applicant supplying a complete application;
- (2) the zoning administrator or his or her designee mailing out a notice to the neighbors within a 300-foot radius, informing them of the proposed application and date for a zoning administrator hearing;
- (3) the zoning administrator conducting an administrative hearing to make a decision on the proposed non-exempt home occupation.
- (4) listing approved non-exempt permits under “Actions of the Zoning Administrator,” thus providing notification to the Planning Commission.

Staff finds that the proposed procedure will result in the swiftest processing timeline for applicants while still providing surrounding neighbors opportunity to provide input and feedback regarding the proposal early in the process.

The proposed procedural amendments will bring the PMC into alignment with existing practice.

ENVIRONMENTAL ASSESSMENT

Amendments to the Pleasanton Municipal Code are exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3). Therefore, no environmental documentation accompanies this report.

CONCLUSION

The proposed code amendments will ensure the PMC provides adequate procedural guidance for processing both exempt and non-exempt home occupation permits. Additionally, the amendment will simplify the process by authorizing the zoning administrator to modify required conditions for non-exempt home occupations instead of requiring Planning Commission review.

STAFF RECOMMENDATION

Staff recommends that the Commission take the following actions:

1. Find that the adoption of the proposed amendments to the Municipal Code are statutorily exempt from CEQA;
2. Adopt a resolution recommending PRZ-46 to the City Council as shown on Exhibit "A".

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