



Planning Commission Staff Report

March 14, 2007
Item 6.b.

SUBJECT: PRZ-37, Schools, Tutoring, and Recreation Facilities
Code Amendment

APPLICANT: City of Pleasanton

PROPERTY OWNERS: Various

PURPOSE: Consideration of amendments to Chapter 18 of the Pleasanton Municipal Code to allow schools and tutoring and recreational facilities in various districts

**ZONING/
LOCATION:** Various

ATTACHMENTS:

1. Exhibit A, Proposed Code Amendment
2. Table 1, Comparison of Recently Approved Conditional Use Permits for Schools/Tutoring
3. Proposed Application for Zoning Approval, adding "Section G, Private School, Trade School, Indoor Recreation, and Tutoring Facilities Only"
4. Chart 1, Comparison of the Number of Students and Teachers at Any One Time, Years 2004-2007 Combined; and Chart 2, Comparison of the Number of Students and Teachers at Any One Time, Years 2004-2007
5. 1,000-Scale Street Map, Public and Private Right-of-Way (with Zoning Districts)
6. Wireless Map (with buffer areas)
7. Staff Report for the Planning Commission Workshop on PRZ-37, Schools, Tutoring, and Recreational Facilities Code Amendment, dated December 27, 2006
8. Excerpts of the Planning Commission Workshop Minutes on PRZ-37, Schools, Tutoring, and Recreational Facilities Code Amendment, dated December 27, 2006
9. Planning Commission Staff Reports and Excerpt Minutes for Applications for School, Tutoring, and Recreation Facilities (reference Attachment 2 for summary details of applications)

BACKGROUND

Permitted and conditional uses are defined in the Pleasanton Municipal Code in commercially zoned property per Table 18.44.090. Conditional uses require an application for a conditional use permit which requires Planning Commission action through the public hearing process. School, tutoring, and recreation facilities require a conditional use permit in various commercially zoned properties. These uses have been found to be benign with regard to land use impacts related to traffic, noise, access, or parking.

Numerous school, tutoring, and recreation facilities have been approved via the City's Conditional Use Permit (CUP) process. The Planning Commission noted that many of the use permits coming before them were minor projects in scope, indeed had no impacts as noted above, and were supported by surrounding businesses and/or business associations.

In an effort to alleviate the impacts to small business owners start-up timing and cost constraints, staff began to evaluate potential process changes to facilitate a more expedited process for these minor permits. Staff reviewed the application processing procedures with members of the public and former applicants to determine how the application process could be improved. Staff found applications generally resulted from a business owner having already signed a lease, trying to obtain a business license, or via the City's Code Enforcement Department. City staff was interested in finding a more suitable process for the small business owner that might be more feasible and promote a smoother process to start a business of this type in the City of Pleasanton. Simultaneous to this effort, the Planning Commission also requested that staff provide feedback whether a more expedited process could be a feasible alternative.

City Staff believes that this Code amendment would expedite the review of applications thereby improving the application process for small business owners wishing to operate a small school, tutoring, or recreation facility. Currently these projects are placed on the consent agenda for action by the Planning Commission. The proposed Code amendment would allow these uses as permitted uses via an over-the-counter staff level approval if certain criteria are met. Staff is also proposing that these uses be allowed in more zoning districts, where appropriate. The proposed amendments to the Pleasanton Municipal Code are before the Planning Commission for review, comment, and recommendation to the City Council.

PLANNING COMMISSION WORKSHOP

At the December 27, 2006 Planning Commission hearing, staff presented the proposed Code amendment as a workshop item to the Planning Commission. The Planning Commission expressed an interest in determining what issues may exist with the approvals that have been processed by the Commission, what kinds of additional conditions were placed, how frequently applications are considered by the Planning

Commission, and what the historical effects have been as experienced by the small business owner.

The following additional information was requested by the Planning Commission:

1. Table 1: *Comparison of Recently Approved Conditional Use Permits for Schools/Tutoring* had been provided to the Planning Commission. The Commission requested that Table 1 be revised to:
 - a. Add a column showing which recent applications had public testimony.
 - b. Show which recent applications had special conditions added.

Staff Comment

Staff has provided the information as requested in Table 1, Attachment 2.

2. An analysis showing the typical number of students and teachers at any one time in small school, tutoring, and recreation facilities.

Staff Comment

Staff has provided the information as requested in Attachment 4.

3. A map showing the different zoning districts in general

Staff Comment

Staff has provided the information as requested in Attachment 5. A detailed Parcel Zoning Map is also available for review on the City's web page (www.ci.pleasanton.ca.us).

4. Staff reports from the most recent school, tutoring, and recreation facility applications

Staff Comment

Staff has provided the staff reports for all of the conditional use permits processed and approved by the Planning Commission. Minutes of the Planning Commission hearings for these items are also provided. These are provided as Attachment 9.

5. A map showing the wireless facility buffer areas with a 300-foot setback from private schools.

Staff Comment: *This map, Attachment 6, is for general information and only applies to schools that are licensed by the State.*

6. Improve the formatting of the Code amendment.

Staff Comments: The format reflects that currently used by the Code. The City is looking at a change to the format at a future date.

7. Provide history on why the Code amendment is proposed.

Staff Comment

The development of this Code amendment has been an effort and interest of both staff and the Planning Commission to develop a process that could meet the needs of small business owners and to ensure the concerns of the community are addressed.

Workshop Discussion

The Planning Commission discussed how the Code amendment might impact various PUD and/or straight-zoned project sites that currently had conditional use permits. The Commission requested feedback on what process was used for the Congregation Beth Emek preschool and how the existing conditions of approval might be impacted.

Congregation Beth Emek

The Conditional Use Permit for Congregation Beth Emek's preschool and religious school is located at 3400 Nevada Court in Stanley Business Park. The overall project was a proposal to modify the PUD to allow a religious facility and school, Design Review for the new building, and a Use Permit for the new uses. The congregation was approved to have a preschool with 15 students in the morning and early afternoon and two religious schools sessions with 20 students each in the late afternoon (with no overlap of sessions) during the afternoon peak hour traffic from 4:00 p.m. to 6:00 p.m. The applicants were proposing to change the PUD requirements to allow a synagogue and school use which required an Initial Environmental Assessment, a Negative Declaration, and a traffic report. Due to the results of the traffic study, a condition was added to the project which stated the following:

Unless otherwise approved by the City Engineer and the Planning Director, occupancy of the building shall not occur until a traffic signal has been installed at the intersection of Tawny Drive/Bernal Avenue/Vineyard Avenue or until the applicant has revised the hours of operation of the religious and school facilities such that there are no vehicle trips to and from the site during the p.m. traffic peak in Pleasanton.

If the proposed Code amendment would have been adopted before this use was approved, a mitigation measure to address this condition would have been required as part of the negative declaration review process.

The proposed Code amendment will have no effect on the condition of approval for the facility in that the conditions are based upon the environmental and traffic effects of the facility.

Existing Facilities

The Planning Commission also inquired about the effects of the Code amendment related to how the Code amendment would impact those facilities that currently hold conditional use permits. The proposed Code amendment will supersede those approvals for facilities that meet the size and conditions as defined by the new language per Attachment 1.

ANALYSIS

Staff believes that the proposed Code amendment will have little-to-no impact on the operation of school, tutoring, and recreation facilities. Staff re-evaluated some of the previously proposed language and found that it was counter-productive to a more efficient development process. Therefore the following sections have been removed from the text of the previously reviewed proposed Code amendment:

- 1. If operation of the use results in negative impacts pertaining to parking, noise, traffic, or other factors, the Planning Director may refer the issue to the Planning Commission which may modify or add conditions to mitigate such impacts or revoke the zoning certificate for said use.*
- 2. The property owner shall record with the County recorder a statement acknowledging that the use is being established in a District where manufacturing and assembly businesses, automobile service stations, and other businesses operate lawfully and may generate fumes, noise, odor, vibrations, and other impacts and that he/she will not seek to impede their lawful operation. In addition, the property owner will require any tenants to sign such a statement.*

Item 1 above provides language that would revoke the approval and conceivably create a conditional use process if “negative impacts” were to be found. This language would be a significant impact to a small business and essentially would allow the City to suspend business activities. These small businesses that currently require a conditional use have not been found to create impacts. There have not been complaints of these uses that have been significant as related to the findings that are required to be made for conditional use permits that include:

1. That the proposed location of the [conditional] use is in accordance with the objectives of this [PMC] chapter and the purposes of the district in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity; and

3. That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

The findings noted above have been able to be made in each of the conditional use permits processed, heard, and approved by the Planning Commission with little or no amendment to the then proposed conditions of approval. Staff proposes that certain criteria be met and added to the proposed attached “Application for Zoning Approval” that a small business owner would fill out and sign.

Staff believes that this Code amendment would expedite the review of applications which traditionally have had little-to-no impact on surrounding uses, thereby improving the application process for small business owners wishing to operate a small school, tutoring, or recreation facility. Additionally, staff is proposing this Code amendment allow these uses as permitted uses requiring an “Application for Zoning Approval,” if typical standard criteria are met as shown on Section G of Attachment 3. Staff is also proposing that these uses be allowed in more zoning districts, where appropriate.

PUBLIC NOTICE

Notice of this application was published in the newspaper. At the time this report was drafted, no public comments had been received.

ENVIRONMENTAL ASSESSMENT

This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(3), and it has been determined that the ordinance will not cause a significant negative effect on the environment.

CONCLUSION

Staff believes the proposed amendment will allow for more locational opportunities for schools, tutoring, and recreation facilities, help minimize impacts to neighboring tenants and residential neighbors and establish an expedited review process for small business owners which provide a niche service to the Pleasanton community.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the draft Code amendment shown in Exhibit A.

*Staff Planner: Robin Giffin, phone: (925) 931-5612 or e-mail: rgiffin@ci.pleasanton.ca.us
PRZ-37 Schools and Tutoring PC Report*