



Planning Commission Staff Report

December 27, 2006
Staff Report
Item 6.a.

- SUBJECT:** PRZ-37, Schools, Tutoring, and Recreation Facilities
Code Amendment
- APPLICANT:** City of Pleasanton
- PROPERTY OWNERS:** Various
- PURPOSE:** Consideration of amendments to the Pleasanton Municipal Code to modify where schools, tutoring, and recreation facilities are allowed to be located, and to allow these types of uses as permitted uses in many districts, if certain criteria are met.
- ZONING/
LOCATION:** Various
- ATTACHMENTS:**
1. Exhibit A, Proposed Code Amendment
 2. Exhibit B, Table Comparing Recently Approved Schools, Tutoring, and Recreation Facilities in Pleasanton
 3. Exhibit C, Sample Application for Schools, Tutoring, and Recreation Facilities (on page 1 of 2 of the Zoning Certificate Application)

BACKGROUND

Numerous school, tutoring, and recreation facilities have been approved via the City's Conditional Use Permit (CUP) process, which requires Planning Commission action through the public hearing process. So long as certain criteria are met, these uses have been approved and complaints about their operation practices have been rare. The Planning Commission noted that many of the use permits coming before them were minor projects in scope, had no impacts related to traffic, noise, or other concern. The Planning Commission requested that staff evaluate whether a more expedited process could be a feasible alternative. Simultaneous to this observation, staff had begun evaluating potential process changes to facilitate an expedited process. Currently these projects are placed on the consent agenda for action by the Planning Commission. To further expedite the review process, staff is proposing Code amendments to

allow these uses as permitted uses if the typical standard criteria are met. Staff is also proposing that these uses be allowed in more zoning districts, where appropriate. Staff believes the proposed Code amendments will streamline the review process and allow for more school, tutoring, and recreation facilities in Pleasanton. The proposed amendments to the Pleasanton Municipal Code are before the Planning Commission for review and recommendation to the City Council.

PROJECT DESCRIPTION

Staff is proposing amendments to the Office, Commercial, and Industrial Districts of the Pleasanton Municipal Code. A summary of the proposed amendments is below:

1. Allow schools, tutoring, and indoor recreation facilities as permitted uses in the Regional Commercial (CR), Neighborhood Commercial (CN), Central Commercial (CC), Service Commercial (CS), and Freeway Commercial (CF) zoning districts if certain criteria are met.

Staff Comment: Currently, music and dance studios are not allowed in the CS and CF districts, schools and indoor recreation facilities are not allowed in the CN and CF districts, and tutoring is not allowed in the CR, CC, CS, and CF districts. Thus, the proposed amendments would create new locational opportunities for these types of uses. The proposed review process would also be significantly streamlined.

2. Allow private schools as permitted uses in the Office (O) zoning district if certain criteria is met.

Staff Comment: In this district, a tutoring facility and a recreation school (dance studio, martial arts) would be considered a private school. The proposed change would streamline the review process.

3. Allow public and private recreation uses and trade schools as permitted uses in the Industrial Park (I-P) and General Industrial (I-G) zoning districts, if certain criteria are met.

Staff Comment: The proposed change would streamline the process.

4. Create the following minimum criteria for schools, tutoring, and recreation facilities which are proposed to be allowed as permitted uses:

- There shall be no more than 25 people inside the facility at any one time
- The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements

- The facility shall be insulated such that interior noise levels in nearby tenant suites shall not exceed 45 Leq, as determined by the Building and Safety Division
- 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 certificate for the use
- In the CS, CF, and I Districts, require the property owner to record a statement with the County recorder acknowledging that the use is being established in a District where there may be automobile repairing, painting, manufacturing, or other businesses which may generate fumes, noise, odor, vibration, and other impacts, and that he/she will not seek to impede their lawful operation. In addition, the property owner will require tenants to sign such a statement.

Staff Comment: The first three conditions are typical standard conditions. The 45Leq noise requirement is from the General Plan. The number “25 people”, as opposed to a larger number, would help ensure that there would not be future impacts. To protect existing and future service commercial and industrial tenants in the CS, CF, and I Districts, staff recommends that a document be signed in which the property owner and school, tutoring, and recreation facility tenants acknowledge that service commercial and/or industrial uses are legally allowed in these Districts, and that they may generate impacts.

ANALYSIS

Staff believes that the proposed Code amendments will have little-to-no impact on the operation of schools, tutoring, and recreation facilities, and will create safeguards to protect adjacent tenants and neighbors if issues, such as parking or noise impacts, arise in the future. The amendments will reduce applicants’ workload and the expense of preparing and submitting plans and attending a public hearing. By reducing the total number of applications which require a public hearing, the Planning Commission’s workload will also be reduced, and applications which require a hearing can be scheduled sooner. For the Commission’s information, attached is a table showing the school, tutoring, and recreational facilities which have been approved recently (see Exhibit B). Also attached is a sample application for a schools, tutoring, and recreation facilities, which expedites the process by providing a streamlined staff level review. This has been incorporated into the Zoning Certificate application (see attached in Exhibit C). As proposed, staff would review and approve an application the same day it is received.

Code Enforcement Complaints

In the past staff has received some, albeit few, complaints about these types of facilities. For example, staff received a complaint that a martial arts studio was creating too much noise, and a complaint that a gymnastics studio not adhering to its Building and Safety Division related conditions of approval. The City worked with the applicants to resolve these issues. As a

safeguard for the facilities which are permitted subject to criteria, staff has added a requirement that the uses' approval may be reevaluated by the Planning Director to determine if it should be modified or revoked to address outstanding issues, if deemed necessary.

Number of Occupants

Schools, tutoring facilities, and recreation facilities have recently been approved which range from 2 occupants to 440 occupants. However, typically the facilities are small-to-medium sized and range between approximately 15 and 40 occupants. Staff believes that smaller facilities will have a negligible impact, and recommends that 25 occupants be the maximum allowed for permitted uses. Those with more than 25 occupants would still be able to apply for conditional use permit approval and their impacts would be evaluated on a case-by-case basis.

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 supports the amendments as proposed. Staff believes they 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 proposals which adhere to the established criteria.

STAFF RECOMMENDATION

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

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