



Planning Commission Staff Report

February 22, 2012
Item 6.a.

SUBJECT: P12-0042

APPLICANT: City of Pleasanton

PROPERTY OWNER: Various

PURPOSE: Application to amend Chapter 18.44 (Commercial Districts) of the Pleasanton Municipal Code to designate financial institutions as conditionally permitted uses in the Central Commercial (C-C), Downtown Revitalization District.

GENERAL PLAN: Various

ZONING: Central Commercial (C-C)

LOCATION: Properties Zoned Central-Commercial in the Downtown Revitalization District

EXHIBITS:

- A. Map Showing Downtown and Existing Financial Institutions
- B. Proposed Code Language
- C. Existing Code Language
- D. City Council Resolutions 73-34, 87-541, 95-131, 95-132 and Ordinance 1668
- E. Noticing Map

BACKGROUND

The subject application is a City-initiated amendment to the Pleasanton Municipal Code that would designate financial institutions as conditionally permitted uses for properties that are located within the Downtown Revitalization District, have frontage on Main Street, and are zoned Central-Commercial (C-C). Financial institutions are currently permitted uses in the C-C district, both within and outside the Downtown Revitalization District. In addition to being subject to a conditional use permit process, financial institutions would be subject to additional criteria outlined in the "Proposed Code Amendment" and "Discussion" sections of this report.

Financial institutions were made permitted uses in Chapters 18.40 (O – Office District) and 18.44 (C – Commercial District) with the adoption of Ordinance 1668 at the November 21, 1995, City Council meeting. This ordinance was accompanied by adoption of Resolution 95-131 which amended the Downtown Specific Plan (dated 1989) and acknowledged the importance of financial institutions within the Downtown. The current (2002) version of the Downtown Specific Plan does not include this language. Additionally, Resolution 95-132 rescinded Resolution 87-541 (adopted on March 12, 1973), which required banks, savings and loan institutions, and other financial institutions to first locate a branch in the downtown area before locating elsewhere in the city (with the exception of the C-R District, which is the zoning designation for Stoneridge Mall and the area surrounding it) unless there were at least eight financial institutions in the downtown area.

PROPOSED CODE AMENDMENT

The term ‘financial institution’ includes banks, savings and loan offices, finance companies, credit unions, and other similar uses. The proposed code amendment seeks to establish criteria for financial institutions and to establish financial institutions as conditionally permitted uses. Therefore, the proposed language of Pleasanton Municipal Code Table 18.44.090 is detailed on the following page. Text in bold red with double underline (e.g., **example**) is proposed text (no text is proposed to be deleted). The section of the code related to “microbreweries” is not proposed to undergo any substantive changes; the only modification proposed is the number of asterisks due to the changes proposed to the section related to financial institutions.

Please refer to next page for table.

**Table 18.44.090
PERMITTED AND CONDITIONAL USES**

The following uses shall be permitted uses or conditional uses in a C district where the symbol “P” for permitted use, “C” for conditional use, or “TC” for temporary conditional use appears in the column beneath the C district:

Note:

* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.

** Uses on peripheral sites physically separated from a central enclosed mall.

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	<u>P***</u>	P		

***** Conditionally permitted use if the subject property:**

- 1. Is zoned Central-Commercial (C-C) or is zoned Planned Unit Development (PUD) that references uses of the C-C district; AND**
- 2. Is located within the Downtown Revitalization District; AND**
- 3. Has frontage on Main Street.**

In addition to being subject to a conditional use permit, financial institutions that propose to locate on properties that meet all three of the above parameters shall also meet the following criteria:

- a. The proposed financial institution shall be the only financial institution on the block, including both sides of the street; AND**
- b. The proposed financial institution shall not locate on a corner property.**

Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be required to meet the additional criteria.

Existing financial institutions may remain as nonconforming uses. Notwithstanding Chapter 18.120.040 of this code, if an existing financial institution has been abandoned, discontinued, or changed to a conforming use for a continuous period of 180 days or more, the nonconforming use shall not be reestablished without meeting the criteria established for financial institutions and also securing a Conditional Use Permit. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

Microbrewery	<u>P****</u>	<u>P****</u>		<u>P****</u>	<u>P****</u>		
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****** Permitted use subject to the following conditions:**

1. The zoning administrator finds that adequate parking is available for said use.
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors.
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.

DISCUSSION

Financial institutions are an important contributor to the vitality of the Downtown in that they dispense money for consumer spending within the immediate vicinity, generate foot traffic, and provide a local employment base which generates local retail spending before and after business hours. The Economic Vitality chapter of the Downtown Specific Plan also acknowledges financial institutions and considers them to be similar to traditional retail uses.

A map identifying the Downtown area, the boundaries of the Downtown Revitalization District, and the locations of existing financial institutions is attached to this staff report as Exhibit A. As can be noted from the map, the 800 block is the only portion of Main Street within the Downtown Revitalization District currently without a financial institution since a financial institution exists on one or both sides of Main Street on the 200-700 blocks. Additionally, six of the seven existing financial institutions are located on prominent corners.

The proposed code amendment seeks to acknowledge the importance of financial institutions within the Downtown area while also trying to ensure that properties that have significant visibility and prominence, such as those along Main Street and those that are corner properties, are available for other types of uses. Therefore, existing financial institutions are permitted to remain and may be replaced within 180 days with another financial institution. The timeframe for other nonconforming uses in Chapter 18.120.040 of the Pleasanton Municipal Code currently allows no more than 90 days to pass before a nonconforming use loses its “nonconforming status.” The proposed language for financial institutions extends this language as an attempt to recognize the importance of existing financial institutions in the Downtown while discouraging the establishment of new locations for financial institutions in prominent locations.

The properties that would be affected by the code amendment are limited to those that are:

- (1) zoned Central-Commercial (C-C) or zoned Planned Unit Development (PUD) that references uses of the C-C district; and
- (2) located within the Downtown Revitalization District; and
- (3) have frontage on Main Street.

The proposed change to the code would require a financial institution that desires to locate on one of the affected properties to be subject to review and approval by the Planning Commission through the Conditional Use Permit process in addition to meeting criteria specific to the evaluation of a financial institution seeking to locate on one of the affected properties. These criteria include:

- (1) No more than one financial institution per block, including both sides of the street; and
- (2) A financial institution may not locate on a corner property.

Existing financial institutions may remain as nonconforming uses. However, as noted previously in this report, if an existing financial institution ceases to operate within 180 days, the nonconforming use shall not be reestablished without meeting the criteria established for financial institutions and also securing a Conditional Use Permit as required by the modified code.

PUBLIC NOTICE

Notices regarding the proposed code amendment and related public hearing were mailed to the owners and tenants within the Downtown Revitalization District, the Pleasanton Chamber of Commerce, and the Pleasanton Downtown Association. The public notice was also published in *The Valley Times*.

The Pleasanton Downtown Association Board discussed the code amendment at their meeting on February 14, 2012, and voted to support the proposed code amendment.

ENVIRONMENTAL ASSESSMENT

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

CONCLUSION

The proposed changes to the Pleasanton Municipal Code are intended to ensure a healthy variety of uses are able to locate within the Downtown while also recognizing the importance of the contributions of existing financial institutions. The proposed modifications establish financial institutions as conditionally permitted uses on properties with significant visibility and prominence and establish additional criteria for future financial institutions.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval of P12-0042 to the City Council.