



Planning Commission Staff Report

November 18, 2009
Item 6.b.

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 Draft Ordinance, Chapter 18.104
Exhibit B, Existing Chapter 18.104, No revisions

BACKGROUND

There are currently two types of permits for home-based businesses: exempt and non-exempt home occupations. An exempt home occupation is required to meet certain standards. If the standards cannot be met, it is considered non-exempt.

The processing of home occupations and businesses in residential zoning districts has developed into a confusing process for the public. Staff has considered the existing code and proposes a comprehensive revision that provides a more simplified, clear, direct approach.

PROJECT DESCRIPTION

The proposed revision to Chapter 18.104 eliminates the language of exempt and non-exempt. The amendment establishes standards that dictate whether a potential home occupation could be approved with a zoning certificate or whether a zoning administrator approval is required.

ANALYSIS

Current Process

The current process relies on an interpretation of home businesses that are considered either “exempt” (i.e., meeting the list of standards in the Code) or “non-exempt” (i.e., those businesses that do not meet the current standards listed under Section 18.104.020 [A-J], Exhibit B). The determination of proposed home businesses and how they are defined rely on an interpretation by planning staff. Oftentimes requests closely meet the list of requirements, but not entirely. Staff may consider allowing the use. If the use is disallowed, planning staff coordinates with the applicant, surrounding neighbors and any other interested parties to discover if the home business is supported. Significant effort is required to provide consistent information to all parties and numerous meetings. Some parties cannot attend all meetings and therefore may not support a particular decision or outcome.

Planning staff have also encountered a disconnect in the customers’ understanding of the definition of exempt and non-exempt. Staff has also found that the existing process results in a customer believing that the process is subjective and uncertain if a use is determined to be a “non-exempt” business.

Proposed Amendment

The proposed Code amendment would establish a similar but more understandable process for home occupations and businesses based on whether a proposal meets certain requirements. These have been taken from the original list yet modified for clarity. In the proposed Code amendment there are seven requirements that must be met in order to obtain a zoning certificate. These are under 18.104.030, “Requirements to Obtain a Zoning Certificate,” Exhibit A.

If the requirements are not able to be met, an application for zoning administrator approval is submitted followed by a zoning administrator hearing when the application is deemed complete. The date of the hearing would be noticed 300 feet from the subject property lines. This provides an opportunity to hear from adjacent neighbors and to discover if there are any concerns they may wish to express directly to the staff planner or in the public hearing.

Appeal Process

The proposed amendment empowers the zoning administrator to hold a public hearing and to determine if the proposed use is compatible in the residential district. The process also clarifies whether or not an appeal can be made.

Title 18, Section 18.144, states that any administrative determination made may be appealed to the Planning Commission. The proposed amendment will limit the ability to appeal if a proposed home business meets the requirements Section 18.144.030 (A-G), Exhibit A, and a zoning certificate is issued. Only an approval rendered by the Zoning Administrator at the time of public hearing would be subject to appeal.

Staff finds that the proposed procedure will result in the swiftest processing timeline for applicants when a proposed use fits within the stated requirements, while still providing surrounding neighbors opportunity to provide input and feedback regarding the proposal early in the process should a hearing be required.

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 amendment will provide a clean procedure for processing home occupation businesses. The amendment will simplify the process by allowing businesses that meet appropriate requirements to be approved with a simple zoning certificate, but will require a Zoning Administrator review and hearing for those proposals that do not meet all of those requirements.

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; and
2. Adopt a resolution recommending approval of PRZ-46 to the City Council as shown on Exhibit A.

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