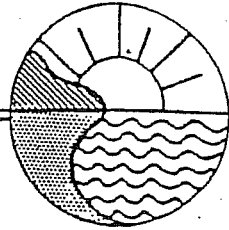


AGENDA

Planning Commission – City of Pacifica



DATE: June 15, 2009

LOCATION: Council Chambers
2212 Beach Boulevard

TIME: 6:00 p.m.

PLANNING COMMISSION STUDY SESSION

AGENDA

1. Discussion of Use Permit Requirement for Outdoor Commercial Uses

The purpose of a study session is to offer an opportunity for informal discussion with the Planning Commission. Any statements made by a Commissioner or staff member at a study session are informal only and are not to be considered commitments or guarantees of any kind.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7300). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

CITY OF PACIFICA

MEMORANDUM

DATE: June 15, 2009

TO: Planning Commission

FROM: Michael Crabtree, Planning Director 

SUBJECT: Study Session Item No. 1: Discussion of Use Permit Requirement for Outdoor Commercial Uses

Councilmember Vreeland has requested that the Planning Commission review the City's Municipal Code requirements regarding outdoor commercial uses. The relevant code section is as follows:

"Sec. 9-4.2308. Commercial and industrial uses outside structures.

(a) All commercial and industrial uses conducted in any C or M District shall be conducted entirely within an enclosed structure unless a permit is obtained, as set forth in Article 33 of this chapter, except as otherwise provided in this section."

Other subsections concern sidewalk sales, Christmas tree and pumpkin sales, and recycling facilities, but the subsection under consideration is cited above (a full copy of the ordinance section is attached). "Article 33" refers to the code section dealing with Use Permits. Therefore, any commercial activity that is conducted outside an enclosed structure is required to obtain a Use Permit, which necessitates review and approval by the Planning Commission at a public hearing. This means, for example, that, without first acquiring a Use Permit, a fruit vendor cannot set up shop on a street corner or on a parking area outside an existing commercial area, a restaurant cannot establish an outdoor barbeque pit, a business may not place tables outside for dining, a hardware store cannot establish an outdoor garden center, etc. However, existing businesses may conduct sidewalk sales outside their buildings as long as the featured merchandise is part of what is regularly sold by the business.

The purpose of the Use Permit requirement is to ensure that outdoor commercial uses do not result in adverse impacts to surrounding businesses and residents, that safety standards are met, required parking is not eliminated, etc. The Use Permit process provides the opportunity for public review of the proposed use, and gives the Commission the ability to place appropriate conditions on the outdoor use. In addition, should the use evolve beyond what was approved, or if unforeseen impacts should occur, the possibility of permit revocation can be used to address such issues.

However, the Use Permit process does involve time and money for the applicant, and it has been suggested that this places an undue burden on existing businesses wishing to expand to an outdoor area. In particular, it has been suggested that an existing restaurant wishing to place tables outside within its own business or property boundaries should not have to go through the Use Permit process.

Therefore, the Commission has been asked to review the Use Permit requirement and determine if changes may be warranted. Some possible options are:

- Allow outdoor commercial uses by right in any commercial district
- Allow outdoor commercial uses by right in any commercial district if the use is already a permitted use in the specific district
- Allow certain outdoor uses by right and require a Use Permit for other uses
- Allow outdoor commercial uses by right in any commercial district if the use is already a permitted use in the specific district, unless the use is adjacent to a residential area, in which case a Use Permit would be required.
- Establish standards for outdoor commercial uses that could be verified by staff - any deviation would require a Use Permit (or Variance)
- Require an administrative “café permit” for outdoor dining uses to allow Planning, Building, Engineering, Fire, etc, to review for aesthetics, noise, encroachments, safety, etc.
- Make no changes and continue requiring Use Permits for all outdoor commercial uses

The above are only a few possible approaches and there may be others the Commission may wish to discuss. Depending on Commission direction, staff can do further research or return with a formal recommendation for the Commission to pass along to the City Council.

Attachment:

1. Zoning Code Section 9-4.2308