

City of San Leandro
Community Development Department
Planning Services Division
Staff Report

DATE: January 26, 2012

TO: Planning Commission

BY: Kathleen Livermore, Senior Planner

SUBJECT: Modification of Staff Recommendation regarding Amendments to the City's Zoning Code Related to Miscellaneous Changes to the IL, IG and IP Zoning Districts related to Commercial Recreation and Entertainment Activities

SUMMARY AND RECOMMENDATION

Staff is proposing modifications to *Article 7 I Industrial Districts* to respond to the Planning Commission request for a “nuanced” approach to regulating Commercial Recreation and Entertainment Activities in the industrial districts. To address the Commission’s concern, staff proposes to add sections 2-710 IL (AU), 2-712 IG (AU), and 2-714 IP (AU) so that Commercial Recreation and Assembly Uses will be Conditionally Permitted in those Districts. Those districts will mirror the IL, IG and IP Districts except that Commercial Recreation and Entertainment Activities will be not allowed in the IL, IG and IP Districts and will be Conditionally Permitted in the IL (AU), IG (AU) and IP (AU) Districts. There are 115 properties zoned either IL (AU), IG (AU) or IP (AU) representing 129.13 acres.

Staff recommends that the Planning Commission review the proposed Zoning Code amendments and provide a recommendation to the City Council. These recommendations will be added to the recommendations from the December 15, 2011 meeting and forwarded to the City Council for its February 21, 2012 meeting.

BACKGROUND

At the December 15, 2011 Planning Commission meeting, staff recommended the removal of Commercial Recreation and Entertainment Activities as Conditionally Permitted Uses in the IL, IG and IP Districts. The Commission did not approve the recommendation. Commissioners then passed a motion (5-2) that if the City Council chooses to pursue limitations on Commercial Recreation and Entertainment Activities in industrial districts, that staff should develop a “nuanced” approach to the limitations. The Commission did not specifically describe an alternative approach. As such, staff has developed the proposed language below that it believes represents a nuanced approach to those limitations based on the Commission’s direction.

DESCRIPTION OF AMENDMENTS

Industrial Districts

Commercial Recreation and Entertainment Activities will be removed from the IL, IG and IP Industrial Districts, as Conditionally Permitted Uses. Zoning Use Regulations will be created for the IL (AU), IG (AU), and IP (AU) Zoning Districts and Commercial Recreation and Entertainment Activities will be listed as Conditionally Permitted Uses in the IL (AU), IG (AU) and IP (AU) Zoning Districts. This proposed amendment will continue to preserve the integrity of the City's industrial areas for purely industrial uses while conditionally permitting those commercial recreation and entertainment activities in the AU Zoning Districts that are appropriate and compatible.

DISCUSSION

Following the December 15, 2011 Planning Commission meeting, staff has carefully considered the comments of the Planning Commission. And, in response, staff proposes to add sections 2-710, 2-712 and 2-714 to explicitly state the Permitted and Conditionally Permitted uses, Uses Requiring Administrative Review and Temporary Uses Requiring Administrative Review for *I (AU)* districts. The uses would be the same as those uses currently found in the IL, IG and IP zones. In addition, Commercial Recreation and Entertainment Activities would be added as Conditionally Permitted Uses in the IL (AU), IG (AU) and IP (AU) Districts. There are 70 properties designated IL (AU) representing 23.55 acres; 17 properties designated IG (AU) representing 84.31 acres; and 28 properties designated IP (AU) representing 21.27 acres. This is a total of 115 properties representing 129.13 acres.

Because these changes are less restrictive than what staff had originally recommended, this issue has been agendaized for the Planning Commission meeting without the need for additional public notice. As the City Council hearing for this item is set for February 21, 2012, staff has the opportunity to present this nuanced approach to the Planning Commission prior to the City Council meeting and will forward its comments.

SUMMARY OF PROPOSED CHANGES

The proposed ordinance would amend the following Articles of the Zoning Code:

Article 7 Industrial Districts, Section 2-704 (IL District Use Regulations), Section 2-706 (IG District Use Regulations), and Section 2-708 (IP District Use Regulations):

- Delete *Commercial Recreation and Entertainment Activities* from IL, IG and IP Zoning Districts.

Article 7 Industrial Districts, Section 2-710 (IL (AU) District Use Regulations), Section 2-712 (IG (AU) District Use Regulations), and Section 2-714 (IP (AU) District Use Regulations):

- Create IL (AU), IG (AU) and IP (AU) Zoning Districts and add Commercial Recreation and Entertainment Activities as Conditionally Permitted Uses to these Districts.

ENVIRONMENTAL ANALYSIS

The proposed modification does not represent a change in the previously evaluated proposed Zoning Code Amendments for purposes of environmental review.

DEFINITIONS

Here are the definitions of Assembly Uses, Commercial Recreation and Entertainment Activities, as requested by the Planning Commission at the December 15, 2011 meeting:

Assembly Uses. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Commercial Recreation. Provision of participant or spectator recreation or entertainment. This classification includes amusement parks, bowling alleys, ice/roller skating rinks, golf courses, miniature golf courses, and scale-model courses.

Entertainment Activities. Regulations pertaining to Entertainment Activities, defined as a use classification by this Code, apply to the following activities where they occur on a scheduled basis three (3) or more days during a calendar year on the site of any permitted or conditionally permitted use, excluding activities for the non-profit, charitable or educational purposes of public or private institutional uses.

- A. A musical, theatrical, wrestling, dance recital, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment not otherwise regulated as either a “Dance Hall” or an “Instruction and Improvement Services” use classification;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.
- D. Any form of recorded entertainment using amplified recorded music, such as karaoke systems.
- E. Televised events, with such features as “big screen” projection systems.

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed Zoning Code amendments and provide a recommendation to the City Council. These recommendations will be added to the recommendations from the December 15, 2011 meeting and forwarded to the City Council for its February 21, 2012 meeting.

ATTACHMENTS

Zoning Code Excerpts with Proposed Changes