



CITY OF CAMPBELL
Community Development Department

November 30, 2018

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Campbell has set the time of 7:30 p.m., or shortly thereafter, on Tuesday, **December 11, 2018**, in the City Hall Council Chambers, 70 North First Street, Campbell, California, for a Public Hearing to consider a City-initiated Zoning Text Amendment (PLN2018-098) to amend Campbell Municipal Code (“CMC”) Sec. 21.10.030 to establish large and small tutoring centers as a permitted use in the P-O (Professional Office) zoning district, CMC Sec. 21.36 to add special use provisions to govern the location and operation of tutoring centers, and CMC Sec. 21.10.040 and 21.10.050 to add a reference to the special use provisions for tutoring centers to the C-1 and C-2 zoning districts respectively. Staff is recommending that this item be deemed Categorically Exempt under CEQA.

Interested persons may appear and be heard at this hearing. Please be advised that if you challenge the nature of the above project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City of Campbell Planning Commission at, or prior to, the Public Hearing. Questions may be addressed to the Community Development Department at (408) 866-2140.

Plans and architectural drawings may be viewed at the Planning Division office during normal business hours (8:00 a.m. – 5:00 p.m.) and on the City's 'Public Notices' web page (<http://www.cityofcampbell.com/501/Public-Notices>) under 'Planning Commission'.

Decisions of the Planning Commission may be appealed to the City Council. Appeals must be submitted to the City Clerk in writing within 10 calendar days of an action by the Commission.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the Council Chambers. If you require accommodation, please contact the Community Development Department at (408) 866-2140, at least one week in advance of the meeting.

PLANNING COMMISSION
CITY OF CAMPBELL
PAUL KERMOYAN
SECRETARY

PLEASE NOTE: When calling about this Notice,
please refer to: Zoning Text Amendment – Tutoring Centers

RESOLUTION NO.

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING A ZONING CODE TEXT AMENDMENT (PLN2018-098) TO AMEND CAMPBELL MUNICIPAL CODE ("CMC") SEC. 21.10.030 TO ESTABLISH LARGE AND SMALL TUTORING CENTERS AS A PERMITTED USE IN THE P-O (PROFESSIONAL OFFICE) ZONING DISTRICT, CMC SEC. 21.36 TO ADD SPECIAL USE PROVISIONS TO GOVERN THE LOCATION AND OPERATION OF TUTORING CENTERS, AND CMC SEC. 21.10.040 AND 21.10.050 TO ADD A REFERENCE TO THE SPECIAL USE PROVISIONS FOR TUTORING CENTERS TO THE C-1 AND C-2 ZONING DISTRICTS RESPECTIVELY.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file number PLN2018-98:

Environmental Finding

1. An amendment to the Zoning Ordinance is considered a "project" under Section 15378(a)(1) of the California Environmental Quality Act (CEQA) Guidelines, typically subject to environmental review. However, such an action may be exempted from environmental review if the City finds that there is no possibility that it will have a significant effect on the environment (Sec. 15061(b)(3)). The proposed text amendment would allow small and large tutoring centers as a permitted use in the P-O (Professional Office) Zoning District and restrict those same uses to specified locations in the C-2 (General Commercial) zoning district. To avoid potentially adverse effects on surrounding uses, the text amendment would also provide operational standards (such as requiring all instruction to occur behind closed doors), which would serve as universally applicable conditions of approval and thereby eliminate the need for a discretionary permit, except in limited circumstances. Therefore, staff recommends that the proposed Zoning Text Amendment be found categorically exempt pursuant to Sections 15060(c)2 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)3 (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, because it has no potential for resulting in physical change to environment, directly or indirectly.

Evidentiary Findings

2. In June of 2011 the City Council adopted Ordinance 2149 which created new definitions and parking standards for 'small' and 'large' tutoring centers (see analysis on 'Definitions' and 'Parking' standards respectively) as part of the City's FY08/09 work plan item to "consider changes to the Parking & Loading Ordinance". In addition to creating

new land uses, the Ordinance served to assign those land uses to various zoning districts (e.g. C-2, P-O).

3. Since the adoption of Ordinance 2149, the City has not reviewed any of the new definitions, parking standards, or land use assignments.
4. In March of 2018 the Planning Department was approached by a business interested in leasing office space in the P-O (Professional Office) zoning district. In review of the applicant's proposal, aspects of the business appeared to be consistent with the definition of a 'tutoring center' which is a prohibited use in the P-O (Professional Office) zoning district. Rather than directing the business owner to find a commercial property, staff found the use to be comparable to, if not less intensive than, a 'private school' which is a conditional use in the P-O (Professional Office) zoning district.
5. Recognizing that tutoring facilities are a 'conditional use' in the C-2 zoning district (which is intended for uses that need exposure to higher volumes of automobile traffic) and prohibited in the P-O zoning district (which are less reliant on passerby traffic) staff determined a review of applicable General Plan Policies, fiscal impacts, and land use implications of allowing tutoring facilities (which do not need exposure to high volumes of traffic) in the C-2 zoning district to be warranted.
6. On May 2, 2018 the Planning Commission held a public hearing authorizing the initiation of a Zoning Text Amendment. In returning with a text amendment, the Planning Commission requested staff to return with a report that captured the following areas of discussion:
 - Evaluate the impacts the text amendment would have on existing tutoring centers (noting the name, size, and location of those facilities).
 - Provide a discussion on definitions and present suggestions on how existing definitions could be improved.
 - Rather than prohibiting tutoring centers in the C-2 zoning district, consider allowing them as a conditional use in office buildings.
7. The Zoning Code Text Amendment would allow small and large tutoring centers as a permitted use in the P-O (Professional Office) Zoning District and restrict those same uses to specified locations in the C-2 (General Commercial) zoning district.
8. To avoid potentially adverse effects on surrounding uses, the text amendment would also provide operational standards (such as requiring all instruction to occur behind closed doors).
9. The Zoning Code Text Amendment would be consistent with the General Plan by furthering Strategy LUT-13.1c:

Strategy LUT-13.1c: Fiscal Effects of Land Use: Evaluate the fiscal effects of different land uses on City revenues and services.
10. The Text Amendment is narrowly drafted and internally consistent.

11. The legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.
12. Review and adoption of the Text Amendment is done in compliance with California government Code Sections 65853 through 65857, which require a duly noticed public hearing of the Planning Commission whereby the Planning Commission shall provide its written recommendation to the City Council for its consideration.

Based on the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The proposed Text Amendment is consistent with the goals, policies, and actions of the General Plan and all applicable development agreements, area plans, neighborhood plans, and specific plan(s); and
2. The proposed Text Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. The proposed Text Amendment is internally consistent with other applicable provisions of the Code; and
4. The Text Amendment is categorically exempt pursuant to Sections 15060(c)2 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)3 (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, because they have no potential for resulting in physical change to environment, directly or indirectly; and
5. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project, as currently presented will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the attached Ordinance (reference **Exhibit A**) approving the Zoning Code Text Amendment.

PASSED AND ADOPTED this 11th day of December , 2018, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Michael Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary

Ordinance No. _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A ZONING CODE TEXT AMENDMENT (PLN2018-098) TO AMEND CAMPBELL MUNICIPAL CODE (“CMC”) SEC. 21.10.030 TO ESTABLISH LARGE AND SMALL TUTORING CENTERS AS A PERMITTED USE IN THE P-O (PROFESSIONAL OFFICE) ZONING DISTRICT, CMC SEC. 21.36 TO ADD SPECIAL USE PROVISIONS TO GOVERN THE LOCATION AND OPERATION OF TUTORING CENTERS, AND CMC SEC. 21.10.040 AND 21.10.050 TO ADD A REFERENCE TO THE SPECIAL USE PROVISIONS FOR TUTORING CENTERS TO THE C-1 AND C-2 ZONING DISTRICTS RESPECTIVELY.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

After due consideration of all evidence presented, the City Council of the City of Campbell does ordain as follows:

SECTION 1. The City Council finds and determines that the Text Amendment is categorically exempt pursuant to Sections 15060(c)2 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)3 (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, because the Text Amendment has no potential for resulting in physical change to environment, directly or indirectly.

SECTION 2. The City Council further finds and determines that the proposed Text Amendment is consistent with the goals, policies, and actions of the General Plan; would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and is internally consistent with other applicable provisions of the Zoning Code.

SECTION 3. Title 21 (Zoning Code Regulations): Chapter 21.36 of the Campbell Municipal Code is amended to add Section 21.36.243 as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

21.36.243 – Tutoring centers.

This section provides locational and operational standards for ‘tutoring centers, large’ and ‘tutoring centers, small’ (hereinafter collectively referred to as ‘tutoring centers’) in compliance with Article 2, (Zoning Districts):

- A. Location. Tutoring centers in the C-2 (General Commercial) and/or P-D (Planned Development) zoning district with a General Commercial, Commercial/Prof. Office and/or Residential, Commercial/Light Industrial, and/or Commercial/Medium-High Density Residential General Plan Land Use Designation shall satisfy all of the following standards:
1. The tenant space is located in a professional office and/or medical service building (e.g. the space does not have storefront windows, clear-span interiors, or service areas typically associated with a retail store);
 2. The tenant space has not been occupied by a retail store in the past 12-months; and
 3. The tenant space is located in an area without high pedestrian/vehicle visibility and access.
- B. Operation. Tutoring centers established on or after the effective date of this ordinance, regardless of zoning district, shall abide by the following standards:

1. Appointment only. Instruction shall be provided by appointment only and scheduled at least one-day in advance of the instruction;
2. Outdoor activities. All instructional activity shall occur within the interior of the tenant space; and
3. Noise. Sound generated within the tenant space, regardless of decibel level, shall not create unreasonable noise which obstructs the free use of neighboring businesses or residences. Further, doors shall be kept closed at all times instruction is provided.

SECTION 4. Title 21 (Zoning Code Regulations): Subsection A of Campbell Municipal Code Section 21.10.030 (P-O (Professional Office) Zoning District) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- A. Purpose of P-O (Professional office) Zoning District. The P-O zoning district is intended for the development of professional offices in locations served by primary access, yet inappropriate for commercial development because of the proximity to residential uses. The type of offices allowed in this zoning district include administrative, professional, and research, and may provide customer service and instruction for personal or professional enrichment or be more corporate in nature. The P-O zoning district is consistent with the professional office land use designation of the General Plan.

SECTION 5. Title 21 (Zoning Code Regulations): Subsection B of Campbell Municipal Code Section 21.10.030 (P-O (Professional Office) Zoning District) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- B. Permitted uses in P-O (Professional office) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):
1. Offices, professional;~~;~~
 2. Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter);~~;~~
 3. Schools—K-12, public;~~;~~
 4. Tutoring centers, large, subject to Section 21.36.243;
 5. Tutoring centers, small, subject to Section 21.36.243;
 6. ~~4.~~ Wireless telecommunications—stealth (requires approval of a site and architectural review permit).

SECTION 6. Title 21 (Zoning Code Regulations): Subsection C of Campbell Municipal Code Section 21.10.050 (C-2 (General Commercial) Zoning District) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- C. Uses allowed with conditional use permit in C-2 (General Commercial) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits):
1. Adult day care facilities;
 2. Alternative fuels and recharging facilities;
 3. Arcades;
 4. Banquet facilities;
 5. Bed and breakfast inns (only in historic structures);
 6. Broadcast and recording studios;
 7. Caretaker/employee housing (not to exceed six hundred forty square feet and one bedroom);
 8. Cat and dog day care facilities;
 9. Cat and dog grooming facilities;
 10. Cat Boarding facilities;

11. Check cashing;
12. Commercial day care centers;
13. Commercial schools;
14. Community/cultural/recreational centers;
15. Convalescent/rest homes;
16. Convenience markets/stores;
17. Conversion, commercial converted from residence;
18. Dancing and live entertainment;
19. Department stores;
20. Drive-in theaters;
21. Emergency shelters;
22. Equipment rental establishments;
23. Gasoline stations;
24. Golf courses and golf driving ranges;
25. Government offices and facilities (local, state or federal);
26. Grocery stores (greater than ten thousand square feet);
27. Hardware stores (greater than ten thousand square feet);
28. Health/fitness centers;
29. Hospitals;
30. Indoor amusement/entertainment/recreation centers;
31. Late night activities;
32. Liquor establishments (on-site consumption only);
33. Liquor stores (off-site consumption only);
34. Massage Establishments;
35. Medical services, clinics;
36. Medical services, extended care;
37. Miniature golf courses;
38. Motor vehicle - cleaning, washing, and detailing;
39. Motor vehicle - oil change facilities;
40. Motor vehicle - parts and supplies (very limited maintenance/installation);
41. Motor vehicle - renting and leasing;
42. Motor vehicle - sales (new and/or used);
43. Museums, public;
44. Music (recordings) stores;
45. Nightclubs with or without food service;
46. Outdoor active activities (e.g., drive-up windows);
47. Outdoor amusement/entertainment/recreation centers;
48. Outdoor retail sales and activities;

49. Outdoor seating, when more than twelve total seats;
50. Payday lender, subject to the requirements of section 21.36.260;
51. Personal services, limited;
52. Pet stores;
53. Pharmacies/drug stores, with drive-up service;
54. Philanthropic collection trailers;
55. Public assembly uses;
56. Public utility structures and service facilities;
57. Public works maintenance facilities and storage yards;
58. Radio or television transmitters;
59. Radio stations;
60. Recycling facilities—Reverse vending machines, other than such machines with a permit issued pursuant to Section 21.36.245;
61. Recycling facilities—Small collection facility, other than such facilities with a permit issued pursuant to Section 21.36.245;
62. Restaurants with late night activities or banquet facilities;
63. Restaurants, fast food (with or without drive-in service);
64. Schools - K—12, private;
65. Second hand/thrift stores;
66. Shopping centers (greater than ten thousand square feet);
67. Sign shops;
68. Spa services;
69. Studios, large;
70. Studios, small;
71. Tanning studios;
72. Theaters, movie or performing arts;
73. Transitional housing;
74. Tutoring center, large, [subject to Section 21.36.243](#);
75. Tutoring center, small, [subject to Section 21.36.243](#);
76. Universities/colleges, private;
77. Veterinary clinics and animal hospitals;
78. Video rental stores;
79. Warehouse retail stores;
80. Wireless telecommunications facilities - non-stealth.

SECTION 7. This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this _____ day of _____, 2018 by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

APPROVED:

Paul Resnikoff, Mayor

ATTEST:

Wendy Wood, City Clerk