

Planning Commission Staff Report

October 26, 2011
Item 5.a.

SUBJECT: P11-0615

APPLICANT: Massage Envy / Doug Dillenburg

PROPERTY OWNER: Goble Properties

PURPOSE: Application for a Conditional Use Permit to operate a massage establishment with 13 massage technicians within an existing building.

GENERAL PLAN: Retail/Highway/Service Commercial. Business and Professional Offices

ZONING: PUD-C-C (Planned Unity Development–Central Commercial) District

LOCATION: 3003 Hopyard Road, Suite A (Hopyard Village Shopping Center)

ATTACHMENTS: Exhibit A, Draft Conditions of Approval
Exhibit B, Project Narrative, Site plans, and Floor Plan dated “Received, August 08, 2011”
Exhibit C, Parking Survey dated October 11, 2011
Exhibit D, Location Map
Exhibit E, Noticing Map

BACKGROUND

Massage Envy is a membership-based therapeutic clinic offering professional and convenient treatments such as massage and facials. Massage Envy Spa was founded in 2003 and there are currently over 680 franchise facilities in operation, including local locations in Livermore, San Ramon, Union City, and Fremont.

The proposed spa would be located at the Hopyard Village Shopping Center (HVSC). The zoning for the subject location is PUD-C-C (Planned Unit Development – Central Commercial) District.

Permitted and conditionally permitted uses for the subject site follow those allowed in the C-C (Central Commercial) District of the Pleasanton Municipal Code. Massage establishments where four or more massage technicians provide massage services at any one time are conditionally allowed uses in the C-C district. The proposed facility could accommodate up to 13 massage technicians at the same time. Accordingly, use permit approval by the Planning Commission is required.

SITE DESCRIPTION

The Hopyard Village Shopping Center (HVSC) is located on a 6.3 acre site at the northeast corner of Hopyard Road and Valley Avenue. Access to and from the site is via four driveways, with two driveways off Hopyard Road and two driveways off Valley Avenue.

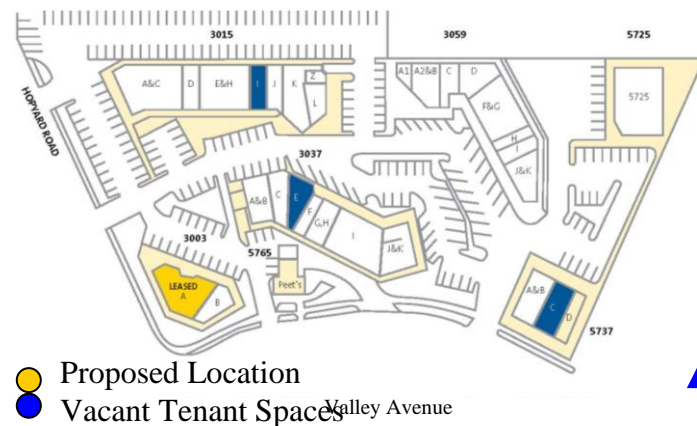
The shopping center totals approximately 80,000 sq. ft. and contains six commercial /office buildings and one building for childcare use. The existing businesses in the center include La Petite Academy day care center, The Hopyard Alehouse and Grill, The Epic Lounge & Sports Bar, Zorn's Restaurant, and a variety of other commercial and office uses.

The proposed day spa business would be located in Unit A of 3003 Hopyard Road (please see Figure 1.1), a two-tenant, single story building that fronts the intersection of Hopyard Road and Valley Avenue. Unit A is approximately 3,820 sq. ft. in area and is currently vacant. The space was previously occupied by Sylvan Learning Center and the neighboring tenant (Unit B) is a jewelry store (approximately 1,810 sq. ft. in area).

The tenant suite is externally accessible by a network of sidewalks throughout the common parking lot area and the entry door is tucked under a deep overhang (as shown in Photo 1).

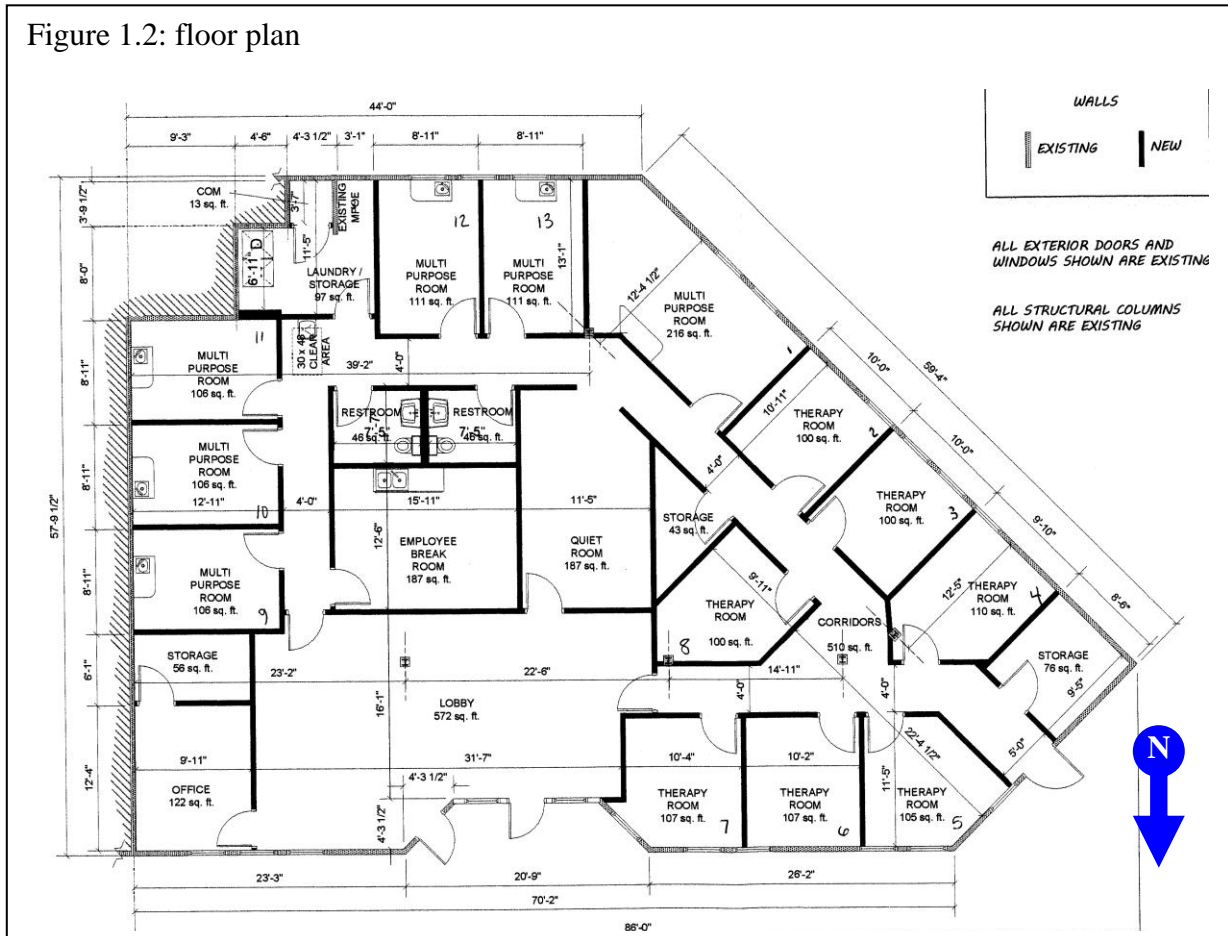
Properties adjacent to the shopping center include single-family residences to the south and east (on Corte Mente and Longspur Way respectively), Gene's Fine Foods Shopping Center is located to the southeast, across Valley Avenue, and two City parks (the Sports Park to the north and the Tennis and Community Park to the west).

Figure 1.1: Site plan



PROJECT DESCRIPTION

The applicant, Doug Dillenburg, proposes to occupy an approximately 3,820-square-foot portion of the approximately 5,630-square-foot, one-story building. The proposed floor plan (figure 1.2) contains 13 multi-purpose/therapy¹ rooms, a quiet room², and other business operation areas (such as a break room, storage, laundry, and office).



The day spa would operate from 8:00 am to 10:00 pm, Monday through Friday, 8:00 am to 6:00 pm on Saturday, and 10:00 am to 6:00 pm on Sunday. The staffing levels would fluctuate based on the number of appointments booked. There are typically 2 to 3 employees at the front with the number of massage therapists and estheticians scheduled to meet the appointment demand. The proposed operations of the day spa would include the potential for all multi-purpose/therapy rooms to be in use at the same time; therefore, the massage establishment would be able to operate with 13 massage

¹ Therapy and multi-purpose rooms are essentially the same in that both are used for massage treatments. The multi-purpose rooms contain a sink to allow them to be used for facials also.

² The quiet room is an area for clients to be tranquil while they await their therapy room to be prepared and can also be used as a transition room for when treatments are scheduled apart, i.e. between a massage appointment and a facial.

technicians on-site at the same time. However, the applicant has noted that staggered appointment booking (30 minute rotations per technician) to accommodate breaks in addition to the time needed for restocking and cleaning would reduce the actual number of rooms in use at the same time to less than 13.

ANALYSIS

Conditional uses are those uses, which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff's analysis of the proposed massage establishment with 13 massage technicians on-site at the same time and its impacts, if any.

Land Use

The zoning district of the subject property permits massage establishments with three (3) or fewer massage technicians on-site at the same time and conditionally permits massage establishments with four (4) or more technicians on-site at the same time.

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The proposed massage establishment would be located in a shopping center which contains primarily office and commercial uses. The proposed facility's immediate neighbor within the subject building is Cardinal Jewelers (a jewelry store). Staff spoke briefly with an employee of the jewelry store who indicated support for the subject space to be occupied by a tenant that was not a restaurant and expressed that a day spa would be a complimentary business to their own. Therefore, staff believes that the proposed business would fit in with and be supportive of other uses in the center and that the day spa staff and clients may patronize the other businesses in the center during breaks, lunch hours, and before and after treatment sessions.

The nearest residences are separated from the subject site by other buildings in the shopping center, Hopyard Road, and landscaping along the residential subdivision. The proposed use would occur entirely indoors with the doors closed during business hours. Given these factors, staff feels that it would be unlikely that the proposed use would create adverse impacts on the adjacent residences.

Thus, from a land use perspective, staff believes that the proposed use is appropriate for the site and that the proposed use would be compatible with the surrounding businesses in this area.

Parking

When constructed in 1980, the shopping center provided 204 parking spaces which met the code required off-street parking for the approved retail and office uses contemplated

at that time. However, space was leased to greater parking demand uses, primarily restaurants, which resulted in an inadequate amount of parking for the shopping center.

In 1985, a 93 space City/shopping center joint use parking lot was constructed over the Pleasanton Canal and adjacent to the Pleasanton Sports Park. At the same time, a 52 space parking lot was constructed at the eastern portion of the property in conjunction with a new day care and commercial building. The parking additions increased the number of parking spaces for the center to 349, resulting in an overall parking ratio of one parking space per 223 square feet of gross floor area for the approximately 78,000³ square feet of building area (counting all of the joint use Sports Park lot).

A condition of approval for the new buildings and parking lots limited the amount of gross floor area for high parking demand uses (i.e., uses requiring parking greater than one space per 300 square feet of gross floor area) to 21,335 square feet. Based on parking surveys conducted by staff and the property owners indicating that there would be parking spaces available even at 100% occupancy, the cap was eliminated in 1992 through a City Council approved PUD modification.

As conditioned by the 1992 PUD modification, parking-intensive uses are now subject to individual review by the Zoning Administrator (for permitted uses) prior to operation. Conditionally permitted uses remain subject to the review and approval by the Planning Commission prior to operation.

Over time the parking lot has been restriped and modified for handicap accessibility resulting in a current parking space count of 337. Additionally, The Peet's Coffee building (5765 Valley Avenue) was constructed bringing the shopping center gross floor area to approximately 80,000 square feet.

The Municipal Code parking standards require two (2) spaces for each technician. Based on this Code requirement, the applicant could generate a parking demand of up to 26 parking spaces based on a maximum of 13 technicians.

A typical retail/office tenant in this 3,820-square-foot suite would generate a parking demand of 13 parking spaces (3,820 sq. ft. multiplied by 1 space per 300 sq. ft.). Based on this scenario, the applicants use would be categorized as a "parking intensive" use. The prior tenant, Sylvan Learning Center, was also considered a "parking intensive" use with a parking demand at 23 parking spaces. Despite the similarity in the parking demand between the prior tenant and the proposed tenant, staff requested the property owner/applicant to conduct parking counts at the center to determine if parking is available to accommodate the proposed use due to the additional parking needs, the current tenants of the center, the difference in the hours and days of operation of the prior tenant and the proposed use, and the construction of the Peet's Coffee building, which occurred after the prior tenant occupied the space.

³ Shopping Center square-footage prior to the construction of the Peet's Coffee building.

The applicant has provided a parking count survey prepared by Abrams Associates Traffic Engineering, INC. (Exhibit C). The parking study indicates there to be 45,000 sq. ft. of general retail / office use and 20,000 sq. ft. of restaurant use on-site. However, based on current tenant information, there are approximately 20,796 square feet of high parking demand uses (restaurants and medical offices) and approximately 7,335 sq. ft. are vacant (including the 3,820 sq. ft. subject suite). Approximately 18,000 sq. ft. of the high parking demand uses are restaurants.

The study found that the proposed use will increase the parking required for the center by 13 spaces, as the massage establishment parking requirements result in 13 more spaces than what would be required of a general retail use that would be permitted to occupy the space. To assess the current parking patterns, Abrams Associates Traffic Engineering, INC surveyed the shopping center parking lot on a Friday and a Saturday at the peak hours of the proposed use (noon, 5:00 pm, and 7:00 pm).

According to the survey, the parking lot of the shopping center operated in the range of 49% to 61% capacity on Fridays and 31% to 65% on Saturdays. The survey indicated that the 337-space parking lot reached maximum occupancy of about 65% on Saturday between 10:00 am and 2:00 pm. On Friday the maximum occupancy was about 60% at mid day and evening surveys. The survey noted that the percentages were based on the parking lot as a whole and that the concentration of parking varied greatly in the different areas of the center, termed as Zones 1 to 5 in the study.

The survey termed the parking spaces adjacent to the subject building as Zone 1. Zone 1 contains 33 parking spaces that serve the subject building (3003 Hopyard Road) and 5765 Valley Avenue (Peet's Coffee Building). The survey found that the maximum number of vehicles parked in this zone was 21 on Saturday at 12:00noon, but that typically it was parked at 15 vehicles (leaving 18 spaces vacant). The study indicated that the 18 parking spaces adjacent to the subject building was sufficient to serve the clients of the proposed use (approximately 13 if all massage rooms are scheduled for use at the same time), but not the anticipated employees/technicians (13 technicians and 2 front counter staff) of the proposed use. Therefore, staff has recommended a condition of approval to require employees and technicians to park in the parking spaces adjacent to the Sports Park (Zone 3 of the parking survey), which has adequate capacity to handle this demand based on the parking survey. Staff believes that this condition of approval will ensure that the parking adjacent to the subject building will be available for clients of the establishment and the existing jewelry store and will limit the parking impacts being imposed on other tenants.

The Traffic Division has reviewed the parking survey and concurs with the assessment. Based on their review, the current approximately 9%⁴ vacancy rate (including the proposed location) can be accommodated with the observed parking space vacancies, contingent on a requirement for employees of the proposed use to park in Zone 3.

⁴ The parking survey listed the vacancy rate at 5%, not including the subject tenant space.

Additionally, use of the proposed establishment is by appointment only. The applicant proposes to provide staggered appointment scheduling to reduce the parking and traffic demands on the site and surrounding streets.

Based on this specific parking analysis and the Traffic Division's comments, staff believes that the parking is sufficient to accommodate the use as proposed. However, should parking problems still occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for additional mitigation measures. Possible mitigating conditions could include: reducing the number of technicians on-site at the same time or reducing the hours of operation.

Noise

A proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to "promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and objectionable intrusions." The proposed business does not include the use of any operations that are beyond that of standard conversations and low volume music for relaxation and would, therefore, not be noisier than the prior business in the suite or louder than an office use. The Unit is bordered mostly by exterior walls and one (1) common tenant wall. Noise generated by the proposed use of the areas labeled as laundry/storage, multi-purpose rooms (3 in total), storage, and an office would be speaking voices, low volume music, and standard laundry machine use. Thus, staff believes there will be no impacts from noise on the surrounding business.

To further mitigate potential sound pollution from disturbing adjacent tenants or surrounding properties, staff has included a condition requiring that the exterior doors of the facility remain closed except when being used for ingress/egress purposes and that employees not loiter or make loud noises outside the building.

Staff believes that these measures would adequately address potential noise pollution from the proposed use. If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Tenant Improvements

The proposed tenant improvements include remodeling the entire space to accommodate the new rooms and business areas. Tenant improvements are subject to the review and approval of the Building Division and the Fire Department.

The adjustment of the interior walls and improvements are not a substantial change to the structure, but do require a building permit. Staff has communicated to the applicant that the tenant improvements require a building permit and the applicant has met with a staff member from the Building Division to discuss the applicable code requirements for

this use. The Building Division has reviewed the project for consistency with the Building Code and has indicated that the project meets the Building Code requirements.

No exterior changes are proposed. Changes to the exterior of the building would require review and approval from the Planning Division.

Signage

No signage has been proposed at this time. If the applicant wishes to install signage, the proposed signage would be processed through the standard City procedures for sign design review.

Code Compliance

Massage establishments are governed by chapter 6.24 of the Pleasanton Municipal Code, which specifies the hours of operation as limited to 7:00 am to 10:00 pm and prohibits the sale, service, or consumption of alcoholic beverages in any room where massage is provided.

Massage technicians are required to obtain a permit from the Police Department which is subject to educational requirements. The City of Pleasanton requires that massage technicians possess proof of completion of formal education and training in massage, ethics, anatomy, and physiology from an appropriate school of massage, college, etc. Massage technicians are also required to have additional education in massage and/or professional experience in massage obtained in a jurisdiction other than the city of Pleasanton.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area can be found in Exhibit D. At the time this report was prepared, staff had not received any comments or concerns.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used

for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, the proposed massage establishment with 13 massage technicians would be consistent with these objectives.

The site of the subject use is located within the the PUD-C-C Zoning District, which permits the uses of the City's C-C (Central Commercial) district. Massage establishments with three (3) or fewer massage technicians on-site at the same time are permitted uses and conditionally permits massage establishments with four (4) or more technicians on-site at the same time are conditionally permitted in the C-C district. The proposal is in accordance with the purposes of the zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas.

One of the purposes of the C-C district is to maintain compactness and encourage more intensive development in Pleasanton's central business district. The proposed use would occupy a currently vacant tenant space, thus promoting the vitality of the existing shopping center.

To ensure a harmonious and workable relationship with other tenants in the proximity, the use of the proposed establishment would be by appointment only and all services would be conducted within the building, and the applicant proposes to provide staggered appointment scheduling to reduce the parking and traffic demands on the site and surrounding streets. The anticipated contributions from the facility staff and clients to the revenues of the surrounding retail, restaurants, and commercial services, also creates a harmonious relationship between the proposed establishment and existing businesses. Additionally, the exterior doors are conditioned to remain closed during business hours, which should reduce potential noise impacts.

The proposed conditions of approval for the project would give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and surrounding properties. Therefore, staff finds that the proposed location of the proposed use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Given the information provided in the parking survey and the availability of parking spaces adjacent to the subject building being sufficient to serve the clients of the proposed use with the condition requiring employees of the proposed use to park in Zone 3 (near the Sports Park), staff finds that the

proposed use would have adequate off-street parking to meet the anticipated parking demand and would not adversely impact the adjacent tenants.

The proposed use consists of individual treatment sessions, conducted within the tenant suite, and all doors would remain closed during business hours. Therefore, staff believes that the use would not interfere with adjacent uses. The City Police, Fire, and Building and Safety Division have no objections to the subject use as conditioned. The applicant would be required to receive all Building and Safety Division permits for the proposed tenant improvements.

The streets leading to the site are designed per City standards and are signaled to provide safe access into and out of the site. Staff feels that any areas of possible concern have been conditioned so that the proposed use would meet all applicable Municipal Code requirements and would be operated in a non-nuisance manner. Furthermore, the applicant can be required to mitigate any future nuisances or problems. Therefore, staff finds that the proposed use would be operated in a manner that would not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

The site's zoning regulations of the subject property conditionally permits massage establishments with four (4) or more technicians on-site at the same time. In staff's opinion, the proposed use complies with all relevant sections of the zoning ordinance.

Granting a conditional use permit to the applicant for a massage establishment with 13 massage technicians on-site at the same time would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. Staff believes that the recommended conditions of approval will help to integrate the proposed use without detrimentally affecting the surrounding properties and the City in general. As with any use permit, this use can be suspended or revoked if the conditions are not met. As conditioned, the facility would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

CONCLUSION

Staff believes that the required use permit findings for the proposed use can be met if the project is approved with the proposed conditions of approval. Staff is of the opinion that Massage Envy would be complementary to the existing businesses and tenants in the Hopyard Village Shopping Center. Staff believes that the business is providing a beneficial service to the community and the greater area by providing a place for

upscale and professional massages and skin treatments and would not detrimentally affect the surrounding uses or properties.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P11-0615 by taking the following actions:

1. Make the required findings as described in the staff report; and
2. Approve P11-0615 subject to the conditions listed in Exhibit A.

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