



Planning Commission Staff Report

December 10, 2008
Item 5.a.

- SUBJECT:** PCUP-235
- APPLICANT:** Plato's Closet / Linda Fong
- PROPERTY OWNER:** Ronocco Properties of Pleasanton, LP
- PURPOSE:** Application for a conditional use permit to operate a second-hand store within an existing building.
- GENERAL PLAN:** Business Park (Industrial / Commercial and Office)
- ZONING:** PUD-I/C-O (Planned Unit Development – Industrial/Commercial - Office) District
- LOCATION:** 4555 Hopyard Road, Suite C-26 (Hacienda Business Park, Crossroads)
- ATTACHMENTS:**
1. Exhibit B, Draft Conditions of Approval
 2. Exhibit A, Written Narrative, Site Plan, and Floor Plan dated "Received October 21, 2008"
 3. Exhibit C, Location and Noticing Maps
 4. Exhibit D, Plato's Closet Website Information
 5. Exhibit E, Hacienda Business Park Association Approval Letter

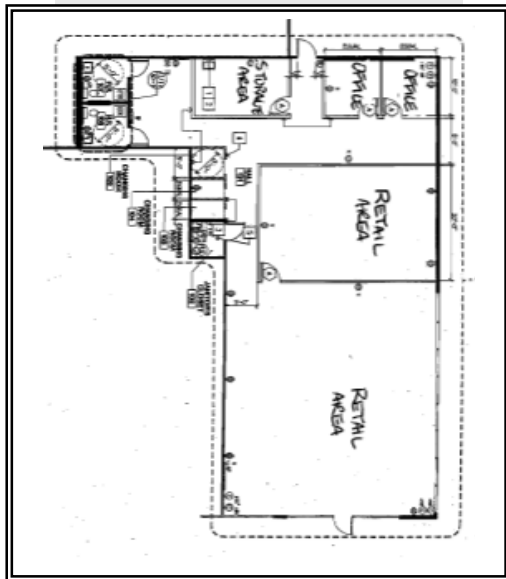
BACKGROUND

Linda Fong, franchise owner of Plato's Closet, has submitted an application to operate a second-hand store selling gently used brand named teen and young adult clothing and accessories at 4555 Hopyard Road, Suite C-26, in Hacienda Business Park (PUD-81-20). Plato's Closet has been in operation in Dublin since 2005. Ms. Fong has decided to relocate her business to the Crossroads shopping center which offers a larger facility for the business. The Hacienda Business Park PUD allows for permitted and conditionally permitted uses in the Commercial, Office, and Industrial Park Districts. In the Central Commercial (C-C) District, a conditional use permit is required for second-hand stores and is subject to review and approval by the Planning Commission.

SITE DESCRIPTION

The subject site is an approximately 9.1 acre parcel bound by Stoneridge Drive to the north, Chabot Drive to the east, Inglewood Drive to the south, and Hopyard Road to the west. There are entrances to the site from each roadway that provide access to the 515 shared parking spaces for five buildings, which meets the existing parking demands. The existing single-story building is approximately 8,306 square-feet in floor area and contains multiple tenant suites. Plato's Closet proposes to occupy an approximately 3,158 square-foot suite of the existing building, as indicated on the site and floor plan of Exhibit A (Attachment 3). Each suite has individual exterior entry doors. Doors located in the rear of the suites are for emergency exits and employee entrances. There are no interior or common hallways providing interior access to the individual units.

Plato's Closet Floor Plan



CROSSROADS SHOPPING CENTER



4555 Hayward Road, Suite C 26



Uses that immediately surround the subject suite are Carl's Jr., Subway, Visual Eyes, and Essy's Tailoring Clothier. The site has a mix of uses that include, but are not limited to; eateries, medical office, general service uses, and banking.

PROJECT DESCRIPTION

The applicant requests conditional use permit approval to allow the operation of a second-hand store within a suite of the existing building located at 4555 Hopyard Road. The subject tenant suite contains a large open area for retail space, two separate restroom facilities, three changing rooms, two offices, and a storage room. As proposed, the second-hand store will have two to five employees at any given time and would operate during the following days and times:

| | |
|------------------------|------------------------|
| Monday through Friday: | 10:00 a.m. – 7:00 p.m. |
| Saturday: | 10:00 a.m. – 6:00 p.m. |
| Sunday: | 12:00 p.m. – 5:00 p.m. |

Plato's Closet "recycles" teen and young adult's clothes, shoes, and accessories. The store buy's "trendy" name brand previously worn clothing for resale. Those who desire to sell items to the store are not required to have an appointment (they may "drop in") and the items are required to be meet the following criteria:

- 1) of current style,
- 2) in good condition,
- 3) clean, and
- 4) nicely folded in one laundry basket or up to three grocery store paper bags.

Plato's Closet's "vendors" are oftentimes their "clients". The store does not receive shipments of merchandise like other retail oriented stores. They are selective on resale merchandize, thus, making the store unique to a traditional second-hand store.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. 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 second-hand stores use and its impacts, if any.

Land Use

The Land Use Element of the General Plan designates the subject property as "Industrial/Commercial/Office". The PUD-I/C-O zoning permits land uses such as bookstores and rental libraries, department stores, hobby shops, shoe stores, professional offices, and laboratories. Per the PUD, conditional use permit approval is required for second-hand stores located in a C-C district; therefore, conditional use permit approval is required for the proposed use. No rezoning or other land use modification to the property is proposed or necessary.

Other uses in the Crossroads center are office, medical office, and personal services, as well as other uses permitted and conditionally permitted in the straight-zoned commercial districts. Staff believes that the proposed use would be compatible with existing uses within the shopping center. Given the scale of the proposed operation and the hours of the operation, staff believes that the intensity of the use is compatible with the surrounding uses.

Parking

A total of 515 shared parking spaces are currently available to the subject site. The second-hand store is similar in nature to those uses listed in section 18.88.030(C)(4) of the Pleasanton Municipal Code: retail stores, personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises. As prescribed by Code, the parking ratio for such uses requires one parking space for each 300 square feet of gross floor area, except for floor area used exclusively for storage. Excluding the storage area of the store, the gross floor area of the tenant space is 3010. Thus, based on the parking ratio stated above, a total of 10 parking spaces would be needed for the second-hand store.

Given the corner location of the suite, the fact that the other suites do not have main entry doors on the back of the building, the limited number of Plato's Closet employee's (up to five), and the number of immediate on-site parking spaces (515), staff does not believe that parking would be an issue.

Circulation

Staff has concluded that because of the limited number of employees, the amount of time patrons are there, the multiple street entrances to the site, and the hours of operation, circulation should not be a problem.

Noise

The Pleasanton Municipal Code states that 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 harmful intrusions." As proposed, the noise generated by the second-hand store is mainly from patron and employee conversations; similar to office oriented businesses. At no time would the noise generated by the second-hand store be in excess of seventy-five (75) dBA at any point outside of the property plane as prescribed by code (P.M.C. §9.040.50). Therefore, staff believes that noise from the proposed use would not negatively impact future or existing uses located adjacent to the subject suite.

Tenant Improvements

No tenant improvements are currently proposed with this application. Any tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.

Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage shall adhere to Hacienda Business Park's sign program.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns.

HACIENDA BUSINESS PARK ASSOCIATION

James Paxson, General Manager of HBPA, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in the CC&R's. Based on the review of the space allocation and business practice, the association believes that the uses parking, traffic, and noise impacts are compatible with current approved uses within the subject area and, thereby, approved the proposed use.

FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed business:

1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

Objectives of the Zoning Ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; 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. The proposed second-hand store buys clothes and accessories from their "vendors" who are also their "clients". Similar retail uses are located in commercial districts, such as the two Savvy Seconds stores located in Downtown Pleasanton. Staff is not aware that any of these second-hand businesses has created any impacts on surrounding businesses. As conditioned, staff believes that the proposed use would be consistent with these objectives.

The subject building is located in Hacienda Business Park, which is located in a Planned Unit Development Industrial (PUD-I/C-O) District, and is intended to provide sites for industrial uses, neighborhood and support commercial uses, and office uses. Given the small scale of the operation, and its location, the proposed use would be compatible with surrounding retail uses. For these reasons, staff does not believe that the use would create parking or circulation impacts.

For the reasons stated above, staff believes that this finding can be made.

2. 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.

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The applicant would be required to receive all Building and Safety Division permits for any tenant improvements. All storage would be located inside the building and purchasing activities would not take place outside of the tenant suite and the business does not receive shipments of merchandise. Thus, staff does not believe that the proposed use would be disruptive to other businesses/tenants in the same building or on the same site. As proposed, an adequate number of parking spaces would be provided on-site.

For the reasons stated above, staff believes this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The PUD zoning of the subject building permits the establishment of second-hand store and similar uses subject to conditional use permit approval. Staff feels 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 conditioned, the second-hand store would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

ENVIRONMENTAL ASSESSMENT

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of structures involving no expansion of use beyond that existing are categorically exempt (Section 15303, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Staff believes that the project meets the conditions of the Class 1 exemption. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff has concluded that the proposed second-hand store would be complementary to the existing businesses and tenants in Hacienda Business Park and that business is providing a beneficial service to the community by encouraging teens and young adults to recycle their clothes and accessories.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve PCUP-235 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-235 subject to the conditions listed in Exhibit B.

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