



Planning Commission Staff Report

February 27, 2008
Item 5.a.

SUBJECT: PCUP-213

APPLICANT: Patricia Cramer/World School of Massage

PROPERTY OWNERS: J V Properties

PURPOSE: Application to amend the previously approved conditional use permit (PCUP-128) to allow a student clinic as part of the curriculum for the massage school.

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

ZONING: C-C (Central Commercial) District and Downtown Revitalization District.

LOCATION: 699 Peters Avenue

ATTACHMENTS:

1. Exhibit B – Proposed Conditions of Approval
2. Location Map
3. Exhibit A – Written Narratives
4. Exhibit C – Staff Report Prepared for the September 8, 2004 Planning Commission Meeting

BACKGROUND

On September 8, 2004, the Planning Commission approved a conditional use permit (PCUP No. 128) for a massage and holistic healing arts school within an existing massage establishment located at 699 Peters Avenue. The school was considered a trade school, providing instructional classes to students. At the time of this approval, the applicant had proposed providing a clinic whereby students would have an opportunity to practice new massage techniques learned. The City's Massage Ordinance, nor the

conditional use permit process allowed massage clinics at that time, therefore, it was not included in the 2004 approval.

The City has been considering amending Title 6.24 of the Pleasanton Municipal Code (Massage Ordinance) for some time. Staff has been coordinating internal meetings with the Police Department, the Planning Department, and the City Attorneys office to consider appropriate amendments to the massage ordinance that would meet the City's concerns. One of the amendments considered was to allow teaching clinics. A draft ordinance was introduced to the City Council on February 5, 2008 and it was approved. The Ordinance will then go back to the City Council for a second reading of the ordinance resulting in adoption on February 19, 2008. If it is adopted, the ordinance will go into effect 30 days after its adoption on March 19, 2008

Anticipating successful adoption of the zoning ordinance amendment, the World School of Massage has submitted a conditional use permit application to amend its current use permit therefore to allow a student/teaching clinic as part of its curriculum. The Planning Commission is the decision making body to review and take action on conditional use permits.

A copy of the staff report prepared for the originally conditional use permit is attached as a reference. Staff recommends approval per the attached Exhibits A and B.

SITE DESCRIPTION

The subject site is located in Downtown Pleasanton, one block west of Main Street at the northeast corner of Peters Avenue and Division Street. The site is approximately 4,276 square feet in size and is occupied by a one-story office building, approximately 3,000 square feet in floor area. No on-site parking is provided on the subject site. A public parking lot is located to the immediate north, which provides 59 parking spaces.

Other than the massage establishment, a law firm is also located in the same building, occupying the northern half of the building.

The subject site is surrounded by residential uses and Veterans Plaza Park to the west, across Peters Avenue; a public parking lot and commercial/office uses to the north; and other commercial/office uses to the east and the south.



699 Peters Avenue

PROJECT DESCRIPTION

The student clinic would be held within the regular school hours at the school site on Peters Avenue. Students who are taking the clinic session are students who have already registered with the school and have met with the requirements as specified in the City’s Massage Ordinance. Although the clinic would involve the public, given that it is a student clinic, students will be practicing in a group setting with their instructors supervision. The public would come to the student clinic in the specified time when the clinic is held.

The clinic would be held in a larger classroom located in the far end of the school. This classroom is able to accommodate 10 pairs of student/client, plus one instructor.

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.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. The site of the proposed massage and holistic healing arts school is located in a commercially-zoned area of Downtown Pleasanton, containing mixed uses including retail, office, hotel, and residential uses.

The proposed use is part of the school curriculum. It won't change the current operation structure of school. The School has been in operation since September 2004, and staff is not aware that of any land use issues associated with any of the aforementioned businesses. Therefore, staff does not anticipate any land use conflict be generated from the proposed use.

Parking

The subject business is located in Downtown Pleasanton, where additional parking would not normally be required for new tenants to locate in an existing building. However, since the proposed use requires a modification of an existing use permit, staff feels that it is appropriate to review potential parking issues that may be associated with the proposed massage and holistic healing arts school clinic use.

The subject site does not have on-site parking. However, a public parking lot is located to the immediate north of the subject building. It provides a total of 59 parking spaces. Visits to the public parking lot indicated that parking spaces are always available. In addition, curbside parking along Peters Avenue is also available for public.

The student clinic would offer hand-on opportunity to the students who are already registered with the school. Thus, there should be no additional demand from parking from the students but there would be parking demand from the public who uses the student clinic. As mentioned above, a public parking lot is available for those who patronize downtown businesses. Staff does not believe the student clinic would trigger a parking issue.

Massage Ordinance

The current Massage Ordinance provides provisions for massage establishments. The Zoning Code requires a conditional use permit if an approved massage establishment would have more than three massage technicians working at the same time.

Student clinics are not addressed in the current Massage Ordinance. In recognizing that massage school student clinics are a valuable component of a student's education because the clinics provide opportunities to practice skills and learn more about massage. The

current ordinance requires massage permits for students who wish to have hands-on experience.

Because most students would not be eligible for a permit based on the ordinance's education requirements, the newly adopted ordinance exempts from the permit requirement student who, as part of their coursework, provide massage to the public at student clinics.

Students may participate in clinics if certain conditions are met to satisfy concerns related to protecting public safety and thwarting illegal activities (e.g., by requiring the student to have completed a minimum number of hours of education related to massage prior to participating in a student clinic and requiring that the massage be administered under an instructor's direct supervision).

The ordinance provides that the clinics could be suspended if unlawful activity were found.

PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. No one has contacted staff as of the time the staff report was prepared.

FINDINGS

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

- A. That 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 insuring 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 use would provide students registered at the school an opportunity for supervised experience under a controlled environment. Thus, staff believes this finding can be made.

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.

The World School of Massage has been in operation since September 2004. To date, staff has not received complaints regarding its operation. The proposed student clinic is proposed to be a part of the school curriculum. Thus, staff does not believe adding this additional activity to the school's curriculum would impact the adjacent business's ability to operate.

As proposed, the student clinic would be held within the regular school hours, and that students would be required to meet the requirements of the City's Massage Ordinance before they are allowed to work in the clinic as well as being required to be students of the World School of Massage itself. In addition, an existing public parking lot is located to the immediate north of the subject lot. Curbside parking on Peters Avenue and on other nearby public streets is also available. Thus, staff feels this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinances.

Based on the proposal and staff's analysis on land use, noise, and parking, staff believes that granting a conditional use permit to the proposed use would be consistent with the City's ability to regulate related zoning regulations. Therefore, staff believes that the third finding can be made.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environment Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

The proposed student/teaching clinic would be held within the regular school hours. It provides the students a "hand-on" opportunity that would be conducted in a supervised setting and is important for them to obtain experience in the massage field. The student/teaching clinic would also provide an opportunity to the residents who could enjoy a massage at a more affordable rate, similar to schools of cosmetology. Staff

believes that the student clinic would be held concurrently with the other classes held at the school.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-128 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case PCUP-128 subject to the conditions listed in Exhibit B.

Staff Planner: Jenny Soo, Associate Planner, 925.931.5615 or email: jsoo@ci.pleasanton.ca.us