



## Planning Commission Staff Report

June 22, 2016  
Item 6.a.

- SUBJECT:** UP-77-13
- APPLICANT:** City of Pleasanton
- PROPERTY OWNER:** Pleasanton Masonic Center
- PURPOSE:** Consideration of retention, modification or revocation of a Conditional Use Permit for the operation of the Pleasanton Masonic Lodge
- LOCATION:** 3370 Hopyard Road
- GENERAL PLAN:** Community Facilities - Other Public and Institutional
- ZONING:** RM-2,500 (Multi-Family Residential) District
- EXHIBITS:**
- A. [Draft Conditions of Approval for Option 3](#)
  - B. [Planning Commission Resolution No. 1562 Approving UP-77-13](#)
  - C. [September 14, 1977 Planning Commission Staff Report with Site Plan, Planning Commission Meeting Minutes, and Application Form](#)
  - D. [November 29, 1977 Design Review Board Staff Report with Plans, Design Review Board Meeting Minutes, and Design Review Board Resolution No. R-77-62 Approving Z-77-172](#)
  - E. [March 25, 2009 Planning Commission Staff Report and Meeting Minutes with the following attachments:](#)
    - a. Draft Conditions of Approval
    - e. Letter from Fred Schwartz, Pleasanton Masonic Lodge, to staff, dated November 8, 2005 regarding *A Tasteful Affair*
    - f. Staff's response letter to Mr. Schwartz dated November 18, 2005
    - g. Correspondence from Michael and Darlene Miller to staff, dated April 3, 2008, March 12, 2009, March 16, 2009, and March 18, 2009.
    - h. Police Call Log, May 12, 2007 – March 3, 2009
    - i. Comments from the Public
    - j. Letters from Staff to the Pleasanton Masonic Center dated November 5, 2008 and December 19, 2008; concerning Activities at the Masonic Lodge

- k. [Masonic Center Event Log – January 2008 through February 2009](#)
  - F. [April 16, 2010 Proposal from Pleasanton Masonic Lodge](#)
  - G. [Building Permit Plan showing Kitchen Remodel and Exterior Door](#)
  - H. [May 23, 2013 Proposal from Miller Starr Regalia, Legal Counsel for the Masonic Lodge, and Staff's Response Letter](#)
  - I. [Code Enforcement Complaint Information Form filed by Darlene Miller, dated November 12, 2013, and Staff's Response Letter dated November 26, 2013 without attachments](#)
  - J. [October 1, 2014 Letter from Valley Trails Homeowners Association with attachments](#)
  - K. [Police Call Logs: January 1, 2009 to May 31, 2016](#)
  - L. [Letters from the Law Offices of Stuart M. Flashman, dated December 31, 2012 with attachments, and June 15, 2016](#)
  - M. [Letter from Michael and Darlene Miller, dated September 21, 2015](#)
  - N. [Correspondence between the Millers and Staff from March 2016 to May 2016](#)
  - O. [Recently Received Public Comments](#)
  - P. [Location and Notification Map](#)
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## **BACKGROUND**

### ***Original Conditional Use Permit (1977)***

In September 1977, the Planning Commission approved a Conditional Use Permit (UP-77-13) allowing the operation of a Masonic Lodge (a private fraternal organization) at 3370 Hopyard Road. The Conditional Use Permit did not specify intended uses or activities other than the operation of a Masonic Lodge, but the staff report stated that “Masonic Lodge buildings are commonly rented for non-Masonic Lodge building affairs such as wedding receptions and parties.” Subsequent Design Review Board approval (Exhibit D) in November 1977 allowed for construction of the Masonic Lodge building approximately 70 feet south of the northern property line. The Masonic Lodge building was constructed in 1980.

Since the initial approvals, the Masonic Lodge has been used as a meeting place for Masonic functions. It has also been rented for meetings, workshops, private parties, and entertainment events (some of which attracted large crowds), has been used by community groups for events, and has been used by a small catering business.

### ***Reason for Conditional Use Permit Review Hearing***

Around February 2008, staff started to receive complaints from Michael and Darlene Miller, property owners and residents at 5903 Bryce Canyon Court since 1993, regarding functions held at the Masonic Lodge. These complaints covered issues ranging from high noise levels to the presence of commercial activities at the site, and the complaints have continued through the present day. Since 2009, staff has worked with Masonic Lodge representatives and the

Millers to resolve the Millers' concerns. However, achieving resolution has been difficult because the Masons' existing Conditional Use Permit does not contain specific provisions regarding allowed uses, frequency of uses, and the use of the outdoor area to the north of the Masonic Lodge building. The Millers believe that the Masonic Lodge's operations violate the original Conditional Use Permit approval, and have requested that the original permit be brought back to the Planning Commission for reconsideration. The Planning Commission made a similar request, and indicated a desire to review a staff recommendation for next steps.

**Possible End to Masonic Lodge Conditional Use Permit**

Staff notes the Masonic Lodge is currently in the process of selling the property. On June 16, a lodge representative indicated the property is in escrow. In February 2016, Chabad of the Tri-Valley filed an application for Conditional Use Permit approval to operate a religious institution with a childcare facility at the Masonic Lodge site. This application is being processed, and will be presented to the Planning Commission when it is deemed complete. If approved, Chabad's Conditional Use Permit would supersede the approval of UP-77-13.

**SITE DESCRIPTION**

The subject site (see Figure 1) is an approximately 1-acre parcel located on the west side of Hopyard Road, north of South Valley Trails Drive. The site contains the one-story Masonic Lodge building, which is approximately 8,000 square feet in area; a landscaped area and a concrete patio area to the north of the building; and approximately 22,400 square feet of vacant land to the west of the building. There is a 66-space parking lot on the adjacent St. Clare's Episcopal Church site to the south, which the Masons share with the church.

Properties adjacent to the project site include residential uses to the north; St. Clare's Episcopal Church and residential uses to the west and southwest; Harvest Valley Church and residential uses to the south; and Zone 7 Water Agency offices and the Ken Mercer Sports Park to the east and southeast.

**Figure 1: Site Location**



## **PROJECT CHRONOLOGY**

This section provides a chronology of the initial approvals of the Masonic Lodge, concerns raised by the Millers, and associated responses by the Millers and Masons.

### ***Original Approvals of the Masonic Lodge (Use Permit and Design Review)***

As mentioned in the Background section of the report, the approval of UP-77-13 (which occurred prior to construction of the Masonic Lodge) did not specify or elaborate upon intended uses or activities other than operation of a Masonic Lodge. The 1977 staff report to the Planning Commission (attached as Exhibit C) states that Masonic Lodge buildings are commonly rented for non-Masonic Lodge affairs such as wedding receptions and parties. The staff report stated that “[w]hile it might be preferable to have the Masonic Lodge building farther south on the property, it would be possible to design the structure so as to minimize any noise which is generated from within.” As such, Condition No.1 of UP-77-13 (Exhibit A) required “that buildings be designed so that activities will be focused toward the southern portion of the subject property,” and Condition No. 20 required “[t]hat the applicant provide an effective buffer between the development and the single-family residential area surrounding the property.” However, no specifications for this buffer (e.g., dimensions, buffering measures, operational standards) were provided in the conditions of approval.

Following the approval of the UP-77-13, the Design Review Board approved the plans for the Masonic Lodge building and site improvements, under which the building would be located approximately 70 feet south of the northern property line. Landscaping and a combination of trees, shrubs, and lawn would be planted around the building and along the property lines.

The entrance to the building was approved to be located on the south side, with no other windows along the other three elevations. One emergency exit was identified on the east side of the building and one emergency exit was identified on the north side of the building. The Masonic Lodge building was constructed in 1980.

### ***Site and Building Changes at the Masonic Lodge***

Since the construction of the Masonic Lodge building, the following site and building changes have been undertaken:

- A concrete patio, with associated landscaping, was constructed to the north of the Lodge building. Staff did not identify any City approvals for the construction of the concrete patio.
- A building permit was issued in June 2003 to remove the existing kitchen door and install a new double/French door on the north elevation (Exhibit G). The double/French door was installed; however, the existing kitchen door was not removed.
- A fence was erected on the Hopyard Road side of the project site.
- Several accessory structures have been placed on the property near the north and west sides of the building. Staff did not identify any City approvals for the installation of these accessory structures.

### ***Past Activities/Uses at the Masonic Lodge Site***

The following list summarizes activities that have occurred on the Masonic Lodge site that have raised the concern of the Millers.

- Several zoning certificates for catering businesses have been approved by staff since the Masonic Lodge's initial operations. Based on the relatively modest size of the Masonic Lodge kitchen and number of catering staff, catering businesses were determined to be a use ancillary to the Masonic Lodge facility, and were allowed to use the commercial kitchen for food preparation, including food served on-site.
- November 2005 -- A Masonic Lodge representative wrote staff a letter requesting that the existing catering business, *A Tasteful Affair*, be permitted to use the kitchen facility at the Masonic Lodge to prepare and distribute food on- and off-site. The letter also proposed to expand the existing rental activities (Exhibit E, Attachment 4.). Staff allowed the request provided that "the catering activities do not create a nuisance to the surrounding residential neighborhood" and that "all activities within the Masonic Lodge comply with UP-77-13." The request from the Masonic Lodge and staff's letter are attached as Exhibit E.
- February 2008 -- Michael and Darlene Miller contacted the City's Code Enforcement Division and raised the following concerns:

  - The Masonic Lodge's increased use of the open space area to the north of the building.
  - Noise generated at the Masonic Lodge.
  - The inconsistency of the double/French door on the north side of the building with previous approvals.
- May 31, 2008 -- An event was hosted by Allstars Entertainment, an event promoter, at the Masonic Lodge. The Pleasanton Police Department received calls that a gunshot(s) was fired at the Masonic Lodge. Pleasanton Police encountered a crowd of more than 100 people gathered in the parking lot.
- December 18, 2008 -- Staff became aware that a "Naughty or Nice" teen event, hosted by a promoter (Club Metro), would be held at the Masonic Lodge on December 19, 2008. On December 19, 2008, staff met with the Masonic Lodge's representatives and advised them to cancel the event. Despite staff's notification, the party went on as scheduled. Approximately 500 teenagers attended. Calls for disturbance were received by the Police Department. Letters from staff to the Masonic Lodge dated November 5, 2008 and December 19, 2008 concerning activities at the facility are listed in Exhibit E, Attachment 9.
- January 18, 2009 -- A "White Party" was held at the Masonic Lodge. A crowd in excess of 600 attended the party and several juveniles were found sitting inside vehicles consuming alcoholic beverages and smoking marijuana.
- March 25, 2009 -- Staff brought the Masonic Lodge's original Conditional Use Permit approval to the Planning Commission for review and consideration of revocation. The Planning Commission continued the item and public hearing, and requested that staff work with members of the Masonic Lodge and neighbors to decide what uses should be allowed at the Masonic Lodge. The Commission also requested that an acoustic study

be initiated to evaluate noise impacts. The March 25, 2009 Planning Commission Meeting staff report and minutes (excerpt) are attached in Exhibit E.

Following the March 2009 Planning Commission hearing, staff met with the Millers and representatives from the Masonic Lodge, both individually and together, to attempt resolution of the issues raised by the Millers. In April 2010, in response to the Planning Commission's request, the Masonic Lodge proposed modified operations at the Masonic Lodge including: limiting the number of rental events held at the facility; sharing its event calendar with St. Clare's Episcopal Church to avoid conflicts in using the shared parking lot; planting trees along the northern property line; maintaining a minimum of two Masonic Lodge members at each event held on-site to ensure orderly conduct; undertaking a noise study; and making other operational and site design modifications. After reviewing the proposal, the Millers indicated the proposed modifications would not fully resolve their concerns as the Masonic Lodge intended to retain the double/French door on the north side of the building and continue using the rear yard area.

Additionally, staff contacted an acoustical consulting firm to conduct a noise study during an event at the Masonic Lodge. Over the course of one year, staff monitored the Masonic Lodge's event calendar, but did not identify a suitable event at which to conduct noise monitoring. Thus, no noise study was conducted.

- March 2009 to April 2010 -- Staff continued to work with representatives of the Masonic Lodge and the Millers to seek resolution to issues raised by the Millers. David Austin, an attorney retained by the Millers, indicated that the Millers would have their own consultant prepare an acoustic study to document the noise levels associated with events at the Masonic Lodge. Staff forwarded the Millers a link to the Masonic Lodge's event calendar. Staff has not received an update from the Millers regarding this study.
- April 16, 2010 – Staff again met with the Millers and representatives of the Masonic Lodge. To address the concerns raised by the Millers, the Masonic Lodge proposed changes to their operation (Exhibit F), which included the following:
  - all functions would conform to the City's Noise Ordinance;
  - use of the outdoor patio would be restricted for rental uses;
  - no amplified music would be played on the patio at any time and all live music would be held only in the Masonic Lodge room located in the southern side of the building;
  - a minimum of two Masonic Lodge staff would be present at non-Masonic Lodge related functions to monitor the use and enforce the Noise Ordinance;
  - only pre-recorded music would be allowed in the dining hall and only with the double doors closed;
  - window shades would be installed on the double doors and the shades would be closed during evening hours to minimize any impact on neighbors; and
  - a double row of Italian Cypress would be planted along the rear property line<sup>1</sup>.

The Millers indicated that they would review the proposal, but no formal reply was submitted. The Millers continued meeting with staff to discuss their concerns related to

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<sup>1</sup> The proposal did not specify if the Italian cypress trees would be planted along the Masons' entire rear property line or only along the section of property line abutting the Millers' property.

the use of the rear yard area and the existence of the rear double/French door at the Masonic Lodge.

- October 15, 2011 – The Millers notified the Code Enforcement Division about a baptism held at the Masonic Lodge between 5:00 p.m. and 6:00 p.m. on a Saturday with the double/French door open, during which music was played. The Millers stated that they took noise readings and that the noise exceeded 60 A-weighted decibels (dBA), which they believed violated the City’s Noise Ordinance. The Millers did not specify the location of the noise measurements. Staff notes the daytime noise threshold is 70 dBA; thus, no violation was found.
- December 31, 2012 – Stuart Flashman, on behalf of the Millers, wrote to the City Attorney’s Office suggesting that violations to the City Municipal Code occurred at the Masonic Lodge site. Mr. Flashman stated that unauthorized uses at the Masonic Lodge were creating a continuing nuisance to the Millers and questioned whether commercial uses, such as the catering business, are appropriate for or subordinate to a fraternal organization. A copy of the letter is attached as Exhibit L.
- May 23, 2013 -- Nadia Costa, an attorney at Miller Starr Regalia, a law firm representing the Masonic Lodge at the time, wrote to staff and identified voluntary measures intended to address the Millers’ concerns (see Exhibit H). The proposed voluntary measures modified the April 2010 proposal by the Masonic Lodge to include measures addressing when the outdoor area could be used for non-Masonic Lodge related events and parameters for leases. The proposed measures are summarized below:

1. Use of the Masonic Lodge Building (inside):

Masonic Activities: 9:00 a.m. – 9:00 p.m. (Mon-Sun) all year  
Non-Masonic Activities: 9:00 a.m. – 5:00 p.m. (Mon-Fri) all year  
9:00 a.m. – 9:00 p.m. weekends only all year

Masonic activities would be considered to be those associated with typical operations of the fraternal organization. Non-Masonic activities may include rental of the facility for seminars, enrichment classes, health fairs/screenings, voting stations, birthday/wedding receptions, and religious celebrations.

2. Use of the Patio and Outdoor Areas:

Masonic Activities: 9:00 a.m. – 9:00 p.m. (Mon-Sun) all year  
Non-Masonic Activities:  
Weekdays: 9:00 a.m. – 5:00 p.m.: March – October  
Weekends: 9:00 a.m. – 9:00 p.m.:  
March – May: maximum of two weekends; a total of four days  
June – August: maximum of four weekends; a total of eight days  
September – October: maximum of two weekends; a total of four days

No use of the patio/outdoor area for non-Masonic activities would occur from November – February.

3. Methods to Control Noise:
  - ▣ Prohibit amplified music in the patio area
  - ▣ Permit live music only inside the building with the doors closed
  - ▣ Allow pre-recorded music in the dining room only with the double/French doors closed
  - ▣ Ensure that a minimum of two Masonic Lodge members are on site to monitor functions when the building is rented, take hourly sound decibel readings at the property lines, and enforce noise standards
  
4. Methods to Control Light and Glare:
  - ▣ Provide window shades on the double/French doors
  - ▣ Redirect exterior lights near Hopyard Road to minimize light spillage
  - ▣ Permanently disable the exterior light above the double/French door
  
5. Other Remedial Measures:
  - ▣ Continue to coordinate events with St. Clare's Episcopal Church to avoid scheduling conflicts and impacts to the shared parking lot
  - ▣ Meet the building occupancy requirements to prevent overcrowding

The Millers submitted no formal response to this proposal. Staff believes that these measures, when instituted, would help to address many of the concerns raised by the Millers. Please see staff's response letter in Exhibit H.

- ▣ November 12, 2013 -- The Millers filed a complaint stating that a birthday party was held on Sunday, November 10, 2013 in the rear yard of the Masonic Lodge and that approximately 25 children were playing in the backyard area, generating noise levels that exceeded the thresholds in the Noise Ordinance.

Staff contacted the President of the Masonic Lodge, and was informed that the indoor space was used by a group of women engaging in quilting, and the quilters' children were playing outside. The Masonic Lodge building was not rented that day and there were no organized activities. Staff responded to the Millers in writing on November 26, 2013 that the activities on November 12 did not constitute an exceedance of the thresholds in the Noise Ordinance because non-amplified human voice noise is not a noise violation. Please see Exhibit I.

- ▣ On October 1, 2014 – Staff received a letter from Valley Trails Homeowners Association stating support for the Millers' concerns about the activities at the Masonic Lodge (Exhibit J). The Homeowners Association letter includes several attachments, including a request by the Millers for the implementation of additional conditions at the Masonic Lodge. The Millers' request is summarized below:
  - Enforce the existing Conditional Use Permit approval such that all noise would be contained within the existing building and activities would be prohibited in the outdoor space to the north and west of the building.
  - Replace the existing glass-paneled double/French door with a Sound Transmission Class (STC) rated door to reduce noise spillover.

- Require the catering company to procure a Conditional Use Permit, which would include conditions related to the minimization of noise, light spillover onto the residential properties to the north, odors, and other potential nuisances.
- November 12, 2014 – The Millers requested that the Planning Commission agendaize a review of the Conditional Use Permit granted to the Masonic Lodge. After a hearing was scheduled in January 2015, the Millers requested a postponement due to personal reasons.
- March 2016 – May 2016 – The Millers filed complaints similar to previous complaints concerning noise and uses at the Masonic Lodge. Staff responded in writing and concluded that no violations had occurred (see Exhibit L).

## **DISCUSSION**

The approval of UP-77-13 did not specify the uses allowed on-site, hours of operation, or define the buffer area, or specify the type of buffer and/or any restrictions in the use of the buffer area. In addition, UP-77-13 did not establish parameters for ancillary uses allowed at the Masonic Lodge.

The project site is located within a multi-family residential zoning district. Private noncommercial clubs and lodges, not including hiring halls, are conditionally permitted uses in the multiple-family residential district. A catering company is currently leasing space and operating out of the Masonic Lodge. Although a catering company is not a “noncommercial club,” staff notes that the renting of church, synagogue, and noncommercial club space to compatible commercial entities (e.g., daycare facilities, catering companies, and tutoring Lodges) is common in Pleasanton, and the renting entities are typically considered ancillary uses. In this case, because the size of the Masonic Lodge’s kitchen is fairly modest and catering activities are limited to standard business hours, staff believes that catering activities are ancillary to Lodge operations. While the Millers suggest that non-Masonic Lodge entities generate a vast majority of the Masonic Lodge’s revenue, staff does not believe this financial supposition compromises the characterization of the Masonic Lodge as a noncommercial entity because the Lodge has use characteristics that are common to noncommercial clubs (i.e., relatively low levels of activity on average [but with periodically high periods of activity when special events occur], no regular customer activity, and no goods/service transactions occurring on-site). Thus, the operation of a private Masonic Lodge through the approval of UP-77-13 conforms to the underlying zoning district. Proposals for modifications to the existing Conditional Use Permit made by the Masons and Millers are summarized below.

### **2010 Modified Operations Proposed by the Masonic Lodge**

While waiting for comments from the Millers regarding the April 2010 proposal, the Masonic Lodge started to implement proposed use modifications and the results were positive. The Pleasanton Police Calls for Service Log<sup>1</sup> showed a decline in the number of calls made in response to activities at the Masonic Lodge, from 28 calls in 2009 to five calls in 2012. Please refer to Exhibit K for call details.

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<sup>1</sup> Calls for Service Log from the Pleasanton Police Department indicates the number of calls received by the Police Department where the callers used the Masonic Lodge site/address as a location identifier to report incidents.

### **2013 Modified Operations Proposed by the Masonic Lodge via Miller Starr and Regalia**

To further address concerns raised by the Millers regarding noise, exterior lights, and use of the patio and outdoor areas, the Masonic Lodge, through their legal counsel Miller Starr and Regalia, proposed more detailed operational modifications which encompassed allowable uses, hours of operation, use of outdoor areas, and noise reduction measures.

The Masonic Lodge started to implement the measures listed above in 2013 and the results were positive. The Police Department received 17 calls reporting incidents at the Masonic Lodge from January 1, 2013 to May 31, 2016, compared to 44 calls in 2009 and 2010 (see Exhibit K).

### **Letter from Michael and Darlene Miller Received on September 21, 2015**

In a letter sent to staff on September 21, 2015, the Millers suggested that the Masonic Lodge conflicted with the General Plan and Zoning Code because the Masonic Lodge allowed the operation of for-profit activities on a site designated for Community Facilities in the General Plan land use map and zoned for multi-family residential uses. The Millers also indicated that the Masonic Lodge violated its Conditional Use Permit because it allowed outdoor activities between the Masonic Lodge and residential uses to the north. In the letter, the Millers requested that the Pleasanton Masonic Lodge comply with the following provisions:

- ▣ All activities at the Pleasanton Masonic Lodge should occur inside the building;
- ▣ Commercial entities, including the catering business, should cease operation at the Masonic Lodge;
- ▣ The areas to the north and west of the Masonic Lodge building should not be used;
- ▣ The kitchen door on the north side of the building should remain closed;
- ▣ The double/French door on the north side of the building should be changed to a Sound Transmission Class (STC) rated door to prevent noise coming through the door when music is played in the adjoining dining hall; and
- ▣ The lights on the north side of the building should be removed.

A copy of the letter is attached as Exhibit M.

### **Options for Consideration**

The options presented below for disposition of the Conditional Use Permit are based on staff's review of the proposals for modification presented by the Masons and Millers.

#### **Option No. 1: No Changes to UP-77-13 Approval**

Selecting this option means that the existing approvals for the Masonic Lodge would remain in their current form. No changes/additions to the conditions would be undertaken, and no clarification regarding use of outdoor areas, operating hours, and ancillary uses would be made (Exhibits B-D).

*Staff's comments: The ambiguity surrounding the approved operational parameters of the Masonic Lodge has generated complaints from the Millers and has made it difficult for staff to enforce the conditions of approval. Therefore, staff does not recommend this option.*

## **Option No. 2: Revoke UP-77-13 Approval**

Under Option 2, the Planning Commission would revoke the approval of UP-77-13. The Masonic Lodge must cease operation when the revocation decision becomes effective or within a given period of time. Under the Pleasanton Municipal Code, revocation of a Conditional Use Permit would preclude a future application for the same or substantially the same conditional use on the site for a period of 1 year.

*Staff's comments: As the Millers themselves have indicated, the Masonic Lodge operated without complaints from 1980 until 2008. In addition, although problems persist, staff believes that the voluntary measures implemented in recent years by the Masonic Lodge have reduced (but not eliminated) some of the concerns raised by the Millers. Therefore, staff believes that revoking the existing Conditional Use Permit is unnecessary.*

## **Option No. 3: Modify UP-77-13 Approval**

Option 3 reflects staff's belief that the Masonic Lodge could be operated in a manner that is compatible with its surroundings. Under this option, new conditions would be crafted to address the Millers' concerns and clarify the specific operational parameters of the Masonic Lodge and ancillary uses. The regulations and restrictions below are developed based on consideration of the items proposed by the Masonic Lodge via Miller Starr and Regalia in their letter dated May 23, 2013 (Exhibit H) and the items the Millers requested in their letter dated September 21, 2015 (Exhibit M).

### **1. Uses allowed at the Masonic Lodge Site:**

#### **Primary Uses (Masonic Activities):**

- a. Masonic Lodge member meetings
- b. Demolay meetings
- c. York Rite meetings
- d. Quilts of Valor
- e. Job's Daughter's meetings

#### **Ancillary Uses (Non-Masonic Activities):**

- a. Celebrations, including but not limited to weddings, bar mitzvahs, similar events, and associated receptions (celebrations open to the general public and/or celebrations with paid admission would be explicitly prohibited);
- b. Private events/functions, such as graduations, birthdays, retirements, and religious celebrations, that do not charge admission;
- c. Indoor training, seminars, workshops, and enrichment classes, no more than three consecutive days and no more than one class at a time;
- d. Up to one catering business at any given time with no more than five staff members;
- e. Public uses, such as a voting center/poll station, health fairs and screenings;
- f. Other similar uses determined by the Director of Community Development to be consistent with the approval.

*Staff's comments: The Primary Uses listed above are those associated with Lodge operations that would have use characteristics similar to a religious organization (e.g., activities similar to ministry meetings, worship services, bible studies, and prayer*

groups). This classification is appropriate because religious institutions are also conditionally permitted in this zoning district and there are two religious institutions in close proximity to the Masonic Lodge.

The Ancillary Uses listed above are those that are typical of those that occur in conjunction with a religious institution. In general, these uses are low-impact and compatible with residential neighborhoods. Where appropriate, staff has established use or numerical restrictions to ensure neighborhood compatibility.

2. Hours of Operation:

Use of the Masonic Lodge Building (inside):

Masonic Activities: 9:00 a.m. – 9:00 p.m. (Mon-Sun); all year  
Non-Masonic Activities: 9:00 a.m. – 5:00 p.m. (Mon-Fri); all year  
9:00 a.m. – 9:00 p.m. weekends only; all year

Use of the Patio and Outdoor Areas:

Masonic Activities: 9:00 a.m. – 9:00 p.m. (Mon-Sun); all year  
Non-Masonic Activities:  
Weekdays: 9:00 a.m. – 5:00 p.m.: March – October  
Weekends: 9:00 a.m. – 9:00 p.m.:  
March – May:  
Maximum of two weekends; a total of four days  
June – August:  
Maximum of four weekends; a total of eight days  
September – October:  
Maximum of two weekends; a total of four days

No use of the patio and outdoor area for non-Masonic activities shall be allowed November – February.

The Masonic Lodge shall make the event calendar available to staff at all times to track and verify the number of Non-Masonic Activities held outdoors, if needed.

*Staff's comment: Under the proposed schedule above, catering businesses would be considered a Non-Masonic Activity, and thus limited to operating from 9:00 a.m. to 5:00 p.m. during the week and 9:00 a.m. to 9:00 p.m. on weekends.*

3. Other Regulations and Restrictions:

Rental Activity Control

a. Rental of the Masonic Lodge shall be made directly with the representatives of the Masonic Lodge.

Overcrowding Control

b. Building occupancy shall be posted in each room.  
c. The maximum number of persons at the Masonic Lodge (staff and guests combined) for non-Masonic Lodge activities shall not exceed 150 persons.

### Noise Control

- d. The operations, uses and activities at the Masonic Lodge shall conform to the City's Noise Ordinance.
- e. No music shall be allowed outside the building.
- f. Live or pre-recorded music is allowed inside the building with doors closed.
- g. The kitchen door on the north side of the building shall be closed but not locked during business hours.
- h. A minimum of two Masonic Lodge members shall be on-site to monitor all rental uses that use the outdoor areas, take hourly sound decibel readings at the property lines, and enforce noise standards. The Masonic Lodge shall provide a monthly report documenting noise measurements to staff.
- i. The existing double/French door shall be replaced by a STC rated door.

### Light Spillover and Glare Control

- j. Install window shades on the double/French doors.
- k. A timer shall be installed on the exterior light on the north side of the building.
- l. All exterior lights on the building shall be shielded to reduce light spillage/glare.

### Event Schedule Control

- m. The Masonic Lodge shall continue to share its event calendar with St. Clare's Episcopal Church to avoid scheduling conflicts and impacts to the shared parking lot.
- n. Event schedule shall be made available for staff at all times.

### Other Necessary Measures

- o. Additional landscaping shall be installed along the northern property line to provide additional screening between the residential uses and the Masonic Lodge. The planting details, including species, quantity, size, and spacing shall be reviewed and approved by the Director of Community Development and City Landscape Architect prior to installation.

*Staff's comments: The lack of detail in the existing Conditional Use Permit approval in regard to the operational parameters of the Masonic Lodge has made it difficult for staff to enforce the conditions of approval. Staff believes the above recommended conditions are necessary to clarify allowed uses and frequency of uses, limit noise and light/glare, and address other concerns raised by the Millers.*

*In developing the conditions above, staff carefully reviewed the recommended conditions proposed by the Millers in a letter dated September 21, 2015. Staff concurs with the Millers on some but not all of their recommended conditions, as summarized below:*

- *Prohibition of outdoor uses. Staff does not support completely prohibiting use of the outdoor areas on the Masonic Lodge site because use of the outdoor space can be regulated to reduce impacts on the Millers. Although the existing Conditional Use Permit indicates that buildings should be designed so that activities will be focused toward the southern portion of the subject property, it does not prohibit outdoor activity. In addition, other similar facilities in close proximity to the Masonic Lodge (St. Clare's Episcopal Church and Harvest Valley Church) have usable outdoor*

*space. In light of these conditions, staff believes it is reasonable for some activities to occur outside the building, such as in the patio area, but under certain conditions. With the proposed schedule of using the patio and outdoor areas for activities, staff believes that impacts to the Millers and other surrounding neighbors would be adequately mitigated.*

- *Noise and Glare. Staff agrees with the Millers that the kitchen door on the north side of the building should remain closed but not locked during business hours. In addition, staff also agrees that the light on the north side of the building and light on other sides of the building should be shielded to prevent light spillover.*
- *STC-rated Door. Staff agreed with the Millers that the existing double/French door should be replaced by an STC rated door. Staff believes that requiring the a STC-rated door would ensure adequate sound mitigation in concert with other noise-reducing measures proposed above.*

## **FINDINGS**

The following findings are prepared for Option 3. If the Planning Commission chooses Option 3, it must make the following findings prior to granting the use permit modifications:

**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.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The existing Masonic Lodge is located within a multi-family residential district. The underlying zoning district allows private noncommercial clubs and lodges, not including hiring halls, as conditionally permitted uses. Thus, the approval of the Masonic Lodge in 1977 was consistent with the zoning district.

The Masonic Lodge was operated with minimal complaints from neighbors until 2008. After a public hearing in 2009, the Masonic Lodge voluntarily made changes to its operations, addressing some but not all concerns raised by the Millers. Staff believes the proposed modifications to the existing Conditional Use Permit M, including the specification of activities, hours, and monitoring procedures, would bring the operation of the Masonic Lodge into accordance with the objectives of the zoning ordinance and would respond in a reasonable manner to the neighbors' complaints. Therefore, 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.**

As conditioned, staff finds the operations of the Masonic Lodge would be acceptable and would not have a detrimental impact on the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions specify hours of operation, allowable activities within and outside of the building, building capacity, allowable levels of noise and light, and landscaping in order to ensure that the Masonic Lodge would not adversely affect residential properties in the area. If necessary, the Conditional Use Permit could be brought back to the Planning Commission for further modification if the proposed conditions are ineffective in addressing valid concerns raised by neighboring residents. Therefore, staff believes that this finding can be made.

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

The Pleasanton Municipal Code states that because of the unusual or uncharacteristic nature of some proposed land uses, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The modified uses/activities and hours of operations at the Masonic Lodge as reflected in the revised conditions of approval would establish operational parameters of the Masonic Lodge and bring its operation into compliance with the applicable provisions of the Pleasanton Municipal Code, including those related to noise. Therefore, staff believes that this finding can be made.

**PUBLIC NOTICE**

Notices regarding this item were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the subject site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

Correspondence received in response to the notice mailed in advance of the January 2015 hearing is included in Exhibit E, Attachment 8. Letters from Stuart M. Flashman, Attorney for Michael and Darlene Miller is also included in Exhibit L. Emails received for this hearing are attached in Exhibit O. Staff will forward to the Planning Commission any public comment received after publication of the staff report.

**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.

**CONCLUSION**

Staff believes that Option 3 and the proposed modified conditions of approval (Exhibit A) will clarify the uses and operations allowed at the Masonic Lodge and establish reasonable limits on existing operations to address complaints raised by the Millers.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission make the findings and modify the conditions of approval for UP-77-13 per Exhibit A as outlined in Option 3.

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