

Planning Commission Staff Report

May 8, 2013
Item 6.b.

- SUBJECT:** PUD-84-04-07M
- APPLICANT:** Hai Huan Du-Lund / Tranquil Massage Center
- PROPERTY OWNER:** Dorothy Anderson
- PURPOSE:** Application for a PUD (Planned Unit Development) major modification to the approved PUD (PUD-84-04) governing the Meadow Plaza Shopping Center to allow massage establishments where three or fewer massage technicians provide massage services at any one time as a permitted use and massage establishments where four or more massage technicians provide massage services at any one time as a conditionally permitted use.
- LOCATION:** 3112, 3120 and 3128 Santa Rita Road (Meadow Plaza Shopping Center)
- GENERAL PLAN:** Retail/Highway/Service Commercial; Business and Professional Offices
- ZONING:** Planned Unit Development - Commercial - Office (PUD-C-O) District
- EXHIBITS:**
- A. Narrative dated "Received March 12, 2012"
 - B. E-mail from John Sherman Ho dated "April 1, 2013"
 - C. PMC Chapter 6.24 (Massage)
 - D. Ordinance No. 1035
 - E. Resolution No. 2691 and Ordinance No. 1215
 - F. Location and Notification Maps

BACKGROUND

On February 13, 2013, Hank Company received Design Review approval to demolish the buildings located at 3506 and 3510 Old Santa Rita Road (Santa Rita Junction Shopping Center) and to construct a Chase Bank building. The redevelopment of the site requires the existing businesses within Santa Rita Junction Shopping Center to relocate. Tranquil Massage Center, currently occupying an approximately 968 square-foot tenant space at 3510 Old Santa Rita Road, Suite C, is considering relocating to 3120 Santa Rita Road, Suite A; an approximately 1,290 square-foot vacant tenant space located in Meadow Plaza Shopping Center.

Meadow Plaza Shopping Center is a Planned Unit Development (PUD) that has an approved list of permitted and conditionally permitted uses. Massage establishments as a stand-alone business are not currently permitted. Therefore, the applicant applied for a minor modification to PUD-84-04 (Meadow Plaza Shopping Center) to allow massage establishments as permitted and conditionally permitted uses.

During the staff level minor modification public notification process, staff received an email from John Ho stating his objection to allowing permitted or conditionally permitted massage establishments within Meadow Plaza Shopping Center. Staff has included Mr. Ho's email as Exhibit B for reference. Since staff received an objection to the minor modification request, it can no longer be processed at staff level and becomes a major modification to the PUD. PUD Major modifications require review and recommendation from the Planning Commission to the City Council for action. Therefore, the application is being presented to the Planning Commission for recommendation to the City Council.

SITE DESCRIPTION

Meadow Plaza Shopping Center is a 7.7 acre site located at the east side of Santa Rita Road, north of the Arroyo Mocho Canal. The subject site contains three single-story, stand-alone buildings. The building closest to Santa Rita Road, 3128 Santa Rita Road, is occupied by Pleasanton Urgent Care and retail uses and WalMart Neighborhood Market will occupy 3112 Santa Rita Road, the building north of the Arroyo Mocho Canal. The third building, 3120 Santa Rita Road, is a multi-tenant building within Meadow Plaza. Tranquil Massage Center desires to locate in a vacant tenant space at 3120 Santa Rita Road (please refer to Image 1 below and Image 2 on page 3).

Image 1: Aerial Image of Meadow Plaza



Image 2: Subject Building



PROJECT DESCRIPTION

Hai Huan Du-Lund, owner of Tranquil Massage Center, is requesting to permit massage establishments where three or fewer massage technicians provide massage services at any one time and conditionally permit massage establishments where four or more massage technicians provide massage services at any one time within Meadow Plaza Shopping Center. Tranquil Massage Center would like to occupy an approximately 1,290 square-foot tenant space at 3120 Santa Rita Road, Suite A and operate in the same manner as the existing location; three or fewer massage technicians providing massage services at any one time.

DISCUSSION

Operation of massage establishments is regulated by Chapter 6.24 (Massage) of the Pleasanton Municipal Code (PMC). Some of the key requirements of Chapter 6.24 are as follows:

- Obtaining a permit from the Pleasanton Police Department, followed by zoning approval from the Planning Division, is required for massage technicians and establishments prior to working at or operation of a massage establishment.
- Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
- No massage establishment shall possess, serve, keep, consume, etc. alcohol in the massage establishment, and

- Renewal from the Pleasanton Police Department is required every two-years.

Staff has included Chapter 6.24 in its entirety for reference as Exhibit C.

Zoning

Massage establishments are referenced in Title 18 (Zoning) of the PMC to ensure that the location of a proposed massage establishment is consistent with the zoning and land use regulations. Massage establishments where three or fewer massage technicians provide massage services at any one time, and that meet the requirements of Chapter 6.24, are permitted uses in the Office District and Central and Regional Commercial Districts of Title 18 (Zoning) of the PMC.

The subject site received Planned Unit Development (PUD) zoning for commercial and office development (PUD-C-O) in 1982 (Ordinance 1035, attached as Exhibit D). The City Council adopted a list of permitted and conditionally permitted uses for the shopping center in 1985 (Resolution 2691 approved under Ordinance 1215, attached as Exhibit E). Specifically allowed uses include "Barber shops and beauty shops" and conditionally allowed uses include "Beauty shops including massage services" and "Gymnasiums and health clubs including massage." Staff notes that these conditional uses were similar to what was conditionally allowed for non-PUD districts (e.g., Office and Commercial Districts) in the PMC at the time of PUD approval; however, the PMC has since be amended to allow beauty shops and gymnasiums and health clubs that include massage with three or fewer technicians at any given time as a permitted use. The list of PUD uses does not distinguish the number of technicians or address massage establishments as a stand-alone use.

Meadow Plaza's Commercial-Office zoning designation lists uses that are consistent with those found in a non-PUD district, such as the Office or Central-Commercial zoning district. Adding massage establishments as a permitted use where three or fewer massage technicians provide massage services at any one time as a permitted use and massage establishments where four or more massage technicians provide massage services at any one time as a conditionally permitted use would be consistent with the Office and Central-Commercial zoning districts.

Parking

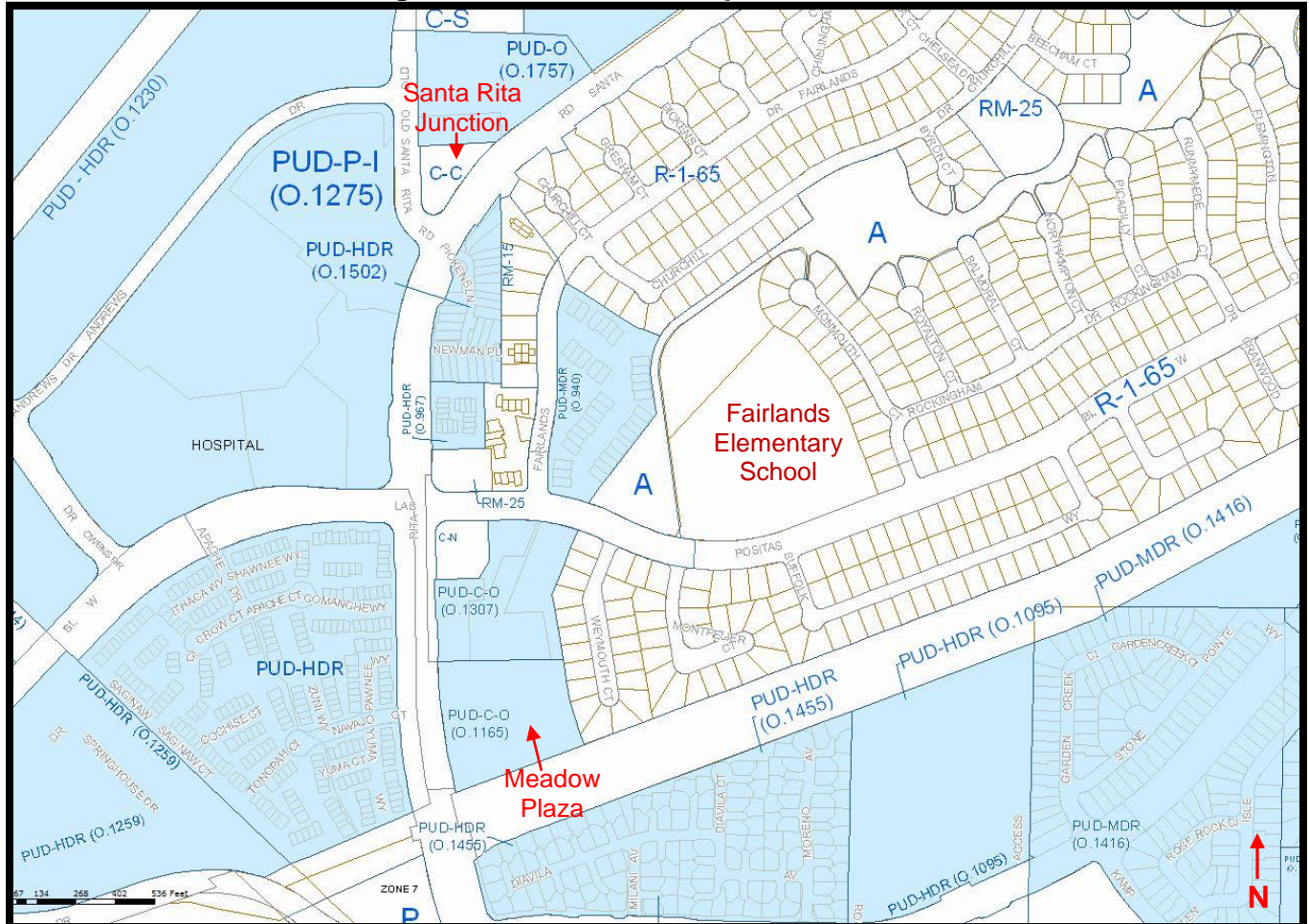
The PUD was approved and constructed with 237 on-site parking spaces. Meadow Plaza's approved development plan provided an overall parking ratio of one parking space per 223 square-feet of floor area. Should a massage establishment where three or fewer massage technicians provide massage services at any one time locate within Meadow Plaza Shopping Center, it would generate a parking demand similar to other permitted retail and personal service uses within the Center and could be accommodated by the 1/223 parking ratio. The parking demand for a massage establishment where four or more massage technicians provide massage services at any one time would be reviewed on a case-by-case basis through a Conditional Use Permit (CUP) to ensure that there is adequate parking for the use.

Email of opposition

As described in Mr. Ho's email, he believes that a massage establishment should be "away from residential and school areas." Please refer to Exhibit B for Mr. Ho's email. Tranquil

Massage Center is currently located in a C-C (Central – Commercial) zoning district that is in close proximity to residential and school uses. Meadow Plaza Shopping Center is zoned PUD-C-O (Planned Unit Development – Commercial – Office) which is also located in close proximity to residential and school uses (please refer to Image 3 on below).

Image 3: Current and Proposed Location



PUBLIC NOTICE AND COMMENTS

Notice of this application was sent to surrounding property owners within a 1,000-foot radius of the site, published in a newspaper of general circulation, and posted on the City website prior to this hearing (please refer to Exhibit F for the location and notification maps). Other than Mr. Ho’s comments, staff has not received any additional public comments.

CONCLUSION

Staff believes that allowing massage establishments as permitted and conditionally permitted uses within Meadow Plaza would be compatible with the other uses in Meadow Plaza and would not create adverse impacts on the surrounding uses. Massage establishments, whether permitted or conditionally permitted, are located throughout Pleasanton in close proximity to residential and school uses. Furthermore, all massage establishments and/or technicians are required to obtain a separate permit from the Pleasanton Police Department to ensure that

persons offering massage possess the minimum qualifications necessary to perform the services offered and operate in a lawful professional manner.

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval of PUD-84-04-07M, a major PUD modification to the approved PUD governing the Meadow Plaza Shopping Center to allow massage establishments where three or fewer massage technicians provide massage services at any one time as a permitted use and massage establishments where four or more massage technicians provide massage services at any one time as a conditionally permitted use.

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