

## Planning Commission Staff Report

February 12, 2014  
Item 5.a.

**SUBJECT:** P13-2498

**APPLICANT:** Kiddieo Mall / Trang Le

**PROPERTY OWNER:** Goble Properties

**PURPOSE:** Application for a Conditional Use Permit to establish a children's consignment boutique.

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

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

**LOCATION:** 3037 Hopyard Road, Suite E (Hopyard Village Shopping Center)

**ATTACHMENTS:** [Exhibit A Draft Conditions of Approval](#)  
[Exhibit B Project Narrative, Floor plan and Site Plan dated "Received, November 22, 2013"](#)  
[Exhibit C Location and Noticing Maps](#)

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### BACKGROUND

Trang Le, applicant, has submitted an application to operate a children's consignment boutique that allows patrons to buy and/or sell gently-used children's products, such as clothes, toys, strollers, accessories, etc., at 3037 Hopyard Road, Suite E, in The Hopyard Village Shopping Center (PUD-85-10). The applicant has been operating an online store ([www.kiddieomall.com](http://www.kiddieomall.com)) for the last two years and has decided to open a storefront location.

The zoning designation for The Hopyard Village Shopping Center (HVSC) is PUD-C-C (Planned Unit Development – Central – Commercial) District. Permitted and conditionally permitted uses for the subject site follow those uses in the C-C (Central – Commercial) District of the Pleasanton Municipal Code (PMC). "Secondhand stores" are conditionally allowed uses in the C-C district and, 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. HVSC contains five commercial-retail /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, Massage Envy, Zorn's Restaurant, and a variety of other commercial and office uses. Access to and from the site is via four driveways, with two driveways located on the east side of Hopyard Road and two driveways located on the north side of Valley Avenue.

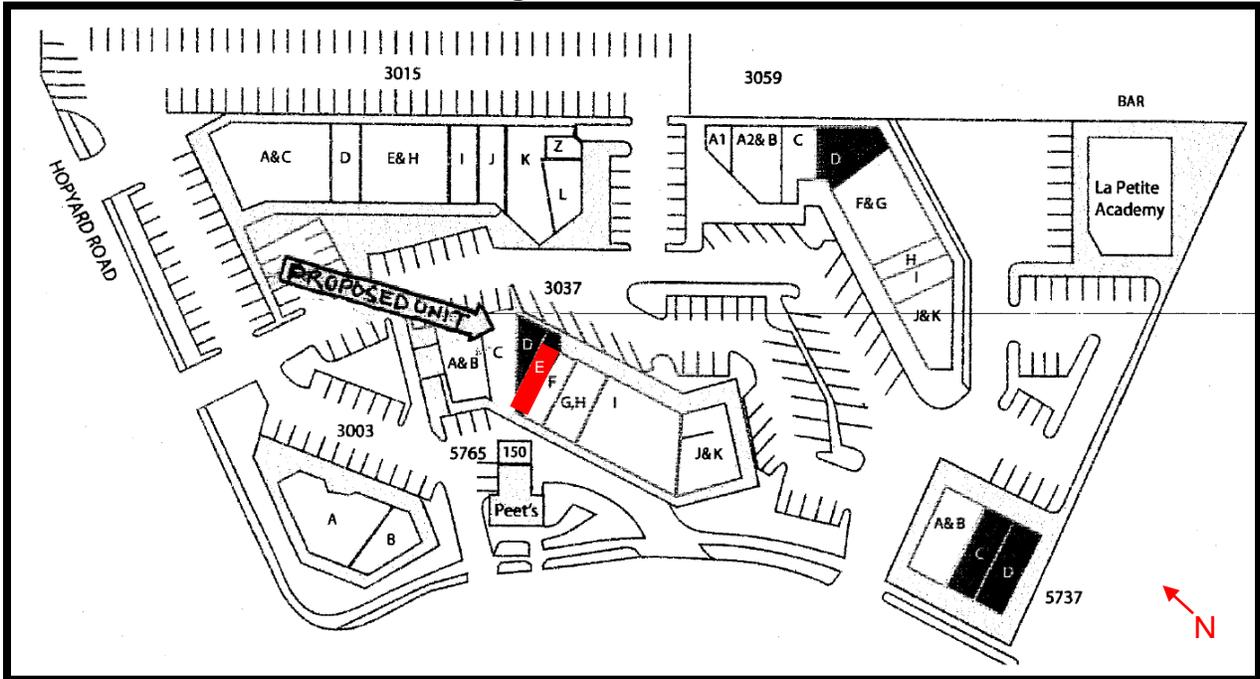
HVSP is south of Pleasanton Sports and Recreation Park and east of Pleasanton Tennis & Community Park, opposite Hopyard Road, with The Gene's Fine Foods shopping center and Steve's Valero Service Station bordering the property to the south, opposite Valley Avenue (please see Image 1 below). The nearest residences are located on Longspur Way, east of La Petite Academy, and on Corte Mente, south on the opposite side of the Valley Avenue/Hopyard Road intersection.

**Image 1: Aerial View of The Hopyard Village Shopping Center**



The proposed secondhand store (consignment boutique) would be located in suite E of 3037 Hopyard Road (please see Figure 1 on page 3 ), a multi-tenant, two-story building generally located in the center of HVSC. The proposed tenant space is approximately 645 square-feet in area and is located between a karate studio, Suite D, and a floral shop, Suite F. The tenant suite is externally accessible by a network of sidewalks throughout the common parking lot area.

**Figure 1: Site Plan**



**PROJECT DESCRIPTION**

Kiddieo Mall allows parents to sell their children’s outgrown items, such as clothes, toys, strollers, etc., and in return, allows customers to buy the pre-owned items both at the storefront and online. The store displays all of its items that are available for purchase; therefore, there will not be any storage and/or extra stock within the approximately 645 square-foot tenant space. The boutique will operate Tuesday through Saturday from 9:30 a.m. to 2:30 p.m. and will have one employee, the applicant. All transactions, including items being sold to the store, will occur during business hours. More detailed information is provided in the written narrative (attached as Exhibit B).

**ANALYSIS**

Conditional uses are uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the PMC and their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following is staff’s analysis of the proposed consignment boutique and its impacts, if any.

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 Land Use Element of the General Plan designates the subject site as “Retail, Highway, Service Commercial / Business and Professional Offices.” The zoning for this site is PUD-C-C (Planned Unit Development – Central-Commercial) which permits land uses such as retail, personal services (i.e., salons), restaurants, and offices and requires conditional use permit approval for uses such as consignment stores.

The proposed consignment store would be located in a shopping center which contains primarily commercial uses. The proposed consignment store's immediate neighbors within the subject building would be a karate facility and a floral shop. The nearest residences are separated from the subject site by other buildings in the shopping center and Hopyard Road and Valley Avenue. The store would have one employee and transactions 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 adjacent tenants and/or adjacent residences. Therefore, staff believes that the proposed business would fit in with and be supportive of other uses in HVSC.

### Parking

When constructed in 1980, HVSC 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 (La Petite Academy) and commercial building. The parking additions increased the number of parking spaces for HVSC to 349, resulting in an overall parking ratio of one parking space per 223 square feet of gross floor area for the approximately 78,000<sup>1</sup> 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 HVSC's gross floor area to approximately 80,000 square feet.

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<sup>1</sup> Hopyard Village Shopping Center square-footage prior to the construction of the Peet's Coffee building located at 5764 Valley Avenue.

The Pleasanton Municipal Code (PMC) does not have a specific parking requirement for “secondhand stores.” Staff considers secondhand stores to be similar in nature to those uses listed in section 18.88.030(C)(4) of the PMC:

“Retail stores except food stores and stores handling only bulky merchandise; 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. With a gross floor area of 645 square-feet, 2 parking spaces would be necessary to accommodate the proposed consignment store. With only one employee, the applicant, there will be an additional parking space for patrons to utilize. The applicant anticipates that the parking demand for the boutique would be in the morning from 9:30 a.m. to 11:30 a.m. These times are offset from HVSC’s peak hour times, which are typically during the lunch and evening hours.

There are 337 parking spaces that are shared amongst the buildings within HVSC. The gross floor area of HVSC is approximately 80,000 square-feet in area. Therefore, the parking ratio at HVSC is one space for every 237 square-feet of floor area. With the consignment boutique occupying approximately 645 square-feet of floor area, 2 parking spaces would, theoretically, be allocated to the proposed use.

Based on the parking ratio stated above, the one employee, and the number of on-site parking spaces for HVSC, staff does not believe that parking would be an issue.

#### 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; similar to office oriented businesses. Therefore, staff believes that noise from the proposed use would not negatively impact future or existing uses located within HVSC or adjacent to the subject suite. However, to ensure that interior noise from the consignment store does not impact the tenants, condition of approval No. 7 of Exhibit A requires that if noise problems arise in the future, the conditional use permit may be amended or revoked should noise become an issue for the adjacent tenants.

#### Tenant Improvements

No exterior changes and/or tenant improvements are currently proposed with this application. Changes to the exterior of the building would require review and approval from the Planning Division and any tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department.

### Signage

No signage has been proposed at this time. If the applicant wishes to install signage, the signage would be required to adhere to HVSC approved sign program.

### **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.**

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. As conditioned, staff believes the proposed consignment store would be consistent with these objectives and that the use would be compatible with the other uses in HVSC.

The subject building is located in HVSC, which is located in a Planned Unit Development – Central – Commercial (PUD-C-C) District, and is intended to provide a location and support commercial uses and office uses. The PUD-C-C Zoning District conditionally permits the uses of the City's C-C (Central–Commercial) district with “secondhand stores” being conditionally permitted in the C-C district. Similar consignment stores are located in commercial districts. Staff is not aware of these secondhand businesses creating any impacts on surrounding businesses. Given the small scale of the operation, its location, the hours of operation, and number of employees, the proposed use would be compatible with surrounding retail and/or personal service uses.

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.**

All merchandise would be located inside the building, purchasing activities would not take place outside of the tenant suite, and the business does not receive shipments of merchandise. The applicant will display all merchandise that is for

sale, thus, no storage will occur on-site. There will only be one employee and the hours of operation are between the hours of 9:30 a.m. to 2:30 p.m. Tuesday through Sunday.

The City's Police, Fire, and Building and Safety Division's have no objections to the subject use as conditioned. The applicant would be required to receive all applicable permits from the City prior to operation, as reflected in the attached conditions (attached as Exhibit A).

The streets leading to the site are designed per City standards and 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 comply with all provisions and requirements of the City's zoning ordinance and the approved PUD development and would be operated in a non-nuisance manner. Furthermore, the applicant can be required to mitigate any future nuisances or problems. As with any conditional use permit, the use permit may be revoked if the conditions are not met. 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 PUD zoning of the subject building permits the establishment of secondhand stores and similar uses subject to conditional use permit approval. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the PMC. 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.

**PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners within 1,000-feet of the site. Staff has provided the location and noticing maps as Exhibit C for the Commission's reference. At the time this report was published, staff had not received any public comments.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. 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 consignment store would be complementary to the existing businesses and tenants in The Hopyard Village Shopping Center and that the business is providing a beneficial service to the community by encouraging parents to recycle their children's clothes, toys, accessories, etc.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve P13-2498 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve P13-2498 subject to the conditions listed in Exhibit A.

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