

## Planning Commission Staff Report

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June 25, 2014  
Item 5.a.

- SUBJECT:** P14-0566
- APPLICANT:** Massage Journey/ Kitty Li
- PROPERTY OWNER:** Simon Property Group, Inc.
- PURPOSE:** Application for a Conditional Use Permit to allow up to ten massage technicians at any one time at an existing establishment (Massage Journey)
- GENERAL PLAN:** Retail/Highway/Service Commercial Business and Professional Offices
- ZONING:** C-R (m) (Regional Commercial - Enclosed Mall)
- LOCATION:** 1530 Stoneridge Mall Road, Suite F133 (Stoneridge Mall Shopping Center)
- EXHIBITS:**
- A. [Draft Conditions of Approval](#)
  - B. [Project Narrative, Site plans, and Floor Plan dated "Received May 9, 2014"](#)
  - C. [Location and Notification Maps](#)
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### BACKGROUND

Massage Journey is a spa offering traditional Chinese Style massage treatments specifically foot massage, body massage (with clothes on) and chair massage (shoulder and back). Massage Journey has been operating at Stoneridge Mall since 2011 and is currently limited by zoning regulations to a maximum of three massage technicians providing services at any one time. The applicant wishes to have up to 10 massage technicians at any one time. Massage establishments where four or more massage technicians provide services at any one time are conditionally allowed uses in the C-R (m) District, the zoning for Stoneridge Mall. Accordingly, use permit approval by the Planning Commission is required.

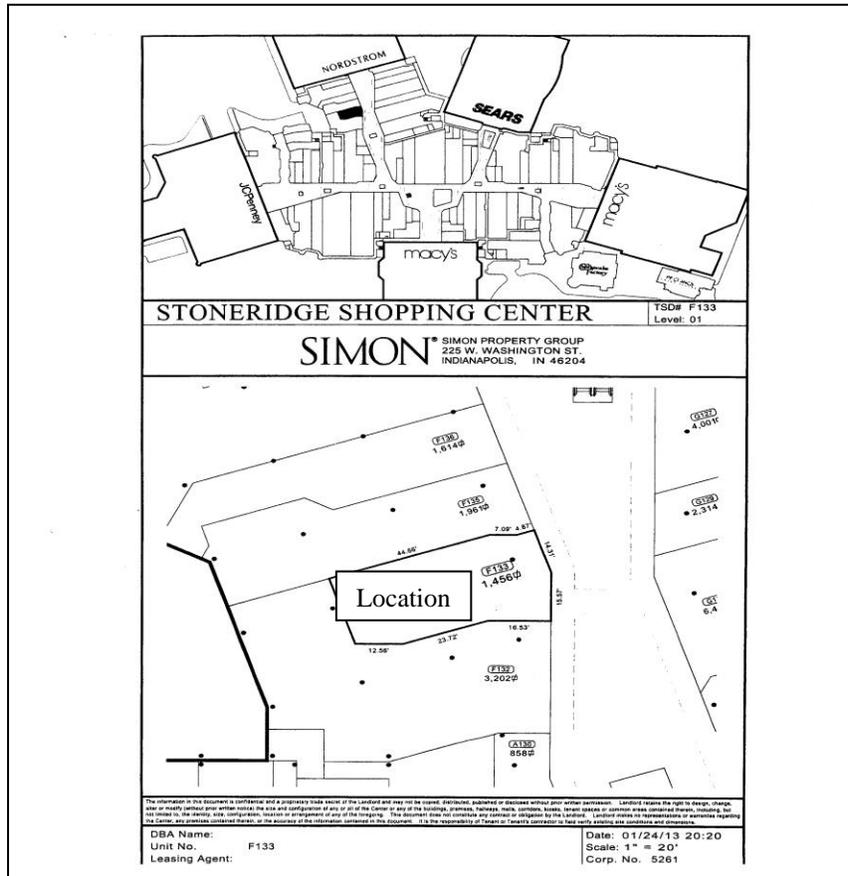
## SITE DESCRIPTION

The proposal is located in a tenant space (F133) at the northeast area of the Stoneridge Mall (near Nordstrom). Please see Figures 1.1 and 1.2. The mall complex is located on a circular shaped property defined exclusively by Stoneridge Mall Road. Access to and from the site is via driveways off of Stoneridge Mall Road. The peripheral properties located between Stoneridge Mall Road and I-580, I-680, Stoneridge Drive, and Foothill Road are developed with a variety of corporate headquarters and other offices, hotel, medical, restaurants, retail stores, the Stoneridge Apartments, and the West Dublin/Pleasanton BART station.

Figure 1.1: Site plan



Figure 1.2: Site plan (expanded)



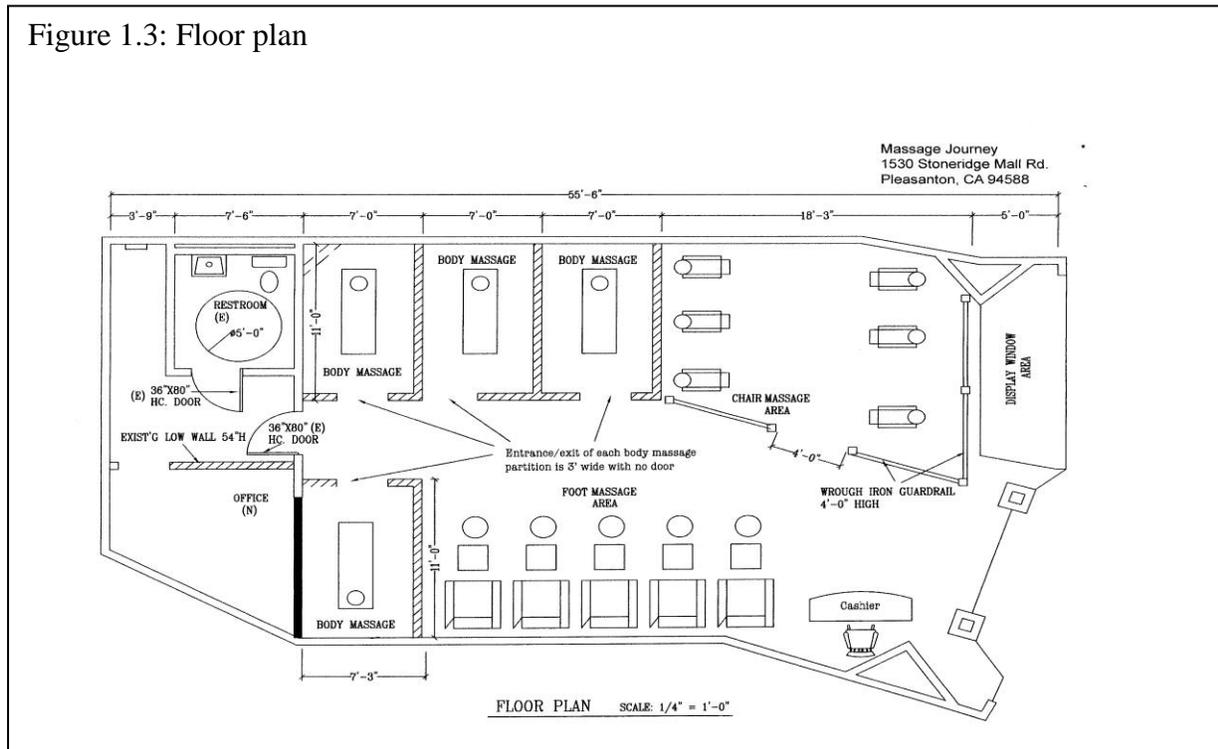
The Shopping Center totals approximately 1,308,810 sq. ft. The existing businesses in the center include a variety of clothing, shoe, jewelry, restaurant and other retail businesses including five anchor tenants.

The proposed expansion of massage use in the existing day spa business would be located in Unit F133 (please see Figure 1.2), a space that fronts on the interior of the Mall on the Lower Level near Nordstrom. Unit F133 is approximately 1,456 square feet in area. Up

to three massage technicians at any one time are currently licensed for this space. Neighboring tenants include Hallmark, Stride Rite, VIP Luggage, Blooming Beauty supply and Windsor Clothing.

## PROJECT DESCRIPTION

The applicant, Kitty Li, proposes to add up to seven more massage technicians (for a maximum of ten) to the existing day spa in this approximately 1,456 square-foot space. The floor plan (Figure 1.3) contains a Chair Massage Area with seven chairs, a Foot Massage Area with five chairs and Four Body Massage rooms and other business operation areas (such as a break room, storage, laundry, and an office).



The spa would operate the same hours as the Mall: from 10:00 am to 9:00 pm, Monday through Saturday and 11:00 am to 6:00 pm on Sunday with some variance on holidays. The staffing levels would fluctuate based on the number of walk-in customers and number of appointments booked. There are typically one to two employees at the front with the number of massage technicians scheduled to meet the anticipated walk-in and the appointment demand. The proposed operations of the day spa would include the potential for all therapy areas and rooms to be in general use at the same time. During the week five to seven massage therapists are anticipated. On the weekend it is anticipated that seven to ten massage technicians will be needed; therefore, the massage establishment would like to operate with up to ten massage technicians on-site at the same time.

## **ANALYSIS**

Conditional uses are those uses, which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. 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 massage establishment with ten massage technicians on-site at the same time and its impacts, if any.

### Land Use

The zoning district of the subject property permits massage establishments with three (3) or fewer massage technicians on-site at the same time and conditionally permits massage establishments with four (4) or more technicians on-site at the same time.

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The proposed massage establishment would be located in a shopping center which contains a variety of retail and restaurant uses. The proposed business expansion would fit in with and be supportive of other uses in the center and that the expanded day spa staff and clients may patronize the other businesses in the center during breaks, lunch hours, and before and after treatment sessions.

The nearest residences are well separated from the subject site. The proposed expanded use would occur entirely indoors at the Mall during regular business hours. Given these factors, staff feels that it would be unlikely that the proposed use would create adverse impacts on residences. There would also be minimal impact on the surrounding businesses.

From a land use perspective, staff believes that the proposed use is appropriate for the site and that the proposed use would be compatible with the surrounding businesses in this area.

### Parking

In 2005, the Planning commission approved Case No. PDR-489, the design review approval of a phased development plan for the expansion and remodeling of the Stoneridge Mall. Subsequent to that approval the Planning commission has reviewed additional use permit requests, the latest being the California Pizza Kitchen in August of 2010 (File PCUP-272). At that time the analysis noted that there was 1,308,810 square feet at the Mall with total available parking of 6,724 spaces and a surplus of 834 parking spaces based on a parking requirement of 4.5 spaces per 1,000 square feet. The California Pizza Kitchen approval allocated 26 of those spaces leaving 808 surplus parking spaces.

The Municipal Code parking standards require two (2) spaces for each technician. Based on this Code requirement, the applicant could generate a parking demand of up to 14 additional parking spaces based on increasing from 3 to a maximum of 10 massage technicians. Use of the proposed establishment is by walk-in and appointment. Many of the customers are anticipated to be walk-ins who are already in the Mall.

Staff believes that the parking is sufficient to accommodate the small increase in use of this tenant space as proposed. However, should parking problems still occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for additional mitigation measures. Possible mitigating conditions could include: reducing the number of technicians on-site at the same time or modifying the hours of operation.

### 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 and low volume music for relaxation and would, therefore, not be noisier than other businesses in the mall. The Unit is bordered mostly by two (2) common tenant walls. Noise generated by the proposed use of the areas for laundry, storage, and an office at the rear of the space would be speaking voices, low volume music, and standard laundry machine use. Thus, staff believes there will be no impacts from noise on the surrounding business.

If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### Tenant Improvements

No exterior or interior changes are proposed.

### Code Compliance

Massage establishments are governed by chapter 6.24 of the Pleasanton Municipal Code, which specifies the hours of operation as limited to 7:00 am to 10:00 pm and prohibits the sale, service, or consumption of alcoholic beverages in any room where massage is provided. The proposal is consistent with these requirements.

Massage technicians are required to obtain a permit from the Police Department which is subject to educational requirements. The City of Pleasanton requires that massage technicians possess proof of completion of formal education and training in massage, ethics, anatomy, and physiology from an appropriate school of massage, college, etc. Massage technicians are also required to have additional education in massage and/or

professional experience in massage obtained in a jurisdiction other than the City of Pleasanton.

## **PUBLIC NOTICE**

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area can be found in Exhibit D. At the time this report was prepared, staff had not received any comments or concerns.

## **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.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, 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. As conditioned, the proposed massage establishment with up to ten massage technicians would be consistent with these objectives.

The site of the subject use is located within the C-R (m) (Regional Commercial – Enclosed Mall) Zoning District. One of the purposes of the City's Commercial districts is to provide appropriately located areas for retail stores and service establishments offering commodities and services required by residents of the City and its surrounding market area. Another purpose is to provide opportunities for retail stores and service establishments to concentrate for the convenience of the public and in mutually beneficial relationship to each other. Staff believes that the massage establishment in this shopping center would be in accordance with the purposes of the Commercial zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas. In addition, the massage establishment's location inside the mall would be convenient to shoppers at the mall and the massage establishment's clients and employees would most likely utilize the other businesses in the mall, contributing to their economic vitality. The proposed conditions of approval for the project give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. The use permit for the massage establishment is, in staff's opinion, in accordance with the purposes of the zoning district.

**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.**

Given the small increase in employees, staff finds that there would be adequate parking to meet the anticipated parking demand and would not adversely impact the adjacent tenants or nearby properties.

The proposed use consists of individual treatment sessions, conducted within the tenant suite and would not generate loud noises. Therefore, staff believes that the use would not interfere with adjacent uses. The City Police, Fire, and Building and Safety Division have no objections to the subject use as conditioned.

The streets leading to the Mall site are designed per City standards and are signalized to 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 meet all applicable Municipal Code requirements and would be operated in a non-nuisance manner. Furthermore, the applicant can be required to mitigate any future nuisances or problems. 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 site's zoning regulations of the subject property conditionally permits massage establishments with four (4) or more technicians on-site at the same time. Granting a conditional use permit to the applicant for a massage establishment with up to ten massage technicians on-site at the same time would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. 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.

**CONCLUSION**

Staff believes that the required use permit findings for the proposed use can be met if the project is approved with the proposed conditions of approval. Staff is of the opinion that Massage Journey's expanded use would be complementary to the existing businesses and tenants in the Shopping Mall. Staff believes that the business is

providing a beneficial service to the community and the greater area by providing a place for traditional Chinese massages and would not detrimentally affect the surrounding uses or properties.

## **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.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve P14-0566 by taking the following actions:

1. Make the required findings as described in the staff report; and
2. Approve P14-0566 subject to the conditions listed in Exhibit A.

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**EXHIBIT A**  
**DRAFT CONDITIONS OF APPROVAL**  
**P14-0566 / 1530 Stoneridge Mall Rd., Unit F133**  
**Massage Journey**  
**June 23, 2014**

**PROJECT SPECIFIC CONDITIONS**

1. If additional hours and activities beyond what was stated in the applicants' written narrative, dated "Received May 09, 2014," on file in the Planning Division, are desired, prior City review and approval is required. Such modification may be approved by the Director of Community Development if found to be in substantial conformance with the approval. The Director of Community Development may also refer the matter to the Planning Commission if the proposed changes would be significant.
2. Prior to an individual working and/or providing services at the facility, the applicant and individual shall obtain all required Police Department permits, and shall obtain a business license.
3. The applicant shall pay all applicable fees that the proposed use increase may be subject to prior to operating with more than three technicians at any one time.

**STANDARD CONDITIONS**

**Community Development Department**

4. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

**Planning Division**

5. The location and operation of the proposed use shall conform substantially to Exhibit B (site plan, floor plan, and written narrative), dated "Received, May 9, 2014," on file with the Planning Division, except as modified by the conditions of approval. Minor changes to the approved operation may be approved by

the Director of Community Development if found to be in substantial conformance with the approved exhibits.

6. If the operation of this use results in conflicts pertaining to parking, interior noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said conditional use permit approval. Possible mitigation measures may include, but are not limited to, modifying the hours of operation, reducing the number of massage technicians on site at the same time, or other measures deemed necessary by the Planning Commission.
7. This conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the applicant operates the business with four to ten technicians at any one time if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.
8. The applicant shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
9. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
10. At no time shall balloons, banners, pennants, or other attention-getting devices be used on the site as allowed by Section 18.96.060K of the Pleasanton Municipal Code for grand openings.

## **CODE REQUIREMENTS**

*Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.*

11. The use shall comply with Chapter 6.24 of the Pleasanton Municipal Code (Massage regulations).
12. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
13. Any tenant improvement plans shall be submitted to the Building Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
14. Prior to issuance of a business license to go beyond three massage technicians at any one time, the applicant shall contact the Building and Safety Division and the Fire Marshall to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

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