



Planning Commission Staff Report

September 14, 2016
Item 5.a.

SUBJECT: P16-1313

APPLICANT: California Fine Wines & Spirits, LLC dba Total Wine & More

PROPERTY OWNER: Longs Drugs Stores California, LLC

PURPOSE: Application for a Conditional Use Permit to operate a specialty liquor store with ancillary tasting and educational programs

LOCATION: 4225 Rosewood Drive

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

ZONING: C-C (Central Commercial) District

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received July 20, 2016"](#)
- C. [Location and Notification Map](#)

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P16-1313 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant, Total Wine & More, requests CUP approval to operate a specialty liquor store that provides an assortment of domestic and foreign wines, spirits and beer at 4225 Rosewood Drive, within the Rose Pavilion Shopping Center. The use would also provide three separate tasting areas and space for classes on wine, spirits, and beer. Liquor stores within the C-C District require Planning Commission review and approval of a CUP. As proposed, staff believes this use is consistent with the intent of the zoning district and will be compatible with the surrounding uses. There are other similar specialized retail uses (99 Ranch Market and Macy's Furniture) within the Rose Pavilion Shopping Center and the immediate vicinity with the same zoning. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained.

BACKGROUND/HISTORY

The applicant, Total Wine & More, requests CUP approval to operate a specialty liquor store with ancillary tasting and educational programs at 4225 Rosewood Drive. The subject site is zoned C-C District. Liquor stores are conditionally permitted within the C-C District. Accordingly, the CUP for this application is before the Planning Commission for consideration.

SITE AND AREA DESCRIPTION

The Rose Pavilion Shopping Center (shopping center) is located west of Santa Rita Road and south of I-580, on both sides of Rosewood Drive. The shopping center comprises approximately 13 parcels measuring approximately 29.22 acres and contains approximately 189,597 square feet of gross commercial/retail area supported by 800 parking stalls. The shopping center was developed in three phases in the 1980's and 1990's. Phases I and II of the shopping center are located on the east side of Rosewood Drive, with anchor tenants such as 99 Ranch Market, Macy's Furniture, as well as a large vacant tenant space formerly occupied by CVS Pharmacy. Phase III is located on the west side of Rosewood Drive with tenants such as CVS Pharmacy, Golf Smith, and Fitness 19. The shopping center is occupied by various restaurants, retail and general service uses. The proposed use would be located in Phase I, and occupy the approximately 28,426-square-foot aforementioned vacant tenant space formerly occupied by CVS Pharmacy, across the parking lot to the south from Macy's Furniture and 99 Ranch Market.

Access to Phases I and II of the Rose Pavilion Shopping Center is provided by five driveways: one from southbound Santa Rita Road and four from Rosewood Drive. The entrance on Santa Rita Road, the southerly entrance on Rosewood Drive and the entrance in front of Macy's Furniture on Rosewood Drive provide right-in and right-out only for vehicles. The main signalized entrance on Rosewood Drive, as well as the northerly shared driveway behind the center, provides turn access in all directions.

The project site is bounded by the shopping center to the south and west, the Pleasanton AutoMall and I-580 to the north, and Santa Rita Road, single-family homes, and the Pleasant Village Shopping Center to the east. Figure 1 shows all phases of the Rose Pavilion Shopping Center and the subject tenant space.

PROPOSED PROJECT

The proposed use is a specialty liquor store that sells a large assortment of domestic and foreign wines, spirits and beer, as well as pre-packaged foods such as cheese, chips, and cold cuts. Ancillary uses would include three separate on-site tasting/education areas, including a classroom style education center. There would be approximately 10 to 15 employees within the facility per shift.

The use would operate subject to the following hours of operation:

- Mondays through Saturdays from 8:00 a.m. to 11:00 p.m.
- Sundays from 8:00 a.m. to 9:00 p.m.

Figure 1: Aerial Photograph of The Rose Pavilion Shopping Center



Typically, formal classroom sessions for 30 to 40 customers would be held in the education center on weekday evenings and weekend afternoons. On weekdays and Saturdays the classroom sessions would end no later than 10:00 p.m. and 9:00 p.m. on Sundays. These classroom sessions are scheduled on a first-come, first-served basis, would be limited to customers 21 and older and would focus on topics such as wine making, beer variations, winemakers, and winery tours. The other two tasting areas would be located on the retail floor and are typically utilized for only a few hours each week. These areas would be utilized on a less formal basis, but when in use, would be limited to approximately four to five customers 21 and older at any one time and would be sectioned off from other customers with a temporary barrier and signage. Tasting sizes for the education center and the two tasting areas would be two ounces or less and customers would be limited to a maximum of eight ounces per day. Cheese and cracker platters would be provided to customers at all times within both the education center and the two tasting areas. Additionally, the State Department of Alcoholic Beverage Control (ABC) provides strict guidelines related to these activities that would be adhered to by the employees of the proposed use as a condition of the liquor license.

Interior tenant improvements are necessary and include demolition and reconstruction of interior demising walls for space/use reconfiguration, rack and shelving installation for product storage and display, check-out installation, plumbing alterations, etc. No exterior changes are proposed to the building at this time. Any new exterior building modifications or signage would be subject to separate review and approval.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

STAFF REVIEW/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 properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUP's.

Land Use

The subject parcel is designated Retail/Highway/Service Commercial/Business and Professional Offices by the Land Use map in the General Plan. This land use designation allows for commercial uses, including liquor stores with ancillary tasting uses. Therefore, the proposed use is consistent with this land use designation. Additionally, the project is consistent with the following goals, policies, and programs of the Land Use Element of the General Plan:

- L.U. Policy 4: Allow development consistent with the General Plan Land Use Map.
- L.U. Policy13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.
- L.U. Program 15.2: Promote the location of business services in Pleasanton to support industrial, commercial, and office complexes.

The project is consistent with these goals, policies, and programs in that the proposed specialty liquor store is consistent with the Retail/Highway/Service Commercial/Business and Professional Offices General Plan land use designation, will provide a service to nearby residents and to those who live in other parts of the City, and will function as a new business in a major City retail center.

The subject property is zoned C-C. Within the C-C District, liquor stores require a Conditional Use Permit which is before the Planning Commission for consideration. One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. When the proposed use is retail in nature, staff evaluates how that use integrates with surrounding uses. Staff believes the proposed use will be compatible with the surrounding uses as it would be located in a fairly large shopping center with adequate shared on-site parking and will have hours of operation that are similar to other specialized retail uses within the shopping center, including 99 Ranch Market and Macy's Furniture, which all have the same zoning designation.

In the past, the Planning Commission has granted CUP's for similar specialized retail uses including 99 Ranch Market and Fresh & Easy Market within the same shopping center, and these approvals have not resulted in any major impacts to their respective surrounding uses or general area. Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff believes that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be acceptable on the site, as conditioned.

Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for the proposed use, and has determined that the proposed use has trip generation characteristics that are similar to prior retail uses that occupied the subject site and would not have a significant impact on existing traffic levels.

Parking

The shopping center currently comprises approximately 189,597 square feet of gross commercial/retail area supported by 800 parking stalls. The proposal would not increase the existing building area of the shopping center or result in the loss of any parking spaces.

If all tenant uses within the shopping center were evaluated using their current uses per Pleasanton Municipal Code (PMC) Section 18.88.030(C), a total of 532 parking stalls would be required. This takes into account the following requirements:

1. Restaurants - one space for each 200 square feet
2. Market/Food Stores - one space for each 150 square feet
3. Banks and Other Financial Institutions - one space for each 300 square feet
4. Bulk Merchandise/Furniture Store - one space for each 500 square feet
5. General Retail - one space for each 300 square feet

The overall parking ratio for the shopping center averages approximately one parking space per 234 square feet of gross building area. Parking at the shopping center was designed and constructed to support a mixture of retail tenants, allowing for an evolving mix of tenants. With different anchor tenants in the shopping center and new retailers and restaurants over time, parking at the shopping center has adequately supported the commercial uses in the shopping center. Therefore, staff believes that no adverse parking effects will be created by the proposed use within the shopping center and adequate parking will continue to exist on-site to accommodate all existing and proposed uses.

Noise

The subject site is located adjacent to commercial uses and is across Santa Rita Road from residential uses. With the exception of deliveries, the proposed use will operate entirely within the existing building (and internal uses are not expected to be noisy); therefore, a substantial change in ambient noise levels is not expected. Since the residential uses located across Santa Rita Road to the east have a soundwall along their rear yards abutting Santa Rita Road and the proposed use is surrounded by other similar commercial/retail uses to the north, south, and west, staff finds the proposed use would not have an adverse impact on surrounding uses.

FINDINGS

The Commission needs to make the following findings prior to the 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.**

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. As conditioned, staff feels the proposed liquor store would be consistent with these objectives and would create a new specialty retailer in the City. The proposed liquor store would be operated so as to not impact or interfere with the surrounding uses in that the retail nature, hours of operation, and staffing levels will not generate additional substantial noise or parking demand beyond the existing levels of the shopping center.

The proposed use would be within the Rose Pavilion Shopping Center, which is zoned Central Commercial (C-C) District and permits a variety of retail, personal service, and restaurant uses, but requires Conditional Use Permit approval for liquor stores. Staff believes that operating a specialty liquor store in this shopping center would be in accordance with the purposes and intent of the C-C District in that it provides a specialty retailer that offers commodities and services to the community. The City has approved other similar specialized retail uses (99 Ranch Market and Fresh & Easy Market) within the Rose Pavilion Shopping Center with the same zoning, as well as other similar specialty liquor stores in other parts of town, such as Beverages and More. These approvals have not resulted in any major impacts to their respective surrounding uses or general area. The proposed conditions of approval would give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. Therefore, staff believes that 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 Traffic Engineering Division has reviewed the proposed use and believes it would not result in significant impacts to either City roadways or to the existing shopping center. The proposed location within the Rose Pavilion Shopping Center is approximately 300 feet from the nearest residential properties located in the Fairlands Neighborhood to the south and southeast and are separated by Santa Rita Road, a landscaped median, and an approximately nine-foot high sound wall. Additionally, the existing ingress/egress to and from the shopping center would continue to provide easy access to the shopping center patrons. With the proposed conditions of approval and the alcohol consumption controls to be implemented including: (1) limiting alcohol consumption to individuals aged 21 or older; (2) limiting alcohol tastings to a maximum of eight ounces per customer per day; and (3) serving food with all tastings, staff believes that the proposed use would not detrimentally affect the surrounding properties, and staff believes that this finding can be made.

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

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The site's C-C zoning conditionally permits liquor stores. Staff believes 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 specialty liquor store would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

ALTERNATIVES

The site conditionally allows liquor stores with approval of a CUP by the Planning Commission. The applicant seeks to operate a specialty liquor store with ancillary tasting and educational programs. Staff believes this use is consistent with the intent of the underlying zoning. There are other similar specialty retail uses within the same shopping center and the immediate vicinity that are currently operating without problems. Additionally, there are other similar specialty liquor stores such as Beverages and More in other parts of the City that have been successfully operating for a number of years without incident. However, staff believes another alternative could include:

The Planning Commission could deny the CUP, and the vacant tenant space within the shopping center would remain vacant until another commercial/retail use could occupy the space.

This alternative would preclude the property owner from filling a large anchor tenant space within the shopping center with a large, nationally-known specialty retailer, and would require the owner to search for another commercial/retail use, without any guarantees of finding an occupant in the near term. The proposed use conforms to the requirements and intent of the underlying zoning district and staff does not anticipate that the proposed use would adversely affect the surrounding uses or area. Therefore, staff believes the proposed use is appropriate for the site.

PROS/CONS

PROS	CONS
Project would increase vitality in the Rose Pavilion Shopping Center and eliminate a vacancy within a large anchor tenant space	Because the project involves sales of alcoholic beverages, it has slightly greater potential to generate nuisance complaints, compared to another retailer.
Total Wine is a nationally-known specialty retailer that would provide commodities and services to the community, with potential for regional sales	
Project would increase sales tax for the City	
Project is consistent with zoning regulations	

PUBLIC NOTICE AND COMMENTS

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit C for reference. At the time this report was published, staff had not received any public comments about the project.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As proposed, staff believes that the proposed use will be compatible with the surrounding commercial/retail uses and will not detrimentally affect the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the proposed use will fulfill a community need and that the proposed location is appropriate.

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