

Planning Commission Staff Report

January 9, 2013
Item 5.a.

SUBJECT:	P12-1774
APPLICANT:	Leslie's Pool Supplies
PROPERTY OWNER:	Brixtmor Rose Pavilion, LP
PURPOSE:	Application for a Conditional Use Permit to operate a pool supply store.
GENERAL PLAN:	Retail, Highway, and Service Commercial; Business and Professional Offices
ZONING:	C-C (Central-Commercial) District
LOCATION:	4001 Santa Rita Road, Suite 1
EXHIBITS:	A. Draft Conditions of Approval B. Site Plan, Floor Plan, and Project Narrative, dated "Received November 9, 2012" C. Location & Public Noticing Maps

I. BACKGROUND

This proposal, by Leslie's Pool Supplies, is to operate a pool supply retail operation at the Rose Pavilion Shopping Center. Leslie's Pool Supplies currently has an establishment in the City of Dublin; the proposed operation in the City of Pleasanton would be an additional location for the company.

This portion of the Rose Pavilion Shopping Center is zoned Central Commercial (C-C) District. The Pleasanton Municipal Code (Table 18.44.090, Permitted and Conditional Uses) requires a Conditional Use Permit (CUP) for *Swimming pool sales, supplies and/or service* establishments within the C-C District. Therefore, a Conditional Use Permit must be granted in order for the applicant to establish the proposed business at the subject location.

II. SITE DESCRIPTION

The subject site is located on the northeast corner of Santa Rita Road and Rosewood Drive, in the Rose Pavilion Shopping Center. The site is one of several parcels that make up the shopping center and it is 1.38-acres in size. This parcel contains a single story, multiple-tenant, commercial building approximately 14,726 square feet in floor area. The subject use is proposing to occupy a 4,167 square-foot suite located on the western end of the building (see Figure 1.1). The other tenants of the building are Baskin Robins, Sport Clips, Mission Pipe, Taco Bell, and Panda Express. The previous tenant was We Buy Gold, which discontinued business in mid 2012. The subject tenant space has been vacant for approximately 7 months. The adjacent tenant space to the east (Suite 1A) is also vacant.

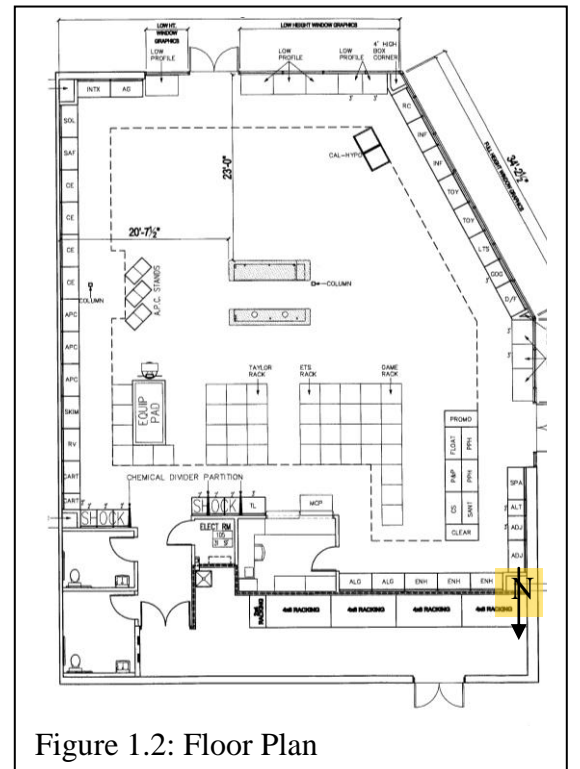
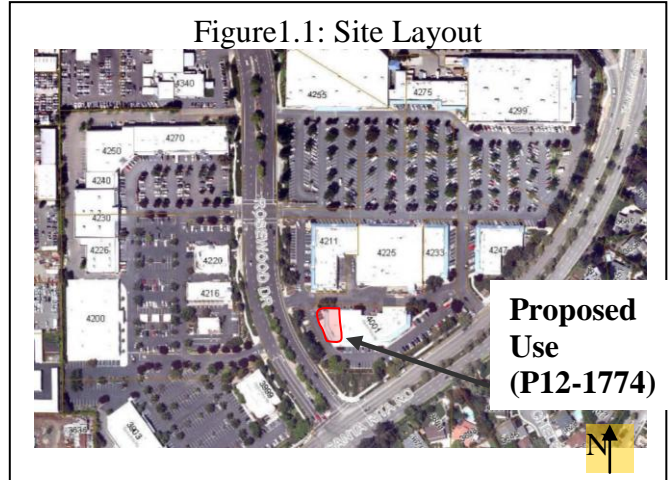
Access to the shopping center is provided by five driveways, four off Rosewood Drive and one off Santa Rita Road, with 1,601 parking spaces located within the shopping center (both Phase I and II of the Rose Pavilion Shopping Center), all of which are available for use by all of the tenants within the shopping center. With 322,000 square feet of tenant space within the shopping center, the parking ratio is one space per 200 square feet of tenant space.

The subject site is surrounded by other businesses in the Rose Pavilion Shopping Center to the north, east, and west, and there are residential properties located beyond Santa Rita Road to the south and east, approximately 242 feet away from the subject tenant location.

III. PROJECT DESCRIPTION

Leslie's Pool Supply is a retail outlet that sells pre-packaged (household use size) pool chemicals (not bulk size packages), as well as pool pumps, parts, and pool toys and accessories. The proposed use does not include outdoor storage. This location does not offer servicing of pools or pool equipment and does not provide delivery services.

The store is proposed to be open Monday through Saturday, 9:00am to 6:00pm and Sundays, 10:00am to 5:00pm.



Floor Plan:

The proposed floor plan (Figure 1.2) indicates 3,306 square feet of sales area, 117 square feet of office area, 533 square feet of product storage area, and 31 square feet for an electrical room. The applicant proposes to install new walls to create the office area, enlarge the doorway to the supply room, and modify the interior lighting.

IV. ANALYSIS

Conditional uses require individual review to ensure that impacts associated with their use will be regulated and minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

Land Use

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. The existing shopping center includes general retail shops, restaurants, furniture stores, an ice cream shop, and personal service establishments like beauty salons. The nearest residences, located in the Fairlands Neighborhood, are located a minimum of 242 feet south of the applicant's tenant space and are separated from the subject site by Santa Rita Road, landscaping, and a masonry soundwall along the perimeter of the subdivision. The use would be operated entirely indoors and would open no earlier than 9:00 a.m. and close no later than 6:00 p.m. The use would also be required to comply with all applicable hazardous materials regulations.

Staff is of the opinion that the proposed use would not produce any adverse impacts on the surrounding businesses or residents. Staff also believes that the pool supply business would be compatible with and be supportive of other uses in the shopping center. However, if problems were to arise, the application could be brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified. Therefore, from a land use perspective, staff finds the use to be acceptable, as conditioned.

Parking

The development has 1,601 parking spaces located within the shopping center, all of which are available for use by all of the tenants within the shopping center, which results in a parking ratio of one space per 200 square feet of tenant space. The subject suite has covenant access to 84 parking spaces, which surround the building as shown in Figure 1.3.

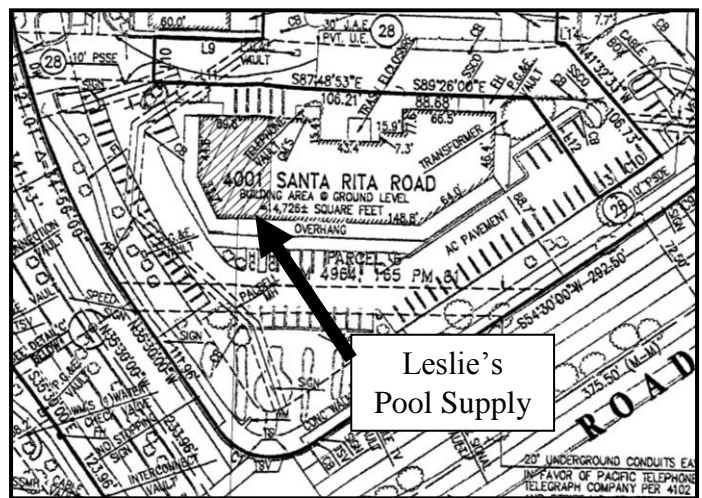


Figure 1.3: Site Layout

Per the Pleasanton Municipal Code, PMC 18.88.030(C)(5) (Schedule of off-street parking space requirements), this type of use would require one parking space for every 300 square feet of floor area, excluding areas used for storage. With the proposed 4,167 square feet of area for retail use, this business would need 14 parking spaces. The 84 accessible spaces would meet the PMC parking requirement.

Historically, the parking provided within the development has adequately served all the tenants of the shopping center, and staff anticipates that the current parking will continue service the proposed tenant and the development adequately. However, should parking problems occur, staff has included a “standard” condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Tenant Improvements

The applicant has indicated several tenant improvements are needed to accommodate the new use. The applicant will work with the Building and Safety Division to address any improvements needed to meet the occupancy separation, California accessibility and ADA (Americans with Disabilities Act) requirements. These tenant improvements require a building permit and the applicant will need to submit plans to the Permit Center for review and approval by the Building and Safety Division, Fire Department, and Planning Division under a separate permit.

Signage

No signage currently exists for this tenant space. Any proposed signage will need to conform to the City approved comprehensive sign program for the shopping center.

V. 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 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 to insure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole.

The subject site is zoned Central Commercial District (C-C District), and it is in a shopping center which contains other retail establishments. The purpose of the C-C District is to maintain compactness and encourage more intensive development; to promote the continuity of commercial frontage and create an attractive pedestrian shopping area; and consider proposed uses as they relate to parking.

Staff believes that the proposed use would be consistent with the zoning ordinance objectives and the Central Commercial District purpose in that it would provide a variety of goods and services to the community and would be conducted so as to not impact or interfere with the surrounding uses. The applicant is also required to mitigate any future nuisances that may occur as a result of the proposed use. 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 building that the proposed use will occupy is a freestanding building with a large on-site parking lot. The number of parking spaces available on-site exceeds the parking demands for the proposed use. The project has been reviewed by the Fire Department and the Police Department and they have indicated that they do not object to the project. The proposed use will comply with the applicable Building and Fire Codes.

Staff believes that the project will not be detrimental to the public health, safety, or welfare. 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 zoning ordinance.

The proposed Conditional Use Permit (P12-1774) was found to comply with all relevant sections of the zoning ordinance. The site's regulations conditionally permit the establishment of pool service and supply establishments. Granting a Conditional Use Permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff believes that the third finding can be made.

VI. PUBLIC NOTICE

Notices regarding the application for a Conditional Use Permit and related public hearing were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments regarding the project.

VII. 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.

VIII. CONCLUSION

Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the proposed business will fulfill a community need and that the proposed location is appropriate.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. P12-1774 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. P12-1774 subject to the conditions listed in Exhibit "A".

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