

Planning Commission Staff Report

January 9, 2013
Item 5.a.

SUBJECT: P12-1774

APPLICANT: Leslie's Pool Supplies

PROPERTY OWNER: Brixmor 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.

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.

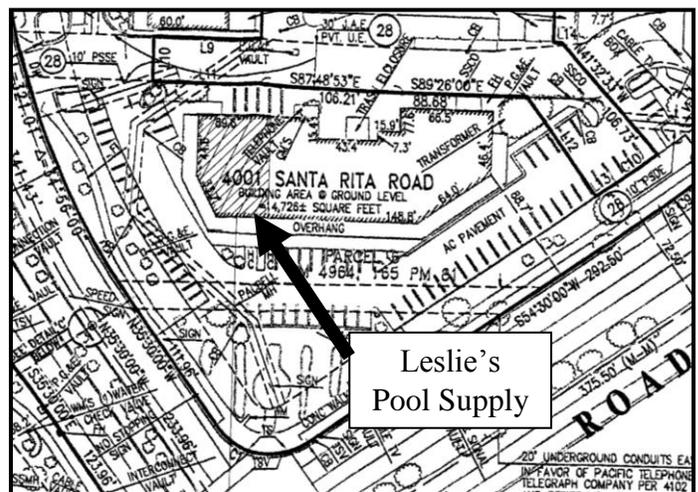


Figure 1.3: Site Layout

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".

Staff Planner: Rosalind Rondash, Associate Planner, 925.931.5607 or email: rrondash@cityofpleasanton.gov

Exhibit "A"
DRAFT Conditions of Approval
Case P12-1774/ Leslie's Pool Supplies
4001 Santa Rita Road, Suite 1

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The hours of operation shall be limited to the following:
Monday through Saturdays, 9:00am to 6:00pm;
Sundays, 10:00am to 5:00pm.
2. If additional hours of operation or activities beyond what is stated in the applicant's written narrative, dated "Received November 9, 2012," on file with the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for a grand opening.

Fire

4. The proposed use may have additional Fire Department requirements that can only be addressed by knowing the details of occupancy. These occupancy details shall be submitted to the Fire Department prior to submittal of construction plans to the Building Department. Details shall include but not be limited to the following:
 - A. Type of storage
 - B. Height of storage
 - C. Aisle spacing
 - D. Rack of bulk storage
 - E. Palletized storage
 - F. Type of occupancies within areas of the building(s)Based on the information received, there may be additional requirements such as: smoke and heat venting, in-rack sprinklers, increases in sprinkler design criteria, draft curtains, etc.

STANDARD CONDITIONS

Community Development Department

5. The applicant shall pay an all fees, including but not limited to sewer fees, to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

Planning Division

6. The proposed use shall be in substantial conformance to Exhibit B, dated "Received Noveber 09, 2012," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development.
7. There shall be no outdoor storage.
8. 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.
9. If the operation of this use results in conflicts pertaining to parking, 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.
10. This conditional use permit approval will lapse one year from the effective date of approval unless the applicant receives a business license within that time.
11. The applicant shall maintain the area surrounding the building including the parking lot areas in a clean and orderly manner at all times.
12. This approval does not include approval of any signage for Leslie's Pool Supply. If signs are desired, Leslie's Pool Supply shall submit a sign proposal to the City for review and approval prior to sign installation. All signs shall conform to Rose Pavilion approved sign program.
13. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
14. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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.

Fire

15. Provide a Hazardous Materials Declaration for this tenant and/or use. Form shall be signed by owner/manager of company occupying the suite/space/building. No building permit will be issued until the Hazardous Materials Declaration is provided. The form is available through the permit center or from the LPFD Fire Prevention Bureau.

16. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LFPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.

CODE REQUIREMENTS

Building Division

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.

17. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
18. Prior to occupancy, the applicant shall contact the Building Division and Fire Marshal to ensure that the proposed use of the subject building meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

Fire

(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.)

19. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
20. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.
21. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
22. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.

23. The building (s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

{end}


CDI Circa Domini International, Inc.

Programming - Planning - Architecture - Interiors - Engineering

17852 17th St, Suite 111, Tustin, CA 92780 ♦ Phone/Fax. (888) 505-0052

November 7, 2012

City of Pleasanton
Planning Division
200 Old Bernal Ave.
Pleasanton, CA 94566-0802

RE: Written Narrative for the Application for Conditional Use Permit of Leslie's Pool Supply located at 4001 Santa Rita Road. APN# 946-1100-037

To Whom It May Concern:

We are submitting written narrative as part of the application to obtain Conditional Use Permit for our referenced retail store. Leslie's will be occupying existing 4,167 SF retail space of existing 14,726 SF building and wishes to make tenant improvement of the space to fit Leslie's operational needs.

Leslie's Pool Supply is a retail outlet that sells pre-packaged pool chemicals as well as pool pumps, parts, pool toys and pool accessories. Leslie's is not in the business of selling bulk pool chemicals.

Leslie's typical hours of operation are Mondays through Saturday 9AM to 6PM and on Sunday from 10AM to 5PM.

Typically, Leslie's employs two employees per shift, up to maximum of four employees.

On average, there are about 1 to 10 customers at any one time, and thus, maximum of 10 parking utilization by the Leslie's customers.

The building is V-B construction type, M occupancy, and the premise has sprinklers.

The scope of work includes (1) Installing walls for an office, (2) Enlarging supply entrance from a single door to double door and (3) Lighting fixture changes.

We request your timely review and approval of our plans. Please let us know should you need anything else.

Sincerely,

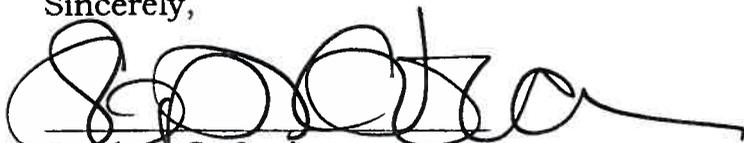
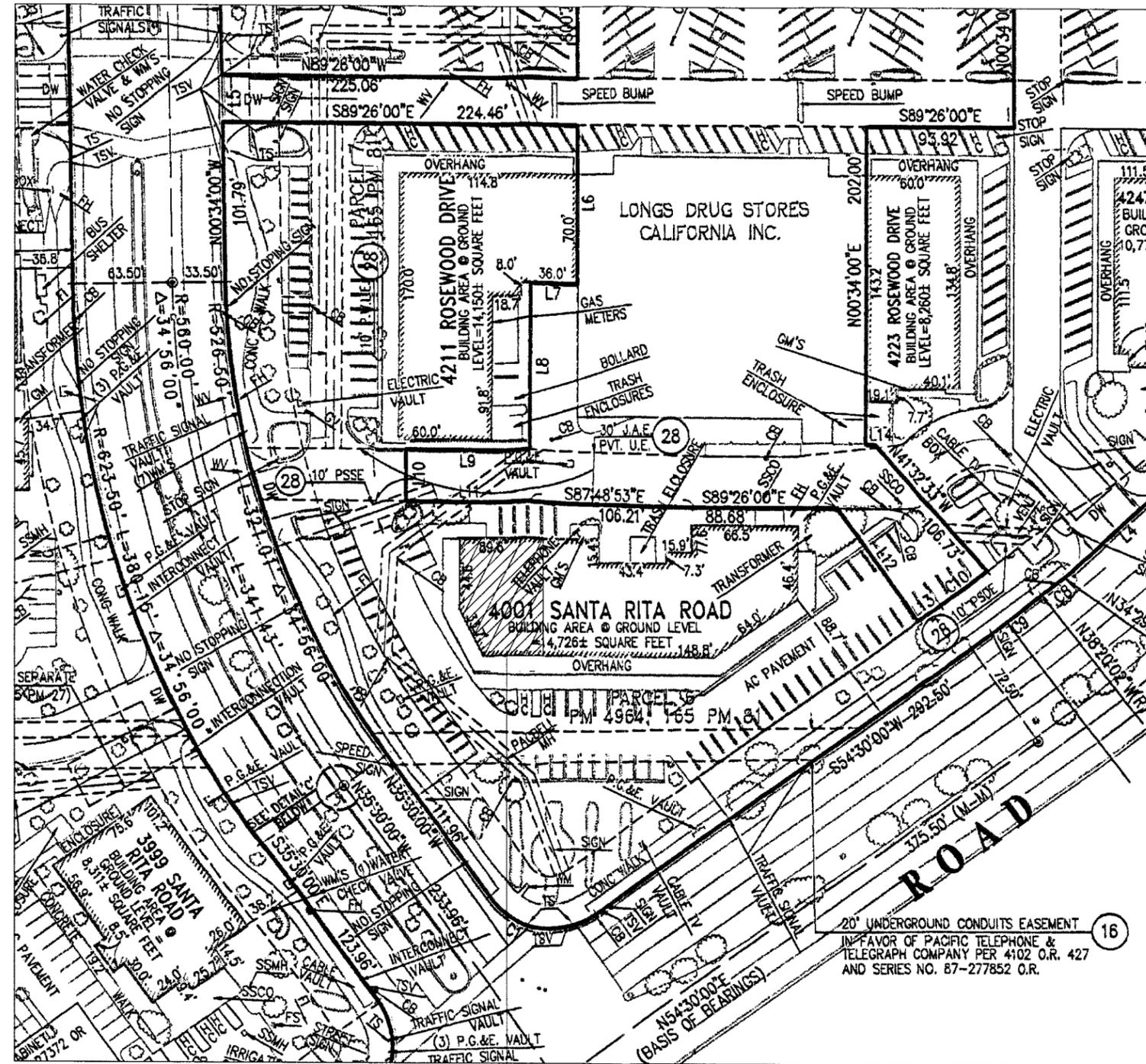

Stephen C. Jordan

EXHIBIT "B"
RECEIVED

NOV 09, 2012

212-1774



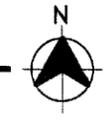
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NO	BEARING - LENGTH	NO	RADIUS - LENGTH
L1	N00°34'00"W 58.18'	C1	48.50' 90°00'00" 77.75'
L2	N00°34'00"W 84.00'	C2	21.50' 38°24'00" 14.78'
L3	N00°34'00"W 96.76'	C3	22.50' 39°24'00" 15.47'
L4	S47°59'10"W 67.46'	C4	120.01' 56°30'26" 118.36'
L5	N00°34'00"W 30.00'	C5	289.00' 151°22'31" 74.84'
L6	S00°34'00"W 101.00'	C6	282.00' 09°17'54" 45.33'
L7	N89°26'00"W 30.00'	C7	1133.62' 04°22'30" 79.97'
L8	S00°34'00"W 106.00'	C8	282.00' 03°50'18" 18.88'
L9	N89°26'00"W 79.88'	C9	1133.62' 02°50'02" 56.07'
L10	S00°34'00"W 33.00'	C10	1100.12' 01°55'28" 36.93'
L11	S89°26'00"E 79.87'		
L12	S33°53'00"E 67.20'		
L13	N54°30'00"E 17.22'		
L14	N89°26'00"W 5.80'		
L15	N89°26'00"W 16.10'		
L16	S00°34'00"W 4.31'		

20' UNDERGROUND CONDUITS EASEMENT IN FAVOR OF PACIFIC TELEPHONE & TELEGRAPH COMPANY PER 4102 O.R. 427 AND SERIES NO. 87-277852 O.R. 16

APN: 946-1100-037

PROPOSED 4,167SF LESLIE'S POOL SUPPLY

SITE PLAN
1" = 40'

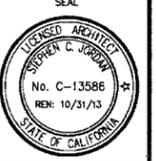


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Telephone / Fax: (888) 505-0052



SITE PLAN
LESLIE'S POOL SUPPLY
STORE # 827
4001 SANTA RITA RD.
PLEASANTON, CA

REVISION	



DATE	JOB NO
11-06-12	626.210
SCALE	DRAWN BY
AS SHOWN	

STORE # 827
DRAWING NO.
C1

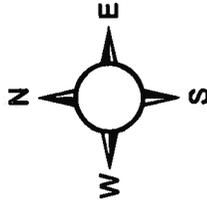
P12-1774, Leslie's Pool Supl

City of Pleasanton

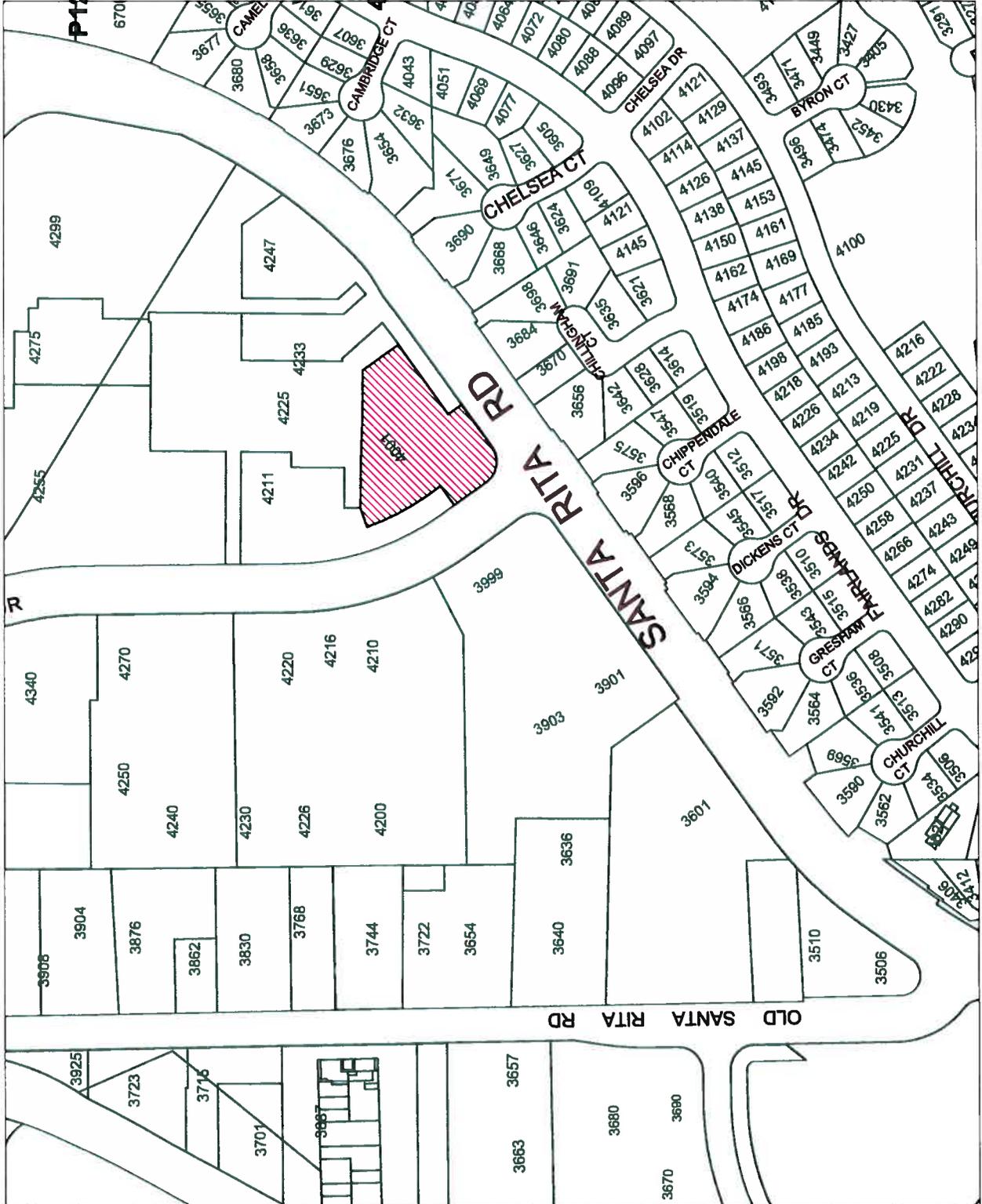
GIS

Department

4001 Santa Rita Road, Ste



Printed 1/4/2013



P12-1774, Leslie's Pool Supl

City of Pleasanton

GIS

Department

4001 Santa Rita Rd., Ste.

