



CITY OF SEASIDE
PLANNING COMMISSION

A G E N D A

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, July 13, 2016
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Margaret Leighton	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Michael Spalletta	Commissioner

3. **REVIEW OF AGENDA**

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

4. **PUBLIC COMMENT**

5. **APPROVAL OF MINUTES**

A. **REGULAR MEETING MINUTES OF JUNE 22, 2016**

6. **BUSINESS ITEMS**

- A. **Use Permit Application No. UP-16-03. Wells Fargo Bank N.A. as Trustee of the Taper Trust, property owners, and Cost Plus, Inc., applicant, are requesting approval of a Use Permit application and Determination of Public Convenience and Necessity to allow for the off-sale of spirits to be included as part of the existing alcohol beverage sales for the Cost Plus World Market specialty retail store which is currently permitted for the off-sale of beer and wine. The project site is located in the Cost Plus Shopping Center at 1999 Fremont Boulevard in the CRG (Regional Commercial) Zoning District (APN# 011-102-029)The project is Categorically Exempt, Class 1,**

Section 15301 from the California Environmental Quality Act (CEQA) Guidelines.

PURPOSE: The project is for the issuance of a Use Permit and Determination of a Public Convenience or Necessity to allow for a change in the type of the off-sale alcohol license issued by the State Department of Alcoholic Beverage Control from a Type 20 alcohol license (i.e. Beer and Wine) to a Type 21 alcohol license (Beer, Wine, and Spirits) at the Cost Plus World Market specialty retail store located at 1999 Fremont Boulevard. In accordance with Section 17.14.030.B, Table 2-4 of the Seaside Zoning Ordinance, any changes or modifications to the type of alcohol license or to the floor plan for the display/sale of alcoholic beverage sales in the Regional Commercial Zoning District is subject to use permit approval by the Planning Commission.

RECOMMENDATION: Staff recommends that the Planning Commission grant the approval of Use Permit Application No. UP-16-03 and the finding of Public Convenience or Necessity based upon the facts and findings in the staff report and attached draft Resolution.

7. **REPORTS FROM COMMISSIONERS**

8. **REPORTS FROM STAFF**

9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Wednesday, July 27, 2016
Seaside City Hall
7:00 PM

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:
<http://cvp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



MEETING MINUTES
DRAFT

CITY OF SEASIDE

Planning Commission

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, June 22, 2016
7:00 PM

1. **CALL TO ORDER AT 7:00 PM**

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
MEMBERS

John Owens
Michael Lechman
Keith Dodson
Margaret Leighton
Denise Ross
Arlington LaMica
Michael Spalletta

PRESENT:

Michael Lechman
Keith Dodson
Denise Ross
Arlington LaMica
Michael Spalletta

ABSENT:

John Owens
Margaret Leighton

3. **REVIEW OF AGENDA**

No changes were made to the agenda.

4. **PUBLIC COMMENT**

No comments were received from the public.

5. **APPROVAL OF MINUTES**

A. Regular Meeting Minutes of May 11, 2016

B. Regular Meeting Minutes of May 25, 2016

On motion by Member Dodson and Seconded by Member LaMica and carried by the following vote the Planning Commission approved the regular meeting minutes of May 11 and May 25, 2016.

AYES	5	COMMITTEE MEMBERS	Michael Lechman Keith Dodson Denise Ross Arlington LaMica Michael Spalletta
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NOES	0	COMMITTEE MEMBERS
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ABSENT	2	COMMITTEE MEMBERS	John Owens Margaret Leighton
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RECUSED	0	COMMITTEE MEMBERS
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6. BUSINESS ITEMS

- A. Use Permit Application No. UP-16-02: Katie LeBarre, applicant, and Martha Hadded, property owner, are requesting use permit approval of a dog sitting service (doggie daycare) including pet grooming and retail sales of pet supplies within an existing 1,650 square foot tenant space at the Seaside Plaza Shopping Center located at 1780 Fremont Blvd., Suite A. The project site is in the CC, Community Commercial Zoning District. The project is categorically exempt class 1, section 15301 from the California Environmental Quality Act Guidelines.

Rick Medina, Senior Planner, presented the project and staff report. The applicant, Katie LeBarre, spoke to the Commission to provide details regarding the business plan and answer questions from the Commission.

On motion by Member Dodson and Seconded by Member LaMica and carried by the following vote the Planning Commission moved to approve UP-16-02.

AYES	5	COMMITTEE MEMBERS	Michael Lechman Keith Dodson Denise Ross Arlington LaMica Michael Spalletta
NOES	0	COMMITTEE MEMBERS	
ABSENT	2	COMMITTEE MEMBERS	John Owens Margaret Leighton
RECUSED	0	COMMITTEE MEMBERS	

7. REPORTS FROM BOARD MEMBERS

- A. Commissioner LaMica announced that Pachetti Dog Park is celebrating their 1 year anniversary on Saturday, June 25, 2016.

8. REPORTS FROM STAFF

- A. General Plan Update Task force meeting on Tuesday, July 26, 2016 at 6pm
B. General Plan Pop Up Booth – during National Night Out – August 2, 2016

9. ADJOURNMENT AT 7:24 PM

On motion by Member Ross and Seconded by Member LaMica and carried by the following vote the Planning Commission adjourned the meeting at 7:24pm

AYES	5	COMMITTEE MEMBERS	Michael Lechman Keith Dodson Denise Ross Arlington LaMica Michael Spalletta
NOES	0	COMMITTEE MEMBERS	
ABSENT	2	COMMITTEE MEMBERS	John Owens Margaret Leighton
RECUSED	0	COMMITTEE MEMBERS	

MEMBERS

DRAFT



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

BY: Bob Larsen, Associate Planner
Rick Medina, Senior Planner

DATE: July 13, 2016

SUBJECT: Use Permit Application No. UP-16-03. Wells Fargo Bank N.A. as Trustee of the Taper Trust, property owners, and Cost Plus, Inc., applicant, are requesting approval of a Use Permit application and Determination of Public Convenience and Necessity to allow for the off-sale of spirits to be included as part of the existing alcohol beverage sales for the Cost Plus World Market specialty retail store which is currently permitted for the off-sale of beer and wine. The project site is located in the Cost Plus Shopping Center at 1999 Fremont Boulevard in the CRG (Regional Commercial) Zoning District (APN# 011-102-029) The project is Categorically Exempt, Class 1, Section 15301 from the California Environmental Quality Act (CEQA) Guidelines.

PURPOSE

The project is for the issuance of a Use Permit and Determination of a Public Convenience or Necessity to allow for a change in the type of the off-sale alcohol license issued by the State Department of Alcoholic Beverage Control from a Type 20 alcohol license (i.e. Beer and Wine) to a Type 21 alcohol license (Beer, Wine, and Spirits) at the Cost Plus World Market specialty retail store located at 1999 Fremont Boulevard. In accordance with Section 17.14.030.B, Table 2-4 of the Seaside Zoning Ordinance, any changes or modifications to the type of alcohol license or to the floor plan for the display/sale of alcoholic beverage sales in the Regional Commercial Zoning District is subject to use permit approval by the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission grant the approval of Use Permit Application No. UP-16-03 and the finding of Public Convenience or Necessity based upon the facts and findings in the staff report and attached draft Resolution.

BACKGROUND

On September 25, 2002, Planned Unit Development Application No. PUD-02-01 was issued to allow for the construction of the existing Cost Plus World Market as a stand-alone commercial building within the Cost Plus Regional Shopping Center. The shopping center is developed with two other freestanding buildings and an off-street parking area which is used by all three buildings under shared use agreement. The off-sale of beer and wine for Cost Plus World Market was approved under the PUD Application as a permitted use in accordance with a Type 20 Alcohol License.

The applicant is now requesting Use Permit approval to replace the existing Type 20 off-sale alcohol license (Beer and Wine) with a Type 21 alcohol license (Beer, Wine, and Spirits) to allow for the sale of a full line of alcohol products within its existing specialty retail store. A written project description of the marketing strategy that Cost Plus World Market has developed for the inclusion of a full line of alcohol products and how the sale of this full line alcohol products will be integrated into the store layout as an accessory use to its primary retail sale of high quality artisan and home décor products is provided as Attachment 4.

SITE AND VICINITY CHARACTERISTICS

The subject property is 68,389 square feet (1.57 acres) in size and is located at the southwest corner of Ord Grove Avenue and Fremont Boulevard. The site is bordered on the south by a retail shopping center, on the east by commercial businesses, on the north by a retail store, and on the west by an automobile repair business, restaurant, and motel. The site sits at the northerly end of the Cost Plus Shopping Center and has vehicular access from Ord Grove Avenue to the north and Playa Avenue to the south. Figure 1 depicts the adjacent land uses. A location map is provided as Attachment 2. Site Photographs are provided as Attachment 3.

Figure 1: Project Site Adjacent Land Uses

NW	N			NE
	Commercial	Commercial	Commercial	
W	Motel	Project Site	VFW Hall	E
	Commercial	Commercial	Commercial	
SW	S			SE

PROJECT DESCRIPTION

The existing one-story structure is 18,751 square feet in area with 16,043 square feet of the structure dedicated to the retail sales and the remainder used for operations, storage, and mechanical equipment. Approximately 1,600 square feet of the retail floor area is currently used for the display of beer and wine in the northwest corner of the store. Of the 1,600 square feet used for alcohol display, approximately 400 square feet is displayed in a cross merchandising manner to be included with special marketing campaigns and seasonal sales. With the sale of spirits the applicant is proposing to include the sale of smaller 50 ml bottles that would be displayed within a 10 square foot kiosk near the cash registers. The display of 50 ml bottles will feature premium and specialty brands of spirits as noted in Attachment 4 which are aimed at home entertaining and gift giving. The total square footage of beer, wine, and spirits will not exceed 10 percent (1,600 square feet) of the gross retail floor area. The store is equipped with a video surveillance system and special alcohol sale software is installed on the cash registers to monitor the alcohol inventory and deter retail theft.

The store hours are Monday through Friday 10AM to 9PM, Saturday 9AM to 9PM, and Sunday 10AM to 7PM. Extended holiday hours (Thanksgiving through New Years) will vary between 7AM and 11PM. Currently one third of the 69 Cost Plus World Market stores in California have type 21 licenses to sell beer, wine, and spirits for off premise consumption. There will be no physical change to the interior or exterior of the store.

ENVIRONMENTAL REVIEW

The proposed project qualifies as categorical exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities. This class consists of the operation of existing public or private structures with negligible or no expansion of an existing use.

Evidence: The proposed project will consist of the off-sale of hard liquor in addition to the existing off-sale of beer and wine at an existing retail store. Negligible or no expansion of the existing improvements is required for the off-sale of hard liquor in addition to the existing off-sale of beer and wine at the retail store.

STAFF ANALYSIS

USE PERMIT FINDINGS

In accordance with S.M.C. Section 17.14.030.B – Table 2-4 – of the SMC, an application for the ancillary sale of alcohol shall be filed under the use permit process to determine whether the following findings can be made concerning the proposed project:

- 1) The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.**

Zoning Ordinance Conformance

The project site is located in the Regional Commercial shopping center, which requires a use permit for the off-sale of alcoholic beverages per Section 17.14.030.B, Table 2-4 of the SMC.

Analysis

The property is located in the Regional Commercial (CRG) zone district. General Retail stores 5,000 square feet and larger are permitted uses in the CRG zone. Accessory alcoholic beverage sales are permitted in the CRG zone subject to use permit approval (SMCS 17.24.030; Table 2-4).

The Cost Plus World Market retail store meets the definition of a specialty retail use and provides the community and the regional market outside of Seaside with the convenience of a variety of merchandising and/or goods. Alcohol sales are related to the functionality of the specialty retail establishment as described in the applicant's project description provided as Attachment 4. Generally, customers shop at the store for only limited number of items; the small bottles that are oriented at gift giving are typically among these items. The limited area of square footage devoted to alcoholic products would continue to emphasize the ancillary nature of the alcohol sales at this location and prevent the use from being converted into a liquor store.

- 2) The proposed use is consistent with the General Plan and any applicable specific plan.**

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Regional Commercial (RC). According to the Seaside General Plan, the RC land designation is intended to promote the large scale commercial development with retail, entertainment, and/or service uses of a scope and function to serve the regional market. The land use classification is intended to include hotels/motels, and related big box retail uses. The City's General Plan contains the following Implementation Plan regarding the sale of alcoholic beverages.

The City's General Plan also includes a policy, LU-2-3, that discourages certain over-represented uses in the community including liquor and convenience stores, and mini-markets among other uses. Since the alcoholic beverage sales are considered to be an ancillary retail sale that would not be considered to be a liquor or convenience store as defined in the City's Zoning Ordinance, this policy is not applicable and is provided for information purposes. The proposed project will be consistent with the following General Plan Goal and Policy:

Economic Element

Goal LU-4: Ensure that new development complements existing land uses and enhances the character of the community and its neighborhoods

Policy LU-4-1.1: Require all new development to be compatible with surrounding uses, the site and available infrastructure.

Evidence: *The limited amount of bottled beer and wine that would be made available for sale within the retail marketplace for Cost Plus World Market will represent an ancillary retail sale that would not result in any significant change to the operational characteristics of the specialty retail aspects of the store and/or establish a convenience food store type of land use which would be inconsistent with Land Use Policy LU-2.3 of the Seaside General Plan.*

Evidence: *City staff finds that with the amendment of the liquor license that only 10 percent of the floor area within the store would be allocated to the sale of alcoholic products. City staff finds that with only 10 percent of the floor area being dedicated to alcoholic beverage products, that the sale and display of alcoholic beverages would remain as an ancillary sales item and will not affect nor diminish the retail character of the existing store or have the possibility of converting the store into a liquor store.*

3) The design, location, size, and operating characteristics of the proposed activity are

compatible with the existing and planned future land uses in the vicinity.

Analysis

The proposed off-sale of alcoholic beverages will be primarily concentrated at the northwest corner of the store with 400 square feet being permitted to be placed at other locations as a cross merchandising method to focus on a seasonal sale item or as a gift giving/party favor item. The additional sales of spirits will not change the overall floor plan of the store and will be compatible with the primary specialty retail land use and will not result in a detrimental impact to the general health, safety, and welfare of the existing and planned regional commercial land uses within the vicinity of the project site.

- 4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.**

Analysis

The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

- 5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.**

Analysis

The granting of a use permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

Requirements for Public Convenience or Necessity

Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcohol Beverage Control (ABC) must deny an application for a liquor license *“if issuance of*

that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license. An “undue concentration” is defined as follows:

1. The premise of the proposed license is located in an area that has 20 percent greater number of reported crimes than the average number of reported crimes for the City as a whole, or
2. The premise of the proposed license is located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

The applicants have filed an application with the State of California Department of Alcoholic Beverage Control (ABC) for a Type 21 License (Off Sale General). ABC licensing regulations contain provisions for community input with regard to the geographic distribution and concentration of the sale of alcoholic beverages. This enables communities to limit the number of new licenses that are issued in geographic areas defined as either high crime areas (an area that exceeds the city’s average crime rate by 20 percent), or that are areas of “undue concentration”. “Undue concentration” is determined by the number of licenses in relation to the population within a geographic area.

According to the California Alcohol Beverage Control (ABC) Salinas district office, there are currently 13 existing off-sale retail alcohol licenses within Census Tract 140, where Cost Plus is located. Location map showing the location of on-sale and off-sale alcohol sales within a 300-foot radius of the site is provided as Attachment 5. A thousand foot radius map is provided as Attachment 6. Based on the ratio of off-sale retail alcohol licenses per total population in all of Monterey County, the maximum concentration of off-sale retail alcohol licenses is 6 licenses before licenses are considered "over concentrated". By making a determination of Public Convenience or Necessity (PCN) for the establishment of the retail alcohol license for off-site consumption as part of Cost Plus business operation, the City acknowledges and supports the applicants request for an off-sale retail alcohol (Type 21) license from the ABC despite the Tract's "overconcentration" of alcohol-outlet licenses because it is an ancillary use to the primary General Retail store use. According to the Seaside Police Department, the subject property is not within a high crime area or an area of increased law enforcement activity to warrant the denial of the proposed Type 21 Alcohol License.

The City’s General Plan also includes Land Use Policy, LU-2-3, that discourages certain over-represented uses in the community including liquor and convenience stores, and mini-markets among other uses. Since the accessory alcoholic beverage sales are not considered to be liquor or convenience stores as defined in the City’s Zoning Ordinance, City staff finds that this policy is not applicable and is provided for information purposes.

By making a determination of Public Convenience or Necessity (PCN) for the establishment of the retail alcohol license for off-site sale consumption as part of the motel business operation, the City acknowledges and supports the applicants request to change its off-sale retail alcohol into a Type 21 license despite the Tract's "overconcentration" of alcohol-outlet licenses because:

1. The sale of beer and wine clearly represents an ancillary sales item within the marketplace and would not result in a convenience food store land use.

Analysis

The Seaside Police Department has stated that the subject property is not in a high crime area and is not an area that is the target of law enforcement activity. The Seaside Police Department has not identified any issues of concern regarding the proposed sale of alcoholic beverages in conjunction with the retail store.

2. The sale of alcoholic beverages within the existing marketplace of the specialty retail store would not result in a significant traffic issue or change in the character of the primary retail land use.

Analysis

A public convenience or necessity determination allows local jurisdictions to influence alcohol-outlet density to improve and maintain the quality of neighborhoods. The applicant states that "Given the unique nature of the spirits products and the customer's passion for purchasing items for entertaining, for gifts, and to create gift baskets, the spirits are offered in a variety of sizes. The 50 ml bottles are perfect for creating gift packages as they complement one of Cost Plus's key business concepts of mini foods, wines and spirits to create gift baskets. Alcoholic beverage sales are ancillary to the store's total annual gross sales. Cost Plus expects that offering the sale of spirits will be a draw for new and existing customers and will provide a 1 to 2 percent increase in store sales". The proposed use will continue employment opportunities in the city, furthers the city's economic development goals, and will increase tax revenues to the city.

FINDINGS

USE PERMIT

In accordance with the requirements of SMCS 17.52.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the use permit

application.

1. The proposed use is allowed within the zone district and complies with all other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The property is located in the Regional Commercial (CRG) zone district. General Retail stores 5,000 square feet and larger are permitted uses in the CRG zone. Accessory alcoholic beverage sales are permitted in the CRG zone subject to use permit approval (SMCS 17.24.030; Table 2-4).

Evidence: The Cost World Market retail store meets the definition of a specialty retail use and provides the community and the regional market outside of Seaside with the convenience of a variety of merchandising and/or goods. Alcohol sales are related to the functionality of the specialty retail establishment as described in the applicant's project description provided as Attachment 4 to the staff report. Generally, customers shop at the store for only limited number of items; the small bottles that oriented at gift giving are typically among these items. The limited area of square footage devoted to alcoholic products would continue to emphasize the ancillary nature of the alcohol sales at this location and prevent the use from being converted into a liquor store.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City has adopted of finding making a determination that the change in the alcohol license from a Type 20 to a Type 21 will serve a public convenience or necessity.

3. The design, location, size and operating characteristics of the activity in the use permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the sale of alcoholic beverages in conjunction with a retail store is compatible with the commercial character of the area.

4. Subject to compliance with the Conditions of Approval, granting the use permit will not be detrimental to the public interest, health safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: Subject to the recommended conditions of approval, the sale of alcoholic beverages in conjunction with the primary specialty retail land use consisting of artisan, home décor, and specialty food and beverage items will not result in a detrimental impact on the property or in the vicinity of the property because: no alcohol may be consumed on the property, exterior sale, advertising, and/or display of alcoholic beverages is prohibited.

PUBLIC CONVENIENCE OR NECESSITY

In order for the ABC to approve the Type 21 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a developed commercial shopping center and is compatible with existing and planned land uses within the Regional Commercial General Plan Land Use.
3. Retail alcoholic beverage sales are limited to less than 10 percent of the floor area of the retail store, thus reinforcing that non-alcoholic beverage products will be maintained as the primary retail sales items of the Cost Plus World Market store.
4. The proposed use helps to continue employment opportunities within the city, contributes to the city's tax revenues, and establishes a business model that is unique in the city without creating any detrimental impact on the health, safety, and general welfare of the community.

CONCLUSION

Based on the analysis, staff recommends approval of the use permit. The proposed off-sale of beer, wine, and spirits in accordance with a Type 21 Alcoholic Beverage License complies with the intent of the Seaside General Plan and the requirements of Title 17 of the Seaside Municipal Code.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit "A": Project Plans
 3. Attachment 2 - Location Map
 4. Attachment 3 - Site Photographs
 5. Attachment 4 - Applicant's Project Description
 6. Attachment 5 - ABC Location Map
 7. Attachment 6 - 300 ft & 1000 ft Radius Map
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**PLANNING COMMISSION
DRAFT RESOLUTION NO. 16-##**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-16-03 TO ALLOW THE OFF-SALE OF BEER, WINE AND SPIRITS FOR AN EXISTING RETAIL STORE (COST PLUS WORLD MARKET) IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT LOCATED AT 1999 FREMONT BOULEVARD (APN 011-102-029).

WHEREAS, Wells Fargo Bank N.A. as Trustee of the Taper Trust, property owners, and Cost Plus, Inc., applicant, have filed an application for Use Permit approval, UP-16-03, to allow:

The issuance of a Use Permit and Determination of a Public Convenience or Necessity to change the type of the off-sale alcohol license issued by the State Department of Alcoholic Beverage Control from a Type 20 alcohol license (i.e. Beer and Wine) to a Type 21 alcohol license (Beer, Wine, and Spirits) to permit the off-sale of a full range of alcoholic beverages (Beer, Wine, and Spirits) at the Cost Plus World Market specialty retail store located at 1999 Fremont Boulevard.

WHEREAS, in accordance Section 17.24.030 of the Seaside Zoning Code allows the sale of alcoholic beverages in the CRG district subject to use permit approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the use permit application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, a duly noticed public hearing held on July 13, 2016, in accordance with State and City requirements relating to discretionary approvals, the Seaside Planning Commission considered oral and written testimony regarding the application; and,

WHEREAS, the Planning Commission reviewed the staff report, received and considered oral comments at the public hearing concerning the proposed use and acted to grant approval of Use Permit Application No. UP-16-03 on July 13, 2016 in accordance with Section 17.14.030, Table 2-4 of the Seaside Zoning Code; and

WHEREAS, the proposed use is Categorically Exempt by Class 1, Section 15301 of the California Environmental Quality Act (CEQA); therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No. UP-16-03:

1. The proposed use is allowed within the zone district and complies with all other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The property is located in the Regional Commercial (CRG) zone district. General Retail stores 5,000 square feet and larger are permitted uses in the CRG zone.

Accessory alcoholic beverage sales are permitted in the CRG zone subject to use permit approval (SMCS 17.24.030; Table 2-4).

Evidence: The Cost World Market retail store meets the definition of a specialty retail use and provides the community and the regional market outside of Seaside with the convenience of a variety of merchandising and/or goods. Alcohol sales are related to the functionality of the specialty retail establishment as described in the applicant's project description provided as Attachment 4 to the staff report. Generally, customers shop at the store for only limited number of items; the small bottles that oriented at gift giving are typically among these items. The limited area of square footage devoted to alcoholic products would continue to emphasize the ancillary nature of the alcohol sales at this location and prevent the use from being converted into a liquor store.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City has adopted of finding making a determination that the change in the alcohol license from a Type 20 to a Type 21 will serve a public convenience or necessity.

3. The design, location, size and operating characteristics of the activity in the use permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the sale of alcoholic beverages in conjunction with a retail store is compatible with the commercial character of the area.

4. Subject to compliance with the Conditions of Approval, granting the use permit will not be detrimental to the public interest, health safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: Subject to the recommended conditions of approval, the sale of alcoholic beverages in conjunction with the primary specialty retail land use consisting of artisan, home décor, and specialty food and beverage items will not result in a detrimental impact on the property or in the vicinity of the property because: no alcohol may be consumed on the property, exterior sale, advertising, and/or display of alcoholic beverages is prohibited.

FINDINGS FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.

2. The subject property is located in a developed commercial shopping center and is compatible with existing and planned land uses within the Regional Commercial General Plan Land Use.
3. The retail alcoholic beverage sales will be limited to 10 percent of the floor area of the retail store, thus reinforcing that non-alcoholic beverage products will be maintained as the primary retail sales items of the Cost Plus World Market store and the sale of alcoholic beverage products will remain as an accessory sales item.
4. The proposed use helps to continue employment opportunities within the city, contributes to the city's tax revenues, and establishes a business model that is unique in the city without creating any detrimental impact on the health, safety, and general welfare of the community.
5. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. UP-16-03 subject to the following terms and conditions:

Project Specific:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as "Cost Plus World Market" stamped as received on July 13, 2016.
2. All conditions and mitigations previously applied to the Cost Plus projects remain in effect.
3. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building.
4. No alcoholic beverages may be consumed on the property.
5. No alcoholic beverage tasting is permitted on the premises unless prior approvals are obtained from the State of California Department of Alcoholic Beverage Control and the City of Seaside, Resource Management Services Department.
6. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted.
7. Days and hours of operation are limited to those prescribed by the Alcoholic Beverage Commission and as otherwise approved by the City of Seaside, Resource Management Services Department.

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans approved for discretionary permits for this project.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
3. Any proposed future development or change in use shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of any new water fixtures and landscape irrigation equipment.
5. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
6. Water conservation fixtures shall be provided in the project.
7. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
8. Use permit approval will become null and void if any required building permit is not obtained within one (1) year from the date of approval.
9. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

RESOLUTION No. 16-XX
USE PERMIT APPLICATION NO. UP-16-03

These permits are hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature (if different from above)

Date

EXHIBIT "B" SITE PLAN

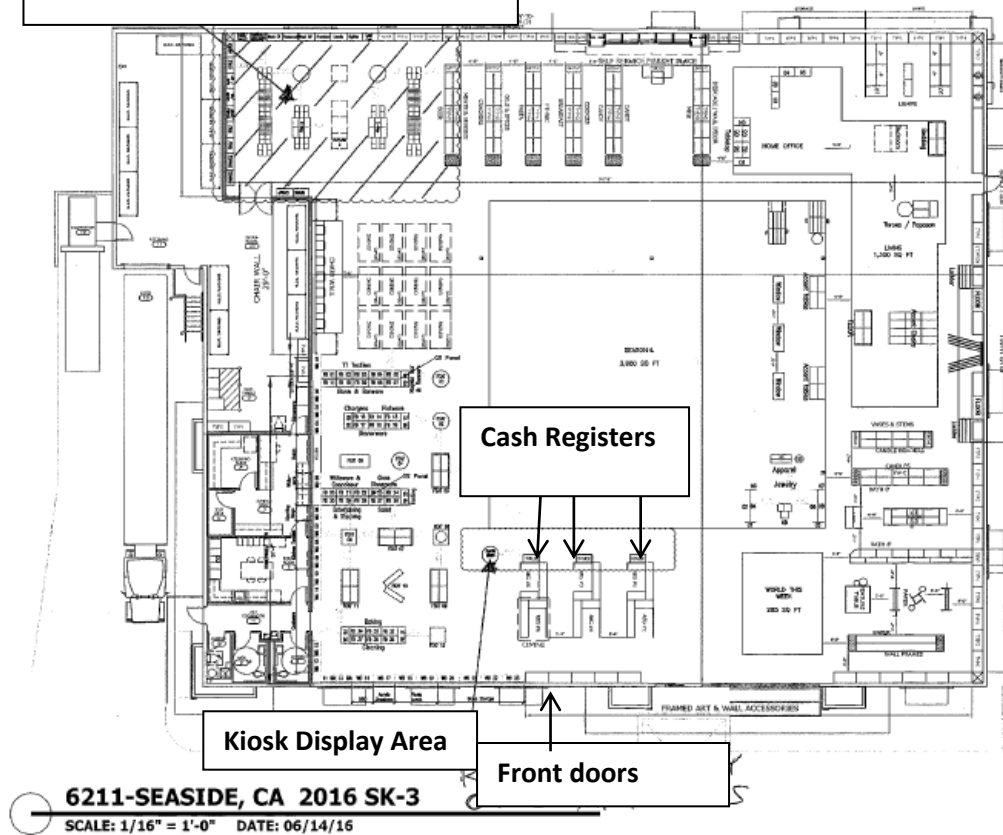
The site plan illustrates the layout of three retail buildings (A, B, and C) and their surrounding environment. The plan is bounded by Fremont Blvd to the north, Playa Ave to the east, Del Monte Blvd to the south, and Ord Grove Ave to the west.

- Building A:** A large rectangular building with a footprint of 18,750 SF. It is labeled "A RETAIL 18,750 SF". A yellow highlighted area within the building is labeled "COST PLUS PREMISES".
- Building B:** A rectangular building with a footprint of 6,300 SF. It is labeled "B RETAIL 6,300 SF".
- Building C:** A rectangular building with a footprint of 5,000 SF. It is labeled "C RETAIL 5,000 SF".

Other features on the plan include:

- Parking Areas:** "TENANT'S PRIMARY PARKING AREA" and "CART STORAGE AREA".
- Existing Buildings:** Several smaller buildings are labeled "EXISTING BUILDING".
- Other Labels:** "NOT A PART", "SHOPPING CENTER PYLON SIGN", and "ORD GROVE AVE".
- Dimensions:** Various dimensions are provided for the buildings and parking areas, such as "120' x 150'", "137'56' x 119'26'17\"", and "35'26'21\" x 13'".

Primary Retail Display of Alcohol Products



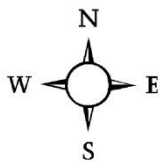
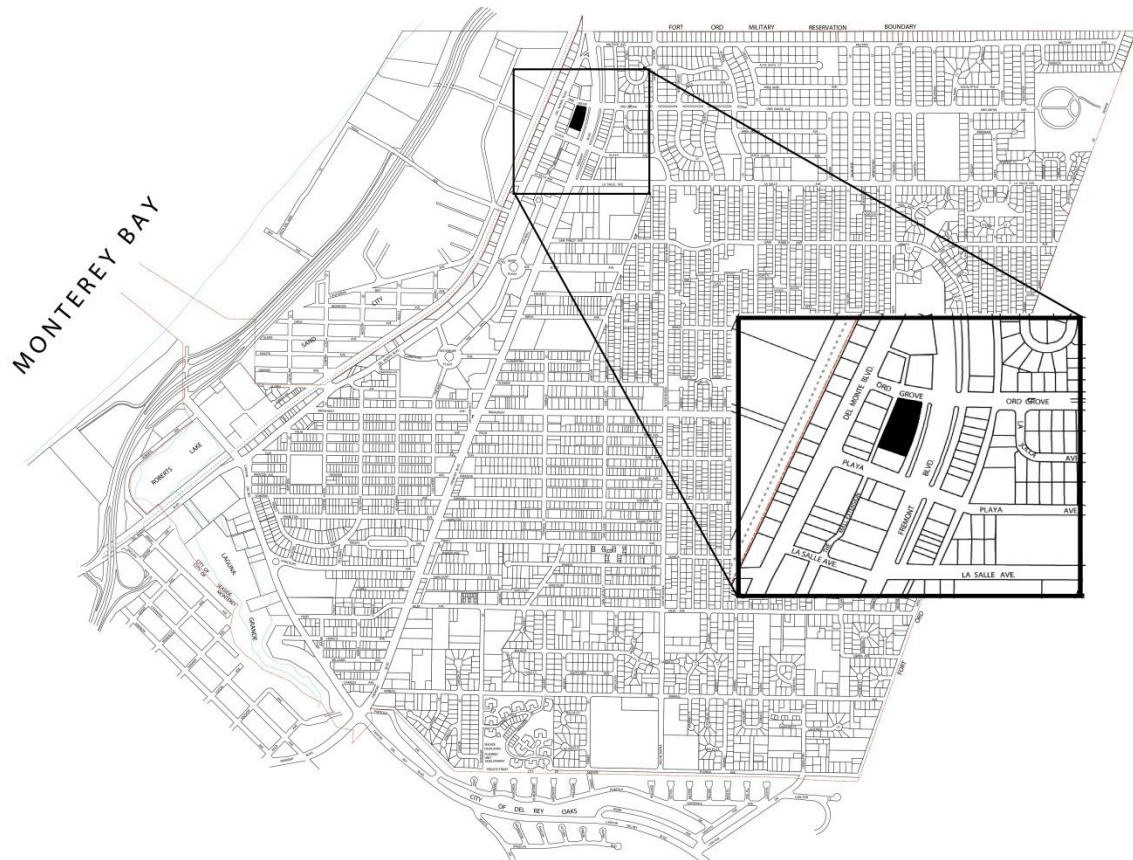
MERCHANDISE ALLOCATION			
	SQ. FT.	PROTO. SQ. FT.	VARIANCE
LEASE TOTAL	18,751	18,500	+251
SALES FLOOR	16,043	15,180	+863
STOCK ROOM	1,702	1,656	+46
OPERATIONS	946	883	+63
LIVING FURNITURE	1,211	1,170	+41
DINING FURNITURE	501	379	+122
BEVERAGE	1,200	1,140	+60
BEVERAGE CROSS MERCHANDISING IS UP TO BUT NOT OVER 400 SQ FT			
WORKPLACE	1,400	1,690	-290
SEASONAL	3,800	3,176	+624
WORLD THIS WEEK	205	247	-38

PROTO. DIMENSIONS: 120'-0"x150'-0" + RECEIVING

JUN 17 2016

File Copy

Location Map 1999 Fremont Boulevard



ATTACHMENT 4
Site Photos



Storefront



Neighboring Tenant



Rear Parking Lot



Outdoor "potty" Area

ATTACHMENT TO CITY OF SEASIDE USE PERMIT APPLICATION – COST PLUS, INC.

APPLICANT: **COST PLUS, INC.**

PROPERTY: **COST PLUS WORLD MARKET AT 1999 FREMONT BLVD,
SEASIDE, CA 93955**

PROJECT DESCRIPTION: **REQUESTING USE PERMIT APPROVAL AND PUBLIC
CONVENIENCE AND NECESSITY FINDING TO
UPGRADE TO A TYPE 21 LICENSE TO ALLOW THE
SALE OF A FULL LINE OF ALCOHOL FOR OFF-SITE
CONSUMPTION IN CONJUNCTION WITH THE
OPERATION OF AN EXISITNG SPECIALTY RETAIL
STORE.**

Cost Plus has been a longstanding prominent retailer for over 50 years. There are over 260 Cost Plus World Market stores in operation throughout the United States, a number of which sell a full selection of alcoholic beverages. There are currently 69 Cost Plus World Market stores in California and one-third have Type 21 licenses to sell beer, wine and spirits for off premise consumption. That number grows each year as Cost Plus applies for new Type 21 licenses through the ABC priority drawing.

This particular Cost Plus World Market store in Seaside has been safely selling beer and wine under a type 20 ABC license since 2003. The upgrade to a type 21 ABC license to allow the sale of a full line of alcoholic beverages including spirits will cater to the desires and needs of many Cost Plus customers seeking to purchase quality spirits not typically offered at liquor stores, grocery stores or convenience stores.

Cost Plus World Market is a destination for home entertaining and gift giving. The Cost Plus company strategy is to always offer its customers a wide variety of high quality, unique and authentic home furnishings, décor, creative gifts, home entertaining merchandise, alcoholic beverages and gourmet foods from around the world for a one stop shopping experience. This not only reduces the amount of time individuals must spend shopping, but also the level of congestion on local roadways.

Providing spirits ingredients for cocktails and authentic traditional drinks from many cultures is not only a natural extension of its assortment but one that its customers frequently request. Cost Plus expects that offering the sale of spirits will be a draw for new and existing customers and will provide a 1% to 2% boost in store sales. An increase in the variety of product offerings at the store will provide a valuable service to those residing and working in the area as well as provide additional tax dollars

As Cost Plus searches the globe for unique wine and beer products it strives to do the same for its spirits assortment. Unlike other retailers in the area, Cost Plus will offer spirits from local and worldwide artisans and distilleries making high quality and unique products. Its current assortment

of wine and beer products from small local and worldwide wineries and breweries are a unique and very popular feature of the store. Many alcoholic beverage products will be of a specialty import nature.

Given the unique nature of the spirits products and the customers' passion for purchasing items for entertaining, for gifts and to create gift baskets, the spirits are offered in a variety of sizes. This is typical for any of the Cost Plus World Market stores that sell spirits. The smaller 50ml bottles are perfect for creating gift packages as they complement one of Cost Plus World Market's key business concepts of mini foods, wines and spirits to create gift baskets. In addition, offering the smaller bottles to customers allows them to try brands and flavors they are unfamiliar with before purchasing larger bottles. This concept is similar to our very popular "build-your-own-6-pack" program whereby customers can purchase a variety of 12 oz. containers of unique types of beer to create their own custom multipack in order to try a variety of beer types before purchasing manufacturer pre-made 6 packs.

Alcoholic beverages sales are ancillary to the store's total annual gross sales. The addition of spirits will not cause an increase in the existing primary alcohol display area. Alcohol will continue to be cross merchandised in other areas of the store to compliment other products. The total alcohol display areas will never exceed 10% of the store's total sales floor area.

Cost Plus understands the unique responsibilities of operating a retail store where alcoholic beverages are sold and maintains an excellent record of compliance with the ABC. Cost Plus stores are equipped with video surveillance systems and special alcohol sale software installed on the cash registers. All employees are well trained regarding all state and local alcohol rules, receiving, area monitoring, stocking, displaying and selling alcohol. This level of training is meant to ensure that alcohol displays are well supervised, that alcohol will only be sold to those of legal drinking age and that alcohol will not be sold to those who appear intoxicated. Store employees are very diligent in checking for valid ID to ensure that all customers purchasing alcohol are 21 years of age or older. Cost Plus has installed special software which prevents its cash registers from allowing an alcohol sale until the customer's date of birth (showing the customer to be 21 years of age or older) is entered.

Cost Plus believes it has a responsibility to prevent and reduce crime in Seaside. All incidents/infractions will be immediately reported to local law enforcement, and security protocol will be upgraded as needed. A Cost Plus store is not likely to be a typical destination for minors wanting to purchase alcohol as the types of alcohol products being sold are not like those sold in a grocery store or convenience store.

Seaside is a beautiful ocean-side community. There are number of sensitive uses within the vicinity of the store however; Cost Plus does not see the sale of alcohol negatively affecting these entities. The site has been in operation (selling beer and wine) without violation for the past 12 years. Per ABC requirements, all residents within a 500 foot radius of the establishment were notified of the applicant's intent to begin selling a full-line of alcohol, and not a single protest was received.

While the census tract is deemed to have a high concentration of liquor licenses, the area has a large employment/visitor population and is thus able to support a multitude of retail businesses. Cost Plus has sold a full line of alcohol for many years at other locations across the country, and is

therefore experienced in this kind of transaction. Furthermore, there are 34 alcohol licensed Cost Plus locations in Southern California and all are in good standing with the Department of Alcoholic Beverage Control.

Approval of the Use Permit and a finding of Public Convenience and Necessity will provide a much-desired service to the surrounding community. It will not be detrimental to public health, safety, or general welfare and will be wholly consistent with the commercial intent. Cost Plus will comply with all applicable standards requested by ABC as well as all departments, rules and regulation of the City of Seaside and all other governing bodies. Cost Plus sees this as an important step towards continuing to build a positive and productive relationship with both the City of Seaside and local residents.

Below please find a list of ultra-premium and specialty brands of spirit products Cost Plus World Market would like to sell in its store. This list also shows spirit products commonly sold in a liquor store and in a grocery store but not sold in a Cost Plus World Market store. Cost Plus World Market does not intend to compete with liquor stores and grocery stores but does intend to offer its customers unique, authentic and high quality spirits from around the world and for a good price. The general price point for spirits is between \$12.00 and \$35.00.

Vodka brands Cost Plus World Market would like to carry:

Kettle One
Tito's Handmade
Chopin
Belvedere
Grey Goose

Vodka brands Cost Plus World Market will NOT carry:

Skyy
Seagrams
Gordon's
Smirnoff

Gin Brands Cost Plus World Market would like to carry:

Anchor
Citadelle
Bombay Sapphire
Hendricks

Gin brands Cost Plus World Market will NOT carry:

Beefeater
Gilbey's
Gordon's
Seagram's
Tanqueray

Tequila brands Cost Plus World Market would like to carry:

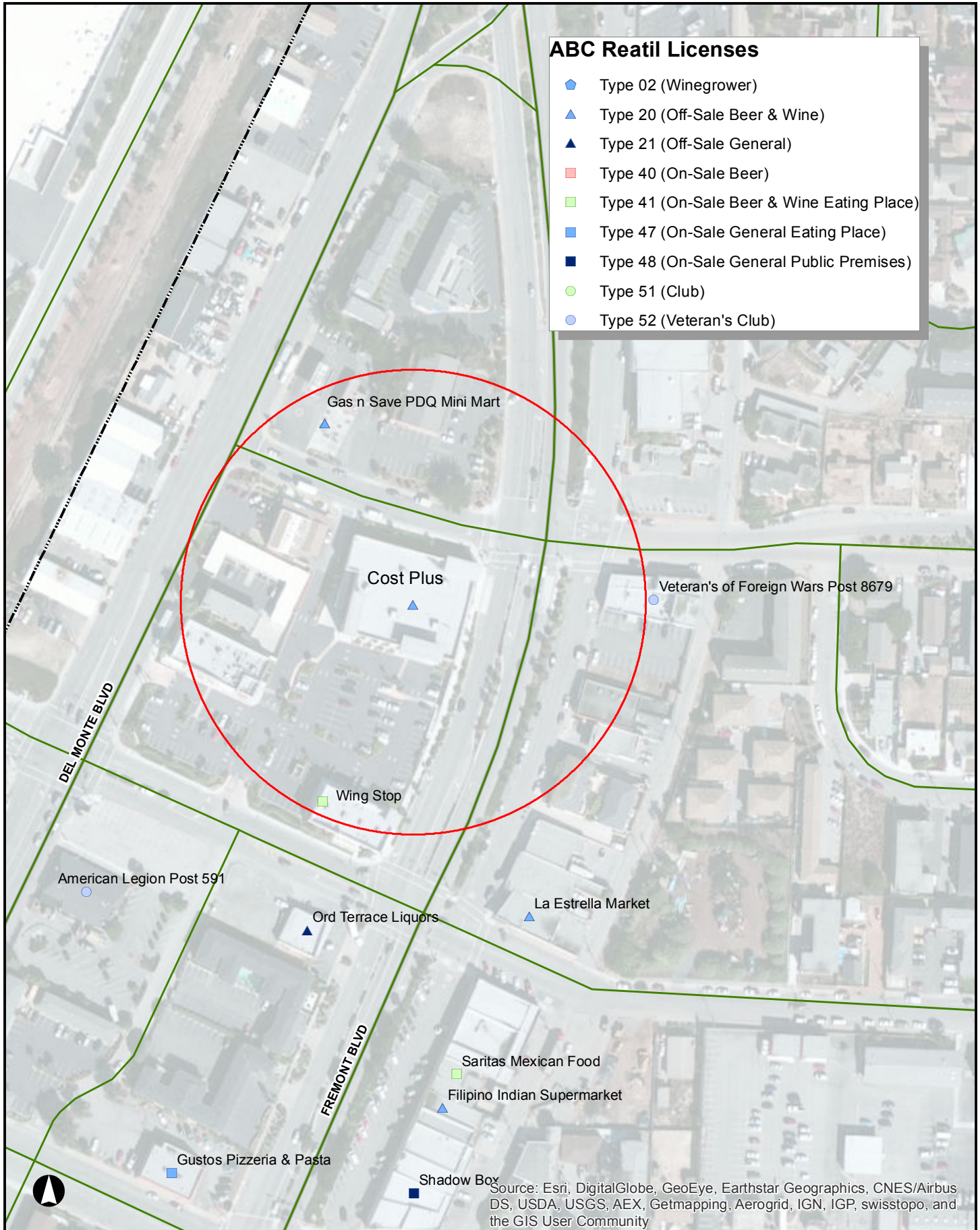
Don Julio
Patron
Cazadores
Milagro
Corazon
Corzo

Tequila brands Cost Plus World Market will **NOT carry:**

Sauza
Jose Cuervo
Margaritaville

City of Seaside

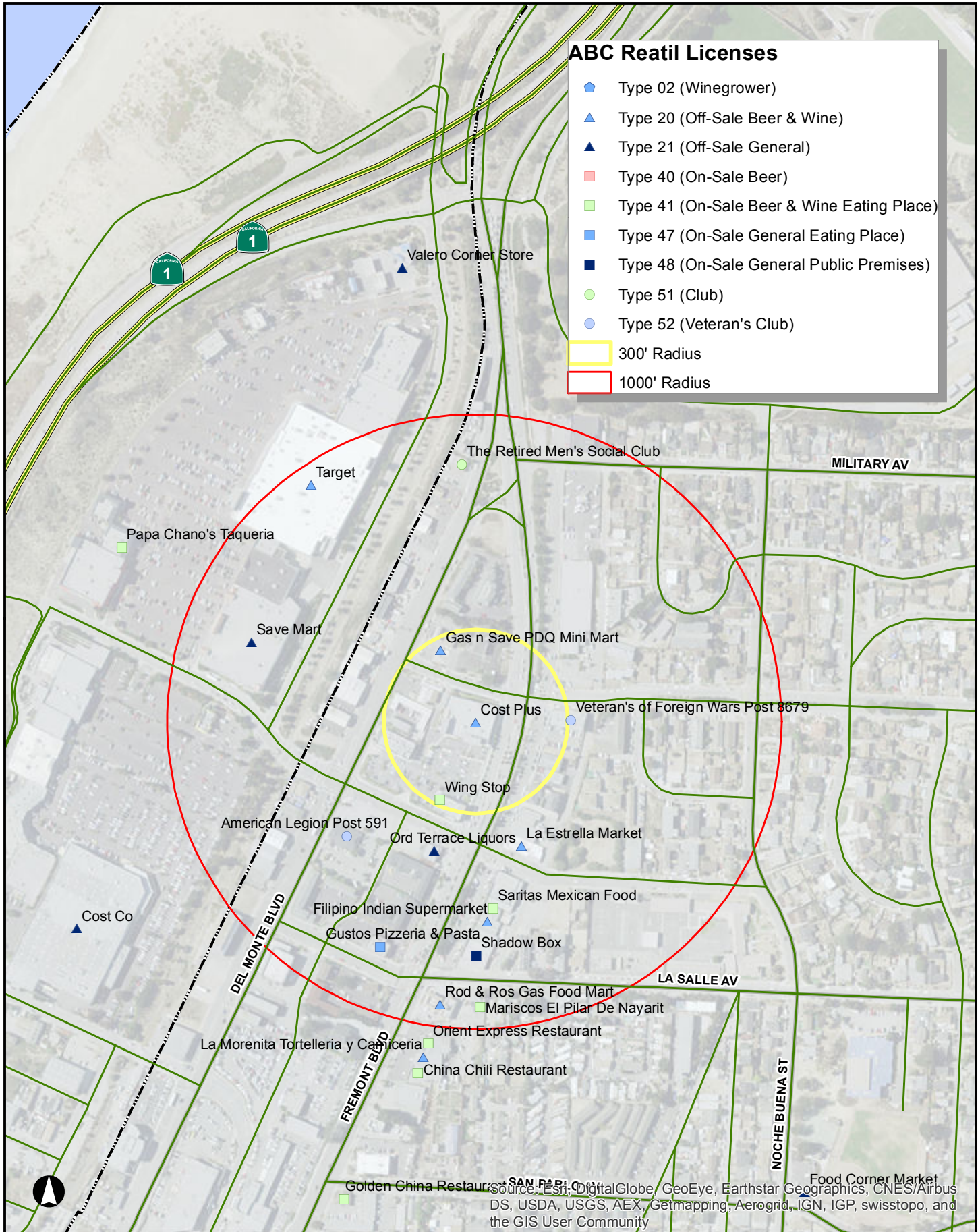
Cost Plus (300' Radius)



Updated 03/04/15

City of Seaside

Cost Plus (300' & 1000" Radius)



Updated 03/04/15