



## Planning Commission Staff Report

August 25, 2010  
Item 5.b.

**SUBJECT:** PCUP-272

**APPLICANT:** Preet Raey / Fancher Development Services for California Pizza Kitchen

**PROPERTY OWNER:** Simon Property Group, Inc.

**PURPOSE:** Application for a conditional use permit to operate a restaurant with alcoholic beverage service after 10:00 p.m.

**GENERAL PLAN:** Retail, Highway, and Service Commercial; Business and Professional Offices

**ZONING:** C-R (Regional Commercial) - M (Mall) District

**LOCATION:** 1328 Stoneridge Mall Road in the Stoneridge Mall Shopping Center

**ATTACHMENTS:**

- Exhibit A: Draft Conditions of Approval
- Exhibit B: Site Plan, Floor Plan, and narrative dated "Received June 11, 2010"
- Exhibit C: Food and Beverage Menu dated "Received August 9, 2010"
- Exhibit D: Location Map
- Exhibit E: Noticing Map

---

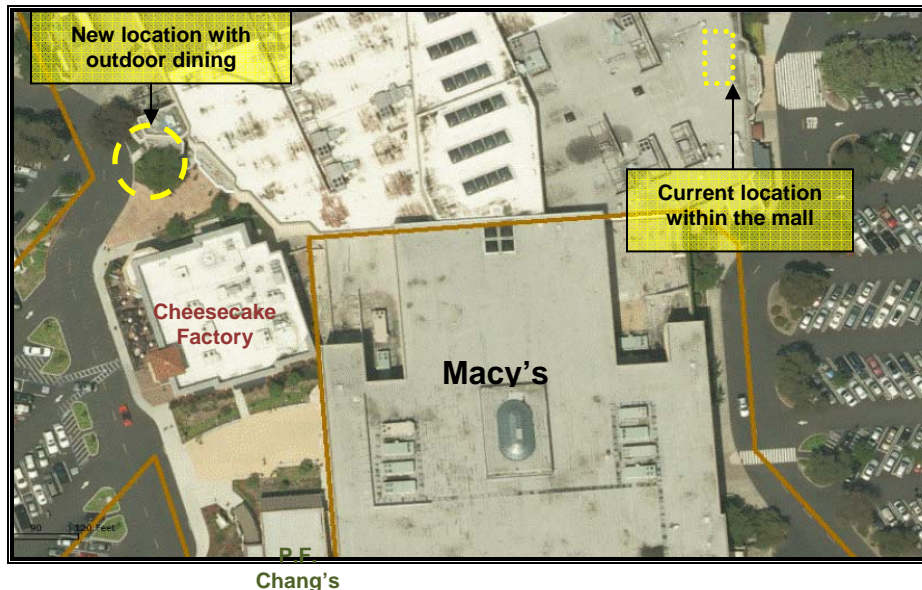
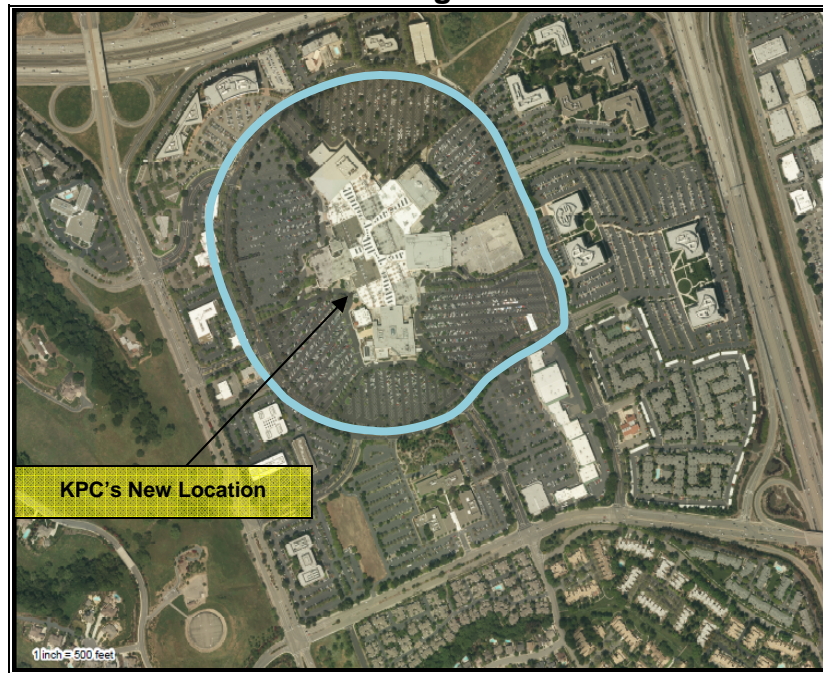
### BACKGROUND

California Pizza Kitchen (CPK) is relocating from the southeast side of the Stoneridge Mall into a recently divided existing tenant space on the southwest side of Stoneridge Mall, previously occupied by La Casa Furniture Store and Sweet River Saloon, and is requesting conditional use permit approval to allow alcoholic beverage service after 10:00 p.m., Monday through Sunday. The Pleasanton Municipal Code (PMC) considers restaurants that serve alcohol after 10:00 p.m. as "bars," which are conditionally allowed uses in the CR(m) District, the zoning district covering the entire Stoneridge Mall. CPK will be located north of the Cheesecake Factory and P.F. Chang's China Bistro restaurants, both of which received separate conditional use permits to serve alcohol after 10:00 p.m. (Case No's. PCUP-178 and PCUP-179).

## SITE DESCRIPTION

The mall complex is located on a circular shaped property defined exclusively by Stoneridge Mall Road. The peripheral properties located between Stoneridge Mall Road and I-580, I-680, Stoneridge Drive, and Foothill Road are developed with a variety of offices (i.e., headquarters', corporate, business, etc.), hotel, medical, restaurants, retail stores, the Stoneridge Apartments, and the West Dublin/Pleasanton BART station (currently under construction).

**Stoneridge Mall**



## **PROJECT DESCRIPTION**

CPK requests alcohol beverage service from 11:00 a.m. to midnight, Monday through Sunday. CPK will be serving a variety of beer, wine, and spirits and will be operating as a restaurant; there will be no live music, DJ music, nor dancing. The full menu will be available until closing. The site and floor plans can be found in Exhibit B with the menu attached as Exhibit C.

CPK is also proposing a new outdoor dining area, façade changes and signage, which are processed under separate entitlements and at staff level. The Planning Commission will be notified of staff's actions on these additional entitlements on a future Zoning Administrator Action Report. Furthermore, staff notes that this conditional use permit request is for serving alcohol after 10:00 p.m. and not for the use itself. CPK is a permitted use within the mall and can operate as a restaurant without a conditional use permit.

## **ANALYSIS**

Conditional uses are 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 use permits.

### Land Use

One of the primary concerns in reviewing a conditional use permit application for "bars" is its potential effect on surrounding uses. CPK will be one of three restaurants at Stoneridge Mall to be open past 10:00 p.m. with bar service. Later restaurant hours will encourage mall customers to shop longer and the restaurants benefit from the patronage of mall shoppers. In staff's opinion, this will strengthen the uses within and surrounding the mall.

Staff considered the possible impacts that could result from restaurant's late-night bar service, and believes that it will be compatible with the site and surrounding uses. Full meals will be provided until closing the restaurant, it is not adjacent to residential uses, music and dancing is not proposed, there is on-site mall security, and the stores within the mall will close prior to 10:00 p.m. Furthermore, CPK is requesting "bar" hours until midnight whereas the adjacent restaurant/bars at the mall were approved for service of alcohol until 1:00 a.m.

### Parking

In 2005, the Planning Commission approved Case No. PDR-489, the design review approval of a phased development plan for the expansion and remodeling of Stoneridge Mall. The approval included constructing two restaurants (Cheesecake Factory and P.F. Chang's China Bistro), a new cinema, a three-level parking structure, remodeling

the existing Nordstrom space for additional retail uses, mall site improvements, and constructing a new Nordstrom store.

The Planning Commission evaluated Stoneridge Mall's parking with its approval of the Cheesecake Factory and P.F. Chang's. The parking ratio that was used for the two restaurants was 4.5 parking spaces per 1,000 square-feet of floor area. Staff notes that there are other parking ratios for the mall, however, the 4.5 per 1,000 square-feet is the most restrictive. The total existing square-footage of the mall, including the Cheesecake Factory and P.F. Chang's, is 1,308,810 square-feet and the total number of on-site parking spaces is 6,724. Using the most restrictive parking ratio, 4.5 per 1,000 square-feet, the mall would need 5,889 parking spaces. With all three restaurants and mall uses calculated, there is a surplus of 835 parking spaces. With a tenant space of approximately 5,808 square-feet, which is included in the 1,308,810 square-feet, CPK would be allocated 26 parking spaces of the 6,724 parking spaces.

For comparison purposes, in non-CR Districts, per the PMC, the parking ratio for restaurants is one parking space for every three seats or each 200 square-feet of gross floor area, whichever is greater. If CPK was located in a non-CR District, it would be allocated 79 parking spaces, the parking ratio for 220 seats. As indicated above, the mall currently has 835 surplus parking spaces and, as indicated in the Planning Commission staff report for PDR-489, Phase 1, when completed, there would 417 surplus parking spaces for the projects overall proposed floor area. This would include the proposed 901 three-level parking structure. To date, the restaurants are the only part of Phase 1 that has been completed.

With respect to the City's parking standards in the CR District, the Planning Commission is granted a degree of flexibility by the PMC. Section 18.88.030 (B)(2) reads:

“C-R District – Parking requirements shall be established by the Zoning Administrator and/or the Planning Commission on a case by case basis in accordance with the purposes of Chapter 18.20 (Design Review) of this title.”

The restaurant is relocating into a tenant space that is larger than its current location. However, the proposed tenant space has been divided into two spaces and is now smaller than it was when it was previously occupied by Sweet River Saloon. Furthermore, CPK's "bar" service hours are after the mall is closed, thereby allowing CPK to utilize the additional parking spaces. Staff believes there would be adequate parking given that the mall has a limited number of restaurants, the other tenants within the mall generate a lower parking demand, and there is a surplus of parking. Furthermore, most patrons are at the mall to go shopping and CPK would not be their primary destination, with the exception of 9:00 p.m. – midnight when the mall stores are closed. Staff does acknowledge that finding a parking space can be difficult during holiday shopping periods, however CPK would not be the primary destination and, therefore, CPK's parking demand would be negligible during the peak holiday shopping period.

Staff, therefore, believes that there will be adequate parking for the proposed use and that there would be little potential for parking related impacts on adjacent businesses. Nevertheless, should parking problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures (Exhibit A, condition No. 12).

### **Public Notice**

Notices regarding the proposed application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. As of the publication of this staff report, staff has not received comments pertaining to this application. Staff has provided the noticing map as Exhibit E for the Commissions reference.

### **FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

The zoning ordinance endeavors to foster a harmonious, convenient, and workable relationship among land uses, while protecting land uses from inharmonious influences and harmful intrusions. Additionally, commercial districts offer commodities and services necessary for residents by providing opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to be conveniently located and mutually beneficial to each other.

Staff finds that the operation of the bar service, as conditioned, is consistent with the objectives of the commercial district, specifically the C-R(m), because it will result in the utilization of an existing vacant tenant space that contains onsite parking. The proposed operation would continue to increase the diversity of the mall's businesses and would work well with its existing businesses. The proposed conditions of approval for the project give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. The use permit for the services of alcohol until midnight, in staff's opinion, is in accordance with the objectives of the zoning district.

Therefore, staff believes 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.**

With the recommended conditions, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions require adherence to hours of operation and parking to mitigate for possible impacts to adjacent residences. The bar service will be open after the mall closes, which will limit the impacts associated with noise, parking, or other nuisances. Further, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures (Exhibit A, condition 10). 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 Municipal Code which apply to Conditional Uses.**

The Pleasanton Municipal Code states that because of the unusual or uncharacteristic nature of some proposed land uses, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. In staff's opinion, the proposed use complies with all relevant sections of this ordinance. Furthermore, the proposed use has conditions of approval to ensure that the applicable provisions of the Pleasanton Municipal Code are met and that adjacent businesses and residences will not be adversely impacted. Therefore, staff believes that this finding can be made.

## **ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation of a uses, permitted or conditionally permitted, within an existing building. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

In staff's opinion, CPK's request to serve alcohol past 10:00 p.m. will be compatible with the surrounding businesses and will not detrimentally affect surrounding uses or properties. 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 RECOMMENDATION**

Staff recommends that the Planning Commission approve PCUP-272 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve PCUP-272 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Associate Planner, (925) 931-5613, [namos@ci.pleasanton.ca.us](mailto:namos@ci.pleasanton.ca.us)