



Planning Commission Staff Report

September 13, 2006
Item 5.c.

- SUBJECT:** PCUP-178
- APPLICANT:** Mills Corporation and Cheesecake Factory Restaurant
- PROPERTY OWNER:** Mills Corporation
- PURPOSE:** Application for conditional use permit approval to allow alcoholic beverage and food service after 10:00 p.m., Monday through Sunday.
- GENERAL PLAN:** Retail, Highway, and Service Commercial; Business and Professional Offices
- ZONING:** C-R[m] (Regional Commercial [Mall]) District
- LOCATION:** 1350 Stoneridge Mall Road in the Stoneridge Mall Shopping Center
- ATTACHMENTS:**
1. Location Map
 2. Exhibit "A", dated "Received September 8, 2006", including a site plan, building floor plan, complete food and beverage menu, and statement of operations.
 3. Exhibit "B", Draft Conditions of Approval, dated September 13, 2006.
 4. Email from Chief Tim Neal to Marion Pavan, dated August 31, 2006.

I. BACKGROUND

Proposal

The Cheesecake Factory restaurant is requesting conditional use permit approval to allow alcoholic beverage and food service after 10:00 p.m., Monday through Sunday, at their new restaurant currently under construction at the Stoneridge Mall.

Background

The Pleasanton Municipal Code 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. The Cheesecake Factory and the P.F. Chang’s China Bistro restaurants will be the first restaurants at the mall to be open past 9:00 p.m. with alcoholic beverage service during those hours. The Sweetwater Grill & Bar to the immediate north of the Cheesecake Factory offers complete bar service with its entire food menu until 9:00 p.m. Except for the Christmas shopping season, the mall’s stores close at 9:00 p.m. on weekdays and 6:00 p.m. on weekends.

Stoneridge Mall Remodeling/Expansion

On November 16, 2005, the Planning Commission approved PDR-489 and PV-138, the design review approval of a phased development plan for the expansion and remodeling of Stoneridge Mall. The Commission’s approval included the following:

- Relocate the existing Nordstrom store by constructing 144,000 square feet of new retail area, add two new restaurants – the Cheesecake Factory and the P.F. Chang’s China Bistro – totaling 15,600 square feet, construct a three-level parking deck consisting of 901 parking spaces, and include a variance from the Pleasanton Municipal Code to reduce the width and length of the parking spaces for the parking deck from 10-feet by 20-feet to 9-feet by 18-feet.
- Conceptual approval of 15,234 square feet of infill retail space, and the adaptive reuse of the existing 161,000 square foot Nordstrom store and the location of a new cinema.

Building permits have been issued for the Cheesecake Factory and the P.F. Chang’s China Bistro restaurants. The Cheesecake Factory is scheduled to open on October 16, 2006 and the P.F. Chang’s China Bistro is scheduled to open after December 1, 2006.

II. SURROUNDING AREA

The entire 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 headquarters’ office, corporate office, business office, hotel, medical, restaurant, and retail uses. Except for the BART station property, located directly across Stoneridge Mall Road from the Nordstrom site to the northeast, the peripheral properties are built-out

III. PROPOSED PROJECT

The Cheesecake Factory requests alcoholic beverage service with food service from 11:00 a.m. to 1:00 a.m., Monday through Saturday, and from 10:00 a.m. to 1:00 a.m., Sunday. The applicant initially requested alcohol beverage service until 2:00 a.m., but changed its operating hours at the request of staff. The Cheesecake Factory's menu is attached; it is a full menu covering breakfast, lunch, and dinner. The entire menu including breakfast, lunch, and dinner will be available until closing. A variety of beer, wine, and spirits would be served. The Cheesecake Factory will be operated as a restaurant featuring food service only. There will be no live music, DJ music, nor dancing.

The Cheesecake Factory restaurant is a freestanding building placed directly in front of the west elevation of the Macy's Women's Store. The area between the restaurant and Macy's will be used for service and emergency access. The area in front of the Macy's Women's Store and a portion of the mall up to the Macy's Men's store, including driveway aisles and some parking and landscaping areas, is being rebuilt to a paved plaza area that will be used for outdoor dining and a courtyard to Macy's.

IV. ANALYSIS

The Pleasanton Municipal Code classifies restaurants that serve alcohol past 10:00 p.m. as "bars", which are conditionally permitted uses in the CR(m) district. By their nature, 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. As discussed further, staff considers the Cheesecake Factory's proposal to be compatible with the Stoneridge Mall and surrounding area.

Land Use

One of the primary concerns in reviewing a conditional use permit application for alcoholic beverage service past 10:00 is its potential effect on surrounding uses. The Cheesecake Factory will be one of two restaurants at Stoneridge Mall to be open past 10:00 p.m. with alcoholic beverage service; the P.F. Chang's China Bistro restaurant is the other one. The location at the mall will encourage restaurant and mall business customers to patronize each other. In staff's opinion, the Cheesecake Factory and P.F. Chang's China Bistro restaurants will strengthen the anchors provided by the Macy's Women's Store at the south end of Stoneridge Mall.

In evaluating this application, staff looked carefully at the possible impacts that could occur as a result of the restaurant's late-night alcohol beverage service, and believes that it will be compatible with the site and surrounding uses for the following reasons:

- The complete dinner menu will be provided until closing.

- It is surrounded on all sides by commercial/office buildings and developments. The closest residential use is the Stoneridge Apartments located on the opposite side of the mall property approximately 1,200 feet from the restaurant.
- The restaurant is set far back from Stoneridge Mall Road.
- The mall operates its own on-site security patrol.
- There will be no live bands, DJ music, nor dancing.
- The proposed hours would not adversely impact the adjacent uses, which typically close after 6:00 p.m.

The Pleasanton Police Department supports the proposal including its operating hours until 2:00 a.m. due to the location at the mall. However, the applicant has agreed to close the restaurant at 1:00 a.m. Typically, the Police Department does not support alcohol service past 1:00 a.m. Staff has added the standard conditions for a “bar” covering noise, litter, etc. If necessary, the application can be brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that may occur.

Parking

The Planning Commission evaluated the parking with its approval of the overall mall expansion. No change as a result of the use permit will occur. 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-related problems occur, staff has included a condition of approval which allows the Planning Director to refer the use permit back to the Planning Commission for possible mitigation measures.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 ft. of the subject property. At the writing of this report, staff has not received any comments from any of the adjacent property owners.

VI. FINDINGS

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

1. 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.

- Objectives of the zoning ordinance include protecting existing land uses from inharmonious influences and harmful intrusions; fostering harmonious, convenient, workable relationships among land uses; and insuring that public and private lands ulti-

mately are used for the purposes which are most appropriate and beneficial to the City as a whole. As proposed and conditioned, staff believes that the proposed alcoholic beverage service past 10:00 p.m. will be consistent with these objectives.

- The Cheesecake factory is located on the Stoneridge Mall property. Bars conform to the CR(m) zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas. The proposed operation would 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 alcoholic beverage service past 10:00 p.m., in staff's opinion, in accordance with the objectives of the zoning district.

Therefore, staff believes that this finding can be made.

2. **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.**

As conditioned, staff believes that the proposed use will have adequate parking to meet project demand. There will be no live music, DJ bands, nor dancing. The applicant can be required to mitigate any future nuisances or problems.

Therefore, staff feels the proposed alcoholic beverage service past 10:00 p.m. will not detrimentally impact the surrounding properties, and that this finding can be made.

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

The site's CR(m) zoning conditionally permits the establishment of bars. In staff's opinion, the proposed use complies with all relevant sections of this ordinance. Granting a conditional use permit to the applicant for a bar is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses."

Therefore, staff believes that this finding can be made.

VII. ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt per *§15303, New Construction or Conversion of Small Structures*, from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

VIII. CONCLUSION

Staff believes that the request by the Cheesecake Factory to serve alcoholic beverages past 10:00 p.m. will be compatible with the surrounding businesses and will not detrimentally affect the 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.

IX. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Case PCUP-178 by taking the following actions:

1. Make the conditional use findings listed in the staff report; and
2. Approve Case PCUP-178 subject to Exhibit "B", Draft Conditions of Approval.

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