

August 7, 2018

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Conditional Use Permit and Design Review Request
Shake Shack Restaurant
2855 Stevens Creek Blvd.
Santa Clara, CA 95050

Santa Clara Planning Department,

This letter is to formally present a Conditional Use Permit and Design Review request for a proposed Shake Shack family friendly restaurant tenant improvement at the above referenced location.

Shake Shack is a modern day “roadside” burger stand known for its 100% all-natural Angus beef burgers and flat-top Vienna beef dogs (no added hormones and no antibiotics ever), 100% all-natural cage-free chicken (no antibiotics ever), spun-fresh frozen custard, crinkle cut fries, craft beer and wine and more. With its fresh, simple, high-quality food at a great value, Shake Shack is a fun and lively community gathering place with widespread appeal. From its premium ingredients and caring hiring practices to its inspiring designs and deep community investment, Shake Shack’s mission is to Stand For Something Good®. Since the original Shack opened in 2004 in NYC’s Madison Square Park.

The proposed Shake Shack restaurant at 2855 Stevens Creek Blvd will occupy 2,769 sq. ft. tenant space with adjacent outdoor patio area. Shake Shack is proposed to operate from 11:00AM to 11:00pm seven days per week. Shake Shack proposes to employ 10 to 15 employees per shift. Shake Shack proposes the sale of various burgers, fries, hot dogs, sandwiches and drinks including the sale of beer and wine for onsite consumption. Beer and wine (alcohol) will be stored behind the service counter and in the storage area in the back of the restaurant, locations which are not publicly assessable. Beer and wine is proposed to be sold to patrons within the restaurant and on the outdoor patio areas for onsite consumption. No dancing and no live entertainment are proposed. The restaurant will use a POS system to track all food and beverage sales, the POS system will be able to track sale of alcohol and non-alcoholic items. The kitchen will be open at all times the restaurant is open, and Shake Shack expects that the sale of alcoholic beverages will account for no more than 5% of total gross sales. Shake Shack requires that all management undergo thorough training in the serving of alcoholic beverages to ensure safe and responsible consumption and that alcoholic beverages are not sold to or consumed by minors on the premises. Shake Shack employees conduct regular sweeps and engaged observation of the premises to ensure that alcoholic beverages are not removed from the premises, to include the outdoor patio.

Shake Shack family friendly restaurant proposes to complete tenant improvement of the existing commercial building. Shake Shack proposes the following exterior improvements in association with the tenant improvement; Replacement of existing storefronts and windows with new storefront entry doors. There will be some very limited wall removal or addition at new openings. New outdoor furniture, lighting and patio heaters. New signage elements on the building. Addition of festival lighting at perimeter of roofed canopy and trellis. Complete interior buildout of the restaurant.

The proposed project location, size, design and operational characteristics will not create noise, traffic or other conditions or situations which may be objectionable, detrimental or incompatible with other permitted uses in the vicinity. As a part of the larger development, Shake Shack will be surrounded by retail/restaurant uses and major roadways. All traffic in association with the subject tenant space has been previously calculated and mitigated. Shake Shack will not emit any noise.

The proposed project will not result in conditions or circumstances contrary to the public health, safety and general welfare. In fact Shake Shack family friendly restaurant will add to the public health, safety and general welfare through providing high quality food and drink items in a safe and controlled environment. No live entertainment or dancing is proposed.

The proposed family friendly restaurant use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or the community; and the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; and the proposed use will not adversely affect the present economic stability or future economic development of property in the surrounding area. The proposed use will actually provide public convenience and necessity through providing reasonably priced gourmet foods, sandwiches, hot dogs and drinks in a fast casual dining environment. Patrons of such high quality establishments have come to expect the availability of beer and wine to compliment such food items. Shake Shack operates several locations nationwide, and the sales of alcoholic beverages account for 5% or less of total sales, with the remaining 95% of sales comprised of food and non-alcoholic beverages.

Patrons of Shake Shack will include the following groups who may wish to enjoy breakfast, lunch or dinner together; families, friends, area residents, business men and women, vacationers.

A. The use would be consistent with the intent and purpose stated in the sections of this title which establish the applicable zoning classification.

The subject site is an existing commercial tenant space, previously a restaurant within the Planned Development (PD) zoning area. The proposed Shake Shack family friendly restaurant use with outdoor patio and the sale of beer and wine for onsite consumption will be harmonious with surrounding uses and similar to the previous restaurant use of the existing tenant space. The proposed Shake Shack use will continue to uphold the intent and purpose of the existing Planned Development Zoning.

B. The use would be consistent with the general plan.

The existing commercial restaurant tenant space is located within an existing fully developed shopping center which provides for neighborhood shopping needs. The proposed Shake Shack family friendly restaurant will serve public convenience and necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer and wine as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of beer and wine for onsite consumption to be served in conjunction with such a quality restaurant environment.

C. The use will not be detrimental to the health, safety, morals, comfort, convenience or general welfare of persons residing or working in the neighborhood of such proposed use, nor be injurious to property or improvements in the neighborhood.

The approval of Shake Shack family friendly restaurant with outdoor patio and the sale of beer and wine for onsite consumption will not detrimentally affect general welfare of persons residing or working in the neighborhood. The proposed restaurant location has been master planned and design to be harmonious with surrounding uses. The site is part of the commercial complex that is currently being upgraded by the property owner. In fact Shake Shack will serve the public convenience can necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer and wine as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of beer and wine for onsite consumption to be served in conjunction with such a quality restaurant environment. As a tenant improvement of an existing restaurant tenant space the Shake Shack restaurant will not injure property or improvements in the neighborhood. In fact Shake Shack restaurant tenant improvement will add to the property improvements in the neighborhood by providing a high quality restaurant operation surrounded by an attractive new restaurant tenant improvement design.

D. The use will not be detrimental to the general welfare.

The approval of Shake Shack family friendly restaurant with outdoor patio and the on-site consumption of beer and wine will not detrimental to the general welfare of the pertinent community. Rather the Project will positively benefit the economic welfare of the community and Community of Santa Clara. Shake Shack will establish a first-class eating and drinking establishment within an existing tenant space. Such an establishment will support visitors and patrons to the surrounding area, and help create additional economic opportunity for the adjacent neighboring retail facilities.

Sincerely,

Jared Taylor
Golden Property Development