

February 21, 2019

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

Re: Conditional Use Permit and Design Review Request
The Cheesecake Factory restaurant
3041 Stevens Creek Blvd.
Space L1
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 The Cheesecake Factory restaurant remodel at the above referenced location. Please note The Cheesecake Factory currently operates at the subject location, the proposal is to modify the dining area, and create an outdoor patio. The Cheesecake Factory will continue to sell a full line of alcoholic beverages for onsite consumption in conjunction with a Type 47 ABC license.

The Cheesecake Factory story begins in Detroit, Michigan in the 1940's. Evelyn Overton found a recipe in the local newspaper that would inspire her "Original" Cheesecake. Everyone loved her recipe so much that she decided to open a small Cheesecake shop, but she eventually gave up her dream of owning her own business in order to raise her two small children, David and Renee. She moved her baking equipment to a kitchen in her basement and continued to supply cakes to several of the best restaurants in town while raising her family. Son David decided to open a restaurant to showcase his mother's selection of cheesecakes. Somehow he just knew that guests would enjoy a restaurant with an extensive dessert menu. It was 1978 and he opened the first The Cheesecake Factory restaurant in Beverly Hills, CA. The restaurant was an immediate success and today there are more than 200 The Cheesecake Factory restaurants around the world that share the Overton's commitment to quality and spirit of innovation and hard work.

The existing The Cheesecake Factory restaurant at 3041 Stevens Creek Blvd occupies 12,656 sq. ft. tenant space with proposed adjacent outdoor 1,084 sq. ft. patio area. The Cheesecake Factory is proposed to operate from 11:00AM to 11:00PM Monday through Thursday, 11:00AM to 12:30AM on Fridays, 10:00AM to 12:30AM Saturdays and 10:00AM to 11:00PM on Sundays. The Cheesecake Factory proposes to employ 40 to 60 employees per shift. The Cheesecake Factory proposes the sale of a large menu of food, drink and desert items including the sale of a full line of alcoholic beverages for onsite consumption. 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. Alcohol 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 The Cheesecake Factory expects that the sale of alcoholic beverages will account for approximately 8% of total gross sales. The Cheesecake Factory 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. The Cheesecake Factory 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.

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, The Cheesecake Factory 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. The Cheesecake Factory will not emit any excessive noise.

The proposed project will not result in conditions or circumstances contrary to the public health, safety and general welfare. In fact The Cheesecake Factory 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 appetizers, entrees, sandwiches, and drinks in a casual dining environment. Patrons of such high quality establishments have come to expect the availability of beer and wine to compliment such food items. The Cheesecake Factory operates over 200 locations nationwide, and the sales of alcoholic beverages account approximately 8% or less of total sales, with the remaining 92% of sales comprised of food, deserts and non-alcoholic beverages.

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 restaurant tenant space, currently a restaurant within the Planned Development (PD) zoning area. The proposed The Cheesecake Factory family friendly restaurant use with outdoor patio and the sale of alcohol for onsite consumption will be harmonious with surrounding uses and similar to the previous restaurant use of the existing tenant space. The proposed The Cheesecake Factory 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 Cheesecake Factory 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 alcohol 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 The Cheesecake Factory family friendly restaurant with outdoor patio and the sale of alcohol 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 The Cheesecake Factory 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 alcohol as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of alcohol 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 Cheesecake Factory restaurant will not injure property or improvements in the neighborhood. In fact The Cheesecake Factory 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 The Cheesecake Factory family friendly restaurant with outdoor patio and the on-site consumption alcohol 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. The Cheesecake Factory 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