

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW EXPANSION OF SALE OF ALCOHOLIC BEVERAGES (EXISTING ABC LICENSE TYPE 47) IN CONJUNCTION WITH A NEW OUTDOOR DINING PATIO AREA FOR THE EXISTING CHEESECAKE FACTORY RESTAURANT LOCATED AT 3041 STEVENS CREEK BOULEVARD, SANTA CLARA, CA

PLN2019-14231 (Use Permit)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on December 2, 2019, Jared Taylor, on behalf of the Cheesecake Factory Restaurant Inc. ("Applicant") applied for a Use Permit to allow expansion of sale of alcoholic beverages (existing ABC License Type 47) in conjunction with a new outdoor dining patio area for the existing Cheesecake Factory restaurant located at 3041 Stevens Creek Boulevard ("Site Location");

WHEREAS, the Site Location is currently zoned Community Commercial (CC) and has the General Plan land use designation of Regional Commercial (RGC0);

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow expansion of the sale of alcoholic beverages for consumption in conjunction with food service, as well as to authorize the outdoor dining patio area and allow sale and consumption of alcoholic beverages in this area, at the restaurant occupying a commercial tenant space in the existing Westfield Valley Fair Mall, as shown on the Development Plans;

WHEREAS, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from CEQA per CEQA Guidelines section 15301(e), Class 1 Existing Facilities, as the activity consists of an addition to an existing

structure that will not result in an increase of either 50% of the existing floor area or 2500 square feet.

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on February 13, 2020, the notice of public hearing for the February 26, 2020 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and,

WHEREAS, on February 26, 2020, the Planning Commission conducted a public hearing to consider the use permit application, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that approving a Use Permit to allow to allow expansion of the sale of alcoholic beverages for consumption in conjunction with food service, as well as to authorize the 1,084 sf outdoor dining patio area with 54 seats and consumption of alcoholic beverages in the patio area, is consistent with the commercial uses contemplated for the existing Westfield Valley Fair Mall.
3. That the Planning Commission hereby finds as follows:
 - A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposal would serve to expand the options available to local and regional

customers by providing additional services at an existing neighborhood convenience store to meet the interests of local customers and residents from the greater region;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposal provides a outdoor dining patio area for the existing restaurant that serves beer, wine and distilled spirits in conjunction with food in a commercial tenant space within an existing shopping center which meets all City of Santa Clara codes and regulations; the restaurant will be routinely manned and maintained; and the restaurant will comply with all City and state laws regarding the sale of alcoholic beverages;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing retail tenant space, and on-site parking is sufficient and available to service the proposed use and the existing businesses;

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing additional services to support businesses and residents in the vicinity of the Site Location;

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent commercial and residential development, on a developed parcel, with adequate parking, and properly designed ingress and egress points; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that alcoholic beverage sales and an outdoor patio with more than 12 seats or more than 250 square feet, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Community Commercial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2019-14231 to allow expansion of the sale alcoholic beverages for consumption in conjunction with food service, as

well as to authorize the outdoor dining patio area, at the restaurant occupying a commercial tenant space in the existing Westfield Valley Fair Mall, subject to the Conditions of Approval and development plans, attached hereto and incorporated herein by this reference.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF FEBRUARY, 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

I:\PLANNING\2019\Project Files Active\PLN2019-14231 3041 Stevens Creek Blvd\PC 2.26.2020\Resolution 3041 Stevens Creek.doc