Conditions of Approval
PLN2019-13802 (Updated from PLN2003-03633)

GENERAL

G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.

C2. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Plans shall include, but not be limited to, site plans, elevations, landscape and irrigation plans, lighting plans, and patio furniture details. The applicant shall work with staff to enhance the paved outdoor patio area in front of the store with landscape tree and shrub plantings.

C3. Permitted hours of restaurant operation for indoor dining shall be restricted to the hours between 10:00 a.m. and 2:00 a.m., every day.

C4. Permitted hours of outdoor patio dining with beer and wine service shall be restricted to the hours between ~~11:00 a.m. and 10:00 p.m~~. 10:00 a.m. and 2:00 a.m., every day.

C5. Alcoholic beverage service shall only occur in conjunction with orders for food.

C6. Indoor seating shall not exceed 34 seats.

C7. Outdoor seating shall not exceed 16 seats and shall be provided in an area that does not infringe upon pedestrian or vehicle movement.

C8. The existing 3-foot pipe-railing barrier shall be maintained to enclose the designated outdoor patio dining area.

C9. There shall be no outdoor announcement or music speakers associated with this outdoor dining area.

C10. Refuse containers will be provided within the patio enclosure area and the containers shall be emptied nightly.

C11. No smoking is allowed in the patio dining area.

C12. This outdoor dining area shall only function as an ancillary component of the overall restaurant tenant space, and not as a separate or independent outdoor restaurant.

C13. Outdoor lighting intensities shall be of a subdued, subtle nature, and shall be turned off every night by 10:30 p.m., other than adequate lighting for pedestrian access.

C14. All food preparation, dishwashing and dish collection stations shall occur completely within the building.

C15. The rear service door from the kitchen shall be retrofitted with self-closing devices, and shall remain closed during hours of business operation, except for the disposal of refuse.

C16. Appropriate levels of additional staff shall be added for patio supervision on any occasion or evening with an anticipated increase in the number of customers.

C17. On occasions when alcoholic beverages are offered as an event at discount or promotional prices or on special event nights, the patio will be closed for all service during the event.

C18.   The Use Permit shall be subject to six-month and one-year reviews by Planning Commission, with activity reports from the Police Department and 300-foot neighborhood notification provided.

ENGINEERING
E1.   Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
E2.   If any work is proposed within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors, it shall be included within a Single Street Opening Permit issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
E3.   Install 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.

FIRE
F1.   Exits shall be maintained unobstructed at all times (CFC Article 12)
F2.   Exit doors shall be openable from the inside without the use of a key or any special knowledge. Key locking hardware may be used on the main exit door. Provide a visible sign on or adjacent to the door stating "THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS" (CBC 1003.3.1.8)
F3.   Address numbers/ unit shall be clearly visible from the public street.

POLICE
PD1.   Applicant shall contact the Santa Clara Police Department "Intelligence" unit at (408) 615-4849 for Alcoholic Beverage Control (ABC) licensing review.

WATER
W1.   A fire service upgrade may be required if the existing fire service is below ground. Applicant's fire service upgrade shall adhere to the requirements in Water and Sewer Utilities Standard Detail No. 31.
W2.   Approved backflow prevention device(s) are required on all potable water services. The applicant shall submit plans showing the location of the approved backflow prevention device(s). Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
W3.   All food service projects conducting commercial cooking operations including dishwashing activities and equipment cleaning that generate grease-laden wastewater are subject to review from the Water and Sewer Utilities Department, for FOG Control and grease interceptor installation requirements. All food service projects are required to have an approved stamp from the Santa Clara County Department of Environmental Health before plans can be accepted for review. Contact Compliance Division of the Water and Sewer Utilities at (408) 615-2002 for a Food Service Checklist to initiate the process.