

## **Conditions of Approval**

### **GENERAL**

- G1. 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 against the City by reason of its approval of developer's project.
- G2. 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.

### **ATTORNEY'S OFFICE**

- A. 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**

- CD1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- CD2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- CD3. 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, and lighting plans. The applicant shall work with staff to enhance the paved outdoor patio area in front of the store with landscape tree and shrub plantings.
- CD4. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.
- CD5. On-site consumption of alcohol shall be limited to within the restaurant.
- CD6. Indoor seating shall not exceed 12 seats
- CD7. All food preparation, dishwashing and dish collection stations shall occur completely within the building.
- CD8. The Planning Commission shall review this Use Permit twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) License Type 47. After six months from obtaining the ABC license, the City shall conduct an administrative review of any ABC violations and police service calls and shall report any significant occurrences to the Planning Commission.
- CD9. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

### **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. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work 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 shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment 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. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
  - E4. Install Class II bike parking spaces based on 5% of visitor parking per the 2019 California Building Code 5.106.4 to be located within 200 feet of a building entrance. A minimum of two Class II bike parking spaces is required.
  - E5. Class II bicycle parking, as defined in SCMC 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible areas.

### **POLICE**

- PD1. Applicant shall contact the Santa Clara Police Department 'Intelligence' unit (408-615-4849) for Alcohol Beverage Control (ABC) licensing review.
- PD2. The business shall undergo a 6 month and one year review, including a check for ABC violations and police service calls.