

2722 Augustine Drive “OPA”
Conditions of Approval

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.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- C2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- C3. The Director of Community Development may refer the use permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved proposal. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the use permit to the Planning Commission within three months for consideration of revocation proceedings.
- C4. Applicant 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.
- C5. Any modification to the approved proposal shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of business.
- C6. On-site sale and consumption of alcohol shall be limited to the hours of Sunday through Thursday from 11:00 a.m. to 10:00 p.m. and Friday to Saturday from 11:00 a.m. to 11:00 p.m.
- C7. On-site consumption of alcohol shall be limited within the restaurant and enclosed patio.
- C8. Outdoor seating is limited to 90 seats in the enclosed patio.
- C9. Background, incidental amplified music is allowed, but non-ancillary amplified music is prohibited.
- C10. No live entertainment shall be allowed under this use permit, unless it is entirely incidental to the primary restaurant use.
- C11. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.
- C12. The Planning Commission shall review this Use Permit PLN2016-12295 twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) license. After six months from obtaining the ABC license, the Planning staff shall conduct an administrative review of any ABC violations and police service calls, and shall report any significant occurrences to the Planning Commission.

- C13. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

ENGINEERING

- E1. Building Permit application valued at \$200,000 or more will trigger the requirement to reconstruct any damaged and/or non-ADA compliant street improvements to current City standards.
- E2. Applicant shall pay all applicable development fees.
- E3. 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.
- E4. 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.
- E5. Bicycle parking shall comply with the previously approved project (PLN2014-10257).

POLICE

- PD1. Should the business at this location changes their business model to include live entertainment or karaoke, this Use Permit would need to be reviewed by the Santa Clara Police Intelligence Unit due to the proliferation of organized crime with these types of activities.
- PD2. The business operator shall strictly adhere to the business hours as stated in the use permit.
- PD3. The operator shall strive to create an atmosphere that will neither attract nor cater to an underage crowd. Keep in mind that social media sites such as YELP and others quickly spread information regarding the accessibility of alcohol to minors at such establishments.
- PD4. The owner and all employees should complete the proper ABC training for the operation of on-sale alcohol establishments. They should also be trained in the identification of valid vs. fraudulent identifications.
- PD5. The applicant shall contact the Santa Clara police Department "Intelligence Unit" (408-615-4849) for Alcohol Beverage Control (ABC) licensing review.
- PD6. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not be limited to, employee security during working hours, after hours security, disaster preparation, etc. For retail uses, especially where cash is on hand, robbery and cash security protocols should be established. Applicants are encouraged to contact the Santa Clara Police Community Services Unit at (408) 615-4859 for assistance.
- PD7. The business shall undergo a 6 month and 1 year review by the City of Santa Clara, including a check for ABC violations and police service calls.

- PD8. The developer shall provide a minimum average illumination of one-foot candle in parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD9. Address numbers should be a minimum of six (6) inches in height. The numbers shall be illuminated during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street.
- PD10. The entrance to the driveway and parking area should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).
- PD11. In the event the developer installs a common trash area, they shall provide enclosure fencing that is either see through or has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should remain locked.

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