

## **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**

- 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 all building code requirements and conditions thereof.
- C2. 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 project description. 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.
- C3. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C4. Use shall operate in a manner such that it does not create a public or private nuisance.
- C5. Outdoor playground use shall only occur during daylight hours between sunrise and sunset.

### **ENGINEERING**

- E1. On-street parking shall not be counted toward on-site parking requirements.
- E2. No street loading and unloading of students will be allowed.
- E3. Provide a minimum of 1 Class I bicycle locker and 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.
- E4. If the cumulative building permit valuation for the past three years is equal to or greater than \$200,000, remove existing curb ramp at southeast corner of the Jackson Street/Benton Street intersection and replace with two current City Standard ST-14 ADA compliant curb ramps. 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. 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.

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