

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- A. 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.
- B. Comply with all applicable codes, regulations, ordinances and resolutions.

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

PLANNING DIVISION

- P1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- P2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- P3. 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.
- P4. Full menu food service shall be available during all hours that the buildings are open and alcoholic beverages are served.
- P5. The hours of operation shall be limited to the hours of Monday - Sunday 6:00am – 8:30pm and open for special occasions on Sundays: 6:00am – 8:00pm.
- P6. On-site sale and consumption of alcohol shall be limited to beer and wine.
- P7. On-site consumption of alcohol shall be limited to within the two buildings at 2788 and 2888 San Tomas Expressway and the courtyard in between those two said buildings.
- P8. No live entertainment or amplified music will be allowed, unless it is wholly incidental to the restaurant use.
- P9. 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 41. 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.
- P10. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

PUBLIC WORKS

ENGINEERING

- E1. Obtain site clearance through the Public Works 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 the Public Works 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 Public Works 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.