

## ATTACHMENT 'A'

### List of Conditions for Conditional Use Permit CUP17-00007

Approval Date: August 10, 2017  
Effective Date: August 22, 2017  
Expiration Date: August 22, 2020

This list of conditions apply to a Conditional Use Permit to allow the sale of beer and wine for on-site consumption within a restaurant at 17014 Smoke Tree Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Matilde Vera; APN: 0410-112-21).

The sale of beer and wine shall not occur until all conditions of this conditional use permit application have been met. This approved conditional use permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: The "Init" and "Date" spaces are for internal city use only).  
Init     Date

### THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

- \_\_\_\_\_ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)
- \_\_\_\_\_ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
- \_\_\_\_\_ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)
- \_\_\_\_\_ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- \_\_\_\_\_ 5. **Alcohol Consumption.** Alcoholic beverages shall not be consumed outside the restaurant nor on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P)

- \_\_\_\_\_ 6. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

**IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(P)</b>	<b>Planning Division</b>	<b>947-1200</b>
<b>(B)</b>	<b>Building Division</b>	<b>947-1300</b>
<b>(E)</b>	<b>Engineering Division</b>	<b>947-1414</b>
<b>(F)</b>	<b>Fire Prevention Division</b>	<b>947-1012</b>
<b>(RPD)</b>	<b>Hesperia Recreation and Park District</b>	<b>244-5488</b>