

EXHIBIT "A"

Site Plan No. SP-108-2022 Conditional Use Permit No. CUP-218-2022

(Assessor's Parcel No. 132-402-20)

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, the developer of the project, the current owner of the Property, the future owner(s) and tenants(s) of the Property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022.
2. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan and Conditional Use Permit. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading and street improvement plans.
8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks, infiltration and stormwater treatment structures, and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels. Requirements for any "dewatering" will also need to be addressed in the report.
9. A separate street permit is required for work performed within the public right-of-way.
10. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30 feet (30'-0") outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. All improvements within public right-of-way shall conform to all format and design requirements of the City Standard Drawings & Specifications. Special features, such as decorative pavers or other improvements, may be required to have an agreement prepared between the owner and the city to cover any encroachment limitations, responsibilities and maintenance requirements.
11. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.

12. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
13. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
14. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
15. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.

- d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
16. The applicant and its contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at its expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
17. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
18. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be reviewed and approved by the Planning Services Division prior to installation.
19. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
20. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.

21. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
22. Any required lane closures should occur outside of peak travel periods.
23. Construction vehicles should be parked off traveled roadways in a designated parking.
24. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
25. Prior to issuance of the building permit, the applicant shall design and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Department.

Chapman Avenue

- a. Remove existing curb/gutter and construct new driveway approach to the site along the access road connecting the Promenade shopping mall to Chapman Avenue in accordance with City of Garden Grove Standard Plan B-120 (Option #1).
- b. Any proposed new landscaping in public right-of-way shall be approved by Planning Division and maintained by the owner.
- c. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Chapman Avenue with Planning Division and Water Division.

Gilbert Street

- a. Remove and replace existing substandard driveway approach to the site on Gilbert Street and construct new driveway approach in accordance with City of Garden Grove Standard Plan B-120 (Option #1).
- b. Construct new commercial sidewalk fronting the project on Gilbert Street per City of Garden Grove Standard Plan B-106.
- c. The applicant shall cold mill (grind) existing asphalt pavement 3-inch uniform depth and replace with 3-inches of fiber-reinforced asphalt

surface course from the edge of the easterly gutter to the center line of Gilbert Street along the property frontage per City specifications and per the direction of the City Engineer.

- d. Any proposed new landscaping in public right-of-way shall be approved by Planning Division and maintained by the owner.
- e. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Gilbert Street with Planning Division and Water Division.

Public Works Water Services Division

- 26. There is no existing water service for this property. New installation is required and is conditioned on the assignment of new address for the property.
- 27. New water service installations two inches (2") and smaller, shall be installed by the City of Garden Grove at applicant's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (3") and larger, shall be installed by applicant's contractor per City Standards.
- 28. Water meters shall be located within the City right-of-way. Fire services and large water services three inches (3") and larger, shall be installed by contractor with class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
- 29. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
- 30. It shall be the responsibility of applicant to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
- 31. A composite utility site plan shall be part of the water plan approval.
- 32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

33. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
34. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
35. If needed, owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be six-inch (6") minimum diameter, extra strength VCP with wedgelock joints.
36. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
37. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum twelve inches (12") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
38. If water main is exposed during installation of sewer lateral, a 20-foot (20'-0") section of the water main shall be replaced with 20-foot (20'-0") PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

39. The applicant shall ensure that the project complies with all applicable life safety matters, as required by the Orange County Fire Authority.

Community and Economic Development Department

40. This Conditional Use Permit only authorizes the operation of an "automobile fleet storage" lot on the subject property, which, in addition to complying with the Conditions of Approval contained herein, shall further comply with all Special Operating Conditions and Development Standards pursuant to Municipal Code Section 9.18.030.075, Automobile Fleet Storage.
41. Exterior advertisements displays or exterior wall/fence advertisements shall not be allowed.
42. Hours and days of construction and grading shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.060 referred to as Noise Control, Special Noise Sources, for Construction of Buildings and Projects.
43. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol,

natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.

44. The applicant shall comply with the adopted City Noise Ordinance.
45. The construction plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
46. As a part of the finalized working drawings for the Planning Division, Engineering Division, and Building and Safety Division, the developer shall submit a detailed and dimensioned plot plan, perimeter fence/wall design, and landscape plans that reflect the conditions of approval. The plans shall indicate landscape materials, and fence/wall materials proposed for the project.
47. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
48. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Division, for review and approval prior to submittal of plans for Building and Safety Division, Plan Check. The project shall also be subject to the following:
 - a. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Division.
49. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code as well as provisions by the State of California concerning drought tolerant landscape measures (Landscape Water Efficiency Guidelines). Said plan shall include type, size, location and quality of all plant material. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:

- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
 - c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way.
 - d. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance.
 - e. No trees shall be planted closer than five feet (5') from the public right-of-way. Trees planted within fifteen feet (15') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages, adjacent to driveways, shall be of the low-height variety to ensure safe sight clearance.
50. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with all applicable laws and regulations.
 51. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
 52. All on-site curbs, not associated with a parking space, shall be painted red.
 53. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
 - a. There shall be no business activities, or exterior storage permitted.
 - b. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.

54. In the event the development cannot accommodate the parking demand, due to impacts generated by the development, at any given time, which causes a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, as determined by the City's Community and Economic Development Director in his/her reasonable discretion, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: restricting the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the establishment.

55. A copy of the resolution approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, including these Conditions of Approval, shall be kept on the premises at all times.
56. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, and his/her agreement with all conditions of the approval.
57. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Amendment No. A-034-2022, Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

58. It shall be the applicant's responsibility to verify that any site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.

59. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, has begun.