

EXHIBIT "A"

Conditional Use Permit No. CUP-091-2017

7274 Lampson Avenue

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. 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 the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this 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.
4. Minor modifications to the approved 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 approved site plan or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are 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.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

6. In order to facilitate the City's rules of the regulation, placement, and construction of, and its interaction with, the City's Public Safety

Communications Equipment Operation of the Wireless Communications Facilities ("WCF"), the applicant and all successors shall agree as follows:

- a. The applicant recognizes that the frequencies used by the WCF located at 7274 Lampson Avenue may be close to the frequencies used by the City of Garden Grove for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-Safety Communications Officials-International, Inc. (APCO) and as endorsed by the Federal Communications Commission (FCC). Applicant shall comply with such Good Engineering Practices as may be amended from time to time by the FCC in its Rules and Regulations and shall comply with all FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- b. In the event the WCF is identified as causing radio frequency interference with the City's Public Safety Communications Equipment, the following steps shall be taken:
 - i. Upon notification by the City of interference with Public Safety Communications equipment, the applicant (Verizon Wireless) shall utilize the hierarchy and procedures set forth in the Best Practices Guide. If the applicant (Verizon Wireless) fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take such steps under law, including the initiation of appropriate proceedings with the FCC, to eliminate the interference.
 - ii. If there is a determination of radio frequency interference with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.
7. The applicant shall provide a 24-hour phone number to which interference problems can be reported. This condition will also apply to all existing facilities operated by the provider in the City of Garden Grove.

8. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the City's designated representative upon activation of the facility.
9. The applicant shall ensure that any lessee or other users of the WCF shall comply with the terms and conditions of this permit and the applicant shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.

Community and Economic Development Department

10. The applicant shall be responsible for maintenance and up-keep of the telecommunication facility.
11. The applicant and the property owner shall be responsible for maintaining free from graffiti, debris, and litter, those areas of the site that are adjacent to the premises over which he/she has control. Graffiti shall be removed within 120 hours of notification/application.
12. The antenna structure shall be designed and disguised as a eucalyptus tree (mono-eucalyptus) measured to the top at 60'-0". The wireless antennas shall not exceed 55'-0" in height, measured to the top of the antennas (51'-0" to the centerline of the antennas), and the branches shall not exceed 60'-0" in height. The antennas shall not exceed the height of the wireless communications pole. The mono-eucalyptus will consist of twelve (12) eight-foot (8'-0") tall panel antennas (three (3) sector antennas with four (4) panel antennas per sector). Each sector will be attached to the pole of the mono-eucalyptus by a four-foot (4'-0") long T-arm antenna mount. Two (2) 18" x 30" surge suppressor raycap units will be attached to two (2) of the T-arm antenna mounts. A four-foot (4'-0") tall microwave dish antenna will be installed and attached to the pole of the mono-eucalyptus approximately 9'-0" below the antennas measured to the centerline. All attached equipment (i.e., antennas, T-arm antenna mounts, and other attached equipment) will be sufficiently screened and remain stealth by the foliage of the branches and leaves. In order to maintain a natural appearance, the following conditions shall apply:
 - a. The mono-eucalyptus is required to have a minimum branch count of 100 (minimum of 25 branches for every 10'-0") that is spaced and designed to hide the antennas.
 - b. Branches for the mono-eucalyptus shall begin at a height of 15'-0" above the ground.

- c. Vertical and horizontal spacing of the branches shall be such that the majority of the trunk of the mono-eucalyptus, above the lowest branch, shall not be visible.
 - d. The base of the spread shall be approximately 20'-0", as proposed.
 - e. Branch lengths shall vary to maintain a natural appearance of a eucalyptus tree.
 - f. The branches of the mono-eucalyptus shall angle upward 15 to 20 degrees.
 - g. Synthetic eucalyptus branch lengths shall vary to maintain a natural appearance of a eucalyptus tree.
 - h. The entire trunk shall be covered in textured rubber to look like real eucalyptus bark.
 - i. The antennas and dishes are required to be painted green to match the color of the branches.
 - j. There shall be no climbing pegs on the mono-eucalyptus below a height of 15'-0", except when temporarily installed to service the antennas.
 - k. Any proposed antenna dishes shall be designed as a microwave flat panel.
 - l. Sleeves shall be installed to camouflage the antennas.
13. The applicant shall submit a material sample of the bark and the leaves to the Planning Services Division for review and approval as part of the plan check submittal application.
14. The Conditional Use Permit (CUP) grants the right to the applicant to construct and use a telecommunication facility on the premises. The City, however, has concerns about the potential adverse aesthetic and other health and safety impacts of the antennas, and utility and/or mechanical equipment on the surrounding community. It is possible that future technological improvements may make the proposed telecommunication facility unnecessary or obsolete or outdated aesthetically, therefore, the particular antenna and related equipment shall be reviewed ten years from the date of this approval. At that time, the cellular provider operating the site shall agree to and update the facility as may be required by the Community and Economic Development Director or his/her designee.
15. The City reserves the right to periodically reevaluate the antennas, and utility and/or mechanical equipment in terms of the continued need for these

- structures in their current size, height, and configuration, and the actual impacts on the neighborhood, community, and environment.
16. Prior to the end of the fifth (5th) year, there will be an administrative review for compliance with the conditions of approval.
 17. In order to address concerns regarding radio emissions, the following conditions shall be complied with:
 - a. Radio frequency emissions shall not exceed the radio frequency emission guidelines of the Federal Communication Commission (FCC); as such guidelines may be amended from time to time.
 - b. Prior to January 1, 2018, and each January 1st thereafter, the operator shall file with the City of Garden Grove Community and Economic Development Department for approval, a certification of compliance prepared by an independent third party, qualified to measure radio frequency emissions.
 18. The operator/property owner shall make the antenna structure available for co-location for other service providers. If an additional wireless provider proposes to locate on the subject facility, the new appurtenances (including, but not limited to: antennas, microwave dishes, T-arm mounts, and other related wireless attachments) shall be fully screened in order to maintain the facility's stealth design.
 19. In the case of collocation of telecommunication facilities, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the City's Public Safety Communications Equipment.
 20. In the event that the communication facility is abandoned or its use is discontinued, the property owner shall remove all improvements within sixty days of abandonment or discontinuance of the use, whichever occurs first.
 21. The operator/property owner shall re-stripe the existing side parking area off Monarch Street.
 22. The operator/property owner shall replace the dead sod areas in the landscape buffer along Monarch Street with new sod and ensure that the irrigation system is operating to ensure lawn maintenance.
 23. The operator/property owner shall remove and replace damaged and faded wood slats weaved into the existing fence in the rear storage area that both surrounds, and will be part of, the enclosure area.

24. The applicant shall install two (2) live eucalyptus trees (24" box minimum) in the landscape buffer along Monarch Street approximately 12'-0" directly east and 45'-0" directly northeast from the mono-eucalyptus, per the submitted plans. The eucalyptus trees shall maintain a minimum height of forty feet (40'-0"), upon maturity. The Planning Division shall approve the final location of the proposed eucalyptus trees.
25. Hours and days of construction shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
26. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-091-2017, and their agreement with all conditions of the approval.
27. There shall be no other antennas or mechanical equipment installed on the tree without obtaining approval from the Planning Services Division.
28. 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 CUP-091-2017. 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.

Fire Department

29. The applicant shall provide the appropriate Fire Department notes on the building plans that will be submitted to the Building Services Division for plan check review.
30. The applicant shall complete a Fire Department Hazardous Materials packet, and submit a copy to the City with the initial plan check submittal packet.
31. The applicant and subsequent operator(s) shall provide 2A 10 BC Extinguisher in the equipment cabinet prior to granting approval of final.
32. The applicant and subsequent operator(s) shall place and display a hazardous materials placard(s)/sign(s), to NFPA 704 Standards, on the equipment enclosure.

Engineering Department

33. An encroachment permit from the City is required prior to any construction in the public right-of-way.
34. No equipment is to be placed on the City of Garden Grove public right-of-way.