

## **EXHIBIT "A"**

**Site Plan No. SP-044-2017  
Variance No. V-017-2017  
Conditional Use Permit No. CUP-116-2017**

12900 Euclid Street

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant shall execute a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. 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, Steelcraft Long Beach L.P., the developer of the project, the tenants(s) of the property, future transferees of the property from the City of Garden Grove, 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, except as otherwise provided herein.
2. The rights granted the applicant pursuant to Variance No. V-017-2017 and Conditional Use Permit No. CUP-116-2017 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-044-2017 and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan No. SP-044-2017 are not constructed or are demolished and not re-established, Variance No. V-017-2017 and Conditional Use Permit No. CUP-116-2017 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards. Approval of this Site Plan, Variance 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, Variance, 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. All vehicular access drives to the site shall be provided in locations approved by the City of Garden Grove's City Traffic Engineer.
8. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops.
9. 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 plans.
10. 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 or a Phase I Environmental report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated by the City of Garden Grove, pursuant to the Lease Agreement between the City of Garden Grove and SteelCraft Long Beach LP, dated June 13, 2017, and 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 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.

11. A separate street permit is required for work performed within the public right-of-way.
12. Grading/Street improvement 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 thirty feet (30') 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. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
13. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
14. 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.
15. 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.
16. 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.
17. 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.
18. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
  - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - b. Provide solid roof or awning to prevent direct precipitation into the enclosure;
  - c. Connection of trash area drains to the municipal storm drain system is prohibited;
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
  - f. The trash enclosure(s) shall be located to allow pick-up and maneuvering, including turnarounds, in the areas of the enclosures;
19. The applicant and his 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 his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

20. 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.
21. 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 approved by the Planning Services Division Prior to installation.
22. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
23. Prior to issuance of a grading permit, the applicant submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
24. 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.
25. Any required lane closures should occur outside of peak travel periods.
26. Construction vehicles should be parked off traveled roadways in a designated parking area.

27. 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.
28. If it is found in the final Water Quality Management Plan (WQMP) that major modifications are required to the approved plans, under Site Plan No. SP-044-2017, where structures and/or foundations need to be modified and/or relocated to a substantial degree, subject to determination by the City Engineer, the applicant shall be required to gain Planning Commission approval of an amendment to the approved Site Plan.
29. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City of Garden Grove. Prior to issuance of a building permit, the applicant shall design and construct street frontage improvements as identified below:

Euclid Street

- a. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Euclid Street with Planning Division and Garden Grove's Water Division.
- b. Any proposed new landscaping in public right of way shall be approved by Planning Division and maintained by the owner.

**Public Works Water Services Division**

30. The applicant shall install new water meter and service off of the 10" cast iron main on the west side of Euclid.
31. The applicant shall install reduced pressure principal devices per City Standard B-770 on the domestic and irrigations supply lines. Any carbonation dispensing equipment shall have an internal stainless steel 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. The applicant must open a water account upon installation of RPPD device.

32. The applicant shall install a fire service connection per City Standard B-773 with a FDC. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the applicant. The above ground assembly shall be screened from public view as required by the Planning Division.
33. The applicant shall install a new public fire hydrant in the Euclid right-of-way and located within 50 feet of the new fire service.
34. The applicant shall abandon the existing on-site fire hydrant and the water supply line downstream of the City Hall domestic connection and install a new fire hydrant within the Euclid Street right-of-way. This is necessary as the existing onsite fire hydrant line ties into the Acacia Parkway water main and the fire hydrant supply line crosses the property at 12860 Euclid St. (formerly the Southland Credit Union). In addition, City Hall's domestic and irrigation lines come off this line. Turning off the valve for this private fire hydrant also shuts off City Hall's domestic water.
35. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
36. The applicant shall camera the existing sewer lateral to determine its condition, and if it is not used it needs to be capped and plugged at the right-of-way. If needed, the applicant shall install a new manhole connection on the existing 6" sewer main and a new 6" extra strength VCP sewer lateral installed within the sewer main easement.
37. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
38. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the applicant. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. The applicant shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
39. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.

**Fire Department**

40. Maximum occupant load shall be posted for all first and second floor areas.
41. Vertical access to upper level shall meet Garden Grove Fire Department gurney specifications.
42. Fire sprinklers, where required, shall be provided.
43. Fire alarm shall be provided.

**Police Department**

44. There shall be no gaming tables or gaming machines as outlined in City Code Sections 8.20.010 and 8.20.050 on the premises at any time.
45. In the event security problems occur, and at the request of the Police Department, the applicant shall establish a security plan and, at its own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as prescribed by the Police Department. The security plan shall be submitted to the Police Department for review and approval. The security plan shall include the number of security personnel that will be provided, job duties and descriptions, procedures on communication, procedures on ID check, maximum occupancy load, and a detailed description of how problems and problem guests will be handled. Should additional security problems occur, the applicant shall modify the security plan at the request and to the satisfaction of the Police Department.
46. The hours of operation for the multi-tenant commercial development, SteelCraft, shall be permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. Each business within the development may have differing business hours and closing times, which may be further restricted to separate hours of operation should a separate Conditional Use Permit be required for the respective establishment (i.e., an establishment operating with an ABC license for on-sale or off-sale of alcohol and under a conditional use permit). However, at no time shall a business within the SteelCraft development have hours of operation beyond the restricted closing time (12:00 a.m.) of the SteelCraft development. Noise generating activity within the communal dining areas of the SteelCraft development, such as entertainment, and/or other similar incidental events or activities secondary to the primary activity of dining, are permitted to occur between 10:00 a.m. and 10:00 p.m. In the event that problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.
47. Alcoholic beverages shall only be sold and served in distinctive cups with a logo from the location it has been dispensed from. No other cups may be



- used for the dispensing of alcoholic beverages. Said containers shall be distinct and different than containers of non-alcoholic beverages.
48. Adjacent to, or on the interior of, any gate/door along the perimeter barriers, which leads to the exterior areas of the SteelCraft development (i.e., the parking lot areas, the public right-of-way), a clearly visible sign(s) stating "No alcohol beyond this point" shall be installed. Said gate(s)/door(s) shall be self-closing.
  49. The applicant/operator of the SteelCraft development is required to install, maintain, and operate a camera/surveillance security system which monitors all exterior areas immediately adjacent to the SteelCraft development. A daily recorded library, with digitally recorded footage, shall be archived for at least 30 days, and be made available to the Garden Grove Police Department at the Police Chief's request.
  50. At no time shall the entertainment, and/or other similar incidental events or activities, become the attracting venue for the SteelCraft development. Entertainment and/or other similar incidental events or activities, within the SteelCraft development, shall be incidental in nature, and secondary to the primary activity of dining.
  51. There shall be no cover charge required for any event to gain access to the SteelCraft development.
  52. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

**Community and Economic Development Department**

53. The approved site plan and floor plan are an integral part of the decision approving this Site Plan, Conditional Use Permit, and Variance. There shall be no additional changes in the design of the site plan and floor plan without the approval of the Community and Economic Development Department, Planning Services Division. Any additional changes in the approved floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).
54. Entertainment, alcohol sales or consumption, or other similar incidental events or activities secondary to the primary activity of dining shall only be permitted to occur within the confines of the SteelCraft development. Sound emitted from entertainment, or other similar incidental events or activities secondary to the primary activity of dining, shall be within the limits of the City's Noise Ordinance. In the event, entertainment or other similar incidental events or activities secondary to the primary activity of dining, create a noise nuisance to nearby properties/uses, the applicant shall

implement additional sound attenuation measures acceptable to the City. Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.

55. Conditional Use Permit No. CUP-116-2017 permits "Communal Dining with Entertainment and/or Alcohol" to take place within the interior outdoor area of the SteelCraft development surrounded by the shipping containers. A "Communal Dining with Entertainment and/or Alcohol" is a communal dining area or areas serving more than one business, either within a wholly enclosed building or within a confined outdoor space, in which "entertainment" and/or other similar incidental events or activities secondary to the primary activity of dining are provided or conducted and/or alcohol is served and/or consumed. A "confined outdoor space" is a controlled area or group of areas with monitored entrances and exits that is enclosed by a perimeter barrier.
56. The applicant shall ensure the SteelCraft development operates in compliance with all applicable requirements, development standards, and operating conditions as specified in the Municipal Code, which includes, but is not limited to, those prescribed in Section 9.18.090.060, Additional Regulations Specific to the CC-3 Zone, as it relates to uses involving entertainment and/or alcohol sales or consumption in communal dining areas.
57. SteelCraft Garden Grove L.P. shall be the responsible party for monitoring, managing and controlling the communal dining area(s) of the development, which shall include, but is not limited to: ensuring any activity within the SteelCraft development does not create any noise nuisances to nearby properties/uses; all entrances and exits are monitored by the applicant ensuring alcoholic beverages do not leave the communal dining areas within the confined space of the SteelCraft development; and ensures that all applicable requirements of the Municipal Code are complied with. The applicant may designate a different responsible party upon written approval of the City's Community and Economic Development Director.
58. Any tenant within and/or part of the SteelCraft development, either as a lessee, sub-lessee, or provider of a service/good, which intends to sell alcohol, whether for on- or off-site consumption within the SteelCraft development, shall obtain all required permits and/or approvals, which include, but may not be limited to, a Conditional Use Permit, State Department of Alcoholic Beverage Control (ABC) license(s), and business license.
59. The applicant shall maintain full compliance with all applicable laws, State Department of Alcoholic Beverage Control (ABC) laws, ordinances, and stated conditions. In the event a conflict between the requirements of these

Conditions of Approval and any ABC license required of the applicant and/or any tenants or operators, the more stringent regulation shall apply.

60. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Building Services Division. These conditions must be printed on the site plan or a subsequent reference page.
61. No outside display of merchandise shall be permitted at any time.
62. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign(s) shall be displayed near or at the entrances, and shall also be visible to the public.
63. There shall be no uses or activities of an adult-oriented nature permitted as outlined in City Code Section 9.08.070.
64. Deliveries may occur during all hours of the day. Delivery trucks shall be shut off and shall not remain idle during deliveries. However, in the event problems arise where the delivery hours need to be reduced or restricted in order to minimize noise issues, the operator shall modify the delivery hours as prescribed by the City.
65. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
66. The applicant shall maintain all landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
67. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
68. The applicant is advised that the SteelCraft development, including all tenants of the SteelCraft development, are subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995. Smoking is prohibited

- anywhere on the site, except in designated smoking areas in compliance with applicable law.
69. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
  70. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows or on the exterior of the buildings.
  71. All proposed signage shall adhere to Section 9.20, Sign Standards, of Title 9 of the Municipal Code. A detailed signage program governing the entire site that includes the height, size, color and locations of all signs, shall be approved by the Community and Economic Development Department, Planning Services Division prior to installation of any signage.
  72. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
    - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
    - b. Sunday and Federal Holidays may work the same hours, but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
  73. 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.
  74. Long-term and short-term bicycle parking shall be provided per California Green Code.
  75. The upper level shall be on an accessible route that can be negotiated by a wheelchair. Vertical access to upper level, accommodating a gurney, can be in the form of a ramp, lift, or elevator.
  76. Adequate drainage shall be provided in the interior court area and around the perimeter.

77. Adequate drainage shall be provided inside the containers.
78. ADA accessible seating is required at the upper level dining area.
79. Plans submitted for building plan check shall note any level changes from accessible routes to interior lower level and upper level seating areas.
80. Wheels stops shall be provided along the accessible route which crosses over, and is adjacent to, the area noted as "Truck Access" on the submitted plans, which may be in the form of removable barriers.
81. Plans submitted for building plan check shall detail the protruding portion of the service areas for the tenant spaces to meet cane detectable dimensions.
82. Plans submitted for building plan check shall show the existing exit path from south side of the City Hall building.
83. An accessible route shall be provided to the performance area (stage).
84. An accessible route shall be provided to the electrical room.
85. The approach entry and exit, for each tenant space, shall have maximum ¼ inch level change.
86. Development shall comply with all applicable requirements of the 2016 CBC (California Building Standards Code), CMC (California Mechanical Code), CPC (California Plumbing Code), CEC (California Electrical Code), CGBC (California Green Building Standards Code), and 2016 T-24 (Title 24) Energy Standards.
87. 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 Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas 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 that the SteelCraft development or any establishment therein is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
88. 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 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 Services Division.
  - b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Services Division approves a method of screening complementary to the architecture of the building, prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
89. 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, including the City's Water Efficiency Guidelines, as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures. Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. 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.
90. 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 applicable laws and regulations.
91. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
92. 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.
93. Any new driveway approaches shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete. Color, pattern and material shall be approved by the Community and Economic Development Department, Planning Services Division, and shall be shown on the final site plan and the grading plan.
94. All on-site curbs, not associated with a parking space, shall be painted red.
95. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
  - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
  - b. The trash enclosure shall match the color and material type used for the block walls and shall be gated. The trash bins shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. The applicant shall provide sufficient trash bins and pick-up to accommodate the site. The trash shall be picked up at least once per week.
  - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
96. The proposed development shall comply with all applicable provisions of the Garden Grove Local Implementation Plan (LIP), including, but not limited to,

providing a Water Quality Management Plan (WQMP) and Section 7 addressing reducing water run-off from the site (e.g. directing roof rain gutter's downspouts to permeable areas such as landscape planters).

97. The applicant shall work with the Planning Services Division to ensure that the proposed building colors are appropriate, and not overly bright. The applicant shall submit the actual chip samples of the proposed paint colors to the Planning Division for review and approval.
98. 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, 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: reducing 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 facility.

99. A copy of the resolution including the conditions approving Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017, shall be kept on the premises at all times.
100. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
101. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017, and his/her agreement with all conditions of the approval.
102. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.



103. 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 Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017. 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.
104. It shall be the applicant's responsibility to verify that any building or site improvements do not cross over, encroach into, or cause issue with any recorded easements on the subject property or the adjacent properties.
105. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-116-2017 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
106. Approval of Conditional Use Permit No. CUP-116-2017 shall be contingent upon the adoption and effectiveness of an Ordinance approving Amendment No. A-021-2017 conditionally permitting Communal Dining with Entertainment and/or Alcohol in the CC-3 (Civic Center Core) zoning district.