

# **EXHIBIT "A"**

## **Site Plan No. SP-044-2017 (REV. 2019) Variance No. V-024-2019**

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, approved under Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017, and contained in Resolution No. 5905-17, shall remain in full force and effect, except as modified herein. 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 Garden Grove 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 Zoning Administrator, except as otherwise provided herein.
2. The rights granted the applicant pursuant to Variance No. V-024-2019 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-044-2017, Site Plan No. SP-044-2017 (REV. 2019), 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 and Site Plan No. SP-044-2017 (REV. 2019) are not constructed or are demolished and not re-established, Variance No. V-024-2019 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 and Variance 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 Variance. 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.

### **Community and Economic Development Department**

6. The approved site plan and floor plan are an integral part of the decision approving this Site Plan 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).
7. 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.
8. Long-term and short-term bicycle parking shall be provided per California Green Code Section 5.106.4. The location and placement of the new bicycle parking areas shall be subject to review and approval by the Planning Division and Building & Safety Division.
9. An accessible route shall be provided to the new/proposed retail tenant space.
10. A tenant improvement building permit is required for the new/proposed retail tenant space.
11. 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.

12. A copy of the decision including the conditions approving Site Plan No. SP-044-2017 (REV. 2019) and Variance No. V-024-2019, shall be kept on the premises at all times.
13. 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 (REV. 2019) and Variance No. V-024-2019. 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.
14. 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.
15. The perimeter fencing around the establishment shall maintain a height of eight feet (8'-0"), per the approved plans under Site Plan No. SP-044-2017 (REV. 2019). The perimeter fencing within the front area of the establishment, facing the Euclid Street frontage, shall be fitted with operable open mesh windows, which shall remain open during open business hours and closed during non-business hours. The design, location, and placement of said perimeter fencing shall be subject to review and approval by Planning Division and Building and Safety Division.