

EXHIBIT "A"

Site Plan No. SP-031-2016

9691 Bixby 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. 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 Bryson Nguyen, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns.
2. Approval of this Site Plan 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. The approved site plan, floor plan, and building design with colors are an integral part of the decision approving this Site Plan. There shall be no change in the site plan, floor plan, building design and/or colors as revised without the approval of the Community and Economic Development Department. Any change in the site plan, and/or floor plan, which has the effect of expanding or intensifying the use, shall require approval from the Planning Commission.
4. 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.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Work's Engineering Division

The following provisions of the Public Work's Engineering Division shall be complied with:

6. The applicant shall be subject to Traffic Mitigation Fees, Park Fees, Drainage Fees, and other mitigation fees for development projects identified in Chapter 9.44 and/or other provisions of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City.
7. 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 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 interior drive aisles and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels.
8. A separate street permit is required for work performed within the public right-of-way.
9. Separate grading and 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 30 feet 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.
10. 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 (WQMP) that:
 - 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;

- Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
 - Incorporates Treatment Control BMPs as defined in the DAMP;
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs;
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- 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;
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site;
 - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural and/or other post-construction BMPs; and
 - Demonstrate that the applicant has agreed to and recorded an agreement or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to fund, operate and maintain in perpetuity the post-construction BMPs described in the Project WQMP and O&M Plan.
12. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per 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.
13. 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 grading plan.

14. Provide a 3-foot public utility easement across lot frontage behind the property line.
15. Prior to issuance of the street improvements and grading permit, provide subdivision completion bonds for all work constructed under the street improvements and grading permit in a manner satisfactory to the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).
16. The applicant shall construct the driveway entrance to the development per City of Garden Grove Standard Plan B-121 with conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
17. The grading plan shall provide an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
18. Orange County Storm Water Program manual requires all contractors to provide a dumpster on-site during construction unless an Encroachment Permit is obtained for placement in street.
19. 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.
20. All trash container areas shall meet the following requirements:
 - 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;
 - Provide solid roof or awning to prevent direct precipitation;
 - Connection of trash area drains to the municipal storm drain system is prohibited;
 - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;

- See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
21. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
22. The applicant shall remove the existing landscape within sidewalk area along Bixby Avenue and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant/property owner for the life of the project in a manner meeting the approval of the City Engineer.

Bixby Avenue

- Remove the existing substandard driveway approaches and existing landscaping on Bixby Avenue and construct new curb, gutter, landscape, and sidewalk.
- The new driveway approach to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-121. Standard Plan B-121 calls for a minimum width of 30-feet with any deviation from the standard to be approved by the City Engineer and detailed on the plan showing all modifications.
- Construct 6" curb and gutter along the property frontage at 20 feet from centerline in accordance with City Standard Plan B-113 (Type D-6).
- Construct a 5-foot sidewalk adjacent to the right-of-way line and a 5-foot landscape parkway adjacent to the street curb in accordance with City Standard Plan B-105. The area between the sidewalk and curb shall be landscaped per the direction of the Planning Services Division.

Garden Grove Fire Department

The following provisions of the Garden Grove Fire Department and the California Fire Code shall be met:

23. Fire sprinkler system is required throughout each apartment building per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable above ground double check valves, fire flow water meters if required).

24. Smoke/CO alarm system shall be provided and interconnected; interconnectivity shall exist with fire sprinkler system also, as per NFPA 72. Life safety and fire sprinkler alarm system shall comply with NFPA 72 requirements.
25. Fire hydrant(s) shall be provided on-site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrant(s) shall be on a loop system approved by the Fire Department. The fire hydrants and an all-weather road, compliant with the California Fire Code, shall be installed and fully operational prior to any combustible material being delivered to the site.
26. All Fire related aspects of the proposed project shall comply with applicable California Fire Codes and the California Building Codes.
27. There shall be a minimum of 20-foot clear access within the drive aisle and emergency vehicle turn-around area. In addition, pedestrian access shall be available along the west and east side of the development to facilitate secondary access requirements.

Building Services Division

28. The homes shall be designed to comply with applicable California Building Codes.

Public Work's Water Services Division

The following provisions of the Garden Grove Public Work's Water Services Division shall be met:

29. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
30. Water meters shall be located within the Bixby right-of-way. Fire services and large water services 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.
31. 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. Applicant/property 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.

32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
33. 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 property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
34. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department. Private fire hydrant must be operational prior to foundation pour.
35. Applicant shall install new sewer manhole and 6" lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints. On-site private sewer installation shall be per California Plumbing Code.
36. Applicant 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.

Planning Services Division

37. The applicant shall submit a detailed landscape and irrigation plan of all landscape areas, including the parkway area behind the new sidewalks. The plan shall be submitted to and be approved by the Community and Economic Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location, and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:
 - a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines.

- b. Trees planted within ten (10) feet 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. The number of street trees to be planted along Bixby Avenue shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk, unless required by the City's Public Work's Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.
 - c. The front landscape area shall reflect the existing character of the site with abundant tropical plantings and shade trees.
 - d. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
 - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
 - f. The applicant is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the playground, the landscape setbacks, sidewalk, curb and pavement of the site.
38. A Density Bonus Housing Agreement, pursuant to Ordinance 2668 and Section 9.12.030.070 (Density bonuses and other incentives for affordable housing) (Subsection I – "Density Bonus Housing Agreement") of Title 9, shall be prepared by the City, at the applicant's/property owner's expense. The Density Bonus Housing Agreement shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development. The Density Bonus Housing Agreement shall run with the land and bind on all future owners and successors in interest. The Density Bonus Housing Agreement shall include, but not limited to, the following:
- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.

- b. Standards for determining affordable rent or affordable ownership cost for the target units.
 - c. The location, unit size in square feet, and number of bedrooms of target units.
 - d. Provisions to ensure affordability for 55 years pursuant to Government Code section 65915 and otherwise in accordance with Subsection G of section 9.12.030.070.
 - e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
 - f. A description of any concessions or incentives or waivers and modifications being provided by the City.
 - g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
 - h. Procedures for qualifying tenants and prospective purchasers of target units.
 - i. Any other provisions to ensure implementation and compliance with section 9.12.030.070.
 - j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
 - k. Provisions requiring verification of household incomes.
 - l. Provisions requiring maintenance of records to demonstrate compliance with section 9.12.030.070.
 - m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).
 - n. The property owner shall provide a professional caretaker, as defined and required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
39. 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 same hours, but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
40. The approval and effectiveness of Site Plan No. SP-031-2016 shall be expressly contingent upon the adoption and effectiveness of a binding Development Agreement between the applicant and/or property owner and the City of Garden Grove.
41. 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 adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
42. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
- a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Dale Street, or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Department.
 - c. No roof-mounted mechanical equipment, including, but not limited to, dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

43. Each Unit shall have phone-jacks and cable-TV in all rooms, except any laundry area, hallways, and bathrooms.
44. All units shall maintain the ability to park two cars within the garages at all times. Garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
45. The main drive aisle, which runs through the middle of the property, serves the entire development for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated open guest parking spaces. Additionally, there shall be no long term parking of vehicles in the open guest parking spaces nor shall open guest parking spaces be reserved for any particular units.
46. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner 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 property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
47. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
48. All units shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
49. Each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
50. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Bixby Avenue. Concrete treatment and color shall be

approved by the Community and Economic Development Department prior to issuance of building permits.

51. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
52. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the Conditions of Approval for Site Plan No. SP-031-2016. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5-feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
53. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. Decorative masonry walls are required along the west, north, and east property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community and Economic Development Department's approval.
 - b. The applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing the required

perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. Furthermore, the outward facing portion of the new wall shall be compatible in design and match the color of the existing wall it is abutting. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation. Additionally, the applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing any required perimeter blocks walls and/or retaining walls so as not to construct new walls that unreasonably cause shade and shadow issues to nearby homes or are unreasonably tall in height, as measured from grade on the side of the neighboring properties. The applicant shall work with the City to mitigate any such occurrences and issues relating to any walls, subject to final review and approval by the City.

54. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, use low-sodium parking lot lights, and ensure compliance with Title 24.
55. The common recreation area improvements, including the design of the play equipment, shall be reviewed and approved by the Community and Economic Development Department, Planning Division, prior to issuance of building permits. The improvements within the common open space areas shall include a turf area, benches, barbecue, child's play equipment, and related equipment and improvements.
56. The emergency vehicle turn-around area shall be painted with cross hatched markings to be designated as a "No Parking" zone, and exclusive for fire truck access only.
57. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include architectural enhancements such as multi-toned stuccoed exteriors with window and door trim, stone veneer, decorative paneled front doors, shutters, decorative wrought iron railings, and varied rooflines with tile roofing material.

58. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Work's Engineering Division requirements can be accommodated.
59. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
60. 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-031-2016 and Development Agreement No. DA-004-2016 (collectively, the "Project entitlements"). 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. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.
61. 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-031-2016, has begun.
62. 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 CEQA.