

EXHIBIT "A"

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)

12552 Western Avenue

REVISED CONDITIONS OF APPROVAL

(New text in underline and deleted text in ~~strikethrough~~):

General Conditions

1. ~~The applicant and each owner of the property shall execute, and the applicant shall record against the subject property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, The Map Sports Facility, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission~~
The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. 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.
2. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by any necessary permits of licenses required to conduct the use, in compliance with all applicable laws. ~~The approval of CUP-339-11 (REV. 2014) shall be contingent upon City Council approval of Amendment No. A-009-2014.~~
3. Minor modifications to the ~~floor-approved plans~~ or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the floor plan or to 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.

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

4. The approved site plan, floor plan and the use of the subject property as represented by the Applicant are integral parts of the decision approving this 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/approved use 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.

4.

Public Works – Environmental Services Division

6. For any demolition work performed on the site, the processing of all material shall be performed in accordance with local rules and regulations. Garden Grove Disposal shall provide waste containers for demolition materials in accordance with their exclusive franchise agreement with the City of Garden Grove.

5.7. Applicant shall reserve an area for a Municipal Solid Waste (MSW) container, recycling container, and organics recycling container (3 cubic feet and 3 separate containers total).

Building Services and Safety Division

6.8. To operate the proposed "indoor sports facility" on the site, the building improvements including occupancy load shall comply with the California Building Standards Code for the new use including but not limited to: disabled access, minimum plumbing fixtures, and an exit system. All other improvements necessary for improving the site and interior shall also comply with all provisions of the California Building Code.

Community and Economic Development Department

7.9. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying or changing the present use, shall require the applicant/business owner to obtain the proper entitlements.

8.10. At the sports facility site, all practicing and playing of sports shall occur within the building. Hours of operation shall be 5:00 p.m. 8:00 a.m. to 10:00

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

~~p.m.11:00 p.m., Monday through Friday and 8:00 a.m. to 10:00 p.m. Saturday and Sunday seven (7) days a week.~~ All games shall be scheduled with a thirty-minute interval between them to allow time for one set of team members to leave the facility before the next teams arrive and therefore, not double the parking demand.

9. There shall be no tournaments, competitions, or other special events that draw spectators. To add tournaments and other such events to the approved business operation, the business owners shall provide a revised parking study and an operational plan to address the increased demand for parking, security, and/or issues or impacts created by such events. For regularly occurring tournaments or events the applicant shall submit for approval by the Community and Economic Development Department a request to allow for such and be applied on an event by event basis. The applicant can apply for a Special Event permit for a tournament/event that is a one-time addition. In both cases the submittal and approval of a revised parking study and operational plan by the Community and Economic Development Department is required. To engage in a tournament/event, the business owner shall submit plans for review and approval by the Community and Economic Development Department a minimum of 30 days prior to the tournament/event.

~~11.~~

~~10. A new main entrance to the indoor sports facility shall be constructed on the Western Avenue elevation of the building to provide clear direction and to provide a path for wheelchair access between the sidewalk and the facility. The new entrance shall be included in the building permit for the tenant improvements to construct the indoor courts.~~

~~11.~~12. The applicant/property owner shall maintain a minimum of ~~191-269~~ parking spaces on the site (184 standard parking spaces, 7 ADA accessible parking spaces, and 78 overflow parking spaces), per the submitted site plan for CUP-339-11 ~~(REV. 2014)~~(REV. 2020), that are available to participants at the indoor sports facility. In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least ~~forty five~~sixty-five (65) vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times. The overflow parking area, (of 78 parking spaces), shall be made available to patrons of the indoor sports facility, during any peak times and events, as necessary.

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

Due to the nature of the operation of an indoor sports facility with variables in user demand there is the possibility that parking issues may arise. In the event, the site cannot accommodate the parking demand at any given time which causes a nuisance, hindrance, and/or problem with ~~both~~either on-site ~~and~~and/or off-site parking and/or circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. On-site circulation problems refer to parking along designated "red-curb" area, blocking fire lanes, blocking regular drive aisles/double parking and reducing or blocking entrances or exits.

The business owner/property owner shall submit a plan, prepared by a licensed traffic engineer, to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, limiting the number of courts in use at one time, limiting the number of attendees per tournament or other special event, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other 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/or 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 or revocation of this Conditional Use Permit.

~~12.13.~~ 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 shall be displayed near or at the entrance of the establishment, and shall also be visible to the public.

~~13.14.~~ All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.

~~14.15.~~ 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.

~~15.16.~~ There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

~~16.17.~~ There shall be no customers or patrons in or about the premises when the establishment is closed.

~~17.18.~~ In the event security problems occur, and at the request of the Police Department, the applicant/business owner, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.

~~18.19.~~ ~~New lighting~~ Lighting shall ~~be added to~~ highlight the main entries into the indoor sports facilities and ~~to provide adequate lighting for~~ the all new and existing parking areas. All lighting structures shall be placed and maintained so as to confine direct rays to the subject property. Lighting levels shall be maintained at a minimum of two foot-candles during hours of operation and a minimum of one foot-candle all other hours of darkness.

~~19.20.~~ Graffiti shall be removed from the premises, and all parking lots under the control of business owner(s) and/or property owner, within 120 hours upon notification/application. Additionally, the applicant/owner shall remove all USA markings from the public right-of-way upon completion of any construction.

~~20.21.~~ 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.

~~21.22.~~ All trash bins shall be kept inside the trash enclosure(s), 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. Trash pick-up shall be at least once per week ~~The applicant/business owner shall submit a revised site plan showing the location of a trash enclosure for approval by the Community Development Department. The applicant/business owner shall be responsible for the construction of a trash enclosure on the site and coordinating with the Garden Grove Sanitary District and their contractor the specifics such as trash pick up times, number and types of trash receptacles, and locations of the trash enclosures. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.~~

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

~~22.23.~~The applicant is advised that the establishment is 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.

~~23.24.~~No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

~~24.25.~~No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.

~~25.26.~~Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

~~26.~~ ~~The applicant/business owner(s) shall submit a sign plan for review and approval by the Community Development Department showing the locations and design for new signs identifying the sports facility and any other directional signs to make the circulation, parking, and loading on the site clear. The applicant/business owner(s) are responsible for obtaining a sign permit and installing the signs prior to beginning operation of the indoor sports facility. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.~~

27. 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. Signing for the development shall be consistent with that applicable sign development standards for the developments in the M-P (Industrial Park) zone as stated in the City of Garden Grove Municipal Code.

28. A copy of the Resolution and the Conditions of Approval for Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020) shall be kept on the premises at all times.

29. The applicant and business owner shall submit a signed letter acknowledging receipt of the resolution approving Conditional Use Permit No. CUP-339-11

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

~~(REV. 2014)~~(REV. 2020), and his/her agreement with all conditions of the approval.

30. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including 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.~~The City at its discretion may review Conditional Use Permit No. CUP-339-11 (REV. 2014) every year order to determine if the business is operating in compliance with the conditions of approval and if further administrative review is required.~~
31. All existing conditions of approval, as approved under CUP-339-11 (REV. 2014), along with any modified or new conditions of approval, as approved under CUP-339-11 (REV. 2020) will apply. ~~Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-339-11 (REV. 2014).~~
32. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning ~~Amendment No. A 162-11, Conditional Use Permit No. CUP-339-11, and~~ Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020). 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.
33. ~~Provided the provisions set for in Condition No. 11 and all applicable Building and Fire Code provisions are complied with,~~ The maximum allowable occupancy for the indoor sports facility use shall be limited to a maximum of 516 occupants. This number shall be clearly posted in a conspicuous place within the establishment at all times. The Community and Economic Development Director may direct the applicant to further limit the maximum permitted occupancy if determined to be necessary to comply with applicable Building or Fire Codes and/or to mitigate demonstrated significant adverse

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)
Conditions of Approval

impacts on neighboring uses due to insufficient on-site parking availability or use.

34. The indoor snack bar shall provide only pre-packaged foods (i.e., candy bars, chips, popcorn), fountain drinks, bottled drinks, hot dogs, pizza, nachos, pastries, and any other similar items that do not require cooking. The hours of operation of the snack bar will be from ~~5:00 p.m. to 10:00 p.m.~~ 8:00 a.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 9:00 p.m., Saturday and Sunday seven (7) days a week. The indoor snack bar shall be incidental to the main indoor sports facility use.
35. The indoor merchandise store shall sell only items related to the indoor sports facility use such as: clothing, shoes, training equipment, basketballs, backpacks, and socks. The hours of operation of the merchandise store will be from 8:00 a.m. to ~~9:00 p.m.~~ 11:00 p.m., Saturday and Sunday seven (7) days a week. The indoor merchandise store shall be incidental to the main indoor sports facility use.
36. If not already existing ~~The~~ applicant/operator shall install bike racks on-site to accommodate a minimum of sixteen (16) bicycles. Final location and placement of the new bike racks shall be subject to the review and approval by the Community and Economic Development Department.
37. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
38. 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-339-11 (REV. 2020) shall become null and void, and the use shall revert back and be subject to Conditional Use Permit No. CUP-339-11 (REV. 2014), 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.
39. The applicant shall not impose a parking fee to patrons of the indoor sports facility during off-peak periods and during weekday daytime hours between 8:00 a.m. to 5:00 p.m.
40. Permitted activities of the indoor sports facility operation shall be limited to the following:

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)
Conditions of Approval

- a. During off-peak/daytime weekday hours of operation, Monday through Friday between 8:00 a.m. to 5:00 p.m., permitted activities include: youth summer camps (not to exceed 300 participants at any one time) relating to volleyball and basketball sports; senior pickleball league play (not to exceed 8 courts and 32 participants, at any one time); and typical organized instruction, practices, and league play relating to volleyball and basketball sports.
 - b. During off-peak/nighttime weekday hours of operation, Monday through Thursday between 5:00 p.m. to 11:00 p.m., permitted activities include: senior pickleball league play (not to exceed 8 courts and 32 participants, at any one time); and typical organized instruction, practices, and league play relating to volleyball and basketball sports.
 - c. During peak weekend hours of operation, Friday evenings between 5:00 p.m. to 11:00 p.m., and Saturday, and Sunday, between 8:00 a.m. to 11:00 p.m., permitted activities include typical organized instruction, practices, and league play relating to volleyball and basketball sports.
41. The Parking Management Plan ("PMP") approved under Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be implemented during any high/peak demand periods, as necessary, and to ensure the indoor sports facility operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation. The PMP shall implement the following mitigation measures:
- a. Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of at least twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;
 - b. Locate the portable parking fee collection kiosk in the center of the property, to allow adequate vehicular queuing space (for twenty (20) vehicles) to eliminate on-street vehicular queuing/stacking on Western Avenue;
 - c. Implement a designated drop-off zone with queuing capacity of at least six (6) vehicles;
 - d. Utilization of parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons, of the MAP Sports Facility, from unauthorized parking on off-site private lots; and

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)
Conditions of Approval

- e. Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).
- 36.42. In order to determine if the indoor sports facility business has been operating in compliance with these Conditions of Approval, Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be reviewed by the Planning Commission six (6) months after its effective date.