

REVISED CONDITIONS APPROVED BY PLUM ON AUGUST 14, 2013

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24-U,21, 12.24-F, 12.28, 11.5.7-C, and 12.20.3, the following conditions are hereby imposed upon the use of the subject property.

A. Entitlement Conditions

1. **Use.** The project is approved for Site 1: 20 residential units, Site 2: 50 residential units, including 49 residential units restricted for Low Income households and 1 non-restricted manager's unit, and Site 3: 10 residential units restricted for Low Income households. The project will also include a public parking component as per Condition 8.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with this approval and the plans submitted by the applicant, signed and dated by staff and attached to the case file as Exhibit D. Any changes to the project or these plans shall be approved by the Director of Planning and may require additional review by the HPOZ Board. Each change shall be identified and justified in writing. Modified plans shall be signed and dated by staff and attached to the case file as Modified Exhibit D, etc.
3. **Floor Area.** The total floor area of the new building on the subject property shall not exceed: Site 1: 25,175 square feet, Site 2: 55,115 square feet, and Site 3: 11,169 square feet, for a total of 91,459 square feet.
4. **Height.** The height of the proposed structures shall not exceed a height of:
 - a. Site 1: 32 feet to the top of the roof for the two-story structures and 45-feet to the top of the roof for the three-story structures;
 - b. Site 2: 44 feet 4 inches to the top of the roof for the three story structures and 47 feet 6 inches to the top of the roof for the four-story structure; and
 - c. Site 3: 39 feet 6 inches to the top of the roof.
5. **Density.** The total density at the site shall be limited to no more than: Site 1: 20-units, Site 2: 50-units, and Site 3: 10 units.
6. **Open Space.** A minimum of 3,300 square feet of open space shall be provided on Site 1, a minimum of 7,000 square feet of open space shall be provided on Site 2, and a minimum of 1,400 square feet of open space shall be provided on Site 3, for a total of 11,700 square feet of open space.
7. **Housing Requirements.**
 - a. Site 2: Prior to the issuance of a building permit for any rental dwelling unit on the subject property, the applicant shall reserve 49 units and shall execute and record a rental covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the applicant and/or any subsequent property owner to reserve 49 units for occupancy by LOW Income households as restricted affordable rental units. Applicant must provide an

affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market-rate units. For a period of thirty (30) years from the issuance of the Certificate of Occupancy, affordable dwelling units may be occupied only by households whose income has been certified by LAHD to fall within the specified LOW Income affordability level, as defined by California Health and Safety Code Section 50079.5, for the duration of the covenant.

- b. Site 3: Prior to the issuance of a building permit for any rental dwelling unit on the subject property, the applicant shall reserve 10 units and shall execute and record a rental covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department (“LAHD”). The covenant shall bind the applicant and/or any subsequent property owner to reserve 10 units for occupancy by LOW Income households as restricted affordable rental units. Applicant must provide an affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market-rate units.

For a period of thirty (30) years from the issuance of the Certificate of Occupancy, affordable dwelling units may be occupied only by households whose income has been certified by LAHD to fall within the specified LOW Income affordability level, as defined by California Health and Safety Code Section 50079.5, for the duration of the covenant.

8. **Parking.**

- a. Site 1: A minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per dwelling unit shall be provided to serve this project.

A minimum of 116 City of Los Angeles public parking spaces shall be provided to serve this project, or allow the redistribution of the parking spaces to Sites 2 and/or 3, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

- b. Site 2: A minimum of 49 parking spaces shall be provided to serve this project, or one parking space for each restricted affordable dwelling units. A minimum of two covered off-street parking spaces per market rate dwelling unit shall be provided.

A minimum of 81 City of Los Angeles public parking spaces shall be provided to serve this project, or allow the redistribution of the parking spaces to Sites 1 and/or 3, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

- c. Site 3: A minimum of 10 parking spaces shall be provided to serve this project, or one parking space for each restricted affordable dwelling units.

A minimum of 24 City of Los Angeles public parking spaces shall be provided to serve this project, or allow the redistribution of the parking spaces to Sites 1 and/or 2, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

9. **Bicycle Parking.** A minimum of 35 bicycle parking spaces on Site 1, 55 bicycle parking spaces on Site 2, and 12 bicycle parking spaces on Site 3, for a total of 102 bicycle spaces shall be provided as shown on the project plans labeled “Exhibit D”, except as may be revised as a result of this action.

10. **Setbacks.** The project shall provide a minimum of the following as shown on the project plans labeled “Exhibit D”, except as may be revised as a result of this action:
 - a. Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57,
 - b. Site 1: a zero-foot to 22-foot side yard setback along the northern property line and along the southern property line,
 - c. Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property,
 - d. Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line, and
 - e. Site 3: a 10-foot to 15-foot rear yard setback.
 - f. Sites 1, 2, and 3: The remaining yard setbacks are as shown on the Plot Plan attached to the case file as Exhibit D.

11. **Historic Resources.** The project shall be executed with the following architectural features:
 - a. New street trees along Avenue 56 shall match existing street trees along Avenue 56.
 - b. A river rock veneer shall be used at planter bases.
 - c. All Craftsman style buildings shall include the following details:
 - i. Battered porch columns shall be made of wood or painted cement board to achieve a one-hour fire rating requirements for the building pursuant to the 2011 City of Los Angeles Building Code, Table 503 of Chapter 5 (General Building Heights and Areas) and Table 601 of Chapter 6 (Types of Construction).
 - ii. Windows shall have decorative horns added to the upper sash and shall match the wood sample provided in Exhibit A.
 - iii. Wood entry doors shall use two types of design which shall be alternated at unit entrances: one type shall have six lite glass panels over a single wood panel and the other type shall be a single lite glass panel over a single wood panel.
 - iv. Roofs shall be either a grey or brown roof color, and the roof color shall be varied from building to building to achieve a variety of appearance.
 - v. Triangular knee brace supports shall be used at the gabled roofs.
 - vi. A “1x” cement board shall be used under the roof eaves.
 - vii. Side elevations shall incorporate a barge board for decorative detailing.
 - viii. Side elevations shall incorporate a false window or decorative vent detail.
 - ix. Staff and applicant shall review any existing access and easements to the rear of existing commercial buildings along Figueroa Street, and if easements require any change to the plan, applicant shall review with the HPOZ Board.

12. **Site Access and Parking.** All site access and parking shall be provided within the combined lot area, without crossing or connecting to any adjoining commercial developments.
13. **Lot Assembly Restrictions.** As a mixed-use development, the proposed Project shall be limited to a lot assembly restriction of a maximum of six lots with a combined area equal to or less than 50,000 sq. ft. per site assemblage.
14. **Development Standards for Mixed Use Areas (Site 3).** Site 3 of the proposed Project shall be subject to the following conditions:
 - a. **Landscaping and Surface Parking Lots.** Landscaping shall conform with all applicable standards of LAMC Sect. 12.22.A.23(a)(10).
 - b. **Open Areas.** All open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by shrubs, trees, ground cover, planter boxes, flowers or fountains.
 - c. **Pavement.** Paved areas, excluding parking and driveway areas, shall consist of enhanced paving materials, such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers.
 - d. **Open Space.** The proposed project shall comply with the open space requirements for six or more residential units pursuant to LAMC Sect. 12.21.G.
 - e. **Façade Relief.** Building frontages shall be designed to comply with the requirements set forth in the Certificate of Compatibility (CCMP) in addition to the following façade relief standards of the Specific Plan: **1)** Horizontal architectural treatments and/or façade articulations, such as cornices, friezes, balconies, awnings, pedestrian amenities, or other features shall be provided for every 39 feet of building height visible from a street. **2)** Vertical architectural treatments and/or façade articulations, such as columns, pilasters, indentations, or other features shall be provided every 25 feet, with a minimum width of eight feet and a minimum depth of two feet for each vertical break. Where conflicts may occur between the requirements of the subject HPOZ Approval (CCMP) and the Specific Plan, the CCMP's requirements shall take precedence.
 - f. **Signs.** Signs shall comply with LAMC Sect. 12.22.A.23(a)(6), as applicable.
 - g. **Rooftop Appurtenances.** All ventilation heating, or air conditioning ducts, tubes, equipment, or other related rooftop appurtenance shall be screened when viewed from adjacent streets.

B. Environmental Conditions

15. **Light.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
16. **Demolition, Grading, and Construction Activities.**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.
- h. Notification and coordination with public & private schools, and nearby park, recreation, and library facilities (Highland Park Recreation and Senior Citizen Centers & Library) relating to construction activities, particularly demolition, grading, and hauling, to minimize exposure impacts and avoid conflicts with school arrival and departure times of children and outdoor activities.
- i. Provision of name and contact information to local schools, churches, and city park, recreation & library facilities, and local businesses of construction site foreman or on-site community liaison who is bilingual in English and Spanish languages.
- j. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor in English and Spanish.
- k. All other on-site posting and distribution of written information to community shall also be in both English and Spanish.
- l. Trucks and equipment, especially hauling operations, shall have soil removed from tires prior to exiting construction site to reduce impact of soil and debris being deposited onto city streets.
- m. Applicant's/contractor's construction workers are not to park on streets in either the residential or commercial corridors or in the nearby City parking facilities.
- n. Off-street parking for construction workers shall be provided and paid for by applicant to further mitigate construction parking impacts to nearby residents and businesses during the construction phases of the project.

17. Tree Removal.

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
 - c. Removal or planning of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.
18. **Cultural Resources.** The project shall comply with the Highland Park-Garvanza Preservation Plan.
19. **Seismic.** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
20. **Erosion/Grading/Short-Term Construction Impacts.**
- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
 - b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
21. **Green House Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
22. **Land Use.** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
23. **Noise Levels (Demolition, Grading, and Construction Activities).**
- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

24. **Noise Levels (Parking Structure Ramps).**

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior parking ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

25. **Noise Levels (Railroad).** Wall and roof-ceiling as Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Alternatively, the applicant may verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

26. **Schools.** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

27. **Quimby Fees.** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units. Applicant is to pay the Quimby fees for the entire 80 units. These funds will be available and allocated towards funding improvements to the City's recreation and parks facilities in the Highland Park neighborhood of Council District 1, such as Highland Park Recreation Center or Sycamore Grove Park or acquisition and development of a new mini/pocket park located within ½ mile of Applicant's project as determined in concert with Department of Recreation and Parks and Council District One.

28. **Utilities (Local Water Supplies - Landscaping).** Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following: Weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; drip/microspray/subsurface irrigation where appropriate; minimum irrigation system distribution uniformity of 75 percent; proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; use of landscape contouring to minimize precipitation runoff; and a separate water meter (or submeter), flow sensor, and master valve shutoff shall be

installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

29. Utilities (Local Water Supplies - All New Construction).

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

30. Utilities (Local Water Supplies - New Residential).

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

31. Utilities (Solid Waste Recycling - Operational). Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

32. Utilities (Solid Waste Recycling - Construction/Demolition). Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

33. **Utilities (Solid Waste Recycling - Construction/Demolition).** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

C. **Other Conditions**

34. **Bureau of Engineering.**

- a. Related Subdivision Cases VTT-72147-CN (Site 1: 119 N. Avenue 56), AA-2013-222-PMLA, (Site 2: 5712 E. Marmion Way) and AA-2013-223-PMLA (Site 3: 124 N. Avenue 59). The applicant shall comply with all of the Advisory Agency requirements contained in Case Nos. VTT-72147-CN, AA-2013-222-PMLA and AA-2013-223-PMLA being processed concurrently with this City Planning Commission case.

Prior to the issuance of any building permits, except demolition, excavation, or foundation permits, the applicant shall either 1) record the final maps of Vesting Tentative Tract Map No. VTT-72147-CN, Parcel Map No. AA-2013-222-PMLA and Parcel Map No. AA-2013-223-PMLA or 2) Provide the off-site improvements which will be phased in accordance with the Phasing Plan condition.

- b. Phasing Plan. The construction of the project will include two phases. Phase 1 will include construction of Site 2 and Site 3. Phase 2 will include construction of Site 1.

35. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval and a suitable arrangement shall be made satisfactory to the Fire Department, binding the all successors to the following:

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- c. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- d. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- e. Submit plot plans indicating access road and turning area for Fire Department approval.
- f. Policy Exception:

L.A.M.C. 57.09.03.B Exception:

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel

AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term “horizontal travel” refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- g. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
- h. Entrance to the main lobby shall be located off the address side of the building.
- i. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- j. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- k. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- l. Adequate public and private fire hydrants shall be required.
- m. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- n. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- o. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- p. Site plans shall include all overhead utility lines adjacent to the site.
- q. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
36. **Street Lighting.** Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

Construct new street lights: one on Avenue 56, one on Avenue 58 and one on Avenue 59. If street widening per BOE improvements conditions, relocate and upgrade street lights; two on Avenue 57, five on Marmion Way, and one on Avenue 59.

NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

37. **Department of Transportation.** A parking area and driveway plan shall be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street suite 400, Station 3.
38. **Phase II Environmental Site Assessment.** Prior to the issuance of any grading or excavation permit or the initiation of any earthwork activity on Sites 1 or 2, the applicant shall prepare and submit a Phase II environmental site assessment for Sites 1 and 2 to the Department of Building and Safety, Grading Division.

D. Administrative Conditions

39. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
40. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
41. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
42. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
43. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

44. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
45. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
46. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
47. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.