

MODIFIED CONDITIONS APPROVED BY
THE PLANNING AND LAND USE MANAGEMENT COMMITTEE
on April 28, 2015

1. **Use.** The project is approved for the operation of a 49,885 square-foot charter school serving grades 6 through 12 and shall be limited to a maximum enrollment of 825 students.
2. **Enrollment.** Student enrollment shall be limited to the following:
 - a. 2012-2013: 575 students
 - b. 2013-2014: 680 students
 - c. 2014-2015: 750 students
 - d. 2015-2016: 825 students*{Note: See also Condition of Approval No. 45}*
3. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, and elevations labeled Exhibit "A", attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal code and the conditions of approval
 - a. In conformance with the revised floor plan, dated February 28, 2012, the school building shall include indoor areas designated for exercise rooms and interior activity space, totaling a minimum of approximately 5,777 square feet.
4. **Parking.** A minimum of 55 on-site parking spaces shall be provided to serve the school in accordance with the provisions of Section 12.21-A,5 of the Los Angeles Municipal Code. Alternatively, all or a portion of the required 55 parking spaces may be provided on another lot within 750 feet of the subject lot, as allowed per Section 12.21 A.4(g) and provided that an agreement is recorded as a covenant running with the land to maintain the off-site parking for as long as the NWCD school use is maintained, per Section 12.26 E.5. *{Note: See also Condition of Approval No. 46}*
 - a. Students are prohibited from driving to the school and from parking at the site or on residential streets.
 - b. When school is in session, one or more parking monitors in orange vests or other distinctive attire shall be located at each driveway entrance during all drop off and pick up hours and at all special events to preclude noise from car horns, car radios, car alarms and loud voices, and to maintain smooth ingress and egress from parking areas, and to direct traffic to assure that school related vehicles do not queue on adjacent streets, block any public right-of way and/or private driveways. *{Note: See also Conditions of Approval Nos. 47, 48, and 50}*
 - c. Subject to review and approval by DOT, busses or vans shall be permitted and shall load and unload within the on-site surface parking lot and not along residential streets, unless DOT determines under the applicant's TMMP that such buses may load and unload adjacent to the project site along Missouri Avenue. Loading and unloading of busses or vans shall not occur during pick-up or drop-off hours listed

under Condition No. 13(g) below, unless such loading and unloading is permitted along Missouri Avenue.

- d. A minimum of 37 parking spaces, located along the western edge of the school's parking lot, shall be accessible at all times for faculty and staff and shall not be blocked off for drop-off and pick-up activities. All or a portion of the required 37 parking spaces may be provided on another lot within 750 feet of the subject lot, as allowed per Section 12.21 A.4(g) and provided that an agreement is recorded as a covenant running with the land to maintain the off-site parking for as long as the NWCS school use is maintained, per Section 12.26 E.5. *{Note: See also Condition of Approval No. 46}*
- e. If at any time the parking provided on-site is inadequate, as determined by the applicant or the Department of City Planning at the time of Plan Approval review pursuant to Condition No. 11, or at any time if requested by the Councilmember for Council District 11, then arrangements shall be made for off-site, off-street parking providing the additional parking spaces necessary. Such parking arrangements shall be reviewed by DOT and the Department of City Planning, pursuant to Condition Nos. 11 and 15.
- f. A minimum of 60 bicycle parking spaces shall be provided on-site.

5. Hours of Operation.

- a. The school shall have classroom instruction between the hours of 7:00 a.m. to 3:45 p.m., which includes drop-off and pick-up of students. Bus drop-off and pick-up may occur outside of these hours, subject to DOT review and approval. An after-school academic program for up to 20% (175 at maximum enrollment) of the enrolled students shall be allowed until 6:00 p.m. subject to applicant then being in compliance with Condition 15.f.
- b. Teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school activities may extend beyond the hours set forth above, but shall conclude by 8:00 p.m.
- c. A maximum of four (4) parent-teacher conferences are permitted each year on weekdays, and generally between the hours of 12:00 p.m. and 7:30 p.m. These conferences shall be arranged such that parent arrival times shall be staggered throughout the day and scheduled on an appointment basis only.
- d. Activities outside normal school hours, including parent teacher conferences, school meetings, and other customary school activities shall be scheduled so as to adequately provide parking on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.

6. Use restrictions.

- a. Rental or lease of the facilities is not permitted. The term "rental of the facilities" is not dependent upon the payment of a fee.

- b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.27-1,15 of the Los Angeles Municipal Code, and is granted such request.
 - c. Filming for commercial purposes shall be prohibited on the property. Student filming and filming for school functions shall be permitted, provided that such filming is not done outdoors after work where the use of artificial light is employed.
 - d. No incidental gaming activities as defined in Section 12.21-A,13 of the Los Angeles Municipal Code shall be permitted on the site.
- 7. Events.** Events and activities involving parents and/or other visitors where more than 55 vehicles are anticipated at one time are prohibited from the site and shall be arranged to occur at an off-site location where the vehicles can be properly accommodated. School administrative board meetings and parent/teacher conferences are exempt.
- 8. Emergency Procedures.** An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.
- 9. Security.** The property shall be internally secured when not in use.
- 10. Neighborhood Outreach.** At the start of each school year, the applicant shall mail or hand deliver a notice to all property owners and residents within a four-block radius of the school, as well as the council office, information containing the school year calendar, hours of operation, and a copy of the carpool and commuting provisions required under the Traffic Mitigation and Monitoring program by DOT, as presented to parents and staff of the school.
- a. The notice shall also include a phone number to a designated Community Relations representative, where residents can report concerns or complaints, which are to be filed and maintained for the record for the Plan Approval process (Condition No. 11). This representative shall be available between the hours of 7 AM to 4 PM, Monday through Friday, and all calls shall be responded to within two business days.
 - b. The complaint log shall include the complainant's name, date and time of complaint, phone number, the nature of the complaint, the date and time of the response to the complaint, and a description of how the issue was responded to or resolved. Record of all complaints must be maintained on the premises.

{Note: See also Conditions of Approval Nos. 49, 51 and 52}

- 11. Plan Approval.** One year from the issuance of a Certificate of Occupancy, the school operator shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property. The matter shall be set for public hearing with appropriate notice. The purposes of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the adequacy of the parking plan, the promptness of the school's response to neighborhood complaints, and the

management of circulation impacts associated with events and any documented noise impacts on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the City Planning Commission or their designee may add new terms and conditions or delete one or more of them, all as deemed appropriate. The application shall include the following minimum information:

- a. The number of students enrolled by grade level.
- b. Operational changes to the school such as hours of operation and parking policy.
- c. The implementation status of the Traffic Management and Mitigation Program (TMMP) set forth in Condition No. 15. Copies shall be simultaneously sent to the Council office and to all interested parties who have requested such notification.
- d. The log of inquiries filed with the school's designated representative and the Council Office, if any, pertaining to the school's operations and compliance with conditions.

{Note: The requirement to file for a Plan Approval application five years from the issuance of a Certificate of Occupancy is removed and superseded by Condition of Approval No. 53}

12. West LA TIMP Specific Plan. Pursuant to Section 4.B of the WLA TIMP, the owner(s) of the property must sign and record a Covenant and Agreement prior to issuance of any building permit, acknowledging the contents and limitations of this Specific Plan in a form designed to run with the land.

13. Site Access and Internal Circulation. To improve traffic flow and enhance vehicular and pedestrian safety, the project shall consult with DOT'S Western District office to determine the feasibility of installing the following traffic controls:

- a. All-way stop sign controls at Missouri Avenue and Armacost Avenue, and Armacost Avenue and La Grange Avenue intersections.
- b. New pedestrian crosswalks (painted) at the intersections of Missouri Avenue and Armacost Avenue and La Grange Avenue and Armacost Avenue.
- c. A crossing guard shall be provided at the intersection of Missouri Avenue and Armacost Avenue to ensure the safety of students crossing this intersection during both the morning student arrival periods and afternoon student dismissal periods, and as appropriate, following the after-school program.
- d. All carpool vehicles transporting students to and from the school shall load and unload on the surface parking lot at the site. *{Note: See also Condition of Approval No. 47}*
- e. Carpool and visitor vehicles shall access the school site with ingress from Missouri Avenue and egress on Armacost Avenue. *{Note: See also Condition of Approval No. 47}*
- f. Final DOT Approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of 1/11"=40', separately to DOT'S West LA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles, 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety.

- g. Student Drop-Off and Pick-Up schedule shall be as follows:
 - i. Grades 6-8: Arrival drop-off hours are limited to 8:00 a.m. to 8:25 a.m.; Dismissal pick-up hours are limited to 3:25 p.m. to 3:45 p.m.
 - ii. Grades 9-12: Arrival drop-off hours are limited to 7:00 a.m. to 7:25 a.m.; Dismissal pick-up hours are limited to 2:55 p.m. to 3:10 p.m.

14. Highway Dedication and Physical Street Improvements. Pursuant to Section 4.E.2 of the WLA TIMP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant shall consult the Bureau of Engineering for any additional highway dedication or street widening improvements.

These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering.

15. Traffic Management & Monitoring (TMMP) Program. In order to mitigate the projected traffic impacts to a less than significant level, as well as to minimize the likelihood of school-related vehicles queuing on the public roadway, a traffic management and monitoring program (TMMP) shall be implemented to survey the actual on-site vehicle operations and insure that sufficient queuing capacity is available on-site. This TMMP shall be consistent with the discussion and project requirements outlined in the Department of Transportation Memorandum, dated November 30, 2011, and as outlined herein. If the school is unable to maintain its ingress traffic entirely on-site, enrollment shall be reduced until compliance is achieved. *{Note: See also Conditions of Approval Nos. 47 and 48}*

- a. The TMMP shall document the school's requirement to maintain a 65% reduction in its student enrollment trips for the high school morning peak hour (7:00 a.m. to 8:00 a.m.), a 75% reduction in trips for the middle school morning peak hour (8:00 a.m. to 9:00 a.m.), and a 75% reduction in trips for the combined high school and middle school afternoon peak hour (2:45 p.m. to 3:45 p.m.), or reductions in trips as applicable based on a maximum student enrollment of 825 students, in order to achieve a trip cap of 151 trips for high school during the a.m. peak hour (7:00 a.m. to 8:00 a.m.), 90 trips for the middle school during the a.m. peak hour (8:00 a.m. to 9:00 a.m.) and 126 trips for the combined high school and middle school during the p.m. peak hour (2:45 p.m. to 3:45 p.m.), for the high school at full occupancy.
- b. The school shall achieve these trip reductions through an aggressive TMMP Plan that would require a minimum average vehicle occupancy of 3.0 students per vehicle and a shuttle bus program for student pick-up and drop-off activities, public transit incentives for students (including, but not limited to, bus passes provided to eligible students at no charge, assistance with transit route and schedule planning, etc.), and assistance for students to travel to and from school by bicycle or foot.
- c. Under the TMMP, the school shall establish the following percentage goals (at maximum student enrollment) for student transport to and from school:

Morning Student Arrival Period (7:00 to 9:00 AM) – Cap = 241 trips

- i. Approximately 47% of the maximum student enrollment to participate in the carpool program,
- ii. Approximately 30% of the maximum student enrollment to participate in the shuttle bus program, and
- iii. Approximately 23% of the maximum student enrollment to walk, bike or use public transit. The school shall provide free transit passes to students utilizing public transit.

Afternoon Student Dismissal Period (2:45 to 3:45 PM) – Cap = 126 trips

- i. Approximately 24% of the maximum student enrollment to participate in the carpool program,
 - ii. Approximately 30% of the maximum student enrollment to participate in the shuttle bus program,
 - iii. Approximately 20% of the maximum student enrollment to participate in after-school academic programs, and
 - iv. Approximately 26% of the maximum student enrollment to walk, bike or use public transit. The school shall provide free transit passes to students utilizing public transit.
- d. The shuttle bus program shall include a minimum of 4 buses (with approximately 57 students in each), or alternatively the shuttle bus program shall include the minimum number and size of buses necessary to transport approximately 30% of the student population (at maximum enrollment), to access the school site each morning and each afternoon per school day. Buses must load and unload on-site only and shall access the school site with ingress from Missouri Avenue and egress on Armacost Avenue, or may load and unload adjacent to the project site along Missouri Avenue if deemed acceptable following a review of the TMMP by LADOT, as provided for under Condition No. 4.c.
- e. As part of the TMMP shuttle bus program, the applicant shall identify and secure off-site parking lot locations where parent and shuttle pick-up and drop-off activities would occur, and shall provide evidence of securing such off-site locations to the Department of City Planning and local Council Office prior to the issuance of a Certificate of Occupancy. DOT shall also review the potential off-site parking lot locations and their anticipated operations to ensure that any potential traffic impacts surrounding those locations resulting from the shuttle bus program will be mitigated.
- f. The TMMP Plan shall also include a traffic mitigation plan to address any identified impacts resulting from the after-school academic program, including incorporation of a combination of carpooling, transit ridership and walking and biking incentives to ensure that any such impacts are fully mitigated.

- g. The TMMP Plan shall be implemented by an on-site Traffic Demand Management (TDM) Coordinator at the school who will assist parents in signing up for the appropriate transportation program based on where the students live. The transportation program should be introduced to parents at the time of school registration/orientation, and before each school semester. Once all student residence locations are identified, the TDM Coordinator shall assign students to the appropriate transportation program (walk, bicycle, public transit, carpool, and shuttle bus), with parent approval. Student participation in the required transportation mode will be monitored throughout the school year to assure compliance. The TDM Coordinator shall be responsible for gathering feedback and reviewing the TMMP for ongoing improvement.
- h. The measurements of actual trips and monitoring shall cover the peak hours that include the school's two separate starting times and combined dismissal time, Tuesday through Thursday (excluding school holidays), over a one-week period of each school term. The monitoring shall also include a review of bus drop-off/pick-up operations and after-school pick-up hours. The monitoring shall take place at the school drop-off zone and project driveways, at the school's expense. The data and information collected during the monitoring periods shall be incorporated into the trip cap review and submitted to DOT, per Condition No. 15.i.
- i. The trip cap review period shall be for a minimum of five (5) years, twice per year (late September and April), at which time the review must show accomplishment of the trip cap goal reduction for this entire 5-year review period. Such review periods shall be conducted without prior notification to the school. The trip cap review, including the measurements and monitoring per Condition No. 15.h., must be submitted to DOT with a copy to the local Council Office. Should the review show that the trip cap goal was not achieved, the school will have one (1) year to correct its deficiency. If the school cannot achieve the trip cap goal within the corrective year, the school will be required to reduce its enrollment in an amount commensurate with the trip cap and a new five year review period will commence with the following school year. A determination from DOT confirming that the school is in compliance with the TMMP Plan shall also be required before enrollment is permitted to increase each year within the first 5 years of operation.
- j. A full TMMP Plan, and all subsequent TMMP reporting, shall be prepared by a licensed Traffic Engineer and submitted to DOT for review. The full TMMP Plan, as described herein, shall be submitted to DOT and the Department of City Planning for review and approval, prior to the issuance of any Certificate of Occupancy or Temporary Certificate of Occupancy. A copy of the TMMP review and DOT's determination of the review shall be submitted to the Planning Department to be included in the file for the public record.

16. Construction Impact (Traffic). The Department of Transportation recommends that a construction work site traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends

that construction related traffic be restricted to commuting off-peak hours, as well as school off-peak hours when school is in session.

17. All school administrators, faculty, and school board members shall be provided a copy of the instant determination.

18. Recreational Activities.

- a. Prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, the school shall submit to the Department of City Planning and the local Council Office an itemized breakdown of physical education, sports and after-school programs with locations and times, and signed contracts and/or permits for those physical education, sports and after-school programs located off-site. This documentation shall be submitted to the Department of City Planning and the local Council Office on an annual basis. *{Note: See also Condition of Approval No. 54}*
- b. Any student pedestrian activity to and from the school during school hours (i.e. students walking to Stoner Park or other recreational or fitness facilities for school-related recreational activities) shall be supervised by an adult.
 - i. The pedestrian route to Stoner Park shall be as follows – Exit school site and travel north, cross Missouri Avenue at Armacost Avenue, travel east on Missouri (north sidewalk), cross Westgate Avenue, enter park at corner of Westgate and Missouri.
 - ii. The pedestrian route to the YMCA at La Grange Avenue and Sawtelle Boulevard shall be as follows – Exit school site and travel south on Armacost Avenue (west sidewalk), cross La Grange Avenue, travel east along La Grange Avenue (south sidewalk), cross La Grange again at Purdue Avenue, continue east on La Grange, enter YMCA.

19. Student “loitering” in the front of the school and in the neighborhood shall be strictly prohibited at all times.

20. The school shall create and maintain a Home-School Contract for all parents, students and teachers to agree to and sign, and shall use its authority to enforce the provisions of the Contract. The Home-School Contract should include the following, consistent with the conditions of approval contained here-in:

- a. A “No Student Drivers” policy,
- b. That parking by parents or visitors on the street is strictly prohibited,
- c. Drop-off and pick-up routes and rules, including the requirement to drop off and pick up students on-site only in the designated drop-off and pick-up area and the prohibition of any drop-off and pick-up activities taking place in the street,
- d. Notice that the ability of the school to operate at the school site and maintain its enrollment is conditioned upon compliance by parents and guardians with the Home-School Contract as it pertains to the Traffic Mitigation and Monitoring Program,
- e. Notice of the mandatory Community Service Program for all students, parents and teachers to participate in, and
- f. A “No littering” policy

21. At the time of school registration/orientation, the school shall verbally discuss the school's policy regarding traffic circulation with parent(s), and the parent(s) must sign the Home-School Contract stating that they understand the policy regarding pick-up and drop-off. Also, the school must require emergency contacts to sign a similar contract so as to ensure that each person who will be dropping off or picking up a student will follow the rules of operation and traffic circulation regarding ingress to and egress from the site. *{Note: See also Condition of Approval No. 47}*
22. A sufficient number of trash bins shall be provided and located on-site, and trash shall be collected on a regular basis by a trash collection company.
23. Brockton Elementary Graduates. The PLUM Committee voted in favor of the Conditional Use Permit for the school with the assurance from the New West Board of Directors that prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, the New West Board of Directors would have approved a legally binding resolution, stipulating that any student who graduates from Brockton Elementary School, regardless of when the student enrolled in said school and regardless of the Title I status of said school, shall be ensured admittance to 6th grade at New West Charter School, as part of the school's admissions preference program. On March 6, 2012, the New West Board of Directors approved, by a vote of [11 Yes, 0 No], Board Resolution # 2012-1 which meets the above-referenced terms. This policy shall remain with another neighborhood elementary school, if not with Brockton Elementary School, as allowed under the school's charter.

Environmental Conditions

24. **Aesthetics – Vandalism.** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
25. **Aesthetics - Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code. Multiple temporary signs in windows and along building walls are not permitted.
26. **Aesthetics – Light.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
27. **Aesthetics – Glare.** The exterior of the structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
28. **Air Pollution – Stationary.** 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 12, to the satisfaction of the Department of Building and Safety.
29. **Green House Gas Emissions.** Only low and non-VOC paints, sealants, adhesives, and solvents shall be utilized in the renovation of the project site.
30. **Noise.**

- 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 activities shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
 - c. 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.

31. **Noise (Public Address and Paging System).** Any outdoor address or paging systems shall be designed by a qualified audio sound engineer with the following minimum specifications.
 - a. Only low-pressure type speakers shall be used which are designed to have a minimum coverage area of approximately 400 square feet each.
 - b. Distance between speakers shall not exceed 40 feet.
 - c. Amplified signal shall be inaudible beyond the boundaries of the subject property.

32. **Public Services – Police.**
 - a. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to “Design Out Crime Guidelines: Crime Prevention through Environmental Design,” published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213)486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

33. **Increased Vehicle Trips/Congestion.** An adverse impact may result from the project’s traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to less than significant level by the following measures:
 - a. The applicant shall implement the measures detailed in the Department’s Communication to the Planning Department dated October 6, 2011 and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein as Condition Nos. 7 through 12.

34. **Utilities – Local Water Supplies (Landscaping).** Environmental impacts may result from the project implementation due to the cumulative increase demand on the City’s water supplies. However, this potential impact will be mitigated to 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:
 - (1) Weather-based irrigation controller with rain shutoff
 - (2) Matched precipitation (flow) rates for sprinkler heads
 - (3) Drip/microspray/subsurface irrigation where appropriate
 - (4) Minimum irrigation system distribution uniformity of 75 percent
 - (5) Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - (6) Use of landscape contouring to minimize precipitation runoff
 - (7) 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

35. Utilities – Local Water Supplies.

- a. Install high efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape and irrigation uses.
- d. 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.)
- e. Install no more than one showerhead per shower stall, having a flow rate of no greater than 2.0 gallons per minute.
- f. 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.
- g. 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.

36. Utilities – Solid Waste Recycling.

- a. 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.
- b. 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 waste disposal services with a company that recycles demolition and/or construction-related wastes.

- c. 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.
- d. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

Administrative Conditions

- 37. **Approval, 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.
- 38. **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.
- 39. **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.
- 40. **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.
- 41. **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.
- 42. **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.
- 43. **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.
- 44. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees 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.

Additional Conditions of Approval (pursuant to Plan Approval)

45. **Enrollment Increase** – The enrollment increase shall not be effective until the applicant has submitted evidence to the Planning Department, in consultation with the Council Office, that all of the terms of these conditions have been met, or that there is a plan for compliance. No increase in the maximum enrollment of 825 students shall be permitted within the next seven years following approval by the final decision-maker. *{Note: See also Condition of Approval No. 2}*
46. **Offsite Parking** – If onsite parking is eliminated, the applicant shall file a building permit application with the Department of Building and Safety to modify the parking provisions of the existing Certificate of Occupancy. This condition does not preclude other standards or requirements as determined by Building and Safety or Planning. *{Note: See also Conditions of Approval Nos. 4 and 4.d.}*
47. **Traffic Officers** – The school shall hire one traffic officer through DOT's Special Events section. The traffic officer shall be present 5 minutes prior to, and after, the afternoon dismissal and shall be stationed at the ingress along Missouri. The officer will direct traffic coming into the school and work to prevent queuing in the right-of-way. Officer shall be present five days a week for one school year. After one year, New West staff may replace traffic officers. However, if more than ten unpermitted turns persist in any given month, the school will be required to maintain the traffic officer at said locations in perpetuity or file a plan approval to modify this condition. The school will also post one staff or parent volunteer at the egress along Armacost to help direct traffic at afternoon dismissal. *{Note: See also Conditions of Approval Nos. 4.b., 13.d., 13.e., 15, and 21}*
48. **Staff TMMP Monitors** – Staff or school volunteer monitors shall be placed at the ingress and egress locations to monitor compliance with the terms of the conditions. Staff shall wear bright orange or yellow safety vests and maintain tablets to track and document violations. Each staff monitor shall receive a training handbook with a copy of the conditions of approval and TMMP. Staff Condition Compliance Monitors shall be in addition to DOT Traffic Officers/Staff Traffic Officers. All monitors shall carry violation reports to issue written notice of violations on the spot in accordance with the school's progressive disciplinary system. The number, type, and date of tickets issued shall be recorded and published on the website, excluding personal information such as student names or parent names. *{Note: See also Conditions of Approval Nos. 4.b., 15, and 21}*
49. **Third Party Community Ombudsman** - In addition to any other standard inspections required by the City, the school shall engage a third party to oversee all issues related to condition compliance monitoring, evaluation, discipline and reporting requirements. The ombudsman shall work with the school to create a system where staff are vigilantly

documenting violations. The ombudsman's name and contact information shall be provided to the Council Office, Neighborhood Council and residents within 500 feet of the school. Contact information shall also be displayed on both building frontages and remain unobstructed from view. The ombudsman shall be separate and apart from any community or government relations person and shall deal with issues around the CUP and TMMP only. *{Note: See also Condition of Approval No. 10}*

50. **Third Party Monitor** – The school shall engage a third party to monitor level of condition compliance three times during the school year, focusing on the following violations: 1) illegal turns, 2) queuing in the right of way, 3) parking on the streets, 4) single driver cars, and 5) double parking. The third party shall act independent of the school. The visit shall be unannounced, in consultation with the Council Office. A report of their findings shall be published on the school's website by the third party and publically accessible. Personal information shall be redacted; however, the report shall indicate if the violator is a repeat violator and the status of disciplinary action. *{Note: See also Condition of Approval No. 4.b.}*
51. **Website** - The school shall add a community tab to the website, where community members can report violations of the CUP electronically. A record of these violations shall be maintained by the third party Ombudsman, reviewed for redundant violations, and published on the website. *{Note: See also Condition of Approval No. 4.b.}*
52. **Community Advisory Committee.** The school shall meet with a community advisory committee, consisting of two members of the School's Board of Directors and two members appointed by the WLANC, on a quarterly basis to discuss violations and other issues. Meeting shall be noticed on the NWS and WLASNC websites and open to the public. *{Note: See also Condition of Approval No. 4.b.}*
53. **Plan Approval.** Notwithstanding the Condition above ("Enrollment Increase"), one year from the start of the 2015-2016 school year, the school operator shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property. This Plan approval shall occur in lieu of the five-year Plan Approval required by existing Condition no. 11 for the Conditional Use Permit. The matter shall be set for public hearing with appropriate notice. The purposes of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the adequacy of the parking plan, the promptness of the school's response to neighborhood complaints, and the management of circulation impacts associated with events and any documented noise impacts on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may add new terms and conditions or delete one or more of them, all as deemed appropriate. The application shall include the following minimum information:
 1. The number of students enrolled by grade level.
 2. Operational changes to the school such as hours of operation and parking policy.
 3. The implementation status of the Traffic Management and Mitigation Program (TMMP) set forth in Condition No. 15. Copies shall be simultaneously sent to the Council office and to all interested parties who have requested such notification.
 4. The log of inquiries filed with the school's designated representative and the Council Office, if any, pertaining to the school's operations and compliance with conditions.
 5. Minutes from the Community Advisory Committee Meeting.

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54. **Park Use.** The school must strictly adhere to all permits and conditions for use of any public park. *{Note: See also Condition of Approval No. 18}*