

**Amended Conditions of Approval**  
**As approved by PLUM Committee on 11/17/2015**  
**Clean Version**

Pursuant to L.A.M.C. Sections 12.24-U,24 and 12.24-F, the following conditions are hereby imposed upon the use of the subject property.

**Entitlement Conditions**

1. Site Plan. The use and development of the subject property shall be in substantial conformance with the attached plans labeled as Exhibit B, stamped, signed and dated by Department of City Planning Staff, attached to the subject case file, and except as modified by this action.
2. The educational facility shall be restricted to a total floor area ratio of 2.1:1.
3. The use of the subject property shall be limited to a school, grades 6 through 12, with a maximum enrollment of 500 students.
4. All school administrators, faculty and school board members shall be provided a copy of the subject determination.
5. Setback. The building shall be setback a minimum of five-feet from Olympic Boulevard. The buffer shall be used for pedestrian and landscape improvements.
6. Parking shall be provided in accordance with the provisions of Section 12.21.A.4 of the Municipal Code. A minimum of 20% of the total provided parking spaces shall be capable of supporting future electric vehicle supply equipment (EVSE). EVSE, infrastructure, and all devices related to EV charging shall be installed in accordance with California Electrical Code and to the satisfaction of the Department of Building and Safety.
7. Bicycle Parking shall be provided in compliance with LAMC Section 12.21.A,16 and at a minimum provide a total of 166 bicycle parking spaces.
8. Architectural Materials. A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site. No facade shall create a blank wall effect.
9. Any structures on the roof of the subject building, such as air conditioning units and other equipment, shall be fully screened from view of adjoining lots and the public right-of-way.
10. The maximum occupancy of the building at any time shall not exceed the number persons the Fire Department establishes, and the building shall be so posted.
11. Lighting Plan. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties nor from above.

12. Department of Transportation. The project shall comply with the project requirements as detailed in the Department of Transportation letter to the Department of City Planning dated July 1, 2013.
13. No Parking on Public Streets. All administrators, employees, volunteers and visitors shall be expressively prohibited to park on adjacent streets. All users and visitors shall be instructed by persons acting on behalf of the school to park at the on-site parking lot.
14. Maintenance. The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

#### School Conditions

15. All school administrators, faculty and board members shall be provided a copy of the subject determination.
16. Hours of operation shall observe the following limitations:
  - a. Classroom instruction: 8:30 a.m. to 4:00 p.m., Monday through Saturday.
  - b. Teacher preparations, deliveries, and normal school maintenance shall be permitted to begin before 8:30 a.m.
  - c. All other school related activities including, parent conferences with teachers, school board meetings, organized athletic events, theater and musical performances and other similar customary school activities, shall end no later than 10:00 p.m.
  - d. For all events, all persons shall vacate the property, other than administrative, janitorial, or security personnel, by 11:00 p.m. A sufficient number of school staff shall be present at all events to monitor student activities, arrivals and departures to insure that noise impacts on adjacent neighbors are minimized.

#### Community Relations

17. Neighborhood Outreach and Notice
  - a. A copy of the Calendar and List of Major Events shall be submitted to the Council Office, the Neighborhood Council, Homeowner's Association(s) and residents within 500 feet of the school property at least 10 days prior to the beginning of each year for their reference.
  - b. No calendar variation to allow any Special Event that is not included on the Calendar shall be scheduled without a minimum 20 day advance notification to Council Office, the Neighborhood Council, Homeowner's Association(s) and residents within 500 feet of the school property.

## Transportation and Traffic

18. Loading and Unloading. Student drop off and pick-up activities shall be located within the parking garage. The queuing shall include space to accommodate a minimum of 31 vehicles within the parking garage.
19. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the Department of City Planning at the same time. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.
20. Activities outside normal school hours, including parent teach conferences, school meetings, and other customary school activities shall be scheduled so as to adequately provide parking on-site for all staff visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
21. One or more parking monitors in orange vests or other distinctive attire shall be located at the 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 to and egress from the parking areas.
22. Subject to the review and approval by LADOT, buses or vans shall be permitted and shall load and unload on Granville Avenue adjacent to the project site.
23. The school shall implement a Traffic Management Program with a Trip Reduction Plan to the satisfaction of the Department of Transportation and the Department of City Planning prior to the issuance of a certificate of occupancy or temporary certificate of occupancy. The Traffic Management Plan shall include:
  - a. The school shall inform parents, students, faculty, and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the Department of City Planning at the same time. The school shall maintain a progressive disciplinary system of enforcement in which the third violation shall result in suspension of the involved student(s) from school.
  - b. School staff will be directed to arrive at the site prior to commencement of student drop-off operations.
  - c. Parents/guardians will be directed to drop-off or pick-up students at the designated area on-site and not on surrounding neighborhood streets.
  - d. Appointing an overall school traffic coordinator for the program, appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers that parents can identify potential carpool opportunities, and requiring parents to sign a contract for carpool plan participation.
  - e. Investigating and implementing distribution of public transit passes or subsidies for faculty and administrators.

- f. Submitting annual Traffic Management Program Reports to the Department of City Planning, Department of Transportation, and Council Office indicating average vehicle ridership and compliance with implementation mechanisms above, or other as approved by the Department of Transportation and the City Planning Commission.
- g. Utilization of van/buses to transportation 50% of the student enrollment on a daily basis within two years from the date of the issuance of the certificate of occupancy.

#### Noise

##### 24. School Noise.

- a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
- b. No amplified music or loud non-amplified music is permitted outside.
- c. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.
- d. No exterior bells, horns or similar sound-emitting devices are permitted.
- e. Staff members shall monitor the exterior corridors before and after school and between classes, and shall seek to prevent excessive noise.
- f. Staff members shall monitor students at all times they are outside the building, including before and after school, lunch, and any breaks, to prevent excessive or unnecessary noise.

#### Security and Emergency Plans

- 25. A security plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide the Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the Department of City Planning.
- 26. 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.

#### Review/Compliance

- 27. A complaint log shall be maintained of all complaints from nearby property owners or businesses, and a copy of the complaint log shall be made available to the Director of Planning in conjunction with the review of conditions. The school administration shall be

responsible for disseminating the name and phone number of the representative to the Council Office, all adjoining property owners, and the City Planning Department.

28. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning will have the right to require the applicant or school administration to file for a plan approval.
29. Entitlement Review. Within 24 months from the issuance of a Certificate of Occupancy for the school, the applicant 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 purpose 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 and queuing plan, the management of circulation impacts of parking associated with special events and any documented noise impacts from parking operations, student drop-off and pick-up, and other activities on the surrounding community. Upon review of the effectiveness of and compliance with the conditions, the Director shall issue a determination. Such determination may modify the existing terms and conditions add new terms and conditions or delete one or more of them, all as deemed appropriate under applicable City code, policies and standards. The City Planning Commission may also require one or more subsequent Plan Approval applications, if deemed necessary.

The application shall include the following minimum information:

- a. The number of students enrolled.
  - b. Physical modifications involving expansion or change of use or location as applicable.
  - c. Operational changes to the school such as hours of operation, parking policy or formation of liaison committees with the community.
  - d. The implementation status of the Traffic Management and Mitigation Program (TTMP) as set forth in Condition 22. Copies shall be simultaneously to the Council Office and to all interested parties who have requested such notification.
  - e. A summary listing of attendance at each special event and identification of the events which utilized off-site parking.
  - f. A copy of the complaint log shall be made available to the Director of Planning in conjunction with the review of conditions. The school administration shall be responsible for disseminating the name and phone number of the representative to the Council Office, all adjoining property owners and the Department of City Planning.
30. All school administrators, faculty and school board members shall be provided a copy of the conditions of approval.

Metro related conditions

31. There shall be no encroachment onto the right-of-way. If access is necessary for the applicant or his/her contractor to enter the right-of-way during construction of the educational facility, a temporary right-of-entry agreement must be obtained from Metro.
32. The applicant shall notify Metro of any changes to the construction/building plans that may impact the use of the right-of-way.
33. During construction, a protection barrier of acceptable material shall be constructed to cover the full height of the building to prevent objects, material, or debris from falling onto the Metro ROW or contacting the electrified OCS and support structures.
34. Metro staff shall be permitted to monitor construction activity to ascertain any impact to the right-of-way.
35. The applicant is advised that Metro may request reimbursement for costs incurred as a result of project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure.

### **Environmental Conditions**

36. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
37. **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.
38. **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, nor from above.
39. **Air Pollution (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.
  - 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 the generation of excessive amounts 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.

40. **Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas).**

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Game Code Section 86).
- b. The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA)
- c. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Game Code Section 86).
- d. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
  - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the

field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**41. Tree Removal (Non-Protected Trees).**

- 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 planting 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.

**42. Tree Removal (Locally Protected Species).**

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- c. A minimum of four trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
  - The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for



a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

- The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**43. Tree Removal (Public Right-of-Way).**

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

**44. 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.

**45. 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:
  - 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.

- Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
46. **Greenhouse Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives and solvents shall be utilized in the construction of the project.
47. **Explosion/Release (Existing Toxic/Hazardous Construction Materials).**
- a. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
  - b. (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
48. **Land Use/Planning (Air Quality).** 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.
49. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 163,574, and any.
  - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
50. **Increase Noise Levels (Parking Wall).** A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.
51. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures

must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**52. Utilities (Local Water Supplies - Landscaping).**

- 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
  - 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.

**53. 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.)
- f. All restroom faucets shall be of a self-closing design.

**54. 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.

### **Administrative Conditions**

55. **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.
56. **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.
57. **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.
58. **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.
59. **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.
60. **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.
61. **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.

62. **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.
63. **Indemnification and reimbursement of litigation costs.** The applicant shall do all of the following:

Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding,

including its inherent right to abandon or settle litigation. For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law. Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City of the obligations of the Applicant created by this condition.