

## CONDITIONS OF APPROVAL

### Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped “**Exhibit A**” (dated August 27, 2018) and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines “O”. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plans dated August 27, 2019, and stamped as **Exhibit “A,”** and shall incorporate any modifications required as a result of this grant.
3. **Trees in the Public Right-of-Way.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works. Crape Myrtle shall not be considered appropriate in meeting this condition.
4. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
5. **Solar Power.** The project shall provide Photovoltaic Collectors for a Solar Hot Water System or photovoltaic provisions as required to comply with the 2019 California Energy Code for Solar Ready Buildings (Section 110.10) to be maintained for the life of the project.
6. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
7. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
8. **Greywater.** At a minimum, greywater-ready features shall be provided.
9. **Stormwater/irrigation** – The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water

Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

10. **Utility Connections.** New utility connections shall be undergrounded to the maximum extent feasible.
11. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total required parking spaces (two spaces) capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
12. **Unbundled Parking.** Residential parking for the Manager's Unit shall be unbundled from the cost of the rental unit.
13. **Parking Garage Design.** That portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts ("spillover") on adjacent streets and properties.

#### **Environmental Conditions (ENV-2019-3845-MND)**

14. **Habitat Modification - Nesting Native Birds, Non-Hillside or Urban Areas (MM IV-20).**

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).

  - 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 or kill (Fish and Game Code Section 86).
  - If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
    - a. 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.

- b. 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.
  - c. 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.
  - d. 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.
15. **Tree Preservation Grading Activities (IV-60).** "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.
16. **Tree Removal – Non-Protected Trees (IV-70).**
- 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.
  - All nine 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 1.5:1 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.
  - 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.

17. **Archaeological Monitor (V-20).**

An archaeological monitor that meets the Secretary of Interior qualifications shall be on site during demolition of all buildings and removal of the pavement. The purpose of having an archaeologist on site is to assess whether elements of the earlier 1920s structures were incorporated into existing buildings, or whether foundations or other features exist below the surface of the existing parking lot that date to the oldest development of the property. If such features are identified, then the "discovery" protocol shall be followed. Because the likelihood of finding older cultural resources on the project property is much higher than that of the surrounding area due to the higher number of older past structures on the property as described in the historic record, delays due to compliance assessment

of discoveries should be incorporated into the project site preparation and grading schedule.

After demolition and removal of the pavement, an archaeological monitor that meets the Secretary of Interior qualifications shall be on site during the grading of the top 5 feet of soil. The archaeological monitor shall collect any historic material uncovered through grading within a disturbed context, and can halt construction within 50 feet of a potentially significant cultural resource if necessary. Artifacts collected from a disturbed context or that do not warrant additional assessment may be collected without the need to halt grading.

However, if foundations, privies, or other historic features are encountered, the "discovery" protocol shall be followed. Again, because the likelihood of finding older cultural resources on this property is higher than that of the surrounding area, due to the higher number of older past structures on the property as described in the historic record, delays due to compliance assessment of discoveries should be incorporated into the project grading schedule.

A final project Monitoring Report shall be produced that discusses all monitoring activities and all artifacts recovered and features identified through monitoring of the demolition and grading of the project site. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery may be described in the Monitoring Report. All artifacts recovered that are important, with diagnostic or location information that may be of importance to California and San Fernando Valley history, shall be cleaned, analyzed, and described within the Monitoring Report. All materials will be curated at an appropriate depository. If important materials are found during monitoring, a Curation Plan shall be prepared and reviewed by the Lead Agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, Curation Plan, and processing, analysis, and curation of all artifacts shall be the responsibility of the applicant.

#### **18. Archaeological Discovery Protocol (V-40).**

If potentially significant intact deposits are encountered within an undisturbed context, then a cultural resource "discovery" protocol shall be followed. If older historic (or prehistoric) features, artifact concentrations, or larger significant artifacts are encountered during demolition or grading within native soils or original context, then all work in that area shall be halted or diverted away from the discovery to a distance of 50 feet until a qualified senior archaeologist can evaluate the nature and significance of the find(s). If the senior archaeologist confirms the discovery is potentially significant, then the Lead Agency shall be contacted and informed of the discovery.

Construction shall not resume in the locality of the discovery until consultation between the senior archaeologist, the project manager, the Lead Agency, and all other concerned parties, takes place and reaches a conclusion approved by the Lead Agency. If a significant cultural resource is discovered during earth-moving, complete avoidance of the find is preferred. However, if the discovery cannot be avoided, further survey work, evaluation tasks, or data recovery of the significant resource may be required by the Lead Agency. The Lead Agency may also require changes to the Monitoring Plan based on the discovery.

All costs for the additional monitoring, discovery assessment, discovery evaluation, or data recovery shall be the responsibility of the applicant. All individual reports, including the final project Monitoring Report, shall be submitted to the SCCIC at the conclusion of the project.

**19. Geology and Soils (VII-60).** Prior to the issuance of a grading or building permit, all recommendations in the project Geotechnical Investigation dated October 26, 2018 prepared by Geocon West, Inc. shall be incorporated to the satisfaction of the Los Angeles Department of Building and Safety.

**20. Creation of a Health Hazard (IX-60).**

- Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).
- Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.

**21. Release of Potential Existing Toxic/Hazardous Construction Materials (IX-140).**

- Asbestos - Asbestos-containing materials in the existing building must be removed by a licensed and certified asbestos abatement contractor prior to demolition or renovation pursuant to Rule 1403 of the South Coast Air Quality Management District and Cal/Occupational Safety and Health Administration Asbestos Regulations. Asbestos abatement activities must be conducted in compliance with all applicable regulations, standards and generally accepted environmental and safety practices; including but not limited to: Federal Occupational Safety and Health Administration (29 Code of Federal Regulations 1926.58), Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants (40 Code of Federal Regulations Part 61), and Toxic Substances Control Act Title II Asbestos Hazard Emergency Response Act/Asbestos School Hazard Abatement Reauthorization Act (40 CFR Part 763) Asbestos Regulations, the Occupational Safety and Health Administration Asbestos Construction Standard, 29 Code of Federal Regulations 1926.110 I, and Title 8, California Code of Regulations Section 1529, and Cal-Occupational Safety and Health Administration Construction Standard.
- Radon - Prior to issuance of any permit for the demolition or alternation of existing structures, the project proponent shall conduct on-site radon measurements to determine the radon levels at the subject property.
- Mold and Water Damage - Prior to issuance of any permit for the demolition or alteration of existing structures, the project proponent shall conduct a complete mold and water damage assessment, including various types of sampling, to determine if mold levels within the subject buildings are at levels acceptable by industry standards.

**22. Increased Noise Levels - Demolition, Grading, and Construction Activities (XIII-240)**

- 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.

- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The following equipment shall be retrofitted with an industrial grade muffler, or muffler of similar capacity, capable of reducing engine noise by at least 15 dB(A): backhoes, dozers, dump trucks, front end loaders or Bobcats, and forklifts.
- The following stationary equipment shall be enclosed with sound transmission obscuring products capable of reducing noise levels by at least 10 dB(A): saws.
- Adjacent land uses within 500 feet of the on-site limit of construction equipment operations shall be notified of the estimated duration and hours of construction activity at least 30 days prior to the start of construction activity.
- Heavy duty trucks shall be prohibited from prolonged idling on Sepulveda Boulevard.
- The staging and location of noisy stationary equipment shall be located as far as technically feasible from adjacent sensitive receptors.
- A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10 dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

### **Administrative Conditions**

23. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
24. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
25. **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 (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
26. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean the agencies, public offices, legislation or their successors, designees or amendment to any legislation.
27. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or

the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.

28. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the department of City Planning and the Department of Building & Safety.
29. **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 of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.
30. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning and the City Planning Commission.
31. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.
  - a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
    - i. Pre-construction (prior to issuance of a building permit);
    - ii. Construction (prior to certificate of occupancy); and
    - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).  
In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.
  - b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of

occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

**32. Tribal Cultural Resources Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project including the Gabrieleno Band of Mission Indians – Kizh Nation at (626) 926-4131 and the Fernandeno Tataviam Band of Mission Indians at (818) 837-0794; (2) and the Department of City Planning at (818) 374-9919.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.



- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

**33. Condition for Approval for an Inadvertent Discovery of Human Remains.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- Stop immediately and contact the County Coroner:  
1104 N. Mission Road Los Angeles, CA 90033  
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714  
(After Hours, Saturday, Sunday, and Holidays)
- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC), the Gabrieleno Band of Mission Indians – Kizh Nation, and the Fernandeno Tataviam Band of Mission Indians.
- The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

**34. Indemnification and Reimbursement of Litigation Costs.**

The applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City, in whole or in part, 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.
- ii. 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.

- iii. 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 \$50,000. 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).
- iv. 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).
- v. 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.