

CONDITIONS OF APPROVAL

As modified by the City Planning Commission – August 9, 2018

Pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Use.** The use of the property shall be limited to a school, for Grades TK through 4th, with a maximum enrollment of 625 students. Any increase to the maximum enrollment shall require an application for a Conditional Use Plan Approval which may be delegated to the Director of Planning for initial decision. Any such application to increase enrollment beyond 625 students shall provide evidence of compliance with the conditions of this grant, that increased enrollment will not adversely impact traffic and parking in the surrounding neighborhood, and include appropriate environmental clearance.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the attached plans labeled as Exhibit A, stamped, signed and dated June 26, 2018 by Department of City Planning Staff, attached to the subject case file, and except as modified by this action. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
 - a. All windows shall be installed with awnings to provide shading for classrooms.
3. **Floor Area.** The building shall be limited to 41,088 square feet, or shall not exceed a 3:1 FAR.
4. **Height.** The height of the building on the subject property shall not exceed 45 feet from the proposed grade, as shown in Exhibit "A" stamp dated June 26, 2018, excluding the parapet.
5. **Hours of Operation.**
 - a. Hours of operation shall be from 7:00 AM to 6:00 PM, Monday through Saturday.
 - b. For classroom instruction: 7:00 AM to 4:00 PM, Monday through Friday.
 - c. The school website shall clearly indicate which Saturdays the school will be open for use. Saturday activities shall be limited to tutoring and similar activities for groups of students.
 - d. Hours of special events: 8:00 AM to 9:00 PM, Monday through Friday; 8:00 AM to 7:00 PM, Saturday.
 - e. 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.
6. **Special Events.** Not more than two (2) "Special Events" are authorized on-site each month. Special events include parent meetings, open houses, and parent-student advisory conferences involving parents and/or other visitors.

7. Parking.

- a. Automobile parking shall be provided in accordance with the provisions of LAMC Section 12.21-A,4.
 - b. A minimum of 20 percent (20%) of the Code-required automobile parking spaces shall be capable of supporting electric vehicle supply equipment (EVSE). EVSE, infrastructure, and all devices related to EV charging shall be installed in accordance with the California Electrical Code and to the satisfaction of the Department of Building and Safety. When the application of the 20 percent results in a fractional space, round up to the next whole number.
 - c. A minimum of ten percent (10%) of the Code-required automobile parking spaces shall be installed with EV Charging Stations to immediately accommodate electric vehicles within the parking area. When the application of the ten percent results in a fractional space, round up to the next whole number.
 - d. Bicycle parking shall be provided in accordance with the provisions of LAMC Section 12.21-A,4 and 12.21-A,16.
 - e. **Special Events Parking.** For all events, the use of local streets for parking shall be discouraged.
 - i. The school shall coordinate and provide information for off-site parking area(s) as needed. If off-site parking is needed, the school shall provide a free shuttle bus system between the off-site parking area(s) located at KIPP LA Prep at 2810 Whittier Boulevard and the subject property. Shuttle vehicles shall be of a number and carrying capacity to facilitate the transport of persons to and from the property expeditiously. Parents, students and visitors shall be instructed in writing to park within the designated off-site area(s) and to use the shuttle system.
 - ii. The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site at KIPP LA Prep at 2810 Whittier Boulevard. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity.
8. **Community Liaison.** The applicant shall post a sign at an entrance to the site informing the public of a 24-hour "hot line" telephone number to notify the school administration of any problems associated with the operation of the school property. During normal school hours and special events, the assigned phone number shall be attended by a live attendee in the school administration office.
9. **Neighborhood Outreach and Notice.** A complaint log shall be kept and include the complainant's name, date, and time of the complaint, phone number, the nature of the complaint, the date and time of the response of the complaint, and a description of how the issue was responded to or resolved. Record of all complaints must be maintained on the premise. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right-of-way, 10 days prior to the beginning of each school year for public reference.

10. **Loading and Unloading.** Student drop-off/pick-up activities shall be located as indicated on the Site Plan, attached as Exhibit A. The drop-off/pick-up plan may be modified to the satisfaction of the Los Angeles Department of Transportation (LADOT). Modifications required by the LADOT shall be submitted to the Department of City Planning for the record.
- 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 City Planning Department at the same time for inclusion in the case file. 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.
 - b. 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.
 - c. One or more parking monitors in orange vests or other distinctive attire shall be located at the driveway entrance during all drop-off/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 area. Monitors shall report any violations to the school administration, including any off-campus drop-offs or pick-ups which are observed, and applicable license plate numbers.
 - d. In order to enhance student safety and drop-off/pick-up operations particularly during the a.m. peak hour, starting and ending times shall be staggered by at least 15 minutes such that no more than 50% of enrolled students are dropped off at the same time each school day.
 - e. During drop-off operations, vehicles shall make a U-turn around the proposed wrought iron gate. Vehicles shall be directed to proceed forward towards a designated drop-off area in front of the two assigned ADA parking spaces.
 - f. **Department of Transportation.**
 - i. All new school projects must contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. The site plan indicating the driveway access and circulation shall be submitted, reviewed, and approved by LADOT and should be coordinated with LADOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, (213) 482-7024)
 - ii. **Traffic Controls.** At least four (4) months prior to the opening of the proposed project, the applicant should contact DOT's Central District Office at (213) 972-4990, to coordinate the installation of any necessary traffic controls, school warning and speed limit signs, school crosswalk and pavement markings. DOT's Central District Office, in consultation with the charter school, shall determine what signs, pavement markings, if any, should be installed by the applicant prior to the school's opening.

- g. The project shall provide a pedestrian pathway that is accessible from Breed Street to the school entrance.
 - h. The project shall utilize a valet system in which staff members are assigned during entry and dismissal to monitor and assist the drop-off and pick-up of students.
11. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code. The location, type, and size of signage are not part of this approval.
12. **Deliveries.** The School Administrator shall instruct companies who deliver to do so between 7:30 A.M. and 6:00 P.M., but outside the stated hours of student drop-off/pick-up.
13. **Determination Letter.** All school administrators, faculty and school board members shall be provided a copy of the subject determination.
14. **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 are permitted.
 - e. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8 a.m. or after 6 p.m.
15. **Trash.**
- a. Trash shall be covered at all times
 - b. Trash/recycling containers shall be locked when not in use.
 - c. Trash/recycling containers shall not be placed in or block access to required parking.
16. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or walkways 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.
- a. Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting. Palm trees shall not be considered in meeting this requirement.
 - b. Trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area after 10 years growth.

- c. A minimum of eleven 24-inch box trees (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted within the project's parking lot. Trees located within the parking lot shall be planted with sufficient dirt to allow growth to a mature size of 40 feet tall with a 30- to 50-foot crown, as depicted on the Site Plan.
17. **Playground Equipment.** A playground equipment with shading structure shall be installed such as depicted on Exhibit A prior to the operation of the proposed school. The project shall install a shade sail or other similar structure over 50 percent (50%) of the playground area to provide additional shade.
18. **Parking Paving.** The project's parking area shall be constructed with materials that provide a Solar Reflectance Index (SRI) value of at least 0.35 as determined in accordance with the American Society for Testing and Materials (ASTM) Standards.
19. **Solar-ready Buildings.** The project shall provide a minimum of fifteen percent (15%) solar space on the roof and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
20. **Construction Generators.** Should the project require the use of generators during construction, the project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
21. **Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view from any abutting properties.
22. **Transformer.** Any on-site transformer shall be screened with landscaping.
23. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
24. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent residential properties and the night sky, unless otherwise required for other safety purposes as determined by the City of Los Angeles during permitting.
25. **Grey Water.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by Los Angeles Department of Water and Power (LADWP) in consultation with the Los Angeles Department of City Planning.
26. **Plan Approval.** Five (5) years from the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the school, the operator of the school 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. A public hearing may be required at the discretion of the Director of Planning and based on complaints received or any submittal of documented evidence showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. 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 drop-off/pick-up plan, the management of circulation impacts of parking associated with special events, and any documented noise impacts from parking operations on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Director of Planning shall issue a determination. Such determination may delete, modify the terms and conditions and/or add new terms and conditions, as deemed appropriate. The Director of Planning 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: provide a copy of the ledger to verify enrollment numbers for each school year, including any summer sessions.
 - b. Physical modifications involving expansion or change of use or location: provide a copy of the Building Permit for any physical modifications and Certificate of Occupancy along with a copy of the Building and Safety approved plans.
 - c. Operational information: provide documents indicating the school's policies and procedures for hours of operations, parking, and drop-off/pick-up.
 - d. Complaint log: provide a copy of the complaint log required by Condition No. 8 identifying specific complaints and resolutions.
27. Notwithstanding Condition No. 26, 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 shall have the right to require the applicant, school administration, or property owner to file for a plan approval application together with the associated fees, to hold a public hearing and review the school's compliance with, and the effectiveness of, the conditions of the grant. The applicant shall submit a report and supporting documentation pursuant to Condition No. 22 demonstrating compliance with each condition of the grant.
28. **Security.**
- a. 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.
 - b. The property shall be internally secured when not in use.
 - c. 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 to the Hollenbeck Community Police Station Commanding Officer a diagram of the site indicating access routes and any additional information to facilitate police response. A copy of such document shall be submitted to the City Planning Department upon its approval.
 - d. The campus shall be closed after the start of the school until student dismissal times. Students may not leave the campus unescorted at any time during the school day, including at lunch time.

29. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Environmental Conditions

30. Creation of a Health Hazard.

- a. 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).
- b. 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.

31. Increased Noise Levels (Public Address and Paging System).

- 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. Amplified signals shall be inaudible beyond the boundaries of the subject property.

32. Public Services (Construction Activity Near Schools).

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.
- c. The developer and contractors shall maintain ongoing contact with administrator of Breed Street Elementary School, Hollenbeck Middle School, and Roosevelt High School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

33. Public Services (Schools affected by Haul Route).

- a. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
- b. LADBS shall assign specific haul route hours of operation based upon Breed Street Elementary School, Hollenbeck Middle School, and Roosevelt High School's hours of operation.

34. Transportation (Haul Route).

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- c. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- d. No hauling shall be done before 9 a.m. or after 3 p.m.
- e. Trucks shall be spaced so as to discourage a convoy effect.
- f. On substandard hillside streets, only one hauling truck shall be allowed on the street at any time.
- g. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- h. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- i. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
- j. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- k. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
- l. No person shall perform grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
- m. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- n. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

35. Safety Hazards.

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

36. **Transportation/Traffic.**

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions

37. **Grant.** The Conditional Use grant is non-transferable and shall have no expiration date except as provided under Sections 12.24-M, 12.24-P and 12.24-Q of the Los Angeles Municipal Code.
38. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
39. **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.
40. **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 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.
41. **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.

42. **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 amendments thereto.
43. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
44. **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.
45. **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.
46. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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.
- c. 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).
- d. 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).

- e. 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 include 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.