

CONDITIONS OF APPROVAL

(As Modified by City Planning Commission at its meeting on August 25, 2022)

A. Conditional Use Conditions, Sec. 12.24 M., LAMC.

1. **Grant.** Conditional Use approval pursuant to Section 12.24 U 24 of the LAMC for the continued operation and maintenance of an existing private school, consisting of 70,123 square feet of existing floor area, and approval to demolish approximately 23,010 square feet of buildings and construct approximately 82,940 square feet of new school facilities. The project is permitted the construction of seven (7) new buildings and additions to existing buildings, resulting in a net increase of 59,930 square feet, for a total project build out not to exceed 130,053 square feet in 11 buildings. These new buildings include: a classroom building of 6,140 sq. ft.; a science building of 3,750 sq. ft.; a performing arts building and theatre of 20,000 sq. ft.; a 4,300 sq. ft. of "Pavilion - Back of House" building; a gymnasium building of 14,800 sq. ft.; a 16,800 sq. ft. facility and athletics building; and a dining facility of 6,200 sq. ft., Additions to existing buildings include: 2,500 sq. ft. of classroom space; 6,150 sq. ft. of library space; and 2,300 sq. ft. of administrative office space. Surface parking lot areas are to provide a minimum of 114 on-site surface parking spaces plus any additional code-required parking. The project is permitted a pedestrian bridge connecting the athletic buildings to the athletic fields.

The project site shall be developed in substantial conformance with the Site Plan and Program Summary, labeled Exhibits B1 through B4, respectively, and dated July 9, 2022. The applicant shall submit a revised site plan incorporating the modifications required by this grant to the Planning Department for review and approval, prior to the issuance of any permits relative to this grant.

- a. Plan Approval. Any adjustments to the subject conditional use entitlement or the approved site plan, as modified by the conditions of this grant, shall be subject to Plan Approval review, with a written determination and appeal period, pursuant to Section 12.24 of the LAMC. The Director of Planning shall have the discretion to require a full range of the plan approval procedures. Any Plan Approval determination shall be mailed to the full 500-foot radius surrounding the subject property, at the applicant's expense.
 - b. Summer Programs. The Curtis School summer programs, including summer camp activities, shall be permitted between the months of June through August. Hours of operation shall not exceed 7:00 a.m. to 4:00 p.m. Summer programs enrollment shall not exceed 250 students per day.
 - c. The authorized use shall be conducted at all times with due regard for the residential character of the surrounding area and the right is reserved to the City Planning Commission to impose additional corrective conditions if, in its opinion, such conditions are necessary for protection of persons using the school or residents of the area. These corrective conditions may include, but shall not be limited to, measures to protect the public safety or to relieve any future traffic congestion by requiring additional off-street parking, the implementation of additional Transportation Demand Management measures, or by staggering of class schedules.
2. **Enrollment.** A maximum enrollment of 675 students, serving grades K through 9, shall be permitted. The applicant shall provide verification of annual enrollment of the subject school, said verification to be a copy of the document submitted to the State of California, for inclusion in the file. Any increase to the maximum enrollment shall require a new entitlement application, pursuant to Sec. 12.24 of the LAMC.

3. **Faculty and Staff.** The total number of faculty, staff and other school personnel shall be limited to a maximum of 118 personnel.
4. **Phased Development.** Construction may occur in a series of phases. The number of phases, the content within each phase and the timing for commencement of each phase shall be determined by the applicant, provided that all development shall not exceed the project description granted above and the total parameters set forth on Exhibit B1, dated July 9, 2022, as modified by this conditional use grant. A phasing plan shall be submitted when the first project requests a Project Permit Compliance.
5. **Access.** Primary access shall be limited to Mulholland Drive via the existing Walt Disney Drive driveway, with secondary/emergency access from Mulholland Place.
6. **Mulholland Place Fencing.** The applicant shall be permitted to erect security fencing along Mulholland Place, provided that any such fencing substantially conforms to the location and materials as depicted on the Mulholland Place Fence Exhibit, Exhibit B5, dated January 16, 2013, as described in the Mitigated Negative Declaration, and provided such fencing complies with the LAMC and the Mulholland Scenic Parkway Specific Plan, and that a permit to encroach within the Mulholland Place right-of-way is granted by the Board of Public Works, if such encroachment permit is required. The project involves the replacement of the northern perimeter chain fence with a wrought iron fence ranging in height from approximately 4' to 6'. As identified in the MND, the proposed fencing would be comprised of vertical metal slats. For the safety of wildlife, no fences with sharp edges or points shall be allowed herein.
7. **Fencing Compliance with Future Regulations.** As a part of the permitting process, any future regulations related to wildlife movement shall be considered and analyzed to the satisfaction of the Department of City Planning in relation to proposed fencing. There shall be general compliance with future regulations, while not compromising the ability for the school to provide security for campus.
8. **Design Review.** All new buildings and building additions, structures, use of land, grading and landscaping shall be subject to Mulholland Scenic Parkway Specific Plan Design Review and Project Permit Compliance, if applicable, in accordance with Sec. 11 of the Mulholland Specific Plan and Sec. 11.5.7 of the LAMC, prior to the issuance of any building permits, grading permits or use of land permits by the Department of Building and Safety.
9. **Parking.** Maintain 114 parking spaces as required by the most recent Certificate of Occupancy, plus any additional code-required parking. Provisions shall be made for parking with a valet or parking off-site with shuttle service if more than 200 vehicles are anticipated for a special event and these vehicles cannot be accommodated elsewhere on-site (such as on the athletic fields).
10. **Height.** The height of all proposed school buildings and structures on the subject property shall not exceed the standards of the Mulholland Scenic Parkway Specific Plan, except as permitted by the Specific Plan Adjustment granted herein for the gymnasium building (see Conditions 43 and 44).
11. **Aesthetics (Scenic Resources).** All mature trees to be removed shall be replaced on a minimum two to one basis as part of a Landscaping Plan for the project.

12. Traffic and Circulation. The project shall comply with the following conditions to the satisfaction of the Department of City Planning:

- a. Student drop-off and pick-up shall be performed completely on the subject property, within the area designated for pick-up/drop-off.
- b. Stacking for vehicles shall occur completely on site; no vehicle queuing is permitted on Mulholland Drive.
- c. The school shall hire or assign an individual to monitor and direct traffic at the driveway entrance of the school at Walt Disney Drive, to ensure that no blockage occurs on the public street during the hours of 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:00 p.m.
- d. The school shall hire or assign an individual to direct traffic at the drop-off/pick-up lane on site. The monitor shall direct traffic entering the lane so as to move traffic continuously during the hours of 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:00 p.m.
- e. School-operated buses, and all other vehicles which transport students to and/or from school, shall load and unload students within school property and not on any adjoining streets. School and visitor-operated sports buses shall be required to do the same. The school shall include the foregoing drop-off/pick-up requirements in its Parent/Student Handbook of Rules and Regulations.

13. Transportation Demand Management (TDM). The applicant shall maintain the existing Curtis School TDM Program to the satisfaction of DOT, which contains the following minimum performance standards:

- 80% student participation in carpooling/ridesharing/vanpooling
- 50% staff participating in carpooling/ridesharing/vanpooling

An annual student/staff commuter survey shall be conducted by the subject school which shall be included in an annual TDM status report. The annual TDM status report shall describe TDM activities at the school, results of the commuter surveys, and specific TDM measures initiated, and shall be submitted to the Department of Transportation (DOT) on an annual basis. The first annual report shall be due one year after the effective date of this grant.

14. Hours of Operation. The applicant shall comply with the following hours of operation:

- a. Normal class hours of operation for the school shall be between 8:15 a.m. and 3:15 p.m., Monday through Friday.
- b. Office hours for the school shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday.
- c. Extra-curricular student events can occur during normal class hours and shall not run past 7:00 p.m., Monday through Friday. Weekend extra-curricular student events shall not commence earlier than 9:00 a.m., and shall conclude no later than 5:00 p.m.

15. Limitations on Non-instructional School Events.

- a. Parent-teacher conference days shall be limited to no more than two (2) in any academic month.
- b. Special Events shall be limited to no more than eight (8) in any calendar year. Special Events are defined as those events that are intended to draw the entire Curtis School student body, parents, family and Curtis School faculty and staff. Special Events shall not be scheduled to begin during the morning peak traffic hour (7:30 a.m. to 8:30 a.m.), Monday through Friday, and shall conclude no later than 9:00 p.m., Monday through Friday, or 5:00 p.m. on weekends or holidays.

- c. If a Special Event is expected to attract more than 200 people, the applicant shall ensure that adequate parking for all attendees is provided either on-site or off-site at a nearby property and/or other locations which the school may secure. Persons arriving in vehicles which cannot be accommodated on-site shall be instructed to park at the off-site parking location(s), and the applicant shall provide an on-site valet service or shuttle services to transport the attendees between the off-site parking location(s) and the school.
- d. A copy of the School Calendar and List of Special Events shall be submitted to the Department of City Planning and posted on the school's internet website at least 60 days prior to the beginning of each school year.

16. Public Address System and Paging System. The installation and operation of an exterior public address system shall be limited to the immediate area adjacent to the campus buildings. Outdoor address or paging systems shall be designed by a qualified audio sound engineer with the following minimum specifications:

- a. Only low-pressure type speakers shall be used, which are designed to have a minimum coverage area of approximately 400 square feet each.
- b. Distance between speakers shall not exceed 40 feet.
- c. Amplified signals shall be inaudible beyond the boundaries of the subject property.
- d. The use of bullhorns shall be limited to conducting emergency operations only.

This condition shall not require the replacement of an existing public address or paging system, provided said system meets the minimum specifications listed in this condition.

17. Signs. Only one identification sign shall be permitted along the school's frontage with Mulholland Drive and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas. No banners or murals on buildings or freestanding walls which are visible from beyond the school property shall be permitted.

18. Outdoor Lighting. Outdoor lighting on the athletic fields and ball courts shall be prohibited. This does not preclude the use of low-level security lights.

19. Lighting. All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).

20. Lighting Design. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, building entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists. Lighting shall be consistent with Section 5.A.1.d of the Mulholland Scenic Parkway Specific Plan in that it shall be low-height, low-illumination safety lighting of a color similar to incandescent light which is shielded and directed onto the property. All new lighting required for the project shall have low reflectivity to minimize glare and limit light spillover onto adjacent properties and night sky.

21. Athletic Fields Seating. There shall be no fixed seating bleachers next to or associated with the athletic fields.

22. Public Services (Fire).

- a. The applicant shall submit a plot plan for approval by the Fire Department prior to the approval of a building permit for a building or structure authorized by this grant.
- b. 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.
- c. That emergency communication equipment shall be provided for fire protection and, if required by the Fire Department, the equipment necessary to provide standard radio transmission and reception. That emergency access only road be provided to Mulholland Place with locked gates to the satisfaction of the Fire Department.

23. Public Services (Police General):

- a. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at 100 West 1st Street, Room 251, Los Angeles, (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- b. 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 area commanding officer a diagram of the site indicating access routes and any additional information that might facilitate police.

24. Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), the following:

- a. Responsibilities/Guarantees.
 - i. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
 - ii. Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.
- b. Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
- c. Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.

- d. Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Bureau of Street Services Urban Forestry Division.
- e. Installation of the streetlight shall be to the satisfaction of the Bureau of Street Lighting.
- f. Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the Site Plan, labeled Exhibit B1, dated July 9, 2022, as modified by this grant, as to their location and access, but may be modified in order to comply with provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.

25. Electric Vehicle Parking. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC. Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

26. Windows. Glass Walls/Windows – Bird Protection. The project shall use “bird protection glass”, such as non-reflective darker tinted glass (i.e. “Ornilux”), specifically designed to help prevent bird strike deaths.

27. Prohibited Use of Anticoagulant Rodenticides. During construction activities and upon project occupancy, the use of anticoagulant rodenticides which has the potential to significantly degrade biological resources, shall be prohibited throughout the project site. The school shall use nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes.

28. Seismic. Prior to issuance of the building permit for a building or structure, a site-specific geotechnical report shall be prepared in accordance with the City of Los Angeles requirements, including those set forth in the LAMC, which incorporates the California Building Code. The recommendations contained within the site-specific geotechnical report, including those pertaining to site preparation, fill placement, and compaction; foundations; pavement design; footings; and foundations shall be implemented.

28. Grading of a Prominent Ridge. Up to 70,000 cubic yards of grading (cumulative cut and fill) and up to 30,000 cubic yards of export of soil from the site is approved, in substantial conformance with Exhibit B4, dated August 9, 2022, and further conditioned in Condition No. 48.

29. Construction (Grading). Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities required shall receive grading permits from the Department of Building and Safety. The application of Best Management Practices shall include but not be limited to the following measures:

- a. 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. These channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Appropriate erosion control and drainage devices shall be incorporated to the

- satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- 30. Hydrology and Water Quality – General Construction.** All waste shall be disposed of properly. Appropriately labeled recycling bins shall be used to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- a. Leaks, drips and spills shall be immediately cleaned up to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - b. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used.
 - c. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or covered with tarps or plastic sheeting.
 - d. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and to limit the tracking of sediment into streets.
 - e. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- 31. Stormwater and Urban Runoff Pollution Control.** A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation. It shall be retained at the construction site and shall include the following:
- a. Identification of the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - b. A monitoring program and reporting plan for the construction period.
- 32. Stormwater and Urban Runoff Pollution Control.** The project applicant shall meet the latest requirements of the Standard Urban Stormwater Mitigation Plan, approved by the Los Angeles Regional Water Quality Control Board.
- 33. Noise (Construction).** The project construction procedures and methods shall comply with the City's Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, that prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- 34. Noise (Construction Routes).** Construction activities, including delivery and haul routes, shall be restricted to hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities shall not be permitted on Sundays and National holidays.
- 35. Noise (Construction Operations).** Where feasible, noise-generating equipment operated at the project site shall be equipped with the standard noise control devices (i.e., mufflers, lagging, and/or motor enclosures). All equipment shall be properly maintained to assure that no additional noise would be generated as a result of worn or improperly maintained parts.
- 36. Noise (Plans).** An acoustical analysis of the architectural plans for the proposed new

buildings and classroom space façade located closer to Interstate 405 than existing structures shall be prepared by a qualified acoustical engineer, prior to issuance of building permits, to ensure that the building construction (i.e., exterior wall, window and door) will provide adequate sound insulation to meet the acceptable interior noise level of 45 dBA CNEL.

- 37. Public Services (Fire).** A plot plan shall be submitted for approval by the Fire Department prior to 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; and all structures shall be within 300 feet of an approved fire hydrant.
- 38. Public Services (Hydrants).** Adequate off-site public and on-site private fire hydrants providing adequate fire flow per the City of Los Angeles Building Code may be required. Prior to the issuance of the building permit, the number and location of these hydrants shall be determined by the Fire Department.
- 39. Transportation/Circulation.** The number of workers employed on-site to construct the Project shall not exceed 65 workers at any time.
- 40. Transportation/Circulation.** The applicant shall prepare a construction traffic management plan, including haul routes and staging plans, satisfactory to the City of Los Angeles.

B. Project Permit Compliance and Design Review Conditions, Secs. 11.5.7 C and Sec. 16.50, LAMC.

- 41. Grant.** The subject approval is for the Curtis School Master Plan layout only, which identifies the rehabilitation and expansion of existing educational facilities, the construction of new buildings, and the construction of a pedestrian bridge connecting the athletic buildings to the athletic fields, in substantial conformance with the Site Plan, labeled Exhibit B1 and dated July 9, 2022, as modified by this conditional use grant. No individual buildings, structures, use of land, grading or landscape plans are granted Project Permit Compliance and Design Review by this Master Plan conceptual layout approval.
- 42. Design Review Requirement.** All future site construction that meets the definition of a Project per the Mulholland Specific Plan, as depicted on the Site Plan exhibit, labeled Exhibit B1 and dated July 9, 2022, as modified by this conditional use grant, shall be subject to the Design Review and Project Permit Compliance requirements and procedures of the Mulholland Scenic Parkway Specific Plan, as applicable.

C. Specific Plan Adjustment and Exception Conditions, Secs. 11.5.7 E and F, LAMC.

- 43. Grant for Specific Plan Adjustment.** Per LAMC Section 11.5.7 E.2.a, the subject approval is for the following adjustment from the stated Section of the Mulholland Scenic Parkway Specific Plan (MSPSP):
 - a. Section 5.D.2.b, to allow a maximum 32-foot-high gymnasium building located within the MSPSP's Inner/Institutional Use Corridor, in lieu of the maximum 30-foot height permitted.

44. Height of Gymnasium Building. The gymnasium building may be constructed to a maximum height of 32 feet on the subject property and shall be in substantial conformance with the Site Plan labeled Exhibit B1 and dated July 9, 2022, and the Site Sections labeled Exhibit B3 and dated July 9, 2022.

45. Grant for Specific Plan Exception. Per LAMC Section 11.5.7.F, the subject approval is for the following exception from the stated Section of the Mulholland Scenic Parkway Specific Plan (MSPSP):

- a. Section 6.A.3, to allow institutional uses within the MSPSP's Outer Corridor on the subject property, in lieu of such uses only being permitted within the Inner/Institutional Use Corridor.

46. Use. The private school may continue and maintain its existing campus buildings and structures, and future development may be constructed within the Outer Corridor of the MSPSP within the school campus, in accordance with the Site Plan labeled as Exhibit B1 and dated July 9, 2022, as modified by this conditional use grant.

D. Zoning Administrator Determination Conditions, Secs. 12.24 X.26 and 12.24 X.28(a), LAMC.

47. Grant. The number of retaining walls required by other provisions of the LAMC shall not apply to this conditional use approval. Up to six (6) retaining walls with a maximum height of 12 feet are approved, subject to the following:

- a. All retaining walls shall be in substantial conformance with the Grading Plan, Exhibit B4, dated August 9, 2022.
- b. Landscaping shall be provided to screen proposed retaining walls.

48. Grant. The grading regulations required by other provisions of the LAMC shall not apply to this conditional use approval. Up to 70,000 cubic yards of grading (cumulative cut and fill), and up to 30,000 cubic yards of export of soil from the site, is approved, subject to the following:

- a. All grading shall be in substantial conformance with Exhibit B4, dated August 9, 2022, as modified by this conditional use grant. Minor deviations may be allowed in order to comply with provisions of the LAMC, the subject conditions, and the intent of the subject permit authorization.
- b. The applicant shall submit revised grading plans that demonstrate compliance with the conditions of approval herein.
- c. The applicant shall submit final grading plans that comply with the guidelines of the Landform Grading Manual.
- d. All grading shall be generally sculptured and softened to blend with the natural contours, and fully landscaped with fire-resistant and drought-tolerant trees and shrubs, native to the subject area.
- e. Grading shall be balanced on the site to the greatest extent feasible.

E. Site Plan Review Conditions, Section 16.05, LAMC.

49. Site Plan. The use and development of the subject property shall be in substantial conformance with the Site Plan and Program Summary, labeled Exhibits B1 and B2, respectively, and dated July 9, 2022, the Site Sections, labeled Exhibit B3 and dated July 9, 2022, the Grading Plan, labeled Exhibit B4 and dated August 9, 2022, and the

Mulholland Place Fence Exhibit, labeled Exhibit B5 and dated January 16, 2013, except as such plans are modified by this grant. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.

- 50. 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, including an automatic irrigation plan, prepared by a licensed landscape architect. Native and drought-tolerant landscape materials shall be used to the greatest extent feasible. Landscape plans must be reviewed by the Design Review Board and approved by the Director prior to clearance by the Department of City Planning.
- 51. Loading (Freight and Supplies).** Prior to clearance of any building permits, the applicant shall provide a plot plan clearly identifying the location of a loading area for the subject project. Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of said loading area shall be to the satisfaction of the Planning Department.
- 52. Solid Waste.** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

F. Environmental Conditions, ENV-2017-3972-MND

- 53. Project Design Feature BIO-PDF-1:** The existing northern perimeter chain fence will be replaced with an approximately 5-foot-tall fence composed of vertical metal slats.
- 54. Mitigation Measure BIO-MM-1:** A protection barrier shall be installed around the southern California black walnut trees to be preserved. The barrier shall be constructed of chain-link fencing and shall be placed as far from the base of the trees as possible, at least 0.75 foot per inch of trunk diameter for trees eight to 18 inches diameter breast height (DBH) and 1.25 feet per inch of trunk diameter for trees over 18 inches DBH, beyond the drip-line. The fencing shall be maintained in good repair throughout the duration of the Project and shall not be removed, relocated, or encroached upon without permission from an arborist. No storage of materials or supplies of any kind shall be permitted within the protection barriers.
- 55. Mitigation Measure BIO-MM-2:** A qualified biologist shall complete pre-construction surveys no more than 48 hours prior to construction within previously undeveloped areas to determine presence or absence of wildlife in the construction area. Surveys shall be repeated if construction activities are suspended for five days or more. If sensitive wildlife species are identified, a no-work buffer shall be installed around the species. The size of the buffer shall be determined by the qualified biologist and will be species-specific. Work shall be suspended until the species leaves the site on their own (i.e., Southern California mountain lion) or is relocated by a qualified biologist to an area of suitable habitat at least 100 feet outside of the construction area. Work will resume only once it has been determined that all sensitive wildlife species have left the site, as determined by the qualified biologist. Best management practices, such as silt fencing, fiber rolls, straw bales, or other measures shall be implemented during construction to minimize dust, dirt, and construction debris from leaving the construction area. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be stabilized using water, chemical stabilizer/suppressant,

covered with a tarp or other suitable cover, or hydroseeded with vegetative ground cover to reduce dust emissions. Construction would be conducted during daylight hours, and no work shall be conducted at night.

56. Mitigation Measure BIO-MM-3: Construction in areas with trees and vegetation that may provide nesting habitat for birds shall be reduced to the maximum extent feasible. Trimming and removal of trees and vegetation shall be minimized and performed outside of the bird nesting season (typically February 1 to September 15) to the extent feasible. In the event trimming or removal of trees and vegetation must be conducted during the bird nesting season, nesting bird surveys shall be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if trimming or removal activities are suspended for five days or more. In the event construction is scheduled during bird nesting season, nesting bird surveys shall be completed no more than 48 hours prior to construction to determine if nesting birds and active nests are in or within 500 feet of the construction area. Surveys shall be repeated if construction activities are suspended for five days or more. In the event nesting birds are found within 500 feet of the construction area, appropriate buffers (typically 150 feet for songbirds and 500 feet for raptors) shall be implemented, in coordination with the California Department of Fish and Wildlife, to ensure that nesting birds and active nests are not harmed. No work will be conducted within the buffer area. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or the nest is no longer active, as determined by a qualified biologist.

57. Mitigation Measure BIO-MM-4: At least 30 days prior to construction, surveys shall be conducted by a qualified biologist on all roosting habitat within 100 feet of the construction area, to identify the presence of bats and any active or potential bat-roosting cavities. During the non-breeding and active season (typically October), bats shall be safely evicted from these areas, if feasible, under the direction of a qualified biologist. Once it has been determined that all roosting bats have been safely evicted from roosting cavities, exclusionary devices shall be installed and maintained where appropriate to prevent bats from roosting in these cavities prior to and during construction. Pre-construction bat surveys shall be conducted by a qualified bat specialist no more than seven days prior to the removal of any roosting habitat within the Biological Study Area to determine whether exclusionary measures have been successful and there are no bats within the construction area. A biological monitor shall be onsite during tree and building removal in the event that all bats were not able to be excluded from the trees and buildings to be removed. If bats are disturbed during tree or building removal, work shall be safely suspended until all bats leave the vicinity on their own. Work shall resume only once it has been determined that all bats have left the site, as determined by the qualified biologist. Surveys and exclusion measures are expected to prevent maternal colonies from becoming established in the Biological Study Area. In the event a maternal colony of bats is found, no work shall be conducted within 100 feet of the maternal roosting site until the maternal season (typically April to September) is over or the bats have left the site, or as otherwise determined by a qualified biologist. The site shall be designated as a sensitive area and protected as such until the bats have left the site. No clearing and grubbing shall be authorized adjacent to the roosting site. Combustion equipment, such as generators, pumps, and vehicles, shall not be parked nor operated within 100 feet of the roosting site. Fencing or other barriers shall be installed around the buffer area, and construction personnel shall not be authorized to enter areas beneath the colony, especially during the evening exodus.

- 58. Mitigation Measure CUL-MM-1:** If human remains are encountered during construction, work in the affected area and the immediate vicinity shall be halted immediately (within a 100-foot buffer of the find). The on-site lead/foreman shall then immediately notify the FTBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within 24 hours of the determination, as required by California Health and Safety Code Section 7050.5 I. The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code Section 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete their inspection and make recommendations within 48 hours of the site visit, as required by California Public Resources Code Section 5097.98.
- 59. Mitigation Measure GEO-MM-1:** If any paleontological materials are encountered during the course of the Project development, work in the area should be halted. The services of a qualified paleontologist shall be secured by contacting the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. In addition, a report on the paleontological findings shall be prepared by the qualified paleontologist. A copy of the paleontological report shall be submitted to the Los Angeles County Natural History Museum.
- 60. Project Design Feature TRA-PDF-1:** Fifty-percent participation in carpooling/ridesharing/busing/vanpooling by the 50 faculty and staff members added by the Project.
- 61. Mitigation Measure TCR-MM-1:** The Project Applicant shall retain a professional Native American monitor procured by the Fernandeno Tataviam Band of Mission Indians to observe all ground-disturbing activities that occur within the proposed project area which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work. If cultural resources are encountered, the Native American monitor will have the authority to request ground disturbing activities cease within 60-feet of discovery to assess and document potential finds in real time.
- 62. Mitigation Measure TCR-MM-2:** The Lead Agency and/or applicant shall, in good faith, consult with the Fernandeno Tataviam Band of Mission Indians and consulting Tribes on the disposition and treatment of any Tribal Cultural Resource encountered during the Project construction.

G. Administrative Conditions:

- 63. 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 Planning Department prior to clearance of any building permits, for placement in the subject file.

- 64. Code Compliance.** Area, height, yard and use regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 65. 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 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.
- 66. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
- 67. 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 amendment thereto.
- 68. 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 Department and the Department of Building and Safety.
- 69. 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, City Planning Commission, Area Planning Commission, or Board.
- 70. 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.

71. Mitigation Monitoring Program. The project shall be in substantial conformance with the mitigation measures in the attached Mitigation Monitoring Program (MMP) and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

72. Mitigation Monitor. During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency

any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the noncompliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

73. Corrective Conditions. The authorized use shall be conducted at all times with due regard to 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 Commission's or Director's opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.

74. 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.