

## CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 12.24 W.19, 12.27, and 16.05, the following conditions are hereby imposed upon the use of the subject property.

### **Vesting Conditional Use Permit for Floor Area Averaging (Applies to Lots 1-4)**

1. **Floor Area Ratios.** Maximum Floor Area Ratios and maximum development square-footage for lots within the project site shall be in substantial conformance as follows:
  - a. Lot 1: 450,599 square feet on a 109,319 square-foot lot (4.13 FAR)
  - b. Lot 2: 0 square feet (existing parking structure to remain) on a 61,251 square-foot lot
  - c. Lot 3: 222,915 square feet on a 76,150 square-foot lot (2.93 FAR)
  - d. Lot 4: 211,201 square feet on a 16,527 square-foot lot (12.19 FAR)

The total floor area across the entirety of Project Site is not to exceed 884,715 square feet, equal to a FAR of approximately 3.4:1 averaged across entire Project Site.

2. **Unified Development.** The applicant shall guarantee to continue the operation and maintenance of the development as a unified development, as defined in LAMC 12.24 W.19, and shall guarantee the continued maintenance of the unifying design elements such as driveways, pedestrian pathways, publicly accessible open space areas, and parking areas, as depicted in Exhibit A, Project Plans, dated November 4, 2024.
3. **Maintenance.** The applicant shall specify an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to LAMC Section 19.11.
4. **Covenant.** Prior to the issuance of any building permit, a covenant acknowledging and agreeing to comply with Conditions 1-3 shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP 6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.
5. **Future Campus Expansion Phase.** The applicant shall file a Project Review (and any associated CEQA review) with the Department of City Planning pursuant to Section 13B.2.4 of Chapter 1A of the LAMC for review of the Future Campus Expansion Phase, for any proposed development that results in any additional gross floor area on Lot 4. Appeals of the Project Review decision shall be heard by the City Planning Commission in lieu of the Area Planning Commission.

### **Zone Variance for Loading Access from Public Street (Applies to Lot 1)**

6. **Grant.** Notwithstanding the requirements of LAMC 12.21 C.6 which state that for C or M zoned lots abutting an alley, that the required loading spaces shall be located and arranged

that delivery vehicles may be driven upon or into said space from the alley; a loading zone and vehicular access to the loading zone may instead be provided from 7th Place.

### **Site Plan Review (Applies to Lot 1)**

- 7. Site Development.** The use and development of the Project Site shall be in substantial conformance with the plans stamped Exhibit A, dated November 4, 2024. No change to the plans will be made without prior review by the Department of City Planning, Major Projects, 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 Municipal Code or the Project conditions.
- 8. Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A, dated November 4, 2024. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.
- 9. Vehicular Parking.**
  - a. All above-grade levels of the Project's parking podium shall be consistent with the façade treatments in the plans stamped Exhibit A, dated November 4, 2024, and with the following required revisions. The northern and western elevations shall be revised so that parking areas shall be fully screened with materials that are architecturally integrated into the design of the building, such that no vehicles are visible during the day and no vehicle headlights shine out of the parking podium at night, and in substantial conformance with the City Planning Commission's Updated Advisory Notice Relative to Above-Grade Parking (2022). In addition, the continuous ground floor blank wall along the northern elevation shall be broken up with a change in material and variation in a depth, which shall be provided at a minimum of every 20 feet in building façade length, to the satisfaction of the Department of City Planning,
  - b. Entrances, elevators, and stairs for parking structures shall be easily accessible and highlighted architecturally.
  - c. Pursuant to Assembly Bill (AB) 2097, the Project shall not be required to provide any minimum amount of vehicle parking. The Applicant may choose to provide a greater amount at their discretion.
- 10. Design.**
  - a. All building façades shall utilize a minimum of two different materials. Windows, doors, balcony railings, decorative features (such as light fixtures, planters, etc.), and perimeter walls (e.g. walls along a street that are not a part of the building) are excluded from meeting this requirement.
  - b. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or

films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

- c. Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.

**11. Pedestrian Paseo.** The project shall provide an approximately one-acre, hardscaped and landscaped pedestrian paseo that would extend east-west along the vacated 7<sup>th</sup> Place public-right of way and north-south along the vacated Easterly Public Alley, connecting the terminus of 7<sup>th</sup> Place to Violet Street, as shown in Exhibit A, dated November 4, 2024. The paseo shall remain publicly accessible and gates or other barriers blocking pedestrian access from 7th Place to Violet Street shall be prohibited. No motorized vehicles shall be permitted, except for parking garage users and emergency vehicles used during an emergency. The courtyard and passageway area will be maintained in good condition by the Project operator and/or owner for the life of the Project.

**12. Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:

- a. Minimum depth for trees shall be 42 inches.
- b. Minimum depth for shrubs shall be 30 inches.
- c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
- d. Minimum depth for an extensive green roof shall be three inches.

The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:

- a. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
- b. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
- c. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
- d. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.

**13. Tree Maintenance.** 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.

**14. Cool Roof.** The Project shall implement a “cool roof” which would be comprised of light colored, reflective roofing materials over the mechanical equipment area and the roof of the vertical circulation.

**15. Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.

**16. River Improvement Overlay.** The Project shall comply with the River Improvement Overlay requirements set forth in LAMC Section 13.17. RIO approval shall be obtained prior to the

issuance of building permits per the instructions as shown in ZI-2358.

17. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
18. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
  - a. 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.
  - b. All pedestrian walkways, storefront entrances, and vehicular accessways shall be illuminated with lighting fixtures.
  - c. Light fixtures located on the Project Site (and not in the public right-of-way) 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.
19. **Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
20. **Mechanical Equipment.** All mechanical equipment shall be fully screened from view of any abutting properties and the public right-of-way.
21. **Trash/Storage.** All trash collecting and storage areas shall be located on-site and not visible from the public right-of-way. Trash receptacles shall be enclosed and/or covered at all times. Trash/recycling containers shall be locked when not in use.
22. **Graffiti Removal.** 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.
23. **Construction Traffic Management Plan.** The Applicant shall prepare a Construction Traffic Management Plan which will include a construction work site traffic control plan, DOT recommends that the construction work site traffic control plan be submitted to LADOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work.
24. **Traffic Signal Implementation.** All proposed signal installation is subject to final approval by LADOT.
  - a. **Mateo Street and Violet Street.** Under the Violet Street Driveway Scenario, the Applicant shall be required to prepare a complete Traffic Signal Warrant Analysis of Mateo Street and Violet Street for review by LADOT's Central District Office for final determination on the need for a traffic signal at this location. The satisfaction of a traffic signal warrant does not itself require the installation of a signal. Other factors relative to safety, traffic flow, signal spacing, coordination, etc. should be considered. If LADOT

makes the determination that a traffic signal is warranted and needed at the intersection, then the Applicant would be responsible for the full cost to design and install the new signal.

- 25. Operational Improvements.** In accordance with the Project's LADOT's Transportation, the following Non-CEQA improvements shall be completed:

Location	Intersection	Improvement
7 <sup>th</sup> Place Driveway	Mateo Street and 7 <sup>th</sup> Street	<ol style="list-style-type: none"> <li>1. Add a protected/permitted left-turn phase for the westbound approach, lengthen the westbound left turn pocket on 7<sup>th</sup> Street to 275 feet, reoptimize signal timing, and remove parking on both sides of 7<sup>th</sup> Street between Mateo Street and Imperial Street</li> <li>2. Stripe a 200-foot northbound left turn pocket on Mateo Street and remove parking on both sides of Mateo Street between 7<sup>th</sup> Street and 7<sup>th</sup> Place</li> <li>3. Mateo Street &amp; 7<sup>th</sup> Place – Stripe southbound left-turn pocket on Mateo Street</li> </ol>
Violet Street Driveway	Mateo Street and 7 <sup>th</sup> Street	Stripe a 200-foot northbound left turn pocket on Mateo Street, reoptimize signal timing, and remove on street parking on both sides of Mateo Street between 7 <sup>th</sup> Street and 7 <sup>th</sup> Place
	Santa Fe Avenue and 7 <sup>th</sup> Street	Lengthen westbound left-turn pocket to 650 feet and reoptimize signal timing (It should be noted that if the nearby 670 Mesquit Project is built with a signalized driveway, reoptimizing signal timing would be the only feasible corrective action for this intersection.)

- 26. Transportation Systems Management (TSM) Improvement.** The Adaptive Traffic Surveillance and Control system (ATSAC) improvement of installing 3" conduit and 25-pair interconnect cable (approximately 700 feet) on Santa Fe Avenue between 7<sup>th</sup> Street and Violet Street will allow maximizing intersection throughput or managing queues and improve system performance. The Applicant shall be responsible for the cost and implementation of any necessary bus stop relocations and lost parking meter revenues associated with the proposed transportation improvement as necessary, subject to LADOT approval.

- 27. Pedestrian Infrastructure.** Under the Violet Street Driveway Scenario, the installation of a crosswalk will be required at the intersection of Mateo Street and Violet Street, subject to LADOT approval.

28. **Project Access and Circulation.** The Applicant shall contact LADOT for driveway width and internal circulation requirements prior to the commencement of building or parking layout design. Driveway placement and design shall be approved by the Department of City Planning in consultation with LADOT.
29. **Worksite Traffic Control Requirements.** A construction work site traffic control plan shall be submitted to LADOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to <http://ladot.lacity.org/businesses/temporary-traffic-control-plans> to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
30. **Development Review Fees.** LAMC Section 19.15 identifies specific fees for traffic study review, condition clearance, and permit issuance. The Applicant shall comply with any applicable fees per this ordinance.
31. **Art Murals.** Any proposed art murals shall be in compliance with the conceptual plans stamped as Exhibit A, dated November 4, 2024, and with all applicable City regulations, pursuant to Section 22.119 of the Los Angeles Administrative Code and including approval from the Department of Cultural Affairs.
32. **Development Review Fees.** The Applicant shall comply with any applicable fees pursuant to LAMC Section 19.15 including, but not limited to, traffic study review, condition clearance, and permit issuance.
33. **Street Trees and Pedestrian Lighting.** Street trees and pedestrian lighting in the public right-of-way shall be selected and designed to be consistent with existing trees and lighting in the area as approved the Department Public Works – Urban Forestry Division and the Department of Cultural Affairs.
34. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.
35. **Solar Energy Infrastructure.** 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.

### **Environmental Conditions**

36. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit D" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
37. **Construction 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 PDFs and MMs 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 PDFs and MMs 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 MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance 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.

- 38. Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

- 39. Inadvertent Discovery of Archaeological Resources.** In the event that any subsurface cultural resources 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. The applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified archaeologist and approved by the Department of City Planning must be followed unless avoidance is determined to be unnecessary or infeasible by the qualified archaeologist. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted

- 40. Inadvertent Discovery of Paleontological Resources.** In the event that any subsurface paleontological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to implement the following procedures associated with the inadvertent discovery of paleontological resources:
- a. The project applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology Standards (SVP) to complete a treatment and disposition plan for any discovered paleontological resource. The qualified paleontologist shall retain a paleontological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
  - b. A 50-foot buffer around any find shall be established, subject to modification by the qualified paleontologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
  - c. All paleontological resources unearthed by project development activities shall be evaluated by the qualified paleontologist. The qualified paleontologist or designated paleontological monitor shall recover intact fossils consistent with the treatment plan and notify the City of any fossil salvage and recovery efforts. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt future construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with the treatment and disposition plan prepared by the paleontological monitor.
  - d. The frequency of required paleontological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified paleontologist. Prior to any further ground disturbing activities on the project site, Paleontological Resource Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.
  - e. All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.



- f. The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

#### **Administrative Conditions of Approval**

- 41. Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- 42. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 43. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
- 44. 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.
- 45. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 46. Building Plans.** Page 1 of the grants 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 and Safety.
- 47. 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.
- 48. 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 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.

- (ii) 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.
  - (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.
- 49.** 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.
- 50.** 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.