

CONDITIONS OF APPROVAL

Pursuant to Sections 12.24 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Use.** All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated April 26, 2023, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. 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.
3. **Graffiti.** 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.
4. 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.
5. **Authorization.** Approved herein is the construction, use, and maintenance of a three-story 168,537 square-foot self-storage building consisting of 165,477 square feet of storage space with 1,137 storage units, 1,114 square feet of office space, and a 1,946 square-foot manager's residence with a garage.
6. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code.
7. **Hours of Operation.** Hours of public access to the building's office area shall be from 9:00 a.m. to 6:00 p.m., Monday through Saturday and 9:00 a.m. to 4:00 p.m., Sunday. Security gate and patron access to the storage facility shall be from 6:00 a.m. to 9:00 p.m., daily.
8. **Parking.** Parking must meet requirements pursuant to LAMC Section 12.21 A.4. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21 A.4(g) and 12.26 E.1(b). No variance from the parking requirements has been granted herein.
9. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

11. Vehicular Access

- a. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of LADOT.
- b. A minimum Two-way driveway apron width of $W=30$ feet is required.
- c. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
- d. The subdivision report fee and condition clearance fee be paid to the Los Angeles Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

12. Landscaping.

- a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
- b. **Soil depths.** The project shall conform with the minimum soil depth and volume requirements for trees and other plants as outlined in the Soil Depths Design Resource published by the Los Angeles City Planning Urban Design Studio.
 - i. Shrubs, perennials, and ground cover shall require a minimum soil depth of as follows:
 - (1) A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
 - (2) A minimum depth with a height ranging from 9 to 15 feet shall be 36 inches.
 - (3) A minimum depth with a height ranging from 1 to 8 feet shall be 24 inches.
 - (4) A minimum depth with a height less than 1 foot shall be 18 inches.
 - (5) A minimum depth of an extensive green roof shall be 3 inches.
 - ii. Trees shall have a minimum soil depth of 42 inches.
 - iii. The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:
 - (1) 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
 - (2) 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
 - (3) 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
 - (4) 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.

13. Street Trees.

- a. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy

mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

- b. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.
14. **Walls/Fencing.** In lieu of a solid masonry wall, a wrought-iron fence or other fencing may be erected along the subject lot where the lot abuts the public street.
15. **Window Transparency.** A minimum 20 percent window transparency shall be provided on the elevation of the main building facing Paxton Street.
16. **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.
17. **Trash and Recycling.**
 - a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
 - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
 - c. Trash/recycling containers shall be locked when not in use.
18. **Mechanical and Rooftop Equipment Screening.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
19. **Solar Panels.** 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.
20. **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 such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.

Environmental Conditions

Aesthetics

20. Aesthetics (Landscape Plan).

Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a less than significant level by the following measure:

All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.

21. Aesthetics (Surface Parking). Environmental impacts may result from project implementation due to excessive ambient heat gain resulting from the new open-spaced parking lot. However, these impacts will be mitigated to a less than significant level by the following measures:
- a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
 - b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
 - c. Palm trees shall not be considered in meeting this requirement.
 - d. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
22. Aesthetics (Light). Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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.
23. Aesthetics (Glare). Environmental impacts to adjacent residential properties may result from glare from the proposed project. However, the potential impacts will be mitigated to a less than significant level by the following measure:

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.

Biology

24. Habitat Modification (Nesting Native Birds, Non Hillside or Urban Areas).

The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
 - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.
25. Tree Removal (Non-Protected Trees). Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
 - b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
 - c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in

the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

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

Hazards and Hazardous Materials

27. Hillside Construction Staging and Parking Plan. Prior to the hearing for a Haul Route Approval, the applicant shall submit a Construction Staging Plan and a Construction Parking Plan for review and approval by the Board of Building and Safety Commissioners. Each plan shall be designed to prevent the blockage of two-way traffic on streets in the vicinity of the construction site.
- a. The Construction Staging Plan shall include, but not be limited to: identifying where all construction materials, equipment, machinery, and vehicles will be stored on-site and/or out of the public right-of-way through the grading and construction phases of the project; and identifying the proposed locations of all on-site and off-site staging areas for soil haulers and construction delivery vehicles. This plan shall also include the following:
 - b. No construction equipment or material shall be permitted to be stored within the public right-of-way.
 - c. During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time.
 - d. On substandard hillside streets, only one hauling truck shall be allowed on the street at any time.
 - e. Delivery drivers for construction materials shall be required to follow the designated travel plan or approved Haul Route.
 - f. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays, Sundays, or City Holidays.
 - g. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.

- h. A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- i. 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.
- j. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- k. 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.
- l. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- m. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
- n. 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.
- o. Soil import and export activity shall be performed under the continuous inspection of a Registered Deputy Grading Inspector.
- p. 48-hours prior to start of import or export of soil material, a Registered Deputy Grading Inspector shall notify the LADBS haul route monitoring inspector and provide him with the construction schedule and approved travel route.
- q. The Registered Deputy Grading Inspector shall be required to keep a log book noting the dates of hauling, the number of trips (i.e. trucks) per day, approved travel route, and operation hours. The inspector shall note loads of import or export soil or demolition material where appropriate. Failure to maintain a log book or discrepancies in the log book may result in suspension or revocation of license of the Registered Deputy Inspector.
- r. 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.
- s. 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.
- t. The Construction Parking Plan shall identify where all contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site.
- u. During all phases of site development, all construction vehicle parking and queuing related to the project shall be in substantial compliance with the approved Construction

Staging and Parking Plans, to the satisfaction of the Department of Building and Safety and the Department of Transportation.

28. Human Health Hazard (Vector Control).
- a. The property shall be maintained in a neat, attractive, and safe condition at all times.
 - b. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties.
 - c. Trash and Recycling bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times.
 - d. Trash and garbage collection bins shall be maintained in good condition and repair such that there are no holes or points of entry through which a rodent could enter.
 - e. Trash and garbage collection containers shall be emptied a minimum of once per week.
 - f. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.
29. Creation of a Health Hazard. Environmental impacts to human health may result from project implementation due to a release of chemical or microbiological materials into the community. However, these impacts will be mitigated to a less than significant level by the following measures:
- a. Prior to land or building permit issuance, change of occupancy issuance, the Project 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.
30. Hazardous Substances. Environmental impacts may result from project implementation due to the use, storage, and creation of hazardous materials. However, these impacts can be mitigated to a less than significant level by the following measure:
- Prior to the issuance of a use of land or building permit, or a change in the existing occupancy/use permit, the applicant shall provide a letter from the Fire Department stating that it has permitted the facility's use, storage, and creation of hazardous substances.

Noise

31. Increased Noise Levels (Demolition, Grading, and Construction Activities).
- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

Transportation

32. Transportation.

- 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.

Administrative Conditions

33. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
34. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
35. **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.
36. **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.
37. **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.
38. **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.
39. **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.
40. **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.

41. **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.
42. **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.
43. **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