

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 22, 2020)

Pursuant to Sections 12.27-B,24, 12.24-U,24, 12.24-F, 12.24-W,37 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Use.** The use of the property shall be limited to a school, for Grades TK (Transitional Kindergarten) through 4, with a maximum combined enrollment of 1,000 students. Any increase beyond the maximum enrollment, up to a maximum increase of 20 percent, shall require an application for a Conditional Use Plan Approval which may be delegated to the Director of Planning for initial decision. Any such application to increase enrollment beyond 1,000 students shall provide evidence of compliance with the conditions of this grant, that increased enrollment will not adversely impact traffic and parking in the surrounding neighborhood, and include appropriate environmental clearance.
3. **Floor Area.** The total size of all buildings on the subject property shall be limited to approximately 53,262 square feet.
4. **Building Height.** The project shall be permitted a maximum building height of 33 feet.
5. **Setbacks:**
 - a. The project shall be permitted to maintain the existing rear and side yard setbacks.
 - b. The project shall be permitted a 1-foot and 1.5 inch front yard setback.
6. **Design.**
 - a. All mechanical equipment on the roof the subject building shall be screened from view of abutting properties.
 - b. The main building entry along Pico Boulevard and closest to Union Avenue shall include hardscape elements that can function as a seating amenity. This can be achieved with the planter acting as seating.
 - c. Interior classrooms in the middle and central portion of the building shall each have a window oriented towards the adjacent hallway space. In addition, per Exhibit A, the classrooms shall incorporate either Lighting Option I or Lighting Option II.
7. **Parking:**
 - a. **Vehicle Parking.** The project shall provide at least the minimum required amount of vehicle parking consistent with the provisions of Section 12.21-A,4 of the LAMC.

- b. Parking provided at 1321-1331 South Union Avenue shall not be utilized for events or uses occurring at offsite locations unless the property owner files a shared parking application pursuant to Section 12.27-I, 15 of the LAMC and such request is granted.
- c. Prior to issuance of a building permit, the applicant shall execute a covenant to the satisfaction of the Department of City Planning to provide 54 parking spaces located at 1321-1331 South Union Avenue for the exclusive use and benefit of the Equitas School, located at 1608-1636 West Pico Boulevard.

8. **Landscaping:**

- a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
- b. The project shall provide a minimum of three landscaped "finger island" planters within the surface parking lot, as depicted on the plans in Exhibit "A".
- c. Prior to the issuance of a certificate of occupancy, a minimum eight-foot high wall made of slumpstone, decorative masonry, or other similar screening material shall be constructed along the southern and western property lines of the parking lot located at 1321-1331 South Union Avenue, if and to the extent no such wall exists, and a wrought-iron fence shall be constructed along the eastern property line of such parking lot, as depicted in the plans in Exhibit A.
- d. 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 on-site for every four surface parking spaces.
- e. Trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the easternmost most row of vehicle parking stalls (consisting of 13 spaces) after 10 years of growth.
- f. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.

9. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

10. **Signage.** All exterior signs shall be of identification or directional type and shall be limited in size and locations shown on the plans in "Exhibit A" or otherwise submitted to and approved by the Department of City Planning prior to the issuance of building permits.

11. **Sustainability:**

- a. A minimum of 15 percent of the total roof area shall be reserved for the installation of solar panels. The lowest point of any solar panel may not be more than five feet above the roof line.

- b. All electric vehicle (EV) charging spaces and EV charging stations shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Operational Conditions

12. Use Restrictions:

- a. Filming for commercial purposes shall be prohibited on the property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark where the use of artificial light is employed.
- b. No incidental gaming activity as described in Section 12.21-A,13 of the LAMC shall be permitted on the site.

13. Hours of operation:

- a. Hours of operation for both schools shall be limited to 7:00 a.m. to 6:45 p.m., Monday through Friday, for the regular academic school year, except as otherwise permitted below.
- b. Hours for classroom instruction for both schools shall be limited to 7:30 a.m. to 4:00 p.m., Monday through Friday. Tutoring may occur two Saturdays per month for each school for a maximum of 50 students per school.
- c. Hours for after-school programs shall be limited to a maximum of 50% of the student body of each school and between 3:30 p.m. and 6:30 p.m., Monday through Friday.
- d. Hours for before-school programs shall be limited to a maximum of 25% of the student body of each school and between 6:30 a.m. and 7:30 a.m., Monday through Friday.
- e. Summer school programming shall be limited to a maximum period of four weeks outside of the regular academic school year. Hours for any summer school programming is limited to 8:30 a.m. to 12:30 p.m., Monday through Friday.
- f. Not more than two "Special Events" per month for each school are authorized onsite. School board meetings and parent/teacher conferences are excluded from the definition of "special events." No more than one special event for one school shall occur on a single day. Special events shall conclude at 8:00 p.m. Any special event expected to attract more than 150 people per school shall be held offsite. A copy of the list of special events for each school year shall be posted online on the schools' website.
- g. Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.
- h. With the exception of teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school

activities, there shall be no use of the subject property beyond the hours specified above.

14. Loading and Unloading:

- a. Student drop-off/pick-up activities shall be located as indicated on the plans in the Traffic Circulation Plan, Sheet 6, in Exhibit "A". The drop-off/pick-up plan may be modified to the satisfaction of the Los Angeles Department of Transportation (LADOT). Modifications required by the LADOT shall be submitted to the Department of City Planning for the record. Parents/guardians will be directed to drop off or pick up students in compliance with the circulation system shown on the plans in Exhibit "A", as the same may be modified, and not on surrounding neighborhood streets, including Constance Street.
- b. The schools shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the Department of City Planning at the same time for inclusion in the case file. The schools shall maintain a progressive disciplinary system of enforcement in which the third violation shall result in suspension of the involved student(s) from school. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the subject property.
- c. The drop-off and pick-up periods for the two schools shall be staggered as follows:
 - i. The drop-off period for the first school shall be approximately 7:30 a.m. to 8:00 a.m. and the drop-off period for the second school shall be approximately 8:00 a.m. to 8:30 a.m.
 - ii. The pick-up period for the first school shall be approximately 2:45 p.m. to 3:15 p.m. and the drop-off period for the second school shall be approximately 3:15 p.m. to 3:45 p.m.
- d. Ten (10) or more monitors, consisting of school staff and parent volunteers wearing orange vests or other distinctive attire, shall supervise the pick-up/drop-off of students during the prescribed hours and maintain smooth ingress to and egress from the subject property. At least one monitor shall be positioned at the eastern end of the alley at Union Avenue and at least one monitor shall be positioned at the western end of the alley at Constance Street to ensure efficient movement of cars entering and exiting the alley to pick up and stop off students. One of the monitors shall be a "traffic ambassador" who is specially employed and trained by the applicant to prevent parents from (i) parking or double-parking on Constance Street and blocking driveways on Constance Street, (ii) queueing their cars on Union Avenue for pick-up or drop-off, (iii) picking up and dropping off students on Constance Street or Union Avenue, (iv) blocking access to the residential parking lot near Constance Street that can be accessed from the alley, and (v) to direct pedestrian traffic along Union Avenue towards the north building entry along Pico Boulevard. The other monitors shall assist and support the traffic ambassador to prevent such violations. The traffic ambassador shall have the authority to take reasonable actions to enforce these requirements and require corrective action. The traffic ambassador shall report any such violations to the school administration and provide applicable license plate numbers.

- e. The traffic ambassador shall be the first point of contact with the community to address any traffic and parking concerns and to work directly and cooperatively with the community to resolve them.
 - f. In the event that, during the pick-up or drop-off process, the onsite queueing is insufficient to accommodate all cars that have arrived at the subject property to pick up or drop off students and cars begin to queue onto Union Avenue, then monitors shall queue cars in a double line within the parking lot in order to accommodate up to 31 cars onsite.
 - g. School staff who work at the school at the beginning of the day will be directed to arrive at the site prior to commencement of student drop-off operations.
 - h. Students will be directed to not cross Pico Boulevard or Constance Street in the middle of the block at any time. The students will be directed to cross to the campus at signalized or stop sign controlled intersections.
 - i. Activities outside normal instructional hours, including parent teacher conferences, school meetings, and other customary school activities, shall be scheduled so as to adequately provide parking onsite for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity onsite.
 - j. The parking and student drop-off/pick-up operations shall be included in the school policy. These school policies should be communicated to faculty, staff, students and parents at the beginning of the school year and be reinforced throughout the school year and should include information on parking operations, campus access and circulation, and student drop-off/pick-up operations. In addition, contact information including phone number and contact person will be posted on signs at the project site building with notice that an appropriate person to contact regarding school-related traffic and parking issues.
 - k. The traffic ambassador shall oversee this program, which shall include appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and requiring parents to sign a pledge for carpool plan participation.
 - l. The applicant shall contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. The site plan indicating the driveway access and circulation shall be submitted, reviewed, and approved by LADOT and should be coordinated with LADOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, (213) 482-7024).
15. **24-Hour Hotline.** The school shall provide the public with a 24-hour "hot line" telephone number that shall be attended by a live person during regular hours of operation and all school special events outside of regular hours. If a live person is not available to answer the telephone call, a voicemail system shall be established for members of the public to report any problems associated with the operation of the school. A live person shall respond to all voicemail messages within 24 hours of the call being placed. An email address to submit concerns shall also be established and made available to the public. A

complaint log shall be kept aggregating all live person calls, voicemails, and emails, and shall include the complainant's name, date and time of complaint, phone number and/or email address, the nature of the complaint, the date and time of response to the complaint, and a description of how the issue was responded to or resolved. To the extent feasible, the school shall also keep a record of all voicemails and emails concerning issues with the school's operations. Record of all complaints must be maintained on the premises. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right-of-way, for public reference at least 10 days prior to the beginning of each school year. Such records shall be maintained for the period between Planning actions, including between the approval of the case herein and the next subsequent Plan Approval application and between each Plan Approval application. Notwithstanding anything to the contrary in this Condition, with respect to any complaint relating to traffic or parking issues, such complaint shall be promptly referred to the traffic ambassador, who shall respond within 24 hours after the applicable telephone call or voicemail message.

16. **Deliveries.** The applicant shall instruct companies who make deliveries to the subject property to do so between 6:00 a.m. and 1:00 p.m., but not during the stated periods of student drop-off/pick-up.
17. **Trash.** Trash receptacles shall be stored within a fully enclosed structure at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
18. **Maintenance:**
 - a. The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, as well as the sidewalk in front of the subject property, shall be maintained in an attractive condition and shall be kept free of trash and debris.
 - b. 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 (or within one business day after such graffiti is discovered if such graffiti occurs on a Friday, Saturday, Sunday or holiday).
19. **Security:**
 - a. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the Department of City Planning Department upon its approval.
 - 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 applicant shall provide to the Commanding Officer of the Central Area Division a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the Department of City Planning.
 - c. The school building shall be internally secured when not in use.

- d. The campus shall be closed after the start of the school until student dismissal times. Students may not leave the campus unescorted at any time during the school day, including at lunch time.

20. Noise Reduction:

- a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
- b. The conversion of the building shall include the construction of an acoustical wall, approximately 16 feet in height, at the eastern boundary of the outdoor play area, as shown on the plans in Exhibit "A".
- c. No amplified music or loud non-amplified music is permitted outside.
- d. Compressors and other equipment which may introduce noise impacts beyond any property line shall comply with the applicable provisions in the LAMC.
- e. No exterior bells are permitted.

21. Plan Approval. Within three (3) years from the issuance of a certificate of occupancy or temporary certificate of occupancy for the school, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the subject property. The matter shall be set for public hearing with appropriate notice. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the management of traffic and circulation impacts associated with school pick-up and drop-off operations and any documented noise impacts from parking operations and activities on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Department of City Planning shall issue a determination. Such determination may delete, modify the terms and conditions and/or add new terms and conditions, as deemed appropriate. The Department of City Planning may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:

- a. The number of students enrolled. Provide a copy of the ledger to verify enrollment numbers for each school year, including any summer sessions
- b. Operational changes to the school such as hours of operation and pick-up/drop-off policy. The schools shall annually monitor their student loading/unloading area and related traffic patterns during the drop-off and pick-up hours. If there are neighborhood cut-through issues that could be resolved through neighborhood traffic calming measures (like speed bumps, temporary turn restrictions, or changes to the loading zone), then the school shall work with the affected residents, Council Office and LADOT to determine the appropriate course of action. Prior to considering traffic calming measures through the City, the schools shall exhaust all efforts on their part to correct the issue while working with the affected residents. Prior to filing a Plan Approval application within the required three (3)-year period, within ninety (90) days after the end of each of the first two (2) years of operation, the applicant shall submit to the Department of City Planning and the Council Office a report prepared by a traffic consultant or with the assistance of a traffic consultant that (i) summarizes the effectiveness of the pick-

up/drop-off system during the prior school year, (ii) describes any refinements of that system implemented during the prior school year and that will be implemented during the next school year and (iii) summarizes any substantial concerns, if any, raised by the community during the prior school year and how the applicant responded to those concerns.

- c. Physical modifications involving expansion or change of use or location. Provide a copy of the building permit for any physical modifications and certificate of occupancy for any expansions along with a copy of the Building and Safety-approved plans.
 - d. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop-off and pick-up times as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative, traffic patterns.
22. **Uncured Violation.** Notwithstanding Condition No. 22, if documented evidence should be submitted at any time during the period of the grant that demonstrates continued violation(s) of any condition of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning shall have the right to require the applicant, school administration or property owner to file for a plan approval application together with the associated fees, to hold a public hearing and review the school's compliance with, and the effectiveness of, the conditions of the grant. The Applicant shall submit a report and supporting documentation pursuant to Condition No. 22, demonstrating compliance with each condition of the grant.
23. **Copies of Determination.** All school administrators, faculty and school board members shall be provided a copy of the subject determination.

Administrative Conditions

25. **Grant.** The Conditional Use grant is non-transferable and shall have no expiration date except as provided under Sections 12.24-M, 12.24-P and 12.24-Q of the Los Angeles Municipal Code.
26. **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.
27. **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.
28. **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.
29. **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.

30. **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.
31. **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.
32. **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.
33. **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.
34. **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.
35. **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.
36. **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 (b).
- 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 (b).
- 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.