

CONDITIONS OF APPROVAL

**As modified by the East Los Angeles Area Planning Commission
at its meeting on May 13, 2020**

Pursuant to Section 12.24 and 12.28 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the plans labeled Exhibit "A" dated August 23, 2019. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, architectural treatment, retaining walls, privacy/security fence, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** Development of the site shall be limited to a maximum of 42 residential dwelling units.
3. **Retaining Walls.** Approved herein is the construction of up to 178 retaining walls to be located throughout the site subject to the following conditions:
 - a. The location and height of the retaining walls shall be in substantial conformance with the Retaining Wall Plan stamped and labeled Exhibit "A" dated August 23, 2019. Each retaining wall permit shall include the following information, prepared by the applicant, to the satisfaction of the Department of City Planning:
 - i. a copy of the stamped approved Retaining Wall Plan;
 - ii. a site plan which shall clearly label and identify the location of the retaining wall(s), including all freestanding retaining or slough walls of four (4) feet or less;
 - iii. if a privacy/security fence is proposed to be installed on top of the retaining wall, then this should be clearly identified on the plans and permit description;
 - iv. an updated inventory of issued and pending permit applications for the construction of the retaining walls; and
 - v. an inventory of all freestanding retaining or slough walls of four (4) feet or less which may not require a permit by the Department of Building and Safety.
 - b. The 178 retaining walls shall include freestanding retaining walls as defined in LAMC Section 12.21 C.8 and those walls which are determined to be freestanding retaining or slough walls of four (4) feet or less.
 - c. The retaining walls may have a maximum height of six (6) feet and shall be in substantial conformance with the heights identified in the Retaining Wall Plan stamped and labeled Exhibit "A" dated August 23, 2019.
 - d. The retaining walls shall maintain a minimum horizontal distance of three (3) feet.

- e. A privacy/security fence may be constructed on top of the retaining walls. The total combined height of the retaining wall and privacy/security fence shall not exceed six (6) feet. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
 - f. All of the retaining walls with a height of four (4) feet or higher shall be designed with materials and colors matching the design of the dwelling units.
 - g. All of the retaining walls with a height of four (4) feet shall be screened with landscaping in accordance with LAMC Section 12.21 C.8 and Condition No. 5.
4. **Retaining Walls and Privacy/Security Fences.** Approved herein is the construction of retaining walls and privacy/security fences on top of retaining walls which are located within the required front, side, and rear yards as measured from the boundary of the subdivision. This does not apply to the front, side, and rear yards of the individual small lots. The privacy/security fences shall be subject to the following conditions:
- a. Freestanding retaining walls or retaining walls that have a privacy/security fence constructed on top of the retaining walls, as shown on the stamped approved Retaining Wall Plan, may have a maximum height of six (6) feet. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
 - b. No privacy/security fence shall be permitted to be constructed on top of Retaining Walls Nos. 1 and 175. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
 - c. No freestanding privacy/security fence higher than 42 inches may be permitted within the front yard, along Eastern Avenue and Lombardy Boulevard, as measured from the boundary of the subdivision.
 - d. All of the privacy/security fences shall be designed with materials and colors matching the design of the dwelling units. If the privacy/security fences are constructed of slumpstone, masonry, or similar material as the retaining wall, then it shall be landscaped in the same manner as retaining wall it is located on top of in compliance with Condition No. 5.
5. **Landscaping.** Prior to the issuance of a building permit, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Department of City Planning. The landscape plan shall be in substantial conformance with the stamped approved Conceptual Landscape Plan.
- a. **Protected Trees.**
 - i. The removal of any Protected Tree shall require the approval of the Board of Public Works. A copy of the Board of Public Works action related to a request to remove a Protected Tree shall be submitted to the Department of City Planning to be included in the administrative record.
 - ii. No more than 39 Protected Trees shall be permitted to be removed by the Board of Public Works.

- iii. Replacement of Protected Trees shall be completed on-site in substantial conformance with the Conceptual Landscape Plan stamped and labeled Exhibit "A" dated August 23, 2019 or as modified by the Board of Public Works. At a minimum, the removal of a Protected Tree shall comply with the replacement requirements of Condition No. 9 or as required by the Board of Public Works.
- iv. Maintenance of the Protected Trees, regardless of location within the subdivision, shall be included as part of the Community Maintenance Agreement required for the small lot development.
- b. Removal of non-Protected Trees shall comply with the replacement requirements identified in Condition No. 9.
- c. Retaining walls with a height of four (4) feet or higher shall be screened with landscaping in compliance with LAMC Section 12.21 C.8(b). The landscaping shall screen all visible portions of the retaining wall, including any privacy/security fence that is constructed of the same or similar material as the retaining wall.
- d. Trees shall be planted along the southern and eastern boundary of the site, abutting the [Q]R1-1D and [Q]RD6-1D zones. The trees shall be planted at a minimum distance of three (3) feet apart.
- 6. **Parking.** Vehicular and bicycle parking shall be provided in accordance with the LAMC.
- 7. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view.
- 8. **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.

B. Environmental Conditions

- 9. Aesthetics.
 - a. Non-Protected Trees.
 - i. Prior to the issuance of any permit related to development of the Project, a plot plan shall be prepared for the Project, indicating the location, size, type, and general condition of all existing trees on the Project Site and within the adjacent public right(s)-of-way.
 - ii. 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 Project 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.
 - iii. Removal of planting of any tree in the public right-of-way shall require approval of the Board of Public Works. All trees in the public right-of-way shall be provided in the current standards of the Urban Forestry Division of the

Department of Public Works, Bureau of Street Services.

b. Protected Trees.

- i. All protected tree removals shall require approval from the Board of Public Works.
- ii. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval prior to implementation of the Report's recommended measures.
- iii. According to the City's Protected Tree Ordinance, a minimum of four protected trees (a minimum of 15 gallons in size) shall be planted for each protected tree that is removed. The size of each replacement tree shall measure at least one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base.
- iv. In consultation with the Division of Urban Forestry, twenty five-percent of the Protected trees removed shall be replaced with 15 gallon Juglans Californica.
- v. The location of trees planted for the purpose of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.

c. Previously Removed Trees. The 8 qualifying removed protected trees shall be replaced at a ratio of one Juglans Californica and three Quercus for each of the 8 trees, at a minimum of 15 gallons in size. The specific size and species of the trees to be planted as replacement for the protected trees being removed shall be determined by the Urban Forestry Division.

d. All Trees.

- i. Protected Barrier: A protection barrier shall be installed around the construction area as shown on the map included in the Tree Preservation Report (refer to Appendix A). The barrier shall be 6-foot-high chain link fencing. Twelve-inch-high slit fence shall be attached to the base of the fence with the bottom edge buried 1-2 inches. The barrier may be placed on the line shown on the map or closer to the construction, but not further. The fencing shall not be removed, relocated, or encroached upon without permission of the arborist involved.
- ii. Storage of materials: There shall be no storage of materials or supplies of any kind inside the area of the protection fencing. Concrete and cement materials, block, sand and soil shall not be placed within the drip-line of any tree to remain.
- iii. Fuel Storage: Fuel Storage shall not be permitted within 150 feet of any tree to be preserved. Refueling servicing and maintenance of equipment and machinery shall not be permitted within 150 feet of protected trees.
- iv. Debris and Waste Materials: Debris and waste from construction of other activities shall not be permitted outside the construction area. Wash down of concrete or cement handling equipment, in particular, shall not be permitted within 150 feet of protected trees.

- v. Planting near Trees Designated for Protection: Any digging within designated protection zones shall be done using supersonic air directly as the digging medium, by means of a nozzle, whose nominal rated input pressure (available from manufacturer's literature) must not exceed 130 psig (pounds per square inch at gage) unless otherwise approved. Nozzles designed for input above 130 psig can damage fine roots. Air compressors rated between 100 to 125 psig recommended.
- vi. Grade Changes: Any grade changes within the protection radius listed should be approved by a Registered Consulting Arborist before construction begins, and precautions taken to mitigate potential injuries. Grade changes can be particularly damaging to trees. Even as little as two inches of fill can cause the death of a tree. Lowering the grade can destroy major portions of a root system.
- vii. Damages: Any tree damages or injuries should be reported to the project arborist as soon as possible. Severed roots shall be cut cleanly to healthy tissue, using proper pruning tools. Broken branches or limbs shall be pruned according to International Society of Arboriculture Pruning Guidelines and ANSI A-300 Pruning Standards.
- viii. Preventing Measures: Pruning of tree canopies and branches should be done at the direction of the project arborist to remove any dead or broken branches, and to provide any necessary clearances for the construction work or equipment.

10. Air Quality.

- a. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NO_x, PM₁₀, PM_{2.5} emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO_x emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- d. Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-dieselengines&parent=vehicle-engine-upgrades>
- e. Construction activities shall comply with SCAQMD Rule 403, including the following

measures:

- i. Apply water to disturbed areas of the site three times a day.
- ii. Require the use of a gravel apron or other equivalent methods to reduce mud and dirt trackout onto truck exit routes.
- iii. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM generation.
- iv. Limit soil disturbance to the amounts analyzed in the Final MND.
- v. All materials transported off-site shall be securely covered.
- vi. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- vii. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

11. Biological Resources.

- a. To avoid potential significant impacts to roosting bats, one of the following shall be implemented by the Project Applicant:
 - i. Tree removal shall occur between March 1st and July 31st or
 - ii. If tree removal would occur between August 1st and February 28th/29th, the Project Applicant shall retain a qualified bat biologist to conduct a roosting bat survey. If evidence of bats is present, then removal of occupied roost trees shall not occur until the biologist determines that the roost is no longer in use through repeated nocturnal surveys. The results of the survey(s) shall be provided to the Department of Public Works prior to removal of any protected trees.
- b. To avoid potential significant impacts to nesting birds, including migratory birds and raptors, one of the following shall be implemented by the Project Applicant:
 - i. Conduct vegetation removal associated with construction from September 1st through January 31st, when birds are not nesting. Initiate grading activities prior to the breeding season (which is generally February 1st through August 31st) and keep disturbance activities constant throughout the breeding season to prevent birds from establishing nests in surrounding habitat (in order to avoid possible nest abandonment); if there is a lapse in activities of more than five days, pre-construction surveys shall be necessary as described in the bullet below, or
 - ii. Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting season. A qualified wildlife biologist shall conduct weekly pre-construction bird surveys no more than 30 days prior to initiation of grading to provide confirmation on the presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days prior to the initiation of clearance/construction work. If active nests are

encountered, clearing and construction in the vicinity of the nests shall be deferred until the young birds have fledged and there is no evidence of a second attempt at nesting. A minimum buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist shall be maintained during construction depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the City and County, depending on within which jurisdiction the construction activity is occurring. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

12. Noise.

- a. The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.
- b. Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
- c. Temporary sound barriers, capable of achieving a sound attenuation of at least 10 dBA (e.g., construction sound wall with sound blankets), and capable of blocking the line-of-sight to the adjacent residences shall be installed as feasible.
- d. Noise-generating construction equipment operated at the Project Site shall be equipped with effective state-of-the-art noise control devices, i.e., mufflers, lagging, solar power or electric plug-in on-site power generators and/or motor enclosures or other shielding equipment. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- e. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.
- f. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.
- g. A haul route for exporting cut materials from the site to a nearby landfill that access the San Bernardino and/or Long Beach Freeways should minimize travel on residential streets with sensitive receptors.

13. Transportation/Traffic.

- a. Hillside Construction Staging and Parking Plan. Prior to the issuance of a grading or building permit, the applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where 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. The Construction Staging and Parking Plan shall include, but not be limited to, the following:
 - i. No construction equipment or material shall be permitted to be stored within the public right-of-way.
 - ii. If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.
 - iii. During the Excavation and Grading phases, all haul trucks shall be staged on the Project site. The drivers shall be required to follow the designated travel plan or approved Haul Route.
 - iv. 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 or Sundays.
 - v. All deliveries during construction shall be coordinated so that all vendor/delivery vehicles will stage and make deliveries on the project site, and that a construction supervisor is present at such time.
 - vi. 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.
 - vii. During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

b. Construction Activity Near Schools.

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

c. Schools affected by Haul Route.

- i. LADBS shall assign specific haul route hours of operation based upon Farmdale Elementary School and El Sereno Middle School hours of operation.
- ii. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

d. Good Neighbor Construction Practices.

- i. Whenever possible, construction vehicles should be parked on site to prevent congestion on streets with limited parking.
- ii. When temporarily blocking portions of streets for deliveries of construction materials, a flag person shall be provided to assist with pedestrian and vehicular traffic.
- iii. Street closures shall not take place during peak traffic hours. Any street, sidewalk, or other improvement work shall be conducted in conformance with the latest Manual on Work Area Traffic Control.

- iv. Care shall be taken not to overfill concrete trucks during deliveries. If spills occur, it shall be the responsibility of the concrete company to immediately provide clean up.
 - v. Construction noise shall be kept to a minimum with consideration of the surrounding neighbors. Unnecessary noise such as music shall be kept below legal levels.
 - vi. Streets and sidewalks adjacent to construction sites shall be swept free of construction debris at all times.
 - vii. Care shall be taken to not interfere with trash pick-up by the Bureau of Sanitation. Construction and delivery vehicles shall be subject to trash pick-up parking restrictions.
 - viii. If building materials are to be stored in public right of ways, it shall be by permit from the Department of Public Works, Bureau of Street Services, Investigations and Enforcement Division and shall conform with all applicable rules.
 - ix. All construction/demolition activities shall comply with the construction hours in Section 41.40 of the LAMC.
- e. The Project Applicant shall plan construction and construction staging as to maintain pedestrian access to adjacent active land uses throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation from workspace and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Barriers, such as K-Rails, scaffolding, etc., shall be maintained at a height of 8 feet.

C. Administrative Conditions

14. **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.
15. **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.
16. **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.

17. **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.
18. **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.
19. **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.
20. **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.

21. 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 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 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.