

CONDITIONS OF APPROVAL

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A" (dated May 15, 2021) and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.

Soil depth - see Soil Depths Design Resource published by UDS:
https://planning.lacity.org/odocument/96f7c2e9-834f-47cb-8da5-3033428574ea/Soil_Depths.pdf

3. **Trees in the Public Right-of-Way.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works. Crape Myrtle shall not be considered appropriate in meeting this condition.
4. **Solar-Ready Buildings.** 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.
5. **Solar Power.** The project shall provide Photovoltaic Collectors for a Solar Hot Water System or photovoltaic provisions as required to comply with the 2019 California Energy Code for Solar Ready Buildings (Section 110.10) to be maintained for the life of the project.
6. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
7. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
8. **Greywater.** At a minimum, greywater-ready features shall be provided.

9. **Stormwater/irrigation** – The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
10. **Utility Connections.** New utility connections shall be undergrounded to the maximum extent feasible.
11. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

Also - reference Urban Design Above Grade Parking Advisory - <https://planning.lacity.org/odocument/4627cfc-d-b345-4a51-999e-f331397a1fbf/AboveGradeParkingAdvisoryNotice.pdf>

12. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
13. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
14. **Exterior Lighting.** All exterior light fixtures shall be shielded to minimize the illumination of adjacent properties and to reduce glare. Floodlighting of buildings and parking lot area is prohibited.
15. **Roofs and Roof-Mounted Structures.** All new roofs shall be surfaced with non-glare material. With the exception of solar energy devices, all roof-mounted structures and equipment shall be completely screened from view from the right-of-way of the adjacent Scenic Highway (Sunland Boulevard). Screening materials shall be of a finish quality and shall be compatible with the materials and color of the building; chain link fencing shall not be used for screening purposes.
16. **Underground Utilities.** Where feasible, all new utilities shall be placed underground.
17. **Fencing, Gate Materials, and Walls.** Where feasible, natural fencing and wall materials (e.g., wood, stone, brick) shall be used. Chain-link fencing that is brown or green in color shall be permitted and shall be landscaped with appropriate vines or other vegetation to screen the appearance of the fence. For safety and security purposes, the use of plant

materials for screening shall be evaluated to insure any necessary visual access. The use of concertina wire and barbed wire is expressly prohibited.

18. **Wall Height.** The wall height along the rear (south) property line shall be extended to 8 feet. A minimum 6-foot in height wall shall be consulted along the east property line, exception within the front yard setback and for the access easement to the abutting lot on the east.
19. **Landscaping.** Landscaping shall be designed to minimize the visual impacts of the Project as seen from the right-of-way of any of the Scenic Highways. All landscape plans shall be prepared by a state licensed Landscape Architect or Architect and are subject to review and approval.
20. **Landscaped Setbacks.** There shall be a landscaped setback of not less than five feet along any common property line with a Scenic Highway. The required landscaped setback shall be planted with 15-gallon shade trees, 5-gallon shrubs, and ground coverings at a minimum ratio of one tree and four shrubs per 24 feet of linear street frontage. The entire setback area shall be irrigated with an automatic sprinkler system.
21. **Parking Lot Design.** One 24-inch box shade trees shall be planted for each four surface parking lot spaces. Trees shall be distributed throughout the parking lot. All landscaped areas shall be irrigated with either an automatic sprinkler or drip irrigation system.
22. **Signs.**
 - a. **Wall Signs.**
 - (1) Area. The combined sign area of all wall signs facing a street shall not exceed the limits set forth in L.A.M.C. Section 91.6210.1.
 - (2) Number. No more than one wall sign shall be permitted for each tenant of a building frontage that maintains a permanent public entrance from that Scenic Highway.
 - (3) No wall sign shall project from the building face more than 12 inches.
 - b. **Projecting Signs.** Projecting signs shall comply with the requirements of L.A.M.C. Section 91.6209 pertaining to height, area, location, shape, projection, and construction.
 - c. **Window Signs.** Window signs shall comply with the requirements of L.A.M.C. Section 91.6214 pertaining to height, area, location, shape, projection, and construction.
 - d. **Temporary Signs.** Temporary signs shall comply with the requirements of L.A.M.C. Section 91.6216 pertaining to height, area, location, shape, projection, and construction.
 - e. **Prohibited Signs.** The following signs shall be prohibited:
 - (1) Animated or rotating signs.
 - (2) Balloons, blimps, and inflatable signs.
 - (3) Commercial Flags, pennants, streamers or super graphics signs.
 - (4) Flashing or neon signs.
 - (5) Illuminated canister wall sign.
 - (6) Illuminated architectural canopy signs.
 - (7) Pole signs.
 - (8) Roof signs (includes signs painted on roof materials).

- (9) Sandwich boards.
- (10) Off-Site signs.
- (11) No signs shall be allowed in public rights-of-way including sidewalks and multi-use trails.

23. **Equinekeeping.** The subject property is located within an Equinekeeping “K” District as regulated by Section 13.05 of the Los Angeles Municipal Code, and all requirements of Section 13.05 shall be met subject to approval by the Los Angeles Department of Building and Safety (LADBS). The project does not propose any equinekeeping or equinekeeping structures.
24. **Grading.** The applicant is requesting a maximum of 800 cubic yards of cut to be export and shall meet all Los Angeles Municipal Code requirements for grading as stated in a Soils Approval Letter dated August 20, 2018. No deviation from LAMC requirements was requested or approved herein.
25. **Prohibited Plant Materials.** In compliance with Section 8.C of the Specific Plan, the following plant materials shall be prohibited on-site, including palm trees:

Prohibited Plant Materials. The following plant materials shall be prohibited within the Plan area for all new Projects (as defined in Section 4):			
<i>Acacia</i>	green wattle	<i>Erodium cicutarium</i>	storksbill
<i>Ailanthus altissima</i>	tree of heaven	<i>Erodium cygnorum</i>	storksbill
<i>Arundinaria pygmaea</i>		<i>Erodium malacoides</i>	storksbill
<i>Arundo donax</i>	Giant reed	<i>Erodium moschatum</i>	storksbill
<i>Atriplex semibaccata</i>	Australia saltbush	<i>Eucalyptus globulus</i>	blue gum
<i>Avena spp.</i>	wild oats	<i>Lolium perenne</i>	Perennial ryegrass
<i>Brassica spp (non-native)</i>	mustard	<i>Malva parvifolia</i>	Cheeseweed
<i>Bromus rubens</i>	Red brome	<i>Pennisetum</i>	fountain grass
<i>Centranthus ruber</i>	Jupiter’s beard	<i>Ricinus communis</i>	castor bean
<i>Cyperus sempervirens</i>	Italian cypress	<i>Robinia pseudoacacia</i>	Black locust
<i>Cortaderia jubata</i>	Pampas grass	<i>Schinus molle</i>	California pepper
<i>Cortaderia sellowiana</i>	Pampas grass	<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Cytisus canariensis</i>	Canary Island broom	<i>Spartium junceum</i>	Spanish broom
<i>Cytisus scoparius</i>	Scotch broom	<i>Tamarix sp.</i>	salt cedar
<i>Cytisus spachianus (Genista racemosa)</i>	broom	<i>Vulpia megalura</i>	Foxtail fescue
<i>Erodium botrys</i>	storksbill	<i>Palm trees</i>	Palm

Environmental Conditions (ENV-2018-3004-MND)

26. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole

or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact

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

27. Mitigation Monitor. During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the noncompliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
28. **AES-10. Aesthetics (Landscape Plan).**
 - 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 Los Angeles Municipal Code requirements. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
 - Landscaping shall be designed to minimize the visual impacts of the project as seen from the Sunland Boulevard right-of-way.
 - There shall be a landscaped setback of not less than five feet along the property line fronting on Sunland Boulevard. The required landscaped setback shall be planted with a 5-foot landscape frontage and a landscaped parkway planted with seven 15-gallon trees shade trees, five 24-inch box shade trees, and a combination of 41 5-gallon shrubs and 32 1-gallon shrubs.
 - The landscape plan shall include five 24-inch Holly Oak trees in the automobile parking lot.
29. **AES-120. Aesthetics (Light).**
 - 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, or from above.
 - Floodlighting of buildings and parking lot areas is prohibited.

30. **AES-130. Aesthetics (Glare).** 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.
31. **AES-140. Aesthetics (Roof and Roof-Mounted Structures).** The roof shall be surfaced with non-glare material. With the exception of solar energy devices, all roof-mounted structures and equipment shall be completely screened from view from the Sunland Boulevard right-of-way. Screening materials shall be of a finish quality and shall be compatible with the materials and color of the building. Chain link fencing shall not be used for screening purposes.
32. **AES-150. Aesthetics (Underground Utilities).** No new utilities shall be placed above ground.
33. **AES-160. Aesthetics (Fencing, Gate Materials, and Walls).** Natural fencing and wall materials (e.g., wood, stone, brick) shall be used. Chain-link fencing that is brown or green in color shall be permitted and shall be landscaped with appropriate vines or other vegetation to screen the appearance of the fence. For safety and security purposes, the use of plant materials for screening shall be evaluated to insure any necessary visual access. The use of concertina wire and barbed wire is expressly prohibited.
34. **AES-180. Signage.** The project is limited to one monument sign and one wall sign to reduce impacts along the Sunland Boulevard Scenic Highway Corridor.
 - To reduce glare, the monument sign shall be either externally lit or have individual letters/logos that are internally illuminated.
 - Individual letters/logos shall not cover more than 40 percent of each face of the monument sign.
 - The monument sign may not exceed 6 feet in height above the sidewalk grade.
 - The monument sign shall be designed with stone veneer and black anodized aluminum decorative screening.
 - A fully irrigated landscaped area at least two times the area of one sign face shall be distributed around the base of the monument sign.
 - The wall sign shall not project more than 12 inches from the building face.
35. **AQ-60. Objectionable Odors (Commercial Trash Receptacles).**
 - Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
36. **BIO-60. Tree Preservation (Grading Activities).** Orange fencing” or other similarly highly visible barrier shall be installed outside of the drip line of locally protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase and shall not be removed until the completion and cessation of all grading activities.
37. **ENERGY-1.** Permeable porous asphalt pavement shall be used on the driveway and throughout the parking area.

38. **GEO-20. Erosion/Grading/Short-Term Construction Impacts.** The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
39. **NOISE-20. Increased Noise Levels (Grading and Construction Activities)**
- 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.
 - Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - 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 10 dBA. 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.
40. **NOISE-30. Increased Noise Levels (Parking Wall).** A minimum 6-foot-high solid decorative masonry wall, measured from the lowest adjacent grade, adjacent to residential use and/or zones to the south and west shall be constructed if no such wall exists.
41. **TR-100. Pedestrian Access and Safety.** Pavers and/or concrete walkways shall be utilized around all sides of the structure (north, south, east, and west) to ensure pedestrian access and safety to and from Sunland Boulevard, the automobile parking area, and the short-term bike racks.
42. **TR-40. Safety Hazards.**
- The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycles, equine, and vehicle safety.
 - The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
43. **TR-80. Pedestrian Safety**
- Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from workspace and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
 - Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
 - Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

- Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
44. **TR-50. Inadequate Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
45. **Tribal-10. Archeological Monitors and Tribal Monitors.** Prior to commencing any ground disturbance activities at the Project site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno Band of Mission Indians – Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project, including the Gabrieleno Band of Mission Indians – Kizh Nation and the

Fernandeño Tatavian Band of Mission Indians; (2) and OHR.

2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (a) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (b) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (c) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (d) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at

California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

46. **XX-10. Wildfire.**
 - Prior to the issuance of a building permit, the applicant shall review the site design in consultation with the Fire Department.
 - All plant material used will be subject to Fire Department review and approval to mitigate wildfire risks.

47. **MAN-10. Cumulative Impacts.** There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

Administrative Conditions

48. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

49. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.

50. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the 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.

51. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean the agencies, public offices, legislation or their successors, designees or amendment to any legislation.

52. **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 amendment thereto.

53. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the department of City Planning and the Department of Building & Safety.
54. **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 of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.
55. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning and the City Planning Commission.
56. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.
 - a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
 - i. Pre-construction (prior to issuance of a building permit);
 - ii. Construction (prior to certificate of occupancy); and
 - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.
 - b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

57. Indemnification and Reimbursement of Litigation Costs.

The applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City, in whole or in part, relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its

approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.