

(As modified by the PLUM Committee on January 27, 2026)

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees:

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Prior to the issuance of signoffs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. Dedication Required:

- i. **Jefferson Boulevard** (Boulevard II) – Accept a 4-foot-wide future street along the property frontage approximately 180 feet from the far most southwest end to the eastside of the existing driveway approach to complete a 12-foot-wide border.

b. Improvement Required:

- i. **Jefferson Boulevard** – Remove and reconstruct the access ramp at the southwest end of the frontage to the current ADA compliant access ramp. Remove existing concrete sidewalk and construct full border width sidewalk abutting the new property line (12-foot wide where dedicated and 8-foot wide where not dedicated) for the entire frontage. Remove and replace existing curb and gutter, and any broken or uneven pavement along the entire property frontage satisfactory to the BOE - West Los Angeles District office.

Notes: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than 1/4 inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S440-4, S442-6 and S444-0.

Upgrade all existing curb ramps to comply with ADA requirements.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information at <https://engpermits.lacity.org/public> or via <https://appointments.lacity.org/apptsys/Public/Account>.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting at <https://lalights.lacity.org> or via <https://appointments.lacity.org/apptsys/Public/Account>.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Transportation regarding traffic signals, signs and equipment at (213) 485-1062 or via <https://appointments.lacity.org/apptsys/Public/Account>.

Regarding any conflicts with power pole matters, contact the Department of Water and Power at (213) 367-0562 or via <https://appointments.lacity.org/apptsys/Public/Account>.

Refer to the Fire Department Hydrants and Access Unit regarding fire hydrants at (213) 482-6543 or via <https://appointments.lacity.org/apptsys/Public/Account>.

- e. Provide proper drainage for street being improved and for the site being developed.
- f. Sewer lines exist in Jefferson Boulevard. Extension of the house connection lateral to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
- g. Submit a request to the West Los Angeles (WLA) District Office sewer counter to determine the capacity of the existing public sewer to accommodate the proposed development at <https://engpermits.lacity.org/public> or via <https://appointments.lacity.org/apptsys/Public/Account>.
- h. Submit a parking area and driveway plan to the WLA District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

3. Urban Forestry.

- a. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

- b. When street dedications are required and to the extent possible, the project shall provide larger planting areas for existing street trees to allow for growth and planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.
- c. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

4. Department of Transportation.

- a. Transportation Impact Assessment (TIA) Fee. Pursuant to Section 1.D.2 of the Fee Ordinance 186105 as authorized by the Coastal Transportation Corridor Specific Plan (CTC SP) an applicant for a project within the Specific Plan area, except as exempted, shall pay, or guarantee payment of a TIA Fee prior to issuance of any building permit. Applicable fee rates are identified in the TIA Fee Table of the Fee Ordinance.

Pursuant to Section 1.C.4 of the Fee Ordinance No. 186105 as authorized by the CTC SP, the Transportation Cost Factor shall be increased (or decreased) as of January 1 of each year by the amount of the percentage increase (or decrease) in the most recently available City Building Code Index, as determined by DOT. Therefore, the actual TIA Fee may vary depending upon when payment is made to DOT.

- b. Highway Dedication and Street Widening. The applicant for the project has consulted with the City of Los Angeles Bureau of Engineering (BOE) regarding potential highway dedication of street widening requirements. Per the BOE, the Project is required to provide a 4-foot dedication along the Project's frontage on Jefferson Boulevard, resulting in a half right-of-way width of 55 feet (for Boulevard II standard) consistent with the City of Los Angeles' Mobility Plan 2035. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the BOE. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and BOE.
- c. Project Access and Circulation. The proposed site plan is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those will require separate review and approval and should be coordinated with DOT's West LA/Coastal Development Review Section (7166 W. Manchester Avenue / (213) 485-1062 / ladot.devreview.wla@lacity.org). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are design and incorporated early into the building and parking layout plans. All truck loading and unloading should take place on site with no vehicles backing into the project from public streets via any of the project driveways.

- d. Development Review Fees. Section 19.15 of the LAMC identifies specific fees paid to DOT for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.
- e. Worksite Traffic Control Requirements. DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to <https://ladot.lacity.gov/businesses/plan-review-checklists> to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible.

5. LA Sanitation and Environment.

- a. In accordance with the Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R4-2012-0175, NPDES No. CAS004001) and the City of Los Angeles Stormwater and Urban Runoff Pollution Control requirements (Chapter VI, Article 4.4, of the Los Angeles Municipal Code), the Project shall comply with all mandatory provisions to the Stormwater Pollution Control Measures for Development Planning (also known as Low Impact Development [LID] Ordinance). Prior to issuance of grading or building permits, the applicant shall submit a LID Plan to the City of Los Angeles, Public Works, LA Sanitation, Stormwater Program for review and approval. The LID Plan shall be prepared consistent with the requirements of the Planning and Land Development Handbook for Low Impact Development.
 - b. All construction sites are required to implement a minimum set of BMPs for erosion control, sediment control, non-stormwater management, and waste management. In addition, construction sites with active grading permits are required to prepare and implement a Wet Weather Erosion Control Plan during the rainy season between October 1 and April 15. Construction sites that disturb more than one-acre of land are subject to the NPDES Construction General Permit issued by the State of California, and are required to prepare, submit, and implement the Storm Water Pollution Prevention Plan (SWPPP).
 - c. The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact LA Sanitation Solid Resources Recycling hotline 213-922-8300.
6. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

QUALIFIED (Q) CONDITIONS

Pursuant to LAMC Section 12.32 G, the following limitations are hereby imposed upon the use of the subject property, subject to the Qualified (Q) Classification:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials stamped "Exhibit A" and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** Development at the project site is limited to uses the permitted in the M2 Zone, except as modified by the conditions herein or subsequent action.

[D] DEVELOPMENT LIMITATIONS

Pursuant to Section 12.32 G.4 of the Los Angeles Municipal Code, the following restrictions are hereby imposed upon the use of the subject property, subject to the "D" Development Limitation classification:

1. **Floor Area.** Development at the project site shall substantially conform with Exhibit A of Case No. CPC-2024-115-GPA-ZC-HD-CU-ZAA-SPR and not exceed a maximum FAR of 2.1:1 or 301,125 square feet.
2. **Height.** Development at the project site is limited to the maximum height permitted in Height District No. 2.

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials stamped "Exhibit A" and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** Approved herein is the construction, use, and operation of a mixed-use building consisting of ground floor retail uses and a self-storage use.
3. **Height.** The proposed project shall be limited to a maximum height of 44 feet 3 inches per Exhibit A.
4. **Floor Area Ratio ("FAR").** The project site shall be limited to a maximum FAR of 2.1:1 or approximately 301,125 square feet, comprised of existing and proposed floor area. The proposed project shall be limited to 82,324 square feet, per Exhibit A.
5. **Automobile Parking.** The project shall be permitted to provide a minimum of zero parking spaces pursuant to California Government Code Section 65863.2 (AB 2097). Seventy (70) parking spaces are provided, as shown in Exhibit A.
6. **Bicycle Parking.** Bicycle parking shall be provided in conformance with the Los Angeles Municipal Code ("LAMC").
7. **Signage.** On-site signs shall be limited to the maximum allowable under the LAMC.
8. **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).
9. **Landscape Plan.** The landscape plan shall indicate landscape points for the proposed 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.
10. **Street Trees.** Street trees shall be provided and/or maintained to the satisfaction of the Urban Forestry Division.
11. **Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view from any abutting properties.

12. **Solar-Ready Buildings.** The proposed project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

Environmental Conditions

13. **Mitigation Monitoring Program.** The proposed project shall comply with the adopted Mitigation Monitoring Program in compliance with Appendix J of the State CEQA Guidelines.

14. **MM-TRIBAL-1.**

- a. **Monitor Retention.** Prior to commencing any Ground Disturbance Activities (as defined below) at the Project site, the Applicant, or its successor, shall retain a qualified tribal monitor from and approved by the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe). Ground Disturbance Activities shall include excavating, digging, trenching, grading, or a similar activity at the Project site (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). The Applicant, or its successor, and the tribal monitor shall execute a monitoring agreement prior to the earlier of the commencement of any Ground Disturbance Activities, or the issuance of any permit necessary to commence a Ground Disturbance Activity.
- b. **WEAP.** Prior to commencing any Ground Disturbance Activities, the tribal monitor shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in Ground Disturbance Activities that includes 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 tribal monitor. The Applicant shall maintain on the Project site, for potential City inspection, documentation establishing the WEAP training was completed for all members of the construction crew involved in Ground Disturbance Activities.
- c. **On-Site Monitoring.** The tribal monitor shall observe all Ground Disturbance Activities on the Project site at all times any Ground Disturbance Activities are taking place. If Ground Disturbance Activities are simultaneously occurring at multiple locations on the Project site, the tribal monitor shall determine if additional monitors are required for other locations where such simultaneous Ground Disturbance Activities are occurring. The tribal monitor(s) will complete daily monitoring logs that will provide descriptions and locations of the relevant Ground Disturbance Activities, the type of construction activities performed, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered “tribal cultural resources” as defined in California Public Resources Code Section 21074, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Applicant and/or the City upon request to the Tribe. If any Project scheduled activities require the tribal monitor(s) to leave the Project site for a period of time and return, confirmation shall be submitted to the Tribe by the Applicant, in writing, upon completion of each set of scheduled activities and five (5)

- days' notice (if possible) shall be submitted to the Tribe by the Applicant, in writing, prior to the start of each set of scheduled activities. The on-site monitoring shall end when either 1) confirmation is received from the Applicant, in writing, that all scheduled activities pertaining to all Ground Disturbance Activities are completed; or 2) the Tribe provides a determination, in writing, that no future, planned construction activity, and/or development/construction phase at the Project site possesses the potential to impact any tribal cultural resources.
- d. **Discovery of Resources.** In the event that any objects or artifacts that may be a tribal cultural resource 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 at least 25 feet or otherwise determined by the tribal monitor pursuant to the process set forth below:
- i. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all Ground Disturbance Activities in the immediate vicinity of the find (i.e. at least 25 feet or otherwise determined by the tribal monitor) until the find can be assessed by the tribal monitor.
 - ii. If the tribal monitor determines the resources are Native American in origin, the tribal monitor will recommend steps for treatment of all discovered tribal cultural resources such as, but not limited to, the following: statement of the preference for preservation in place (i.e., avoidance) per CEQA Guidelines Section 15126.4(b)(3); description of methods for the adequate recovery of scientifically consequential information; requirements to coordinate with the tribal monitor to ensure that consideration is given to the cultural values ascribed to a resource beyond that which is scientifically important in the event the resource is Native American in origin; and procedures for curating any archaeological materials at a public, non-profit curation facility, university or museum with a research interest in the materials.
 - iii. The Applicant, or its successor, shall implement the Tribe's treatment recommendations if the tribal monitor concludes that the Tribe's recommendations are reasonable and feasible.
 - iv. In addition to any treatment recommendations pursuant to the above, the tribal monitor 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.
 - v. The Applicant, or its successor, may recommence Ground Disturbance Activities within the specified radius of the discovery site, so long as this radius has been reviewed by the tribal monitor and determined to be reasonable and appropriate, and so long as the Applicant has complied with all of the recommendations developed and approved pursuant to the process set forth in Paragraphs 2 through 4 above. The Applicant, or its successor, may recommence Ground Disturbance Activities within the specified radius of the discovery site, so long as this radius has been reviewed by the tribal monitor and determined to be reasonable and appropriate, and so long as the Applicant has complied with all of the recommendations developed and approved pursuant to the process set forth in Paragraphs 2 through 4 above.

- vi. 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 City of Los Angeles Department of City Planning, Central Project Planning Division, 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.
 - vii. Notwithstanding Paragraph 6 above, any information that Los Angeles Department of City Planning, in consultation with the Los Angeles 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 (PRC), Section 7927.000, and handled in compliance with the City's AB 52 Confidentiality Protocols.
 - viii. Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.
- e. **Discovery of Human Remains and Funerary Items.** Native American human remains are defined in Public Resources Code (PRC) Section 5097.98(d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, also called associated grave goods in PRC Section 5097.98(a), are also to be treated according to this statute. If Native American human remains and/or grave goods are discovered or recognized on the Project Site, then PRC Sections 5097.9 et seq. as well as Health and Safety Code Section 7050.5 shall be followed. Human remains and grave/burial goods shall be treated alike per PRC section 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Administrative Conditions

15. **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 "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
16. **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.
17. **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.

18. **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.
19. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
20. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
21. **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.
22. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve

- the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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.

Voluntary Condition

23. The project applicant will deposit \$500,000 in the Council District Eleven Public Benefits Trust Fund (CD 07-0608) upon the following events: (1) the approval of a General Plan Amendment, Height District Change, Conditional Use Permit, Zoning Administrator Adjustment, and Site Plan Review approved under Case No. CPC-2024-115-GPA-ZC-HD-CU-ZAA-SPR (Project Entitlements) are final and no longer administratively appealable, and (2) the City has issued building permits to construct a building consistent with the Project Entitlements. Payment shall be made prior to Certificate of Occupancy is issued.