

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
TT-70786-REV-1A	ENV-2012-3536-MND-REC1	11 – Bonin
PROJECT ADDRESS:		
138, 140 and 142 East Culver Boulevard; 6911, 6913, 6915, 6917 Vista Del Mar		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Edward Czuker, Legado Companies 121 S. Beverly Drive Beverly Hills, CA 90210 <input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Benjamin Reznik Jeffer, Mangels, Butler, Mitchell, LLP 1900 Ave of the Stars Los Angeles, CA 90067		
APPELLANTS	TELEPHONE NUMBER:	EMAIL ADDRESS:
Yelena Zeltser 464 S. Lucas Ave., Suite 201 Los Angeles, CA 90017		
	213-481-8530 x296	yzeltser@unitehere11.org
Kathryn M. Schwertfeger 229 Montreal St. Playa Del Rey, CA 90293		
	310-985-1581	chankael@aol.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Juliet Oh		
	213-978-1186	Juliet.oh@lacity.org

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION

Tentative Tract

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

Tentative Tract

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

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NOTES / INSTRUCTION(S):

Related Case: DIR-2012-3537-CDP-DB-SPR-MEL-1A

FISCAL IMPACT STATEMENT:

Yes

No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
June 28, 2018	5-0
LAST DAY TO APPEAL:	APPEALED:
July 19, 2018	Yes
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles Commission Office	July 23, 2018



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUL 09 2018

Case No. TT-70786-REV-1A

Council District: 11 – Bonin

CEQA: ENV-2012-3536-MND-REC1

Plan Area: Westchester – Playa Del Rey

Related Case: DIR-2012-3537-CDP-DB-SPR-MEL-1A

Project Site: 138, 140 and 142 East Culver Boulevard;
6911, 6913, 6915, and 6917 Vista Del Mar

Applicant: Edward Czucker, Legado Companies
Representative: Benjamin Reznik, Jeffer, Mangels, Butler, Mitchell, LLP

Appellant: Kathryn Schwertfeger

At its meeting of **June 28, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Tentative Tract Map for the purpose of Reversion to Acreage for the merger of portions of the right-of-way: 10 feet along Culver Boulevard and variable width along Trolley Place, and the Vacation of Vista Del Mar (a 20-foot-wide alley) resulting in one lot with a total area (net) of 41,223 square feet. The project includes the construction of a four-story, 79,493 square-foot mixed-use development comprised of 7,507 square feet of ground floor commercial use (6,007 square feet of retail use and 1,500 square feet of restaurant use), 72 dwelling units, and 123 parking spaces within ground floor and one subterranean level and grading and excavation necessary for the project..

1. **Found**, pursuant to CEQA Guidelines Section 1507 4(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2012-3536-MND-REC1, as recirculated on August 14, 2014, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found** the mitigation measures, have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Denied** the appeal;
3. **Sustained** the action of the Deputy Advisory Agency in approving Tentative Tract Map No. 70786-REV (Revised Map date-stamped April 17, 2017);
4. **Adopted** the attached Conditions of Approval as modified by the Commission, including Staff's recommended Technical Modification dated June 27, 2018; and
5. **Adopted** the attached amended Findings.

The motion was seconded by Commissioner Choe and the vote proceeded as follows:

Moved: Millman
 Seconded: Choe
 Ayes: Khorsand, Mitchell, Perlman
 Absent: Ambroz, Dake Wilson, Mack, Padilla Campos

Vote: 5 – 0



James K. Williams, Commission Executive Assistant II
 Los Angeles City Planning Commission

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is appealable to the City Council within 10 days of the mailing date of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 10-day period shall not be considered by the City Council and the decision of the City Planning Commission will become final and effective upon the close of the 10-day appeal period.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JUL 19 2018

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.** The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval; Amended Findings

c: Debbie Lawrence, Senior City Planner
 Juliet Oh, City Planner

CONDITIONS OF APPROVAL

As Modified by the City Planning Commission on June 28, 2018

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Bureau of Engineering approvals are conducted at the Land Development Group, located at 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Georgic Avanesian by calling (213) 202-3484.

1. That the City Department of Transportation in a letter to City Engineer shall determine that the merger areas are not necessary for future Public Street.
2. That the Department of City Planning also determine that the proposed merger areas are consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
3. That in the event that Department of Transportation has no objection to the street and alley mergers, then a 10-foot wide strip of land along Culver Boulevard (in excess of a 30-foot half right-of-way), a variable width strip of land along Trolley Place (in excess of a 20-foot wide alley right of way), and the 20-foot wide and variable width public right of way of Vista Del Mar Lane (the alley westerly of Vista Del Mar), excluding 20-foot radius property line returns at the corners of the intersections of Culver Boulevard with Trolley Place, Culver Boulevard with Vista Del Mar, and Trolley Place with Vista Del Mar, be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have underlying fee interest in the areas being merged.
 - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the areas being merged.
 - c. That a Certified Survey Plan be prepared and submitted showing the above merger areas satisfactory to the City Engineer (to be checked during Final Map review).
4. That sufficient area be dedicated as necessary to provide 20-foot radius property line returns at the corners of the intersections of Culver Boulevard with Trolley Place, Culver Boulevard with Vista Del Mar, and Trolley Place with Vista Del Mar.
5. That a variable width strip of land be dedicated as a public street along Trolley Place adjoining the subdivision to provide a 20-foot wide right-of-way.
6. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 201 N. Figueroa Street, 3rd Floor, Counter 24.

7. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the

Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated June 1, 2017 Log No.98104 and attached to the case file for Tract No.70786-REV.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

Building and Safety approvals are conducted by appointment only- contact [Laura Duong](#) at (213) 482-0434 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use.

8. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of affidavit AFF-37627. Show compliance with all the conditions/requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
 - b. Provide a copy of City Planning case DIR-2012-3537-CDP-DB-SPR-MEL. Show compliance with all the conditions/requirements of the City Planning case as applicable.
 - c. Obtain approval for street merger from the Bureau of Engineering.
 - d. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication.

DEPARTMENT OF TRANSPORTATION

Transportation approvals are conducted at 201 N. Figueroa Street, 4th Floor, Station 3. Please contact DOT at (213) 485-1062 for any questions regarding the following.

9. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. Application Fee: Pursuant to Section 5.C of the Coastal Transportation Corridor Specific Plan (CTCSP), the applicant submitted a payment of \$6,124.55 for the application/traffic study review fee on July 18, 2011.
 - b. Covenant and Agreement: Pursuant to Section 5.B of the CTCSP, the owner(s) of the property must sign and record a Covenant and Agreement prior to issuance of any building permit, acknowledging the contents and limitations of this Specific Plan in a form designed to run with the land.
 - c. Highway Dedication and Physical Street Improvements: Pursuant to Section 5.D.2 of the CTCSP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements to comply with the following street standards:

- 1) Vista Del Mar is designated as a Modified Avenue III in the Mobility Plan 2035 Element of the City's General Plan (Mobility 2035). The Project will be required to provide a 13-foot wide concrete sidewalk within the existing right-of-way limit along this frontage. No Dedication is required.
- 2) Culver Boulevard is designated as a Local Street in the Mobility Plan 2035 Element of the City's General Plan. Standard Plan S-470-1 dictates that the standard cross section for a Local Street is an 18-foot half roadway within a 30-foot half right-of-way. This segment of Culver Boulevard currently consists of a 30-foot half roadway within a 40-foot half right-of-way. The Project is requesting a 10-foot wide right-of-way vacation along Culver Boulevard. Since this segment of Culver Boulevard segment will conform to the Local Street Standards even with the requested merger area, DOT has no objection to the requested street vacation. However, the Project will be required to reconstruct the half roadway of Culver Boulevard adjacent to the Project site to the standard 18-foot width, and construct a new 12-foot wide concrete sidewalk within the new right-of-way limit along this frontage.
- 3) Trolley Place (aka, Pacifica Avenue) is designated as a Local Street in the Mobility Plan 2035 Element of the City's General Plan. Standard Plan S-470-1 dictates that the standard cross section for a Local Street is an 18-foot half roadway within a 30-foot half right-of-way. This segment of Trolley Place consists of a 30-foot half roadway within a 35-foot half right-of-way. The Project will be required to reconstruct the half roadway adjacent to the Project site to the minimum standard 18-foot width, and construct a new 12-foot wide concrete sidewalk within the new right-of-way limit along this frontage. The additional 5 feet may be added to the half roadway width for a total of 23 feet at the discretion of BOE and City Planning.

The applicant shall further consult the Bureau of Engineering for any other highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed and completed prior to the issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

- d. Construction Impacts: DOT recommends that a construction worksite traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. 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 construction related traffic be restricted to off-peak hours.
- e. Site Access and Internal Circulation: This determination does not include approval of the project's driveways, internal circulation and parking scheme. Adverse traffic impacts could occur due to access and circulation issues. The applicant is advised to consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety.

In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements. This would ensure that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes.

FIRE DEPARTMENT

Fire Department approvals and review are conducted at 201 North Figueroa Street, 3rd floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

10. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - c. One or more Knot Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req. #75)
 - d. The entrance to a residence lobby must be within 50 feet of the desired street address curb face.
 - e. Entrance to the main lobby shall be located off the address side of the building.
 - f. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of sight of the main entrance stairwell or to the satisfaction of the Fire Department.
 - g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

Policy Exception: L.A.M.C. 57.09.03.B Exception:

When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.

This policy does not apply to single-family dwellings or to non-residential buildings. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.

Entrance to the main lobby shall be located off the address side of the building.

Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

SECTION 510 - EMERGENCY RESPONDER RADIO COVERAGE

5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

DEPARTMENT OF WATER AND POWER

11. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (c).)

BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS

12. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

13. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated May 10, 2017.

Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

14. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

DEPARTMENT OF RECREATION AND PARKS

15. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

16. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services.
17. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note: All protected tree removals must be approved by the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

18. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. **Use.** Limit the proposed development to a maximum of 72 residential dwelling units.
 - b. **Height.** The maximum height for the proposed building shall be 48 feet and 4 stories, except for the southern portion of the building within 50 feet of the R1-zoned lot. No additional height is permitted for the portions within 50 feet of the R1-zoned lot. The project is subject to the provisions of LAMC 12.21.1.A.10 as follows:
 - i. The portions of the structure within 50 feet of the R1-zoned lot are limited to a maximum height of 25 feet.

- ii. The portions of the structure 51 to 99 feet of the R1-zoned lot are limited to a maximum height of 44 feet.
- c. **Automobile Parking.** Provide a minimum of 84 residential parking spaces and 39 commercial parking spaces. A total of 123 parking spaces shall be provided on site.
- d. **Certified Parking Plan.** The subdivider shall submit two copies of a parking plan, certified by a licensed surveyor or registered civil engineer and approved by the Department of Transportation, to the satisfaction of the Advisory Agency prior to recordation of the final map, indicating the number of spaces required, driveways, aisle widths, column locations or any other type of obstructions. New parking spaces, if any, are to be constructed in accordance with current codes.
- e. **Landscape Plans.** That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. **Failure to comply with this condition as written shall require the filing of a modification to this parcel map in order to clear the condition.**

In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- i. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of 50 percent of the units of the project or phase.
- ii. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (Sec. 12.40 G LAMC.)
- iii. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
- iv. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.
- f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
- g. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code (LAMC) as it applies to this subdivision and the proposed development on the site.

Not Applicable.

- 19. That the subdivider shall record and execute a Covenant and Agreement to comply with [Q] Condition(s) per the [Q] C4-1VL zone.
- 20. That prior to the issuance of the building permit or the recordation of the final map, a copy of the Coastal Development Permit shall be submitted to the satisfaction of the Advisory

Agency. In the event that DIR-2012-3537-CDP-DB-SPR-MEL is not approved, the subdivider shall submit a tract modification.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

21. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Conditions Nos. 22 through 41 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/ maintenance) to ensure continued implementation of the above mentioned mitigation items.
22. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
23. **Aesthetics (Light).**
 - a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the right-of-way.
 - b. All outdoor lighting shall be directed downward and shall be shielded.
24. **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.
25. **Air Pollution (Demolition, Grading, and Construction Activities)**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- g. Trucks having no current hauling activity shall not idle but be turned off.
- h. Heavy-duty trucks shall be prohibited from idling in excess of five minutes, both on- and off-site.
- i. Water or a stabilizing agent shall be applied to exposed surfaces at least three times per day to prevent generation of dust plumes.
- j. Ground cover in disturbed areas shall be replaced as quickly as possible.
- k. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- l. Heavy-duty equipment operations shall be suspended during first and second stage smog alerts.
- m. Equipment and vehicle engines shall be maintained in good condition and in proper tune per manufacturers' specifications.
- n. All diesel-powered construction equipment shall meet USEPA Tier 3 or higher emissions standards according to the following: January 1, 2012, to December 31, 2014 all offroad diesel-powered construction equipment greater than 50 horsepower shall meet USEPA Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT 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 CARB-defined Level 3 diesel emissions control strategy for a similarly sized engine.
- o. All diesel-powered construction equipment shall use CARB Level 3 or higher diesel particulate filters with oxidation catalysts that reduce emissions by 20 percent or more.
- p. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).

26. Erosion/Grading/Short-Term Construction Impacts.

- a. 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.
- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

- ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

27. Geotechnical Report and Dewatering Plan.

a. Geotechnical Report.

- i. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- ii. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

b. Dewatering Plan

- i. Prior to the issuance of any permit for excavation, the applicant shall provide proof of an approved Dewatering Plan by the Department of Building and Safety Grading Division. The applicant shall, in consultation with the Department of Building and Safety, submit a Dewatering Plan to the Grading Division for review and approval. Such plan shall indicate estimates for how much water is anticipated to be pumped and how the extracted water will be utilized and/or disposed of.
- ii. Short-term, construction-related dewatering may include, but shall not be limited to, the following, all of which are commonly employed: 1) soil-cement-bentonite (SCB) slurry wall around the dewatering area; 2) secant pile wall surrounding the dewatering area; 3) diaphragm concrete wall surrounding the dewatering area; or 4) cofferdams/sheet pile wall surrounding the dewatering area.

28. Green House Gas Emissions. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

29. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. 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.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- d. The project contractor shall use power construction equipment and state-of-the-art noise shielding and muffling devices.
- e. Construction staging areas shall be as far from sensitive receptors as possible, particularly the apartments to the south of Trolley Place.
- f. Temporary sound barriers, capable of achieving a sound attenuation of at least 20 dBA (e.g., construction sound wall or sound blankets), and capable of blocking the line-of-sight between the adjacent sensitive receptors, shall be installed.
- g. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices.
- h. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding off-site residential, school, and church uses that discloses the construction schedule, including the types of activities and equipment that would be occurring/operating throughout the duration of the construction period.
- i. Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 50 feet from abutting sensitive receptors.
- j. Construction workers shall park at designated locations and shall be prohibited from parking on nearby residential streets.
- k. A noise disturbance coordinator shall be established to respond to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs, legible at a distance of 50 feet, at the construction site shall list the telephone number for the disturbance coordinator.
- l. All residential units located within 2,000 feet of the construction site shall be sent a notice informing the residences of the construction schedule of the Proposed Project. A sign shall also be posted at the construction site notifying residences of construction activities. All notices and signs shall display the dates of construction activities, as well as provide a telephone number where residents can contact the noise disturbance coordinator about the construction process and register complaints.

30. Increased Noise Levels (Parking Structure Ramps)

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

31. Increased Noise Levels (Mixed-Use Development) Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

32. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)

- a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

33. Increased Noise Levels

- a. The Proposed Project shall include double-paned windows on all of the exterior windows for each residential unit.
- b. All HVAC equipment shall be mounted on the roof of the Proposed Project instead of the ground level.
- c. The Proposed Project shall utilize central air conditioning and heating in each new residential unit.
- d. The Proposed Project shall include vegetation sound walls for any ground floor residential units (e.g., planting vegetation on the exterior of ground floor units to create a natural sound barrier).
- e. Construction activities shall utilize rubber tired equipment in place of steel-track equipment whenever feasible.
- f. Construction haul trucks shall avoid driving over potholes and dips when arriving at or leaving the project site.
- g. The construction contractor shall stage and warm-up construction equipment as far from nearby sensitive receptors as possible.
- h. Construction staging areas shall be as far from sensitive receptors as possible, particularly the apartments to the south of Trolley Place.
- i. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices.
- j. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding off-site residential, school, and church uses that discloses the construction schedule, including the types of activities and equipment that would be occurring/operating throughout the duration of the construction period.
- k. Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 50 feet from abutting sensitive receptors.

38. Construction Damage Bond

- a. A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.
- b. Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.

39. Increased Vehicle Trips/Congestion. Implementing measures detailed in said Department's communication to the Planning Department dated August 10, 2017 shall be complied with. Such report and mitigation measures are incorporated herein by reference.

- a. Application Fee: Pursuant to Section 5.C of the Coastal Transportation Corridor Specific Plan (CTCSP), the applicant submitted a payment of \$6,124.55 for the application/traffic study review fee on July 18, 2011
- b. Covenant and Agreement: Pursuant to Section 5.B of the CTCSP, the owner(s) of the property must sign and record a Covenant and Agreement prior to issuance of any building permit, acknowledging the contents and limitations of this Specific Plan in a form designed to run with the land.
- c. Highway Dedication and Physical Street Improvements: Pursuant to Section 5.D.2 of the CTCSP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements to comply with the following street standards:
 - i. Vista Del Mar is designated as a Modified Avenue III in the Mobility Plan 2035 Element of the City's General Plan (Mobility 2035). The Project will be required to provide a 13-foot wide concrete sidewalk within the existing right-of-way limit along this frontage. No Dedication is required.
 - ii. Culver Boulevard is designated as a Local Street in the Mobility Plan 2035 Element of the City's General Plan. Standard Plan S-470-1 dictates that the standard cross section for a Local Street is an 18-foot half roadway within a 30-foot half right-of-way. This segment of Culver Boulevard currently consists of a 30-foot half roadway within a 40-foot half right-of-way. The Project is requesting a 10-foot wide right-of-way vacation along Culver Boulevard. Since this segment of Culver Boulevard segment will conform to the Local Street Standards even with the requested merger area, DOT has no objection to the requested street vacation. However, the Project will be required to reconstruct the half roadway of Culver Boulevard adjacent to the Project site to the standard 18-foot width, and construct a new 12-foot wide concrete sidewalk within the new right-of-way limit along this frontage.
 - iii. Trolley Place (aka, Pacifica Avenue) is designated as a Local Street in the Mobility Plan 2035 Element of the City's General Plan. Standard Plan S-470-1 dictates that the standard cross section for a Local Street is an 18-foot half roadway within a 30-

foot half right-of-way. This segment of Trolley Place consists of a 30-foot half roadway within a 35-foot half right-of-way. The Project will be required to reconstruct the half roadway adjacent to the Project site to the minimum standard 18-foot width, and construct a new 12-foot wide concrete sidewalk within the new right-of-way limit along this frontage. The additional 5 feet may be added to the half roadway width for a total of 23 feet at the discretion of BOE and City Planning.

The applicant shall further consult the Bureau of Engineering for any other highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed and completed prior to the issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

- d. Construction Impacts: DOT recommends that a construction worksite traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. 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 construction related traffic be restricted to off-peak hours.
- e. Site Access and Internal Circulation: This determination does not include approval of the project's driveways, internal circulation and parking scheme. Adverse traffic impacts could occur due to access and circulation issues. The applicant is advised to consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety.

In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements. This would ensure that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes.

40. Utilities (Local Water Supplies – Restaurant, Bar, or Nightclub)

- a. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Install/retrofit and utilize only restroom faucets of a self-closing design.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this

requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

41. Utilities (Water Treatment or Distribution)

- a. The project shall include a holding tank large enough to hold three times the project daily wastewater flow so that the tank would hold all project wastewater during peak wastewater flow periods for discharge into the wastewater collection system during off-peak hours.
- b. A grey water system to reuse wastewater from the project.
- c. Offset excess wastewater generation by restricting the wastewater generation of other land uses within the same service area (e.g., by dedicating open space); and
- d. New wastewater treatment or conveyance infrastructure, or capacity enhancing alterations to existing systems.

42. BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

- (g) That any required slope easements be dedicated by the final map.
 - (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
 - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
 - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

- i. Construct three (3) new street lights on Trolley Place.
- ii. No street lighting improvements if no street widening per S-3 (i). Otherwise relocate and upgrade four (4) street lights on Culver Boulevard.
- iii. No street lighting improvements if no street widening per S-3 (i). Otherwise relocate and upgrade seven (7) street lights on Vista Del Mar.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 847-3077 upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - 1) In the event that the Department of Transportation and City Planning have no objection to the 10-foot merger along Culver Boulevard, improve Culver Boulevard adjoining the subdivision by narrowing the roadway and the construction of the following, subject to approval by LADOT:
 - a. A concrete curb, concrete gutter and a 12-foot wide concrete sidewalk with tree wells.
 - b. Suitable surfacing to join the existing pavement and to provide a 18-foot wide half roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvements.

- 2) Improve Trolley Place adjoining the subdivision by narrowing the roadway and the construction of the following, subject to approval by LADOT:
 - a. A concrete curb, concrete gutter and a 12-foot wide concrete sidewalk with tree wells.
 - b. Suitable surfacing to join the existing pavement and to provide a 23-foot wide half roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvements.
- 3) Improve Vista Del Mar adjoining the subdivision by the construction of a 13-foot wide concrete sidewalk with tree wells, including any necessary removal and reconstruction of existing improvements, and landscaping of the remaining right-of-way.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the LAMC.

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features, which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

43. 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.

FINDINGS

As Amended by the City Planning Commission on June 28, 2018

FINDINGS OF FACT (CEQA)

The proposed Project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impacts, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2012-3536-MND and recirculated as ENV-2012-3536-MND-REC1), was prepared for the proposed project in compliance with CEQA. The MND identified several mitigation measures that are regulations or ordinances that projects must adhere to as Regulatory Compliance Measures (RCM). Those mitigation measures, now RCMs, are not included as Environmental Conditions:

Mitigation Measure	Regulatory Compliance Measure (RCM)
Cultural Resources V-20, 30, 40	RC-CR-2, 3, 4
Geology and Soils VI-10, 70	RC-GEO-1, 4
Hazards and Hazardous Materials VIII-20	RC-HAZ-2, 3
Hydrology and Water Quality IX-10, 20, 120	RC-WQ-2, 3, 4, 6
Public Services XIV-10, 60	RC-PS-1, 2
Recreation XV-10	RC-PS-2
Utilities and Service Systems XVII-10, 20, 30, 40, 90, 100	RC-WS-1, 2, 3, 4

A complete list of Regulatory Compliance Measures are provided in the Mitigation Monitoring Program (MMP) for the project.

ENV-2012-3536-MND-REC1 received several comments from the public during the publication period of the MND, prior to the public hearing (held December 10, 2014) and up to March 13, 2014. The comments addressed the following environmental issues: potential impact of dewatering related to the Project, cumulative impacts of multiple projects, parking, traffic, visual character and preservation of views, the applicability of local and regional land use plans, stormwater and flooding, and vapor intrusion. The complete Response to Comments and supporting documentation and technical studies (appendices) are included as part of Case No. ENV-2012-3536-MND-REC1. The following provides a brief discussion of the major environmental issues identified by public comment, the responses provided in the Response to Comments, technical reports and assessments, and explanation provided in MND and Initial Study:

Dewatering. Several comments raised the issue of dewatering at the Project Site and potential impact of the groundwater contaminant plume associated with the former Del Rey Cleaners site (310 Culver) as well as the impact on the Ballona Wetlands. A Dewatering Report (prepared by Citadel Environmental Services, Inc., March 10, 2015) reported current groundwater conditions to determine the presence of volatile organic compounds (VOCs); the soil borings showed no VOCs were reported by the laboratory above the method detection limit. The findings further recommended a reduction in the dewatering volume and a subsurface vertical barrier around the Project site to treat migrating contaminants. In addition, TerraCosta Consulting Group provided a supplemental investigation of the potential impact of dewatering on the Ballona Wetlands. Based

on a hydrogeological model reflecting the cross section of the vicinity, TerraCosta determined the groundwater conditions within the wetlands and the Ballona and Silverado aquifers are not significantly interconnected and are a separate system; the supplemental study determined that dewatering related to the Project would have no impact on the groundwater table at the wetlands. As discussed in the MND and Response to Comments, the Project is subject to Local, County, Regional, and Federal requirements regarding water quality.

Cumulative Impact. Several comments state that the applicant owns three properties in the general area (200 Culver, 220 Culver, and the Project Site), and as such, any Environmental Analysis should consider the development of all three sites. As indicated by the Applicant's representative, no development project has been proposed for 200 and 220 Culver.

Parking. The comments addressed the potential shortage of parking due, however, the Project provides a total of 123 vehicle parking spaces. The Project complies with LAMC Section 12.22 A.25 (d), Affordable Housing Incentive - Density Bonus, which allows for reduced parking for the residential dwelling units.

Traffic. Several comments addressed the potential traffic impacts associated with the Project as well as the traffic study prepared for the Project. A traffic impact analysis was prepared by Hirsch Green Transportation Consulting, Inc., which was review by LADOT and as part of the Environmental Analysis. As stated in the MND, LADOT has determined that although the Project will result in an increase in new trips, the Project will not have significant impacts and are subject to LADOT requirements.

Visual Character and Views. Several comments have stated that the proposed height and massing of the Project would result in potential visual impacts. The Project would develop a four-story mixed-use structure on a vacant lot. Although the zone and Density Bonus Incentive for height allows for a maximum height of 56 feet, portions of the structure fronting Trolley Place (Pacific Avenue) are limited to a maximum height of 25 feet (within 50 feet of the R1-zoned lot). As discussed in the MND and Initial Study, the project would not substantially obstruct public ocean views (Figure IV-1) nor will it have a specific adverse impact upon public health and safety or the physical environment. As conditioned, the Project is limited to a maximum height of 48 feet.

Local and Regional Plans. Multiple comments addressed the applicability of the Los Angeles Regional Interpretative Guidelines and the Del Rey Lagoon Specific Plan, specifically the height limits identified in each of the plans. Both documents are considered in the review of the project, neither document supersedes or further restricts the height determined by the [Q]C4-1VL zone. The Regional Interpretative Guidelines (October 14, 1980) are guidelines that assist but "in no case supersede the provisions of the Coastal Act nor enlarge or diminish the powers or authority of the Commission or other public agencies." The Del Rey Lagoon Specific Plan was adopted in concept by the City Council on March 16, 1982; the document is not an adopted Specific Plan Ordinance, but a policy document. The [Q]C4-1VL zone was established by Ordinance 175,981 as part of the Westchester-Playa del Rey Community Plan Update (2004); the Project Site is within Subarea 130 which does not impose separate restrictions on height. During the update of the Community Plan, the height limits called out in the proposed Del Rey Lagoon Specific Plan were not captured or included as [Q] Conditions in the zone change ordinance. However, in addition to the local and regional plans, the Project is also subject to the policies of Chapter 3 of the Coastal Act. New development should be visually compatible with the existing area. As conditioned and discussed in this Determination, the Project is determined to comply with the local and regional plans as well as the policies of the Coastal Act.

Stormwater and Flooding. The comments addressed the increased potential for flooding in the Project area and the proposed subterranean parking levels. The Preliminary Stormwater Analysis (prepared by Kimley Horn and Associates, Inc, December 9, 2014) indicates that the finished floor of the proposed structure, accessways and driveways would be elevated approximately 15 inches above the curb and gutter flow line. As such potential flooding due to the 50 year storm event was found to be negligible; the project is located outside of the 100 year storm event flood zone. In addition the Preliminary Assessment found that incorporating a rain water harvesting system satisfies the City's LID requirement and reduces potential for flooding in the area.

Vapor Intrusion. The comments addressed the potential for contaminated soil beneath the former De Rey Cleaners Site (310 Culver) to impact the project site. However, based on the Soil-Vapor Survey Report (prepared by Environmental Engineering and Contracting, November 11, 2011), testing of soil borings on multiple locations of the site showed that volatile organic compounds (VOCs) were not present in levels above laboratory detection limits and therefore, there would be no significant impact.

In addition to the Master Responses, the record for ENV-2012-3536-MND-REC1 also includes responses to each of the comment letters received for the project. As discussed above, all of these issues have been sufficiently addressed by the MND and the Response to Comments included in the Record and are subject to the standards, requirements, and mitigation measures outlined in each category of the MND. Therefore, there is no substantial evidence that the proposed Project will have a specific adverse impact on the physical environment, on public health and safety, and on property listed in the California Register of Historic Resources.

Pursuant to CEQA Guideline 15074.1, the new mitigation measure (adopted as a technical modification) will avoid or reduce impact to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than the original measure circulated for comment because Mitigation Measure IX-10 has been revised to clarify that a permanent dewatering system is not required for the project and dewatering activity is limited to the excavation and construction phase of the project. The mitigation measure further reflects the clarification and explanation provided in the dewatering report (Citadel Environmental Services Inc, 2015) and response to comments received for the MND. As discussed in the dewatering report, a reduction in the dewatering volume and the installation of an engineered barrier during dewatering activity will have a less than significant impact on groundwater conditions.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Tentative Tract No. 70786-REV, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project site is located in the Westchester – Playa del Rey Community Plan area. The General Plan designates the subject site as General Commercial, which allows for retail, service stations, office uses, restaurants, auto repair uses and multiple-family residential uses; the project site is zoned [Q]C4-1VL. The General Plan designation of General Commercial corresponds to the C4 zone, which also allows for R4 uses. The subject site, comprised of eight lots, is currently vacant and has a gross lot area of 50,327 square feet (1.16 acres) and net area of 41,223 square feet (0.95 acres). The subject site is located in proximity to an R1-1 zoned lot; the residential lot is one of two lots in the right-of-way (Trolley Place, aka Pacific Avenue) that is owned by the City of Los Angeles. Although they are technically lots, they have been developed as part of the roadway. Based on the square footage of the subject parcel, the maximum density allowed by right is 103 dwelling units.

The proposed tentative tract map for the Reversion to Acreage does not involve a zone change. The Applicant is proposing to develop a 72-unit mixed-use building with 7,507 square feet of commercial floor area for a total project size of approximately 79,493 square feet. The Applicant is also requesting for the vacation and merger of portions of right-of-way along Culver Boulevard, Trolley Place, Vista Del Mar, and Vista Del Mar Lane (alley). Per revised tentative tract map stamp-dated April 17, 2017, the applicant proposes to merge 10 feet of public street right-of-way along Culver Boulevard, approximately 5 feet along Vista Del Mar, and the entire Vista Del Mar Lane within the tract boundary. Merger of a portion of Trolley Place has been revised to include only a variable width portion near the corner with Vista Del Mar in excess of a 20-foot right-of-way. The proposed Reversion to Acreage will result in the total of one lot and no further subdivision.

The Westchester – Playa del Rey Community Plan does not contain a definite statement of policies and objectives explicitly applicable to Reversion to Acreage. The proposed Reversion to Acreage will be in conformance with the Los Angeles Mobility Plan 2035, an Element of the Los Angeles General Plan, in that proposed sidewalk and roadway will observe the street standards outlined in the Mobility Plan. Therefore, as conditioned, the proposed tentative tract map is consistent with the intent and purpose of the applicable General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Pursuant to Section 66418 of the Subdivision Map Act, “design” of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park and recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

The adopted Westchester – Playa del Rey Community Plan designates the subject property for General Commercial land use with the corresponding zones of CR, C1.5, C2, C4, and P. The property contains approximately 41,223 net square feet after dedications

and is presently zoned [Q]C4-1VL. The proposed Reversion to Acreage for the mixed-use development and vacation of excess right-of-way is allowed under the current adopted zone and the land use designation.

The Bureau of Engineering has reviewed the proposed Reversion to Acreage and determined that there are existing sewers available in the streets adjoining the subdivision. The tract will connect to the public sewer system and will not result in violation of the California Water Code. Per conditions of approval, the subdivider is required to make dedications and improvements on Culver Boulevard, Trolley Place, and Vista Del Mar in order to meet current street standards. Therefore, as conditioned, the proposed tentative tract map is consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The General Plan designates the subject site as General Commercial, which allows for retail, service stations, office uses, restaurants, auto repair uses and multiple-family residential uses; the project site is zoned [Q]C4-1VL. The General Plan designation of General Commercial corresponds to the C4 zone, which also allows for R4 uses. The subject site, comprised of eight lots, is currently vacant and has a gross lot area of 50,327 square feet and net area of 41,223 square feet. The subject property is located in the Liquefaction zone, Methane zone, Special Grading Area, and Tsunami Inundation zone.

The proposed Reversion to Acreage will revert eight existing vacant parcels into one lot, for the development of a 72-unit mix-used building with 7,507 square feet of commercial floor area (Case No. DIR-2012-3537-CDP-DB-SPR-MEL). The project has been conditioned so that prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division (Log #98104). The tract map was circulated to various City departments and agencies for their review and recommendations. Their comments are incorporated into the project's conditions of approval. Therefore as conditioned, the site is physically suitable for the proposed Reversion to Acreage.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The subject site is zoned [Q]C4-1VL which allows a maximum of 103 units on the 41,223 square-foot site (this represents the net lot area). The applicant has requested for concurrent entitlement (DIR-2012-3537-CDP-DB-SPR-MEL) to allow the construction, use, and maintenance of a 4-story mixed-use building with 7,507 square feet of commercial floor area. The proposed structure will not utilize the maximum density allowed on the site and will provide a total of 72 dwelling units. Therefore, as conditioned, the site is physically suitable for the proposed density.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Mitigated Negative Declaration (ENV-2012-3536-MND-REC1) prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as plant life or animal life are concerned. According to a Biological Resources Assessment prepared by Cooper Ecological Monitoring INC, dated September 17, 2012, wildlife activity was observed to be very low and did not exhibit features of any special status habitats. Two sensitive plant communities are listed for the Venice quadrangle (USGS) by CNDDDB, Southern Dune Scrub and Southern Coastal Salt Marsh, however, the habitat at the project site itself is reported as being highly disturbed and not recognizable as a plant community. The project site itself contains little suitable habitat for wildlife, and the perimeter of the Site is largely occupied by residential and commercial urban development. No sensitive plant or wildlife species would be expected to occur on the project site. Furthermore, the subject property is currently vacant and does not provide a natural habitat for either fish or wildlife.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There are no apparent health problems that might be caused by the proposed Reversion to Acreage to revert existing vacant lots into one lot. The proposed Reversion to Acreage and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Bureau of Engineering has reported that there are existing sanitary sewers available in the streets adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet State-wide ocean discharge standards. The Bureau of Engineering has reported that the proposed Reversion to Acreage does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

Several easements exist on the property. During plan check the Department of Building and Safety will review the plans to ensure that the proposed improvements will not encroach on the easements and right-of-way, and thereby cause no conflict.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

1) In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

- 2) Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.
- 3) The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.
- 4) The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.
- 5) In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

(i) **DEDICATIONS OR OFFERS OF DEDICATION TO BE VACATED OR ABANDONED BY THE REVERSION TO ACREAGE ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC PURPOSES. (Section 66499.16)**

Proposed Reversion to Acreage includes reverting eight existing vacant parcels and vacation of excess right-of-ways. The Applicant proposes to dedicate approximately 83 square feet of land at the intersection of Culver Boulevard and Trolley Place. Approximately 11,329 square-foot of land are proposed to be vacated along Culver Boulevard, Vista Del Mar, and Vista Del Mar Lane (alley westerly of Vista Del Mar).

The revised tentative tract map stamp dated April 17, 2017 is proposing to merge 10 feet of public street right-of-way along Culver Boulevard (Local Street), approximately 5 feet along Vista Del Mar (Modified Avenue III), and the entire Vista Del Mar Lane (alley westerly of Vista Del Mar) within the tract boundary. Merger of a portion of Trolley Place (alley) has been revised to include only a variable width portion near the corner with Vista Del Mar in excess of a 20-foot right-of-way.

The Bureau of Engineering has examined the revised tentative tract map and determined that most of the requested merger areas along Culver Boulevard and Trolley Place appear to be excess right-of-way, however portions of the excess right-of-way are being used for public sidewalk purposes. Per conditions of approval, the applicant is required to reconstruct new curbs, gutters and sidewalks to provide for new concrete sidewalks within the new right-of-way limits based on City Street Standards, which will result in a narrowing of the existing roadways. The Department of Transportation in its letter to the Department of City Planning dated August 10, 2017(DOT Case CTC 08-058) recommended narrowing the existing roadways along Culver Boulevard and Trolley Place, and provided recommendations to reflect new street standards based on Mobility 2035. Therefore, the Bureau of Engineering does not object to these mergers.

Mobility 2035 created a modified standard for Vista Del Mar, which calls for no dedication and did not set a new right-of-way or roadway width. The Bureau of Engineering recommends that the proposed merger of 5-feet along Vista Del Mar as shown on the Tentative Tract Map stamp dated April 17, 2017 be denied.

The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

(j) ALL OWNERS OF AN INTEREST IN THE REAL PROPERTY WITHIN THE SUBDIVISION HAVE CONSENTED TO REVERSION. (Section 66499.16)

The owner of the subject property is the tentative tract map applicant for the purpose of Reversion to Acreage.